

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 27, 2009

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Emily Boyle, a third-grade student at D.J. Montague Elementary School

D. HIGHWAY MATTERS

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Minutes - October 13, 2009, Regular Meeting
2. Resolution of Recognition - James City County Citizen Involvement
3. Grant Award - Kiwanis Club of Williamsburg - \$250
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
4. Grant Award - Criminal Justice Systems Improvement - \$37,700
Supports County's Strategic Pathway 1.d - develop and promote revenue alternatives to property taxes
5. Authorization to Expend Funds for the Ironbound Road Widening Project - \$197,000
Supports County's Strategic Pathway 2.f - enhance community appearance
6. Airport Site Selection Study
7. County/State Project Administration Agreement, American Recovery and Reinvestment Act, Overlay/Resurfacing Various Routes Countywide

G. PUBLIC HEARINGS

1. Case No. SUP-0020-2009. Vossel and Gross Family Subdivision Amendment
2. Case No. SUP-0018-2009. Robinson Family Subdivision
3. Case No. S-0012-200. Chanco's Grant Vacation of Recreation Area Designation
4. Authorization of Conveyance of Matoaka Elementary School Property to Williamsburg-James City County Public Schools
5. Restrictive Covenants - Warhill Stream Restoration - Parcel No. 3210100012 (in part)
Supports County's Strategic Pathway 4.f - manage stormwater effectively and protect groundwater
6. Ordinance to amend JCC Code, Chapter 20, Taxation, by adding Section 20-7.6, Probate and Administration Tax

-CONTINUED-

H. BOARD CONSIDERATION

1. Planning Commission Job Description

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. RECESS to 4 p.m. on November 10, 2009

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF OCTOBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District - Absent
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

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Abby Crabtree, a fifth-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Influenza Update – Dr. David Trump, Director, Peninsula Health District, Virginia Department of Health

Dr. David Trump, Director of the Peninsula Health District of the Virginia Department of Health, gave a brief update on the H1N1 flu and seasonal flu viruses. He reviewed higher risks as a result of the H1N1 flu. He outlined measures that could be taken to prevent the spread of the flu and vaccinations for seasonal flu and H1N1. He reviewed local options for receiving the H1N1 vaccines at Williamsburg-James City County (W-JCC) Public Schools, physicians' offices, the Health Department, and other locations. He explained that there was no cost for the student vaccinations through W-JCC Public Schools. He recommended contacting the Virginia Department of Health, the Center for Disease Control, and the Peninsula Health District for more information.

Mr. Goodson asked if the H1N1 vaccine would be available at no cost when it was available.

Dr. Trump stated the vaccine itself would be free and the administration of the vaccine would be free if done through the Health Department. He stated other providers may charge an administration fee that would likely be covered by insurance.

Mr. McGlennon thanked Dr. Trump for his work with the schools in prevention of the H1N1 virus. He asked about the need to get the seasonal flu vaccine as well as the H1N1 vaccine.

Dr. Trump stated that the seasonal flu vaccine was recommended and the H1N1 vaccine was recommended for those in the higher-risk age group. He stated timing of administration of the vaccines was not a concern.

Mr. McGlennon asked which flu was apparent at this time.

Dr. Trump stated that at this point the only flu virus being isolated for testing at this time was H1N1, though not every case was tested.

Ms. Jones asked about the difference between the nasal vaccine option and the injection.

Dr. Trump responded that the injection was a dead version of the virus and the nasal spray was a form of the virus that was alive, but did not multiply in higher temperatures, so the symptoms were not apparent.

2. Measuring Progress: FY 2009 – Rona Vrooman, Training and Quality Performance

Ms. Rona Vrooman, Training and Quality Performance Coordinator, reviewed performance measures for FY 2009. She stated there were two performance measures used, one from the International City/County Management Association (ICMA) and the other developed by the County. She commented on the annual Strategic Management Plan (SMP) as a tool used to evaluate trends during the fiscal year. She highlighted the James City County Progress Report which explains the County's progress over a fiscal year, available on the County website. She noted that the FY 2010 SMP was adopted with the budget.

Mr. McGlennon commented that the evaluation of Board action on the SMPs may not be the best way to evaluate some items, such as environmental violations.

Ms. Jones recognized Mr. Rich Krapf, Planning Commission Chairman, in attendance.

E. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, commented on blight in the County and numerous inoperable vehicles on lots.

F. CONSENT CALENDAR

Ms. Jones pulled Item No. 4 from the Consent Calendar.

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

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

1. Minutes –
 - a. September 22, 2009, Work Session
 - b. September 22, 2009, Regular Meeting
2. Grant Award – Justice Assistance Grant – \$13,446

RESOLUTION

GRANT AWARD – JUSTICE ASSISTANCE – \$13,446

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) in the amount of \$13,446; and

WHEREAS, the funds are to be used to purchase a Child ID computer system and various other materials and supplies for several of the crime prevention programs sponsored by the Department’s Community Services Unit; and

WHEREAS, there is no match required of this grant.

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:

JAG – FY 2010	\$ <u>13,446</u>
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Expenditure:

JAG – FY 2010	\$ <u>13,446</u>
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3. Grant Award – American Recovery and Reinvestment Act: Port Security Grant Program – \$61,300

RESOLUTION

GRANT AWARD – AMERICAN RECOVERY AND REINVESTMENT ACT:

PORT SECURITY GRANT PROGRAM – \$61,300

WHEREAS, the James City County Police Department has been awarded an American Recovery and Reinvestment Act: Port Security Grant Program (ARRA: PSGP) for \$61,300; and

WHEREAS, the funds are to be used toward the purchase of personal protective equipment for personnel using the zodiac-style boats funded through the 2007 Port Security Grant Program (funded in FY 2010); and

WHEREAS, the grant requires no matching funds.

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

Revenue:

ARRA: PSGP \$61,300

Expenditure:

ARRA: PSGP \$61,300

- 5. Budget Transfer – Palmer Lane Office Improvements – \$47,300

RESOLUTION

BUDGET TRANSFER – PALMER LANE OFFICE IMPROVEMENTS – \$47,300

WHEREAS, the Board of Supervisors wishes to replace the windows and doors at the County offices on Palmer Lane; and

WHEREAS, the replacement will support significant energy savings and security improvements at the facilities; and

WHEREAS, funds for the program need to be transferred from Operating Contingency to Capital Improvements Plan (CIP), Facility Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency \$47,300

To:

CIP, Facilities Improvements \$47,300

- 4. Budget Transfer – Curbside Leaf Collection – \$19,400

Ms. Jones stated that she did not support the resolution during the current economic situation.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson stated he supported this item because he felt this was an important service of the County for citizens and stated his support for including leaf collection in next year’s budget.

Mr. McGlennon stated he agreed and that if the leaves were not picked up, they may end up in culverts and drainage ditches and cause drainage and environmental problems.

Ms. Jones stated she felt it was not a priority at this time.

On a roll call vote, the vote was AYE: Goodson, McGlennon, Icenhour, (3). NAY: Jones (1).

RESOLUTION

BUDGET TRANSFER - CURBSIDE LEAF COLLECTION - \$19,400

WHEREAS, the Board of Supervisors has indicated its desire to conduct a curbside leaf collection program in Fiscal Year 2010 consisting of one round of collection; and

WHEREAS, funds for the program need to be transferred from the Operating Contingency budget to the Refuse Disposal budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers funds for this program as follows:

From:

Operating Contingency \$19,400

To:

Refuse Disposal- Leaf collection Program \$19,400

G. PUBLIC HEARINGS

1. Case No. SUP-0013-2009. Cardinal Acres Two-Family Dwelling

Ms. Sarah Propst, Planner, stated Mr. Michael Putt of First Investments of Virginia has applied for a Special Use Permit (SUP) to allow for the construction of one two-family dwelling (hereafter referred to as a “duplex”) on the property located at 114 Cardinal Acres Drive. The subject property is zoned R-2, General Residential, and is designated Moderate Density Residential on the James City County 2003 Comprehensive Plan Map. The .34-acre site is located in the Cardinal Acres subdivision east of the Foxfield subdivision, south of The Pointe at Jamestown subdivision, and west of the Jamestown 1607 subdivision. The property can further be identified as (46-4)(4-06a). The parcel is generally level and cleared, although there are some trees and bushes throughout the site. A gravel driveway exists on the southern border of the lot to provide access to the James City Service Authority (JCSA) lot. A 25-foot JCSA easement runs along the back/northeastern border of the parcel; no permanent structures are planned within the easement.

Ms. Propst noted that an SUP and rezoning were previously approved for this site. The rezoning (Z-0012-2004) changed the zoning from R-8, Rural Residential, to R-2, General Residential, with Proffers. The subject parcel was subdivided from the adjacent JCSA well lot. The SUP (SUP-0029-2004) was approved on January 11, 2005, for a duplex of the same size and scale as the current SUP application request. That SUP expired in January 2008.

Staff found the proposal generally consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and with the surrounding development.

At its meeting on September 9, 2009, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the application with the recommended conditions.

Mr. Icenhour asked if the original SUP proposed by the same owner.

Ms. Propst stated that was correct.

Mr. Icenhour asked if the expiration was due to financial constraints.

Ms. Propst stated that was correct.

Ms. Jones asked if the applicant can currently build the same footprint without an SUP, but not a duplex.

Ms. Propst stated that was correct.

Ms. Jones commented on runoff and impacts on Jamestown 1607 as a result of this development. She asked if Mr. Scott Thomas, Environmental Director, would comment on the provisions made in this application.

Mr. Thomas stated that the Environmental Division was aware of the potential drainage issues in Jamestown 1607. He stated that the conditions crafted in the SUP were very important and staff has worked with the applicant to mitigate the issues.

Ms. Jones opened the Public Hearing.

1. Mr. Mike Putt, applicant, First Investments of Virginia, stated that he was unaware of the time limit on the original SUP. He stated there would be less runoff with a structure on the property. He stated that the lawns were maintained by his company for minimum runoff and noted that affordable housing would be offered with the new duplex.

Mr. Icenhour asked how many surrounding duplexes he owned.

Mr. Putt stated he owned three duplexes in the area and one in Jamestown 1607 as well.

2. Ms. Mary Smallwood, 1102 London Company Way, commented on flooding concerns in Jamestown 1607 and the potential impact of development on drainage in the subdivision.

As no one else wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Icenhour asked Mr. Thomas if a by-right single-family home was built on this lot, there would not be the opportunity to evaluate stormwater management through the building permit process.

Mr. Thomas stated that was correct and that no stormwater management would apply to this lot through by-right development.

Mr. Icenhour asked if it was correct that the stormwater runoff from the duplex would have less effect on the surrounding community than if it were developed as a single-family home.

Mr. Thomas stated that was the goal. He stated that at this point there was a significant amount of runoff from the site.

Mr. Icenhour stated that due to the current condition, if the development moves forward under the current conditions, there will be better control of the runoff on the site.

Mr. Thomas stated that was correct. He stated that a comprehensive package was developed to reduce runoff from the site.

Mr. McGlennon asked if there were measures that could be taken in the vicinity that would further mitigate runoff problems.

Mr. Thomas stated that retro-fitting was always an option in older communities and that Jamestown 1607 was subject to biofiltration and bio-retention strips to reduce runoff. He stated that Foxfield was part of stormwater management as well. He stated the best venue was through Community Conservation Partnership.

Ms. Jones stated that she and Mr. Thomas had worked with the Soil and Water Conservation District to map out potential stormwater management improvements in the community.

Mr. Goodson commented that in this case, there was an opportunity to provide two affordable homes with the impervious cover equivalent to one home. He stated that Jamestown 1607 was built in a floodplain, which was unfortunate, but development was limited in this area due to environmental and flooding issues. He stated his support for this item.

Mr. McGlennon made a motion to adopt the resolution. He echoed Mr. Goodson's comments and stated that he had a clear understanding in this case of how approving the development would be better than the alternative.

