

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**County Government Center Board Room**  
**July 24, 2012**  
**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Hailey Hopkins, 4th grade student at Norge Elementary School

**E. PRESENTATION**

1. Senior Services Coalition
2. Hampton Roads Military and Federal Facilities Alliance

**F. PUBLIC COMMENT**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. CONSENT CALENDAR**

1. Minutes –
  - a. July 10, 2012, Regular Meeting
2. Appointment of Animal Control Officer
3. Initiation of Consideration of Amendment to the Zoning Ordinance ZO-0004-2012 – Soil Stockpile Areas
4. Contract Award – Old News Road Improvements
5. Longhill Road Corridor Study – Budget Appropriation and Project Administration Agreement
6. Resolution to Establish Petty Cash Fund for Freedom Park Interpretive Center

**I. PUBLIC HEARINGS** - none

**J. BOARD CONSIDERATIONS**

1. A Resolution of the Board of Supervisors of the County of James City, Virginia, Requesting the Economic Development Authority of the County of James City, Virginia, to Issue its Public Facility Lease Revenue Bonds to Finance and Refinance the Costs of Certain Public Facilities

**K. PUBLIC COMMENT**

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

**M. BOARD REQUESTS AND DIRECTIVES**

**N. CLOSED SESSION**

1. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Colonial Behavior Health
  - b. Historical Commission

**O. ADJOURNMENT** – to 4 p.m. on August 14, 2012



# Preparing for the Age Wave

Presentation to the James City County Board of Supervisors  
July 24, 2012

- **Senior Services Coalition** is comprised of members from health and social services organizations, local government and businesses, non-profits and area residents
- Facilitates implementation of the **Community Action Plan on Aging**, making the Greater Williamsburg area healthier and more livable for older adults



## Members actively working as a Coalition:

- Peninsula Agency on Aging
- Sentara Healthcare
- Riverside Health System
- Olde Towne Medical Center
- The Center for Excellence in Aging and Geriatric Health
- United Way of Greater Williamsburg
- Historic Triangle Senior Center
- Eastern State Hospital
- Alzheimer's Association
- Angels of Mercy
- Brookside Home Health
- Colonial Heritage Community Foundation
- Comfort Keepers
- Household Document Organization
- Morningside Assisted Living
- Spring Arbor
- The Williamsburg Regional Library
- United Methodist Church
- AARP
- James City County
- City of Williamsburg
- York County
- Home Instead
- Colonial Behavioral Health
- Williamsburg Landing
- The Farley Center at Williamsburg Place
- R.F. Wilkinson YMCA
- And many area seniors

# Statistics

## Demographics: Age 60+ in Historic Triangle

- 24% in 2012
- 33% in 2030
- >40% of residents 65+ have one or more chronic illnesses

## Transportation

- 93% of residents 65+ own a car; almost all have a driver's license
- Heavy reliance on personal vehicles

## Financial Status

- Approximately half of employed residents 65+ had left and then re-entered the workforce.
- 13% of women and 9% of men 65+ living in JCC live below 200% of the poverty level

Sources: Older Dominion Partnership, Historic Triangle Oversample Report; Census 2005-2009 ACS. Table S21046

# Impacts of Aging Population

- **Health Care** – Increased impact on Medicare, Medicaid, state and local resources, increased calls to local EMS
- **Transportation** – Increased numbers of older drivers, drivers voluntarily or involuntarily giving up driver's license, dependence on other for transportation
- **Housing** – Increased support needed to enable older adults to remain in their own homes, increased need for affordable, accessible housing as well as independent and assisted living residences and skilled care facilities
- **Volunteerism** – Increased number of seniors volunteers who provide skills and knowledge to local agencies; enrichment of community events and activities through seniors' participation

## SSC Priorities

- Help seniors and caregivers navigate resources
- Enhance the support of services to meet the needs of vulnerable seniors and their caregivers
- Support neighborhoods in maintaining or establishing Neighbor to Neighbor Programs to allow seniors to age in place
- Expand opportunities for seniors to remain connected and contribute their skills and enthusiasm to the community

## Current Coalition Initiatives

- Neighbor to Neighbor Program Assistance
- Annual Senior Employment Fair
- Experienced Workers in Transition Job Club
- Family Caregiver Skills Training Program
- Financial Literacy Workshops
- Peninsula Aging and Disabilities Resource Network (PADRN.org) – online directory of vetted service providers

## How you can Help

- Enhance the collaboration between the County and the Senior Services Coalition to develop policies that encourage accessible housing, transportation, pedestrian safety, etc.
  - County sees SSC as a resource for senior issues
- Strength the partnership between the County and the Senior Services Coalition.
  - County actively participates in the 2013 Aging Summit



*Senior Services Coalition*



**Community  
Action Plan  
On Aging**

*Enhancing Quality of Life for Seniors*

*For more information about SSC*

*Call (757) 220-3480*

*Visit [www.SeniorsServicesCoalition.com](http://www.SeniorsServicesCoalition.com)*

**M E M O R A N D U M**

DATE: July 24, 2012

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: Presentation – Hampton Roads Military and Federal Facilities Alliance

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Mr. Craig Quigley, Executive Director of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA), will appear before the Board at the July 24 meeting. His presentation will provide an overview of HRMFFA and the issues currently facing the organization.

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Robert C. Middaugh

RCM/gb  
HRMFFA\_mem

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY 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** – Daisy Troop 1270 led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATIONS - None**

**F. PUBLIC COMMENTS**

1. Mr. Randy O'Neill, 109 Sheffield Road, Williamsburg, addressed the Board regarding physical fitness programs offered to elementary school students.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, Toano, addressed the Board concerning International Council for Local Environmental Initiatives (ICLEI) issues and Agenda 21.

3. Ms. Rosanne Reddin, 2812 King Rook Court, Williamsburg, addressed the Board regarding Agenda 21, ICLEI, and private property rights.

4. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, addressed the Board regarding Route 60 traffic concerns. Mr. Oyer also expressed concern regarding the fact that there are no emergency shelters in the Roberts District and the school/recreation center cannot be used as an emergency shelter because emergency power has not been provided to that location.

5. Mr. Joseph Swanenburg, 3026 The Point Drive, Lanexa, apologized to the Board for misspeaking at the June 26, 2012, meeting regarding the National Association of Counties (NACo) award received by the County. Mr. Swanenburg thanked Ms. Jones for recognizing citizen concerns regarding Agenda 21, ICLEI, and property rights. Mr. Swanenburg also addressed concerns regarding Agenda 21.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon mentioned that on June 29, 2012, he, along with Ms. Jones, and Mr. Middaugh, County Administrator, attended the Habitat for Humanity's Building Blitz. He stated that five local builders constructed five new homes in a month for residents of the Ironbound Square area. He stated that the builders did a tremendous job.

Ms. Jones advised the Board that she sent out a draft letter on behalf of the Urban Crescent, which will be sent to the Governor and delegates of the General Assembly and informed the Board that she received an update from the Hampton Roads Planning District Commission (HRPDC) Chairman Sheppard, York County, who requested more emphasis be placed on the County's region. She stated that she will provide draft changes to the Board before she signs the letter on behalf of James City County. Ms. Jones thanked Mr. Oyer for his ongoing assistance with the Pledge of Allegiance.

