

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 28, 2013

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE –

E. PRESENTATIONS

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. May 14, 2013, Regular Meeting
2. Destruction of Paid Personal Property Tax Tickets – FY 95 and 96
3. Destruction of Paid Real Estate Tax Tickets – FY 95 and 96
4. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Mr. Marc Illman, 2878 Monticello Avenue, Part of Pinewood Subdivision

I. PUBLIC HEARINGS

1. Lease of Real Property – 7849 Church Lane
2. Application for New James City County Enterprise Zone Designation

J. BOARD CONSIDERATION

1. Acquisition of Real Property – 7849 Church Lane

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

O. ADJOURNMENT – to 7 p.m. on June 11, 2013

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF MAY 2013, 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

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Jamestown District
M. Anderson Bradshaw, Powhatan District

Robert C. Middaugh, County Administrator
Lola R. Perkins, Assistant County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Alexander Christie, a junior at Walsingham Academy and residing in the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. VDOT Quarterly Update

Mr. Rossie Carroll, Director of the Williamsburg Residency for the Virginia Department of Transportation (VDOT), addressed the Board stating that the Governor signed House Bill 2313 (HB2313) yesterday which gives the State and the region sustainable transportation funds. He stated that VDOT will be advertising \$2 billion in projects this year, investing \$3 billion in pavements over the next six years, and the investment increase for the Williamsburg Residency is approximately \$1.5 to 1.7 million for this year as a result of the Transportation Bill. He stated that the Williamsburg Residency would be focusing its efforts on Route 610 Forge Road, Route 755 Rochambeau Road, Route 615 Depue, and Route 5000 Monticello Avenue.

He stated that the Williamsburg Residency has a traffic signal synchronization study ongoing on Monticello Avenue from Ironbound Road to News Road, on Route 199 from Route 5 to Henry Street, and on Route 60 in the Lightfoot Area. He stated that these synchronization studies are not being done simultaneously and that they will complete one and move on to the next. He stated that the maintenance accomplishments for this quarter include completed over 281 maintenance request orders and there are still 85 request orders outstanding; completed the 2013 County-wide Sidewalk Repair Contract; repaired roads in Brandon Woods, Lake Powell Forest, and over 30 other locations, including Route 60 and repairing a drainage problem in front of Captain George's Restaurant; and the slurry seal project has been completed on all the roads in James City County. He stated that the upcoming projects include surface treatment on Route 606, Route 609, Route 613, Route 648, Sawmill Road, Barrett's Ferry Road, Saddle Town, James Terrace; and Route 617 Stonehouse Road slope repair project. He stated that maintenance repairs this quarter included repaired ditching on Route

5; repaired low shoulders on Mooretown Road, Season's Trace, News Road, and John Rolfe; did crack sealing on Capital Trail; repaired ditches throughout the County to include Hampton Drive and Chickahominy Haven; and completed rip-rap work on Cranston Mill Pond. He stated that pending maintenance projects include: Brook Haven drainage project will be completed tomorrow; St. George's Hundred drainage project starts tomorrow; Route 60 re-grade inside shoulders project will start next month from Anderson's Corner to the County Line; low shoulder repair on Route 30 and Rochambeau Drive; and continue crack sealing on the Capital Trail. He stated that there have been some questions about the signs on Interstate 64 that state "trucker alert, no phone zone ahead." He stated that this is part of the Drive Smart Virginia Campaign for commercial drivers.

Mr. Kennedy asked if HB 2313 would restore the transportation budget back to pre-cut levels. He asked how short VDOT will still be for what needs to be done in this area. He stated that Mr. Carroll mentioned repaving, but will the budget allow for median mowing and things of that nature.

Mr. Carroll stated that VDOT has not determined what the service levels will be; however, with the increase in allocations there should be changes in the service levels. He stated he did not know what they would be at this time. He stated that he does not know exactly how much new money is going to be coming into the Williamsburg Residency at this time. He stated that they have begun planning their projects and they are working that plan. He stated that additional maintenance money, for every day maintenance is expected to increase, but he is not sure at this time how much that will be.

Mr. Kennedy asked about Interstate Exit 227, the ingress and egress, and where that situation stands.

Mr. Carroll stated that they brought in their materials engineer and paving engineer and have done some cores with a plan for repairing that exit loop. He stated that the plan is at the approval level, once it is approved, then it will move forward for funding. He stated that there will be some patching done before that, but in the long term there is a project in development.

Mr. Kennedy asked if the re-trenching will occur all along Route 60 where there is a problem with standing water.

Mr. Carroll stated that they will be doing that whole stretch from Anderson's Corner out to the County line. He stated those are high shoulder areas that hold the water on the pavement and the plan is to re-trench those areas.

Mr. Kennedy asked about the area on Route 60 going toward the City after passing the Williamsburg Pottery. He stated there is a lot of standing water in that area as well.

Mr. Carroll stated that he would have to look into that.

Mr. Kennedy stated that he believes the pipes need to be cleared, starting at the 7-Eleven Store in Norge, all along Route 60 going in toward the City.

Mr. Carroll stated that he would look into that.

Mr. Icenhour asked about the progress of the paving that is currently transpiring on News Road and when it might be completed.

Mr. Carroll stated that it has already been milled so it should take about a week to complete. From there, the crews are going over to Route 322, near Eastern State Hospital and then on moving on to the other projects that were mentioned earlier.

Mr. Icenhour questioned what comes out of the traffic signal synchronization study.

Mr. Carroll stated that the study portion gets the traffic counts, the traffic movements, and determines the speeds. He stated Monticello Avenue is designed to be 45 mph, but if traffic is only traveling at 35 mph, then it throws off the timing of the signals. He stated the study looks at all the data, the traffic patterns, the traffic movements, the number of vehicles, and the speeds to determine timing of the traffic signals.

Mr. Icenhour asked once the study is complete and the data compiled, what is the time frame for seeing something done and putting the plan into action.

Mr. Carroll stated once the timing is determined, adjustments must be made at each individual signal. He stated that you will not hit a green light all the time, but it will help the flow of traffic.

Mr. Icenhour asked if the relief will be seen in two to three months, or six months.

Mr. Carroll stated no; it should be in a few months.

Ms. Jones stated, that she is going along with Mr. Kennedy's question about the transportation funding, that the Hampton Roads Transportation Planning Organization (HRTPO) is meeting this coming Thursday, and one of the main items is to determine how to manage the transportation funds and how best to distribute them throughout the region. She stated that those decisions could affect increase funding for the Williamsburg Residency.

Mr. Kennedy stated that several years ago a study was requested along Route 60 from Toano Middle School up over the bridge heading west. He stated that the speed limit changes three different times in that area and it is a notorious speed trap. He stated that the signs are not that great in the area. He stated that it was discussed, at one time, about having one consistent speed through that area. He asked Mr. Carroll to look into that issue.

Mr. Carroll stated that he just had a conversation with his traffic engineer and they were looking at the placement of the signs in that area. He stated that there is some offset in the speed zones in that area and that will be corrected. He stated that will not change the speed through there. All those speeds are set by resolution due to speed studies that have been performed. He stated that any change to the speed limits in that area would have to be supported by a speed study in that area stating that this is a safe travel speed.

Mr. Kennedy stated that he believes that it had been done a few years ago and that is why he was asking if something could be done.

Mr. Carroll stated that he would look; however, his engineers were referencing the speed studies when looking at the placement of signs.

Mr. Kennedy stated that the eastbound side of Route 60 seems to have more problems with speed traps than the westbound side in that area.

Mr. Carroll asked if Mr. Kennedy thought the problem was not seeing the sign.

Mr. Kennedy stated possibly.

