

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 10, 2010

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Angelina Sarina, a seventh-grade student at Lois Hornsby Middle School

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Minutes –
 - a. July 27, 2010, Work Session
 - b. July 27, 2010, Regular Meeting
2. Code Violation Lien – Trash and Grass Lien – 105 Mahogany Lane
Supports County's Strategic Pathway 2.f - enhance community appearance and 5.c - implement mechanisms to track, resolve and follow up complaints
3. Transfer of Williamsburg Area Transit Authority (WATA) Assets
Supports County's Strategic Pathway 1.b - identify services/programs with overlapping missions and/ or constituents and increase efficiencies through shared or merged services
4. Approval of Exemption to Regulation Issued by the Virginia Department of Health, Office of Emergency Medical Services
Supports County's Strategic Pathway 2.b - enhance employability of citizens or 2.h - support lifelong learning opportunities
5. Appointment of Animal Control Officer
Supports County's Strategic Pathway 5.b - maintain a well- trained and high performing workforce for normal and emergency operations

G. PUBLIC HEARINGS

1. Case No. Z-0001-2010. Fast Food Restaurant at 8953 Pocahontas Trail (deferral Requested until September 14, 2010)
2. Case No. Z-0001-2009/SUP-000702010/MP-0001-2009. Colonial Heritage Deer Lake (deferred from July 13, 2010)
3. Case No. SUP-0014-2010. Grove Christian Outreach Center
4. Case No. SUP-0015-2010. Chanco's Grant Greensprings Trail Amendment

-CONTINUED-

5. Case No. SUP-0017-2010. Ward Family Subdivision
6. Ordinance to amend Chapter 24, Zoning, Article I, In General, by adding Section 24-24, Additional requirements for submittal; to require certain applicants to provide evidence that all delinquent taxes on the subject property have been paid

H. BOARD CONSIDERATION

1. Contract Award-Installation of Single-Mode Fiber Optic Cable
Supports County's Strategic Pathway 3.d - invest in the capital project needs of the community

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
 - c. Economic Development Authority

M. ADJOURNMENT to 7:00 p.m. on September 14, 2010

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JULY 2010, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

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

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

C. BOARD DISCUSSIONS

1. Chesapeake Clean Water Act

Ms. Ann Jurczyk, on behalf of the Chesapeake Bay Foundation, made a presentation requesting Board support for the Chesapeake Clean Water Act. She reviewed the legislation and the current impairment of the Chesapeake Bay. She noted how the nutrient credit program could be a benefit to farmers and the implications if the legislation did not pass the General Assembly. She requested support from the Board to encourage the County's congressional delegation to support the legislation and to encourage public comment from citizens on the matter. She noted that some of the grants from the Chesapeake Clean Water Act could support the County's stormwater management project needs. She stated that she felt this was an opportunity to protect the Chesapeake Bay watershed.

Mr. Goodson asked about additional local funding information in HB 5409.

Ms. Jurczyk stated it did contain funding. She stated she could send a copy of the bill.

Mr. McGlennon asked if this was the bill coming out of the Agriculture Committee.

Ms. Jurczyk stated that this bill did not include the necessary reductions in nutrients to achieve a healthy watershed.

Mr. McGlennon asked if the amended bill addressed some of the objectives from the Hampton Roads Planning District Commission which encourages a watershed implementation plan.

Ms. Jurczyk stated that was correct.

Mr. McGlennon asked if the plan would have to be submitted before a locality could be eligible for the grants.

Ms. Jurczyk stated she assumed that was correct.

McGlennon asked if the implementation was being worked on.

Ms. Jurczyk stated that was correct. She stated there were working groups handling the implementation of this program. She stated that this bill was requesting equitable reductions from all non-point sources and that the working groups would work on ways to meet the reduction goals.

Mr. McGlennon asked if the expectation was that there would be continuing efforts after the six-year plan.

Ms. Jurczyk stated that it was expected to be continued, but in six years the funding would have to come back for appropriation again.

Mr. McGlennon asked about how this would affect those on the fringes of the watershed.

Ms. Jurczyk stated that nitrogen deposits come from areas in the valley and she felt that this may have been an empty bill without any mandates for water quality.

Mr. McGlennon asked about other legislation.

Ms. Jurczyk stated there was input from the Virginia Farm Bureau and other agri-business representatives in order to get stakeholder agreement on this item. She stated she did not believe that there was consensus at this point.

2. Agricultural and Forestal Districts

Mr. John McDonald, Manager of Financial and Management Services, stated the discussion would be related to land use assessments and Agricultural and Forestal Districts (AFDs). He stated that Mr. Richard Bradshaw, Mr. Carlyle Ford, Ms. Loretta Garrett, Mr. Bruce Abbott, and Mr. Allen Murphy were present. He stated that in the regular meeting, an AFD would be the first of 13 to be presented for renewal and staff wished to get policy guidance related to AFDs. Mr. McDonald gave an overview of land use assessments and their purposes to encourage preservation, a rural economy, and open space. He noted that land use assessments resulted in annual deferred revenue of \$1,044,000. He noted that AFDs are enabled by the State and are established for terms of four to ten years and he reviewed the benefits to landowners and the County. He reviewed statistical information for the 14 districts and the term lengths of the districts. He stated that based on a survey, the property owners did not generally support extending the terms any further. He stated he would like to discuss Board policies related to withdrawals for AFDs inside and outside the PSA, composition of the AFD Advisory Committee, and changes in State legislation for a 20-acre minimum conditions for including parcels in AFDs. Mr. McDonald explained that it was staff's intention that these conditions be evaluated from a fiscal perspective to prevent interference with the upcoming AFD renewals.

Mr. McDonald stated that if the minimum acreage was reduced to five acres, it would allow more properties to participate.

Mr. Goodson commented that the vineyards in the Roberts District could apply.

Mr. McDonald stated that parts of the Vineyards that were not already included would be able to join an AFD.

Mr. Goodson asked if this would apply since it would be considered horticulture.

Mr. Bradshaw stated that horticulture had a two-acre minimum to join an AFD since it was a more intensive use of the land.

Mr. Icenhour asked about deferred taxes if a property is withdrawn from an AFD.

Mr. Bradshaw stated that the current year and the preceding five would be brought forward at current market value taxation, but previous tax deferrals would become permanent.

Mr. Icenhour asked if it would benefit agricultural property.

Mr. Bradshaw stated that was correct.

Mr. McDonald stated that these changes would be equitable for properties.

Mr. Bradshaw stated other properties had been withdrawn, but the 20 noted were withdrawals from AFDs.

Mr. McGlennon asked if there were AFDs where the owner has no interest in developing the property.

Mr. Bradshaw stated there was an AFD with a conservation easement on the property and that he was confident that the land would not be developed.

Mr. McGlennon asked about the purpose of the AFD when a conservation easement was on the property. He asked what was the benefit to the County. He stated the property owner would get the same treatment either way.

Mr. McDonald stated that was correct.

Mr. Bradshaw stated that different valuations come up for different land use assessments. He stated from a tax standpoint it does not have additional value.

Mr. McDonald stated that with a forestry use there was value.

Mr. McGlennon stated that he would rather have a conservation easement for land conservation purposes than an AFD. He asked if there were AFD property owners that could consider pursuing conservation easements to enable a permanent commitment.

Mr. Bradshaw stated that could be encouraged, but that may not be in the landowners' best interests.

Mr. Rogers stated that the County has bought permanent conservation easements.

Mr. McDonald stated that the AFD program discourages permanent conservation solutions since the landowners have different expectations for the future.

Mr. McGlennon asked if conservation easements were actively promoted with AFD property owners.

Mr. Bruce Abbott stated that the AFDs existed prior to the conservation easements. He noted that these programs were all voluntary and it was up to the property owner to consider utilizing AFDs, Purchase of Development Rights (PDRs), or conservation easements. He stated that some parts of his property have no benefit from being in an AFD.

Mr. Ford stated that if some AFDs were eliminated, the adjacent properties would not be able to be included.

Mr. McGlennon stated that he had no objection to continuing the AFDs if they are serving a valuable purpose. He stated he believed this was an opportunity to identify the properties that could benefit from conservation easements.

Mr. Abbott stated there were two potential buyers: those who want to preserve the property and those who were interested in the money.

Mr. Bradshaw stated that some people do not want to make a permanent decision for the property because of the potential for passing down the property to their heirs.

Mr. McDonald asked if the Board was agreeable to bringing these policy changes forward through the AFD and ultimately before the Board. The Board agreed to this proposal.

At 4:59 p.m. Mr. Kennedy recessed the Board for a short break.

At 5:04 p.m. Mr. Kennedy reconvened the Board.

D. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of personnel matters, involving the annual performance evaluation of the County Attorney and the annual performance evaluation of the County Administrator.

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

At 5:05 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 6:18 p.m. Mr. Kennedy reconvened the Board.

E. BREAK

At 6:19 p.m. the Board broke for dinner.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH 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. PLEDGE OF ALLEGIANCE – Cheyne Elliott, a rising sixth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, made comments in honor of Mr. Wanner.

E. CONSENT CALENDAR

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

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

1. Minutes – July 13, 2010

2. Grant Award – Police Department – Department of Criminal Justice Services – \$18,950

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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- 3. Grant Award – Police Department – Wal-Mart Import Distribution Center – \$500

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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4. Grant Award – Fire Department – Virginia Department of Emergency Management – \$34,692

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 \$34,692

Expenditure:

LEMPG Grant \$34,692

5. Grant Award – Fire Department – Citizen Corps Program – \$15,600

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 \$15,600

Expenditure:

Citizen Corps-VDEM \$15,600

6. Grant Award – Fire Department – Rescue Squad Assistance Fund (RSAF) – \$34,080

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 \$34,080

7. Grant Award – Fire Department – Wal-Mart Import Distribution Center – \$1,000

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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8. Contract Award – Replacement Pumper Truck – \$592,951

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.

9. Establishment of a Full-Time Regular Groundskeeper I Position and Transfer of Funds

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.

10. Revisions to the Personnel Policies and Procedures Manual, Chapter 5, Section 5.7B.2 – VRS Service Retirement

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.

11. Revisions to the Personnel Policies and Procedures Manual, Chapter 4, Section 16.A – Standby Pay

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.

12. Optional Long-Term Care Insurance

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.

13. Operating Contingency Transfer for Business and Technology Incubator

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.

14. Bank Resolution Amendment

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.

F. PUBLIC HEARINGS

Mr. Wanner recognized Planning Commissioner Joe Poole in attendance.

1. Case No. SUP-0016-2010. La Tienda – Virginia Packing

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Jonathan Harris of Virginia Packing, LLC has applied for a Special Use Permit (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.

Staff found 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 recommended approval of the resolution.

Mr. Goodson commented that he did not understand why the SUP was needed in this case since the mitigation of impacts was not the purview of the tenant. He stated that the Zoning Ordinance should be evaluated in this respect since it created a difficulty for a small business.

Ms. Reidenbach stated that this was easier in this case since there was an existing building, but the SUP allowed greater review. She stated these uses would be explored during the Zoning Ordinance update.

Mr. Icenhour asked if the SUP was needed since there was processing and packaging of foods.

Ms. Reidenbach stated that was correct.

Mr. Icenhour stated he believed it should be streamlined for a small business owner, but he appreciated that the impacts would be mitigated through the SUP.

Mr. Wanner opened the Public Hearing.

1. Mr. Jonathan Harris, 109 Argall Town Lane, on behalf of Virginia Packing, thanked the Board for consideration.

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

Mr. Icenhour 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

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.

2. Case No. AFD-1-94. Wright's Island 2010 Renewal

Ms. Kate Sipes, Senior Planner, stated there were currently 14 Agricultural and Forestal Districts (AFDs) in the County, one has an eight-year term, one has a six-year term, and the others have four-year terms. She stated that the Wright's Island AFD has an eight-year term and is up for renewal after a public hearing as required by law. Ms. Sipes stated 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. 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.

Staff found the AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan.

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

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

Staff recommends renewing the Wright's Island AFD for a period of eight years and two months.

Mr. Wanner opened the Public Hearing.

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

Mr. Kennedy made a motion to adopt the ordinance.

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

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

Mr. Wanner stated that the ordinance would exempt from State and local taxation certified pollution control equipment and facilities. He stated that the land would not be exempt from taxation. He quoted the ordinance, "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."

Mr. Wanner recommended adoption of the ordinance.

Mr. McGlennon asked if this exemption applied to new equipment and would not reduce current tax revenues collected by the County.

Mr. Wanner stated that was correct.

Mr. McGlennon asked if there would be a State law in the next year to exempt the equipment and facilities.

Mr. Wanner stated that was correct and that in upcoming legislation, local taxing authority would be withdrawn.

Mr. McGlennon stated it was important to determine whether adjustments needed to be made when revenues were being reduced or if these reductions were being imposed from an outside source.

Mr. Wanner opened the Public Hearing.

As no wished to speak to this matter, Mr. Wanner 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).

G. BOARD CONSIDERATIONS

1. James City County Green Building Design Roundtable Recommendations

Mr. Steven Hicks, Development Manager, stated that Mr. Kennedy and Mr. McGlennon asked the County to review best practices for Green Building Design and a committee was formed to develop recommendations. He stated that the committee met for 18 months and gathered input from various stakeholders in the community. He noted that the main areas of focus were Finance, Housing, Design and Construction, Communication, and Research and Development. Staff recommended adoption of the resolution

expressing Board support of the general recommendations in the report and seeks any guidance the Board may have in moving forward with the recommendations.

Mr. McGlennon thanked Mr. Kennedy and Mr. Hicks for their leadership in moving this project forward and those individuals who participated on the committee as well as the Finance Sub-committee. He stated he hoped to go beyond encouraging green building practice and felt these recommendations would help move the County forward as a leader in green building.

Mr. Kennedy expressed his appreciation for Mr. Hicks's leadership and the participants in this group. He stated that he hoped to move forward and implement these recommendations.

Mr. Icenhour asked about other localities' establishment of green building requirements for private development.

Mr. Hicks stated that the City of Alexandria, Arlington County, Fairfax County, and other high-growth communities require some Leadership in Energy and Environmental Design (LEED) certification for buildings over 10,000 square feet. He stated there were also incentives provided such as expedited review for developments with green building components. He stated that other localities are already doing some of these strategies, but he believed that the recommendations would help green building policies move forward.

Mr. Icenhour stated that he felt some requirement of green building techniques should be considered.

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

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.

2. James City County Twinning Agreement with the Town of St. George, Bermuda

Mr. Wanner stated that James City County is proud of its historic heritage and noted that Bermuda was vital to the settlement of the first permanent English colony at Jamestown. He stated that the Town of St. George, Bermuda, has proposed a Twinning Agreement with James City County to commemorate the contributions that helped to preserve the colony at Jamestown. He stated that representatives from Bermuda have visited James City County and were very enthusiastic about this agreement as a show of solidarity between the two localities. Mr. Wanner recommended adoption of the resolution.

Mr. Goodson stated that his children were descended from Sir Thomas Gates, captain of the *Sea Venture*, which was stranded in Bermuda.

Mr. Goodson 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

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.

H. PUBLIC COMMENT

1. Mr. Mark Taylor, 4784 Regents Park, commented that he was from St. George, Bermuda, and he appreciated the County adopting the resolution for the Twinning Agreement.

2. Mr. Ed Oyer, 139 Indian Circle, commented on traffic on Route 60 East; unkempt and derelict property at 101 Indian Circle; and the intensity of a public hearing in California.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the National Association of County Information Officers awarded the Communications Division an award for the 2009 Progress Report. He stated that when the Board completed its business, it would adjourn to 4 p.m. on August 10, 2010, for a joint work session with the Planning Commission. He stated that after Board Requests and Directives, there should be a meeting of the James City Service Authority (JCSA) followed by a Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission and the Regional Issues Committee.

Mr. Wanner stated this week concludes 14 years of service as County Administrator of James City County and 25 years of service to James City County and the JCSA. He thanked the Board, citizens, and staff. He recognized his wife, Judy Wanner, for her support during his tenure at the County, particularly during the past year when he extended his service to the County due to the declining economic conditions. He stated his hope that his service would leave the County a better place for its citizens.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy read a resolution of recognition for Mr. Wanner.

RESOLUTION OF APPRECIATION

SANFORD B. WANNER

WHEREAS, Sanford B. "Sandy" Wanner has, with the support of the Board of Supervisors, faithfully served James City County for 25 years as General Manager of the James City Service Authority from 1985 - 1990, Assistant County Administrator from 1990 - 1996, and County Administrator from 1996 - 2010; and

WHEREAS, Sandy has overseen the development of innovative programs and initiatives such as the Succession Management Program, the Purchase of Development Rights (PDR) Program, the redevelopment of Ironbound Square, and successful bond referendums for schools, parks and recreation, and PDR/greenspace; and

WHEREAS, Sandy oversaw the development of capital projects which will have a lasting impact on the community and our quality of life, such as the James City/Williamsburg Community Center, the James City County Library, the Williamsburg-James City County Courthouse, the Virginia Peninsula Regional Jail, Freedom Park, Chickahominy Riverfront Park, and the Groundwater Treatment Plant; and

WHEREAS, Sandy's leadership in acquiring and developing the Warhill tract is especially notable as he was the driving force behind the development of the Thomas Nelson Community College, the Public Safety Building, the Warhill Sports Complex, the public-private partnership with Williamsburg Indoor Sports Complex, the James City County Stadium, and Warhill High School; and

WHEREAS, Sandy's support for economic development resulted in important business successes including the James River Enterprise Zone designation, the development of James River Commerce Center, and the opening of new businesses including the Wal-Mart Import Distribution Center, Avid Medical, Coresix, Nicewood Enterprises, Haynes, and Caterpillar; and

WHEREAS, Sandy improved the County's emergency management practices, led the transition to a new 800-MHz radio system and a new Emergency Operations Center, and his steady leadership guided the County through several natural disasters including the ice storm and Hurricanes Floyd and Isabel; and

WHEREAS, Sandy was instrumental in providing support for many of the 2007 events and programs commemorating the 400th Anniversary of the founding of America, including the construction of 2007 Legacy Hall, the creation of Anniversary Park, and has continued the County's support of regional tourism partnerships; and

WHEREAS, James City County received an upgraded bond rating of AAA and maintained responsible fiscal management during Sandy's tenure; and

WHEREAS, Sandy has been honored numerous times for his contributions to the community, most notably receiving the Silver Beaver Award for his dedication to the Boy Scouts of America, and the Roll of the Drum Award from the Greater Williamsburg Chamber and Tourism Alliance; and

WHEREAS, Sandy is an International City/County Management Association Credentialed Manager and is a past President of the Virginia Local Government Management Association; and

WHEREAS, James City County, the Hampton Roads region, the Commonwealth of Virginia, and the United States of America have benefitted from the creativity, insight, and dedication of Sandy in leadership positions, on various boards and committees, and through his service in the U.S. Marine Corps; and

WHEREAS, Sandy has served as a mentor to many and his impact on the staff and community leaves a long lasting legacy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Sanford B. Wanner for his 25 years of service to the citizens of James City County, Virginia.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby renames James City County Stadium to Sanford B. Wanner Stadium in recognition of his legacy of outstanding leadership and service.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its best wishes to Sandy in his future endeavors.

