

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 10, 2012

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Leuchann Johnson, Jr., a second grade student at J.B. Blayton Elementary School

E. PRESENTATION – None

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. March 7, 2012, Joint Meeting
 - b. March 27, 2012, Work Session
 - c. March 27, 2012, Regular Meeting
2. Virginia Recreation Trail Program Grant Application - \$200,000
3. Regional Air Service Enhancement Fund Agreement

I. PUBLIC HEARINGS

1. Case No. SUP-0002-2012/Z-0002-2012. Colonial Manor Proffer Amendment (Epstein Rest Home)
2. Case No. ZO-0001-2012. Addition of Resort Hotel Definition; Amendments to R-4, Residential Planned Community, District; and Amendments to Special Regulations
3. Resolution Authorizing the Vacation of a 1,000-Square-Foot Easement at 6692 Richmond Road

J. BOARD CONSIDERATION

1. Appropriation of Funds to Provide a Fire/EMS Very High-Frequency (VHF) Radio Paging System Expansion to Provide Coverage for all of James City County – \$88,000
2. Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals
3. School Contract

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

O. ADJOURNMENT – to 4 p.m. on April 24, 2012

WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD
Minutes from March 7, 2012
Joint Meeting

1. Joint Meeting at 8:00 a.m. in the Law Enforcement Center, 4600 Opportunity Way, Williamsburg, VA.

1.01 Call to Order/Roll Call – Ms. Ruth Larson (Chair) called the School Board to order at 8:00 a.m. Present were Ms. Elise Emanuel, Mr. Joseph Fuentes, Mr. Jim Kelly, Ms. Ruth Larson, Mr. James Nickols and Dr. Oscar Prater. Mrs. Cordasco arrived at 8:11 a.m. Also present were Dr. Steven Constantino, Superintendent; Dr. Scott Burckbuchler, Assistant Superintendent for Finance and Operations; and, Ms. Janet Cerza, Clerk of the Board.

Ms. Mary Jones (Chair) called the Board of Supervisors to order at 8:00 a.m. Present were Mr. James Icenhour, Ms. Mary Jones, Mr. James Kennedy, and Mr. John McGlennon. Also present was Robert Middaugh, County Administrator.

Mr. Clyde Haulman (Mayor) called the City Council to order at 8:00 a.m. Present were Mr. Scott Foster, Mr. Paul Freiling, Mr. Clyde Haulman, Ms. Judith Knudson and Mr. Douglas Pons. Also present was Mr. Jackson Tuttle, City Manager.

2. Joint Meeting Agenda Items

2.01 School Division Update – Dr. Constantino gave a presentation on what the school division can celebrate and tie to long-term plans and budget. *See Attachment*

The use of technology in schools was discussed. Dr. Constantino stated technology does not replace pedagogy. At the elementary level it supports learning. In the middle and high schools it is used for exploring information and engagement in addition to supporting learning in the early years for brain development. It is an organizational tool in the middle school years.

2.02 School Board Budget & CIP Process – Dr. Constantino explained he understood the budget issues and was trying to reduce the organization in such a way that nothing is killed.

Dr. Scott Burckbuchler, Assistant Superintendent for Finance and Operations, gave an overview of the budget: \$111.9 million (1.3% increase over 2011-2012 budget); the local increase request is for \$2.8 million; stimulus funds are no longer available (\$1.8 million) and there is a \$1.4 million increase.

Expenditures (*See Attachment*) VRS is due to increase, and probably health insurance will increase also. WJCC plans to return to current staffing caps at the elementary school level. The group discussed the stresses on teachers.

Health insurance options and shared position benefits were discussed. Mr. Pons questioned health insurance, was there an opportunity to drop deductibles for doctor visits? Dr. Burckbuchler Plan design changes could be made, but we would have to consider how it will affect employees. We will look at this again in the future. Mr. Kennedy asked if the schools have worked with the county to come up with a partnership or self-insurance for health insurance.

Mrs. Cordasco questioned if the employee healthcare contribution was increased, could it save other employees positions.

Mr. Pons questioned the \$1 million increase for teachers, options and drivers, - are subs for teachers becoming a trend? Dr. Burckbuchler responded there is a trend of increasing costs and these cost centers were updated to provide additional detail at the building level. Need to budget what history tells us.

Ms. Larson stated that teachers are getting more asked of them with less compensation and assistance. Education is an ever changing picture. Teachers are being judged on how a student is doing on a standardized test. We are very concerned about moral.

Dr. Constantino noted that the commonwealth has applied for a waiver to NCLB, but must have a growth model in place to do so. With the new SOLs in math and other core courses, there will probably not be any growth. The state superintendent believes SOL scores across the state will go down. Mr. Kelly stated that teachers are doing the best they can for students. State funding has been reduced and enrollment is growing in WJCC.

Dr. Constantino stated that he had two meetings for those who wanted to speak about the budget. Staff was wonderful – they understand and are working hard to solve problems as best they can.

Ms. Larson stated that enrollment is going up because people move here for the schools. WJCC must remain competitive and attractive so people want to move to our community.

Mr. Icenhour noted that staff is a large cost in the budget. When he was in the military he was told that the solution to the problem is “we will do more with less”; and, morale became a problem. His daughter teaches in the Newport News area. Teaching is a difficult job and we need to solve the problem with their cooperation. People are the solutions to a problem, they are not the problem.

Mr. Haulman asked about the metrics used to determine what is happening; and, be ready for coming changes? Dr. Constantino answered some are starting now – having to do with the Strategic Plan and the use of data. How will it affect change and instruction? The data system and Baldrige will help determine what metrics can be used and to try to predict where we will be.

Mr. Freiling asked for updates on the CEO (alternative education) program. Dr. Constantino said they surveyed parents and kids affected by the student coach program. WJCC is touching more students than before. Think will be able to maintain success with a larger number of students. WJCC will make a clean assessment of this process and then determine what needs to be done. We are collecting anecdotal information, parent responses, student responses and other interactions. Parents that responded were aware of the student coach program and pleased their children were in it.

Mr. Freiling would like to see this data shared, perhaps at a city council meeting. He has heard high school graduation rates, at the national level, are very low. How does WJCC compare? Dr.

Constantino responded that the community should be proud of the WJCC graduation rates. When you hear national statistics, remember that states calculate graduation rates differently, and much is being driven by urban centers. They are facing difficulties with drop out rate. The state measures students that complete school in a certain number of years. The number differs with students that enter or leave WJCC during the usual time frame.

Mr. McGlennon asked what the impact of this years budget will be on AP test taking? Dr. Constantino stated we could see a drop in the number of kids who choose to take the test. Dr. Burckbuchler noted that if there was a situation of need WJCC will take care of that. Mr. McGlennon noted that test taking helps evaluate classes.

Mr. McGlennon asked if there would be increased costs in the elementary school level for more intervention services if the present preschool goes away. Dr. Constantino said we are looking at a reduction of 30 students. Would hope to find a way to absorb into the current remediation plan. Mr. McGlennon asked if the waiting list for students will continue to grow. Dr. Constantino replied that as rigor raises so will this.

Mr. McGlennon asked about the new math. What do we anticipate seeing? Large drop this year then increasing next several years. How do we prepare teachers for this? Dr. Constantino said they started a year ago by telling students/parents/ staff that the standards were changing. WJCC will probably see a dip and then come out of the dip. In Georgia the test score dropped 20 points in the first year.

Ms. Jones asked if the PreK program is for 2, 3, and 4 year olds. Currently it is primarily for 3 & 4 year olds and two-year olds with special needs. How do screenings happen? In CDR, Social Services program, and parents, etc. The program has been around for 40 years. Ms. Jones noted that she hadn't heard any data on tracking the success of the program. Three million for 350 students is a lot of money for a very small number of students. There's not any measure to track students success. Dr. Constantino responded that there are statistics on students coming out of Bright Beginnings and PreK through PALs testing. It shows that PreK has a significant impact on Kindergarten students. Mr. McGlennon asked that the material be sent to City Council and the Board of Supervisors. How much is actually being spent on the instruction part? \$3.5 million for most of the PreK program.

Mr. Haulman stated they could pay the money now or pay the money later – intervention costs could be avoided later. Mrs. Cordasco questioned special education verses other situations. She said there is no data on 3, 4 and 5 grades. She has data showing that kids lose information by fourth grade. The PreK budget cut is less than a 10% reduction to the PreK program. Mrs. Cordasco stated that they need to focus on the 10,000 other students in K-12. Dr. Constantino sees PreK as part of the core business. Ms. Knudson said she thought PreK was very important, and intervention later on will cost us more. She would be careful of national data on PreK, as some PreK programs are better than others. Bright Beginnings is significantly better than other programs. This is part of what we should do in our education system.

Mr. Kennedy asked if the teachers are full-time for this half day program costing \$3.5 million? Yes, teachers are full-time. Could there be two half-day programs – one in the morning and one

in the afternoon? Is there a redundancy of programs and/or services? What about a facility to serve certain neighborhoods with PreK and adult learning as a goal? Dr. Constantino responded that the PreK programs are blended. He also learned that teachers screened and evaluated 950 students last year. Dr. Burckbuchler responded that the teachers cannot do a 4/4 job and have time for planning and home visits. WJCC is looking at everything and will continue to do so. The goal is to preserve it as best they can through this process.

Ms. Jones asked if this was the standard program with other localities. Must offer PreK for special education 4 year olds, but not for 2 & 3 year olds unless they are special education.

Dr. Prater said the presentation on PreK was excellent last night. He would like to maintain the existing PreK program, but cuts need to be made to both the PreK and music programs.

Mr. Foster asked what the implications would be in losing 18 teachers and 20 teaching positions. What do we expect actual outcome to be? Dr. Burckbuchler responded 33 teachers with 32 teacher assistants dropped to 13 for PreK. Teacher assistants are a priority in the elementary schools. Principals met with administrators and decided it was a workable plan to remove two assistants per building, but can use remaining teacher assistants as the principal decides. After Kindergarten then there is one teacher assistant for each grade level. They talked with people about these cuts. Ms. Larson noted that teacher assistants are used instructionally in reading with kids in the hallways and assisting with other subjects (math).

Dr. Constantino said the teacher assistants are determining reading levels of students through a reading assessment pilot to improve reading in the school system. Mr. Freiling asked what grade level PALs scores? Kindergarten.

Capital Improvements Plan (CIP) – Ms. Larson noted that the School Board has not had the chance to discuss the CIP, it will be discussed next week. Dr. Constantino said he crafted a vision for the future, in which one solution to resolving the issue on space is a new concept for a fourth middle school. He gave a presentation on the historical structure of schools, which hasn't changed. *See attachment.* He is proposing changing the traditional classroom design/look and creating a school that fits the needs of students through programmatic flexibility of integrated design environment. The proposed fourth middle school addresses concepts of: the way people learn and access information; national growing trend in charter school development; and, virtual learning and blended learning. There may be funding grants available for these programs. The IB Programme could be expanded into middle school as well as the commitment to personalized learning options in education. Create a digital academy through a community school. Digital learning changes the way students think. This is a conversation on the needs of students and put their needs first. It is also a vision of what could be or might be in the future.

Dr. Constantino reviewed where we are nationally with education. Mr. McGlennon noted that WJCC is below the state funding in 2009. He asked if there was a tie to measurable indicators to see if we are succeeding. Ms. Knudson said both her children are doing jobs that were not there when they were in school. Need to teach students to think and evaluate. Schools with desks lined up facing the teacher do not teach this. Mr. Kelly stated it wasn't the way to prepare for

jobs available today. Mr. Kelly stated that the community investment in a building can serve high school students, adults; and, the building could be used for 18-20 hours a day.

Mr. Fuentes said the new middle school was in the CIP in 2008. At that time, Mr. Goodson asked if we were considering closing Blair when the new middle school was brought on line. The estimated money saved on overhead to house central office at James Blair is \$2 million per year. We weren't sure how long James Blair would be closed, but all agreed it would be reopened in the future – 2017 is the projected out date in the CIP for a fourth middle school.

Ms. Larson said she liked the central location of Blair. The school employees are able to connect with each other easily. She is pleased with the creative thinking. Education is creativity – you cannot stifle the future. How can we best serve our students?

Dr. Constantino said when he inherited the conundrum and then heard there was a space problem, he felt this proposal would help meet space needs in 2017. It provides the opportunity to have a conversation about the future.

Ms. Jones felt the idea would have a big price tag. The intent was to bring James Blair back on line and find an appropriate location for administration. The community feels the intent was always to bring James Blair back on line for the students.

Dr. Constantino said they have contacted realtors looking for appropriate office space. Kids in creative classrooms outweigh the space for central office. There are 125 administrative people in James Blair.

Mr. Haulman stated that in projections for future city revenues, the city will not see much more growth, maybe in the 1-3% range. The funding bodies are stretching to pay their budgets. He suggested that WJCC think about numbers at 1 ½ - 2% for planning.

Ms. Jones said there probably will be an increase next year in healthcare and they didn't know where VRS was going. There are many variables out there. They do value teachers and what they do. She questioned how budget issues are approached and what they can afford.

Mr. Haulman said they would be better off having a conversation now about what this really means. Dr. Constantino said it was better for the WJCC Strategic Planning process. He was made aware of a Quality of Life study by economic development, and the environmental scan of the peninsula that was part of the Strategic Planning process. Also, how are we going to keep our kids competitive?

Mr. Freiling said they need to be aware of what's possible. We will put fiscal constraints on this, but we want to know - whether student should fit the system or the system should fit the student. What is the best way to serve students? Creating flexibility takes the pressure off teachers and students.

Mr. Fuentes said there has always been something in the CIP for a new office building. The new central office at James Blair has improved the efficiency of services – very much. New office

spaces should have them housed in the same location. It's refreshing to solve the problem with a new approach while maintaining James Blair and building on the same site. He would like to see a pencils and paper school developed.

Mr. Kennedy left the meeting at 10:15 a.m.

Ms. Jones asked (about the middle school athletics program) if other localities will be dropping their middle school athletic programs. Dr. Constantino said they would like to keep middle school sports, even if it's intramural.

Adjournment – The Williamsburg-James City County School Board adjourned at 10:19 a.m.

Mr. McGlennon made a motion to adjourn until March 13. the Board of Supervisors adjourned at 10:10 a.m.

Mr. Freiling made a motion to adjourn. City Council adjourned at 10:19 a.m.

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MARCH 2012, 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

Mary K. Jones, Chairman, Berkeley District
John J. McGlennon, Vice Chairman, Roberts District
W. Wilford Kale, Jr., Jamestown District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

Robert C. Middaugh, County Administrator
Douglas Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

Ms. Jones welcomed Mr. Kale to the work session.

1. Joint Work Session with Economic Development Authority

Mr. Powell stated that this is the County's annual work session with the Economic Development Authority (EDA). Mr. Powell turned the discussion over to Mr. Russell Seymour, Economic Development Authority Director.

Mr. Seymour introduced the following EDA members to the Board and turned the discussion over to Mr. Gerhardt:

Mr. Paul Gerhardt, EDA Chairman
Mr. Marshall Warner, EDA Vice Chairman
Ms. Robin Carson, Tourism Zone Committee Member
Mr. Tim Harris, Planning Commission Liaison, Tourism Zone Committee Member
Mr. Tom Tingle, James River Commerce Architectural Review Board Member
Mr. Stephen Montgomery, Grant Committee Member, Sports Marketing Grant Liaison
Ms. Leanne DuBois, Rural Economic Development Committee (not present)

Mr. Gerhardt thanked the Board for the opportunity to meet. Mr. Gerhardt stated that the EDA met with the Board in 2010 and outlined three strategic initiatives. Mr. Gerhardt stated that he wanted to provide an update as to what the EDA has been doing over the past couple of years concerning the strategic initiatives and to seek the Board's input.

1. Foster a supportive economic environment for existing industry and business in order to retain businesses and encourage local expansion.

Mr. Gerhardt stated that the EDA has continued working with the Office of Economic Development (OED) and with the Commonwealth on incentives for business expansions with significant capital investment and/or job creation. He stated that this is a monumental task in the current economy. He stated that the EDA has been working on this diligently. He stated that the EDA has continued to follow up on recommendations of the Business Climate Task Force. He also stated that the EDA has continued to participate with Ordinance update process on items that impact economic development. Mr. Gerhardt further stated that the EDA has developed and supported the Business Assistance Program (BAP).

