

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 14, 2009

7:00 P.M.

-
- A. ROLL CALL**
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE** - RayVon Williams, a rising sixth-grade student at James Blair Middle School
- D. PRESENTATION** - Davenport and Company - Police Building Financing 1
- E. PUBLIC COMMENT**
- F. CONSENT CALENDAR**
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- H. PUBLIC COMMENT**
- I. REPORTS OF THE COUNTY ADMINISTRATOR**
- J. BOARD REQUESTS AND DIRECTIVES**
- K. ADJOURNMENT to 4 p.m. on July 28, 2009**

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Davenport
& Company LLC
Est. 1863 - Member NYSE - FINRA - SIPC

One James Center
901 East Cary Street
11th Floor
Richmond, Virginia 23219

Proposed Plan of Finance

**James City County,
Virginia**

July 14, 2009

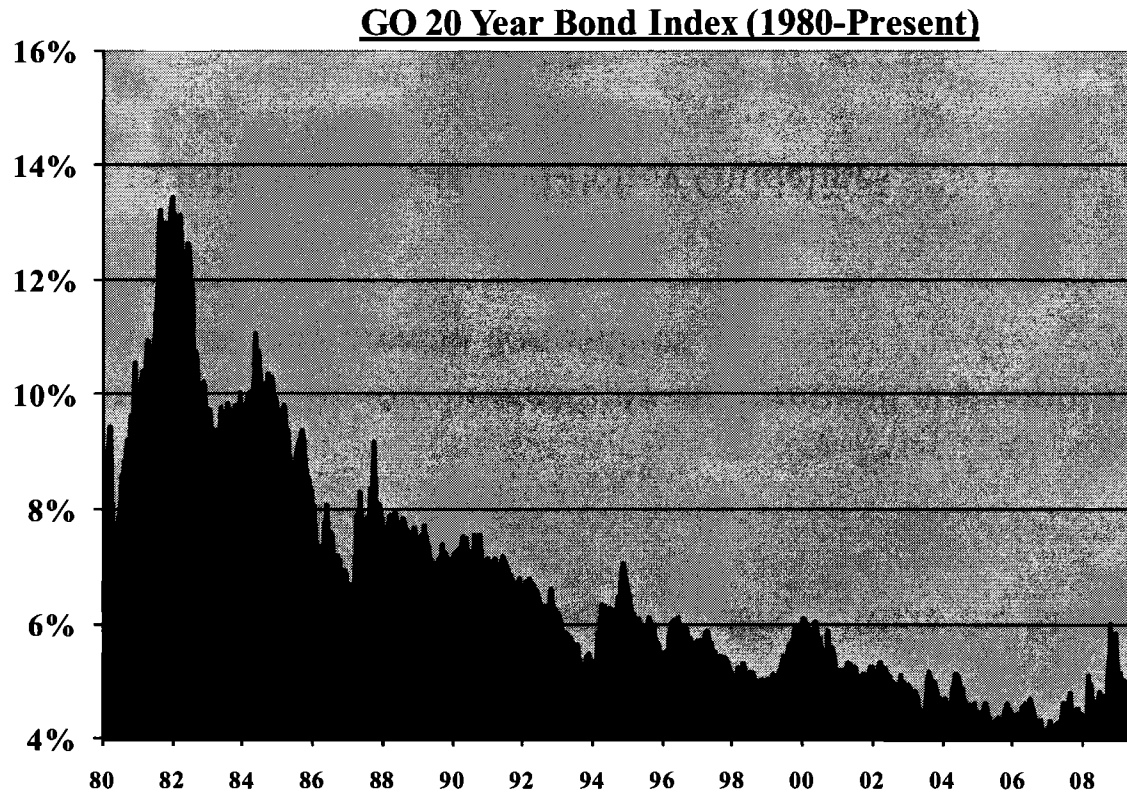
Overview

- James City County (the “County”) has asked Davenport & Company LLC (“Davenport) to outline the option(s) available concerning a proposed \$15 million Public Safety Project to be funded in the 2010 Fiscal Year.
- In addition, Davenport has been asked to review the County’s overall Debt Portfolio for potential refunding opportunities in today’s market environment.
- While credit spreads have widened interest rates have remained favorable (i.e. within 50 basis points of 25 year historic lows) however there is a belief that inflation will drive rates higher in the future.
- County Staff and Davenport have developed a Plan of Finance and Timetable for funding the Public Safety Project to be discussed herein.

Goals and Objectives

- Maintain/Enhance the County's existing Aa2/AA+/AA+ bond ratings.
- Borrow funds on the most cost effective basis. Utilize the Stimulus Act to its fullest extent possible.
- Take advantage of the low interest rate environment and capture any refinancing opportunities as they present themselves.
- Continue to follow key Financial Policy Guidelines.

Historic Interest Rate Environment



Historic Interest Rate Credit Spread A vs. AAA MMD (basis points)

<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
20	20	20	20	45	125

Plan of Finance – Stimulus Act

- The **American Reinvestment and Recovery Act of 2009** (the “Stimulus Act”) provides a 2 year window of opportunity for increased Bank Qualification. This is for calendar years 2009 and 2010 wherein the Bank Qualification limit increases from \$10 million to \$30 million. Following 2010, it is scheduled to return to \$10 million unless further legislation is adopted.
- **Build America Bonds** is a new bonding program that has the potential to reduce the all-in cost of issuance to a locality. Davenport’s Plan of Finance contemplates a financing structure that will be flexible enough so that if the program can provide lower all-in borrowing costs, the County can easily access this option.

Plan of Finance

- Borrow \$15 million of new money needs in early September 2009 as a “Bank Qualified” bond issuance (the “Bonds”).
- Structure the issuance to comply with the County’s Fiscal Policy Guidelines.
- Issue the Bonds via a public sale process versus a private placement.
- Will require an update of the County’s bond (i.e. credit) ratings.
- Due to the economic conditions a private placement bond issuance is less attractive than a public sale.
- Davenport, in our capacity as Financial Advisor to the County, will continue to evaluate/monitor the marketplace to determine cost/benefit of employing aspects of the Stimulus Act (i.e. Build America Bonds) into the public sale process.

Proposed Capital Improvement Bond Issuances FY2011-13

FY 2011	\$7,000,000	Community Gym and Jamestown HS Multi-Use
	7,000,000	Greenspace/PDR Program
	<u>4,800,000</u>	School HVAC Projects
	\$18,800,000	

FY 2012	\$7,000,000	Fire Station #4, Building C and Mid County Park
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FY 2013	<u>\$7,000,000</u>	Greenspace/PDR Program
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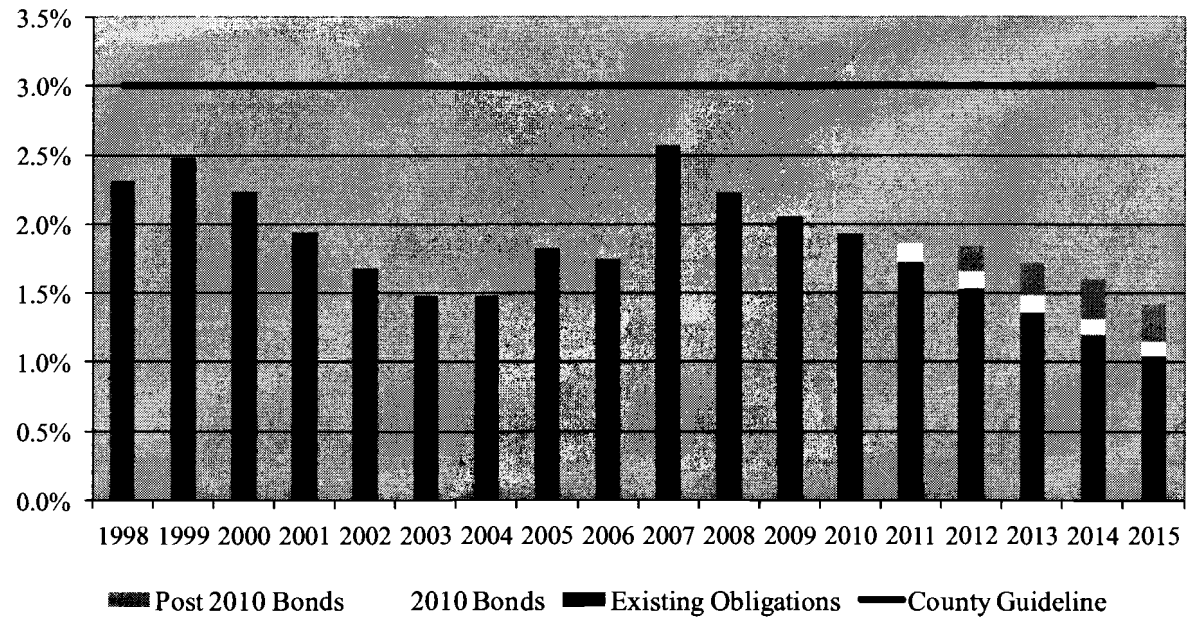
Total	<u><u>\$32,800,000</u></u>	
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Assumptions:

- Issuance at the beginning of each Fiscal Year.
- 20 Year Level Debt Service at 6%.
- Principal repayment structured so that the County is in compliance with Fiscal Policy Guidelines by 2012.

Fiscal Policy Guidelines – Debt to Assessed Value

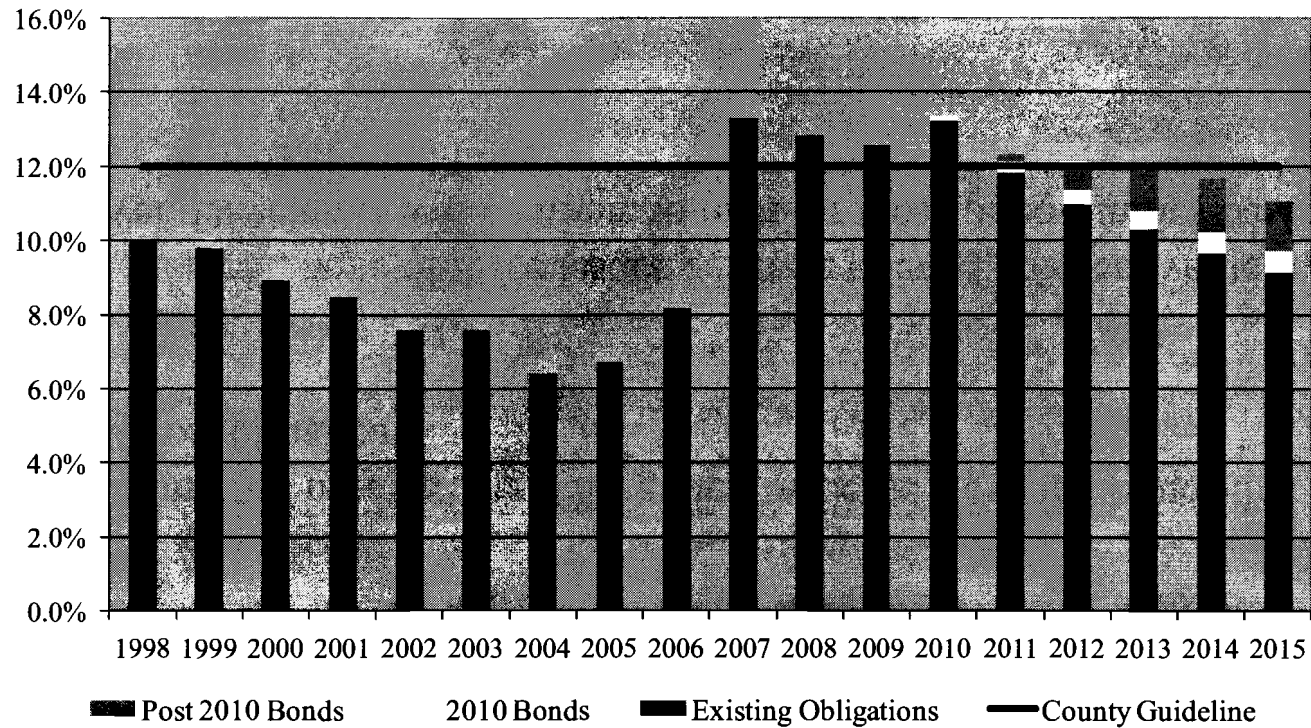
Debt vs. Assessed Value of Real Property



Assessed Value growth assumed to be 3% in FY 11 and 4% thereafter.

Fiscal Policy Guidelines – Debt Service to Revenues

Debt Service vs. Revenues



Revenue growth assumed to be 2% in FY11 and 4% thereafter.

Summary of Potential Refunding Opportunity

- Davenport is currently monitoring the County's debt portfolio for potential refunding opportunities on a weekly basis.
- The County has nine General Obligation or Lease Revenue Issues that are eligible for refinancing.
- At the moment, none of these issues generate over 3% present value savings. However, Davenport will continue to monitor these opportunities based on changes in market conditions.
- A more detailed presentation of the outstanding debt can be found in the Appendix.

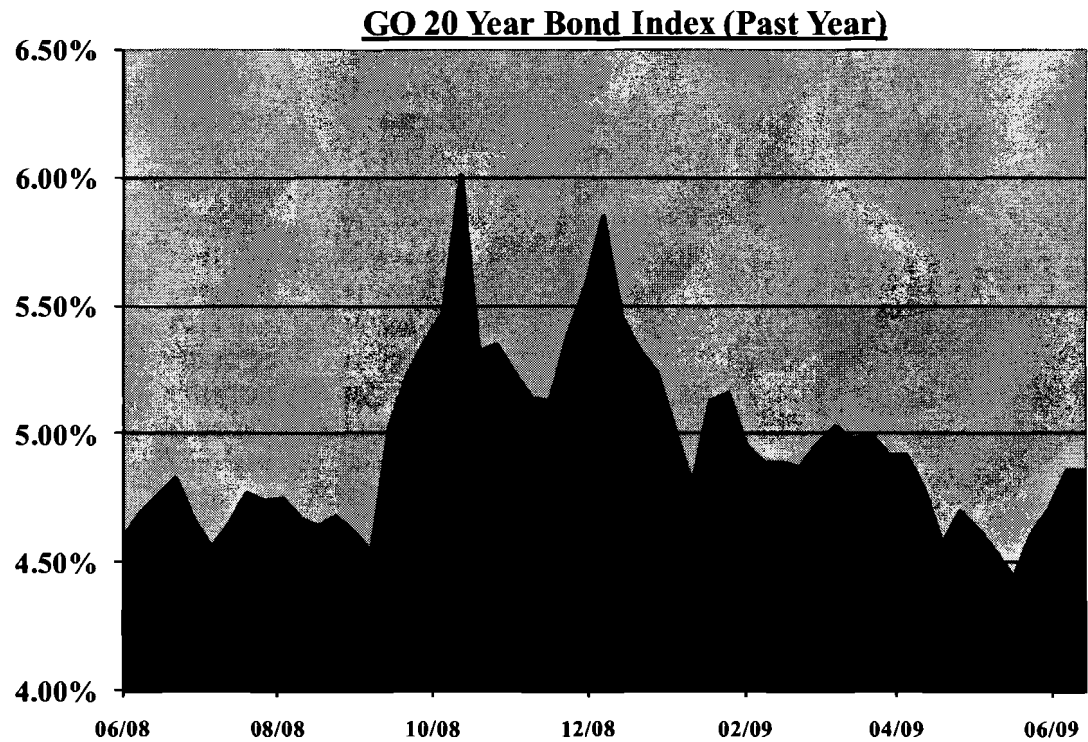
Timetable

- Tuesday, July 14
 - **Regular Board of Supervisors meeting:**
 - Davenport presents Plan of Finance to the Board for review and commentary.
- Balance of July
 - Davenport amends Plan of Finance as necessary.
- July / August
 - Davenport/County Staff develop a comprehensive Credit Package to be discussed at meetings in mid-August with the Rating Agencies.
- Tuesday, August 11
 - **Regular Board of Supervisors meeting:**
 - Approval of the Bond Documents.
- Late week of August 10
 - Rating Agency Meetings.
- Post BoS exact date to be determined
 - EDA Meeting for Approval of Bond Documents.
- Week of Sept. 1
 - Bond Sale.
- Week of Sept. 14
 - **Close on 2009 Financing; Funds immediately available.**



