

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

December 9, 2008

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Brittany Ingram, a ninth-grade student at Jamestown High School

D. RECOGNITION

1. Chairman's Award
 - a. Employee

E. PRESENTATIONS

1. Annual Financial Report – Goodman and Company, LLP
Supports County's Strategic Pathway 1.a - evaluate service delivery costs
2. Planning Commission Annual Report

F. HIGHWAY MATTERS

G. PUBLIC COMMENT

H. CONSENT CALENDAR

1. Minutes –
 - a. November 25, 2008, Work Session
 - b. November 25, 2008, Regular Meeting
2. Grant Award – Virginia Department of Emergency Management – \$24,000 – Citizens Corps Program
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
3. Grant Award – Target – \$900 – Police
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Department of Criminal Justice Services Grant Award – \$50,340 – Terrorism Prevention Program
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes

- CONTINUED -

5. Erosion and Sediment Control Ordinance Violation – Civil Charge – Busch Properties, Inc.
Supports County's Strategic Pathway 4.f - manage stormwater effectively and protect groundwater

I. PUBLIC HEARING

1. Property Sales – 4001 Mount Laurel Road, 106 Joanne Court, and 151 Louise Lane

J. BOARD CONSIDERATION

1. 2009 Legislative Program

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. 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. Comprehensive Plan Steering Committee – School Board Representative

O. ADJOURNMENT

120908bos_age

MEMORANDUM

DATE: December 9, 2008
TO: The Board of Supervisors
FROM: Tara E. Woodruff, Accounting Director
SUBJECT: Annual Financial Report – Goodman & Company L.L.P.

Included in the Reading File are the FY 08 Financial Statements for James City County and James City Service Authority. C. Frederick Westphal, Senior Partner at Goodman & Company L.L.P., will present an overview to the Board.

Tara E. Woodruff

TEW/nb
Audit08_mem

MEMORANDUM

DATE: December 9, 2009

TO: The Board of Supervisors

FROM: Jack Fraley, Chairman, Planning Commission

SUBJECT: Planning Commission Annual Report

The attached report, prepared in accordance with Section 15.2-2221 of the Code of Virginia, summarizes the activities of the James City County Planning Commission and the Planning Division for Fiscal Year 2008.

The development community stepped it up this year and submitted a number of innovative, creative, and high-quality rezoning applications; special use applications, site plans, and subdivision plans. We were presented with developmental plans that included preliminary environmental inventories, reclaimed, and recyclable water systems; stream monitoring systems, green industry certifications, Green roofs, adherence to the County's special stormwater criteria policy, developmental phasing, and the conceptual plan review process. Many of these elements were a first for James City County. We were also presented a site plan containing a stormwater management design 100 percent committed to Low Impact Development measures, eliminating the need for any stormwater management surface ponds. This represents another first for James City County.

Two important new initiatives by the Planning Commission, and supported by staff, were recommended to reform James City County's Capital Budgeting Process and Adequate Public Facilities Policy. The Commission and staff will be presenting a recommendation to the Board of Supervisors in a joint January work session to reform the Capital Budgeting Process. Staff has completed work on the first phase of a new model to assess the cumulative impact of development on public facilities. Work on the second phase will resume upon completion of the Comprehensive Plan update.

The Planning Commission was fully engaged in the Comprehensive Plan update in 2008 as three members served on the Community Participation Team and four members are now serving on the Steering Committee. We will be using modeling techniques in this Comprehensive Plan to develop a build-out analysis of James City County under two scenarios: current zoning and land use designations in the Comprehensive Plan.

The Comprehensive Plan update will be the dominant activity for the Planning Commission and staff in the upcoming year. Citizen commentary will be critical to this work and we encourage all citizens to be actively engaged in the process.

Jack Fraley

JF/gb
PCAnnuRpt_mem

Attachment

JAMES CITY COUNTY
PLANNING COMMISSION
ANNUAL REPORT

FY 2008



December 2008

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MESSAGE FROM THE PLANNING COMMISSION CHAIRMAN

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Sincerely,

Jack Fraley

Chair of the Planning Commission and Roberts District Representative

INTRODUCTION

The James City County Planning Commission (Commission) is composed of 7 members, one member from each of the County's magisterial districts (Powhatan, Roberts, Stonehouse, Jamestown, Berkeley) and two at-large members. Members are appointed for four year staggered terms by the Board of Supervisors (Board). As an advisory body to the Board, the primary purpose of the Commission is to ensure orderly development within the County in accordance with our Comprehensive Plan, County ordinances, and Board-adopted policies. The Commission, with the support of County Planning Division staff, conducts public hearings and meetings and recommends actions to the Board regarding proposed land use (including rezoning cases, special use permits, subdivision plans, and site plans), land use policies, ordinances, and revisions to the Comprehensive Plan.

Members of the Commission also are required to participate on one or two subcommittees: Development Review Committee (DRC) and the Policy Committee. The DRC reviews subdivision and site plans for consistency with approved master plans, County Zoning and Subdivision Ordinance, the Comprehensive Plan, and other Board-adopted policies; the DRC-recommended action is presented for approval by the Commission at the regular monthly meeting. The Policy Committee works with staff to (1) prioritize Capital Improvement Program (CIP) requests in accordance with the Comprehensive Plan, and (2) address specific planning-related issues such as policy and ordinance revisions.

The Section 15.2-2223 of the *Code of Virginia* requires the Commission to prepare an annual report for the Board to make recommendations, summarize commission activities, and summarize the status of planning activities in the community. During Fiscal Year 2007, joint Commission and staff activities included:

- Review of rezoning, master plan, special use permit, subdivision and site plan applications
- Consideration and preparation of policy and ordinance revisions,
- Preparation of the Capital Improvement Program,
- Initiation of the Comprehensive Plan update process, and
- Participation in community planning forums, committee studies, and planning seminars.

This report summarizes these joint activities, summarizes additional staff activities and projects, and provides information on Commissioners and staff.

PLANNING COMMISSION MEMBERS

Jack Fraley (Roberts District Representative) Jack Fraley graduated from the University of California (UCLA) with a Bachelors' Degree in Economics. He held several managerial positions with Shell Oil Company before starting up a new high technology venture for Shell in 1984, Rampart Packaging, located in the Busch Corporate Center. He retired from the business in 1998 to spend more time with his family and contribute to the community. Mr. Fraley was appointed to his first term on the Planning Commission in January 2004 and was elected Chairman in 2006. He was certified by the CPEAV as a Virginia Certified Planning Commissioner. He was reappointed to a second term on the Planning Commission in January 2008 and was again elected Chairman for 2008. He serves on both the DRC and Policy Committees of the Planning Commission. Mr. Fraley was elected Chairman of this year's Comprehensive Plan Steering Committee. He also served as past Chairman on the James City County Board of Zoning Appeals and is a member of the Design Review Board for the James River Commerce Center. Mr. Fraley's second term on the Planning Commission expires on January 31, 2012.

Anthony Obadal, Vice-Chairman, (Powhatan District Representative) Tony Obadal has been a resident of James City County since 2003 and was appointed to the Planning Commission in January 2006. He practiced law in New York and Washington, D.C. for over 45 years, retiring from the law firm of Obadal, Filler, MacLeod and Klein of Alexandria, Virginia. He was Chairman of the Board of Westminster School in Annandale, Virginia, a member of the Advisory Board of the National Legal Center for the Public Interest, a member of the Board of Transportation Road Information Program and a member of the Board and President of the Thomas More Society of America. Mr. Obadal and his wife came to Williamsburg over five years ago. He currently serves on the Commission's DRC and is a member of the Community Participation Team for the County's Comprehensive Plan update. In 2006, he was certified by the CPEAV as a Virginia Certified Planning Commissioner. Mr. Obadal's first term on the Planning Commission expires on January 31, 2010.

Richard Krapf (Stonehouse District Representative) Rich Krapf is a 1972 graduate of the United States Air Force Academy. His Air Force career spanned 20 years and included assignments as a staff officer in Europe, an Associate Professor at Ohio University, and two assignments as a squadron commander. He earned a Masters of Public Administration degree from Golden Gate University, and retired from active duty as a Lieutenant Colonel. Mr. Krapf works for the Colonial Williamsburg Foundation, is a member of the Board of Directors of the Williamsburg Land Conservancy and is a founding member of Friends of Forge Road & Toano. He was appointed to the Planning Commission in February, 2007 and has completed the Virginia Planning Commissioner Certification Program. He also sits on the Policy Committee, chairs the Development Review Committee, was a member of the Community Participation Team and is currently on the Steering committee for the County's Comprehensive Plan update. Mr. Krapf's first term on the Planning Commission expires on January 31, 2011.

George Billups (At-Large) George Billups was re-appointed to the James City County Planning Commission for his second term in February 2006. He graduated from Virginia State College with a Bachelor of Science in Industrial Vocational Education and Science. He earned his Master's degree and Certificate of Advanced Studies from the State University of New York in the fields of Education and School Administration and Supervision. A retired high school principal and community activist, Mr. Billups has served on numerous local, state and federal boards which worked to create positive public policy and civil rights legislation. Mr. Billups is a Virginia Certified Planning Commissioner and currently a member of the Board of Directors for the CPEAV. In addition to his service on the Planning Commission, he served as Policy Committee Chairman in 2006, serves on the DRC and the Regional Issues Committee, and he was a member of the 2003 Comprehensive Plan Steering Committee. He is serving on the Steering Committee for the current Comprehensive Plan update. Mr. Billup's second Planning Commission term expires on January 31, 2010.

Joe Poole III (Jamestown District Representative) Joe Poole is the Director of Special Gifts at the Colonial Williamsburg Foundation, the educational institution he has been affiliated with since his 1987 completion of studies at Wake Forest University and the College of Design at North Carolina State University. His community involvement includes service on the James City County Planning Commission and on the Boards of Directors of Hospice House and Support Care of Williamsburg, United Way of Greater Williamsburg, the Williamsburg Chamber and Tourism Alliance, Leadership Historic Triangle, and on the vestry of St. Martin's Episcopal Church. He currently serves on the DRC. Mr. Poole and his wife, Meredith (a staff archaeologist at Colonial Williamsburg) have a twelve-year-old daughter (Amelia) and a nine-year-old son (Drummond). Mr. Poole's term expires on January 31, 2012.

Chris Henderson (At-Large) Chris Henderson was appointed to the Planning Commission in January 2008. He is a graduate of Walsingham Academy and the University of Virginia. Chris is the Senior Vice-President and Principal of CB Richard Ellis and its heritage organization, Trammell Crow Company. Mr. Henderson participates on several community and professional boards including the James City County Republican Committee, Ford's Colony Home Owner's Association, Williamsburg Metro YMCA, the First United Church of Christ Church Council, International Council of Shopping Centers, National Association of Realtors, Hampton Roads Association for Commercial Real Estate, and Commercial Real Estate Council. He served the County during the 2003 Comprehensive Plan update as a volunteer facilitator, is currently a member of the Policy Committee, and is serving on the Steering Committee. Mr. Henderson and his wife Tami, have a seven-year-old son. Mr. Henderson's first term expires January 31, 2009.

Reese Peck (Berkeley) Reese Peck was appointed to the Planning Commission in January 2008. Mr. Peck graduated from SUNY-Albany with a Bachelor's Degree in Political Science, and obtained a Master's Degree in Public Administration from the University of South Dakota. His past accomplishments include Deputy Secretary of

Environment and Natural Resources in South Dakota, local government liaison with the South Dakota State Planning Bureau, and worked with the administration of the State's Community Development Block Grant Program. Following his environmental career in South Dakota, he was selected in 1997 to set-up the Catskill Watershed Corporation which was an environmental and economic partnership program in the New York City watershed. In addition to the Planning Commission, Mr. Peck is Chairman of the Policy Committee and served on the Comprehensive Plan's Community Participation Team. He and his wife, Julie Apgar, live with their two children, Kristofer and Alexander, in Powhatan Secondary. Mr. Peck's first term expires on January 31, 2009.



The James City County Planning Commission (Left to Right: Reese Peck, Joe Poole III, George Billups, Tony Obadal, Jack Fraley, Rich Krapf, and Chris Henderson.)