#### **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).

1. Minutes –
  - a. June 26, 2012, Work Session
  - b. June 26, 2012, Regular Meeting
2. Chesapeake Bay Restoration Fund Grant – \$3,000

### **RESOLUTION**

#### **CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,000**

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Department's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,000 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenue:

From the Commonwealth	<u>\$3,000</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$3,000</u>
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3. Grant Award – Office of Emergency Medical Services (OEMS) Rescue Squad Assistance Fund (RSAF) Grant – \$18,128

**RESOLUTION**

**GRANT AWARD – OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)**

**RESCUE SQUAD ASSISTANCE FUND (RSAF) GRANT – \$18,128**

WHEREAS, the James City County Fire Department has been awarded a Rescue Squad Assistance Fund (RSAF) grant for \$18,128 (\$9,064 grant funds, \$9,064 local match) from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS); and

WHEREAS, the funds are to be used for a replacement lift bag kit for use in extrication and industrial accidents; and

WHEREAS, the grant requires a 50 percent match of \$9,064, which is budgeted in the FY 2013 Grants Match account.

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

Revenues:

RSAF Grant - Lift Bag Kit	\$9,064
Transfer from General Fund	<u>9,064</u>

Total:	<u>\$18,128</u>
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Expenditure:

RSAF Grant - Lift Bag Kit	<u>\$18,128</u>
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4. Appointment of Assistant Fire Marshals, Authorization of Fire Prevention Powers, and Authorization of Police Powers

## **RESOLUTION**

### **APPOINTMENT OF ASSISTANT FIRE MARSHALS, AUTHORIZATION OF FIRE**

#### **PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS**

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to have the same law enforcement powers as a Police Officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Firefighters Shana M. Brisson and Michael A. Fowler have completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Firefighters Shana M. Brisson and Michael A. Fowler as James City County Assistant Fire Marshals with all such police powers and authority as provided in Virginia Code Sections 27.30 et. Seq.

5. Appointment of Acting Zoning Administrator

## **RESOLUTION**

### **APPOINTMENT OF ACTING ZONING ADMINISTRATOR**

WHEREAS, the position of Zoning Administrator of James City County is currently vacant; and

WHEREAS, it is necessary to formally appoint an Acting Zoning Administrator to temporarily fulfill the legal and functional duties related to the interpretation and enforcement of the County's Zoning Ordinance; and

WHEREAS, Ms. Christy Parrish has achieved Certified Zoning Administrator status through the Virginia Association of Zoning Officials and has demonstrated knowledge, skills, and abilities related to this position; and

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Christy Parrish as Acting Zoning Administrator.

6. Revisions to Chapter 11 of the James City County Personnel Policy and Procedures Manual – Safety Policy

### **RESOLUTION**

#### **REVISIONS TO CHAPTER 11 OF THE JAMES CITY COUNTY PERSONNEL POLICY**

##### **AND PROCEDURES MANUAL - SAFETY POLICY**

WHEREAS, the County Safety Policy provides structure for responsibility and implementation of safety procedures and safety rules; and

WHEREAS, it is the practice of the County to periodically review its policies for improvement and alignment with County values; and

WHEREAS, recommended revisions to Chapter 11 of the Personnel Policy and Procedures Manual bring the County's Safety Policy into line with the change in State Code, make title changes, and include new County values.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures listed above are adopted effective July 1, 2012.

7. Budget Transfer – Legal Services

### **RESOLUTION**

#### **BUDGET TRANSFER – LEGAL SERVICES**

WHEREAS, the Board of Supervisors adopted a resolution on April 24, 2012, urging Dominion Virginia Power (Dominion) to underground the proposed 500 kV utility line underneath the James River should they choose Dominion Surry-Skiffes Creek Alternative; and

WHEREAS, Dominion has submitted an application to the State Corporation Commission for the Surry-Skiffes Creek Alternative with the utility line running over the James River; and

WHEREAS, the Board of Supervisors desires to oppose the application in the State Corporation Commission permitting process and to take all appropriate actions to see that the Dominion 500 kV utility line is built under the James River; and

WHEREAS, the Board of Supervisors believes that the hiring of outside counsel with experience in matters before the State Corporation Commission is necessary to assist with the effort.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers \$50,000 from Contingency to Legal Services.

## **I. PUBLIC HEARINGS**

### **1. Case No. ZO-0014-2011. Exterior Signs**

Mr. Christopher Johnson, Principal Planner, stated that at the June 12, 2012, Board meeting, the Board expressed several concerns with the proposed exterior signage ordinance related to potential size of freestanding sign-mounting structure area and sign-mounted lighting in Community Character Areas and Corridors. To give adequate time to address these concerns and to develop options for consideration, Mr. Johnson requested that the Board open and continue the public hearing to the August 14, 2012, Board meeting.

Ms. Jones opened the Public Hearing.

As no one wished to speak to this matter, Ms. Jones kept the Public Hearing open until August 14, 2012.

### **2. Ordinance to Amend Chapter 15, Offenses – Miscellaneous, Section 15-35, Carrying Concealed Weapons**

Mr. Leo Rogers, County Attorney, advised the Board that the proposed ordinance amendments mimic the changes to the State Code and stated that fingerprints will no longer be required. He stated that as a result of removing the fingerprinting requirement, the application fee previously set at \$50 will decrease to \$25.

Ms. Jones questioned if Sheriff Deeds proposed the recommendation to reduce the administration fee.

Mr. Rogers stated that the recommendation came from the Sheriff's office and advised the Board that Deputy Sheriff Hardin was present to answer any questions from the Board.

Ms. Jones questioned if a person had fingerprinting done, what would happen to the paperwork.

Mr. Rogers responded that fingerprints were sent to the State Police and checked. He stated that he could not respond to where the records went after the State Police did their checks. He stated that the County Sheriff Office destroys the hard copy and the electronic copy of the fingerprints.

Ms. Jones opened the Public Hearing.

1. Mr. Joseph Swanenburg, 3026 The Point Drive, Lanexa, questioned if the proposed changes referred to concealed weapons such as rifles or shotguns or if the proposed changes were strictly for concealed handguns.

Ms. Jones closed the Public Hearing and directed the County Attorney to address Mr. Swanenburg's question.

Mr. Rogers responded yes that the changes would be for a concealed handgun.

Mr. Kale made a motion to adopt the ordinance.

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

3. Ordinance to Amend Chapter 20, Taxation, Section 20-28 – Deadline for Appeal

Mr. Rogers advised the Board that the proposed changes also mimic changes that the General Assembly made to provide notice to the taxpayer of their right to appeal. He stated that there are certain provisions in the Code which state that the County has to provide specific notice to the taxpayers. He stated that in addition, a requirement was added that before a taxpayer goes to court to challenge and appeal, they have to exhaust the administrative process by going through the Board of Equalization. He stated that this provision is authorized by the State Code, but it was not in the County Code.

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 adopt the ordinance.

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

4. Case No. Z-0005-2012/SUP-0006-2012. Fire Station 4 Replacement

Mr. Jason Purse, Planner III, advised the Board that Mr. Bernie Farmer, Capital Projects Administrator, General Services, has applied to rezone a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands. He stated that, together with the adjacent property located at 5312 Olde Towne Road, already zoned PL, Mr. Farmer has also applied for a Special Use Permit (SUP) to allow for the construction of a replacement fire station on the properties. He informed the Board that the replacement station will be 12,500 square feet with a projected staff of 12. He stated that currently the site has two accesses from Olde Towne Road, one for staff and one for apparatus. He stated that under the new proposal, the apparatus entrance will be relocated and the public entrance will be shared with the adjacent property. He stated that the shared drive is currently aligned with Westmoreland Drive and will provide a better ingress/egress movement to and from the site. He stated that the Comprehensive Plan designates these properties as low density residential Federal, State, and County lands. Mr. Purse advised the Board that staff finds the application meets the recommendations of the Comprehensive Plan. He stated that the existing fire station is located on a site that is central to a large population. He stated that at its June 6, 2012, meeting, the Planning Commission voted 7-0 to recommend approval.

