

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 11, 2009

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Alex Wesser, a rising twelfth-grade student at Jamestown High School

D. PUBLIC COMMENT

E. CONSENT CALENDAR

1. Minutes –
 - a. July 28, 2009, Work Session
 - b. July 28, 2009, Regular Meeting
2. Code Violation Lien – Trash and Grass Lien – 103 Redbud Lane
Supports County's Strategic Pathway 2.f - enhance community appearance
3. Grant Award – Port Security Grant Program (PSGP) – \$126,354
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Grant Award – Virginia Department of Motor Vehicles – \$35,005
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
5. Grant Award – State Homeland Security Program (SHSP) – \$29,200
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
6. Grant Award – Williamsburg Community Foundation (WCF) – \$1,995
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes

F. PUBLIC HEARINGS

1. Police Department Building Proposed Comprehensive Agreement and Proposals
2. Ordinance to Amend Chapter 20, Taxation, to Change from an Annual Reassessment Cycle to a Biennial Reassessment Cycle

G. BOARD CONSIDERATION

1. Resolution Authorizing Lease Revenue Financing for Construction and Renovation of Public Safety Facilities
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community

-CONTINUED-

H. PUBLIC COMMENT

I. REPORTS OF THE COUNTY ADMINISTRATOR

J. BOARD REQUESTS AND DIRECTIVES

K. CLOSED SESSION

1. Consideration of a personnel matter, involving the annual performance evaluation of the County Administrator pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

L. ADJOURNMENT to 7 p.m. on September 8, 2009

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JULY 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
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

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

C. BOARD DISCUSSION

1. Joint Work Session with the Planning Commission – 2009 Comprehensive Plan Update

Mr. Krapf called the meeting of the Planning Commission to order. In attendance from the Planning Commission were: Mr. George Billups, Mr. Jack Fraley, Mr. Chris Henderson, Mr. Rich Krapf, Ms. Deborah Kratter, and Mr. Reese Peck. Mr. Joe Poole was absent.

Ms. Tammy Rosario, Principal Planner, commented on the meeting's agenda and discussion points. She reviewed the milestones of the Comprehensive Plan review process for the Board and Planning Commission, including the adoption of the methodology, formation and meetings of the Community Participation Team, public input through Community Conversations and an interactive website, and the formation and meetings of the Steering Committee. She stated the Plan was adopted (with revisions) by the Steering Committee on June 25, 2009, and was distributed to the Board and Planning Commission for consideration. She stated that after adoption of the Plan by the Planning Commission, the Board would consider the matter, likely in fall 2009. Ms. Rosario reviewed key elements of the draft Comprehensive Plan and highlighted how community input was implemented throughout the process. Ms. Rosario stated the goals of the work session were to receive feedback from the Board on the draft plan, as well as feedback on specific items brought forward by Mr. Krapf, and identification of any additional items related to the Plan for future discussion.

Mr. Krapf noted that the Planning Commission was in the early stages of its review of the Comprehensive Plan. He stated that there was a need for a process to address each of the elements of the Comprehensive Plan. He stated that some items will require additional research by staff and that an additional work session may be needed for detailed text revisions. He stated that there were a number of items for discussion related to content and organization, which was provided to the Board. He highlighted Fairfax County's approach of providing a high-level policy plan document as a supplement to its Comprehensive Plan.

The Board and Commission discussed the differing functions of a policy plan document concept and the adaptation of this idea into an executive summary for the benefit of the public.

Discussion was held about the structure of the Comprehensive Plan and having growth management strategies substantially highlighted and creation of a model to develop and assess cumulative impact of land use projects for levels of service. There was discussion about how population numbers guide the plan and the vision of a sustainable community.

Mr. Krapf explained that a new component to the Plan was an implementation guide and noted the potential for monitoring and reporting on the implementation of the Plan. There was also discussion of a potential amendment process that would allow updates of policy documents, including items such as an adopted Parks and Recreation Master Plan, special studies, and land use designation change requests, as a way to keep the document current for the public. Mr. McGlennon expressed his concern about amending the Comprehensive Plan between cycles without a compelling purpose.

Discussion was held about a potential sustainability plan action item to unite sustainability initiatives and to reference a weighted checklist for sustainable development. Sustainability was defined as production outweighing consumption of resources, such as traffic levels of service. Emphasis was placed on growth principles, sustainable development strategies, housing options, recreational and education opportunities, and economic development. Mr. Fraley reviewed applications of each of the elements and the process for using a checklist during the application process.

Mr. McGlennon discussed the general nature of the Comprehensive Plan document and the measurability of particular components of the Plan, as well as variability of circumstances in relation to application of parts of the Plan. He commented on the pace of growth in the County and how it could be reflected in the Comprehensive Plan, and noted his desire to highlight community character. He stated that the Office of Economic Development should encourage locally-based retail stores rather than national chains and that the affordable housing component should be researched and evaluated from the employment perspective to increase diversity of jobs. He stated that he wished to see an increased quality in employment opportunities. Ms. Jones echoed concerns about the pace of growth in the County. The direction and vision of the plan and its influence on the County were discussed, including economic development strategies and maintaining the quality of life in the community.

