

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**July 27, 2010**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Cheyne Elliott, a rising sixth-grade student at Toano Middle School

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. Minutes – July 13, 2010
2. Grant Award – Police Department – Department of Criminal Justice Services – \$18,950  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
3. Grant Award – Police Department – Wal-Mart – \$500  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
4. Grant Award – Fire Department – Virginia Department of Emergency Management – \$34,692  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
5. Grant Award – Fire Department – Citizen Corps Program – \$15,600  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
6. Grant Award – Fire Department – Rescue Squad Assistance Fund (RSAF) – \$34,080  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
7. Grant Award – Fire Department – Wal-Mart Import Distribution Center – \$1,000  
*Supports County's Strategic Pathway 1.d – develop and promote revenue alternatives to property taxes*
8. Contract Award – Replacement Pumper Truck – \$592,950.23  
*Supports County's Strategic Pathways 3.d – invest in the capital project needs of the community, and 5.b – maintain a well-trained and high performing workforce for normal and emergency operations*
9. Establishment of a Full-Time Regular Groundskeeper I Position and Transfer of Funds  
*Supports County's Strategic Pathway 5.b – maintain a well-trained and high performing workforce for normal and emergency operations*

**-CONTINUED-**

10. Revisions to the Personnel Policies and Procedures Manual, Chapter 5, Section 5.7B.2 – VRS Service Retirement  
*Supports County's Strategic Pathway 5.b – maintain a well-trained and high performing workforce for normal and emergency operations*
11. Revisions to the Personnel Policies and Procedures Manual, Chapter 4, Section 16.A – Standby Pay
12. Optional Long-Term Care Insurance  
*Supports County's Strategic Pathway 5.b – maintain a well-trained and high performing workforce for normal and emergency operations*
13. Operating Contingency Transfer for Business and Technology Incubator  
*Supports County's Strategic Pathway 1.c – diversify tax revenue, tax base and employment options*
14. Bank Resolution Amendment

**G. PUBLIC HEARINGS**

1. Case No. SUP-0016-2010. La Tienda – Virginia Packing
2. Case No. AFD-1-94. Wright's Island 2010 Renewal
3. Ordinance Amendment to Chapter 20, Taxation, Adding Section 20-13.10, Exemption for Pollution Control Equipment

**H. BOARD CONSIDERATIONS**

1. James City County Green Building Design Roundtable Recommendations  
*Supports County's Strategic Pathway 4.c – ensure private development and government operations are environmentally sensitive*
2. James City County Twinning Agreement with the Town of St. George, Bermuda  
*Supports County's Strategic Pathway 4.a – highlight our natural environment and rich history in County facilities and publications*

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Planning Commission
  - b. Regional Issues Committee

**M. ADJOURNMENT to 4:00 p.m. on August 10, 2010**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JULY 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – The Mother Goose Mania Champions at Rawls Byrd Elementary School led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

Mr. Kennedy recited the rules for public comment speaking.

1. Mr. Ed Oyer, 139 Indian Circle, commented on the response by Mr. Doug Powell to his requests; stormwater management requirements; traffic on Route 60 East; and requirements of the local school board.

2. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the Board of Supervisors Code of Ethics in relation to the Courthouse Commons case adopted on June 22, 2010. He commented on potential unethical behavior by a former Planning Commissioner. He stated that he felt the Board members who received funds from the applicant should resign from the Board.

3. Mr. Jack Fowler, 109 Wilderness Lane, commented that he had not received further information on a petition to repair Little Creek Reservoir and on other incidents he has brought forward for consideration.

**F. CONSENT CALENDAR**

Mr. Goodson asked to pull Item No. 3 because he had a conflict of interest.

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

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

1. Minutes –
  - a. June 22, 2010, Work Session
  - b. June 22, 2010, Regular Meeting
  - c. June 29, 2010, Continued Meeting
  - d. June 3, 2010, Special Meeting
  - e. June 13, 2010, Special Meeting
2. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Omega Construction, 206 and 210 Sandy Bay Road

## **RESOLUTION**

### **CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE –**

#### **OMEGA CONSTRUCTION, 206 AND 210 SANDY BAY ROAD**

WHEREAS, Sandy Bay Interests, L.C. of 23 Mile Course, Williamsburg, Virginia is the owner of certain parcels of land commonly known as 206 and 210 Sandy Bay Road designated as Parcel Nos. 4730100020 and 4730100019 within the James City County’s Real Estate Tax Map system, herein referred to as the “Properties”; and

WHEREAS, the Owner retained Omega Construction of Portsmouth VA, herein referred to as the “Contractor,” to perform work on the Properties; and

WHEREAS, on or about August 26, 2009, the Contractor transported, filled, and graded land on the Properties without an approved plan of development and without securing a land-disturbing permit; and caused impact to Chesapeake Bay Preservation Area (CBPA) located on the Properties; and

WHEREAS, Sandy Bay Interests, LC has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County which requires the Contractor to install temporary erosion and sediment control measures; to stabilize existing disturbed areas in the Resource Management Area (RMA) outside existing present gravel areas; and perform work and install native plantings within Resource Protection Area (RPA), in accordance with an approved CBPA Restoration Plan in order to remedy a violation of the County’s Chesapeake Bay Preservation Ordinance. The owner has posted sufficient surety guaranteeing the installation and restoration of Resource Management Area and Resource Protection Area on the Properties; and

WHEREAS, the Contractor has agreed to pay a total of \$1,500 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, per Section 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,500 civil charge from Omega Construction, as full settlement of the Chesapeake Bay Preservation Ordinance Violations at the Property.

4. Budget Transfer – Capital Contingency to Facility Improvements – \$200,000

**RESOLUTION**

**BUDGET TRANSFER – CAPITAL CONTINGENCY TO  
FACILITY IMPROVEMENTS – \$200,000**

WHEREAS, the Board of Supervisors wished to support the efficient operation of County facilities; and

WHEREAS, the Board wishes to undertake actions to reduce energy consumption and decrease the production of greenhouse gases from the operation of County buildings; and

WHEREAS, the accelerated implementation of replacement of building system equipment will also accelerate the cost savings from reduced energy consumption and reduced staff maintenance time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby authorize the transfer of \$200,000 from the Capital Contingency to the Facility Improvements fund.

5. Grant Appropriation – Homeless Intervention Program – \$149,231

**RESOLUTION**

**GRANT APPROPRIATION - HOMELESS INTERVENTION PROGRAM - \$149,231**

WHEREAS, the Virginia Department of Housing and Community Development (VDHCD) has awarded State General Funds in the amount of \$149,231 to James City County to provide services through the Homeless Intervention Program (HIP) for Fiscal Year 2011; and

WHEREAS, James City County Office of Housing and Community Development (OHCD) will use HIP grant funds to provide financial assistance and supportive services to persons at risk of becoming homeless or who are homeless, including families and individuals from James City County, the City of Williamsburg, and York County with a Williamsburg address in accordance with HIP Program Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Grant Agreement and to allocate the following appropriation to the Community Development fund:

Revenue:

Homeless Intervention Program Grant                    \$149,231

Expenditure:

Homeless Intervention Program Assistance                    \$149,231

6.     Williamsburg Area Transit Authority Board of Directors Appointments

**RESOLUTION**

**APPOINTMENTS TO THE WILLIAMSBURG AREA TRANSIT AUTHORITY (WATA)**

**BOARD OF DIRECTORS**

WHEREAS, the Williamsburg Area Transit Authority (WATA) Board of Directors has two Board-appointed staff members from James City County; and

WHEREAS, the terms of Mr. Larry Foster and Mr. Doug Powell have expired.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby reappoint Larry Foster and Doug Powell to the WATA Board of Directors for four-year terms to expire June 30, 2013 and June 30, 2014, respectively.

3.     Contract Award – Asphalt Overlay – Various Routes – \$535,421

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones, Kennedy (4). NAY: (0). ABSTAIN: Goodson (1)

**RESOLUTION**

**CONTRACT AWARD - ASPHALT OVERLAY-VARIOUS ROUTES - \$535,421**

WHEREAS, bids were publicly advertised for Asphalt Overlay-Variou Routes funded by American Reinvestment and Recovery Act (ARRA) funds appropriated by the Board of Supervisors on December 8, 2010; and

WHEREAS, two bids were considered for award and Branscome, Inc. was the lower responsive and responsible bidder; and

WHEREAS, sufficient funds are available to award the Base Bid amount of \$339,682.76 and may become available to award the Additive Bid #1 amount of \$195,738.24.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract up to the amount of \$535,421 with Branscome, Inc. for Asphalt Overlay-Variou Routes.

**G. PUBLIC HEARINGS**

1. Case No. SUP-0024-2009. Hospice House WCF (Deferral Requested)

Mr. Jason Purse, Senior Planner, stated that the applicant has requested a deferral for this case until November 2010. He stated that the applicant understands the case would need to be readvertised.

Mr. McGlennon asked why the applicant had requested a deferral for this case.

Mr. Purse stated the applicant was still in the process of finding an alternate location for the tower.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, the Public Hearing remained open.

2. Case No. SUP-0007-2009/Z-0001-2010/MP-0001-2009. Colonial Heritage, Deer Lake Cluster (Deferral Requested)

Mr. Purse stated that the applicant has requested deferral of the case until the August 10, 2010, Board of Supervisors meeting.

Mr. McGlennon asked why the deferral was being requested.

Mr. Purse deferred to the applicant to respond.

Mr. Kennedy opened the Public Hearing.

1. Mr. Greg Davis, Kaufman and Canoles PC, on behalf of the applicant, stated that the applicant has requested a deferral to address misconceptions of the public through a public information meeting on July 26, 2010, at 7 p.m. at the Norge Library on Croaker Road.

Mr. McGlennon encouraged the applicant to reconsider the development in this area. He stated that he has seen cases where the proffers included did not relate to the impacts that needed to be addressed. He stated that it was important to address the proffers in relation to the general public policy.

Mr. Davis stated that the Colonial Heritage development was a large and cutting-edge development in relation to proffers and that his office would take input into consideration regarding the proffers.

2. Ms. Kensett Teller, 126 Lake Drive, on behalf of TK Asian Antiques, the property located next to the proposed conservation property on Jamestown Road. She commented that it would not be in the best interests of the community to accept the conservation of the property on Jamestown Road while allowing the development of an equally sensitive piece of property elsewhere. She requested denial of the application.

3. Mr. Robert Richardson, 2786 Lake Powell Road, stated this case has changed considerably since the Planning Commission and that the public should have greater opportunity to understand and discuss the changes. He stated that he felt this plan should be remanded to the Planning Commission to be reevaluated. He stated concern about short-circuiting the public process for consideration of development cases. He commented on the need for proffers for education; contradictions to the Comprehensive Plan; extension of the Public Service Area; and prioritization of a Rural Lands policy.

Mr. Kennedy stated that the Public Hearing would remain open.

Mr. Kennedy stated that he was not yet taking a position on this case. He stated that the Comprehensive Plan was adopted by the Board which addressed this parcel. He stated there was a need to reevaluate the Primary Service Area (PSA), which was a bigger issue than the case at hand. He commented on his request to discuss Transfer of Development Rights (TDR) for areas where those changes make sense. He stated there have been significant changes to stormwater, green building design, and site design since the policy was developed which make the PSA less imperative. He commented that the PSA was established to contain growth 40 years ago, but this has been violated by conserving greenspace and environmentally sensitive property inside the PSA. He commented that TDRs and Transfer of PSA Rights were avenues to be explored. He stated that in some cases, the units inside the PSA would be developed regardless, but this was a case in which those units could be eliminated. He commented on the importance of water connections and proffers for desalinization. He noted the important role of the Water Conservation Committee and water conservation rules. He noted various controversial policy recommendations that he felt were unpopular, but made sense for the County, such as geothermal heating, green building, and turf management. He stated the broader issue of the PSA needed to be addressed. He commented that in this case, the Comprehensive Plan applies and noted that staff and the Planning Commission operated in an advisory capacity to the Board, which would ultimately make the final consideration on cases. He stated that the Board should maintain open and clear channels of communication to avoid any appearance of unethical behavior.