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 both resolutions.

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

**RESOLUTION**

**CASE NO. Z-0005-2012. FIRE STATION 4 REPLACEMENT**

- WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0005-2012, for rezoning a 1.1-acre property located at 5316 Olde Towne Road from R-2, General Residential, to PL, Public Lands; and
- WHEREAS, the proposed project is shown on a Master Plan, prepared by AES Consulting Engineers, entitled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012; and
- WHEREAS, the property is located at 5316 Olde Towne Road and can be further identified as James City County Real Estate Tax Map/Parcel No. 3240100026D; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0005-2012.

**RESOLUTION**

**CASE NO. SUP-0006-2012. FIRE STATION 4 REPLACEMENT**

- 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. Bernie Farmer has applied for an SUP to allow for the construction of a new fire station in a PL, Public Land, zoning district; and
- WHEREAS, the properties are located at 5312 Olde Town Road and 5616 Olde Towne Road on land zoned PL, Public Land, and R-2, General Residential, and can be further identified as James City County Real Estate Tax/Map/Parcel Nos. 3240100027 and 3240100026D; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on June 6, 2012, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP 0006-2012 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the development of the James City County Fire Station 4 and accessory uses thereto as shown on the Master Plan titled "Fire Station #4," dated March 27, 2012, and revised on June 18, 2012 (the "Master Plan"), with such minor changes that as the Director of Planning, determines does not change the basic concept or character of the development. The Fire Station shall be located at 5312 and 5316 Olde Towne Road, further identified as James City County Real Estate Tax Map/Parcel Nos. 3240100026D and 3240100027 ("Properties").
  2. Commencement of Use: If construction has not commenced on the development within 36 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
  3. Architectural Review: Prior to final site plan approval, the Planning Director shall review and approve final building elevations and architectural design for the new brick structure to assure general consistency with the architectural elevation and accompanying drawings titled "James City County, VA Fire Station #4," submitted with this application, prepared by HVC Chenault, and date-stamped May 21, 2012.
  4. Boundary Line Adjustment: Prior to the issuance of a final Certificate of Occupancy for the building, a boundary line extinguishment shall be reviewed, approved, and recorded for the two project parcels (5312 and 5316 Olde Towne Road).
  5. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants, warm-season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
  6. Entrances: Post occupancy of the new fire station building and post completion of the demolition of the existing station, on-site entrances off Olde Towne Road shall be limited to one permanent entrance for equipment/apparatus vehicles. One temporary construction entrance shall also be permitted during construction of the new building. An additional public entrance shall be through the existing private drive opposite Westmoreland Drive.
  7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
5. Case No. Z-0004-2012. Walnut Grove Proffer Amendment

Ms. Ellen Cook, Planner III, advised the Board that the applicant has requested a one-month deferral due to an unexpected illness.

Mr. McGlennon questioned if any effort has been made to address the reason for the original proffer of historic preservation. He stated that there has been an amendment proposed and incentives offered; however, the incentives are not driven to address the major concern to preserve a historically valuable County property.

Ms. Cook responded that an element of their proposal going forward was to replicate the look of the more original version of the structure and to retain any interior element as possible. Ms. Cook advised the Board that Mr. Vernon Geddy, project team member, was present to answer any questions from the Board.

Mr. McGlennon stated that the proffer is being readjusted and is not focused on the original intent. He said the proffer talks about creating retail space. He stated that the Board was not particularly interested in having retail space at that location. He stated that the building seemed to lend itself to a retail space as opposed to residential once it was rehabilitated. Mr. McGlennon suggested that in trying to get back to the spirit of the original proffer, recognizing that it may be impossible to preserve this particular structure, achieving something of historic preservation more generally, may be a better approach as far as an application.

Mr. Kennedy stated that he would be inclined to move forward with the public hearing. He stated that Mr. Epstein and Mr. Ware have been nothing short of negligent in all of their duties on this piece of property for the past several years. He stated that the grass has gone uncut, trash has been dumped, and there has been illegal storage of machinery at this site. He stated that nothing has been done to preserve the house or to ensure that the house was protected. He stated that he is insulted that they are now requesting a change in proffers. Mr. Kennedy stated that he has received hundreds of phone calls over the last five years regarding violations on this piece of property. He stated that this year when they had an SUP coming before the County they contracted with a lawn cutting service. He stated that this is the only year that they have maintained the front of the property.

Mr. Kale commented that he has been involved in the history of the community for 50 years and noted that neglect is a wonderful way to solve one's problems. He stated that he read, with much interest, that there was a hole in the roof a number of years ago and nothing was ever done about it. Mr. Kale expressed concern about setting a precedent about not caring for historical structures and the history of the community. He stated that the developer should be questioned as to his real intent when he does not take steps to protect his own property.

Mr. Kennedy stated that if the County gives on this, bad behavior is rewarded. Mr. Kennedy requested this past year that the General Assembly members carry a bill that would have allowed the County to increase fines on habitual offenders. Mr. Kennedy stated that approximately 200 hours of staff time has been utilized to inspect the property and send registered letters, because someone would not do the right thing. He stated that he is aware that market conditions have changed, however, a commitment was made to preserve and protect the building. He stated that at the very least the structure should have been secured.

Mr. Kale questioned why the applicant was requesting a month's deferral instead of a two-week deferral.

Ms. Cook stated that the applicant will not be available for the next regular scheduled Board meeting and the next time the entire project team was available was a month from now.

Mr. McGlennon made a motion to defer the Walnut Gove Proffer Amendment matter until August 14, 2012.

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

**J. BOARD CONSIDERATIONS - None**

**K. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, Williamsburg, thanked Mr. Kennedy for his concerns regarding the Walnut Grove Proffer Amendment.

**L. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that he sent the Board members information regarding the costs of storm debris removal for Chickahominy Haven. He informed the Board that there are two viable options to lend assistance to citizens of that area. Mr. Middaugh stated that the County has never provided this kind of service unless it was focused on hurricane response, Federal Emergency Management Agency (FEMA) was involved, and costs were reimbursed. He stated that the costs range from a low of \$25,000 to a high of \$50,000. Mr. Middaugh requested guidance and direction from the Board.

Mr. Icenhour stated that anytime the County has a National Declaration of Emergency, the County can go through FEMA and receive reimbursement. He stated that last year's hurricane caused extensive widespread damage throughout the community. He stated that the County did a lot of debris pickup, which was handled through a contractor and the County received FEMA reimbursement. Mr. Icenhour spoke about the tornado damage that was done to the Grove area. He stated that he has been to Chickahominy Haven to inspect the damage and believes the area suffered a microburst. He stated that the area had severe damage. Mr. Icenhour stated that he is in favor of providing assistance, but expressed concern that he didn't want to start a precedent of picking up trees damaged because of a thunderstorm. He stated that the Board needs to discuss the matter.

Mr. Kale questioned if the power lines are down, trees are in the way, and the power company cuts the trees away from the line, is the power company responsible for removing the trees that they just cut down.

Mr. Middaugh responded no.

Mr. Kennedy expressed concern about setting a precedent. Mr. Kennedy suggested that staff do a cost analysis of utilizing staff and the County's equipment by ascertaining how many homes are affected and provide an estimate on how long the cleanup would take.

Mr. Icenhour questioned the County Attorney as to the legalities of the Board having the ability to declare emergencies for County purposes.

