

## **A G E N D A**

### **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**June 11, 2013**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Sa'tia Jones, a 3<sup>rd</sup> grade student at J.B. Blayton Elementary School and a resident of the Stonehouse District.

**E. PRESENTATIONS**

**F. PUBLIC COMMENT**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. CONSENT CALENDAR**

1. Minutes –
  - a. May 28, 2013, Work Session
  - b. May 28, 2013, Regular Meeting
2. Establishment of Full-Time Physician Position, Olde Towne Medical Center (OTMC)
3. Dedication of Streets in Monticello Woods Phases 1 and 2
4. Budget Transfer for Compensation Consultant - \$25,000
5. Service Agreement for Drop-off Recycling Services – Virginia Peninsulas Public Service Authority (VPPSA)
6. VACORP Line of Duty Act (LODA) Trust
7. Amended Contract for the Williamsburg Regional Library

**I. PUBLIC HEARINGS**

1. Case No. SUP-0003-2013. Route 199 Water Tank Hampton Roads Sanitation District (HRSD) Pressure Reducing Station
2. Case Nos. Z-0001-2013/SUP-0002-2013. Williamsburg Landing, Boatwright Circle
3. Case No. SUP-0004-2013. Jones Family Subdivision

**J. BOARD CONSIDERATION**

**K. PUBLIC COMMENT**

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

**M. BOARD REQUESTS AND DIRECTIVES**

**N. CLOSED SESSION**

**O. ADJOURNMENT** – to 4 p.m. on June 25, 2013

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MAY 2013, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

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  
Leo P. Rogers, County Attorney

**C. BOARD DISCUSSIONS**

1. Joint Board/Planning Commission Work Session – Coordinated Regional Comprehensive Planning Process, James City County FY 14 Comprehensive Plan Update, and Proposed Updates to the Zoning Ordinance

Mr. Paul Holt, Director of Planning, called the Planning Commission to order.

**Roll Call**

Mr. George Drummond – Absent  
Ms. Robin Bledsoe  
Mr. Christopher Basic  
Mr. Timothy O'Connor  
Mr. Michael Maddocks  
Mr. Richard Krapf  
Mr. Alfred Woods

Mr. Holt stated that the purpose of this Joint Work Session is to discuss the Coordinated Regional Comprehensive Planning process, the FY 14 Comprehensive Plan Update and the next round of updates to the Zoning Ordinances. He stated that in the Agenda Packet is a list of decision points to help guide the discussion.

Ms. Ellen Cook, Senior Planner II, addressed the Board and the Commission giving an overview of the Coordinated Regional Comprehensive Planning Process included in the Agenda Packet. She stated that staff has two key questions in order to wrap up the Coordinated Regional Comprehensive Planning Process: Does the Board concur with the approach to the regional documents suggested by the Policy Committee – endorsing the summary document and the James City County/Williamsburg/York County Comprehensive Transportation

Study, and adopting the Regional Bikeway Map? Does the Board concur with the Policy Committee suggestion to continue to participate in a regional process in the future years; and if so, does the Board have any suggestions for elements to retain or change?

Mr. Al Woods, Chair of the Planning Commission, addressed the Board and asked Mr. Tim O'Connor to speak to the Summary Document and the Regional Bikeway Map.

Mr. O'Connor stated that the Planning Commission felt it was important to recognize the process, and the efforts put in by the three regional entities. He stated that a lot of feedback was received, especially in regard to the public forums. He stated that the feedback was very helpful and the decision was made to continue to have three separate Comprehensive Plans. He stated that by endorsing the work of the regional entities, the supporting documents would become technical documents for the County's own Comprehensive Planning Process, and would acknowledge the work of the other jurisdictions. He stated that in regard to the Regional Bikeway Map, that the other two jurisdictions have already adopted this updated version, and adopting it would keep the County moving down the path with the bikeway plan. He stated that the Planning Commission recommends endorsing the Summary Document and adopting the Regional Bikeway Map.

Mr. Icenhour stated that the regional entities are on their own timeframe for their Comprehensive Plan Updates. He asked how these documents would be utilized when each entity is at varying stages in their Comprehensive Planning Process, or would the documents just be considered background documentation.

Mr. O'Connor stated that would be the intention. He stated that these would be living, breathing documents that can, and will be, updated and will become additional resources. He stated that it would also drive the conversation between the jurisdictions which are an important piece.

Mr. Bradshaw stated that he is not surprised that the regional entities were not able to synchronize their Comprehensive Planning Processes; however, he does not believe that the timing is the important piece. He stated that the important piece is that the County pays heed to what is being done by our neighbors in the region. He stated that focusing on the items that, by their nature, are interconnected like the regional comprehensive transportation study and the regional bikeway map has to be the essence of the regional effort. He stated that those items that, by their proximity, become an issue, like land use, should be focused on as well. He stated that he is pleased with the documentation that came from the Regional Comprehensive Planning Process.

Ms. Jones stated that there is a significant amount of emphasis placed on the Regional Bikeway Map; however, she is wondering if too much emphasis is being placed on it because the statistics of the number of citizens that bike or walk to work do not sustain it. She stated that the bikeways seem to be more recreational and not a necessity. She stated that she brings this issue up because the roadways and infrastructure needs to be maintained, which costs money and so do the bike paths. She stated that when looking at dollars and cents, the roadways need to be prioritized over the bike paths.

Mr. Bradshaw stated that until the bikeways reach a certain maturity, one cannot use them to get to where they need to go. He stated that until some of the circuits are completed, they never will have high use.

Mr. McGlennon stated that those are both valid questions and points because we are living in a world of limited resources and priorities. He stated that when improving roads, incorporating bike lanes is the much cheaper route to go than coming back and doing it after the fact. He stated that marginal increases in the number of people walking, biking, or using mass transit would have a significant impact on the congestion on our roads.

Mr. Woods stated that all these points were discussed during the process. He stated that he did not want the perception to be that the Planning Commission gave this more importance than something else.

Ms. Jones stated that was not what she was implying.

Mr. Woods stated that it was interesting to see this issue come to the forefront in the other jurisdictions and be embraced by them. He stated that as work is planned for infrastructure improvements, looking at the regional bikeway map to see how it can be connected would be far cheaper and more efficient.

Ms. Tammy Rosario, Principal Planner, stated that during the work on the Regional Bikeway Map, the emphasis was on completing routes and connecting routes that were most likely to succeed and be utilized.

Mr. Kennedy stated that when talking about bike paths, they need to be prioritized. He stated that he does not want to see bike paths that lead to nowhere. He stated that it makes more sense to him to piggy back on things to completion, instead of having a bunch of partial completion. He stated that the other concern when talking about bike paths is signage. He stated that maintenance of the bike paths is also a concern. He stated the other issue then becomes enforcement of using the bike paths, riding abreast, and obeying the traffic rules. He stated that he hears from citizens about bike clubs being out on the weekends, riding abreast on the roads, and then vehicles cannot get through.

Mr. McGlennon asked if the areas where the jurisdictions come together were a factor in the discussion of the Regional Comprehensive Planning Process.

Mr. Richard Krapf stated that at the first ever Joint Regional Planning Commission Meeting, it was an important first step. He stated that the Planning staffs from all three jurisdictions have a very good working relationship and that they coordinate with each other. He stated that having the Planning Commissions talking and interacting with each other more is an important step. He stated that there are overlapping issues that make it incumbent upon the Board and Commission to having a good working relationship with the other jurisdictions. He stated that the Commission supports more interaction with the other jurisdictions and the reality is that there are more and more issues that are overlapping.

Mr. Icenhour asked if there was a plan to have more of those meetings between the three Planning Commissions.

Ms. Rosario stated that there is a spirit of wanting the staffs to come together more often to discuss those issues at the staff level. She stated that the Regional Issues Committee will be meeting in July to discuss the efforts on more of a broader scale. She stated that formally the next cycle for this to occur would be in 2018.

Ms. Rosario stated that, in an effort to summarize for staff, she did not hear any opposition to endorsing transportation document and approving bikeway map through a later process. She stated that there was not much discussion about the summary document, so does that mean that the Board is in agreement with the Planning Commission.

The Board nodded in agreement.

Ms. Rosario asked if there were any specific comments from the Board, in addition to the ones proposed by the Commission, about the Regional Process that staff could bring back to the Regional Issues Committee.

Mr. Icenhour asked how productive the public meeting was to the process. He asked if the Commission believes that changing the format and the approach will make the process more productive.

Mr. Woods stated yes. He stated that he believes it is fair to say that the format of the public meeting helped to promote a “herd” mentality, and that is not particularly productive with the type of strategic thinking that we are trying to engage. He stated that the Commission believes changing the format of the public hearing is important. He stated for example, divide the group into five or ten smaller groups with carefully constructed discussion topics would allow for richer information to be solicited and brought forth.

Ms. Robin Bledsoe stated that all the Commissions were on the same page, wanting the public hearings to be beneficial. She stated that with a facilitator or the smaller group discussions, it is believed that the information would be more productive. She stated it was left to staff to look into the various options. She stated that all were in agreement that the format used this last time was not as beneficial as it could have been.

Mr. Kennedy stated that he believes this should be approached with a lot of caution. He stated that there are many groups out there that are political. He stated that it could have the appearance of being subjective, and some of these groups could take that as an assault on their rights. He stated that people need to be enlightened on what planning really is and what is realistic and what is unrealistic. He stated that he is not sure that a facilitator would be able to get us to that point.

Ms. Bledsoe stated that the County is very lucky in that it has many bright people in this community, and the Policy Committee believes that those people have ideas that need to be tapped in to. She stated that what happened at the public hearing is that some of those political groups tried to take over the dialogue, which was not fair. She stated that it is the hope that in smaller groups everyone would have a chance to voice their opinion.

Mr. Icenhour stated that he is fine with endorsing the Summary Document, the Regional Transportation Study, and with adopting the Regional Bikeway Map at a later date. He stated he would like there to be a plan to keep these documents up to date, so that when we begin our Comprehensive Plan update, that the County has the most up to date information. He stated that in regard to the public forum, he believes that Mr. Kennedy is right and it needs to be as inclusive as possible. He stated that for that to work, he believes the small group discussions are the best way to include everyone and allow people the chance to be heard.

Mr. Kennedy stated that in 2001 the County contacted every registered group in the County in an attempt to be as inclusive as possible in the process. He stated that he is not sure if that is something that is still being done. He stated that perhaps the groups that are in dissent should be given the opportunity to meet with leaders and have their views heard. He stated that perhaps that would keep one particular group from dominating a public forum.

Ms. Rosario stated that when the County does its own Comprehensive Plan Review there is more flexibility and it has been the tradition to reach out to all the community groups. She stated that the last Comprehensive Plan Team allowed each group to do a presentation, and be recorded, and it seemed to be a beneficial session. She stated that she believes it would be a good process to do again at the next review.

Mr. McGlennon stated that he believes the County has been very diligent in reaching out to the various groups in the County during the Comprehensive Plan Reviews. He stated that those meetings have been very successful. He stated he believes that the issue of regionalism at the public forum for the Regional Comprehensive Plan Review triggered the problem. He stated for some, the issue of regionalism and a regional plan is a hot topic.

Ms. Jones stated that we represent our constituents in our districts, so the concern with regionalism is that people from a different jurisdiction are influencing decisions in James City County. She stated that it is understandable that citizens would have concerns over this idea of regionalism, and if it went unchecked, it could become quite significant. She stated that she agrees with the synchronization of the regional comprehensive plans, but she would caution the extent of the idea of regionalism.

Mr. McGlennon stated that a check on the opinions that comes out of these public meetings is that the County does a survey of a random section of the population to see what those opinions are as well.

Mr. Kennedy stated that the planning process is different than the issue of the moment. He stated that many times the same people and groups show up to these meetings, and while it is great that they are participating, the planning process is more thought out and long range. He stated that he would be careful of breaking groups apart; he believes it might give more push back. He stated in regard to the surveys that Mr. McGlennon mentioned, he would recommend moving away from the yes/no questions because they do not necessarily give an accurate interpretation of the issues.

Ms. Jones stated that it is always important to have the views of the stakeholders at the front end of the discussion. She stated that she agrees with Mr. Kennedy that the survey questions are more open-ended so that the County receives more constructive feedback.

Ms. Rosario stated that all this feedback goes along with the next discussion point which was does the Board concur with the approach to updating the James City County Comprehensive Plan suggested by the Policy Committee, which would entail completing a citizen survey and pursuing a more limited updated scope, which focuses on Land Use, Transportation, and Economic Development sections. She stated that the comments made about the surveys will definitely be taken into account with the next round of citizen surveys that are sent out. She stated that the Planning Commission believes that a more limited scope is all that is necessary, generally focusing on those areas that require more frequent updates, like land use, transportation, and economic development sections.

Mr. Icenhour stated that he liked this approach. He stated that we went through the whole process last time, so he is in agreement with this more focused and limited scope. He stated that he believes the critical element is a truly random, unbiased, citizen survey sample. He stated that it has been discussed about the groups that participate and speak out, and that tends to be a self-selected sample, which has a bias. He stated that the citizen survey is how we deal with that bias, so modifying the questions to get more feedback is important. He stated he believes that the survey is key because people will respond to that even more so than responding by going door-to-door. He stated that his other concern is that there is not a policy that will shape or control growth in our county. He stated that the top two citizen concerns are rural lands and residential growth, and there is a disconnect between how the Comprehensive Plan is going to address those two issues. He stated that ultimately we have 144 square miles, and what is the build out of those miles going to look like. He said that this upcoming Comprehensive Plan needs to address the issue of density.

Ms. Jones stated that there are tools in the Comprehensive Plan to help control the build out. There are land use designations and zoning which are definitive tools. She stated that there are environmental restrictions and height restrictions in place as well. She stated that she is not sure how writing a statement will change that. She stated that you want to leave development up to the free market, and the economy has changed the rate of development in the County. She stated that she would be cautious of overstepping on private property rights.

Mr. Icenhour stated that yes there are a lot tools in the Comprehensive Plan. He stated that what is lacking is the political will to use them.

Mr. Kennedy stated he believes there has been a lot of usage of political will in the last decade. One of them would be Purchase of Development Rights (PDR) and Greenspace. He stated that the market is setting the rate of growth. He stated that James City County is a desirable place to live. He stated that Mr. Icenhour is right in the sense that we have never said what we want James City County to look like. He stated that he believes in more open space and higher density; however he stated he is not in favor of looking like Manhattan, but there is a median in between. He stated if we can agree that there is going to be growth and where we want that growth to be, and then he is willing to participate in that conversation, but the political will needs to be on both sides.

Mr. McGlennon stated that the real questions here are what should be done as we go forward. He stated that he supports the surveys with some of the same close-ended questions because it allows the assessment of a change in opinions. He stated that while he agrees that the focus of the Comprehensive Plan Review should be more focused, he believes that the citizen survey should be broad and incorporate services provided by the County. He stated that he believes the surveys should be completed early in the process so that staff has an opportunity to draw out the information and then be able to follow those answers up in public comment or focus groups.

Ms. Jones stated that a good question to ask is if the citizens know what the Comprehensive Plan is.

Mr. Kennedy stated that his concern over the survey is that it will be used as a political tool.

Mr. McGlennon stated that we cannot resolve the fact that people will use evidence of their position wherever they find it. He stated that hopefully people will be open to other positions, or at least open to the fact that they might not get 100% what they want.

Mr. Kennedy stated that his point is that when people say the growth rate is too fast, but then say that there is not enough affordable housing or retail, it contradicts each other.

Mr. McGlennon stated he believes that leads into a more detailed discussion. He stated that perhaps the growth rate is too fast, but when development does occur there needs to be more of a mix of available housing.

Mr. Kennedy said that then that is what needs to be found out.

Mr. McGlennon stated that when providing guidance on the surveys, the Board needs to say these are the issues we want to find out more about. He stated that the Board needs to provide some sense of what we intend to use this information for and to accomplish.

Mr. Bradshaw stated that it makes sense to focus on those particular areas mentioned, but to make the information gathering be somewhat broader. He stated that he would encourage the Comprehensive Plan to include some language that is a bit stronger than what was included in Williamsburg and York County's Comprehensive Plans about regional cooperation. He stated that perhaps even stated that the impact on neighboring jurisdictions be considered. He stated that it does not compel the decision be made that way, but to consider the impact.

Ms. Rosario stated that she has heard consent on a more focused Comprehensive Plan Update and considerable input and importance on the development of a citizen survey. She stated that there will certainly be questions that will us to benchmark ourselves in the future, but also develop ways to dig deeper into the answers to the questions.

Mr. Holt stated that the last topic on this particular agenda is the next round of the Zoning Ordinance

Update. He stated that the key decision point is does the Board concur with the Policy Committee's suggested priorities for ordinance amendments, or ordinance-related work activities, that the Planning Division should pursue in FY 14.

Ms. Bledsoe stated that the Policy Committee identified the Rural Lands public engagement piece and the Accessory Apartment as the high priorities. She stated that the recommendations were based on comments from staff about what they have been hearing. She stated that the medium priority items are restaurants change and housekeeping items. She stated that there was a desire to do a better job defining what is considered fast food restaurants and what is considered dining restaurants. She stated that the low priorities are "emerging technologies, like wind and solar. She stated this does not mean that they are not considered a priority; it is just not something that needs to be addressed at this point.

Mr. Bradshaw asked if she could expand upon that statement a bit more.

Ms. Bledsoe stated that at this point, wind and solar is not something that staff has seen expand enough that it would need to be addressed at this point.

Mr. Bradshaw stated then it is not something that staff sees in the foreseeable future.

Mr. Holt stated that with limited resources, the Policy Committee and staff felt it was not a high priority issue.

Ms. Bledsoe stated that there was a lengthy discussion on the keeping of chickens, and it was decided that, at this time, there would be no amendments made to the ordinance, and the recommendation is to enforce the ordinance that is already on the books.

Mr. Middaugh asked for clarification on the Accessory Apartment component.

Mr. Krapf stated that at this time, the accessory apartment must be attached to the main structure of the house. He stated that the issue was raised that if someone wanted to build an accessory apartment above their garage, that would not qualify; however, if a breezeway was built to connect the house to the garage, then it would qualify. He stated that it is necessary to revisit the ordinance in order to work with the reality of the situations that people are looking for.

Mr. Icenhour stated that there is a company that does a modular accessory apartment that is fairly easy to put in, so it is good that the Commission is reevaluating this issue.

Mr. McGlennon stated that most of the more decent developments have covenants in place that would prevent this from happening. He stated that the older developments, some of which pre-date Homeowners Associations, are where this is more prevalent.

## 2. Rural Lands

Ms. Leanne Reidenbach, Senior Planner, addressed the Board and Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Icenhour asked when staff comes back to the Board after the public meeting, what would be the status of the economic development strategic plan.

Ms. Reidenbach stated that staff could provide an update at that point, but it will be about a year and a half long process.



Ms. Reidenbach stated that the first discussion point is does the Board re-endorse the three-pronged approach listed in the staff report for approaching Rural Lands, and does the Board concur with partnering with the Virginia Cooperative Extension for the public engagement piece.

Ms. Jones stated that it is important to reach out to the landowners that have property in the Rural Lands. She also stated that citizen input needs to be reevaluated.

Mr. McGlennon stated that he believes it is important to note that the citizens at large are stakeholders in this discussion as well. He stated that the largest impact will be on the landowners that own those large tracts of land; however the citizens are impacted as well.

Ms. Reidenbach stated that during the public engagement piece the intent is to educate the public about the economic development incentive.

Mr. Icenhour asked what staff's analysis is of the different public engagement options. He stated it is a little difficult to choose one or the other without knowing the pros and cons of each option.

Ms. Reidenbach stated, for clarification, the first option pairs the educational and listening sessions in a single meeting, and option 2 involves one educational seminar and separate public input sessions. She stated that when looking at the options, the biggest difference is the time commitment. Option 1 requires a lengthy time commitment, approximately four hours, from the citizens. She stated that the disadvantage, as viewed by staff, of option 2 is that not everyone will attend both sessions. She noted also that the speakers would not be available during the input session of option 2.

Mr. Icenhour stated that he does not believe that people will attend a four hour session. He stated that there are drawbacks to both options, but he tends to lean toward option 2.

Ms. Jones stated that she tends to agree with Mr. Icenhour. She said one possibility is to record the educational session and make it available to the public. She stated that might limit the concern of citizens attending the input session without having heard the educational component.

Mr. Icenhour asked if there had been a decision on the time of day to do these sessions.

Ms. Reidenbach stated that no decisions have been made about the time of day to hold the sessions.

Mr. Kennedy stated that he would look at holding the meetings on the weekends to avoid having to make citizens choose between work and the meetings. He stated that doing them in June or July is during the vacation months, and he stated that staff may want to look at doing these meetings in the later months. He stated that he did not see a four hour meeting as something that most citizens would consider feasible.

Ms. Rosario stated that staff appreciates the feedback and it seems that the group is gravitating toward Option 2. She stated that staff would like to hold the meetings at different times and different locations in an effort to be as accommodating to most people as possible. She stated that staff did consult with those landowners that are actively farming on what months would be best for them, and the response was July or August.

Mr. Krapf asked if staff had to resources to provide an extended day format on a weekend for those that wanted to attend an all-day version of the meeting, and then still provide the other version of the meetings by separating the components. He asked if that would possible with the speaker panel, or would it become cost-prohibitive.

Ms. Reidenbach stated that it would depend on speaker availability more than anything. She stated that staff is in the beginning stage of planning these meetings and reaching out to speakers. She stated at this point, staff does not know if there will be speaker fees associated.

Mr. Krapf stated that some people might like the continuity of doing the components all in one day.

Ms. Rosario stated that the Communications Division has stated their support of taping the speakers. She stated that citizens could tune in to taped educational component and then provide feedback through other electronic means, not just at the public meeting.

Mr. O'Connor indicated that he needed to leave as he had another engagement that he must attend.

Mr. McGlennon asked if there was a specific group that staff was hoping to reach at these meetings.

Ms. Reidenbach stated that staff is hoping to reach as many citizens as possible.

Mr. McGlennon asked if every landowner was to participate, how many would that be.

Ms. Reidenbach stated that staff has begun to pull up the data in the GIS system, and the number of Rural Landowners is in the thousands. She stated that staff would look in to doing some direct mailings to make sure the large property owners are notified.

Mr. Icenhour stated that the last Rural Lands public meeting that was held at Legacy Hall was attended by 100-150 people.

Ms. Rosario stated that is the expectation with these meetings as well.

Mr. Bradshaw stated that he has a concern over a false impression over who is occupying the Rural Lands. He stated that there are only a handful of farmers occupying the Rural Lands. He stated that it is good information for the public to have, but need to be careful in giving the idea that every farmer is going to find a young farmer to take over his land. He stated that he does not want to give the false impression that this is some new way of farming that is going to make farming profitable again.

Ms. Reidenbach stated that the real goal of these meetings is to throw out all the available options, and allow people to look in to those that interest them.

Mr. Bradshaw stated that he concurs that Option 2 is the more feasible option to reach the most people.

Ms. Reidenbach stated that it appears there is clear preference for Option 2, taping the educational component, and having an option to supply feedback outside of the public meeting.

Ms. Reidenbach stated that she was hoping to receive feedback on the draft questions for this forum and help staff come up with a final questionnaire.

Mr. Bradshaw stated that he was particularly intrigued by the outline of how the County defines Rural Lands and what it is that the County is trying to preserve. He stated that he liked the fact that it is part of the discussion.

Ms. Reidenbach asked if there was consensus on using the questionnaire document that is shown on page 9.

Mr. McGlennon stated that it reflects a lot of time and effort on the part of staff and seems well thought out. He stated that he is confident that if staff sees some of the questions are not working, that staff will adapt.

Ms. Rosario thanked the Board for their input, and stated that staff would work rapidly to get the meetings organized. She stated that staff would come back to the Board in the fall to give an analysis of the meetings and the feedback generated.

