

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS County Government Center Board Room October 8, 2013

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Justin Abbott, a 10th-grade student at Lafayette High School and a resident of the Powhatan District

E. PRESENTATIONS

F. PUBLIC COMMENT

G. BOARD REQUESTS AND DIRECTIVES

H. CONSENT CALENDAR

1. Minutes –
 - a. September 24, 2013, Work Session
 - b. September 24, 2013, Regular Meeting
2. Grant Award – Radiological Emergency Preparedness – \$25,000
3. Contract Award – Benefit Consulting – \$63,000
4. Acceptance and Appropriation of the Emergency Solutions Grant – \$73,820

I. PUBLIC HEARINGS

1. Case Nos. Z-004-2013/SUP-0013-2013. Fire Station 1
2. Case No. SUP-0009-2013. Tidewater Equine
3. Case No. SUP-0011-2013. Veritas Preparatory School
4. Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General, to Amend Section 20-7.4, Penalties and Interest for Late Payment of Taxes
5. Conveyance of Conservation Easement at Mainland Farm to Williamsburg Land Conservancy

J. BOARD CONSIDERATION

1. Renaming the James River Community Center to the Abram Frink, Jr., Community Center

K. PUBLIC COMMENT

L. REPORTS OF THE COUNTY ADMINISTRATOR

M. BOARD REQUESTS AND DIRECTIVES

N. CLOSED SESSION

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Williamsburg Regional Library Board of Trustees

O. ADJOURNMENT – to 4 p.m. on October 22, 2013, for the Work Session

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER 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 - **Absent**
James O. Icenhour, Jr., Jamestown District
M. Anderson Bradshaw, Powhatan District

Doug Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Measurement of Tourism Programs

Mr. Doug Powell, Assistant County Administrator, introduced Mr. Richard Schreiber, President and Chief Executive Officer (CEO) of the Greater Williamsburg Chamber and Tourism Alliance and stated that Mr. Schreiber would be reviewing data and results from recent tourism programs in the area.

Mr. Schreiber introduced Mr. Bob Singley who will become the Chairman of the Alliance the following week. He also introduced Mr. Bob Harris, Senior Vice President of Tourism.

Mr. Schreiber gave a presentation of the Measurement of Tourism Programs report included in the Agenda Packet.

Mr. McGlennon stated for clarification that the baseline used on the charts is an average number of visitors, not the actual number of attending visitors.

Mr. Schreiber stated that was correct.

Mr. McGlennon stated that it is interesting to note that the different attractions show similar trends in ups and downs. He stated that he would like to thank the Alliance and all the organizations that have gotten involved and provided funding for these marketing campaigns. He stated that it is important to note that much of the increased revenue and attendance is driven by new products and attractions. He stated it is important for the organizations and attractions already here to reimagine themselves and continue to come up with new ideas.

Mr. Schreiber stated that the “arts months” have not begun to achieve what is possible yet, because the area does not have the major performing arts weekends that people will drive hundreds of miles to be a part of. He stated that we, as a community, need to find a way to attract some of performing arts events. He stated that he believes a long-term master plan for the arts could provide the community with nine months of attractions.

As the Board had no other questions, Mr. McGlennon thanked Mr. Schreiber and his colleagues for their presentation and continued efforts to help the tourism industry grow in the community.

2. Open Town Hall

Ms. Jody Puckett, Director of Communications, gave a presentation highlighting the information contained in the memorandum in the Agenda Packet.

Mr. Powell stated that he spoke to Mr. Kennedy who had several questions about this program and asked that the Board consider deferring action. However, Mr. Powell said that the staff was not seeking action from the Board on this item.

Ms. Jones asked who would be monitoring the comments. She stated that she is very supportive of citizen involvement and there are numerous ways for citizens to interact with the Board at the present time.

Ms. Puckett stated that the only thing that the software company, Peak Democracy, would be monitoring is the inappropriate use guidelines that the County develops in conjunction with the County Attorney’s Office. She stated that citizens’ addresses are geo-coded and stored in a database for the mapping tool.

Mr. Icenhour asked for clarification on the citizen’s address. He stated that in order to participate in the Open Town Hall a citizen would have to give their name, address, and email, but they could restrict their address from being seen by others participating.

Ms. Puckett stated their address and email will never be displayed to be seen by others and staff can give the citizens the option of whether or not to display their name.

Mr. Icenhour stated that the program is very intriguing to him and it has elements that are not even part of public comment. He stated that this program would allow for participation in almost real-time. He stated that he believes that it would generate a lot more useful cross-talk and dialogue in the community that the County does not currently have, especially with the younger generation. He stated with the changing demographics of our community, the County needs to adapt the way the County communicates with its citizens.

Mr. Bradshaw agreed that the program would probably bring a different demographic into the public conversations. He asked if there were limitations on the length of comments.

Ms. Puckett stated not to her knowledge, but she would double-check. She stated that a citizen can make one comment per topic, but cannot comment on the posts of other citizens.

Mr. Bradshaw asked if staff knew the experience of the other surrounding jurisdictions which currently use this program, in regard to the monitoring.

Ms. Puckett stated that in the jurisdictions that staff has spoken with, not one has had an issue with inappropriate use.

Mr. McGlennon asked for clarification regarding questions posed by citizens. He stated that if a citizen posts a question, will the discussion be monitored to the point that someone would see the question and make sure a response is given.

Ms. Puckett stated that staff would have to follow up with those questions. She stated that Ms. Latara Branch, Civic Engagement Coordinator, would be the liaison for the program and would have access to the citizen's information and could follow up with them.

Mr. McGlennon stated that if a factual question is being asked, he would want staff to be able to respond and everyone else in the discussion be able to see the answer.

Mr. Icenhour stated that if there is confusion or lack of information in a particular topic, then staff should be allowed to go back in to the topic area and give more information. However, if a citizen can only comment once per topic, then they would not be able to comment again on the new information given.

Mr. McGlennon asked if there would be a point where the topic becomes closed so that the Board could review the comments and receive the value of the feedback prior to hearing a particular case.

Ms. Puckett stated that other jurisdictions are leaving topics open for 30 days and then closing them to allow staff and Boards to review them. She stated that once the topic was closed, staff could generate a report as a PDF file that could then be given to all Board members for consideration prior to a case.

Ms. Jones asked if the current staff can handle the monitoring of the discussions. She also stated that these new technologies tend to remove people from engaging one on one. She stated that there is a value to knowing who it is you are hearing from, not just having an anonymous discussion. She stated that she would be hesitant to move forward with this program since there are multiple avenues available to citizens already and the time and cost does not seem to outweigh the value.

Mr. Bradshaw stated that the cost seems modest to him to try a new way of achieving more public input and bringing in the younger demographic.

Mr. McGlennon stated that he is not sure of the value, but he would definitely be willing to try it, especially considering that the Board and staff are going into a Comprehensive Plan review. He stated that he did have concerns over the time constraints and trying to utilize this program for feedback for a public hearing. He stated that there would not be a lot of time available for citizens to comment.

As there were no other questions or comments, Mr. McGlennon thanked Ms. Puckett for the presentation.

D. CLOSED SESSION

Mr. Bradshaw made a motion to go into Closed Session at 5:18 p.m.

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. Chesapeake Bay Board/Wetlands Board
 - b. Williamsburg Regional Library Board of Trustees

Mr. Bradshaw made a motion to certify the Closed Session at 5:23p.m.

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

Mr. Icenhour made a motion to reappoint Mr. Charles Roadley, Mr. Roger Schmidt as 1st alternate, and Mr. Louis Bott as 2nd alternate to the Chesapeake Bay/Wetlands Board for terms beginning on October 1, 2013, and expiring on October 1, 2018.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

E. ADJOURNMENT

The Board recessed at 5:24 p.m. until their Regular Meeting at 7 p.m.

Robert C. Middaugh
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER 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 - **Absent**
James O. Icenhour, Jr., Jamestown District
M. Anderson Bradshaw, Powhatan District

M. Doug Powell, Assistant County Administrator
Leo P. Rogers, County Attorney

Mr. McGlennon noted that Mr. Kennedy was absent from tonight's meeting due to an illness in his family.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Katelyn Call, a 10th-grade student at Warhill High School and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION – None

F. PUBLIC COMMENTS

1. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to the importance of health and wellness of school-aged children.

2. Mr. Bill O'Neill, 109 Sheffield Road, addressed the Board stating concern over the building plans and fiscal responsibility of the School Board.

3. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

4. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

5. Mr. Nate Walker, 101 Locust Place, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

6. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to climate changes and sustainable forests.