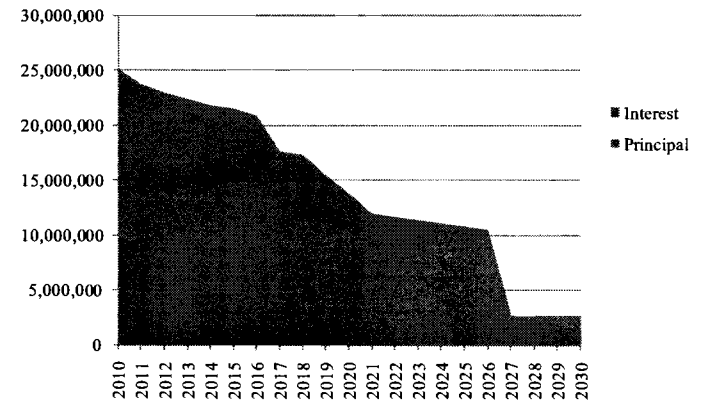
Appendix

Historic Interest Rate Environment



Existing Tax-Supported Debt Service

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Payout Ratio</u>
2010	15,107,027	9,962,714	25,069,741	7%
2011	14,408,162	9,290,076	23,698,238	14%
2012	14,280,417	8,665,794	22,946,211	20%
2013	14,355,867	8,017,919	22,373,786	27%
2014	14,461,300	7,339,530	21,800,830	34%
2015	14,852,400	6,649,090	21,501,490	41%
2016	14,910,400	5,961,878	20,872,278	48%
2017	12,311,000	5,306,742	17,617,742	53%
2018	12,643,000	4,676,226	17,319,226	59%
2019	11,378,000	4,083,124	15,461,124	65%
2020	10,280,000	3,518,497	13,798,497	69%
2021	8,905,000	3,060,094	11,965,094	74%
2022	9,020,000	2,641,994	11,661,994	78%
2023	9,165,000	2,208,516	11,373,516	82%
2024	9,320,000	1,765,671	11,085,671	86%
2025	9,480,000	1,308,328	10,788,328	91%
2026	9,650,000	842,450	10,492,450	95%
2027	2,295,000	404,063	2,699,063	96%
2028	2,410,000	286,438	2,696,438	98%
2029	2,530,000	170,844	2,700,844	99%
2030	<u>2,640,000</u>	<u>57,750</u>	<u>2,697,750</u>	100%
Total	\$214,402,573	\$86,217,736	\$300,620,309	



Existing and Proposed Tax-Supported Debt

• Upon issuance of the FY2013 Bonds, the new 10-Year Payout Ratio is 64%

FY	Existing Debt Service	FY 2010 Bond Issue			Net Debt Service	FY 2011 Issue Net Debt Service	FY 2012 Issue Net Debt Service	FY 2013 Issue Net Debt Service	Total New and Existing Debt Service
		Principal	Interest	DSRF and Earnings					
2010	\$25,069,741	\$0	\$202,073	(\$7,588)	\$194,485	\$0	\$0	\$0	\$25,264,226
2011	23,698,238	0	692,822	(26,015)	666,806	356,334	0	0	24,721,379
2012	22,946,211	100,000	692,822	(26,015)	766,806	1,221,718	135,125	0	25,069,860
2013	22,373,786	400,000	690,632	(26,015)	1,064,616	1,841,718	463,284	134,812	25,878,217
2014	21,800,830	620,000	680,112	(26,015)	1,274,096	1,844,518	698,284	677,214	26,294,943
2015	21,501,490	635,000	661,202	(26,015)	1,270,186	1,844,918	699,184	679,314	25,995,092
2016	20,872,278	660,000	640,120	(26,015)	1,274,104	1,842,918	699,184	675,514	25,363,999
2017	17,617,742	680,000	616,492	(26,015)	1,270,476	1,843,518	698,284	676,114	22,106,135
2018	17,319,226	710,000	590,380	(26,015)	1,274,364	1,846,418	701,484	675,814	21,817,306
2019	15,461,124	735,000	561,696	(26,015)	1,270,680	1,841,318	698,484	679,614	19,951,220
2020	13,798,497	770,000	530,752	(26,015)	1,274,737	1,843,518	699,584	677,214	18,293,550
2021	11,965,094	800,000	496,949	(26,015)	1,270,934	1,842,418	699,484	678,914	16,456,844
2022	11,661,994	835,000	460,789	(26,015)	1,269,774	1,843,018	698,184	679,414	16,152,384
2023	11,373,516	875,000	422,045	(26,015)	1,271,030	1,845,018	700,684	678,714	15,868,962
2024	11,085,671	915,000	380,570	(26,015)	1,269,555	1,843,118	696,684	676,814	15,571,842
2025	10,788,328	960,000	336,376	(26,015)	1,270,360	1,842,318	696,484	678,714	15,276,204
2026	10,492,450	1,010,000	289,240	(26,015)	1,273,224	1,842,318	699,784	679,114	14,986,890
2027	2,699,063	1,060,000	238,841	(26,015)	1,272,825	1,842,818	696,284	678,014	7,189,004
2028	2,696,438	1,115,000	184,993	(26,015)	1,273,977	1,843,518	701,284	680,414	7,195,631
2029	2,700,844	1,170,000	127,347	(26,015)	1,271,332	1,844,118	699,184	676,014	7,191,492
2030	2,697,750	1,230,000	65,805	(1,326,767)	0	1,844,318	700,284	680,114	5,922,466
2031	0	0	0	0	0	0	699,284	677,114	1,376,398
2032	0	0	0	0	0	0	0	677,314	677,314
Total	\$300,620,309	\$15,280,000	\$9,562,051	-\$1,828,641	\$23,044,373	\$34,759,876	\$13,180,521	\$13,016,278	\$384,621,357

Summary of Potential Refunding Opportunity

Issue	Year of Issue	Type	Purpose	Original	Issued	6.30.09 Outstanding	Final Maturity	Rate(s)	Call Date	Able to Refund?
Opns Center/Baker	1991	GO	Schools			290,000	12/15/2010	na	na	Only through VPSA
Lit Fund	1992	GO	Schools	2,350,959		487,277	7/15/2012	na	na	Only through VPSA
VPSA Refunding	1994	GO	Schools			1,575,000	12/15/2011	na	na	Only through VPSA
VPSA Schools	1997	GO	Schools	18,800,000	5/1/1997	11,025,000	1/15/2018	na	na	Only through VPSA
VPSA Schools	1999A	GO	Schools	19,220,000	5/13/1999	12,695,000	7/15/2019	na	na	Only through VPSA
VPSA Schools	1999B	GO	Schools	1,250,000	8/17/1999	665,000	7/15/2019	na	na	Only through VPSA
GO Refunding	2002A	GO	General Govt	4,280,000	6/26/2003	2,953,000	12/15/2014	3.59%	12/15/2008	Yes
GO Refunding	2002B	GO	General Govt	3,180,200		3,054,900	12/15/2015	3.75%	12/15/2008	Yes
GO Refunding	2003	GO	Schools	21,510,000		13,985,000	12/15/2014	2.25-5.00%	12/15/2013	Ad Ref - Not able until Call Date
High School	2005	GO	Schools	39,820,000	6/8/2005	36,265,000	12/15/2029	3.50-5.00%	12/15/2015	Yes
Lease Revenue	2006	Lease	Schools	95,775,000	12/28/2006	81,405,000	6/15/2026	5.00%	6/15/2018	Yes
Radio System	2003	GO	General Govt	14,500,000	11/7/2003	10,740,000	3/1/2019	4.77%	12/15/2013	Yes
TNCC/Stadium	2005	Lease	General Govt	22,570,000	8/24/2005	20,190,000	7/15/2025	3.25-5.00%	7/15/2016	Yes
GO Bonds	2006	GO	General Govt	21,000,000	12/28/2006	17,850,000			6/15/2017	Yes
Capital Leases	2006	Lease	General Govt	922,454		430,533	12/31/2012	4.28%		Non-Callable

Total 213,610,710

Summary of James City Service Authority Outstanding Issues

Revenue Bonds	2003	Revenue	Utility	14,650,000	4/30/2003	9,905,000	1/15/2018	3.25-5.125%	1/15/2013	Yes
Revenue Bonds	2008	Revenue	Utility	27,120,000	4/28/2008	27,120,000	1/15/2040	3.50-5.00%	1/15/2018	Yes

Summary of Virginia Peninsula Regional Jail Authority Outstanding Issues

Revenue Bonds	2003	Revenue	Utility	21,655,000	6/18/2003	14,255,000	10/1/2018	3.00-5.00%	Non-Callable	Non-Callable
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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JUNE 2009, 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

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

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

C. BOARD DISCUSSIONS

1. Impervious Cover Update

Mr. Mike Woolson, Senior Watershed Planner, updated the Board on impervious cover in the Powhatan Creek and Yarmouth Creek Watersheds and the effects on water quality. He reviewed the Powhatan Creek Watershed Management Plan adopted by the Board, which addresses impervious cover of all sub-watersheds. He stated that both watersheds were classified by the Department of Environmental Quality (DEQ) as impaired. He noted that staff was requested to update the watershed management plan on July 22, 2008. He reviewed impervious cover data for Powhatan Creek and Yarmouth Creek sub-watersheds and noted how land use has contributed to the impervious cover levels.

Mr. Woolson concluded that the Powhatan Creek Watershed saw significant growth in impervious cover, while the Yarmouth Creek Watershed saw less growth in impervious cover. He stated that the Watershed Management Plans were developed to reduce the effects of impervious cover on water quality. He stated that progressive environmental measures have helped mitigate the effects of development in the watersheds. He stated that the Water Quality and Stream Monitoring program through the Stormwater Division have helped monitor any potential negative effects. He stated that at this time, it was too early to draw any conclusions from this data. He stated that the preservation of the watersheds were contingent on green building designs and environmental practices.

The Board and staff discussed DEQ stream monitoring techniques. Staff stated that only fecal coliform was being monitored due to the DEQ Total Maximum Daily Load. Staff stated that ten additional stations could be operated through a grant from the Department of Conservation and Recreation.

The Board and staff discussed future watershed management plans. Mr. Icenhour asked about the status of the Gordon Creek Watershed Management Plan. Mr. Woolson explained that a Request for Proposal has gone out to complete the evaluation of the Gordon Creek Watershed study. Staff noted that the study could take a year or more to complete.

Discussion was held about compensation to property owners for the loss of property affected by the watershed and the potential for a conservation easement program. The Board agreed that this was a good option to explore for affected property owners. Mr. Kennedy asked to evaluate the possibility of Primary Service Area (PSA) transfer or transfer of development rights to eliminate development potential in certain areas in the watersheds.

The Board and staff discussed maintenance of environmental designs, such as pervious pavement. Staff noted that whenever pervious pavement is proposed, maintenance is one of the primary concerns and noted that maintenance agreements were often completed through the proffers. Mr. Kennedy stated that whenever the County built facilities, pervious pavers should be used wherever possible.

Mr. Icenhour asked that the new impervious cover data be incorporated into the watershed plan as an addendum that could be updated.

2. Williamsburg Area Transit Authority

Mr. Doug Powell, Assistant County Administrator, introduced Mark Rickards, Executive Director of the Williamsburg Area Transit Authority (WATA), and Ms. Jodi Miller, WATA Chair and Assistant City Manager of the City of Williamsburg.

Mr. Rickards presented an overview of the newly formed WATA and the WATA Board of Directors. He reviewed the mission statement, strategies, and the Authority's action plan. He explained the operational divisions, including the Colonial Williamsburg (CW) bus system and the Williamsburg Area Transport bus system. He reviewed the WATA partners and the status of each partner service agreement, including Colonial Williamsburg and the College of William and Mary. He noted that the fare allowed for riders to use any of the lines and he hoped to have a similar agreement with Thomas Nelson Community College. Mr. Rickards reviewed the revenues and grant funding for WATA. He stated that WATA was a part of the Hampton Roads Transportation Planning Organization.

Mr. Rickards reviewed steadily growing ridership for WATA and CW for residents and visitors. He stated that the Americans with Disabilities Act (ADA) ridership was lower, but stable. He stated that WATA was looking at ways to mitigate some of the costs of the curb-to-curb ADA service. He commented on the implementation of Sunday bus service, and stated that the program was very successful. He noted that four extra buses were added to the hourly service, increasing service frequency. He stated this was paid for by a three-year Federal grant. Mr. Rickards discussed the trolley bus that would soon be incorporated to serve Merchants Square to New Town via High Street.

Mr. Rickards reviewed the KFH rider profile which drove many of the improvements made in the service and future services and stops to be implemented through State and Federal funding. He noted that a contractor was hired to ensure bus shelters and stops are cleaned and maintained effectively. He reviewed Federal funding and economic stimulus funding for capital projects and services. He highlighted State funding, though some funding was returned to the State in FY 09 due to State budget reductions. He stated that there was an actual increase in State funding in FY 10. He stated that declining fuel prices have helped WATA come in under budget for FY 09. He stated that locally, fares are \$1.50 and there was a possibility of offering monthly and weekly passes and limited advertising on the buses. He stated that the goal was keep local government contributions level.

Mr. Rickards noted the Stakeholder Board that meets periodically and moving the Authority to a Customer Service Center. He commented on a potential study to evaluate the contracting of maintenance and leasing of facilities. He stated that this type of Authority was a new undertaking and all the partners were important in the Authority's success. He noted the importance of expansion in the future to connect to other localities as well as bicycle and pedestrian routes.

Mr. Icenhour and Mr. Rickards discussed ridership on the bus line that goes across the Jamestown-Scotland Ferry. Mr. Rickards stated a smaller bus was being used and the ridership was seasonal. He stated that ridership was significant enough to keep up the service. He stated that new strategies needed to be developed for this service.

Mr. McGlennon and Mr. Rickards discussed the WATA partnerships and integration into the system. Mr. Rickards stated that the partnership has become more and more seamless. He noted that a map was being developed that would integrate all the routes and an interchangeable pass system. He said that the next step would likely be a full integration. Discussion was held about bus service between Richmond and the Williamsburg area.

Mr. Icenhour asked about the frequency of the trolley service through New Town. Mr. Rickards stated that two would be running per hour, providing half-hour service. He stated the service hours would be approximately 3 - 11 p.m., with earlier service on Sunday and later service on weekend evenings.