Mr. Warner advised the Board that over the past year, the EDA has awarded grants totaling \$40,000. He reminded the Board that the primary purpose for the BAP is to assist with the retention, expansion, and relocation of small businesses in James City County. He stated that the intent of the BAP is to create and retain quality employment opportunities and the tax base. Mr. Warner informed the Board that in February the EDA sponsored a seminar on a new program offered by the Commonwealth of Virginia, the Virginia Small Business Financing Authority (Authority). He stated that the Authority has \$23 million in new funding for the rest of the year. He stated that a representative from Richmond described the various loan guarantee programs.

2. Continue attraction efforts of traditional business by working with domestic and international companies to establish regional operations in James City County.

Mr. Gerhardt stated that this is accomplished by working with the OED. He stated that they are finding that competition is global. He stated that the EDA and OED structured and promoted the James City County enterprise zones. He stated that four businesses have made investments in that zone since August 2011. He stated four new investments are being planned for 2012. He informed the Board that the two organizations worked on the James City County Tourism Zone, worked on improving marketing James City County as an attractive business location, enhanced e-marketing media, and upgraded a website. He stated that they are in the process of marketing a James City County Virtual Shell Building.

Mr. Tingle informed the Board that the EDA is actively trying to market a 70-acre parcel in the James River Commerce Center. He stated that he had the opportunity to show the parcel last year to a manufacturing company. He stated that they found out that they did not have the property as ready to sell in terms of knowing what is on the property in terms of utilities. He stated that they are working to document the property and to determine if the shell building is still a good marketable product.

3. Increase the number of knowledge-based and start-up businesses in James City County and create spirit of an entrepreneurial and venture-seeking community.

Mr. Gerhardt stated the EDA has been supporting and promoting the James City County Business and Technology Incubator; developing strategies for retaining incubator graduates, and supporting the e-commerce and Business Assistance programs. He stated that they are also supporting the efforts of the Rural Economic Development Committee (REDC) to create awareness and encourage rural economic development.

Mr. Harris informed the Board that the purpose of the REDC is to identify what ventures are possible in the rural part of the County, diversify the tax base, and give folks another viable option to suburban development. He stated that it was a challenge to find business opportunities for the remaining farmers that were left in the County to help them pay the bills. He stated that there have been some successes. And, as an example, he stated that local produce is used in the lunch program at Hornsby Middle School.

Mr. Gerhardt stated that looking forward the EDA has identified four matters that it would like the Board's input on: continuing with current initiatives for broadening James City County economic opportunities; long-term financial sustainability of the EDA; regional collaboration; and tourism.

Mr. McGlennon asked Mr. Tingle to explain the nature of the grants.

Mr. Tingle responded that of the five grants, one was given in the amount of \$10,000, one was for \$8,000 and the remaining three were for \$3,000 each. He stated that some of the grants were for expansions for existing businesses and to start up a business.

Mr. Kale questioned if there was any follow-up with businesses that left the County as to why they left and what could have been done to keep them in James City County.

Mr. Seymour responded that anytime projects that have come through the State or through the Hampton Roads Economic Development Alliance (HREDA) that have located somewhere else that a follow-up is done to find out where they relocated and what was the reason for their relocation.

Mr. Icenhour requested clarification of the shell building concept.

Mr. Tingle responded that many years ago the County built a shell building at Stonehouse Commerce Park and used that as a draw to bring businesses in. Companies want to get in and get started quickly. He indicated that it is an expensive venture. He stated that the virtual building that was done six or seven years ago has a design. He stated that it does not have mechanical or electrical systems in it. He stated that it has a design for a site plan for a portion of the property located in the James River Commerce Center. He stated that the site plan has been taken through County Planning, Engineering and Resource Protection, Zoning Enforcement, and Building Safety and Permits divisions. He stated that if a prospective buyer came in tomorrow and said they would like to move into a building that is no greater than 60,000 square feet, we could have it approved and ready to go as soon as the contract is ready.

Mr. Icenhour questioned Mr. Tingle's earlier remark about not having the property ready to sell to a prospective buyer.

Mr. Tingle stated that the prospective buyer was looking for a much larger manufacturing facility. He stated that the EDA wants to make sure that the virtual shell building meets the needs of the 2012 potential client. Mr. Tingle stated that the site is a great piece of property that would be better prepared with two or three different parcels combined together as a large parcel. He stated that the EDA wants to be as flexible as possible.

Mr. Middaugh asked the EDA to share its thoughts and vision on how it would like to utilize the \$1 million which the EDA is a steward for.

Mr. Gerhardt responded that if the Authority does not achieve any greater bond revenues, the money will expire in approximately five years. He stated that he would like to seek input from the Board as to how to proceed. He questioned the Board if they should look for alternative revenues. He inquired if they should lock down the money and live off the interest.

Mr. Kennedy questioned the amount of funds used for the glass plant in Toano.

Mr. Gerhardt responded that the amount was \$310,000.

Mr. Kennedy questioned what else was recently funded.

Mr. Gerhardt responded \$23,000 was expended for Regional Air Service Enhancement (RAISE) and \$65,000 for HREDA.

Mr. Icenhour questioned what kind of bond income the EDA was getting before the economic down turn.

Mr. Warner responded that in Fiscal Year 2008, the bond revenue was \$146,000 and the interest income was \$111,000. He stated that the recent year's bond revenue equaled \$10,000.

Mr. Tingle informed the Board that over the past three fiscal years, the EDA has picked up approximately \$100,000 in HREDA per capital contributions and other commitments that have historically been coming out of the Board of Supervisors' general fund.

Mr. McGlennon commented that the money accrued through interest is a useful resource in instances where incentives are needed to close a deal. He stated that the programmatic aspects should be predictable.

Mr. Gerhardt stated that it was the EDA's hope to be responsible stewards of the public's money and that the EDA looks to the Board for guidance.

Ms. Jones questioned how many businesses graduated from the Business Incubator Program. She also questioned the program's success and if there will be any changes to the program.

Mr. Tingle responded that the program is much more successful since the College of William and Mary is managing the effort. He stated that there was one or two graduates and that one grew so quickly that it was bought up and taken away from James City County.

Mr. Seymour stated that in 2011 the Incubator Program had its first graduate under the William and Mary regime. He stated that the business is located in Stonehouse. He informed the Board that the second graduate of the program will occur in May. He stated that they will be located in James City County as well. He stated his office is taking more of an active role in working with the clients while they are in the program. He stated the goal is to keep the business in the County. He stated that the program is close to or at capacity, which is a good problem to have. He stated it is a good program for small and start-up businesses.

Mr. Tingle stated the types of businesses that they are looking for are true start-ups: who are currently working out of their home or garage and are ready to move to the next level; international companies that need a location, but aren't yet ready to afford a true location in the United States; folks that are relocating from out of state; and the college graduate becoming an entrepreneur.

Mr. Middaugh invited the EDA members to stick around for the next Board discussion of tourism.

2. Tourism Promotion and Tourism Funding

Mr. Middaugh stated to the Board that Mr. Carl Lum, General Manager of Busch Gardens, will be reporting back to the Board regarding the Christmas Town promotion investment of \$100,000 and looking at ideas the County has for the Tourism Investment Fund.

Mr. Lum stated that last year they were presented with an opportunity by the Board to create a Christmas advertising campaign to draw visitors to James City County. He stated that at the presentation, he would return to the Board and talk about metrics on what worked and what did not work. Mr. Lum presented an agenda for the work session.

Mr. Lum stated that it was their objective to create a Christmas in Williamsburg brand that drives visitation. He stated that this involved television commercials, directing consumers to a website that provided them with information to help them make decisions as to what they wanted to experience. He stated that they had an advertising co-op of approximately \$400,000 for 15-second television spots that ran in Washington, DC, Baltimore, Richmond, and Norfolk. He stated that it was also their objective to increase hotel room nights and meals/sales tax receipts. He stated that they wanted to start a family getaway tradition and showed the Board several commercials projecting that message.

Mr. Lum spoke about Busch Gardens product execution. He stated that in 2011 they significantly expanded Christmas Town, increasing capacity and creating jobs. He stated that advertising increased by 48 percent over the previous year. He stated that they used a media mix of television, radio, and digital and social media targeting both local and drive markets. He stated that they worked with several hotels along Route 60 putting out Christmas trees and lights. He stated that from a Busch Gardens standpoint, attendance increased 60 percent over the prior year. He stated that this was remarkable, taking into account the good weather in 2011 and the bad weather in 2010.

Mr. Kennedy questioned how many days in 2010 Christmas Town closed.

Mr. Lum responded that they were closed three days in 2010.

Mr. Kennedy questioned the increased percentage of attendance if they were not closed those three days.

Mr. Lum responded 40 percent. He further stated that attendance from tourist markets increased 93 percent. He stated that they ran a Busch Gardens vacation packaging spot which increased sales 58 percent and that because of this the hotel in James City County increased on a unit basis by one hundred percent. He stated that 31 percent of the guests were staying overnight which is up from 21 percent from the prior year. He stated that from 87 percent of the guests surveyed every day, they indicated that they intended to return. Mr. Lum provided statistics of the overall destination performance figures. He informed the Board that the December rooms, meals, and sales tax revenues rose 14 percent. He advised the Board that its \$100,000 donation realized \$176,000 in tax receipts. Mr. Lum thanked the Board for its support and stated that he hopes James City County participates in 2012 with an investment and he provided a summary of advertising ideas for 2012.

Mr. Kennedy questioned if there were any investments from the other two localities for 2012.

Mr. Lum responded that he has not heard from York County or the City Williamsburg, but did mention that Colonial Williamsburg was contributing.

Mr. Kennedy questioned comparative numbers in relationship to meals, rooms, and sales tax.

Mr. Dick Schreiber of the Williamsburg Area Chamber and Tourism Alliance responded that James City County had almost a 31 percent increase in occupied room nights. He stated the City of Williamsburg had 5.5 percent and York County had 13.1 percent increase. He stated that in meals the County was up 24 percent, Williamsburg up 13.5 percent, and York County up 12.5 percent.

Mr. Kennedy questioned how the County fared percentage wise with respect to the occupancy rate. Mr. Schreiber responded that the statistics were calculated by room occupied.

Mr. Kale stated that he worked at Christmas Town in 2011 and he spoke on the increase of visitors and the Christmas Experience advertising campaign.

Mr. Lum informed the Board that in 2011 they saw approximately a 30 percent increase with older adult visitors, ranging in age from 30-50 years old, with their parents.

Mr. McGlennon stated he had a lot of confidence in the investment decision the Board made in 2011.

Mr. Middaugh stated that the promotion was very successful in terms of the model that was created and how the co-op was pulled together. He stated that everyone was going in the same direction and was targeted to a specific theme that was very successful.

Mr. Schreiber advised the Board that the Alliance took a look at how the total area is marketed and determined that there was a lot of duplication. He stated that they needed to find some things to add to the total picture that could be measured at the end of the year. He stated that five programs were identified, four of which they thought would be very measurable and one they weren't so sure about, which pertained to the Civil War. He stated that three periods of the year were identified when visitation to Busch Gardens and Colonial Williamsburg was low relative to the average. He indicated that those periods were the period after Easter through Memorial Day; the month of August and September; and, mid-November to the end of the year. He stated that they started with Christmas in Williamsburg and indicated that they were very fortunate to get a lot of buy-in and also create a good partnership. He stated that they went on their own in September with Arts in Williamsburg which resulted in a 4-5 percent growth. He stated that he believes that with the right partnership, this could be an opportunity for success. He stated that the other emphasis is the coordination of sports marketing for the area. He further stated that the partnerships are the only way to leverage funds and provide a good return on the investment.

Mr. Lum stated that this is a good product to support which is going to build year after year.

Mr. Middaugh thanked Mr. Lum and spoke to the Board about tourism promotion. He stated that he has been working with the EDA to determine how best to utilize the County's Tourism and Investment Fund. He stated that they will propose again this year to invest another \$100,000 into Christmas Town. He stated another significant event is the Ladies' Professional Golf Association (LPGA) event in Kingsmill for the next two years. He stated that the staff has been working with Ms. Robin Carson in determining how the County can help in terms of sponsorship. He stated that Ms. Carson has done a very nice job on developing a good promotion and recognition package to get citizens to participate in the event. He stated that they are looking for a two-year commitment. Mr. Middaugh informed the Board that total investment for the two years equals \$200,000. The breakdown of the investment to help support the event is \$150,000 from the County, which will be proposed in the budget; and \$50,000 from the EDA. He stated that he is hopeful that the County's investment contribution could be used as leverage to attract more sponsors to make the tournament more successful.

Mr. Kennedy questioned the tournament dates.

Ms. Carson stated September 3-9, 2012. She stated that the players will start arriving on Labor Day. She stated the LPGA tournament will occur in May on the Sunday before Mother's Day. She stated both tournaments will receive prime television air time on the Golf Channel. She stated that the tournaments differ from past years because it was an Anheuser Busch event hosted at Kingsmill. She states now it is a Kingsmill event, called the Kingsmill Championship. She stated that they are highly motivated to get it to be a community event. She stated that they are looking at opportunities for charitable connections. She stated that she has spoken to other municipalities to come and help with the event. She stated that in 2009, there were 1,400 volunteers for the tournament. She stated that an amount is paid to be a volunteer because the person gets a shirt, jacket, and event passes. She stated that for this year they will only need about 1,200 volunteers and that they already have a waiting list. She stated she is trying to get financial support as well. She said that it is her hope to be able to go and secure a title sponsor.

Mr. Kennedy questioned why the County would want to invest \$150,000 over a two-year period.

Ms. Carson responded that she had done an economic analysis to show that in 2008 \$2 million in taxes was realized in James City County alone. She stated that this event will be done in a season where we do not traditionally have people here. She stated that it drives room night sales because people are coming from different locations and stay overnight.

Mr. Kennedy questioned the Mother's Day demographics. He stated that there is only about eight weeks left of school and questioned if the kids have been involved in the tee shirt contest.

Ms. Carson responded that they need to know how many commitments they have. She stated she cannot incur additional costs if there is no money to support it.

Mr. Middaugh stated that this is a signature national event and another opportunity to focus attention on this destination. He stated that this would be an opportunity to promote all of the other golf courses in the community.

Ms. Carson stated that they have asked permission from the LPGA to use the new County logo on the advertisements. She stated that the new County logo will be on the back of the caddy bibs. She stated that she thinks that the tournament is a terrific investment and believes it will grow.

Mr. Icenhour stated the tournament would be a worthwhile investment.

Mr. Seymour stated that in addition to the tourism, he wants the golf tournament visitor to remember three things: 1) that in addition to the LPGA tournament, this is a viable golf destination; 2) I would like to return here with the family for a vacation; and 3) for the business-minded - this is a good place to do business. Mr. Seymour stated that in addition to the return on investment, his goal is to come back to the Board with other success stories.

Mr. McGlennon recognized the short time the organization has to get the event together and it's not at an optimal time of year. He stated that it has indicators that it can grow and be beneficial to the County.

Ms. Carson stated that her marketing plan is different, their strategies are better, and she stated that they should be able to build upon it in May.

Ms. Jones thanked Ms. Carson for the information that she shared. Ms. Jones questioned the LPGA's normal commitment. She questioned if it is a two-year maximum commitment.

Ms. Carson stated that the LPGA would have been happy if Kingsmill committed to ten years.

The Board took a break from 5:49 p.m. until 5:53 p.m.

Mr. Middaugh spoke about the investment fund and stated that there was not a lot left. He stated that some of the ideas talked about might be explored or supported to help benefit the second-tier tourism assets of the community. Mr. Middaugh asked how should the destination been retooled so that it is better focused and coordinated. He stated conversations have been held on how to reorient the Alliance to have a stronger and clearer focus on destination marketing. He stated that in relationship to the tourism fund, the County may find that it no longer has a need to have its own separate tourism fund. He stated that the fund will be in this year's budget.

Ms. Jones asked Mr. Middaugh to share his experience and positive aspects in working with Destination Marketing Organizations (DMOs).