Mr. McGlennon stated his appreciation for Mr. Wanner and his service to the Board and the County. He complimented Mr. Wanner's leadership, professionalism, compassion, and dedication to the community. He stated his appreciation for the way Mr. Wanner values his family and personal connection to the County.

Mr. Goodson thanked Mr. Wanner for his service.

Mr. Icenhour thanked Mr. Wanner for his service. He expressed his admiration and respect for Mr. Wanner.

Ms. Jones thanked Mr. Wanner for his service. She thanked him for extending his service to help the County in turbulent economic times.

Mr. Kennedy stated it was an honor to work with Mr. Wanner and to receive his advice and insight. He thanked him for extending his service to the County due to his love for the community. He thanked Mr. Wanner for his service.

At 7:55 p.m. Mr. Wanner recessed the Board for a meeting of the JCSA.

At 8:13 p.m. Mr. Wanner reconvened the Board.

K. CLOSED SESSION

Mr. Icenhour made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission, and the Regional Issues Committee.

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

At 8:14 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:27 p.m. Mr. Kennedy reconvened the Board.

Mr. Kennedy 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.

L. ADJOURNMENT to 4:00 p.m. on August 10, 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 8:28 p.m. Mr. Wanner adjourned the Board until 4 p.m. on August 10, 2010.

Robert C. Middaugh
Clerk to the Board

072710bos_min

MEMORANDUM

DATE: August 10, 2010
TO: The Board of Supervisors
FROM: John Rogerson, Senior Zoning Officer
SUBJECT: Code Violation Lien – Trash and Grass Lien – 105 Mahogany Lane

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

Owners: Kareem and Share Burgess
105 Mahogany Lane
Williamsburg, VA 23185-6023

Description: 105 Mahogany Lane

Tax Map/Parcel No.: (52-3)(09-0-0015)

Filing Fee: \$10.00

Total Amount Due: \$435.00

Staff recommends that the Board of Supervisors adopt the attached resolution to establish a lien in the amount of \$435.

John Rogerson

CONCUR:


Steven W. Hicks

JR/nb
Burgess_mem

Attachment

RESOLUTION

CODE VIOLATION LIEN – TRASH AND GRASS LIEN – 105 MAHOGANY LANE

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

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

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

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

ACCOUNT:	Kareem and Share Burgess 105 Mahogany Lane Williamsburg, VA 23185-6023
DESCRIPTION:	105 Mahogany Lane
TAX MAP/PARCEL NOS.:	(52-3)(09-0-0015) James City County, Virginia
FILING FEE:	\$10.00
TOTAL AMOUNT DUE:	\$435.00

James G. Kennedy
Chairman, Board of Supervisors

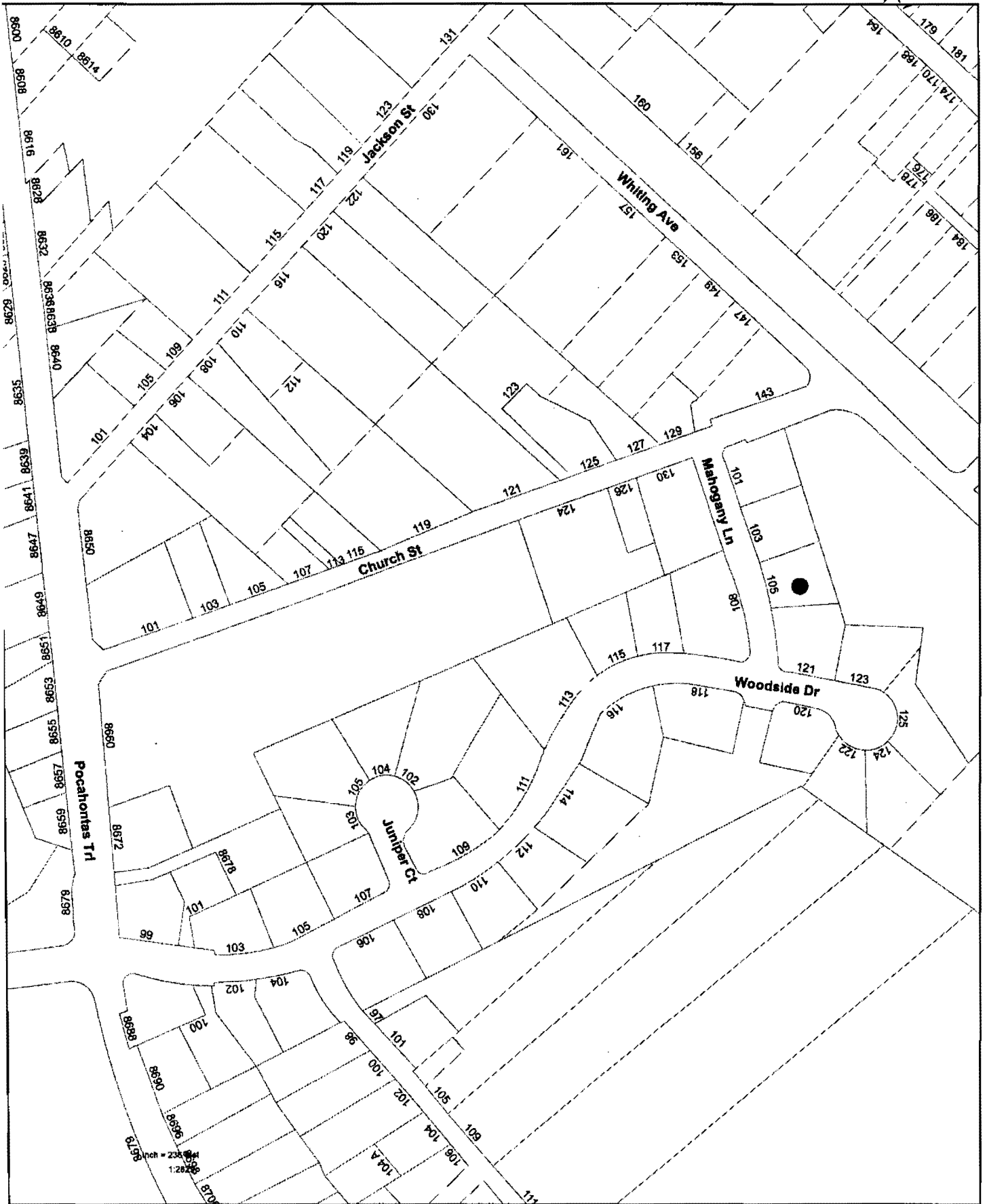
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

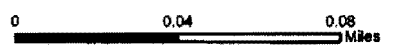
Burgess_res

James City County - Real Estate Assessment Division



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section. Aerial Imagery Copyright 2005 James City County.

1 inch = 236 feet



MEMORANDUM

DATE: August 10, 2010
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Transfer of Williamsburg Area Transit Authority (WATA) Assets

Attached is a resolution which requests that the Board authorize the transfer of assets to the Williamsburg Area Transit Authority (WATA). The resolution identifies property that should be titled to WATA, but for one reason or another, the title did not transfer.

In the cooperative service agreement dated August 28, 2008, between the County and WATA, the County authorized the transfer of assets as an initial contribution. An excerpt from that agreement is attached. These assets were included on Exhibit A of this agreement and have a net value of \$8,420,407. There are additional assets that were not included on this list with a net value of \$270,641, which should be transferred to WATA.

Staff recommends adoption of the attached resolution.

John E. McDonald

JEM/nb
WATAAssets_mem

Attachments

RESOLUTION

TRANSFER OF WILLIAMSBURG AREA TRANSIT AUTHORITY (WATA) ASSETS

WHEREAS, the cooperative service agreement between the County and Williamsburg Area Transit Authority (WATA) dated August 28, 2008, authorized transfer of \$7,256,210 in assets; and

WHEREAS, the County has additional assets to transfer to WATA with a net value of \$270,641.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes transfer of the assets below to WATA:

<u>Asset Description</u>	<u>Vendor</u>	<u>Purchase Date</u>	<u>Net Value</u>
Furniture System (Modular Furniture)	Mega Office Furniture	7-19-1999	\$ 0
GFI Fareboxes	GFI Genfare	1-28-2002	11,361
Telephone System	Sprint	3-14-2005	4,088
Panasonic Laptop	GFI Genfare	9-30-2005	1,875
2006 Optima Bus Trolley	American Heritage	12-18-2006	214,300
Sharp MX 3500N Color Copier	Powers Business Machine	5-30-2007	4,355
2009 Ford Escape	Crossroad Motors of Virginia	4-27-2009	17,331
2009 Ford Escape	Crossroad Motors of Virginia	4-27-2009	<u>17,331</u>
		Total	<u>\$270,641</u>

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

WATAAssets_res

In addition, so long as the Authority has a contract with Colonial Williamsburg to provide transportation services as defined in paragraph 2.4 (the "CW Services Contract") the four Board representatives from the Member Jurisdictions shall appoint one representative of Colonial Williamsburg to serve on the Board, who shall be a voting member except as hereinafter provided. Colonial Williamsburg's representative may not vote on any matter pertaining to the CW Services Contract with the Authority or on any matter arising from said contract. Such Colonial Williamsburg representative's term shall terminate should the CW Services contract terminate.

Article II

Member Jurisdiction Contributions and Authority Financing

Section 2.1 Member Jurisdictions' Initial Contribution. As an initial start up contribution to the Authority, each Member Jurisdiction agrees to contribute certain personal property and/or monetary funds as set forth in the attached Exhibit A. In addition to the contribution funds and personal property set forth in Exhibit A, the City of Williamsburg agrees to enter into a use agreement with the Authority regarding the transportation center located at 468 N. Boundary Street, Williamsburg, Virginia, on terms to be negotiated between the Authority and the City of Williamsburg.

Section 2.2 Quarterly Contribution. On the first day of the beginning of each quarter following the Member Jurisdictions' initial contribution, each Member Jurisdiction shall make a Quarterly Contribution to the Authority. The Quarterly Contribution per Member Jurisdiction shall be a percentage of the Authority's operating expenses. The percentage shall be calculated for each Member Jurisdiction as set forth in Chapters 4 and 5 of the Williamsburg Area Public Transportation Study, Technical Report, dated June 2005, prepared by KFH Group Inc. (the "Report") and which Chapters are incorporated herein by reference. The Authority shall perform once every five (5) years, a comprehensive operation analysis, (the "Operation Analysis") which will be used to determine the percentage of operations that is attributable to each Member Jurisdiction. The Operation Analysis shall take into account, but not be limited to the following factors: number of resident riders in each Member Jurisdiction, number of visitor riders in each Member Jurisdiction, entry and exit points of riders, lane miles in each Member Jurisdiction, hours

of service in each Member Jurisdiction, and any other factors the Board deems to be reasonable in determining the composition of ridership and actual service provided to each Member Jurisdiction. The Authority shall adjust the allocation of costs among the Member Jurisdictions for any Fiscal Year based on the results of the Operation Analysis.

Section 2.3 Authority Financing. The Authority's capital constitutes the Member Jurisdictions' initial and Quarterly Contributions, and federal and state grants and other revenue or assets obtained by the Authority.

Section 2.4 Contracting. The Authority may contract with Colonial Williamsburg for the operation and provision of transportation around and throughout the historic Williamsburg area, as well as transportation to and from historic Jamestown, Jamestown Settlement, and historic Yorktown, on terms to be negotiated between the Authority and Colonial Williamsburg. Only the Board representatives of Member Jurisdictions may vote to approve a contract with Colonial Williamsburg.

Section 2.5 Transit Funding. For Each Fiscal Year that there is a contract pursuant to paragraph 2.4 in effect the Authority shall apply for the Transit Funding and shall pay to Colonial Williamsburg that portion of the Transit Funding as agreed between the Authority and Colonial Williamsburg. The Authority shall apply the remaining Transit Funding in accordance with the Authority's annual budget.

Section 2.6 Repayment of Long Term Debt. The Authority shall enter into or incur Long Term Debt only upon the unanimous approval of the Member Jurisdictions representative on the Board. To the extent not defrayed out of the Authority's regular earnings, each Member Jurisdiction agrees to pay to the Authority with respect to any Long Term Debt incurred by the Authority such Member Jurisdiction's proportionate share of funds necessary to pay interest and principal on such Long Term Debt and any capital reserve funding requirements under the terms of such Long Term Debt. The allocation of each Member Jurisdiction's obligation to make payments toward each issue of Long Term Debt shall be determined by the Authority at the time the Long Term Debt is contracted. As with operating costs, each Member Jurisdiction shall make quarterly payments toward Long Term Debt. The payment required from each Member Jurisdiction shall be expressly conditioned upon funds being appropriated or authorized

EXHIBIT A

WILLIAMSBURG AREA TRANSPORT ASSETS

June 11, 2008

Capital Description	Quantity	Cost	Depreciated Value	FTA Lifetime	Replacement
James City County					
Motor Bus (Fixed Route)					
2002 New Flyer 30' Diesel	Six (6)	\$ 1,620,330	\$ 648,132	10 yrs.	2012
2002 New Flyer 35 Diesel	Four (4)	\$ 1,081,260	\$ 540,630	12 yrs.	2014
2005 New Flyer 30' Diesel	Two (2)	\$ 558,506	\$ 391,000	10 yrs.	2012
2006 New Flyer 35' Diesel Delivery Dec. 2006 (expansion)	Two (2)	\$ 597,158	\$ 497,632	12 yrs.	2018
2008 New Flyer 35' Diesel Delivery March 2008	Six (6)	\$ 1,969,860	\$ 1,969,860	12 yrs.	2019
2005 Ford E450 Diesel BOC	Three (3)	\$ 200,632	\$ 50,158	4 yrs.	2009
Special Trip Bus 1989 RTS 40' Diesel	Two (2)	\$ 15,000	\$ -	N/A	2009
Demand Response Vehicles					
2006 Ford E350 Diesel BOC Delivery Sept. 2006 (replacements)	Two (2)	\$ 104,074	\$ 52,037	4 yrs.	2010
Support Vehicles					
2004 Ford Escape (one Gas/electric Hybrid and one gas)	Two (2)	\$ 46,049	\$ -	4 yrs.	2008
2007 Dodge Mini Passenger Van	One (1)	\$ 18,077	\$ 13,558	4 yrs.	2011
Miscellaneous Equipment					
Bus Stop Shelters	Thirty (30)	\$ 165,000	\$ 165,000	N/A	As needed
Bus stop signs & poles	Three hundred & twenty (320)	\$ 12,800	\$ -	N/A	As needed
James City County Contribution		\$ 6,388,746	\$ 4,328,007		
City of Williamsburg					
City of Williamsburg Contribution		\$ -	\$ -		
Colonial Williamsburg Foundation					
Motor Bus (Leased -Fixed Route)* (* Leased from James City County)					
2004 Orion 40' CNG (CWF)	Nine (9)	\$ 2,850,000	\$ 1,900,000	12 yrs.	2016
2006 Orion 40' CNG (CWF) with Automated fare equip. & bike rack	Seven (7)	\$ 2,611,084	\$ 2,175,900	12 yrs.	2018
Colonial Williamsburg Contribution		\$ 5,461,084	\$ 4,075,900		
York County					
York County Contribution		\$ -	\$ -		
College of William and Mary					
Special Trip Bus 1999 International 30' Diesel	One (1)	\$ 68,743	\$ -	5 yrs.	2010 due to low miles
Bus Stop Shelters	Three (3)	\$ 16,500	\$ 16,500	N/A	As needed

EXHIBIT A

WILLIAMSBURG AREA TRANSPORT ASSETS

June 11, 2008

Capital Description	Quantity	Cost	Depreciated Value	FTA Lifetime	Replacement
William and Mary Contribution		\$ 85,243	\$ 16,500		
Total Asset Value*		\$ 11,935,073	\$ 8,420,407		
*Regional Garage valued at \$4.5 million not included					

MEMORANDUM

DATE: August 10, 2010
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Approval of Exemption to Regulation Issued by the Virginia Department of Health,
Office of Emergency Medical Services

The Code of Virginia 32.1.11.9 requires that anyone requesting an exemption from a Virginia Emergency Medical Services Regulation must include a written request and the recommendation of the governing body of the jurisdiction in which the principal office or legal residence of the agency, or entity is located.

Nicholas Klimenko has requested an exemption to continue teaching the Paramedic course at Thomas Nelson Community College while his application to the Committee on Accreditation of Educational Programs is being processed.

Mr. Klimenko will be teaching the course at Thomas Nelson Community College in James City County. The requested exemption will expire on December 31, 2012, providing Mr. Klimenko sufficient time to gain accreditation for his program.

Mr. Klimenko has over 30 years of experience as an instructor for Emergency Medical Technician and Paramedic courses on the Peninsula. This program does not conflict with any services provided by James City County and does provide a source for Paramedic-level instruction in our community.