Mr. Rogers stated that the County cannot pre-empt what happens at the State level by declaring an emergency. He stated that the County can certainly make a decision as to what constitutes a disaster sufficient enough for the County to spend public funds.

Mr. Icenhour stated that the Board needs to take a careful look on how to craft the criteria with a rational consistent approach. He stated that he agreed with Mr. Kennedy that the County remove the debris the least expensive way possible.

Mr. Kennedy requested that the Board receive an in-house cost analysis in two weeks.

Mr. McGlennon expressed concern about waiting two weeks before taking any action. He questioned authorization of \$10,000 to immediately address the issue.

Mr. Kale suggested that rather than spending \$25,000 to \$50,000 on a contractor to remove the storm

debris, the County purchase equipment in order to clear the debris in a timely manner.

Mr. Icenhour stated that he agreed with Mr. McGlennon and that the Board needs to provide immediate action.

Mr. Kennedy questioned how many homes have been impacted.

Mr. Icenhour stated there were approximately 20 to 30 homes affected. He informed the Board that most of the debris is brush and tree limbs.

Ms. Jones questioned if the debris was in the Virginia Department of Transportation (VDOT) right-of-way.

Mr. Middaugh responded that VDOT will not pick up the debris. He stated that the debris was not from the right-of-way. He stated that the debris was put on the right-of-way. Mr. Middaugh stated that if the Board did allocate \$10,000, it would make a substantial dent. He expressed concerns about using County staff. He stated that the cleanup would take months with a single truck.

Ms. Jones expressed concern about setting a precedent. She stated that she is concerned with the challenges that the citizens are facing regarding debris removal. She is concerned that if the County takes on the task of removing debris, it will become a bigger and bigger program and expenditure. She stated that some taxpayers are already paying the costs of debris removal and the program will require them through taxes to pay for a neighbor's debris removal.

Mr. Icenhour stated that the citizens in Chickahominy Haven have done a lot to help each other clean up the debris. He stated that the citizens cut the trees with chain saws, cut the brush, and moved it out to the streets. Mr. Icenhour stated that the citizens do not have a way to get the debris to the County dump site. He stated that the situation is becoming a health, safety, and welfare issue.

Mr. Kennedy questioned if this situation posed a hardship to the citizens.

Mr. Icenhour stated that if the County does not assist in picking up the debris, six months from now the debris will still be in the ditches.

Mr. Kale made a motion to have the County Administrator request the General Services Department examine the entire area and determine how many houses are affected with trees on the right-of-way. Mr. Kale requested that the report and a recommendation be brought back to the Board in two weeks.

Mr. Kennedy stated that a lot of the debris is brush and inquired if the County has contacted neighboring jurisdictions to see if they could assist with mulching equipment.

Mr. Middaugh stated that the City of Hampton was contacted and that its cost for mulching the debris was \$50,000 for 10 trucks per day and six full days of work.

Mr. McGlennon stated that he was finding it difficult to process that removal was going to take a week or two with six trucks to address a single neighborhood compared to what he saw with the aftermath of the hurricane.

Mr. Middaugh responded that the hurricane rigs were oversized, doubled trailers, geared toward large debris removal. He stated that County owned trucks have a much smaller load capacity.

Mr. Kennedy suggested that staff get estimates from businesses in the community.

Mr. Kale's motion was agreed upon by the Board.

Mr. Middaugh advised the Board that he and Mr. McGlennon will be attending a Williamsburg Area Marketing Destination Committee meeting on Wednesday, July 11, 2012. He stated that there was a proposal before the committee that will reconfigure the Alliance into a more robust destination marketing organization. He stated that the proposal is to use the committee as a funding conduit with the Alliance in an altered structure to be the marketing arm for the committee. He stated that the parties involved agree that is a good direction to proceed. He stated that after all the details are worked out, Mr. McGlennon will be asked to cast a vote on behalf of the County in terms of how to proceed.

Mr. Kennedy questioned if the expectations and goals of the Alliance have been established.

Mr. McGlennon responded that the goals have not been established at this point. He stated that this was the first step. He stated that the marketing plan for the coming year is already in place. He stated that the idea is to consolidate tourism promotion of the area much more effectively, to have a single brand, and to have a single website that provides comprehensive information from providing information about the attractions through bookings. He stated that the committee has been operating as an organization staffed by the localities and the attractions that are central to it. He stated that a professional staff, designed to direct marketing through the Alliance, will be created with a renewable annual contract to be ended without cause as long as notice is provided 90 days before the end of the contract. He stated that the Director of Marketing must present a plan for marketing each year and will initially be responsible for developing a set of metrics to propose to the Williamsburg Area Destination Marketing Committee (WADMAC) in order to evaluate the performance of the organization. He stated that there has been extensive consultation with the affected attractions and supporting hotels and motels in order to resolve issues and concerns.

Mr. Kennedy stressed that it is important to include small business concerns.

Mr. McGlennon stated that anyone who collects the tax will be represented on the website.

Mr. Kale commented that at this juncture the localities have a big financial play in how this works. He stated that he would be uncomfortable if the County signed off on anything before all of the details are worked out. He stated that the assurance of the individual selected to run the organization has enough independence to be able to move the organization forward.

Mr. McGlennon responded that the legislation has not changed. He stated that WADMAC will always be in control of the money collected through the room tax. He stated that WADMAC has to make a decision about its confidence in the person who is developing the marketing plan.

## **M. BOARD REQUESTS AND DIRECTIVES**

Mr. Kale noted that September 10, 2012 would be the 125<sup>th</sup> anniversary of the Board of Supervisors and asked the Board to consider moving the September 11, 2012 meeting to September 10, 2012.

**N. CLOSED SESSION**

Mr. Kennedy made a motion for the Board to go into Closed Session pursuant to Section 2.2-3711(a)(1) of the Code of Virginia for consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions.

**O. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn the meeting.

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

At 8:46 p.m. Ms. Jones adjourned the Board until 4 p.m. on July 24, 2012.

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Robert C. Middaugh  
Clerk to the Board

071012bos\_min

## MEMORANDUM COVER

**Subject:** Appointment of Animal Control Officer

**Action Requested:** Shall the Board appoint Ms. Sarah Rocchio as an Animal Control Officer to enforce State and County animal laws?

**Summary:** Ms. Sarah Rocchio has been hired as an Animal Control Officer. In accordance with County Code Section 3-2, Enforcement of Animal Laws, she must be appointed by the Board of Supervisors in order to enforce State and County animal laws.

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.:** H-2

**Date:** July 24, 2012

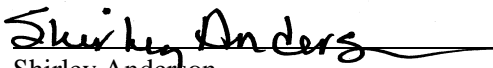
**MEMORANDUM**

DATE: July 24, 2012  
TO: The Board of Supervisors  
FROM: Shirley Anderson, Animal Control Supervisor  
SUBJECT: Appointment of Animal Control Officer

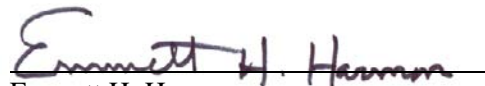
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Attached for your consideration is a resolution appointing Ms. Sarah Rocchio Animal Control Officer for James City County. Board appointment is necessary in order for Ms. Rocchio to enforce State and County animal laws. This position was changed from on-call to part-time regular at your March 27, 2012 meeting.

Staff recommends adoption of the attached resolution.

  
Shirley Anderson

CONCUR:

  
Emmett H. Harmon

SA/nb  
AnimCOfr\_mem

Attachment

## **RESOLUTION**

### **APPOINTMENT OF ANIMAL CONTROL OFFICER**

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

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.2-5900, et. seq., and James City County Code Section 3-2.