Mr. McGlennon thanked the Planning Commission for their participation in this joint meeting.

Mr. Woods thanked the Board for the opportunity to attend and for their forethought in sharing opinions between the Board and the Planning Commission.

At 5:55 p.m. the Joint Work Session between the Board and the Planning Commission concluded and the Board recessed for a ten minute break.

The Board reconvened at 6:08 p.m.

Mr. Icenhour made a motion to go into Closed Session.

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

#### **D. CLOSED SESSION**

1. Consideration of acquisition/disposition of a parcel/parcels of property for public use, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia.
2. 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. Parks and Recreation Advisory Committee

At 6:36 p.m., Mr. Icenhour made a motion to certify the Closed Session.

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

### **RESOLUTION**

#### **CERTIFICATION OF CLOSED MEETING**

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

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

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

hereby certifies that, to the best of each member's knowledge: 1) consideration of acquisition/disposition of a parcel/parcels of property for public use, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia; and 2) 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) Parks and Recreation Advisory Committee

**E. ADJOURNMENT**

The Board recessed at 6:37 p.m. until their Regular Meeting at 7:00 p.m.

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Robert C. Middaugh  
Clerk to the Board

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**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH 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  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Margo Minor, a freshman at Lafayette High School and residing in the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION - None**

**F. PUBLIC COMMENTS**

1. Mr. Jay Everson, 103 Branscome Blvd., addressed the Board in regard to the clear cutting of trees at development sites at Settler's Market and Forest Heights.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to rumors about the County purchasing a parcel of land in New Town, near Legacy Hall, that is currently for sale. She also suggested that for upcoming meetings with citizens regarding Rural Lands and the Comprehensive Plan review, staff send topics of discussion to the press beforehand so that citizens may be prepared with comments and questions.

3. Ms. Landra Skelley, 6572 Wiltshire Road, addressed the Board in regard to the Chesapeake Bay Preservation Ordinance Violation Charge on the agenda.

4. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the fundamental rights of citizens provided for by the Declaration of Independence.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the acquisition of the property located at 7849 Church Lane, asking why there is not a public hearing scheduled for the acquisition of the property.

6. Mr. Nathan Walker, 101 Locust Place, addressed the Board in regard to the amount of land that is owned or controlled by Federal, State, and local governments.

7. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the acquisition of property located at 7849 Church Lane, stating that he is disappointed that there is not a public hearing scheduled for the acquisition of the property.

8. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to his letter to the editor of The Virginia Gazette that has gone unpublished. He stated that the leadership sets the tone of government and there are many agencies out of control because the leadership is out of control.

9. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the acquisition of property located at 7849 Church Lane and the lack of a public hearing on the acquisition.

10. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in regard to the acquisition of property located at 7849 Church Lane.

11. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board stating that she has visited and lived in many countries throughout her life, many of which are ugly and repressive, but she has always looked forward to coming home to America, the country she loves. She stated that she is appalled at the direction in which the country is going.

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

Mr. Icenhour stated that he attended the Citizens Police Academy graduation on May 15 and attended the Police Department Award Ceremony on May 16. He stated that Officer Sterling Perry was selected as the Officer of the Year Award.

Mr. McGlennon stated that he attended the Memorial Day service at Williamsburg Memorial Park. He also stated that there have been two business expansions in the County during the last week. The first is Creative Cabinets who has opened a new plant in Toano. The second is the Arthritis and Rheumatism Practice of Dr. Haquien in McLaws Circle.

## **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. May 14, 2013 – Regular Meeting

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

## **RESOLUTION**

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

#### **MR. MARC ILLMAN, 2878 MONTICELLO AVENUE, PART OF PINEWOOD 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.

## **I. BOARD CONSIDERATION**

1. Acquisition of Real Property – 7849 Church Lane

Mr. McGlennon asked Mr. Adam Kinsman, Deputy County Attorney, to explain why this acquisition is not a public hearing.

Mr. Kinsman stated that Virginia Code does not require a public hearing for the purchase of property. The Virginia Code does require a public hearing whenever the County wishes to sell or dispose of a piece of property. He stated that public hearing advertisements are prohibitively expensive so the County does not do public hearings for everything, only that which is required by the Virginia Code.

Ms. Jones asked if it could have been a public hearing.

Mr. Kinsman stated yes it could have been. He stated that direction would have to come from the Board allowing enough time to run the advertisements and assuming that there is the budget for it.

Mr. Kinsman addressed the Board and citizens giving a summary of the memorandum included in the Agenda Packet and background information on the title dispute that has occurred for decades. He stated that the only available options to resolve the dispute are condemnation, litigation, or outright purchase. He stated that condemnation and litigation would take a year, at least, in court and would require the hiring of experts. He stated that staff approached the Crawford's asking to purchase just the piece of the property needed for Fire Station 1 and the Crawford's refused. He stated that the Crawford's offered to sell the whole piece of property to the County, which is before the Board this evening. He stated that after the purchase the County could carve off the piece of the property necessary for the Fire Station and then sell the rest of the property to recoup some of the cost of the purchase. Mr. Kinsman stated that Mr. John McDonald, Director of Financial and Management Services, has asked that the resolution be amended to state that the funds for the purchase come out of the Capital Contingency Fund. He stated that should the Board approve the purchase and then the lease, Mr. McDonald has asked that the resolution for the lease be amended to state that the proceeds from the lease of the property go back into the Capital Contingency Fund.

Ms. Jones asked for the size of the disputed piece of property and where the parking is designed to go.

Mr. Kinsman stated that he has not measured it out, but roughly an acre.

Ms. Jones asked if other locations were evaluated for those parking spaces to go. She also stated that her preference would have been to go through the litigation process to determine ownership.

Mr. Kinsman stated that he would defer to Fire Chief Tal Luton for an answer since Chief Luton has been more involved in the design and construction phase of the project.

Chief Luton stated that yes staff looked at alternatives. He stated that there are no adjacent properties available so the 38 parking spaces would have to go on the existing site. He stated that staff looked at putting the 38 spaces across the street, but then that creates an issue of the volunteer responders having to cross Forge Road to get back to the station. He stated that this is a volunteer fire station, hence the responders arrive at the station in their vehicles and go into the station and then respond to the call. Therefore, it is necessary for parking to be as close to the station as possible. He stated that in order to put the 38 parking spaces on the existing site, it would require the new construction to be built on top of the current building. This would necessitate moving all of the equipment and personnel to an alternate location, for a duration of about 18 months during the construction.

Ms. Jones asked if it would have been possible to locate the parking on the site next to the Toano Women's Club.

Chief Luton stated that staff looked at the area between the Toano Women's Club and the fire station; however, water drains from the front of the site to that particular area. He stated that a structure is going to have to be put in place to capture the water, some type of Best Management Practice (BMP)/Stormwater pond. He stated that the engineers stated that a structure on that corner is necessary for proper drainage. He stated that the fire station has had water backup and actually come into the fire station in the back, because of the improper drainage on the site.



Ms. Jones stated she wanted to be clear that she supports the volunteer firemen and understands the sacrifices that they make; however, she also has a responsibility to the tax payers. She asked if there was any possibility that the existing fire station could have improvements made to it while the litigation was going on over the disputed property.

Chief Luton stated staff was told by the engineers that in order to make the current station structurally sound, three of the four walls would have to be torn down. He stated that there is still the problem with the sub-floor underneath as well. He stated that there is no way to know if the station would last another year.

Ms. Jones asked what the offer was to the Crawford's for the disputed piece of property.

Chief Luton stated that it never reached that point. He stated that the Crawford's were asked if they would be willing to sell just the portion necessary, and the answer was absolutely not.

Mr. Kennedy stated that he had a question for Mr. Kinsman. He asked if the County was going to continue to pursue the second piece of property, the Price property.

Mr. Kinsman stated yes. He stated he has made a claim with the title insurance company to have them help determine who owns that property.

Mr. Kennedy stated that it did not make much sense to continue the litigation process with one landowner and to purchase the property from another. He stated that it did not seem a fair proposition.

Mr. Kinsman stated that the County has not started the process to take the property from either land owner. He stated that the title company has to figure out who actually owns it and then go from there. He stated that ultimately if the County owns the property then it should be in the County's name. He stated that with the lack of records from 1881, ownership is only going to be determined by a judge in court.

Ms. Jones asked how much acreage is required for 38 parking spaces.

Mr. Kinsman stated that he was not sure and none of the planning staff is in the audience.

Mr. Chris Henderson, from the audience, stated approximately a quarter of an acre.

Mr. McGlennon stated that he did not think he heard Mr. Kinsman say that the County is confident that they own the property or owned the easement.

Mr. Kinsman stated that there is no easement on either property. He stated that at the beginning of this process, staff had the title company research the ownership of the property. He stated that the title company said they did not believe the County owned the Crawford's property, but they did believe the County owned the Price property. He stated that both properties originated from the same piece of land, so the County has initiated a claim with the title company.

Mr. McGlennon asked Mr. Kinsman's estimate of the time necessary to resolve this issue.

Mr. Kinsman stated at least a year. He stated that this would require a good bit of research and history to figure out and it would be necessary to hire experts.

Mr. McGlennon asked if the estimate to relocate the firemen and equipment during that year is \$500,000.

Mr. Kinsman stated that is what was stated by Chief Luton. He stated that would be lost money with no chance of recouping.

Mr. McGlennon asked about the option of condemnation.

Mr. Kinsman stated that again, it would take about a year and the firemen would have to relocate. He also stated that there are significantly higher costs involved with condemnation.

Mr. McGlennon asked if the staff report was made available to the public prior to this meeting.

Mr. Kinsman stated that yes he believed it was.

Mr. Middaugh stated that yes it was.

Mr. McGlennon stated that he pointed out this item on the agenda and informed the audience that they could speak to this matter during public comment.

Mr. Bradshaw stated that he would be abstaining from the vote, due to a conflict of interest as he represented the Crawford's when they purchased the property.

Mr. Icenhour made a motion to approve the resolution as amended by Mr. Kinsman during his presentation.

Ms. Jones stated that she would not be supporting this resolution this evening. She stated that she believes that this issue should have been a public hearing. She stated that she would like more assurance that the current site cannot be made to accommodate the parking spaces. She stated that this seems to be a case of purchasing more land than is actually necessary. She stated that she has issue with the fact that the offer is higher than the assessed value of the property. She stated that she has concerns on the County's ability to resell the remaining property and recoup the monies spent. She stated that she wants to see the volunteer firemen in a safe structure and she supports them 100 percent, but she cannot support this item tonight.

Mr. Kennedy stated it concerns him because there is a sense of urgency. He stated if the Board does not act on this then the fire station cannot move forward. He stated that as the representative of the district where this is going on, he was not informed that there were these issues. He stated that he wanted to disclose that Chief Nice met with him at his business and Mr. Crawford came by and left messages, but he was not able to meet with him because of his illness. He stated that his concerns include the price of the property being over the assessed value and if the firehouse was relocated, where would they go, how much would it cost, and what else would be affected. He stated that the legal fight concerns him and the idea of doing one thing with one property and something different with the other. He stated that out of simple necessity he will be supporting this item this evening. He stated he believes the County is overpaying, he doubts that it will be resold, but he believes the losses will be greater if something else is done.

Mr. McGlennon stated that he would be supporting this item this evening. He stated that he would like to point out that the funds for this purchase are coming out of the funds allocated for the reconstruction of the fire station. He stated that the County has been dealt a bad hand in this situation, but this seems to be the most cost effective way to move forward and to maintain the level of service and responsiveness from the fire station in that area of the County.

Mr. Icenhour stated that he would be supporting this item this evening. He stated that from a purely economic standpoint, do you spend \$500,000 to relocate and get nothing back, or do you spend \$390,000 and potentially get a good portion back. He stated that he believes it is the best of a bad situation.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kennedy, Mr. McGlennon (3). NAY: Ms. Jones (1). ABSTAIN: Mr. Bradshaw (1).

## **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.

## **J. PUBLIC HEARINGS**

### **1. Lease of Real Property – 7849 Church Lane**

Mr. Kinsman addressed the Board giving a summary of the memorandum included in the Agenda Packet. He stated that should the Board wish to adopt the resolution, he would ask that the resolution be amended as stated previously.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board asking if a home inspection was done on the house that is on the property. He also asked if the environmental quality of the property was assessed.

As no one else wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. McGlennon asked Mr. Middaugh if a home inspection was done on the property.

Mr. Middaugh stated that yes it was.

Mr. Kennedy asked what the outcome was.

Mr. Middaugh stated he had not yet seen the document.

Mr. Kinsman stated that the inspection was done on May 23. He stated that he received the report today. The summary of the report is that nothing major was found, but there are some minor issues, and that the County will address those prior to executing the contract.

Ms. Jones asked what would have been the recommendation if the house had not passed the inspection.

Mr. Kinsman stated he would have recommended that the contract to purchase address all the issues found.

Mr. Kennedy asked if all the major systems passed, the HVAC and things of that nature.

Mr. Kinsman stated yes.

Mr. Bradshaw stated that he would be abstaining from this vote for the same reasons mentioned earlier.

Ms. Jones stated she would be supporting this item. She stated that since the purchase went through, she would support some form of recouping the costs.

Mr. Icenhour made a motion to approve the resolution as amended by Mr. Kinsman during his presentation.

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

## **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.

2. Application for New James City County Enterprise Zone Designation

Mr. Telly Tucker, Assistant Director of the Office of Economic Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

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

Mr. Icenhour stated that the current enterprise zone is set to expire in 2015 and this new enterprise zone would begin in 2014, so there would be an overlap.

Mr. Tucker stated that is correct.

Mr. Icenhour asked how the overlap will affect what goes on in the enterprise zone.

Mr. Tucker stated that the State allows every locality to have up three enterprise zones. Mr. Tucker stated that this is a competitive grant application and there is no guarantee that the County will get it.

Mr. Bradshaw stated that his understanding is that if the County had waited until 2015 to apply, then the pool of applications would have been much more competitive. He stated that by applying early and with the two other jurisdictions, it increases our chances substantially.

Mr. Tucker stated that is correct.

Mr. McGlennon asked if the properties that are currently in the enterprise zone that expires in 2015 can be rolled into in this new enterprise zone.

Mr. Tucker stated that in the new enterprise zone there are 350 acres that are unallocated, which allows the Board to utilize that acreage as they see fit.

Ms. Jones 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).

## **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.

## **K. PUBLIC COMMENTS**

1. Mr. Chris Henderson, 101 Keystone, addressed the Board stating that he is shocked at the lack of depth that went in to the staff's presentation for the acquisition of the Church Lane property.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board stating there still has not been an apology or a reinstatement of Sheriff Deeds' statement. He also questioned the Boards priorities for road projects.

3. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the acquisition of the Church Lane property and the lack of information given this evening.

4. Ms. Landra Skelley, 6572 Wiltshire Road, addressed the Board stating that she wonders what the outcome of the title search was when Mr. Bradshaw represented the Crawford's.

5. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board stating that she has concerns about the way that the Church Lane acquisition has been handled.

6. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board stating that it seems ridiculous to pay this kind of money for 38 parking spaces.

7. Mr. Jay Everson, 103 Branscome Blvd., addressed the Board stating that when developing stormwater management programs we need to be realistic and take into consideration the wildlife.

8. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board stating that the leadership of the Board needs to demand greater communication between the Board members.

9. Mr. Les Skelley, 6572 Wiltshire Road, addressed the Board asking if the County abdicates any of its power by joining a regional application for an enterprise zone.

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

Mr. Middaugh stated that in response to the question asked, the County does not cede any of its authority to any of the other regional entities in the enterprise zone. He stated it is a positive for all three entities. Mr. Middaugh also stated that in regard to the Crawford property, the County is purchasing a three-acre parcel and a house, most of which is going to be sold to recoup the monies spent.

Mr. Middaugh stated that in response to calls and questions, the construction at Mid County Park is behind schedule due to all of the rain this spring. Staff hopes the project will be complete by the middle of July. He stated that the new Fire Administration building received a Gold LEED Leadership in Energy and Environmental Design (LEED) Certification. He stated that the Howell Creative Group, a local business, has received an American Web Design Award for the work that they did designing the James City County Office of Economic Development's website.

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

Mr. Kennedy stated that in response to a couple of comments this evening about the Church Lane property, the owner would not make any other options available to the County. The owner wanted outright purchase of the property, by the County, or nothing at all.

Mr. Kennedy asked Mr. Middaugh to have the Virginia Department of Transportation (VDOT) check the collars on Route 60, specifically near the Baylands Credit Union. He stated that there are about six collars on the man-hole covers that have sunken in. He also asked for a status update on the cleaning out of the drains under Route 60 that was discussed during the VDOT Quarterly Update.

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. Parks and Recreation Advisory Committee

Mr. Icenhour made a motion to approve the appointment of Mr. Kenneth Jenkins to the Parks and Recreation Advisory Committee.

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

Mr. McGlennon stated that in response to a comment made earlier about all Board members not being properly notified about the property acquisition of 7849 Church Lane, all Board members are given a briefing by staff. In this particular case, all Board members participated in that briefing, except Mr. Bradshaw who excused himself.

**N. ADJOURNMENT** – 7 p.m. on June 11, 2013, for the Regular Meeting.

Mr. Icenhour made a motion to adjourn.

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

Mr. McGlennon adjourned the Board at 8:48 p.m.

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Robert C. Middaugh  
Clerk to the Board

052813bos\_min



## MEMORANDUM COVER

**Subject:** Establishment of Full-Time Physician Position, Olde Towne Medical Center (OTMC)

**Action Requested:** Shall the Board approve the resolution to establish a full-time physician position at Olde Towne Medical Center (OTMC)?

**Summary:** Olde Towne Medical Center requests that the James City County Board of Supervisors approve the establishment of a full-time Physician position at OTMC. Since 2010, the position has been part-time temporary.

Establishment of this position is critical. Currently, OTMC experiences more than 1,300 patient visits each month for over 1,000 different patients. At the present time, there is a three week wait for a new patient appointment due to the current providers being fully scheduled. In addition, the current primary care physician is phasing out of the practice.

Establishing the position will also provide more access to patients for same day visits for acute illness or exacerbations of chronic medical conditions.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** Funding is already available in the FY 14 Operational budget.

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

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Memorandum
2. Memorandum from Dr. Mann
3. Resolution

**Agenda Item No.: H-2**

**Date: June 11, 2013**

**MEMORANDUM**

DATE: June 11, 2013  
TO: The Board of Supervisors  
FROM: Robert C. Middaugh, County Administrator  
SUBJECT: Establishment of Full-Time Physician Position, Olde Towne Medical Center

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Please find attached a memorandum from Dr. William Mann, Executive Medical Director of Olde Towne Medical Center, on behalf of the Board of Directors of the Williamsburg Area Medical Assistance Corporation, requesting the establishment of a full-time Physician position.

I recommend approval of the request.

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Robert C. Middaugh

RCM/gb  
OTMC-Physician\_mem

Attachment

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

DATE: June 11, 2013

TO: The Board of Supervisors

FROM: Dr. William Mann, Executive Medical Director, Olde Towne Medical Center

SUBJECT: Establishment of Full-Time Physician Position, Olde Towne Medical Center (OTMC)

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On behalf of the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC), Olde Towne Medical Center (OTMC) requests that the James City County Board of Supervisors approve the establishment of a full-time Physician position at Olde Town Medical Center (OTMC).

Currently, OTMC experiences more than 1,300 patient visits each month for over 1,000 different patients. At the present time, there is a three week wait for a new patient appointment due to the current providers being fully scheduled. In addition, the current primary care physician is phasing out of the practice. Establishing the position will also provide more access to patients for same day visits for acute illness or exacerbations of chronic medical conditions.

At its May 20, 2013, meeting, the WAMAC Board of Directors affirmed the need to establish this position and set aside funding. At this time, the WAMAC Board of Directors requests that the James City County Board of Supervisors approve the establishment of a full-time Physician position effective July 1, 2013.

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Dr. William Mann

WM/nb  
FTPhysician\_mem

Attachment

## RESOLUTION

### ESTABLISHMENT OF FULL-TIME PHYSICIAN POSITION,

#### OLDE TOWNE MEDICAL CENTER (OTMC)

WHEREAS, the James City County Board of Supervisors has the authority to establish County full-time positions; and

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to establish a full-time Physician position at Olde Towne Medical Center (OTMC) and has allocated funds for the position effective July 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby approves the establishment a full-time (2,080 hours/year) Physician position for OTMC, effective July 1, 2013, to support its mission of providing preventative care and early intervention services to a vulnerable and disadvantaged population with services to children and their families a priority.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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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 11th day of June, 2013.

FTPhysician\_res

## MEMORANDUM COVER

**Subject:** Dedication of Streets in Monticello Woods Phases 1 and 2

**Action Requested:** Shall the Board approve the resolution that dedicates the streets and associated right-of-way for Monticello Woods Phases 1 and 2?

**Summary:** The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, Board resolution, a location map of the proposed roads and the Virginia Department of Transportation (VDOT) AM-4.3. While the Board had previously approved a resolution, a clerical error on the VDOT AM-4.3 inhibited ultimate acceptance from VDOT. VDOT submitted the revised AM-4.3 on April 15, 2013.

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 map
4. VDOT AM-4.3

**Agenda Item No.: H-3**

**Date: June 11, 2013**

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

DATE: June 11, 2013

TO: The Board of Supervisors

FROM: Scott J. Thomas, Director of Engineering and Resource Protection

SUBJECT: Dedication of Streets in Monticello Woods Phases 1 and 2

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Attached is a resolution requesting acceptance of streets within Monticello Woods Phases 1 and 2 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of State highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of State highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 list criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 with the resolution is then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of State highways and the effective date of such action. This notification serves as start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway as required by local ordinances until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends adoption of the attached resolution.

  
Scott J. Thomas

CONCUR:

  
Allen J. Murphy, Jr.