Ms. Jones stated that with every case, she evaluates information through the end of the public hearing and Board discussion in order to understand the entire case. She stated that she has not made a final decision of support for this case. She stated that she believed in allowing opportunities for flexibility in the PSA, which occurred in this case. She commented that the PSA, as it was designed 40 years ago, did not take environmentally sensitive areas into careful consideration. She noted that exceptions have been made to the PSA by the County to extend water to the schools. She reviewed strategies and actions related to the PSA as designated in the Comprehensive Plan. She stated these actions indicate taking a comprehensive review of the PSA policy and further discussion about flexibility. She requested that this policy be studied along with the Rural Lands policy in order to move forward on these actions.

Mr. Goodson stated that he supported Mr. Kennedy and Ms. Jones on evaluating the PSA boundaries and policy and that he felt it was no longer an effective tool to control growth.

Mr. Kennedy stated that he did not have a motivation to change the PSA, but that he wanted to explore and discuss possible policy changes to increase environmental protections and update the policy. He requested discussion about the PSA, TDR, and Transfer of PSA Rights. He stated these were tools that could be explored and that he would like to address the bigger issue.

Mr. McGlennon stated that he recognized that citizens have a right to be skeptical about how rural growth was being addressed. He commented that the PSA might be considered the only defense against bad growth decisions and intensive development outside the PSA with the suggestion of extending the line. He stated that the likely results should be considered in these cases. He stated that there would be more concern from the citizens if the PSA was viewed more flexibly. He commented that this matter needed to be addressed



more comprehensively without approving an exception in the interim. He stated he did not believe that the net impact of the proposal would be to remove 36 units from development. He stated that there was a likelihood of a significant net increase of units if the Colonial Heritage project was approved. He commented that he did not believe there was any misuse of funds in the Greenspace account by acquiring environmentally sensitive lands within the PSA since that was the intention of the policy. He stated that a property within the PSA did not by that virtue imply that it should be developed, but it could possibly need other protections.

Mr. Kennedy stated that he agreed on the idea of environmental protection within the PSA and that those changes were being made incrementally.

Mr. McGlennon stated that a policy was developed and funds were set aside to acquire and preserve greenspace. He stated this was consistent with the policy that was adopted at that time and has been supported by the Board for many years.

Mr. Kennedy stated that the policy was adopted, but the Mainland Farm property was purchased for greenspace and was owned by the Economic Development Authority (EDA). He stated that there were unused funds in the greenspace fund, there had not been property available for purchase, and that was why the fund was not being funded in the current economic conditions.

Mr. McGlennon stated that he was clarifying that the implication that acquiring land within the PSA for greenspace protection was a violation of policy was incorrect. He commented that Mr. Kennedy understood the reasons behind his vote against the Comprehensive Plan and that he did not feel the revision did enough to reflect the public sentiment to act more decisively to address the rate of growth in the community. He stated that his vote against the Comprehensive Plan did not mean he could not use the document to evaluate cases, but that he did not feel it was strong enough in its language to address growth.

Mr. Kennedy commented that the Planning Commission supported the Comprehensive Plan unanimously. He stated that environmental conservation and growth management was evolving.

Mr. McGlennon stated that he felt that removing the one tool that was available to restrict sprawl in the community was unwise without developing an effective policy to preserve Rural Lands.

Mr. Kennedy stated that he agreed with examining Rural Lands. He stated the Rural Lands Committee of 2006 and 2007 did not include any landowners and was limited to five people. He stated that one of the members of the committee had made statements that it would be acceptable if no additional houses were built in the community. Mr. Kennedy stated that he represented the interests of landowners, farmers, and large tract owners, and he felt these community members should have been allowed to participate in these discussions. He stated that discussion of TDRs could provide protections to these landowners.

Mr. McGlennon stated that the Rural Lands issues that were brought up during the Comprehensive Plan have not been reconsidered since questions were raised. He stated that those matters have not been moved forward by the Board. He reiterated his concerns about flexibility in the PSA without addressing other issues.

Mr. Goodson stated that he believed there was discussion about developing other tools aside from the PSA in order to address the concerns.

Mr. McGlennon stated that flexibility in the PSA was being used prior to addressing the issues.

Mr. Goodson stated that the PSA could be used to the County's advantage in addressing development that would otherwise be done by-right.

Ms. Jones commented on the use of zoning to address responsible growth management, including rural lands cluster development. She commented on the need for discussion to develop a better policy.

Mr. Kennedy commented on the Economic Opportunity (EO) Zone as recommended by the Business Climate Task Force (BCTF). He stated the piece of property in question was identified as an important EO Zone and on the need for land use predictability. He stated the need for the Board to have further discussion on this matter.

Mr. McGlennon stated that zoning was a tool to allow for concerns to be addressed and noted that the Courthouse Commons case came forward as a Special Use Permit (SUP) rather than a zoning case. He stated that the Board should move forward on comprehensive policies to address the matters.

Mr. Kennedy stated that he would like to see the Board move forward together for better policy decisions. He noted that he was not in favor of proffers and stated his support for impact fees instead. He asked for a broader discussion about proffers and the PSA policy.

Mr. Goodson asked that the Board and staff work together to create a Rural Lands ordinance.

Ms. Jones stated there was a draft that exists through the Rural Lands Committee.

Mr. Icenhour commented that there were two primary reasons that he did not support the Comprehensive Plan, which were because the final plan did not incorporate the public input in relation to the EO Zone designation outside the PSA, and there was a lack of commitment to state that the Board would work to control growth. He stated that the cost-effectiveness of central well facilities helped to increase development outside the PSA. He stated that the PSA and Rural Lands policy should be addressed. He stated that he would prefer sprawl in the rural lands rather than intensive growth in various areas and that he felt that development should pay for itself with impact fees, but they were not permitted by the State. He commented that citizens should be asked whether or not they want to preserve rural lands. He stated that he would like to hold this discussion with the Board. He stated that new State law would require designation of Urban Development Areas (UDAs) to indicate where intensive development could take place.

At 8:28 p.m. the Board took a break.

At 8:35 p.m. Mr. Kennedy reconvened the Board.

3. Ordinance to Vacate a Private Right-of-Way of Quarterpath Trail in Kingsmill

Mr. Rogers stated that the ordinance was to vacate a private right-of-way that was shown on a plat in Kingsmill from Southall to the pond at Kingsmill. He stated it was not currently being used as a right-of-way. He stated Kingsmill has requested that the property be vacated because there were property owners interested in acquiring the land.

Mr. Goodson stated that there was a property boundary that needed to be adjusted that conflicted with this right-of-way which brought this item to the Board's attention.

Mr. Icenhour asked if there was anything that indicated what the intention was for the right-of-way.

Mr. Goodson stated it was a historic road used to bring goods to Colonial Williamsburg.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the ordinance.

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

4. Transfer of Route 5 Transportation Improvement District (TID) Assets

Mr. Rogers stated that the TID Commission transferred the property to the County in order for it to be transferred to the Virginia Department of Transportation (VDOT) for possible future expansion of Monticello Avenue. He recommended approval of the resolution transferring the property.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**TRANSFER OF ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT (TID) ASSETS**

WHEREAS, the Route 5 Transportation Improvement District (TID) was created to finance the construction of a road known as Alternate Route 5 and which became an extension of Monticello Avenue; and

WHEREAS, the TID adopted a resolution on July 13, 2010, to transfer three parcels of property to the County (Tax Map Nos. 3830100024, 3830100025, and 3830100026) (the "Properties"); and

WHEREAS, the Properties are slivers of land located within the right-of-way for Route 5000, Monticello Avenue; and

WHEREAS, the County desires the Properties be incorporated as part of the right-of-way of the existing Route 5000 and cause it to be under the jurisdiction of the Virginia Department of Transportation (VDOT), and that VDOT take fee simple title of the Properties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, pursuant to §§33.1-229 and 33.1-69, Code of Virginia, 1950, as amended, the Board of Supervisors of James City County, Virginia, hereby establishes the supplemental right-of-way shown on the following referenced plat or plats, as recorded in the Clerk's Office of the Circuit Court for James City County, as part of the abutting public road and requests VDOT to consolidate the supplemental right-of-way as part of the right-of-way of the State Route identified below and assume ownership and jurisdiction thereof:

State Route Number(s)	Plat Identification or Recordation Reference	Date Recorded
5000	TM No.: 3830100024 PB: 64/89-92	9/4/96
5000	TM No.: 3830100025 PB: 64/89-92	9/4/96
5000	TM No.: 3830100026 PB: 64/89-92	9/4/96

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Board of Supervisors hereby guarantees the supplemental right-of-way to be clear and unencumbered, any easements thereon having been quitclaimed, subject to a VDOT approved subordination of rights agreement, or otherwise found acceptable by VDOT to remain in place.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a certified copy of this resolution and copies of the plat(s) referenced above shall be provided to the District Administrator and the Regional Right-of-Way Manager for VDOT.

5. Dissolution of the Route 5 Transportation Improvement District (TID)

Mr. Rogers stated this resolution recommended dissolution of the Route 5 TID since the district's purpose has been satisfied. He stated that once this resolution is approved, a note will be made in the record to this effect and it would be reflected on the deeds of the property owners in the district.

Mr. Kennedy opened the Public Hearing.

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

McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**DISSOLUTION OF ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT (TID)**

WHEREAS, the Route 5 Transportation Improvement District (TID) was created to finance the construction of a road known as Alternate Route 5 and which became an extension of Monticello Avenue; and

WHEREAS, all debts of the TID have now been paid, all assets of the TID have been transferred; and all purposes for which the TID was created have been fulfilled; and

WHEREAS, it is in best interests of the property owners and residents that the TID be dissolved; and

WHEREAS, such dissolution is in furtherance of the James City County's Comprehensive Plan; and

WHEREAS, notice that the Board of Supervisors would consider such dissolution at a public hearing on July 13, 2010, has been given; and

WHEREAS, the Board of Supervisors held a public meeting and did consider such dissolution on the 13th day of July 2010, pursuant to such notice and the Board of Supervisors was of the opinion that the purposes of the TID have been fulfilled, that such dissolution is in the best interests of the property owners and residents, and that such dissolution is in furtherance of the County's Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors District of James City County, Virginia, hereby dissolves the Route 5 Transportation Improvement with a notice of such dissolution to be recorded in the Clerk's Office of the Circuit Court for James City County.

## **H. BOARD CONSIDERATION**

### **1. Referendum Question – November 9, 2010**

Mr. Wanner stated that the Board of Supervisors should place a referendum question on November 2, 2010 ballot, to consider a bond issue not to exceed \$30 million after discussion with staff and financial advisors. He stated that the inquiry that the tax implication of the referendum question was passed onto the financial advisors and it was their opinion that including this additional information would negatively impact the sale of the bonds. He reviewed the proposed referendum question as indicated on the resolution.

Mr. McGlennon stated this reflected that the Board's consensus was to move forward aggressively on stormwater management needs for the County while allowing the voters to make the final determination to support this need. He stated that while the Board would not be able to actively advocate the question, he felt this was the most important way the Board could support this initiative.

Mr. Goodson stated concern for the language in the resolution concerning the expediency of the projects since some projects were in a ten-year time frame.

Mr. Wanner stated that the language was proposed by the bond counsel. He stated that expediency could be defined by the seven to ten years it would take.

Mr. McGlennon stated there was an expedient need for the projects.

Mr. Rogers stated that the bond issue would expedite the process for completing the projects.

Mr. Goodson stated that he did not believe the projects did not need to be done in an expedient manner.