Mr. Powell stated that grants have been integral in initiating new services, but that local shares may soon be needed to continue or restructure services.

D. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session for the 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, specifically the Community Action Agency and the Regional Issues Committee and for the consideration of the acquisition of a parcel (s) of property for public use, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

At 5:13 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 5:44 p.m. Mr. Kennedy reconvened the Board.

Mr. Icenhour made a motion to adopt the Closed Session Resolution.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). 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) of the Code of Virginia, to consider the acquisition of parcel(s) of property for public use.

Ms. Jones made a motion to appoint Ms. Nancy Ellis to the Community Action Agency as the alternate to Mary Jones, replacing Crystal Harrison.

Ms. Jones made a motion to appoint Richard Krapf as the alternate to Mr. George Billups as the Planning Commission representative to the Regional Issues Committee.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

E. BREAK

At 5:46 p.m. the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JUNE 2009, 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

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

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

C. PLEDGE OF ALLEGIANCE – Sabrina Swift, a fifth-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

Mr. Kennedy recognized Planning Commissioner Reese Peck in attendance. He also recognized Boy Scout Troop No. 414 in attendance to complete requirements for a merit badge.

D. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on debris, carrion, and vehicle fluids that can be found near the Little Creek Reservoir risking environmental contamination.

2. Mr. Sasha Digges, 3612 Ironbound Road, commented on grass cuttings being dumped into storm drains, insufficient tree buffers, and debris and trash on highways.

3. Mr. Randy O’Neill, 109 Sheffield Road, commented on the use of his program for physical activity for students in Albemarle County, Hampton, and Newport News.

4. Mr. Ed Oyer, 139 Indian Circle, commented on the recent approval of Dee’s Day Care in Poplar Hall and on his efforts to maintain his community.

E. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, commented on the completion of a speed study on old News Road from News Road to Monticello Avenue. He stated that the review concluded that the speed should be reduced to 35 mph and that a new sign has been installed displaying the reduced speed.

The Board thanked Mr. Halacy for following up on their requests.

F. CONSENT CALENDAR

Mr. McGlennon asked to pull Item No. 2.

Mr. Kennedy asked to pull Item No. 9 for discussion.

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

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

- 1. Minutes – June 9, 2009, Regular Meeting
- 3. Grant Award – Department of Criminal Justice Services – \$53,475

RESOLUTION

GRANT AWARD – DEPARTMENT OF CRIMINAL JUSTICE SERVICES - \$53,475

WHEREAS, the James City County Police Department anticipates receipt of a grant award from the Virginia Department of Criminal Justice Services (DCJS) in September 2009 for \$43,720 (DCJS share \$32,790; County Match \$10,930); and

WHEREAS, the funds are to be used towards the salary and partial fringe benefits to continue the position of the full-time Gang Investigator; and

WHEREAS, the grant requires a local cash match of \$10,930, which is available in the County’s FY 2010 Grant Match account; and

WHEREAS, additional costs for this position estimated overtime and additional cost for fringe benefits, totaling \$9,755 and the funds are also available in the FY 2010 Grant Match account;

WHEREAS, the grant will be administered by DCJS with a grant period of July 1, 2009, through June 30, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the continuation of the full-time Gang Investigator position and the following budget appropriation to the FY 2010 Special Projects/Grants fund:

Revenues:

DCJS – Gang Investigator FY 2010	\$32,790
County’s Grant Match Account	<u>20,685</u>
Total	<u>\$53,475</u>

Expenditure:

DCJS – Gang Investigator FY 2010	<u>\$53,475</u>
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4. Grant Award – Edward Byrne Justice Assistance Grant – \$54,793

RESOLUTION

GRANT AWARD – EDWARD BYRNE JUSTICE ASSISTANCE GRANT – \$54,793

WHEREAS, through the American Recovery and Reinvestment Act of 2009 - Edward Byrne Justice Assistance Grant (JAG), the James City County Police Department has received an allocation of \$54,793; and

WHEREAS, the Department’s pending grant request to continue the GREAT (Gang Resistance Education and Training) program will not be awarded; and

WHEREAS, the Department remains vigilant in its efforts to fight gangs and educate citizens on the subject of gangs and so has chosen to use this JAG allocation toward the salary and fringe benefits of the GREAT Officer in order that this valuable program can continue; and

WHEREAS, additional funds necessary to pay the salary and fringe benefits for this position are \$5,036 and are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant, the continuation of the position, and the following budget appropriation to the FY 2010 Special Projects/Grants fund:

Revenues:

JAG – GREAT	\$54,793
County’s Grant Match Account	<u>5,036</u>
Total	<u>\$59,829</u>

Expenditure:

JAG – GREAT	<u>\$59,829</u>
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5. Destruction of Bond Records from 2000

RESOLUTION

DESTRUCTION OF BOND RECORDS FROM 2000

WHEREAS, the Code of Virginia § 58.1-3130 states that the Treasurer may, with the consent of the governing body, destroy the said Bond Records at any time after five years from the end of the fiscal year in which bond and bond coupons were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.); and

WHEREAS, the Bond Records hereby referred to are records from 2000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the Bond Records from 2000.

6. Authorization to Enter into Reciprocal Public Safety Mutual-Aid Agreements

RESOLUTION

AUTHORIZATION TO ENTER INTO RECIPROCAL PUBLIC SAFETY

MUTUAL-AID AGREEMENTS

WHEREAS, cooperation between Federal, State, and local governments will enhance preparedness and assist in handling law enforcement emergencies, disaster situations, and other public safety matters; and

WHEREAS, Virginia law authorizes local governments to enter into reciprocal agreements for mutual-aid and for cooperation in the furnishing of law enforcement services, fire and rescue services, and emergency medical services; and

WHEREAS, it is beneficial to James City County to participate in reciprocal mutual-aid agreements with Federal, State and local governments for managing or providing public safety services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute all reciprocal mutual-aid agreements with the governmental entities of the United States of America, the Commonwealth of Virginia, and Virginia localities provided that such agreements have been approved by the County Attorney; do not require any upfront financial contribution from the County; allow the County to withdraw as a party without penalty; and are deemed by the County Administrator to be in the best interest of James City County.

7. Termination of County-Funded Long-Term Disability Program and Related Revisions to Chapter 5, Employee Benefits of the *Personnel Policies and Procedures Manual*

RESOLUTION

TERMINATION OF THE COUNTY-FUNDED, LONG-TERM DISABILITY PROGRAM AND

CONTRACT AND RELATED REVISIONS TO CHAPTER 5, EMPLOYEE BENEFITS, OF THE

JAMES CITY COUNTY *PERSONNEL POLICIES AND PROCEDURES MANUAL*

WHEREAS, it is the practice of the County to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees; and

WHEREAS, employees covered by the County-funded Long-Term Disability program are also eligible for disability coverage under the Virginia Retirement System and the Social Security Disability Insurance program; and

WHEREAS, elimination of the County Long-Term Disability program would be a sound budgetary decision while still maintaining a focus on benefit programs that have a more meaningful impact on employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that that the County-funded Long-Term Disability program and contract are terminated, effective June 30, 2009, and Section 5.6.C.1.b of the *Personnel Policies and Procedures Manual* is deleted, effective July 1, 2009.

8. Revisions to the Family and Medical Leave Act Policy, Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual

RESOLUTION

REVISIONS TO THE FAMILY AND MEDICAL LEAVE ACT POLICY, CHAPTER 5,

EMPLOYEE BENEFITS, OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the practice of the County to update its personnel policies to ensure conformance to laws; and

WHEREAS, the Federal Government has revised the Family and Medical Leave Act of 1993 to clarify provisions of the Act and expand benefits for eligible employees with family members called to active duty in the military.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Section 5.4.D is deleted and a new Section 5.5 is adopted with associated Section numbering revisions in the *Personnel Policies and Procedures Manual*, effective July 1, 2009.

10. Contract Change Order – Design of Community Gymnasium

RESOLUTION

CONTACT CHANGE ORDER – DESIGN OF COMMUNITY GYMNASIUM

WHEREAS, James City County desires to modify the scope of the original contract for design of the Community Gymnasium Facility by adding additional features to the structure which were not part of original scope of work; and

WHEREAS, a previous contract was awarded to Hopke and Associates, Inc. in the amount of \$280,667; and

WHEREAS, staff has negotiated fees in the amount of \$83,226 for the additional work and believes these fees to be reasonable charges for the expanded effort; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this design contract change.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents to amend the design of the James City County Gymnasium Facility at the Warhill Sports Complex by adding \$83,226 to the contract amount.

11. Award of Bid – Warhill Phase I and II Sidewalk and Traffic Improvements – IFB 09-0071

RESOLUTION

AWARD OF BID – WARHILL PHASE I AND II SIDEWALK AND TRAFFIC IMPROVEMENTS,

IFB 09-0071 – \$245,000

WHEREAS, competitive bids were advertised for the Improvements and traffic-calming measures to be constructed on the Warhill Sports Complex; and

WHEREAS, bids were received with the low bidder being Shamrock Construction with a bid of \$245,000; and

WHEREAS, previously authorized Bond Referendum funds are available for this contract bid award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Phase I and Phase II Sidewalk and Traffic Improvements at Warhill District Park in the total amount of \$245,000.

2. Chesapeake Bay Preservation Ordinance Violations – Civil Charges – John W. Ballentine, Jr.

Mr. Scott Thomas, Environmental Director, stated that the civil charge was made against Mr. John W. Ballentine, Jr., for violation of the Chesapeake Bay Preservation Ordinance. He stated that Mr. Ballentine's attorney was present. Mr. Thomas displayed a map of the location of the violation, 212 Turner's Neck Road, Parcel zoned A-1, approximately 75 acres. He stated that property owner Dudley S. Waltrip leased the property to Mr. Ballentine, who disposed of trees, stumps, and other debris at the site for a commercial wood processing operation. Mr. Thomas illustrated the .25 acres that were affected by the material that was dumped on the site. He stated that no Resource Protection Area was involved, but there was a Resource Management Area with steep slopes that was affected. He stated that the unauthorized activities were in violation of the County's Chesapeake Bay Preservation Ordinance and the property owner and lessee have entered into a Chesapeake Bay restoration agreement with the County which consisted of a \$4,000 civil charge and a final restoration plan. He stated that there was already a preliminary plan and \$50,000 surety was also provided to ensure the agreement. Mr. Thomas stated that in order to achieve the civil charge amount, staff used a standardized matrix and explained how the case was determined to be \$4,000. He stated that the final restoration plan was due by June 26, 2009, with a final completion date of November 30, 2009. He stated that there was a previous documented history for Mr. Ballentine on a single-family residence, but none with this property or with the commercial business. He recommended approval of the resolution.

Mr. McGlennon stated that he hoped to highlight the significance of the action and to make the community aware and to ensure that this behavior was not acceptable. He stated that the matrix to determine the level of the civil charge was helpful in understanding how staff arrived at the civil charge amount. He stated that he wanted to emphasize how seriously this matter was considered.

Mr. Icenhour thanked Mr. Thomas for his presentation and stated that he hoped to exhibit that dumping was not acceptable.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATIONS - CIVIL CHARGES -

JOHN W. BALLENTINE, JR.

WHEREAS, Dudley S. Waltrip of 2868 Lake Powell Road, Williamsburg, is the owner of a certain parcel of land commonly known as 212 Turners Neck Road, Toano, VA, designated as Parcel No. 2130100005C, within James City County's Real Estate system, herein referred to as the ("Property"); and John W. Ballentine Jr., of 300 Turners Neck Road, Toano, VA, is the Lessee, of the Property; and

WHEREAS, on or about April 9, 2009, John W. Ballentine Jr., caused the removal of vegetation from within a Chesapeake Bay Preservation Area (CBPA) and caused the disposal of approximately 5,000 cubic yards of trees, stumps, lumber, and other materials in a ravine within the CBPA on the Property; and

WHEREAS, John W. Ballentine Jr., has executed a Chesapeake Bay Restoration Agreement with the County, agreeing to remove all of the material disposed of within the CBPA and to install native canopy trees, native understory trees, and native shrubs within the CBPA on the Property in order to remedy the violations under the County's Chesapeake Bay Preservation Ordinance and he has also posted sufficient surety to guaranteeing the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, John W. Ballentine Jr., has agreed to pay a total of \$4,000 to the County as civil charges under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charges in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Section 23-18 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 \$4,000 in civil charges from John W. Ballentine Jr., as full settlement of the Chesapeake Bay Preservation Ordinance Violations.

9. **Virginia Department of Transportation Enhancement Grant – Toano Sidewalk Improvements**

Mr. Jason Purse stated that VDOT has awarded a grant of approximately \$80,000 for construction of sidewalks in Toano. He stated that as a condition of the grant, VDOT requires a 20-percent match of approximately \$17,000. He stated that the Friends of Forge Road and Toano is continuing to seek donations to cover the match, but has not yet raised the funds. He stated that the grant was needed to complete the project.

Mr. Kennedy stated that he had met with the Friends of Forge Road and Toano and stated his support for the project. He asked about matching grants and the County’s obligation in the future. He asked if there were any similar future projects.

Mr. Purse stated that there were none at this time, but that there may be more in the future.

Mr. Kennedy stated that often people proffer for sidewalks and asked that staff investigate contributions to similar projects to offset the costs.

Mr. Purse stated that money cannot be accepted for sidewalks offsite. He stated that in this case, the sidewalks were in disrepair.

Mr. Kennedy made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION ENHANCEMENT GRANT –

TOANO SIDEWALK IMPROVEMENTS

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, the Virginia Department of Transportation (VDOT) has awarded James City County \$83,750 (VDOT share \$67,000; \$16,750 County Match) in Federal Surface Transportation Program (STP) Transportation Enhancement Grant funds; and

WHEREAS, the funds will be used for the replacement of a section of a sidewalk along Richmond Road (Route 60) in Toano; and

WHEREAS, estimated project costs total \$83,750, and the grant requires a 20 percent local match of \$16,750, which is available in the County’s Grants Match account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the following budget appropriation to the FY 2010 Special Projects/Grants Fund:

Revenues:

VDOT STP Transportation Enhancement Grant	\$67,000
County Grants Match Account	<u>16,750</u>
Total	<u>\$83,750</u>

Expenditure:

VDOT Sidewalk Enhancement Grant \$83,750

G. PUBLIC COMMENT – None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that when the Board completed its business, it should adjourn to 7 p.m. on July 14, 2009, and a brief meeting of the James City Service Authority should be held following the adjournment of the Board. He noted that the County Fair would take place on June 25-27, 2009, at Chickahominy Riverfront Park.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour highlighted the “In our Own Voice” event at Legacy Hall on June 24, 2009, 6:30 p.m.

Mr. McGlennon stated that he participated in the Williamsburg-James City County public high schools’ commencement activities on Saturday, June 20. He congratulated those graduates of public and private schools in the County.

Ms. Jones commented that on June 10, 2009, she spoke at Jamestown High School about local government. She stated that on June 13, 2009, she attended Neighborhood Day at Ironbound Park with Mr. McGlennon and attended a wall-raising for Habitat for Humanity in Ironbound Square on June 23, 2009. She stated that there would soon be a ribbon-cutting for the new home.