7. Mr. Robert Venable, 9212 Diascund Road, addressed the Board and citizens offering an invocation.

8. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

9. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to previous statements made at the last Board meeting about balanced budgets and the increasing debt of the County.

11. Mr. John Bookless, 3 Clarendon Court, addressed the Board urging caution when proceeding with the Open Town Hall program discussed during the Work Session.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones reminded citizens that it is now Hurricane Season and urged citizens to access the many avenues of information provided by the County on hurricane and emergency preparedness.

Mr. McGlennon stated that he and Mr. Icenhour attended the ribbon cutting ceremony for the Department of Motor Vehicles (DMV) Select Office that is now at the County's Satellite Office in Toano. He stated that the DMV2Go vehicle will be visiting the County quarterly and will allow citizens to handle DMV related transactions as well as access all vital records. He stated this is a benefit for citizens as they will no longer need to travel to Richmond to access their vital records. He also stated that he attended the 25th anniversary celebration at the Williamsburg Winery.

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, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

1. Minutes –
 - a. September 10, 2013, Regular Meeting

2. Contract Award – Fleet and Equipment Reroofing Project – \$125,772

RESOLUTION

CONTRACT AWARD – FLEET AND EQUIPMENT REROOFING PROJECT – \$125,772

WHEREAS, the James City County Department of General Services received a competitive bid under a Cooperative Contract for the Fleet and Equipment Reroofing project located at 103 Tewning Road; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that the bid submitted by in the amount of \$125,772 is a fair and reasonable price; and

WHEREAS, previously authorized Capital Improvement Program (CIP) budget funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$125,772 to Centennial Contractors Enterprises, Inc. for the Fleet and Equipment Reroofing project.

3. Formal Acceptance of Shelter Support Unit

RESOLUTION

FORMAL ACCEPTANCE OF SHELTER SUPPORT UNIT

WHEREAS, the Hampton Roads Planning District Commission (HRPDC) has purchased a shelter support unit trailer on behalf of James City County using funds from the Department of Homeland Security (DHS) Urban Areas Security Initiative (UASI) and Metropolitan Medical Response System (MMRS) grants and funds collected from the HRPDC jurisdictions for MMRS sustainment; and

WHEREAS, the shelter support unit contains equipment and supplies is to be used to support the functional and medical needs of individuals in shelters during mass casualty events or disasters; and

WHEREAS, HRPDC has agreed to transfer ownership of the shelter support unit to James City County at no cost.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby formally accept the asset listed below:

<u>Asset Description</u>	<u>Value</u>
Shelter Support Unit	\$103,145

4. Formal Acceptance of Pet Shelter/Animal Recovery Trailer

RESOLUTION

FORMAL ACCEPTANCE OF PET SHELTER/ANIMAL RECOVERY TRAILER

WHEREAS, the Hampton Roads Planning District Commission (HRPDC) has purchased a pet shelter/animal recovery trailer on behalf of James City County using funds from a Department of Homeland Security (DHS) Urban Areas Security Initiative (UASI) grant; and

WHEREAS, the animal recovery trailer is to be used to assist in building and sustaining capabilities to respond to and recover from disasters or acts of terrorism; and

WHEREAS, HRPDC has agreed to transfer ownership of the animal recovery trailer to James City County at no cost.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby formally accept the asset listed below:

<u>Asset Description</u>	<u>Value</u>
Pet Shelter/Animal Recovery Trailer	\$60,320

I. PUBLIC HEARINGS - None

J. BOARD CONSIDERATION - None

K. PUBLIC COMMENTS

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the Open Town Hall program discussed during the Work Session.

2. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to Agenda 21 and its influence on local government.

3. Mr. Lawrence Jones, 4905 Falkirk Mews, addressed the Board stating that he brought his grandson tonight to earn his final badge to earn his Eagle Scout.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the Longhill Road Corridor Study is currently underway and there will be a public meeting on Thursday, October 3, 7 p.m., at the James City County Recreation Center. He stated that September 30 is the deadline for citizens to apply for the Good Neighbor Matching Grant program. He stated that beginning Monday, October 7, portions of Jolly Pond Road will be closed due to repair work on the dam. He stated that September 27 is the deadline for citizens to submit comments to the United States Army Corps of Engineers in regard to the proposed Dominion Virginia Power Transmission Lines crossing the James River.

M. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that the Board has not given staff specific direction regarding the Open Town Hall program that was discussed during the Work Session due to the absence of Mr. Kennedy.

N. ADJOURNMENT – to 7 p.m. on October 8, 2013, for the Regular Meeting.

Ms. Jones made a motion to adjourn.

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

At 7:42 p.m., Mr. McGlennon adjourned the Board.

Robert C. Middaugh
Clerk to the Board

092413bos_min

MEMORANDUM COVER

Subject: Grant Award - Radiological Emergency Preparedness - \$25,000

Action Requested: Shall the Board approve the resolution that appropriates grant funds awarded from the Virginia Department of Emergency Management (VDEM)?

Summary: Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding from Dominion Virginia Power through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County Fire Department's Division of Emergency Management has been awarded \$25,000 in REP funds from Dominion Virginia Power through VDEM, due to the County's proximity to the Surry Power Station nuclear power plant.

The funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant. The County uses the funds to maintain emergency response plans, participate in readiness drills and exercises, provide REP training, and make improvements to the Emergency Operations Center and radiological response equipment.

Staff recommends adoption of the attached resolution to appropriate funds.

Fiscal Impact: The grant requires no match.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award – Radiological Emergency Preparedness – \$25,000

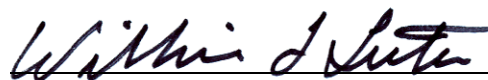
Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding from Dominion Virginia Power through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County Fire Department Division of Emergency Management has been awarded \$25,000 in radiological emergency preparedness funds from Dominion Virginia Power through VDEM, due to the County's proximity to the Surry Power Station nuclear power plant.

The funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant. The County uses the funds to maintain emergency response plans, participate in readiness drills and exercises, provide REP training, and make improvements to the Emergency Operations Center and radiological response equipment.

The grant requires no match.

Staff recommends adoption of the attached resolution to appropriate funds.


William T. Luton

WTL/nb
GA_RadioEPre_mem

Attachment

RESOLUTION

GRANT AWARD – RADIOLOGICAL EMERGENCY PREPAREDNESS – \$25,000

WHEREAS, the James City County Fire Department's Division of Emergency Management has been awarded pass-through funds in the amount of \$25,000 to support Radiological Emergency Preparedness (REP) from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant; and

WHEREAS, the grant requires no match.

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

Revenue:

Radiological Emergency Preparedness Funds - VDEM	<u>\$25,000</u>
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Expenditure:

Radiological Emergency Preparedness Funds - VDEM	<u>\$25,000</u>
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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 8th day of October, 2013.

GA_RadioEPre_res

MEMORANDUM COVER

Subject: Contract Award – Benefit Consulting Services – \$63,000

Action Requested: Shall the Board approve the contract to Marsh & McLennan in the amount of \$63,000 for benefit consulting services?

Summary: The approved FY 14 budget included funds to hire a benefits consultant, in an effort to be proactive in managing health insurance costs. The Human Resources Department solicited competitive proposals for annual Benefit Consulting Services for the County. Additionally, the Request for Proposals (RFP) requested that this include a specific project to evaluate for joint purchasing of health, dental and vision services with the Williamsburg-James City County Public Schools. This contract includes the option to extend the contract for five one-year renewals.

The RFP was publicly advertised and seven proposals were received from: Marsh & McLennan, Wells Fargo, AON, Willis, Digital Benefit Advisors, Mercer, and Mark III. Based on the evaluation criteria listed in the RFP the Evaluation Committee determined Marsh & McLennan Agency was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A price of \$50,000 was negotiated with Marsh & McLennan for the first year of Benefit Consulting services. An additional \$13,000 was negotiated for the specific project for FY 14. The total fee for the first year is \$63,000. The fee in the second year would be \$50,000 if the County chooses to extend.

Staff recommends approval of the attached resolution.

Fiscal Impact: The County's fee is funded through the General 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-3

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

FROM: James A. Peterson, II, Assistant Director, Human Resources

SUBJECT: Contract Award – Benefit Consulting – \$63,000

The approved FY 14 budget included funds to hire a benefits consultant, in an effort to be proactive in managing health insurance costs. The Human Resources Department solicited competitive proposals for annual Benefit Consulting Services for the County. Additionally, the Request for Proposals (RFP) requested that this include a specific project to evaluate for joint purchasing of health, dental and vision services with the Williamsburg-James City County Public Schools. This contract includes the option to extend the contract for five one-year renewals.