SJT/gb  
DedSts-MontWds\_mem

Attachments:

1. Resolution
2. Location map
3. VDOT AM-4.3

## RESOLUTION

### DEDICATION OF STREETS IN MONTICELLO WOODS PHASES 1 AND 2

WHEREAS, the streets described on the attached AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

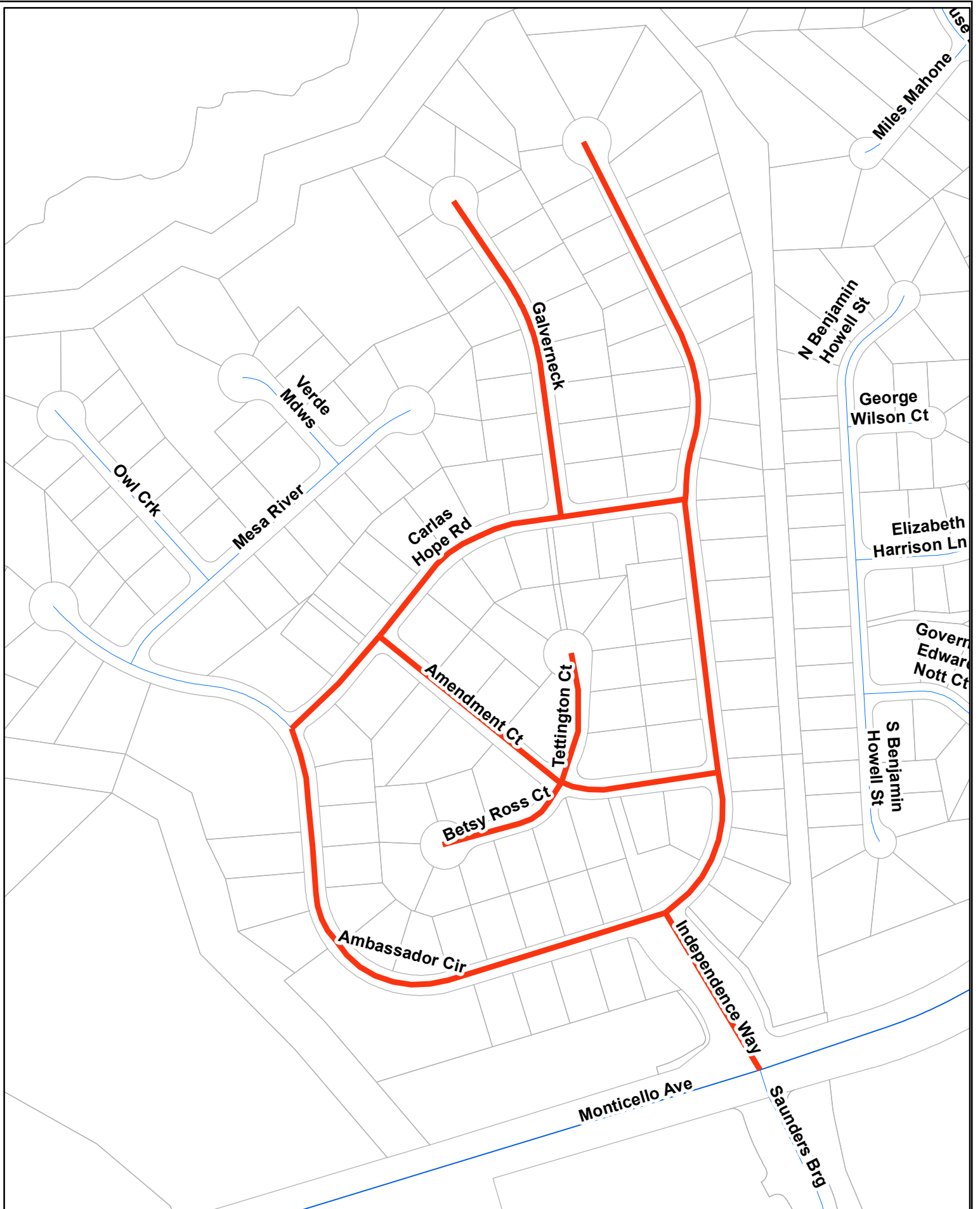
ATTEST:

\_\_\_\_\_  
Robert C. Middaugh, Jr.  
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 11th day of June, 2013.

DedSts-MontWds\_res



**DEDICATION OF STREETS IN MONTICELLO WOODS  
PHASE I AND PHASE II**

**Legend**

 Streets to be Dedicated

1 inch = 300 feet





In the County of James City

By resolution of the governing body adopted June 11, 2013

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official): \_\_\_\_\_

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**Report of Changes in the Secondary System of State Highways**

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Project/Subdivision Monticello Woods Phases 1 and 2

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

---

**Street Name and/or Route Number**

† Betsy Ross Court , State Route Number 1739

Old Route Number: 0

-----  
I From: Route 1737 Amendment Court

To: Cul de sac, a distance of: 0.06 miles.

Recordation Reference: Document 030009335, PB 90, PG 3 & 4

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Ambassador Circle, State Route Number 1736

Old Route Number: 0

-----  
I From: Route 1735 Independence Way

To: Route 1737 Amendment Court, a distance of: 0.07 miles.

Recordation Reference: Document 020014537 P.B. 86, PG 64

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Ambassador Circle , State Route Number 1736

Old Route Number: 0

-----  
I From: Route 1740 Carlos Hope Road

To: Cul de sac, a distance of: 0.18 miles.

Recordation Reference: Document 030039970, and Doc. 050017132

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Tettington Court, State Route Number 1738

Old Route Number: 0

-----  
I From: Route 1736 Ambassador Circle

To: Cul de sac, a distance of: 0.07 miles.

Recordation Reference: Document 03009335, PB. 90, PG. 3-4

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Carlas Hope Road, State Route Number 1740

Old Route Number: 0

-----  
I From: Route 1737 Amendment Court

To: Route 1736 Ambassador Circle, a distance of: 0.06 miles.

Recordation Reference: Document 03009335, P.B. 90, PG. and Doc. 020014537

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Carlas Hope Road, State Route Number 1740

Old Route Number: 0

-----  
I From: Route 1741 Galverneck

To: Route 1737 Amendment Court, a distance of: 0.11 miles.

Recordation Reference: Document 030039970, and Doc. 030009335

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Independence Way, State Route Number 1735

Old Route Number: 0

-----  
I From: Route 5000

To: Route 1736 Ambassador Circle, a distance of: 0.08 miles.

Recordation Reference: Document 020014537, PB. 86, PG. 65

Right of Way width (feet) = 110'-127'

**Street Name and/or Route Number**

† Amendment Court, State Route Number 1737

Old Route Number: 0

-----  
I From: Route 1736 Ambassador Circle

To: Route 1738 Tettington Court, a distance of: 0.08 miles.

Recordation Reference: Document 03009335, P.B. 90, PG. 3 - 4

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Amendment Court, State Route Number 1737

Old Route Number: 0

-----  
I From: Route 1738 Tettington Court

To: Route 1740 Carlas Hope Road, a distance of: 0.11 miles.

Recordation Reference: Document 03009335, P.B. 90, PG. 3 - 4

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Carlas Hope Road, State Route Number 1740

Old Route Number: 0

-----  
I From: Route 1736 Ambassador

To: Route 1741 Galverneck, a distance of: 0.06 miles.

Recordation Reference: Document 030039970

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Galverneck, State Route Number 1741

Old Route Number: 0

-----  
I From: Route 1740 Carles Hope Road

To: Cul de sac, a distance of: 0.11 miles.

Recordation Reference: Document 030039970 and Doc. 050017132

Right of Way width (feet) = 50 feet

**Street Name and/or Route Number**

† Ambassador Circle, State Route Number 1736

Old Route Number: 0

-----  
I From: Route 1737 Amendment Court

To: Route 1740 Carles Hope Road, a distance of: 0.13 miles.

Recordation Reference: Document 030039970

Right of Way width (feet) = 50

**Street Name and/or Route Number**

† Ambassador Circle, State Route Number 1736

Old Route Number: 0

-----  
I From: Route 1735 Independence Way

To: Route 1740 Carlas Hope Road, a distance of: 0.26 miles.

Recordation Reference: Document 020014537, P.B. 86, PG. 64-67

Right of Way width (feet) = 50

## MEMORANDUM COVER

**Subject:** Budget Transfer for Compensation Practices Review - \$25,000

**Action Requested:** Shall the Board approve a budget transfer for a consultant to assist in a compensation plan review?

**Summary:** At its November 27, 2012, meeting, the Board approved \$25,000 to fund a compensation consultant. The County Administrator indicated that once the consultant was selected, he would ask the Board to approve a budget transfer.

The time frame for this project is July 2013 – February 2014 with a draft report due by November 1, 2013 so that any recommendations with financial impacts can be considered as part of the FY 2015 budget development process.

The consultant will provide the following scope of services:

- Review the County's current compensation philosophy, identified job market, position in the market, practices in classification and compensation, issues identified by departments, compare to best practices, and identify what is working well and what are opportunities for improvement
- Review and provide feedback on position titles, classification and matches to the market provided by the County
- Recommend any changes to salary structure that are the minimum adjustments required to align the County to market with the least amount of disruption to existing services
- Assign positions to appropriate ranges in the salary structure
- Provide impact analysis for implementing recommendations including advantages, disadvantages, cost estimates, and timeframes

Staff recommends Board approval of the attached resolution.

**Fiscal Impact:** \$25,000 from Contingency Fund.

**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-4**

**Date: June 11, 2013**

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

DATE: June 11, 2013

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: Budget Transfer for Compensation Practices Review - \$25,000

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At its November 27, 2012, meeting, the Board of Supervisors agreed to allocate \$25,000 for the purpose of hiring a consultant to assist with the County's Review of Compensation Practices. At that same meeting, I indicated that staff would proceed and when a consultant was selected, I would request the Board of Supervisors to approve a budget adjustment.

In April 2013, the County issued a Request for Proposal (RFP 13-5280). A five-person panel reviewed the responses and unanimously recommends the firm Towers Watson.

This is a request to transfer \$25,000 from the contingency fund to Human Resources (001-019-0203), the department serving as project manager.

The time frame for this project is July 2013 – February 2014 with a draft report due by November 1, 2013 so that any recommendations with financial impacts can be considered as part of the FY 2015 budget development process.

The consultant will provide the following scope of services:

- Review the County's current compensation philosophy, identified job market, position in the market, practices in classification and compensation, issues identified by departments, compare to best practices, and identify what is working well and what are opportunities for improvement
- Review and provide feedback on position titles, classification and matches to the market provided by the County
- Recommend any changes to salary structure that are the minimum adjustments required to align the County to market with the least amount of disruption to existing services
- Assign positions to appropriate ranges in the salary structure
- Provide impact analysis for implementing recommendations including advantages, disadvantages, cost estimates, and timeframes

I recommend adoption of the attached resolution.

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Robert C. Middaugh

RCM/nb  
CConsItBTran\_mem

Attachment

## RESOLUTION

### BUDGET TRANSFER FOR COMPENSATION CONSULTANT - \$25,000

WHEREAS, at its November 27, 2012, meeting, the Board of Supervisors authorized issuance of a Request for Proposals (RFP) to identify a consultant to assist with the County's review of compensation practices; and

WHEREAS, the County Administrator stated that following identification of a recommended consultant, the Board of Supervisors would be asked to approve a budget adjustment; and

WHEREAS, following a thorough review by a five-person panel that included written response, reference checks, and telephone interview, the County has selected a consultant.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby authorizes a budget transfer in the amount of \$25,000 from the contingency fund to Human Resources (001-019-0203) and awards RFP 13-5820 to Towers Watson.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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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 11th day of June, 2013.

CConsltBTran\_res

## MEMORANDUM COVER

**Subject:** Service Agreement for Drop-Off Recycling Services - Virginia Peninsulas Public Service Authority (VPPSA)

**Action Requested:** Shall the Board of Supervisors approve a service agreement with Virginia Peninsulas Public Service Authority (VPPSA) for drop-off recycling services in FY 14?

**Summary:** It is necessary for the County to approve a service agreement with VPPSA should we wish to continue to receive VPPSA services to collect recyclable materials from County convenience centers. VPPSA has satisfactorily provided this service since 2001. The General Services operating budget for FY 14 includes \$13,253 for this service.

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. VPPSA Memorandum
4. Service Agreement

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

**Date: June 11, 2013**

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

DATE: June 11, 2013

TO: The Board of Supervisors

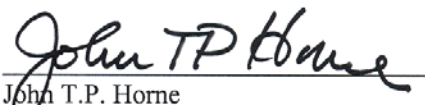
FROM: John T. P. Horne, Director of General Services

SUBJECT: Service Agreement for Drop-Off Recycling Services - VPPSA

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Attached is a memorandum and service agreement from the Virginia Peninsulas Public Service Authority (VPPSA) for drop-off recycling services for FY 14. This agreement sets the terms for services provided by VPPSA to collect recycled materials from the County's three convenience centers. VPPSA collects the materials as needed and delivers them to vendors who pay for the materials. Revenue from those sales is credited to the program costs of the County. VPPSA has provided this service successfully since 2001 and has performed in a satisfactory manner. The General Services Operating Budget for FY 14 includes \$13,253 for this service. The VPPSA Board of Directors, with County representation, has approved the agreement and it needs to be approved by the County for services to continue past June 30, 2013.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the service agreement.

  
John T.P. Horne

JTPH/nb  
SAGreeVPPSA\_mem

Attachment



**RESOLUTION**

**SERVICE AGREEMENT FOR DROP-OFF RECYCLING SERVICES –**

**VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA)**

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) provides services to James City County for collection of drop-off recyclable materials at County convenience centers; and

WHEREAS, VPPSA provides these services through a Service Agreement with the County each fiscal year; and

WHEREAS, it is necessary to approve a service agreement to cover the FY 14 program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the FY 14 Drop-Off Recycling Service Agreement between the County and VPPSA.

\_\_\_\_\_  
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 11th day of June, 2013.

SAgreeVPPSA\_res



## Virginia Peninsulas Public Service Authority

May 20, 2013

MEMORANDUM TO: John Horne

FROM: Stephen B. Geissler

SUBJECT: Service Agreement for Drop Off Recycling Services

The Virginia Peninsulas Public Service Authority (VPPSA) started providing drop off recycling services in November 1991. Initially, the service was provided using a contractor. In November 2001, VPPSA assumed responsibility for the collection of recyclables using VPPSA owned collection vehicles.

The current agreement for drop off recycling services between VPPSA and James City County expires on June 30, 2013.

Attached is a Service Agreement which has been approved by the VPPSA Board of directors and will continue the current drop off recycling program.

Under the Agreement, VPPSA will provide two 25 cubic-yard roll off containers at each location designated by the County – one to receive commingled containers (PET and HDPE plastic bottles and jugs, brown, green and clear glass bottles and jars, steel, tin and bi-metal cans and aluminum cans and foil products) and one to receive mixed paper (newspapers and inserts, magazines, catalogs, paper grocery bags, telephone books, junk mail, stationery, computer paper, file folders, colored paper, and chipboard such as cereal boxes and tissue boxes).

When full, the container will be replaced with an empty container and the full container will be delivered to one of several vendors who will accept the recyclable materials.

Under the Agreement, the County agrees to pay a monthly rental fee for each container and a fixed fee for every collection. For FY 14, the monthly rental fee will be \$62 per container and the collection fee will be \$201.43.

The County agrees to pay the fee, if any, for delivery of materials and the County receives all of the revenue paid for the recyclable materials. For FY 14, \$20 per ton will be received for commingled containers through the agreement that has been approved with County Waste. Payment for mixed paper will be determined monthly with bids received from up to five vendors. For May 2013, \$70 per ton is being paid for mixed paper.

VPPSA staff continues to pursue options to increase the value of the materials collected in the drop off recycling program.

Please contact me if you have any questions or if you need additional information.



## **Special Project Agreement**

### **Drop Off Recycling Project**

THIS AGREEMENT dated the \_\_\_\_ day of \_\_\_\_\_, 2013, is made by and between the Virginia Peninsulas Public Service Authority (hereinafter designated "VPPSA"), an authority created under the Virginia Water and Waste Authorities Act, VA.Code 15.2-5100 et seq. (the "Act"), and James City County, a political subdivision of the Commonwealth of Virginia, (hereinafter designated as "Community").

The obligation of the parties under this Agreement is subject to participation by other member jurisdictions (hereafter designated as "local jurisdiction") listed below. Should the withdrawal of any local jurisdiction, or reduction in any service to any jurisdiction designated for participation in the drop off recycling project result in a change in prices, the Community shall have the option of continuing the participation at the negotiated cost or withdrawing from the project. Local jurisdictions initially included in the drop off recycling project are:

County of Essex  
County of James City  
County of King and Queen  
County of King William  
County of Mathews  
County of Middlesex  
County of York

#### **Article I- General:**

VPPSA will provide drop off recycling services which shall include providing containers at locations designated by the Community, collection of the containers as requested by the Community, and delivery of the containers to a facility that will process and market the Recyclable Materials.

The Community agrees to participate in the project according to the terms and conditions of this Agreement including, but not limited to, performance of the following duties:

1. Designation of drop-off sites.
2. Designation of representative responsible for community supervision of the Project.

3. Requesting pick-up of drop-off containers except where this responsibility has not been assigned to VPPSA.
4. Approval of disposal of contaminated drop-off containers.

## **Article II- Recyclable Materials**

The Recyclable Materials included in the drop off recycling project shall include a container stream which shall include glass bottles and jars, metal cans, aluminum foil products, and HDPE (#2 plastic) and PET (#1 plastic) bottles and jugs and a paper stream, which shall include newspapers and mixed paper. Corrugated cardboard will be accepted in the program for James City and York. A separate program will be used to collect corrugated cardboard for Essex, King and Queen, King William, Mathews and Middlesex.

Mixed paper shall include bond paper, computer paper, magazines, catalogs, bulk mailings, telephone and other directories, carrier stock, and chipboard. Mixed paper shall not include wax paper, carbon paper, chemically treated or coated paper that renders paper non-recyclable, or any paper that does not tear.

Glass shall include clear, brown and green bottles and jars. Metal cans shall include aluminum, steel, bimetal, and tin cans. HDPE plastic bottles shall exclude automotive product containers and pesticide containers. Plastic bottles and jugs shall be defined as having a narrower neck, a pour spout, and a screw top.

Recyclable Materials shall be substantially clean, dry and free from contamination.

## **Article III- Term of Agreement:**

This Agreement shall become effective on July 1, 2013 and continue for a term of five years. This Agreement may be extended for one five-year renewal or five one-year renewals as the parties mutually agree in writing.

## **Article IV- Delivery Conditions:**

At VPPSA's request, the Community will take all reasonable and lawful actions which assist in successful implementation of the Project. Such actions may include but not be limited to designation of drop-off sites, and requests for additional drop-off containers, and subject to legal authority, prevention of scavenging of Recyclable Materials.

**Article V- Recyclable Material Collection, Processing and Marketing Service:**

VPPSA shall provide drop-off recycling containers at the following locations:

Essex County:

Champlain Convenience Center  
Airport Road Convenience Center  
Bray's Fork Convenience Center  
Center Cross Convenience Center  
Transfer Station

James City County:

Toano Convenience Center  
Landfill Convenience Center  
Tewning Road Convenience Center

King & Queen County:

Owenton Convenience Center  
Dahlgren Convenience Center  
Mascot Convenience Center  
Traveller's Rest Road Convenience Center

King William County:

Epworth Convenience Center  
Landfill Convenience Center  
VFW Road Convenience Center  
Transfer Station

Mathews County:

Convenience Center

Middlesex County:

Jamaica Convenience Center  
Hartfield Convenience Center  
Deltaville Convenience Center  
Transfer Station

York County:

Waste Management Center

VPPSA shall maintain agreements with one or more entities (hereafter referred to as the “Processor”) who shall accept, process and market the Recyclable Materials. If VPPSA has agreements with more than one Processor, VPPSA shall at its sole discretion select the Processor to which Recyclable Materials will be delivered.

VPPSA shall provide to the community a list of Processors and the schedule of fees and revenues for each Processor. VPPSA shall provide to the Community any changes in the Processor’s schedule of fees or revenues during the term of this Agreement.

VPPSA will deliver drop-off recycling containers to the Processor as requested by the Community when the containers are full. Collections will be made before the close of business on the day following the request for the collection. VPPSA shall at its sole cost and expense, except as provided herein, furnish all materials, labor, and equipment required to provide the collection and delivery of Recyclable Materials from the designated drop-off location to the Processor for processing and marketing.

VPPSA shall, through the Processor, process and market recyclable material for reuse pursuant to State recycling mandates, and shall require proper disposal of rejected, non-recyclable material by the Processor in existing permitted landfills. VPPSA shall have the right to expand the list of targeted Recyclable Materials covered under this recycling program provided that any increased charges for such expansion are acceptable to the Community.

#### **Article VI- Service Fees:**

The Community shall pay VPPSA, for services provided pursuant to this Agreement, the service fees established by the VPPSA Board of Directors (the “Service Fees”). For FY 14, the Service Fees have been established as follows:

Container Rental	-	\$62/month/container
Container Collection	-	\$201.43/collection

The Community also agrees to pay any fee charged by the Processor for delivery of material. Any revenue received by VPPSA for delivery of the Recyclable Material will be credited to the Community.

VPPSA will invoice the Community monthly with payments due 25 days after receipt of an invoice.

Nothing in this article shall require the Community to pay service fees for Recyclable Material collections by anyone other than VPPSA.

Payments by the Community of Service Fees hereunder are payments for services rendered and the obligation to make such payments does not constitute a debt of the Community for constitutional, statutory or charter limitations.

**Article VII- Title to Recyclable Materials:**

The Community hereby assigns and transfers to the Processor all of their right, title and interest, if any, in and to all Recyclable Materials collectable under this Agreement upon delivery of the Recyclable Material to the Processor's facility

.

**Article VIII- No Partnership:**

Nothing herein shall be construed to constitute a joint venture between VPPSA and the Community or other jurisdictions or the formation of a partnership.

**Article IX- Force Majeure:**

"Force Majeure" shall mean any cause beyond the reasonable control of the party whose performance is affected, including but not limited to acts of God, war, riot, fire, explosion, wind storm, flood, strikes, labor disputes or action by governments not party to this Agreement. Force Majeure shall not include equipment failure.

Failure of any party to perform under this Agreement by reason of Force Majeure shall not constitute default or be cause for termination of this Agreement. However, the party so failing to perform shall immediately notify VPPSA and the other participating local governments in writing of the failure, including reasons therefore, and shall make reasonable efforts to correct such failure and to continue performance at the earliest possible date.

Should VPPSA be unable to complete performance under this Agreement due to the Processor's failure to perform by reason of Force Majeure, it shall, where practicable, take all reasonable steps to secure another vendor to perform the work according to the already established schedule of rates, fees and charges. Should VPPSA be unable to secure a vendor to perform according to the established schedule of rates, fees and charges, the parties may agree to a new schedule with approval of all parties, in writing. If the parties are unable to agree on a new schedule, this Agreement shall terminate.

The Community shall have the right, but not the obligation, to collect or cause to be collected Recyclable Material from designated drop-off collection sites within its

jurisdiction by means other than VPPSA at any time during which Force Majeure is in effect in the Community. For the period Force Majeure is in effect in the Community, VPPSA shall not impose any rate, fee or charge for Recyclable Material collection, processing and marketing and residue disposal by or within the Community. Any additional costs incurred by the Community as a result of using another recyclable collection method (by reason of Force Majeure) other than the vendor under contract to VPPSA shall be borne by the Community.

**Article X-Termination:**

1. In the event the Community participating in this Agreement lawfully fails to appropriate funds to pay for its services received or to be received under this Agreement, this Agreement shall terminate.
2. The Community shall give VPPSA 90 days advance written notice of its intent to terminate its participation in the program under paragraph 1 above.
3. In the event that VPPSA or its contractor is unable to perform or remedy the non-performance, this Agreement shall terminate.

**Article XI- Audit Provisions:**

VPPSA's records, which shall include but not be limited to accounting records, policies and procedures, subcontract files (including proposals of successful and unsuccessful bidders), payroll records, original estimates, estimating worksheets, correspondence, change order files (including documentation covering negotiated settlements), and any other supporting evidence necessary to substantiate charges related to this agreement (all the foregoing hereinafter referred to as "records") shall be open to inspection by the Community and subject to audit and/or reproduction, during normal working hours or at such other times as are mutually agreed upon by the parties, to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by VPPSA or any of its agents or vendors pursuant to this Agreement.

For the purpose of such audits, inspections, examinations and evaluations, the Community's agent or authorized representative shall have access to records from the effective date of this agreement, for the duration of the Agreement, and until five (5) years after the date of final payment by the Community to VPPSA pursuant to this Agreement.



The Community's agent or authorized representative shall have reasonable access to VPPSA's facilities, shall have reasonable access to all necessary records, and shall be provided reasonable access to adequate and appropriate work space, in order to conduct audits in compliance with this article. The Community's agent or authorized representative shall give VPPSA reasonable advance notice of intended audits.

**Article XII- Licenses, Permits and Certificates:**

VPPSA shall be responsible for requiring that all licenses, permits and certificates required in connection with any and all parts of the recycling project are secured by the Contractor.

**Article XIII- Governing Law:**

This Agreement shall be governed by the laws of the Commonwealth of Virginia.

**Article XIV- Extent of Agreement:**

This Agreement represents the entire agreement for the recycling project between VPPSA and the Community and supersedes all prior negotiation, representations or agreements, either written or oral. This Agreement may only be amended by written document signed by both the Community and VPPSA.

**Article XV- Dispute Resolution:**

The parties hereto agree to undertake to resolve any disputes hereunder by good faith negotiation prior to instituting any legal proceedings related to such dispute.