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

RESOLUTION

CASE NO. SUP-0013-2009. CARDINAL ACRES TWO-FAMILY DWELLING

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. Michael Putt has applied on behalf of First Investments of Virginia for an SUP to allow for the construction of a two-family dwelling on a parcel of land zoned R-2, General Residential with Proffers; and

WHEREAS, the proposed development is shown on a plan prepared by LandTech Resources, Inc, with a final revision date of September 2, 2009 (the "Master Plan") and entitled "SUP Drawing for Remnant Lot – Cardinal Acres Subdivision (A Duplex Community)"; and

WHEREAS, the property is located at 114 Cardinal Acres Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4640400006A; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2009, voted 7-0 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 site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0013-2009 as described herein with the following conditions:

1. Terms of Validity: Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, "construction" shall be defined as having obtained building permits for, and passed inspection of, footings and/or foundation.
2. Water Conservation Standards: The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards shall include, but not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
3. Stormwater Runoff: Stormwater management/runoff reduction measures will be applied to the development of this parcel, subject to the approval of the Environmental Division Director, to mitigate the increased post-development runoff from this site and provide a safe mode of bypass for less-frequent, higher-intensity storms. Runoff reduction measures may include, but are not limited to, pervious pavers, rain barrels, soil amendments, lot-scale rain gardens, or biofiltration strips with landscaping. A site plan, detailing the stormwater management/runoff reduction measures, shall be approved prior to the issuance of a building permit.
4. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Sale of Property – 4001 Rochambeau Drive

Mr. Rick Hanson, Director of the Office of Housing and Community Development stated the resolution requested authorization of the sale of a single-family home located at 4001 Rochambeau Drive consisting of 10.746 acres. He stated the single-family residence on the property was a donation from the former Branch property on Forge Road, which was moved to this location as a condition of the donation. He stated the site was purchased by the County in the 1980s, previously known as Joshua's Glen designated for the Ware Creek Reservoir Project. He stated that the lot lines of the former subdivision were vacated and that the parcel provided a location for the donated home. He stated this was an opportunity to dispose of surplus

property, which was being listed for sale. He stated conditions in the deed prohibit future subdivision of the property.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

SALE OF PROPERTY - 4001 ROCHAMBEAU DRIVE

WHEREAS, a single-family home was donated to the County contingent on it being moved from its location on Forge Road; and

WHEREAS, the County owns a 10.746-acre parcel located at 4001 Rochambeau Drive identified as Parcel No. 1330100017 on the James City County Real Estate Tax Map which has been determined to be surplus property and to be a suitable location for relocation of the donated home; and

WHEREAS, the donated home has been moved to 4001 Rochambeau Drive, the home has been rehabilitated, and necessary improvements to the property have been made to enable sale of the land and home located on Parcel No.1330100017 (“the Property”); and

WHEREAS, a public hearing was conducted on October 13, 2009, by the Board of Supervisors to receive public comment on the sale of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the property to be offered for sale and marketed by a local licensed real estate broker and directs the County Administrator to execute a deed and such other documents as may be necessary to sell the Property at its fair market value.

Mr. Wanner noted that various staff worked very diligently to move the home and help to work toward increasing affordable housing.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner noted that a press release was sent out to solicit community feedback in relation to the current non-exclusive franchise agreement negotiations with Cox Communications. He noted the survey was

available on the County's website and in various County buildings and citizens did not have to be Cox customers to participate. He stated the new franchise agreement would be considered by the Board of Supervisors in May 2010.

Mr. Wanner stated a potential reappointment for the Peninsula Agency on Aging could be handled in open session if the Board wished to do so.

Mr. Wanner commented on the reallocation of the American Recovery and Reinvestment Act (ARRA) funding for the Route 60 shoulder and drainage improvements due to the schedule to obligate the funds. He stated the County was not going to be able to meet the Federal guidelines of obligating the money by March 1, 2010, due to late receipt of the funds. He stated that staff intends to transfer the funds to be used for a variety of resurfacing projects in the County. He stated no actions have been taken by the Hampton Roads Transportation Planning Organization (HRTPO) or the State at this time.

Mr. Wanner stated that when the Board completed its business, it should adjourn to 3 p.m. on October 27, 2009, for an Open Session with Williamsburg Christian Academy regarding a possible stoplight near its property. He noted that Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, would be in attendance. He also noted that interviews for executive search firms for the next County Administrator would also be held that afternoon.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to reappoint Mr. Robert W. Spencer to a three-year term on the Peninsula Agency on Aging.

Mr. Goodson stated he attended the Army Corps of Engineers briefing on munitions in Camp Wallace at the Kingsmill Marriott earlier in the evening, which addressed the disposal of any unspent ordinance on the site. He stated there was a second public information session regarding Camp Wallace on October 14 at 6 p.m. at the Kingsmill Marriott.

Mr. McGlennon stated he had the opportunity to attend the Citizens Emergency Response Team (CERT) Graduation with Mr. Wanner and Mr. Icenhour, and stated his appreciation for those citizens.

K. ADJOURNMENT to 3 p.m. on October 27, 2009.

Mr. McGlennon made a motion to adjourn.

At 8:12 p.m. Ms. Jones adjourned the Board to 3 p.m. on October 27, 2009.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: October 27, 2009
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Resolution of Recognition – James City County Citizen Involvement

There are many citizen groups in the County that help encourage citizen involvement and emphasize the importance of various issues in James City County. The Friends of the Powhatan Creek Watershed began in 1999 and is celebrating its 10-year anniversary. The Historic Route 5 Association began in 1989 and is celebrating its 20-year anniversary. Attached is a resolution of recognition for these long-standing organizations, as well as the many groups that unite citizens in the County. Staff recommends adoption of the resolution



Sanford B. Wanner

SBW/nb
CitizenOrg_mem

Attachment

RESOLUTION

RESOLUTION OF RECOGNITION – JAMES CITY COUNTY CITIZEN INVOLVEMENT

WHEREAS, 2009 marks the 10th Anniversary of the formation of the Friends of the Powhatan Creek Watershed and the 20th Anniversary of the formation of the Historic Route 5 Association; and

WHEREAS, the community involvement and participation of these groups has helped shape government policy to meet the needs of its citizens and to protect the character of the County; and

WHEREAS, this year marks a significant milestone in the history of these organizations; and

WHEREAS, James City County would like to recognize the efforts of these groups and others such as the James City County Citizens' Coalition (J4C), the Friends of Forge Road and Toano (FORT), and the Stonehouse Community Association (SCA).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the 10th Anniversary of the Friends of the Powhatan Creek Watershed and the 20th Anniversary of the Historic Route 5 Association, and other citizen organizations that enrich our community through citizen involvement.

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 27th day of October, 2009.

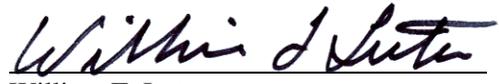
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MEMORANDUM

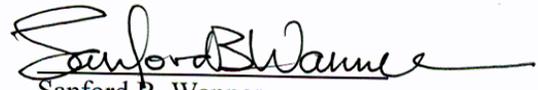
DATE: October 27, 2009
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Grant Award - Kiwanis Club of Williamsburg - \$250

The James City County Fire Department has been awarded a grant for \$250 from the Kiwanis Club of Williamsburg. The funds are to be used for the purchase of two educational packages to augment fire education programs: "Fire Safety for Older Adults" and "All Ways Fire Safe at Home Toolbox." The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton,

CONCUR:


Sanford B. Wanner

WTL/nb
GA_Kiwanis_mem

Attachment

RESOLUTION

GRANT AWARD - KIWANIS CLUB OF WILLIAMSBURG - \$250

WHEREAS, the James City County Fire Department has been awarded a grant for \$250 from the Kiwanis Club of Williamsburg; and

WHEREAS, the funds are to be used for the purchase of two educational packages to augment fire education programs: "Fire Safety for Older Adults" and "All Ways Fire Safe at Home Toolbox;" 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 authorizes the following budget appropriation to the Special Projects/Grants fund:

Revenue:

Kiwanis FY 2010	<u>\$250</u>
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Expenditure:

Kiwanis FY 2010	<u>\$250</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 27th day of October, 2009.

GA_Kiwanis_res

MEMORANDUM

DATE: October 27, 2009
TO: The Board of Supervisors
FROM: Emmett H. Harmon, Chief of Police
SUBJECT: Grant Award – Criminal Justice Systems Improvement – \$37,700

The Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Systems Improvement grant in the amount of \$37,700 (\$28,275 DCJS; \$9,425 local match). The funds will be used to expand on the current “e-summons” automated traffic summons project as well as to purchase hardware and software associated with an automated property control system.

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/nb
GA_CJSImprov_mem

Attachment

RESOLUTION

GRANT AWARD – CRIMINAL JUSTICE SYSTEMS IMPROVEMENT – \$37,700

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Systems Improvement grant in the amount of \$37,700 (\$28,275 DCJS; \$9,425 local match); and

WHEREAS, the funds will be used to expand on the current “e-summons” automated traffic summons project as well as to purchase hardware and software associated with an automated property control system; and

WHEREAS, the matching funds 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 following budget appropriation to the Special Projects/Grants fund:

Revenues:

DCJS – Automated Traffic Summons	\$28,275
County’s Grant Match account	<u>9,425</u>
Total	<u>\$37,700</u>

Expenditures:

DCJS – Property Control	\$ 9,500
“e-summons” Automated Traffic Summons Project	<u>28,200</u>
Total	<u>\$37,700</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 27th day of October, 2009.

MEMORANDUM

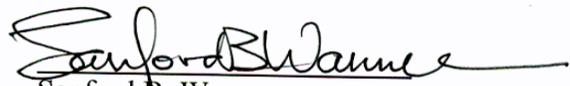
DATE: October 27, 2009
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Authorization to Expend Funds for Ironbound Road Widening Project - \$197,000

Planning for the Ironbound Road widening project began over 10 years ago and initially included provisions to place overhead utilities underground from Strawberry Plains Road to the Ironbound Road and Longhill Connector Road intersection. While the Virginia Department of Transportation (VDOT) funds will pay to move overhead utilities to a new overhead location, County funds would need to fund the additional incremental costs of placing those utilities underground. In March 2008, staff decided not to place the utilities underground from Magazine Road to the Ironbound Road and Longhill Connector Road intersection based on revised VDOT cost estimates that exceeded available County funds in the project budget. This decision impacted five residences in the City of Williamsburg and two in James City County. Leaving the utilities aboveground on this section of the road saved an estimated \$1.1 million of County funds.

Staff recently learned that Verizon and Cox must assume responsibility to place their utilities underground, which reduces the County cost to lay the utilities underground to an estimated \$570,000. Since part of this section of Ironbound Road is within the City of Williamsburg, the City has agreed to contribute one half of the cost of the section within the City limits. Therefore, the total County contribution is \$394,000 and the City's share is \$176,000. One half of these funds, a total of \$197,000 for James City County, is due within 90 days of approval. The remaining half is due one year later.

Placing the utilities underground as originally planned will minimize the impact of the road-widening project on the private property owners who live along this section of Ironbound Road. In addition, it will result in a significantly enhanced viewshed along this important corridor, including frontage on the County-owned property on Palmer Lane.

Given that the undergrounding of utilities will improve visual appearance, staff recommends that the Board approve the expenditure of \$197,000 for this project in FY 2010 from the Greenspace Fund. The appropriate budget allocation will be included in the County's FY 2011 budget to cover the remaining cost.


Sanford B. Wanner

SBW/gb
IronboundPro_mem

Attachment

RESOLUTION

AUTHORIZATION TO EXPEND FUNDS FOR

IRONBOUND ROAD WIDENING PROJECT - \$197,000

WHEREAS, the Board of Supervisors has approved a road-widening project on Ironbound Road; and

WHEREAS, current plans do not include underground utilities for the part of the project from Magazine Road to the Ironbound Road and Longhill Connector Road intersection; and

WHEREAS, the Board desires underground utilities along this section of Ironbound Road to minimize impact on private property owners and improve visual appearance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an expenditure of \$197,000 in FY 2010 from the Greenspace Fund.

James G. Kennedy
Chairman, Board of Supervisors

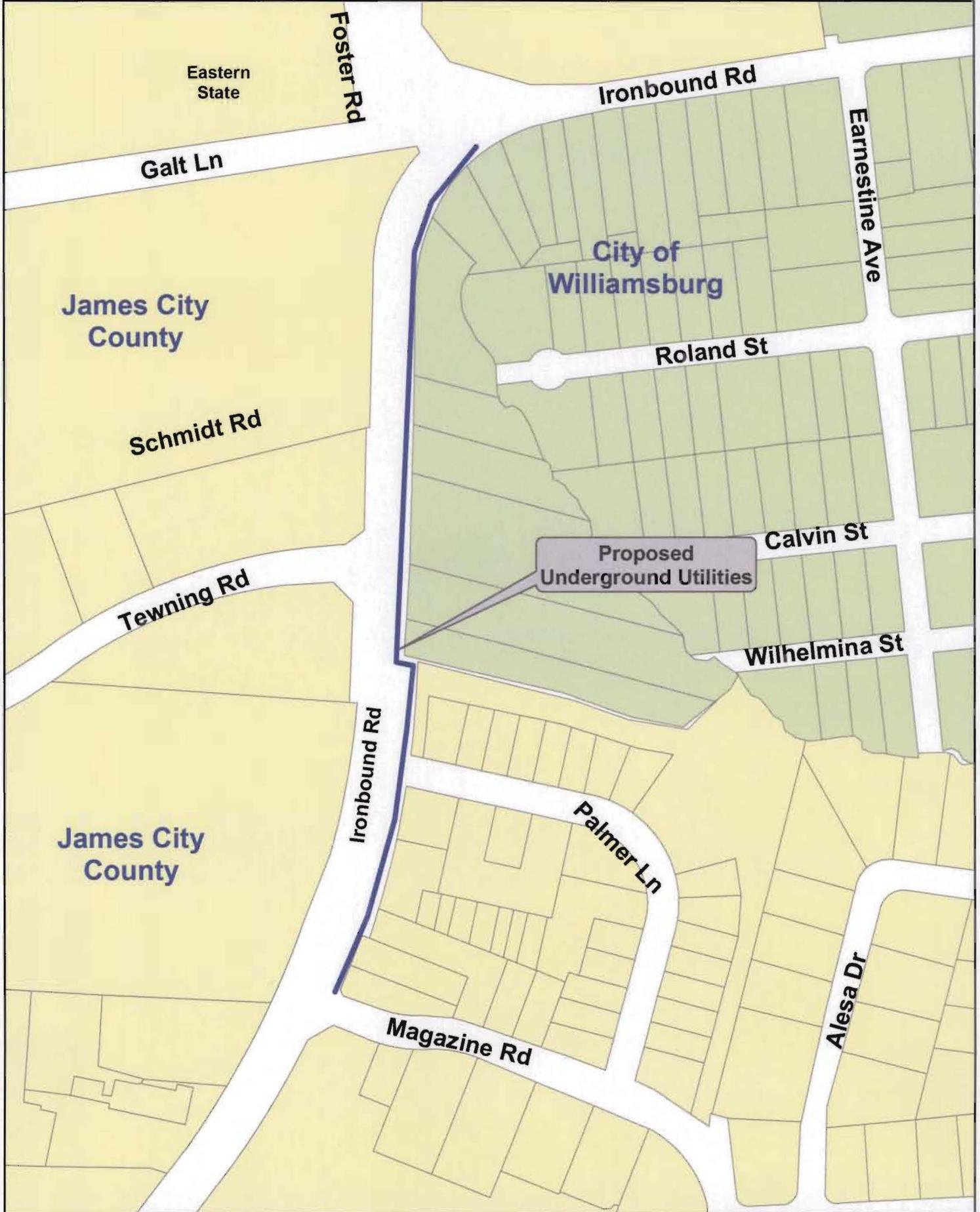
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

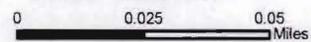
IronboundPro_res

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



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

1 inch = 200 feet



MEMORANDUM

DATE: October 27, 2009

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Airport Site Selection Study

Overview

The Airport Feasibility Study was initiated in August 2006 as a result of the current owner of Williamsburg-Jamestown Airport (JGG) indicating a desire to sell the property. As part of the process, a Community Airport Committee was established by the Board of Supervisors (BOS).