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

---

Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

AnimCOffr\_res

## MEMORANDUM COVER

**Subject:** Initiation of Consideration of Amendment to the Zoning Ordinance Z0-0004-2012 - Soil Stockpile Areas

**Action Requested:** Shall the Board approve this Initiating Resolution to study possible ordinance amendments related to soil stockpiles?

**Summary:** In order to process applications for soil stockpile areas in a consistent manner, staff requests an ordinance to define policy and specify development standards within the Zoning Ordinance that would address the use of temporary soil stockpiles associated with development plans.

Staff has received several inquiries within the past year from developers seeking approval to locate soil stockpiles in areas that may not be suitable for such a use. The addition of development standards would help guide staff decisions and make the process more consistent and predictable.

Staff recommends adoption of the attached resolution to initiate consideration of such amendments to the Zoning Ordinance pursuant to Virginia Code §15.2-2286.

**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.: H-3**

**Date: July 24, 2012**

**MEMORANDUM**

DATE: July 24, 2012

TO: The Board of Supervisors

FROM: Jason Purse, Senior Planner II

SUBJECT: Initiation of Consideration of Amendment to the Zoning Ordinance Z0-0004-2012 - Soil Stockpile Areas

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In order to process applications for soil stockpile areas in a consistent manner, staff requests an ordinance to define policy and specify development standards with the Zoning Ordinance that would address the use of temporary soil stockpile areas associated with development plans.

Staff has received several inquiries within the past year from developers seeking approval to locate soil stockpiles in areas that may not be suitable for such a use. The addition of development standards would help guide staff decisions and make the process more consistent and predictable.

Staff recommends adoption of the attached resolution to initiate consideration of such amendments to the Zoning Ordinance pursuant to Virginia Code §15.2-2286.

  
Jason Purse

CONCUR:

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Allen J. Murphy, Jr.

JP/nb  
ZO-04-12Stockpile\_mem

Attachment

## **RESOLUTION**

### **INITIATION OF CONSIDERATION OF AMENDMENT TO THE ZONING ORDINANCE**

#### **ZO-0004-2012 - SOIL STOCKPILE AREAS**

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider adding to the language of Article I. In General, Section 24-2. Definitions; and Article II. Special Regulations, Division 1. In General, by adding provisions and procedures relating to stockpiling of materials. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

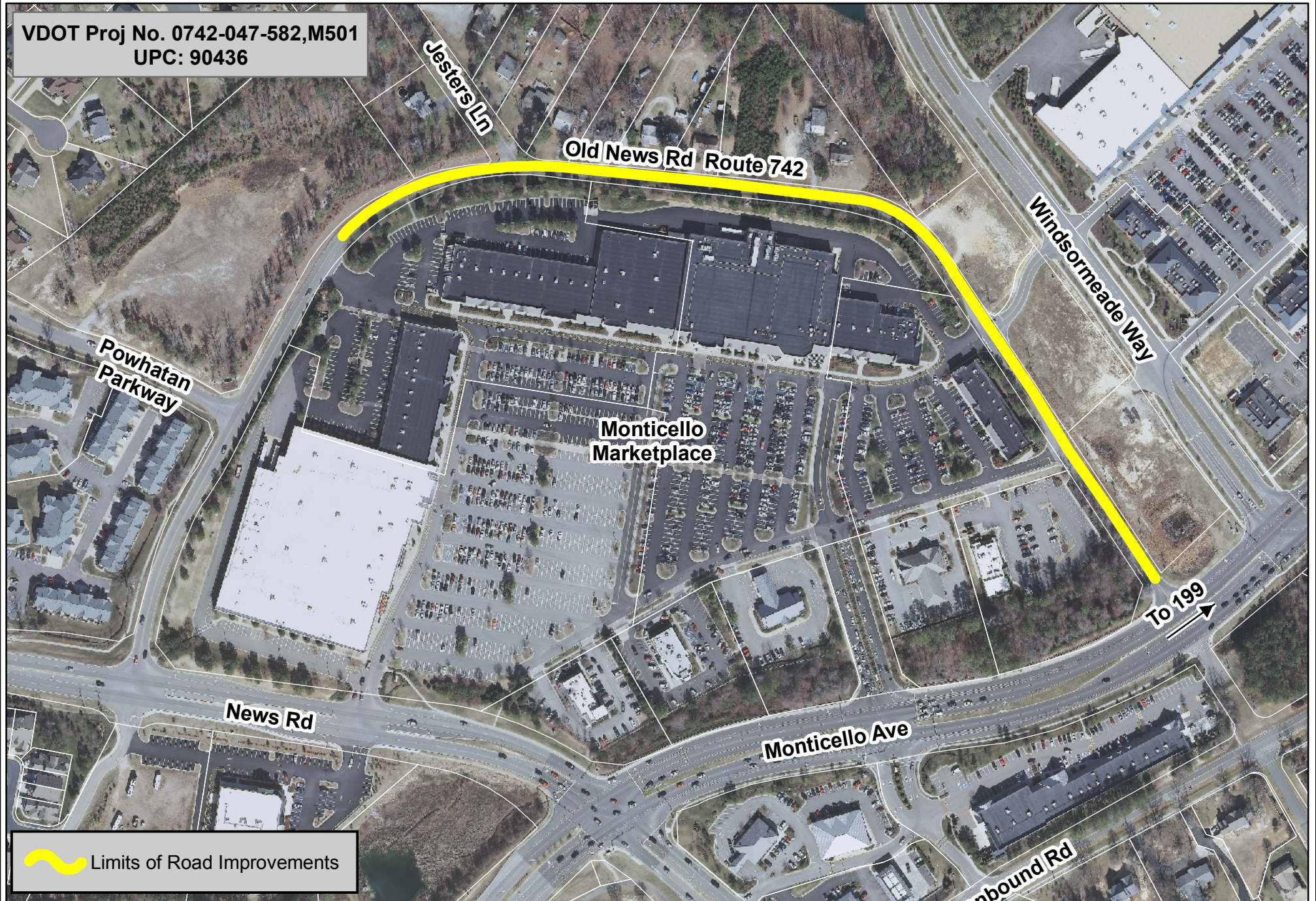
Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

ZO-04-12Stockpile\_res



# James City County - Old News Road Improvements

VDOT Proj No. 0742-047-582,M501  
UPC: 90436



 Limits of Road Improvements

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

1 inch = 250 feet

0 0.03 0.06  
Miles



## MEMORANDUM COVER

**Subject:** Contract Award – Old News Road Improvements – \$312,897.02

**Action Requested:** Shall the Board of Supervisors approve the resolution to award the contract for the Old News Road Improvements to Branscome Companies?

**Summary:** The County, in partnership with the Virginia Department of Transportation (VDOT), will be locally administering the Old News Road Improvements. Currently Old News Road, Route 742, is a narrow, uneven, and severely crowned connector road for shopping centers and residences. The proposed road improvements will consist of the removal of the existing severe crown, resurfacing 0.39 miles of the two-lane road from Monticello Avenue to Powhatan Parkway, clean and grade ditches, and provide minor storm water conveyance improvements. These roadway improvements will provide two 10-foot travel lanes and 2-foot shoulders within the existing right-of-way and complete the Old News Road corridor. Improvements to Old News Road between Powhatan Parkway and News Road were completed during the development of Powhatan of Williamsburg Secondary subdivision.