Staff recommends adoption of the attached resolution.



William T. Luton,

CONCUR:

Robert C. Middaugh

CEHSexempt_mem
WTL/gb

Attachment

RESOLUTION

APPROVAL OF EXEMPTION TO REGULATION ISSUED BY THE VIRGINIA

DEPARTMENT OF HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES

- WHEREAS, Nicholas Klimenko, former program director and Instructor with the Center for Emergency Health Services (CEHS) must be accredited in order to teach Emergency Medical Technician (EMT) Intermediate and EMT Paramedic courses in the Commonwealth; and
- WHEREAS, CEHS was the holder of the Program Accreditation for teaching the above-named courses; and
- WHEREAS, Nicholas Klimenko has the requisite training, certifications, and knowledge for a former accredited program to teach the Intermediate and Paramedic programs; and
- WHEREAS, Nicholas Klimenko has received the Office of Emergency Medical Services (OEMS) accreditation at the Intermediate level and has applied to the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) for accreditation at the Paramedic level; and
- WHEREAS, the Instructor and OEMS desire to cooperate to ensure that Emergency Medical Services (EMS) courses are allowed to continue in the best interest of the community; and
- WHEREAS, Nicholas Klimenko has a desire to conduct EMS training programs which require program site accreditation without possessing CoAEMSP accreditation; and
- WHEREAS, it is in the general interest of OEMS to promote the education of EMS personnel in the Commonwealth in order that they become qualified or better qualified EMS health care personnel; and
- WHEREAS, to allow Nicholas Klimenko to continue to teach these courses, he must obtain an exemption from, Virginia EMS Regulations 12VAC5-31-50 while awaiting CoAEMSP Accreditation; and
- WHEREAS, Section 32.1-111.9 of the *Code of Virginia* requires that an application for a variance or exemption from any regulations promulgated pursuant to this chapter shall be reviewed by the governing body of the jurisdiction in which the principal office or legal residence of the agency, entity, or provider, licensed or certified by OEMS, is located.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the exemption request for Nicholas Klimenko to continue to deliver EMT-Paramedic courses through December 31, 2012, at which time Nicholas Klimenko must obtain CoAEMSP accreditation by January 1, 2013.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

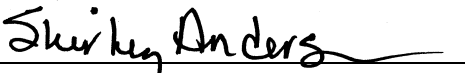
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MEMORANDUM

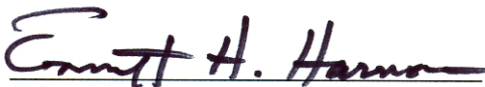
DATE: August 10, 2010
TO: The Board of Supervisors
FROM: Shirley Anderson, Animal Control Supervisor
SUBJECT: Appointment of Animal Control Officer

Attached for your consideration is a resolution appointing Chad Majette as Animal Control Officer for James City County. Mr. Majette has a degree in Criminal Justice and previously worked at the Richmond SPCA for two years. Board appointment is necessary in order for Mr. Majette to enforce State and County animal laws.

Staff recommends adoption of the attached resolution.


Shirley Anderson

CONCUR:


Emmett H. Harmon

SA/gb
AniCtrlOfrAppt_mem

Attachment

RESOLUTION

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.1-796.66 et seq. and James City County Code Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Chad Majette is hereby appointed Animal Control Officer for James City County, Virginia.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

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**REZONING-0001-2010. Fast Food Restaurant at 8953 Pocahontas Trail
Staff Report for the August 10, 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

Board of Supervisors

Building F Board Room; County Government Complex

August 10, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: John Rogers, III

Land Owner: John Rogers, III

Proposal: Redevelop the former Spray King Truck Wash property into a drive-through fast-food restaurant

Location: 8953 Pocahontas Trail

Tax Map/Parcel No.: (59-2) (1-19)

Parcel Size: 1 acre

Existing Zoning: M-2, General Industrial

Proposed Zoning: B-1, General Business, with proffers

Comprehensive Plan: Mixed-Use

Primary Service Area: Inside

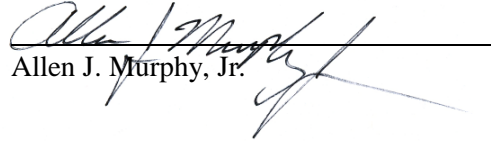
STAFF RECOMMENDATION

The applicant has requested a deferral of this case until the September 14, 2010, Board of Supervisors meeting in order to resolve outstanding issues with an adjacent property owner. Staff concurs with this request.

Staff Contact: Sarah Propst, Planner Phone: 253-6692

Sarah Propst

CONCUR:


Allen J. Murphy, Jr.

SP/nb
ZO-01-2010.doc

ATTACHMENT:

1. Letter of deferral by the applicant.

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN
RICHARD H. RIZK
ANDREW M. FRANCK

July 28, 2010

vgeddy@ghflaw.com

Ms. Sarah Propst
James City County
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Fast Food Restaurant at 8953 Pocahontas Trail – Z-0001-2010

Dear Sarah:

I am writing on behalf of the applicant, John Rogers, III, to request that the Board of Supervisors defer consideration of this application until its September 14th meeting to allow us time to continue working with Ball Metal on questions they have raised after the Planning Commission meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, LLP



Vernon M. Geddy, III

VMG/

cc: Mr. John Rogers, III

REZONING-0001-2009/SPECIAL USE PERMIT-0007-2010/MP-0001-2009. Colonial Heritage Deer Lake

Staff Report for the August 10, 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 Complex

May 5, 2010, 7:00 p.m.
June 22, 2010, 7:00 p.m.
July 13, 2010, 7:00 p.m. (applicant deferral)
August 10, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Greg Davis, Kaufman and Canoles

Land Owner: Lennar Corporation

Proposal: To rezone a 130.3 acre portion of the 731.5 acre Deer Lake parcel located at 499 Jolly Pond Road from A-1, General Agricultural, with proffers, to MU, Mixed-Use, with amended proffers, with a Special Use Permit for the extension of public utilities.

Location: 499 Jolly Pond Road

Tax Map/Parcel Nos.: 2240100007

Parcel Size: 731.5 acres (130.3 acres subject to the new rezoning)

Existing Zoning: A-1, General Agricultural and MU, Mixed-Use with proffers

Proposed Zoning: MU, Mixed-Use, with amended proffers

Comprehensive Plan: Rural Lands and Low-Density Residential

Primary Service Area: Outside, but requesting public water and sewer service

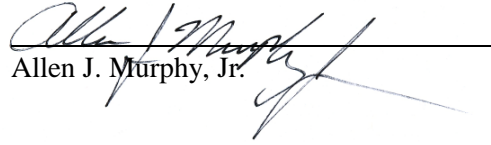
STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the Board of Supervisors has examined the County’s rural lands preservation program, transfer of development rights ordinance and/or primary service area line policy. Planning staff concurs with this decision on the part of the applicant, and recommends that the Board of Supervisors defer this case as requested.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6685

Jason Purse

CONCUR:



Allen J. Murphy, Jr.

JP/tlc
Z0109defer

ATTACHMENT:

1. Deferral request letter

KAUFMAN & CANOLES
attorneys at law

Kaufman & Canoles, P.C.
4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

Mailing Address
Post Office Box 6000
Williamsburg, VA 23188

T (757) 259.3800
F (757) 259.3838

kaufCAN.com

Gregory R. Davis
(757) 259.3820
grdavis@kaufcan.com



August 2, 2010

Jason Purse
James City County Planning
P.O. Box 8784
Williamsburg, VA 23187

Re: Colonial Heritage LLC
Case Nos. Z-0001-2009/MP-0001-2009/SUP-0007-2010/SUP-0011-2010

Dear Jason:

The applicant hereby requests indefinite deferral of the above-referenced case.

Comments by the Supervisors at the July 13, 2010 Board meeting revealed that a majority of the Supervisors feel that this application may not be ripe for consideration until the Board has examined the County's rural lands preservation program, transfer of development rights ordinance and/or primary service area line policy. Accordingly, pending Board consideration of those issues, I request the deferral of the application.

If you have questions or concerns in this regard, please do not hesitate to contact me.

Very truly yours,

Gregory R. Davis

GRD:fmy

cc: Allen Murphy

**SPECIAL USE PERMIT-0014-2010. Grove Christian Community Church and Outreach Center
Staff Report for the August 10, 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 Complex

July 7, 2010, 7:00 p.m.
August 10, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III of Geddy, Harris, Franck & Hickman, LLP
Land Owner: Thomas McCormick of Grove Christian Outreach Center
Proposal: To allow a house of worship and accessory uses in excess of 2,750 square feet
Location: 8798 and 8800 Pocahontas Trail, Roberts District
Tax Map/Parcel Nos.: 5910100026 and 5910100027
Parcel Size: Combined Acreage-1.95 acres
Zoning: LB, Limited Business District
Comprehensive Plan: Neighborhood Commercial
Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds this proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds this proposal consistent with the Design Standards of the Limited Business Zoning District and the County’s Neighborhood Commercial Development Standards Policy. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On July 7, 2010, the Planning Commission recommended approval of this Special Use Permit (SUP) application by a vote of 6-0.

Proposed Changes Made Since Planning Commission Meeting

No changes.

PROJECT DESCRIPTION

Mr. Vernon Geddy has applied for an SUP to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The property is zoned Limited Business, LB, and designated Neighborhood Commercial by the 2009 Comprehensive Plan. A house of worship is a by-right use in the Limited Business Zoning District; however, Section 24-370(d) of the Zoning Ordinance, requires an SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive Plan.

Grove Ministry has served the Grove community since 2000 and currently operates from a leased space in front of Windy Hill Mobile Home Park. As interest and support for the charitable aspects of the ministry grew over time, Grove Christian Outreach Center was established as a separate non-profit corporation. Both the church and the Outreach Center have continued to partner to meet the needs of the community.

The proposed site is designed to accommodate the needs of Grove Community Church as the main use of the property and the needs of the Outreach Center as an accessory use. The Zoning Ordinance defines accessory use as: *“A subordinate use customarily incidental to and located upon the same lot occupied by the main use or building.”* Church services will be held on every Sunday from 10 a.m. to 12 p.m. The Outreach Center will provide services to the community which will include food, clothing, financial assistance, school supplies, and Christmas gifts distribution. Access to the food pantry, clothes closet, and financial assistance will be available three days a week for a total of 14 hours each week. A community food distribution (Bread Day) will take place on Wednesday from 11 a.m. to 1 p.m. Two seasonal events will include a “Back to School Celebration” in September and “Shoe Box Gifts for Kids” distribution in December.

In addition to the 5,628-square-foot building and associated parking spaces, a building expansion identified on the master plan as “Future Expansion” is also proposed as part of this SUP request. According to the applicant, it is expected that the future expansion will be used as either a sanctuary or educational space for the church. However, the Outreach Center may use a small portion of the building on occasion. Staff has designed an SUP condition (SUP Condition No. 1 - Master Plan) which ensures that development of the future building area will occur in compliance with Zoning Ordinance requirements and be of similar scale, use, and architectural style as the 5,628-square-foot building.

Areas to the north and south of the property are zoned Limited Business, LB, and designated by the Comprehensive Plan as Neighborhood Commercial and Low Density Residential, respectively. Areas to the east are zoned Rural Residential, R-8 and designated as Low Density Residential. The property fronts on Pocahontas Trail which is designated as a Community Character Corridor by the 2009 Comprehensive Plan. Carter’s Grove, an 18th-century plantation property, is located across Pocahontas Trail.

PUBLIC IMPACTS

Archaeology Impacts:

The subject properties are located within an area identified as a highly sensitive area in the James City County Archaeological Assessment *“Preserving our Hidden Heritage: An Archaeological Assessment of James City County, Virginia.”* A Phase I Archaeological Survey was conducted on the site by Circa, Cultural Resource Management, LLC in July 2007 on a parcel located at 8800 Pocahontas Trail and in October 2009 on a parcel located at 8798 Pocahontas Trail. These reports are included in the Community Impact Statement (CIS) and conclude that no further archaeological testing(s) on the site is necessary.

Staff Comments: The Virginia Department of Historic Resources (VDHR) has reviewed both archaeological surveys and found that neither meets the Secretary of the Interior’s Standards and Guidelines for the Documentation of Archaeological Sites or the VDHR’s Survey Guidelines and has recommended that the studies be revised to meet VDHR’s requirements. SUP Condition No. 5 - Archaeology ensures that the County’s standard Archaeological Survey Policy is observed and will be completed with VDHR requirements.

Public Utilities:

Staff Comments:

This site is inside the Primary Service Area (PSA); public water is provided by Newport News Water Works and public sewer is provided by the James City County Service Authority (JCSA). JCSA staff has reviewed the SUP application and has issued minor comments which will be addressed during the site plan review process.

Transportation:

2007 Traffic Counts for Pocahontas Trail, Route 60 - Plantation Road (Route 1301) to Church Street (Route 655): 10,653 daily trips

2035 Traffic Counts for Pocahontas Trail, Route 60 – Newport News County Line to Grove Interchange: 9,226 daily trips (listed in the “Watch Category”)

Route 60 in this area is a two-lane undivided roadway. According to information provided by the applicant (refer to page Nos. 4 and 5 of the Community Impact Statement) it is estimated that the Church will generate approximately 60 vehicles per day (total of both directions) during peak hour on a Sunday based on its planned seating capacity of 96 seats. A four-week study was conducted at the current facility approximately 2,850 feet south from the proposed site. Traffic was counted from the hours of 9 a.m. to 12 p.m. on Wednesdays (Bread Day) in order to determine left- and right-turn volumes. Additionally, traffic counts in both directions along Route 60 in the area of Chestnut Grove (approximately 850 feet north from the propose Grove Christian Outreach Center) from March 2007 were obtained. Based on information provided by the applicant, no off-site roadway improvements are warranted by this development.

VDOT comments: VDOT concurs with the traffic assessment provided as part of this application. Left- or right-turn lanes or tapers are not warranted for this proposed use. VDOT has indicated that this project will not meet the minimum spacing requirements for entrances in accordance with the 2007 Access Management Regulations and has recommended the applicant pursue a design exception to the minimum spacing requirements. According to VDOT, the Access Management Regulations for arterials and for minor arterials, collectors, and local streets identify potential exceptions to the spacing standards for commercial entrances. Exceptions to the spacing standards include entrances or intersection located on an older, established business section of an urban highway corridor where existing entrances and intersections did not meet the spacing standards prior to October 14, 2009.

Staff Comments: Staff concurs with VDOT’s findings and notes that the design exception process will occur during the site plan review and that VDOT has indicated support for this request.

Parking: Section 24-59(17) of the Zoning Ordinance states that for places of public assembly one parking space per five seats is required based upon the planned seating capacity. The planned seating capacity for the church is 96 seats; therefore, the total number of parking spaces required is 20 spaces. The additional 48 spaces (which include 18 spaces for overflow parking) are planned to accommodate the parking needs for services provided by the Outreach Center, in particular, during the food distribution day (Bread Day) which will occur on every Wednesday from 11 a.m. to 1 p.m.

Environmental Division: The Environmental Division staff has reviewed this SUP application and has issued minor comments that will be addressed during the site plan review process. The proposed impervious area for this project at build-out will be approximately 41 percent while almost 59 percent of the site will be retained as open space areas. The proposed wet pond located at the eastern edge of the property will capture most of the stormwater run off from the site. According to the applicant, the wet pond (i.e., stormwater facility) has already been sized to handle the impervious area at final build-out conditions. There are no water or wetland features on the site or adjacent to it. This property is not located in the 100-year floodplain.

COMPREHENSIVE PLAN

Land Use Map

<p>Designation</p>	<p><i>Neighborhood Commercial (Page 154):</i> Located in the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. ...The total building area within any area designated Neighborhood Commercial should generally be no more than 40,000 square feet in order to retain a small-scale neighborhood character. Recommended uses are: neighborhood scale commercial, professional, and office uses such as individual medical offices, branch banks, small service establishments, day care centers, churches, convenience stores with limited hours of operation, small restaurants, and smaller public facilities.</p> <p>Staff Comment: Grove Christian Community Church/Outreach Center will primarily serve residents of the Grove area in James City County and will have a limited impact on the local traffic and environment. Staff notes that the size of the entire building is capped at less than 8,500-square feet (refer to SUP Condition No.1), in keeping with the desired small-scale neighborhood character recommended by the Comprehensive Plan. A house of worship is one of the recommended uses in Neighborhood Commercial areas.</p>
<p>Development Standards</p>	<p><i>Compatibility</i> (a) Locate proposed commercial and industrial developments adjacent to compatible uses (public or other similar uses, etc.). Where a commercial or industrial development desires a location near a sensitive area, the site should be designed so that transitional uses such as offices and/or buffers are located between conflicting uses. During such evaluation, emphasis would be placed on the provision of open space; protection of the environment and historical and archaeological resources; preservation of farm and forestal lands, agricultural structures, and rural and scenic vistas....</p> <p>(b) Commercial uses, and particularly Neighborhood Commercial areas, will have a limited impact on adjacent residential areas especially in terms of visible parking areas, lighting, signage, traffic, odor, noise, and hours of operation.</p>

	<p><i>Environmental Protection</i></p> <p>(b)Protect environmentally sensitive resources including high-ranking Natural Areas and significant natural heritage resources, the Powhatan Creek watershed, historic and archaeological resources, designated Community Character Corridors and Areas, and other sensitive resources by locating conflicting uses from such resources and utilizing design features, including building and site design, buffers and screening to adequately protect the resource.</p> <p>Staff Comment: The proposed house of worship will be located adjacent to residential uses south and east of the property and commercial uses north of the property. The perimeter of the property will be landscaped providing a natural buffer from adjacent areas. Pocahontas Trail is a Community Character Corridor; a 50-foot vegetative buffer from the right-of-way, as required by the 2009 Comprehensive Plan for non-residential uses along Community Character, is observed by this application. Parking areas will be screened from the right-of-way by the 50-foot vegetative buffer. SUP conditions concerning the architecture of the building, lighting, and signage (SUP Condition Nos. 4, 6, and 1) were designed to ensure compliance with the Zoning Ordinance and design guidelines for properties located in LB zoning district areas.</p>
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Community Character

<p>Goals, Strategies and Actions</p>	<p><i>Action# 1.3.3-Page 99:</i> Expect illustrative drawings, including streetscape, architecture, and perspectives as a binding component for appropriate rezoning and special use permit applications.</p> <p><i>Action# 1.3.7-Page 99:</i> Expect new developments to employ site and building design techniques that reduces their visual presence and scale, Design techniques include berms, buffers, landscaping, building designs that appear as collections of a smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.</p> <p><i>Action# 1.6.1-Page 101:</i> Expect archaeological studies for development proposals requiring legislative approval on lands identified by the James City County staff as warranting such study and require their recommendations to be implemented. In making the determination, staff will consult archaeological studies and seek the recommendation of representatives of the County Historical Commission or other qualified archaeologists if necessary.</p> <p>Staff Comment: Architectural elevations showing the proposed design of the building have been submitted as part of this SUP application and can be found on the last page of the Community Impacts Statement. Staff finds that the size, scale, mass, and colors of the proposed building are in accordance with the Design Standards for areas within the Limited Business District (Section 24-370 of the Zoning Ordinance) and with the County’s Neighborhood Commercial Development Standards Policy. SUP Condition No. 5 ensures compliance with the County’s Archaeological Policy.</p>
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Staff Comments

Staff finds that the proposed development compatible with adjacent uses and in accordance with the 2009 Comprehensive Plan Land Use Map. Staff finds that this proposal will have limited impacts on local traffic and on the environment while providing needed services to the community and enhancing the visual character of the Grove area.