The Williamsburg-Jamestown Airport is a privately owned, public-use facility that has been in existence since 1970. The current Virginia Aviation Transportation System Plan (VATSP) acknowledges that JGG serves an important element of the Greater Williamsburg Area (GWA) aviation demand. JGG is classified as a General Aviation Community (GC) airport within the State system. A GC airport provides general aviation facilities and services to business and recreational users.

During the Study process, input and discussion was coordinated with Kimball Consultants, the Community Airport Committee, Federal Aviation Administration (FAA), Virginia Department of Aviation (DOAV), and the general public. A public workshop was held on October 27, 2008, and a public comment period at each Committee meeting.

At the May 26, 2009, Board of Supervisor's Work Session the Committee recommended that the County pursue the best available options for the continuance of aviation services in the community, both in the short- and long-term, to include the next phase of the process which is a Site Selection Study. However, for the Site Selection Study phase, the County would be required to be a sponsor or adopt a role as a facilitator to identify an appropriate sponsor. A Site Selection Study is estimated to cost \$400,000 and Federal and State reimbursement is contingent upon construction of a new airport.

As result, the BOS provided guidance to determine what options are available to identify an appropriate Airport Sponsor(s) and to review the JGG's existing expansion restrictions.

FindingsAirport Sponsor(s)

The City of Williamsburg and York County were provided copies of the Study to review and to consider partnering with the County as an Airport Sponsor. After limited discussion with each locality, each would be willing to participate in the Site Selection Study but could not commit to being an Airport Sponsor or establishing an Airport Authority. The Site Selection Study would require several public input sessions and evaluation of multiple greenfield sites large enough to accommodate a new airport JGG with an estimated land area of 416 acres noted in the Airport Feasibility Study. The Site Selection criteria would include public road access, compliance with the National Environmental Policy Act, appropriate zoning, public utilities, and the ability to expand in the future. This could result in land acquisition of multiple parcels, potentially including parcels outside the County's boundaries. Enclosed are maps illustrating limited land area to accommodate a new airport. The maps denotes James City County's Primary Service Area (PSA) with water and sewer service

areas, special permitted land use designations, and environmental sensitive areas referencing James City County's Resource Protection Area and wetlands.

JGG's Expansion Restrictions

The Airport Feasibility Study identified numerous issues associated with the current JGG site which would likely preclude access to FAA funds. These issues include, but are not limited to, the following: Limitations imposed by the existing Special Use Permit, obstructions created by the closed landfill, substandard conditions in current runway safety areas and runway width, and difficulty in obtaining the required obstruction easements.

Recommendation

Due to the limited amount of land available within the PSA, the criteria for a new airport location and current limitations on JGG, staff recommends the County **not** be an Airport Site Selection Sponsor.



Sanford B. Wanner

SBW/gb

AirptSelStu_mem

Enclosures

RESOLUTION

AIRPORT SITE SELECTION STUDY

- WHEREAS, in August 2006 the Board of Supervisor initiated an Airport Feasibility Study as a result of the current owner of Williamsburg-Jamestown Airport (JGG) indicating a desire to sell the property; and
- WHEREAS, as part of the Study process the Board of Supervisors established a Community Airport Committee (CAC) with the following members: Carl Gerhold, Digby Solomon, Tim Caviness, Mark Willis, Steve Montgomery, Steven Hicks with James City County, and Tucker Edmonds as Chair; and
- WHEREAS, during the Study process, input and discussion was coordinated with Kimball Consultants, CAC, Federal Aviation Administration, Virginia Department of Aviation (DOAV), and the general public; and
- WHEREAS, a public workshop was held on October 27, 2008, with public comments included as part of the Airport Feasibility Study; and
- WHEREAS, the Airport Feasibility Study and CAC's recommendations were presented at the May 26, 2009, Board of Supervisors Work Session requesting that the County adopt a role as a facilitator to identify an appropriate Airport Sponsors and to review the JGG's existing expansion restrictions; and
- WHEREAS, DOAV has advised the County a resolution is needed to be an Airport Sponsor to pursue a Site Selection Study.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, based on reviewing CAC's recommendations, that James City County will not be an Airport Sponsor and will not pursue a Site Selection Study based on the limited amount of land available within the Primary Service Area, the criteria for a new airport, and current limitations on JGG.

James G. Kennedy
Chairman, Board of Supervisors

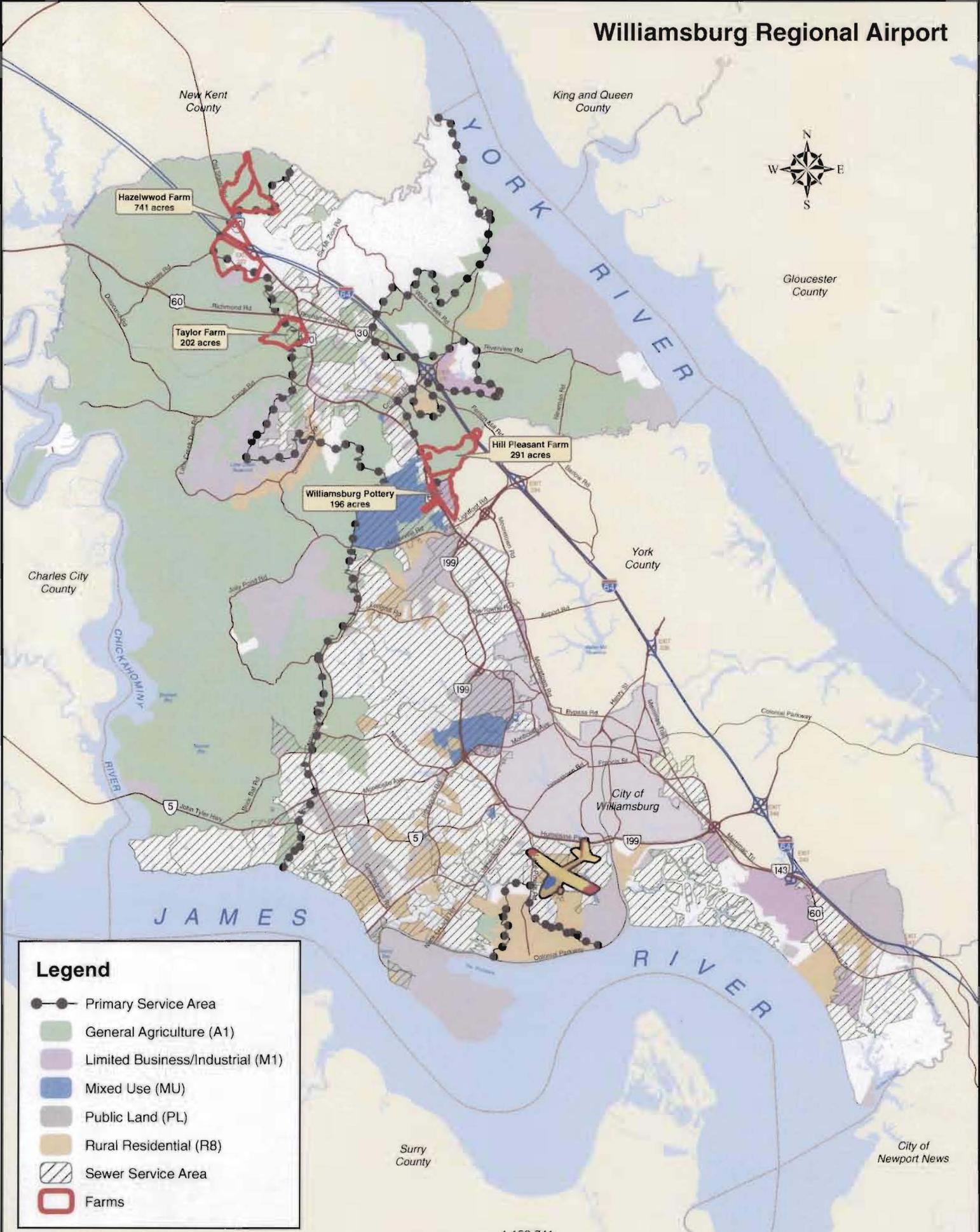
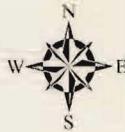
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

AirptSelStu_res

Williamsburg Regional Airport



Hazelwood Farm
741 acres

Taylor Farm
202 acres

Hill Pleasant Farm
291 acres

Williamsburg Pottery
196 acres

York County

City of Williamsburg

Surry County

City of Newport News

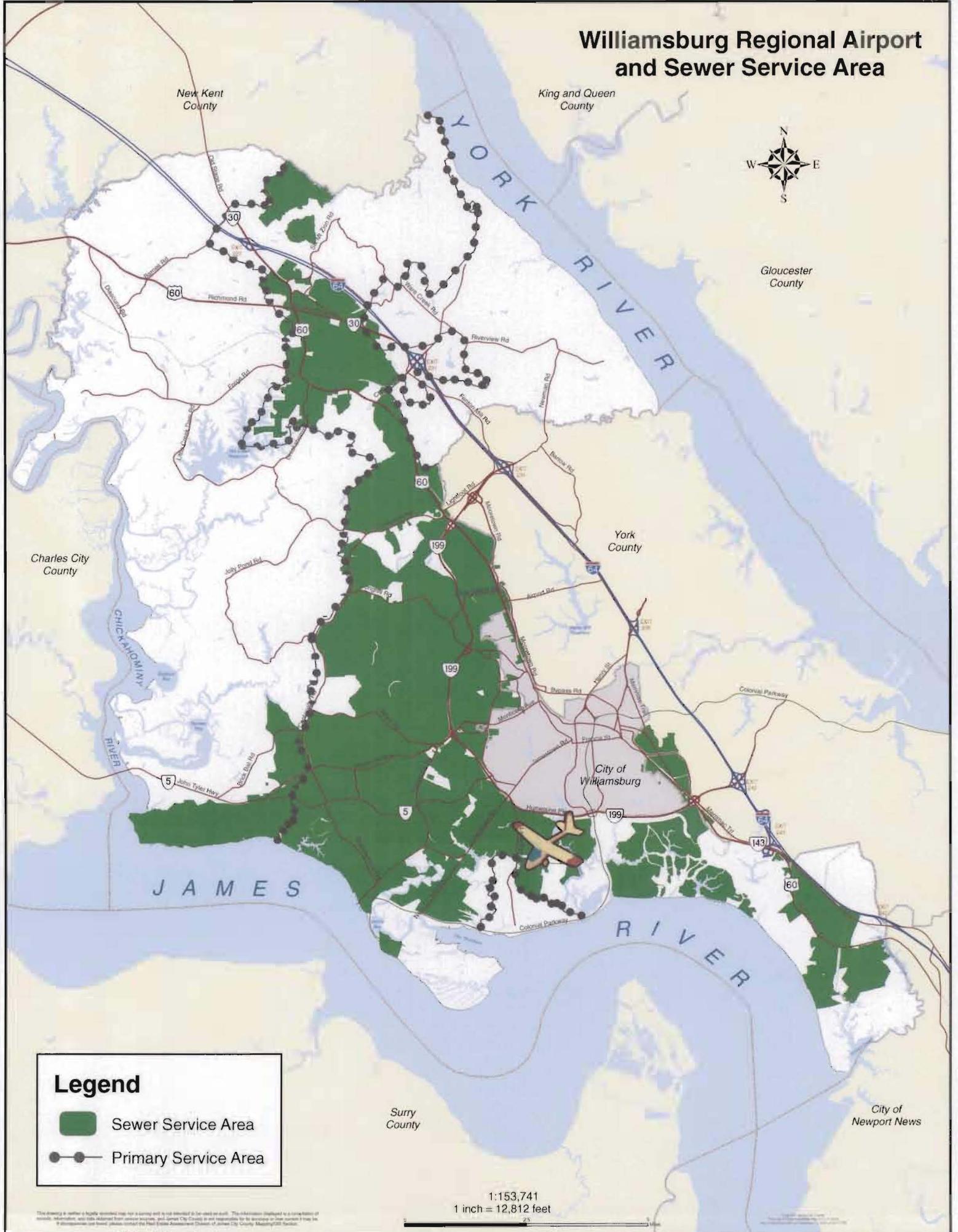
Legend

- Primary Service Area
- General Agriculture (A1)
- Limited Business/Industrial (M1)
- Mixed Use (MU)
- Public Land (PL)
- Rural Residential (R8)
- Sewer Service Area
- Farms