Discussion was held about prioritization of the action items or creating an implementation schedule. Mr. Krapf stated that this was a discussion item that would be addressed before the Plan came before the Board. Mr. Peck suggested that the Board give guidance on a "Top 10" for the priorities to be addressed, which would be matched to the action items that were provided. He stated that often, public awareness of issues was not widespread, so though the County was working to address matters such as growth management, the efforts were not made clear to the public.

Mr. Fraley stated that he went forward with the Steering Committee in making the Comprehensive Plan more actionable and measurable. He did not wish to use vague "weasel wording" that would diminish accountability for the proposed action items. He noted that he was supportive of most points in the County Administrator's recent memo on the Comp Plan.

Ms. Kratter commented that a report card or evaluation of the progress would create accountability. She noted that she felt a clear vision was needed for the County and the evaluation should measure the goals according to the vision. She stated that the public needed an explanation as to why goals and projects were or were not coming to pass. She stated the need for flexible, but not open-ended goals.

Mr. Krapf stated that an update or progress report could measure the action items corresponding to the defined priorities.

Mr. Icenhour asked if a report could be generated that focused on major areas of progress and general exceptions to the Plan as a simpler approach. He stated that he was concerned about opening up the plan for amendment on an annual basis.

Mr. Fraley stated the point of the amendment process was to engage the public and allow the citizen input in the Comprehensive Plan.

Mr. Kennedy stated that public input could be accomplished through the electoral process. He commented on land use predictability and the lack of this element in the Comprehensive Plan. He commented on density and population control and the possibility of transfers of development rights. Mr. Kennedy expressed concern for the protection of rural lands and proposed innovative ideas, such as transferring development rights within the Primary Service Area (PSA). He expressed a desire to allow growth where it was desired rather than creating sprawl. He stated concern about water needs and first-come first-served water supply. He commented on types of housing available, adequate public facilities, and green building. He expressed concern about growth and the job market in the County. He said that he would rather outline accomplishments in a report to explain to the public what has been done to steer the County in the direction that its citizens want it to go.

Mr. Henderson discussed establishing a projected population target to develop a plan for growth and how density affects the number. Discussion was held about allocating density in a way that would balance economic growth and sustainability. Mr. Kennedy expressed a desire to achieve land use predictability and Mr. Henderson noted that increased density was not necessarily a bad thing, as it provided for attractive economic opportunities.

Mr. Kennedy commented that there was a definite need in the County for more transportation funding, and alternate means of transportation, such as high-speed rail, to promote economic development. He commented on the percentage of equal opportunity housing in the County and how that affected those who live and work in the County. He reiterated his desire for creative solutions to density issues, such as transfer of development rights to manage growth and development. Mr. Fraley noted that PDRs and TDRs were included in this plan. He stated that there were provisions for pedestrian-friendly development and interconnectivity during the ordinance review, which would provide more predictability.

Mr. McGlennon commented on deteriorating infrastructure, including inadequate stormwater management systems. He commented that transfer of development rights from unbuildable, environmentally sensitive property inside the PSA in order to build on developable property outside the PSA may encourage unnecessary growth. He commented on promotion of economic growth and stressed that the Comprehensive Plan should provide incentives for better jobs in the County, rather than more lower-level service industry jobs. He stated that flexibility in the Plan would help address disagreements regarding the details. He commented that economic incentives to some degree would be beneficial, but incentives to develop outside the PSA may not be in the County's best interest. He commented that that Mixed Use development should have a reasonable balance of commercial and residential use.

Mr. Icenhour stated support for moving the comments of citizens forward in each section of the the Comp Plan. He suggested that comments be included in the vision statement from the 2007 citizen survey from the International City/County Management Association (ICMA) which indicated that 60-percent of citizens did not feel that the County was headed in the right direction, and 70-percent did not think the County was listening to their concerns. He stated that for the last 15 years, citizen comments on growth have been loosely

acknowledged. He stated this report was significant and he wished to see it incorporated into the Comp Plan so that these issues could be addressed.

Mr. Henderson commented on the development of a public facilities master plan, redevelopment needs in the County and failing infrastructure, desirable economic development and tourism enhancement, and the balance of non-residential versus residential tax revenue.

Ms. Rosario commented that references to a public facilities master plan had been removed by the Steering Committee in the draft Comprehensive Plan in favor of smaller, independent changes.

Mr. McGlennon commented on the difficulties in accurately measuring and ascribing the reasons behind changes in tax revenue proportions.

Mr. Billups expressed concern regarding water quality and testing in relation to chemicals and runoff.