Mr. Carroll stated that he would reference the area and communicate his finding to Mr. Kennedy by email.

Mr. McGlennon thanked Mr. Carroll for his presentation and for informing the Board about the upcoming projects.

Mr. McGlennon thanked Ms. Jones for mentioning the HRTPO meeting on Thursday and stated that there has been a lot of momentum supporting the proposal to widen Interstate 64 on the Peninsula into the right-of-way. He stated that it is an exciting possibility and he knows Ms. Jones will be advocating for a full investigation of that option.

F. PUBLIC COMMENTS

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the use of conservation easements and Purchase of Development Rights (PDRs). She stated that tax payers are paying for these easements and PDRs, while the landowner receives property tax breaks.

2. Mr. Wayne Moyer, 268 Peach Street, addressed the Board in regard to all the outstanding services that are provided by the County with the use of taxpayer dollars.

3. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.

4. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to recent events where conservative groups were being harassed by the Internal Revenue Service.

5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to traffic congestion on Route 60 and the re-routing of traffic through the Grove Community. He questioned why Route 60 is not being considered for any improvements.

6. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to the County Website Policy and praised Ms. Jones' stance on the County Budget at the previous meeting.

7. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to the Board making decisions about issues prior to the Board meeting, making public comments on the issues irrelevant.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the large amount of government owned land that has been taken off the tax rolls or is receiving tax breaks.

9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board stating that excessive grants causes excessive overspending and grants come with strings attached.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated that he will be attending the Virginia Association of Counties (VACo) Region 2 Meeting on June 14. He stated that he believes there is a plan to have a Work Session later on in June to discuss the issues that the Board wants to bring before VACo. He stated that this is an opportunity for the other localities in Region 2 to get together and share their issues and he will be happy to report those back to the Board. He stated that August 16 is when the VACo steering committees will meet in Richmond to begin working on Legislative Agendas and he would hope that the Board would have some preliminary information from the Region 2 meeting to begin working on ideas for the steering committee meetings in August. He also stated that he attended the April 28 Grove Christian Outreach ribbon cutting event, the May 3 Settler's Market Grand Opening, the May 9 Agricultural and Forestal Districts (AFD) Committee meeting, the May 10 Norge Depot ribbon cutting event, and earlier today he attended the William and Mary Prentis Award Ceremony

which was given to Mr. Edward Chappell.

Mr. McGlennon stated that he attended the Grove Christian Outreach Event, Norge Depot Event, and the Settler's Market Event as well. He stated that he attended a Literacy for Life Event and also attended the second quarterly Neighborhood Association Meeting sponsored by the County, which focused on the issue of Stormwater. He stated that the Ladies' Professional Golf Association (LPGA) tournament at Kingsmill was well attended and brought significant interest to our area.

Mr. McGlennon stated, based on conversations with Mr. Kennedy, that the County has owned Mainland Farm for several years now. He stated that the plan, when acquiring the farm, has always been to place a conservation easement on it to protect it as the first settled farm on the mainland of the New World. He stated that tonight, he would like to request that the County begin the process of developing a conservation easement for agriculture and passive recreation. He requested that staff bring the conservation easement back to the Board at the earliest possible time for approval.

H. CONSENT CALENDAR

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

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

1. Minutes –
 - a. April 9, 2013 - Budget Work Session
 - b. April 17, 2013 - Budget Work Session
 - c. April 23, 2013 - Work Session
 - d. April 23, 2013 - Regular Meeting
2. Grant Award - Acceptance of a Virginia Recreation Trails Program Grant - \$200,000

RESOLUTION

GRANT AWARD - ACCEPTANCE OF A VIRGINIA RECREATION

TRAILS PROGRAM 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 School complex; and

WHEREAS, the Department of Conservation and Recreation has funds available for a trail development project in James City County through the federal Recreation Trails Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$200,000 grant to help with the construction of the Freedom Park Trail and authorizes the County Administrator to execute the required documents.

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:

Virginia Department of Conservation and Recreation	<u>\$200,000</u>
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Expenditure:

Freedom Park Trail	<u>\$200,000</u>
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3. Contract Award - Freedom Park Trail - \$401,762

RESOLUTION

CONTRACT AWARD – FREEDOM PARK TRAIL – \$401,762

WHEREAS, funds are available from the Greenways Bond Referendum accounts and a grant from the Virginia Department of Conservation and Recreation; and

WHEREAS, six bids were considered for award and Henderson, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$401,762 for the Freedom Park Trail to Henderson, Inc.

4. Grant Award - Chesapeake Bay Restoration Fund Grant - \$7,500

RESOLUTION

GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND GRANT - \$7,500

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 \$7,500 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>\$7,500</u>
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Expenditure:

Chesapeake Bay Restoration Fund \$7,500

5. Grant Appropriation - Community Change Grant - \$25,000

RESOLUTION

GRANT APPROPRIATION - COMMUNITY CHANGE GRANT - \$25,000

WHEREAS, the National Alliance to End Homelessness has received funding from the Freddie Mac Foundation to support a project titled “Reducing Family Homelessness in Virginia: A Rapid Re-Housing Approach;” and

WHEREAS, the National Alliance to End Homelessness has awarded the Office of Housing and Community Development (OHCD) \$25,000; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates the Community Change Grant in the amount of \$25,000.

6. Grant Appropriation - Virginia Housing Development Authority (VHDA) REACH Grant - \$10,000

RESOLUTION

GRANT APPROPRIATION – VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

REACH GRANT – \$10,000

WHEREAS, the James City County Office of Housing and Community Development (OHCD) currently offers housing counseling services, including individual pre-purchase counseling, group homebuyer education seminars, and rental and delinquent mortgage assistance through the Homeless Prevention Program, (HPP) and a Homebuyer Club to Family Self Sufficiency (FSS) participants; and

WHEREAS, plans are underway to offer non-delinquency/post purchase counseling to first-time homebuyers; and

WHEREAS, the Virginia Housing Development Authority (VHDA) has made funding available to support homebuyer education and housing counseling; and

WHEREAS, VHDA has awarded OHCD \$10,000 to provide these services to residents of James City County; and

WHEREAS, there is no local cash match required.

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

hereby accepts and appropriates the VHDA REACH Grant in the amount of \$10,000.

7. Contract Award - Audit Services - \$195,300

RESOLUTION

CONTRACT AWARD – AUDIT SERVICES – \$195,300

WHEREAS, a Request for Proposals (RFP) for Audit Services was publicly advertised and staff reviewed proposals from seven firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Dixon Hughes Goodman LLP was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$195,300 contract for Audit Services to Dixon Hughes Goodman LLP.

8. Website Policy

RESOLUTION

RESOLUTION TO ESTABLISH A WEBSITE POLICY – JAMES CITY COUNTY

WHEREAS, James City County has provided local government information on an established website since 1995; and

WHEREAS, as a registered DotGov domain holder, James City County's government website is bound by guidelines set forth by the United States Government's General Services Administration; and

WHEREAS, the County's website is used solely for the operation of government business; and

WHEREAS, the Board of Supervisors wishes to establish a written web policy that clarifies County web guidelines and linking practices inclusive of directives set forth by the Federal Government's DotGov domain policies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the attached written Website Guidelines and Linking Policy that will benefit the citizens and users of the James City County government website and further the objectives of transparent, open government.

I. PUBLIC HEARINGS

1. Proposed FY 2014-2019 Secondary Six Year Plan (SSYP)

Ms. Tammy Rosario, Principal Planner, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon asked Ms. Rosario to expound upon the failure to address the issues on Route 60 as was noted by Mr. Oyer earlier and perhaps explain the differences in funding.