PLANNING DIVISION

The Planning Division provides staff support to the Board, the Commission, and its subcommittees. In addition to regular development review, Staff makes planning-related policy recommendations to the Commission, administers and enforces the Zoning Ordinance, implements landscaping and bikeway projects, and acts as a liaison to a variety of other Board-appointed committees, community organizations and government entities. These include the Hampton Roads Planning District Commission, Virginia Department of Transportation-Hampton Roads, Pedestrian and Bicycle Advisory Committee, and the Virginia Organizing Project. Staff also regularly provides support for a number of other short-term and ongoing committees including the New Town Design Review Board, Historical Commission, Historic Triangle Bicycle Advisory Committee, Corridor Enhancement Steering Committee, Development Roundtable, Toano Revitalization Initiative to implement the Toano Area Study, and other special project committees.

Some of the ongoing planning initiatives undertaken in FY08 represent new services and programs to better serve customers and implement the Comprehensive Plan. Staff continues to look at ways to enhance the web-based CaseTrak system and is in the beginning stages of developing a reporting feature.

Staff typically responds to over 12,000 citizen inquiries each year. Planners are responsible for citizen's inquiries regarding the Comprehensive Plan, development issues, population, census and housing estimates, land use, transportation, traffic issues and assigned development issues. Planners also respond to citizen's inquiries regarding land development cases, the Zoning and Subdivision Ordinances, site plans, landscaping, development submittal requirements and general development in James City County. The administrative staff handles questions regarding the Commission and Board meetings, application processes, public hearing notices, development case status and other logistical and informational questions. These inquiries come from attorneys, architects, contractors, engineers, developers, landowners, and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment.

In addition, staff has continued to conduct a bi-monthly conceptual review meeting, called Development Roundtable, for applicants that need to resolve issues with various County agencies before submitting a site plan.

Planning Staff

(Lists all staff that worked in the Planning Division during FY08)

Planning Staff	Title	Year Employed	Comments
Management			
Marvin Sowers	Planning Director	1987	
Allen Murphy	Zoning Administrator and Principal Planner	1979	Serving as Acting Development Manager and Acting Planning Director
Don Davis	Principal Planner	1989-2008	Currently with the City of Hampton
Tammy Rosario	Principal Planner	1995	Recently promoted
Professional Planning Staff			
Scott Whyte	Senior Landscape Planner	2004	
Ellen Cook	Senior Planner	2003	Serving as Acting Principal Planner
Matthew Smolnik	Senior Planner	2005-2008	Currently with Isle of Wight County
Jason Purse	Senior Planner	2005	
David German	Senior Planner	2005	
Kate Sipes	Senior Planner	2005	
Leanne Reidenbach	Senior Planner	2005	Recently promoted
Jose L. Ribeiro	Senior Planner	2005	Recently promoted
Luke Vinciguerra	Planner	2006	
Beau Blevins	Planner	2007-2008	Currently with the Virginia Governor's Office
Sarah Probst-Worthley	Planner	2008	Recently hired
Zoning Officers			
Melissa Brown	Deputy Zoning Officer	2003	Serving as Acting Zoning Administrator
John Rogerson	Senior Zoning Officer	2000	
Christy Parrish	Proffer Administrator	1993	
Front Desk – Support Staff			
Terry Costello	Development Management Assistant	1987	
Brian Elmore	Development Management Assistant	2008	Transferred from JCC Parks and Recreation
Jennifer Van Dyke	Administrative Services Coordinator	2007	

Milissa Story	Development Management Assistant	2006-2007	Currently with York County
Interns			
Name	Education Affiliation	Date	Comments
Krista Hailey	Va Tech	5/08-8/08	Econ Dev Section, Youth master plans of Comp Plan, assisted in Youth technical report for Comp Plan, assisted with CPT and communications efforts
Stamen Lolov	W&M	5/08-7/08	Researched Economic Development section and Rural Land tools for Comp Plan
Geoff Peck	W&M	9/07-5/08	CaseTrak database, Comp Plan section updates, planned community research, VAPA award applications
David Reynolds	W&M	9/07-7/08	Comp Plan communications, research for P&R proffer guidelines, citizen input database, CaseTrak update
Jessica Mackow	W&M	5/07-4/08	Comp Plan communications, CPT, and Community Conversations, weekly list of cases to VDOT, rural lands research, sustainable strategies research
Amanda Roberts	W&M	9/07-4/08	Updated CaseTrak database, researched data for Comp Plan
Evan Skinner	Va Tech	5/07-8/07	Updated land use by zoning district spreadsheet, law review (examination of Senate Bills and House Bills)
Steve Harrison	W&M	5/07-8/07	Worked on VDOT Enhancement Grant, researched adj locality comp plans for regional comp plan update, studied Hazard Mitigation documents

Management Staff pictured from left: Allen Murphy and Tammy Rosario (*Not pictured: Marvin Sowers*)



Planning Staff Jose Ribeiro, Seated: Scott Whyte, Luke Vinciguerra, Kate Sipes, David German

Planning Staff pictured from left: Leanne Reidenbach, Ellen Cook, Sarah Probst-Worthley, and Jason Purse





Zoning Staff pictured from left: Christy Parrish, John Rogerson, and Melissa Brown

Front Desk Staff pictured from left: Jennifer VanDyke, Brian Elmore, and Terry Costello



Staff Changes

The Planning Division staff underwent some changes this year. Don Davis, Principal Planner, left the Division in 2008 to work for the City of Hampton in the Economic Development Department. Tammy Rosario, who has been with the County since 1995, has been promoted to Principal Planner. Matthew Smolnik left in 2008 to serve as Principal Planner with Isle of Wight. Beau Blevins, who was a Zoning Officer and recently was promoted to Planner, left in 2008 to work with the Virginia Governor's Office. Sarah Probst-Worthley began as an intern with the Division in May 2008 and was hired as a planner in September 2008. Milissa Story, Development Management Assistant left the Division in 2007 for a planner position with York County, and was replaced by Brian Elmore. Brian started with the County in 2006 in the Parks and Recreation Division.

SUMMARY OF COMMISSION AND STAFF ACTIVITIES

Development Review

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions and conceptual plans. The rezonings and special use permits applications must go through the legislative review process and are considered during Commission and Board public hearings. The DRC reviews and recommends actions on certain major subdivision plans and site plans in accordance with the Subdivision and Zoning Ordinances and Comprehensive Plan. A list of major cases and fiscal year summary are provided in the appendices in this report. The number of applications filed decreased during FY08.

Cases considered during the monthly public hearings by the Commission included zoning ordinance amendments, AFD renewals and withdrawals, and rezoning, master plan, and SUP cases (see Appendix A). Significant efforts and time were devoted to all thirty four cases considered by the Commission. In particular, the following six cases involved a high degree of staff and Commission review:

- Candle Factory (Z-0001-2006/MP-0012-2006/SUP-0037-2006)
- Powhatan Terrace (MP-0005-2007/SUP-0020-2007/Z-0007-2007)
- Stonehouse Planned Community Amendment (Z-4-07/MP-4-07)
- Ford's Colony Section 37 (Z-0008-2007/MP-0006-2007)
- 4th Middle School/9th Elementary Schools (SUP-0024-2007/SUP-0030-2007)
- Chestnut Grove Proffer and Master Plan Amendment (Z-0014-2007)

Policy Related Activities

The Policy Committee and Planning staff reviews Capital Improvement Program (CIP) requests on an annual basis. In addition, the Policy Committee conducts meetings to assess additions or revisions to County land use policies and ordinances. In FY 2008, the Policy Committee considered the following revisions to the Zoning Ordinance:

- Allow the sale, repair and storage of heavy equipment in M-2 Business District
- Changes in the review process for master plans in the Cluster Ordinance
- Direct discharge sewer systems
- Definition of affordable housing
- Allow alternative mounted wireless communication antennas atop water towers over 120 feet
- Changes to certain specially permitted uses in various zoning districts
- Changes in width requirements for handicap parking spaces
- Changes in setback requirements in the R-1 Zoning District

Recommendations for improvements and/or modification to the CIP process. The members of the Policy Committee reported to the Planning Commission that the review and ranking process could be improved, and recommended the process be evaluated. The

Chairman of the Planning Commission and the Chairman of the Policy Committee met with staff to discuss possible revisions to the process, with the focus specifically on having the process produce more meaningful results for both members of the public and the Board of Supervisors pursuant to Virginia Code Section 15.2-2239. Suggestions included looking at changing the process timeline to start in early fall and developing revised evaluation criteria, including a stronger link to the Comprehensive Plan. The intention is to present a final document to a joint worksession with the Planning Commission and the Board of Supervisors.

Capital Improvement Program

Every year the Commission reviews projects proposed by County agencies for inclusion in the Capital Improvements Program (CIP) Budget. The CIP review process is conducted by the Policy Committee and the CIP rankings are approved by the Commission. The Policy Committee meets with County department representatives and staff to establish a priority ranking of projects. Each County department is asked to provide an initial priority ranking and justification for the requested project. The Committee then ranks the CIP projects in accordance with the Comprehensive Plan, existing master plans, and service needs. Of the 78 CIP requests for Fiscal Year 2008, the Committee placed the highest priority on projects associated with public health and safety, deteriorating public facilities with known maintenance issues, and projects affiliated with the schools and the maintenance of those facilities. School CIP priority rankings were based on the tier rankings provided by the Williamsburg James City County School system. School CIP projects in the Tier 1 (Health and Safety Issues) and some Tier II (Growth and Maintenance) category were designated high priority by the Committee. The Commission recommended that the Board place a high priority on funding for the following Fiscal Year 2008 CIP projects:

General Services

- Croaker Library Roof
- LEED/Green Building Design
- JCWCC Renovation
- Dump Truck /Sand Spreader / Plow
- Neighborhood Drainage
- Building D HVAC-Air Handling / DCC Replace
- Fleet and Equipment Service Truck
- Building C Replacement

Parks and Recreation

- Mid-County Park Playground Replacement

Public Health and Safety (Fire and Rescue and Police)

- Engine Pumper Replacement (FY09)
- Engine Pumper Replacement (FY11)
- Engine Pumper Replacement (FY12)

- Engine Pumper Replacement (FY13)
- SCBA Upgrades
- Ambulance Replacement (FY11)
- Ambulance Replacement (FY12)
- Ambulance Replacement (FY13)

JCSA

- PDA Debt Service
- Rt 199 (B-32) Booster
- Ironbound Road (B-27) Booster Improvements

WJCC School District

- HVAC – Clara Byrd Baker
- HVAC / HVAC Phase II – D. J. Montague
- Roof Project – D. J. Montague
- Parking Lot / Stormwater Improvement – Norge
- Auditorium Ceiling Project – Matthew Whaley
- Attic Insulation Project – Matthew Whaley
- Cooling Tower Replacement – James River
- Cooling Tower Replacement – Berkeley
- Roof Project – Berkeley
- Energy Self-Management Project – Berkeley
- Kitchen Renovation – James Blair
- Grease Trap / Drain-line Replacement – James Blair
- Outfall Repair Project – Toano
- Sewer Replacement Project – Lafayette High
- Division Technology Upgrade Project Phases 1 – 5
- Division Gym Lighting – James Blair, Berkeley, Toano

2008 Comprehensive Plan

According to Section 15.2-2230 of the *Code of Virginia*, the Commission must review the Comprehensive Plan “at least once every five years...to determine if amending is needed.” In April 2007, the Commission and the Board approved a timeline and methodology for the 2008 Comprehensive Plan. In addition, the Board approved participation of James City County in the joint comprehensive plan initiative with York County and the City of Williamsburg, which has been adjusted to occur in 2012. The joint-plan process and associated timeline, accepted by all three jurisdictions, will include a series of discussion forums to identify those areas requiring coordination, and possibly, joint decision-making between the three localities.

The Commission and Division staff began work on updating the 2003 Comprehensive Plan in November 2007 for consideration by the Planning Commission in June 2009. Previous Comprehensive Plans provided the groundwork for the current Plan process in three key areas: update process methodology and schedule, the establishment and role of

the Community Participation Team, and the establishment and role of the Steering Committee. Two random sample scientific surveys of 1100 citizens were conducted in Fall 2007 by the Virginia Tech Center for Survey Research and the National Research Center to gauge how citizens felt about certain aspects of the County as compared to both the survey conducted prior to the 2003 Comprehensive Plan and to other municipalities nationally who have participated in the survey.

In November 2007, after an open application process, the Community Participation Team (CPT) was appointed. The CPT, composed of three Planning Commission members and seven citizens-at-large, has played a vital role in collecting public input and promoting the Plan through public meetings, surveys, and media outreach opportunities. Over 150 individuals attended the four Community Conversations held in April and more than 200 written comments were also received. The Land Use application process also was open from April to mid-July and 34 property owner applications were received for consideration. Numerous applications were also received by internal County departments. Additional public input opportunities such as the CPT forums and a second round of Community Conversations were planned for the summer.