Mr. McGlennon commented on the Neighborhood Day event where Mr. Phil Smead was selected as an honoree as the Robert Moore Community Patriot of the Year.

J. ADJOURNMENT to 7 p.m. on July 14, 2009.

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0).

At 7: 40 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on July 14, 2009.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: July 14, 2009
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services
SUBJECT: Grant Appropriation – Clerk of the Circuit Court – \$4,986

The Library of Virginia has awarded the Clerk of the Circuit Court a grant from the Virginia Circuit Court Records Preservation program fund totaling \$4,986. The grant will allow the Clerk to continue to modernize the office and its records system.

Staff recommends approval of the attached resolution authorizing a budget appropriation of \$4,986 to the Special Projects/Grants fund.

Suzanne R. Mellen

SRM/nb
GA_ClkCirCrt_mem

Attachment

RESOLUTION

GRANT APPROPRIATION – CLERK OF THE CIRCUIT COURT – \$4,986

WHEREAS, the Library of Virginia (LVA) has awarded the Clerk of the Circuit Court a Records Preservation grant totaling \$4,986; and

WHEREAS, there is no local match required.

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

Revenue:

LVA - Records Preservation Program 2009B-48	<u>\$4,986</u>
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Expenditure:

LVA - Records Preservation Program 2009B-48	<u>\$4,986</u>
---------------------------------------------	----------------

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

GA_ClkCirCrt_res

MEMORANDUM

DATE: July 14, 2009
TO: The Board of Supervisors
FROM: Grace A. Boone, General Services Operations Administrator
SUBJECT: Installation of "Watch for Children" Signs - Ironbound Square Subdivision

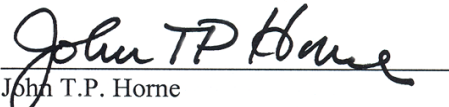
Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing it to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Ironbound Square community have requested the Board of Supervisors seek approval for two "Watch for Children" signs to be installed on Watford Lane and Magazine Road at the location shown on the attached map. The attached resolution requests that VDOT install and maintain two "Watch for Children" signs on Watford Lane and Magazine Road.

Staff recommends adoption of the attached resolution.


Grace A. Boone

CONCUR:


John T.P. Horne

GAB/gb
IronboundSquSigns_mem

Attachments

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGNS –

IRONBOUND SQUARE SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Ironbound Square community have requested that “Watch for Children” signs be installed on Watford Lane and Magazine Road as illustrated on the attached map titled “Ironbound Square Subdivision ‘Watch for Children’ Signs.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

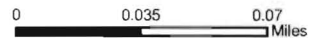
IronboundSquSigns_res

IRONBOUND SQUARE SUBDIVISION - "WATCH FOR CHILDREN" SIGNS



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 = 283 feet



MEMORANDUM

DATE: July 14, 2009
TO: The Board of Supervisors
FROM: Grace A. Boone, General Services Operations Administrator
SUBJECT: Installation of "Watch for Children" Signs - Raintree Villas Subdivision

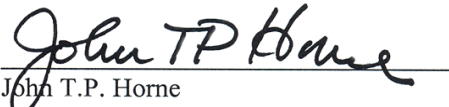
Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing it to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Raintree Villas community have requested the Board of Supervisors seek approval for two "Watch for Children" signs to be installed on Allyson Drive and Raintree Way at the location shown on the attached map. The attached resolution requests that VDOT install and maintain two "Watch for Children" signs on Allyson Drive and Raintree Way.

Staff recommends adoption of the attached resolution.


Grace A. Boone

CONCUR:


John T.P. Horne

GAB/gb
RaintreeSigns_mem

Attachments

RESOLUTION

INSTALLATION OF "WATCH FOR CHILDREN" SIGNS –

RAINTREE VILLAS SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Raintree Villa community have requested that "Watch for Children" signs be installed on Allyson Lane and Raintree Way as illustrated on the attached map titled "Raintree Villa Subdivision 'Watch for Children' Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

James G. Kennedy
Chairman, Board of Supervisors

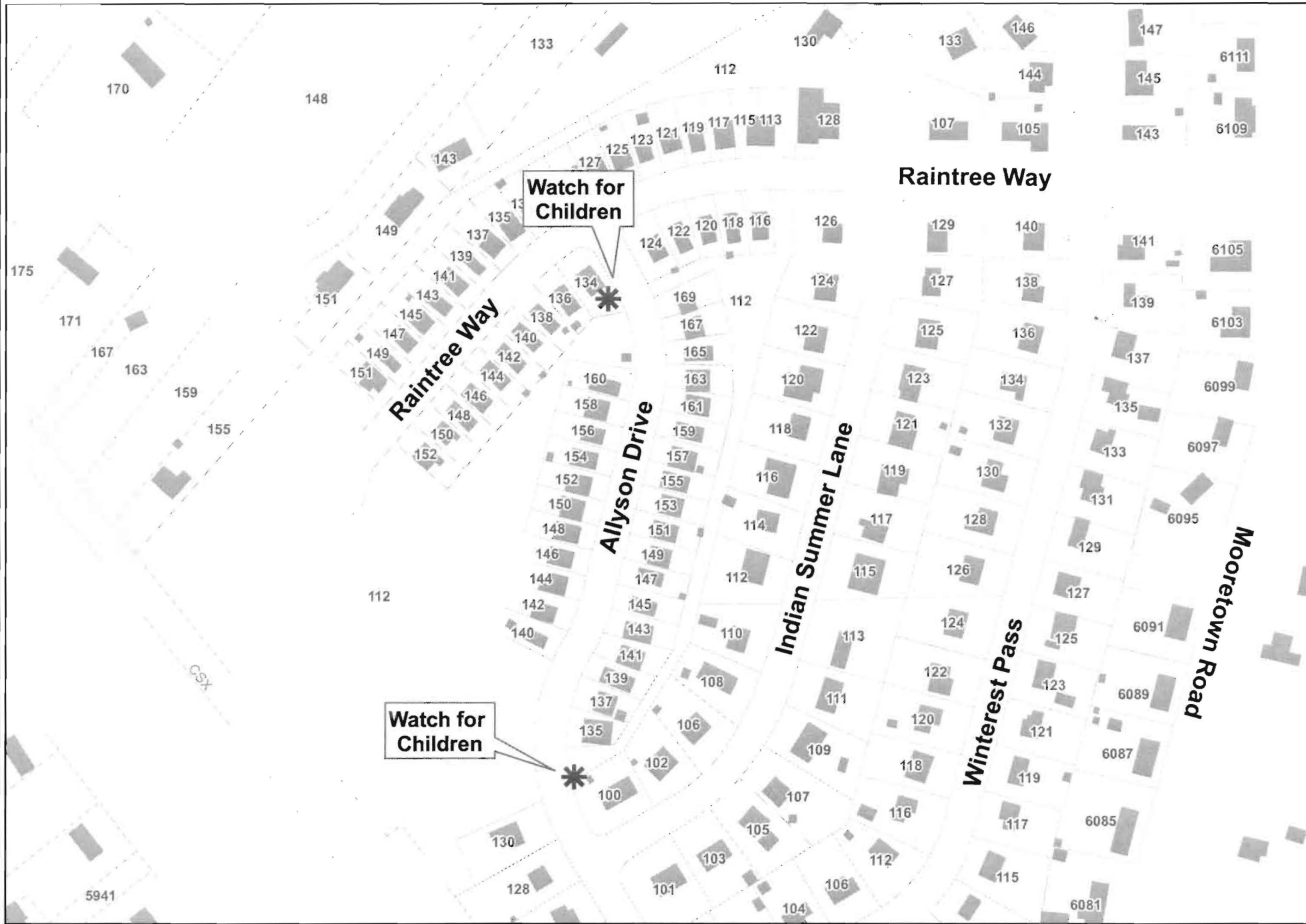
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

RaintreeSigns_res

RAINTREE VILLAS SUBDIVISION - "WATCH FOR CHILDREN" SIGNS



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1 inch = 200 feet

0 0.025 0.05 Miles



MEMORANDUM

DATE: July 14, 2009
TO: The Board of Supervisors
FROM: Suzanne R. Mellen, Assistant Manager of Financial and Management Services Manager
SUBJECT: Courthouse Maintenance Fund Expenditure – Chiller Unit Replacement

As authorized in the Code of Virginia §17.1-281, the City of Williamsburg and James City County collect fees for civil actions filed in the district or circuit courts within each locality's boundaries and for criminal and traffic cases. The Code allows for funds to be used for "the construction, renovation, or maintenance of courthouse or jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance." Funds are deposited in an investment account with the Local Government Investment Pool maintained by the City. The available balance in the account as of June 30, 2009, is \$322,175.07.

The Courthouse is experiencing an increasing frequency of HVAC repairs, and currently there are leaking refrigerant circuits in the system. Repair estimates range from \$65,000 to \$87,000, and estimates for full replacement of the chiller unit range from \$175,000 to \$199,000. City and County staff are recommending that the Williamsburg City Council and the Board of Supervisors authorize the expenditure of up to \$200,000 for replacement of the chiller unit. Given the 10-year age and condition of the unit (with an estimated three year remaining life), it is likely more cost-effective to replace the unit rather than continue to repair it. If the current system fails and needs repairs, the Courthouse would have to shut down for approximately five to seven days. Installation of a new chiller will take approximately one to two days.

A Request for Proposals for Chiller Replacement was issued by County staff on June 15, and proposals are due on July 9. City Council will consider this agenda item at its meeting on July 9, 2009.

Staff recommends that the Board approve the attached resolution, authorizing the County Administrator to execute the necessary contracts of up to \$200,000 from the Courthouse Maintenance Fund for replacement of the chiller unit, subject to City Council approval.

Suzanne R. Mellen

JEM/gb
CtMaintFund_mem

Attachment

RESOLUTION

COURTHOUSE MAINTENANCE FUND EXPENDITURE – CHILLER UNIT REPLACEMENT

WHEREAS, James City County and the City of Williamsburg operate a joint courthouse and as permitted by § 17.1-281 of the Code of Virginia (1950), as amended, the City Council of the City of Williamsburg and the Board of Supervisors of James City County have each previously authorized the assessment of a courthouse maintenance fee relative to cases emanating from their respective localities; and

WHEREAS, fees collected are held in a joint City/County Courthouse Maintenance Fund by the City of Williamsburg and, as required, are "subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance"; and

WHEREAS, the Courthouse is experiencing an increasing frequency of HVAC repairs, and currently there are leaking refrigerant circuits in the system and inasmuch as the chiller is near the end of its useful life, replacement has been recommended, the probable cost of which is estimated to be between \$175,000 and 199,000; and

WHEREAS, the cost of repairing the existing chiller is estimated to range between \$65,000 and \$87,000, and staff recommends the more cost-effective approach is chiller replacement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute, on behalf of the County and subject to similar approval by the City Council of the City of Williamsburg, an expenditure of no more than \$200,000 for replacement of the HVAC chiller unit from the current balance of the Courthouse Maintenance Fund.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2009.

CtMaintFund_res

MEMORANDUM

DATE: July 14, 2009
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Compensation Board Pay Increase for the Sheriff

In February 2009, the Williamsburg-James City County Sheriff's Office received accreditation status from the Virginia Law Enforcement Professional Standards Commission. The State Compensation Board sets the Sheriff's salary based on population and whether or not the office is accredited. The Compensation Board included a pay increase for the Sheriff of \$8,551 in its May 1 approved budget for achieving accredited status. This was not included in the budget estimates received from the State on March 13, 2009, but was included in the FY 2010 adopted State Compensation Board.

The total cost of the increase including fringe benefits is \$10,530. The State will pay \$9,580 of the cost with the remainder split between the City of Williamsburg and the County. The attached resolution appropriates the increased State funding for the pay increase and a transfer from the County's contingency account to pay for the County's share.


Sanford B. Wanner

SBW/gb
SherifPayIncr_mem

Attachment

RESOLUTION

COMPENSATION BOARD PAY INCREASE FOR THE SHERIFF

WHEREAS, in February 2009, the Williamsburg-James City County Sheriff's Office received accreditation status from the Virginia Law Enforcement Professional Standards Commission; and

WHEREAS, the State Compensation Board sets the Sheriff's salary based on population and whether or not the office is accredited; and

WHEREAS, the Compensation Board included a pay increase for the Sheriff of \$8,551 in its May 1 approved budget for achieving accredited status; and

WHEREAS, the total cost of the increase including fringe benefits is \$10,530.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the County General Fund:

Revenue:

State Compensation Board-Sheriff's Office	<u>\$9,580</u>
-------------------------------------------	----------------

Expenditures:

Sheriff's Office Salary and Fringe Benefit Accounts	\$10,530
City of Williamsburg Share of Sheriff Expense	(\$168)
James City County Contingency	<u>(\$780)</u>
Total	<u>\$9,580</u>

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

SherifPayIncr_res

**SPECIAL USE PERMIT-0008-2009. CVS at Norge
Staff Report for the July 14, 2009, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission
Board of Supervisors

Building F Board Room; County Government Complex

June 3, 2009, 7:00 p.m.
July 14, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. David Todd of The Rebkee Company

Land Owner: KTP Development, LLC

Proposed Use: The applicant has applied for a Special Use Permit (SUP) to allow for the construction of a drive-through pharmacy/retail store.

Location: 7521 Richmond Road

Tax Map/Parcel No.: 2321100001C

Parcel Size: 14.36 acres. The parcel will be subdivided to accommodate proposed pharmacy/retail store on an area of approximately 2.09 acres.

Existing Zoning: M-1, General Business/Industrial District

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

This development is generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve this project with the attached conditions to the resolution.

Staff Contact: Sarah Propst, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On June 3, 2009, the Planning Commission recommended approval of this SUP request by a vote of 6-1.

Proposed Changes Made Since the Last Planning Commission Meeting:

Per the guidance of the Planning Commission, Conditions No. 3 - Free-standing Sign and No. 4 - Dumpster/HVAC Units have been amended to specify building materials:

- Free-standing Sign: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the design and location of the ground-mounted sign for the Property for consistency with the Norge Community Character Area as described in the James City County Comprehensive Plan. The sign base shall be made of brick and the colors shall be similar to the CVS building.
- Dumpsters/HVAC Units: All heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing. Dumpsters shall be screened from view by a brick enclosure. All screening devices must be approved by the Planning Director, or his designee, prior to final site plan approval.

PROJECT DESCRIPTION

Mr. David Todd of The Rebkee Company has applied on behalf of KTP Development, LLC for an SUP to allow the construction of a drive-through pharmacy/retail store (the “CVS”) on a property located at 7521 Richmond Road. The 14.36-acre property, formerly known as the site for the Williamsburg Soap and Candle Factory Company, will be subdivided to accommodate the proposed CVS on a 2.09-acre parcel.

The Williamsburg Soap and Candle Factory Company was founded in 1964 by John Barnett. The commercial complex consisted of a restaurant, a manufacturing plant, and many smaller shops. The manufacturing plant became famous over the years for making quality candles and soap. However, in 2005 the plant closed its doors. Currently, only a small portion of the commercial complex is operating.

In 2008 an SUP application was received from AES Consulting Engineers for the construction of a Walgreen’s drive-through pharmacy/retail building (SUP-0016-2008). The SUP was approved by the Planning Commission in October 2008, but the project was withdrawn per the applicant’s request prior to being considered by the James City County Board of Supervisors.