Mr. McGlennon stated that the need was there and the bond issue would expedite the completion of the projects.

Mr. Icenhour stated that some projects may not need to be done and the bond issue would increase flexibility.

Mr. Kennedy stated concern that inflation was not addressed. He stated that some of the projects were the responsibility of VDOT.

Mr. Wanner stated that roughly \$6 million of the projects was on State property. He stated that the bond issue was for up to \$30 million and the Board was in charge of the project development. He stated that if

the need grew, the County would be competitive for grants. He stated that the State projects were fully within the Board's control.

Mr. McGlennon stated that the bond counsel indicated that it was sensible for the Board to increase the tax rate to allow flexibility in the projects. He noted that there was a maximum borrowing amount that may not be reached. He stated that there was a consideration for what State projects should be done and how to address the health and safety needs of the citizens in that respect. He stated that public comment could be received on these matters if the voters agree that this is a priority for the County.

Mr. Kennedy stated that he would like to move forward on these projects in a timely manner.

Mr. Goodson made a motion to approve the resolution.

Mr. Goodson made a motion that any publication or information related to the referendum may include a possible impact of a \$0.0225 increase in the tax rate.

Mr. McGlennon stated that if there was not a need to borrow the maximum, there may be an impact of that amount. He stated that he could support that information being disseminated to the public.

Mr. Kennedy stated that he felt the Board should support the advice of the bond counsel.

Ms. Jones stated that only the needed funds should be borrowed. She stated that she supported moving forward on the referendum and having the voters demonstrate their support for stormwater management projects. She stated that if the voters did not support this, the projects would continue to be funded as they can and that she had hoped it would not result in increased taxes.

Mr. McGlennon stated in the case of the greenspace bond issue, there was dedicated funding to prevent an increase in the tax rate.

Ms. Jones stated that if the financial situation changed, the tax rate may have increased.

Mr. Goodson stated that in that case, the debt service would have been less than the \$0.02, resulting in no tax increase.

Mr. Wanner stated that the materials related to the previous referenda were available.

Ms. Jones stated her support for this item.

On the motion to adopt the resolution, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

Mr. McGlennon noted that it was not certain if the tax rate would increase or decrease apart from this possible impact.

On the motion related to the language to indicate a possible tax increase up to \$0.0225 on information related to the referendum, the vote was AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

## **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on HB1221 establishing a water facility revolving fund loan for stormwater runoff purposes; difficulty in passing a referendum with a tax increase; laws related to education, specifically career and technical education programs and home instruction.

2. Mr. Robert Richardson, 2786 Lake Powell Road, agreed that it would be difficult to pass a referendum with a tax increase and stated explanation needed to be made to the community; discussion on Rural Lands and PSA policy; At-Large vacancy on the Planning Commission; and developing property based on net developable land rather than gross acreage.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner addressed the comments related to the State bill on dams from Mr. Oyer in a previous meeting. He stated that the State legislation did not change anything related to Jolly Pond Dam or Jolly Pond Road. He also noted that the legislation for a loan fund for stormwater management mentioned by Mr. Oyer was a competitive process which would not have sufficient funding for project needs in the County.

Mr. Wanner stated that the Board should hold a closed session under Code of Virginia Section 2.2-3711(A)(1) to consider personnel matters, appointments of individuals to County Boards and Commissions, specifically the Parks and Recreation Advisory Commission and the Planning Commission and Section 2.2-3711(A)(3) to consider the purchase of parcel(s) of property for public use. He stated that when the Board completed its business, it should adjourn to 4 p.m. on July 27, 2010, for work sessions on Agricultural and Forestal Districts and the evaluations of the County Administrator and the County Attorney.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson addressed Mr. Oyer's concerns about technical education requirements and noted that this obligation was met through the New Horizons program.

Mr. McGlennon stated there were also sections of the Code that required the State government to fund education sufficiently.

Mr. Icenhour asked that the County Administrator poll the Board to address a request from the City of Staunton to pass a supporting resolution regarding payday lending.

Mr. Wanner stated that historically these resolutions come in from various jurisdictions on matters that may not apply to the County, but it could be evaluated.

Mr. Goodson stated he would oppose acting on any resolution that did not have an impact on the County government. He stated he would prefer not to act on this.

Mr. Icenhour stated that this resolution has been acted on by 60 other localities in the State.

Mr. Wanner stated staff would look into this matter.

**L. CLOSED SESSION**

Mr. McGlennon made a motion to go into closed session under Code of Virginia Section 2.2-3711(A)(1) to consider personnel matters, appointments of individuals to County Boards and Commissions, specifically the Parks and Recreation Advisory Commission and the Planning Commission and Section 2.2-3711(A)(3) to consider the purchase of parcel(s) of property for public use.

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

At 9:05 p.m. Mr. Kennedy recessed the Board into closed session.

At 9:39 p.m. Mr. Kennedy reconvened the Board.

Mr. McGlennon made a motion to adopt the closed session resolution.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions, and Section 2.2-3711(A)(3) of the Code of Virginia, to consider the purchase of parcel(s) of property for public use.

Mr. McGlennon made a motion to appoint Mr. Christopher Basic to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2014.

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



**M. ADJOURNMENT** to 4 p.m. on July 27, 2010

Mr. Icenhour made a motion to adjourn.

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

At 9:41 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on July 27, 2010.

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Sanford B. Wanner  
Clerk to the Board

071310bos\_min

MEMORANDUM

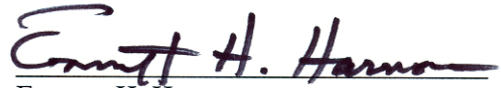
DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Chief of Police  
SUBJECT: Grant Award – Department of Criminal Justice Services – \$18,950

---

The James City County Police Department (JCCPD) has been awarded a grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of \$18,950 (\$14,212/grant; \$4,738/local match). The funds are to be used to purchase an upgrade for the Department's photo/video server. The server stores all in-car camera videos, crime scene photos, and accident photos; and is available to staff at JCCPD and at the Williamsburg-James City County (WJCC) Commonwealth Attorney's Office. Our current server is full and we now have to offload many of the photos/videos onto back-up tapes. The tapes are not on a network and are not easily searchable for Police and prosecuting staff. The grant will also fund a DVD duplicator to be implemented with the additional storage to help manage the server.

The grant requires a match of \$4,738 which is available in the Special Projects/Grants fund.

Staff recommends adoption of the attached resolution to appropriate funds.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/nb  
GA\_DCJS\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – DEPARTMENT OF CRIMINAL JUSTICE SERVICES – \$18,950**

WHEREAS, the James City County Police Department has been awarded a grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of \$18,950 (\$14,212/grant; \$4,738/local match); and

WHEREAS, the grant requires a match of \$4,738, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase an upgrade for the Department’s photo/video server and a DVD duplicator.

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

Revenues:

DCJS – Server and DVD FY 2011	\$14,212
Special Projects/Grants fund	<u>4,738</u>
Total	<u>\$18,950</u>

Expenditure:

DCJS – Server and DVD FY 2011	<u>\$18,950</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

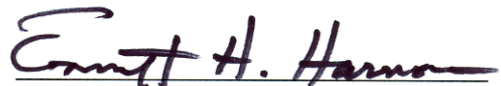
MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Chief of Police  
SUBJECT: Grant Award – Police Department – Wal-Mart Import Distribution Center – \$500

---

The James City County Police Department has been awarded a grant from Wal-Mart Import Distribution Center No. 6088 in the amount of \$500. The funds are to be used to purchase digital recording pens for investigators to aid in their efficiency and productivity in the taking of notes and statements. The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/nb  
GA\_WalMart\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – POLICE DEPARTMENT – WAL-MART IMPORT**

**DISTRIBUTION CENTER – \$500**

WHEREAS, the James City County Police Department has been awarded a grant from Wal-Mart Import Distribution Center No. 6088 in the amount of \$500; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to purchase digital recording pens for investigators to aid in their efficiency and productivity in the taking of notes and statements.

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

Revenue:

Wal-Mart FY 2011	<u>\$500</u>
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Expenditure:

Wal-Mart FY 2011	<u>\$500</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

GA\_WalMart\_res

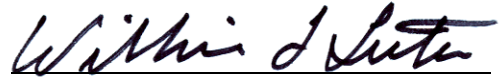
MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Grant Award – Virginia Department of Emergency Management – \$34,692

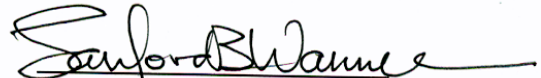
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The Virginia Department of Emergency Management has awarded James City County a 2010 Local Emergency Management Program Grant (LEMPG) from the National Preparedness Directorate of the United States Department of Homeland Security in the amount of \$34,692. The purpose of the grant is to enhance the County's Emergency Management Program. The grant requires a 100 percent in-kind match, which is met through the division's normal operating budget.

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

  
William T. Luton

CONCUR:

  
Sanford B. Wanner

WTL/nb  
GA\_2010LEMPG\_mem

Attachment

**RESOLUTION**

**GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT - \$34,692**

WHEREAS, the Virginia Department of Emergency Management has awarded the James City County Fire Department/Emergency Management Division a grant in the amount of \$34,692; and

WHEREAS, the funds are to be used toward the enhancement of the County Emergency Management Program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the division's normal operating budget.

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

Revenue:

LEMPG Grant	<u>\$34,692</u>
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Expenditure:

LEMPG Grant	<u>\$34,692</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

GA\_2010LEMPGA\_res

MEMORANDUM

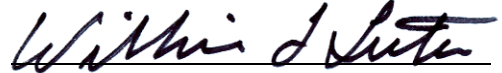
DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Grant Award - Citizen Corps Program - \$15,600

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The James City County Fire Department's Division of Emergency Management has received a Citizen Corps Program grant in the amount of \$15,600. This grant is awarded to the County by the Virginia Department of Emergency Management (VDEM) using funds from the Federal Department of Homeland Security's 2009 State Homeland Security Grant (CFDA # 97.073). The grant's performance period will begin August 1, 2010.

The grant funds will be used to increase the safety, preparedness, and resiliency of County citizens through education, training, community outreach, coordination, and enhanced participation with stakeholders. This grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

CONCUR:

  
Sanford B. Wanner

WTL/gb  
GA\_CitizCorps\_mem

Attachment



**RESOLUTION**

**GRANT AWARD - CITIZEN CORPS PROGRAM - \$15,600**

WHEREAS, the James City County Fire Department's Division of Emergency Management has been awarded a Citizen Corps Program grant in the amount of \$15,600 from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the grant requires no match; and

WHEREAS, the grant funds will be used to increase the safety, preparedness, and resiliency of County citizens through education, training, community outreach, coordination, and enhanced participation with stakeholders.

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

Revenue:

Citizen Corps-VDEM	<u>\$15,600</u>
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Expenditure:

Citizen Corps-VDEM	<u>\$15,600</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

GA-CitizCorps\_res

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Grant Award – Rescue Squad Assistance Fund (RSAF) – \$34,080


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The Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$34,080 (\$17,040 RSAF/\$17,040 local match).


The grant funds will be used to purchase training equipment, including demonstration-unit Automatic External Defibrillators (AEDs) with 12-lead capability and several pieces of pediatric/neonatal training equipment. The demonstration AED units will provide consistency with our equipment in ambulances and Advanced Life Support (ALS) engines. Replacement pediatric/neonatal training equipment will enhance the Department's responses to our pediatric patients. In 2009, we responded to 35 obstetric calls and 174 calls with potentially life-threatening incident codes for patients under the age of 15 (including 98 patients under the age of six).