Section 24-370- Special provisions for areas within the Limited Business District, LB, designated Neighborhood Commercial on the Comprehensive Plan.

The Comprehensive Plan defines Neighborhood Commercial areas as limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area and shall be compatible with surrounding development in terms of scale, building design, materials, and color. A special use permit application shall demonstrate to the Planning Director substantial conformance to this chapter's Design Guidelines (see below) and the County's Neighborhood Commercial Development Standard Policy (*with staff's comments in italics*):

Section 24-370 Design Guidelines.

- 1) Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.
Large work area doors or open bays are not features proposed as part of this proposal.
- 2) Heating, ventilating and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.
SUP Condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.
- 3) If used, fences in front of buildings on the site shall be landscaped.
A fence in front of the building is not proposed as part of this proposal.
- 4) Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free-standing signs shall be of a ground-mounted type and shall not be larger than 32 square feet not erected to a height greater than eight feet.
SUP Condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.
- 5) Site landscaping shall be reviewed and approved by the Planning Director and shall be consistent with the natural landscape and character of the surroundings. A unified landscape design shall be provided, including street trees.
SUP Condition No. 1 ensures compliance with Section 24-370 of the Zoning Ordinance.
- 6) Compliance with the provision of this subsection shall be evidenced by the submission to the Planning Director of a site plan, in accordance with the requirements of section 24-145, site plan submittal requirements.
A site plan for this project must be submitted in accordance with Section 24-145 of the Zoning Ordinance for County's review and approval.

County's Neighborhood Commercial Development Standard Policy

- 1) Long, monotonous façade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
Staff finds that, in general, the façade of the proposed building is characterized by certain architectural features (e.g., roof lines, windows, etc.) that add visual interest to the building.

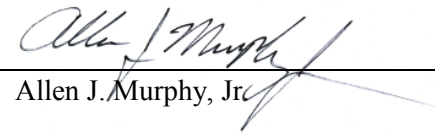
- 2) Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.
According to the applicant, Fiber Cement siding will be used for the exterior finish, in association with either Fiber Cement or Solid PVC Trim and clad wood or vinyl windows. The roof will be made of architectural shingles.
- 3) Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
According to the applicant, the siding color is proposed to be of a deep red similar to Nicholson Shop Red, and the trim of a similar tan color as is used on the Nicholson Shop as well (from Duke of Gloucester in Colonial Williamsburg). The door and window color would be similar to the trim color. The roof will be in a "weathered wood" color.
- 4) No portion of a building constructed of a barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
The above materials will not be used as part of the building's construction.
- 5) Building design that reflects local, historical or architectural themes and style is encouraged. Replication of standard building design is discouraged.
According to the applicant, the overall building massing has a kind of "bungalow" feel, and the windows will contribute to the early 20th-century theme by using two panes of glass over two panes of glass. There is also a historical precedent for the use of small, high, square windows as are indicated for the north building elevation - in some of the connecting elements of houses in the restored area of Colonial Williamsburg.
- 6) The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements such as rooflines, windows, door, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.
According to the applicant, the overall building has been broken into two masses with a "connecting" element in order to reduce the overall length of the building. Extensive porches have been used both to accommodate functional needs and to break up building massing, providing a welcoming, shaded entry/interaction area for the community. Porch elements in particular are often used in the historical architecture of our area to provide shade and fulfill a similar function to what is being proposed for this building.
- 7) Convenience stores shall not have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.
This standard is not applicable to this project.

RECOMMENDATION:

Staff finds the proposal consistent with surrounding zoning and development and with the Comprehensive Plan. Staff also finds this proposal consistent with the Design Standards of the Limited Business Zoning District and the County's Neighborhood Commercial Development Standards Policy. Further, staff finds that this proposal will positively impact residents of the County's Grove area. On July 7, 2010, the Planning Commission recommended approval of this SUP application by a vote of 6-0. Staff recommends the Board of Supervisors to approve this application with the conditions listed in the attached resolution.

Jose Ribeiro

CONCUR:



Allen J. Murphy, Jr.

JR/gb
Sup14-10Grove.doc

ATTACHMENTS:

1. Resolution
2. Master Plan
3. Location Map
4. Community Impact Statement (CIS)
5. Petition from Citizens in Support of SUP-0014-2010
6. Unapproved Minutes from the July 7, 2010, Planning Commission meeting

RESOLUTION

CASE NO. SUP-0014-2010. GROVE CHRISTIAN COMMUNITY CHURCH

AND OUTREACH CENTER

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. Vernon Geddy has applied on behalf of Grove Christian Community Church and Outreach Center for an SUP to allow for the construction of a house of worship and accessory uses in excess of 2,750 square feet on two parcels of land zoned LB, Limited Business District; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers, dated May 26, 2010 (the "Master Plan") and entitled " Master Plan for Grove Christian Outreach"; and

WHEREAS, the properties are located at 8798 and 8800 Pocahontas Trail and can be further identified as James City County Real Estate Tax Map Parcel 5910100026 and 5910100027; and

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

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0014-2010 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the construction of building(s) totaling approximately 5,700 square feet and associated future building expansion of approximately 2,700 square feet on the property located at 8798 and 8800 Pocahontas Trail and further identified as James City County Real Estate Parcel Nos. 5910100026 and 5910100027 (together, the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan for Grove Christian Outreach" prepared by AES Consulting Engineers dated May 26, 2010, and revised on June 21, 2010 (the "Master Plan"), with such minor changes as the Planning Director or his designee determines does not change the basic concept or character of the development. Development of the building area labeled in the master plan as future expansion shall comply with all requirements of the Zoning Ordinance and shall be of similar use, scale, and architectural style as the proposed 5,700 square feet building and as determined by the Planning Director. Development of the Property, including development of the future expansion, as shown on the Master Plan, shall occur in accordance with the design standards of Section 24-370 of the Zoning Ordinance and with the Neighborhood Commercial Development Standards

Policy adopted by the Board of Supervisors of James City County on March 23, 1999, and as determined by the Planning Director.

2. **Land Use:** The land uses of the Property shall include a house of worship and outreach services and other permitted accessory uses as determined by the Planning Director.
3. **Boundary Line Extinguishment (BLE):** Prior to final site plan approval, a plat showing the extinguishment of the common property line between the parcels located at 8798 and 8800 Pocahontas Trail must be submitted to the Planning Director for County review and approval.
4. **Architectural Review:** Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for Grove Christian Outreach Center. Such building shall be reasonably consistent, as determined by the Planning Director or his designee, with the architectural elevations titled "Grove Christian Outreach Center, Williamsburg, Virginia" submitted with this special use permit application and prepared by Guernsey Tingle Architects, date stamped April 13, 2010.
5. **Archaeology:** A Phase I Archaeological Study for the entire site shall be submitted to the Planning Director for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Planning Director for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II Study is undertaken, such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to, and approved by, the Planning Director for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Planning Director prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon.
6. **Lighting:** All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

7. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
8. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

Sup14-10Grove_res

JCC-0014-2010

Grove Christian Church & Outreach Center



**GROVE CHRISTIAN OUTREACH CENTER NEEDS
YOUR SUPPORT!**

Grove Christian Outreach Center needs a Special Use Permit (SUP) from James City County as part of the process to build the new building. The Planning Commission will hold a Public Hearing on GCOC's request on July 7.

Show the Planning Commission members that you support this project by signing this petition, which will be presented to the Planning Commission before the July 7 Hearing.

PLEASE APPROVE THE SPECIAL USE PERMIT!

NAME	ADDRESS	DATE
Rachel M. Williams	106, Woodside Dr	8th June 2010.
Christina Walker	58 Jan Rae Circle	6-8-10
Yvonne Hopkins	157 Gray Gabler Drive	6-8-10
Lucretia Carter	1657 SKIFFERS CREEK Circle	6-8-10
Adrienne Sturillo	35 Magnolia Ave Wmbsg VA	6-8-10
Maria Stone	137 Magnolia AVE	6-8-10
Evelyn Worthington	118 Howard Dr. Wmbsg VA	6/8/10
Linda Palmer	11 Carol Lane Wmbsg VA	6/8/10
Jacquelyn Hill	809 Tahoe Trail, Wmbsg 23188	6.8.10
Sharon M. Estlin	3902 John Lucia East Wmbsg 23185	6/8/10
Linda Fisher	5 Brian Ct	6/8/10
Deborah Jensen	613 Scotland St Wmbsg 116 Apt	6/8/10
Eric Campbell	67 Gray Gabler Dr Williamsburg VA 231	
Kimberly Campbell	107 Gray Gabler Dr. Wmbsg VA	6/8/10
Ruth Hester	9537 Burnes Rd	Towne 6/9/10
Debra Harris	9299 Richard Rd Fairfax	6-9-10
Muhad J. Lee	131 MacRuder	6-11-10
Carole Cowler	151 Howard DR, Wmbsg, VA	6-11-10
Ashlynn	8810 Pocahontas Tr. #52	6-11-10
Michelle	191 Williams Trl 23185	6-11-10
Rhonda Noska	4023 Dunbarton Circle 23188	6-11-10
Charles Smith	14 Lasbriar Ct 23185	6-11-10
Rita Dunbar	23 Brentians Ln 23185	6/11/10
Patricia Butler	8721 Pocahontas Trail 23185	6/11/10
Mary Hester	8721 Pocahontas Trail 23185	6/11/10
Baren Wight	7 Michael Ct Wmbsg, VA 23185	6-11-10
James McLeod	2 Morstons Ln, Wmbsg, VA 23188	6-11-10
William J. Harris	103 Juniper Ct	
Charles Brooks	1800 - Richmond Rd	
Chris Price	8758 Pocahontas Trail Williamsburg VA 23185	6-11-2010
Brenda J. Walker	8810 Pocahontas Trail #20 Wmbsg VA 231	

NAME

ADDRESS

DATE

Jessica m Dale 106 Gray Gables Dr 6/11/2010
Susan + Andy 150-3 Blow Flats Will Va 6/11/2010
John Wideman 34 JUDY DRIVE WILLIAMSBURG VA 6/11/2010
Janet Adams 20 ELBOW BEACH LN WIMSBURG VA 23185 6/11/10
Martha Briggs 22 Lafete Ln Williamsburg Va 6/11/10
John 8958 Poc Trail Wmsbg Va 6/11/10
Carroll Parrott 149 Maguadon Way Wmsbg Va 6/11/10
Deena Wilks 110 Colonial Ave Wmsbg Va 6/12/10
Cara Cowler 115 Howard Dr Wmsbg VA 6/14/2010
Lisa Potts 10 Domino Drive Wmsbg Va 6/14/10
Kelly Harris 15 Windhammer Ct Wmsbg 6/14/10 6/14/2010
Marie West 7 Amicus Airport Rd Wmsbg
John W Garey 79 Gray Gables Dr Williamsburg Va 6-14-10
MAY KANDER 11 EL SOMBRERO CT WILLIAMSBURG VA 6-14-10
Kristina M. Moran 24 Bonwood Ave Williamsburg VA 6-14/10
Terry Van Arsdale 167 Gray Gables Rd Will. Va 6-14-10
Marjorie Maloney 8758 Pocahontas Tr Lot 5 Wmsbg 23185 6/14/10
Phillip Green 104 Baskett Bldg Williamsburg, VA 6-14-10
Patricia Mink 103 Pembroke Ln Wmsbg, VA 23188 6-14-10
Donna M. E Ware 14 Buford Rd W'sburg 23188 6-15-10
Judith Demers 1653 SLIFFES CREEK CIR WILLIAMSBURG VA 23185 6/15/10
Carol Dobson 5864 Montpelier Dr. Wmsbg 23188 6-15-10
Marilyn Nables 8258 pocahontas Trll Williamsburg Va 6-16-2008
John C. Smith 6 Briarwood Ln Williamsburg 6-16-2010
ANTHONY RANGEL 20 EMBERS LN WILLIAMSBURG VA 23185 6/16/10
Rebecca Hodges 18 Embers Ln Williamsburg VA 23185 6/16/10
Darlene R. Palm 152 Indian Cir Wmsbg Va 23185 6/16/10
Pat Middleton 104 Massacre Hill Rd Williamsburg VA 23185 6/16/10
Clayton M. Fowles 194 RAILROAD ST. Wmsbg, VA. 23185
Linda G. Reminger 22 John Roe Circle, Wbg, Va. 6/16/10
Joseph Casanova 8910 POCAHONTAS TRAIL LOTS 4 WILLIAMSBURG VA 6/16/10

NAME

ADDRESS

DATE

CLEMENT SONS 8810 Pocahontas TRAIL #53 6-16-10

Dont Morris 24 Briarwood ave. 6-16-10

William Middleton 41 TADICH. DR. - Jun-16

Antoinette Battaglia 11 Briarwood ave

Cathy Helms 1569 Fernell DRIVE

Farrt Bank 8395 Pocahontas TR 6-16-10

Judy Howard #69 GRAY GABLES DR. 6-16-10

George Bontau 4997 WESTMOORE DR WMSBG 23185 6-16-10

Roger Avery 8810 Pocahontas trail #38 Williamsburg VA 23185 6/16/10

Zelda R. Fung 126 Shellbark DR. W. 2L. Amherst VA 23183 6/16/10

Judith Patterson 36 Earl Drive Wmsbg, VA 23185 6-16-10

John Shaffer 11 Brian Ct 23185 digie

Janita A. Aches 119 Church St. Williamsburg, VA 23185

Vai-hanh Cross 10 Windhammer Ct Williamsburg, VA 23185 6/16/10

Kemp J. Padala 70 Williamsburg, VA 23185

W. H. B. F. 119 Railroad Ct Williamsburg 23185

Judy Nyack 8 Briarwood Ave Wmsbg 6/16/10

8 Brian Ct Wmsbg, VA 6/16/10

Eunabeth Duke 31 Gray Gables Dr Wmsbg, VA 6/16/10

Shanna Patrick 15 El Sombrero Ct Wmsbg, VA 6/16/10

TYRELLE WILLIAMS 4 EDGEWOOD DR NN, VA 6/16/10

Alan Braxton 25 Briarwood Ave Wendy Hill 6/16/10

Theresa Beale 54 Jan Rae Cir Wmsbg 23185 16 Jun 10

Tobie Kemp 70 Jan Rae Cir Wmsbg 23185 16-16-10

Shawn Kemp 70 Jan Rae Cir Wmsbg 23185 6-16-10

Shane Kemp 70 Jan Rae Cir Wmsbg 23185 6-16-10

Shayna Kemp 70 Jan Rae Cir Wmsbg 23185 6-16-10

Keith Smith 70 Jan Rae Cir Wmsbg 23185 6-16-10

Leroy Beale 54 Jan Rae Cir Wmsbg 23185 6-16-10

Jeremy Beale 54 Jan Rae Cir Wmsbg 23185 6-16-10

Dana PUNE 7 Sidewinder Williamsburg 23185 6/16/10

NAME

ADDRESS

DATE

NAME	ADDRESS	DATE
John Pittman	16 Jan Rae Circle	6/16/10
Holly Bassett	8810 Pocahontas Tr	6/16/10
Ken Bassett	8810 Pocahontas Tr #2	6/16/10
Lisa Rogers	8964 Pocahontas Tr	6/16/10
Elisa Alvarado	8526 pocahontas	6/16/10
Melinda Saunders	8010 Pocahontas	6/16/10
Lara Averey	8758 Pocahontas	6/16/10
John Coni	8810 Pocahontas Trail #	6/16/10
Gladys Nobles	8258 pocahontas trail #13	6/16/2010
Debra M. Tooley	17473 Warwick Blvd NW #2	
Mary Turner	114 Lake Pointe Dr. NW	6/16/10
Marion K. Moran	9 Judy Dr. Williamsburg VA	6-16-10
Wayne Jackson	8611 Pocahontas trail	6-10-10
Daffney	645-68-30	6/15/10
M. L. Roberts	111 Plantation Rd ^{City}	6/16/10
Dorothy Farrell	38 JAN RAE	6/16/10
John Farrell	23 Briarwood Ave	6/16/10
Phillip Brockenberry	5 Sparrow	6/16/10
Henry A. Greene	1168 Railroad St.	6/16/10
Quintin R. R.	114 TRITON Dr	6/16/10
Terrie Brun	8868 Spun.	6/16/10
Khosrokhawali	139B Harad Drive	6/16/2010
Darlene Saunders	204 Leigh Rd	6-16-2010
Rob Till	1526 Creek Ct.	6-16-10
Susan Lunsden	242 Bald Eagle Way	6-16-10
Joe Lands	54 Jan Rae Cir Williamsburg VA 23185	6-16-10
Jore Naves	137 Heritage Pointe	6-16-10
Benata Alexander	1681 Skilles Blvd	6-17-10
Michelle Johnson	149 Mandar Ave	6/18
Dorothy Johnson	149 Mandar Ave	6/18
Luz E. Ortega	104 Plantation Rd	6/18