Ms. Rosario stated that the plan being discussed here is the Secondary Road Plan, and Route 60 is a primary road, and thus not eligible under these funds. She stated that the County has recognized that Route 60 is a problem and the County has pursued CMAQ and RSTP funds for different projects.

Mr. Middaugh asked Ms. Rosario to explain what those funds are.

Ms. Rosario stated that RSTP funds are Regional Surface Transportation Program funds and CMAQ funds are Congestion Management and Air Quality Improvements programs. She stated that those are largely Federal funds that are allocated by the HRTPO for those sorts of primary road projects. She stated that those are the County's primary sources of funds for projects like Route 60. She stated that the County has the Route 60 relocated project in the pipeline, which requires a significant amount of funds to complete; however it is in the preliminary engineering phase. She stated the County also has the Skiffe's Creek Connector project, which is aimed at alleviating congestion on Route 60 by connecting it to Route 143. She stated that there is also the Route 60 Multi-Modal Program. She stated that the latter two have funding, but are not yet at a stage where they are fully funded.

Mr. McGlennon stated that, at this point, the lack of adequate resources is preventing some plans that the County has for improvement of the Route 60 east corridor.

Ms. Rosario stated that is correct. She stated that the County is actively pursuing funding, but some of them are moving faster than others. She stated it is not at the stage where citizens are going to see construction projects on Route 60.

Mr. McGlennon stated that the Board received an email today regarding biking and pedestrian plans for these projects that are a part of the Six Year Secondary Plan. He stated that he believes Ms. Rosario mentioned those during her summary.

Ms. Rosario stated specifically the Longhill Road widening and the Croaker Road widening.

Mr. Kennedy stated that each year the Board discusses these roads on the Six Year Plan and each year the County gets minuscule amounts of funds to go toward these projects. He stated that he believes the money that the Board puts toward these projects is only covering the costs of inflation and the project never really gets moved along. He stated yes the money is there in the account, but the project never really gets completed. He asked if there was anything that could be done, such as moving money around between projects, which could get the ball rolling on some of these projects, and get them toward completion.

Ms. Rosario stated that based on Board decisions last fall on the Six Year Plan, staff was able to move some funds around and advance certain projects. That would include closing the funding gap on Monticello Avenue Intersection Improvements, the Safe Routes to School Project is now fully funded, and the Croaker Road Multi-use Path was kept fully funded and is now moving forward. She stated that the County will continue to look at options to leverage secondary funds for other funds to bring projects to completion. She also noted that Racefield Drive is now fully funded and expected to be completed in the next two years.

Mr. Kennedy stated that a Longhill Road Corridor Study is going on now. He stated that the estimates the Board has here are just estimates because no one knows what rights-of-way are going to cost. He asked if the secondary funds are restricted to existing roads or can they be applied to proposed roads to make them wider or to obtain rights-of-way. He stated that he believes the Croaker Road projects is underestimated and that it is frustrating to see less money coming in to fund these projects to completion.

Ms. Rosario requested Mr. Carroll address any other options for utilizing those funds that she may not have covered.

Mr. Carroll stated that in out-years, 2017, there is a new formula being used to determine the funds coming in to the County. He stated that while this year, the amount is less, in the out-years the funds are approaching \$500,000.

Mr. Kennedy asked how safe these formulas are. He asked if future politicians can come in later and reduce those amounts because they decide they have some other project they want to fund.

Mr. Carroll stated that is always a possibility; however, we have to plan based on those formulas. He stated that the funds could decrease, but they could also increase. He stated that with projected funds, you must plan based on some type of formula to try and fund some of these projects in out-years.

Mr. Kennedy asked about changes to the methodology of the Six Year Plan. He stated it is somewhat misleading. He said people hear that a project is on the six-year plan and they think it will be completed in six years. He stated that the Croaker Road project has been in the works for at least 20 years now. He asked if there is a more efficient way or an economy of scale to have projects have a completion date in mind. He stated that every year money is being put aside and all that is really happening is covering the cost of inflation and nothing is getting completed.

Mr. Carroll stated that the Board sets the priorities. The Board can bring forward smaller projects, smaller priorities that can get funded and completed. He stated that these funds are not the only funding available for these projects. He stated that like Ms. Rosario said, there are CMAQ and RSTP funds available that can be used. He stated that Racefield Drive is a smaller road projects and that will be done in the next two years.

Mr. Kennedy stated that in regard to Racefield Drive, the project is fully funded now. He stated if we are looking to a completion date of two years from now, that funding could change and then the Board is going to have to add more funds. He stated that he would like to see the County work more in unison with the Williamsburg Residency to come up with realistic goals and projects that can be completed.

Mr. Carroll stated that Racefield Drive has a specific type of funding; it is the only non-paved road that qualifies, so that budget is set.

As there were no other questions for staff, Mr. McGlennon opened the Public Hearing.

As there were no public comments, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to approve the resolution.

Mr. Kennedy stated that he worries about what the County is going to get out of Richmond. He stated that the funding is inadequate and has been inadequate. He stated that the State can reach in to the pocketbook and take back some of what was given. He advised that the Board and staff begin to look at projects that can be completed within a reasonable time frame with consolidating funds.

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

J. BOARD CONSIDERATION

1. Contract Award - Meridian Land Company, LLC - Ford's Colony at Williamsburg Section XXXV, Westport

Ms. Lola Perkins, Assistant County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour stated that the Board is proceeding with this under a previous agreement that the Board had structured with Meridian. He stated that this contract is a conduit for the funding that will take place later. He stated Meridian will also be bonding out for the infrastructure.

Ms. Perkins stated correct. She stated that Meridian will be responsible for any amount in excess of what the bond proceeds are. She stated that it is understood between all parties that the cost of the infrastructure will exceed the amount of the bond proceeds that the County was able to collect and Meridian is in the process of obtaining bonds now for the excess.

Mr. Icenhour stated that for the subdivision process, Meridian will have to go through all of the current steps with the County including erosion and sediment control, environmental protection, and site plan approval.

Ms. Perkins stated correct. She stated they have, in fact, submitted a new site plan and those plans are in the process of being approved by the County. She stated for clarification, this only applies to Section A of the Westport Development and no plans have been submitted for Section B.

Mr. Icenhour thanked Meridian for the environmental sound approach it is taking for the Gordon's Creek Watershed Area.

Mr. Icenhour made a motion to approve the resolution.

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

K. PUBLIC COMMENTS

1. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to citizens' freedoms being under attack.

2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to VDOT funds being put in a lockbox and unable to float around to other departments or projects.

3. Mr. Keith Sadler, 9929 Mountain Berry Circle, addressed the Board in regard to 2nd Amendment rights.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the removal of Sheriff Deeds' statement from the County website.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to the previous Board being fiscal conservative.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that Parks and Recreation will be hosting two events in the coming weeks. He stated that Family Fun Fest will be Saturday, May 18 from 11 a.m. to 4 p.m. at Chickahominy Riverfront Park. He stated that Opening Day Celebration at the Pools will take place on Saturday, May 25 from noon to 6 p.m. at the County's two outdoor pools at Chickahominy Park and Upper County Park. He stated for more information about these events, please call Parks and Recreation at 259-4200.

M. BOARD REQUESTS AND DIRECTIVES

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. Middle Peninsula Juvenile Detention Commission
 - b. Economic Development Authority

Mr. Kennedy made a motion to reappoint Deputy Chief Stan Stout to the Middle Peninsula Juvenile Detention Commission and to reappoint Mr. Thomas Tingle and Mr. Tim Harris to the Economic Development Authority.