The 50 percent local match will be funded with donation funds from the Fire Department's Donation Trust Fund.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

CONCUR:

  
Sanford B. Wanner

WTL/nb  
GA\_2010RSAF\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – RESCUE SQUAD ASSISTANCE FUND (RSAF) – \$34,080**

WHEREAS, the Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$34,080 (\$17,040 RSAF/\$17,040 local match); and

WHEREAS, the grant requires a 50 percent match of \$17,040, which will be funded with donations to the Fire Department held in the Donation Trust Fund; and

WHEREAS, the grant funds will be used to purchase training equipment, including demonstration Automatic External Defibrillators (AEDs) and pediatric/neonatal equipment.

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

Revenues:

RSAF-Training Equip-FY 2011	\$17,040
Transfer from Donation Trust Fund	<u>17,040</u>
Total	<u>\$34,080</u>

Expenditure:

RSAF-Training Equip-FY 2011	<u>\$34,080</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Grant Award – Fire Department – Wal-Mart Import Distribution Center - \$1,000

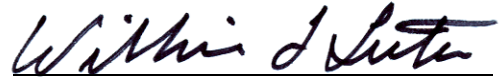
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Wal-Mart Import Distribution Center 6088 has awarded the James City County Fire Department a community grant in the amount of \$1,000.

The grant funds will be used to purchase firefighting tools for an engine housed in Fire Station 2. The mission of Fire Station 2 is to provide fire protection and prevention services, emergency medical services, and emergency disaster protective services to residents and visitors of the Grove and other neighborhoods at the lower end of the County.

This grant does not require matching funds.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

CONCUR:

  
Sanford B. Wanner

WTL/gb  
GA\_WalmartCtr\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – FIRE DEPARTMENT – WAL-MART IMPORT**

**DISTRIBUTION CENTER – \$1,000**

WHEREAS, Wal-Mart Import Distribution Center 6088 has awarded the James City County Fire Department a community grant in the amount of \$1,000; and

WHEREAS, the grant funds will be used to purchase firefighting tools for an engine housed in Fire Station 2, which serves residents and visitors at the lower end of the County; and

WHEREAS, the grant does not require matching funds.

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

Revenue:

Wal-Mart Distribution Center 6088	<u>\$1,000</u>
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Expenditure:

Wal-Mart Distribution Center 6088	<u>\$1,000</u>
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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

GA\_WalmartCtr\_res

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Contract Award – Replacement Pumper Truck – \$592,951

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The FY 2011 Capital Improvement Program (CIP) Budget includes the purchase of a replacement Pumper Truck because the existing unit reached the end of its useful life.

Fire Department, Fleet, and Purchasing staff determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the Houston-Galveston Area Council (HGAC) to Pierce Manufacturing as a result of a competitive sealed Invitation to Bid. The HGAC contract contains wording allowing other localities to purchase from the contract.

This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. By participating in the cooperative procurement action, staff believes the County will increase efficiency, reduce administrative expenses, and benefit from an accelerated delivery process.

Fire Department technical staff researched the design, construction, and field performance of the Pierce Velocity Pump Under Cab (PUC) Pumper Truck, worked closely with Pierce Manufacturing to design a vehicle that will meet the Department's needs, and negotiated a price of \$592,951 for the replacement truck.

Staff recommends approval of the attached resolution authorizing the contract award to Pierce Manufacturing in the amount of \$592,951 for the Pierce Velocity Pumper Truck.

  
William T. Luton

CONCUR:

  
Sanford B. Wanner

WTL/nb  
CA\_PumpTrk\_mem

Attachment

**RESOLUTION**

**CONTRACT AWARD – REPLACEMENT PUMPER TRUCK – \$592,951**

WHEREAS, funds are available in the FY 2011 Capital Improvement Program (CIP) budget for the purchase of a replacement pumper truck; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Pierce Manufacturing as a result of a competitive sealed Invitation to Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County's performance requirements for a pumper truck and negotiated a price of \$592,951 with Pierce Manufacturing for a Pierce Velocity Pump Under Cab (PUC) Pumper Truck.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Pierce Manufacturing for a Pierce Velocity Pump Under Cab (PUC) Pumper Truck in the amount of \$592,951.

\_\_\_\_\_  
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 July, 2010.

CA\_PumpTrk\_res

MEMORANDUM

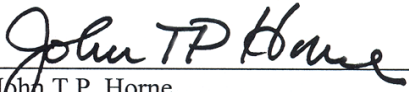
DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: John T. P. Horne, General Services Manager  
SUBJECT: Establishment of Full-Time Regular Groundskeeper I Position and Transfer of Funds

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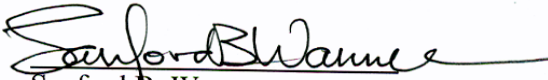
One of the groundskeepers employed by Williamsburg-James City County (WJCC) Schools has retired. This and other WJCC grounds positions are managed by the Department of General Services under a cooperative agreement that fosters more efficient use of staff and material resources for both the County and WJCC. Under the agreement, when school positions become vacant, they are to be replaced as County employees. With the conversion of this position, there will be five remaining WJCC grounds positions on a total grounds staff of 24. This position is very important to maintaining minimum services to the increasing number of school sites.

Staff is requesting two actions by the Board of Supervisors. The first action is to establish one full-time regular Groundskeeper I position, effective August 1, 2010. The second action is to transfer funds from Operating Contingency to 001-142-0110, Salaries, Full-Time Employees.

Staff recommends approval of the attached resolution.

  
John T.P. Horne

CONCUR:

  
Sanford B. Wanner

JTPH/nb  
Groundskpr\_mem

Attachment



**RESOLUTION**

**ESTABLISHMENT OF FULL-TIME REGULAR GROUNDSKEEPER I POSITION**

**AND TRANSFER OF FUNDS**

WHEREAS, the Board of Supervisors desires to continue to foster good maintenance of public school and public facility grounds in James City County; and

WHEREAS, an agreement between James City County and Williamsburg-James City County (WJCC) Public Schools allows for the establishment of County positions to replace WJCC grounds positions when WJCC positions become vacant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time regular Groundskeeper I position, effective August 1, 2010. The Board also approves the transfer of \$40,554 from Operating Contingency to 001-142-0110.

\_\_\_\_\_  
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 July, 2010.

Groundskpr\_res

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Revision to Personnel Policies and Procedures Manual, Chapter 5, Section 5.7.B.2 – Virginia Retirement System (VRS) Service Retirement

---

Effective July 1, 2010, there is a Virginia Retirement System (VRS) Plan 2 in addition to VRS Plan 1. The current language of Chapter 5, Section 5.7.B.2 of the County's Personnel Policies and Procedures Manual regarding the age at which an employee is eligible for retirement is no longer accurate for all VRS members, some of whom will not be eligible until they are past age 65. Therefore, we have broadened the language of the policy so that it covers both plans as well as potential future VRS changes.

Attached is the proposed policy language change and a resolution adopting the change.

Staff recommends approval of the attached resolution.

---

Carol M. Luckam

CML/nb  
PPPMRevision\_mem

Attachments

**RESOLUTION**

**REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL,**

**CHAPTER 5, SECTION 5.7.B.2 – VIRGINIA RETIREMENT SYSTEM (VRS)**

**SERVICE RETIREMENT**

WHEREAS, effective July 1, 2010, certain retirement provisions have changed for some employees hired after that date; and

WHEREAS, the current policy language does not reflect the July 1, 2010, changes; and

WHEREAS, the revised policy would be correct for all employees, regardless of hire date.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

PPPMRevision\_res

## Section 5.7 Retirement, Disability and Life Insurance

### B. Retirement

#### 2. VRS Service Retirement

~~a. The VRS provides an employee with retirement benefits if the employee is at least 65 years old and has at least five (5) years of contributions in the VRS. The amount of retirement benefits varies based on factors such as years of covered service, age upon retirement, and salary. The County pays the full cost of the VRS contribution for the employee.~~

The County's retirement plan is administered by the Virginia Retirement System. It is a defined benefit plan qualified under the Internal Revenue Service Code. The VRS is governed by the *Code of Virginia*, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the retirement benefit such as age, average final compensation, and years of VRS service

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Revision to Section 4.16.A of the Personnel Policies and Procedures Manual – Standby Pay

---

The attached change to Section 4.16 of the Personnel Policies and Procedures Manual is recommended to more accurately reflect eligibility for Standby Pay. Currently, the policy does not specifically state James City County's practice of only paying Standby Pay to nonexempt employees that are on-call after normal working hours.

Adding the word "nonexempt" to Section 4.16.A makes the policy clearer.

Staff recommends approval of the attached resolution.

---

Carol M. Luckam

CML/nb  
Sec4.16Revsn\_mem

Attachment

**RESOLUTION**

**REVISION TO SECTION 4.16.A OF THE PERSONNEL POLICIES AND**

**PROCEDURES MANUAL – STANDBY PAY**

WHEREAS, the County is aligning its Standby Pay policy with its current practices; and

WHEREAS, the revised policy will more accurately reflect Standby Pay eligibility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Section 4.16.A of the James City County Personnel Policies and Procedures Manual.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

Sec4.16Revsn\_res

See also Chapter 5, Section 5.3 (B) 2, which describes holidays on which an employee is not scheduled to work

Section 4.16    Standby Pay

- A.    Eligibility – ~~An employee in a regular, limited term or on call position who is required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, is eligible for standby pay.~~ *Nonexempt employees in regular, limited-term, or on-call positions who are required to be available by telephone or beeper after regular work hours to respond to emergency calls, and who must respond within a reasonable period of time when called, are eligible for standby pay.*
- B.    Computation of Pay - Employees who are required to be on standby shall receive compensation as set forth in the approved budget for each hour on standby. This payment shall be made regardless of whether the employee is actually called out, and shall be in addition to any payment earned for actual hours worked as outlined in Section 4.11, above.
- C.    Restrictions - Employees who, for any reason, cannot fulfill their standby duties for part or all of the required period, shall obtain approval from their department manager or a designee for another employee to substitute for them.

Section 4.17    Premium Pay

- A.    Purpose - Premium Pay is intended to provide additional compensation to eligible employees reporting to work in response to emergency situations arising on County-observed holidays on which the employee is not scheduled to work.
- B.    Eligibility - Nonexempt employees in permanent or limited-term positions who are not on standby and are not scheduled to work on a County observed holiday, but are called in to work on the holiday with less than 72 hours prior notice.
- C.    Computation of Pay - Eligible employees shall be compensated for all hours worked on the nonscheduled holiday at a premium rate of one-half times the regular hourly rate, in addition to any other compensation for which the employee is eligible, in accordance with Section 4.11, Overtime, and Section 4.12, Holiday Pay.
- D.    Conditions - Supervisors are responsible for determining when additional staffing is required on a holiday. Employees notified more than 72 hours in advance that they must work on a holiday shall not be eligible for premium pay. Employees on standby who are called in to work on a holiday shall not be eligible for premium pay.

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Optional Long-Term Care Insurance

---

The State has established, and the Virginia Retirement System (VRS) has assumed responsibility for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program, currently underwritten by Genworth Life Insurance Company and available to State employees. Employees of local governments, local officers, and teachers may participate by resolution of their Governing Body. Regular, Limited-Term, and other employees who work at least 20 hours per week would be eligible to participate as well as employee spouses, parents, grandparents, and adult children.

*Why offer Long-Term Care Insurance?*

Most financial planners recommend it as a means to protect one's assets should the need arise for long-term care in a nursing home, assisted living facility, or at home. Choosing a plan can be complicated. It is simpler for some employees when the employer offers a plan because steps have been taken to ensure it is a reputable plan and there are fewer choices to make. A list of local governments and school divisions that have elected to participate in the fall open enrollment is in your reading file.

*Why offer this Long Term Care Insurance?*

Genworth Life Insurance Company is a reputable company in the long-term care arena and employees will be able to take advantage of group rates negotiated by VRS through the bid process. In addition, if the County notifies the VRS by August 1, 2010, that the Board has adopted a resolution to offer the insurance during its September/October Open Enrollment period, there is guaranteed issue for employees and limited underwriting for employee spouses under the age of 66. This means that no physical exam or doctor certification is required.