Mr. Middaugh stated that the model works. He stated that the model is successful and that it gets results. He stated that parties collectively come together, devise a strategy, and implement it. He stated there was common messaging and clarity of message. He stated it would be tweaked to the County's destination. He stated the model is a solid model which could be overlayed and adjusted to fit the area.

Ms. Jones stated that the Board can act on the disclosure policy matter at the next Board meeting.

D. ADJOURNMENT

Work session adjourned at 6:01 p.m.

Robert C. Middaugh
Clerk to the Board

032712bosws_min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MARCH 2012, 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

Mary K. Jones, Chairman, Berkeley District
John J. McGlennon, Vice Chairman, Roberts District
W. Wilford Kale, Jr., Jamestown District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Nicholas Rubino, a 6th grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

Ms. Jones individually read and presented Resolutions of Appreciation to Mr. A. Joe Poole and Mr. Jack Fraley for their dedicated service to the citizens while serving on the Planning Commission. Ms. Jones thanked them for their service and wished them the best in their future endeavors.

F. PUBLIC COMMENT

1. Mr. David Mastbrook, 103 Hoylake, gave an invocation to the Board.
2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning his opposition to the common pages in the Comprehensive Plan and his opposition to the process of regionalism.
3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding declining home values and Route 60 traffic problems.
4. Mr. Joe Swanenburg, 3026 The Pointe Drive, addressed the Board concerning his opposition to the Comprehensive Plan.

5. Ms. Paige Hewlett, 516 Neck-O-Land Road, addressed the Board concerning her opposition and views on the development of 78 homes in Peleg's Point. She stated that the area is in a floodplain and is situated on a dead-end road. She stated that there is only one way in and one way out. She stated that there are 400 families presently living on Neck-O-Land Road and the increased development will add another 150 vehicles. She urged the Board to consider purchasing the land to be used as a park.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon reported that he attended a meeting on March 26, 2012, sponsored by Dominion Virginia Power to discuss a proposed route of a 500-KV line. He stated that the meeting was well attended. He stated that there were many issues raised at the meeting, with one of those issues being to put the wires under the water rather than building towers across the river.

Ms. Jones questioned the next phase in this process.

Mr. Middaugh responded that Dominion Virginia Power is in the process of organizing its application to send to the State Corporation Commission.

Mr. Kennedy stated that at the Board's March 13, 2012, meeting, a vote was made on a resolution for a grant application for Neighbors Drive. He stated that this issue concerned him. He stated that he recently toured the area and did research regarding the properties. He stated that his research indicated that most of the homes on Neighbors Drive were built from 2003 to 2008. He stated that those homeowners were aware that this was a gravel and dirt road. He stated that the lots are inside the Primary Service Area (PSA) and are not paved. He stated that there were waivers because the area was pre-plotted. He expressed concern about paving a road at taxpayers' expense while three or four of the homes, owned by one individual, are used for investment purposes. He also expressed concern about the values of the lots. He stated that some lots are twice the size of others and are valued the same. He expressed concern about the lots that were purchased by James City County in comparison to the valuations in the latest reassessment.

Mr. Kennedy spoke about certain homes and properties in Norge that have overgrown weeds and bushes. He stated that he has received concerned calls from County citizens.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Kale, Kennedy, Jones (5). NAY: (0), with the exception of the minutes, Mr. Kale abstained.

1. Minutes –
 - a. March 13, 2012, Regular Meeting

2. Land and Water Use Conservation Fund Grant - \$150,000

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT - \$150,000

WHEREAS, funds are needed for several projects at Jamestown Beach to include restoration of a beach area, upgrades to parking and the entrance road, and installation of restrooms; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County through the Land and Water Conservation Fund.

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

1. Any assistance received will be used for the specified projects at Jamestown Beach;
2. Match funding for the project will be available if the grant is approved;
3. Requests for payment will be made on a reimbursement basis in the format required;
4. The developed property will be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land and Water Conservation Fund Act of 1965, as amended;
5. No non-recreational uses will occur on the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of the Interior/National Park Service;
6. Development will be in compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, and all other applicable State and Federal laws; and
7. Appropriate public comment opportunities were provided on this project through the Shaping Our Shores Master Plan process as required for approval.

BE IT FURTHER RESOLVED that the Board hereby supports and authorizes application for the Land and Water Conservation Fund Grant for Jamestown Beach.

3. Establishment of a Part-Time Regular Animal Control Officer Position

RESOLUTION

ESTABLISHMENT OF A PART-TIME REGULAR ANIMAL CONTROL OFFICER POSITION

WHEREAS, the Police Department's Animal Control Unit serves and protects the community by enforcing animal control laws within James City County and the City of Williamsburg; and

WHEREAS, it has been difficult to attract and retain qualified applicants for an existing on-call Animal Control Officer position that has been vacant since January 2011; and

WHEREAS, a part-time regular position would better assist the two full-time officers with regular and on-call workload; and

WHEREAS, funds are currently available in the Animal Control Unit's FY 12 budget to fund a part-time regular position for the remainder of this fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one part-time regular (1,040 hours/year) Animal Control Officer position effective April 1, 2012.

4. Appointment to Fill a Vacancy on the James City Service Authority Board of Directors

RESOLUTION

APPOINTMENT TO FILL A VACANCY ON THE JAMES CITY SERVICE AUTHORITY

BOARD OF DIRECTORS

WHEREAS, there exists a vacancy on the James City Service Authority (JCSA) Board of Directors; and

WHEREAS, pursuant to §3.2 of the Charter of James City County and §24.2-228 of the *Code of Virginia*, on March 20, 2012, the Judges of the Ninth Judicial Circuit appointed Mr. W. Wilford Kale, Jr., to serve as the representative for the Jamestown District on the Board of Supervisors; and

WHEREAS, pursuant to §15.2-5113 of the *Code of Virginia*, the Board of Supervisors shall appoint a successor to fill a vacancy on the James City Service Authority Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. W. Wilford Kale, Jr., as a member of the James City Service Authority Board of Directors and to serve in such capacity as long as he is a member of the James City County Board of Supervisors.

5. Resolutions of Appreciation – Mr. Jack Fraley and Mr. A. Joe Poole

RESOLUTION OF APPRECIATION

MR. JACK FRALEY

WHEREAS, Mr. Jack Fraley has served the citizens of James City County as a member of its Planning Commission from January 2004 to January 2012; and

WHEREAS, Mr. Fraley has served on the Development Review and Policy Committees; and

WHEREAS, Mr. Fraley has also served as the Chairman of the 2007 and 2010 Policy Committee; and

WHEREAS, Mr. Fraley has also served as the Vice-Chairman of the 2005 Planning Commission; and

WHEREAS, Mr. Fraley has also served as the Chairman of the 2006, 2008, and 2011 Planning Commission; and

WHEREAS, Mr. Fraley also served on James City County's Steering Committee for the 2009 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation for dedicated service to the citizens of the County to Mr. Jack Fraley.

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to express its best wishes to Mr. Fraley in his future endeavors.

RESOLUTION OF APPRECIATION

MR. A. JOE POOLE, III

WHEREAS, Mr. A. Joe Poole, III, has served the citizens of James City County as a member of its Planning Commission from January 1996 to January 2005 and from January 2008 to January 2012; and

WHEREAS, during his second term, Mr. Poole has served on the Development Review Committee; and

WHEREAS, Mr. Poole has also served as the Chairman of the 2009 and 2011 Development Review Committee; and

WHEREAS, Mr. Poole also served on James City County's Steering Committee for the 2009 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation for dedicated service to the citizens of the County to Mr. A. Joe Poole, III.

BE IT FURTHER RESOLVED that the Board of Supervisors wishes to express its best wishes to Mr. Poole in his future endeavors.

I. PUBLIC HEARINGS

1. Acquisition of Sole Ownership by James City County and Conveyance of an Easement to the City of Williamsburg Over the Real Property Commonly Known as 5301 Longhill Road

Mr. Middaugh provided history to the Board of the conveyance of this property that currently houses the community center. He stated that over the past couple of years there have been issues associated with revenues that have derived from a cell tower on the site. Mr. Middaugh stated that in order to clarify that matter and anything else relative to the property going forward, the County has tried to put together an agreement that will be fair to both the City of Williamsburg and James City County. He stated that the City currently owes the County approximately \$200,000 for expenditures made over the years for school property acquisitions. The County is suggesting waiving the amount owed. He stated that the return is substantial with regard to the balance sheet value. He stated that this resolution offers protection on the shared border to the City. There is an agreed-upon 50-foot no build zone. The next 100 feet would be restricted to any construction, other than Parks and Recreation in nature and would have to be reviewed with the City.

He stated that this resolution would clarify that James City County solely owns the property and the County would no longer have to seek approval from the City to make any changes to the building or property, unless it is in the narrow easement area.

Mr. Kennedy questioned if there were any terms for capital investment made by the City and County under the original contract.

Mr. Rogers responded that under the 1985 contract, the City had a set investment and the County had a set investment in the building.

Mr. Kennedy questioned if the investment was ongoing.

Mr. Rogers responded no.

Mr. Kennedy questioned if there were any shared maintenance agreement.

Mr. Rogers stated that any maintenance, inside and/or outside, was done by the County.

Mr. Kennedy questioned the amount of revenue that the County is receiving from the cell tower on the property and questioned how much the City would be entitled to.

Mr. Middaugh responded that the amount of revenue received is \$30,000 per year.

Mr. Rogers responded that the City would have an ability to make a claim for half of the amount of the rental proceeds since they own half the property.

Mr. Kennedy questioned if permission was received from the City in order to erect the cell tower.

Mr. Rogers responded yes.

Mr. Kennedy expressed his concerns for fairness to the citizens of James City County.

Mr. Icenhour questioned if there would be any adverse impact on the relationship with the City going forward.

Mr. Middaugh responded that over the years a good working relationship has been developed with the City in terms of recreation programming. He stated that both City and County residents have benefitted from this relationship. He stated that this agreement will have no impact on the relationship.

Ms. Jones opened the Public Hearing.

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

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

ACQUISITION OF SOLE OWNERSHIP BY JAMES CITY COUNTY AND CONVEYANCE OF

AN EASEMENT TO THE CITY OF WILLIAMSBURG OVER THE REAL PROPERTY

COMMONLY KNOWN AS 5301 LONGHILL ROAD

WHEREAS, the 21.31 acres of land on which the James City/Williamsburg Community Center is located commonly known as 5301 Longhill Road (the "Real Property") was jointly conveyed to the City of Williamsburg and James City County by the Commonwealth of Virginia by deed dated February, 26, 1985; and

WHEREAS, the City of Williamsburg currently owes James City County \$216,674 as reimbursement for the City's share of the acquisition of real property and construction costs for Warhill High School, Hornsby Middle School, and J.B. Blayton Elementary School; and

WHEREAS, the City of Williamsburg has agreed to transfer its joint interest in the Real Property in exchange for James City County waiving any claim to the aforesaid reimbursement of \$216,674; and

WHEREAS, James City County desires to have sole ownership of the Real Property, subject to an easement bordering the City of Williamsburg, in exchange for foregoing payment of the \$216,674 by the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed with the City of Williamsburg whereby James City County will receive sole ownership to the Real Property, subject to limited easements over a portion of land border the City of Williamsburg.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby waives its claim to reimbursement of \$216,674 from the City of Williamsburg for a portion of the costs of acquiring and constructing Warhill High School, Hornsby Middle School, and J.B. Blayton Elementary School.

2. Conveyance of Utility Easement to Verizon Virginia, Inc.

Mr. Tom Pennington, Director of Information Resource Management, requested the Board grant conveyance of an easement to Verizon Virginia, Inc. in order for Verizon to provide wireless service to the citizens, but also to provide wired alarm and data services to the County. Mr. Pennington indicated that there is no cost to the County for the conveyance of the easement.

Ms. Jones opened the Public Hearing.

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

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

CONVEYANCE OF UTILITY EASEMENT TO VERIZON VIRGINIA, INC.

WHEREAS, James City County owns property commonly known as 101 Mounts Bay Road and further identified on the James City County Real Estate Tax Map Parcel No. 5010100009 (the "Property"); and

WHEREAS, Verizon Virginia, Inc. ("Verizon") has requested that the County convey a utility easement across the Property consisting of a five-foot-wide easement with a two-inch innerduct containing 48-strand fiber; and

WHEREAS, after holding a public hearing, the Board of Supervisors is of the opinion that it is in the best interests of the County and its citizens to convey the easement necessary for Verizon to obtain the easement for the innerduct with fiber.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the appropriate documents to convey the easement to Verizon Virginia, Inc.

3. Ordinance to Amend Chapter 2, Administration, Section 2-8, Meetings

Mr. Rogers addressed the Board regarding the Ordinance to Amend Chapter 2. He stated that the ordinance has been on the books for about 30 years and it identifies the location of the County Board meetings. He stated that is done at the annual Board meeting and put on the calendar. He stated that it is not a necessary Code provision.

Ms. Jones opened the Public Hearing.

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

Mr. Kale made a motion to approve the ordinance.

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

J. BOARD CONSIDERATION

1. Grant Award – Port Security Grant Program (PSGP) – \$350,000

Mr. Emmett Harmon, Chief of Police, addressed the Board regarding a grant opportunity from the United States Coast Guard Port Security Grant Program (PSGP) which would allow the County to purchase a state-of-the-art 25-foot Secured All-Around Floatation Equipment (SAFE) boat. Chief Harmon introduced Sergeant William McMichael to talk about the advantages of the SAFE boat.

Sergeant McMichael presented the Board with a list of advantages and benefits of the SAFE Boat.

Mr. Kale questioned if the boat could be used in severe weather conditions.

Sergeant McMichael responded yes.

Mr. Kale questioned if the boat would be used to aid the Virginia Marine Police.

Sergeant McMichael responded yes.

Chief Harmon mentioned that the Volunteer Fire Department requested the old boat, which would allow them to get out to the river.

Mr. Icenhour made a motion to approve the resolution.

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

RESOLUTION

GRANT AWARD – PORT SECURITY GRANT PROGRAM (PSGP) - \$350,000

WHEREAS, the James City County Police Department has been awarded Port Security Grant Program (PSGP) funding for \$350,000 (\$262,500 VDEM; \$87,500 local match); and

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

WHEREAS, the funds are to be used to purchase a Secured All-around Flotation Equipment (SAFE) Boat; and

WHEREAS, the SAFE Boat is necessary for effective and safe maritime patrol by the Department's Marine Patrol Unit and offers further support of fire suppression in the County's waterways.

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

Revenues:

PSGP – SAFE Boat (FY 09 Grant Program)	\$262,500
County's Grant Match Account	<u>87,500</u>
Total:	<u>\$350,000</u>

Expenditure:

PSGP – SAFE Boat (FY 09 Grant Program)	<u>\$350,000</u>
--	------------------

K. PUBLIC COMMENT - None

L. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Middaugh reported that the County was successful at the March 14, 2012, Commonwealth Transportation Board to have a small section of Jolly Pond Road transferred to County ownership and County operational responsibility. He stated that the County is making preparations to get the road opened.

M. BOARD REQUESTS AND DIRECTIVES - None

N. CLOSED SESSION - None

O. ADJOURNMENT

Mr. McGlennon made a motion to adjourn the meeting until April 10, 2012, at 7 p.m.

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

At 7:50 p.m., Ms. Jones adjourned the Board until April 10, 2012, at 7 p.m.

Robert C. Middaugh
Clerk to the Board

032712bos_min

MEMORANDUM COVER

Subject: Virginia Recreational Trails Program (RTP) Grant - \$200,000

Action Requested: Shall the Board approve the resolution that authorizes staff to submit a Virginia Recreational Trails Program (RTP) Grant for the Freedom Park Trail?

Summary: James City County Department of Parks and Recreation proposes to apply for an 80/20 matching grant from the State for an identified trail at Freedom Park. The trail, which includes 5,120 lineal feet of paved surface and an 800-foot boardwalk, is included in the upcoming Phase IV development for Freedom Park. Once complete, the trail will provide access from Hornsby Middle and Blayton Elementary Schools to the park. It is anticipated that classrooms will use this trail for walking fieldtrips, and bikers will have safe access from the school to the internal park trails. If the grant is awarded, it will reduce the County's portion of the cost for the Phase IV development, which is being funded by the Freedom Park Bond Referendum Fund.