1:153,741
1 inch = 12,812 feet

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Williamsburg Regional Airport and Sewer Service Area



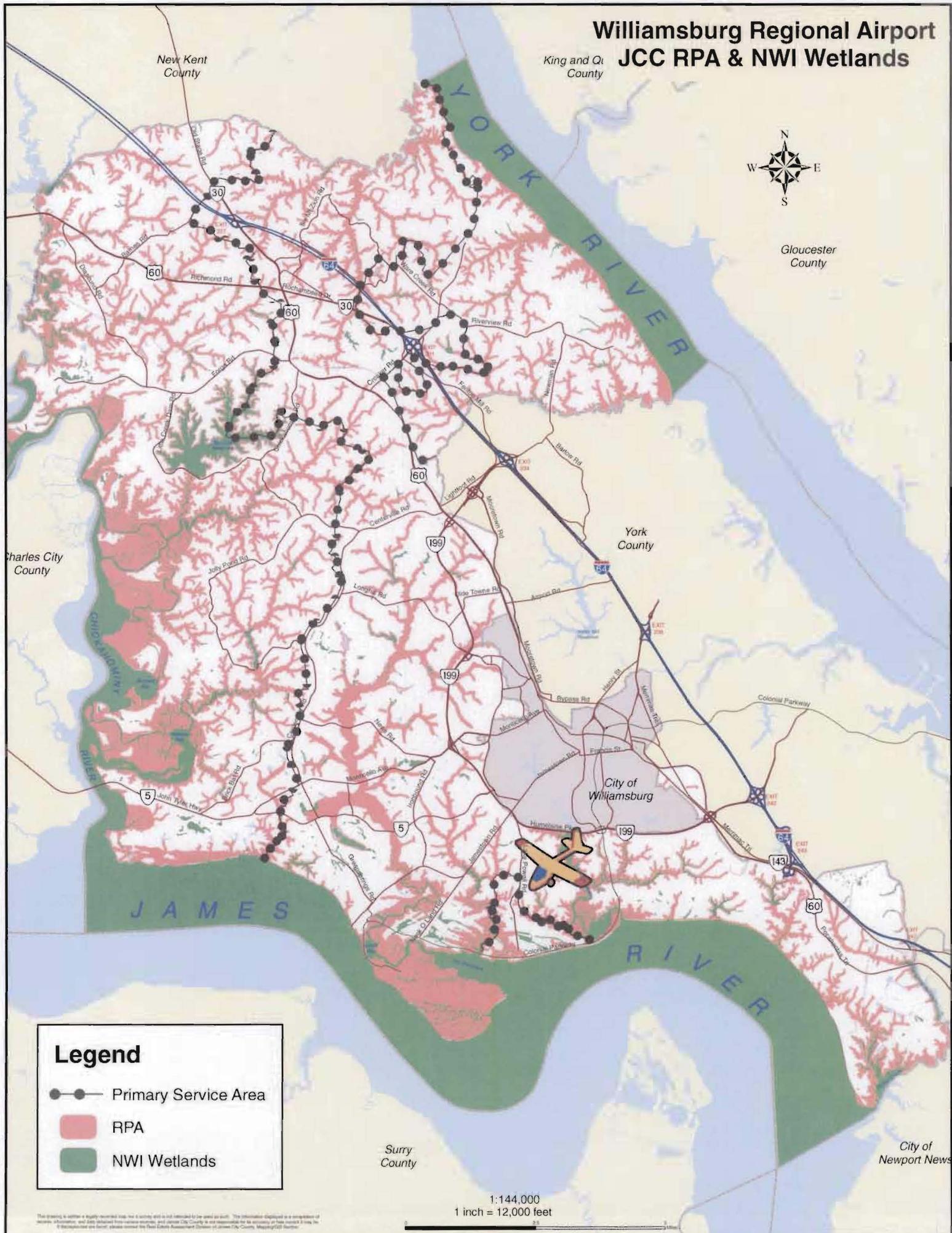
Legend

- Sewer Service Area
- Primary Service Area

1:153,741
1 inch = 12,812 feet

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Williamsburg Regional Airport JCC RPA & NWI Wetlands



Gloucester
County

York
County

City of
Williamsburg

City of
Newport News

Legend

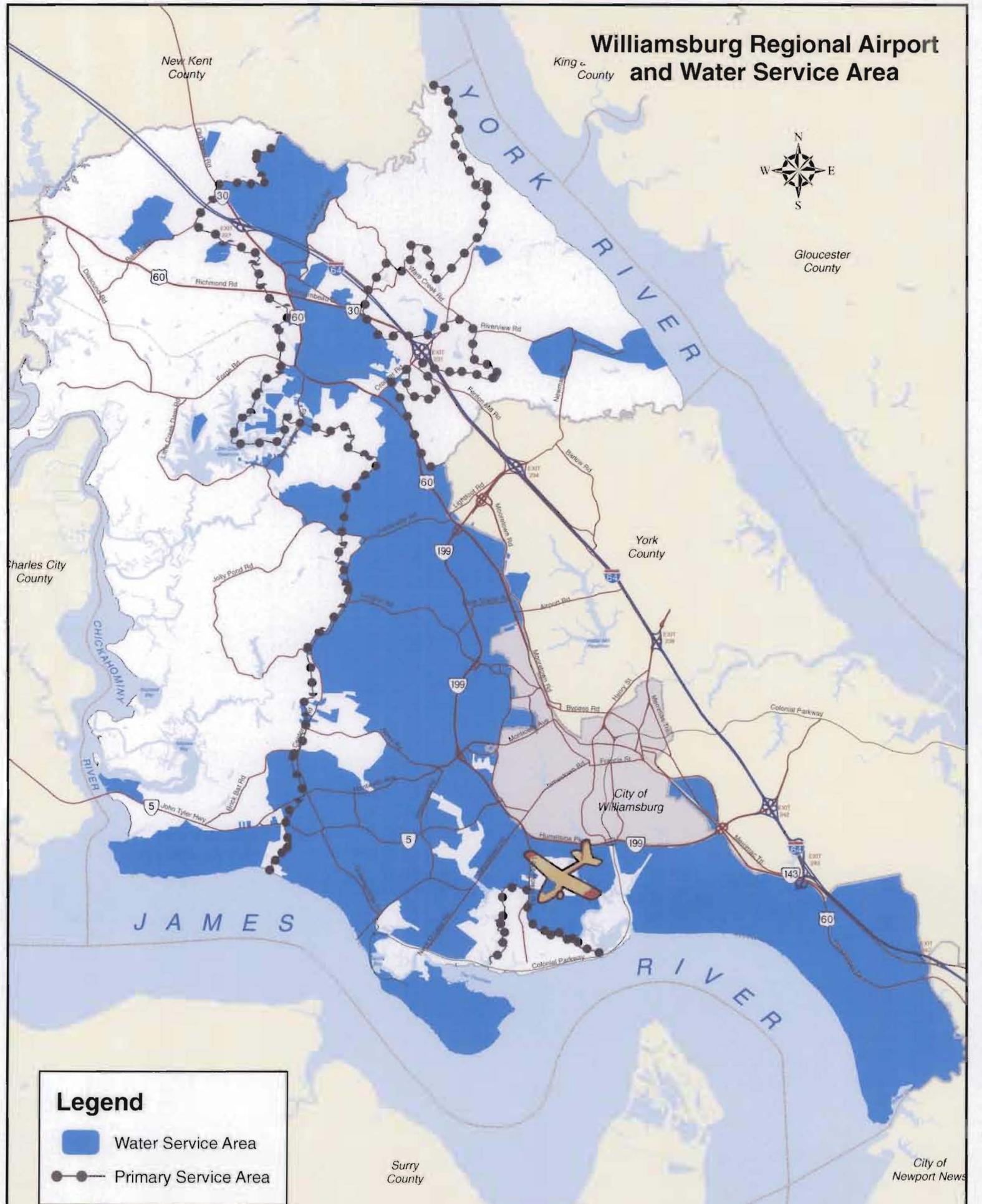
-  Primary Service Area
-  RPA
-  NWI Wetlands

1:144,000
1 inch = 12,000 feet



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Williamsburg Regional Airport and Water Service Area



Legend

- Water Service Area
- Primary Service Area

1:144,000
1 inch = 12,000 feet

This drawing is a master plan and is not intended to be used as a contract. The information contained in this drawing is a compilation of various information and data obtained from various sources, and James City County is not responsible for its accuracy. This drawing is not to be used for any other purpose without the prior written consent of James City County. Major project location.

M E M O R A N D U M

DATE: October 27, 2009

TO: The Board of Supervisors

FROM: Steven W. Hicks, Manager of Development Management

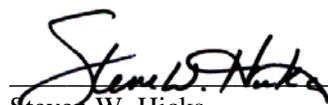
SUBJECT: County/State Project Administration Agreement, American Recovery and Reinvestment Act, Overlay/Resurfacing Various Routes Countywide (UPC No. 95044)

As a result of the American Recovery and Reinvestment Act (ARRA) schedule to fully obligate the stimulus funding by March 1, 2010, the Route 60 shoulder and drainage improvements Project No. 0060-047-598, P101, C501 (UPC No. 94542) was reallocated in the amount of \$518,394 to UPC No. 95044 contract to resurface the Virginia Department of Transportation (VDOT) roads at various routes Countywide.

The County has been notified by VDOT that the County will need to locally administer the resurfacing contract (UPC No. 95044) for the above subject project funded with the ARRA.

The total cost of the contract is \$518,394. These ARRA funds are eligible for 100 percent reimbursement to James City County. The County will work with VDOT to consider appropriate roads to be resurfaced. To administer the project, a County/State Project Administration Agreement for Federal-aid projects is needed between the County and VDOT.

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing the County Administrator authority to execute the UPC No. 95044 resurfacing County/State Project Administration Agreement.



Steven W. Hicks

CONCUR:



Sanford B. Wanner

SWH/nb
UPC95044_mem

Attachment

RESOLUTION

COUNTY/STATE PROJECT ADMINISTRATION AGREEMENT, AMERICAN RECOVERY

AND REINVESTMENT ACT, OVERLAY/RESURFACING VARIOUS ROUTES

COUNTYWIDE (UPC NO. 95044)

WHEREAS, in accordance with the Code of Virginia to provide localities the opportunity to administer projects finance by American Recovery and Reinvestment Act (ARRA) in accordance with the Guide for Local Administration of Virginia Department of Transportation (VDOT); and

WHEREAS, the Board of Supervisors of James City County, Virginia, has expressed its desire to administer the work of the overlay/resurfacing contract UPC No. 95044 in the amount of \$518,394.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Project Administration Agreement for the Overlay/Resurfacing Contract UPC No. 95044.

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 27th day of October, 2009.

UPC95044_res

**SPECIAL USE PERMIT-0020-2009. Vossel and Gross Family Subdivision Amendment
Staff Report for the October 27, 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

October 27, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Charles Calhoun, LandTech Resources, Inc.

Land Owner:

Michael and Melina Gross and Richard and Laura Vossel

Proposal:

The owners have proposed a boundary line adjustment between two parcels originally approved through a specially permitted family subdivision that resulted in two lots less than three acres in size.

Location:

9040 and 9050 Barnes Road

Tax Map/Parcel Nos.:

1020200001A and 1020200001B

Parcel Size:

Lot 1A: 2.269 acres (existing)
2.01 acres (proposed)
Lot 1B: 2.740 acres (existing)
2.942 acres (proposed)

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance. We recommend approval of this application with the conditions listed in the attached resolution.

Staff Contact:

Leanne Reidenbach, Senior Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Charles Calhoun has applied on behalf of the Vossel and Gross families to amend an existing Special Use Permit (SUP) to allow adjustment of the boundary line between their properties. The original SUP-0026-2004 was granted to allow the creation of two lots, each less than three acres, for family residential use. Lot 1A is owned by Michael and Melina Gross while lot 1B is owned by Mrs. Gross' parents, Richard and Linda Vossel. The conditions of the 2004 SUP specified the exact size of each new lot as 2.269 acres and 2.74 acres respectively. The Vossels applied for a boundary line adjustment in June 2009 and the County Attorney's office determined that an SUP amendment was required to change the aforementioned lot sizes specified by the original conditions. The purpose of the boundary line adjustment is to provide an increased buffer between the property line and existing residence on lot 1B. After the boundary line adjustment and right-of-way dedication, both lots will remain under three acres. The lots currently use a shared 20-foot access easement and gravel driveway, which will remain the primary point of access.