Policy development, goals and actions approval, land use decisions and Comprehensive Plan drafts will be considered first by a Steering Committee that will begin meeting at the beginning of October, and will be acted upon by the Commission and the Board in summer 2009.

OTHER MAJOR PROJECTS AND INITIATIVES

Rural Lands Study

The County continues to pursue alternatives supporting the Comprehensive Plan's goals for residential development in rural land areas outside the Primary Service Area (PSA). A steering committee was appointed during the previous fiscal year, and the committee made recommendations based on its findings to the Board and the Commission. A technical committee was formed and completed three important tasks: setting guiding principles for formulating ordinances and policies, crafting a narrative ordinance and starting work on a technical ordinance. County staff suspended work on the ordinance pending further guidance from the Board of Supervisors and the completion of the Comprehensive Plan update.

Business Climate Task Force

On February 28, 2006, the Board of Supervisors adopted a resolution creating the Business Climate Taskforce (BCTF). The purpose of the BCTF, as originally envisioned by the James City County Economic Development Authority (EDA), was to review the climate for business retention and expansion of existing small, medium, and cornerstone business in the County, in addition to recruiting other business. A 13-member group, the BCTF released a report highlighting its main findings on January of 2008.

Subdivision/Site Plan Review Improvement Team

After the release of the report, Sanford Wanner, County Administrator, charged Development Management with organizing a team to review the County's development plan (site and subdivision plan) review process in support of the BCTF's recommendations. The Subdivision/Site Plan Review Improvement Team (SSPRIT) was designed to incorporate members from all aspects of the development community. Representatives included professionals from local firms, a diverse group of staff members, and a representative from the Virginia Department of Transportation.

SSPRIT began meeting biweekly in February 2008. The Team discussed and established goals and objectives and various speakers were invited to present and discuss new ideas for the Team's consideration. Currently, the Team is preparing a report recommending several improvements and changes to the current development plan review process. These recommendations are designed to provide predictability and transparency throughout the review process, improve two-way communication, enhance the quality of plans, and create a positive perception of the development process for all parties involved.

Changes to certain specially permitted uses in various zoning districts

In accordance with the BCTF's report, staff undertook a study of potential changes to what uses are permitted or specially permitted uses (SUP's) in various business/industrial

districts in the County. Looking at the uses that were currently allowed by-right, staff compiled a list of specially permitted uses that have similar impacts in those zoning districts. Staff felt that moving some of these uses from SUPs to permitted uses would not have additional adverse effects on similarly zoned properties across the County. As part of this review, the Office of Economic Development reviewed the ordinance and provided recommendations, and staff also consulted the York County ordinance and incorporated some “new” uses into this amendment.

The Planning Commission made recommendations on each of the specific districts. The Commission approved changes to the M-1 and M-2 districts, but recommended that no action be taken on the LB and B-1 districts until after the Comprehensive Plan update process is completed. The Board of Supervisors approved the recommendations from the Planning Commission.

Transportation Impact Initiatives

VDOT has recently adopted, as of July 1, 2008, new regulations requiring an extensive Traffic Impact Analysis for large developments. Currently James City County requires traffic study if a proposed development exceeds 100+ peak hour trips; however, the County does not specify what the parameters are for such a study. Staff has contracted with Kimley-Horn and Associates to create a document defining the parameters of a traffic impact analysis using VDOT’s newly adopted regulations as a guide. The County has the ability to require analysis above and beyond VDOT’s minimum guidelines. Staff’s conclusions and recommendations will be presented to the Policy Committee in the future.

CaseTrak 2.0

The Planning Division developed CaseTrak 2.0; a case tracking system used to organize and document the more than 500 applications that staff receives for review annually, and launched it spring 2007. Since then, staff has been collecting input from frequent users and making system improvements throughout the year. New fields and features, such as external comments, housing type, land use cases, and links to the County’s property information page, have been added to help share more information about cases with County citizens. Additionally, staff has continued to develop reporting functions and update older case information.

Toano Area Study Implementation

In 2006, the Board approved the Design Guidelines for Toano, a set of guiding principles for development in Toano. A citizen group, the Toano Revitalization Initiative (TRI) was formed in the spring of 2007 to help initiate enhancements along the Richmond Road corridor of the study area. With the assistance of Planning staff, the group received \$8,000 from the Board for landscaping and signage for the median areas in Toano. This past spring County staff, along with members of the Toano community, used the money to plant median landscaping along Richmond Road. The signs have also been installed. Planning staff, along with members of TRI, were awarded a matching grant through the

VDOT SAFETEA-LU grant program this past year as well. The grant will provide \$67,000 for sidewalk, landscaping, and urban furniture improvements along the historic corridor of Toano. The TRI is responsible for matching 20% of the funding required by the grant for this project, which would total \$13,400. To accomplish this, TRI is targeting in-kind donations from local businesses, as well as cash contributions from fundraisers. If the grant is approved, money would be available for the 2009 budget cycle.

Historical Commission

The Planning Division has administrative responsibility for the Historical Commission. Responsibilities include taking minutes, preparing the budget, and assisting with projects such as “Oral Histories,” acquiring highway markers, and completing the architectural survey. Specifically, the Historical Commission helped to fund new signage for the Norge Depot this past year. Commissioners and Planning staff continued to be active in the progression of the Norge Depot relocation and renovation (see specific section for more information). The Commission received funding in the 2009 budget to hold a series of speakers celebrating the 350th Anniversary of James City County.

Norge Depot Relocation

Norge, originally settled by Norwegian immigrants, is home to several historical structures, including the Norge Depot. The railway station was built by the railroad in the early 1900s and served as a connector for the Norge community to the rest of the country. The station acted as a vital catalyst of economic development in the surrounding area. Before being decommissioned in the late 1960s, the depot was adapted from a train station into an office building. Due to its inoperative status, CSX proposed that the structure be demolished. The County and Historical Commission acquired a federal grant and obtained CSX permission to transport the depot to a new location, the Norge Library on Croaker Road. Currently, the Norge Depot rests in the Croaker Library parking lot where it will be restored and remodeled into a community meeting center.

During the past year the relocated depot has been under renovation. With money from the TEA-21 VDOT grant program renovation work on the exterior of the depot is currently underway. This Phase II portion of the project will help restore the depot to its original look in the early 1900s. The work will include re-shingling the roof and repainting the exterior to match paint that has been photo-matched to the time period. The exterior renovation is expected to be complete sometime in early 2009.

VDOT grant funding has already been secured for these renovations, and interior layout plans have been prepared.

Architectural Assessment Project

Using a \$25,000 matching grant from the Virginia Department of Historic Resources (VDHR) to survey the County’s architectural resources, a consultant completed a field

study for the project and provided documentation, analysis, and recommendations to the Planning Division. The Department of Historic Resources recently completed their review of the updated study. The County may use the results of the survey to guide the development of a policy for the protection of historic structures and staff has developed a GIS layer that identifies the location of over 200 architecturally significant structures in the County. As a part of the project, a portion of Toano was nominated for and was deemed eligible for historic district status by the VDHR. Funding has not yet been received to further the nomination for historic district status at this time.

Washington-Rochambeau Route Project

Using a Virginia Department of Historic Resource (VDHR) matching grant and support from the City of Williamsburg, York County, Gloucester County, and Charlotte County, County staff is currently participating in a study of the American Revolutionary War Route of Washington and Rochambeau through the area. Dr. Robert Selig, renowned historian and expert of Revolutionary War routes throughout the East Coast, has been hired to conduct the study and has participated in numerous lecture events and field visits in the area. The final report for the study has been delayed due to additional localities recently joining the project, but the extra data will ultimately create a more complete report. A draft report is anticipated in the fall of 2008. The project has also expanded to include entry of raw data into VDHR's Data Sharing System and archives to aid in future research.

Corridor Enhancement Projects

The Jamestown Road Corridor Enhancement Project includes the creation of a corridor landscape plan and a grant program for businesses and neighborhoods. Phase II of the Jamestown Road project, which area includes from Lake Powell Road to Route 199, is completed. Fifteen businesses participated and the Historic Triangle Corridor Enhancement Committee recently had an award ceremony at Legacy Hall to honor the participants.

Carlton Abbott completed preliminary drawings of Route 60 East for James City County, Williamsburg, and York County to participate in a joint effort to enhance Route 60 as it passes through each jurisdiction. Abbott has held one public meeting inviting shareholders from each jurisdiction to see his conceptual work.

Revenue Sharing Landscape Projects

Revenue sharing landscape projects are funded by resources provided by James City County and VDOT. Designs have been completed for the Longhill Road, Anderson's Corner, and Monticello Avenue projects, and permits have been obtained. Plans are to solicit bids and work through the new VDOT regulations for revenue sharing. Paperwork has been submitted to VDOT to acquire revenue sharing funds for all of these projects. The targeted completion date for these projects is late 2008.

Five Forks Sub Area Study Update

The formal process to improve the Ironbound Road and Route 5 intersection began last fiscal year. The proposed changes include creating additional turn lanes and adding bike lanes. This project has been funded by VDOT, the Metropolitan Planning Organization grant fund, and through cash proffers. The targeted completion date is late 2008.

2030 and 2034 Regional Transportation Plan

The 2030 Regional Transportation Plan has been approved by the Metropolitan Planning Organization (MPO) and staff is currently working with the MPO on the 2034 update. Furthermore, the County's consultant is working on incorporating the 2030 Transportation Plan into the 2008 Comprehensive Plan update.

New Town

The New Town Design Review Board (DRB), assisted by staff, continued to review proposed developments in New Town, including the site plan and elevations for Section 9, Settler's Market. Throughout FY08, numerous building and site plans were approved in the Town Center (Sections 2 & 4), in the Discovery Business Park (Sections 3 & 6) and in Settler's Market (Section 9). All sections have developed at a steady pace during FY08. Oxford Apartments, the Sentara medical building, both Discovery office buildings, and multiple other office buildings opened in Sections 3 & 6 last fiscal year. Also, Foundation Square, which is adjacent to Legacy Hall and includes a mix of retail and residential units, was also completed in FY08. Windsor Hall was completed and numerous occupants have moved into the Windsor Meade Villas residences. Finally, construction in Section 9, which includes more than 412,000 square feet of commercial and office space and 204 residential units, has been progressing quickly during this fiscal year.

No rezonings for the New Town area were completed during FY08. The remaining section to be rezoned to Mixed Use with proffers in New Town is Section 12, which is located west of Route 199. Staff anticipates submittal of Section 12 this fall.

The Development Review Committee (DRC) has reviewed and approved quarterly shared parking updates for Sections 2 & 4 of New Town. The premise of shared parking is starting to become evident as residential units are being occupied and construction continues on mixed use and office buildings throughout the Town Center. The opening of Main Street in the Town Center, which includes restaurants and national retailers, has enticed many visitors to New Town during the past year. New Town Associates also began consideration of time limited parking in certain areas of Sections 2 & 4 adjacent to high-turnover retail uses to make quick stops more convenient.

Neighborhood Connections

Neighborhood Connections is a division of James City County's Community Services Department. They have a full-time staff as well as ten volunteer liaisons comprised of County employees, including two from the Planning Division. Each liaison communicates with his or her assigned homeowner's association (HOA). Part of the liaison's responsibilities includes coordinating the HOA about training opportunities provided by the County and other agencies. The Planning Division liaisons are Deputy Zoning Administrator Melissa Brown and Senior Landscape Planner Scott Whyte.

Parks and Recreation Division Master Plan

The Parks and Recreation Division began to update its master plan in 2007 for the first time since 1993. Planning staff has participated in several phases of the update, including selecting and working with consultants, gathering public input, serving on focus groups, and helping to prepare the draft plan for consideration. Alongside this process, staff from both divisions has been updating the Parks and Recreation proffer guidelines to match new standards in the master plan. The master plan will be reviewed by the Planning Commission and Board in upcoming months and will be folded into the current Comprehensive Plan update.