NAME

ADDRESS

DATE

NAME	ADDRESS	DATE
Juan Garcia	214 Roman	6-18-10
Vivien Johnson	101 Howard	6-18-10
Jeanelle Carter	6269 W Way	6-18-10
Jerry Carter	6269 W. Way	6-18-10
Mark D. The	5 BRIAN COURT	6.21-10
Rosa Speller	153 HOWARD DR.	6-21-10
Kathy Stackhouse	140 Point O Wood Rd	6/21/10
Spence J. Campbell	4697 Westington	6/22/10
Susan M. Anker	245 HUNTSTREE PLACE	6/22/2010
EUSA ALVARADO	8586 POCAHONTAS	6/22/10
Felicia Edgcombe	1988 ALGOURN TRAIL	6/22/10
Sharen Armstrong	23 Woodhaven Rd N.W.	6/22/10
April Break	GRAY	
Karen Hain	121 GRAY GABLE DR	6/22/10
Jenda Russell	125 Winter Garden Drive	6/22/10
Chris Russell	125 Winter Garden Drive	6/22/10
Jiff Russell	125 Winter Garden Drive	6/22/10
Annala Ellis	8758 Pocahontas Tr	6/22/10
Brett Miller	8758 Pocahontas Tr	6/22/10
Jalitra Russell	8758 Pocahontas Tr	6/22/10
Billy Dellinger	8758 Pocahontas Tr	6/22/10
Regina Sty	8758 Pocahontas Tr	6/22/10
James Sty	8758 Pocahontas Tr	6/22/10
Mary V. Brooks	6 Michael St Williamsburg, Va	6/22/10
Paul Epps	71 JAW RAE CIRCLE VA	6/28/10
Mr. Scott	8411 Pocahontas Tr. Wmsb.	6/29/10
Candy Sturgell	8759 Pocahontas Trail	6/29/10
Hulken Braun	175 MAGRUDER AVE	6-29-10
Rachel M. Wilbur	106 WENTWORTH ST	

Page 4

PRINT NAME

SIGNATURE ADDRESS (INCLUDE ZIP)

PHONE

TONY PATEL Am 8934 Peachwater Dr - 887-0224

Wofu Furus 35 Van Nue. Cir 8822082

Shenika Franklin Shenika L. H. 20 Judy Dr 887-1262

Cynthia Adams Cynthia Adams 8978 Portrail #16 713-2669

ANDREW PALMER 152 INDIAN CIRCLE 801-9335

Olivette Burroughs Olivette 35 Hickey Point Blvd Apt 886-0608 ext 2

Renae Mitchell Renae Mitchell 11 Sidewinder Ct 634-5547

Amber Robinson Amber Robinson 11 Sidewinder Ct 696-9018

Mattie Carver Mattie Carver 11 Sidewinder Ct 234-957

Cerid Wilson Cerid Wilson 11 Sidewinder Ct 347-760335

Jenna Viovent Jenna Viovent 7 Brian Ct. 23185 645-1617

Warren Brooks 55 Del Lago Dr. 23185 887-2549

Ramon Caowady 8810 Peachwater (757) 504-7581

KELLY White 11 El Sombrero Ct 289-0604

SUSAN M HAMILTON

Wmsbrg VA

Susan M Hamilton 33 Jan Rae Circle 23185 888-2033

Carlos Edcombe 1988 Algonquin Trail 234-0099

Kirsten Stanley Kirsten Stanley 17463 Warwick Blvd (757) 810-

Barbara Christensen Barb 85 Jan Rae 206687 3149

DERICK GAYMONIA 10 BRIARWOOD AVE hams 66, VA 23185 291-0347

Sheray Prosser 17 Beccie Lane (757) 349-4198

Rhoshanda Walker 139 B Howard Drive 1881-4144/76

PRINT NAME	SIGNATURE ADDRESS (INCLUDE ZIP)	PHONE
Tamara Brown	8610 Pocahontas Trail	208-0438
Charles E Smith	Pocahontas	820-3780
Angelina Opie	29 EARL DR	951-5010
Angelina Opie	29 Earl Drive	951-5010
Margit Washington	8978 Pocahontas Trl. #6	_____
Lori Guidry	8810 #10	(757) 784-8083
Ryan Abby	39C Judy Dr Wmsbg, VA	201-669-9291
Benjamin Kemp	3 Brian Ct Wmsbg, VA	757-358-9109
Ryland Kemp	3 Brian Ct Wmsbg, VA	757-358-9109
Jessica Barton	8547 Pocahontas Trl	757-220-1480
Jennifer Carroll	8 Freedom DR ^{Wmsbg, VA}	757-887-2806
Unre Smith	8810 Pocahontas trail	757-820-4160
Willie Cuffey	105 JACKSON ST	757-253-7617
Rose Gray	114A Howard Drive	23185
Pam Brown	56 Bealy Lane	757-449-7233
Theresa Walter	98 Jan Rae Cir	757 660 7911
Jennifer Thomas	98 Jan Rae Cir	
Greg D'Amico	7 Judy Drive Wmsbrs, VA	757-969-9092
Sarah E Johnson		
Andrew Maloney	Centers Cove lot 5	

NAME

ADDRESS

DATE

Joe Montezino 130 Rose Springs Dr. 6-9-10
 Bonnie Walker 8638 Pochontas Tr. 6-9-10
 Wayne Walker 11 Pochontas Tr 6-9-10
 Jamie Roberts 24 Judy Dr. 6-9-10
 Rudolph V. Arrington Jr 8621 Pochontas Trail 6-9-10
 Kathy Arrington 8621 Pochontas Trail 6-9-10
 Rudolph Arrington III 8621 Pochontas Trail 6-9-10
 James Lavone Arrington 8621 Pochontas Trail 6-9-10
 Dolores Williams 148 Howard Dr. Wmbsg. VA. 6-18-10
 Josephine K. Harris 150 Banner Dr. Wmbsburg 6-18-10
 Annella Pearson 116 Woodside Dr. Wmbsg. VA. 6-18-10
 Vincent Pearson 116 Woodside Dr. Wmbsg. VA. 6-18-10
 Ray Washington SR 142 Howard Dr Wmbsg 6-18-10
 Michelle Washington 142 Howard Dr Wmbsg 6-18-10
 Imani Ferguson 142 Howard Dr Wmbsg 6-18-10
 Perry Washington 142 Howard Dr Wmbsg 6-18-10
 Cindy Ferguson 142 Howard Dr Wmbsg 6-18-10
 Maria V. Roberts 111 Plantation Rd Wmbsburg VA 6-21-10
 Jean Washington 144 Howard Dr. Wmbsg - 7-7-10

UNAPPROVED MINUTES FROM THE JULY 7, 2010 PLANNING COMMISSION MEETING

SUP-0014-2010 Grove Christian Outreach Center

Mr. Jose Ribeiro stated that Mr. Vernon Geddy on behalf of Grove Christian Community Church and Outreach Center has applied for a special use permit to allow the construction of a house of worship with outreach services as an accessory use on two parcels located along Pocahontas Trail in the Grove area of James City County. The parcels are located at 8798 and 8800 Pocahontas Trail, are zoned LB, limited Business and designated Neighborhood Commercial on the Comprehensive Plan. A house of worship is a by-right use in Limited Business; however, Section 24-370 of the Zoning Ordinance requires a SUP for any building that exceeds 2,750 square feet of building footprint in areas that are designated Neighborhood Commercial on the Comprehensive Plan.

Mr. Ribeiro stated that Grove Ministry has served the Grove community since 2000 and currently operates from a leased space in front of Windy Hill Mobile Home Park. The proposed site is being designed to accommodate the needs of Grove Community Church as the main use of the property and the needs of the Outreach Center as an accessory use.

Mr. Ribeiro stated that all agencies have reviewed and recommended support of this application. Staff finds that this request is compatible with surrounding zoning and development and consistent with the Comprehensive Plan. Staff also finds the architectural elevations submitted by the applicant to be in accordance with the design guidelines of the Limited Business zoning district and the County's Neighborhood Commercial Development Standards Policy. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Mr. Peck opened the public hearing.

Mr. Vernon Geddy spoke on behalf of Grove Christian Church. He stated that this organization has year round activities and listed several for the Commissioners. He stated that this organization in 2009 served 627 families, approximately 2000 individuals, and distributed 430,000 pounds of food. The Church also offers financial assistance to some individuals. Mr. Geddy displayed the current location and displayed drawings of the proposed buildings at the new location. There is room for future expansion for the building and parking. He stated that a community meeting was held in April 2010 with widespread community support. Mr. Geddy also had a list of 215 signatures supporting the application. He requested that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Poole supports the application but did express his concern about saving specimen trees or some sensitivity towards mature trees in the buffered area.

Mr. James Peters, AES Consulting Engineers, stated that with the exception of the perimeter areas, the site is not heavily wooded, but mature trees will be kept wherever possible.

Ms. Kathy Reynolds, 14 Briar Avenue, spoke on behalf of the Church. She stated that she is a client and volunteer of Grove Christian Outreach Center. She gave examples of how the center has assisted her and her family. She encouraged the Commission to recommend approval

of the application.

Ms. Rebecca Knowles, 137 Jefferson's Hundred, stated she is on the Board at Grove Christian Outreach Center. She supports the work of the church and the outreach center. She stated the needs are great and ongoing. Ms. Knowles stated that the organization is supported by many local businesses and volunteers. The new church and outreach center will help the organization meet the needs of the community more effectively. She hopes that the Commission recommends approval to the Board of Supervisors.

Mr. Alan Rikkola, 1908 Miln House Road, stated that he is also a Board member of the organization. He stated that the center has become very important to the people it serves. He stated that this area has the greatest concentration of poverty in the County. Mr. Rikkola felt that this new site will serve the community more effectively. He encourages the Commission to recommend approval to the Board of Supervisors.

Mr. John Rogers, 8960 Pocahontas Trail, stated that he knows the pastor and encourages the Commission to support the application.

Mr. Jack Fowler, 109 Wilderness Lane, spoke in favor of the application.

Mr. Peck closed the public hearing.

Mr. Fraley moved for approval of the application. He commended the church for all the work they do in the community.

Mr. Poole stated that he has had the privilege of working at the outreach center. He felt that the applicant is very well deserving of the Commission's support.

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

**SPECIAL USE PERMIT-0015-2010. Chanco's Grant Greensprings Trail Amendment
Staff Report for the August 10, 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 Complex

July 7, 2010, 7:00 p.m.
August 10, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Bernard Farmer, James City County General Services

Land Owner: James City Service Authority (JCSA)

Proposal: Amend an existing Special Use Permit (SUP-0014-2003) to permit construction of a James City County Parks and Recreation trail within a required 300 foot undisturbed buffer.

Location: 3123 Ironbound Road

Tax Map/Parcel No.: 4620100034

Parcel Size: 18.639 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Federal, State, and County Land

Primary Service Area: Inside

STAFF RECOMMENDATION

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

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

PLANNING COMMISSION RECOMMENDATION

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

Proposed Changes Made Since the Planning Commission Meeting

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

PROJECT DESCRIPTION

Mr. Bernard Farmer of James City County General Services has applied on behalf of Parks and Recreation for an amendment to SUP-0014-2003 to allow for the construction of an 8-foot-wide paved trail segment through a required 300-foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco's Grant neighborhood. When the Five Forks Groundwater Treatment Facility was originally constructed, the Treatment Facility was required to get an SUP. The original SUP (SUP-0022-2001) allowed construction of a Water Treatment Facility in the Five Forks area behind Clara Byrd Baker Elementary School and included provisions for the construction of a concentrate discharge main, water main, and six production wells. A condition was included that required the JCSA to construct a greenway trail over a portion of the discharge main alignment. There was also a condition to provide a 300 foot undisturbed buffer along the southern property line of the facility adjacent to the Chanco's Grant neighborhood, but the condition specifically allowed for clearing necessary for construction of the greenway trail within this buffer area. This condition was initially put in place to provide a buffer between the unknown potential noise and visual impacts of the Groundwater Treatment Facility from the adjacent residential area.

On March 25, 2003, the Board of Supervisors approved an amendment to SUP-0022-2001 which changed the limits of clearing and location of a portion of the water main proposed along Route 5. All other conditions, including the provision for the greenway trail, remained the same as in SUP-0022-2001.

On August 12, 2003, the Board of Supervisors approved another amendment (SUP-0014-2003) to eliminate the greenway trail condition. The condition was removed because negotiations at that time to purchase or acquire an easement to allow a discharge main and trail over an adjacent property were unsuccessful. Instead, the JCSA had to acquire that easement through condemnation proceedings. In the process, the owners of the adjacent property that the discharge main and trail were expected to cross over, objected to having a greenway trail placed on their property. Furthermore, the County did not have the funding or plans to construct the trail within the five-year Capital Improvements Program. Due to the lack of funding and the adjacent property owners' objections, the condition requiring the greenway trail was removed.

Since that time, the County has acquired additional properties in the vicinity of the Groundwater Treatment Facility, making construction of the trail possible. Several properties were acquired from either homeowners associations or individual landowners through the use of greenspace funds or through dedication as part of previous rezoning applications. Additionally, a Parks and Recreation bond referendum was passed in 2005 which allocated \$1.5 million for greenways and trails. The overall trail will be funded through a combination of bond referendum funds and a State grant. Current estimated costs for design and construction of this phase of the Powhatan Creek Trail (not just the portion on the Groundwater Treatment Facility property) total \$35,000 and \$993,000 respectively. The project construction will be bid.

The trail is proposed to provide a connection between the Greensprings Trail network/Mainland Farm area and Clara Byrd Baker Elementary School/Five Forks area. Overall, the trail connection is approximately 1¼ miles long; however, only about 700 feet of the trail is located on the Five Forks Groundwater Treatment Facility property. This connection was identified as a priority project in the 2002 Greenways Master Plan and was reaffirmed as a top priority during public meetings regarding the 2005 bond referendum. Trail construction details are included as part of the attached master plan and will be eight feet in width and paved to accommodate multiple user groups and reduce required ongoing maintenance.

Surrounding Zoning and Development

The parcel is zoned R-8, Rural Residential, and designated as Federal, State, and County Land on the 2009 Comprehensive Plan Land Use Map. Properties to the north are designated Moderate Density Residential, zoned MU, Mixed Use, and master-planned as part of the Governor's Grove development. Properties to the west are designated Low Density Residential and Park, Public, or Semi-Public Open Space and are largely undeveloped. Properties to the south are designated Low Density Residential, zoned R-8, Rural Residential, and include the Chanco's Grant subdivision. Clara Byrd Baker Elementary School is immediately to the east and is zoned PL, Public Land. The applicant held a public meeting on June 15, 2010, to discuss the overall trail route with adjacent residential neighborhoods and discuss the

reasoning and benefits of the proposal. The primary concerns that were raised pertained to potential environmental impacts of the trail construction on the adjacent Powhatan Creek and attendees were interested in minimizing impacts to trees and the Creek. Once questions were answered, attendees seemed satisfied with the overall trail project.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Conclusions: The Environmental Division has reviewed the proposal and concurs with the master plan and conditions as proposed. James City County has contracted with the Williamsburg Environmental Group to create a trail design and alignment having the lowest impact on the surrounding natural environment possible while still designing a trail that is Americans with Disabilities Act (ADA) compliant. The proposed general trail alignment was selected because it avoided steep slopes as much as possible. This enables builders to keep the trail at a handicap-accessible grade (no more than five percent grade) without having to extensively grade existing steep slopes or use multiple switchbacks, which would involve additional clearing and increase visibility to neighborhoods. Furthermore, the wooded area where the trail is proposed on the Groundwater Treatment Facility property has a relatively clear understory, allowing the trail to meander between existing mature trees without the need for significant clearing. The proposed trail alignment was also chosen in order to avoid adjacent property that is not owned by the County and to keep a buffer between the trail/trailhead and the Groundwater Treatment Facility to minimize security concerns.

Utilities

The site is located inside the Primary Service Area (PSA) and does not propose any utility connections.

Staff Conclusions: The JCSA has reviewed the master plan and is supportive of the trail construction.