Staff recommends approval of the attached resolution.

Fiscal Impact: If the grant is awarded, it will replace a portion of the Freedom Park Bond Fund to be used for the Phase IV development.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: April 10, 2012

MEMORANDUM

DATE: April 10, 2012

TO: The Board of Supervisors

FROM: John H. Carnifax, Director of Parks and Recreation

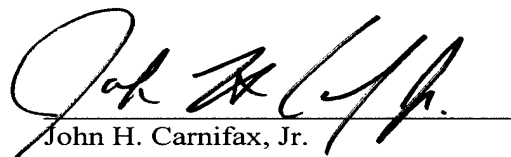
SUBJECT: Virginia Recreational Trails Program (RTP) Grant - \$200,000

The James City County Department of Parks and Recreation is seeking a \$200,000 matching grant from the Virginia Department of Conservation and Recreation's (DCR) Recreational Trails Program (RTP).

The purpose of the matching grant is to assist with the development costs for a paved trail at Freedom Park that is included in the planned Phase IV improvements. The eight-foot trail will have 5,120 feet of paved surface and 800 lineal feet of boardwalk that traverses Colby Swamp. Once complete, this trail will provide stable and safe access from Freedom Park to the Jolly Pond school site that houses Hornsby Middle and Blayton Elementary Schools. Any funds awarded will be matched with the Freedom Park Bond Referendum funding to complete the trail that has an estimated cost of \$584,000.

The County has successfully used this grant for past trail development to include the Greensprings Trail, Powhatan Creek Trail, Warhill Trail, Little Creek Park Trail, and the paved trail around Mid County Park.

Staff recommends approval of the attached resolution to support the application for the Virginia RTP Grant.


John H. Carnifax, Jr.

JHC/nb
RTrailsPrGnt_mem

Attachment

RESOLUTION

VIRGINIA RECREATIONAL TRAILS PROGRAM (RTP) GRANT - \$200,000

WHEREAS, funds are needed to assist with the construction of a trail from Freedom Park to the Blayton Elementary and Hornsby Middle Schools complex; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) may fund a trail development project in James City County through the Federal Recreational Trails Program (RTP).

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

1. Any assistance received will be used for the specified trail at Freedom Park;
2. Match funding for the project will be available if the grant is approved;
3. Requests for payment will be made on a reimbursement basis in the format required;
4. Development will be in compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, and all other applicable State and Federal laws; and
5. Appropriate public comment opportunities will be provided for this application if selected for advancement as required for approval.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports and authorizes application for the Virginia RTP Grant for Freedom Park.

Mary K. Jones
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 April, 2012.

RTrailsPrGnt_res

Freedom Park Master Plan



MEMORANDUM COVER

Subject: Regional Air Service Enhancement (RAISE) Cooperation Agreement

Action Requested: Shall the Board of Supervisors approve a resolution authorizing the County Administrator to execute the RAISE Cooperation Agreement on behalf of the County?

Summary: In the past, the County and the Economic Development Authority (EDA) have jointly contributed to the Regional Air Service Enhancement (RAISE) Cooperation Fund. For Fiscal Year 2012, the EDA has agreed to fully fund the contribution; however, the Agreement lists the County as a party. The Board must authorize the County Administrator to enter into the Agreement.

I recommend approval of the resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-3

Date: April 10, 2012

RAISEAgmt_cvr

MEMORANDUM

DATE: April 10, 2012

TO: The Board of Supervisors

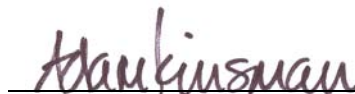
FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Regional Air Service Enhancement (RAISE) Cooperation Agreement

In December 2008, the County entered into a Regional Air Service Enhancement (RAISE) Cooperation Agreement (the "Agreement") with the Economic Development Authority (EDA) of Newport News. The Agreement established a fund which is used to induce existing air carriers at the Newport News-Williamsburg International Airport to increase and expand flights to destinations deemed beneficial to the Virginia Peninsula and to grant incentives to new air carriers to locate at the airport. The following jurisdictions (or their respective EDAs) have all agreed to contribute an amount equal to 40 cents per capita: the cities of Newport News, Hampton, Poquoson, and Williamsburg and the counties of Gloucester, James City, and York.

In 2008 and 2009, the County funded the entire \$26,000 grant. In 2010 and 2011, the County and the EDA of James City County (the "EDA") each contributed \$13,000 to the fund. In 2012, the EDA has agreed to fund the entire amount \$26,186 (the amount has increased to correspond with the County's population as reported by the 2010 census data). Though the EDA has agreed to fund the grant, the Agreement lists the "County of James City" as party to the Agreement. Because all the other localities have already executed the Agreement, the Newport News EDA is reluctant to change it to name the James City County EDA instead of the County. Accordingly, the Board must authorize the County Administrator to execute the Agreement on behalf of the County. The authorization to sign will not alter the funding that would continue to be made by the EDA.

I recommend that the Board adopt the attached resolution authorizing the County Administrator to execute the Agreement.


Adam R. Kinsman

ARK/nb
RAISEAgmt_mem

Attachment

RESOLUTION

REGIONAL AIR SERVICE ENHANCEMENT (RAISE) COOPERATION AGREEMENT

WHEREAS, the cities of Hampton, Newport News, Poquoson, and Williamsburg and the counties of Gloucester and York have entered into a Regional Air Service Enhancement (RAISE) Cooperation Agreement (the “Agreement”); and

WHEREAS, the County of James City (the “County”) has been a party to the Agreement since its inception in 2008; and

WHEREAS, the Economic Development Authority of the County of James City (the “EDA”) has agreed to contribute the entire \$26,186 required by the Agreement; and

WHEREAS, the Agreement still lists the County as a party and cannot now be changed because all the other localities have already executed the Agreement.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the RAISE Cooperation Agreement, provided that the funds required by the Agreement shall be paid in full by the EDA.

Mary K. Jones
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 April, 2012.

RAISEAgmt_res

MEMORANDUM COVER

Subject: SUP-0002-2012/Z-0002-2012. Colonial Manor Proffer Amendment (Epstein Rest Home)

Action Requested: Shall the Board of Supervisors approve the Colonial Manor Proffer Amendment (Epstein Rest Home) and accept the amended and restated conditions and proffers?

Summary: Dr. Pedro Becerra of NOSA Futura Corp has applied to amend an existing Special Use Permit (SUP-0011-1999) and proffers associated with rezoning (Z-0002-1999) for Colonial Manor (formerly the Epstein Rest Home) to convert the use from rest home/congregate housing facility to an assisted living facility. The facility is located at 8679 Pocahontas Trail and zoned R-5, Multi-family Residential. An SUP is required for nursing homes and facilities for the residence and/or care of the aged. The rezoning and SUP are also required to increase the number of permitted units in the facility from 48 to 110.

Staff recommends that the Board of Supervisors approve this proposal with the amended and restated conditions and proffers. Staff finds the proposal to be compatible with the surrounding zoning and development since the exterior of the building and general character of the use will not be altered. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan. The Planning Commission unanimously recommended approval of these applications at its March 7, 2012, meeting.

Staff recommends approval of the attached resolutions.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. SUP Resolution
3. Rezoning Resolution
4. Location Map
5. Unapproved Minutes of the March 7, 2012, Planning Commission Meeting
6. Project Narrative
7. Master Plan
8. Proffers
9. Adjacent Property Owner Email

Agenda Item No.: I-1

Date: April 10, 2012

SPECIAL USE PERMIT-0002-2012/REZONING-0002-2012. Colonial Manor Proffer Amendment (Epstein Rest Home)

Staff Report for the April 10, 2012, 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

March 7, 2012, 7:00 p.m.

April 10, 2012, 7:00 p.m.

SUMMARY FACTS

Applicant:

Dr. Pedro Becerra, NOSA Futura Corp.

Land Owner:

BC Secure Holdings Corporation

Proposal:

Convert existing 55-unit independent living facility to 110-unit assisted and independent living facility.

Location:

8679 Pocahontas Trail

Tax Map/Parcel No.:

5230100089

Parcel Size:

7.4 acres

Zoning:

R-5, Multi-family Residential, with proffers and conditions under Case Nos. SUP-0011-1999/Z-0002-1999

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this proposal with the amended and restated conditions and proffers. Staff finds the proposal to be compatible with the surrounding zoning and development since the exterior of the building and general character of the use will not be altered. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan.

Staff Contact:

Leanne Reidenbach, Senior Planner

Phone: 253-6876

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of these applications at its March 7, 2012, meeting.

Proposed Changes Made Since Planning Commission Meeting

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

PROJECT DESCRIPTION

Dr. Pedro Becerra of NOSA Futura Corp. has applied to amend an existing Special Use Permit (SUP-0011-1999) and proffers associated with rezoning (Z-0002-1999) for Colonial Manor (formerly the Epstein Rest Home) to convert the use from a rest home/congregate housing facility to an assisted living facility. The facility is located at 8679 Pocahontas Trail and zoned R-5, Multi-family Residential. An SUP is required for nursing homes and facilities for the residence and/or care of the aged.

Project History

The property was granted an SUP and rezoning in 1991 by the Board of Supervisors which permitted a 48-unit congregate care facility for the elderly and rezoned the property from R-3, General Residential (a zoning district that no longer exists in the County), to R-5, Multi-family Residential. The project was never constructed and the SUP expired in 1994. When the property came under new ownership, the SUP was re-submitted in 1999 and the proffers were amended to clarify that the facility would contain up to 48 units for congregate **housing** (essentially independent living) and specified that no nursing or care facilities would be provided on-site. The current SUP and proffer amendments are necessary to redefine the facility type and to allow nursing and assisted care.

In 2007, the owner contacted Building Safety and Permits to request to convert 15 units to assisted living. Building Safety and Permits contacted the Planning Division and staff inadvertently overlooked the proffers for the facility and gave an incorrect answer back to the owner that it was okay to convert the units. The applicant only converted 7 units so as a result, there are 55 total existing units, which can serve a maximum capacity of 65 clients. As a result, the existing 50,100-square-foot facility now includes a mix of independent living and assisted living units. Each apartment has one or two bedrooms, a living area, and a kitchen. The individuals currently residing in the independent living component will be allowed to continue to live there, with the balance of the 55 units being split in half to become two assisted living units each (for a total of up to 110 bedroom units). Basic floor plans for the independent and assisted living units are included on the master plan. These may be used interchangeably for independent or assisted living as the owner desires, as long as there are no more than 110 bedrooms. Generally speaking though, for the assisted living units, the living/dining area in the one-bedroom units will be converted into a second bedroom for a separate resident. This amendment will bring the current operation into compliance with the ordinance, allow nursing care, and permit the unit expansion.

Colonial Manor is currently operating under a license from the Department of Social Services to operate as both an assisted and independent living facility. No exterior changes are proposed to the building exterior or site layout with this amendment and even with the conversion, unit increase, and staffing changes, the facility will meet parking requirements without any changes to the existing parking lot. All support facilities (such as offices, nursing stations or dining areas) will be accommodated within the existing building as well.

Surrounding Zoning and Land Use

The property is surrounded by R-2, General Residential property, and is across the street from M-1, Limited Business Industrial, property. The R-2 properties are mostly developed as single-family homes with some duplexes. Mount Gilead Baptist Church is also located nearby. The M-1 property is developed as a portion of the Kingsmill golf course. Staff received one objection from an adjacent property owner (see Attachment No. 8). Staff attempted to contact the individual to determine specific objections to this project, but has not received a response back.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy. Please see Attachment No. 7 for full amended and restated proffers. The following were the only proffers that changed:

No. 1 – Amended to allow for 110 units (instead of 48 units) and to clarify the use will be an independent and assisted living facility (rather than a congregate housing facility).

No. 6 – Amended to state that any improvements required by the Virginia Department of Transportation (VDOT), if necessary, will be installed prior to conversion of the units.

PUBLIC IMPACTS

Public Utilities

The project is inside the Primary Service Area (PSA) and is currently served by public water and sewer. Water is provided by the Newport News Waterworks.

James City Service Authority (JCSA) Staff Conclusions: The JCSA has reviewed the project and has no objection to the proffer amendment and change in use. Additional information regarding changes to water and sewer demands and the adequacy of the existing lines to serve the additional units will be required to be submitted as part of the site plan and permits for development. Newport News Waterworks will also be required to approve the project during the plan review process.

Traffic

The proposed assisted living facility is expected to generate approximately 15.4 vehicle trips per hour during the weekday P.M. peak hours. The number of trips is based on the number of employees on the largest shift (28).

2009 VDOT Annual Average Daily Trip (AADT) Counts: On Pocahontas Trail from the York County line (near the 1-64 Grove interchange) to the City of Newport News line there were 9,200 trips.

2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan): On Pocahontas Trail between the Grove interchange and the City of Newport News line, 21,186 AADT are projected. Forecasted volumes indicate improvements may be needed, so this segment of Pocahontas Trail is in the “watch” category.

There is an existing commercial entrance for this project on Magruder Avenue, as specified by the existing SUP conditions. No additional entrances are proposed. Also, staff anticipates fewer trips for the assisted living facility than for the approved congregate housing facility as residents will no longer have access to their own vehicles. Finally, Colonial Manor has staggered employee shifts and hours, which will spread any staff traffic over different times of the day.

COMPREHENSIVE PLAN

This site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, recreation areas, churches, very limited commercial facilities, timeshares, and retirement and care facilities/communities. The following standards are given for uses such as retirement and care facilities that are located in Low Density Residential areas:

1. Complement the residential character of the area;
2. Have traffic, noise, lighting, and other impacts similar to surrounding residential uses;
3. Generally be located on collector or arterial roads at intersections; and
4. Provide adequate screening and buffering to protect the character of nearby residential areas.

This is an existing use and building with exterior architecture of a scale and design similar to a more residential development. The impacts for traffic, noise, and lighting are not anticipated to differ from the impacts of the existing use. The site is also immediately adjacent to Pocahontas Trail, so traffic is not required to drive through any existing neighborhoods. Finally, when the site was originally developed, conditions were put in place to provide landscape buffers next to residential areas.

The Comprehensive Plan also recognizes least-cost housing as serving a significant public benefit, particularly when it provides housing and care opportunities for lower-income elderly citizens. As indicated in the attached project narrative, the current assisted living portion of the facility is operating at full capacity with a waiting list while the independent living facility has about 40 vacancies. This is the only facility of its kind in the Roberts District. The use is also located within the County's Enterprise Zone. The change in use and unit cap would help an existing business adapt to changing market demands while also offering increased employment opportunities.

The proposal, with the conditions and proffers, is consistent with the land use designation, housing strategies, and economic development goals identified in the 2009 Comprehensive Plan.

RECOMMENDATION

Amended SUP conditions are provided in Attachment No. 1. Please note that these are primarily restated conditions from the original SUP – the only amended condition is No. 1. All other conditions were fulfilled at the time of initial site plan approval and Certificate of Occupancy. Amended proffers are provided in Attachment No. 7.

Staff recommends that the Board of Supervisors approve this proposal with the attached amended and restated conditions and proffers. Staff finds the proposal to be compatible with the surrounding zoning and development since the exterior of the building and general character of the use will not be altered. Staff also finds the proposal to be consistent with the 2009 Comprehensive Plan.


Leanne Reidenbach

CONCUR:

Allen J. Murphy, Jr.

LR/nb
Sup02-12ColManor.doc

ATTACHMENTS:

1. SUP Resolution
2. Rezoning Resolution
3. Location Map
4. Unapproved Minutes of the March 7, 2012, Planning Commission Meeting
5. Project Narrative
6. Master Plan
7. Proffers
8. Adjacent Property Owner Email

RESOLUTION

CASE NO. SUP-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

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. Pedro Becerra of NOSA Futura Corp. has applied to amend an existing SUP to convert Colonial Manor (the "Facility") to an independent and assisted living facility for the residence and/or care of the aged and to increase the number of permitted units; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP 0002-2012; and

WHEREAS, the proposed Facility is depicted on the plan dated January 9, 2012, and entitled "Colonial Manor Master Plan Amendment;" and

WHEREAS, the proposed Facility is located in its entirety on property zoned R-5, Multi-family Residential, with proffers, further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3) in Grove (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on March 7, 2012, voted 4-0 to recommend approval of Application No. SUP 0002-2012.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP 0002-2012, as described herein, pursuant to the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 110-bedroom assisted living and independent living facility. The Facility shall maintain at all times a current license from the Virginia Department of Social Services.
2. The required rear landscape buffer shall screen the Facility from adjacent properties and shall be located on the east edge of the Hampton Roads Sanitation District easement.
3. All dumpsters and heating and cooling units shall be screened by landscaping of fencing approved by the Director of Planning prior to final site plan approval.
4. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. There shall be a 50-foot landscape buffer along Pocahontas Trail right-of-way, containing enhanced landscaping, so that the required number of plants equals up to 133 percent of the County's Landscaping Ordinance requirements with up to 33

percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning prior to final site plan approval.