Mr. Krapf adjourned the Planning Commission.

At 5:50 p.m., the Board took a short break.

At 6:01 p.m., Mr. Kennedy reconvened the Board.

D. CLOSED SESSION

Mr. Goodson 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 Social Services Advisory Board and for the consideration of a personnel matter, involving the annual performance evaluation of the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

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

At 6:02 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 6:39 p.m. Mr. Kennedy reconvened the Board.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions and Section 2.2-3711(A)(1) of the Code of Virginia, the annual performance evaluation of the County Attorney.

E. BREAK

At 6:40 p.m. the Board broke for dinner.

Sanford B. Wanner
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JULY 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
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 – Tariq Harris, a rising fifth-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Bradley Weidenhammer, Assistant Residency Administrator for Virginia Department of Transportation (VDOT) Williamsburg Residency, updated the Board on Phase II of the VDOT Blueprint program, which included over 600 layoffs to employees statewide, affecting core project development and equipment shops. He stated that Phase III would occur around December, which would include the closure of VDOT Residencies. He stated that more details would be available at a later date.

Mr. McGlennon asked about the local impact of Phase II of the program.

Mr. Weidenhammer stated that the local impact was the closure of the equipment shop in Williamsburg and consolidation with the Pine Chapel Maintenance Shop in Hampton. He stated that it was not yet clear what the local employment impacts would be.

E. PUBLIC COMMENT – None

F. CONSENT CALENDAR

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

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

1. Minutes – July 14, 2009, Regular Meeting
2. Virginia Recreational Trails Fund Grant Application – Powhatan Creek Greenway Trail, Phase II

RESOLUTION

APPLICATION FOR POWHATAN CREEK GREENWAY TRAIL PHASE II

WHEREAS, the Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed for the construction of a multiuse trail as part of the Powhatan Creek Greenway to connect neighborhoods, historic sites, a school, and the Virginia Capital Trail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports the grant application of up to \$100,000 to assist with the trail construction on the Powhatan Creek Greenway.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, will authorize required matching funds from the Greenways Referendum account in the event that a grant is awarded from the Virginia Recreation Trails Fund Program.

3. Contract Award – Watershed Management Planning Services

RESOLUTION

CONTRACT AWARD – WATERSHED MANAGEMENT PLANNING SERVICES

WHEREAS, a Request for Proposals (RFP) to provide watershed management planning services was publicly advertised and staff reviewed proposals from seven firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Vanasse Hangen Brustlin, Inc. was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide watershed management planning services to Vanasse Hangen Brustlin, Inc.

- 4. Centerville Road/Longhill Road Intersection Improvements (Freedom Park) – VDOT 0614-047-S81, P101, N502 (UPC No. 90435)

RESOLUTION

CENTERVILLE ROAD/LONGHILL ROAD INTERSECTION IMPROVEMENTS

(FREEDOM PARK) VDOT 0614-047-S81, P101, N501 (UPC NO. 90435)

WHEREAS, in accordance with Virginia Department of Transportation (VDOT) FY 2010–2015 Six Year Secondary System Construction Program, appropriation of funds is necessary to cover the construction of the intersection improvements at Centerville Road and Longhill Road in the amount of \$924,420 as outlined in the VDOT Standard Project Administration Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2010, and appropriates the following sum in the amount and for the purpose indicated to the FY 2010 Special Projects/Grants fund:

Freedom Park – Fund Code 013-022-0855

Revenue:

VDOT Six Year Secondary System Construction Program	<u>\$924,420</u>
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Expenditure:

Longhill and Centerville Roads Intersection Improvements 0614-047-S81, P101, N501 (UPC No. 90435)	<u>\$924,420</u>
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- 5. Virginia Department of Transportation (VDOT) Enhancement Grant Funds Transfer – Norge Depot Relocation and Restoration Project – EN01-047-120-P101, R201, C501 (UPC No. 59767)

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ENHANCEMENT GRANT FUNDS

TRANSFER NORGE DEPOT RELOCATION AND RESTORATION

PROJECT EN01-047-120, P101, R201, C501 (UPC NO. 59767)

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, the Virginia Department of Transportation (VDOT) has allocated \$260,000 in Federal Surface Transportation Program (STP) Transportation Enhancement Grant funds transfer to the relocation and restoration of the Norge Train Depot from the cancelled Virginia Capital Trail Grade-Separated Crossing (UPC No. 87007) project in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2010, and appropriates the following sum in the amount and for the purpose indicated.