Traffic

No traffic impacts are anticipated with this greenway trail proposal.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Federal, State, and County Land (Page 159): Publicly owned lands included in this category are Eastern State Hospital, military installations, County offices and facilities, and larger utility sites such as the Hampton Roads Sanitation District treatment plant. Development in these areas should follow applicable development standards listed in the charts.</p> <p>Staff Comment: The Five Forks Groundwater Treatment Facility is run by the JCSA and is consistent with this designation. The proposed greenway trail would also be open to use by the public and would be maintained by the Parks and Recreation Division.</p>
Development Standards	<p><i>Residential Development Standard No. 4a-Page 153:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed.</p> <p><i>Residential Development Standard No. 6a-Page 153:</i> Basing design on a use of land reflecting topographic and other physical features and natural boundaries of the site rather than imposing a layout intended solely to satisfy minimum ordinance requirements.</p> <p><i>Residential Development Standard No. 6k-Page 153:</i> Designing effective pedestrian circulation to include trail systems.</p> <p><i>Residential Development Standard No. 8d-Page 153:</i> Providing for safe, convenient, and inviting bicycle, pedestrian, and greenway connections to adjacent properties and developments, with a special focus on providing adequate access between residential and nonresidential activity centers and among residential neighborhoods.</p> <p>Staff Comment: While the proposed trail falls within the 300-foot buffer with Chanco’s Grant, its closest point to the neighborhood is approximately 100 feet with the majority of the trail falling more than 200 feet from the rear property line. The area is heavily wooded and</p>

	<p>select tree clearing for the trail's construction will further limit the visual impacts of the trail to adjacent residential areas. Also, the final trail alignment is flexible so it can be routed to avoid specimen trees, which provide increased buffer opportunities. There will also be no lighting, further reducing the trail's nighttime visual impacts. The trail is designed to complement the topography so that it remains handicap accessible without significant grading. Finally, the trail is a top priority of the Greenways Master Plan as it provides an important connection between several residential neighborhoods and an elementary school, providing walking opportunities that do not exist on the main roads that currently connect the neighborhoods to the school.</p>
Goals, Strategies, and Actions	<p><i>Action No. 1.2.1 - Page 164:</i> Plan for and encourage the provision of greenways, sidewalks, and bikeways to connect neighborhoods with retail and employment centers, parks, schools, and other public facilities, and to effectively connect buildings and activities within individual sites.</p> <p>Staff Comment: As noted earlier, the proposed trail segment is a top priority project and provides connections between residences, a retail center, and a public facility.</p>

Environment

Goals, Strategies, and Actions	<p><i>Action No. 1.1.2.8 - Page 77:</i> Continuing to promote the protection of trees.</p> <p><i>Action No. 1.1.3 - Page 78:</i> Through the Chesapeake Bay Preservation Ordinance, enforce Resource Protection Areas (RPAs) protecting all tidal wetlands, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, perennial streams and a 100-foot-wide buffer adjacent to and landward of other RPA components.</p> <p><i>Action No. 1.3.7 - Page 81:</i> Site development projects, including those initiated by the County, to be consistent with the protection of environmentally sensitive areas and the maintenance of the County's overall environmental quality so that development projects do not exacerbate flooding in flood prone areas.</p> <p>Staff Comment: As noted earlier, the project proposes to retain as many trees as possible, particularly those that are greater than eight inches in diameter and use flexible trail routing to preserve large specimen trees. New language has been incorporated into conditions 13 and 14 to reflect these commitments. The trail is located in a portion of the 100-foot RPA buffer, but significant work has gone into evaluating the impacts of the trail in the area and ensuring that minimal disturbances are created. Also, the applicant has completed modeling of the stream system to make sure crossings are built to a sufficient height so that accumulated debris will not impact bridges or create flooding.</p>
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Parks and Recreation

Goals, Strategies, and Actions	<p><i>Strategy No. 1.2 - Page 112:</i> Continue to develop an integrated network of linear parks, trails, bikeways, sidewalks and greenways with connections to a regional greenway system that allow foot or bike access to destinations and that preserve the diverse natural, cultural, scenic, and environmental resources of the community that contribute to recreation activities.</p> <p><i>Strategy No. 1.3 - Page 114:</i> Research and pursue alternative methods for funding park development and recreation programs that create a positive cash flow to offset expenditures, including private sector partnerships, establishment of a park foundation, citizen volunteers, grants, and revenue producing facilities.</p> <p>Staff Comment: This trail segment is a top priority of the 2002 Greenway Master Plan and was reaffirmed as such during the 2005 Parks and Recreation bond referendum. The wider paved trail will provide transportation and recreational opportunities for both pedestrians and bicyclists. As noted earlier, the project will be funded through methods alternative to the general operating fund; a portion of the 2005 bond referendum has been allocated for the project and a grant from the Department of Conservation and Recreation will be used for connecting portions of the trail.</p>
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Comprehensive Plan Staff Comments

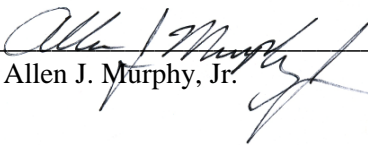
The proposal to add permission to construct the greenway trail within the 300-foot buffer on the Groundwater Treatment Facility property will provide additional pedestrian and bicycle connections between neighborhoods, a retail center, and a school. The trail will also provide recreational access to scenic areas and a larger trail network that is either already in place or in the process of being constructed. The use is compatible with surrounding uses and additional tree protection will reduce any potential visual and noise impacts. 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 that the Board of Supervisors approve this SUP application with the conditions listed in the attached resolution. Please note that most conditions are carrying over unchanged from SUP-0014-2003. The only conditions that are amended or are new are Nos. 7 and 13 (amended), and No. 14 (new).

Leanne Reidenbach

CONCUR:



Allen J. Murphy, Jr.

LR/nb
SUP15-2010

ATTACHMENTS:

1. Resolution
2. Unapproved Minutes of the July 7, 2010, Planning Commission Meeting
3. Property Location Map
4. Master Plan dated June 2010
5. Overall Powhatan Creek Trail Route Map
6. Overall Greensprings Interpretive Trail Network Map

RESOLUTION

CASE NO. SUP-0015-2010. CHANCO'S GRANT GREENSPRINGS TRAIL AMENDMENT

WHEREAS, the Board of Supervisors of James City County has adopted, by Ordinance, specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District; and

WHEREAS, Mr. Bernie Farmer, James City County General Services, has applied for an SUP to amend the conditions of Case No. SUP-0014-2003 to allow for construction of a greenway trail at the Five Forks Groundwater Treatment Facility; and

WHEREAS, the property is located at 3123 Ironbound Road, zoned R-8, Rural Residential District, and further identified as James City County Real Estate Tax Map No. 4620100034; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 7, 2010, voted 6 to 0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0015-2010 as described herein with the following conditions:

1. Construction: Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this SUP, or the permit shall become void.
2. Compliance: Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits: All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control: The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan: Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. Spill Containment: Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology: A Phase I Archaeological Study for the any areas to be disturbed shall be submitted to the Director of Planning for review and approval prior to land disturbance for that area. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
8. Lighting: All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Director of Planning or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture: Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping: Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Director of Planning.

11. Utilities: The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing James City Service Authority (JCSA) easement or within the Virginia Department of Transportation (VDOT) right-of-way.
12. Route 5 Buffer: A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Director of Planning.
13. Chanco's Grant Buffer: A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision. The buffer shall remain undisturbed with the exception of breaks for pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Director of Planning. Any approved breaks shall avoid any major disturbance and clearing or impacts on any trees larger than eight inches in breast height diameter.
14. Greenway Trail: The trail shall be generally located as shown on the plan titled "Project Location Map: Powhatan Creek Trail" dated June 2010, and drawn by the Williamsburg Environmental Group, Inc. with the ability to adjust the precise alignment to avoid specimen trees. The trail shall be built generally consistent with the design details shown on the plan titled "Cross Section Detail: Powhatan Creek Trail" dated June 2010, and drawn by Williamsburg Environmental Group, Inc.
15. Community Character: The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
16. Dust and Siltation Control: For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access: Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time: All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8 a.m. and 5 p.m., Monday through Friday.
19. Vehicle and Equipment Storage: Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5 p.m. and 8 a.m.

20. Severability: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

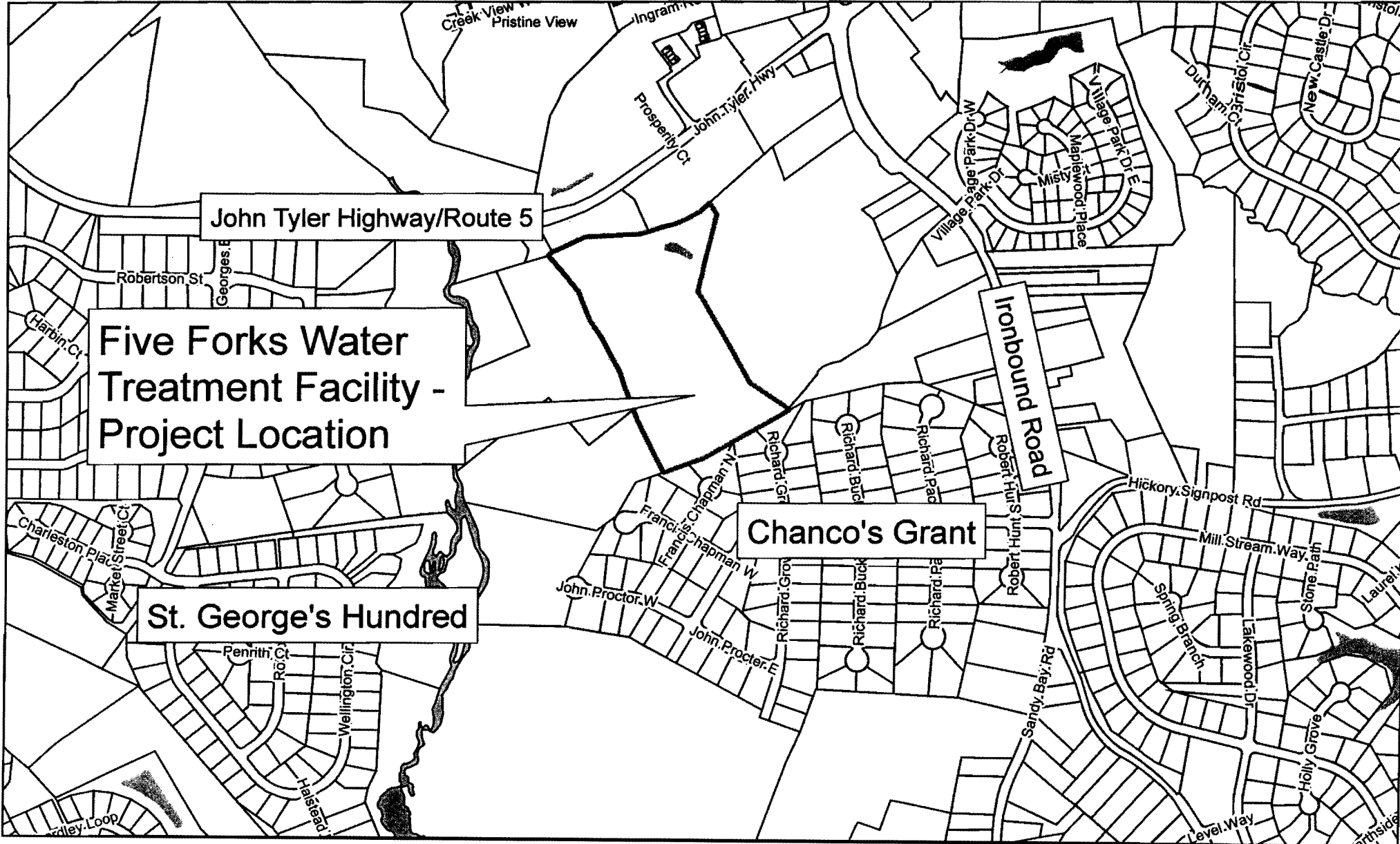
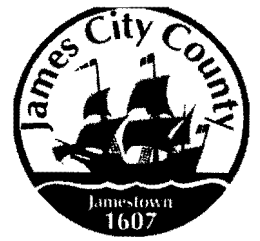
Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

SUP15-2010_res

JCC-SUP-0015-2010

Chanco's Grant Greensprings

Trail Amendment



UNAPPROVED MINUTES FROM THE JULY 7, 2010 PLANNING COMMISSION MEETING

A. SUP-0015-2000 – Chanco’s Grant Greensprings Trail Amendment

Ms. Leanne Reidenbach stated that Mr. Bernie Famer has applied on behalf of James City County Parks and Recreation for an amendment to an existing Special Use Permit to allow for the construction of a trail segment through a required 300 foot undisturbed buffer between the Five Forks Groundwater Treatment Facility and the Chanco’s Grant neighborhood. The property is located at 3123 Ironbound Road, is zoned R-8, Rural Residential, and is designated Federal, State, and County Land on the 2009 Comprehensive Plan. The trail is proposed to connect the Greensprings Trail network with Clara Byrd Baker Elementary School and Five Forks.

Ms. Reidenbach stated that the trail is proposed as an 8-foot-wide paved multi-purpose trail and the alignment is designed to have the least impact to the natural environment by avoiding steep slopes. This minimizes the necessary clearing while allowing the trail to be ADA accessible. Staff finds this SUP amendment 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. Mike Maddocks asked if this trail will allow individuals to go from the area around the treatment plant to the Mainland Farm area and avoid using Ironbound and Jamestown Road.

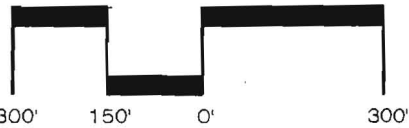
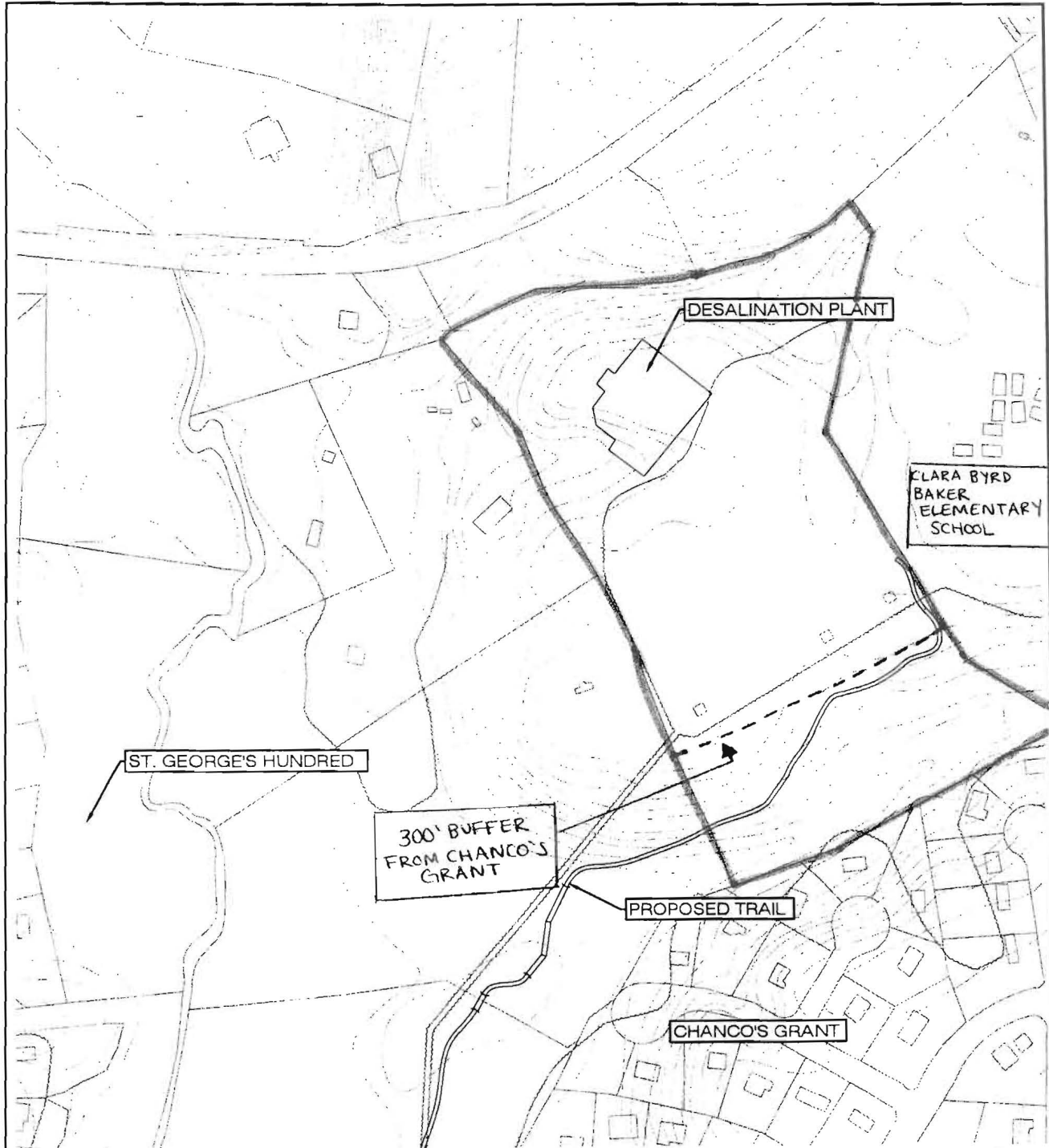
Ms. Reidenbach answered that was correct and that this trail will also connect to the Virginia Capital Trail.

Mr. Peck opened the public hearing.

There being no comments, Mr. Peck closed the public hearing.

Mr. Poole moved for approval of the application.