Like the 2008 SUP application, this current request allows for the construction of a drive-through pharmacy/retail building (the CVS store). Once subdivided from the parent parcel, the property will be bounded on the east by the remaining Soap and Candle Factory parcel, to the north by Richmond Road and directly across Richmond Road by areas zoned B-1, General Business district. Property to the west is zoned Mixed Use (i.e. the Cross Walk Community Church parcel) and areas to the south are currently zoned A-1, General Agriculture. The property is located within the Norge Community Character Area and is therefore subject to the Norge Design Guidelines of the Comprehensive Plan. The site fronts on Richmond Road, which is designated by the 2003 Comprehensive Plan as a Community Character Corridor.

The entire Soap and Candle Factory commercial complex occupies a building area of approximately 183,300 square feet. The proposed development will replace three existing uses along the west end of the commercial complex, one vacant building, one restaurant (Candle Light Kitchen), and one public restroom.

The existing parking lot area will be modified to accommodate a 50-foot landscape buffer along Richmond Road and a 30-foot landscape buffer along Croaker Road Extended. There is an existing 5-foot-wide sidewalk along the entire northern property line and parallel to Richmond Road.

PUBLIC IMPACTS

Archaeology

Staff Comments: This project will be located on a previously disturbed site and is not located within an area identified as highly sensitive in the James City County archaeological assessment “Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia.”

Environmental

Watershed: Within Subwatershed 103 of the Yarmouth Creek Watershed.

Staff Comments: According to information provided by the applicant, the proposed 2.09-acre site has approximately 0.98 acres of impervious coverage or 47 percent of the entire site. This number is expected to rise to 1.31 acres, or 63 percent, of the site upon development of the CVS project. To mitigate the proposed impacts the site design will include measures to improve stormwater quality and attenuate runoff rates leaving the site such as mechanical filtration units, sumped or bottomless inlets, dry detention, and/or a bioretention basin. These structures will be designed to ensure the quality of the stormwater leaving the site is equivalent to a site with 60 percent or less impervious cover.

Further, the master plan indicates a bioretention basin or dry extended detention basin located at the southern part of the property. The Environmental Division has indicated that a receiving drainage system may be required to provide proper outlet for the basin; connection to an offsite system may require offsite drainage easements.

Planning Division Comments: Staff has designed a special use condition (please refer to Condition No. 10) requiring the applicant to demonstrate compliance with Section 23-9 (b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance-Impervious Coverage, prior to site plan approval. A special use condition has also been written (please refer to Condition No. 8) to ensure that all necessary drainage easements for the site are secured.

Public Utilities

The site is located within the Primary Service Area (PSA) and will be served by public water and sewer.

JCSA comments: Staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Water Conservation and Irrigation standards are part of the SUP conditions for this proposal (please refer to Condition Nos. 5 and 6).

Transportation

Access: This site will mainly be accessed through the signalized intersection of Richmond and Croaker Roads. An existing off-site right-in and right-out driveway at the Candle Factory Commercial Complex Parcel located approximately 560 feet east of the Richmond and Croaker Roads intersection will serve as a secondary access to the site (please refer to Condition No. 14). The two existing access points on Croaker Road will be closed as part of this development and will be relocated to one full movement access point located approximately 400 feet south of the Richmond Road and Croaker Road intersections, and aligned across from the existing Crosswalk Church entrance west of the Croaker Road.

Traffic Counts: 2007 Traffic Counts: From Croaker Road (Route 607) to Lightfoot Road (Route 646), 21,892 average daily trips.

2026 Volume Projected: From Croaker Road (Route 607) to Centerville Road – 33,500 average daily trips are projected. This segment of Richmond Road is listed on the “watch” category in the Comprehensive Plan.

Traffic Impact Assessment (TIA): According to the TIA, this development is expected to generate 933 daily new trips onto the local roadway network, including 29 in the a.m. peak hour and 111 in the p.m. peak hour.

The Level of Service for the intersection of Richmond and Croaker Roads is currently at Level B for a.m. and Level C for p.m. peak hours. At the same intersection, the Level of Service is projected to decline to Level C for a.m. peak hours and Level D for p.m. peak hours for the 2015 “No-Build” scenario. Levels of Service are projected to be maintained at Level C for both a.m. and p.m. peak hours for the 2015 “Build-Out” scenario, with planned improvements.

Study Recommendations: The TIA created by Kimley-Horn and Associates, Inc. assumes that the Candle Factory Development will be approved and proffered improvements will be in place. Below are the recommendations for road improvements as identified by the Traffic Impact Analysis for CVS:

- **Intersection of Route 60 and the Candle Factory Parcel Entrance:**
 - An eastbound right-turn full-width storage taper (100-foot storage/200-foot taper is recommended to serve the existing shared right-in/right-out entrance on Richmond Road.

VDOT Comments: The Williamsburg VDOT Residency has reviewed the materials received with the SUP application. The Residency concurs with the trip generation, trip assignments and distributions and with the turn lane analysis for CVS. In addition to the road improvement recommended by the TIA, VDOT recommends the following improvements at the intersection of Richmond Road (Route 60) and Croaker Road (Route 607):

- (i) Extend the existing eastbound Route 60 left-turn lane to include 200 feet of storage and a 200-foot taper to address the existing deficiency.
- (ii) Extend the eastbound Route 60 right-turn lane to include a minimum 200-foot taper to accommodate site traffic. The design should include bicycle accommodations.

Planning Division Comments: Staff concurs with VDOT’s findings. Staff notes that the additional road improvements recommended by VDOT do not take into consideration road improvements proffered by Candle Factory. Given the uncertainty of approval of the rezoning case for Candle Factory staff has designed road improvement conditions (please refer to Condition No. 13) which addresses VDOT’s comments.

Vehicular and Pedestrian Connectivity with Adjacent Properties: Pedestrian access to and from the site will be facilitated by the proposal to construct an eight-foot-wide, shared use path along the entire length of the northwestern property line (please refer to Condition No. 16). Once constructed, the path will provide pedestrian connectivity with the proposed mixed-use development to the south of the property (The Candle Factory development) by connecting to a proposed eight-foot-wide shared use path proffered as part of the Candle Factory Mixed Use project development. Further, a five-foot-wide concrete sidewalk along the northern and southern perimeter of the proposed CVS building and a five-foot-wide concrete sidewalk placed perpendicularly from the property line connecting with the existing sidewalk along Route 60 are proposed.

COMPREHENSIVE PLAN

Land Use Map

General	<i>Mixed Use-page 124:</i> Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.
	Staff Comment: Staff finds the proposed commercial development to be in keeping with the intent and land use recommendations for mixed use areas located at or near major transportation corridors, as indicated by the Land Use Section of the 2003 Comprehensive Plan.

Environment

Yarmouth Creek Watershed Management Plan Area	<p><i>Description-Page 47:</i> Yarmouth Creek is a predominantly forested watershed of about 12 square miles located in the lower James River Basin in James City County. The Creek drains into the Chickahominy River, which in turn discharges into the James River.</p> <p>Staff Comment: Because of its location, this property is subject to Special Stormwater Criteria (SSC) established for developments located within the Yarmouth Creek Watershed Area.</p>
Goals, Strategies and Actions	<p><i>Action No. 5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and BMPs to mitigate adverse environmental impacts.</p> <p>Staff Comment: According to information provided by the applicant, the following methods will be considered for implementation and compliance with the requirements set forth by SSC for the Yarmouth Creek Watershed Management Plan Area: (i) A bioretention pond, (ii) Manufactured BMP systems, and (iii) Grass swales. Staff is encouraged by the proposed use of such Low Impact Designs (LIDs) methods on the property. Staff notes that such methods are being used as means to comply with the SSC.</p>

Transportation

Richmond Road	<p><i>Description-Page 77:</i> The Hampton Roads Metropolitan Planning Organization (MPO) traffic model assumes that Interstate 64 (I-64) is going to be improved to a six-lane facility. Funding is not currently available, however, nor is it likely to be available in the near to mid-range future. If I-64 does not get widened, Richmond Road will absorb a significant amount of local traffic as I-64 becomes increasingly congested. Even with the assumption of widening I-64, traffic volumes are expected to increase from an average of 24,000 vehicle trips per day to an average of 31,000 to 33,500 vehicle trips per day in 2026 on its most heavily traveled sections.</p> <p>Staff Comment: According to the Traffic Engineer's traffic analysis conclusions and with VDOT's concurrence, the traffic generated by this proposal will not adversely impact the local roadway network.</p>
Goals, Strategies, and Actions	<p>Strategies No. 5 - Page 80: Support the provision of sidewalks and bikeways in appropriate areas.</p> <p>Action No. 9 - Page 82: Include bikeways and/or pedestrians facilities within major developments and elsewhere in the County, especially connecting residential and non-residential areas.</p> <p>Action No. 14 - Page 82: Encourage pedestrian circulation by providing safe, well-lit, and clearly marked crosswalks.</p> <p>Staff Comment: According to the James City County, Williamsburg, and York County Regional Bikeway Map this Section of Route 60 should include a shoulder bike lane. The applicant has agreed to provide accommodations for a bicycle lane to meet VDOT standards along the frontage of the property adjacent to Route 60 (please refer to Condition No. 15). In order to facilitate internal pedestrian access and connectivity with adjacent parcels, the applicant will provide an eight-foot shared use path along the entire northwestern side of the property (please refer to Condition No. 16). Further, crosswalks located within the parking lot area are provided in order to encourage a safe interaction between pedestrians and motor vehicles at the site.</p>

Community Character Corridor (CCC)

Suburban and Urban CCC	<i>Description - Page 84:</i> A suburban or urban CCC is characterized as an area that has moderate to high traffic volumes, moderate to high levels of existing or planned commercial or moderate-density residential uses, and may contain some wooded buffer along roads. The predominant visual character of these CCCs should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in urban and suburban CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.
	Staff Comment: Staff notes that the applicant proposes to increase the width of the existing buffer fronting the property and along Richmond Road from existing 15 feet to 50 feet (please refer to Condition No. 8) by deleting an existing parking lot area.

Community Character Area (CCA)

Norge Area	<i>Description - Page 86:</i> Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, very identifiable residential component located off Richmond Road and some pedestrian-oriented storefronts, the early 20th century ‘village’ character of its business and residential areas along Richmond Road has been significantly impacted by infill automobile-oriented development.
	Staff Comment: Staff notes that enhanced and increased landscaping along Richmond and Croaker Road Extended are proposed. The applicant has provided architectural elevations (please refer to Attachment No. 6) for the proposed building. Staff has written an SUP condition ensuring the final architecture of the building will be similar to the architectural elevations presented during the SUP request (please refer to Condition No. 2). Staff further discusses the architecture of the proposed building in a later section in this report.

Staff Comment: Overall, staff believes that this proposal meets the zoning and Comprehensive Plan requirements for this area in Norge. Staff is particularly sensitive to promoting a balance between two important elements concerning land development in Norge, the economic benefits for the area (i.e. generation of employment and revenues, expansion of services and amenities, etc) and the desire to preserve the “village style” character of Norge.

The Comprehensive Plan (page 86) outlines very specific design standards intended to guide future development and redevelopment in the Norge area. Staff finds that the applicant has addressed some of the Norge design guidelines primarily by providing measures to (i) Screen parking areas from adjacent right-of-way and properties; (ii) Design new landscape areas which complement and enhance the proposed building and site design, and (iii) Provide pedestrian and bicycle circulation through the provision of crosswalks, sidewalks, a shared use path, and a bike lane.

Staff further notes that, according to the Norge Design Guidelines, design elements such as the architecture, scale, materials, spacing, and colors for buildings should complement the historic character of the area. On April 14, 2009, the Development Review Committee (DRC) met to discuss the architectural elevations proposed for the CVS store. The Committee commented on several aspects of the design, including the addition of a peaked roofline, scale, exterior materials and color, and an entry design feature.

Multiple meetings, regarding the elevations, were held with the applicant, staff, planning commission members, and citizens. The set of elevations, which are included in the Board of Supervisors packet, were reviewed and found to be favorable by the DRC on May 27, 2009, and the Planning Commission on June 3, 2009.

Request for Landscape Modification: Section 24-99 (c)(1) of the Zoning Ordinance states that “A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width.” Staff notes that the area to be subdivided from the parent parcel (approximately 2.09 acres) will establish a new property line adjacent to the portion of the existing Candle Factory building not slated for demolition. To prevent further demolition and to comply with the setback requirements for the existing and proposed buildings, a 15-foot side yard landscaped area is not feasible along the eastern perimeter of the property. The applicant has submitted a request to modify the landscape requirements for the eastern side yard of the property by transferring landscape materials from the eastern side yard of the property to the area along the southern (rear yard) part of the parcel (please refer to Attachment No. 5).

Section 24-88 of the Zoning Ordinance states that “the commission or planning director may modify, permit substitution for any requirement of this section, or permit transfer of required landscaping on a site upon finding that a set of criteria are met. These criteria include:

- No overall reduction in total amount of landscaped area or landscaping effects;
- Satisfies the intent of the landscape requirements;
- Will not have an adverse impact on adjacent properties or the character of the area.

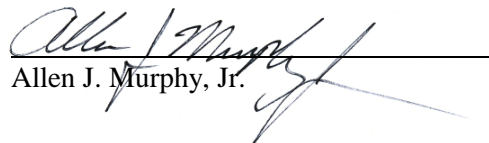
Staff has reviewed the request for landscape modification for this project and found it to meet the criteria listed in the ordinance. The Planning Commission approved the request for landscape modification concurrent with their recommendation for the overall project.

RECOMMENDATION

Staff finds the proposal to be generally consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Further, staff believes that the SUP conditions associated with this case will mitigate any impact on adjacent properties and along Richmond Road. Staff believes that this proposal achieves significant objectives in the Norge Design Guidelines of the Comprehensive Plan. Staff recommends that the James City County Board of Supervisors approve this project with the attached conditions to the resolution. The Planning Commission voted 6-1 to recommend approval of the project at the June 3, 2009 meeting.

Sarah Propst

CONCUR:


Allen J. Murphy, Jr.

SP/nb
SUP08_09_CVS

ATTACHMENTS:

1. Location Map
2. Master Plan (under separate cover)
3. Traffic Impact Analysis
4. Community Impact Statement
5. Elevations
6. Unapproved Minutes from June 3, 2009, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-0008-2009. CVS AT NORGE

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. David Todd has applied on behalf of The Rebkee Company for an SUP to allow for the construction of a drive-through pharmacy/retail store on an approximately 2.09-acre parcel of land zoned M-1, Limited Business/Industrial District; and
- WHEREAS, the proposed development is shown on a plan prepared by Kimley-Horn and Associates, Inc. dated May 6, 2009, (the "Master Plan") and entitled "JCC-SUP-0008-2009"; and
- WHEREAS, the property is located at 7521 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2321100001C (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on June 3, 2009, voted 6-1 to recommend approval of this application; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0008-2009, as described herein with the following conditions:

1. **Master Plan:** This SUP (the "SUP") shall be valid for the construction of an approximately 13,225 square foot, 1-story-high drive-through pharmacy/retail store building (the "CVS" store) on the property located at 7521 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2321100001C (the "Property"). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled "JCC-SUP-0008-2009", prepared by Kimley-Horn and Associates, date stamped May 6, 2009 (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for the CVS. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled "CVS James City County, VA" submitted with this SUP application and prepared by The Rebkee Company, date stamped June 10, 2009.
3. **Free-Standing Sign:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the design and location of the ground-mounted sign for the Property for consistency with the Norge Community Character Area, as described in the James City County Comprehensive Plan. The sign base shall be made of brick and the colors shall be similar to the CVS building.