The RFP was publicly advertised and seven proposals were received from: Marsh & McLennan, Wells Fargo, AON, Willis, Digital Benefit Advisors, Mercer, and Mark III.

The Evaluation Committee composed of staff members from the Financial and Management Services department, Human Resources, Police and the Williamsburg-James City County Public Schools reviewed the proposals and interviewed four short-listed firms: Marsh & McLennan, Wells Fargo, AON, and Willis. Based on the evaluation criteria listed in the RFP the Evaluation Committee determined Marsh & McLennan Agency was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A price of \$50,000 was negotiated with Marsh & McLennan for the first year of Benefit Consulting services. An additional \$13,000 was negotiated for the specific project for FY 14. The total fee for the first year is \$63,000. The fee in the second year would be \$50,000 if the County chooses to extend.

Funds are available in the General Fund for this fee.

Staff recommends adoption of the attached resolution authorizing the award of the contract for Benefit Consulting Services to Marsh & McLennan in the amount of \$63,000.

James A. Peterson, II

JP/tlc
CA-BeneConsult_mem

Attachment

RESOLUTION

CONTRACT AWARD – BENEFIT CONSULTING SERVICES – \$63,000

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

WHEREAS, upon evaluating the proposals, staff determined that Marsh & McLennan Agency was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$63,000 contract for Benefit Consulting Services to Marsh & McLennan Agency.

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 8th day of October, 2013.

CA-BeneConsult_res

MEMORANDUM COVER

Subject: Acceptance and Appropriation of the Emergency Solutions Grant - \$73,820

Action Requested: Shall the Board approve the acceptance and appropriation of funding from the Emergency Solutions Grant?

Summary: The James City County Office of Housing and Community Development (OHCD) was awarded \$73,820 as part of the Emergency Solutions Grant (ESG). The ESG will assist individuals and families who are homeless or are at-risk of becoming homeless in obtaining and maintaining appropriate housing. The funding will be used to provide both prevention and rapid rehousing services.

Staff recommends the acceptance and appropriation of the ESG funding.

Fiscal Impact: No local funds are required to match the grant funding.

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. ESG Partnership Agreement

Agenda Item No.: H-4

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: Acceptance and Appropriation of the Emergency Solutions Grant - \$73,820

The James City County Office of Housing and Community Development (OHCD) was awarded \$73,820 Emergency Solutions Grant (ESG). All activities and expenditures covered by these funds must be complete by the end of grant period, June 30, 2014. The ESG will assist individuals and families who are, or are at-risk of becoming homeless in obtaining and maintaining appropriate permanent housing.

The ESG was authorized by the McKinney-Vento Homeless Assistance Act funded through the U.S. Department of Housing and Urban Development (HUD). The Virginia Department of Housing and Community Development (DHCD) is responsible for administering the ESG program for non-entitlement localities in Virginia. The ESG award to the County comes through the Continuum of Care - The Greater Virginia Peninsula Homelessness Consortium (GVPHC). The GVPHC is comprised of Staff representatives from each Peninsula jurisdiction (mostly Department of Social Services, Human Services, and Community Services Boards) and nonprofits (Salvation Army, United Way, LINK of Newport News) focused on serving the precariously housed on the Peninsula. James City County is represented on the GVPHC through OHCD Staff. The Hampton Department of Social Services will be the lead fiscal agent for the ESG funds.

The ESG funding will provide \$39,100 to assist in preventing homelessness by providing rental, deposits, and other assistance to at-risk citizens. Up to \$8,100 of that amount may be used for Housing Stabilization Services (salary for case management services provided by existing OHCD staff). The remaining \$34,720 will be used for Rapid Re-Housing of citizens who are already homeless. Rapid Re-Housing is a proven best practice used when assisting families experiencing homelessness or in danger of being homeless. With Rapid Re-Housing, families are placed in a safe decent rental unit leased under their name. The limited monetary assistance is paid to the property owner. The assistance is phased out, typically in a matter of months, as the household becomes self-sufficient. During the time the assistance is offered, the household receives intense support services in the form of job placement, Social Service placement (Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance to Needy Families (TANF)), and an assessment of, or enrolment if necessary, in applicable entitlement programs such as Supplemental Security Income (SSI), VA, etc. This process streamlines assistance and helps prevent duplication of services. Rapid Re-housing includes intense case management to help the household become self-sufficiency.

No match money is required of James City County.

Staff recommends approval of the attached resolution.

Acceptance and Appropriation of the Emergency Solutions Grant - \$73,820

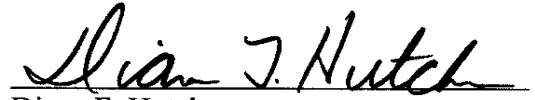
October 8, 2013

Page 2

A handwritten signature in black ink, reading "A. Vaughn Polfer". The signature is written in a cursive style with a large, stylized "P".

A. Vaughn Polfer

CONCUR:

A handwritten signature in black ink, reading "Diana F. Hutchens". The signature is written in a cursive style with a large, stylized "H".

Diana F. Hutchens

AVP/nb

EmerSolGrnt_mem

Attachment

RESOLUTION

ACCEPTANCE AND APPROPRIATION OF THE EMERGENCY SOLUTIONS GRANT - \$73,820

WHEREAS, the Continuum of Care - The Greater Virginia Peninsula Homelessness Consortium (GVPHC) has received funding from the Virginia Department of Housing of Community Development to support the goals of the state Emergency Solutions Grant (ESG) program; and

WHEREAS, the goals are to reduce the number of individuals/household who become homeless; to shorten the length of time an individual/household is homeless; and to reduce the number of individual/households that return to homelessness; and

WHEREAS, the Continuum of Care - GVPHC has awarded the James City County Office of Housing and Community Development an ESG in the amount of \$73,820; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates the Emergency Solutions Grant in the amount of \$73,820.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute agreements and other documents in order to effectuate the grant.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2014, as follows:

Revenue:

Emergency Solutions Grant	<u>\$73,820</u>
---------------------------	-----------------

Expenditure:

Emergency Solutions	<u>\$73,820</u>
---------------------	-----------------

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 8th day of October, 2013.

EmerSolGrnt_res

**VIRGINIA PENINSULA
EMERGENCY SOLUTIONS GRANT
PARTNERSHIP AGREEMENT**

This Partnership Agreement is made by and between the Hampton Department of Human Services (HDHS) sub-grantee and James City County (ESG Partner) for the period beginning July 1, 2013 and ending June 30, 2014. ESG is designated money for communities to provide emergency shelter, homelessness prevention, rapid re-housing and associated services. ESG funding is authorized by the Virginia Department of Housing and Community Development.

I. Scope of Services

The Partner has been allocated up to \$73,820.07 from the award granted to the HDHS for the grant period ending June 30, 2014. These funds are distributed as described in Section IV, B and C. Funding provided through this grant must be used to carry out activities as specified in the revised DHCD ESG Guidelines dated July 1, 2013 and any subsequent amendments to the guidelines. Sub-grantee and ESG Partners must adhere to the DHCD approved budget and all specified cost category limits as outlined in the ESG Guidelines.

II. Service Area

Partners are required to provide assistance to any eligible program participant regardless of locality.

III. Agreement Term

This Partnership Agreement shall remain in effect from July 1, 2013 until June 30, 2014. The award allocation covers the entire agreement term. Partners will be monitored frequently for compliance and rate of expenditure. Sub-grantees expending less than 50 percent of the grant award at the end of 7 months (January 31, 2013) are at risk of having a portion or all of their remaining reward recaptured; therefore, **ESG Partners are required to spend at least 50% of their jurisdictional allocation by January 31, 2013.**

HDHS reserves the right to recapture funds because of insufficient performance at any point during the contract term. Either party shall have the right to cancel this agreement for any reason with a 30-day written notice.

IV. Conditions

A. Service Provision

ESG Partners are required to provide ESG assistance based on DHCD and the GVPHC ESG policy and procedures manual. ESG must not replace any other available subsidy and should only be used when no other option is available. Partners are responsible for coordination of ESG

activities with the sub-grantee, other ESG/GVPHC partners and mainstream resources. To the extent practical, Sub-grantee and Partners must assure non-duplication of services with other ESG sub-grantees and grantees.

Partners are required to submit and maintain ESG program information on the state "211" information and referral system.

B. Disbursement of Funds

Funds will be disbursed through quarterly reimbursements by sub-grantee. Partners must submit bi-monthly documentation of expended funds. Documentation must be submitted by the first day of the month prior to the DHCD's request for reimbursement schedule. Documentation must be submitted electronically on the approved DHCD form. Partners must retain documentation related to expenditures and make all such documentation available to HDHS, DHCD and/or HUD upon request. HDHS and DHCD will require copies of documentation be submitted periodically throughout the term of the contract.