**Article XVI- Severability and Waiver:**

In the event any provision of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be binding upon the parties. One or more waivers by either party of any provision, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

IN WITNESS WHEREOF, VPPSA and the Community have caused this Agreement to be executed on their behalf, as of the day and year first above written.

ATTEST:

VIRGINIA PENINSULAS PUBLIC  
SERVICE AUTHORITY

\_\_\_\_\_ By \_\_\_\_\_  
Executive Director

: JAMES CITY COUNTY

\_\_\_\_\_ By \_\_\_\_\_  
County Administrator

## MEMORANDUM COVER

**Subject:** VACORP Line of Duty Act (LODA) Trust

**Action Requested:** Shall the Board approve the resolution that authorizes the County to join the VACORP Line of Duty Act (LODA) Trust?

**Summary:** The County pays the annual cost of LODA claims that existed and were reported before opting out of the State fund administered by the Virginia Retirement System (VRS). These payments are made through contributions to the VACORP Pool. The establishment of the VACORP LODA Trust allows the Pool to direct annual contributions for the above-described claims to the LODA Trust. This enables the Trust to book the liabilities associated with these claims. Absent membership in the VACORP LODA Trust, the liability for these claims must be carried on the County's financial statements. With the LODA Trust, the financial liability exposure for the Pool and its members is diminished. There is no cost to the County to join the Trust.

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. VACORP LODA Trust Membership Document

**Agenda Item No.: H-6**

**Date: June 11, 2013**

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

DATE: June 11, 2013

TO: The Board of Supervisors

FROM: Bart Johnson, Director of Risk Management

SUBJECT: VACORP Line of Duty Act (LODA) Trust

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As part of the 2012 Appropriations Act, the Virginia General Assembly adopted budget language authorizing the creation of trust funds to cover the cost of Line of Duty Act (LODA) claims. It offers the option of using alternatives to those established by the Virginia Retirement System. After evaluating the alternatives, staff recommends that the County participate in an offering by the Virginia Association of Counties described as the VACORP LODA Trust. The Trust will be funded and managed in much the same way that worker's compensation is currently. The County has its worker's compensation program with VACORP.

The VACORP LODA Trust agreement handles all pre-existing claims and all new claims under LODA. This enables the Trust to book the liabilities associated with these claims. Absent membership in the VACORP LODA Trust, the liability for these claims must be carried on the County's financial statements. With the LODA Trust, the financial liability exposure for the Pool and its members is diminished. There is no cost to the County to join the Trust. To join the LODA Trust, the Board of Supervisors must adopt the LODA Trust membership document, which is attached for your reference. There is no membership cost.

Staff recommends adoption of the attached resolution authorizing the County Administrator to enter into an agreement with VACORP.

---

Bart Johnson

CONCUR:

---

John McDonald

BJ/gb  
VaCorpLieDutTru\_mem

Attachments

**RESOLUTION**

**VACORP LINE OF DUTY ACT (LODA) TRUST**

WHEREAS, As part of the 2012 Appropriations Act, the Virginia General Assembly adopted budget language authorizing the creation of trust funds to finance the cost of Line of Duty Act (LODA) claims; and

WHEREAS, the VACORP Supervisory Board has taken action to create the VACORP LODA Trust.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute on behalf of James City County the VACORP LODA Trust Agreement.

\_\_\_\_\_  
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 11th day of June, 2013.

VaCorpLinDutTru\_res

# VACORP LODA TRUST

The undersigned Counties, Cities, Towns, and Regional Jails of the Commonwealth of Virginia (“Grantors”) being authorized and directed to so, do make this trust agreement dated June 29, 2012 with VACORP, a local government risk sharing pool, which is an instrument of the government of the Commonwealth of Virginia, as Trustee (“the Trustee”). The Trustee and any successor Trustees are all referred to herein as “the Trustee.”

The name of this trust agreement is the “VACORP LODA TRUST dated June 29, 2012” (“Trust”) and is effective July 1, 2012.

## ARTICLE 1

### TRUST PROVISIONS

- A. Transfer of Assets and Liabilities. Contemporaneously with the execution of this trust, Grantors (hereinafter “Members”) do transfer to the Trustee of the Trust all liabilities appertaining to any claim which they may have prior to July 1, 2011 under the Line of Duty Act pursuant to §9.1-400 et seq. of the 1950 Code of Virginia, as amended (“Act”) and do promise to timely pay for said liabilities.
- B. Line of Duty Act Trust Fund. By entering into this Trust, each Member Acknowledges that they have opted out of the Commonwealth of Virginia Line of Duty Act Trust Fund.
- C. Eligibility of Members. Each member shall purchase liability insurance from Trustee covering claims under the Act. Likewise each member shall timely pay to

the Trustee all premiums for said insurance and monies for claims prior to July 1, 2011. In the event a Member purchases insurance from other than the Trustee, the Trustee and this Trust shall have no liability or obligation to such Member.

- D. Administration of Claims. During the existence of this Trust, the Trustee shall administer all pre-July 1, 2011 claims of its members under this Trust, shall provide the administration of all claims and shall provide insurance to insure against claims under the Act to all Members on or after July 1, 2011.
- E. Insurance & Payments by Members. Each Member is obligated to purchase liability insurance for claims under the Act from the Trustee and pay the Trustee those payments for insurance and claims as provided for under the Act, which payments must be timely made. If a payment is overdue by thirty (30) days, or if an insurance premium payment is not made within thirty (30) days of the invoice date, then the Trustee shall not provide claims administration, insurance or payment to claimants, until payments are brought current and all insurance coverage is purchased from the Trustee.

## ARTICLE II

### TRUSTEE PROVISIONS

- A. Trustee's Management Powers. The Trustee shall have the powers granted by law and the powers in Sections 64.2-105, 64.2-777 and 64.2-778 of the 1950 Code of Virginia, as amended, as in effect on the date of the signing of this agreement. These sections are incorporated in this agreement by this reference.

- B. Trustee's Compensation. The Trustee, or any successor Trustee, shall receive compensation for services rendered. The corporate Trustee, or any successor corporate Trustee, shall receive compensation for services rendered according to their list of fees published from time to time.
- C. Resignation of Trustee. The Trustee may resign as Trustee by notice to the Members. The resignation shall take effect upon the effective appointment of a successor Trustee.
- D. Successor Trustee. The Trustee shall have the right to designate a successor Trustee who shall be any natural person or corporation having trust powers, which shall be effective upon the resignation or termination of corporate existence of the Trustee. Such designation shall be made while such Trustee is serving as Trustee by an instrument executed by the Trustee during and by the successor Trustee. In the event that the Trustee does not appoint a successor Trustee or a successor Trustee does not appoint its successor Trustee, which it shall have the privilege to do hereunder, the Members shall have the right to appoint a Trustee.
- E. Actions of Prior Trustee. No Trustee serving under this agreement shall be responsible for or required to inquire into any acts or omissions of a prior Trustee.



ARTICLE III  
RIGHTS RESERVED BY MEMBERS

- A. Revocation and Amendment. Members reserve the right to opt out of this Trust by a writing signed by the Member and delivered to the Trustee. All obligations of Member to the Trust shall be paid by Member prior to opting out. Any amendment that changes the duties or compensation of the Trustee shall require the consent of the Trustee.
- B. New Members. Members agree that new members as defined by the Act may become Members if the Trustee accepts them.

ARTICLE IV  
MISCELLANEOUS PROVISIONS

- A. Protection from Claims. To the extent permitted by law, the principal and income of any trust shall not be liable for the debts of any beneficiary or subject to alienation or anticipation by a beneficiary, except as otherwise provided.
- B. Governing Law. This agreement shall be governed by the laws of Virginia.
- C. Signatures. This trust may be executed in counterparts and electronically.

WITNESS the following signatures and seals:

The Trustee accepts the terms of the VACORP LODA TRUST dated June 29, 2012.

VACORP

By: \_\_\_\_\_  
Administrator, Officer

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, To-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_, Trustee, \_\_\_\_\_ of VACORP, on behalf of VACORP, who is identified and known to me.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
James City County  
Name of County/Jail/City/Town

By: \_\_\_\_\_  
Authorized Person

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, To-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2013 by \_\_\_\_\_, on behalf of \_\_\_\_\_, Grantor, who is identified and known to me.

\_\_\_\_\_  
Notary Public

## MEMORANDUM COVER

**Subject:** Amended Contract for the Williamsburg Regional Library

**Action Requested:** Shall the Board adopt a resolution to authorize the County Administrator to execute the documents necessary for the 5th Amended Contract for the Williamsburg Regional Library?

**Summary:** The County and the City of Williamsburg have partnered since 1977 to fund the Williamsburg Regional Library ("Regional Library") and to provide exceptional library services to the citizens of the Williamsburg area. York County has been a contributor to the Regional Library for many years, but has not been a party to the regional contract.

The 5th Amended Contract for the Regional Library contains modifications, which enable York County to become a party to the contract and sets a funding formula for York County's contributions, effective July 1, 2014. The addition of York County as a party to the contract also includes representation from York County on the Regional Library Board of Trustees. The Regional Library Board of Trustees would increase in size from nine to 11 with one additional Trustee coming from both York County and James City County. On June 19, 2013, the Regional Library Board of Trustees will consider the 5th Amended Contract.

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.:** H-7

**Date:** June 11, 2013

**MEMORANDUM**

DATE: June 11, 2013

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Amended Contract for the Williamsburg Regional Library

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Attached for your consideration is a resolution approving the 5th Amended and Restated Contract for the Williamsburg Regional Library. In 1977, James City County and the City of Williamsburg created the Williamsburg Regional Library ("Regional Library") in accordance with Chapter 2 of Title 42.1 of the Code of Virginia. The Regional Library has provided exceptional service to the citizens of the Williamsburg area. York County has been a contributor to the Regional Library for many years, but has not been a party to the regional contract.

The 5th Amended and Restated Contract represents a substantial change for the Regional Library. The first major change is that York County becomes a party to the contract and agrees to a set funding formula. The next major change is that the Library Board of Trustees would increase in size from nine to 11 with one additional Trustee coming from both York County and James City County. The Amended Contract becomes effective on July 1, 2013; however, the new funding formula for York County begins on July 1, 2014. York County will continue to fund the Regional Library under an existing agreement for Fiscal Year 2014.

The new contract also references a Memorandum of Understanding (MOU) between the City and the Library. This MOU allows for the possibility of the Library administrative offices to relocate into a new Stryker Building. The MOU defines the terms and conditions of occupancy, should this move occur. The MOU would not add any expense for which the County would be responsible.

The Amended Contract provides for regional cooperation in the provision of library services. It also sets forth a more permanent funding and governance arrangement, which will provide greater stability for the Regional Library.

I recommend adoption of the attached resolution.

  
Leo P. Rogers

LPR/gb  
WRL-AmedCont\_mem

Attachment

**RESOLUTION**

**AMENDED CONTRACT FOR THE WILLIAMSBURG REGIONAL LIBRARY**

WHEREAS, the Williamsburg Regional Library Board of Trustees, the James City County Administrator, the York County Administrator, and the Williamsburg City Manager have drafted an amended and restated contract for the Williamsburg Regional Library; and

WHEREAS, the Williamsburg Regional Library Board of Trustees will consider the draft contract on June 19, 2013.

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 the documents necessary for the Williamsburg Regional Library's 5th Amended and Restated Contract.

\_\_\_\_\_  
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 11th day of June, 2013.

WRL-AmedCont\_res

## MEMORANDUM COVER

**Subject:** Case No. SUP-0003-2013. Route 199 Water Tank Hampton Roads Sanitation District (HRSD) Pressure Reducing Station

**Action Requested:** Shall the Board approve the resolution to allow a Special Use Permit (SUP) for a pressure reducing station?

**Summary:** The Hampton Roads Sanitation District (HRSD) has applied to amend an existing Special Use Permit (SUP) for water and sewer facilities to install a pressure reducing station to help increase system capacity during wet weather and to minimize spill locations in the short term. The project consists of underground piping, two above-ground pumps that are 10 feet tall, two above-ground diesel fuel tanks, and screening landscaping between the project and Route 199. Proposed conditions include landscaping to screen the project from Route 199 and restrictions on paint colors to further minimize any visual impacts. Reviewing agencies have determined that this project will be a benefit to the public sewer system.

While the 2009 Comprehensive Plan does not specifically include this use as a recommended use, staff recognizes that such facilities are important to the functioning of the overall sanitary sewer system and the property is already being used for a James City Service Authority (JCSA) water storage tank. Staff finds that the proposal is also compatible with the surrounding zoning and development.

The Planning Commission recommended approval of this SUP 6-0 at its May 1, 2013, meeting.

Staff recommends that the Board of Supervisors approve this proposal with the conditions listed in the attached resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐  
N/A

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Memorandum
2. Resolution
3. Location Map
4. Unapproved Minutes of the May 1, 2013, Planning Commission Meeting
5. HRSD Project Scope
6. Picture of the Site Layout

**Agenda Item No.: I-1**

**Date:** June 11, 2013

**SPECIAL USE PERMIT-0003-2013. Route 199 Water Tank Hampton Roads Sanitation District (HRSD) Pressure Reducing Station  
Staff Report for the June 11, 2013, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

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

May 1, 2013, 7:00 p.m.  
June 11, 2013, 7:00 p.m.

**SUMMARY FACTS**

Applicant:	Mr. Matthew Poe, Hampton Roads Sanitation District (HRSD)
Land Owner:	James City Service Authority
Proposal:	Amend an existing Special Use Permit (SUP) to install an interim pressure reducing system to help increase the Regional Sanitary Sewer System capacity during wet weather.
Location:	6735 Route 199
Tax Map/Parcel No.:	4920100006A
Parcel Size:	0.845 acres
Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low Density Residential
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this proposal with the conditions listed in the attached resolution. While the 2009 Comprehensive Plan does not specifically include this use as a recommended use, staff recognizes that such facilities are important to the functioning of the overall sanitary sewer system and the property is already being used for a James City Service Authority (JCSA) water storage tank. Staff finds that the proposal is also compatible with the surrounding zoning and development.

Staff Contact:           Leanne Reidenbach, Planner III                           Phone: 253-6876

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission unanimously recommended approval of this SUP application and the proposed conditions at its May 1, 2013, meeting by a vote of 6-0 (1 absent).

**Proposed Changes Made Since the Planning Commission Meeting**

There have been no changes proposed since the Planning Commission meeting. The applicant has confirmed that the above-ground portions of the project can be painted to match the existing water tank and the Planning Director and Colonial Williamsburg Foundation have both supported this color. Approval of the paint color is still proposed as an SUP condition however so that it can be monitored during site plan review and for the life of the project.

## **PROJECT DESCRIPTION**

Mr. Matthew Poe, on behalf of the HRSD, has applied to amend an existing SUP for water and sewer facilities to install a pressure reducing station to help increase system capacity during wet weather and to minimize spill locations in the short term. The project consists of underground piping, two above-ground pumps that are 10 feet tall, two above-ground diesel fuel tanks, and screening landscaping between the project and Route 199. The pumps will reduce the pressures and add additional capacity to upstream pump stations which will minimize overflow sewer events that have historically occurred in those areas. The applicant flagged and spray-painted the proposed locations of tanks and piping on-site and several photos are included as attachments to help visualize the limited extent of the project. The pumps will only operate during larger rain events (1-year storm event or larger). The casing around the pump is intended to reduce the level of noise that the pump generates. According to the pump specification sheet provided by the applicant, the pump noise will register at about 60 decibels from a distance of 60 feet, which is the equivalent of normal conversation or an electric shaver. There is no residential development in proximity to the pumps and the sound will be further minimized due to the presence of car traffic on Route 199.

On September 8, 1986, the Board of Supervisors approved SUP-0024-1986 to allow construction of a 1 million gallon water storage tank, booster pump, and water main on this property. Since a pressure reducing station for the sanitary sewer system was not included under this initial SUP, a new SUP is required because public sewer facilities are a specially permitted use in the R-8, Rural Residential, district. The property is also subject to deed restrictions that are enforced by the Colonial Williamsburg Foundation (CWF). The deed restrictions speak to the extent of permitted uses, paint colors, and landscaping. HRSD, JCSA, and CWF have been in consultation and are in the process of amending the deed to permit the use of the property for a pressure reducing station for up to 10 years and require removal of the equipment when the interim pressure reducing station is no longer needed. HRSD has drafted deed restrictions and included these in a deed amendment summary document that has been signed by JCSA, HRSD, and CWF. HRSD is now working with an attorney to move forward on the official deed amendment, which will be required by condition to be submitted to the Planning Division prior to final site plan approval.

## **Surrounding Zoning and Land Use**

The property is surrounded by R-8, Rural Residential, property that is designated Low Density Residential on the 2009 Comprehensive Plan. The property is also bordered by Route 199 and across the street from property located in the City of Williamsburg that is zoned RS-1, Single-Family Dwelling District, and ED, Economic Development. Existing uses are primarily for other public utilities or are vacant, but the Country Road, County Government Center, and the Quarterpath Shopping Center are in close proximity to the project property.

## **Adjacent Locality Review**

Staff consulted with the City of Williamsburg given the project's location across the street. The Director of Planning recommended a thorough evaluation of visual impacts with mitigation to potentially include landscape screening and painting above-ground equipment a neutral color. Staff has incorporated these suggestions into the proposed conditions.

## **PUBLIC IMPACTS**

### **Environmental**

**Watershed:** College Creek

**Engineering and Resource Protection Staff Comments:** The Engineering and Resource Protection Division has reviewed the proposal and did not have any comments.

### **Utilities**

The site is located inside the Primary Service Area (PSA).

**JCSA Staff Comments:** The JCSA has reviewed the proposal and did not have any comments. JCSA has agreed that the project will have a positive impact for both the JCSA and HRSD.



**Virginia Department of Health (VDH) Comments:** HRSD has needed to coordinate the proposed project with the Virginia Department of Health (VDH) due to the proximity of the sewer pressure reducing station to the existing water tower. Through this coordination VDH has indicated a comfort level with the proposed separation distance.

### **Transportation**

The proposed improvement did not trigger the requirement for a traffic study given the low additional traffic generation, which will mostly be related to maintenance about two to three times per week. Access to the property for maintenance is through an existing entrance off Route 199 that is used to serve the water tank. This access point is not proposed to change.

**2007 County Traffic Counts:** On Route 199 between Quarterpath/Mounts Bay Road and the Colonial Parkway there were 33,000 trips.

**2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** On Route 199 between Quarterpath/Mounts Bay Road and the Colonial Parkway, 36,686 average annual daily trips (AADT) are projected – this is in the OK category.

**Staff Comments:** Addition of a pressure reducing station will not result in any significant increases in traffic to this site.

### **COMPREHENSIVE PLAN**

The 2009 James City County Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low Density Residential areas have natural characteristics suitable for residential development. Recommended uses include single-family homes, duplexes, recreation areas, schools, churches, very limited commercial uses, and community-oriented facilities. Development standards state that new development should only occur where it is compatible with the character of adjoining uses and where impacts such as smoke, noise, design, scale, vibration, light, and traffic can adequately addressed. Conflicts can be addressed through screening and buffering or other protective site features.

**Staff Comments:** Though the proposed project is largely surrounded by wooded areas, there are still several conditions proposed to help mitigate the primarily visual impacts of the pumps and tanks. Staff and the applicant have worked in conjunction to identify a piping and site layout that minimizes the need for tree clearing. In addition, conditions require that the applicant paint above-ground facilities a natural color similar to the existing water tank and install supplemental landscaping in key areas and at minimum planting heights to reduce visibility from Route 199. Staff finds this project consistent with the 2009 Comprehensive Plan.

### **RECOMMENDATION**

Staff recommends the Board of Supervisors approve this proposal with the conditions listed in the attached resolution. While the 2009 Comprehensive Plan does not specifically include this use as a recommended use, staff recognizes that such facilities are important to the functioning of the overall sanitary sewer system and the property is already being used for a JCSA water storage tank. Staff finds that the proposal is also compatible with the surrounding zoning and development.

  
Leanne Reidenbach

CONCUR:

  
Allen J. Murphy, Jr.

LR/nb  
SUP-3-13WTankStn.doc

Attachments:

1. Resolution
2. Location Map
3. Unapproved Minutes of the May 1, 2013, Planning Commission Meeting
4. HRSD Project Scope
5. Pictures of Site Layout

## RESOLUTION

### CASE NO. SUP-0003-2013. ROUTE 199 WATER TANK HAMPTON ROADS

#### SANITATION DISTRICT (HRSD) PRESSURE REDUCING STATION

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. Matthew Poe has applied for an SUP to allow construction of a pressure reducing station, diesel fuel tanks, and related piping (the "Project"); and

WHEREAS, the proposed Project is depicted on the plan prepared by the Hampton Roads Sanitation District (HRSD), dated March 2013 and entitled "Williamsburg Temp. PRS Conceptual Site Layout;" and

WHEREAS, the proposed Center is located in its entirety on property zoned R-8, Rural Residential, further identified as Parcel No. (1-6A) on James City County Real Estate Tax Map Parcel No. (49-2) (the "Property"); and

WHEREAS, the Board of Supervisors issued SUP-0024-1986, James City Service Authority (JCSA)/Water Storage Facilities, for the existing water tank on the Property on September 8, 1986, which conditions are not replaced by this SUP and will still remain in effect on the Property; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0003-2013; and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2013, voted 6-0 to recommend approval of SUP-0003-2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-0003-2013, as described herein, pursuant to the following conditions:

1. **Master Plan and Use:** This SUP shall be valid for the installation of a pressure reducing station, diesel fuel tanks and related piping and facilities (the "Project"). The Project shall be generally located as shown on the master plan titled "Williamsburg Temp. PRS Conceptual Site Layout," drawn by HRSD, and dated March 2013 (the "Master Plan").
2. **Deed Conditions and Restrictions:** The applicant shall supply the Planning Division with a signed copy of a deed that shows that construction of the Project on Property is permissible and acceptable to the Colonial Williamsburg Foundation and JCSA prior to final site plan approval.
3. **Tree Clearing:** Tree clearing on the Property shall be limited to the minimum necessary to accommodate the proposed Project as shown on the Master Plan as determined by the Planning Director or his designee.