The Old News Road Improvements project is part of the VDOT Revenue Share Program. Contract award is therefore contingent upon approval by VDOT. The Board of Supervisors endorsed the FY 2009 revenue share funds for this project on July 8, 2008. In addition, the Board of Supervisors appropriated funds for the road improvements on January 11, 2011. Project funds were appropriated to a special project account, formerly 024-140-2806 and currently 024-140-2169.

Eight firms submitted bids and were considered for contract award. Branscome Companies has done satisfactory work for James City County in the past and was determined to be the lowest responsive and responsible bidder. The bid amount of \$312,897.02 is consistent with the project estimate and funds are available as previously appropriated by the Board of Supervisors.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** FY 2009 VDOT Secondary Road Revenue Share Program

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Resolution
3. Drawing

**Agenda Item No.:** H-4

**Date:** July 24, 2012

## M E M O R A N D U M

DATE: July 24, 2012

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: Contract Award – Old News Road Improvements – \$312,897.02

The County, in partnership with the Virginia Department of Transportation (VDOT), will be locally administering the Old News Road Improvements. Currently Old News Road, Route 742, is a narrow, uneven, and severely crowned connector road for shopping centers and residences. The proposed road improvements will consist of the removal of the existing severe crown, resurfacing 0.39 miles of the two-lane road from Monticello Avenue to Powhatan Parkway, clean and grade ditches, and provide minor storm water conveyance improvements. These roadway improvements will provide two 10-foot travel lanes and 2-foot shoulders within the existing right-of-way and complete the Old News Road corridor. Improvements to Old News Road between Powhatan Parkway and News Road were completed during the development of Powhatan of Williamsburg Secondary subdivision. (Refer to the attached drawing for an overview of the road improvements project area.)

The Old News Road Improvements project is part of the VDOT Revenue Share Program. Contract award is therefore contingent upon approval by VDOT. The Board of Supervisors endorsed the FY 2009 revenue share funds for this project on July 8, 2008. In addition, the Board of Supervisors appropriated funds for the road improvements on January 11, 2011. Project funds were appropriated to a special project account, formerly 024-140-2806 and currently 024-140-2169.

The following eight firms submitted bids and were considered for contract award:

<u>Firm</u>	<u>Amount</u>
Branscome Companies	\$312,897.02
Curtis Contracting	325,720.00
Toano Contractors, Inc.	328,321.41
George Nice and Sons	336,446.00
JSG	394,096.68
Keith Barber Construction	432,581.34
Basic Construction Company, LLC	518,290.80
Henderson, Inc.	545,960.54

Branscome Companies has done satisfactory work for James City County in the past and was determined to be the lowest responsive and responsible bidder. The bid amount of \$312,897.02 is consistent with the project estimate and funds are available as previously appropriated by the Board of Supervisors. The attached resolution, with VDOT approval, would authorize the contract award to Branscome Companies for completion of the Old News Road Improvements.

Staff recommends approval of the attached resolution.

  
Shawn A. Gordon

CONCUR:

  
John T.P. Horne

SAG/nb  
CA\_ONewsRdImp\_mem  
Attachments

## **RESOLUTION**

### **CONTRACT AWARD – OLD NEWS ROAD IMPROVEMENTS – \$312,897.02**

WHEREAS, funds are available for James City County as part of the revenue share program with the Virginia Department of Transportation (VDOT) to cover the construction phase expenses for the Old News Road Improvements; and

WHEREAS, eight bids were considered for award with the lowest responsive and responsible bidder being Branscome Companies with a bid in the amount of \$312,897.02; and

WHEREAS, the award of this contract shall also be based upon approval by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Old News Road Improvements to Branscome Companies in the total amount of \$312,897.02 and upon approval by VDOT.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

CA\_ONewsRdImp\_res

## MEMORANDUM COVER

**Subject:** Longhill Road Corridor Study – Budget Appropriation and Project Administration Agreement

**Action Requested:** Shall the Board approve the resolution that appropriates \$500,000 for the Longhill Road Corridor Study and the resolution that authorizes the County Administrator to execute a project administration agreement to locally administer the Study?

**Summary:** The County has been awarded an allocation of \$500,000 in Federal Regional Surface Transportation Program (RSTP) funds to conduct a corridor study for Longhill Road from Route 199 to Centerville Road to determine what road improvements can be implemented that would maintain the road's character, but would increase capacity, improve safety, and would also study the feasibility of a 'complete street' retrofit to accommodate bicycles, pedestrians, and the multiple bus stops along the corridor.

In order to proceed with the corridor study, it is necessary that the Board appropriate the allocation of \$500,000 in RSTP funds to the Special Projects Fund. In addition, attached for consideration is a resolution authorizing the County Administrator to execute the Local Project Administration Agreement for the Longhill Road Corridor Study (UPC No. 98811).

Staff recommends adoption of the attached resolutions.

**Fiscal Impact:** \$500,000

**FMS Approval, if Applicable:** Yes ☐ No ☐

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

1. Memorandum
2. Budget Appropriation Resolution
3. Project Administration Agreement Resolution

**Agenda Item No.: H-5**

**Date: July 24, 2012**

## M E M O R A N D U M

DATE: July 24, 2012

TO: The Board of Supervisors

FROM: Ellen Cook, Senior Planner II

SUBJECT: Longhill Road Corridor Study – Budget Appropriation and Project Administration Agreement

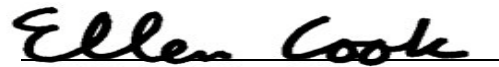
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Longhill Road from Route 199 to Centerville Road is a two-lane corridor with traffic volumes approaching 18,000 Average Daily Traffic (ADT). During peak travel times it is not uncommon for northbound traffic on Longhill Road to be at gridlock conditions from Olde Towne Road, over the Route 199 Bridge, and onto Route 199. Further, Longhill Road is the main or only access for several large residential communities, a high school, and a County sports complex. Accidents at those access points are not uncommon due to a lack of suitable accommodations for side street traffic. At many of these access points traffic signals may be warranted, but if installed would further restrict traffic flow.

The Board of Supervisors has identified Longhill Road as its first priority in the County's Secondary Six Year Plan. Through the Secondary Road program, a project has been established to widen Longhill Road to four lanes from Route 199 to Centerville Road. The County has also applied to the Hampton Roads Transportation Organization for an allocation of \$500,000 in Federal Regional Surface Transportation Program (RSTP) funds to conduct a study of the Longhill Road Corridor. The County received an allocation of \$300,000 in FY 12 and an additional allocation of \$200,000 in FY 13 to fully fund the project. The RSTP funds are eligible for 100 percent reimbursement to the County by the Virginia Department of Transportation (VDOT) and require no local match. The Longhill Road Corridor Study will determine what context-sensitive road improvements can be implemented that would maintain the road's character, increase capacity, and improve safety. The study will also examine the feasibility of a "complete street" retrofit to accommodate bicyclists, pedestrians, and multiple bus stops along the corridor. It will be beneficial to conduct the corridor study prior to beginning the preliminary engineering for the widening project. In order to meet obligation and expenditure deadlines, it is necessary to begin the corridor study promptly.

The County has been notified by VDOT that the County will need to locally administer the corridor study contract (UPC No. 98811). To administer the project a Local Project Administration Agreement for Federal-aid projects is needed between the County and VDOT.

In order to proceed with the corridor study, it is necessary that the Board appropriate the allocation of \$500,000 in RSTP funds to the Special Projects Fund. In addition, attached for consideration is a resolution authorizing the County Administrator to execute the Local Project Administration Agreement for the Longhill Road Corridor Study (UPC No. 98811). Staff recommends adoption of the attached resolutions.