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



SCALE: 1 INCH = 300 FEET

LATITUDE: 37°14'35.19"N
LONGITUDE: 76°46'19.57"W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
SURRY, VA QUADRANGLE, 1983



**WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.**

**FIGURE 2
PROJECT LOCATION MAP
POWHATAN CREEK TRAIL**

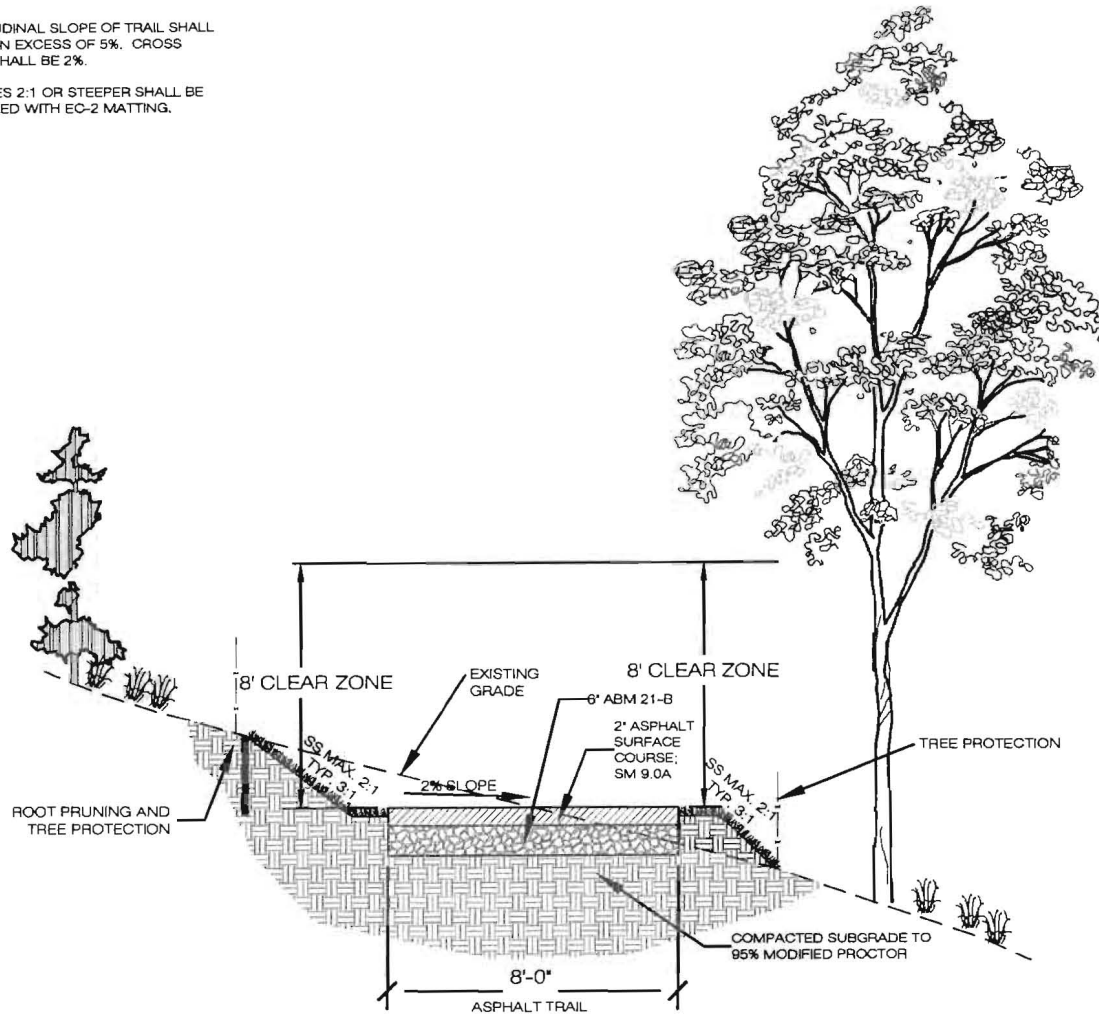
JAMES CITY COUNTY, VIRGINIA

JUNE 2010

NOTE:

LONGITUDINAL SLOPE OF TRAIL SHALL NOT BE IN EXCESS OF 5%. CROSS SLOPE SHALL BE 2%.

2. SLOPES 2:1 OR STEEPER SHALL BE STABILIZED WITH EC-2 MATTING.



DETAIL: TYPICAL CUT AND FILL TRAIL CROSS-SECTION

NTS

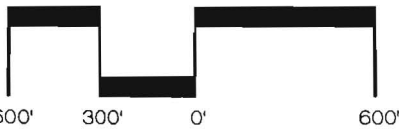
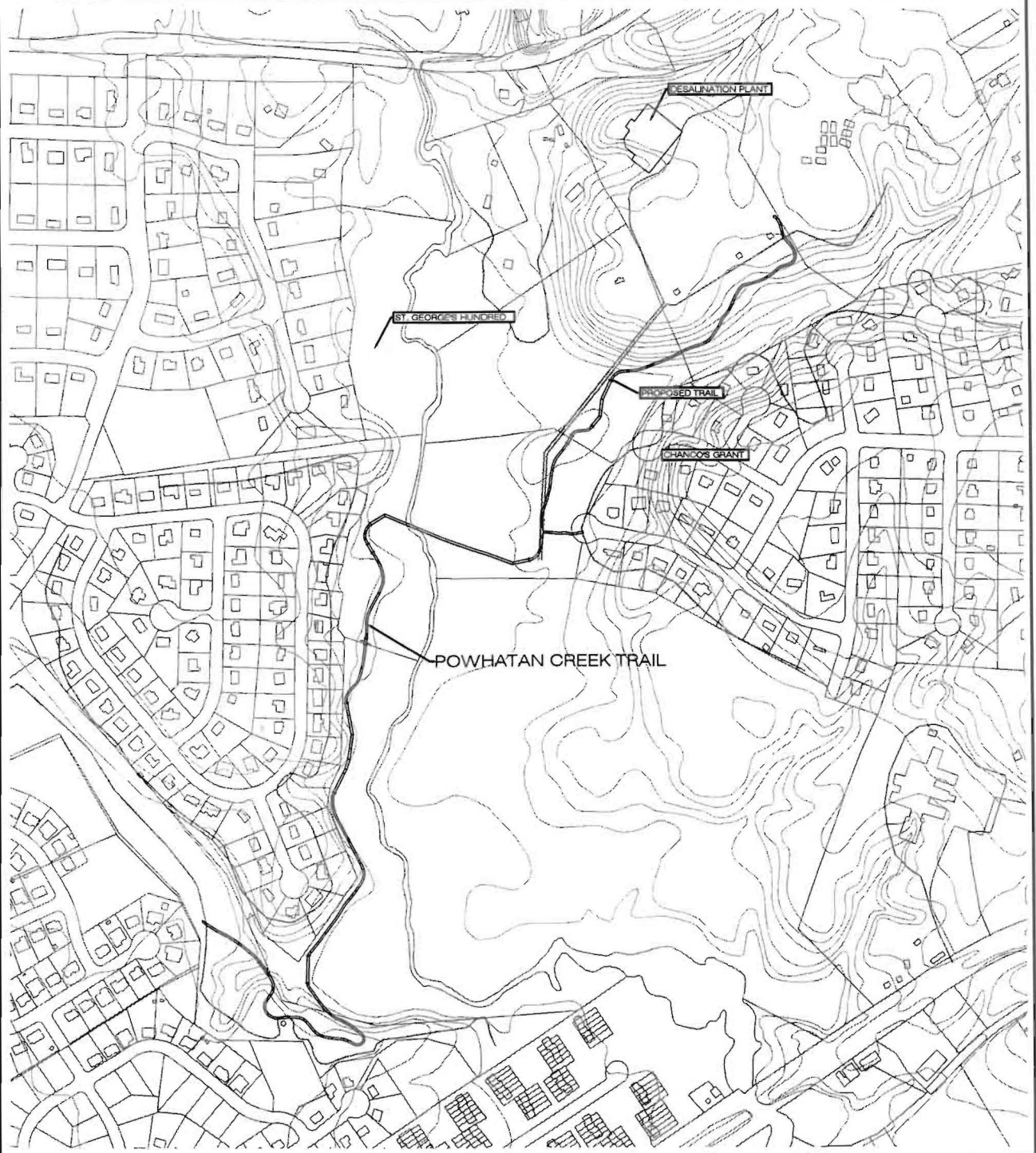
CROSS SECTION DETAIL
POWHATAN CREEK TRAIL
JAMES CITY COUNTY, VIRGINIA

DATE: JUNE 2010
 JOB NUMBER: 4267
 SCALE: NTS

5200 Center Street
 Williamsburg, Virginia 23188
 (757) 227-0000

8705 Sabers Run Blvd.
 Suite 100
 Williamsburg, Virginia 23187
 (757) 227-2171

Environmental Consultants
WILLIAMSBURG ENVIRONMENTAL GROUP, INC.



SCALE: 1 INCH = 600 FEET



LATITUDE: 37°14'35.19"N
LONGITUDE: 76°46'19.57"W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,
SURREY, VA QUADRANGLE, 1983



**WILLIAMSBURG
ENVIRONMENTAL
GROUP, INC.**

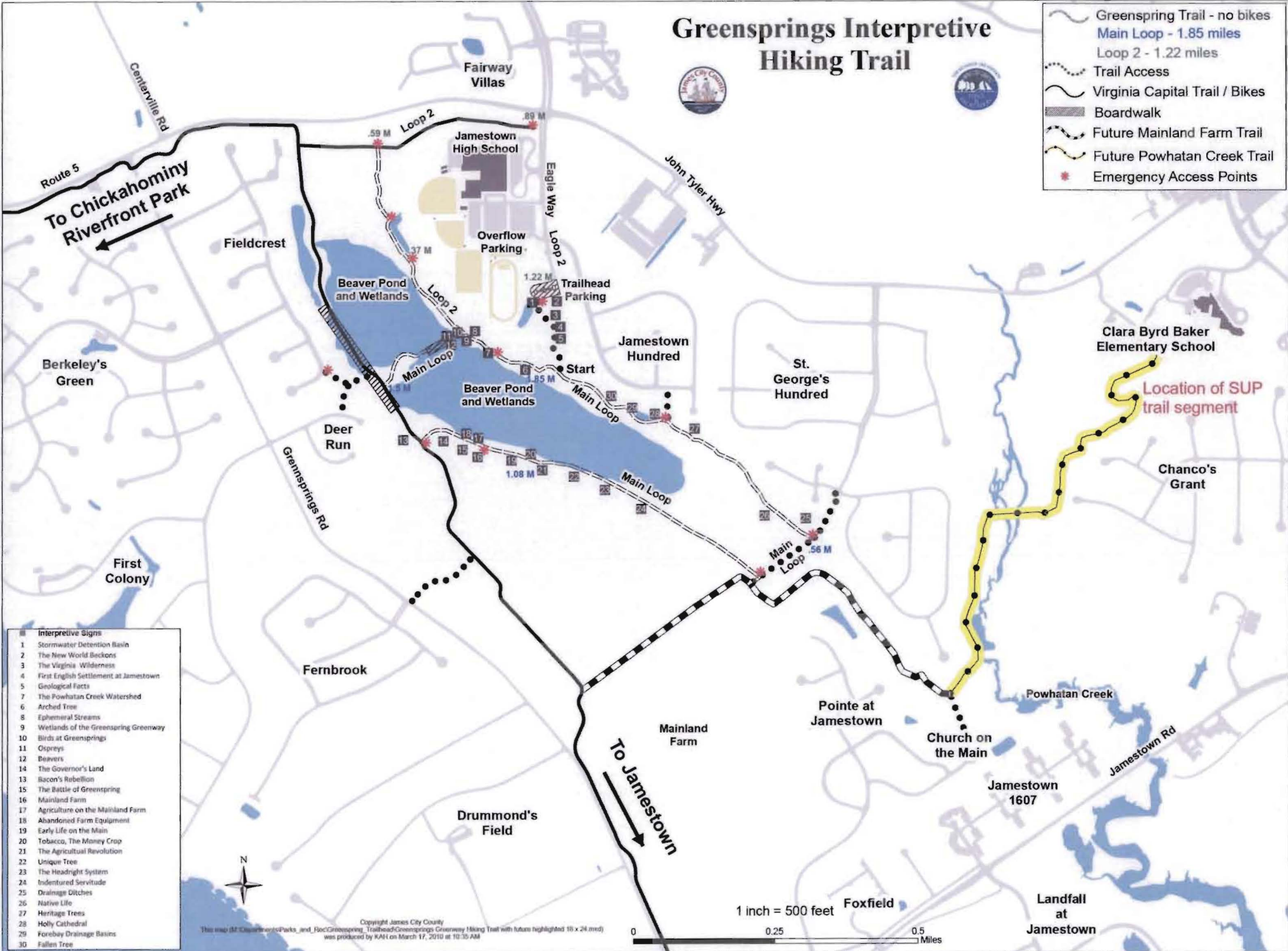
**FIGURE 3
TRAIL ROUTE MAP
POWHATAN CREEK TRAIL**

JAMES CITY COUNTY, VIRGINIA

JUNE 2010

Greensprings Interpretive Hiking Trail

- Greenspring Trail - no bikes
- Main Loop - 1.85 miles
- Loop 2 - 1.22 miles
- Trail Access
- Virginia Capital Trail / Bikes
- Boardwalk
- Future Mainland Farm Trail
- Future Powhatan Creek Trail
- Emergency Access Points



- Interpretive Signs**
- 1 Stormwater Detention Basin
 - 2 The New World Beckons
 - 3 The Virginia Wilderness
 - 4 First English Settlement at Jamestown
 - 5 Geological Facts
 - 7 The Powhatan Creek Watershed
 - 6 Arched Tree
 - 8 Ephemeral Streams
 - 9 Wetlands of the Greenspring Greenway
 - 10 Birds at Greensprings
 - 11 Ospreys
 - 12 Beavers
 - 14 The Governor's Land
 - 13 Bacon's Rebellion
 - 15 The Battle of Greenspring
 - 16 Mainland Farm
 - 17 Agriculture on the Mainland Farm
 - 18 Abandoned Farm Equipment
 - 19 Early Life on the Main
 - 20 Tobacco, The Money Crop
 - 21 The Agricultural Revolution
 - 22 Unique Tree
 - 23 The Headright System
 - 24 Indentured Servitude
 - 25 Drainage Ditches
 - 26 Native Life
 - 27 Heritage Trees
 - 28 Holly Cathedral
 - 29 Forebay Drainage Basins
 - 30 Fallen Tree

Copyright James City County
 This map (M:\GIS\Projects\Parks_and_Roads\Greenspring_Trailhead\Greensprings_Greenway_Hiking_Trail_with_futures_highlighted_16x24.mxd)
 was produced by RAN on March 17, 2010 at 10:35 AM

**SPECIAL USE PERMIT-0017-2010. Ward Family Subdivision
Staff Report for the August 10, 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

Board of Supervisors:

Building F Board Room; County Government Complex

August 10, 2010, 7:00 p.m.

SUMMARY FACTS

Applicant: Mrs. Joyce G. Ward

Land Owner: Mrs. Joyce G. Ward

Proposal: Family subdivision resulting in one new lot approximately one acre in size.

Location: 8879 Barnes Road

Tax Map/Parcel No.: 1010100020

Parcel Size: Parent Lot: 10.39± acres
Proposed Lot: 1.00± acre
Remaining Parent Lot: 9.39± acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

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

Staff Contact: Sarah Propst, Planner Phone: 253-6692

PROJECT DESCRIPTION

Mrs. Joyce Ward has applied for a Special Use Permit (SUP) to allow a family subdivision resulting in a lot of less than three acres in size for family residential use. The lot is currently owned by Mrs. Joyce Ward and is planned to be transferred to her son, Mr. Stephen Ward. Mrs. Ward has lived on this property for her entire life. An existing shared gravel driveway at 8897 Barnes Road will continue to be used as the primary point of access to the lot(s) (Condition No. 2). The existing lot is approximately 10.39 acres; the proposed family subdivision would result in a new one acre lot and a remainder parent parcel of approximately 9.39 acres.

The majority of the surrounding properties range between one and ten acres and several of the properties were created as a result of a past subdivision. All adjacent parcels are zoned A-1 and designated Rural Lands by the 2009 Comprehensive Plan and are being used for single-family residences and agricultural uses.

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

PUBLIC UTILITIES

Public water and sewer are not available to the site. The proposed new one-acre lot will be served by a private septic system and well. The Health Department has reviewed the proposed locations, but requires additional soil documentation to determine soil suitability. However, staff has no record of soil deficiencies in this area for septic fields. Should the Board approve this SUP, the Health Department will review soils information and final well and septic locations as part of subdivision plan review.

COMPREHENSIVE PLAN

The site is located outside the Primary Service Area (PSA) and is designated as Rural Lands on the 2009 Comprehensive Plan Land Use Map. Recommended primary uses in the Rural Lands include agricultural and forestal activities and public or semi-public institutions that require a spacious site. Recommended residential uses include single-family developments at a low-density and small-scale rural clusters. Such developments should be compatible with the natural and rural character of the area and be in accordance with the Rural Lands Development Standards provided in the Comprehensive Plan.

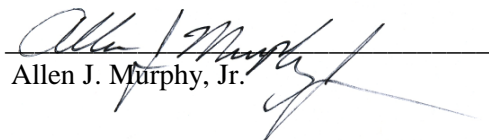
Staff Comments: The creation of the additional lot is not in conflict with the rural character of the area, is compatible with surrounding lot sizes and land uses, and compatible with other existing family subdivisions in the area. The proposed family subdivision does not represent a large-scale residential development and will not negatively impact any agricultural or forestal uses.

RECOMMENDATION

Staff finds the proposal to be consistent with the surrounding zoning and development and with the 2009 Comprehensive Plan. Staff recommends approval of this application with the conditions listed in the attached resolution.

Sarah Propst

CONCUR:


Allen J. Murphy, Jr.