4. **Landscaping:** A landscaping plan that is generally consistent with the type and location of landscaping depicted on the Master Plan shall be approved by the Planning Director or his designee prior to final site plan approval for this Project. When the landscaping is installed, trees shall be a minimum of 8 feet tall and shrubs shall be a minimum of 2.5 feet tall. HRSD shall be responsible for replacing any trees or shrubs planted as a result of the Project for the lifetime of the Project.
5. **Color Scheme:** The color of any above-ground portion of the Project shall be muted, similar to the paint color used for the existing water tank on the Property, and designed to minimize visual impacts. If painting is not feasible for any aspect of the Project, that portion shall be screened by additional landscaping or fencing. A color scheme and fencing plan shall be submitted to, and approved by, the Planning Director or his designee for consistency with this condition prior to final site plan approval for the Project.
6. **Lighting.** No new lighting associated with the Project shall be installed on the Property.
7. **Commencement.** A Land Disturbing Permit shall be obtained within 24 months from the date of the issuance of this SUP, or this SUP shall be void.
8. **Severance Clause.** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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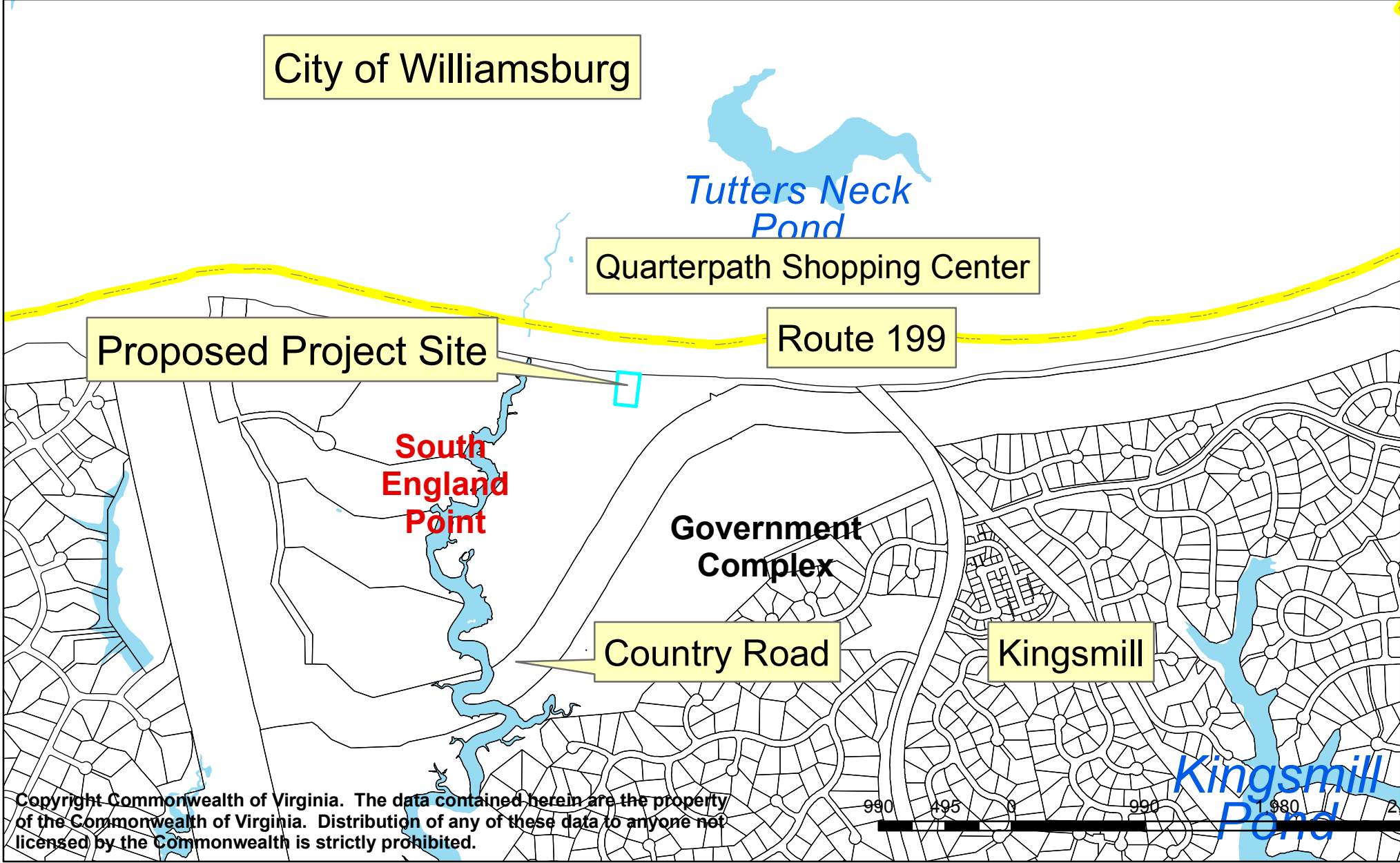
Robert C. Middaugh  
Clerk to the Board

	<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 11th day of June, 2013.

SUP-3-13WTankStn\_res

# JCC-SUP-0003-2013, Route 199 Water Tank HRSD Pressure Reducing Station



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**UNAPPROVED MINUTES OF THE MAY 1, 2013  
PLANNING COMMISSION MEETING**

SUP-0003-2013, Route 199 Water Tank HRSD Pressure Reducing Station

Ms. Leanne Reidenbach, Senior Planner II, stated that Mr. Matthew Poe, on behalf of the Hampton Roads Sanitation District (HRSD), has applied to amend an existing special use permit for water and sewer facilities to install a pressure reducing station to help increase system capacity during wet weather and to minimize spill locations. The project consists of underground piping, two above-ground pumps, two above-ground diesel fuel tanks and screening landscaping.

Ms. Reidenbach noted that the property is surrounded by R-8, Rural Residential property that is designated Low Density Residential on the 2009 Comprehensive Plan. Water and sewer facilities are a specially permitted use in the R-8, Rural Residential district. A Special Use Permit for the existing water tank was approved in 1986, but since the pressure reducing station for the sanitary was not included under this initial SUP, a SUP amendment is required.

Ms. Reidenbach stated that due to the location of the pressure reducing station on Route 199, a Community Character Corridor, the applicant has agreed to minimize tree clearing, paint the pump houses a natural color that will blend with the surrounding woods and plant supplemental landscaping that will further screen the facility.

Ms. Reidenbach noted that while the 2009 Comprehensive Plan does not specifically include this use as a recommended use, staff recognizes that such facilities are important to the functioning of the overall sanitary sewer system and the property is already being used for a James City Service Authority (JCSA) water tank. The proposal is also compatible with the surrounding zoning and development.

Ms. Reidenbach stated that staff recommends that the Planning Commission recommend approval of the project to the Board of Supervisors subject to the conditions found in the staff report.

Mr. Woods opened the floor to questions from the Commissioners.

Mr. Woods inquired what could be concluded when both boxes regarding historic and archaeological sites are checked on the application.

Ms. Reidenbach responded that the property is not in an area of high archaeological sensitivity for the County and there is a minimal amount of land disturbance occurring, so the archaeological study condition was not imposed.

Mr. Woods inquired if the applicant wished to address the Commission.

Mr. Matthew Poe, HRSD Interceptor Engineer, noted that the localities in the region are developing a Regional Wet Weather Management Plan to address capacity concerns as well as

future development needs.

Mr. Poe stated that the current project is an attempt to address pressure issues on the entire force main system. The essential function of the pressure reducing station will be to reduce pressures which will increase system capacity and reduce spill locations as well as sanitary spill volumes.

Mr. Poe stated that the HRSD is aware that the project location is of aesthetic concern and they are working with the Planning Division and the Colonial Williamsburg Foundation to have a visually pleasing product.

Mr. Krapf inquired whether the new pressure reducing station would work in conjunction with the existing tank or operate independently.

Mr. Poe responded that the pressure reducing station would operate independently. The tank on the site is actually owned by JCSA for the water supply.

Mr. Krapf inquired why that particular location was selected.

Mr. Poe noted that the force main essentially runs from Kingsmill to the Stonehouse area. This location is closer to the treatment plant which means that it has a positive impact upstream where the terminal pump stations connect to the force main. By being close to the treatment plant, more stations upstream will see the effects of reduced pressure and will be able to pump more flow during wet weather.

Mr. Woods inquired if the work was being done in response to a Consent Decree.

Mr. Poe responded most of the items in the Consent Decree will be addressed by the Regional Wet Weather Management Plan. He further noted that one of the requirements in the Consent Decree was to improve short term pressure and capacity issues. The current project is an interim solution until the permanent solutions can be developed and implemented.

Mr. Woods inquired if the permanent solutions have been identified.

Mr. Poe responded that the permanent solutions have not been identified. A study is currently underway for the entire region to identify those solutions.

Mr. Woods inquired who has verified that this project would be a short term solution.

Mr. Poe responded that HRSD, Planning Division staff and the JCSA have reviewed the site and the plans and agree that the project will be beneficial to the County.

Mr. Woods inquired about any environmental concerns related to the diesel fuel storage tanks.

Mr. Poe responded that the tanks will be double-walled and further containment will not be necessary.

Mr. Woods inquired if there would be alarm systems or just static double walled tanks.

Mr. Poe responded that the plans were not complete; however other similar tanks recently installed had alarm capabilities.

Mr. Woods inquired why the required 100-foot separation that is usually required by the Virginia Department of Health (VDH) is being waived.

Mr. Poe stated that the VDH has the 100-foot separation requirement for any facility that is considered treatment. The requirement may exist because of those instances in the treatment process where the stream may be exposed. Mr. Poe noted that this system is pressurized and the only time there is potential for spillage is in the event the force main breaks. Due to the nature of the project and the site characteristics, VDH has granted a waiver.

Mr. Woods opened the public hearing.

As no one wished to speak, Mr. Woods closed the public hearing.

Mr. Woods opened the floor for discussion.

Mr. Maddocks moved to recommend approval with the stated conditions.

Mr. Woods inquired if the applicant understood and agreed to the conditions.

Mr. Poe confirmed.

On a roll call vote the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report. (6-0)



# EXPLANATION OF PROJECT AND COPY OF SUP APPLICATION

3/20/2013

Dear JCC Planning,

HRSD, and the localities we serve, have experienced multiple wet weather overflows in recent years in the Williamsburg Treatment Plant system. Last year, HRSD Operations and Planning & Analysis staff initiated a study to examine potential interim improvements to provide relief for the current capacity restraints in this part of the Regional Sanitary Sewer System. The study identified a specific location (6375 Route 199) where a PRS would significantly reduce pressures and thus increase system capacity during wet weather. Modeling analysis indicates that capacity issues during the 2-year wet weather peak would be nearly eliminated and issues for the 5 and 10-year peaks would be greatly reduced. The modeling specifically indicates that for the 2 year event 7 spill points are completely eliminated and the total volume of spilled sewage is reduced by 550,000 gallons. Similarly, for the 10 year event, 8 spill locations are eliminated and over 1,554,000 gallons of overflow volume is kept in the system.

In August of 2012 HRSD met with JCSA to present these findings and discuss the potential use of the B-32 water tank site on Route 199. JCSA agreed that the hydraulic impact would be positive for both parties and indicated that coordination with VDH and the JCC Planning department would be necessary.

A Coordination meeting between HRSD, JCSA, and VDH was held in November of 2012 and VDH indicated that if either utility was to be considered treatment, that 100 feet of separation would be needed between the water and sewer infrastructure. JCSA informed HRSD that although the facility is currently not considered as treatment, it has the potential to become a treatment facility in the future due to the addition of chloramines needed when JCSA purchases water from NN Water Works at the interconnection at Mounts Bay Road. Due to limitations and size of the site, 100 feet of separation could not be maintained with placement of the proposed infrastructure. However, VDH indicated that due to the minimal risk associated with the proposed HRSD project, and the level of water treatment that would be required on site, an allowance could be granted to allow the proposed infrastructure to be placed within 100' of the treatment facility. The allowance granted the PRS to be placed a minimum of 50 or 60 feet from the water tank.

JCSA suggested that HRSD have a landscaping plan and street level rendering be developed prior to meeting with JCC Planning and the CW Foundation due to the nature of this location, and its high exposure to the public eye. HRSD completed these items and met with JCSA, JCC planning, and the CW Foundation on 2/19/2013 to provide an overview of the project and discuss site logistics. A few action items came out of the meeting including a suggestion to submit a conceptual plan. HRSD completed a conceptual plan and attended the 3/5/2013 DRC meeting, where additional comments were received. HRSD has addressed these comments and has continued coordination with JCC planning staff in preparation for this submittal.

Respectfully Submitted,  
Matt Poe, EIT



## Special Use Permit Application

Date: 3/19/2013 SUP: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Please complete all sections of the application. Call 757-253-6685 if you have any questions, or go online to [jamestownva.gov/planning/procedures.html](http://jamestownva.gov/planning/procedures.html)

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

To the Planning Commission and Board of Supervisors of James City County, Virginia:  
I (We), the undersigned do hereby respectfully make application and petition the Governing Body of JCC, Virginia, for a Special Use Permit as here in after requested, and in support of this application, the following facts are shown:

### 1. Project Information

The property is located at: 6735 Route 199

Williamsburg, VA 23185

The property is owned by: JCSA

As evidenced by deed from: May of 1987

Recorded in book: 342, page: 767 Registry of JCC, Virginia

Tax map and parcel ID: 492010006A

Zoning: R8

Does the site receive public sewer? Yes ☐ No ☒

Does site receive public water? Yes ☐ No ☒

If yes, does site receive public water from the City of Newport News? Yes ☐ No ☒

The purpose of the Special Use Permit is to: Allow HPSD to place an  
Interim pressure reducing station on the northern portion  
of the existing JCSA B-32 water tank property

The Special Use Permit will apply to 0.845 acres out of 0.845 total acres.

### 2. Applicant/Contact Information

Name: Matthew Poe

Company: HPSD

Phone: (757) 234-7449

Address: 2389 G Ave Newport News, VA 23607

Fax: (757) 875-5210

Does applicant want to receive updates via CaseTrak? Yes ☒ No ☐

If yes, please provide an email address: mpoe@hpsd.com

## 3. Property Owner Information

Name: JCSA  
Company: JCSA Phone: \_\_\_\_\_  
Address: 119 Tenny Road Williamsburg, VA 23188 Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

4. Does the project require a VDOT 527 Traffic Study? Yes
- ☐
- No
- ☒

Please see: [virginiadot.org/projects/chapter527/default.asp](http://virginiadot.org/projects/chapter527/default.asp) for more information, or call:  
757-925-2500, VDOT, Hampton Roads District Office.

If yes, did you include a separate check for the fee? Yes ☒ No ☒

5. Are all applicable submittal requirements attached? (See attached letter for submittal details)

Yes ☐ No ☒

6. Are proffers attached? (See attached letter for submittal details)

Yes ☒ No ☒

7. Are there neighborhood restrictive covenants associated with your property? (If so, please attach) Yes
- ☐
- No
- ☒

If yes, have you reviewed the covenants against your proposal for consistency?

Yes ☒ No ☒

Have you notified and consulted with the Home Owners Association regarding your proposal? Yes ☒ No ☒

The property owner must sign this application or it will not be processed.

Applicant Signature: [Signature] Date: 3/19/2013

Property Owner Signature: [Signature] Date: 3/20/13

Special Use Permit\_App

Rev. 06\_12

**Please complete the following checklist to ensure that your application meets the requirements of the Zoning Ordinance. Any section not completed can delay processing of this application and the date of the Planning Commission hearing.**

**Any request for a waiver to any submittal requirement should be made in accordance with Section 24-23 of the Zoning Ordinance at least one week prior to submittal of any application.**

1. How many weekday peak hour trips to and from the site during hours of operation will your project generate? Site will be visited 2-3 times per week for maintenance purpose

- If your answer to #1 is greater than 100, or if your answer to #2 is "D" or lower, a Traffic Impact Analysis must be submitted pursuant to the Traffic Impact Analysis Submittal Requirement Policy.***

**2. How many residential lots are proposed?** \_\_\_\_\_

1. Have you provided the environmental information required in accordance with the Environmental Constraints Analysis? Yes ☒ No ☒

1. Have you attached an adequate public facilities report to include sewer, water, schools, fire stations, libraries, and other major locally-financed facilities? Yes ☒ No ☒

1. Is the property identified as being a highly sensitive area on the James City County archaeological assessment? Yes ☒ No ☒

1. Have you provided an environment inventory in accordance with the James City County Natural Resource policy? Yes ☒ No ☒

1. Does your proposal include residential dwelling units? Yes ☒ No ☒

1. Have you provided parks and recreation information based on the Parks and Recreation Master Plan Proffer Guidelines? Yes ☒ No ☒

**Master Plan:**

1. Does your master plan depict the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, rights-of-ways (with an indication of whether public or private), accesses, open spaces, public uses, and other features located on the site for which approval is sought? Yes ☒ No ☒
2. Has your master plan been prepared by a licensed surveyor, engineer, architect, landscape architect or planner? Yes ☒ No ☒

*A total of 12 copies of the master plan should be submitted along with an application for rezoning or special use permit; if necessary, additional copies of the master plan may be required for submittal.*

**Supplemental Information:**

1. Supplemental Information should be submitted in accordance with the "Supplemental Submittal Requirements for Special Use Permits and Rezonings" policy as adopted by the Board of Supervisors and any additional policies as deemed necessary by the planning director.  
Is this information attached? Yes ☒ No ☒

I attest that this checklist is filled out in full. Any section not completed can delay processing of this application and the date of the Planning Commission public hearing.

Matthew Ke  
Applicant Signature

3/20/2013  
Date

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

**Attachments to this application (please check off):**

- ☐ Traffic Impact Study
- ☐ Water/Sewer Impact Study
- ☐ Environmental Constraints Analysis
- ☐ Adequate Public Facilities
- ☐ Historical and Archaeological Study
- ☐ Environmental Inventory
- ☐ Fiscal Impact Analysis
- ☐ Parks and Recreation Information
- ☐ Master Plan
- ☐ Supplemental Information

**FEE SCHEDULE**  
**JAMES CITY COUNTY - PLANNING DIVISION**  
 101A Mounts Bay Road - P. O. Box 8784, Williamsburg, Virginia 23187-8784  
 Make checks payable to James City County Treasurer

DATE \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

RECEIVED FROM \_\_\_\_\_

PROJECT NAME \_\_\_\_\_

**CONCEPTUAL PLAN**

**PLANNING REVIEW**

**JCSA (643-0000)**

**REZONING\* (3340)**

6 acres or less  
 More than 6 but no more than 10 acres  
 More than 10 acres

\$1,200 plus \$75 per acre \_\_\_\_\_ \$100 \_\_\_\_\_  
 \$1,200 plus \$75 per acre \_\_\_\_\_ \$150 \_\_\_\_\_  
 \$1,200 plus \$75 per acre \_\_\_\_\_ \$200 \_\_\_\_\_  
 \* Not to exceed \$16,000/proffer amendments pay base fee only

**SPECIAL USE PERMIT (3340)**

General (General special use permits processed with a rezoning shall pay a rezoning fee only)

Manufactured Home  
 Family Subdivision under Section 24-214  
 Amendment/Renewal to a Special Use Permit  
 Wireless Communication Facilities under Division 6

\$ 1,000 plus \$30 per acre\*\* \_\_\_\_\_ \$200 \_\_\_\_\_  
 \$ 100 \_\_\_\_\_ N/A \_\_\_\_\_  
 \$ 100 \_\_\_\_\_ \$ 50 \_\_\_\_\_  
 \$ 400 \_\_\_\_\_ \$ 50 \_\_\_\_\_  
 \$1,600 \_\_\_\_\_  
 \*\* Not to exceed \$5,000

**MASTER PLAN (3340)**

Initial review - Residential Cluster, Mixed Use or a PUD  
 With less than 400 acres (PUDs more than 400 acres  
 shall pay a rezoning fee only)

\$200 \_\_\_\_\_ \$600 \_\_\_\_\_  
Revision of approved plan  
 Residential Cluster \$ 75 \_\_\_\_\_ \$600 \_\_\_\_\_  
 R-4, PUD, Mixed Use \$ 150 \_\_\_\_\_ \$800 \_\_\_\_\_  
**PUBLIC HEARING APPLICANT DEFERRAL REQUEST** \$350 \_\_\_\_\_ per request

**SITE PLAN (3340)**

Administrative review

Residential structures or Improvements	\$600 plus \$60 per unit \$ _____	\$200 plus \$5 per unit \$ _____
Nonresidential structures or Improvements	\$600 plus \$0.024 per sq. ft. of building area \$ _____	\$200 plus \$0.004 per sq. ft. of building area \$ _____
Mixed Use structures or Improvements	\$600 plus \$60 per residential unit plus \$0.024 per sq. ft. of nonresidential building area \$ _____	\$200 plus \$5 per residential unit plus \$0.004 per sq. ft. of nonresidential building area \$ _____
<u>Planning Commission and/or DRG Review</u>		
Residential structures or Improvements	\$1,800 plus \$60 per unit \$ _____	\$200 plus \$5 per unit \$ _____
Nonresidential structures or Improvements	\$1,800 plus \$0.024 per sq. ft. of building area \$ _____	\$200 plus \$0.004 per sq. ft. of building area \$ _____
Mixed Use structures or Improvements	\$1,800 plus \$60 per residential unit plus \$0.024 per sq. ft. of nonresidential building area \$ _____	\$200 plus \$5 per residential unit plus \$0.004 per sq. ft. of nonresidential building area \$ _____
<u>Amendment to an approved plan</u>		
Residential structures or Improvements	\$100 plus \$10 per residential unit \$ _____	\$ 50 plus \$2 per residential unit \$ _____
Nonresidential structures or Improvements	\$100 plus \$0.004 per sq. ft. of building area \$ _____	\$50 plus \$0.001 per sq. ft. of building area \$ _____
Mixed Use structures or Improvements	\$100 plus \$10 per residential unit plus \$0.004 per sq. ft. of nonresidential building area \$ _____	\$50 plus \$2 per residential unit plus \$0.001 per sq. ft. of nonresidential building area \$ _____
Residential or nonresidential structures or Improvements where number of dwelling units, building area, pavement, or open space is not changed more than 15 percent	\$100 _____	\$ 25 _____
Zoning Administrator/Fire Dept. review only	\$ 20 _____	N/A
Facility Review	N/A	\$1,600 per Wastewater or Well Facility \$ _____
<u>Each additional review after second resubmission</u>	\$250 _____	

**EROSION & SEDIMENT CONTROL (3375)**

Residential subdivisions	\$70 per lot \$ _____	N/A
All other land disturbing activities (residential site plan)	\$840 per acre for the first 15 acres plus \$680 for each additional acre over 15 acres \$ _____	N/A
All other land disturbing activities (non-residential site plan)	\$600 per acre for the first 15 acres plus \$400 for each additional acre over 15 acres \$ _____	N/A

TOTAL AMOUNT \_\_\_\_\_ CHECK NO. \_\_\_\_\_ CASH \_\_\_\_\_ CREDIT CARD \_\_\_\_\_

PREPARED BY \_\_\_\_\_





# VICINITY MAP AND CONCEPTUAL SITE LAYOUT

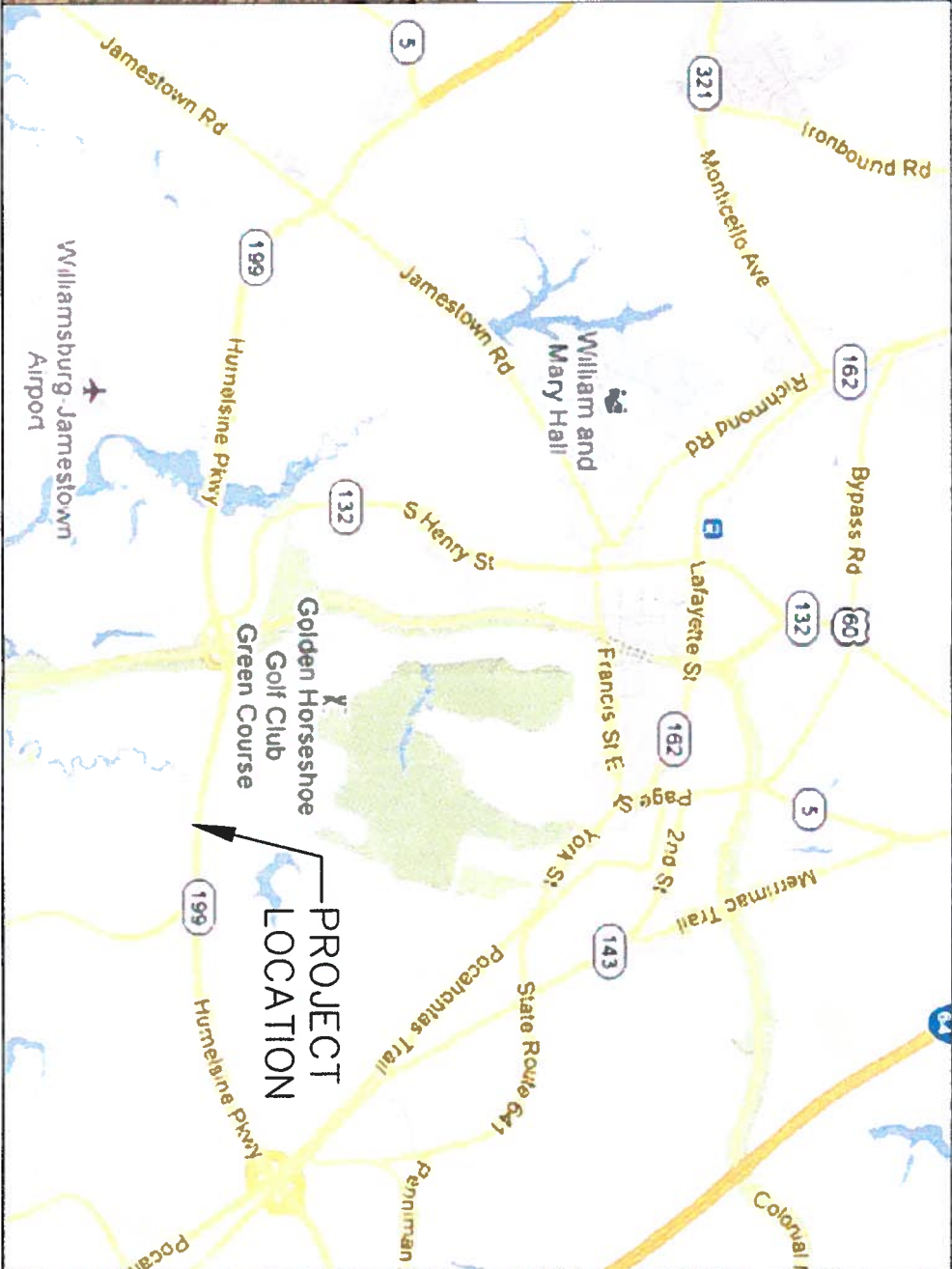


# WILLIAMSBURG INTERIM PRS

MARCH 2013

## SITE USE DESCRIPTION

IF APPROVED, THE NORTHERN PORTION OF THE SITE WOULD BE USED FOR AN INTERIM PRESSURE REDUCING STATION (PRS) THAT WOULD REDUCE PRESSURES IN THE HRSD, JCSA, WILLIAMSBURG, AND YORK COUNTY SEWER SYSTEMS DURING WET WEATHER. THE NEW INFRASTRUCTURE CONTAINED ON SITE WOULD CONSIST OF PIPING, PUMPS, AND DIESEL FUEL TANKS.