*What are the costs to the County?*

This is strictly voluntary and 100 percent employee paid; there is no employer contribution. Contacting employees, explaining the benefits, and processing claims are done by Genworth. The County's role is limited to sending a file to Genworth with the mailing addresses of all eligible employees, allowing Genworth to promote the product to employees. Of course, we can choose to educate employees as well. The County may also elect to offer premium payroll deduction for employees who select this option. Participants may decide to make premium payments on a quarterly/semiannual/annual basis directly to Genworth with a corresponding reduction in the premium.

*Is the decision to offer this optional coverage irrevocable?*

No. The contract is for three years after which time we may terminate it. In addition, if the employee leaves employment for any reason or if we terminate our contract with VRS for this coverage, the employee may continue the coverage at the same price as when he/she was employed.

Staff recommends approval of the attached resolution to offer optional, employee-paid, long-term care insurance to employees. Staff also recommends the adoption of the change to Chapter 5 of the Personnel Policies and Procedures Manual.



Optional Long-Term Care Insurance  
July 27, 2010  
Page 2

---

Carol M. Luckam

CML/nb  
OptLTCInsur\_mem

Attachment

**RESOLUTION**

**OPTIONAL LONG-TERM CARE INSURANCE**

WHEREAS, the Virginia Retirement System (VRS) is allowing local governments to participate in their optional long-term care insurance; and

WHEREAS, long-term care insurance may be beneficial to employees to protect their assets if they need long-term care in a nursing home, assisted living facility, or at home; and

WHEREAS, employees will be able to take advantage of group rates, payroll deduction, and guaranteed issue; and

WHEREAS, the benefit is 100-percent employee paid and revocable after three years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into an agreement with VRS to offer Long-Term Care Insurance.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual.

\_\_\_\_\_  
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 July, 2010.

OptLTCInsur\_res

- D. Repayment of Matching Funds – In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Section 5.12 *Optional, Employee Paid Benefits*

*From time to time the County may offer optional benefits that it deems of value to employees, and which are 100 percent employee paid. Eligibility and plan descriptions will be available in the Human Resource Department.*

Revised: 07/27/10  
Chap5\_072710

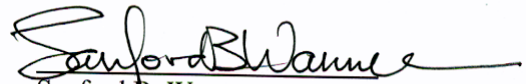
MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Operating Contingency Transfer for Business and Technology Incubator

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In January 2010, the Economic Development Authority was simultaneously negotiating a contract with the Hampton Roads Technology Incubator System (HRTIS) and entering into a management agreement with the College of William and Mary for management services for the James City County incubator. HRTIS assumed responsibilities for those fees through its contract; the new agreement with William and Mary would not include utility fees and certain other related support expenses. The County agreed to pay for such expenses in exchange for the County receiving the first \$12,000 of incubator rental and service fee income generated. Due to the overlap in service and billing, credible expense projection data was unknown when the Board adopted the FY 2011 and FY 2012 budgets. Current conservative incubator income projections demonstrate an annual income stream in excess of \$12,000.

I recommend that the Office of Economic Development (OED) be authorized to create an Incubator Expense budget line item to be funded by an operating contingency transfer of \$10,000 and \$2,000 from transfers within OED's FY 2011 budget for the purpose of electricity, high-speed Internet connection, janitorial, phone service, water and sewer, and related support services at the incubator.

  
Sanford B. Wanner

SBW/gb  
IncubatorBud\_mem

Attachment

**RESOLUTION**

**OPERATING CONTINGENCY TRANSFER FOR BUSINESS AND**

**TECHNOLOGY INCUBATOR**

WHEREAS, James City County established a Business and Technology Incubator; and

WHEREAS, the County and its Economic Development Authority (EDA) entered into an agreement for the College of William and Mary's Technology and Business Center (CWM-TBC) to manage the Incubator; and

WHEREAS, the County agreed to bear responsibility for expenses related to the facility, to include utility expenses; and

WHEREAS, all fees collected from Incubator clients for services and rent will be payable to the County; and

WHEREAS, the Office of Economic Development (OED) shall pay for expenses related to the Incubator from its operating budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a budget transfer of \$10,000 from the County's General Fund to the OED in order for OED to directly pay utility expenses for the Incubator.

\_\_\_\_\_  
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 July, 2010.

IncubatorBud\_res

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Bank Resolution Amendment

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The James City County (JCC) bank resolution needs to be updated to reflect the new County Administrator as an authorized signatory.

The attached resolution amending the JCC bank resolution to include Robert C. Middaugh, Jr., as an authorized signer of checks is recommended for approval.

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John E. McDonald

JEM/gb  
BankResBos\_mem

Attachment

**RESOLUTION**

**BANK RESOLUTION AMENDMENT**

BE IT RESOLVED that James City County (JCC) has multiple financial institutions designated as depositories for the JCC funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors; and

BE IT FURTHER RESOLVED that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

Robert C. Middaugh, Jr.	OR	County Administrator
M. Ann Davis	OR	Treasurer
Barbara S. Miller		Assistant Treasurer

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by M. Ann Davis, Treasurer, or Barbara S. Miller, Assistant Treasurer. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

BankResBos\_res



**SPECIAL USE PERMIT-0016-2010. La Tienda - Virginia Packing  
Staff Report for the July 27, 2010, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 7, 2010, 7:00 p.m.  
July 27, 2010, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Jonathan Harris, Virginia Packing, L.L.C.

Land Owner: JSRS Associates, L.L.C.

Proposal: Sausage and ham slicing, packaging, and processing operation.

Location: 8105 Richmond Road Units 101, 102, and 103 (Toano Business Center)

Tax Map/Parcel Nos.: 1240600101, 1240600102, and 1240600103

Parcel Size: 7.269 acres (however, a Special Use Permit (SUP) will only apply to approximately 0.15 acres or 6,000 square feet of the parcel)

Zoning: M-1, Limited Business Industrial, with proffers (Z-0007-1997)

Comprehensive Plan: General Industry

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the attached conditions.

Staff Contact: Leanne Reidenbach, Senior Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

At it's meeting on July 7, 2010, the Planning Commission recommended approval of the SUP application by a vote of 6-0.

**Proposed Changes Made Since Planning Commission Meeting**

There have been no changes made since the Planning Commission meeting.

## **PROJECT DESCRIPTION**

Mr. Jonathan Harris of Virginia Packing, LLC has applied for an SUP to allow for development of a food processing operation in the Toano Business Center. The proposed facility would be located in existing units in the Toano Business Center on Richmond Road. Initially, the facility would operate out of two units (approximately 4,000 square feet) with the intention to expand into a third unit for a total of approximately 6,000 square feet. It would include slicing and packaging of meats (mainly ham and sausage), production of artisan sausages, and repackaging of gourmet food from Spain primarily to serve the needs of Tienda, Inc. which currently has three properties located in James City County and has been in operation in the County for over 15 years. There will not be a retail component to this facility.

The facility would employ six people within the next two years and would operate 6 a.m. to 6 p.m. Monday through Sunday. Estimated investment in buildout and machinery to expand the facility is expected to be \$340,000. Truck traffic to the facility is proposed to be relatively minimal with two trips per day by a small refrigerated truck and two to four deliveries per week by a larger delivery trucks. These deliveries can be accommodated through the existing facilities, loading areas, and docks provided adjacent to the units. Similar to truck accommodations, parking was also established with the original rezoning and site plan for the Toano Business Center. The owner of the Center has confirmed that there is sufficient existing parking to accommodate the approximately six spaces requested by the applicant.

## **PUBLIC IMPACTS**

### **Environmental Impacts**

**Watershed:** Diascund Creek

**Environmental Staff Conclusions:** The Environmental Division has reviewed the proposal and concurs with the master plan and conditions as proposed. Additional review will occur when development plans are submitted.

### **Public Utilities**

The site is located inside the Primary Service Area (PSA) and will be served by existing infrastructure established to serve the Toano Business Center.

**JSCA Staff Conclusions:** The James City County Service Authority has reviewed the master plan and a condition requiring water conservation guidelines is included upon its request. Additional review and information will be required to be submitted during the development plan phase of the project and any necessary upgrades to the existing system will be the responsibility of the applicant. Otherwise, JCSA concurred with the master plan and conditions as proposed.

### **Traffic**

The proposed use did not trigger the requirement for a traffic study. Additionally, traffic generation was considered for the overall Toano Business Center when it was rezoned in 1997. The original proposal included warehouse, storage, and office uses; and the anticipated traffic for the proposed Virginia Packing use would fit within the originally planned trip generation without warranting any additional improvements.

**2007 Annual Average Daily Traffic Volume (Richmond Road/Route 60):** From Route 30 to Forge Road there were 10,915 trips.

**2035 Volume Projected:** From Rochambeau Road to Croaker Road there is the projection of 29,293 AADT. This portion of Richmond Road is listed in the "OK" category.

**VDOT Conclusions:** VDOT reviewed the proposed use and master plan and determined that there would be no additional impact on traffic to the Toano Business Center.

## Comprehensive Plan

### Land Use Map

Designation	<p><b>General Industry (Page 154):</b> General Industry areas are located within the PSA and are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. General industrial uses usually require access to interstate and arterial highways, public water and sewer, adequate supply of electric power and other energy sources, access to a sufficient labor supply, and moderate to large sized sites with natural features such as soils, topography, and buffering suitable for intense development. Primary uses include uses that maximize the industrial opportunities of an area. Typical uses can be found in the M-2, General Industrial section of the Zoning Ordinance.</p> <p><b>Staff Comment:</b> The development of a food processing and manufacturing facility is consistent with the Land Use description. There is ready access from the Toano Business Center to Richmond Road and La Tienda's existing facilities in Stonehouse. Adequate buffering for these types of industrial uses were planned for in the original master plan for the Toano Business Center, though the site is largely surrounded by land zoned for similar uses. Finally, adverse impacts in terms of noise, odor, and generation of waste are minimal for the proposed facility.</p>
Development Standards	<p><i>Commercial/Industrial Development Standard #1a-Page 154:</i> Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.).</p> <p><i>Commercial/Industrial Development Standard #2a- Page 154:</i> Permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses.</p> <p><i>Commercial/Industrial Development Standard #4a- Page 154:</i> Minimize the impact of development proposals on overall mobility, especially on major roads by limiting access points and providing internal, on-site collector and local roads, side street access and joint entrances.</p> <p><i>Commercial/Industrial Development Standard #4b-Page 154:</i> Industrial and commercial areas should be planned and located to avoid traffic through residential and agricultural areas except in special circumstances where residential and nonresidential areas are both part of an overall master plan and special measures are taken to ensure that the residential or agricultural uses are adequately protected.</p> <p><b>Staff Comment:</b> Locating the proposed facility within the existing Toano Business Center is compatible with existing uses within the Center. The owners of two businesses located within the Center have provided letters of support for Virginia Packing. Access to the Center is limited to one entrance off a side road which then connects to Route 60 adjacent to an existing median break. Since the Center fronts directly on Route 60, access to the facility does not interfere with residential or agricultural uses.</p>
Goals, strategies and actions	<p><i>Action 1.4.5-Page 165:</i> Promote infill, redevelopment, revitalization, and rehabilitation within the Primary Service Area (PSA).</p> <p><i>Action #1.4.7-Page 168:</i> Encourage commercial and industrial uses to develop in compact nodes in well-defined locations within the PSA.</p> <p><b>Staff Comment:</b> The proposed facility is within the PSA and is locating in three currently vacant units of an existing business park. Together, the Toano Business Center and Hankins Industrial Park represent nodes of industrial, office, and warehouse uses, each limited to one major access point to Route 60.</p>

### Economic Development

Goals, strategies and actions	<p><i>Action 1.1.2-Page 28:</i> Encourage the creation of new and retention of existing small businesses.</p> <p><i>Action 1.5.1-Page 30:</i> Encourage the rehabilitation of abandoned and/or underutilized facilities by promoting them to new business.</p> <p><i>Action 1.5.2-Page 30:</i> Encourage new development and redevelopment of non-residential uses to occur mainly in areas where public utilities are either available or accessible within the Primary Service Area (PSA) and infrastructure is supportive.</p> <p><b>Staff Comment:</b> Tienda Inc. has been operating in James City County for over 15 years. By encouraging the relocation of Virginia Packing from its existing facility in Virginia Beach to James City County, it will be better able to serve La Tienda and creates opportunities for the business to expand its product offering. Additionally, as referenced earlier, the use is proposed to occupy a currently vacant facility within an existing business park within the PSA.</p>
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**Comprehensive Plan Staff Comments**

The proposal for a food manufacturing and processing facility supports diversification of the County's economy and encourages the growth of an existing County business. The use is compatible with similar surrounding uses and is proposed to locate in an existing industrially designated area with access to public water and sewer and a major thoroughfare. Staff finds the proposal, with the attached conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation.