Requests for Reimbursement must be made in accordance with the DHCD and HDHS requirements. Partners must request approval from HDHS for budget changes (within cost category limitations).

C. Reallocation

HDHS reserves the right to de-obligate and reallocate funds at any point during the contract term.

D. Reporting and Data Collection

Partners must have all data complete and meeting quality standards by the first of the month to ensure that HDHS is able to meet deadlines to DHCD.

The ESG Partner is required to ensure that all client level data is entered in HMIS and provide data quality assurances. Through the execution of this contract, the Partner certifies the following HMIS minimum standards:

- Acknowledgement that HMIS is a requirement for the ESG program;
- HMIS must have the updated ESG data elements;
- Ensure that all ESG program participants and all ESG program participant data will be entered in HMIS in accordance to HMIS policies and best practices.
- Acknowledgement that a program participant may decline to participate and have no personally identifying information entered into HMIS and that non-identifying data may be entered according to ESG policy;
- Partner understands that HMIS data is confidential and that unauthorized disclosure is a violation of HMIS policy, agency policy and applicable state and federal laws;

- Partner will adhere to the data quality standards provided by DHCD;
- Partner will adhere to the submission of required data based on the timelines provided; and
- Partners must attend all required HMIS subcommittee meetings.

E. Accounting

Partners must adhere to standard financial accounting practices. Partners shall establish and maintain separate accounts within its existing accounting system or establish accounts independently. All costs charged to the Grant shall be supported by properly executed payrolls, time records, contracts or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the Grant shall be clearly identified, readily accessible and separate and distinct from all other such documents. Such documentation shall reside at the office of the sub-grantee or partner. Partners are responsible for the accuracy and completeness of their required documentation.

F. Maintenance of Records

Records shall be readily accessible to the HDHS, the Commonwealth of Virginia, appropriate federal agencies and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before the expiration of the five year period the records shall be retained until such action is resolved. Partner staff and records must be available for on-site monitoring by HDHS, DHCD and appropriate state and federal agencies at any time.

G. Compliance

Partners with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. Partners must be members in good standing of the GVPHC and participate in required program monitoring committee meetings.

H. Liability

The Partner shall hold harmless the HDHS, Commonwealth of Virginia, DHCD, its agents and employees from any and all claims and demands based upon or arising out of any action by the Partner, its employees, agents or contractors.

I. Termination, Suspension, Conditions

If through any cause, the Partner fails to comply with the terms, conditions or requirements of the contract documents, HDHS may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date termination or suspension at least five days prior to such action.

In the case of contract violation by the Partner, DHCD may request that all or some of the grant funds be returned, even if the Partner has expended the funds. The Partner agrees to return such funds as requested by HDHS or DHCD within 30 days of the written request.

J. Subsequent Contracts

The Partners may not sub-contract any ESG funds.

K. Default

A default is any unapproved use of grant funds. Upon due notice to the Partner of the occurrence of any such default and the provision of a reasonable opportunity to respond, HDHS or DHCD may take one or more of the following actions:

- (1) direct the Partner to submit progress schedules for completing approved activities;
- (2) issue a letter advising the Partner of the default, establishing a date by which corrective actions must be completed and putting the Partner on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Partner to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Partner to reimburse HDHS for costs inappropriately charged to the program;
- (5) other appropriate action including , but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by HDHS in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Partner default.

L. Conflict of Interest

With respect to the use of ESG funds to procure services, equipment, supplies or other property, Partners that are units of general local government shall comply with 24 CFR 85.36(b)(3), and nonprofit Partners shall comply with 24 CFR 84.42. With respect to all other decisions involving the use of ESG funds, the following restriction shall apply: No person who is an employee, agent, consultant, officer or elected or appointed official of the grantee and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds

hereunder, either for himself or herself or for those with who he or she has family or business ties, during his or her tenure or for one year thereafter.

IV. Other Certifications

- A. The Partner certifies that it will comply with the following (reference the Revised ESG Guidelines for full details):
1. Discharge Coordination Policy requirements;
 2. DUNS Number and CCR Registration requirements;
 3. All applicable Fair Housing and Civil Rights requirements in 24 CFR 5.105(a);
 4. Confidentiality requirements;
 5. Termination of Assistance requirements;
 6. Recordkeeping requirements;
 7. Monitoring requirements;
 8. Performance Reporting requirements;
 9. Conflict of Interest requirements;
 10. Habitability Standards;
 11. Lead-based paint requirements;
 12. Nondiscrimination and Equal Opportunity requirements;
 13. Affirmatively Furthering Fair Housing requirements;
 14. Uniform Administrative requirements;
 15. Equal Participation of Religious Organizations requirements.
- B. The Partner agrees to make available all agency and program participant records to the HDHS, Commonwealth of Virginia, HUD and Inspector General upon request.

The parties hereby execute the ESG Partnership Agreement on the dates set forth below their respective signatures as follows:

	Hampton Department of Human Services	James City County
By:	<u>Wanda E. Rogers</u>	_____
	Signature	Signature
	<u>Wanda E. Rogers</u>	_____
	Name	Name
	<u>Director</u>	_____
	Title	Title
	<u>Sept. 6, 2013</u>	_____
	Date	Date

MEMORANDUM COVER

Subject: Case No. Z-0004-2013/SUP-0013-2013. Fire Station 1 Replacement

Action Requested: Shall the Board approve this Rezoning and Special Use Permit (SUP) for the replacement of Fire Station 1 on Forge Road?

Summary: Mr. Shawn Gordon of the General Services Department of James City County has applied to rezone a ± 1.06 -acre property located at 7849 Church Lane from A-1, General Agriculture, to PL, Public Lands and a $\pm .29$ -acre parcel located at 7869 Church Lane from B-1, General Business, to PL, Public Lands. Together with the adjacent property which is already zoned PL located at 3135 Forge Road, Mr. Gordon has also applied for a Special Use Permit (SUP) to allow for construction of a replacement fire station on the properties.

Staff finds the proposal, with attached conditions, to be compatible with surrounding land uses and consistent with the Comprehensive Plan. This fire station provides a valuable service to the County and its northern location is best suited to provide needed response times to the upper County.

On September 4, 2013, the Planning Commission voted 6-0 (Mr. Woods absent) to recommend approval of this application. Staff recommends the Board of Supervisors approve the rezonings and SUP applications with attached resolutions.

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. Rezoning Resolution
3. Special Use Permit Resolution
4. Location Map
5. Unapproved Minutes of the September 4, 2013, Planning Commission Meeting
6. James City County Sustainable Building Policy
7. Toano Community Character Area Design Guidelines and Streetscape Plan
8. Community character Corridor Buffer Treatment Guidelines
9. Architectural Renderings
10. Master Plan

Agenda Item No.: I-1

Date: October 8, 2013

Case Nos. Rezoning-0004-2013/Special Use Permit-0013-2013. Fire Station 1 Replacement Staff Report for the October 8, 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 Building F Board Room; County Government Complex

Planning Commission: September 4, 2010, 7:00 p.m.
Board of Supervisors: October 8, 2013, 7:00 p.m.

SUMMARY FACTS

Applicant: James City County

Land Owner: James City County

Proposal: To rezone the property from A-1 and B-1 to Public Lands (PL), and to allow a Special Use Permit (SUP) for the construction of a new fire station on the combined parcels.

Location: 3531 Forge Road, 7849, and 7869 Church Lane

Tax Map/Parcel Nos.: 1230100027, 1230100048, and 1230100031

Parcel Size: The three parcels combined would total ±6.99 acres

Existing Zoning: PL, Public Lands, A-1, General Agricultural, and B-1, General Business

Proposed Zoning: PL, Public Lands

Comprehensive Plan: Federal, State, and County Lands and Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, and consistent with the Comprehensive Plan. This fire station provides a valuable service to the County and this location is best suited to provide needed response times to the upper County. Staff recommends the Board of Supervisors approve the rezoning and SUP applications with the attached resolutions.

Staff Contact: W. Scott Whyte, Senior Landscape Planner II Phone: 253-6867

PLANNING COMMISSION RECOMMENDATION

On September 4, 2013, the Planning Commission voted 6-0 to recommend approval of these applications.