Adequate Public Facilities Policy

The current Board adopted Adequate Public Facilities Policy serves as a tool to measure the impact of proposed residential development in the Williamsburg-James City County Public School System. Each of the district's schools has a measured, verifiable student capacity threshold, which is based upon the infrastructure, age, physical space, condition, planned and built design, and other factors found at each facility. The policy compares the projected increase in student population to each affected facility's capacity and determines the direct impact that a new development might have. Currently, planners incorporate the policy into their staff reports for new residential developments. The Commission identified a need to review the policy. Suggested improvements to the Adequate Public Facilities Policy included identifying if the policy should compare all approved but unbuilt new development versus actual or planned school capacity, determining whether the policy should be used to deny new development or simply identify when additional public facilities are needed, incorporating revisions to reflect current School Board policies, and determining whether the policy should be applied to other public facilities such as roads, water supply, and sewage treatment capacity. Currently, efforts are underway to update the adequate public facilities policy for schools, based on the suggestions of the Commission, to include a cumulative impact component.

The new model being created will attempt to capture the impact of all development rather than just the impact of an individual proposal on each school that would potentially serve a proposed development. The model is composed of two components. The first measures the potential influx of new children into the school system as a raw number. This component has been completed. The second component attempts to subtract those

children coming from recently approved developments that would already be included in the current enrollment numbers from the raw number of students created in the first component. This would produce a “net impact” number that would be meaningful for measuring and discussing future impacts of new developments to our school system. The completion of the second component of the model has been delayed by data issues, and has been set aside until the Comprehensive Plan update effort has been completed.

Staff and Commissioner Training, Certification, and Educational Opportunities

Staff development continues to remain a high priority for both the Planning staff and the Commission. Staff and Commission members take various planning and policy courses throughout each year. The Planning Division cross-trains staff so that comprehensive planners are assigned current planning cases such as rezonings, special use permits, site plans and subdivisions. Likewise, current planners also assist in comprehensive planning activities such as the development and implementation of the Comprehensive Plan.

The Planning Division continues to attend training opportunities and has extended educational opportunities to the Commission. Two planners attended the Virginia Preservation Conference on Historic Preservation. Several planners attended the Virginia APA Conference, at which Senior Planners Ellen Cook and Jose Ribeiro gave a presentation on the Better Site Design Committee. Tammy Rosario attended seminars on Conservation Easements and Urban Development and Climate Changes. Several staff members attended conferences held by the Hampton Roads Green Building Council and the Shenandoah Resource Conservation & Development Council on green infrastructure and sustainable buildings. Communications training was attended by Senior Planner Leanne Reidenbach in an effort to increase awareness of the Comprehensive Plan update. A seminar was held by Urban Land Institute on Developing Master Plan Communities, which was attended by Senior Planner David German. Allen Murphy attended the national APA conference. Planning Director Marvin Sowers, Zoning Administrator Allen Murphy, Tammy Rosario, and Senior Planner David German fulfilled continuing education standards established by the American Planning Institute for Certified Planners. The County’s transportation planner, Luke Vinciguerra, attended several meetings held by VDOT and Hampton Roads Transit. The Division’s Zoning Officers attended the Virginia Association of Zoning Officers conference in Fredericksburg, Virginia. Planning Division staff received training in March and again in April on VDOT’s new requirements for traffic impact analysis (TIA) reports required with development proposals and Comprehensive Plans. Planning staff also attended information sessions on VDOT’s 527 regulations.

The Commission also participated in a variety of training opportunities. Most of the Commissioners are certified through CPEAV as Virginia Certified Planning Commissioners, with Richard Krapf obtaining his certification this year, and Planning Commissioners attended County and citizen sponsored planning workshops.

James City County Demographics Updates

General Demographics: Population Estimates

Population estimates providing approximate counts of the population of James City County for both the present day and for past, non-census years are prepared by the Planning Division. It is the Division's policy to generate a population estimate at the end of each quarter. Staff has been working to improve our population estimates system, which is based on the number of Certificates of Occupancy that are issued by the County's Codes Compliance Division. This streamlining effort was started in recent years, and is ongoing. The main goal of the effort is to produce the most accurate estimates possible so that other internal County departments, external government agencies and private citizens can feel confident in the estimates being produced. A secondary goal is to make the efforts to improve the system as transparent as possible, so that activities dependent upon the estimates are not compromised. In the early part of 2008, it was clear that the Planning Division's continued efforts at accuracy had paid off, when it was noted that the Division's fourth quarter 2007 population estimate differed from the Weldon-Cooper Center for Public Service's number for the same time period by only forty-five people—less than a one-percent differential. The Weldon-Cooper Center is part of the University of Virginia, and is charged with serving as the official state demographer for the Commonwealth of Virginia.

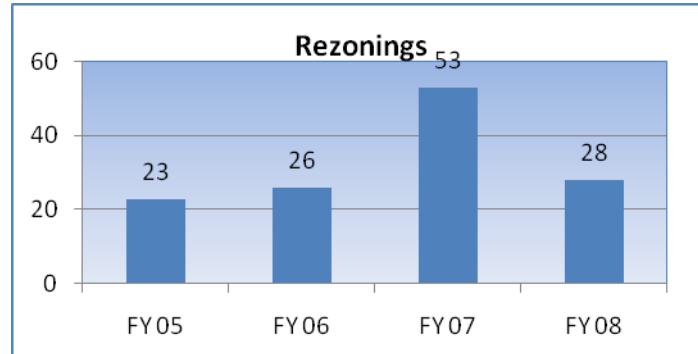
General Demographics: Population Projections

Population projections attempt to project approximate counts of the population of James City County in future years. Currently, planning staff is working with a linear population projection model in an effort to ensure as accurate a projection as possible. The model, which was completed in 2007, has been undergoing analysis to ensure that it is producing accurate and defensible projections. It is anticipated that this model will be introduced to the public in the 2008-2009 Comprehensive Plan revision.

Applied Demographics: School Population Projections

In the last year, planning staff has increased its role in assisting Williamsburg-James City County Schools, and its private consultant, DeJong Inc., with school population projections. The goal is to accurately anticipate how many school children will need to be accommodated in upcoming school years—both in the immediate future and on a longer-term basis. Great strides were made between the Schools, DeJong, and the Planning Division to identify ways in which data generated by the Planning Division (including population estimates, population projections, and development tracking numbers) could be used to better approximate the numbers of children likely to be attending school in the short-term and long-term future. The Planning Division will provide data to the Schools and DeJong on a regular basis, and will continue to foster strong communication and working relationships between all parties involved. This effort has been ongoing, and the Planning Division continues to support the Schools as needed, which results in better enrollment projections over the long-term.

Appendix A - Major Cases – Rezoning*



Z-0004-2007

Location: Sycamore Landing Rd
Rezoning: A-1 PUD to PUD
District: Stonehouse

PC: Approved 12/05/07
BOS: Approved 01/22/08

Z-0005-2007

Location: 112 Ingram Road
Rezoning: R8 to B1
District: Berkeley

PC: Approved 01/08/08
BOS: Approved 02/12/08

Z-0006-2007

Location: Various
Rezoning: Various to PL
District: Various

PC: Approved 08/01/07
BOS: Approved 09/11/07

Z-0007-2007

Location: Red Oak Landing, Jamestown Road
Rezoning: LB to R2
District: Jamestown

PC: No Recom 10/03/07
BOS: Approved 03/25/08

Z-0008-2007

Location: News Road
Rezoning: R8 to R4
District: Berkeley

PC: Approved 06/04/08
BOS: Approved 07/08/08

Z-0009-2007

Location: Barhamsville Road
Rezoning: R5
District: Stonehouse

PC: Denied 10/03/07
BOS: Denied 12/11/07

Z-0010-2007

Location: Richmond Road
Rezoning: No change
District: Stonehouse

PC: No date set
BOS: No date set

Z-0011-2007

Location:

Rezoning:

District:

Monticello at Powhatan North Phase 3

Powhatan Parkway

R8 to R2

Powhatan

PC: Hearing 12/03/08

BOS:

Z-0012-2007

Location:

Rezoning:

District:

Williamsburg Auto Group

Richmond Road

LB to B1

Stonehouse

PC: Approved 02/06/08

BOS: Withdrawn 04/17/08

Z-0014-2007

Location:

Rezoning:

District:

Chestnut Grove Proffer / Master Plan Amendment

Wisteria Garden Drive

LB to R5

Robertson

PC: Approved 02/06/08

BOS: Approved 02/12/08

Z-0001-2008

Location:

Rezoning:

District:

St. Olaf's Catholic Church Building Expansion

Norge Lane

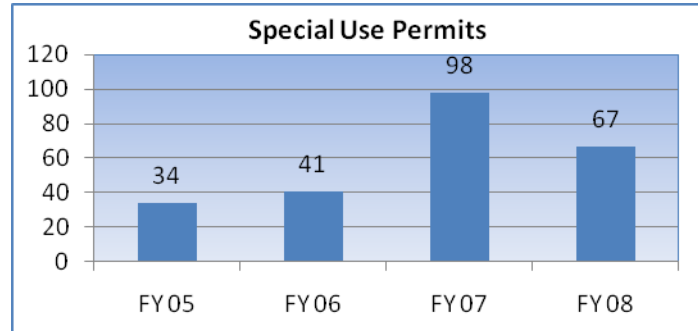
R-8

Stonehouse

PC: Approved 06/04/08

BOS: Approved 07/22/08

Appendix B - Major Cases – Special Use Permits*



SUP-0037-2006

The Candle Factory

Location:

Richmond Rd

PC: Indefinitely Deferred
by Applicant

Zoning:

A-1

District:

Stonehouse

SUP-0019-2007

King of Glory Lutheran Church

Location:

Longhill Road

PC: Approved 07/11/07

Zoning:

R-2

BOS: Approved 09/11/07

District:

Powhatan

SUP-0020-2007

Powhatan Terrace

Location:

Red Oak Landing/Jamestown Road

PC: No Recom 07/11/07

Zoning:

LB

BOS: Approved 03/25/08

District:

Jamestown

SUP-0021-2007

Contractor's Warehouse – Tiki Climbing & Grinding Tree Svc

Location:

Centerville Road

PC: No Recom 07/11/07

Zoning:

A-1

BOS: Denied 09/11/07

District:

Powhatan

SUP-0022-2007

Monticello at Powhatan North Phase 3

Location:

Powhatan Parkway

PC: Hearing 12/03/08

Zoning:

R-8

BOS:

District:

Powhatan

SUP-0023-2007

Trailers at Eastern State Hospital

Location:

Ironbound Road

PC: Approved 07/11/07

Zoning:

R-2

BOS: Approved 09/11/07

District:

Powhatan

SUP-0025-2007

Colonial Penniman Waterline Extension

Location:

Columbia Drive

PC: Approved 10/03/07

Zoning:

MU

BOS: Approved 10/23/07

District:

Robertson

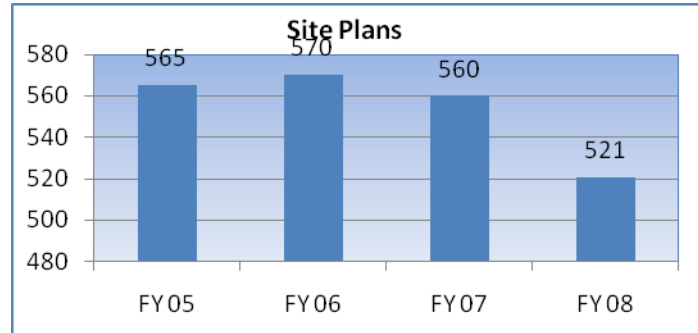
SUP-0029-2007	Freedom Park Master Plan Amendment	
Location:	Centerville Road	PC: Approved 12/05/07
Zoning:	PL	BOS: Approved 01/08/08
District:	Powhatan	
SUP-0030-2007	4th Middle / 9th Elementary School	
Location:	Centerville Road	PC: Approved 12/05/07
Zoning:	PL	BOS: Approved 02/26/08
District:	Powhatan	
SUP-0031-2007	Jolly Pond Road Utility Extension	
Location:	Centerville Road	PC: Approved 12/05/07
Zoning:	PL	BOS: Approved 01/08/08
District:	Powhatan	
SUP-0032-2007	Richmond Road – Basketville Site	
Location:	Richmond Road	PC: Approved 12/05/07
Zoning:	B-1	BOS: Approved 01/08/08
District:	Stonehouse	
SUP-0033-2007	Williamsburg Auto Group	
Location:	Nina Lane	PC: Approved 02/06/08
Zoning:	LB	BOS: Withdrawn 04/17/08
District:	Stonehouse	
SUP-0005-2008	Cingular Wireless PCS	
Location:	Longhill Road	PC: Approved 06/04/08
Zoning:	PL	BOS: Approved 06/10/08
District:	Berkeley	
SUP-0006-2008	St Olaf’s Church Bldg Expansion	
Location:	Norge Lane	PC: Approved 06/04/08
Zoning:	R-8	BOS: Approved 07/22/08
District:	Stonehouse	
SUP-0007-2008	David Nice Contractor’s Office and Shed	
Location:	Fenton Mill Road	PC: Approved 07/02/08
Zoning:	A-1	BOS: Approved 08/12/08
District:	Stonehouse	
SUP-0009-2008	King’s Way Church – Greenwood Christian Academy	
Location:	John Tyler Hwy	PC: Approved 09/10/08
Zoning:	R-1	BOS: Hearing 10/14/08
District:	Jamestown	