The property is located in the A-1, General Agricultural, District. The minimum lot size in A-1 for single-family detached units is three acres. Section 24-214 paragraph (d) of the Zoning Ordinance allows for a minimum lot size of less than three acres, but more than one acre, if the creation of said lot is for use by a member of the owner's immediate family (children 18 years of age or older or parents of an owner) and an SUP is issued. The Zoning Ordinance requires the Board of Supervisors to review and approve this type of application.

The application submitted is for an SUP only; should the Board approve the SUP, the applicant will need to resubmit the proposed boundary line adjustment plat for further administrative review and comment.

PUBLIC UTILITIES

Both lots are served by existing private well and septic systems. The Health Department has reviewed and approved the subdivision plat.

COMPREHENSIVE PLAN

The site is located outside the Primary Service Area (PSA) and is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map. Recommended uses for Rural Lands include single-family homes, agricultural and forestal activities, and small-scale rural clusters.

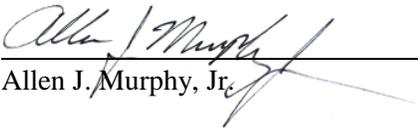
Staff Comments: As the lot was subdivided under an SUP and that arrangement is proposed to continue, staff finds the proposed boundary line adjustment consistent with the Rural Lands designation.

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development. We recommend approval of this application with the conditions listed in the attached resolution.

Leanne Reidenbach

CONCUR:


Allen J. Murphy, Jr.

LR/gb
Sup0020-09Vossel.doc

ATTACHMENTS:

1. Preliminary Plan
2. Location Map
3. Resolution

RESOLUTION

CASE NO. SUP-0020-2009. VOSSEL AND GROSS FAMILY SUBDIVISION AMENDMENT

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, the applicants have requested an SUP to allow for a boundary line adjustment of an existing family subdivision in an A-1, General Agricultural District, located at 9040 and 9050 Barnes Road, further identified as James City County Real Estate Tax Map Nos. 1020200001A and 1020200001B; and

WHEREAS, the Board of Supervisors, following a public hearing, are of the opinion that the SUP to allow for the above-mentioned family subdivision boundary line adjustment should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-0020-2009 as described herein with the following conditions:

1. This SUP is valid for a boundary line adjustment for an existing family subdivision, which originally created two lots. The adjustment shall be generally as shown on the plan drawn by LandTech Resources, Inc., titled "Proposed Boundary Line Adjustment Between Parcels 1A and 1B Sunny Mane Crest Located on Barnes Road," and dated September 18, 2009.
2. Only one entrance serving both lots shall be allowed onto Barnes Road
3. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

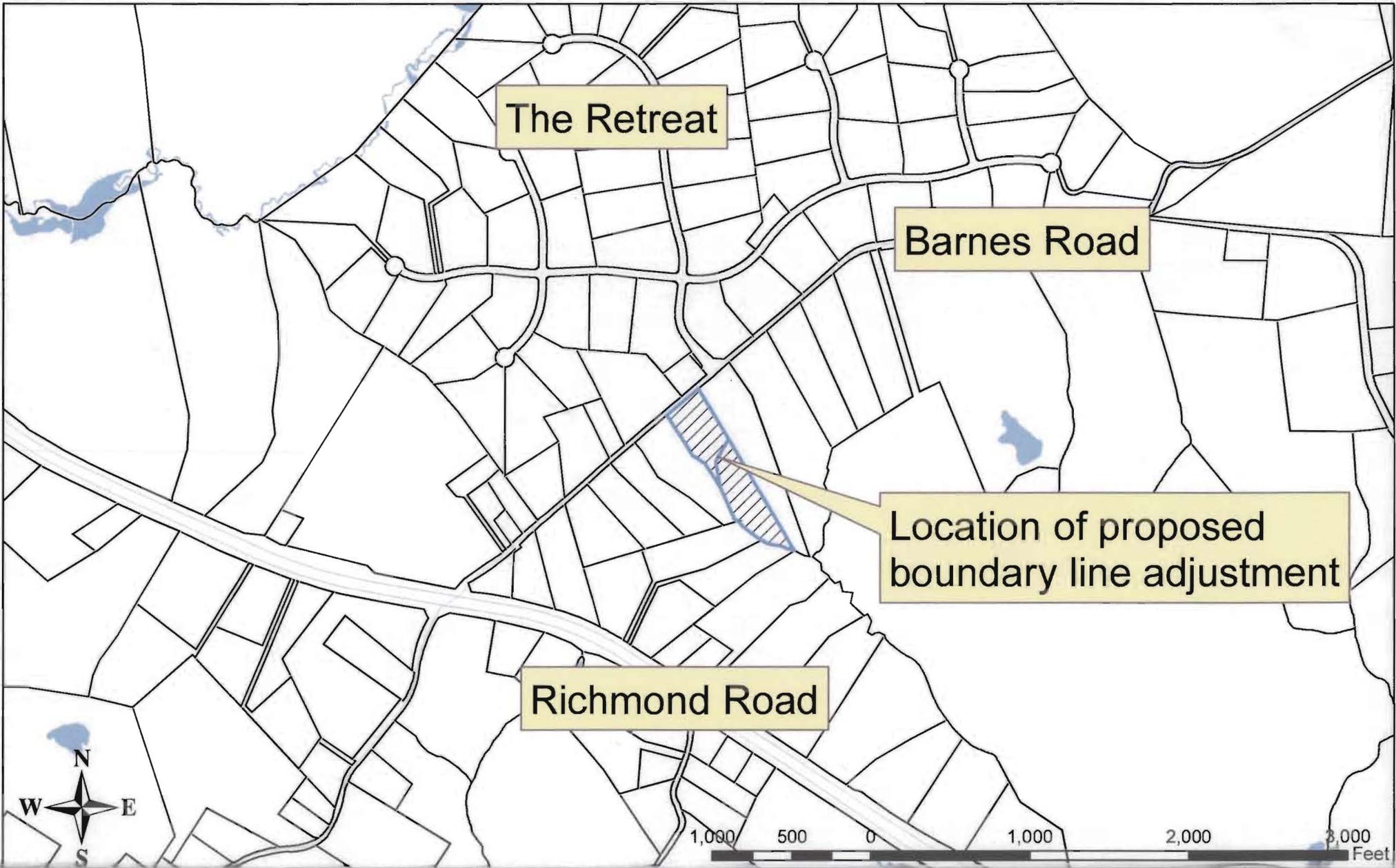
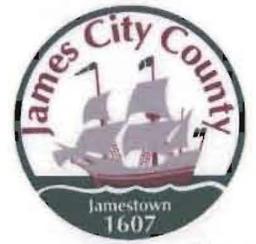
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

JCC-SUP-0020-2009

Vossel and Gross Family Subdivision BLA



**SPECIAL USE PERMIT-0018-2009. Robinson Family Subdivision
Staff Report for the October 27, 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

October 27, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Herman Robinson

Land Owner:

Ms. Elizabeth Wise Robinson

Proposal:

The owner has requested a subdivision of their property that would result in the creation of two lots of less than three acres in size. The new lot created by this proposed subdivision would be transferred to and used by Ms. Elizabeth Robinson's son, Mr. Herman Robinson, for a single-family residence.

Location:

8788 Richmond Road

Tax Map/Parcel No.:

1120100020

Parcel Size:

Parent Lot (Parcel A-1 + Parcel A-2): 3.72 acres
Proposed Lot (Parcel A-2): 1.00 acres
Remaining Parent Lot (Parcel A-1): 2.72 acres

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses and consistent with Section 19-17 of the James City County Subdivision Ordinance. Staff recommends approval of this application with the conditions listed in the attached resolution.

Staff Contact:

Jose-Ricardo L. Ribeiro, Senior Planner

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Herman Robinson has applied for a Special Use Permit (SUP) to allow for a family subdivision of a parent parcel of 3.72 acres. The proposed subdivision would create a new lot of 1.00 acre, leaving a parent parcel of 2.72 acres. The subject parcel is zoned A-1, General Agriculture, and is located at 8788 Richmond Road. The property has been in the name of Elizabeth Wise Robinson since January 2008, as an heir to the Victoria Wise Estate. The 3.72-acre parcel has maintained its current configuration since 1967 when it was last subdivided.

The subject property is partially wooded and currently contains two dwelling units and one shed. A stream crosses the eastern portion of the property and part of its 100-foot Resource Protection Area (RPA) buffer area crosses the eastern edge of the proposed 1.00 acre parcel. Currently, vehicular access from the parent parcel to Richmond Road is achieved via an existing gravel driveway. A 25-foot-wide ingress/egress easement for the benefit of the new 1.00-acre parcel is being proposed. A shared driveway agreement between these parcels will ensure that there will only be one entrance onto Richmond Road. A 10-foot-wide, all-weather driveway, placed within this easement, would be required to provide access to the lots, pursuant to Section 19-17(4) of the James City County Subdivision Ordinance. The majority of the surrounding properties to the north and east of the subject parcel are three acres or larger in size and zoned A-1. However, west of the subject parcel, properties are less than three acres in size. These properties, further identified as James City County Real Estate Tax Map Nos. 112010020A, 1120100021, and 1120100022 were once part of a larger parcel but were subdivided in 1962. All surrounding properties are being used for single-family residences and agricultural uses.

If the proposed family subdivision is approved, the 1.00-acre parcel (Parcel A-2) would be conveyed to Mr. Herman Robinson and used for a single-family residence. No new residential structure is proposed to be built as Mr. Robinson has lived in an existing dwelling unit on the proposed 1.00-acre parcel since approximately 1980. The minimum lot size in the A-1 Zoning District for single-family dwellings is three acres. Section 24-214(d), however, allows for a minimum lot size of less than three acres (but not less than one) if the creation of said lot is for use by a member of the owner's immediate family, (children 18 years of age or older, or parents of an owner), with the issuance of an SUP by the Board of Supervisors.

PUBLIC IMPACT

Public Utilities

Public water and sewer are not available to the site. Each lot will be served by a private septic system and well. Prior to final subdivision approval, this project will be reviewed and approved by the Health Department.

COMPREHENSIVE PLAN

The subject site is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map. Recommended primary uses in the Rural Lands include agricultural and forestall activities and public or semi-public institutions that require a spacious site. Recommended residential uses include single-family developments at a low-density and small-scale rural clusters. Such developments should be compatible with the natural and rural character of the area, and be in accordance with the Rural Lands Development Standards provided in the Comprehensive Plan.

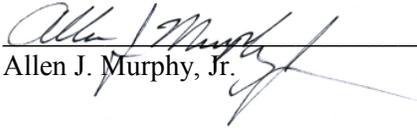
Staff Comments: While this area of the County typically features three-acre or larger lots, the creation of the additional lot is not in conflict with the rural character of the area and is compatible with surrounding land uses. The proposed family subdivision does not represent a large-scale residential development and will not negatively impact any agricultural or forestal uses.

RECOMMENDATION

Staff finds the proposal to be compatible with surrounding land uses and consistent with Section 19-17 of the James City County Subdivision Ordinance. Staff recommends approval of this application with the conditions listed in the attached resolution.

Jose-Ricardo Linhares Ribeiro

CONCUR:


Allen J. Murphy, Jr.