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

Mr. Kennedy stated that he would like Mr. Icenhour to bring up the issue of Business, Professional, & Occupational License (BPOL) and Machinery and Tool Taxes at his VACo meeting. He stated that both candidates for Governor have made statements about eliminating these taxes. He stated that these taxes cover a large gap in a locality's revenues and the impact of eliminating them will be felt by the homeowners. He stated that he has concerns over this and is wondering where these candidates are finding this cash in other areas. He stated that either one of these candidates would have to push the elimination through the General Assembly, so the County needs to stay on top of this issue with VACo and with the Virginia Municipal League (VML).

Mr. McGlennon stated that the Board discussed at the end of last year, trying to develop the legislative program in the spring so that the County may be influential at this upcoming regional legislative meetings. He stated that there will be a Work Session in June to bring this and any other ideas forward then.

Mr. Kennedy stated yes, but he wanted to make note of this issue before Mr. Icenhour goes to the VACo meeting on June 2 since that is before the Work Session at the end of June.

Mr. Icenhour stated that the VACo meeting in June is designed to hear the concerns of the all the counties in the region. He stated that this issue was voiced last year, and the concern was how you eliminate it without cutting the revenues of the County. Mr. Icenhour stated that he does not have much faith that the

County would be made whole.

Mr. Kennedy stated that it sounds good and makes a good campaign speech, but where is the money coming from.

Mr. McGlennon stated that in the interest of clarification, it was stated during Public Comment that he had made a motion to spend \$15,000 on Hampton Roads Economic Development Authority (EDA) He stated that to his knowledge, he has never made such a motion or statement.

O. ADJOURNMENT – 4 p.m. on May 28, 2013, for the Work Session.

Mr. Icenhour made a motion to adjourn.

At 8:35 p.m., Mr. McGlennon adjourned the Board.

Robert C. Middaugh
Clerk to the Board

051413bos_min

MEMORANDUM COVER

Subject: Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Mr. Marc Illman, 2878 Monticello Avenue, Part of Pinewood Subdivision

Action Requested: Shall the Board of Supervisors accept a civil charge to settle a Chesapeake Bay Ordinance violation at 2878 Monticello Avenue, Part of Pinewood Subdivision?

Summary: A report of an unauthorized activity was investigated by the County at 2878 Monticello Avenue for clearing, grading, and disturbance of soil within a defined Chesapeake Bay Preservation Area (CBPA) Resource Protection Area (RPA) for construction of a pond feature without obtaining proper approval of a plan of development, erosion and sediment control plan, land-disturbing permit, and Chesapeake Bay Exception. Upon further investigation, a Notice of Violation (NOV) was issued to the owner on July 25, 2012.

The violation is being settled, with consent of the owner, through the County's civil charge violation process consistent with Section 23-18(a) of the County's Chesapeake Bay Preservation ordinance and previously established Chesapeake Bay Preservation ordinance civil penalty procedures (1999 and 2006).

Staff recommends adoption of the attached resolution.

Fiscal Impact: None

FMS Approval, if Applicable: Yes ☐ No ☒

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Location Map

Agenda Item No.: H-2

Date: May 28, 2013

MEMORANDUM

DATE: May 28, 2013

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Mr. Marc Illman, 2878 Monticello Avenue, Part of Pinewood Subdivision

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the County's Chesapeake Bay Preservation Ordinance at 2878 Monticello Avenue, further identified as James City County Real Estate Tax Parcel No. 4420100006. The case involved clearing, grading, and disturbance of soil within a defined Chesapeake Bay Preservation Area (CBPA), Resource Protection Area (RPA) for the construction of a pond feature. This work was done without obtaining an approved plan of development, an approved erosion and sediment control plan, a land-disturbing permit, and a Chesapeake Bay exception. The subject parcel is zoned A-1 and is 16 acres in size. Total disturbance was approximately 1.8 acres, most of which was in RPA.

On or about May 2012, County staff received a report of unauthorized activity at the subject parcel. County staff visited the site on May 7, 2012, and observed a graded pond feature within limits of the RPA. The pond feature had a standing pool of water. Staff also observed vegetation conditions within RPA and surrounding upland areas as "pasture-like" with no significant canopy or understory. Following the site visit, staff performed research on the parcel using County records and GIS mapping. Staff determined that the site and owner had previously obtained approval of a site plan under County Plan No. SP-54-04 and SUP-21-03 for a project known as "Milanville Kennels." The plan of development, which was approved on September 13, 2004, showed an RPA delineation along the west property line of the site along with a note that the "limits of RPA as shown on the plan is an approximation based on office and limited field information and is not the result of a thorough perennial stream and wetland evaluation." The approved site plan showed a small wet extended detention pond (Best Management Practice (BMP)) feature (now identified as County BMP ID Code GC 004) that was approved for stormwater compliance purposes for site development. However, the pond feature observed in the RPA area in the field on May 7, 2012, was much larger and much further west than the approved plan BMP feature. Staff also conducted a GIS aerial mapping examination of the site. GIS mapping clearly showed moderate tree vegetation in and around the RPA and along the stream present along the west border of the parcel throughout the period from 2002 through 2009. Then in 2011 aerial mapping showed significant loss of this vegetation and the appearance of the large pond feature in RPA. Staff contacted the local Soil and Water Conservation District office to determine if a soil and water quality conservation plan was filed and approved to obtain proper agricultural exemption status for activities such as a farm pond or pasture. There was no evidence of registration with the local Soil and Water Conservation District office. For proper agricultural exemption under the Chesapeake Bay Act program, a Soil and Water Quality Conservation Assessment (SWQCA) or Plan (SWQCP) must be approved by the Colonial Soil and Water Conservation District through its Technical Review Committee, agricultural subcommittee, and Board of Directors.

Subsequently, County staff forwarded a notification letter to the parcel owner on June 22, 2012. Staff then met with the parcel owner and his environmental consultant and civil engineer at the County government complex on July 18, 2012. On or about July 25, 2012, a Notice of Violation (NOV) was issued.

In accordance with provisions of the Ordinance, the owner and County mutually came to terms to resolve and settle the violation through the County's civil charge process. The owner voluntarily signed a consent agreement and entered into a Chesapeake Bay Restoration Agreement with the County on April 22, 2013, and proceeded with preparing a Chesapeake Bay Restoration plan to restore impacted RPA on the site. The restoration plan was submitted to the County on April 3, 2013. Following minor staff comment and revision, the plan was approved on April 15, 2013. The restoration plan includes removal of the pond feature, grading impacted RPA and upland area back to previous or near previous existing topographical conditions, and restoration of wetland and adjacent upland areas with acceptable native canopy tree, understory tree, and shrub specie plantings as well as stabilization with specialized wetland and upland seed mixtures. Total small diameter and sapling mitigation plantings in the approved restoration plan are 120 native canopy trees, 250 understory trees, and 586 shrubs in both RPA and upland areas. RPA includes the wetland and 100-foot buffer. As part of the Chesapeake Bay Restoration Agreement, the owner is required to post a \$5,000 performance surety to guarantee implementation of plantings and seeding consistent with the approved restoration plan and work must be completed by December 31, 2013.

The resolution and attachments present additional specific details of the violation. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. The Owner has agreed to the recommended civil charge of \$1,300 for violation of Sections 23-7, 23-9 and 23-10 of the County's Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Ordinance Civil Penalty Procedures Policy endorsed by the Board in August 1999 and subsequent provisions for reduced charges by the Chesapeake Bay Workshop Credit method (June 2006) were used by staff as guidance in determining the civil charge amount. The Policy considers the degree of water quality impact and the degree of noncompliance involved in the case. Discounts are applied if the Owner consents to attend a future Bay Act workshop conducted by the County. In this particular case, the owner has been very cooperative with staff throughout the settlement process and chose to take advantage of the discount policy. Using the discount policy, the civil charge amount was based on a minor water quality impact and major degree of noncompliance using the discount policy civil charge determination matrix (2006). This matrix is provided on the next page for information purposes. To conform to the policy, the owner will need to enroll in a future County sponsored Chesapeake Bay Act workshop.