6. All exterior light fixtures on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Director of Planning which indicates no glare outside the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
7. Prior to the issuance of a certificate of occupancy, the applicant shall provide documentation to the Director of Planning demonstrating that services or programs shall be provided to all residents within the housing facility. Activities, services, or programs provided may include, but are not limited to, educational classes, health screenings, exercise, and/or crafts, and games. Group transportation, such as a van or shuttle bus, shall be provided to all residents of the facility in order to obtain off-site services.
8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Mary K. Jones
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 April, 2012.

Sup02-12ColManor_res

RESOLUTION

CASE NO. Z-0002-2012. COLONIAL MANOR PROFFER AMENDMENT

(EPSTEIN REST HOME)

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-0002-2012 for amending the proffers for approximately 7.4 acres from R-5, Multi-Family Residential, with proffers, to R-5, Multi-Family Residential, with amended proffers; and

WHEREAS, the site can be further identified as Parcel No. (1-89) on James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 7, 2012, recommended approval of Case No. Z-0002-2012, by a vote of 4-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0002-2012 as described herein and accept the amended proffers.

Mary K. Jones
Chairman, Board of Supervisors

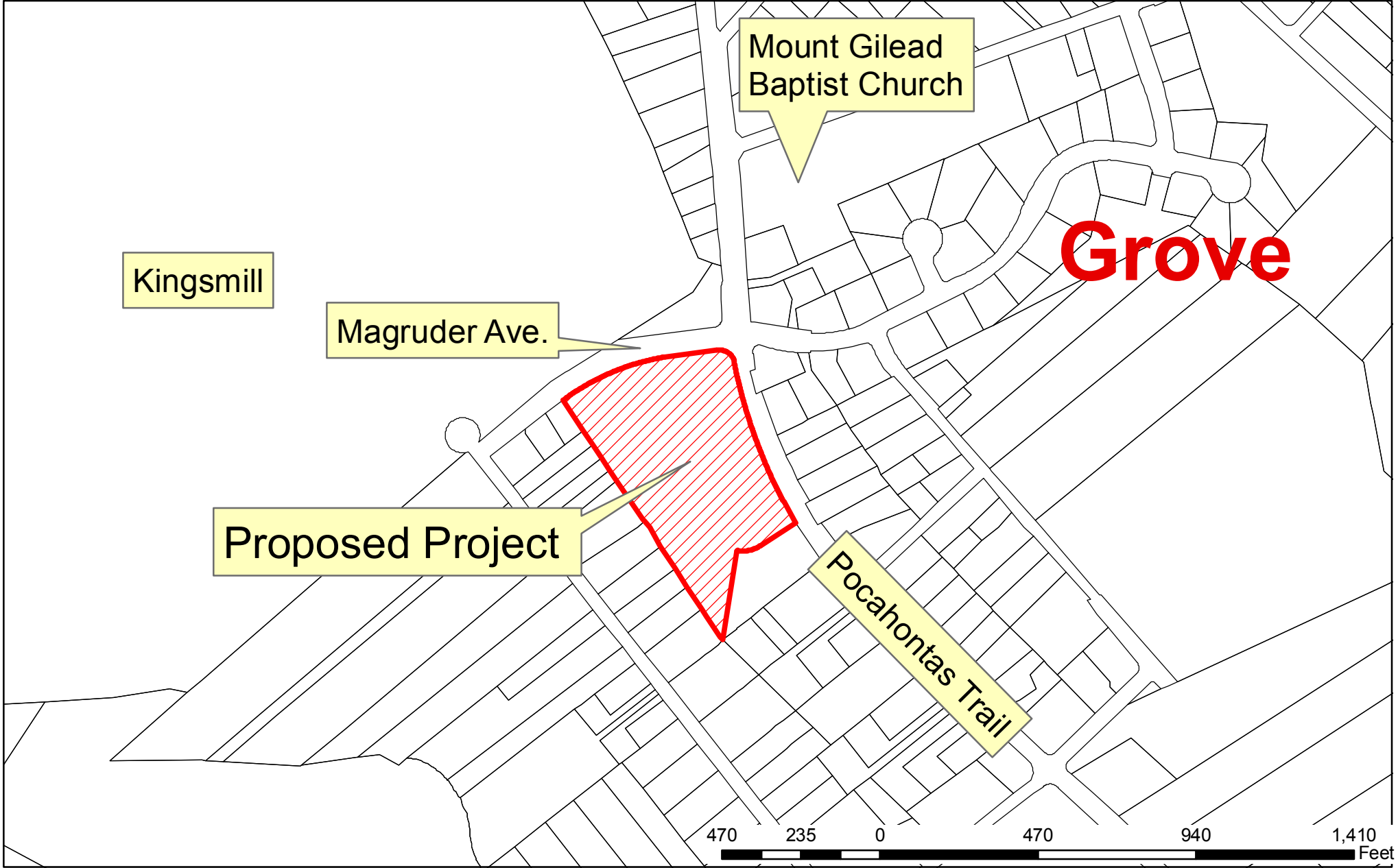
ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2012.

Sup02-12ColManor_res2

SUP-0002-2012/Z-0002-2012 Colonial Manor (Epstein Rest Home)



**UNAPPROVED MINUTES OF THE MARCH 7, 2012
PLANNING COMMISSION MEETING**

A. SUP-0002-2012/Z-0002-2012, Colonial Manor Proffer Amendment

Ms. Leanne Reidenbach stated that Dr. Pedro Becerra has applied to amend the proffers and special use permit conditions associated with Colonial Manor (formerly known as the Epstein Rest Home) in Grove to convert from a congregate housing facility to assisted living. She stated that the proposal also includes an increase to the number of allowed units to 110. She stated that the property is located at 8679 Pocahontas Trail, is 7.4 acres, is zoned R-5, Multi-family Residential, and is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map.

Ms. Reidenbach stated that the existing facility was rezoned to Multi-Family Residential in 1991 and received an SUP to operate as a congregate housing facility in 1999. She stated that an SUP and proffer amendment is required at this time to change the use to “nursing home and facilities for the residence and/or care of the aged” and to increase the number of permitted units to 110. She stated that site work related to this conversion would occur inside the building and no changes to the exterior of the site are proposed. She stated that the existing parking lot can also accommodate the increase and change in units without requiring any expansion.

Ms. Reidenbach stated that the Comprehensive Plan specifies certain standards for commercial facilities (including retirement and care facilities) proposed in Low Density Residential areas. She stated that the facility should basically be compatible with the character of the area, have impacts similar to surrounding uses, be located on arterial or collector streets at intersections, and provide screening and buffering. She stated that this proposal meets these standards as there are no external site changes and the facility is located immediately adjacent to Pocahontas Trail so that traffic to or from the facility is not funneled through the surrounding residential neighborhood. She stated additionally that any increases in traffic will be minor since the largest shift at the facility would only increase by ten employees and residents in the facility will no longer be able to drive like residents in an independent living facility could.

Ms. Reidenbach stated that the Comprehensive Plan recognizes least-cost housing as serving a significant public benefit, particularly when it provides housing for low-income, senior citizens. This amendment will help meet a demonstrated need for affordable, assisted living care and will also help an existing business in the County’s Enterprise Zone adapt to changing market demands.

Ms. Reidenbach stated that staff finds this proposal, with the amended proffers and conditions, to be consistent with existing development, surrounding land uses, and the 2009 Comprehensive Plan. She stated that staff recommends that the Planning Commission recommend approval of this SUP and rezoning to the Board of Supervisors (BOS).

Mr. Krapf asked staff what objections they had heard from the public and family members of existing residents.

Ms. Reidenbach stated that she had received correspondence via email from Ms. Miller Hill which was previously forwarded to the Planning Commission. She stated that the e-mail noted general objections to the facility. Ms. Reidenbach noted that she responded to Ms. Miller Hill's e-mail to try to determine specific objections, but had not received a response.

Mr. Krapf stated that he did have some concerns related to the switch from independent living to assisted living from a traffic perspective. He stated that his initial assumption was a greater number of residents would equate to a greater amount of traffic. After discussing this concern with staff via email he stated that his concern has been alleviated. Mr. Krapf asked Ms. Reidenbach to recite the explanation previously given as to why traffic impacts would be no greater, even with more residents.

Ms. Reidenbach stated that she looked to identify the Institute of Transportation Engineers (ITE) codes regarding traffic generation. She stated that the PM peak hour is likely to increase less than ten vehicle trips. She stated that aside from the number of units, the per unit generator for this type of facility is less than that of a single family home. She stated that the facility is served by a bus route, which is frequently used by employees. She stated that the shift changes for employees are staggered. There is no one time during day or evening hours when a large number of employees either arrive or leave.

Mr. Maddocks asked what had triggered the need for a SUP.

Ms. Reidenbach stated that it was the change from independent to assisted living units as well as the increase in units. She stated that the original SUP was for 48 units; the applicant is now proposing 110 units.

Mr. O' Connor opened the public hearing.

Dr. Pedro Becerra introduced himself as the applicant and medical director of the facility. He stated that the facility is serving the population with moderate income. He stated that they have seen less demand for independent living units since the downturn in the economy. He stated that there has been an increased need for assisted living units that the facility could not currently meet.

Seeing no one else wanting to speak, Mr. O'Connor closed the public hearing.

Mr. Basic made a motion to approve the proposed application.

In a unanimous roll call vote the application was approved (4-0; Woods-absent).



Colonial Manor at Williamsburg



Colonial Manor has been operating as an independent living facility providing services for retired adults aged 62 and older. We are located in the Grove area of Williamsburg at 8679 Pocahontas Trail. We provide services that are very accessible to middle class individuals in the surrounding areas.

Due to the growing needs of older adults and more demand for services needed, Colonial Manor requested an Assisted Living License thru the Department of Social Services and obtained an occupancy permit from James City County. We were licensed as an Assisted Living Facility in August 2007. Colonial Manor began operating as a 19 bed Assisted Living Facility, with a total capacity of 65 clients which includes independent and residential assisted clients. Our current DSS licensure states that clients residing in rooms 1-32 and 35-40 is limited to Residential Assisted and Independent Living. Clients residing in rooms 41-55 are considered assisted living.

Colonial Manor would like to amend the existing proffers to allow for the changes needed to better provide the services needed by aging adults. The property is currently zoned R-5 with proffers. The proposed zoning of the property is R-5 with amended proffers.

At present time, the assisted living section of the facility is operating at full capacity with an extensive waiting list of applicants. However, the independent section has experienced a dramatic decline in inquiries and currently only services 2 independent individuals, leaving the facility with 40 vacant units. Our current goals and expectations are to renovate our already existing facility, giving us a full capacity of 110 units for assisted living which will enable Colonial Manor to provide the services needed by older adults of the surrounding communities at an accessible rate, create new jobs for qualified local individuals and offer better wages and benefits to employees. Our current independent clients will be allowed to stay and would be included in the total of 110 units.

Under the Assisted Living Licensure, we currently provided the following services:

- *Supervised Living Arrangements
- *Medication Management
- *3 full meals daily with snack included (Full Kitchen with Restaurant style service)
- *Special Diets (NAS, NCS, Pureed, Mechanical) overseen by a Registered Dietician

- *Housekeeping and Laundry Services
- *All utilities included with the exception of telephone and cable
- *Assistance with Money Management if needed
- *Assistance with Activities of Daily Living (Bathing, Dressing, Toileting, Transferring)
- *Social Interaction
- *Recreation Therapy (Bingo, exercise classes, day trips, themed parties, musical entertainment)
- *Medical Appointment Transportation
- *Open Door Policy (No designated visiting hours) all visitors are required to sign in
- *Various Medical Services provided by Outside Agencies to include:
 - *Visiting Physicians
 - *Laboratory Testing
 - *Pharmacological Services (including quarterly reviews of medications)
 - *Registered Dietician
 - *Nursing Oversight
 - *Mental Health Counseling (Colonial Behavioral Health, Sentara Behavioral)
 - *Physical Therapy, Occupational Therapy, Speech Therapy
 - *Hospice
 - *Beauty/Barber Services

All of the above stated services are provided by:

- *Physicians
- *Registered Nurses
- *Licensed Practical Nurses
- *Registered Medication Aides
- *Certified Nursing Assistants
- *Direct Care Staff
- *Administration
- *Activities Coordinator and volunteers
- *Dietary Staff (Chefs, Servers)
- *Housekeeping and Laundry Staff
- *Maintenance (Building and grounds Staff)
- *Transportation Personnel (Driver, Medical Escorts)

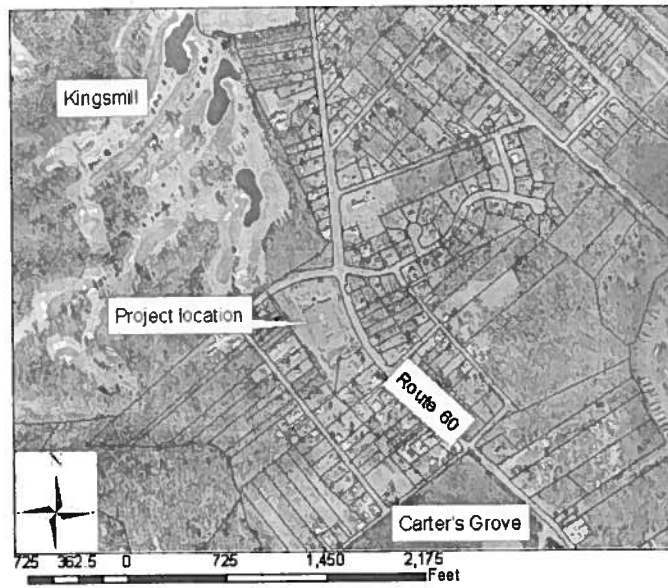
Currently Colonial Manor employs 48 individuals in various positions. Of these 48 employees, 19 are full time employees and 29 are part time employees. With our goals and expectations of increasing our capacity to 110 units, we anticipate that our current number of employees may be increased by a minimum of 20 new positions, all of which is dependent upon full time or part time status. Colonial Manor currently has a variety of shift options for a variety of jobs.

Administrative offices are currently open from 9am to 5pm
2 nursing shifts consisting of 12 hours each (6am to 6pm and 6pm to 6am)
Dietary shifts consisting of 6:30 am to 6:30 pm, with varying hours for part time employees
Housekeeping/Laundry Staff 7:30 am to 4:00 pm
Transportation Staff (Tuesdays, Wednesdays, Thursdays) 7:00 am to 4:00 pm
Maintenance Staff (Mondays, Evenings, Weekends) hours vary dependent upon need
Activity Staff 9:00 am to 5:00 pm with various weekend and evening hours

Our parking lot currently consists of 80 parking spaces which includes 5 handicap spaces. In anticipation of increasing our capacity to 110 units, our largest employee shift would consist of 28 staff members when at full capacity. Currently any day shift (6:00 am to 6:00 pm) Monday - Friday consists of a total of 18 staff members. With this anticipated growth, on our largest shift, and allowing for 1 parking space for every 4 clients, we anticipate using only 56 of the current 80 parking spaces. Currently, only 3 clients own personal vehicles and we do not anticipate that this number will change due to the decrease in independent clients and the fact that most Assisted Living clients are unable to drive. Consequently, we do not anticipate an increase in traffic generation, as many of our employees and clients do not own personal vehicles and currently utilize public transportation, medical transportation or carpool.