JR/nb
SUP_0018_2009

ATTACHMENTS:

1. Preliminary Plan (provided under separate cover)
2. Location Map
3. Family Subdivision Affidavit
4. Resolution

RESOLUTION

CASE NO. SUP-0018-2009. ROBINSON FAMILY SUBDIVISION

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, the applicant has requested an SUP to allow for a family subdivision on a lot zoned A-1 General Agriculture, located at 8788 Richmond Road, further identified as James City County Real Estate Tax Map/Parcel No. 1120100020; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing held on Case SUP-0018-2009; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 0018-2009 as described herein with the following conditions:

1. This SUP is valid for a family subdivision which creates one new lot generally as shown on the exhibit submitted with this application titled "Family Subdivision Being Part of the Property Owned by Elizabeth Wise Robinson," prepared by AES Consulting Engineers, and dated October 1, 2009.
2. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or this permit shall become void.
3. Only one entrance shall be allowed onto Richmond Road. A shared driveway agreement for these parcels shall be completed prior to final subdivision approval and submitted to the County attorney for review and approval.
4. 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

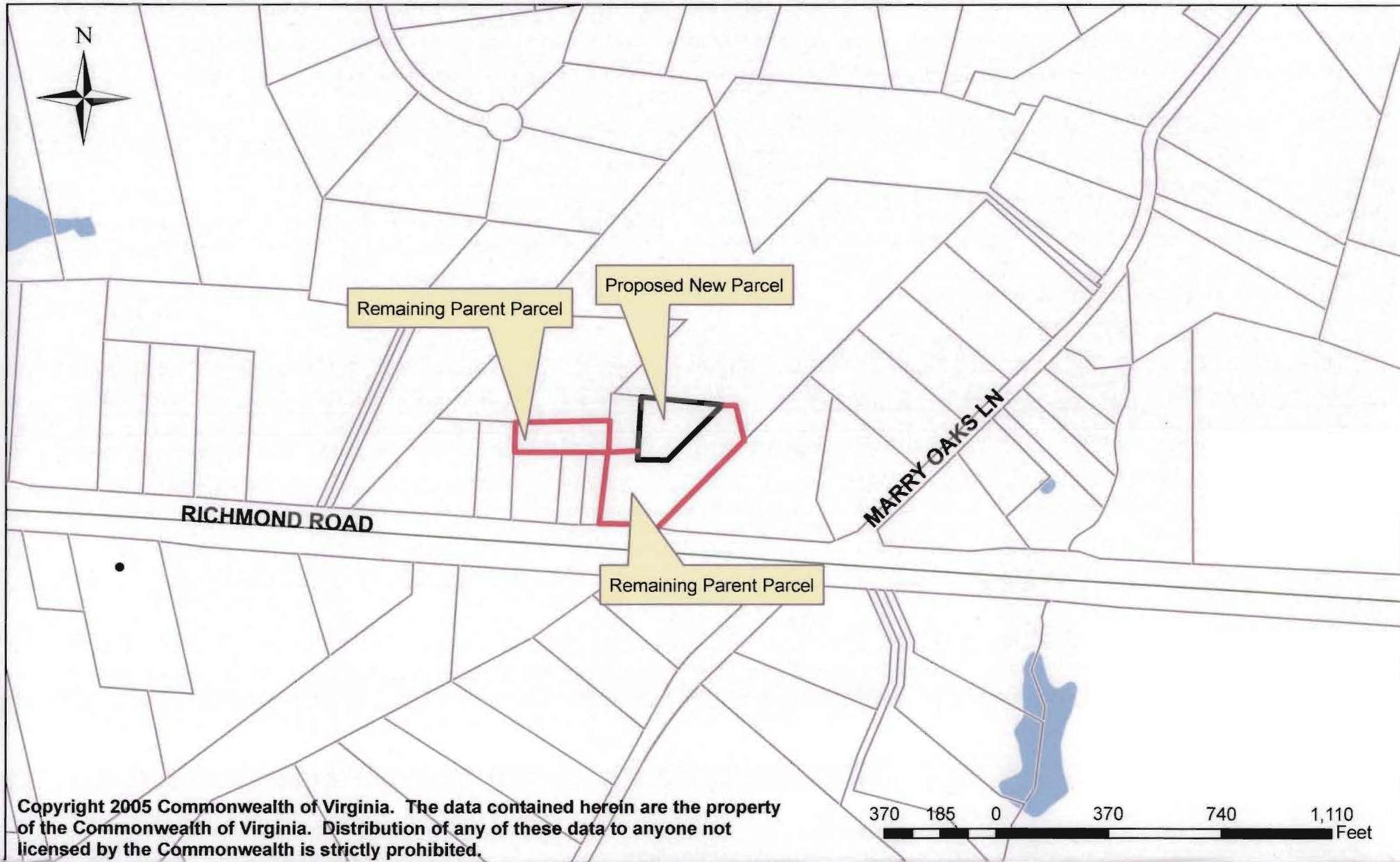
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

JCC-SUP-0018-2009

Robinson Family Subdivision



COUNTY OF JAMES CITY, VIRGINIA
FAMILY SUBDIVISION AFFIDAVIT

OCTOBER 7, 2009

Commonwealth of Virginia
County of James City

I, ELIZABETH WISE ROBINSON, hereby request that James City County, Virginia, approve a family subdivision of 1 parcel(s), consisting of 3.72 acres as set forth and designated on a plat entitled "FAMILY SUBDIVISION BEING A PART OF THE PROPERTY OWNED BY ELIZABETH WISE ROBINSON" made by AES CONSULTING ENGINEERS dated OCTOBER 1, 2009.

This subdivision is being made for the purpose of transferring a lot by sale or gift to: HERMAN ROBINSON, (an) immediate family member(s), and specifically my SON, and is not made for the purpose of circumventing Section 19-17 of the Code of the County of James City, Virginia.

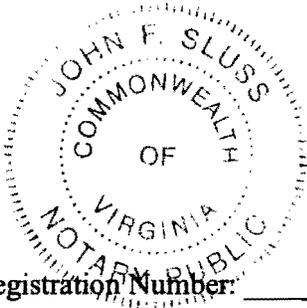
It is my intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the plat submitted herewith.

Elizabeth Robinson
Owner

Owner

Subscribed and sworn to before me this 7th day of October, 2009.

[SEAL]



J F Slus
Notary Public

Notary Registration Number: 312410

My commission expires: July 31, 2013

Prepared by and return to:
RONALD W. EADS, L.S.
Name: AES CONSULTING ENGINEERS
Address: 5248 OLDE TOWNE RD. - SUITE 1
WILLIAMSBURG, VA - 23188
Telephone: (757) 253-0040

MEMORANDUM

DATE: October 27, 2009

TO: The Board of Supervisors

FROM: Christy H. Parrish, Proffer Administrator
Angela M. King, Assistant County Attorney

SUBJECT: Case No. S-0012-2009. Chanco's Grant Vacation of Recreation Area Designation

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 James City County Real Estate Tax Map No. (47-1).

PROJECT UPDATE

The Board of Supervisors held a public hearing on July 14, 2009, and deferred the request to allow time for additional research regarding the delinquent tax sale and disbursement of funds and to allow the residents of Chanco's Grant to meet and discuss the matter. Below is a summary of the research and events since that time:

Sale History

The recreation lot was sold for the delinquent real estate taxes in 2003 and then again in 2004. Our research found that the individual lot owners in Chanco's Grant (Subdivision 2, Section 2, Phase 2) were served with notice regarding sale of the property before it was sold in 2003. Notice was made by a private process service. A subsequent court order, which set aside the first sale and authorized the special commissioners to re-sell the property, specifically provided that there was no need to re-notify the individual lot owners in relation to the new sale. The property was subsequently purchased by the current owners.

Disbursement of Funds

On April 4, 2005, a Decree of Disbursements was entered to dispose of funds deposited with the court from the sale of the property to the current owners. The deposited funds totaled \$32,643.33, this being the sum of the purchase price (\$31,000); recording costs (\$143.33); and a deposit made pursuant to the order setting aside the first sale (\$1,500). The funds were distributed as follows:

- Auction Fee \$3,100.00
- Guardian ad Litem \$550.00
 - In November 2001, a Guardian ad Litem was appointed for all defendants under a disability, as defined by State Code, and for all defendants served by publication.
- Commissioner in Chancery \$517.50
- Edward Crum \$750.00
- Kaufman and Canoles, P.C. \$7,244.57
 - This amount includes attorney's fees; reimbursement for ad to sell fees, title search fees, filing fee, service fee, appraisal fee, court reporter fee, order of publication, recording fees, and grantors tax; and additional amounts paid pursuant to a January 25, 2005, court order.
- JCC Treasurer \$3,274.60

- Surplus held by Clerk \$17,206.66
 - The Clerk held the surplus funds as required by State Code. As no claims were made for the surplus funds, the surplus was paid to the County.

The Surplus Funds

The Treasurer petitioned the Board to earmark proceeds received from tax-delinquent property sales (which included the proceeds from the sale to the current owners) for allocation to Housing and Community Development projects. Specifically, the proceeds would be used in the redevelopment of low-income neighborhoods in the County. On September 26, 2006, the Board adopted a resolution reinvesting such proceeds in affordable housing or residential redevelopment projects targeting lower-income County residents.

Neighborhood Meeting

Chanco's Grant held an informational meeting on October 8, 2009, to discuss the neighborhood's interest in the recreation lot and prepare a plan to present to the Board at the October 27, 2009, meeting. Twelve citizens attended the meeting along with Neighborhood Connections staff. In addition, Mr. and Mrs. Mike Mason, from the Adam's Hunt Conservation League, presented information on how to form a civic association. The residents in attendance agreed to conduct a neighborhood survey to determine the neighborhood's interest in the recreation lot and organizing a group association. Another meeting was scheduled for October 22, 2009, to finalize their plans.

Project Background

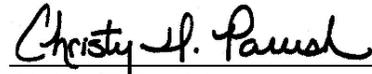
This parcel was platted as part of Chanco's Grant Section II and designated as a "Recreation Area" in 1987. The recreation area met the Subdivision Ordinance standards and was approved by the James City County Subdivision Review Committee. The developer of Chanco's Grant, Section II (DCI, Inc.) retained 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.

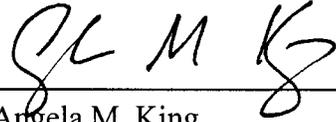
A Declaration of Covenants and Restrictions for Chanco's Grant, Section 2 were recorded on May 29, 1987 (the "Declaration"). Article III, Section II of the Declaration states that the common area was to be transferred to an Association and "every Member shall have a right of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot or Unit." It is our 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."

Project Action

Section 19-12, Vacation of recorded plat states that "any recorded plan, or part thereof, may be vacated pursuant to section 15.2-2271 through section 15.2-2276 of the Code of Virginia as amended." Should the Board wish to approve this request, an ordinance has been prepared.

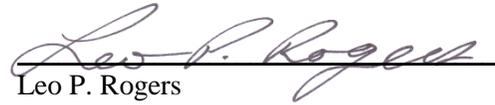


Christy H. Parrish



Angela M. King

CONCUR:



Leo P. Rogers

CHP/AMK/nb
S_12_09ChnoGr2_mem

Attachment

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 27th day of October, 2009.

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



MEMORANDUM

DATE: October 27, 2009

TO: The Board of Supervisors

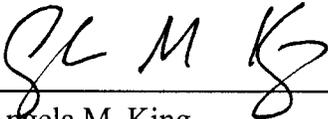
FROM: Angela M. King, Assistant County Attorney

SUBJECT: Authorization of Conveyance of Matoaka Elementary School Property to Williamsburg-James City County Public Schools

Attached is a resolution authorizing the County Administrator to convey the Matoaka Elementary School Property (the "Property"), on which Matoaka Elementary School is located, to the Williamsburg-James City County Public Schools (the "Schools"). Under Section 22.1-125 of the Code of Virginia, (1950), as amended, title to all school property is to be held by the School Board.

James City County is the owner of the Property, commonly known as 4001 Brick Bat Road, which contains 40.285 acres. Matoaka Elementary School opened in September 2007.

Following a public hearing, I recommend adoption of the attached resolution authorizing and directing the County Administrator to execute any and all documents necessary to convey the Property to the Schools.



Angela M. King

CONCUR:



Leo P. Rogers

AMK/nb
MatoakaProp_mem

Attachments

RESOLUTION

AUTHORIZATION OF CONVEYANCE OF MATOAKA ELEMENTARY SCHOOL PROPERTY

TO WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS

WHEREAS, the County is the owner of certain real property identified as Parcel No. 3630100001A on the James City County Real Estate Tax Map (the "Property"); and

WHEREAS, the County desires to transfer ownership of the Property to the Williamsburg-James City County Public Schools (the "Schools") under certain terms and conditions to be set forth by deed; and

WHEREAS, the Property to be conveyed contains 40.285 acres and is more commonly known as 4001 Brick Bat Road, Williamsburg, Virginia 23188, on which Matoaka Elementary School has been operating since September 2007; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to convey the Property to the Schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to convey the Property to the Schools.