  
Ellen Cook

CONCUR:

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Allen J. Murphy, Jr.

EC/nb  
BudAppropLH\_mem

Attachment

## RESOLUTION

### BUDGET APPROPRIATION – LONGHILL ROAD CORRIDOR STUDY – \$500,000

WHEREAS, in accordance with Hampton Roads Transportation Planning Organization funding allocation procedures, James City County has been awarded \$500,000 in Regional Surface Transportation Program (RSTP) funds; and

WHEREAS, the funds will be used for a study to determine improvements to the Longhill Road corridor that can be implemented that would increase capacity and improve safety while maintaining the character of the road; and

WHEREAS, the appropriation of these funds will allow the award of contract for the Longhill Road Corridor Study project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$500,000 to the Special Projects Fund.

Revenue:

Longhill Road Corridor Study:	<u>\$500,000</u>
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Expenditure:

Longhill Road Corridor Study:	<u>\$500,000</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

BudAppropLH\_res

## **RESOLUTION**

### **LONGHILL ROAD CORRIDOR STUDY PROJECT ADMINISTRATION AGREEMENT**

WHEREAS, in accordance with the Code of Virginia to provide localities the opportunity to administer projects financed by the Regional Surface Transportation program in accordance with the Virginia Department of Transportation (VDOT) Locally administered Projects Manual; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has expressed its desire to locally administer the work of the Longhill Road Corridor Study Contract UPC No. 98811 in the amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Project Administration Agreement for the Longhill Road Corridor Study Contract UPC No. 98811.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

LonghillSA\_res

## MEMORANDUM COVER

**Subject:** To Establish a Petty Cash Fund for Freedom Park Interpretive Center

**Action Requested:** Shall the Board approve the attached resolution to establish a \$200 petty cash fund for Freedom Park Interpretive Center?

**Summary:** Freedom Park Interpretive Center operates Monday - Sunday as a payment center for reservations, classes, camps, before and after school programs, and landfill coupon books. A petty cash fund is necessary to assist customers who use cash to complete transactions.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** Park staff will be able to serve its patrons by processing payments without having to turn patrons away and continue to provide its patrons with excellent customer service.

**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-6

**Date:** July 24, 2012

**MEMORANDUM**

DATE: July 24, 2012

TO: The Board of Supervisors

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

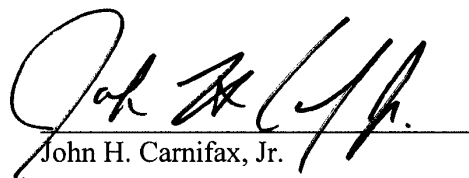
SUBJECT: To Establish a Petty Cash Fund for Freedom Park Interpretive Center

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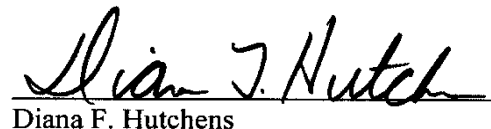
James City County Freedom Park Interpretive Center is requesting to establish a \$200 petty cash account for the sole purchase of making change for patrons completing cash transactions.

Currently, Freedom Park Interpretive Center operates Monday – Sunday as a payment center for reservations, classes, camps, before and after school programs, and landfill coupon books. A petty cash fund is necessary to process transactions for customers paying for services in cash.

Staff recommends approval of the attached resolution to accept establishment of a petty cash fund in the amount of \$200 for Freedom Park Interpretive Center and to appropriate the funds as described above.

  
John H. Carnifax, Jr.

CONCUR:

  
Diana F. Hutchens

JHC/nb  
FPPettyCash\_mem

Attachment

## **RESOLUTION**

### **TO ESTABLISH A PETTY CASH FUND FOR FREEDOM PARK INTERPRETIVE CENTER**

WHEREAS, the Board of Supervisors of James City County has been requested to authorize establishment of an initial \$200 petty cash fund for James City County Freedom Park Interpretive Center; and

WHEREAS, funds are needed to assist customers completing cash transactions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish an initial \$200 petty cash fund for Freedom Park Interpretive Center.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

FPPettyCash\_res

## MEMORANDUM COVER

**Subject:** A resolution of the Board of Supervisors of the County of James City, Virginia, requesting the Economic Development Authority of the County of James City, Virginia, to issue its Public Facility Lease Revenue Bonds to finance and refinance the costs of certain public facilities

**Action Requested:** Shall the Board authorize the issue of lease revenue financing in an amount not to exceed \$30,000,000 for school improvements, Fire Station 1, and to refinance existing obligations?

**Summary:** The attached resolution requests that the Economic Development Authority (EDA) issue lease revenue bonds in the amount up to \$30,000,000 to finance four new money projects (\$20,000,000) and to refinance the balance of a 2003 lease revenue bond (not to exceed \$10,000,000) used to pay for a public safety emergency communications system. The new money projects include improvements to three schools, Lafayette High, Toano Middle, and James River Elementary, as well as a replacement for Fire Station 1 in Toano

**Fiscal Impact:** The proposal for the new money is budgeted in the Board's adopted FY 2013 Capital and Debt Service budgets. Any potential savings from a refinancing are not budgeted and would result in a positive 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:** July 24, 2012

**MEMORANDUM**

DATE: July 24, 2012

TO: The Board of Supervisors

FROM: John E. McDonald, Director, Financial and Management Services

SUBJECT: A Resolution of the Board of Supervisors of the County of James City, Virginia, Requesting the Economic Development Authority of the County of James City, Virginia, to Issue its Public Facility Lease Revenue Bonds to Finance and Refinance the Costs of Certain Public Facilities

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The attached resolution requests that the Economic Development Authority (EDA) issue lease revenue bonds in the amount up to \$30,000,000 to finance four new money projects (\$20,000,000) and to refinance the balance of a 2003 lease revenue bond (not to exceed \$10,000,000) used to pay for a public safety emergency communications system. The new money projects include improvements to three schools, Lafayette High, Toano Middle, and James River Elementary, as well as a replacement for Fire Station 1 in Toano.

A lease financing is a legal alternative to bonded indebtedness for Virginia counties in those cases where the County cannot commit to a General Obligation financing. Facilities, such as a school or a fire station, are leased to the Economic Development Authority (EDA) which leases them back to the School Board or the County for a sum sufficient to pay the annual debt service. The value of the property covered by the lease should exceed the amount of lease revenue bonds issued to pay for the improvements.

The properties most likely involved in the lease include Lafayette High School and, possibly, Toano Middle School.

Savings on interest costs created by the refinancing are conservatively projected by Davenport LLC in excess of \$500,000 over the seven years remaining on the 2003 lease revenue financing. Actual savings will not be known until the bonds are sold. Including the refinancing as part of the new money sale spreads the issuance cost among the new financing and the refinancing.

The resolution was prepared by bond counsel and would authorize the sale of bonds for the amounts listed as long as the interest rate on the Bonds does not exceed five percent. Interest rates continue to be at historical lows and are not projected to change in any significant way over the next 90 days. Should the Board of Supervisors, the EDA, and the School Board approve this lease revenue bond issue, it is expected that the bonds would be sold in late August with the bond closing to occur in early September.