Norge Depot – Fund Code 013-075-0400

Revenue:

VDOT STP Transportation Enhancement Grant Transfer Funds	<u>\$260,000</u>
VDOT Project UPC No.87007	

Expenditure:

Norge Depot Relocation and Restoration	<u>\$260,000</u>
EN01-047-120, P101, R201, C501 (UPC No. 59767)	

G. PUBLIC HEARING

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Section 13-29, Recovery of Expenses for Emergency Response

Mr. Nicholas Bolash, Law Clerk, stated that the ordinance amendment expands the circumstances under which emergency response expenses could be recovered, largely when citations were issued. He noted that the amendment also added to the list of sections of citations that would incur the code section. He stated that the intent was to recover expenses for an event that would require significant emergency resources. He recommended adoption of the amendment.

Mr. McGlennon clarified that the amendment did not change the amounts that could be charged, but would widen the range of circumstances that would apply to the Code.

Mr. Bolash stated that was correct. He stated that originally the Code stated that the County could recover expenses for emergency response in the event of certain vehicular accidents. He stated that the Code amendment would allow the County to recover expenses for arrests, summonses, or paperwork that would be done in relation to the process.

Mr. McGlennon asked if this amendment brought the County Code into compliance with the Code of Virginia due to recent General Assembly action.

Mr. Bolash stated that was correct.

Mr. Kennedy opened the Public Hearing.

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

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

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

H. PUBLIC COMMENT – None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that during the Board's Requests and Directives, the Board should make the appointment to the Social Services Advisory Board discussed during the Closed Session. He stated that when the Board completed its business, it should adjourn to 7 p.m. on August 11, 2009. He stated that following adjournment, there would be a meeting of the James City Service Authority (JCSA) Board of Directors.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour made a motion to appoint Ms. Teresa Christin to a four-year term on the Social Services Advisory Board, term to expire on July 1, 2013.

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

Mr. McGlennon commented on the new sculpture installed at the Williamsburg Regional Library on Croaker Road.

Mr. Wanner noted that the sculpture was funded by donations.

Mr. McGlennon stated that he also visited the James City-Bruton Volunteer Fire Department Farmer's Market and that it was a success.

Mr. Icenhour stated that he had attended the dedication ceremony Habitat for Humanity House for the Griffin family on July 21, 2009.

K. ADJOURNMENT to 7 p.m. on August 11, 2009

Mr. McGlennon made a motion to adjourn.

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

At 7:13 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on August 11, 2009.

Sanford B. Wanner
Clerk to the Board

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MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: John Rogerson, Senior Zoning Officer
SUBJECT: Code Violation Lien – Trash and Grass – 103 Redbud Lane

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owner. Following failure of the property owner to take corrective action, the County contracted to have the property cleaned. The owner was sent notification of payment due. He failed to pay.

Owner: Herbert E. Watson, Jr.
103 Redbud Lane
Williamsburg, VA 23185

Description: 103 Redbud Lane

Tax Map/Parcel No.: (48-1)(07-0-0072)

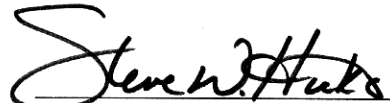
Filing Fee: \$10.00

Total Amount Due: \$460.00

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

John Rogerson

CONCUR:


Steven W. Hicks

JR/nb
Watson_mem

Attachment

RESOLUTION

CODE VIOLATION LIEN – TRASH AND GRASS – 103 REDBUD LANE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Herbert E. Watson, Jr. 103 Redbud Lane Williamsburg, VA 23185
DESCRIPTION:	103 Redbud Lane
TAX MAP/PARCEL NOS.:	(48-1)(07-0-0072) James City County, Virginia
FILING FEE:	\$10.00
TOTAL AMOUNT DUE:	\$460.00

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 11th day of August, 2009.

Watson_res

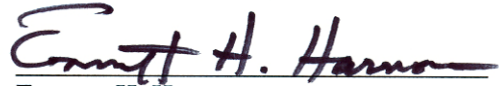
MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Police Chief
SUBJECT: Grant Award - Port Security Grant Program (PSGP) - \$126,354

The James City County Police Department has been awarded a Port Security Grant Program (PSGP) in the amount of \$126,354 (\$31,588 local match; \$94,766 PSGP). As the Department expands its Marine Patrol and Special Weapons and Tactics (SWAT) capabilities, these grant funds are to be used toward the purchase of two zodiac-style boats and other security-related equipment.

The matching funds are available in the County's Grant Match account.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/gb
PortSecGrant_mem

Attachment

RESOLUTION

GRANT AWARD - PORT SECURITY GRANT PROGRAM - \$126,354

WHEREAS, the James City County Police Department has been awarded a Port Security Grant Program (PSGP) in the amount of \$126,354 (\$31,588 local match; \$94,766 PSGP); and

WHEREAS, the matching funds are available in the County's Grant Match account; and

WHEREAS, the funds are to be used toward the purchase of two zodiac-style boats and other security-related equipment.

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

Revenues:

Port Security Grant Program	\$94,766
County's Grant Match account	<u>31,588</u>

Total	<u>\$126,354</u>
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Expenditure:

Port Security Grant Program	<u>\$126,354</u>
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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 11th day of August, 2009.