## VICINITY MAP

SCALE: 1"=1800'



## SITE ADDRESS:

6735 ROUTE 199

WILLIAMSBURG, VIRGINIA 23185

COUNTY TAX ID: 4920100006A

PARCEL SIZE: 0.845 ACRES

PARCEL ZONING: R8 RURAL RESIDENTIAL

ADJACENT PARCEL: R8 RURAL RESIDENTIAL

TITLE  
SUBTITLE

REVISIONS

DATE BY

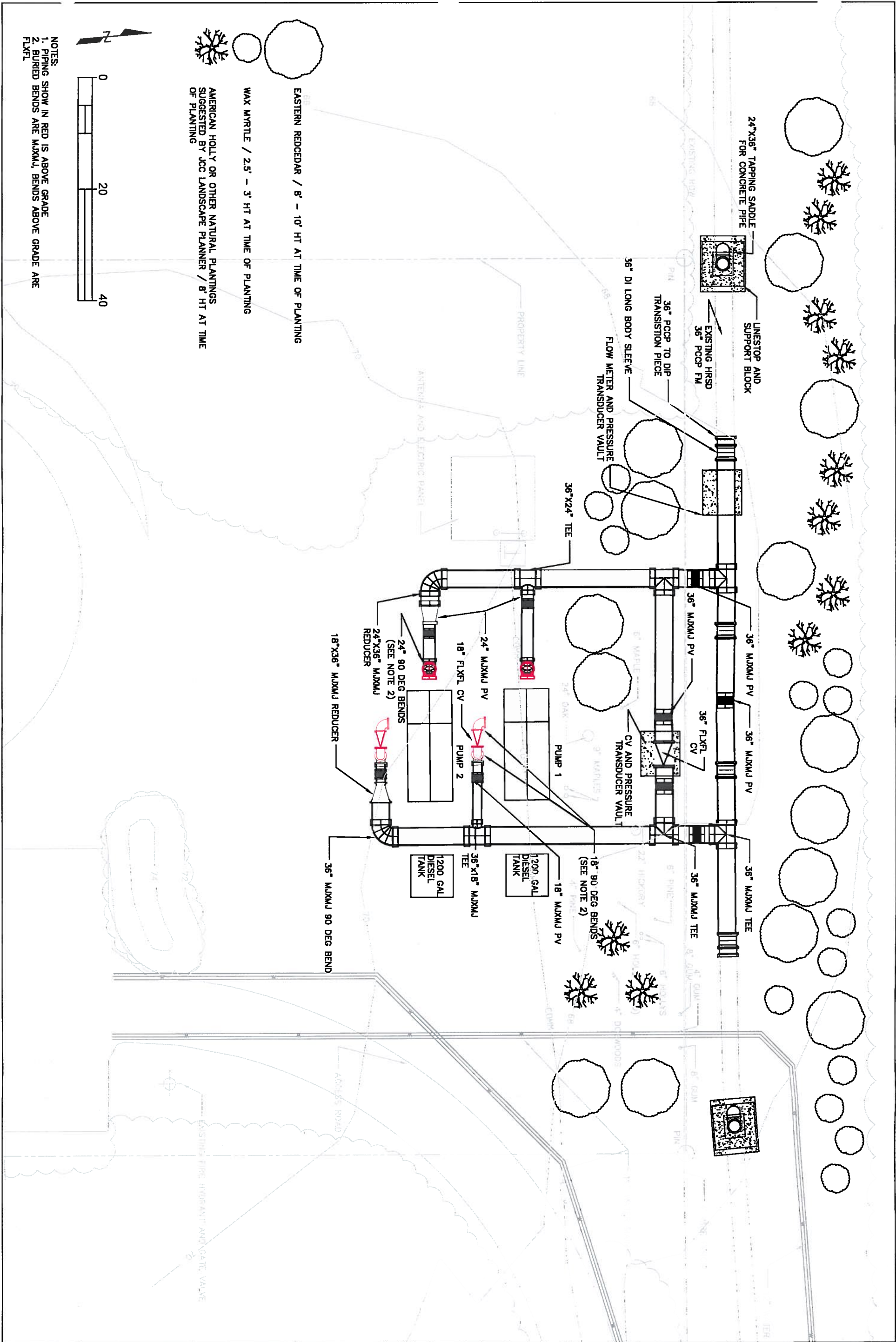
DESIGNED BY:	DATE:	text	text
DRAWN BY:	FILE NO.:	text	text
CHECKED BY:	SHEET NO.: X OF X	text	text
SCALE:		text	text

**HRSD**

North Shore Operations Center  
2389 G Avenue, Newport News, VA, 23602  
Working Hours: (757)833-1720  
Non-Working Hours: (757)617-6600







WILLIAMSBURG TEMP. PRS CONCEPTUAL SITE LAYOUT		REVISIONS		DATE	BY
DESIGNED BY: MAP		text	text	text	text
DRAWN BY: MAP		text	text	text	text
CHECKED BY:		text	text	text	text
SCALE: 1" = 16'-0"		text	text	text	text
DATE: MARCH 2013		text	text	text	text
FILE NO.:		text	text	text	text
SHEET NO.: 1 OF 1		text	text	text	text

North Shore Operations Center  
2389 G Avenue, Newport News, VA, 23602  
Working Hours: (757)833-1720  
Non-Working Hours: (757)617-6600



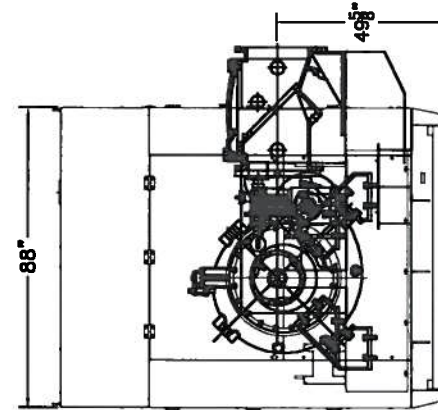
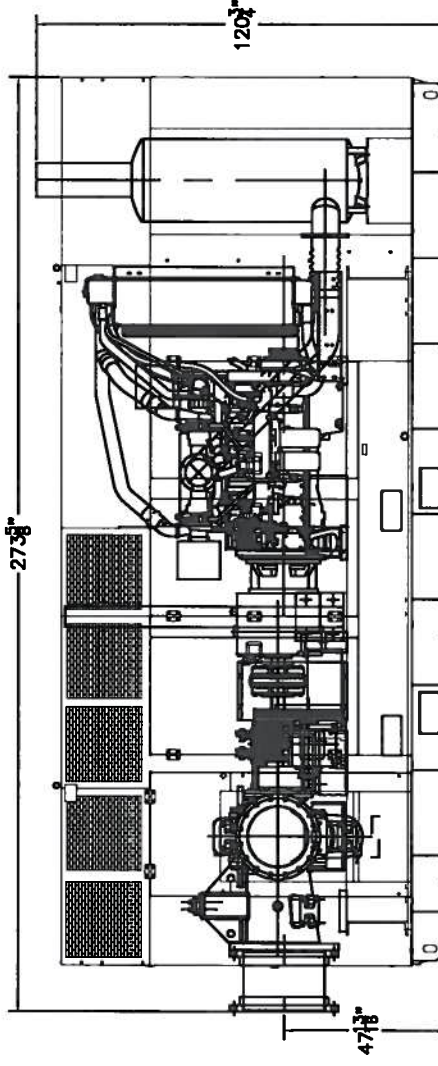
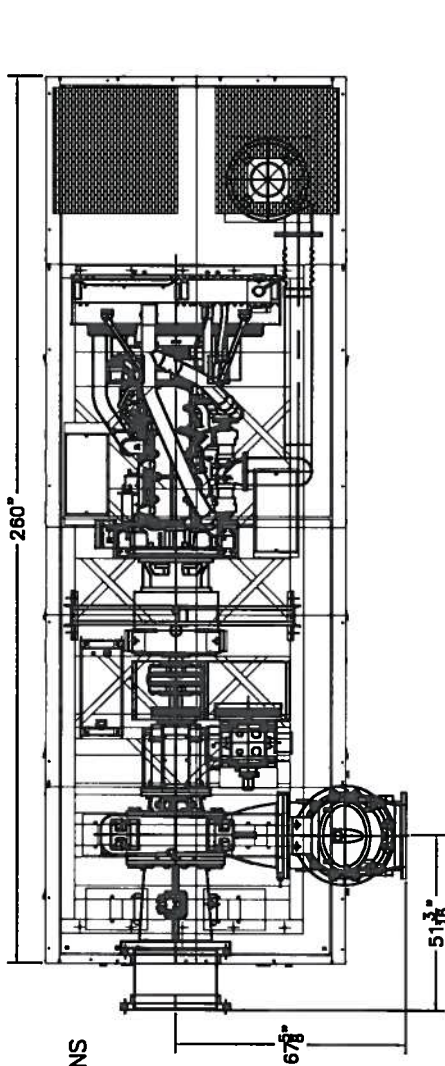
# **PUMP INFORMATION AND PHOTOS OF OTHER SKID- MOUNTED APPLICATIONS**





# NOTES

1. DIMENSIONS IN INCHES
2. DO NOT SCALE DRAWING
3. DRAWING IS NOT FOR CONSTRUCTION
4. CONSULT FACTORY FOR CERTIFIED DIMENSIONS
5. SUCTION FLANGE: 24"/150# ANSI RF
6. DISCHARGE FLANGE: 18"/150# ANSI FF
7. APPROX. WEIGHT: 35,000 LBS



**PRELIMINARY DRAWING**

**godwin**  
a xylem brand

CD500M  
CAT C18 (700hp)  
CRITICAL SILENCE

CD500M  
CAT C18 (700hp)  
CRITICAL SILENCE

CD500M  
CAT C18 (700hp)  
CRITICAL SILENCE

CD500M  
CAT C18 (700hp)  
CRITICAL SILENCE

UNLESS OTHERWISE SPECIFIED  
DIMENSIONS ARE IN INCHES AND  
FRACTIONS ARE IN INCHES  
TOLERANCES ARE:  
3-PLACE DECIMALS .000  
2-PLACE DECIMALS .010  
1-PLACE DECIMALS .030  
FRACTIONS 1/16

THIRD ANGLE PROJECTION

THIRD ANGLE PROJECTION

THIRD ANGLE PROJECTION

THIRD ANGLE PROJECTION

THIRD ANGLE PROJECTION

THIRD ANGLE PROJECTION





Skid Mount



CD150M 6" (150mm) Dri-Prime,  
Trailer Mount

The Critically Silenced enclosure houses the versatile Dri-Prime CD range and HL range pumps in a specially designed, acoustically-silenced enclosure. The Critically Silenced unit is intended for use in any application where pumping is required and engine and other noise must be kept to a minimum. Sound levels are approximately 69 dBA at 30 feet (9 meters).

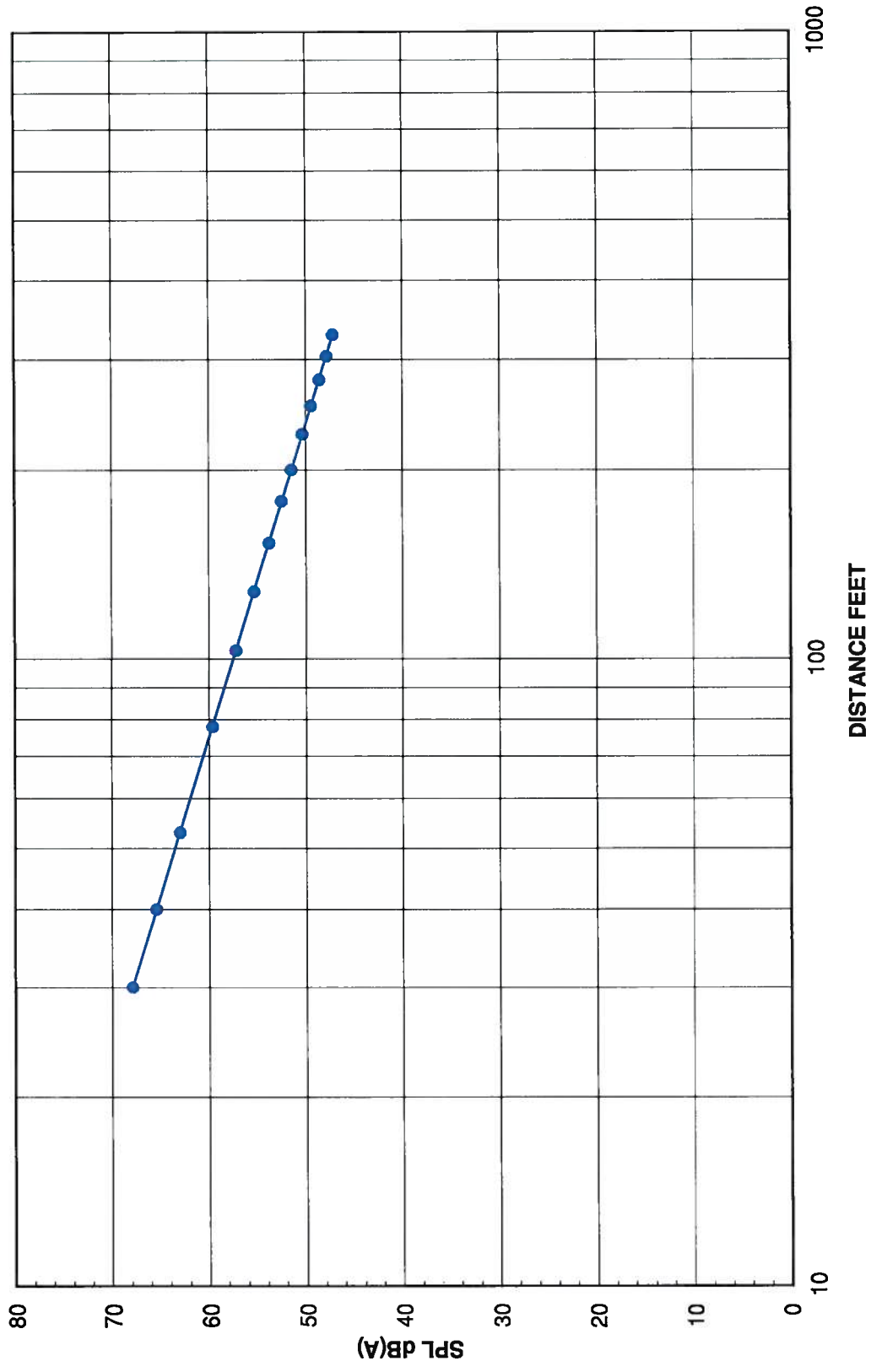
The Critically Silenced unit is engineered from start to finish for quiet operation. The enclosure consists of 14 gauge sheet metal lined with 1" (25mm) and 2" (50mm) layers of polydamp acoustical sound deadening material. We've designed the engine with a critical grade silenced muffler, silenced the priming exhaust, and isolated engine vibration to further reduce operating noise. Hinged, lockable doors provide convenient access to operating controls and service locations. For added versatility, the entire skid mounted unit can be unbolted and removed from the DOT highway trailer.



Hinged, lockable doors provide access to  
operating controls and service locations.