Colonial Manor looks forward to a bright future in the Grove area of Williamsburg with the approval of the proposed changes. The alternative does not paint a very pretty picture, perhaps facing closure in the future months if we are unable to covert our current independent area of the facility into assisted living and adapt to the growing needs of our older adults. We are very optimistic that with these few proposed changes, we can provide these much needed services to our community.





Colonial Manor **Master Plan Amendment** Amends SUP-0011-1999/Z-0002-1999 January 9, 2012 Sheet 1 of 1

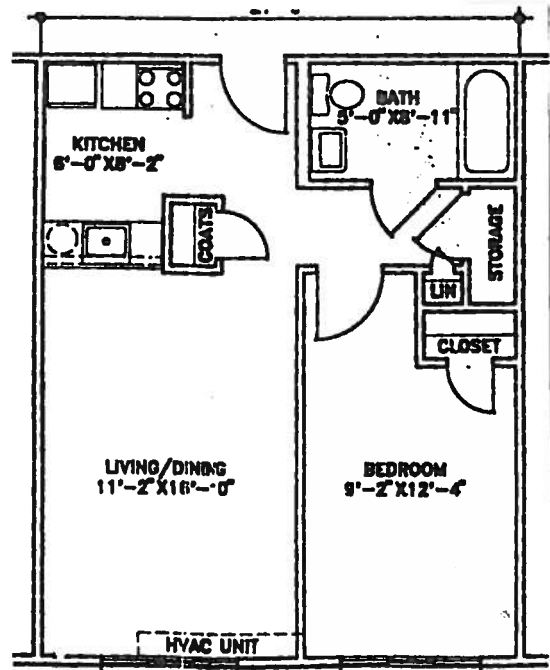
PROPERTY INFORMATION

Address: 8769 Pocahontas Trail
Tax Map No: 5230100089
Zoning: R-5 with proffers
Owner: BC Secure Holding Corporation
 8769 Pocahontas Trail
 Williamsburg, VA 23185

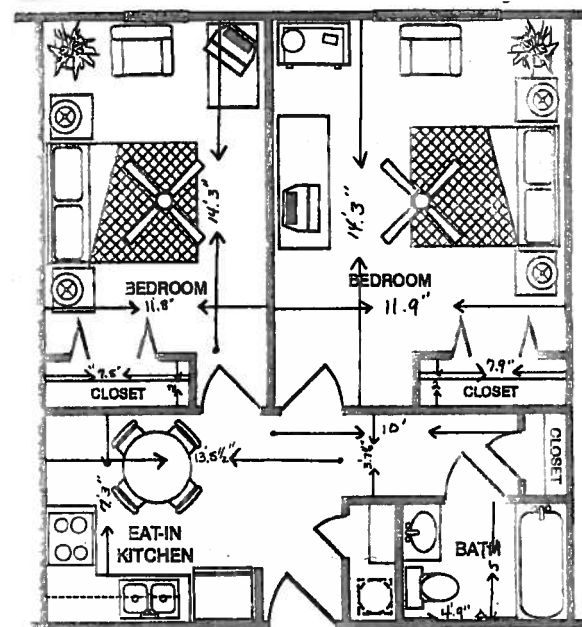
LAND USE ANALYSIS

Land Area: 7.4 acres
Living Units: 110
Type: Assisted and independent living*
Parking Provided: 80 spaces (5 handicap)
Parking Ratio: 1 space per 4 residents plus
 1 space per employee on largest shift

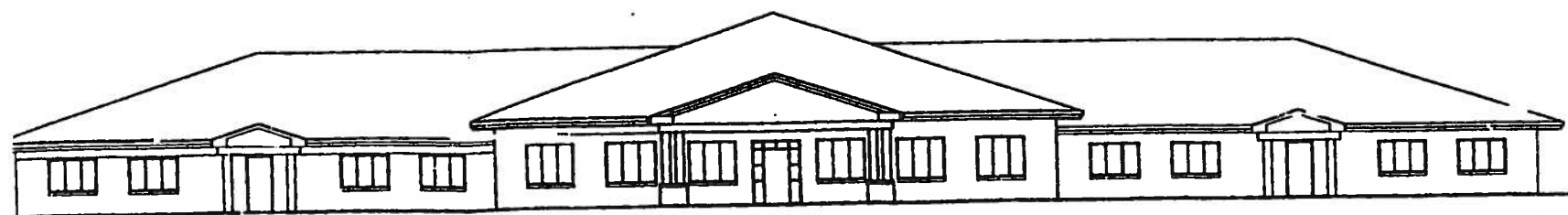
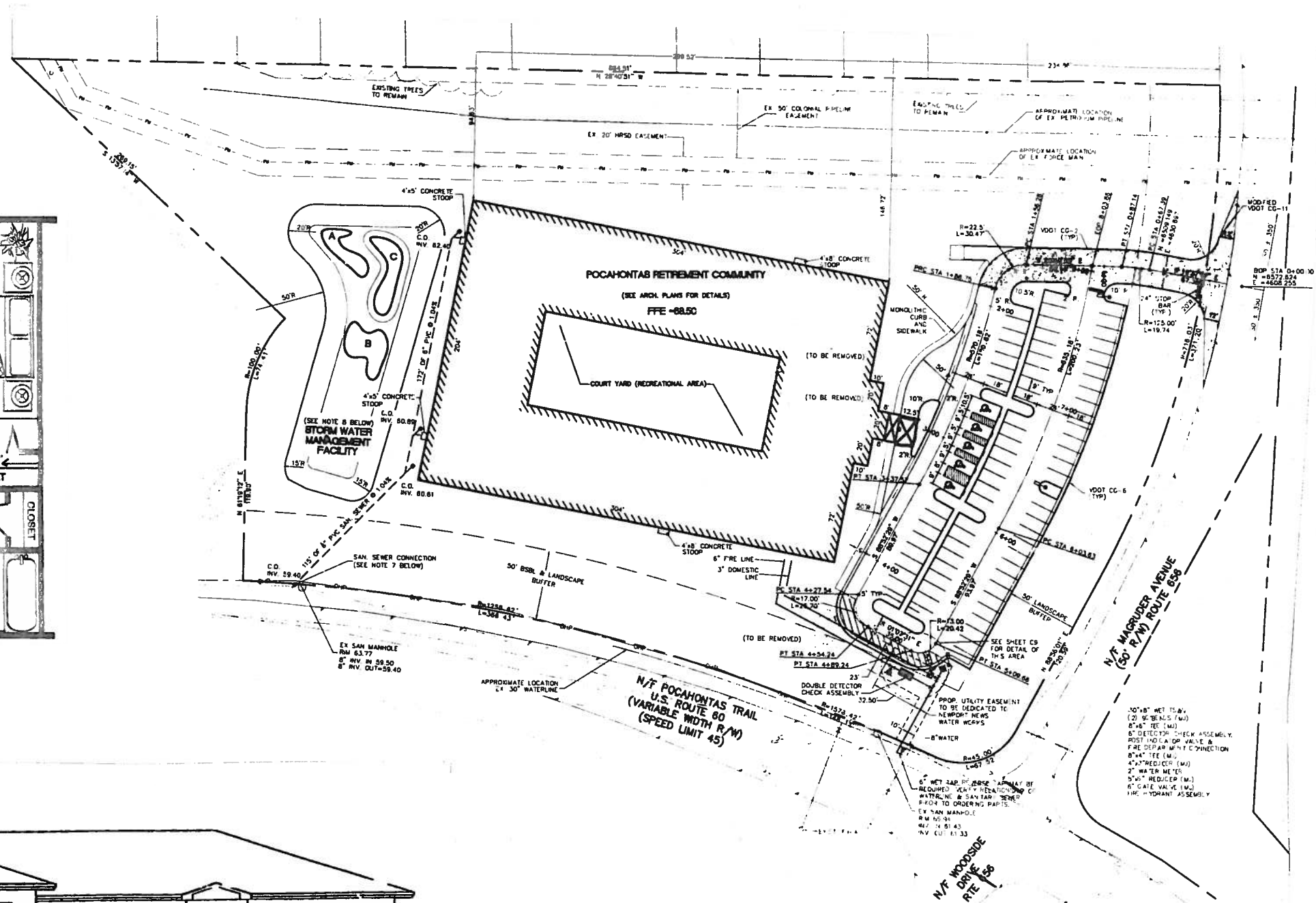
*Majority will be assisted living; however, current independent living residents will be allowed to stay.



ONE BEDROOM UNIT-546 SF.



TWO BEDROOM UNIT - 625 SF.



ELEVATION
 NOT TO SCALE

SECOND AMENDED AND RESTATED PROFFERS

These SECOND AMENDED AND RESTATED PROFFERS are made this 9th day of February, 2012, by BC SECURE HOLDINGS CORPORATION, together with his successors, heirs and assigns (the "Owner").

RECITALS

- A. Owner is the owner of certain real property (the "Property") located in James City County, Virginia, containing approximately 7.40 acres, more or less, known as 8679 Pocahontas Trail and being more particularly described as Parcel Number (1-89) on Tax Map Number (52-3).
- B. The Property is now zoned R-5, with proffers. The initial Proffers are dated December 27, 1990, and were made by Cecil L. Lindsey, Jr., the then owner of the Property, and are recorded in James City Deed Book 507 at page 680 (the "Initial Proffers").
- C. The First Amended and Restated Proffers are dated May 27, 1999, and were made by Leonard Epstein, the then owner of the Property, and are recorded at Instrument Number 99015760.
- D. The Owner desires to amend and restate the Existing Proffers in their entirety.

NOW THEREFORE, the Existing Proffers are hereby amended and restated as follows:


1. There shall be constructed on said Property an independent and assisted living facility of no more than one hundred ten (110) units with accessory buildings designed specifically for the elderly. The project, prior to site plan approval, shall be submitted to the Planning Division for the review and approval of the building exterior appearance and site design. Any desired changes in these design elements shall be submitted to County staff for approval, and if required by staff, shall be presented to the Planning Commission for final approval.
2. The occupancy of this facility shall be restricted to elderly and/or handicapped households. For purposes of this proffer, elderly is defined as household heads age 62 and above. Handicapped persons shall meet the definition of handicapped set forth by the Social Security Administration. Also as part of this proffer, no persons under the age of eighteen years shall be allowed to reside in the complex on a full time basis.
3. There shall be no more than one entrance into the Property, that entrance being from Magruder Avenue.

4. The facility shall be designed and constructed in a manner which will comply with all standards and regulations of the U.S. Department of Housing and Urban Development relative to the construction of Housing for Older Persons.

5. The buildings which comprise the facility shall contain no more than one story and there shall be a central kitchen and dining facility provided for the use of the residents of the facility.

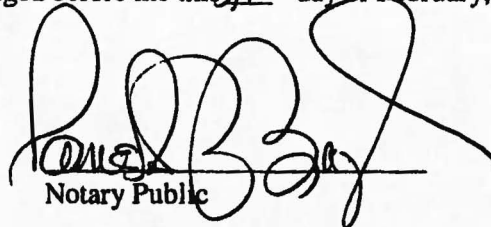
6. Any road or highway improvements required by the Virginia Department of Transportation as a result of the proposed development shall be paid for by the Owner and installed prior to conversion of the units.

WITNESS the following signature.


Pedro Becerra-Cely,
President, BC Secure Holdings Corp.

STATE OF VIRGINIA
COUNTY OF JAMES CITY

The foregoing instrument was acknowledged before me this 21th day of February, 2012,
by Pedro Becerra-Cely.


Notary Public

My commission expires: 10/31/14
Notary number: 150425



Leanne Reidenbach

Subject: FW: Z-0002-2012/SUP-0002-2012 Colonial Manor (Epstein Rest Home) Proffer Amendment

From: Carolcm44 [<mailto:carolcm44@aol.com>]

Sent: Tuesday, March 06, 2012 12:16 AM

To: Development Management

Subject: 8679 Magruder Avenue

Mr. Murphy: I am part owner of the property located at 132 Magruder Avenue and owner of property at 139 Magruder Avenue. I did not receive timely notice of your hearing and will not be able to attend on Wednesday March 7, 2012. My brothers and I are descendants of William and Cornie Jones Whiting of Magruder, York County, Virginia. Residents of Magruder were forced to move from their homes in 1942. Many of them relocated to the Grove area to re-establish their community. It was then that my grandmother purchased this property. My grandmother never saw her parents' grave sites again. Their homes, their church, their school, their family members were all taken. This community is struggling. It is an historic community not recognized. I come to town and still see remains of the tornado. I understand the need for services but this community has given enough! We "gave" Magruder. We "gave" the land for the Waller Mill Dam. We "gave" Log Cabin Beach for a sewage plant (we want access to the beach). We "gave" the land for the sewage pipeline across the rear of our property at 132 which prevents us from building the four houses my grandmother talked about. We have Habitat directly across the street. For years we suffered the stench from the plant, being cut off from town by traffic when Busch was open with little consideration. I think that is enough. There are acres of land situated away from single family homes that I am sure could be used for your purpose. This property is directly in the middle of our neighborhood. What impact will this have on the residents? I want my statement placed in the public record. I speak for my self and for my three brothers. Thank you, Carol Miller Hill, Kenneth Miller, Gerald Miller and Justin Miller

MEMORANDUM COVER

Subject: Case No. ZO-0001-2012. Addition of Resort Hotel Definition; Amendments to R-4, Residential Planned Community, District; and Amendments to Special Regulations

Action Requested: Shall the Board concur with staff's recommendations and approve amendments to the zoning ordinance defining resort hotel and including it as a permitted use within R-4 developments with performance standards?

Summary: This proposal allows the Board to consider amending the zoning ordinance to include a definition of resort hotel to broaden the types of units that are permissible under that use designation and to include it in the R-4 district. This proposal includes performance standards to be applied to all resort hotels.

The draft ordinance has been attached for your review and action.

Staff recommends adoption of the attached ordinance.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☒

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Ordinance

Agenda Item No.: I-2

Date: April 10, 2012

MEMORANDUM

DATE: April 10, 2012

TO: The Board of Supervisors

FROM: Melissa C. Brown, Zoning Administrator

SUBJECT: Case No. ZO-0001-2012. Addition of Resort Hotel Definition; Amendments to R-4, Residential Planned Community, District; and Amendments to Special Regulations

Staff received a request from Mr. Vernon M. Geddy, III, of Geddy, Harris, Franck, and Hickman, LLP in January of this year to consider amending the definition of hotel to broaden the types of units that are permissible under that use designation. Specifically, Xanterra Kingsmill, LLC applied to expand the Kingsmill Resort and Conference Center to include additional units and a lazy river pool facility with expanded, separate decks for family and adult recreation. Part of the proposal includes additional hotel units developed as single-family detached structures and marketed as cottages to be added to their hotel offering. The Kingsmill development is zoned R-4, Residential Planned Community. These proposed cottages are located in an area designated for hotel units on the approved master plan.

The current definition of hotel does not permit the use of detached units as part of the hotel development. While the use of detached units is a new variation in James City County, this is permitted under the definition of hotel or resort in other Virginia localities. In the City of Williamsburg, the Colonial Williamsburg Foundation offers a number of unit choices including detached units labeled Colonial Houses as part of its lodging offerings. These buildings vary in size from one to six or more units and may be one or two stories. York County, New Kent County, the City of Newport News, and Norfolk would all permit this type of unit as part of a comprehensive hotel development. The City of Virginia Beach and the County of Albemarle require Special Use Permits (SUPs) for resort facilities with more than one building in most business districts and would allow this as a unit choice as part of an approved master plan. There is a benefit to the County to have a broader range of transient occupancies subject to hotel tax.

Staff is recommending that resort hotel be inserted as a permitted use in the R-4, Residential Planned Community, district. Currently, Kingsmill, Ford's Colony, and Governor's Land are the only property zoned R-4 in the County. The reason for recommending this use be permitted as a matter of right is because new and expanded development must obtain legislative approval. New development in the R-4 district requires rezoning since there is no existing, undeveloped R-4 property lacking an approved master plan. Expansion to existing development not consistent with the approved master plan requires legislative action to amend the master plan. Effectively, Kingsmill and Ford's Colony would be the only two locations that might take advantage of this amendment since they are the only two R-4 communities that include hotel facilities with such varied clientele and demand to necessitate the addition of these units to their inventory. As such, this proposal is narrowly defined in order to address the needs in the existing R-4 district. Staff supports this request. This was a change that we were going to recommend in the broader ordinance update process, but we have accelerated the request to help facilitate the Kingsmill business plan and expansion.