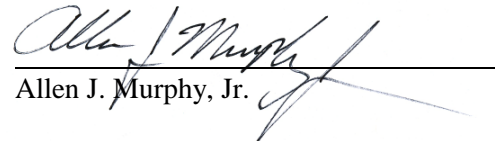
**RECOMMENDATION:**

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. At its meeting on July 7, 2010, the Planning Commission recommended approval of the SUP application by a vote of 6-0. Staff recommends the Board of Supervisors approve this SUP application subject to the attached conditions.

---

Leanne Reidenbach

CONCUR:

  
Allen J. Murphy, Jr.

LR/gb  
Sup-16-10Tienda.doc

**ATTACHMENTS:**

1. Resolution
2. Unapproved minutes of the July 7, 2010, Planning Commission meeting
3. Location map
4. Master Plan dated June 21, 2010 (under separate cover)

## RESOLUTION

### CASE NO. SUP-0016-2010. LA TIENDA – VIRGINIA PACKING

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. Jonathan Harris of Virginia Packing, LLC has applied for an SUP to allow a facility for the manufacture, compounding, processing, and/or packaging of food and food products, but not the slaughter of animals, on a parcel of land zoned M-1, Limited Business/Industrial; and

WHEREAS, the facility would be located in Units 101, 102, and 103 of property located at 8105 Richmond Road and can be further identified as James City County Real Estate Tax Map Nos. 1240600101, 1240600102, and 1240600103; and

WHEREAS, the Board of Supervisors approved rezoning the property to M-1 with proffers on July 22, 1997, and manufacture and processing of food or food products was left as a specially permitted use; and

WHEREAS, following its public hearing on July 7, 2010, the Planning Commission voted 6-0 to recommend approval of this application.

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-0016-2010 as described herein with the following conditions:

1. Use and Master Plan. This SUP shall be valid for the operation of an approximately 6,000 square foot facility that manufactures, processes, and packages food or food products, but does not include the slaughter of animals, in units 101, 102, and 103 of the Toano Business Center (the “Property”). The Property shall be developed generally as shown on the conceptual master plan entitled “La Tienda-Virginia Packing” and dated June 21, 2010 (the “Master Plan”).
2. Water Conservation Guidelines. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems; the use of approved landscaping materials including the use of drought-tolerant plants where appropriate; and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. Commencement of Use. If any Certificate of Occupancy has not been issued on this project within 36 months from the issuance of an SUP, the SUP shall become void.
4. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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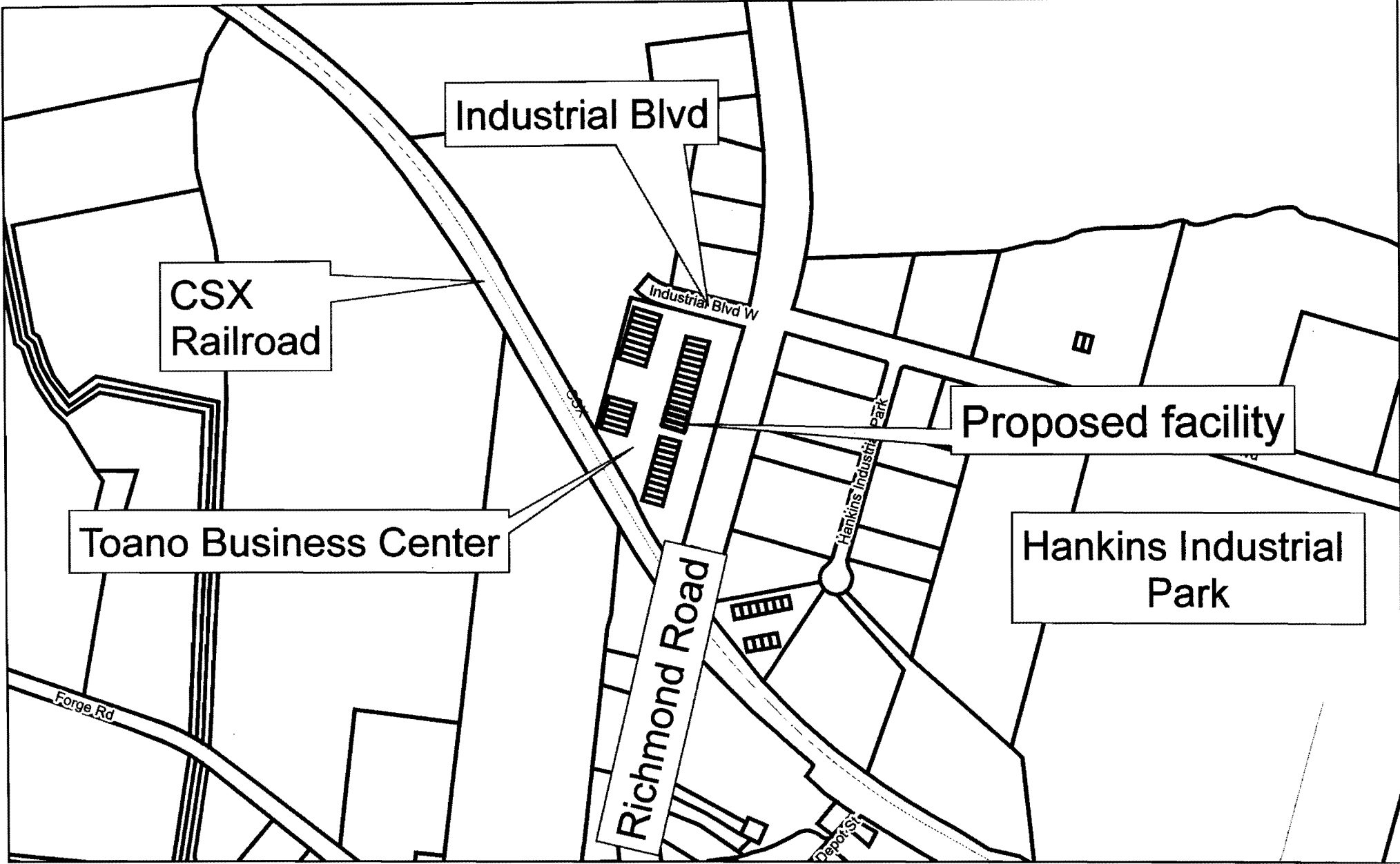
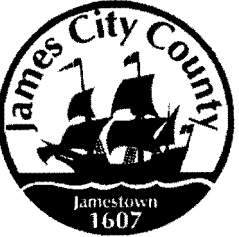
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

Sup-16-10Tienda\_res

# JCC-SUP-0016-2010

## La Tienda - Virginia Packing



UNAPPROVED MINUTES FROM THE JULY 7, 2010 PLANNING COMMISSION MEETING

Ms. Reidenbach stated that Mr. Jonathan Harris of Virginia Packing, LLC has applied for a Special Use Permit to allow an approximately 6,000 square foot sausage and ham slicing, packaging, and processing facility on a parcel zoned M-1, Limited Business/Industrial. The facility is proposed to use three units in an existing building located within the Toano Business Center at 8105 Richmond Road. The property is shown as General Industry on the 2009 Comprehensive Plan. Recommended uses include those that maximize the industrial opportunities in an area and include manufacturing and warehousing. Secondary uses include office and a limited amount of commercial development. Surrounding properties are zoned B-1, M-1, M-2, or A-1 and many have existing similar industrial, office, or warehouse uses. All are designated General Industry or Mixed Use.

Staff finds this expansion to be consistent with surrounding land uses and the Comprehensive Plan and recommends that the Planning Commission recommend approval of this SUP, with the proposed conditions, to the Board of Supervisors.

Mr. Peck opened the public hearing.

Mr. Jonathan Harris spoke and stated that the reason for the special use permit was to relocate a portion of his business from Virginia Beach to James City County.

Mr. Tom Tingle, Chairman of the Economic Development Authority (EDA) spoke on behalf of this application. He stated that the EDA supports this project and he encourages the Planning Commission to support the project. This business started in James City County and continues to grow.

Mr. Peck closed the public hearing.

Mr. Krapf moved for approval of this application.

In a roll call vote the motion was approved. (6-0)



**AGRICULTURAL AND FORESTAL DISTRICT-1-94. Wright’s Island 2010 Renewal Staff Report for the July 27, 2010, Board of Supervisors Public Hearing.**

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

**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Center**

July 7, 2010, 7:00 p.m.  
July 27, 2010, 7:00 p.m.

**SUMMARY FACTS**

<u>Owners</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright’s Island Game Assoc	2030100001 .....	1,320.48
Old Shipyard Landing, LLC	2030100003 .....	4.90
Old Shipyard Landing, LLC	2030100004 .....	4.90
Manuel and Isabell Queijo Revocable Living Trust	2020100027 .....	49.37
Brian M. Menzel, et al	2020100028 .....	74.75

Zoning: A-1, General Agriculture  
Comprehensive Plan: Rural Lands and Conservation Area  
Primary Service Area: Outside

**STAFF RECOMMENDATION**

This Agricultural and Forestal District (AFD) is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright’s Island AFD for a period of eight years and two months, subject to the enclosed conditions.

On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

Staff Contact: Kathryn Sipes, Senior Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

At its meeting on July 7, 2010, by a vote of 6-0, the Planning Commission recommended renewal of the Wright’s Island AFD.

**Proposed Changes Made Since Planning Commission Meeting**

No changes have been made since the Planning Commission meeting.

**SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-1-94, Wright’s Island, which is scheduled to expire August 13, 2010.

Staff is endeavoring to synchronize the expiration dates of all districts. During the renewal process in 2006, when 13 of the 14 districts were renewed, terms of the 13 districts were adjusted to expire in

October of the appropriate year. Wright’s Island is currently the only district with an eight-year term and the only district that was not renewed in 2006. As part of the 2010 renewal process staff is recommending a term of eight years and two months, making the expiration date October 2018.

**DISTRICT HISTORY**

The Wright’s Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994 and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district. In August 2002, the District was renewed for another eight-year term. As part of the 2002 renewal a 90-acre parcel was withdrawn from the district.

The Wright’s Island AFD consists of approximately 1,454.40 acres located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek, and the Chickahominy River (see attached location map). Part of the district is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright’s Island Game Association	(20-3)(1-1) .....	1,320.48
Old Shipyard Landing, LLC	(20-3)(1-3) .....	4.90
Old Shipyard Landing, LLC	(20-3)(1-4) .....	4.90
Menzel, Brian M. Et. Als	(20-2)(1-28) .....	74.75
Manuel J. and Isabell Queijo Revocable Living Trust	(20-2)(1-27) .....	49.37

**ANALYSIS**

The bulk of the district consists of woodlands, with the remaining land being tidal wetlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The land in the district is designated as either Rural Lands or Conservation Area on the Comprehensive Plan Land Use Map.