SP/nb
SUP17-2010.doc

ATTACHMENTS:

1. Resolution
2. Preliminary Plat
3. Location Map
4. Family Subdivision Affidavit
5. Letter from Adjacent Property Owner

RESOLUTION

CASE NO. SUP-0017-2010. WARD FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 8879 Barnes Road, further identified on James City County Real Estate Tax Map No. 1010100020; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0017-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot and one parent lot and shall be generally as shown on the plan titled "Barnes Road Ward Family Subdivision" and dated July 28, 2010.
2. Only one entrance serving both lots shall be allowed onto Barnes Road.
3. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

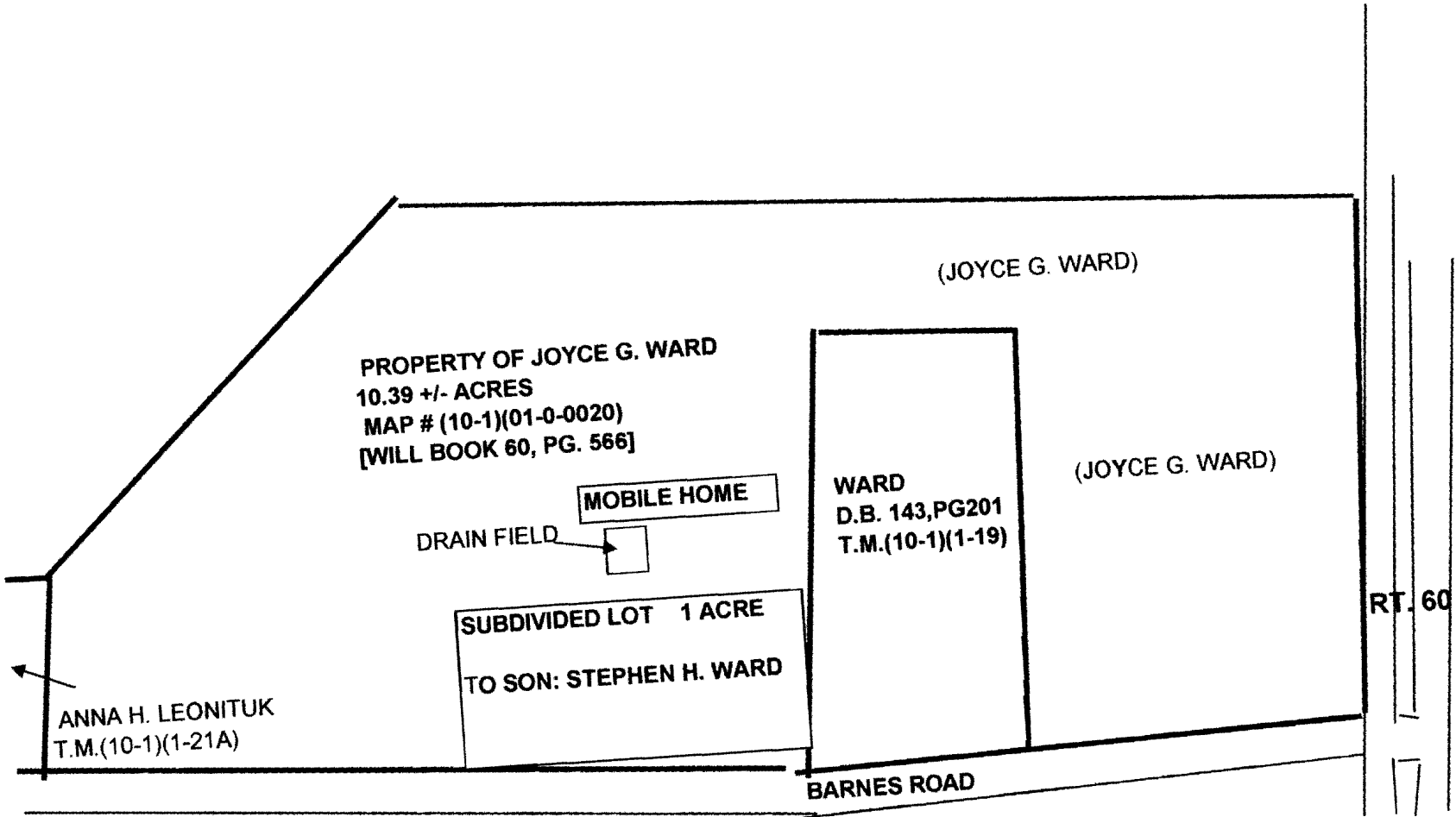
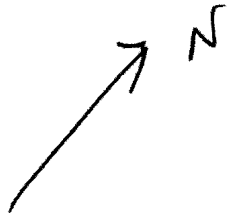
SUP-0017-2010, Ward Family Subdivision



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.
Aerial Imagery Copyright 2005 James City County

1 inch = 235 feet
0 0.03 0.06 Miles

C-0020-2010
BARNES ROAD
WARD FAMILY SUBDIVISION
July 28, 2010



DRAWN BY: HENRY WARD
(NOT TO SCALE)

COUNTY OF JAMES CITY, VIRGINIA
FAMILY SUBDIVISION AFFIDAVIT

July 29, 2010

I/~~we~~, Joyce G. Ward, own a parcel of property consisting of 10.39 acres and located at 8879 Barnes Road and further identified as James City County Real Estate Tax Map No. 1010100020 (the "Property"). I/~~we~~ hereby request that James City County, Virginia, approve a family subdivision of the Property into a total of 2 parcel(s), in the specific location and sizes as shown on a plat entitled "Barnes Road Ward Family Subdivision", made by Henry Ward and dated July 28, 2010 (the "Family Subdivision Plat").

This family subdivision is being made for the purpose of transferring a lot by sale or gift to: Stephen H. Ward, who is my/~~our~~ Son, and is not made for the purpose of circumventing any of the provisions of the Code of the County of James City, Virginia. It is my/~~our~~ intention that the deed(s) of transfer will be drawn and duly recorded as soon as reasonably possible subsequent to the approval of the Family Subdivision Plat.

Joyce G. Ward
Owner

Owner

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY of James City, to-wit:

The foregoing Affidavit was acknowledged before me this 29th day of July, 2010, by Terry Costello.

My Commission expires: 04/30/2011

Terry Costello
Notary Public

Notary No. 7153829



Prepared by and return to:
Name: _____
Address: _____
Telephone: _____

Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F: 757-253-6822
devman@james-city.va.us



jccEgov.com

Code Compliance
(757) 253-6620
codecomp@james-city.va.us

Environmental Division
(757) 253-6670
environ@james-city.va.us

Planning and Zoning
(757) 253-6685
planning@james-city.va.us

July 20, 2010

RE: Case No. SUP-0017-2010 Ward Family Subdivision

Dear Adjacent Property Owner:

An application for a Special Use Permit has been submitted to allow a family subdivision with a lot less than three acres in size in an A-1, General Agricultural District, located at 8879 Barnes Road. The property can be identified as JCC Tax Map No. 1010100020, and is designated by the Comp Plan as Rural Lands. Recommended uses include single family homes, agricultural and forestal activities, and small scale rural clusters.

The Board of Supervisors of James City County, Virginia, will hold a public hearing on Tuesday, August 10th, at 7:00 p.m. in the County Government Center Board Room, 101-F Mounts Bay Road, James City County, at which time you may speak on the above application.

Plans are on file and available for review at the James City County Planning Division, 101-A Mounts Bay Road, Williamsburg, Virginia, (757) 253-6685. Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sincerely,

Allen J. Murphy, Jr.
Director of Planning/ Assistant Development Manager

AJM/jav

7/26/10
The Barnes Rd - just isn't equipped for traffic - you have to pull over to as in ditch when you meet school bus or some other vehicles Now - Martha M. Ware

MEMORANDUM

DATE: August 10, 2010
TO: The Board of Supervisors
FROM: Erin Waugh, Law Extern
SUBJECT: Amendment to the Zoning Ordinance, Adding Section 24-24, Additional Requirements for Submittal

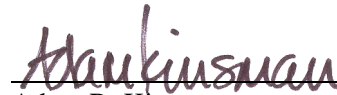
Attached for your consideration is an amendment to the Zoning Ordinance which will add Section 24-24, Additional Requirements for Submittal. This amendment will add a requirement that certain applicants certify that they do not owe any delinquent real estate taxes to the County prior to the County's consideration of their application. This amendment will apply to all applicants seeking a special use permit, variance, rezoning, or other land disturbing permit (including building permits and erosion and sediment control permits). The County Treasurer has indicated that this certification can be provided at the Treasurer's customer service counter quickly and without cost to the applicant.

The Virginia Code has contained this basic authority for some time; however, the Treasurer has recently identified this as an efficient, cost-effective way of bringing delinquent tax accounts into compliance.

Staff recommends adoption of the attached ordinance.

Erin Waugh

CONCUR:



Adam R. Kinsman

EW/gb
ZOCh24Amend_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, ARTICLE I, IN GENERAL, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 24-24, ADDITIONAL REQUIREMENTS FOR SUBMITTAL

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, Article I, In General, is hereby amended and reordained by adding Section 24-24, Additional requirements for submittal.

Chapter 24. Zoning

Article I. In General

Section 24-24. Additional requirements for submittal.

Each person or entity submitting an application for consideration under the provisions of section 24-23 including a special use permit, variance, erosion and sediment control permit, building permit, or any other land disturbance or rezoning measure, shall attach to such application a signed statement from the county treasurer certifying that for property listed in the application all real estate taxes owed to the county have been paid in full. The statement of certification from the county treasurer shall be valid for 30 days. Should the application be submitted more than 30 days after the treasurer has certified payment of taxes, a new certification from the treasurer shall be required.

State law reference-Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties, Code of VA., §15.2-2286.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

ZOCh24Amend_ord

MEMORANDUM

DATE: August 10, 2010

TO: The Board of Supervisors

FROM: Thomas R. Pennington, Director, Information Resources Management

SUBJECT: Contract Award – Installation of Single-Mode Fiber Optic Cable – Cable Associates Incorporated

A Request for Proposal (RFP) was solicited from qualified cable construction firms to provide construction services to install the Single-Mode Fiber Optic Cable backbone for the James City County Metropolitan Area Network (M.A.N.). The work will consist of installing fiber optic cabling that will create a network to support the County's existing fiber optic branch lines and leased fiber network.

The fiber optic installation will support a high speed network of voice, data and video services for all major County offices and all Williamsburg-James City County (WJCC) Schools. It will run from the area of the Peninsula Regional Jail and the James River Community Center/Elementary School to Stonehouse Elementary School, and will be extensible to accommodate future County and school construction. The attached map shows fiber routes that the project will follow.

The County has leased fiber optic lines from Cox Communications and its predecessor for nearly 15 years. Those lines have provided the absolute minimum threshold of connections for the kind of high speed communications the Williamsburg-James City County Schools and County government require for instruction and administration. Approval of the contract will preserve the County's public options for reliable, high-speed information services, while raising their reliability to match industry standards.

In addition to forming a complete County-owned network, approval of the contract will permit the County to address a serious shortcoming in the existing network, which halts many operations if the leased main line is cut. The contract will build a complement to the leased fiber optic lines by constructing a robust underground fiber optic path, or "ring." Such a ring is an industry standard for ensuring continuity of service. The County's dependence on this network has grown enormously over the course of the original contract to lease the fiber. The County anticipates continuing the lease with Cox Communications in order to continue services during construction and to preserve the ring.

We cannot over-emphasize the importance of a more reliable network for both the County and the Williamsburg-James City County Schools. The existing fiber optic network is a mix of a leased main line, or backbone from Cox Communications, and County-owned fiber optic branches to that line which were constructed during the course of the 15-year contract. The County and the school system provide separate electronic systems that deliver telephone, data and video services for all major County offices and all Williamsburg-James City County Schools.

The return on investing in this contract is unmistakable. The County currently would pay approximately \$800,000 annually for equivalent commercial services; the Williamsburg-James City County Schools' use of the network realizes about \$500,000 per year savings. The Schools' existing consumption of services now exceeds what is commercially available by a factor of ten; the requirements the schools project for the next five years show a ten-fold increase. That capacity is not currently available at reasonable cost commercially but is within reach using this fiber network.

The firms listed below submitted proposals for consideration:

MasTec North America, Inc.	Roanoke, VA
Ledcor Pipeline, Inc.	Englewood, CO
Bazon Cox & Associates, Inc.	Chesapeake, VA
Express Technologies, Inc.	Fredericksburg, VA
Infratech Corporation	Kennesaw, GA
Southern Maryland Cable, Inc.	Tracy's Landing, MD
Corning Cable Systems LLC	Hickory, NC
Computer Cabling and Telephone Service	Harrisonburg, VA
Cable Associates, Inc.	Grafton, VA

The firms responded to the RFP by describing their interest, qualifications, firm's capability, and experience in performing similar work. Panels of staff members representing Information Resources Management, WJCC Schools (IT); General Services; Human Resources; and Purchasing evaluated the proposals, conducted interviews and negotiations and selected Cable Associates to provide the construction services. A Maintenance Agreement was negotiated with Cable Associates. The maintenance contract provides coverage for any cuts in the cable.

Staff recommends that the Board approve the attached resolution awarding a contract to Cable Associates, Inc., for construction in the amount of \$1,723,612.74.

Thomas R. Pennington

CONCUR:

John E. McDonald

TRP/nb
CA_InstallCble_mem

Attachment

RESOLUTION

CONTRACT AWARD – INSTALLATION OF SINGLE-MODE FIBER OPTIC CABLE –

CABLE ASSOCIATES, INCORPORATED

WHEREAS, a Request for Proposals (RFP) has been advertised and evaluated for construction and installation of Single-Mode Fiber Optic Cable for the James City County Metropolitan Area Network (M.A.N.); and

WHEREAS, Cable Associates, Inc. has been determined to be the most fully qualified firm and its proposals best suited the County's needs as defined in the RFP for Installation of Single-Mode Fiber Optic Cable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract for installation of single-mode fiber optic cable with Cable Associates, Inc. in an amount not to exceed \$1,723,613.

James G. Kennedy
Chairman, Board of Supervisors

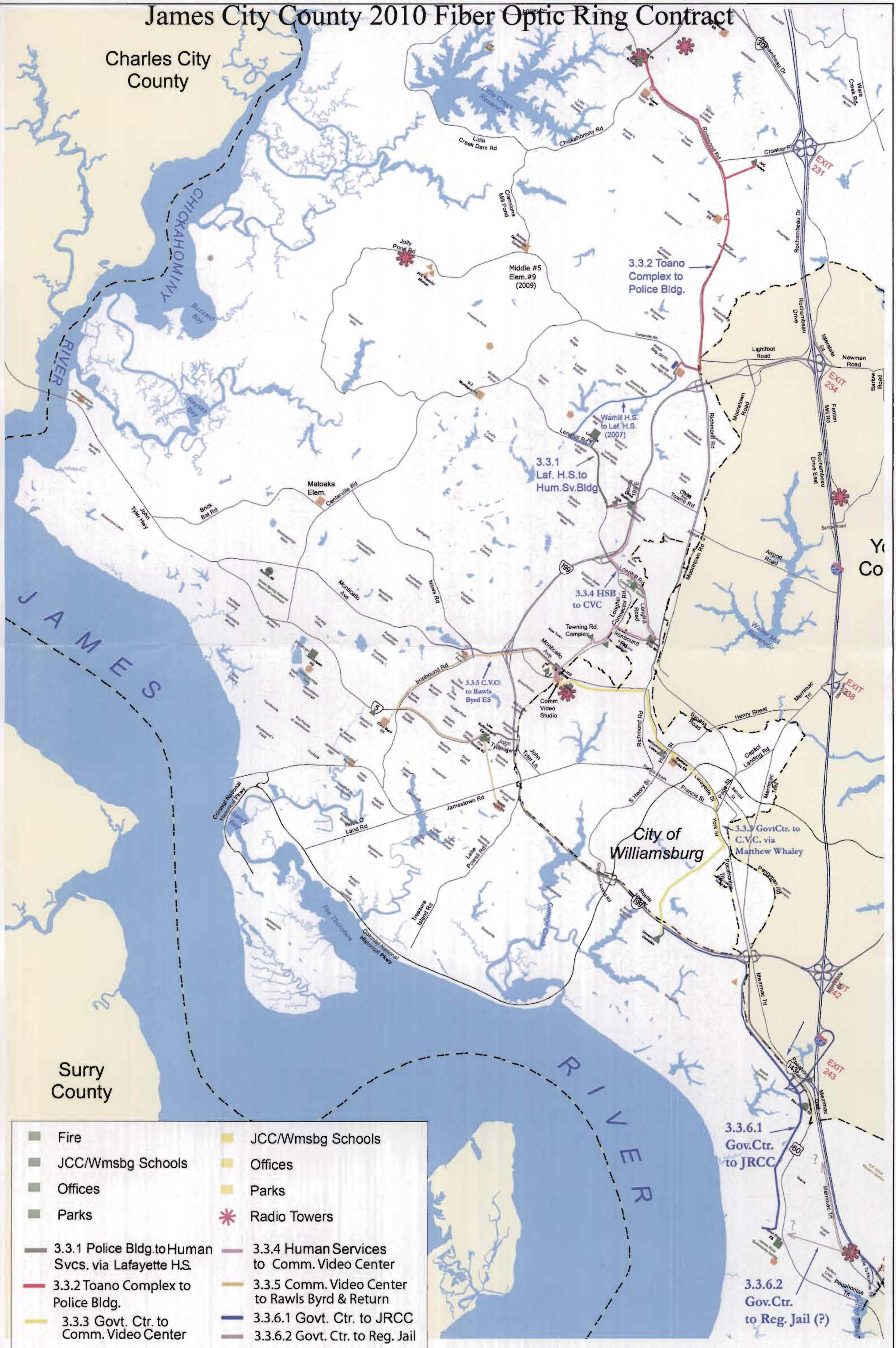
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of August, 2010.

CA_InstallCble_res

James City County 2010 Fiber Optic Ring Contract



Charles City County

Surry County

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- | | | | |
|--|------------------------------------------------------|--|-------------------------------------------------|
| | Fire | | JCC/Wmsbg Schools |
| | JCC/Wmsbg Schools | | Offices |
| | Offices | | Parks |
| | Parks | | Radio Towers |
| | 3.3.1 Police Bldg. to Human Svcs. via Lafayette H.S. | | 3.3.4 Human Services to Comm. Video Center |
| | 3.3.2 Toano Complex to Police Bldg. | | 3.3.5 Comm. Video Center to Rawls Byrd & Return |
| | 3.3.3 Govt. Ctr. to Comm. Video Center | | 3.3.6.1 Govt. Ctr. to JRCC |
| | | | 3.3.6.2 Govt. Ctr. to Reg. Jail |

City of Williamsburg

3.3.2 Toano Complex to Police Bldg.

3.3.1 Laf. H.S. to Hum. Sv. Bldg

3.3.4 HSB to CVC

3.3.5 C.V.C. to Rawls Byrd ES

3.3.6.1 Gov. Ctr. to JRCC

3.3.6.2 Gov. Ctr. to Reg. Jail (?)

Middle #5 Elem. #9 (2009)

Warhill H.S. to Laf. H.S. (2007)

Tewning Rd. Complex

Comm. Video Studio

3.3.3 Govt. Ctr. to C.V.C. via Matthew Whaley

Charles City County

Surry County

Yo Co

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