James G. Kennedy
Chairman, Board of Supervisors

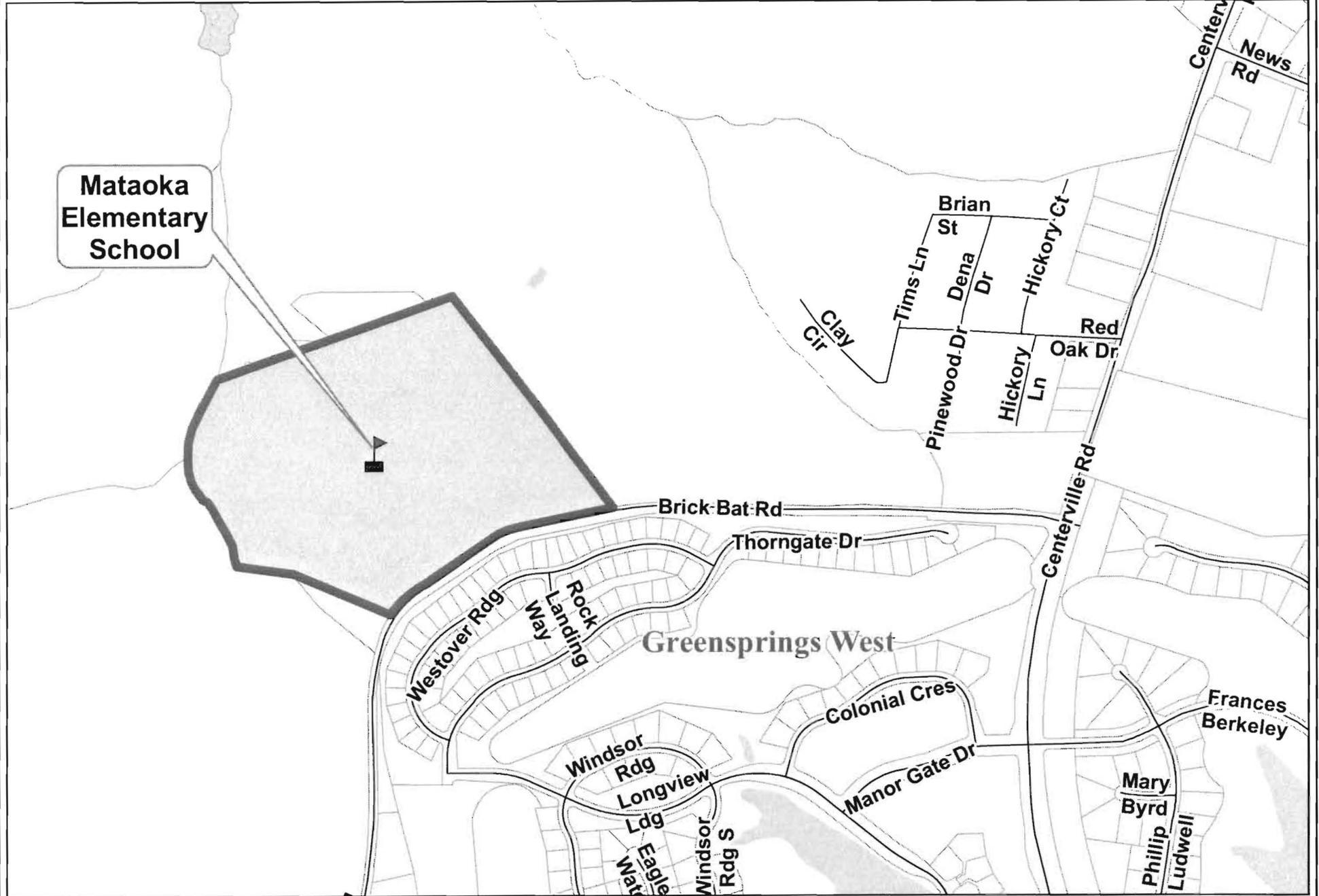
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

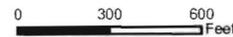
MatoakaProp_res

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



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

1 inch = 600 feet



MEMORANDUM

DATE: October 27, 2009
TO: The Board of Supervisors
FROM: Frances C. Geissler, Stormwater Director
SUBJECT: Restrictive Covenant – Warhill Stream Restoration – Parcel No. 3210100012 (in Part)

The proposed Ironbound Square Regional Stormwater Management Facility is designed to treat stormwater from both the widened Ironbound Road and proposed homes in the Ironbound Square neighborhood. The facility will also treat currently untreated stormwater from the existing development in the surrounding neighborhood. Its proposed location, adjacent to an unnamed tributary to College Creek, requires a stream permit from the United States Army Corps of Engineers (“The Corps”). The Corps permit requires James City County to undertake a compensatory stream restoration project to mitigate anticipated impacts to the Ironbound Square receiving stream channel.

James City County has agreed to restore a small section of an unnamed tributary to the Powhatan Creek in the Warhill Sports Complex. Both College and Powhatan Creeks are in the James River watershed portion of James City County. To complete the permitting process, the Corps requires that restrictions be placed on 7.6 acres of the Warhill Sports Complex to ensure that this area remains in a natural state to help mitigate the stream impacts caused by construction of the Ironbound Square Regional Stormwater Management Facility. The restricted area constitutes 7.604 acres and is generally located adjacent to the Virginia Power road easement, the Warhill Stadium, and upstream of the Warhill East Pond.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute any and all documents necessary to establish the restrictive covenants.



Frances C. Geissler

CONCUR:



John T.P. Horne

FCG/nb
WarhillStrm_mem

Attachment

RESOLUTION

RESTRICTIVE COVENANT – WARHILL STREAM RESTORATION –

PARCEL NO. 3210100012 (IN PART)

WHEREAS, James City County owns 7.604 acres located at the Warhill Sports Complex, designated as Parcel No. 3210100012 on James City County Real Estate Tax Map/Parcel No. 3210100012, Page 32, Lot No. 12 (the Property); and

WHEREAS, James City County has agreed to restore a portion of an unnamed tributary to Powhatan Creek as part of construction of the Ironbound Square Regional Stormwater Management Facility; and

WHEREAS, the United States Army Corps of Engineers requires a restrictive covenant on the stream restoration site to ensure that the area remains in a natural state; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public's interest to establish the restrictive covenants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute any and all documents necessary to establish a restrictive covenant maintaining 7.604 acres in a natural state.

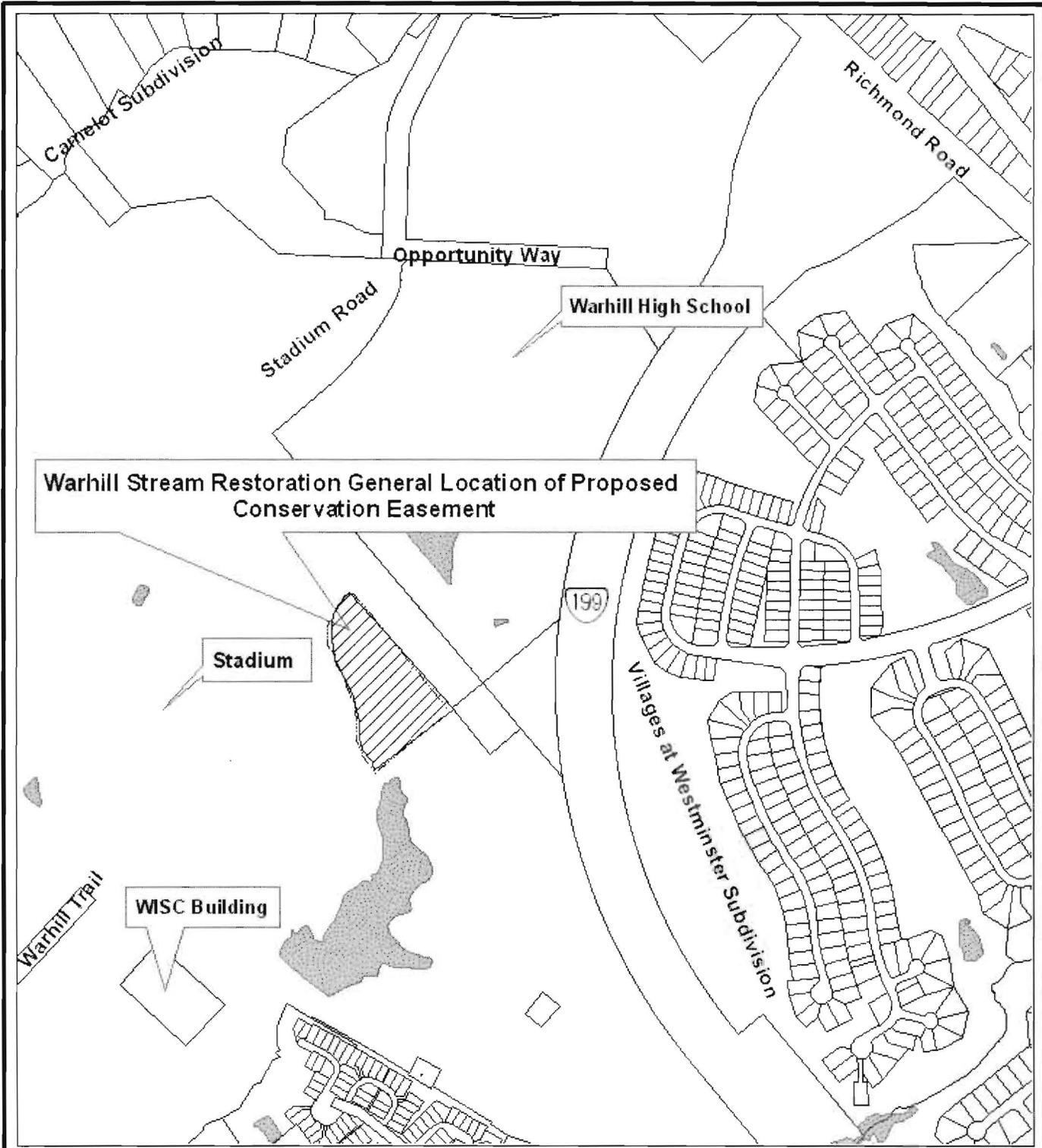
James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of October, 2009.

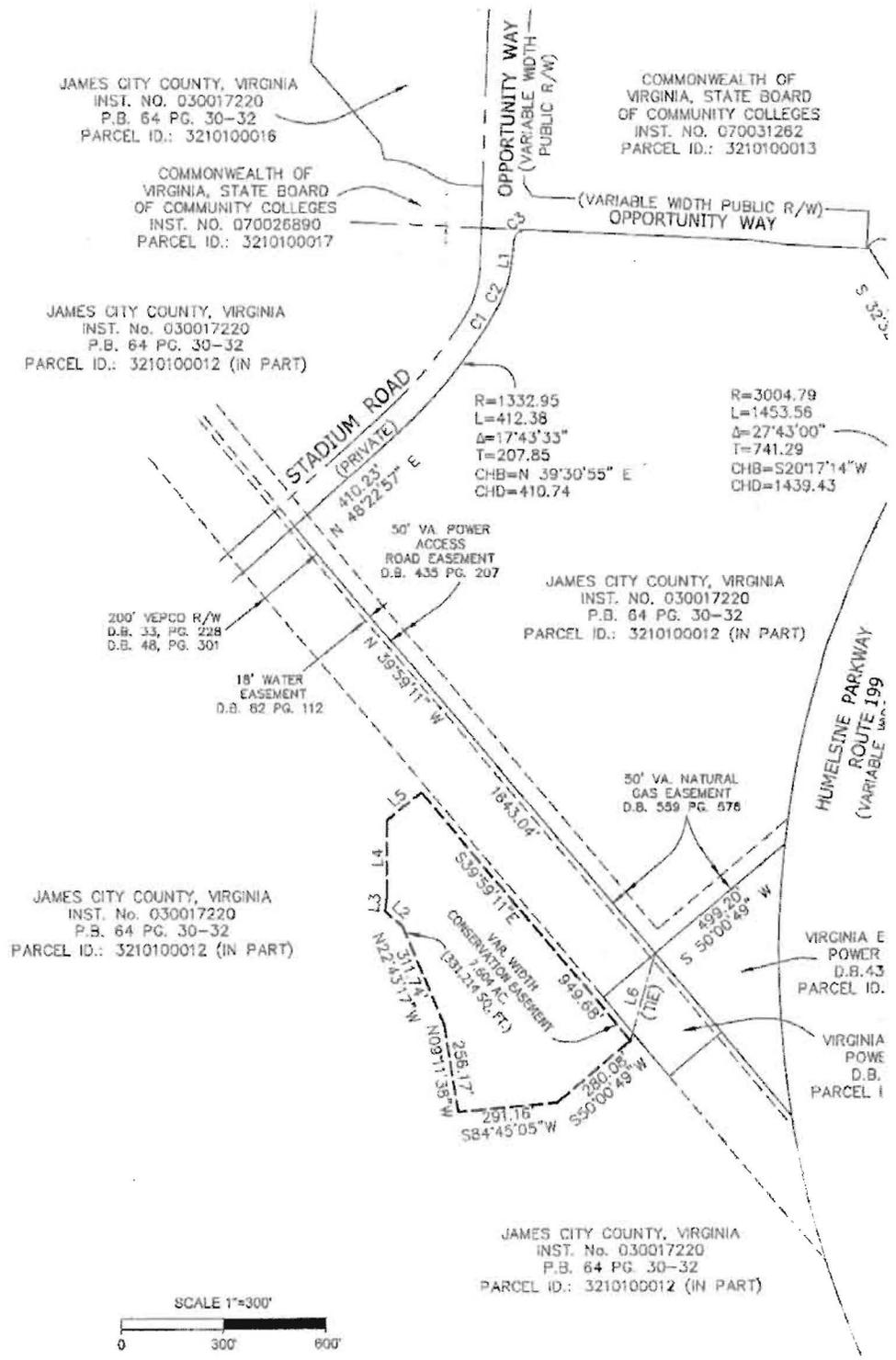
WarhillStrm_res



Warhill Stream Restoration General Location of Proposed Conservation Easement

1 inch = 700 feet





Reduced - Not To Scale

Warhill Stream Restoration Variable Width Conservation Easement

Parcel ID: 3210100012 (in part)

7.604 Acres

M E M O R A N D U M

DATE: October 27, 2009

TO: The Board of Supervisors

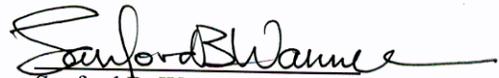
FROM: Sanford B. Wanner, County Administrator

SUBJECT: Ordinance to Amend James City County Code, Chapter 20, Taxation, by adding Section 20-7.6 Probate and Administration Tax

Attached for Board consideration is an ordinance to impose a local tax on the probate of a will or in cases of intestacy, when an administrator is appointed. This is being proposed at this time in order to provide resources for the Clerk of the Circuit Court. The amount of the tax is 1/3 of the State tax levied for such purposes. The State tax imposed is \$0.10 for every \$100.00 of estate value. The County tax would, therefore, be 3-1/3 cents for every \$100.00 of estate value. If imposed, the County; estimates receiving \$25,000 annually which can help offset some of the costs incurred by the Clerk of the Circuit Court Office.