**WITHDRAWALS**

One parcel, (20-2)(1-28), is being withdrawn at the property owners’ request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1379.65 acres.

**CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor’s policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the PSA, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor’s policy pertaining to Withdrawal of Lands from AFDs inside the PSA, adopted September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from AFDs Within the PSA, adopted September 24, 1996, as amended.”

## STAFF RECOMMENDATION

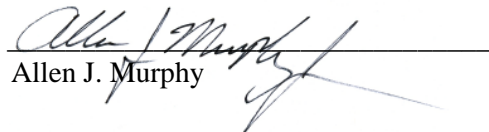
This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Wright's Island AFD for a period of eight years and two months, subject to the following conditions. On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the sitting of communications towers and related equipment provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the PSA and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs within the PSA, adopted September 24, 1996, as amended.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Kathryn Sipes

CONCUR:



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Allen J. Murphy

KS/nb  
AFD1-94WrightIs.doc

### ATTACHMENTS:

1. Proposed Ordinance
2. Unapproved Minutes of the July 7, 2010, Planning Commission Meeting
3. Location Map
4. Withdrawal Request
5. Unapproved Minutes of the June 28, 2010, ADF Advisory Committee Meeting
6. Existing Ordinance and Conditions, Dated August 13, 2002

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

**AGRICULTURAL AND FORESTAL DISTRICT -1-94**

**WRIGHT’S ISLAND 2010 RENEWAL**

WHEREAS, James City County has completed a review of the Wright’s Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright’s Island Agricultural and Forestal District; and

WHEREAS, Brian M. Menzel et. al. has requested the withdrawal of 74.75 acres, identified as James City County Real Estate Tax Map No. (20-2) (1-28); and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee, at its meeting on June 28, 2010, voted 6-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on July 7, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to renew this district with the conditions listed below.

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

1. The Wright’s Island AFD is hereby continued from its current date of expiration (August 13, 2010) for a period of eight years, two months and 18 days to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright’s Island Game Association	(20-3) (1-1)	1,320.48
Old Shipyard Landing, LLC	(20-3) (1-3)	4.90
Old Shipyard Landing, LLC	(20-3) (1-4)	4.90
Manuel and Isabell Queijo Revocable Living Trust	(20-2) (1-27)	<u>49.37</u>
	Total	<u>1,379.65</u>

Provided, however, that all land within 25 feet of the road right-of-way of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright’s Island AFD be developed

to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communication Facilities (WCF), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs within the PSA, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCF on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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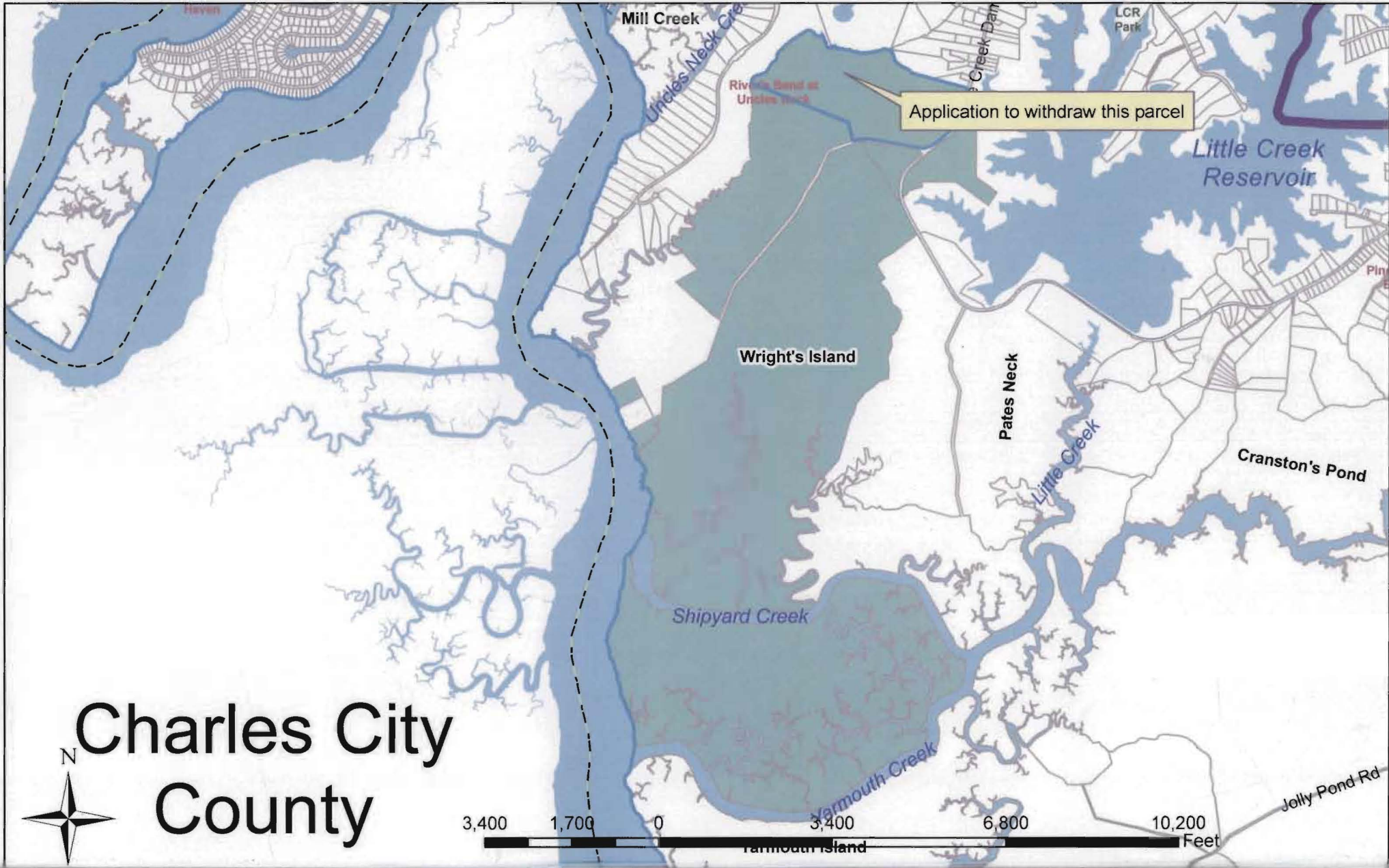
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

AFD1-94WrghtIs\_res

# JCC-AFD-1-94-1-2010

## Wright's Island AFD 2010 Renewal



UNAPPROVED MINUTES FROM THE JULY 7, 2010 PLANNING COMMISSION MEETING

Ms. Kate Sipes stated that there are currently 14 Agricultural and Forestal Districts (or AFDs) in the County. One has an eight year term, one has a six year term and the remaining 12 have four year terms. The Wright's Island AFD, the only one with an 8 year term, expires August 13 of this year and is currently being renewed. Per State Code, a public hearing must be held to consider the renewal of a district for an additional term. This renewal period allows landowners to continue participating in the program, or allows them to withdraw all or some of their parcels. The Wright's Island AFD currently consists of five parcels, totaling approximately 1,454.40 acres, located along Little Creek Dam Road and Menzels Road between Little Creek Reservoir, Yarmouth Creek and the Chickahominy River. The district is comprised of woodlands and tidal wetlands. All of the property is zoned A-1, General Agricultural, and is designated either Rural Lands or Conservation Area on the 2009 Comprehensive Plan Land Use Map. The entire district is located outside the PSA.

Ms. Sipes stated that one parcel, JCC Tax Map No. (20-2)(1-28), is being withdrawn at the property owners request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1,379.65 acres.

During the renewal period in 2006, staff made an effort to synchronize the districts' expiration so that all districts expire in the fall. Staff recommends a term of eight years and two months, making the expiration date October 2018. On June 28, 2010 the AFD Advisory Committee recommended renewal of this district by a vote of 6-0. This AFD is consistent with the surrounding zoning and with the goals of the Comprehensive Plan. Staff recommends renewal, subject to the conditions stated in your packet.

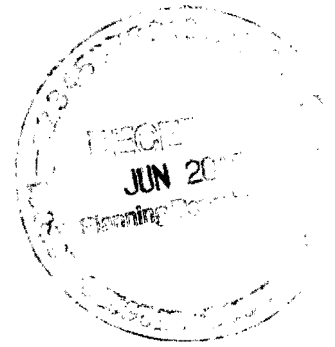
Mr. Peck opened the public hearing.

There being no comments, the public hearing was closed.

Mr. Poole moved for approval of the application.

In a roll call vote the motion was approved. (6-0, AYE: Woods, Maddocks, Poole, Krapf, Fraley, Peck.)

Brian M. Menzel  
724 Lora Lane  
Hockessin, DE 19707  
(302) 235-2625



May 18, 2010

James City County Planning Division  
101-A Mounts Bay Road  
Williamsburg, VA 23187-8784

We currently have property in the Wright's Island Agricultural and Forestal District (AFD-1-94) (Parcel ID 2020100028). We are requesting that this property be removed from the AFD.

If you need any additional information please contact us.

Signed

Brian M. Menzel Brian M Menzel

Barbara M. Vellrath Barbara M. Vellrath

Bonnie M. Amo Bonnie M Amo

Heather Amos Heather Amos



AT THE MEETING OF THE AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28th DAY OF JUNE, TWO THOUSAND AND TEN, AT 4:00 P.M. AT THE HUMAN SERVICES BUILDING, 5249 OLDE TOWNE ROAD, WILLIAMSBURG, VIRGINIA.

1. Roll Call:

Members Present

Mr. Harcum  
Mr. Bradshaw  
Ms. Smith  
Mr. Icenhour  
Mr. Abbott  
Ms. Garrett

Members Absent

Mr. Meadows  
Mr. Hitchens  
Mr. Richardson  
Mr. Ford

Also Present

Mr. Purse (Planning)  
Ms. Kate Sipes (Planning)  
Ms. Terry Costello (Planning)

2. Old Business:

**Approval of the May 19, 2010 Meeting Minutes**

Ms. Smith moved for approval of the minutes with a second from Mr. Abbott. The Committee unanimously approved.

3. New Business:

**Wright's Island AFD-1-04 Renewal**

Ms. Sipes stated that the Wright's Island AFD is scheduled to expire 8/31/2010. Staff recommends that the Committee recommend renewal of the district to expire in 8 years and 2 months. This date will align this district with the other districts that will expire in October 2018. The only change proposed is the request to withdraw one parcel which is 74.75 acres, and is identified as JCC Tax Map (20-2)(1-28). The other notation that is proposed is to amend condition #2, by referring to both policies concerning property inside and outside the Primary Service Area (PSA).

Mr. Icenhour asked if all of the properties were outside the PSA.

Ms. Sipes answered yes. She stated that staff felt the need for the referencing to both policies since some AFD's have property inside and outside the PSA.

Mr. Icenhour asked if there were any known plans for the property that is requested to be withdrawn from the AFD.

Mr. Bradshaw stated that he did received inquiries as to whether roll back taxes would be applicable in this case.

Mr. Icenhour asked how long the property has been in the AFD.

Ms Sipes answered that it has been in the AFD since the AFD's creation.

Mr. Abbott moved for approval of the renewal of the AFD to include the request for the withdrawal. Mr. Bradshaw seconded the motion. In a roll call vote, the motion was approved. (6-0)

### **2010 AFD Renewals update**

Ms. Kate Sipes stated that the Wright's Island AFD Renewal is scheduled to be heard by the Planning Commission on July 7<sup>th</sup>, and tentatively scheduled for the Board of Supervisors on July 27<sup>th</sup>. For the remainder of the renewals she asked that the Committee consider meeting on August 11 or August 12<sup>th</sup>. The Committee decided to meet on August 12<sup>th</sup>.