Staff recommends adoption of the attached resolution establishing the civil charges for the Chesapeake Bay Ordinance violation presented.



Scott J. Thomas

Leo P. Rogers

SJT/LPR/nb
CBayOVio-Illman_mem

Attachments

Civil Charge Determination
(Chesapeake Bay Workshop Credit)

Water	Significant	\$5,000 (-10%)	\$7,500 (-5%)	\$10,000 (-5%)
Quality	Moderate	\$1,500 (-30%)	\$3,000 (-10%)	\$ 4,500 (-5%)
Impact	Minor	\$500 (-50%)	\$1,000 (-25%)	\$ 1,500 (-15%)

Minor Moderate Major

Degree of Non-Compliance

MEMORANDUM

DATE: May 28, 2013

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Mr. Marc Illman, 2878 Monticello Avenue, Part of Pinewood Subdivision

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Subsequently, County staff forwarded a notification letter to the parcel owner on June 22, 2012. Staff then met with the parcel owner and his environmental consultant and civil engineer at the County government complex on July 18, 2012. On or about July 25, 2012, a Notice of Violation (NOV) was issued.

In accordance with provisions of the Ordinance, the owner and County mutually came to terms to resolve and settle the violation through the County's civil charge process. The owner voluntarily signed a consent agreement and entered into a Chesapeake Bay Restoration Agreement with the County on April 22, 2013, and proceeded with preparing a Chesapeake Bay Restoration plan to restore impacted RPA on the site. The restoration plan was submitted to the County on April 3, 2013. Following minor staff comment and revision, the plan was approved on April 15, 2013. The restoration plan includes removal of the pond feature, grading impacted RPA and upland area back to previous or near previous existing topographical conditions, and restoration of wetland and adjacent upland areas with acceptable native canopy tree, understory tree, and shrub specie plantings as well as stabilization with specialized wetland and upland seed mixtures. Total small diameter and sapling mitigation plantings in the approved restoration plan are 120 native canopy trees, 250 understory trees, and 586 shrubs in both RPA and upland areas. RPA includes the wetland and 100-foot buffer. As part of the Chesapeake Bay Restoration Agreement, the owner is required to post a \$5,000 performance surety to guarantee implementation of plantings and seeding consistent with the approved restoration plan and work must be completed by December 31, 2013.

The resolution and attachments present additional specific details of the violation. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. The Owner has agreed to the recommended civil charge of \$1,300 for violation of Sections 23-7, 23-9 and 23-10 of the County's Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Ordinance Civil Penalty Procedures Policy endorsed by the Board in August 1999 and subsequent provisions for reduced charges by the Chesapeake Bay Workshop Credit method (June 2006) were used by staff as guidance in determining the civil charge amount. The Policy considers the degree of water quality impact and the degree of noncompliance involved in the case. Discounts are applied if the Owner consents to attend a future Bay Act workshop conducted by the County. In this particular case, the owner has been very cooperative with staff throughout the settlement process and chose to take advantage of the discount policy. Using the discount policy, the civil charge amount was based on a minor water quality impact and major degree of noncompliance using the discount policy civil charge determination matrix (2006). This matrix is provided on the next page for information purposes. To conform to the policy, the owner will need to enroll in a future County sponsored Chesapeake Bay Act workshop.

Staff recommends adoption of the attached resolution establishing the civil charges for the Chesapeake Bay Ordinance violation presented.



Scott J. Thomas

Leo P. Rogers

SJT/LPR/nb
CBayOVio-Illman_mem

Attachments

Civil Charge Determination
(Chesapeake Bay Workshop Credit)

Water	Significant	\$5,000 (-10%)	\$7,500 (-5%)	\$10,000 (-5%)
Quality	Moderate	\$1,500 (-30%)	\$3,000 (-10%)	\$ 4,500 (-5%)
Impact	Minor	\$500 (-50%)	\$1,000 (-25%)	\$ 1,500 (-15%)

Minor Moderate Major

Degree of Non-Compliance

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION – CIVIL CHARGE –

MR. MARC ILLMAN, 2878 MONTICELLO AVENUE, PART OF PINWOOD SUBDIVISION

WHEREAS, Mr. Marc Illman of 2878 Monticello Avenue, Williamsburg, Virginia, is the owner of a certain parcel of land commonly known as 2878 Monticello Avenue, Part of Pinewood Subdivision, Williamsburg, Virginia, designated as Parcel No. 4420100006 within James City County Real Estate Tax Map system herein referred to as the (“Property”); and

WHEREAS, on or about May 2012, Mr. Illman caused clearing, grading, and disturbance of soil within a defined Chesapeake Bay Preservation Area (CBPA) on the Property without prior approval of a plan of development, erosion and sediment control plan, land-disturbing permit, and Chesapeake Bay exception; and caused impact to Resource Protection Area (RPA); and

WHEREAS, Mr. Illman has executed a Consent Agreement and a Chesapeake Bay Restoration Agreement with the County agreeing to implement, in a timely manner, tree plantings and wetland/upland seeding in accordance with an approved Chesapeake Bay Restoration Plan in order to remedy a violation of the County’s Chesapeake Bay Preservation Ordinance. The owner has posted sufficient surety guaranteeing plantings and seeding in accordance with the approved restoration plan to restore RPA on the Property; and

WHEREAS, Mr. Illman has agreed to pay a total of \$1,300 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,300 civil charge from Mr. Illman as full settlement of the Chesapeake Bay Preservation Ordinance violations at the Property.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of May, 2013.

CBayOVio-Illman_res



**Chesapeake Bay Preservation Ordinance Violation -
Civil Charge - Marc Illman, 2878 Monticello Avenue,
Part of Pinewood Subdivision**

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



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MEMORANDUM COVER

Subject: Acquisition of Real Property – 7849 Church Lane

Action Requested: Shall the Board adopt a resolution to purchase the property located at 7849 Church Lane?

Summary: The County is in the process of constructing a replacement facility for Fire Station No. 1 on Forge Road. In order to maintain services during the construction period and avoid a costly move, the County planned to utilize an old C&O railroad bed on an adjacent parcel for parking. There is a title dispute in relation to said railbed and the least costly solution is to purchase the parcel of real property from Charles D. and Susan L. Crawford.

The parcel is located at 7849 Church Lane and is currently assessed at \$304,600. The property is approximately 3.7 acres and the house upon it is a Victorian structure from the late 1800s. According to the County's Real Estate Assessor, the house is in very good condition. Mr. and Mrs. Crawford have offered to sell the property for \$390,000. Upon acquisition of the property, the land necessary for parking will be added to the Fire Station property. The County will attempt to sell the remaining property in order to recover all or a portion of the purchase price.

The attached resolution authorizes the County Administrator to enter into a purchase agreement with the Crawford's for the property at 7849 Church Lane.

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
3. Map

CrawfordProp_cvr

Agenda Item No.: I-1

Date: May 28, 2013

MEMORANDUM

DATE: May 28, 2013

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Acquisition of Real Property – 7849 Church Lane

The County is in the process of constructing a replacement facility for Fire Station No. 1 on Forge Road. In order to maintain services during the construction period and avoid a costly move, the County planned to utilize an old C&O railroad bed on an adjacent parcel for parking. County staff commissioned a title search, and determined that the C&O railroad bed was deeded to the County in 1962. However, before work could begin, a title issue arose about whether the 1962 deed to the County conveyed adequate title. Unfortunately, the title issue could not be immediately resolved.