SUP-0011-2008	The Williamsburg Dog	
Location:	Venture Lane	PC: Denied 06/04/08
Zoning:	B-1	BOS: Withdrawn by
District:	Berkeley	Applicant

SUP-0012-2008	Liberty Ridge Clubhouse / Pool	
Location:	Centerville Road	PC: Approved 07/02/08
Zoning:	A-1	BOS: Approved 08/12/08
District:	Powhatan	

SUP-0013-2008	Lafayette High School Wireless Tower	
Location:	Longhill Road	PC: Approved 09/10/08
Zoning:	PL	BOS: Hearing 10/14/08
District:	Powhatan	

Appendix C -Major Cases – Site Plans*



SP-0150-2004

Abe's Mini-Storage

Location:

Richmond Road

DRC:

Approved 01/31/07

Zoning:

B-1

Final:

Approved 01/29/08

District:

Berkeley

SP-0103-2005

Colonial Heritage Phase 4

Location:

Centerville Road

DRC:

Approved 11/02/05

Zoning:

MU

Final:

Expired 05/06/08

District:

Powhatan

SP-0133-2005

Prime Outlets Phase 6

Location:

Richmond Road

Preliminary: Approved 05/11/06

Zoning:

B-1

Final:

Approved 01/09/08

District:

Powhatan

SP-0147-2005

Warhill – TNCC Site Improvements

Location:

Centerville Road

Preliminary:

Zoning:

PUD-R

Final:

District:

Powhatan

SP-0025-2006

Prime Outlets Phase 7 Expansion

Location:

Richmond Road

DRC:

Approved 07/25/07

Zoning:

B-1

Final:

Approved 09/26/07

District:

Powhatan

SP-0031-2006

Shell Building – James River Commerce Center

Location:

Pocahontas Trail

Preliminary: Approved 04/26/06

Zoning:

M-1

Final:

District:

Roberts

SP-0069-2006

Settlement at Powhatan Creek, Phase 2

Location:

Croaker Road

DRC:

Deferred 02/27/08

Zoning:

PUD-R

Final:

District:

Berkeley

SP-0070-2006	Williamsburg Airport Access Road		
Location:	Marclay Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Roberts		
SP-0071-2006	T-Hanger Site Prep, Williamsburg Airport		
Location:	Marclay Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Roberts		
SP-0085-2006	Settler's Market New Town Section 9 Phase 2		
Location:	Monticello Avenue	DRC:	Approved 09/26/07
Zoning:	MU	Final:	Approved 03/14/08
District:	Berkeley		
SP-0104-2006	Walnut Grove		
Location:	Richmond Road	DRC:	Approved 03/26/08
Zoning:	R2	Final:	
District:	Stonehouse		
SP-0118-2006	Thomas Nelson Community College Parking Lot		
Location:	Olde Towne Road	DRC:	Approved 12/06/06
Zoning:	LB	Final:	Approved 08/02/07
District:	Powhatan		
SP-0119-2006	Michelle Point Renewal		
Location:	Barhamsville Road	DRC:	Approved 09/27/06
Zoning:	R-5	Final:	Approved 07/05/07
District:	Stonehouse		
SP-0129-2006	Massie Parking Lot Expansion		
Location:	Richmond Road	DRC:	Approved 11/29/06
Zoning:	M-1	Final:	
District:	Stonehouse		
SP-0143-2006	White Hall Section 1		
Location:	Rochambeau Drive	DRC:	Approved 07/25/07
Zoning:	R-2	Final:	Approved 01/22/08
District:	Stonehouse		
SP-0144-2006	White Hall Section 2		
Location:	Rochambeau Drive	DRC:	Approved 11/28/07
Zoning:	R-2	Final:	Approved 04/18/08
District:	Stonehouse		

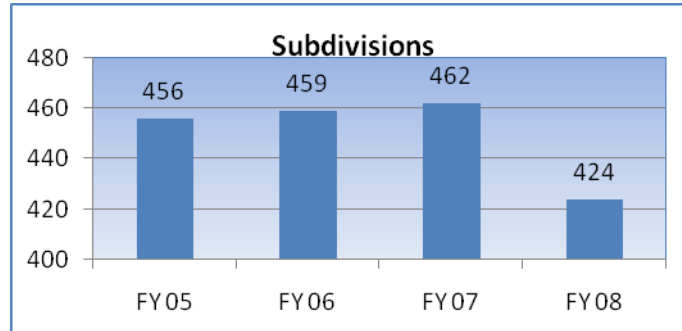
SP-0146-2006	Carolina Furniture Warehouse		
Location:	Richmond Road	DRC:	Approved 01/31/07
Zoning:	B-1	Final:	Approved 01/16/08
District:	Berkeley		
SP-0027-2007	Handel's Ice Cream and Yogurt		
Location:	Richmond Road and Noland Boulevard	DRC:	Approved 05/30/07
Zoning:	B-1 and MU	Final:	Approved 11/13/07
District:	Stonehouse		
SP-0031-2007	The Colonies at Williamsburg		
Location:	Olde Towne Road	DRC:	Approved 09/26/07
Zoning:	R-2	Final:	
District:	Berkeley		
SP-0039-2007	Ironbound Park		
Location:	Magazine Road	DRC:	Approved 10/31/07
Zoning:	R-2	Final:	Approved 02/13/08
District:	Jamestown		
SP-0045-2007	Rawls Byrd Parking Lot Expansion		
Location:	Laurel Lane	DRC:	Approved 05/30/07
Zoning:	R-2	Final:	Approved 06/27/07
District:	Jamestown		
SP-0047-2007	Nicewood Building Expansion		
Location:	Westmont Drive	DRC:	Approved 07/05/07
Zoning:	PUD-C	Final:	Approved 10/24/07
District:	Stonehouse		
SP-0056-2007	White Hall Clubhouse		
Location:	Richmond Road	DRC:	Approved 10/31/07
Zoning:	A-1	Final:	
District:	Stonehouse		
SP-0066-2007	Kristiansand Sewer Extension		
Location:	Astrid Lane	Preliminary:	
Zoning:	R-2	Final:	Approved 06/10/08
District:	Stonehouse		
SP-0068-2007	New town Section 7 Roadways		
Location:	Tewning Road	DRC:	
Zoning:	M-1	Final:	
District:	Berkeley		

SP-0091-2007	Quarterpath at Williamsburg PH1A Battery Blvd		
Location:	Pocahontas Trail	DRC:	
Zoning:	B-1	Final:	
District:	Roberts		
SP-0100-2007	Office Warehouse		
Location:	McLaws Circle	DRC:	Approved 04/30/08
Zoning:	M-1	Final:	Approved 07/01/08
District:	Roberts		
SP-0109-2007	Hwy 60 / Wisteria Garden Tower Co-Location		
Location:	Pocahontas Trail	Preliminary:	
Zoning:	A-1	Final:	Approved 01/14/08
District:	Stonehouse		
SP-0127-2007	New Cingular Wireless PCS		
Location:	Frances Thacker Road	DRC:	Approved 06/18/08
Zoning:	R-4	Final:	
District:	Berkeley		
SP-0130-2007	Weatherly at White Hall SP Amendment		
Location:	Barhamsville Road	DRC:	Approved 01/04/08
Zoning:	A-1	Final:	Approved 01/18/08
District:	Stonehouse		
SP-0131-2007	New Cingular Wireless Tower		
Location:	Frances Thacker Road	DRC:	Approved 06/18/08
Zoning:	R-4	Final:	
District:	Berkeley		
SP-0132-2007	Quarterpath Phase 2		
Location:	Pocahontas Trail	DRC:	
Zoning:	City of Williamsburg/Rt. 199	Final:	Approved 05/30/08
District:	Roberts		
SP-0133-2007	Green Mount Warehouse		
Location:	Blow Flats Road	DRC:	
Zoning:	M-2	Final:	
District:	Roberts		
SP-0134-2007	Green Mount Carter Equipment		
Location:	Green Mount Parkway	DRC:	Approved 04/02/08
Zoning:	M-2	Final:	Approved 05/08/08
District:	Roberts		

SP-0135-2007	Shell Building James River		
Location:	Columbia Drive	DRC:	
Zoning:	M-2	Final:	
District:	Roberts		
SP-0138-2007	9th Elementary School/4th Middle School		
Location:	Centerville Road	DRC:	Approved 02/27/08
Zoning:	PL	Final:	
District:	Powhatan		
SP-0003-2008	New Town Sec 3 & 6 Block 14		
Location:	New Town Avenue	DRC:	
Zoning:	MU	Final:	Approved 06/06/08
District:	Berkeley		
SP-0007-2008	New Town Sec 3 & 6 Roadways Phase 8		
Location:	Discovery Park Blvd	DRC:	
Zoning:	MU	Final:	Approved 09/02/08
District:	Berkeley		
SP-0011-2008	Chestnut Grove		
Location:	Wisteria Garden Dr	DRC:	Approved 09/24/08
Zoning:	LB	Final:	
District:	Roberts		
SP-0014-2008	New Town Sec 7 Parcel 1		
Location:	Monticello Avenue	DRC:	
Zoning:	MU	Final:	Approved 07/07/08
District:	Berkeley		
SP-0015-2008	New Town Sec 3 & 6 Block 19 Arc Studio Building		
Location:	Monticello Avenue	DRC:	
Zoning:	MU	Final:	Approved 06/26/08
District:	Berkeley		
SP-0025-2008	News Road Sidewalks		
Location:	Powhatan Parkway	DRC:	
Zoning:	R-4	Final:	Approved 10/27/08
District:	Powhatan		
SP-0028-2008	New Dawn Assisted Living		
Location:	Jamestown Road	DRC:	
Zoning:	LB	Final:	
District:	Berkeley		

SP-0041-2008	Fleet Brothers Building Expansion		
Location:	Richmond Road	DRC:	Approved 04/30/08
Zoning:	B-1	Final:	Approved 07/01/08
District:	Stonehouse		
SP-0046-2008	Moss Creek Commerce Center		
Location:	Old Stage Road	DRC:	
Zoning:	MU	Final:	
District:	Stonehouse		
SP-0050-2008	Cingular Wireless Warhill Water Tank		
Location:	Warhill Trail	DRC:	
Zoning:	PL	Final:	Approved 07/09/08
District:	Powhatan		
SP-0059-2008	Cingular Tower Longhill Road Recreation Ctr		
Location:	Long hill Road	DRC:	
Zoning:	PL	Final:	Approved 07/09/08
District:	Berkeley		
SP-0072-2008	Greenmount Industrial E&S Plan		
Location:	Blow Flats Rd	DRC:	
Zoning:	M-2	Final:	
District:	Roberts		
SP-0078-2008	Tower Co-Location Brick Bat Road		
Location:	Centerville Road	DRC:	
Zoning:	A-1	Final:	Approved 08/12/08
District:	Powhatan		
SP-0080-2008	St. Bede's Road Widening		
Location:	Ironbound Rd	DRC:	Approved 07/30/08
Zoning:	R-8	Final:	
District:	Berkeley		
SP-0082-2008	Southland Hammerworks		
Location:	Richmond Road	DRC:	
Zoning:	M-1	Final:	
District:	Stonehouse		

Appendix D – Major Cases – Subdivisions*



S-0103-2003

Ford's Colony Section 35 MP Consistency

Location: Centerville Road DRC: Approved 02/04/04
 Zoning: A-1 Final:
 District: Powhatan

S-0002-2005

The Pointe at Jamestown Section 2B (53 Lots)

Location: Sir Thomas Way Preliminary: Approved 02/18/06
 Zoning: R-2 Final:
 District: Jamestown