4. **Dumpsters/HVAC Units:** All heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing. Dumpsters shall be screened from view by a brick enclosure (exclusive of doors). All screening devices must be approved by the Planning Director, or his designee, prior to final site plan approval.
5. **Water Conservation:** The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. **Irrigation:** In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems, including rain tanks, which can be used to collect stormwater for irrigation use for the entire site. Only surface water collected from surface water impoundments may be used for irrigating the site.
7. **Private Pump Station Maintenance Agreement:** A private pump station maintenance agreement shall be submitted to and approved by the JCSA prior to final site plan approval. The agreement shall address the maintenance of the proposed pump station and guarantee access to all parcels served by the pump station.
8. **Best Management Practice (BMP) Discharge:** Overflows from any proposed BMP(s) shall discharge to an adequate channel in accordance with State Minimum Standard No. 19 and shall not be conveyed through any of the adjacent parcels without an offsite drainage easement. All associated easements shall be of an appropriate width to permit access for maintenance of the channel and any associated appurtenances such as outlet protection, flow control devices, channel linings, etcetera. Said easement shall be in place prior to the issuance of a Land Disturbing Permit.
9. **Landscape Plan:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve a landscape plan for this project. The landscape plan shall meet all applicable zoning ordinance requirements and shall include at a minimum: (i) enhanced landscaping within the northern 50-foot landscape buffer along Richmond Road, (ii) enhanced landscaping within the western 30-foot landscape buffer along Croaker Road, and (iii) enhanced landscaping along the southern property line. Enhanced landscaping is hereby defined as 125 percent of the size requirements of the James City County Landscape Ordinance.
10. **Impervious Coverage:** Prior to final site plan approval, the applicant must demonstrate compliance with the provisions of Section 23-9(b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance. Demonstration of equivalent water quality will be through compliance with guidelines established by the Environmental Director.
11. **Exterior Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director, or his designee, which indicates no glare outside the property lines. All light

poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director, or his designee, prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.

12. **Internal Traffic Signage Plan:** The applicant shall include, along with the materials submitted as part of the site plan review process for this project, an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, concurrently with the site plan submission for this project.
13. **Roadway Improvements:** Prior to issuance of any Certificate of Occupancy (CO) for the Property, the road improvements listed below shall be provided at the following intersections:
 - a. At the intersection of Richmond Road (U.S. Route 60) and Croaker Road (State Route 607):
 - (i) The existing eastbound Richmond Road left-turn lane shall be extended to provide a 200 foot full width lane with a 200-foot taper; and
 - (ii) A right-turn lane on Richmond Road eastbound with a minimum of 200-foot taper must be provided.
 - b. At the intersection of Richmond Road (U.S. Route 60) and the Candle Factory Center Entrance:
 - (i) A 200-foot, right-turn lane with a 200-foot taper on eastbound Richmond Road shall be provided at this entrance.
14. **Shared Access Easement:** Prior to issuance of any CO for the Property, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easements have been obtained and recorded, as applicable, allowing vehicular access to the Property from the existing entrances on Richmond Road (U.S. Route 60). This includes those entrances currently serving the parcel located at 7521 Richmond Road (U.S. Route 60), and the existing entrance located across from Croaker Road (State Route 607).
15. **Bike Lane:** Prior to issuance of any CO for the Property, a Virginia Department of Transportation (VDOT) standard shoulder bike lane along the front of the Property adjacent to Richmond Road (U.S. Route 60) shall be provided. This bike lane shall be depicted in the site plan for the Property.
16. **Shared Use Path:** Should the construction of the proposed CVS building start in the property prior to construction of any building at adjacent parcels located at 7551 and 7567 Richmond Road, The Rebkee Company, developers of the proposed CVS store shall provide and construct along the length of the northwestern property line a portion of the eight-foot-wide, concrete or asphalt shared use path referenced by the Master Plan entitled "Master Plan for Rezoning of Candle Factory Property for Candle Development, LLC", prepared by AES Consulting Engineers and date stamped January 29, 2009. Construction shall be hereby defined as obtaining permits for building construction and installation of footings and foundations.

17. **Hours of Operation:** The daily hours of operation for both the retail store and drive-through shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
18. **Commencement of Use:** Use of the Property as described in this SUP shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Use shall be defined as obtaining business license(s) for permitted uses, opening for business with regular business hours, and/or obtaining permits for building construction and installation of footings and foundations.
19. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

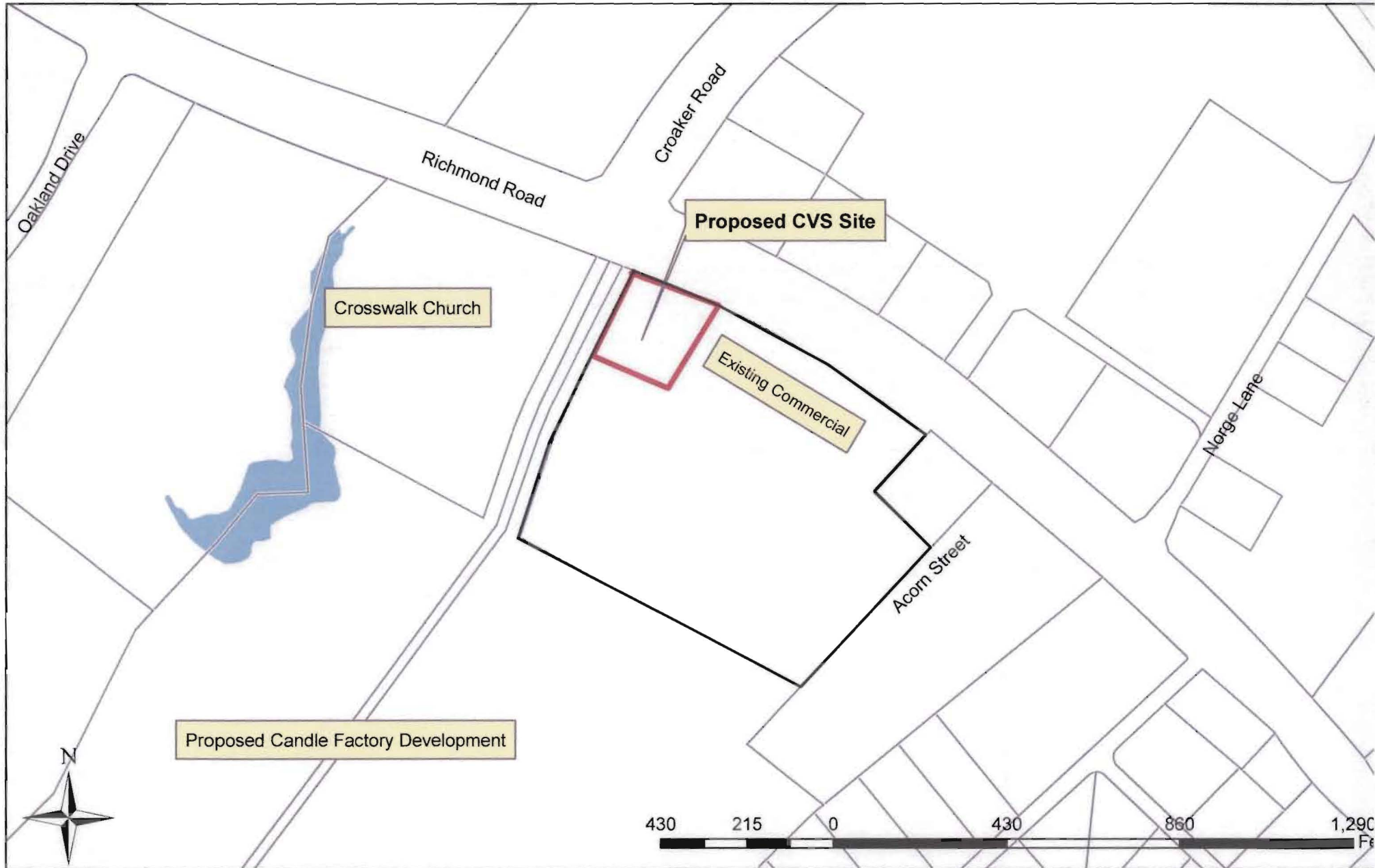
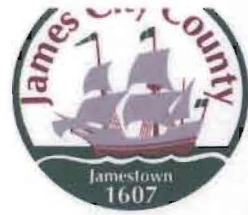
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

SUP08_09_CVS_res

JCC-SUP-0008-2009

CVS at Norge





DECORATIVE SUNBURST - RAFTERIAL

STORAGE UNDER SEPARATE PERMIT WILL MEET ALL CODE REQUIREMENTS

EIFS - R4 THERMAL

EIFS - R4 THERMAL

AL STOREFRONT SYSTEM - BURGUNDY

CANVAS AWNINGS - BURGUNDY

CROAKER ROAD - WEST ELEVATION

SCALE : 1/8" = 1'-0"

HORIZONTAL SIDING - LIGHT BEIGE

STRUCTURAL BRICK - GARENT

STRUCTURAL BRICK - GARENT



STANDING SEAM METAL ROOF BRANDYVINE

EIFS - RA THERMAL

CVS/pharmacy

STRUCTURAL BRICK - GARENT

STRUCTURAL BRICK - GARENT

RICHMOND ROAD - NORTH ELEVATION

SCALE : 1/8" = 1'-0"

AL STOREFRONT SYSTEM - BURGUNDY



LEFT SIDE - EAST ELEVATION

SCALE : 1/8" = 1'-0"



REAR - SOUTH ELEVATION

SCALE : 1/8" = 1'-0"

THE
REBKEE
COMPANY

NORR
ARCHITECTS INTERIORS PLANNERS
An Interlum Group Company
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Detroit, MI 48226
Tel: 313-223-1111
Fax: 313-420-0140

CVS JAMES CITY COUNTY, VA.

CVS/pharmacy

05.27.2009

June 3, 2009 Planning Commission Meeting
Unapproved Minutes

SUP-0008-2009 CVS at Norge

Mr. Allen Murphy introduced Ms. Sarah Propst to the Planning Commission. He stated she received her bachelor's degree in inter-disciplinary studies and biology from the University of Missouri, was an intern with the Planning Division beginning in 2008, and was hired as a planner in September 2008. She is completing a master's degree in urban and regional planning at Virginia Commonwealth University in Richmond.

Ms. Sarah Propst stated that Mr. David Todd of the Rebkee Company has applied for a special use permit to allow the construction of a CVS store at 7521 Richmond Road. The parcel is zoned M-1, Limited Business/Industrial, and designated by the 2003 Comprehensive Plan as Mixed Use. Mixed Use areas located at or near intersections of major thoroughfares are intended to maximize the economic development potential of the area by providing sites primarily for intensive commercial office and limited industrial proposes. The site fronts on Route 60, a Community Character Corridor, and is located within the Norge Community Character Area. Also, the site is located within the Primary Service Area (PSA) and is situated within the Yarmouth Creek Watershed Area. The building is to be located at the northwestern corner of the existing Candle Factory commercial complex. The existing 13-acre parcel will be subdivided to create a two acre parcel for the pharmacy.

The CVS will feature three internal entrances within the overall Candle Factory site. A shared access agreement between the Candle Factory and CVS parcels is one of the conditions for approval associated with this project. The two existing access points on entrance road to the Barnett Property will be closed as part of this development and will be relocated to one access point aligned with the existing Crosswalk Church entrance.

Approximately 12,000 square feet of the existing 183,300 square foot commercial complex will be demolished and replaced by the new CVS building. A section of the existing parking area adjacent to Route 60 will be removed and the existing narrow buffer between the front parking area and the street right-of-way will be widened to 50 feet to meet the Community Character Corridor requirement. Additionally, the existing parking area located along the entrance road to the Barnett Property will be removed and the buffer will be widened to 30 feet.

This SUP application includes a landscape modification request for Planning Commission consideration. This request has been reviewed by staff, and approval of this landscape modification is recommended. Staff notes that all agencies have reviewed this proposal and have offered no objections. Staff has reviewed this proposal and finds it to be in accordance with the James City County Zoning Ordinance and Comprehensive Plan. Based on its analysis, staff recommends that the Planning Commission recommend approval of this proposal with the attached conditions to the Board of Supervisors.

Mr. Henderson asked if Mr. Barnett was included in this application. He was part of the application for the Candle Factory rezoning.

Mr. Jose Ribeiro answered that staff believed that the parcel is owned by Mr. Alex Perkins. Mr. Barnett was not involved since he was not an owner.

Ms. Kratter asked if any provisions were made for some pedestrian connectivity, especially to the large apartment complex that is close to this parcel.

Ms. Propst answered that there are several pedestrian connections on site including an eight-foot-wide walking path along with several sidewalk connections within the property.

Mr. Ribeiro stated that staff has not explored the possibility of connectivity to the apartment complex on Croaker Road. Staff has explored crosswalks, but according to VDOT it would be difficult due to the topography.

Ms. Kratter stated that one item that has been mentioned during the Comprehensive Plan update is making sure our facilities keep pace with the developments that are being proposed. She stated that if there is a large population nearby that may use this facility within walking distance, it would be beneficial to encourage this pedestrian traffic so that the intersection there is not overburdened.

Mr. Krapf asked the applicant to address this issue.

Mr. Tim Trant, of Kaufman and Canoles, spoke on behalf of the applicant. He thanked staff for their work on this proposal. He stated the applicant has addressed the DRC's concerns with regards to signage and there is also a materials board available if the Commission wishes to review. Mr. Trant stated the applicant held a community meeting in Toano to address citizen concerns and to encourage feedback from the community. The Candlelight Kitchen, a business that is proposed to be relocated, was an area of concern among the citizens that attended. Mr. Trant stated that the applicant worked with the owner of the property and real estate brokers that are handing that site to open the lines of communication with the owner of the Candlelight Kitchen. He stated a lease extension has been executed between the business owner and the property owner which will allow the business to operate through the end of 2009. This was to allow for more time to attempt to re-locate the business to another part of the site.

Ms. Kratter asked if the applicant would be willing to consider some kind of pedestrian connectivity to the apartment complex on Croaker Road.

Mr. Trant stated traffic is a concern in that area for the applicant. He stated there is an existing sidewalk that terminates at this site, and extends back east into Norge proper. This sidewalk may be redeveloped in connection with the extension of the Community Character Corridor buffer, but as part of the conditions associated with the application, a shoulder and a multi-use path will be installed. Mr. Trant stated that the proposed application has promoted pedestrian connectivity onsite wherever practical. Offsite improvements for pedestrian movement should be provided when Croaker Road is improved. Development of the Spiegel property would also provide pedestrian improvements.

Mr. Poole asked if the applicant considered re-using the existing structure on the site in a way that might compliment the remainder of the center that is planned to stay.