According to the design team for the new Fire Station, this portion of property is crucial to the project. Without this property, fire station personnel and apparatus will have to be temporarily moved while the new fire station is constructed. The estimated cost of such a temporary move is \$500,000, which cost could not be recovered. Litigating the title issue could take years for resolution. In search of a less costly and more timely alternative, County staff approached Charles D. and Susan L. Crawford about purchasing just the disputed portion of property. Mr. and Mrs. Crawford declined staff's offer to purchase a portion of the property, but indicated a willingness to sell the entire property to the County.

The parcel is located at 7849 Church Lane and is currently assessed at \$304,600. The property is approximately 3.7 acres and the house upon it is a Victorian structure from the late 1800s. According to the County's Real Estate Assessor, the house is in very good condition. Mr. and Mrs. Crawford offered to sell the property for \$390,000. Mr. and Mrs. Crawford have further agreed to keep the house in its current condition and to continue maintaining it throughout the term of the lease. The \$390,000 needed to purchase the property will come from the Fire Station No. 1 construction account. In the future, the County intends to place the property for sale with the hope that it can recoup most, if not all, of the \$390,000 purchase price.

Should the Board approve this purchase, the County will subdivide the portion of property necessary to complete the new Fire Station and will allow the rest of the property to remain in its current condition after placing a buffer between the dwelling and the Fire Station.

I recommend adoption of the attached resolution authorizing the County Administrator to enter into the necessary agreements to purchase the property located at 7849 Church Lane.

Leo P. Rogers

LPR/nb
CrawfordProp_mem

Attachment

MEMORANDUM

DATE: May 28, 2013

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Acquisition of Real Property – 7849 Church Lane

The County is in the process of constructing a replacement facility for Fire Station No. 1 on Forge Road. In order to maintain services during the construction period and avoid a costly move, the County planned to utilize an old C&O railroad bed on an adjacent parcel for parking. County staff commissioned a title search, and determined that the C&O railroad bed was deeded to the County in 1962. However, before work could begin, a title issue arose about whether the 1962 deed to the County conveyed adequate title. Unfortunately, the title issue could not be immediately resolved.

According to the design team for the new Fire Station, this portion of property is crucial to the project. Without this property, fire station personnel and apparatus will have to be temporarily moved while the new fire station is constructed. The estimated cost of such a temporary move is \$500,000, which cost could not be recovered. Litigating the title issue could take years for resolution. In search of a less costly and more timely alternative, County staff approached Charles D. and Susan L. Crawford about purchasing just the disputed portion of property. Mr. and Mrs. Crawford declined staff's offer to purchase a portion of the property, but indicated a willingness to sell the entire property to the County.

The parcel is located at 7849 Church Lane and is currently assessed at \$304,600. The property is approximately 3.7 acres and the house upon it is a Victorian structure from the late 1800s. According to the County's Real Estate Assessor, the house is in very good condition. Mr. and Mrs. Crawford offered to sell the property for \$390,000. Mr. and Mrs. Crawford have further agreed to keep the house in its current condition and to continue maintaining it throughout the term of the lease. The \$390,000 needed to purchase the property will come from the Fire Station No. 1 construction account. In the future, the County intends to place the property for sale with the hope that it can recoup most, if not all, of the \$390,000 purchase price.

Should the Board approve this purchase, the County will subdivide the portion of property necessary to complete the new Fire Station and will allow the rest of the property to remain in its current condition after placing a buffer between the dwelling and the Fire Station.

I recommend adoption of the attached resolution authorizing the County Administrator to enter into the necessary agreements to purchase the property located at 7849 Church Lane.

Leo P. Rogers

LPR/nb
CrawfordProp_mem

Attachment

RESOLUTION

ACQUISITION OF REAL PROPERTY – 7849 CHURCH LANE

WHEREAS, Charles D. and Susan L. Crawford (the “Crawfords”) currently own a parcel of real property identified as James City County Real Estate Tax Map Parcel No. 1230100031 and more commonly known as 7849 Church Road (the “Crawford Property”); and

WHEREAS, the County is constructing a new fire station on property identified as James City County Real Estate Tax Map Parcel No. 1230100027, more commonly known as 3135 Forge Road and as the site of Fire Station No. 1 and the James City - Bruton Volunteer Fire Station (the “Fire Station Property”); and

WHEREAS, ownership of the old C&O railbed located in between the Crawford Property and the Fire Station Property (the “railbed”) is in dispute; and

WHEREAS, use of the railbed is absolutely necessary for the construction of the new fire station; and

WHEREAS, the Crawford’s have offered to sell the Crawford Property to the County for \$390,000; and

WHEREAS, purchase of the Crawford Property will settle ownership of that portion of the railbed, will permit the construction of the new fire station to continue on schedule, and will allow the County to sell the Crawford Property and recoup some, if not all, of its purchase price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute any and all documents necessary to: 1) purchase the property identified as James City County Real Estate Tax Map Parcel No. 1230100031 and more commonly known as 7849 Church Road, and 2) subdivide that portion of the Crawford Property necessary to construct the new fire station.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of May, 2013.

CrawfordProp_res

James City County



MEMORANDUM COVER

Subject: Lease of Real Property at 7849 Church Lane

Action Requested: Shall the County Administrator execute a lease between the County and Charles D. Crawford and Susan L. Crawford for a term of one year at \$1,750 per month?

Summary: The Board of Supervisors is considering acquisition of property at 7849 Church Lane as part of its Board Considerations. The purchase of the property will facilitate renovation of Fire Station No. 1 in Toano. Mr. Charles D. and Ms. Susan L. Crawford are the owners of the property and in addition to the sale, the County is being asked to enter into a lease agreement with the Crawford's for a period of one year for \$1,750 per month. The lease will allow the County to recoup part of its investment in the property until it can be sold.

The attached resolution authorizes the County Administrator to execute the necessary documents for the lease.

Staff recommends adoption of the 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-1

Date: May 28, 2013

Crawford_Lease_cvr

MEMORANDUM


DATE: May 28, 2013
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Lease of Real Property – 7849 Church Lane

Under Board Considerations is a resolution authorizing the acquisition of real property at 7849 Church Lane in Toano. This acquisition is being brought forward due to title issues in relation to the Fire Station No. 1 improvement project. Staff has determined that the most cost-effective and timely solution to the title dispute is to purchase the adjacent parcel from Mr. Charles D. and Ms. Susan L. Crawford and then the County would lease the dwelling on the parcel to the Crawford's in order to recover some of the costs of acquisition. The Crawfords have agreed to lease the dwelling for one year at \$1,750 per month.

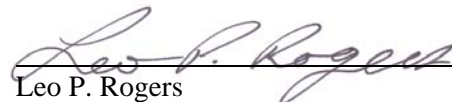
Staff has discussed the proposed rental rate with local realtors and has been advised that the rate is in line with comparable listings.

In order to effectively authorize the execution of the lease agreement, the Board must first adopt the resolution authorizing the acquisition of the property.

Following consideration and adoption of the resolution authorizing acquisition of the property at 7849 Church Lane and a public hearing related to the lease, staff recommends adoption of the attached resolution authorizing the County Administrator to execute the lease agreement.