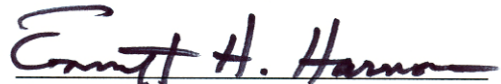
PortSecGrant_res

MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award – Virginia Department of Motor Vehicles – \$35,005

The James City County Police Department has been awarded a highway safety grant in the amount of \$35,005 from the Virginia Department of Motor Vehicles. The funds are to be used toward overtime traffic enforcement, various highway safety training courses and conferences for officers, and accident reconstruction equipment. The grant requires only an in-kind match.

Staff recommends adoption of the attached resolution.


Emmett H. Harmon

CONCUR:


Sanford B. Wanner

EHH/nb
GA_DMV_mem

Attachment

RESOLUTION

GRANT AWARD – VIRGINIA DEPARTMENT OF MOTOR VEHICLES – \$35,005

WHEREAS, the James City County Police Department has been awarded a highway safety grant in the amount of \$35,005 from the Virginia Department of Motor Vehicles; and

WHEREAS, the grant requires no cash match; and

WHEREAS, the funds are to be used toward overtime traffic enforcement, various highway safety training courses and conferences for officers, and accident reconstruction equipment.

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

Revenue:

DMV Fiscal Year 2010 – Highway Safety	<u>\$35,005</u>
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Expenditure:

DMV Fiscal Year 2010 – Highway Safety	<u>\$35,005</u>
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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 11th day of August, 2009.

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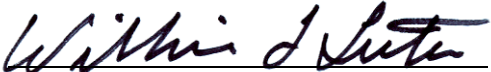
MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award – State Homeland Security Program (SHSP) – \$29,200


The Virginia Department of Health, Office of Emergency Medical Services (VDH, OEMS) has awarded the James City County Fire Department a grant in the amount of \$29,200. The funds are to be used to purchase eight Panasonic ToughBook 19 computers for use in medic units for the completion of Pre-Hospital Patient Care Reporting (PPCR). Because this is a State Homeland Security Program grant, the Virginia Department of Emergency Management (VDEM) will manage this grant.

This grant requires no matching funds.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
GA_SHSP_mem

Attachment

RESOLUTION

GRANT AWARD – STATE HOMELAND SECURITY PROGRAM (SHSP) – \$29,200

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services (VDH, OEMS) has awarded the James City County Fire Department a State Homeland Security Program (SHSP) grant in the amount of \$29,200; and

WHEREAS, the funds are to be used to purchase eight Panasonic ToughBook 19 computers for use in medic units for the completion of Pre-Hospital Patient Care Reporting (PPCR); and

WHEREAS, the grant will be managed by the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the grant period is July 1, 2009-October 30, 2009; and

WHEREAS, the grant requires no match.

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

Revenue:

SHSP – ToughBook 19 Computers	<u>\$29,200</u>
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Expenditure:

SHSP – ToughBook 19 Computers	<u>\$29,200</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

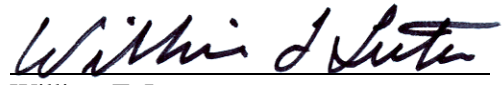
Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of August, 2009.

MEMORANDUM

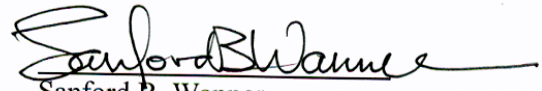
DATE: August 11, 2009
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award - Williamsburg Community Foundation (WCF) - \$1,995

The Williamsburg Community Foundation (WCF) has awarded the James City County Fire Department Emergency Communications Division a grant in the amount of \$1,995. There is no match required. The funds are to be used toward the purchase of mannequins and supplies for CPR classes.

Staff recommends adoption of the attached resolution to accept the grant.


William T. Luton,

CONCUR:


Sanford B. Wanner

WTL/gb
WCFgrant_mem

Attachment

RESOLUTION

GRANT AWARD - WILLIAMSBURG COMMUNITY FOUNDATION - \$1,995

WHEREAS, the Williamsburg Community Foundation (WCF) has awarded the James City County Fire Department Emergency Communications Division a grant in the amount of \$1,995; and

WHEREAS, the funds are to be used toward the purchase of mannequins and supplies for CPR classes; and

WHEREAS, the grant requires no match.

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

Revenue:

WCF – CPR Supplies	<u>\$1,995</u>
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Expenditure:

WCF – CPR Supplies	<u>\$1,995</u>
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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 11th day of August, 2009.

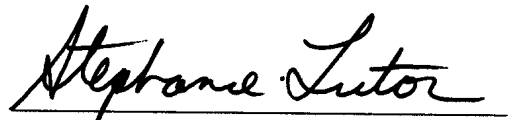
WCFgrant_res

MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: Stephanie Luton, Purchasing/Management Services Director
SUBJECT: Police Department Building Proposed Comprehensive Agreement and Proposals

On May 12, 2009, the Board of Supervisors authorized the negotiation and award of a Comprehensive Agreement to David A. Nice Builders, Inc. for the Design and Construction of a Police Building at Warhill. Negotiations to develop the Comprehensive Agreement are complete and a proposed Agreement has been developed.