The County has worked with the City of Williamsburg so that any local estate tax can be uniformly enforced by the Circuit Court Clerk. The City Council conducted a public hearing on October 8, 2009, but tabled any action pending James City County Board of Supervisors action.

I recommend that the Board hold a public hearing on the ordinance, but defer action pending FY 2011 budget guidance.



Sanford B. Wanner

SBW/tlc
EstateTax_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY ADDING SECTION 20-7.6, PROBATE AND ADMINISTRATION TAX.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Article I, In General, by adding Section 20-7.6, Probate and administration tax.

Chapter 20. Taxation

Article I. In General

Section 20-7.6. Probate and administration tax.

There is hereby levied and imposed a tax on the probate of any will or grant of administration by the Circuit Court for the City of Williamsburg and the County of James City, its clerk or deputy clerk when acting as the circuit court for the county. The amount of such tax shall be one-third of the state tax levied on such probate or grant of administration. Such tax shall be collected by the clerk of such court and paid monthly to the county treasurer.

State law references – Code of Va., §§ 58.1-1718 and 58.1-3805.

Ordinance to Amend and Reordain
Chapter 20. Taxation
Page 2

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 27th day of October,
2009.

Cha20Taxation_ord

M E M O R A N D U M

DATE: October 27, 2009

TO: The Board of Supervisors

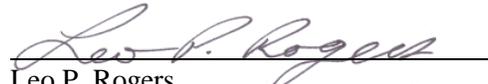
FROM: Leo P. Rogers, County Attorney
Sanford B. Wanner, County Administrator

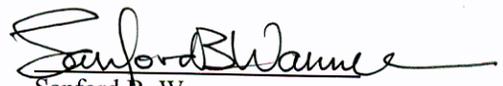
SUBJECT: Planning Commission Job Description

Consideration of the Planning Commission job description was deferred at the Board's meeting on September 22, 2009, to give staff an opportunity to meet with Planning Commission Chair, Rich Krapf. The Planning Commission job description has been modified to reflect his comments. Attached is the job description with the changes shown in italics and overstrikes. Also attached is a clean version of the revised job description.

As requested by the Board, the revised job description identifies the objectives, duties, and functions of the Planning Commission which are based on State law, County Code, and County policies and procedures. Additionally, the job description sets forth general expectations and duties of the appointed Planning Commissioners.

Attached for your consideration is a resolution adopting the Planning Commission job description.


Leo P. Rogers


Sanford B. Wanner

LPR/SBW/tlc
PCjobdesc_mem

Attachments

RESOLUTION

ADOPTION OF PLANNING COMMISSION JOB DESCRIPTION

WHEREAS, pursuant to James City County Code Section 2-18, and a resolution on April 13, 1953, the Board of Supervisors created the James City County Planning Commission; and

WHEREAS, the Planning Commission is an advisory body designed to assist the Board of Supervisors with zoning, planning, subdivision, and other land use matters; and

WHEREAS, the Board of Supervisors desires to formally identify the roles, functions, duties, and objectives of the Planning Commission by adopting a job description for its members.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the "James City County Planning Commission Job Description" dated October 27, 2009, as the job description for the Planning Commission and its members.

BE IT FURTHER RESOLVED that a copy of the job description shall be given to each existing or new member of the James City County Planning Commission.

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 27th day of
October, 2009.

PCJobDesc_res

JAMES CITY COUNTY
PLANNING COMMISSION JOB DESCRIPTION
~~September 22, 2009~~ **October 27, 2009**

The role of the Planning Commission (the “Commission”) is to help promote orderly development in the locality. The Commission serves primarily in an advisory capacity to the Board of Supervisors (the “Board”). The Commission is responsible for making recommendations to the Board on citizen, or Board, initiated planning/zoning matters. The Commission has those powers and duties provided by general law, as well as such powers and duties that may be assigned by the Board.

The objectives of the Commission are to improve the public health, safety convenience and welfare of the citizens and to plan for the future development of the community to the end that:

- Transportation systems are carefully planned;
- New community centers are developed with adequate highway, utility, health, educational and recreational facilities;
- Needs for mineral resources and the needs for agriculture, industry and business are recognized in future growth;
- Residential areas are provided with healthy surroundings for family life;
- Agricultural and forestal lands are preserved; and
- Growth of the community is consonant with the efficient and economical use of public funds.

State Code identifies the duties of the Commission as follows:

- Exercise general supervision of, and make regulations for, the administration of its own internal affairs;
- Prescribe rules pertaining to its *investigations and* hearings;
- Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board;
- Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- Make recommendations and an annual report to the Board concerning the operation of the Commission and the status of planning within the County;
- Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- Prepare and submit an annual budget for the Commission, if requested by the Board; and
- If deemed advisable, establish an advisory committee or committees.

State Code law also identifies other functions of the Commission, including:

- Prepare, recommend, and periodically review a comprehensive plan for the orderly development of the locality. The comprehensive plan is adopted by the Board.
- In conjunction with preparing a comprehensive plan, recommend methods of implementation including:
 - An official map;
 - A transportation plan;
 - A capital improvement program;
 - A subdivision ordinance;
 - A zoning ordinance and maps; and
 - A mineral resource map.
- If a public improvement is not already identified on the comprehensive plan or one of the maps, the Commission shall hold a public hearing and make a recommendation to the Board on whether or not such a public improvement is appropriate.
- Prepare and recommend official map.
- *The Commission may Rreview the capital improvement program annually relative to comprehensive plan infrastructure and shall make such other review as requested by the Board of Supervisors. In reviewing capital improvement programs, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.*
- Oversee the administrative enforcement of the subdivision ordinance and the review of subdivision plats.
- Review and make recommendations on requests for rezonings and applications made under the zoning ordinance.
- Initiate consideration of the involuntary rezoning of property and initiate consideration of amendments to the subdivision or zoning ordinances.
- Review applications for, amendments to, and withdrawals from agricultural and forestal districts.
- *The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.*

In addition to those objectives, duties, and functions identified in the State Code, the County Code, actions of the Board, and rezoning proffers identify additional responsibilities, including:

- Hearing appeals or considering waivers to the application of specific provisions of the subdivision or zoning ordinance.
- Modifications, substitutions or transfers of requirement of the landscape ordinance.
- Enforcement of subdivision regulations.
- Through Special Use Permit conditions, the Commission or the Development Review Committee (“DRC”) is frequently directed by the Board to either consider an application or modification of a specific condition or review an administrative official’s decision with regard to such condition.

- Through proffers offered by landowners and approved by the Board, the Commission or the DRC is frequently directed to consider application or modification of a specific condition or review an administrative official's decision with regard to such condition.
- The subdivision and zoning ordinances also provide provisions which allow the Commission to interpret application of requirements to a development plan or modify approved restrictions with limited parameters. *Example: Master plan amendments which do not change the overall development scheme of property that can be administratively approved by the Planning Commission.*
- The Planning Commission may hold work sessions to discuss the development of real property with owners, applicants, developers or their agents. Such work sessions are open to the public. Individual Planning Commissioners shall not meet with owners, applicants, developers, *special interest groups* or their agents to discuss *details of* proposals to develop property, *including proposed proffers or conditions*, unless directed to do so by the Chairman of the Planning Commission. One or more members of County Staff shall attend such meetings.

In conducting the duties and responsibilities identified above, the Commission and its members shall work through the County Administrator on operational issues such as budget, staffing and workload and shall work through the Board on policy matters. Planning Commissioners shall work in good faith to complete the duties identified above, as stated by law, as contained in the Planning Commission Bylaws, and as described in policies and procedures adopted by the Board of Supervisors. Commission members shall endeavor to attend regular, special and adjourned meetings and public hearings; attend regular committee meetings to which the Commissioner is appointed; represent the Planning Commission at Board of Supervisors meetings in rotation; and attend ad-hoc committee meetings as agreed by the Planning Commission.

A Planning Commissioner's willful failure to fulfill the above referenced duties or intentionally operating beyond the scope such duties shall be ~~prima facie evidence~~ *create a presumption* of nonfeasance or malfeasance in office, *however, a Commissioner may present credible evidence to rebut the presumption.*

This Job Description was adopted by the James City County Board of Supervisors on the ~~22nd day of September, 2009~~ *27th day of October, 2009.*

JAMES CITY COUNTY
PLANNING COMMISSION JOB DESCRIPTION
October 27, 2009

The role of the Planning Commission (the “Commission”) is to help promote orderly development in the locality. The Commission serves primarily in an advisory capacity to the Board of Supervisors (the “Board”). The Commission is responsible for making recommendations to the Board on citizen, or Board, initiated planning/zoning matters. The Commission has those powers and duties provided by general law, as well as such powers and duties that may be assigned by the Board.

The objectives of the Commission are to improve the public health, safety convenience and welfare of the citizens and to plan for the future development of the community to the end that:

- Transportation systems are carefully planned;
- New community centers are developed with adequate highway, utility, health, educational and recreational facilities;
- Needs for mineral resources and the needs for agriculture, industry and business are recognized in future growth;
- Residential areas are provided with healthy surroundings for family life;
- Agricultural and forestal lands are preserved; and
- Growth of the community is consonant with the efficient and economical use of public funds.

State Code identifies the duties of the Commission as follows:

- Exercise general supervision of, and make regulations for, the administration of its own internal affairs;
- Prescribe rules pertaining to its investigations and hearings;
- Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board;
- Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- Make recommendations and an annual report to the Board concerning the operation of the Commission and the status of planning within the County;
- Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- Prepare and submit an annual budget for the Commission, if requested by the Board; and
- If deemed advisable, establish an advisory committee or committees.

State law also identifies other functions of the Commission, including:

- Prepare, recommend, and periodically review a comprehensive plan for the orderly development of the locality. The comprehensive plan is adopted by the Board.
- In conjunction with preparing a comprehensive plan, recommend methods of implementation including:
 - An official map;
 - A transportation plan;
 - A capital improvement program;
 - A subdivision ordinance;
 - A zoning ordinance and maps; and
 - A mineral resource map.
- If a public improvement is not already identified on the comprehensive plan or one of the maps, the Commission shall hold a public hearing and make a recommendation to the Board on whether or not such a public improvement is appropriate.
- Prepare and recommend official map.
- The Commission may review the capital improvement program annually relative to comprehensive plan infrastructure and shall make such other review as requested by the Board of Supervisors. In reviewing capital improvement programs, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.
- Oversee the administrative enforcement of the subdivision ordinance and the review of subdivision plats.
- Review and make recommendations on requests for rezonings and applications made under the zoning ordinance.
- Initiate consideration of the involuntary rezoning of property and initiate consideration of amendments to the subdivision or zoning ordinances.
- Review applications for, amendments to, and withdrawals from agricultural and forestal districts.
- The planning commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. It shall have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

In addition to those objectives, duties, and functions identified in the State Code, the County Code, actions of the Board, and rezoning proffers identify additional responsibilities, including:

- Hearing appeals or considering waivers to the application of specific provisions of the subdivision or zoning ordinance.
- Modifications, substitutions or transfers of requirement of the landscape ordinance.
- Enforcement of subdivision regulations.
- Through Special Use Permit conditions, the Commission or the Development Review Committee (“DRC”) is frequently directed by the Board to either consider an application

or modification of a specific condition or review an administrative official's decision with regard to such condition.

- Through proffers offered by landowners and approved by the Board, the Commission or the DRC is frequently directed to consider application or modification of a specific condition or review an administrative official's decision with regard to such condition.
- The subdivision and zoning ordinances also provide provisions which allow the Commission to interpret application of requirements to a development plan or modify approved restrictions with limited parameters. *Example: Master plan amendments which do not change the overall development scheme of property that can be administratively approved by the Planning Commission.*
- The Planning Commission may hold work sessions to discuss the development of real property with owners, applicants, developers or their agents. Such work sessions are open to the public. Individual Planning Commissioners shall not meet with owners, applicants, developers, special interest groups or their agents to discuss details of proposals to develop property, including proposed proffers or conditions, unless directed to do so by the Chairman of the Planning Commission. One or more members of County Staff shall attend such meetings.

In conducting the duties and responsibilities identified above, the Commission and its members shall work through the County Administrator on operational issues such as budget, staffing and workload and shall work through the Board on policy matters. Planning Commissioners shall work in good faith to complete the duties identified above, as stated by law, as contained in the Planning Commission Bylaws, and as described in policies and procedures adopted by the Board of Supervisors. Commission members shall endeavor to attend regular, special and adjourned meetings and public hearings; attend regular committee meetings to which the Commissioner is appointed; represent the Planning Commission at Board of Supervisors meetings in rotation; and attend ad-hoc committee meetings as agreed by the Planning Commission.

A Planning Commissioner's willful failure to fulfill the above referenced duties or intentionally operating beyond the scope such duties shall create a presumption of nonfeasance or malfeasance in office, however, a Commissioner may present credible evidence to rebut the presumption.

This Job Description was adopted by the James City County Board of Supervisors on the 27th day of October, 2009.