Adam R. Kinsman

CONCUR:


Leo P. Rogers

ARK/nb
Crawford_Lease_mem

Attachment

MEMORANDUM


DATE: May 28, 2013
TO: The Board of Supervisors
FROM: Adam R. Kinsman, Deputy County Attorney
SUBJECT: Lease of Real Property – 7849 Church Lane

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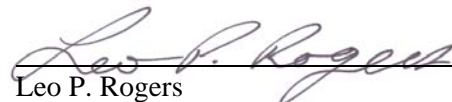
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Adam R. Kinsman

CONCUR:


Leo P. Rogers

ARK/nb
Crawford_Lease_mem

Attachment

RESOLUTION

LEASE OF REAL PROPERTY – 7849 CHURCH LANE

WHEREAS, Mr. Charles D. and Ms. Susan L. Crawford have agreed to sell the property located at 7849 Church Lane which will facilitate improvements at Fire Station No. 1; and

WHEREAS, the Board of Supervisors has authorized the acquisition of a parcel; and

WHEREAS, the real estate sale agreement was partially contingent on allowing the Crawford's to lease the dwelling of the property for one year at \$1,750 per month; and

WHEREAS, the Board wishes to recoup some of the costs of the acquisition through a lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the lease between James City County and Mr. Charles D. and Ms. Susan L. Crawford for the property located at 7849 Church Lane.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of May, 2013.

Crawford_Lease_res

MEMORANDUM COVER

Subject: Application for New James City County Enterprise Zone Designation

Action Requested: Shall the Board approve the Enterprise Zone Designation Application to the Virginia Department of Housing and Community Development (DHCD)?

Summary: James City County received an Enterprise Zone Designation from the Commonwealth of Virginia in 1996. This designation lasts 20 years and will expire December 31, 2015. In an effort to be proactive, the County is proposing an application for a new designation before the existing designation expires. An application for a new designation does not affect the existing Enterprise Zone designation.

There are currently four Virginia Enterprise Zone designations available statewide due to the upcoming expiration of zones. As a result, the Virginia Department of Housing and Community Development (DHCD) is holding a competitive application process to fill these vacant zones. Applications for new zone designations are due June 28, 2013, and the new zones will be designated on January 1, 2014. The application process is open to all cities and counties; however, the program is targeted toward economically distressed localities.

Given the competitive nature of the designation process, staff is proposing an application for a joint multi-jurisdictional Zone with the City of Williamsburg and York County. Joint multi-jurisdiction Zones are comprised of two or more adjacent jurisdictions (cities and counties) acting as a unified regional entity. To qualify for a joint status, the applying jurisdictions must demonstrate a regional strategy. DHCD encourages regional collaboration and rewards multi-jurisdictional zones by adding 50 points to the application score.

This proposal was presented to the Economic Development Authority on May 9, 2013, receiving its unanimous support. New Enterprise Zones must be approved by the Virginia DHCD and ultimately the Governor of the Commonwealth of Virginia.

Staff recommends that the Board authorize staff to submit the Enterprise Zone Amendment Application including the aforementioned changes to the Virginia DHCD.

Staff recommends approval 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
3. Location Maps

Agenda Item No.: J-2

Date: May 28, 2013

MEMORANDUM

DATE: May 28, 2013

TO: The Board of Supervisors

FROM: Telly D. Tucker, Assistant Director, Office of Economic Development and Local Enterprise Zone Administrator

SUBJECT: Application for New James City County Enterprise Zone Designation

The Virginia Enterprise Zone (VEZ) program is a partnership between State and local government that encourages job creation and private investment. VEZ accomplishes this by designating Enterprise Zones throughout the State and providing two grant-based incentives, the Job Creation Grant (JCG) and the Real Property Investment Grant (RPIG), to qualified investors and job creators within those zones, while the locality provides local incentives.

James City County received an Enterprise Zone Designation from the Commonwealth of Virginia in 1996. This designation lasts 20 years and will expire December 31, 2015. In an effort to be proactive, the County is proposing an application for a new designation before the existing designation expires. An application for a new designation does not affect the existing Enterprise Zone designation.

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Given the competitive nature of the designation process, staff is proposing an application for a joint multi-jurisdictional Zone with the City of Williamsburg and York County. Joint multi-jurisdiction Zones are comprised of two or more adjacent jurisdictions (cities and counties) acting as a unified regional entity. To qualify for a joint status, the applying jurisdictions must demonstrate a regional strategy. Applicants must be able to explain what binding mechanisms will be used to ensure that economic benefits of the joint zone will be shared among all participating localities. DHCD encourages regional collaboration and rewards multi-jurisdictional zones by adding 50 points to the application score.

The proposed designation area is consistent with the current Enterprise Zone, which includes Green Mount Industrial Park, James River Commerce Center, Busch Corporate Center, Stonehouse Commerce Park, Hankins Industrial Park, Jacobs Industrial Park, and portions of the SR-60 corridor. One new area proposed for inclusion is the Ironbound Road and Strawberry Plains corridor, which includes Colony Square, Williamsburg Crossing, and the Triangle Business Incubator. The collaborative nature of the Triangle Business Incubator supports the regional strategy requirement for joint multi-jurisdictional Enterprise Zone designation.

The proposed designation incentives are consistent with the current Enterprise Zone which requires:

1. A capital investment of \$500,000 or more within any 24-month period in a commercial or industrial project within a Zone; or

2. Fifty percent of new workforce or existing business workforce expansions are documented as living in James City County for one calendar year and 75 percent of business firm's workforce is full-time permanent positions; and the average annual wage for the workforce is 90 percent of the County's per capita income, using the most recent census data.

If the application for a joint multi-jurisdictional Enterprise Zone is approved, each locality is to provide its own incentives. This application only obligates the County to fund local incentives as long as the State funds its incentives.

This proposal was presented to the EDA on May 9, 2013, receiving its unanimous support. New Enterprise Zones must be approved by the Virginia DHCD and ultimately the Governor of the Commonwealth of Virginia.

Staff recommends that the Board authorize staff to submit a joint multi-jurisdictional Enterprise Zone Designation Application to the Virginia DHCD.

Telly D. Tucker

CONCUR:



Russell C. Seymour

TDT/gb/nb
EntZone-App_mem

Attachments:

1. Resolution
2. Location Maps

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Telly D. Tucker

CONCUR:



Russell C. Seymour

TDT/gb/nb
EntZone-App_mem

Attachments:

1. Resolution
2. Location Maps

RESOLUTION

APPLICATION FOR NEW JAMES CITY COUNTY ENTERPRISE ZONE DESIGNATION

WHEREAS, the Commonwealth of Virginia has developed an Enterprise Zone Program, which offers incentives to encourage economic development projects that result in private investment and job creation; and

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) is accepting applications for the 2013 designation round of new Enterprise Zones; and

WHEREAS, the Virginia DHCD encourages regional economic development collaboration; and

WHEREAS, the Board of Supervisors of James City County, Virginia, strongly supports the application of a joint multi-jurisdictional Enterprise Zone with City of Williamsburg and York County to the Virginia DHCD; and

WHEREAS, James City County desires to apply for a new joint multi-jurisdictional Enterprise Zone designation to continue the success of its existing zone, which has been in place since 1996 and expires in 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to submit all information needed to apply for a joint multi-jurisdictional enterprise zone designation and meet other program administrative reporting requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator of James City County to act as program administrator for the joint multi-jurisdictional Enterprise Zone.