Mr. Trant stated that the existing structure and layout with the existing parking is not amenable to the business and the activity CVS proposes. This was seen as a redevelopment opportunity, moving from the existing façade of a strip type building to a development that is more compatible with the character of Norge.

Mr. Poole stated his opinion of the importance of redevelopment and the adaptive reuse of existing structures.

Mr. George Billups asked if there was data as to the number of employees that would be employed in relation to the previous establishment. He asked if the makeup of the workforce was known.

Mr. Trant answered that CVS businesses maintain current data on their employees. Statistics with regards to positive impacts and impacts surrounding the area are difficult to maintain. He believed this project to be a net economic benefit to the community in terms of employment.

Mr. Billups questioned the immediate impact on the existing business in that area.

Mr. Trant stated there would be retail staff, pharmacists, pharmacy staff, and most likely managerial staff. He is confident that there will be a net gain of jobs with the relocation of the existing business anticipated.

Mr. Jack Fowler, 109 Wilderness Lane, stated there is a drugstore across the street from where this CVS is proposed to be built. There is also an existing business on this site. He asked the Commission to use common sense when reviewing these proposals and not listen to the corporations that are proposing them.

Ms. Maria Fuentes-Sherman, 5413 Mary Lane, spoke about the proposal. She stated she was at the meeting where the applicant met with the citizens. She stated that many citizen concerns have been addressed with the extension of the lease for the existing business located on site. She stated that the opposition was actually in reference to the existing business that would have to be relocated. If the restaurant is to be left in the shopping center, the neighbors would welcome CVS as a neighbor in that location.

Mr. Krapf closed the public hearing.

Mr. Henderson asked about the sample material board that was mentioned earlier by Mr. Trant. He thought it would be beneficial for all Commissioners to review. He commended the applicant on a quality project in keeping with the character of the Norge community. Mr. Henderson also commended staff in working with the applicant and the DRC. He asked that the freestanding monument sign be of similar materials (brick to match the design) to the building and that the dumpster enclosure is made of brick rather than a fence or wood material. Mr.

Henderson further stated that since the dumpster site in the back would be in the middle of a mixed use development, appropriate screening would be particularly important.

Mr. Trant agreed with the request for the freestanding sign, but a request would be that the signage area not be hardiplank. It would be of a concrete or brick material. The dumpster screen is proposed to be brick, but the doors would be wood.

Ms. Kratter addressed those on the Commission who are part of the Steering Committee. She asked whether the entire Candle Factory site has been reviewed for the new designation proposed, Economic Opportunity (EO). She wanted to avoid proliferation of retail, hourly, and clerk-type jobs.

Mr. Fraley answered that the EO designation is associated with light industrial and office uses, not necessarily retail. This designation is also being considered as part of a master planning process in a wider view. He does not believe that this area would meet the criteria for the new designation as currently defined from the Steering Committee.

Ms. Kratter expressed her concerns over a piecemeal rebuilding of that strip mall area and noted that by adding CVS in that corner, it may adversely impact other opportunities that might surface for that already developed area. She felt that this area is already designed for maximum economic development and intensive commercial uses. She felt that the new designation, EO, could be applied here. Ms. Kratter thought it would be more beneficial to master plan this area, rather than bring proposals before the Commission individually.

Mr. Fraley stated that the proposed use is consistent with the Mixed Use Land Use designation. He stated that from the Steering Committee's standpoint, this site falls more in line with a Mixed Use designation. Whether this area should be part of a sub-area master plan is a separate issue for discussion and he would encourage this.

Ms. Kratter asked how sub-area master planning would be encouraged in this area. Once this proposal is approved, it may be difficult to master plan this area.

Mr. Fraley stated it would have to be an entirely new consideration.

Mr. Murphy stated it would have been preferable to have a redevelopment plan for the entire frontage of the old Soap and Candle Factory. Lacking this, the special use permit application presented tonight may make the remainder of the property more attractive and viable from a commercial aspect. Since the closing of the candle factory this site has struggled.

Ms. Kratter stated that she can foresee that some redevelopment in this area is likely to be forthcoming. She felt that the County is committing to more retail business with this proposal.

Mr. Murphy thought it was more of an exchange of retail.

Mr. Henderson stated that the EO designation is generally reserved for parcels that are much larger than this one, usually of several hundred acres or greater. There were three areas

considered by the Steering Committee, and only one was ultimately designated. He stated that the Steering Committee had considerable discussions on the character of Norge and Lightfoot and the importance of preserving those Community Character Corridors/Areas.

Mr. Henderson moved to approve the special use permit application for the CVS at Norge, with the two clarifications that the monument sign base and dumpster enclosure are of brick.

Mr. Fraley seconded the motion.

Mr. Poole stated he supports the application and is grateful that the applicant worked with the existing business on site and the DRC. He stated that by supporting this application, he is not advocating an extension of Croaker Road south of the subject intersection. Mr. Poole asked staff to provide the Planning Commission information on similar projects in the City of Williamsburg and the County when considering special use applications.

Ms. Kratter stated she was not prepared to support the application at this time and under section 24-9 of the Zoning Ordinance, Special Use Permits, the Commission is required to take into account the nature and condition of adjacent uses and structures and the probable effect upon them of the proposed exception. She believes that the existing business needs to be relocated first before this special use application is approved.

In a roll call vote, the application was approved. (6-1, AYE: Henderson, Billups, Poole, Fraley, Peck, Krapf; NAY: Kratter.)

**SUBDIVISION S-0012-2009. Chanco's Grant Vacation of Recreation Area Designation
Staff Report for the July 14, 2009, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Board of Supervisors:

Building F Board Room; County Government Complex

July 14, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant:

Gualberto and Joanna Coronado

Land Owner:

Gualberto Tulod Coronado, Joanna M. Coronado, and Jennifer Coronado

Proposal:

Mr. and Mrs. Coronado are requesting to vacate and amend the "Recreation Area" designation, as shown on subdivision plat entitled "CHANCO'S GRANT SECTION II SUBDIVISION PLAT," dated April 4, 1987, recorded in Plat Book 45, Pages 58-59, prepared by Rickmond Engineering, Inc. on May 29, 1987. The property owners request the designation be changed to "Lot 35-A" as shown on a new plat entitled "Plat To Change Parcel Designation From "Recreation Area" to "Lot 35-A" Chanco's Grant, Section II, Standing In The Names of Gualberto T., Joanna M., and Jennifer Coronado", prepared by Land Tech Resources, Inc. and dated March 10, 2009. This request is made for the purpose of constructing a single-family dwelling on the property.

Location:

4525 William Bedford

Tax Map/Parcel Nos.:

(47-1)(08-0-0035-A)

Parcel Size:

32,670 square feet or 0.75 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with the Comprehensive Plan and recommends the Board of Supervisors adopt the attached ordinance vacating the recreational area to allow for the construction of one housing unit. Due to the private ownership and absence of a Homeowners Association, the realistic possibility of this lot being developed as a recreation area is small. Staff does not believe that approval of this request will set a negative precedent and the proposed use is consistent with surrounding properties.

Staff Contact: Christy Parrish

Phone: 253-6685

PROJECT DESCRIPTION

Mr. and Mrs. Coronado have submitted a request to vacate the “Recreation Area” designation, as shown on subdivision plat entitled “CHANCO’S GRANT SECTION II SUBDIVISION PLAT” to a numbered lot. This request is made for the purpose of constructing a single-family dwelling on the property. The existing 32,670-square-foot parcel is located at 4525 William Bedford in the existing Chanco’s Grant subdivision and can be further identified as Parcel No. (08-0-0035-A) on the James City County Real Estate Tax Map No. (47-1).

This parcel was platted as part of Chanco’s Grant Section II and designated as a “Recreation Area” in 1987. The recreation area met the Subdivision Ordinance standards and was approved by the James City County Subdivision Review Committee. The developer of Chanco’s Grant, Section II (DCI, Inc.) retained ownership of this area until 2004, at which time the current owners purchased this area at public auction. The property was never developed as a recreation area and is currently wooded and undisturbed.

The property is located in the R-8, Rural Residential District. The Chanco’s Grant Subdivision is non-conforming due to current R-8 lot size requirements of three acres. At the time of subdivision, the property was zoned A-2 and the minimum lot size requirement was 17,500 square feet. It has been determined by the Zoning Administrator that the proposed use of the lot is permitted in the current zoning district and this request does not affect the non-conforming lot size status.

A Declaration of Covenants and Restrictions for Chanco’s Grant Section II were recorded on May 29, 1987 (the “Declaration”). Article III, Section 2 of the Declaration states that the common area was to be transferred to an Association and “every Member shall have a right of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot or Unit.” It is staff’s understanding that a Homeowners Association for Chanco’s Grant was never established and the Recreation Area was never transferred to a Homeowners Association. Article VI, Section 2(a) of the Declaration states that “All Lots or Units within the Property shall be developed and maintained in accordance with the approved subdivision and site plan.” Approval of the vacation of the “Recreation Area” designation would alter the recorded plat so that the “Recreation Area” would instead be a numbered lot labeled “Lot 35-A”.

Staff has received several inquiries regarding this case. However, formal written opposition or support for this case has not been received at this time. Staff will bring forward all correspondence as it is received.

PUBLIC IMPACTS

Environmental

Staff Comments: The Environmental Division has reviewed the plan and has no concerns. Erosion and sediment control measures will be handled at the single-family development stage.

Virginia Department of Transportation

Staff Comments: The Virginia Department of Transportation has no concerns. A driveway access permit will be required.

COMPREHENSIVE PLAN

Land Use Map Designation

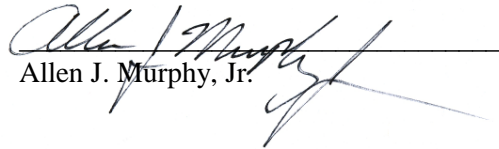
This property is designated Low Density Residential in the 2003 Comprehensive Plan. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Residential development with a gross density greater than one unit per acre and up to four units per acre may be considered if public benefits to the community, such as affordable housing, are present.

RECOMMENDATION

Staff finds the proposal consistent with the Comprehensive Plan and recommends that the Board of Supervisors adopt the attached ordinance vacating the recreational area to allow for the construction of one housing unit. Due to the private ownership and absence of a Homeowners Association, the realistic possibility of this lot being developed as a recreation area is small. Staff does not believe that approval of this request will set a negative precedent and the proposed use is consistent with surrounding properties.

Christy Parrish

CONCUR:



Allen J. Murphy, Jr.

CP/nb
S_12_09ChnoGrt

ATTACHMENTS:

1. Location Map
2. Recorded Subdivision Plat
3. Ordinance of Plat Vacation

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT

ENTITLED “CHANCO’S GRANT SECTION II” AND MORE PARTICULARLY DESCRIBED AS

THE VACATION OF THE WORDS “RECREATION AREA” AND ADD “LOT 35-A”

WHEREAS, Gualberto Tulod Coronado, Joanna M. Coronado, and Jennifer Coronado (the “Owners”) currently own a parcel of property identified as James City County Real Estate Tax Map Parcel No. (47-1)(08-0-0035-A) and known as 4525 William Bedford (the “Property”) which is designated as a “Recreation Area” on a plat entitled “Chanco’s Grant Section II Subdivision Plat” and dated May 29, 1987 (the “Plat”); and

WHEREAS, the Owners desire to construct a single-family dwelling unit upon the Property; and

WHEREAS, the Property may not be used for residential uses unless the words “Recreation Area” are vacated from the Plat; and

WHEREAS, an application has been made by Gualberto and Joanna Coronado to vacate the words “Recreation Area” from the Plat and add “Lot 35-A” to the Plat; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Sections 15.2-2272 and 15.2-2204 of the Code of Virginia as amended; and

WHEREAS, the Board of Supervisors held a public hearing and considered such application on the 14th day of July 2009, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of the public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the words “Recreation Area” shown on the plat be so vacated and add “Lot 35-A” to permit the construction of a single-family dwelling unit.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

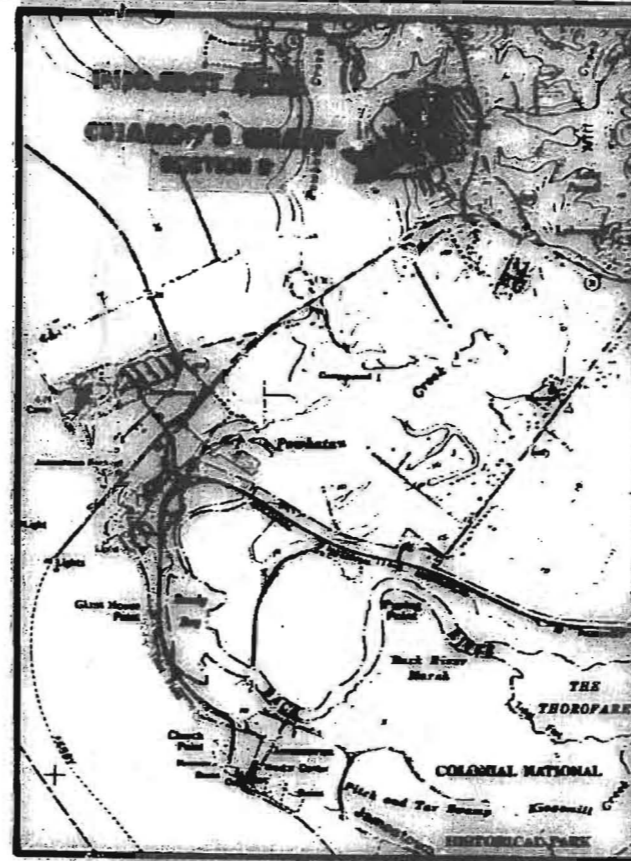
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

S_12_09ChnoGrt_res

JCC-S-0012-2009 CHANCO'S GRANT VACATION OF RECREATION AREA DESIGNATION



NO	DELTA	RADIUS	TANGENT	ARC	CHORD	CHD BEARING
6	90°00'00"	25.00	25.00	39.27	35.36	S63°04'32"W
7	17°56'28"	810.00	127.74	253.40	252.37	S17°02'18"W
8	86°28'51"	25.00	23.51	37.73	34.25	N24°40'34"W
9	01°07'32"	25.00	30.40	44.12	38.82	S81°28'14"W
10	108°19'15"	25.00	33.37	48.38	40.02	S45°05'00"E
11	80°19'32"	265.00	184.00	279.01	266.10	N67°54'46"E
12	90°00'00"	25.00	25.00	39.27	35.36	N07°18'00"W
13	15°45'00"	265.00	36.85	72.85	72.82	N60°07'30"W
14	89°59'40"	25.00	25.00	39.27	35.36	N82°45'11"E
15	90°15'00"	25.00	28.43	40.88	36.34	S08°52'19"E
16	18°30'05"	265.00	44.26	87.23	87.33	N64°59'03"W
17	63°58'05"	25.00	12.72	23.34	22.68	N78°28'52"E
18	28°56'10"	30.00	—	30.52	70.88	S15°34'58"W
19	53°28'01"	25.00	12.73	23.54	22.88	N42°02'51"W
20	86°44'54"	25.00	23.82	37.85	34.34	S81°07'30"W
21	90°00'00"	25.00	25.00	39.27	35.36	S07°18'00"E
22	27°01'28"	150.00	38.05	70.78	70.09	N89°49'27"E
23	50°44'57"	75.00	36.57	68.43	64.28	S64°11'55"W
24	229°30'08"	60.00	—	272.09	92.08	S29°11'33"E
25	90°00'00"	25.00	25.00	39.27	35.36	S89°45'03"W
26	53°58'06"	25.00	—	23.55	22.49	S10°45'07"W
27	287°56'12"	60.00	—	301.53	70.59	S52°15'00"E
28	53°58'06"	25.00	12.73	23.55	22.89	N64°44'03"E
29	90°00'00"	25.00	25.00	39.27	35.36	S88°48'00"W
30	84°06'00"	25.00	22.82	33.27	33.77	N66°04'33"E
31	59°57'57"	25.00	12.73	23.55	22.89	S28°54'18"E
32	287°56'12"	60.00	43.64	301.53	70.59	S88°04'32"W
33	53°58'25"	25.00	12.73	23.55	22.89	N25°03'11"E
34	80°00'00"	25.00	20.98	34.81	32.14	N41°44'28"W
35	90°00'00"	25.00	25.00	39.27	35.36	S7°15'00"W



45 of 58

RICHMOND ENGINEERING INC.
 1000 W. MAIN ST.
 WILMINGTON, DE 19801

DATE: 4/10/91
 FOR: []
 OF: []
 BY: []

REVISION

CHANCO'S GRANT SECTION II SUBDIVISION PLAT

JAMES CITY COUNTY VIRGINIA

50130 1

OWNER'S CONSENT & DEDICATION

THIS SUBDIVISION IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

TITLE TO THE LAND HEREIN HERETO IS VESTED IN DCI HOMES

IN THE CLERK'S OFFICE OF JAMES CITY COUNTY

VIRGINIA
 BY Steve K. Riddle

BY _____
 STATE OF VIRGINIA

I, John A. Duncan, A HONORARY PUBLIC DO CERTIFY THAT THE FOREGOING WELLS HAVE BEEN STAKED TO THE FOREGOING METERS HAVE BEEN RECORDED THE SAME BEFORE ME IN MY CITY AND SEWER AUTHORITY.