This public hearing is required as part of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) procurement process prior to the County entering into the Comprehensive Agreement. The purpose of this hearing is to receive public comment on the proposed Comprehensive Agreement and proposals for the Police Department Building submitted pursuant to the PPEA. No Board action is requested at this time.


Stephanie Luton

CONCUR:

John E. McDonald

SL/gb
PoliceBldgAgr_mem

MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: Richard J. Sebastian, Director of Real Estate Assessments
SUBJECT: Ordinance Amendment to Chapter 20, Taxation; to Change from an Annual Reassessment Cycle to a Biennial Reassessment Cycle

Per Board request, the appropriate changes have been made to County Code Section 20-27 to begin reassessing all County real estate on a biennial cycle. If adopted, the change will become effective February 1, 2010. The first assessment of the new biennial cycle will be effective January 1, 2012.

The ordinance amendment is attached.

Richard J. Sebastian

CONCUR:

John E. McDonald

RJS/gb
Chp20Biennial_mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VI, REAL ESTATE ASSESSMENT, SECTION 20-27, ANNUAL ASSESSMENT AND REASSESSMENT OF REAL ESTATE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-27, Biennial assessment and reassessment of real estate.

Chapter 20. Taxation

Article VI. Real Estate Assessment

Sec. 20-27. ~~Annual~~ *Biennial* assessment and reassessment of real estate.

Pursuant to section 58.1-3253 of the Code of Virginia, 1950, as amended, there shall be an ~~annual~~ *biennial* assessment and reassessment and equalization of assessments of all real estate in the county, such real estate to be assessed as of January 1 of each *even numbered* year, ~~beginning January 1, 2008~~ *such biennial assessment shall become effective February 1, 2010.*

State law reference-Code of VA., § 58.1-3010.

This ordinance shall become effective February 1, 2010.

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 11th day of
August, 2009.

Chp20Biennial_ord

MEMORANDUM

DATE: August 11, 2009
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Resolution Authorizing Lease Revenue Financing for Construction and Renovation of Public Safety Facilities

The Board's adopted Fiscal Year 2010 Capital budget includes funding from a lease revenue financing for the construction of a new Police building and the renovation of the existing Law Enforcement Center for Fire administration and training. Davenport and Company recommends a competitive sale in September in the amount of \$15,100,000 to finance the following:

Police Building	\$12,100,000
LEC Renovation	1,500,000
Possible Reserve Requirement	<u>1,500,000</u>
	\$15,100,000

The planned lease revenue financing involves the Economic Development Authority (EDA). The EDA would issue bonds to finance the construction and renovation and to fund any required reserves associated with the financing. The completed buildings would be leased by the EDA to the County. Funds budgeted by the County in debt service would need to be appropriated on an annual basis to pay interest and principal on the bonds. The County is responsible for paying off the financing, not the EDA, and the County would be accountable in the event of a default.

The possible reserve requirement is a bond escrow fund. The final annual debt service payment is borrowed and then set aside as additional protection to the lenders. It is expected to result in better pricing of the bond issue but it may not be needed.

As components of the lease financing, several transactions must occur. These are referenced in the attached resolution and both the resolution and the financing documents have been prepared by Stephen Johnson of Troutman Sanders, the County's bond counsel.

One unusual option for this kind of financing not previously seen by the County is the possibility of selling bonds as "Build America Bonds." These bonds are issued as taxable bonds, rather than tax exempt, but the Federal government, under the American Recovery and Reinvestment Act of 2009, will either provide a tax credit to the bondholders or make payments to EDA to reduce the County's debt service. A decision will be made prior to the sale and after analyzing the "true" interest costs of all the options whether or not to elect that all or a portion of the financing shall constitute "Build America Bonds."

If the bonds are not sold as "Build America Bonds," the interest paid by the EDA and County will be exempt from Federal income taxes for most taxpayers (and for Virginia taxpayers exempt from State income taxes) and would be designated as "bank qualified." That would expand the list of possible buyers of the bonds to include banks, who would be allowed to deduct interest earnings, since the County is borrowing less than \$30 million this calendar year.