**SOUND LEVEL VERSUS DISTANCE  
GODWIN CD500 PUMPSETS**



































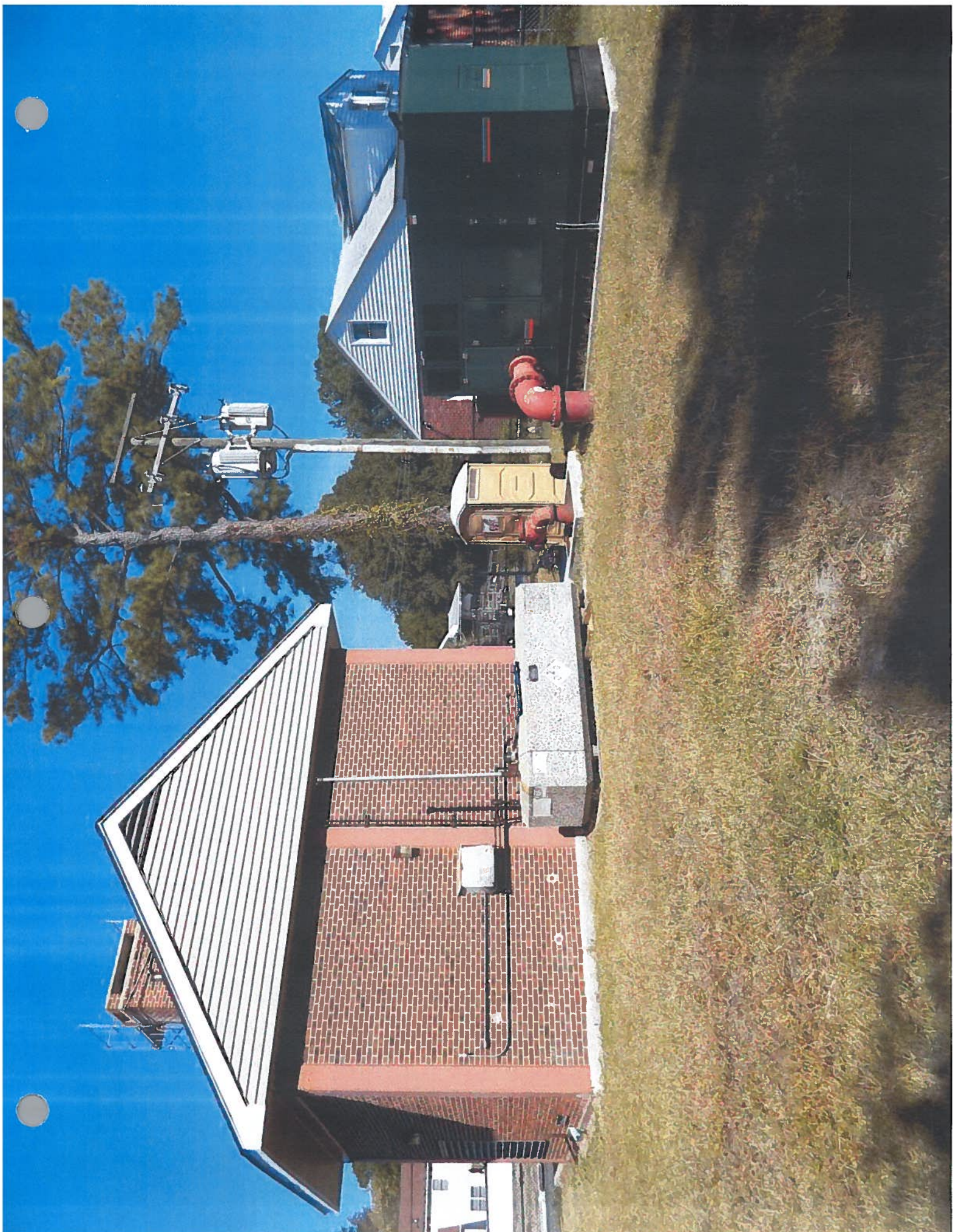
651

Silenced  
Dri-Prime

Silenced  
Dri-Prime

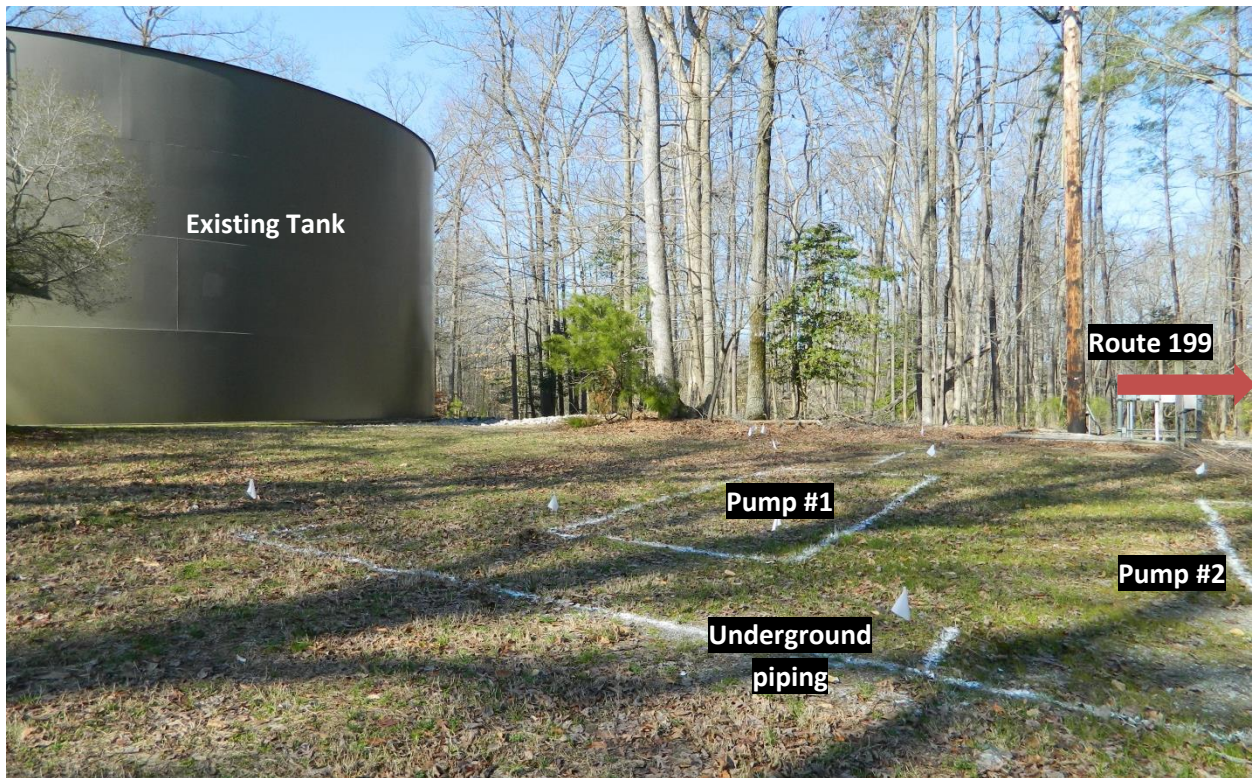




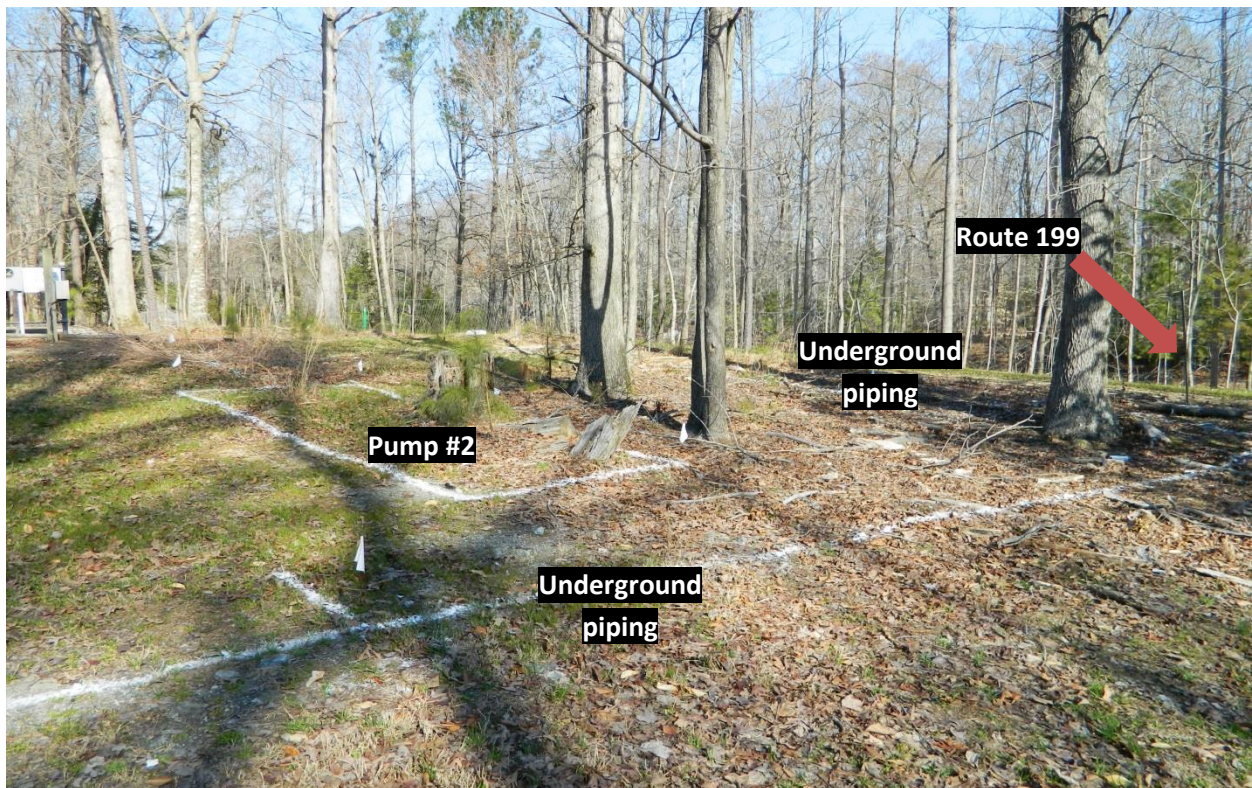




## Attachment 5: Pictures of site layout



Picture 1: View from access driveway looking west.



Picture 2: View west looking towards Route 199.



## MEMORANDUM COVER

**Subject:** Case Nos. Z-0001-2013/SUP-0002-2013. Williamsburg Landing, Boatwright Circle

**Action Requested:** Shall the Board approve an amendment to the existing proffers and Special Use Permit (SUP) conditions to allow one additional independent living unit at 5550 Williamsburg Landing Drive?

**Summary:** This application proposes to amend the existing proffers and Special Use Permit (SUP) conditions to allow one additional independent living unit at Boatwright Circle within Williamsburg Landing. The property is zoned R-5, Multi-family Residential, with proffers, and Airport Approach (AA) Overlay, and is designated Low Density Residential on the 2009 Comprehensive Plan.

On May 1, 2013, the Planning Commission voted 6-0 to recommend approval of this application.

Staff recommends approval of this application with the amended proffers and conditions listed in the resolution.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes ☐ No ☐  
N/A

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Staff Report
2. Rezoning Resolution
3. SUP Resolution
4. Revised Proffers dated April 18, 2013
5. Location Map
6. Conceptual Plan
7. Map Including Unit Counts
8. Photographs of Existing Units
9. Unapproved Planning Commission Minutes

**Agenda Item No.: I-2**

**Date: June 11, 2013**

**Case Nos. Z-0001-2013/SUP-0002-2013. Williamsburg Landing, Boatwright Circle  
Staff Report for the June 11, 2013, Board of Supervisors Public Hearing**

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

---

**PUBLIC HEARINGS**

Planning Commission:

Board of Supervisors:

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

May 1, 2013, 7:00 p.m.

June 11, 2013, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Paul Gerhardt, Kaufman & Canoles

Land Owner:

Williamsburg Landing, Inc.

Proposal:

To amend the existing proffers and Special Use Permits (SUP) conditions to allow one additional independent living unit on Boatwright Circle.

Location:

5550 Williamsburg Landing Drive

Tax Map/Parcel No.:

4810100063

Parcel Size:

15.79 acres

Existing Zoning:

R-5, Multi-family Residential and Airport Approach (AA) Overlay

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposed use consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application subject to the conditions outlined in the attached resolution and accept the voluntary proffers.

Staff Contact:

Jennifer VanDyke, Planner

Phone: 253-6882

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

**PLANNING COMMISSION RECOMMENDATION**

On May 1, 2013, the Planning Commission recommended approval of this application by a vote of 6-0.

**Proposed Changes Since the Planning Commission Meeting**

No changes have been made since the Planning Commission meeting.

## **PROJECT DESCRIPTION**

Mr. Paul Gerhardt with Kaufman Canoles has applied on behalf of Williamsburg Landing, Inc. to amend the existing proffers and SUP conditions to allow one additional independent living unit within Boatwright Circle, bringing the total to 28 units on the property located at 5550 Williamsburg Landing Drive. This property is also identified as Parcel No. 4810100063 on the James City County Real Estate Tax Map. The approximate size of the dwelling unit will be 2,500 square feet. Independent living facilities are a specially permitted use in the R-5 district. The independent living units currently on the property are operating under an existing SUP issued by the Board in 1993. All conditions associated with this SUP have been satisfied; however, two conditions (Nos. 3 and 4) have been included in the proposed conditions to establish consistency with the other independent living units on the property.

There is currently a maintenance shed at the approximate location of the proposed new dwelling unit. This shed will be demolished. A new shed of approximately 2,150 square feet will be placed on an adjacent parcel 4820100003 as approved with Case No. SP-0037-2010.

Williamsburg Landing management has engaged in conversations with residents in Boatwright Circle regarding the proposed changes. An announcement was made publically at Resident Council (resident leadership) and Association (all residents) meetings. Management states that they received positive feedback and support for the project and no objections were expressed. Management has closely monitored the activity associated with the maintenance shed and considers it beneficial to have a residential unit in its place due to the increased traffic and activity (starting at 6 a.m.) associated with maintenance functions.

## **Project History**

The subject parcel, taken together with the parcels to the north and east, also known as 5560 and 5700 Williamsburg Landing Road, respectively, comprise Williamsburg Landing, a Continuing Care Retirement Community (CCRC). According to the Zoning Ordinance, a CCRC is an age-restricted development that is planned, designed, and operated to provide a full range of accommodations for senior citizens, including independent living, assisted living, and a skilled nursing component.

In 1993, the subject parcel was rezoned from R-8 to R-5, Multi-family Residential, with proffers. The applicant concurrently applied for an SUP to allow the development of 27 dwelling units in the area now known as Boatwright Circle.

The parcel to the east currently contains 220 independent living units. The parcel to the north currently contains 63 independent living units, 61 assisted living units, and 58 nursing units. Under approved proffers and SUP conditions, 87 independent living units, 100 assisted living units, and 100 nursing units are permitted under the most recent Board approval in 2008. A site plan was approved in 2011 for each of the unit increases minus two nursing units. In 2011, the applicant received approval to extend the commencement of construction associated with Case No. SUP-0005-2011.

### **Williamsburg Landing Unit Counts**

<u>Unit Type</u>	<u>Existing on</u> <u>4810100063</u> <u>Subject Parcel</u>	<u>Existing on</u> <u>4820100002</u>	<u>Total approved</u> <u>units for</u> <u>4820100003</u>	<u>Existing on</u> <u>4820100003</u>
Independent Living Unit	27 + 1 (proposed)	220	87	63
Assisted Living Unit			100	61
Nursing Unit			100	58
<b>Total</b>	<b>28</b>	<b>220</b>	<b>287</b>	<b>182</b>

Staff notes there is an established landscape buffer along the Lake Powell Road right-of-way as required by Case No. SUP-0007-1993. A new condition has been added with the intent to supplement the existing landscaping along Williamsburg Landing Drive to help screen the new construction from vehicular traffic. The condition would result in approximately 10 additional evergreen shrubs.

## **PUBLIC IMPACTS**

### **Archaeological Impacts**

The subject property is not located within an area identified as a highly sensitive area in the James City County Archaeological Assessment and therefore an archaeological study is not required.

### **Environmental**

**Watershed:** College Creek

**Engineering and Resource Protection Staff Comments:** The Engineering and Resource Protection Division has reviewed this application and has recommended approval.

### **Public Utilities**

The site is located within the Primary Service Area (PSA) and it is served by public water and sewer. The James City Service Authority (JCSA) has reviewed this application and has recommended approval. Due to the negligible increase in the amount of water usage JCSA staff has not requested a Water Conservation Agreement. A cash water proffer was also not recommended by JCSA as the requested unit had been approved as part of the total unit cap in earlier land use decisions.

### **Transportation**

Staff finds that the proposed unit will generate no more than 10 additional vehicular trips with limited impact to the local road system. Vehicular access to the site will be through Williamsburg Landing Drive.

**2009 Traffic Counts (Lake Powell Road):** From Brookwood Drive to Treasure Island Road there were 2,000 trips.

## **COMPREHENSIVE PLAN**

The site is designated Low Density Residential on the 2009 Comprehensive Plan Land Use Map. Low Density Residential has groupings of recommended uses with corresponding development standards; timeshares, retirement and care facilities, and communities are recommended uses. Standards as found in the Comprehensive Plan are: the development must complement the residential character of the area; have traffic, noise, lighting, and other impacts similar to surrounding residential uses; generally be located on collector or arterial roads at intersections; and provide adequate screening and buffering to protect the character of nearby residential areas. The similar character of surrounding development, physical attributes of the site, buffers, and proximity to Lake Powell Road all support development of this type in accordance with the Comprehensive Plan's Low Density Residential Use and Character Compatibility.

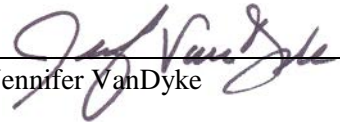
The recommended density in the 2009 Comprehensive Plan for Low Density Residential is from one unit per acre up to four units if particular public benefits are provided. The density calculation adjusted to include the additional unit is 1.76 units per acre, up from 1.71 units per acre, a marginal increase. In this case the public benefit is seen as adherence to open space design. The development has retained natural vegetative buffers around the water body (College Creek), has emphasized the use of natural screening/buffering, and has protected the designated Community Character Corridor along Route 199. The development also meets the Comprehensive Plan's Residential Development Standards by creating a sense of place.

A portion of the subject parcel is within the AA Overlay District. The AA Overlay District is established for the purpose of protecting the public health, safety, and general welfare by preventing obstructions that

constitute a hazard to air navigation. Condition No. 4 has been carried over from SUP-0007-1993, requiring that all potential residents of Boatwright Circle be properly notified of the development's proximity to the AA Overlay District.

**RECOMMENDATION**

Staff finds the proposed use consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the James City County Board of Supervisors approve this application subject to the conditions outlined in the attached resolution and accept the voluntary proffers.

  
\_\_\_\_\_  
Jennifer VanDyke

CONCUR:

  
\_\_\_\_\_  
Allen J. Murphy, Jr.

JVD/nb  
Z01-13\_SUP02-13WLndBC.doc

**Attachments:**

1. Rezoning Resolution
2. SUP Resolution
3. Revised proffers dated April 18, 2013
4. Location Map
5. Conceptual Plan titled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan" and dated March 14, 2013
6. Map including unit counts
7. Photographs of existing units
8. Unapproved Planning Commission Minutes

## RESOLUTION

### CASE NO. Z-0001-2013. WILLIAMSBURG LANDING, BOATWRIGHT CIRCLE

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing was scheduled for Case No. Z-0001-2013 for amending the proffers for approximately 15.79 acres from R-5, Multi-family Residential, with proffers, to R-5, Multi-family Residential with amended proffers; and

WHEREAS, the property is located at 5550 Williamsburg Landing Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4810100063; and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2013, voted 6-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0001-2013 as described herein.

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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 11th day of June, 2013.

Z01-13WLndBC\_res



## **RESOLUTION**

### **CASE NO. SUP-0002-2013. WILLIAMSBURG LANDING, BOATWRIGHT CIRCLE**

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 (the “SUP”) process; and

WHEREAS, Mr. Paul Gerhardt has applied on behalf of Williamsburg Landing, Inc. to allow one additional independent living unit; and

WHEREAS, the proposed development is shown on a plan titled “Williamsburg Landing Boatwright Circle Modification Conceptual Plan” prepared by AES Consulting Engineers and dated March 14, 2013; and

WHEREAS, the property is located at 5550 Williamsburg Landing Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the “Property”); and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2013, voted 6-0 to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0002-2013 as described herein with the following conditions:

1. **Master Plan:** This SUP shall be valid for the proposed development, existing buildings and accessory structures, the addition of one unit approximately 2,500 square feet, and other minor improvements on properties located at 5550 Williamsburg Landing Drive and further identified as James City County Real Estate Tax Map Parcel No. 4810100063. Development of the Property shall be generally in accordance with the Master Plan entitled “Williamsburg Landing Boatwright Circle Modification Conceptual Plan” prepared by AES Consulting Engineers, dated March 14, 2013 (the “Master Plan”) with such minor changes as the Planning Director, or his designee, determines does not change the basic concept or character of the development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Planning Director’s determination to the Development Review Committee.
2. **Landscaping:** An area of 100 feet from the edge of the existing Lake Powell Road right-of-way shall be left as buffer area and remain in its natural state except for necessary utility crossings or construction road entrances. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include landscaping approximately 15 feet in width starting at the existing fence found approximately 70 feet from the front property line and running the length of Williamsburg Landing Drive for 150 feet on the side adjacent to the proposed unit to help screen vehicular traffic from the entrance. Per Section 24-96 of the James City County Code, the applicant shall supplement the existing trees and

shrubs with upright evergreen shrubs of a species that will achieve a height of at least 10 feet.

3. Notification: All potential residents of the residential structures shall be formally notified by the developer and/or seller the development's proximity to the Airport Approach (AA) Overlay District.
4. Architectural Review: Prior to site plan approval, the Planning Director shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Planning Director, with the surrounding units.
5. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the property lines unless otherwise approved by the Planning Director or his designee. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director or his designee prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
6. Commencement of Construction: If construction has not commenced on the project within 24 months from the issuance of the SUP, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections for the new unit.
7. Severance Clause: This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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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 11th day of June, 2013.

SUP02-13WLndBC\_res

Prepared by/Return to:  
Kaufman & Canoles, P.C.  
4801 Courthouse Street, Suite 300  
Williamsburg, Virginia 23188

Parcel No. 4810100063

### **PROFFER AMENDMENT**

*Applicable to Tax Parcel No. 4810100063 (Boatwright Circle Property)*

THIS PROFFER AMENDMENT ("Amendment") is made this 18<sup>th</sup> day of April, 2013, by and between **WILLIAMSBURG LANDING, INC.**, a Virginia non-stock non-profit corporation, and/or its successors and assigns (collectively "WLI") (to be indexed as grantor), and **THE COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as grantee), provides as follows:

#### **RECITALS:**

**R-1.** WLI is the owner of certain real property in James City County, Virginia, being more particularly described on **EXHIBIT A** attached hereto and made a part hereof (the "Boatwright Circle Property").

**R-2.** The Boatwright Circle Property is subject to that certain Proffer Agreement (the "Existing Proffers") dated April 30, 1993 and of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") at Deed Book 623 at Page 661.

**R-3.** The Boatwright Circle Property is subject to that certain special use permit dated May 3, 1993 and identified as SUP-0007-1993 (the "Existing SUP").

**R-4.** WLI has made application to the County pursuant to County Case Nos. Z-0001-2013 and SUP-0002-2013 (the "Applications") to amend the Existing Proffers and Existing SUP to increase the number of units permitted to be constructed in accordance with Condition No. 2 of the Existing Proffers by one (1) additional unit.

**R-5.** The provisions of the James City County Zoning Ordinance, Section 24-1, *et seq.* (the "Zoning Ordinance"), may be deemed inadequate for protecting and enhancing orderly development of the Boatwright Circle Property. Accordingly, WLI, in furtherance of the above-described application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Boatwright Circle Property, in accordance with the provisions of Section 15.2-2303 *et seq.* of the Code of Virginia, as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval of the Applications set forth above by the County Board of Supervisors, and pursuant to Section 15.2-2303, *et seq.*, of the Virginia Code and Section 24-16 of the Zoning Ordinance, it is agreed that all of the following conditions shall be met and satisfied in developing the Boatwright Circle Property.

**PROFFERS:**

1. Amendment of Existing Proffers to Allow for Additional Unit (the "Additional Unit"). Condition No. 2 of the Existing Proffers is hereby amended and restated in its entirety as follows:

*Independent living units shall be limited to a total of twenty-eight (28) units for the Undeveloped Property; however, such limitation shall not apply to the other uses hereby permitted.*

2. Effect of this Amendment. As amended by this Amendment, the Existing Proffers and Existing SUP are hereby ratified and confirmed and all other terms of the Existing Proffers and Existing SUP shall remain in full force and effect.

3. Delegation of Subsequent Approvals. The County Board of Supervisors by accepting this Amendment is exercising its legislative function. While this Amendment and the Existing Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

4. Severability. In the event that any clause, sentence, paragraph, section or subsection of this Amendment or the Existing Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Boatwright Circle Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

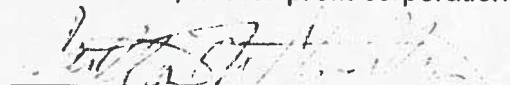
5. Successors and Assigns. This Amendment and the Existing Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGES]**

[SIGNATURE PAGE TO PROFFER AMENDMENT]

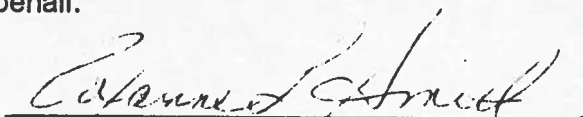
WITNESS the following signatures, thereunto duly authorized:

**WILLIAMSBURG LANDING, INC.**  
a Virginia non-stock, not-for-profit corporation

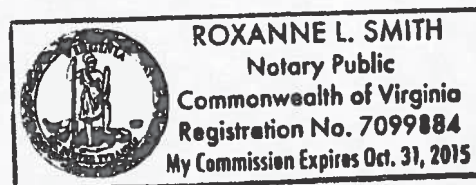
By:   
Carlton A. Stockton, Chairman

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of April, 2013 by Carlton A. Stockton as Chairman of the Board of Directors of Williamsburg Landing, Inc., a Virginia non-stock, not-for-profit corporation, on its behalf.

  
NOTARY PUBLIC

My commission expires: 10/31/2015



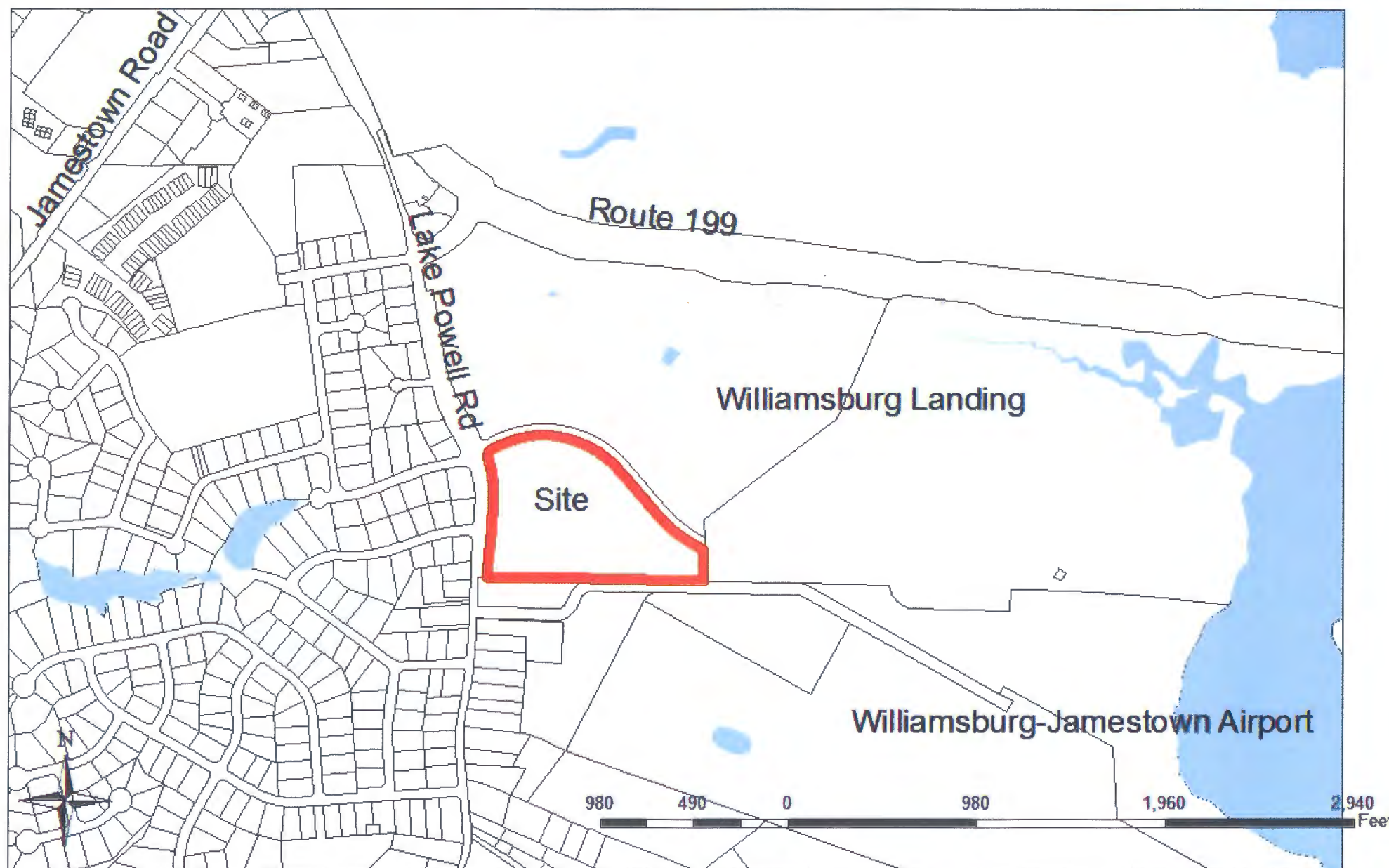
## **EXHIBIT A**

All that certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "13.9303 ACRES" as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Stephen A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72.