Proposed changes made since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Mr. Shawn Gordon, Capital Projects Coordinator with the General Services Department, has applied on behalf of James City County to rezone a ± 1.06 -acre property zoned A-1, General Agricultural, located at 7849 Church Lane and a $\pm .29$ -acre parcel zoned B-1, General Business, located at 7869 Church Lane, to PL, Public Lands. These two rezoned properties are to be combined with the existing Fire Station parcel, which is already zoned PL and located at 3135 Forge Road. With respect to the property located at 7849 Church, the County is only rezoning what is needed for this project, which is ± 1.06 acres, from the previous purchase and the residual ± 2.68 acres shall remain zoned A-1, General Agricultural. Mr. Gordon has also applied for an SUP to allow for the construction of the replacement fire station.

The current fire station site consists of 5.84 acres. After the rezonings and boundary line extinguishments the new site will be 6.99 acres. The current station is 12,500 square feet and the proposed replacement station is approximately 24,000 square feet and will house 30 volunteers in men and women's dorms. A new training center will be integrated into the building and separate offices will accommodate the officers instead of a single office. The existing fire station will remain in use while the new building is constructed.

The Fire Department desires to continue the strong volunteer / career combination system that exists at Fire Station 1. There are 65 Volunteer Fire Department Members and 35 Volunteer Rescue Squad members along with four James City County Career Firefighters assigned to the station. Volunteer Departments have different space needs than an all career department. With career departments the need is for adequate indoor parking for assigned fire trucks, sleeping quarters for just the on duty crew, kitchen with dining space, one office, and training room all for no more than nine to 12 people. Volunteer departments, including ours, typically have many more people staying at the station. In the case of Station 1, typically as many as 15 to 20 firefighters (Volunteer and Career) are in the station including overnight. During Hurricanes or other weather events that number can increase to 30. Sleeping areas for up to 30 men and six females were used as the planning assumption. Living space was calculated at 5,050 square feet.

Station 1 covers the most rural area of the County as well as suburban, commercial, multi-family, and industrial areas. Their district is bounded by the York and Chickahominy Rivers. There are two large reservoirs in their district as well as Interstate 64 and CSX Railroad mainline. Thus they have the largest contingent of apparatus in the department necessary to cover their district. Currently their equipment is stored in two buildings that do not include enough space to keep all of their vehicles under roof.

- Two Pumper Trucks for Firefighting
- Rescue Truck for Heavy Rescue Equipment such as vehicle extrication equipment
- Ladder Truck for Multi-family, Commercial, and Industrial Fire Protection
- Water Tanker Truck for water supply in rural non-hydranted areas
- Ambulances for EMS Transport
- Brush Trucks for off road forest and brush fires
- State Forestry Plow for forest fires
- Hummer style off road truck for brush fires and rescue
- Boats for Dive and open water rescue
- EMS fast response four-wheel drive truck.

The Apparatus equipment needs about 10,000 square feet of apparatus space in the building.

Training and a Meeting Room large enough for the membership is necessary. Formal Training is conducted multiple times per month and informal training happens multiple times per week. Meetings occur four times per month. Additionally the training meeting room is a multiuse facility. We use it as a temporary shelter during hurricanes and nor'easters for local residents and it is used as a cooking/sleeping facility for the

Emergency Operations Center next door and as a food preparation facility for emergency workers. The projected need was estimated at 2,500 square feet based on current usage. This space is also configured for limited public use as it is now used in the current building.

Office and storage space is also a bit different than the career stations with the career stations having much smaller needs. The dedicated space for offices and storage was planned at 2,400 square feet with 500 of that being an exercise room. Each of our Fire Stations has a dedicated fitness area. The remaining space is for programming such as hallways, lobby, stairwells, hose drying tower, etc.

The total programmed space for the building is about 26,000 square feet. This represents about double the amount than a station that would just support career staff.

The current site has 31 parking spaces, the proposed replacement fire station proposes 67 spaces, which will help accommodate the additional staff, employees of the Emergency Operations Center (EOC) Building, as well as provide parking for visitors at the site. An additional 40 space parking lot expansion to be considered in the future is also proposed on the plan.

PUBLIC IMPACTS

Engineering and Resource Protection

Watershed: Yarmouth Creek/Ware Creek

The site currently conveys all stormwater to the intersection of Route 60 and Forge Road. The south central portion of the parcel lies at the top of the watershed divide between the Yarmouth and Ware Creeks and there is an existing infiltration facility that will likely be removed during construction. Both existing conditions and future conditions will be addressed with a Stormwater Management Plan and Erosion and Sediment Control Plan later in the development process.

In 2010 the County adopted a Sustainable Building Policy, which recommends that new County buildings incorporate a variety of practices to demonstrate a commitment to environmental, economic, social stewardship, and to reduce energy costs. The proposed fire station has implemented multiple strategies in the design and is striving for silver certification under Leadership in Energy and Environmental Design (LEED) standards. While site and building design work is still in the early stages, the designers anticipate utilizing the following categories for meeting LEED Silver certification:

- Sustainable Sites: Facilities for alternative transportation; stormwater designs for quantity control and quality improvement; possible groundwater recharge.
- Water Efficiency: Low water consumption/drought tolerant landscaping, low consumption water fixtures.
- Energy and Atmosphere: Heating and ventilation management/technology, zone management; lighting controllability.

Staff Comments: The Engineering and Resource Protection Division has issued comments expressing the need for Stormwater Management and Erosion and Sediment Control Plans that address the existing site conditions and site conditions during all phases of construction, to be included later in the site plan development process.

Public Utilities

The entire site is located inside the Primary Service Area (PSA) and is served by public water and sewer. A Water Conservation Agreement (SUP Condition No. 5) will be reviewed and approved by the James City County Service Authority (JCSA) prior to final site plan approval.

Staff comments: JCSA staff has reviewed the master plan application and concurs with information provided by the applicant. The JCSA stated that a water conservation agreement and Water Data and Sanitary Sewer system Data Sheets shall be required to be submitted for this project later in the development process.

Transportation

This fire station responds to approximately 2,000 calls for service annually. Currently, the site has two existing entrances on Forge Road, one for staff and the other for fire apparatus leaving the station. A third existing driveway off Forge Road is currently utilized by several residential properties to the west of the station. Under the new proposal, the apparatus entrance will be relocated to this western-most driveway which will be upgraded to a commercial entrance to serve the station staff, apparatus, and the adjoining residential properties. The existing apparatus exit would be reconfigured to align with the new building location, and the center entrance will continue to serve visitors to the station and to the EOC buildings.

- **2009 County Traffic Counts:** Richmond Road from Rochambeau Drive to Croaker Road - 19,000 trips.
- **2013 County Traffic Signal Warrant Analysis:** Kimley Horn and Associates conducted a traffic signal warrant analysis for the intersection of Forge and Richmond Roads and concluded that no traffic signal was warranted for this intersection.
- **2035 Daily Traffic Volume Projected (from 2009 Comprehensive Plan):** Richmond Road from Rochambeau Drive to Croaker Road - 29,293 trips.

VDOT Staff comments: The Virginia Department of Transportation (VDOT) staff has issued general comments and comments about drainage and erosion control. All VDOT comments have been shared with the applicant and the Engineering and Resource Protection Division staff and shall be addressed later in the development process.

Design Guidelines

On February 14, 2006 the Board of Supervisors adopted the Toano Community Character Area Design Guidelines and Streetscape Plan, and on January 13, 2011, the Board of Supervisors adopted the Community Character Corridor Buffer Design Guidelines. The site plan for the proposed fire station will include design features from the Toano Guidelines such as architecture that reflects the historic design and style of the historic buildings of Toano, preservation of open space, street treatments, and a transition zone between the station and the agricultural land that is to the west on Forge Road. The Community Character Corridor Buffer Design Guidelines designated the buffers along Forge Road as open/agricultural and the site plan for this project shall incorporate those design elements into the landscape plan reviewed by the planning director.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these properties as Federal, State, and County Land and Mixed Use. Recommended uses for Federal, State, and County Lands include County offices and facilities. The two small parcels that are being rezoned are designated as Mixed Use in the Comprehensive Plan. The design principals for the Toano Mixed Use area include: highlight and honor history; encourage growth that enhances unique small town character; preserve open space; enhance pedestrian and bicycle environment; and improve streetscapes to create a sense of place. According to the Public Facility Standards of the Comprehensive Plan, fire protection and emergency medical services should meet the following standards (Page 98):

- Provide response times of six minutes or less within service areas that generate 365 or more emergency incidents per year.
- Provide a fire station for areas that generate 365 or more emergency incidents per year in order to provide an eight minute or less response time in areas not currently meeting the response time standard.
- Provide an additional response unit for any existing unit that is not available for more than five hours per day (on an annual average).