The Planning Commission voted 4-0, with one absence, to recommend approval of the proposed amendment at its March 7, 2012, meeting, with no additional discussion.

Staff recommends that the Board approve the attached resolution thereby adopting the attached ordinance.

Case No. ZO-0001-2012. Addition of Resort Hotel Definition; Amendments to R-4, Residential Planned Community District; and Amendments to Special Regulations

April 10, 2012

Page 2

Melissa C. Brown

CONCUR:

Allen J. Murphy, Jr.

MCB/nb
Zo-01-12ResHtl_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, BY ADDING SECTION 24-45, PERFORMANCE STANDARDS FOR RESORT HOTELS; AND BY AMENDING ARTICLE V, DISTRICTS; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-287, PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In General, Section 24-2, Definitions; by amending Article II, Special Regulations, Section 24-45, Performance standards for resort hotels; and by Amending Article V, Districts; Division 5, Residential Planned Community District, R-4, Section 24-287, Permitted uses.

Chapter 24. Zoning

Article I. In General

Section 24-2. Definitions.

Resort Hotel - A building or group of buildings designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms but may be accommodated for in suites or detached units. Resort hotel units, regardless of the structural arrangement, must meet the performance standards listed in section 24-45, Performance standards for resort hotels.

Chapter 24. Zoning

Article II. Special Regulations

Section 24-45. Performance standards for resort hotels.

Resort hotel units, regardless of the structural arrangement, must meet the following requirements:

(a) Individual units cannot serve as permanent residences and shall not be addressed other than with the unit or building number.

(b) Access shall be controlled by a central check-in/check-out desk with daily maid service that may include the changing of sheets and towels, etc.

(c) No room shall be used by the same person or persons for more than 60 consecutive days.

Chapter 24. Zoning

Article V. Districts

Division 5. Residential Planned Community District, R-4

Section 24-287. Permitted uses.

Hotels, resort hotels, motels, tourist homes and convention centers.

Mary K. Jones
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 April, 2012.

Zo-01-12ResHtl_ord

MEMORANDUM COVER

Subject: Vacate Easement - 6692 Richmond Road

Action Requested: Shall the Board approve a resolution to vacate an easement at 6692 Richmond Road to relocate a Williamsburg Area Transit Authority (WATA) bus shelter?

Summary: As a result of reconfiguration of the Williamsburg Pottery ("Pottery") entrance and due to a proffer requirement, the Pottery had to relocate an existing bus shelter. The Pottery has requested that the County vacate the old, unnecessary bus shelter easement.

I recommend approval of the attached resolution.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: I-3

Date: April 10, 2012

MEMORANDUM

DATE: April 10, 2012
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Vacate Easement – 6692 Richmond Road

As a result of recent entrance reconfigurations to the Williamsburg Pottery Factory (the “Pottery”), and in accordance with a proffer requirement, the Pottery was required to relocate a bus shelter. The old bus shelter was located in the middle of the proposed entrance to the Pottery; consequently, the Pottery was required to move the bus shelter approximately 165 feet southeast along Richmond Road.

In accordance with the proffer requirement, the Planning Director, the Williamsburg Area Transit Authority (WATA) and the Virginia Department of Transportation (VDOT) reviewed and approved the new location. The Pottery has granted an easement to the County for the new bus shelter location and has asked that the County vacate its interest in the easement upon which the former bus shelter was located.

I recommend that the Board adopt the attached resolution vacating the County’s interest in the 1,250-square-foot easement upon which the former bus shelter was located.


Adam R. Kinsman

ARK/nb
6692RichRdEsmt_mem

Attachment

RESOLUTION

VACATE EASEMENT – 6692 RICHMOND ROAD

WHEREAS, the County of James City (the “County”) owns a 1,250-square-foot easement on a parcel of property located at 6692 Richmond Road and further identified as James City County Real Estate Tax Parcel No. 2430100024; and

WHEREAS, a Williamsburg Area Transit Authority bus shelter serving the Williamsburg Pottery Factory (the “Pottery”) was located upon the easement; and

WHEREAS, due to the reconstruction of the Pottery entrance roads and pursuant to a 2007 proffer requirement, the Pottery was required to relocate the bus shelter and dedicate a corresponding easement to the County; and

WHEREAS, the bus shelter has been relocated, rendering the easement upon which the former bus shelter was located as surplus and unnecessary.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting a public hearing, authorizes the County Administrator to sign any and all documents necessary to vacate the 1,250-square-foot easement on the parcel of property located at 6692 Richmond Road and identified as James City County Real Estate Tax Parcel No. 2430100024, said easement being further identified as “Ex. 25’ x 50’ JAMES CITY COUNTY EASEMENT D.B. 727, PG. 817 TO BE VACATED” on that certain plat entitled “PLAT OF EASEMENT AND VACATION TO JAMES CITY COUNTY FOR BUS SHELTER RELOCATION AND VACATION OF A PORTION OF JCSA EXISTING VARIABLE WIDTH UTILITY EASEMENT” made by AES Consulting Engineers, dated February 3, 2012.

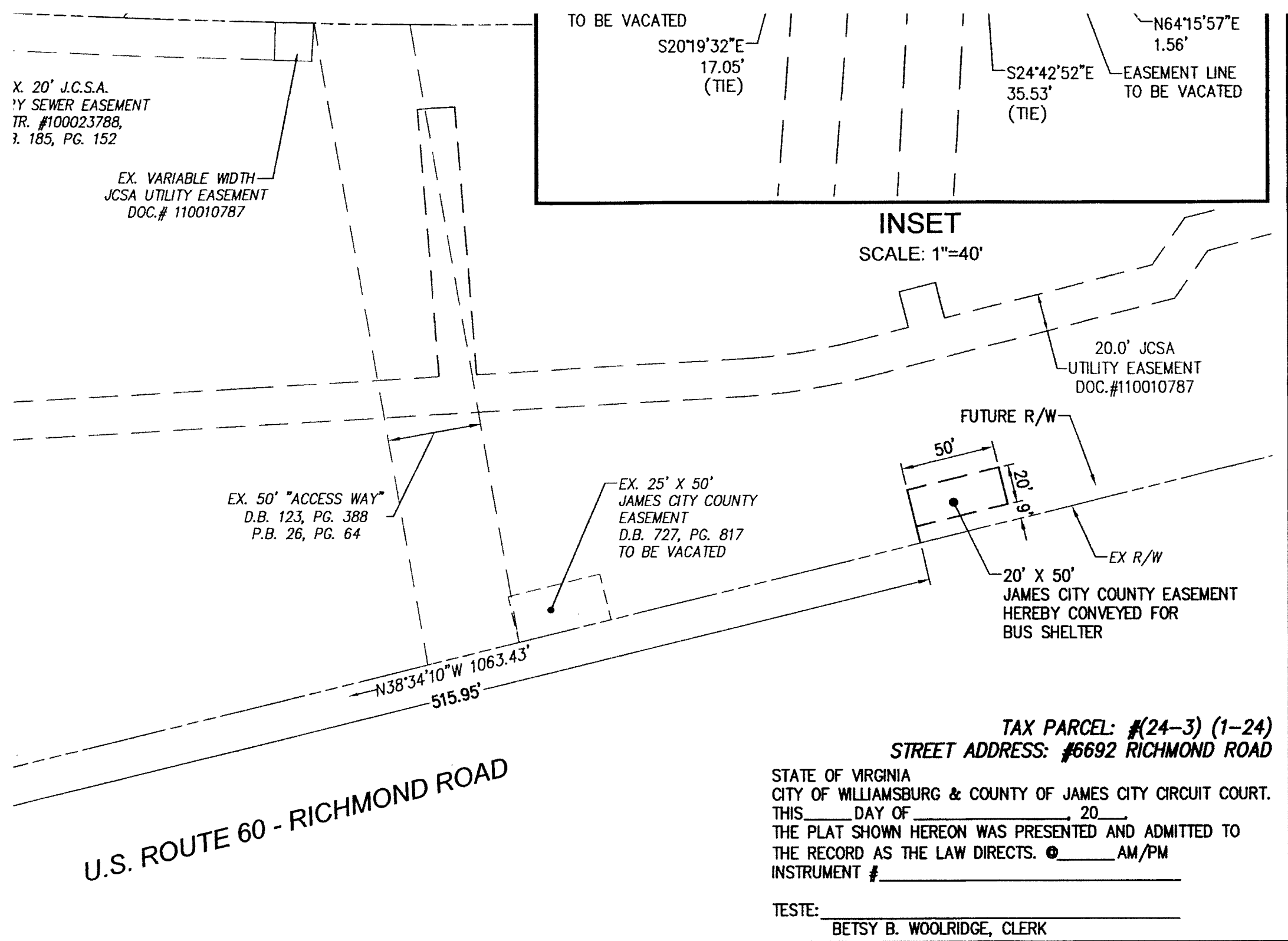
Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2012.

6692RichRdEsmt_res



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

ENGINEERS

Central Virginia | Middle Peninsula

PLAT OF EASEMENT AND VACATION TO
JAMES CITY COUNTY FOR BUS SHELTER RELOCATIO N
AND
VACATION OF A PORTION OF
JCSA EXISTING VARIABLE WIDTH UTILITY EASEMENT

WILLIAMSBURG POTTERY PROPERTIES, LLC

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: MJR/TCS

Project Number: 9510-04

Scale:

1"=60'

Date:

02/03/2012

Sheet Number

1 OF 1

MEMORANDUM COVER

Subject: Appropriation of Funds to Provide a Fire/EMS Very High-Frequency (VHF) Radio Paging System Expansion to Provide Coverage for all of James City County - \$88,000

Action Requested: Shall the Board approve the resolution that appropriates funds to provide an expansion of the existing Very High-Frequency (VHF) voice paging system?

Summary: The Fire Department requests funds to provide an expansion of its current voice paging system. There are two components within the voice radio communications system.

The first component is a 800-MHz trunked digital radio system to provide person-to-person voice communications.

The second component is a VHF Band one way voice paging system to alert stations and Volunteer members of incidents since the early 1980's. When we upgraded our radio system to 800-MHz there was no available technology to update the paging system. Currently, we have a transmitter on the tower site behind Berkeley Middle School for the paging system. We have very diminished coverage west of Toano using that single site in the middle of the County. Consequently, many volunteers are not receiving notification of Fire and EMS incidents if they are in the western end of the County, this is particularly troublesome because our Volunteer Station is located in that area.

Until now, Motorola has not had the technology to allow simulcast transmission of voice incident information on the paging system from multiple towers. The proposal from Motorola will add a paging transmitter to the Owens - Brockway Tower site on Industrial Drive in Toano and expand paging to cover all of James City County so that the volunteers can be notified of incidents.

The expected funding need is \$88,000 to provide and install the transmitter, related equipment at the James City County Emergency Communications Center, and complete a structural analysis of the Owens-Brockway Tower on Industrial Drive.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: J-1

Date: April 10, 2012

M E M O R A N D U M

DATE: April 10, 2012

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Appropriation of Funds to Provide a Fire/EMS Very High-Frequency (VHF) Radio Paging System Expansion to Provide Coverage for all of James City County - \$88,000

The Fire Department has used a voice radio tone alert paging system to notify Volunteer Fire and EMS staff of emergency incidents for over 25 years. This system also alerts the career staff at the five fire stations. The system is comprised of a transmitter located at our radio tower located behind Berkeley Middle School as well as belt wearable receiver pagers that members carry with them. When an alarm is transmitted, the radio system sends out an audible tone alert for each station dispatched, the alert tone turns the pager on so that the member can hear the type of incident, address, and any additional pertinent information.

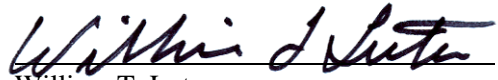
Until the 800-MHz radio system was installed, we had two transmitters, one at the eastern end of the County and one in the western end. With the installation of the new 800-MHz system it was found that we could only use one transmitter for Very High-Frequency (VHF) paging in conjunction with the (Ultrahigh Frequency) UHF 800-MHz system. There was no technology available to allow for two transmitters.

With only one transmitter located in the middle of the County we found that although fire stations were still receiving signal 100 percent of the time, there were gaps in coverage for pagers. The gaps exist primarily west of Toano. We have received numerous comments from Volunteer Firefighters that they could not respond to calls because their pagers never alerted them.

Motorola has developed new technology to correct the coverage issue that will work with our radio system. The expansion project will install two new transmitters, one at the Owens-Brockway Tower in Toano, and one at the Berkeley Tower site. The new transmitters will extend the range for paging to cover 100 percent of James City County.

The Project cost is \$88,000. There is \$61,500 available in the Fire and EMS Equipment Capital Improvements Program (CIP). We request appropriation of \$26,500 from CIP Contingency.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

CONCUR:

Robert C. Middaugh

WTL/nb
F-EMS-VPaging_mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS TO PROVIDE A FIRE/EMS VERY HIGH-FREQUENCY (VHF)

RADIO PAGING SYSTEM EXPANSION TO PROVIDE COVERAGE FOR ALL OF

JAMES CITY COUNTY - \$88,000

WHEREAS, the Fire Department utilizes a Motorola Radio Voice Paging System to notify fire stations, staff, and Volunteer Fire and EMS members of incidents including the type of incident and location; and

WHEREAS, the current system does not provide adequate coverage for the entire County, particularly in the western end of the County; and

WHEREAS, volunteer members have missed notification of emergency incidents on numerous occasions; and

WHEREAS, Motorola Radio Communications has proposed a solution that includes installation of a second paging transmitter in Toano.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriation of funds.

Mary K. Jones
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 April, 2012.

F-EMS-VPaging_res

MEMORANDUM COVER

Subject: Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals

Action Requested: Shall the Board adopt the resolution establishing guidelines for communications with applicants requesting legislative approvals?

Summary: At the Board's request, staff has prepared a resolution establishing guidelines for communications with applicants seeking legislative approvals. This item was deferred from the March 27, 2012, work session.

Staff recommends adoption of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: J-2

Date: April 10, 2012

M E M O R A N D U M

DATE: April 10, 2012

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: Board of Supervisors Guideline for Outside Communications with Applicants Requesting Legislative Approvals

At the Board's request, staff has prepared a resolution that establishes guidelines for communicating with applicants seeking legislative approvals. The purpose of the guidelines is to encourage transparency in the consideration of legislative approvals and to increase public confidence in the deliberative process.

This item was deferred from the March 27, 2012, work session.

Staff recommends approval of the attached resolution.

Robert C. Middaugh

RCM/nb
DiscloPol_mem

Attachment

RESOLUTION

BOARD OF SUPERVISORS GUIDELINES FOR OUTSIDE COMMUNICATIONS

WITH APPLICANTS REQUESTING LEGISLATIVE APPROVALS

WHEREAS, it is the policy of the Board of Supervisors (“Board”) to encourage transparency in its consideration of legislative approvals before the Board; and

WHEREAS, it is the Board’s intention to increase public confidence in the deliberative process through enactment of a disclosure policy; and

WHEREAS, the Board wishes to establish the following guidelines pertaining to communications with applicants for legislative approvals:

1. Members of the Board (“Supervisors”) are permitted to meet with applicants outside of a public hearing required of all legislative approvals by the Board pursuant to the conditions below;
2. Applicants are defined as all individuals representing an applicant, directly participating in the preparation of or having a material financial stake in the application that is the subject of the public hearing;
3. Supervisors may contact County Administration prior to such meetings to gather facts about the application;
4. Staff may attend meetings with an applicant and Supervisor if requested by the Supervisor and approved by the County Administrator or his designee;
5. The purpose of such meetings is limited to fact finding and clarification for all parties;
6. Supervisors shall not make a commitment of their voting intent nor direct applicants on the substance of their proposals;
7. Supervisors shall disclose all meetings by reporting in written form with copy to all Board members in advance of the meeting or verbally at the Board meeting where the case is scheduled for public hearing; and
8. This policy is intended to be self-enforcing by the respective members of the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the guidelines for outside communication with applicants requesting legislative approval.

Mary K. Jones
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 April, 2012.