S-0043-2005

Colonial Heritage Phase 3, Section 3 (66 Lots)

Location: Richmond Road Preliminary: Approved 06/06/05
 Zoning: MU Final: Approved 09/27/07
 District: Stonehouse

S-0053-2005

Kingsmill – Spencer's Grant (52 Lots)

Location: Kingsmill Road Preliminary: Approved 07/11/05
 Zoning: R-4 Final: Approved 12/05/07
 District: Roberts

S-0078-2005

Stonehouse Fairmont Subdivision Section 1-4 (127 Lots)

Location: Six Mount Zion Road DRC: Approved 09/28/05
 Zoning: PUD-R Final: Expired 10/03/07
 District: Stonehouse

S-0079-2005

Colonial Heritage Phase 4 (137 Lots)

Location: Centerville Road DRC: Approved 11/02/05
 Zoning: MU Final: Expired 11/06/07
 District: Powhatan

S-0091-2005

Windmill Meadows (78 Lots)

Location: Centerville Road DRC: Approved 09/28/05
 Zoning: R-2 Final:
 District: Powhatan

S-0106-2005	Colonial Heritage Phase 5 Section 1 (144 Lots)		
Location:	Richmond Road	DRC:	Approved 11/30/05
Zoning:	MU	Final:	
District:	Powhatan		
S-0117-2005	Liberty Ridge (139 Lots)		
Location:	Centerville & Jolly Pond Road	DRC:	Approved 03/29/06
Zoning:	A-1	Final:	
District:	Powhatan		
S-0026-2006	Colonial Heritage Phase 5, Section 2 (118 Lots)		
Location:	Richmond Road	DRC:	
Zoning:	MU	Final:	
District:	Stonehouse		
S-0039-2006	Settlement at Powhatan Park		
Location:	Monticello Avenue	DRC:	Approved 03/14/08
Zoning:	PUD-R	Final:	
District:	Berkeley		
S-0055-2006	Burlington Woods		
Location:	Richmond Road	DRC:	Approved 03/26/08
Zoning:	R-2	Final:	
District:	Powhatan		
S-0064-2006	Colonial Heritage Phase 3 Section 2		
Location:	Richmond Road	Preliminary:	Approved 12/01/06
Zoning:	MU	Final:	Expired 12/01/07
District:	Powhatan		
S-0071-2006	AVID Medical and ESGI Expansion		
Location:	LaGrange Parkway and Westmont Drive	Preliminary:	
		Final:	Approved 11/21/07
Zoning:	PUD-C		
District:	Stonehouse		
S-0078-2006	Walnut Grove		
Location:	Richmond Road	DRC:	Approved 03/26/08
Zoning:	R-2	Final:	
District:	Stonehouse		
S-0081-2006	Liberty Crossing/ Noland		
Location:	Richmond Road	Preliminary:	
Zoning:	MU	Final:	
District:	Stonehouse		

S-0090-2006	Fenwick Hills Section 4		
Location:	Old Stage Road	Preliminary:	
Zoning:	R-2	Final:	
District:	Stonehouse		
S-0093-2006	Matoaka Elementary School		
Location:	Centerville Road	Preliminary:	
Zoning:	A-1	Final:	
District:	Powhatan		
S-0098-2006	White Hall Section 2		
Location:	Rochambeau	DRC:	Approved 11/28/07
Zoning:	R-2	Final:	
District:	Stonehouse		
S-0103-2006	Liberty Crossing Phase 2		
Location:	Richmond Road	Preliminary:	
Zoning:	MU	Final:	
District:	Stonehouse		
S-0019-2007	Mason Park		
Location:	Jamestown Road	Preliminary:	
Zoning:	R-8	Final:	
District:	Jamestown		
S-0021-2007	Liberty Crossing Phase 3		
Location:	Richmond Road	Preliminary:	
Zoning:	B-1	Final:	
District:	Stonehouse		
S-0023-2007	Preserve at Uncle's Neck		
Location:	Forge Road	Preliminary:	Approved 02/29/08
Zoning:	A-1	Final:	
District:	Stonehouse		
S-0031-2007	McFarlin Park		
Location:	Neck-O-Land Road	Preliminary:	Approved 07/16/08
Zoning:	R-2	Final:	
District:	Jamestown		
S-0037-2007	Ford's Colony- Section 35		
Location:	Centerville Road	DRC:	Approved 10/02/07
Zoning:	MU	Final:	
District:	Powhatan		

S-0050-2007	Mill Creek		
Location:	Ivy Hill Road	Preliminary:	
Zoning:	A-1	Final:	
District:	Stonehouse		
S-0005-2008	Marywood Phase 2		
Location:	Spring Road	Preliminary:	
Zoning:	R-1	Final:	
District:	Jamestown		
S-0017-2008	Kingsmill River Bluffs		
Location:	Wareham's Pond Road East	DRC:	Approved 06/25/08
Zoning:	R-4	Final:	
District:	Robertson		
S-0019-2008	Marywood Phase 3		
Location:	Spring Road	Preliminary:	
Zoning:	R-1	Final:	
District:	Jamestown		
S-0023-2008	Marywood Phase 4		
Location:	Spring Road	Preliminary:	
Zoning:	R-1	Final:	
District:	Jamestown		
S-0026-2008	9th Elementary / 4th Middle School		
Location:	Centerville Road	Preliminary:	
Zoning:	PL	Final:	Approved 07/31/08
District:	Powhatan		
S-0030-2008	Shepard's Landing		
Location:	Little Creek Dam Road	Preliminary:	
Zoning:	A-1	Final:	
District:	Stonehouse		

* Figures are based on workload indicators, which track multiple submissions and reviews of single cases. Totals for FY 2008 are as follows: Rezoning-10, Special Use Permits-28, Site Plans-155, and Subdivisions-79.

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER 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. 2009 Legislative Program

Mr. Leo Rogers, County Attorney, introduced Delegates William K. Barlow, 64th District; Phillip A. Hamilton, 93rd District; Brenda Pogge, 96th District; and Senator Thomas K. Norment, Jr., 3rd District.

Mr. Rogers provided a brief update of the 2008 Legislative Program and an overview of a proposed 2009 Legislative Program of items to be introduced on behalf of the County and supported by the County.

The Board, staff, and delegation discussed the legislative items and discussed revisions to the program.

The Board and staff discussed amendments to the Legislative Program, which would be assigned to the County's delegation in the General Assembly after adoption by the Board.

2. Vehicle Sales

Ms. Melissa Brown, Deputy Zoning Administrator, gave an overview of a response to a Board directive to investigate vehicle sales on private property in the County by non-dealers.

The Board and staff discussed ways to limit vehicle sales by non-dealers and possible solutions to this issue.

The Board directed Ms. Brown to come before the Board for consideration of an initiating resolution on this issue.

D. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, appointment of individuals to County boards/commissions, specifically the Board of Zoning Appeals.

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

At 5:47 p.m. Mr. Goodson recessed the Board into Closed Session.

At 5:57 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)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3), to consider the acquisition of parcel(s) of public property.

Mr. Kennedy made a motion to recommend Mr. William Watkins to the Board of Zoning Appeals.

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

E. ADJOURNMENT

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 5:58 p.m., the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

112508bosws_min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH 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 – Riley Smith, a fourth-grade student at Clara Byrd Baker Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated that a signalization on Richmond Road (Route 60) speed limit study is underway from Route 607, Croaker Road to Route 1020, Turlington Road to determine if the speed limit can be increased from 45 to 55 miles per hour (mph). He stated that VDOT was reviewing sign placement and speeds within Toano at the 35 and 45 mph zones to make sure these speeds were adequate for the placement. He addressed a citizen letter regarding concerns on the intersection of Rochambeau Drive, Old Stage Road, and Stonehouse Lane. He stated that the review of this intersection should be completed by mid-December.

Mr. Icenhour commented on signal synchronization on Monticello Avenue and asked for a report on the timeframe and studies required for sequencing these lights.

Mr. Kennedy asked for a similar report on the timing of stoplights through Lightfoot.

Mr. McGlennon thanked Mr. Halacy for the speed study on Lake Powell Road and noted concern about the decision not to adjust the speed on a segment that was curvy where many pedestrians and bicyclists frequented. He stated that there were in fact accidents in this area and that he would continue to monitor this area and asked for any other means of alerting people regarding the curves in this segment of the road.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the size of Warhill High School; school budget issues in relation to a Daily Press editorial; need for a fourth high school; the recent Virginia Association of Counties (VACo) Annual Conference, travel expenses of the Board of Supervisors; and piracy.

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 – November 12, 2008, Regular Meeting
2. Grant Award – Kiwanis Club of Williamsburg – \$500

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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3. Dedication of Streets in Scott's Pond – Sections 1b And 2

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.

G. PUBLIC HEARINGS

Mr. Goodson recognized Planning Commissioner Chris Henderson in attendance.

1. An Ordinance to Amend James City County Code Chapter 8, Erosion and Sediment Control, Section 7, Penalties, Injunctions, and Other Legal Actions; to Bring the County Code into Compliance with the State Code

Ms. Angela King, Assistant County Attorney, stated that this item amends Chapter 8-7 of the County Code to increase the allowable range of civil penalties to bring the ordinance into compliance with the State Code. She recommended adoption of the ordinance amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

2. An Ordinance to Amend James City County Code Chapter 20, Taxation, Section 2.1, Local Exemption of Certain Energy Sources; to Bring the County Code into Compliance with the State Code

Ms. Angela King, Assistant County Attorney, stated that this item changes the reference to State Code and deletes unnecessary language from the beginning of the ordinance. Staff recommended adoption of the ordinance amendment.

Mr. McGlennon stated that he did not know previously that the fuel items were exempted from sales tax.

Ms. King stated that this ordinance was already in place and the amendment only changed the Code reference.

Mr. Goodson opened the Public Hearing.

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

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).

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

Ms. Angela King, Assistant County Attorney, stated that this resolution authorized the County to enter into an agreement with Dominion Virginia Power to convey a right-of-way and utility easement of approximately 200 feet by 15 feet wide and running along County property, part of the Ironbound Road widening project administered by VDOT.

Staff recommended adoption of the resolution.

Mr. Icenhour asked if this was part of the Ironbound Square redevelopment area.

Ms. King stated that this was located just above the Ironbound Square redevelopment area, but that it was part of the Ironbound Road project.

Mr. Icenhour asked why underground utilities were not being implemented on this property.

Ms. King stated that an underground utility agreement was previously granted, but that it was not deemed financially feasible at this point and an overhead utility was now sought.

Mr. McGlennon asked if it was financially unviable on the part of Dominion Virginia Power.

Ms. King stated that it was deemed not financially feasible for Dominion Virginia Power in consultation with the County.

Mr. Leo Rogers, County Attorney, stated that it was determined that there was not sufficient funding to provide for all underground utilities in the area based on the cost of the project.

Mr. McGlennon asked if this impacted the whole Ironbound Road corridor.

Mr. Rogers stated that he was not aware at this time.

Mr. Goodson opened the Public Hearing.

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

Ms. Jones stated that she would like to understand if the overhead utilities would be done only on this portion of the corridor.

Mr. Rogers stated that the County is working with Dominion Virginia Power for underground utilities in other areas and that this item could be deferred to December if necessary.

Mr. Goodson asked if Mr. Halacy could speak regarding this.

Mr. Halacy stated that originally underground utilities were set from Longhill Road to Monticello Avenue, but the high costs of underground utilities have resulted in the project being half underground and half overhead utilities.

Mr. Icenhour asked the location of that portion of the road.

Mr. Wanner stated that it was located in front of the County buildings on Palmer Lane.

Mr. Icenhour stated that this was where the County parking lot was, and from there on forward it would be aboveground.

Mr. Wanner stated that he would recommend allowing him to get more information prior to executing the agreement.

Ms. Jones stated that would be a good solution to try to work toward more underground utilities.

Mr. Wanner stated that the road project has been delayed many times and that there was neither State nor County funds to support the underground utility lines.

Mr. Goodson asked if the recommendation was to move forward.

Mr. Wanner stated that he recommended the Board pass the resolution allowing the County Administrator to execute the agreement and that if he was unable to come to a reasonable agreement, it would come back before the Board.

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

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.