John J. McGlennon
Chairman, Board of Supervisors

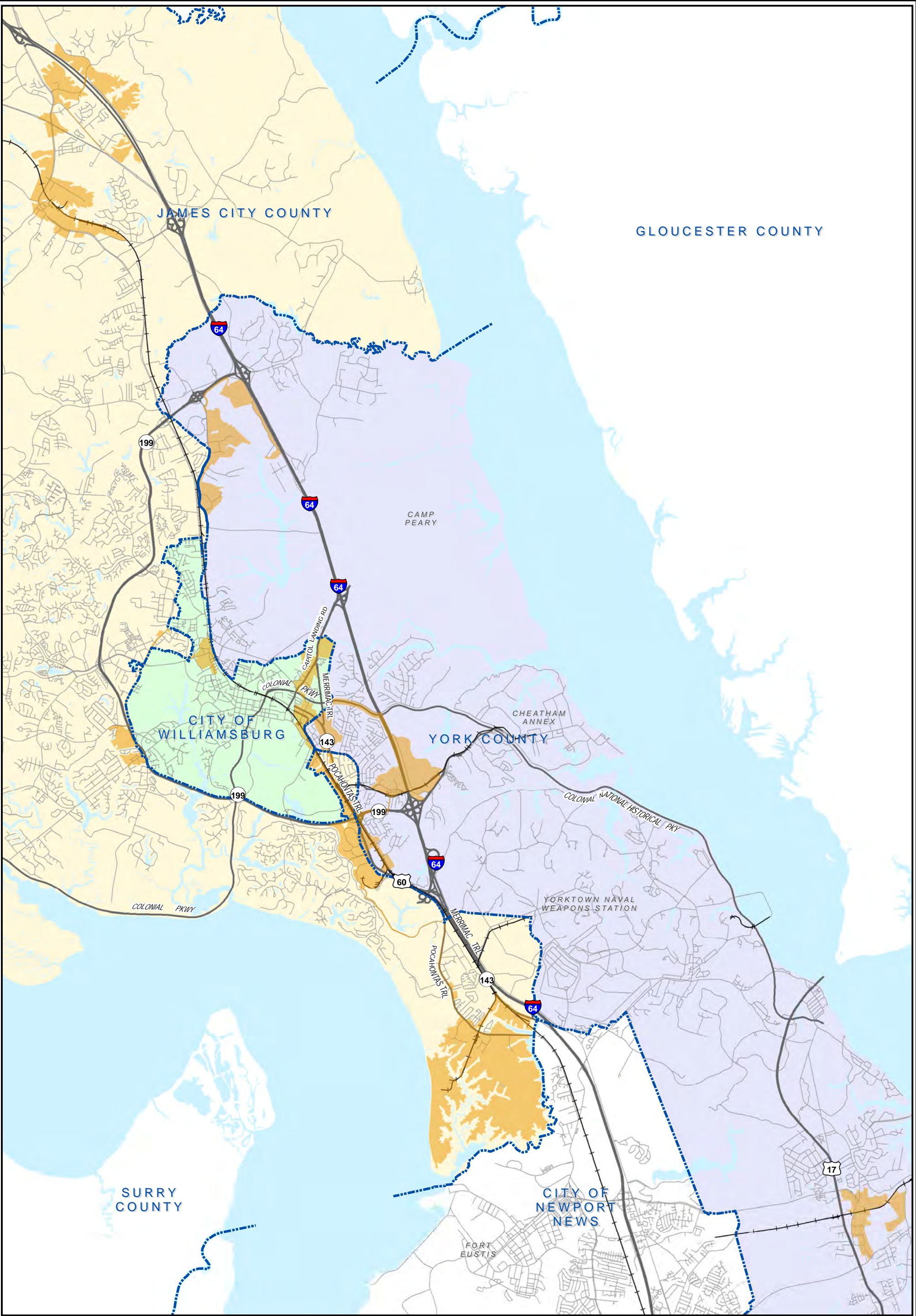
ATTEST:

Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
JONES	___	___	___
KENNEDY	___	___	___
ICENHOUR	___	___	___
BRADSHAW	___	___	___

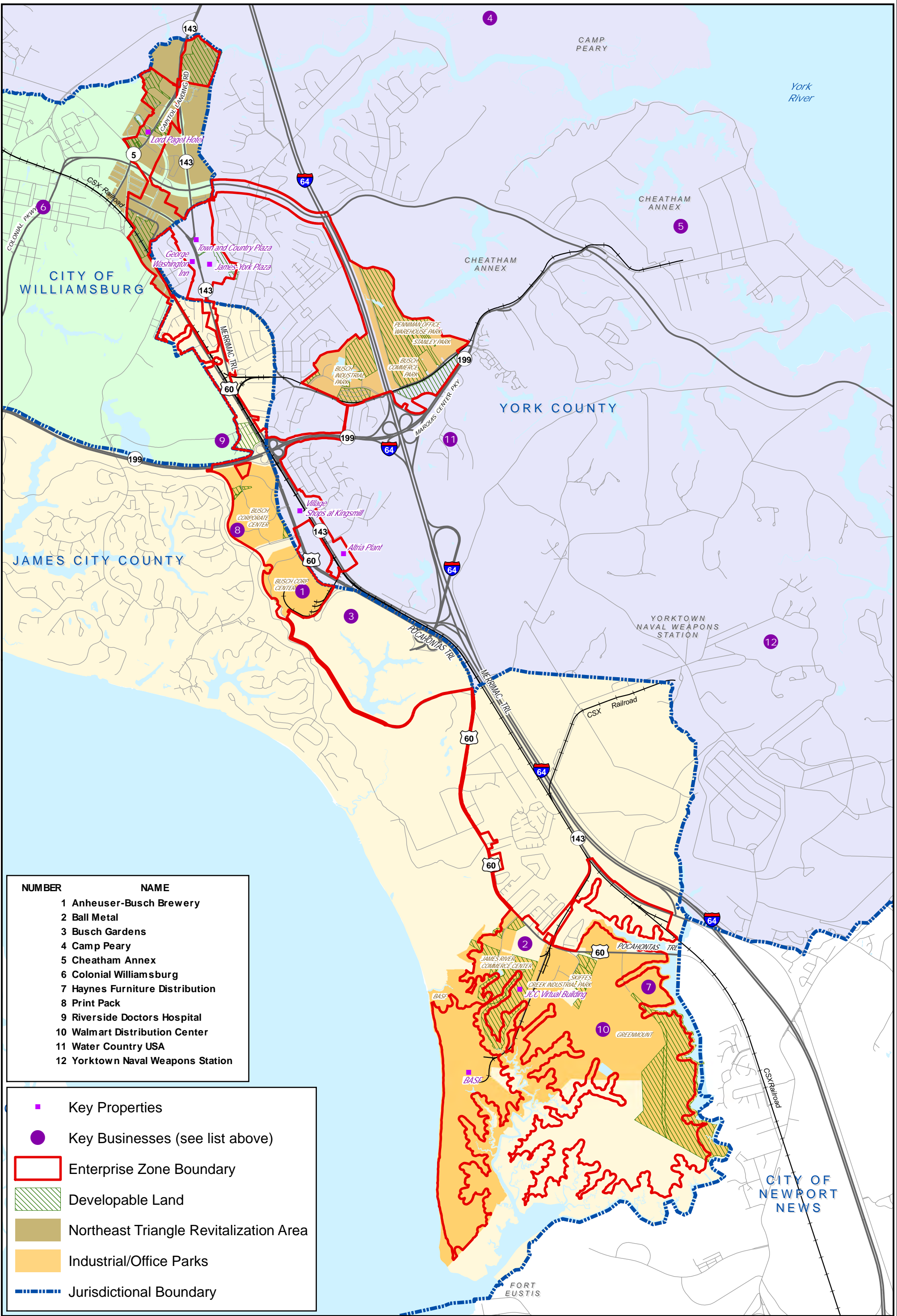
Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of May, 2013.

EntZone-App_res



 Enterprise Zones





Regional Enterprise Zone

York County, James City County and City of Williamsburg