DiscloPol_res

MEMORANDUM COVER

Subject: School Contract

Action Requested: Shall the Board approve the resolution to adopt the Joint School Contract?

Summary: This memorandum jointly transmits to the James City County Board of Supervisors and the City of Williamsburg City Council. The negotiated contract for the joint operation of schools between James City County and the City of Williamsburg has a contract period from the start of the Fiscal Year 2013 to the end of the Fiscal Year 2017.

The negotiated contract uses the previous five-year period contract for the joint operation of the schools as a base and modifies the agreement in a few areas.

The principal change to the agreement is the funding formula found in Section 1, Operational Costs. The proposed contract changes the allocation of funding between the County and the City from a single-year student count with a multiplier applied to a three-year average for student count with a multiplier applied. Maintaining the same level of multiplier, 1.14, that was in effect at the end of the last contract is recommended.

This contract is jointly recommended for approval of both legislative bodies. The contract is fair to both parties and provides more flexibility in dealing with fiscal matters in the future. This contract will enable the County and the City to continue the excellent working relationship experienced in the joint operation of the School system. Through the collaborative efforts of the County and the City, both communities enjoy a healthy and high quality school system. Both the County and the City should be very proud of this relationship as it is somewhat unique in the Commonwealth.

Fiscal Impact:

FMS Approval, if Applicable: Yes ☒ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachment:

1. Memorandum

Agenda Item No.: J-3

Date: April 10, 2012

MEMORANDUM

DATE: April 10, 2012

TO: The Board of Supervisors

FROM: Jackson C. Tuttle, City Manager, City of Williamsburg
Robert C. Middaugh, County Administrator

SUBJECT: School Contract

This memorandum jointly transmits to the James City County Board of Supervisors and the City of Williamsburg City Council. The negotiated contract for the joint operation of schools between James City County and the City Williamsburg has a contract period from the start of the Fiscal Year 2013 to the end of the Fiscal Year 2017.

The negotiated contract uses the previous five-year period contract for the joint operation of the schools as a base and modifies the agreement in a few areas.

The principal change to the agreement is the funding formula found in Section 1, Operational Costs. The proposed contract changes the allocation of funding between the County and the City from a single-year student count with a multiplier applied to a three-year average for student count with a multiplier applied. Maintaining the same level of multiplier, 1.14, that was in effect at the end of the last contract is recommended. In fact the multiplier has a long history from the time the contract was based upon a local tax generating capacity formula. We agree that for the next five years continuing the existing 1.14 multiplier is fair to both parties.

The change to a three-year average for student counts is suggested as a more fair allocation method of School operating expenses than the previous one year count. By utilizing a three-year average, each party will have the ability to phase in student count increases rather than having to reflect that increase in one year alone. This change will allow the allocation of funds to be more level and not subject either party to large increases in any one year. In this year of the contract, the City will be able to benefit since their school count increased by 88 children, which represents a substantial percentage increase. In future years it is anticipated that the County will also be able to benefit from the three-year average, as typically the County has been the entity which has experienced growth in the student population. This model has been used successfully for several years in the allocation of funds at the regional jail, in which the County and the City are participants.

Also in Section 1 of the contract, a change to clarify those students that are exempted from the funding formula has been recommended. The original contract language exempted from the student count a facility that accommodated transient residency of children. Children who reside in hotels, motels, campgrounds, or some other type of nonresidential property have been added to the definition in order to have the definition be more inclusive and clear. It is always been the intent of the parties to exclude this category of child from the funding formula. In the fall of 2011, this added exemption would have resulted in excluding 15 children from the funding formula, a relatively minor impact.

Also in Section 1 of the contract a change has been recommended to deal with unexpended funds at year end. Current contract language is recommended to be deleted and changed to reflect that unexpended funds will

become part of the appropriated funds for the next fiscal year, unless a specific spending plan and by the School Board is approved by the County and the City. Further in the agreement, this same approach and logic is applied to a change recommended for any outstanding capital project balances in excess of \$500,000. This change in language is suggested both as a means to allow the Schools as well as the City and the County to have some measure of flexibility associated with spending. The change will allow a greater range of spending approvals to be provided by the County and the City to recognize changed circumstances or conditions.

Capital expenditures will be allocated by the same formula as operating costs except for the costs for a new school. The cost sharing for any additional school in the five years covered by this contract will be negotiated at that time between the City and the County.

There is also some minor language cleanup suggested to reflect the names of schools which were not known at the time of the last contract negotiation.

This contract is jointly recommended for approval of both legislative bodies. The contract is fair to both parties and provides more flexibility in dealing with fiscal matters in the future. This contract will enable the County and the City to continue the excellent working relationship experienced in the joint operation of the School system. Through the collaborative efforts of the County and the City, both communities enjoy a healthy and high quality school system. Both the County and the City should be very proud of this relationship as it is somewhat unique in the Commonwealth.

Jackson C. Tuttle

Robert C. Middaugh

RCM/nb
SchoolCont_mem

RESOLUTION #
JOINT RESOLUTION TO AMEND THE RESTATED
CONTRACT FOR THE JOINT OPERATION OF SCHOOLS,
CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

DATE OF DOCUMENT: ~~March 27, 2007~~ _____, 2012

PREAMBLE

By Agreement dated October 9, 1980, the County School Board of James City County, Virginia, and the County of James City, parties of the first part and the School Board of the City of Williamsburg, Virginia and the City of Williamsburg, Virginia, parties of the second part entered into a restated contract for the operation of a joint school system, hereinafter referred to as the “Restated Contract.”

By Resolution dated October 9, 1980, the City of Williamsburg (hereinafter referred to as “City”) and the County of James City (hereinafter referred to as “County”) and their respective school boards amended the funding formula as set forth in the Restated Contract.

By Resolution dated February 27, 1989, the City of Williamsburg and County of James City and their respective school boards, further amended the Restated Contract to provide that James City County would fully pay all costs of constructing three schools as described therein and that the County would have all ownership equity in such schools.

By Resolution dated December 12, 1991, by the City, December 16, 1991, by the County, and December 17, 1991, by the School Boards, (hereinafter referred to as “1991 Resolution”) the parties

further amended the Restated Contract by repealing in its entirety the October 9, 1980, Restated Contract and substituting therefore new provisions for all aspects of the contract.

By Resolution dated April 11, 1996, by the City and April 30, 1996, by the County (hereinafter referred to as the "1996 Resolution"), the parties amended the Restated Contract.

By Resolution dated October 9, 2001, by the County, and October 11, 2001, by the City (hereinafter referred to as the "2001 Resolution,") the parties amended the restated contract.

By Resolution dated November 14, 2006, by the County and November 9, 2006, by the City (hereinafter referred to as the "2006 Amendment"), the parties amended the restated contract.

By Resolution dated March 27, 2007, by the County, and April 12, 2007, by the City (hereinafter referred to as the "2007 Amendment,") the parties amended the restated contract.

By Resolution dated _____, 2012, by the County, and _____, 2012, by the City (hereinafter referred to as the "2012 Amendment,") the parties amended the restated contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that effective July 1, 2007~~12~~, the funding formula of the *Restated Contract* is amended as follows:

1. Operational Costs. Beginning Fiscal Year 2007~~12~~/2008~~13~~, City's contribution toward annual operational costs of the joint school system shall be:

- a. A portion of the total operational costs jointly approved by County and City for each fiscal year which portion shall be equivalent to the percentage of City students enrolled in the joint system determined as hereinafter set forth times an add-on factor that varies by year as follows:

<u>Year</u>	<u>Factor</u>
FY 2008 13	1.45 14
FY 2009 14	1.45 14
FY 2010 15	1.45 14
FY 2011 16	1.14
FY 2012 17	1.14

- b. For the purposes of calculating the percentage of City students under subparagraph a above, the average school division daily membership shall be computed as of September 30 of the preceding fiscal year which date is here defined as the “determination date.” The percentage thus obtained, *and the percentage determined for the two preceding fiscal years shall be averaged and the average* shall be used in applying the formula to the next fiscal year; provided, certain City/County student populations will be excluded from the funding formula set forth in 1a above as follows:

- Nonresidents (children living in other localities)
- Residents of halfway houses, group homes, detention centers, mental hospitals, or other institutions with no home address in either the City or County.
- Children for whom the school division cannot assign a home address in City or County.
- *Children who reside in hotels, motels, campgrounds, or some other type of non-residential property.*

Both City and County shall be entitled to review all pertinent school enrollment records to verify such calculations. Should either City or County, after reviewing such records wish to contest the accuracy of the calculation for any year, it must elect to do so by December 31 immediately following the September 30 calculation cutoff date. The contesting party shall give written notice to the other on or before December 31 specifying the basis of its disagreement. Upon receipt of such notice, the parties shall meet together as soon as is reasonable practicable and shall in good faith attempt to resolve the dispute. Should such efforts fail, each party shall appoint a certified public accountant as its arbitration representative. Such representatives shall choose an attorney at law duly licensed to practice in Virginia as a third arbitrator. The decision of the arbitrators shall bind both parties. Each party shall compensate its own accountant and the fees of the attorney shall be equally shared by the parties.

“Operational Costs” are all costs of operating the joint school system other than Capital Project Costs and shall include, but not be limited to: Administration, operation of school plants, routine maintenance of school plants, instructional costs, F.I.C.A. taxes and other employer funded employment benefits, repair and replacement of furnishing and equipment.

c. ~~The School board shall be permitted to retain and determine the use of any year-end surplus operating funds up to an amount equal to \$500,000. Any operating funds that exceed that amount shall be dedicated to, the Capital Budget for the following year for projects appearing in the adopted five-year capital improvement programs of both the City and the County.~~ *Based on § 22.1-100 of the Code of Virginia, local school funds unexpended in any year shall become a part of the appropriated funds of the City and County for the School Board for the following year. However, based on a spending plan submitted by the School Board, unexpended local funds at year-end may be appropriated by the City and County for school purposes beyond those previously funded.*

d. City and County shall pass through any and all of their shares of the State Sales Tax for schools to the schools. The School Board shall determine how such funds shall be used.

e. City and County shall have a responsibility to their respective citizens to assure that funding provided to the school system is spent wisely and efficiently in achieving quality of education for the students.

The funding formula calculated for operational costs in Section 1, above, shall be used to determine the funding by City and County for all Capital Project Costs approved by their respective governing bodies, ~~except that the City's share of funding for the fourth middle school, ninth elementary school, and any school additions primarily of classroom space shall be three and one quarter percent (3 1/4%) of the Capital Project costs. The foregoing notwithstanding, if any new school other than the fourth middle school and the ninth elementary school are~~ ^{is} to be contracted for during the five-year term of this agreement, ~~none of which are currently contemplated by the parties,~~ the City and County shall negotiate their respective participation at that time.

"Capital Project Costs" shall include: (a) All costs of land acquisition; all costs of land lease having a term of at least ten (10) years, including but not limited to rents and lease negotiation fees and costs; (b) all construction costs of new buildings including all architectural, engineering, consultation and other design and development costs related thereto; (c) all costs of equipping new buildings, building additions and renovations and other structures or facilities; (d) all construction costs for major renovations of and/or additions to existing buildings, structures and facilities, including all architectural, engineering, consultation and other design and development costs related thereto ("major" being defined for purposes of subsections (d), (e), and (f) as an expenditure in excess of \$50,000); (e) all major studies such as engineering, feasibility, etc., related to existing or proposed school facilities, sites, properties, equipment,

etc., (f) all costs for acquisition of major equipment and mechanical systems whether new or replacement;
(g) expansion of existing school bus fleet.

City and County agree, for any School capital project with an estimated cost of \$1 million or more, to appropriate funds to the project in two phases:

Phase 1 shall include site acquisition and sufficient engineering and design services to produce reliable cost estimates. Constructability, peer review and value engineering reports shall be reviewed and critically evaluated. The expected capital improvement impact of any required school attendance zone redistricting shall also be evaluated during Phase 1. This includes identification of additional buses or design changes to existing school facilities to meet new zone requirements.

Phase 2 shall come at the conclusion of Phase 1 and shall result in an appropriation of sums sufficient for construction.

Any capital project balance not to exceed \$500,000 may be retained by the School Board if these funds are invested in a capital project included in the adopted five-year capital improvement programs of both City and County. Project balances exceeding \$500,000 shall be ~~returned to the City and County in the same proportion as they were contributed~~ *considered in the same way as unexpended local funds in the operating budget, paragraph 1(c) of this agreement.*

FURTHER RESOLVED that paragraphs 3 through 6 of the Restated Contract are hereby amended and restated as follows:

3. Termination. Either the Williamsburg City Council or the James City County Board of Supervisors may elect to terminate this contract at any time by giving written notice to the other. Unless City and County shall agree otherwise, termination shall become effective at the close of the school year next following the school year during which notice was given.

In the event of termination, the City shall have one hundred percent (100%) equity in all school facilities located within the City's corporate limits and the County shall have one hundred percent (100%) equity in all school facilities located in the County; provided, however, that the non-situs locality shall have an equity interest in any real property located in the other locality which was used for school purposes, equal to all capital contributions made by the non-situs locality for the erection or improvement of buildings on such real property subsequent to July 1, 1997; provided, however, that City's capital contributions made under the provisions of this contract attributed to the construction of Matoaka Elementary School, *Hornsby Middle School, and Blayton Elementary School* and the unnamed fourth middle and ninth elementary schools shall be considered as an increase in City's equity position in Warhill High School or any other currently operating school buildings chosen by City. City relinquishes all equity interest in Matoaka Elementary School, *Hornsby Middle School, and Blayton Elementary School* and the unnamed fourth middle and ninth elementary schools effective November 1, 2006.

In event that any building previously used for educational purposes under this contract ceases to be used as such, and is declared surplus by a resolution of the School Board, then full ownership of such building, the land upon which it is located, together with all other related facilities, shall vest in the locality in which the building is located; provided, however, that the non-situs locality shall have an equity interest in such building and land, equal to all capital contributions made by the non-situs locality for the erection or improvement of such building subsequent to July 1, 1997.

“Facilities” shall include all real and personal property located at a school site. School-owned real property not identified with a specific school site and owned as of June 30, 2002, shall be distributed 26% to City and 74% to County. Real property acquired after June 30, 2002, shall be distributed based on the proportional funding at the time the acquisition/construction is made. Personal property not identified with a specific school site shall be distributed between City and County on a formula that represents the average operating budget funding percentage as calculated using the five most recent annual budgets. Such non school site property includes, but is not limited to, central administration and operations real and personal property, school buses, vehicles and equipment not used primarily at a particular school.

In applying the above percentages to non school site property, the current values of such properties shall be determined as follows:

Real Property - Fair market value based on comparable sales and highest and best use.

School Buses - As shown in most recent issue of valuation booklet for school buses, “Yellow Book” published by Yellow School Buses, P.O. Box 261, Los Angeles, CA 90078 or if out of publication, as determined by other mutually agreeable method.

Other Personal - Acquisition cost depreciated over five (5) years with ten percent (10%) salvage value.

4. School Board Membership. Effective July 1, 1993, City’s School Board shall consist of two (2) members and County’s School Board shall consist of five (5) members. The two School Boards shall serve as one Board for all decisions regarding operation of the joint school system including the hiring and firing of the superintendent.

5. Review of Contract. The Restated Contract as here amended shall be reviewed by City and County prior to the fiscal year beginning July 1, 2012~~7~~, and every fifth (5th) year thereafter. Each review shall commence not later than January of the previous fiscal year. The parties intend that any subsequent amendments to the Restated Contract shall result from the regularly scheduled reviews, and each party represents to the other its intent to withhold requests for further amendments until the time of such scheduled reviews unless urgent necessity dictates otherwise.

6. Effective Date of Amendments. All future amendments to the Restated Contract as here amended shall become effective on the July 1 following the fiscal year in which the parties reach written agreement as to such amendment.

IN WITNESS WHEREOF, Pursuant to resolution duly adopted, the City of Williamsburg, Virginia, on this ____ day of _____, 2012; the County of James City on the ____ day of _____, 2012.

COUNTY OF JAMES CITY

By: _____
Chairman

ATTEST:

Clerk

CITY OF WILLIAMSBURG

By: _____
Mayor

ATTEST:

Clerk

SchoolContract-March2012_res