4. 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

Mr. Leo Rogers, County Attorney, stated that this is a housekeeping item in the County Code. He stated that the requirements are repeated in the ordinance and one of them is deleted with this ordinance amendment. He recommended approval of the ordinance amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

H. BOARD CONSIDERATIONS

1. Abandonment of a Portion of Former Route 612, Longhill Road

Ms. Angela King, Assistant County Attorney, stated that a portion of former Route 612, Longhill Road, needed to be abandoned and was 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 VDOT. She stated that 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 plat. She stated that Parcel No. 3240100033, more commonly known as 4897 Longhill Road, is owned by the 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"). Ms. King noted that 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.

Ms. King stated that at the request of the County, VDOT discontinued Section 13 in 1969 and the discontinuance of Section 13 removed it from the Secondary System; however, it remained a public road. She stated that the abandonment of Section 13 will extinguish the public road and that 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. She noted that the abandonment of Section 13 would not detrimentally affect the citizens of the County as a new road; Longhill Road has been built in its stead.

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

Mr. Icenhour 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

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.

2. Appropriation of Housing, Employment, and Linkages Project (HELP) – \$20,000

Mr. Doug Powell, Community Services Manager, stated that during the FY 2009 budget process, \$20,000 was reserved to assist with homelessness in the region. He stated that over an 18-month period, the organization hopes to collect funds from a variety of sources and that the current budget is \$250,000, but the purpose of the project is to help as many individuals as possible. Staff recommended adoption of the resolution. He noted that there would still be \$5,000 left to be used at a later date.

Mr. McGlennon thanked Mr. Powell for helping address a growing problem in the area.

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

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).

3. Agreement between the Virginia Peninsula Localities on Homelessness

Mr. Doug Powell, Community Services Manager, stated that the County has been participating on the Virginia Peninsula Mayors and Chairs task force on homelessness since its inception, that there were two actions that were recommended, including formalizing the commission on homelessness as a legal entity through the draft agreement found in the reading file, which would allow the body to enter into an agreement

with another entity to provide services for the homeless, and that the other action would be to appropriate the funding to the commission in order to contract with the planning council.

Staff recommended approval of the resolution.

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

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.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, wished the Board a happy holiday and asked that everyone keep the troops in mind.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that County offices would be closed for the Thanksgiving holiday on November 27 and 28, 2008, and offices would reopen on Monday, December 1, 2008, at 8 a.m. He stated that a meeting of the James City Service Authority Board of Directors needed to be held prior to the Board's Closed Session and when the Board completed its business, it should adjourn to 7 p.m. on December 9, 2008.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that earlier the Board recommended Mr. William T. Watkins, III to the Board of Zoning Appeals.

Mr. Goodson noted that it has been recommended to remove the fourth high school from planning documents and that the extra space at Warhill High School was intended for future programming.

Mr. McGlennon noted that he would recommend to his colleagues theses on the history of piracy. He stated that the cost savings for construction of the schools is quite significant.

Ms. Jones gave an update on the Comprehensive Plan Steering Committee and stated that discussions would continue on Economic Development and Environment issues. She stated that the next meeting was scheduled for Monday, December 1, 2008, at 4 p.m. and asked that she be contacted with any input.

At 7:32 p.m. Mr. Goodson recessed the Board for a meeting of the James City Service Authority Board of Directors.

At 7: 38 p.m. Mr. Goodson reconvened the Board.

L. CLOSED SESSION

Mr. Kennedy made a motion to go into Closed Session for the consideration of the acquisition of parcel(s) 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 7:39 p.m. Mr. Goodson recessed the Board into Closed Session.

At 8:13 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)(1) of the Code of Virginia, to consider the acquisition of parcel(s) of

public property.

M. ADJOURNMENT to 7 p.m. on December 9, 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 8:14 p.m. Mr. Goodson adjourned the Board to 7 p.m. on December 9, 2008.

Sanford B. Wanner
Clerk to the Board

112508bos_min

MEMORANDUM

DATE: December 9, 2008


TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief


SUBJECT: Grant Award – Virginia Department of Emergency Management – \$24,000 – Citizens Corps Program

The James City County Fire Department's Division of Emergency Management has been awarded a Citizens Corps Program grant in the amount of \$24,000 from the Virginia Department of Emergency Management. The funds are to be used in the delivery of preparedness education and training to County citizens by members of the James City County Citizens Corps Program. The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
CitCorpGA_mem

Attachment

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT – \$24,000 –

CITIZENS CORPS PROGRAM

WHEREAS, the James City County Fire Department's Division of Emergency Management has been awarded a Citizens Corps Program grant in the amount of \$24,000 from the Virginia Department of Emergency Management; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used in the delivery of preparedness education and training to County citizens by members of the James City County Citizens Corps Program.

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:

Citizens Corps FY 09	<u>\$24,000</u>
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Expenditure:

Citizens Corps FY 09	<u>\$24,000</u>
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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 9th day of December, 2008.

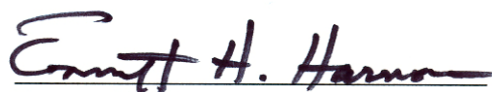
CitCorpGA_res

MEMORANDUM

DATE: December 9, 2008
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Police Chief
SUBJECT: Grant Award – Target – \$900 – Police Department

The James City County Police Department has been awarded a grant award for \$900 from Target. The funds are to be used for the purchase of *Your Friend the Police Officer* activity books and accompanying youth educational materials. The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/nb
TargetGA_mem

Attachment

RESOLUTION

GRANT AWARD – TARGET – \$900 – POLICE DEPARTMENT

WHEREAS, the James City County Police Department has been awarded a grant in the amount of \$900 from Target; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used for the purchase of *Your Friend the Police Officer* activity books and accompanying youth educational materials.

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:

Target – Police Community Services Unit (CSU)	<u>\$900</u>
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Expenditure:

Target – Police CSU	<u>\$900</u>
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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 9th day of December, 2008.

TargetGA_res

MEMORANDUM

DATE: December 9, 2008

TO: The Board of Supervisors

FROM: Robert J. Deeds, Sheriff

SUBJECT: Department of Criminal Justice Services Grant Award - \$50,340 - Terrorism Prevention Program

Williamsburg/James City County Sheriff's Office has been awarded a Law Enforcement Terrorism Prevention Program grant by the Virginia Department of Criminal Justice Services for \$50,340. The grant funds will be used to purchase and install six Mobile Computer Terminals (MCTs) in the Sheriff's Office vehicles, which will allow interaction with the County's existing Computer Aided Dispatch system.

Staff recommends adoption of the attached resolution.


Robert J. Deeds

CONCUR:


Sanford B. Wanner

RJD/gb
JustAward_mem

Attachment

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$50,340 -

TERRORISM PREVENTION PROGRAM

WHEREAS, Williamsburg/James City County Sheriff's Office has been awarded a Law Enforcement Terrorism Prevention Program grant by the Virginia Department of Criminal Justice Services for \$50,340; and

WHEREAS, grant funds will be used to purchase and install six Mobile Computer Terminals (MCTs) in the Sheriff's Office vehicles, which will allow interaction with the County's existing Computer Aided Dispatch system; and

WHEREAS, the grant requires no matching funds.

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:

LETPP – MCTs	<u>\$50,340</u>
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Expenditure:

LETPP – MCTs	<u>\$50,340</u>
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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 9th day of December, 2008.

JustAward_res

MEMORANDUM

DATE: December 9, 2008

TO: The Board of Supervisors

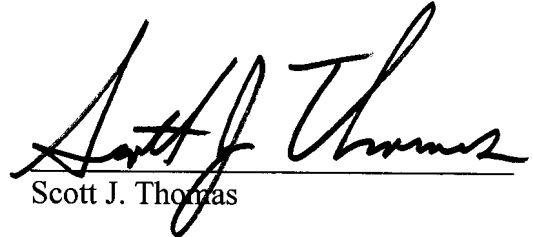
FROM: Scott J. Thomas, Environmental Director

SUBJECT: Erosion and Sediment Control Ordinance Violation - Civil Charge - Busch Properties, Inc.

Attached is a resolution for Board consideration involving a violation of the County's Erosion and Sediment Control Ordinance. The case involves the disturbance of land in excess of 2,500 square feet and filling and grading on a site without securing an approved plan and land disturbing permit.

In accordance with provisions of the Ordinance, the County issued a Notice of Violation. Busch Properties, Inc. stopped the land disturbing activity and has abated the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Busch Properties Inc. agreed to a civil charge of \$2,000 - the maximum amount allowed by ordinance. Staff believes that a civil charge of \$2,000 is equitable given the nature of the land disturbing activity and cooperation exhibited by Busch Properties, Inc. to resolve the violation.

Staff recommends adoption of the attached resolution accepting a civil charge for the erosion and sediment control violation.



Scott J. Thomas

SJT/gb
BuschVio_mem

Attachments

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION – CIVIL CHARGE –

BUSCH PROPERTIES, INC.

WHEREAS, on November 4, 2008, Busch Properties, Inc. violated the County's Erosion and Sediment Control Ordinance by disturbing, filling, and grading land without an approved plan and land disturbing permit at 300 Frances Thacker in the Kingsmill subdivision, identified by Property Identification Nos. 5030100001 and 5040100001 within the James City County Real Estate system and herein referred to as the "Property"; and

WHEREAS, Busch Properties, Inc. has abated the violation at the Property; and

WHEREAS, Busch Properties, Inc. 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 Busch Properties, Inc. as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

Bruce C. Goodson
Chairman, Board of Supervisors

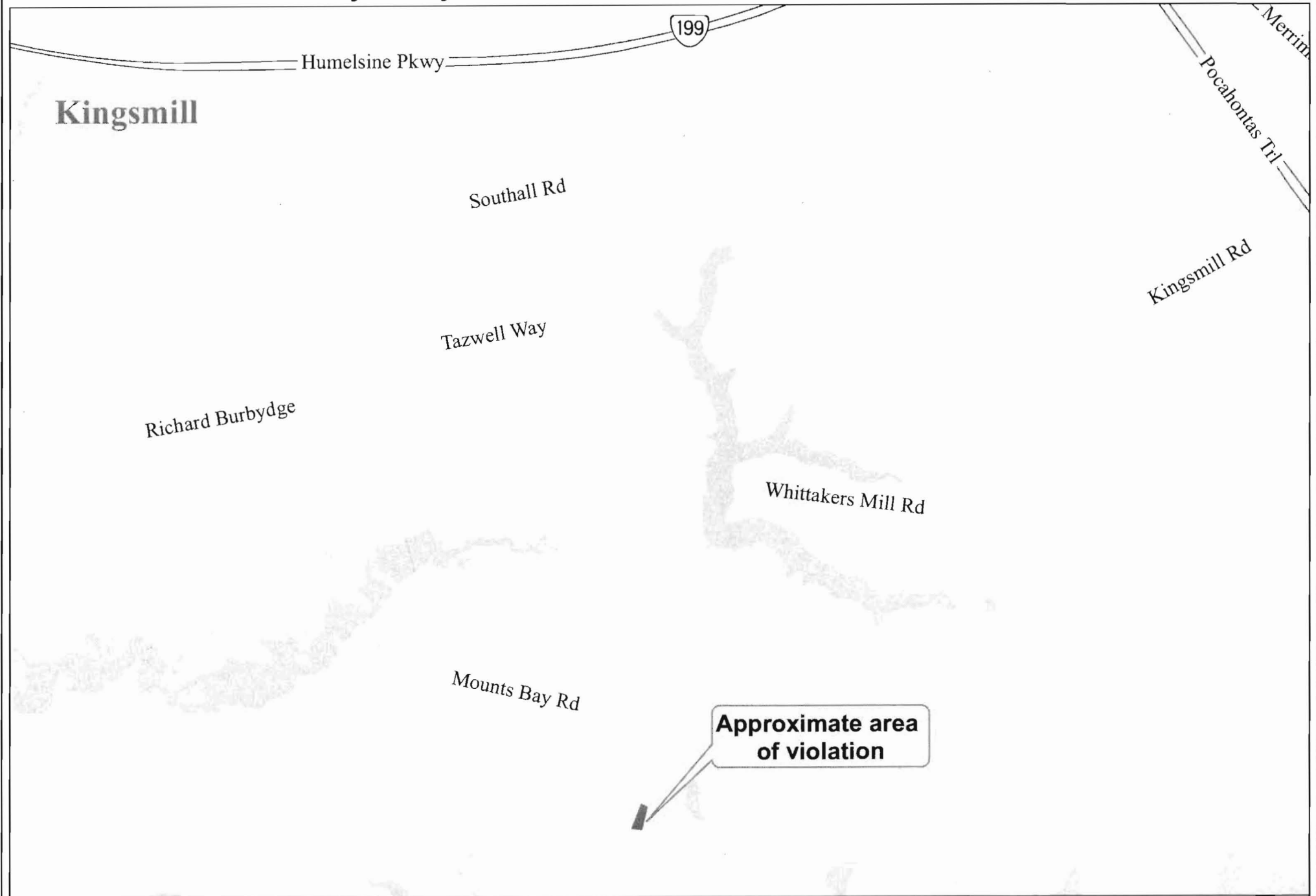
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2008.