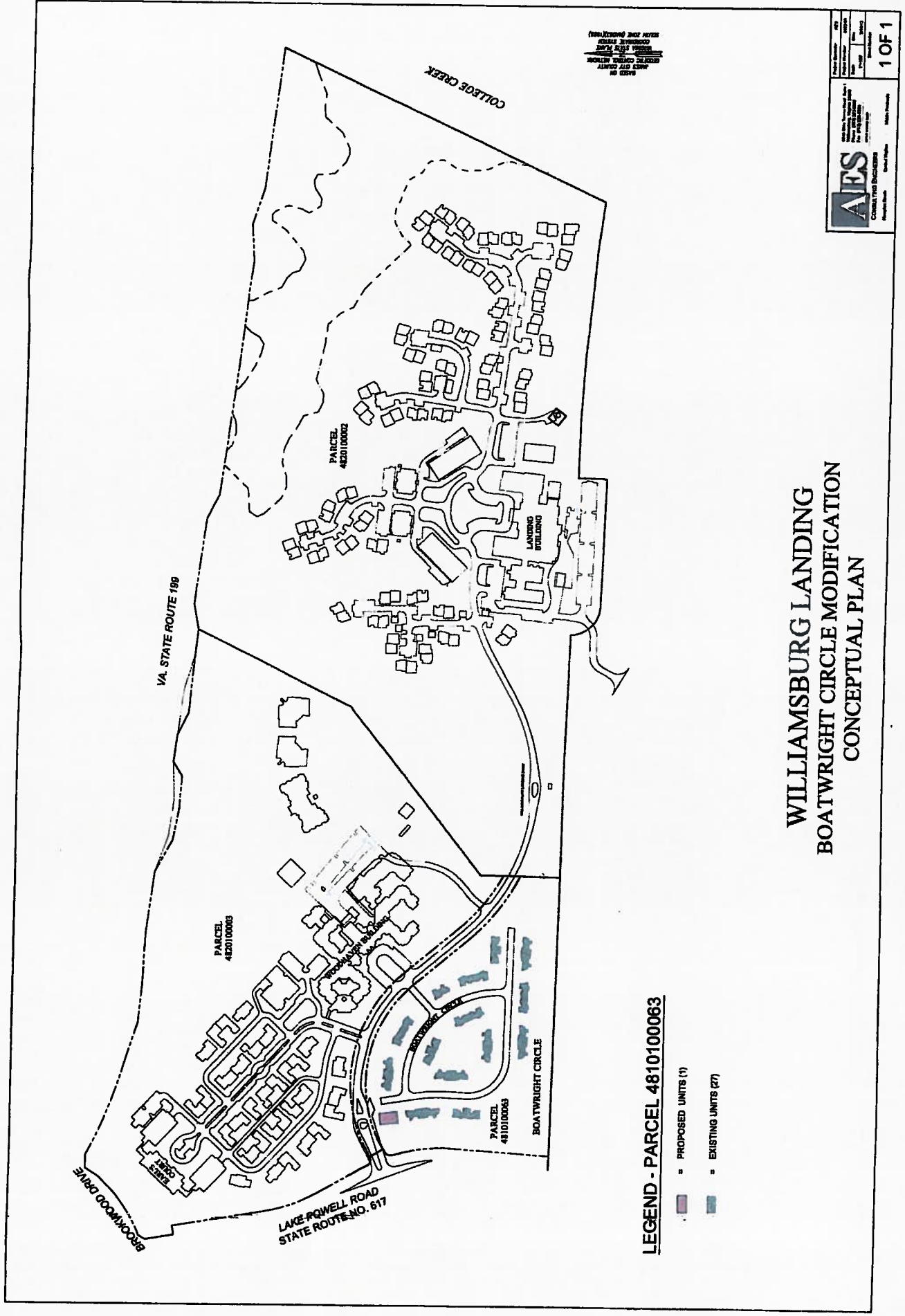


# JCC-Z-0001-2013/SUP-0002-2013

## Williamsburg Landing, Boatwright Circle

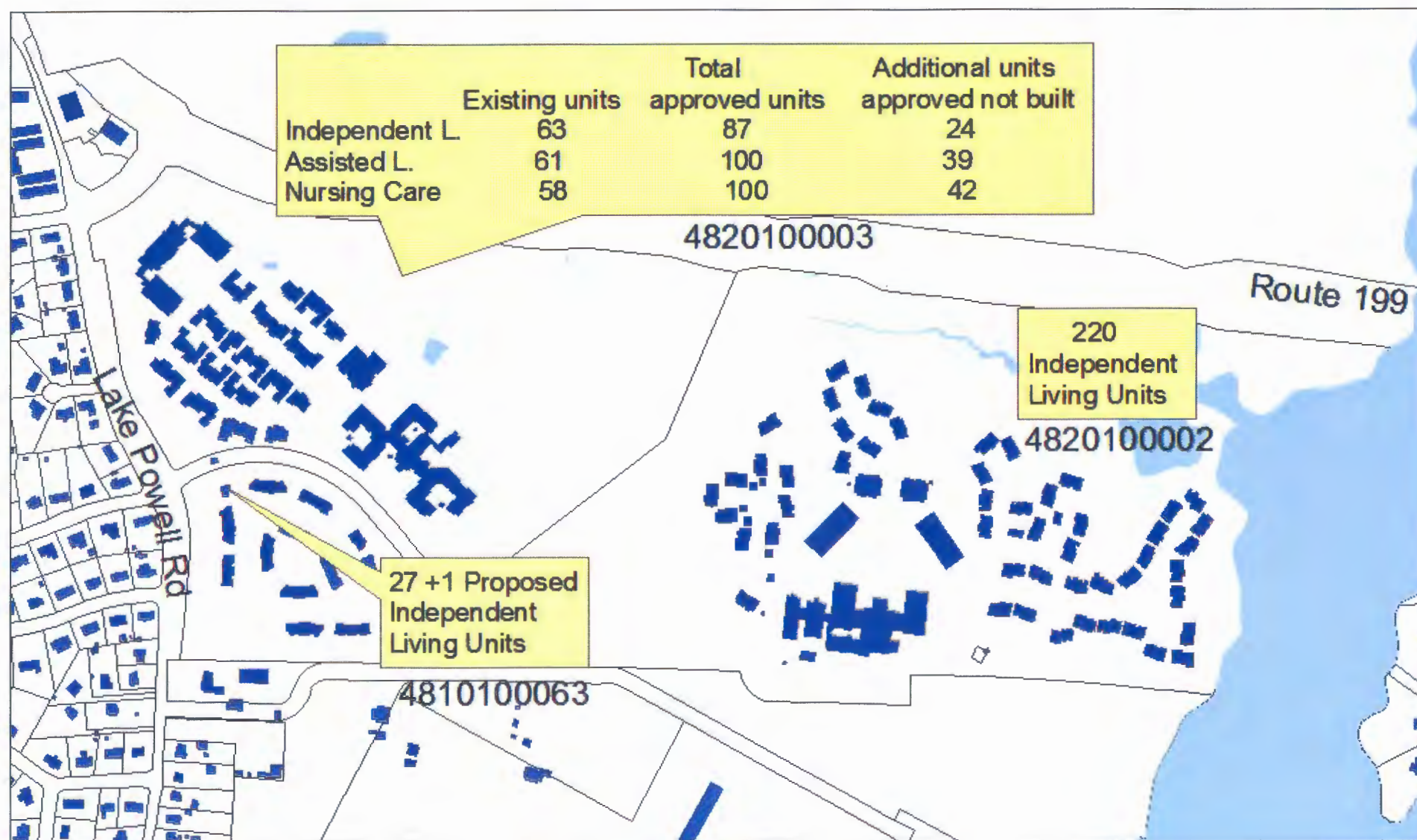


2-0001-2013/SUP-0002-2013





# Williamsburg Landing









Landscape Services Building

**UNAPPROVED MINUTES OF THE MAY 1, 2013  
PLANNING COMMISSION MEETING**

Case Nos. Z-0001-2013/SUP-0002-2013, Williamsburg Landing, Boatwright Circle

Ms. Jennifer VanDyke, Planner, stated that Mr. Paul Gerhardt of Kaufman & Canoles has applied on behalf of Williamsburg Landing, Inc. to amend the existing proffers and special use permit conditions to allow one additional independent living unit on Boatwright Circle.

Ms. VanDyke noted that the property is zoned R-5, Multifamily Residential with proffers and a portion of the property lies within the Airport Approach Overlay district. The property is designated as low density residential on the 2009 Comprehensive Plan. Retirement and care facilities are recommended.

Ms. VanDyke stated that the subject parcel together with the parcels to the north and east comprise Williamsburg Landing, a Continuing Care Retirement Community (CCRC). In 1993, the subject parcel was rezoned from R-8 to R-5, Multifamily Residential, with proffers. The applicant concurrently applied for a special use permit to allow the development of 27 dwelling units in the area now known as Boatwright Circle.

Ms. VanDyke noted that there is currently a maintenance shed at the approximate location of the proposed new unit. This facility will be demolished and replaced with a new facility on an adjacent parcel. The new unit constructed in its place will resemble the other units on Boatwright Circle. An architectural review condition was included to ensure consistency and compatibility with the adjacent residential structures.

Ms. VanDyke stated that a cash water proffer was determined to be unnecessary as the requested unit was approved during earlier land use decisions.

Ms. VanDyke noted that Williamsburg Landing management has engaged in conversations with residents in Boatwright Circle regarding the proposed changes. Management states that they received positive feedback and support for the project and no objections were expressed.

Ms. VanDyke stated that staff finds the proposed use to be consistent with the surrounding zoning and development and compatible with the 2009 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application to the Board of Supervisors with the amended proffers and the conditions attached to the staff report.

Mr. Krapf congratulated Ms. VanDyke on her promotion to planner.

Mr. Woods asked the applicant if he wished to speak.

Mr. Paul Gerhardt stated that the conditions and proffers had been reviewed and were

understood and agreed to. He noted that Mr. Montgomery, CEO of Williamsburg Landing, was present and would also be happy to answer any questions.

Mr. Krapf stated that he understood that the maintenance shed was being moved because of the noise generated early in the morning and inquired how far the shed was being moved.

Mr. Gerhardt indicated the approximate position of the shed on the location map and stated that the location of the shed will be seen on plans to be submitted in connection with the expansion of Woodhaven which is the nursing and assisted living component of the facility.

Mr. Woods opened the public comment.

As no one wished to speak, Mr. Woods closed the public hearing.

Mr. Woods opened the floor to discussion by the Commissioners.

Mr. Maddocks stated that he was appreciative of the services offered by Williamsburg landing and that it is an excellent resource for the aging population.

Mr. Maddocks moved to recommend approval with the proffers and stated conditions.

On a roll call vote the Planning Commission voted to recommend approval of the applications with the conditions listed in the staff report. (6-0)

## MEMORANDUM COVER

**Subject:** Case No. SUP-0004-2013. Jones Family Subdivision

**Action Requested:** Shall the Board approve a family subdivision for 2981 John Tyler highway?

**Summary:** Mr. Robert Jones has applied for a Special Use Permit (SUP) to allow a family subdivision on an approximately 32.667-acre piece of property zoned A-1, General Agriculture. The proposal is to create a two-acre parcel, which would be transferred to Mr. Jones' daughter. An SUP is required, because the lot will be less than three acres, but greater than one acre.

Staff recommends approval of this SUP subject to the conditions listed in the attached resolution. The family subdivision is consistent with the 2009 Comprehensive Plan and compatible with surrounding zoning and development.

**Fiscal Impact:** N/A

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

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Staff Report
2. Resolution
3. Location Map
4. Plan
5. Affidavits

**Agenda Item No.: I-3**

**Date:** June 11, 2013

**SPECIAL USE PERMIT-0004-2013. Jones Family Subdivision  
Staff Report for the June 11, 2013, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Board of Supervisors:

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

June 11, 2013, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Mr. Robert Jones, Jr.

Land Owner:

Mr. Robert Jones, Jr.

Proposal:

A family subdivision creating one lot that is less than three acres in size and to leave one parent parcel.

Location:

2983 John Tyler Highway

Tax Map/Parcel No.:

4510100010

Parcel Size:

2.0 acres +/-

Zoning:

A-1, General Agricultural

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

**STAFF RECOMMENDATION**

Staff finds the proposal to be consistent with the surrounding zoning and development, the 2009 Comprehensive Plan and the James City County Subdivision Ordinance. Staff recommends the Board of Supervisors approve this application subject to the conditions listed in the attached resolution.

Staff Contact:

W. Scott Whyte, Senior Landscape Planner II

Phone: 253-6867

**PROJECT DESCRIPTION**

Mr. Robert Jones, Jr., has applied for a Special Use Permit (SUP) to allow a family subdivision resulting in a lot of less than three acres for family residential use. The newly created lot would be transferred to his daughter, Ms. Erin Jones Teaman. The 32.667-acre parent parcel was previously subdivided by-right in 2012 creating a three-acre parcel in the northeast corner. The proposed two-acre family subdivision parcel would be adjacent to the three-acre parcel to the south. An existing shared 20-foot ingress/egress easement and gravel driveway will continue to be used as the primary point of access to the lot(s). Currently the parcel has access to John Tyler Highway through an existing gravel driveway. Staff recommends that each of the owners of the three lots enter a shared driveway agreement, utilizing the existing gravel drive.

## **Surrounding Zoning and Land Use**

The property is surrounded by large wooded parcels. A large privately owned undeveloped wooded parcel that is zoned A-1 is located to the south and to the east. This A-1 property is adjacent to the R-1 zoned Heritage Landing Subdivision. To the west is Governor's Land, zoned R-4 with an undeveloped wooded area that is within the RPA directly adjacent to the parent parcel. To the north across John Tyler Highway are similar A-1 zoned lots of three acres or more.

The property is located in the A-1, General Agricultural, District. The minimum lot size in A-1 for single-family detached units is three acres. Section 24-214 of the Zoning Ordinance allows for a minimum lot size of less than three acres, but more than one acre, if the creation of the lot is for use by a member of the owner's immediate family (children 18 years of age or older or parents of an owner) and an SUP is issued by the Board of Supervisors. This subdivision shall meet all the regulations found in special provisions for family subdivisions, Section 19-17 of the zoning ordinance.

## **PUBLIC IMPACTS**

### **Environmental Impacts**

**Environmental Staff Comments:** The Engineering and Resource Protection Division has reviewed the proposal and determined that the limits of Zones AE and X Special Flood Hazard areas need to be delineated on the plat. This information is required to be properly delineated and called out on all proposed subdivisions under the requirements under Part 60 of Chapter 44 of the Code of Federal Regulations and for overall compliance with Federal Emergency Management Agency (FEMA) Community Rating System. The parent parcel has a small portion, at the southern end that is within the Resource Protection Area (RPA). The Engineering and Resource Protection Division has reviewed the proposal and determined that this proposal shall not negatively impact the RPA.

### **Utilities**

Both existing lots are served by existing private well and septic systems. The Health Department has reviewed the proposed locations, but was unable to determine soil suitability without complete soil documentation. Should the Board approve this SUP, the Health Department will review soils information and final well and septic locations as part of subdivision plan review and if adequate drain field locations cannot be verified, the new lot may not be able to be created.

**Virginia Department of Health Comments:** The Virginia Department of Health has reviewed the subdivision; however, a soil survey for this site has not yet been completed. Soils information will be required at the subdivision plat stage and at that point, the Health Department will be able to determine the final number of lots that can be created.

**Staff Comments:** The lots in this subdivision will be required to share one driveway with access to John Tyler Highway. This is specified in Condition No. 2 on the attached resolution, and shall be provided for the use of the owner of the previously subdivided three-acre parcel in the northwest corner of the parent parcel. The shared driveway will be required to meet all appropriate Virginia Department of Transportation (VDOT) requirements.

## **COMPREHENSIVE PLAN**


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



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

**RECOMMENDATION**

Staff finds the proposal to be consistent with the surrounding zoning and development, the 2009 Comprehensive Plan and the James City County Subdivision Ordinance. Staff recommends the Board of Supervisors approve this application subject to the conditions listed in the attached resolution.

  
W. Scott Whyte

CONCUR:

  
Allen J. Murphy

WSW/nb  
SUP04-13JonesSub.doc

**Attachments:**

1. Resolution
2. Family Subdivision Affidavit
3. Location Map
4. Preliminary Plat (under separate cover)

## RESOLUTION

### CASE NO. SUP-0004-2013. JONES FAMILY SUBDIVISION

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

WHEREAS, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural District, located at 2981 John Tyler Highway, further identified as on James City County Real Estate Tax Map Parcel No. 4510100010; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0004-2013 as described herein with the following conditions:

1. **Plan.** This SUP is valid for a family subdivision for the creation of one new parcel, with one parent lot, shall be generally as shown on the plan drawn by HIS Land Surveying Inc, titled "Subdivision of Property Known as Pine Dell," and dated October 3, 2012.
2. **Access.** Only one entrance serving all lots through an existing shared driveway shall be allowed onto John Tyler Highway. This driveway shall also be accessible to the owner of the recently subdivided three acre parcel located in the northeast corner of the parent parcel. The entrance shall meet all appropriate Virginia Department of Transportation (VDOT) requirements.
3. **Commencement.** Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. **Severance Clause.** The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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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 11th day of June, 2013.

SUP04-13JonesSub\_res

Grantee:

Thomas H. Teaman  
Erin Teaman

County:

COUNTY OF JAMES CITY, VIRGINIA

By:

Subdivision Agent of James City County

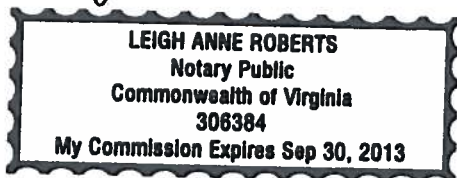
Commonwealth of Virginia

CITY/COUNTY OF James City, to wit:

I hereby certify that on this 23<sup>rd</sup> day of May, 20 13, before the  
subscribed, a Notary Public for the Commonwealth of Virginia, personally appeared Thomas  
Teaman and Erin Teaman and did acknowledge  
the foregoing instrument to be his/her/their act.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this \_\_\_\_\_  
day of May 23, 20 13.

[SEAL]



[Signature]  
Notary Public

Notary Registration Number: 306384

My Commission Expires: 9-30-13

Approved as to form:

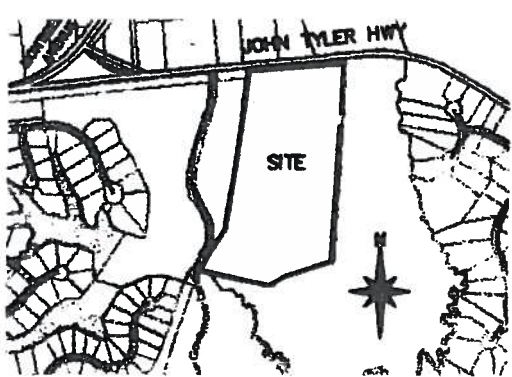
\_\_\_\_\_  
County Attorney



# SUP-0004-2013, Jones Family Subdivision







VICINITY MAP 1"=1000'

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE \_\_\_\_\_  
VOOT \_\_\_\_\_  
DATE \_\_\_\_\_  
VDH \_\_\_\_\_  
DATE \_\_\_\_\_  
CO. \_\_\_\_\_  
SUBDIVISION AGENT JAMES CITY

SUBDIVISION  
OF PROPERTY KNOWN AS  
**PINE DELL**  
LOCATED IN POWHATAN DISTRICT  
JAMES CITY COUNTY, VIRGINIA  
SCALE: 1"=100' DATE: 02/22/2012  
J.N. 373.0

100' 0' 100' 200'

OWNER'S CERTIFICATE:  
THE SUBDIVISION OF LAND SHOWN ON THIS PLAT AND KNOWN AS PINE DELL IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND/OR TRUSTEES.

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ PRINTED \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ PRINTED \_\_\_\_\_

CERTIFICATE OF NOTORIZATION:  
COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF JAMES CITY

A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

SIGNATURE \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

- NOTES:
1. THIS PROPERTY IS IN FLOOD ZONE "X" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY #510201 PANEL # 00308.
  2. LOT TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS.
  3. THE BOUNDARY LINES SHOWN HEREON REPRESENT AN IN THE FIELD BOUNDARY SURVEY.
  4. THIS PROPERTY IS ZONED A-1.
  5. TAX PARCEL ID# 4510100010.
  6. PROPERTY ADDRESS IS 2981 JOHN TYLER HIGHWAY.
  7. SEPTIC AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.
  8. IN ACCORDANCE WITH SECTION 19-33 OF THE SUBDIVISION ORDINANCE ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
  9. ALL CORNERS SHALL BE MARKED BY IRON RODS AS PROVIDED BY SECTION 19-35.
  10. TOTAL AREA = 32.8874 AC. AREA IN LOTS 3.00+/- AC. NUMBER OF LOTS = 1 AND REMAINDER.
  11. THE OWNER WILL NEED TO SECURE A LAND USE PERMIT PRIOR TO ANY WORK BEING PERFORMED WITHIN THE STATES RIGHT OF WAY.
  12. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH THE STATE PRIVATE WELL REGULATIONS AND THE JAMES CITY COUNTY CODE.
  13. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT THOSE ACTIVITIES PERMITTED BY SECTION 23-7(c) OF THE JAMES CITY COUNTY CODE.
  14. WETLANDS AND 100' RPA ARE APPROXIMATE. WETLANDS WERE LOCATED IN THE FIELD BY ME USING SUB-METER GPS AND ARE NOT TO BE USED FOR VESTING PURPOSES.
  15. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
  16. SETBACK REQUIREMENTS: FRONT 50' SIDE 15' REAR 35'
  17. RPA SIGNS SHALL BE INSTALLED IDENTIFYING THE LANDWARD LIMIT OF THE RPA IN ACCORDANCE WITH SECTION 23-7(c) OF CHAPTER 23 OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE.
  18. WATER SUPPLY JCSA. SEWER FOR LOT 1 JCSA.
  19. REFERENCES: DOC. #990025819, PB.2, PG.21, UNRECORDED PLAT BY J. TEMPLE WADDILL DATED APRIL 19, 1940.

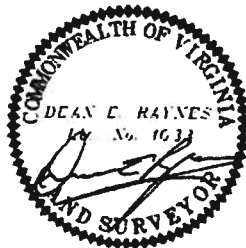
PARCEL ID#4510100021  
GOVERNORS LAND FOUNDATION  
DOC.#010001342  
PB.50, PG.16-19

PARCEL ID#45101000138  
JANICE LEE INGRAM  
DB.271, PG.183  
PB.36, PG.39

REMAINDER  
PARCEL ID#451010000  
DOC.#990025819  
28.887 Acres.  
1292308.17 Sq.ft.

NOTE: LINES LABELED WITH \*\*\*\*\* WERE NOT SURVEYED IN THE FIELD AT THIS TIME AND WERE COMPILED FROM PB.36, PG.39.

HIS LAND SURVEYING, INC.  
P.O. BOX 388  
PROVIDENCE FURGE VIRGINIA 23140  
(804) 966-7817



CERTIFICATE OF SOURCE OF TITLE:  
THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED BY ROBERT H. JONES, JR. TO ROBERT H. JONES III & BENTA M. JONES BY DEED OF GIFT DATED 12/03/1999 AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY IN DOCUMENT #990025819.

CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY  
CIRCUIT COURT: THIS PLAT WAS RECORDED ON  
AT \_\_\_\_\_ AM/PM. PB. \_\_\_\_\_ PG. \_\_\_\_\_  
DOCUMENT# \_\_\_\_\_

CLERK OF CIRCUIT COURT

SUP 0004-2013