GIVEN UNDER MY HAND THIS 8th DAY OF May, 1991.

MY COMMISSION EXPIRES July 14, 1989

STATE OF VIRGINIA, COUNTY OF James City County

IN THE CLERK'S OFFICE OF THE CLERK OF THE COUNTY OF James City County THIS 29th DAY OF May, 1991. THIS MAP WAS FORWARDED AND ADMITTED TO THE RECORD AS THE LAW DIRECTS.

TESTE: Belene Swain CLERK
 PLAT BOOK 45 PAGE 58+59.

CERTIFICATE OF APPROVAL

THIS SUBDIVISION HERE AS Chanco's Grant, Section II

IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE CONSULTED TO RECORD.

DATE 4-2-91 [Signature] HIGHWAY

DATE 4-3-91 [Signature] HEALTH OFFICER

DATE 5/10/91 [Signature] GOVT OF GOVERNING BODY

I HEREBY CERTIFY THIS TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE CODE OF SUBDIVISIONS & ORDINANCES OF THE COUNTY OF James City County, VIRGINIA, INCLUDING THE STATUTE OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.

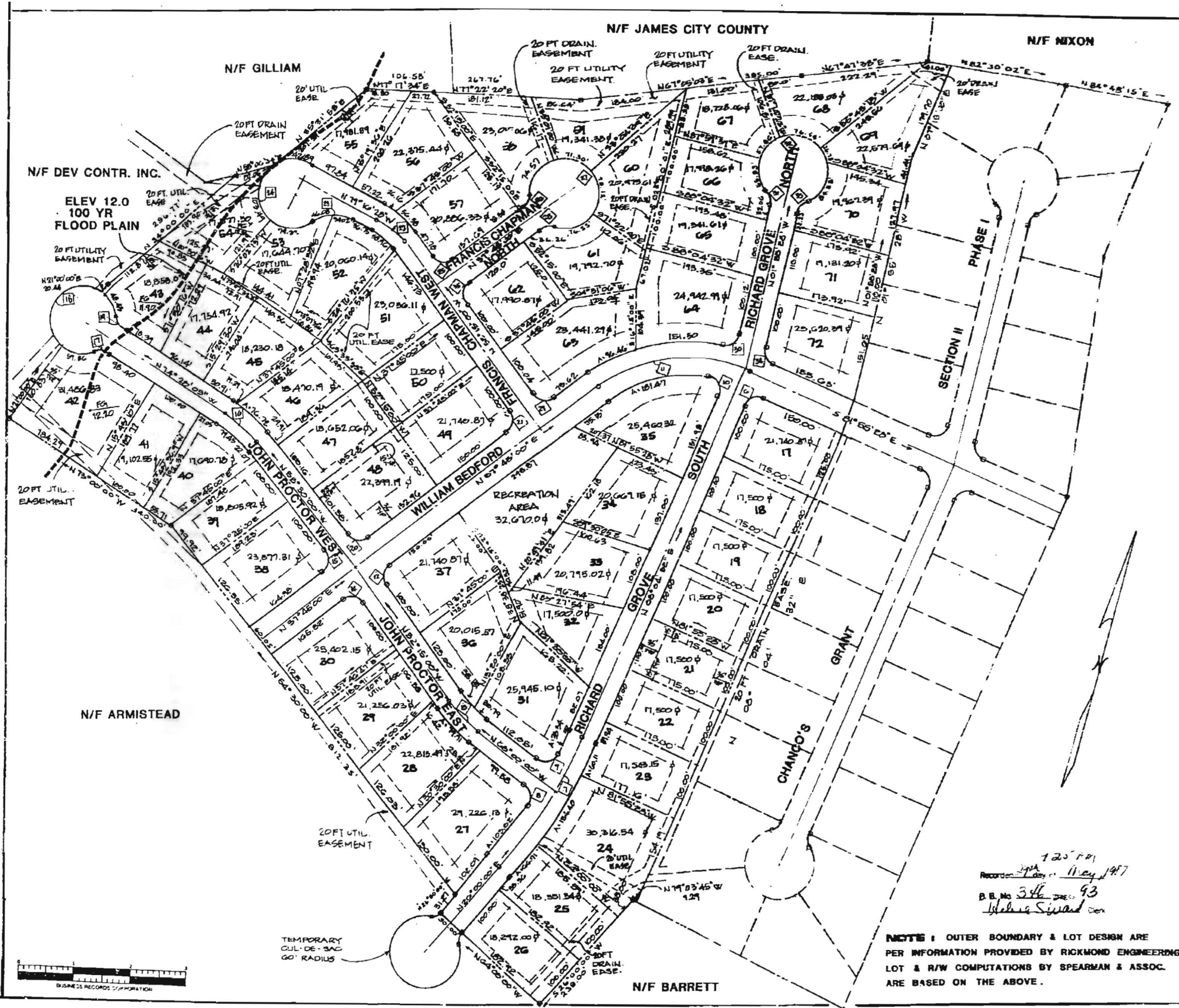
GIVEN UNDER MY HAND THIS 5th DAY OF April, 1991.

BY: [Signature]



SPEARMAN & ASSOC., INC. - LAND SURVEYING
 P.O. BOX #1244
 WILLIAMSBURG, VIRGINIA - 23187
 (804) 565-1318

9125
[Signature] 4/10/91
 P. O. Box 316, page 93
[Signature] Clerk



RICKMOND ENGINEERING INC.
 CIVIL ENGINEERS
 ENVIRONMENTAL ENGINEERS
 LAND DEVELOPMENT PLANNERS
 400-C MARKET STREET
 WILLIAMSBURG, VA 23185
 (804) 533-1313

NO.	DATE	DESCRIPTION	BY	CHK
1	11/1/87	REVISIONS TO SUBDIVISION PLAT	W. J. SPEARMAN	
2	11/1/87	REVISIONS TO SUBDIVISION PLAT	W. J. SPEARMAN	

CHANGO'S GRANT SECTION II
SUBDIVISION PLAT
 PHASE II
 JAMES CITY COUNTY VIRGINIA

125' R/W
 Record 125' R/W - May 1987
 B.B. No. 346 - 93
 W. J. Spearman
 NOTE: OUTER BOUNDARY & LOT DESIGN ARE PER INFORMATION PROVIDED BY RICKMOND ENGINEERING. LOT & R/W COMPUTATIONS BY SPEARMAN & ASSOC. ARE BASED ON THE ABOVE.

MEMORANDUM

DATE: July 14, 2009

TO: The Board of Supervisors

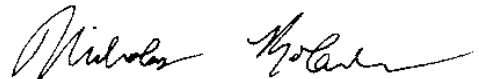
FROM: Nicholas K. Bolash, Law Intern

SUBJECT: Ordinance to Amend Chapter 24, Zoning, Section 24-650, to Eliminate the Term “Approaching Confiscation” from the Requirements for Granting Variances

The 2009 Session of the Virginia General Assembly approved an amendment to Section 15.2-2309 of the Code of Virginia. This section pertains to the powers and duties of local boards of zoning appeals to grant variances. Currently the Code of the County of James City (“County Code”) allows the Board of Zoning Appeals to grant variances to properties only when the applicant can show a “clearly demonstrable hardship approaching confiscation.”

At its meeting on July 1, 2009, following the required public hearing, the Planning Commission voted 7-0 to approve the proposed amendment to the Zoning Ordinance to eliminate the words “approaching confiscation” to conform with the recent change in the Code of Virginia.

Staff recommends adoption of the attached ordinance.



Nicholas K. Bolash

CONCUR:



Leo P. Rogers

NKB/gb
Sec24-650_mem

Attachments:

1. Ordinance
2. Unapproved Planning Commission Minutes

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY AMENDING ARTICLE VIII, APPEALS, DIVISION 2, BOARD OF ZONING APPEALS, SECTION 24-650, POWERS AND DUTIES; GRANTING OF VARIANCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-650, Powers and duties; granting of variances.

Chapter 24. Zoning

Article VIII. Appeals

Division 2. Board of Zoning Appeals

Sec. 24-650. Powers and duties; granting of variances.

The board of zoning appeals shall have the following powers and duties:

- (2) To authorize upon appeal or original application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of this chapter shall be observed and substantial justice done, as follows:
 - a. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional

topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship ~~approaching~~ ~~confiscation~~, as distinguished from a special privilege or convenience sought by the applicant; provided, that all variances shall be in harmony with the intended spirit and purpose of this chapter.

- b. No such variance shall be authorized by the board unless it finds:
 1. That the strict application of this chapter would produce undue hardship;
 2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- c. No such variance shall be authorized except after notice and hearing as required by section 15.2-2204 of the Code of Virginia.
- d. No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- e. In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July,
2009.

Sec24-650_ord

UNAPPROVED MINUTES FROM THE JULY 1, 2009 PLANNING
COMMISSION MEETING

Zoning Amendment – To amend section 24-650 of the Zoning Ordinance, to eliminate the words “approaching confiscation” from the requirements for granting variances

Mr. Bolash requested the Planning Commission recommend that the Board of Supervisors amend section 24-650 of the Zoning Ordinance. The change will clarify the terms under which a variance may be granted.

Mr. Peck asked if the Commission could recommend that the language remains, therefore creating a higher standard.

Ms. Angela King answered that it would be mandatory to make the change in order to match the standard in the Virginia Code.

Mr. Poole asked if staff has received any feedback from citizens.

Mr. Bolash answered no.

Mr. Krapf opened the public hearing.

There being no comments, he closed the public hearing.

Mr. Henderson moved for approval with a second from Ms. Kratter.

In a roll call vote, the motion was approved. (7-0, AYE: Henderson, Billups, Poole, Fraley, Kratter, Peck, Krapf.)

MEMORANDUM

DATE: July 14, 2009

TO: The Board of Supervisors

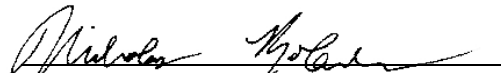
FROM: Nicholas K. Bolash, Law Intern

SUBJECT: Ordinance to Amend Chapter 24, Zoning, to Replace the Term “Mentally Retarded” with the Term “Intellectually Disabled”

During the 2008 Session of the Virginia General Assembly, the Legislature approved HB 760, which replaced the terms “mentally retarded” and “mental retardation” in the Code of Virginia with the more sensitive term “intellectually disabled” and “intellectual disability.”

At its meeting on July 1, 2009, following the required public hearing, the Planning Commission voted 7-0 to approve the proposed amendment to the County’s Zoning Ordinance to conform with the Code of Virginia.

Staff recommends adoption of the attached ordinance.


Nicholas K. Bolash

CONCUR:


Leo P. Rogers

NKB/nb
Ch24_Zoning_mem

- Attachment:
1. Ordinance
 2. Unapproved Planning Commission Minutes

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; AND ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 15, MIXED USE, MU, SECTION 24-521, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending, Section 24-2, Definitions; Section 24-213, Uses permitted by special use permit only; Section 24-349, Uses permitted by special use permit only; and Section 24-521, Permitted uses.

Chapter 24. Zoning

Article I. In General

Sec. 24-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Home care facility. A residential facility for the care of four or more persons who require the protection of a supervised group setting or nine or more persons who are mentally ill, ~~mentally retarded~~ *intellectually disabled*, or developmentally disabled.

Article V. Districts.

Division 2. General Agricultural District, A-1

Sec. 24-213. Uses permitted by special use permit only.

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, ~~mentally retarded~~ *intellectually disabled*, or other developmentally disabled persons, for more than five such persons.

Division 8. Rural Residential District, R-8

Sec. 24-349. Uses permitted by special use permit only.

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, ~~mentally retarded~~ *intellectually disabled*, or other developmentally disabled persons for more than five such persons.

Division 15. Mixed Use, MU

Sec. 24-521. Permitted uses.

In the mixed use districts, all structures to be erected or land to be used shall be for one or more of the following uses:

(2) *Nonresidential uses:*

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, ~~mentally retarded~~ *intellectually disabled* or other developmentally disabled persons, for more than five persons.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of July, 2009.

Ch24_Zoning_ord

UNAPPROVED MINUTES FROM THE JULY 1, 2009 PLANNING
COMMISSION MEETING

Zoning Amendment – To amend section 24-2, 24-213, 24-349, and 24-521 of the
Zoning Ordinance, to replace the term “mentally retarded” with the term
“intellectually disabled”

Mr. Bolash stated the Virginia General Assembly approved a measure to change these references to “intellectually disabled.” He recommended the Planning Commission recommend approval of this change to the Board of Supervisors.

Ms. Kratter asked if there was a definition for what constitutes an intellectual disability.

Mr. Bolash stated he was not aware of any definition.

Ms. King stated it was defined in the County Code, but she would have to do some research to see if it was defined in the Virginia Code.

Mr. Billups stated that some information may be listed in cases involving children who are labeled “intellectually disabled.”

Ms. King stated that this proposed change is to reflect what is currently in the Virginia Code.

Mr. Krapf opened the public hearing.

There being no comments, he closed the public hearing.

Mr. Henderson moved for approval with a second from Mr. Peck.

In a roll call vote, the motion was approved. (7-0, AYE: Henderson, Billups, Poole, Fraley, Kratter, Peck, Krapf.)