BuschVio_res

James City County - Real Estate Assessment Division - Mapping/GIS Section



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

1 inch = 1,000 feet
0 0.125 0.25 Miles



James City County - Real Estate Assessment Division - Mapping/GIS Section



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

1 inch = 200 feet

0 0.025 0.05 Miles



MEMORANDUM

DATE: December 9, 2008

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Property Sales – 4001 Mount Laurel Road, 106 Joanne Court, and 151 Louise Lane

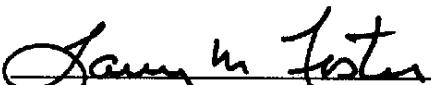
In the mid-1980s the James City Service Authority (JCSA) purchased several parcels as a property reserve for what was intended to be the Ware Creek Reservoir basin. Although the JCSA paid for these properties, the parcels were deeded to James City County.

As the Board is aware, the Ware Creek Reservoir was abandoned by the County in the early 1990s after an extended legal battle with the United States Environmental Protection Agency who vetoed the project. There is no hope of reviving the Ware Creek Reservoir project. Therefore, the properties are surplus.

The three properties listed below remain and are likely properties that would accommodate work force housing. A map showing the location and assessed value of the parcels is attached. The three properties are as follows:

4001 Mount Laurel Road
106 Joanne Court
151 Louise Lane

This meeting has been advertised as a public hearing for the sale of the parcels. After receiving public comment, it is recommended that the Board approve the attached resolution authorizing the sale for no less than 90 percent of the assessed value of the property and that the proceeds be returned to the JCSA.


Larry M. Foster

LMF/nb
PropSale_mem

Attachments

RESOLUTION

PROPERTY SALES – 4001 MOUNT LAUREL ROAD, 106 JOANNE COURT, AND

151 LOUISE LANE

WHEREAS, the three parcels of property that are listed below were purchased by the James City Service Authority (JCSA) for the Ware Creek Reservoir project and deeded to James City County, and have been determined to be surplus; and

WHEREAS, a public hearing has been conducted by the Board to receive public comment on the sale of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the sale of the properties listed below for no less than 90 percent of the assessed value, and agrees that the proceeds of the property sale will be returned to the JCSA. The three properties are as follows:

4001 Mount Laurel Road
106 Joanne Court
151 Louise Lane

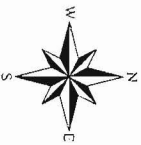
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

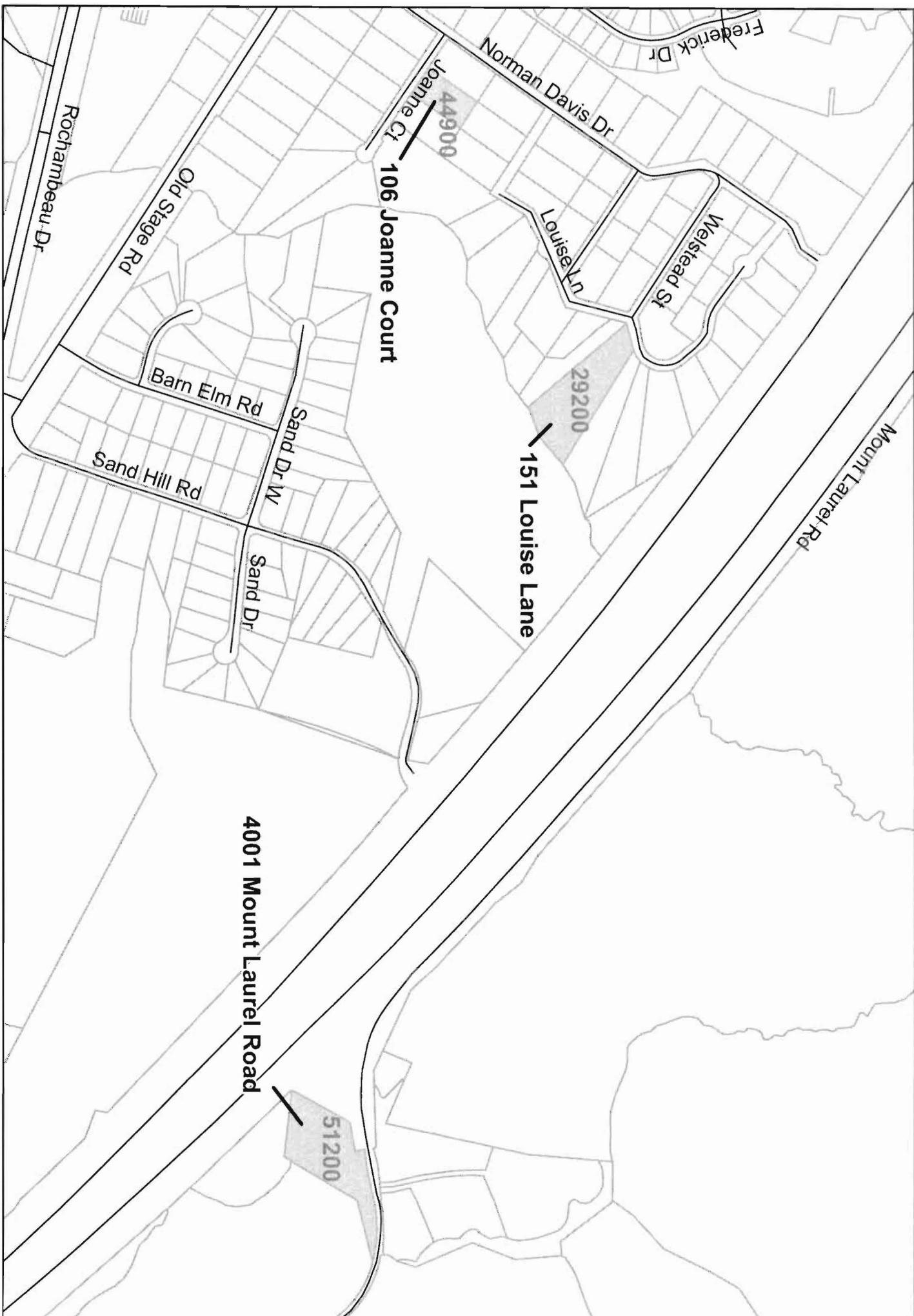
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2008.

PropSale_res



Assessed Values

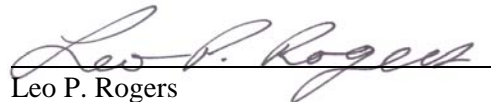


MEMORANDUM

DATE: December 9, 2008
TO: The Board of Supervisors
FROM: Leo P. Rogers, County Attorney
SUBJECT: 2009 Legislative Program

Attached for your consideration is a resolution approving James City County's 2009 Legislative Program. Also attached is the 2009 Legislative Program. A draft Program was presented to the Board at its Work Session on November 25, 2008, with members of the County legislative delegation in attendance. I made revisions to the Legislative Program to conform to the wishes of the Board.

I recommend adoption of the attached resolution.


Leo P. Rogers

LPR/gb
09LegProg_mem

Attachments

RESOLUTION

2009 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2009 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2009 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2009 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

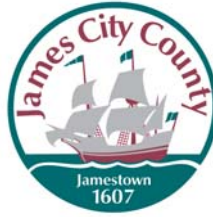
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of December, 2008.

09LegProg_res



JAMES CITY COUNTY 2009 LEGISLATIVE PROGRAM

Part I. Legislation to be Introduced on Behalf of the County

1-1. LOCAL CIGARETTE TAX

Amend Virginia Code § 58.1-3831 to authorize counties to levy a tax upon the sale or use of cigarettes to the same extent permitted by cities and towns.

1-2. AMEND VA. CODE SECTION 15.2-5139 REQUIREMENT FOR WATER AND SEWER LIENS TO ACCOUNT FOR QUARTERLY BILLING CYCLES

Change the requirement that water and sewer liens may be filed for “three or fewer delinquent billing periods not exceeding thirty days each” to “three or fewer months.” This will accommodate water and sewer authorities that bill their customers on a quarterly basis.

1-3. AMEND VA. CODE SECTION 51.1-603 TO ALLOW AUTOMATIC ENROLLMENT OF LOCAL GOVERNMENT EMPLOYEES IN A DEFERRED COMPENSATION PLAN

Similar to the authority in Virginia Code Section 51.1-601.1 which allows for automatic enrollment of State employees in a deferred compensation plan unless the employee decides to opt out, Virginia Code Section 51.1-603 should be amended to authorize a locality or political subdivision to provide for automatic enrollment in a deferred compensation plan unless its employee decides to opt out.

1-4. AMEND VA. CODE SECTION 18.2-271.1(B) TO INCREASE THE MAXIMUM FEE CHARGED TO PERSONS ENTERING VASAP FROM \$300 TO \$360

The supervision fee of no less than \$250 or more than \$300 which is imposed by courts for participants in VASAP hasn't been increased since 1985. Local VASAPs rely on this fee to provide services. The maximum supervision fee that a court can charge should be increased to \$360. In addition, this fee should be increased each biennium beginning in 2012 by a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set or adjusted.

**JAMES CITY COUNTY
2009 LEGISLATIVE PROGRAM**



Part II. Position/Legislation to be supported by the County

2-1. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation (“VTC”) to promote tourism in Virginia generally, and the Historic Triangle in particular.

2-2. AUTHORITY TO IMPOSE IMPACT FEES

Amend Title 15.2, Chapter 22, to authorize localities to impose impact fees in order to fairly fund public infrastructure costs caused by new residential development.

2-3. RESTORING VDOT’S REVENUE SHARING PROGRAM

James City County supports restoring VDOT’s Revenue Sharing program to the structure which existed prior to the 2006 General Assembly session with robust funding, elimination of the statutory cap, and matching up to \$1 million per locality without any restriction on local in-kind and monetary matches.

2-4. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-5. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions.

2-6. CONTINUE SERVICE LEVELS AT EASTERN STATE HOSPITAL (“ESH”)

James City County urges the General Assembly to delay the downsizing of ESH by retaining existing buildings and staff until State Department of Mental Health, Mental Retardation and Substance Abuse Services has a plan in place, including funding, for alternative community services for the patients that are currently at ESH in State custody.

2-7. AMEND THE CERTIFICATE OF PUBLIC NEED (“COPN”) CRITERIA FOR MEDICAL CARE FACILITIES TO FOCUS ON COMMUNITY AND HEALTH CARE NEEDS

James City County supports amending the current criteria for medical care facilities in obtaining a Certificate of Public Need. The criteria for a COPN should be based on citizen accessibility to medical care, community support, impacts on service costs, benefits and detriments of increased competition, the promotion of cost effective health care and the ability to provide health care service to indigent people.

2-8. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports maintaining the gains made in recent years for pre-K and K-12 funding. In addition, the County supports restoring the cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-9. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that State and localities maintain their proportionate share of funding.

2-10. FOIA EXCLUSION FOR IDENTITY OF BUILDING CODE AND ENVIRONMENTAL COMPLAINANTS

James City County supports expanding the FOIA exclusion provided in Virginia Code Section 2.2-3705.3(10) to include complainants who report violations of the building code and environmental laws.

2-11. RESTRICTION ON IMPOSING REAL ESTATE TAXES

James City County opposes any legislation restricting local taxing authority to establish real estate tax rates or place artificial limits on the assessment of real property at its fair market value.

2-12. OPPOSE PUBLICLY FINANCED MARKING OF PRIVATE UTILITY LINES

James City County opposes requiring public water and sewer providers to mark privately owned and maintained water, sewer and storm water lines on private property.

2-13. THE DILLON RULE

James City County supports legislation consistent with that which exists in the majority of states, to provide counties, cities and towns greater local autonomy over matters within the purview of local governments.

2-14. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE AND THE VIRGINIA ASSOCIATION OF COUNTIES

James City County supports the legislative programs of the Virginia Municipal League and the Virginia Association of Counties.