Public Safety: Goals, Strategies, and Actions (page 104):

- PF 1.2 - Acquire land for, efficiently design, and construct new public facilities in a manner that facilitates future expansion and promotes the maximum utility of resources to meet future capacity needs.
- PF 1.4 - Design facilities and services for efficient and cost-effective operations over the expected life of the facilities or programs.
- PF 4.2 - Strive toward constructing new County buildings and facilities to meet or exceed Silver LEED standard wherever applicable.

Staff finds that this application meets the recommendations of the Comprehensive Plan. The existing fire station is located on a site in the central part of the northern County. As this area has grown it is anticipated that the fire protection service must be correspondingly expanded. Along with the newly acquired property, this site will be adequate for the currently proposed expansion, as well as any needed expansion in the future. The new station will meet the standards for response time.

RECOMMENDATION

Staff finds the proposal with the attached conditions to be consistent with surrounding land uses and consistent with the Comprehensive Plan. This fire station provides a valuable service to the County and this location is best suited to provide needed response times to the upper County. Staff recommends the Board of Supervisors approve the rezoning and SUP applications with the attached resolutions.

W. Scott Whyte

CONCUR:

Allen J Murphy, Jr.

WSW/nb

Z04-13SUP13-13FireS1Rep.doc

Attachments:

1. Rezoning Resolution
2. Special Use Permit Resolution
3. Location Maps
4. Unapproved Minutes of the September 4, 2013, Planning Commission Meeting
5. James City County Sustainable Building Policy
6. Toano Community Character Area Design Guidelines and Streetscape Plan
7. Community Character Corridor Buffer Treatment Guidelines
8. Architectural Renderings
9. Master Plan

RESOLUTION

CASE NO. Z-0004-2013. FIRE STATION 1 REPLACEMENT

- WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0004-2013, for rezoning a ±1.06-acre property located at 7849 Church Lane from A-1, General Agriculture, and a ±.29-acre property located at 7869 Church Lane zoned B-1, General Business, to PL, Public Lands; and
- WHEREAS, the proposed project is shown on a Master Plan, prepared by AES Consulting Engineers, entitled "Fire Station 1," dated July 23, 2013, and revised on August 23, 2013; and
- WHEREAS, the subject properties are located at 3531 Forge Road, 7849 Church Lane, and 7869 Church Lane on land zoned PL, Public Land, A-1, General Agriculture, and B-1, General Business, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 1230100027, 1230100048, and 1230100031; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on September 4, 2013, recommended approval of this application by a vote of 6-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2013.

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 8th day of October, 2013.

Z04-13FireS1Rep_res

RESOLUTION

CASE NO. SUP-0013-2013. FIRE STATION 1 REPLACEMENT

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

WHEREAS, Mr. Shawn Gordon, on behalf of the James City County Fire Department, has applied for an SUP to allow for the construction of a new fire station in a PL, Public Land, zoning district; and

WHEREAS, the subject properties are located at 3531 Forge Road, 7849 Church Lane, and 7869 Church Lane on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 1230100027, 1230100048, and 1230100031; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 4, 2013, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP 0013-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the redevelopment of Fire Station 1 and accessory uses thereto as shown on the Master Plan titled "Fire Station 1," and dated July 23, 2013, with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. Commencement of Use: If construction has not commenced on the development within 36 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: Prior to final site plan approval the Planning Director shall review and approve final building elevations and architectural design for the new fire station to assure general consistency with the architectural elevation and accompanying drawings titled "Toano Fire Station" submitted with this application and prepared by Guernsey Tingle Architects, stamp dated July 24, 2013.
4. Boundary Line Adjustment/Extinguishment: Prior to the issuance preliminary site plan approval for the building, a subdivision plat shall be reviewed, approved, and recorded for the two project parcels.

5. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures, and appliances to promote water conservation and minimize the use of public water resources.
6. Landscape Review: Prior to final site plan approval the Planning Director shall review and approve a landscape plan that incorporates the design principles for streetscapes and transitional buffering found in the Toano Community Character Area Design Guidelines and Streetscape Plan and which such plan also incorporates the buffer design principles for the open/agricultural buffer designation found in the Community Character Corridor Buffer Design Guidelines.
7. Sustainable Building Policy: On March 23, 2010, the James City County Board of Supervisors adopted the Sustainable Building Policy which requires all proposed County buildings to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification. Prior to final site plan approval the General Services Manager shall review the plans for consistency with the County's Sustainable Building Policy.
8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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 8th day of October, 2013.

SUP13-13FireS1Rep_res

Z-0004-2013/SUP-0013-2013

Fire Station #1 Replacement



Unapproved Minutes of the September 4, 2013 Planning Commission Meeting

A. Case Nos. Z-0004-2013 / SUP-0013-2013. Fire Station # 1.

Mr. Scott Whyte, Sr. Landscape Planner II, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

Mr. Krapf opened the public hearing.

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

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

Mr. Basic moved to recommend approval of the application with the conditions listed in the staff report.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Woods being absent.

James City County Sustainable Building Policy

March 23, 2010

Purpose

The purpose of this policy is to demonstrate James City County's commitment to environmental, economic, and social stewardship, to reduce energy costs, promote water conservation, to provide healthy work environments for staff and visitors, and to contribute to the County's environmental goals as stated in the Comprehensive Plan. Additionally, the policy will help the County to set a community standard of sustainable building practices.

1. Organizations Affected

All County Departments and Agencies and their contractors responsible for financing, planning, designing, developing, constructing, managing, and decommissioning County owned and leased facilities and buildings.

2. Definitions

- a. LEED: LEED stands for Leadership in Energy and Environmental Design, and is a voluntary, consensus-based, market-driven green building rating system developed by the U. S. Green Building Council (USGBC).
- b. Sustainable Buildings: Sustainable buildings incorporate a variety of practices, building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment. Sustainable buildings merge sound environmentally responsible practices into one discipline that looks at the environmental, economic and social effects of a building or built project as a whole. Sustainable design encompasses the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach.

3. Policy

- a. It shall be the policy of James City County to finance, plan, design, construct, manage, renovate, maintain, and decommission its facilities and buildings to be comprehensively sustainable. This applies to new construction and major renovation projects where the total project square footage meets the minimum criteria described below.
- b. The County will continue to use the most current version of the LEED green building rating system standards as developed by the USGBC.
- c. County buildings shall be funded and constructed for at least the level of LEED Silver Certification. County buildings shall also be designed and built to meet Energy Star energy performance targets, or comparable targets where Energy Star benchmarking has not yet been established.
- d. Silver Certification may be foregone if professional analysis demonstrates that a reallocation of funding would substantively improve the over-all environmental performance of the building (for example, to meet project-specific energy performance standards), even at the loss of LEED points.
- e. Projects with residential components may use either LEED or EarthCraft Virginia rating systems to guide sustainable design and construction, as appropriate.
- f. Site design for all County owned projects shall, in addition to meeting all the requirements for LEED Silver certification in section 4., apply the principles of Better Site Design, Low Impact Development, and Best Management Practices. Overall goals for the site design shall be:
 - Replication and/or enhancement of the natural water cycle
 - Preservation of natural resources on the site
 - Minimization of impervious cover
 - Minimization of irrigation of landscape areas and no use of potable water for irrigation
 - Protection and enhancement of water quality on site and in receiving streams and wetlands
 - Consistency with the recommendations from adopted watershed management plans.

4. Application of Policy to Different Construction Types: Exemptions and Appropriate LEED Standards

- a. As a general principle, all County buildings and public facilities construction will strive to incorporate the highest environmental performance standards.

- b. For both construction and renovation, County owned buildings with less than 5,000 sq. ft gross floor area (GFA), buildings leased by the County with less than 8,000 sq. ft. GFA or an initial lease term 8 years or less, and buildings without climate-control systems are exempt from the requirements in Sections 3.c and 3.d, but will follow 4.a. Likewise, renovations that cost less than \$1 million are exempt from 3.c and 3.d, but will follow 4.a.
- c. Each County project will be evaluated on a case-by-case basis. Unless the County Administrator makes a written finding that the application of this policy to a particular building is not in the County's best interest (for example, because of time urgency or lack of funding), all other County buildings will be constructed in accordance with this policy, using the following LEED rating systems for various building types:
 - i. New buildings owned by the County: LEED for New Construction and Major Renovation (LEED-NC) Rating System.
 - ii. Renovation of buildings owned by the County: LEED for New Construction (LEED-NC) Rating System, unless the County Administrator or his designee determines that the LEED for Existing Building (LEED-EB) or LEED for Commercial Interiors (LEED-CI) is more appropriate.
 - iii. New buildings or new space where the County is lessee: LEED for Commercial Interiors (LEED-CI) Rating System for the County's leased space, unless the County's development review process dictates a higher standard for the entire building. This provision applies only to leased space greater than 8,000 sq. ft. and/or an initial lease term of more than 8 years.
 - iv. New buildings built by a County-private partnership or where County is lessor: LEED for Core and Shell (LEED-CS) Rating System for the building's common core and shell, with the LEED for Commercial Interiors (LEED-CI) Rating System used for the County's usable interior space. This provision applies only to leased space greater than 8,000 sq. ft. and/or an initial lease term of at least 8 years. Private space built on County-owned land may use the LEED rating system appropriate for the specific project.