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John E. McDonald

JEM/nb  
EDARevBonds\_mem

Attachment

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,  
VIRGINIA, REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY  
OF JAMES CITY, VIRGINIA, TO ISSUE ITS PUBLIC FACILITY LEASE REVENUE BONDS TO  
FINANCE AND REFINANCE THE COSTS OF CERTAIN PUBLIC FACILITIES

- WHEREAS, the County of James City, Virginia (the "County") has determined that it is necessary and advisable to (i) finance the construction, renovation, installation, and equipping of certain public facilities, including, but not limited to, certain improvements at James River Elementary School, Toano Middle School, and Lafayette High School, and a replacement fire station (the "New Money Projects") and (ii) refinance its obligations under the Lease Purchase Agreement dated as of November 7, 2003 (the "2003 Lease"), between SunTrust Bank (the "2003 Lessor") and the County, originally entered into to finance certain emergency 911 communications equipment and facilities, including a control center for the County (together with the New Money Projects, the "Projects"); and
- WHEREAS, the Board of Supervisors of the County (the "Board") proposes to finance the New Money Projects and refinance the 2003 Lease through the issuance of public facility lease revenue bonds (the "Bonds") by the Economic Development Authority of the County of James City, Virginia (the "Authority"); and
- WHEREAS, the Bonds will be secured in part by a leasehold interest in all or a portion of (i) certain of the Projects, including [Lafayette High School], and (ii) such other facilities as the County Administrator or the Director of Financial and Management Services (the "Authorized Representatives"), either of whom may act, may designate (the "Leased Projects"); and
- WHEREAS, the School Board of the Williamsburg-James City County Public Schools (the "School Board") and the County, as applicable, will lease the Leased Projects to the Authority pursuant to one or more leases (the "Lease") and will lease the Leased Projects back from the Authority pursuant to a Financing Lease (hereinafter defined). The Bonds will be payable solely from the revenues derived from the Financing Lease between the Authority, the County and the School Board (the "Financing Lease") pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds; and
- WHEREAS, The Bonds will be issued pursuant to the following documents: (i) an Indenture of Trust (the "Indenture") between the Authority and a corporate trustee to be selected by the County Administrator (the "Trustee"), with the form of the Bonds attached thereto; (ii) the Lease; (iii) the Financing Lease; (iv) a Leasehold Deed of Trust (the "Leasehold Deed of Trust") from the Authority to the individual trustees named therein; (v) an Assignment of Rents and Leases (the "Assignment of Rents and Leases") between the Authority and the Trustee; and (vi) a Preliminary Official Statement ("Preliminary Official Statement") and an Official Statement ("Official Statement"); and

WHEREAS, all the documents listed above are referred to in this resolution as the "Basic Documents."

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

1. Issuance of Bonds. The Board requests the Authority to issue its Bonds in the maximum principal amount of \$30,000,000 in one or more series at one time or from time to time as may be requested by the Authorized Representatives, either of whom may act. The Bonds will be paid from revenues derived from payments made by the County pursuant to the Financing Lease and any amendments to the Financing Lease.
2. Authorization of Basic Documents. The Bonds and the Basic Documents are approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Authorized Representatives, either of whom may act, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County of its obligations under the Bonds and the Basic Documents to which it is a party are authorized.
3. Execution of Documents. The Authorized Representatives are each authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the Clerk of the Board of Supervisors or any Deputy Clerk is authorized and directed to affix or to cause to be affixed the seal of the County to the Basic Documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, documents or certificates, and to do and perform such things and acts and to take such further action, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified, and confirmed.
4. Sale of Bonds. The Bonds shall be offered for sale in such manner as the Authorized Representatives, either of whom may act, may determine to be in the best interests of the County. The Authorized Representatives, either of whom may act, are authorized and directed to accept a bid or proposal for the purchase of the Bonds which results in the lowest true interest cost to the County, provided that the true interest cost of the Bonds does not exceed the maximum true interest cost set forth in this Section 4. If the Authorized Representatives, either of whom may act, determine that it is in the best interest of the County to sell the Bonds in a negotiated sale, then the Authorized Representatives, either of whom may act, are authorized and directed to execute and deliver a bond purchase agreement with an underwriter or group of underwriters selected by the Authorized Representatives providing for the sale and delivery of the Bonds. The Authorized Representatives, either of whom may act, are authorized and directed to determine and approve the final details of the Bonds, including, without limitation, the aggregate principal amount of the Bonds or each series of Bonds, the optional and mandatory redemption provisions and the sale price of the Bonds, provided that (i) the true interest cost of the Bonds shall not exceed 5.0 percent, (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds shall not be less than [98 percent] of the aggregate principal amount thereof (not taking into account any original issue discount), (iv) the final maturity of the Bonds shall not be later than 30 years from their issue date and (v) the refinancing of the 2003 Lease achieves an aggregate net present value debt service savings of not less than [3 percent] of the refinanced principal

amount. The approval of the Authorized Representatives shall be evidenced conclusively by the execution and delivery of such documentation evidencing the sale of the Bonds.

5. Refinancing and Escrow Agreement.

(a) The Authorized Representatives are each authorized to cause the refinancing of the 2003 Lease. The refinancing proceedings, including the giving of notice to the 2003 Lessor under the 2003 Lease, shall be done pursuant to the terms of the 2003 Lease.

(b) The Authorized Representatives are each authorized to cause to be prepared and directed to execute and deliver an Escrow Agreement, between the County and an escrow agent to be selected by the Authorized Representatives, either of whom may act, if necessary, to provide for the refinancing of the 2003 Lease.

6. Disclosure Documents. The Authorized Representatives, either of whom may act, and such officials and agents of the County as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate Notice of Sale, Preliminary Official Statement and Official Statement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The Notice of Sale, Preliminary Official Statement, Official Statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the Authorized Representatives, either of whom may act, or such officers and agents of the County as such officials may designate, shall determine. The Authorized Representatives, either of whom may act, or such other officer or agent of the County as such officials may designate, are authorized to deem the Preliminary Official Statement "final" for purposes of Securities Exchange Commission Rule 15c2-12.

7. Costs and Expenses. All costs and expenses in connection with the undertaking of the New Money Projects, the refinancing of the 2003 Lease and the issuance of the Bonds, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority, shall be paid from the proceeds of the Bonds, or other legally available funds of the County. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefore.

8. Nature of Obligations. Nothing in this resolution, the Bonds, or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors of the County for such purpose. Nothing in this resolution, the Bonds, or the Financing Lease shall constitute a pledge of the full faith and credit of the County.

9. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the Authorized Representatives to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the Authorized Representatives determine that the utilization of SNAP is in the best interest of the County. The County

acknowledges the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

10. Official Intent. The Board of Supervisors of the County adopts this resolution as a declaration of official intent for purposes of Treasury Regulations Section 1.150-2. The Board reasonably expects to reimburse any advances made or to be made by the County to pay the costs of the New Money Projects from the proceeds of its debt and financing. The maximum amount of debt or other financing expected to be issued for the New Money Projects is set forth in paragraph one.
11. Effective Date. This resolution shall take effect immediately.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

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CERTIFICATION

The undersigned Clerk of the Board of Supervisors of the County of James City, Virginia certifies that the foregoing constitutes a true, complete and correct copy of the resolution adopted at a special meeting of the Board of Supervisors of the County of James City, Virginia held on July 24, 2012.

Board Member

Present/Absent

James G. Kennedy, Chair  
Mary K. Jones, Vice Chair  
John J. McGlennon  
James O. Icenhour, Jr.  
W. Wilford Kale, Jr.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the following resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

Board Member

Vote

James G. Kennedy, Chair  
Mary K. Jones, Vice Chair  
John J. McGlennon  
James O. Icenhour, Jr.  
W. Wilford Kale, Jr.

WITNESS my signature as Clerk of the Board of Supervisors of James City County, Virginia, this 24th day of July, 2012.

\_\_\_\_\_  
Clerk, Board of Supervisors  
James City County, Virginia