Resolution Authorizing Lease Revenue Financing for Construction and Renovation of Public Safety
Facilities

August 11, 2009

Page 2

The attached resolution authorizes the Chairman and/or the Vice Chairman and the County Administrator to execute the necessary documents to complete the financings as long as the "true" interest costs do not exceed 5.5 percent. Both staff and Davenport expect the net interest rates to be lower. A separate action by the EDA later this month should complete the legislative acts needed to sell the bonds.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/nb
ResolOfBOS_mem

Attachment

RESOLUTION

RESOLUTION AUTHORIZING LEASE REVENUE FINANCING FOR CONSTRUCTION AND

RENOVATION OF PUBLIC SAFETY FACILITIES

- WHEREAS, the Board of Supervisors of James City County, Virginia (the “Board of Supervisors”) has determined that James City County, Virginia (the “County”) has an immediate need for (i) the construction and equipping of a police station building and (ii) the renovation of the current Law Enforcement Center for use by Fire Administration and Training (collectively, the “Project”); and
- WHEREAS, there has been presented to the Board of Supervisors a plan for the lease financing of the Project which would not create debt of the County for purposes of the Virginia Constitution; and
- WHEREAS, pursuant to such financing plan, the Economic Development Authority of James City County, Virginia (the “Authority”) would issue its lease revenue bonds in an amount not to exceed \$15,100,000 (the “Bonds”) to finance the Project, which would be leased by the Authority to the County, and to finance other related costs and to fund any required reserves associated with the issuance of the Bonds; and
- WHEREAS, as a result of current conditions in the capital markets, the County’s financial advisor, Davenport and Company, LLC (the “Financial Advisor”), has recommended that a determination be made closer to the time the Authority enters the market with the Bonds whether to offer and sell such Bonds pursuant to a competitive bidding process or a negotiated underwriting; and
- WHEREAS, the Bonds will be: (a) Awarded by the Authority through a competitive electronic bidding process using a Notice of Sale, to be dated the date of its posting (the “Notice of Sale”), which states the structure and terms of the sale of the proposed Bonds, or (b) Sold pursuant to a Bond Purchase Agreement, to be dated as of the date of sale of the Bonds (the “Bond Purchase Agreement”), among the Authority, the County and one or more underwriters to be selected as described below (collectively, the “Underwriters”); and
- WHEREAS, prior to the issuance of the Bonds, the County Administrator, as agent of the Authority, or his designee, may determine on behalf of the Authority, to elect that all or a portion of the Bonds shall constitute “Build America Bonds” pursuant to the Federal American Recovery and Reinvestment Act of 2009, the interest on which will be taxable to the holders thereof for federal income tax purposes, and either (a) Such holders will receive a tax credit equal to 35 percent of the interest on the Bonds or (b) The Federal government will make direct payments to, or as directed by, the Authority in the amount of the such credit as and when such interest is payable; and
- WHEREAS, there have been presented to this meeting preliminary drafts of the following documents (collectively, the “Documents”) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- (a) Ground Lease, dated as of September 1, 2009 (the "Ground Lease"), between the County and the Authority conveying to the Authority interests in certain real property;
- (b) Lease Agreement, dated as of September 1, 2009 (the "Lease"), between the Authority and the County conveying to the County a leasehold interest in the Project;
- (c) Indenture of Trust, dated as of September 1, 2009 (the "Indenture"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the Bonds are to be issued;
- (d) Assignment of Rents and Leases, dated as of September 1, 2009 (the "Assignment"), between the Authority and the Trustee, assigning to the Trustee certain of the Authority's rights under the Ground Lease and the Lease;
- (e) Leasehold Deed of Trust, dated as of September 1, 2009 (the "Deed of Trust"), from the Authority to the deed of trust trustees thereunder for the benefit of the Trustee;
- (f) Preliminary Official Statement with respect to the issuance and sale of the Bonds (the "Preliminary Official Statement"); and
- (g) Continuing Disclosure Certificate, dated as of September 1, 2009 (the "Continuing Disclosure Certificate"), pursuant to which the County agrees to undertake certain continuing disclosure obligations with respect to the Bonds.

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

1. The Board of Supervisors hereby finds and determines that it is in the best interests of the County to proceed with the lease financing of the Project.
2. The Bonds to be issued by the Authority shall have such terms as are approved by the Authority in a duly adopted resolution; *provided*, that the Bonds shall be subject to the following terms and conditions: (a) The aggregate principal amount of the Bonds shall not exceed \$15,100,000; (b) The weighted average maturity of the Bonds shall not exceed 25 years; (c) The Bonds shall be sold at a price not less than 98 percent nor more than 108 percent of the original aggregate principal amount thereof; (d) The "true" interest cost of the Bonds shall not exceed 5.50 percent per annum, after taking into account: (i) Any original issue discount or premium, if any; and (ii) In the case of any Bonds issued as "Build America Bonds," any payments anticipated to be made by the federal government to, or as directed by, the Authority; and (e) The Bonds may be optionally redeemed after 10-1/2 years (or such shorter period as deemed advisable in the sale of the Bonds), with a redemption premium no greater than two percent of the principal amount of the Bonds to be optionally redeemed, provided that in the case of any Bonds issued as "Build America Bonds," such Bonds may be subject to such optional and extraordinary optional redemption provisions as determined by the County Administrator, as the agent of the Authority, or his designee.

3. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes (including any changes necessary in connection with offering any Bonds as Build America Bonds) as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents to which the County is a party by such Chairman or Vice Chairman.
4. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to execute the Ground Lease, the Lease, the Continuing Disclosure Certificate, the Preliminary Official Statement (if required) and the final Official Statement relating to the Bonds. The County Administrator and the County Attorney are hereby authorized to record or cause to be recorded the Ground Lease, the Lease (or a memorandum thereof), the Deed of Trust and the Assignment in the Clerk's Office of the Circuit Court of the County.
5. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized and directed to acknowledge and consent, if necessary, to the provisions of the Indenture, the Assignment and the Deed of Trust.
6. If, upon the recommendation of the Financial Advisor, the County Administrator or his designee determines that then-current market or other conditions warrant a negotiated sale of the Bonds, the County Administrator or his designee is hereby authorized, subject to the limitations set forth in Paragraph 2, to determine the Underwriters for the Bonds, including any syndicate members and members of the selling group for the Bonds, and negotiate the provisions of the Bond Purchase Agreement, including without limitation determining the prices at which the Bonds will be offered by the Underwriters to the public. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are each hereby authorized to execute and deliver such Bond Purchase Agreement.
7. The appropriate officers and agents of the County are hereby authorized and directed to prepare, and the Chairman and Vice Chairman of the Board of Supervisors are each authorized and directed to execute, the Preliminary Official Statement with respect to the issuance and sale of the Bonds, with such supplements as either the Chairman or Vice Chairman may consider necessary or desirable in connection therewith. The Chairman and Vice Chairman of the Board of Supervisors are each authorized, on behalf of the County, to deliver the Preliminary Official Statement and to deem the Preliminary Official Statement to be in final form as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12. The distribution of the Preliminary Official Statement shall be conclusive evidence that it has been deemed final as of its date by the County, except for the omission of such pricing and other information. The use and distribution of the Preliminary Official Statement are hereby authorized.

The appropriate officers and agents of the County are hereby authorized and directed to assist with the preparation of a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate completions, insertions,

omissions and changes as shall be necessary to accurately describe, among other things, the Bonds, the security therefore, and the Documents. The Chairman and the Vice Chairman of the Board of Supervisors, either of whom may act, are each authorized and directed to execute and deliver the final Official Statement on behalf of the County. The use and distribution of such final Official Statement are hereby approved.

8. The Board of Supervisors hereby selects and designates U.S. Bank National Association as Trustee and Troutman Sanders LLP as Bond Counsel with respect to the Bonds, and the Authority is hereby requested to designate them as such.
9. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, unless any of the Bonds are issued as taxable "Build America Bonds," in which case the County shall comply with all requirements of the Code pertaining thereto.
10. All acts of the Chairman and Vice Chairman of the Board of Supervisors and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the undertaking of the Project are hereby approved and ratified.
11. The Board of Supervisors previously adopted on May 12, 2009 a reimbursement resolution in connection with the financing of the Project. The Board of Supervisors hereby amends the maximum principal amount of the indebtedness related to the Project as set forth in such resolution from \$15,000,000 to \$15,100,000. The provisions of such resolution relating to the reimbursement of "original expenditures", except as modified by the preceding sentence, remain in full force and effect and are ratified and confirmed hereby.
12. The County understands that, to the extent that the Bonds are not being offered as "Build America Bonds," the Authority is designating the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The County does not reasonably anticipate that it and any "subordinate entities" will issue during calendar year 2009 more than \$30,000,000 in qualified tax-exempt obligations for the benefit of the County, and the County will not designate more than \$30,000,000 of qualified tax-exempt obligations (including the Bonds as designated by the Authority) in calendar year 2009.
13. The Project is hereby declared to be essential to the efficient operation of the County, and the Board of Supervisors anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease. The Board of Supervisors, while recognizing that it is not empowered to make any binding

commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease and hereby recommends that future Boards of Supervisors do likewise during the term of the Lease. If the County exercises its right not to appropriate money for rent payments under the Lease, the Trustee may terminate the Lease or otherwise exclude the County from possession of the Project.

14. This Resolution shall take effect immediately.

Adopted: August 11, 2009.

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 11th day of August, 2009.

ResolOfBOS_res

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia, at a meeting duly called and held on August 11, 2009, during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
James G. Kennedy, Chair	_____	_____
Mary K. Jones, Vice Chair	_____	_____
James O. Icenhour, Jr.	_____	_____
Bruce C. Goodson	_____	_____
John J. McGlennon	_____	_____

WITNESS my signature as Clerk of the Board of Supervisors of James City County, Virginia, this 11th day of August, 2009.

Sanford B. Wanner
Clerk to the Board of Supervisors of
James City County, Virginia

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