- v. Residential Facilities: LEED applicability shall be evaluated on a case-by-case basis. Projects that include a residential component may use LEED, or the EarthCraft Virginia rating system, as appropriate.
- vi. Higher Achievement: Design and project management teams are encouraged to meet higher LEED rating levels where feasible.

5. Procedures and Responsibilities

The Managers of all County Departments whose responsibilities include planning, designing, constructing or renovating County-owned facilities shall be responsible for ensuring that facilities and buildings comply with this policy. Departments purchasing equipment for County facilities shall meet the provisions of 3.c.

6. Budgeting and Financing

All James City County buildings shall be funded at a level that ensures comprehensively sustainable buildings, as defined above. Budget planning and life cycle cost analysis to justify attainment of a higher rating of LEED gold or platinum is encouraged. Agencies shall include in their calculations for maintenance costs for new or renovated buildings an adjustment in cost per square foot to support LEED standards.

7. Training

County staff should have LEED and energy management training appropriate for their level of involvement in the buildings.

DESIGN GUIDELINES & STREETSCAPE PLAN



Adopted

February 14, 2006

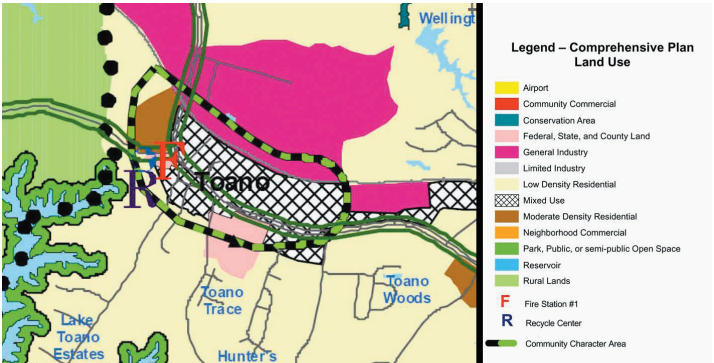
by

James City County
Board of Supervisors



BACKGROUND

The historic village of Toano sits along Route 60 in the northern part of James City County, between Anderson’s Corner and Norge. The village began as a railroad stop called Burnt Ordinary and in 1882 became know as Toano, a native American name for high ground. The extension of the Chesapeake and Ohio Railway along the middle of the peninsula led to the rapid expansion of the town as a commercial center for the northern part of the county. Industries which relied upon the railroad emerged along the Richmond Road corridor. With the expansion of the automobile in the 20th century, Richmond Road replaced the railroad as the primary conduit of goods and people through the village. The expansion of Richmond Road through the town in the 1950’s eliminated many of the historic buildings in the village, particularly along the south side of the highway.

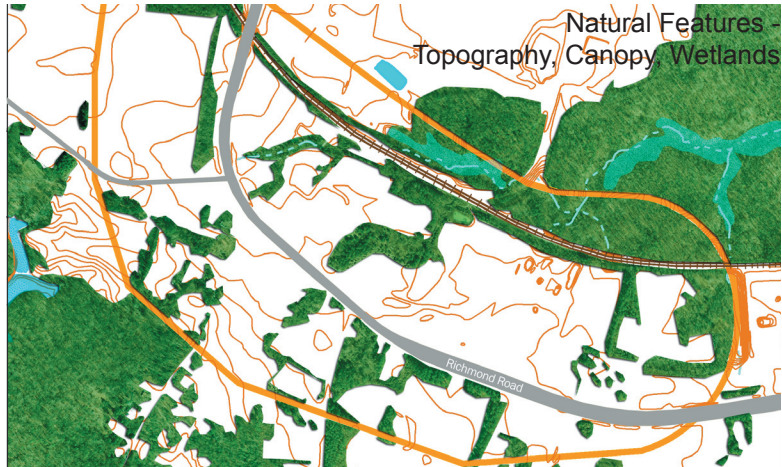


2003 Land Use Map for Toano

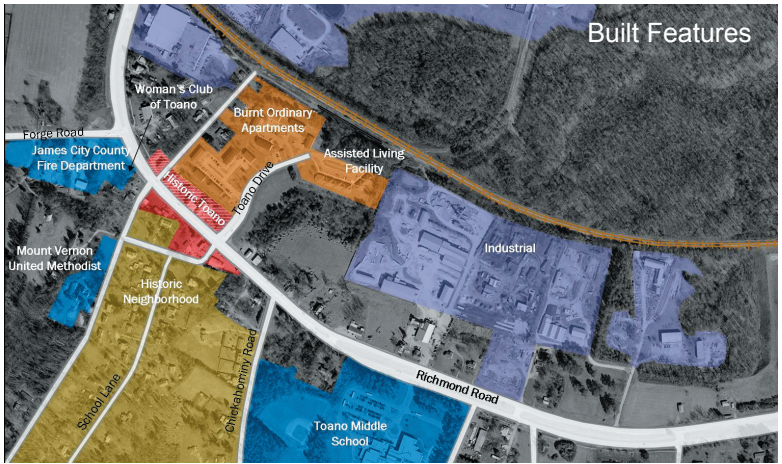
The 2003 Comprehensive Plan for James City County designates historic Toano as a Community Character Area. It calls for the architecture, scale, materials, and spacing of buildings to complement the historic character of the area. These guidelines and streetscape plan are the products of a steering committee convened to develop specific recommendations guiding the future development of the village while enhancing its historic character.

COMMUNITY PROFILE

Toano is situated along the ridge line that Richmond Road follows. North of Richmond Road, water flows to an intermittent stream and out into the York River watershed. South of Richmond Road, water flows to the Little Creek Reservoir and down to the Chickahominy River watershed. Along Richmond Road through town there are few existing mature stands of canopy trees. Mature canopy stands instead are found near the low lying floodplains.



Toano is characterized by a central historic district on Richmond Road between Forge Road and Toano Drive. Beyond this district lies a historic neighborhood to the south, with Mt. Vernon United Methodist Church and more recent housing to the north - Burnt Ordinary Apartments and Assisted Living facility. Other facilities in the town include Toano Middle School, James City County Fire Department and Emergency Operations Building, and the Women’s Club of Toano. Much of the remainder of the town consists of industrial uses.



PLANNING PRINCIPLES

The following principles were developed in consultation with the Toano Community Character Area Steering Committee as well as members of the public. The principles form the foundation for the following streetscape and design guidelines.

- 1. Highlight and honor history
- 2. Encourage appropriate growth that enhances unique small town character
- 3. Preserve open space; establish communal green space
- 4. Enhance pedestrian and bicycle environment while slowing vehicular traffic
- 5. Improve streetscape and landscape to create a sense of place

James City County has several policies in place that help to guide the development of Toano. These are included in the following lists under Community Character Areas and Streetscape Guidelines Policy.

Community Character Areas

(from 2003 Comprehensive Plan)

- 1. Promote rear-access parking
- 2. Design and maintain appropriate landscaping
- 3. Develop consistent signage
- 4. Ensure pedestrian & bicycle access
- 5. Promote mixed-use development
- 6. Provide open space

Streetscape Guidelines Policy

(Adopted April 2004)

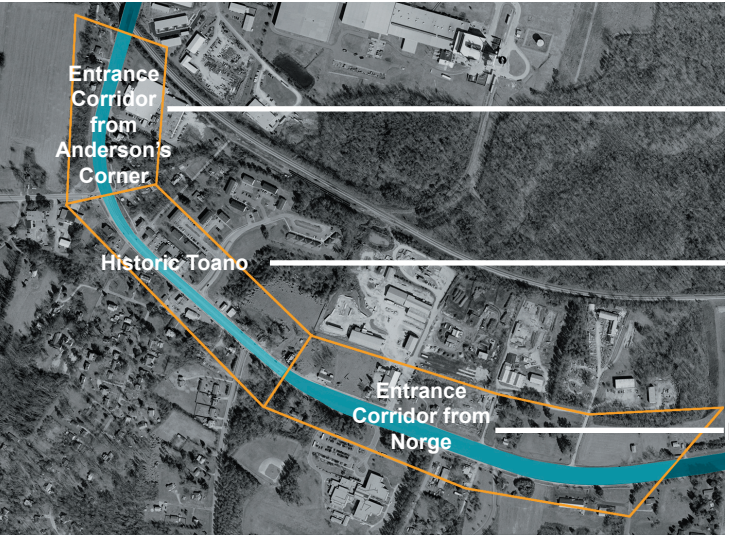
- 1. Preserve or establish tree canopies of 20% within 20 years growing time
- 2. A five foot landscape easement along a Right of Way must contain at least 1 tree per 40’ or 1 shrub per 20’
- 3. Native species or common street trees are recommended
- 4. Existing trees within 20’ of the Right of Way are protected by the zoning ordinance

COMMUNITY CHARACTER STUDY

The expansion of Richmond Road through the center of Toano resulted in the removal of buildings that once formed the town’s center. The community is eager to rebuild their town in the character of a village, where their collective goals include creating a safe and vibrant place to live, work, and visit.