### **BOS Work Session / Withdrawal Policies**

Mr. Purse stated that at the July 27<sup>th</sup> work session there will be a discussion on AFDs and land use taxation. The Board of Supervisors will be given a history of AFDs, a listing of current properties and acreages, and withdrawal policies.

Mr. Icenhour asked how many years of roll back taxes would be applied should a property be withdrawn from the AFD.

Mr. Bradshaw answered roll back taxes include the current year and the preceding five years. This is in the situation if the use of the land changes from a qualifying use to a nonqualifying use.

Mr. Bradshaw stated he felt that it would be beneficial to separate the two programs – the AFD program and the land use taxation program. They are overlapping but independent programs.

Mr. Icenhour asked how many parcel or acres are in AFDs are in the PSA.

Mr. Purse answered approximately 1500 acres.

Mr. Bradshaw stated that it was the consensus of this Committee to have one policy, not one for property inside the PSA and one for property outside the PSA. He said the policy should be restrictive .

Mr. Abbott asked how policy changes would affect the Wright's Island AFD Renewal.

Mr. Icenhour answered that notifications would need to be mailed to all of the property owners. There would also be a public hearing if the policy were to change.

There being no further discussion and on a motion by Mr. Abbott, which was seconded by Mr. Bradshaw the members unanimously voted to adjourn.

(Adjournment at 4:40 PM)

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Ms. Loretta Garrett, Chair

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Kate Sipes, Senior Planner

AUG 13 2002

ORDINANCE NO. 163A-3

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

WRIGHT'S ISLAND AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-94)

WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright's Island Agricultural and Forestal District; and

WHEREAS, Llene B. Menzels et. al. has requested the withdrawal of 90 acres - Tax Map ID (20-3) (1-2); and

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to renew this district with the conditions listed below.

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

1. That the Wright's Island Agricultural and Forestal District is hereby continued for a period of eight years beginning the thirteenth day of August, 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright's Island Game Association	(20-3)(1-1)	1,320.480
Amos, Heather Alicia	(20-3)(1-3)	4.900
Menzel, Gary Est.	(20-3)(1-4)	4.900
Menzel, Llene B. et al	(20-2)(1-28)	74.752
Queijo, Manuel J. & Isabell Queijo Rev. Living Trust; G. Baxter Stanton & Francesca Stanton	(20-2)(1-27)	<u>49.373</u>
Total:		<u>1,454.405</u>


provided, however, that all land within 25 feet of the road right-of-way of Menzels Road Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

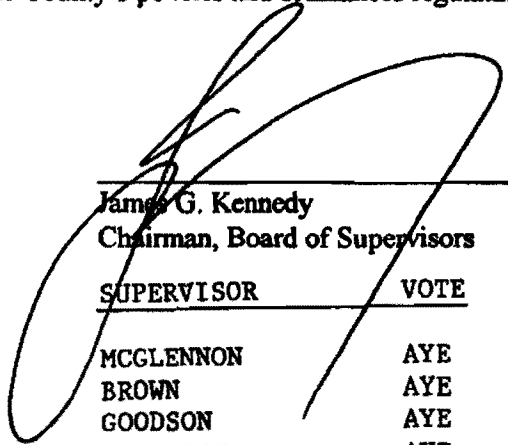
3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright's Island

Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of telecommunications towers and related equipment, provided, a) The subdivision does not cause the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

ATTEST:

  
 \_\_\_\_\_  
 Sanford B. Wanner  
 Clerk to the Board

  
 \_\_\_\_\_  
 James G. Kennedy  
 Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2002.

**MEMORANDUM**

DATE: July 27, 2010

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Ordinance Amendment to Chapter 20, Taxation, Adding Section 20-13.10, Exemption for Pollution Control Equipment

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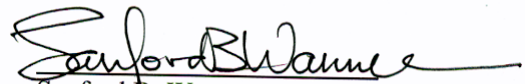
Attached for your consideration is an ordinance that will exempt from State and local taxation certified pollution control equipment and facilities, as defined by the Code of Virginia, Section 58.1-3660, 1950, as amended. Certified pollution control equipment and facilities, as defined, are a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Such property shall not include the land on which such equipment or facilities are located.

“Certified pollution control equipment and facilities shall mean any property, including real or personal property equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.”

The various State certifying authorities include the State Water Control Board, the State Air Pollution Control Board, the Department of Mines, Minerals, and Energy, the Virginia Waste Management Board, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

This initiative will serve to encourage County companies to invest in equipment to reduce or prevent air or water pollution at the business location.

I recommend adoption of the attached Ordinance.

  
Sanford B. Wanner

SBW/nb  
PollutionCtl\_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 III, PERSONAL PROPERTY TAX, BY ADDING SECTION 20-13.10, EXEMPTION FOR POLLUTION CONTROL EQUIPMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended by adding Section 20-13.10, Exemption for pollution control equipment.

Chapter 20. Taxation

Article III. Personal Property Tax

***Sec. 20-13.10. Exemption for pollution control equipment.***

*Certified pollution control equipment and facilities, as defined by the Code of Virginia section 58.1-3660, 1950, as amended, shall constitute a separate class of personal property and shall be exempt from local taxation as tangible personal property or machinery and tools, if the owner of the equipment and facilities provides, to the commissioner of the revenue, written verification of certification from the state certifying authority, as defined by section 58.1-3660, that the equipment or facilities have met all requirements qualifying the equipment or facilities for exemption from taxation.*

***State law reference-Code of Va. § 58.1-3660.***

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,  
2010.

PollutionCtl\_ord



MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Steven W. Hicks, Development Manager  
SUBJECT: James City County Green Building Design Roundtable Recommendations

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Board Chairman Jim Kennedy initiated the Green Building Design Roundtable Forum with the collaboration of Supervisor John McGlennon for the purpose of developing and promoting green building best practices to be used for public and private facilities in James City County. The kick-off meeting was held on March 2, 2009, and the Forum subsequently had scheduled meetings to develop the Green Building Design Roundtable Report. The Forum members included a diverse group of individuals from the public and private sectors, and with a range of expertise in engineering, design, and construction, among others.

Green building and design covers a broad range of topics, from sustainable site planning, to water and energy use and conservation, to materials and resource conservation, to indoor air quality. In addition to the range of topics, the Forum recognized that different challenges and opportunities might apply in different contexts whether it was existing development versus new development, residential construction versus commercial construction, or public versus private facilities. Finally, the Forum recognized the need to help provide education and engage the community and private sector in discussion of green building and green design efforts. In recognition of the scope of the effort, the Forum created five subcommittees (Finance, Housing, Design and Construction, Communications, and Research and Development) which met separately to discuss a set of specific topics.

The subcommittee recommendations were reviewed by the Forum members and compiled in the attached Green Building Design Roundtable Report (Section 6), which also contains background information and other relevant green building information. As detailed in Section 6, these recommendations include a broad spectrum of ideas, including efforts on education and communication; initiating or continuing efforts on the part of County Divisions and Departments; developing partnerships; seeking grant funding; and examining development of green building ordinance or policy language for private development.

Staff would note that concurrently with compiling this report, the Forum or its subcommittees took a number of actions to help move forward green building concepts in James City County, including:

- Issuing news releases
- Developing a Green Building component of the new Green Community webpage
- Reviewing and commenting on the JCC Sustainable Building Policy on March 23, 2010, which applies to County owned and leased facilities and buildings
- Applying for, and receiving, an EPA Climate Showcase Grant
- Applying for, and receiving, a Virginia Energy Efficiency and Conservation Block Grant
- Including development of green building ordinance or policy language, and a sustainability audit, in scope of work for the Zoning and Subdivision Ordinance update methodology adopted by the Board of Supervisors on May 11, 2010

These actions are important steps forward, but implementing the recommendations of the subcommittees would continue in the community. Staff recommends adoption of the attached resolution expressing Board support of the general recommendations in the report.



---

Steven W. Hicks

SWH/gb  
GreenBldgRpt\_mem

Attachment

**RESOLUTION**

**JAMES CITY COUNTY GREEN BUILDING DESIGN ROUNDTABLE RECOMMENDATIONS**

WHEREAS, the James City County Green Building Design Roundtable Forum met from March 2009 to June 2010; and

WHEREAS, the Green Building Design Roundtable Forum compiled a report and a set of green building recommendations; and

WHEREAS, the Green Building Design Roundtable Forum members included a diverse group of individuals from the public and private sectors, and with a range of expertise in engineering, design, and construction; and

WHEREAS, the Board of Supervisors wishes to demonstrate to the community the County's leadership in sustainable and green building design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports implementation of the general recommendations found within the James City County Green Building Design Roundtable Report dated June 2010.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

GreenBldgRpt\_res

MEMORANDUM

DATE: July 27, 2010  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: James City County Twinning Agreement with the Town of St. George, Bermuda

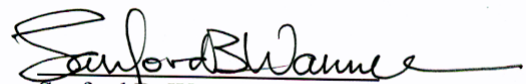
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James City County is very proud of its historic heritage and the Commemoration of the 400th Anniversary of the settlement of Jamestown in 2007. However, it is important to acknowledge the important role of Bermuda in the settlement of America's first permanent English colony at Jamestown.

During Jamestown's first few years of establishment, the number of colonists dwindled and supplies were scarce. The Virginia Company sent provisions and several hundred people to Jamestown on June 2, 1609, aboard *Sea Venture* and its eight-ship fleet as part of the Third Supply. During a strong storm, *Sea Venture* began taking on water, and finally wrecked in the reefs near Bermuda. All 150 passengers were able to come ashore at what would become the Town of St. George, and they spent nine months building two new ships, *Patience* and *Deliverance*, which would carry the settlers and their food supplies to Jamestown. Upon arrival at Jamestown, many of the colonists had died, and Admiral Sir George Somers, the "founding father" of Bermuda, returned to Bermuda to secure food supplies for the colonists.

The Town of St. George has proposed that James City County enter into a Twinning Agreement in recognition of the essential role of Bermuda in the survival of the settlement at Jamestown. St. George's commemorated this bond, and the Twinning Agreement would offer solidarity with James City County and Jamestown during events.

I recommend approval of the attached resolution empowering James City County to enter into a Twinning Agreement with the Town of St. George to emphasize the vital link between the two localities.

  
Sanford B. Wanner

SBW/nb  
TwinningAgr\_mem

Attachment

**RESOLUTION**

**JAMES CITY COUNTY TWINNING AGREEMENT WITH THE TOWN OF**

**ST. GEORGE, BERMUDA**

WHEREAS, the first permanent English colony at Jamestown is a critical historical site in the history of the County, the State, and the Nation; and

WHEREAS, the *Sea Venture*, flagship of a fleet en route to Jamestown as part of the third supply of colonists, shipwrecked in Bermuda on July 28, 1609; and

WHEREAS, the 150 passengers of *Sea Venture* came ashore and were able to construct new ships, *Deliverance* and *Patience*, to continue their journey to Jamestown; and

WHEREAS, Admiral Sir George Somers, the “founding father” of Bermuda, played a critical role in providing meat and fish for the Virginia colonists, helping the colony to survive in its critical early years; and

WHEREAS, the colonists on *Sea Venture* as well as those at Jamestown would likely have perished without the bounty provided by Bermuda; and

WHEREAS, the Town of St. George officially unveiled its 400th Anniversary monument on July 28, 2010.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the vital contributions of what has become the Town of St. George, Bermuda, in the survival of the first permanent English colony at Jamestown; and

BE IT FURTHER RESOLVED that the Board of Supervisors will strive to maintain a mutually-beneficial twinning agreement with the Town of St. George and to collaborate with the town to celebrate and augment historical events in commemoration of its contributions to the endurance of Jamestown.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

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