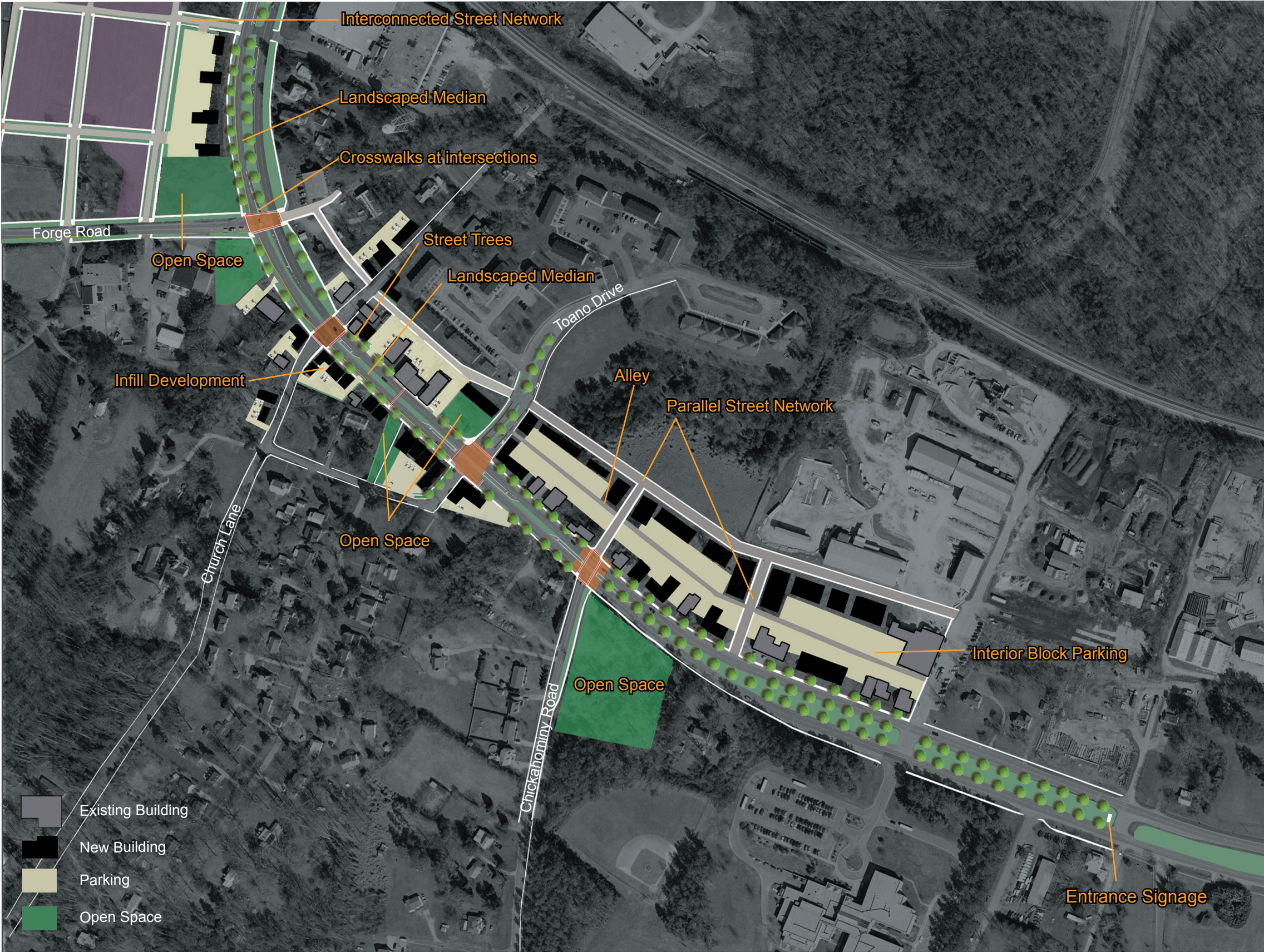
Three zones were selected by the committee for consideration in The Toano Community Character study: The Entrance Corridor from Anderson’s Corner, Historic Toano, and The Entrance Corridor from Norge. Designs for each zone are based on the general concept of realizing a more defined town center and edge.

Key Toano Areas Studied



The proposed Streetscape Plan (included on pages 4 and 5) provides a framework for creating and maintaining a sense of place in Toano. Through the careful redesign of the public realm along Richmond Road, a pattern of development emerges that should guide future investment. The creation of a street network adjacent and parallel to Richmond Road allows a finer grain of density to develop and contributes to the village-like feel. Additionally, this network begins to draw development and interest into side streets and neighborhoods. Through design elements such as street trees, building massing and orientation, landscaping, crosswalks, and a network of open space, the fingerprint of a vibrant place can emerge. Toano’s future should be informed but not constrained by its past while enhancing its unique character.

PROPOSED STREETScape PLAN



ARCHITECTURAL GUIDELINES

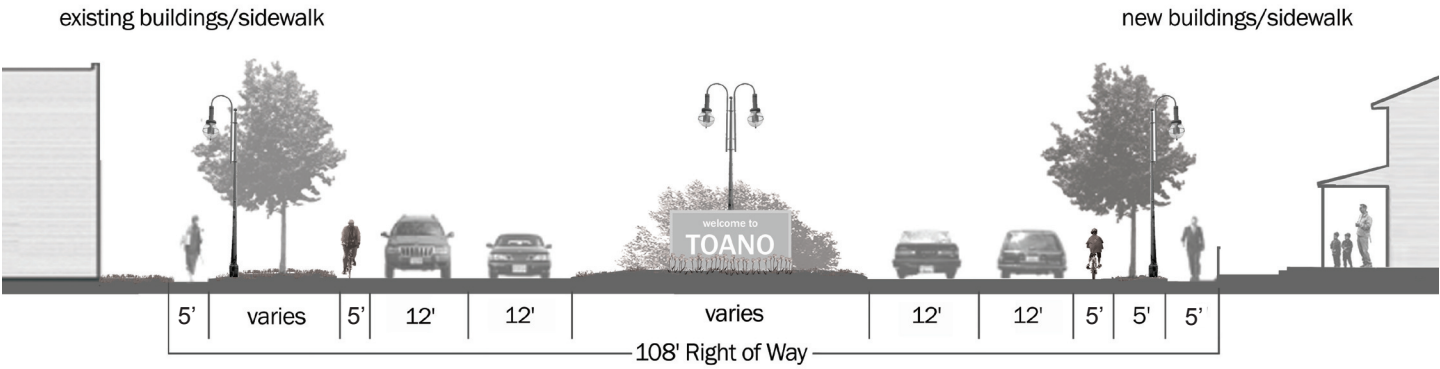


- Historic Toano**
1. Buildings should be set back 10-15'. Massing should be denser in this area of Toano, with limited side yard setbacks of 0-5'.
 2. Projects should have a consistent and distinct identity through the use of similar and compatible architecture and building materials. Predominant exterior materials should be of high quality, including wood, and brick. Buildings should be of similar size and design as the three existing main street buildings (Old Bank, Masonic Lodge, and Old Antique Store buildings), or other buildings previously located in this area of a similar age when their designs can be documented, as well as have architectural characteristics sensitive to and compatible with design elements of the nearby historic buildings, including: The Gatewood House, Silver Maple Café, and the Unfinished Wood Furniture Store.
 3. Desired elements include two and three story buildings, windows on all floors, 1st or 2nd story porches.
 4. Landscaping should consist predominantly of street trees, foundation plantings, and parking areas; fences and walls should be used to screen objectionable features such as mechanical equipment and dumpsters.
 5. These guidelines are highly recommended for all parcels fronting on Richmond Road, and recommended for back parcels inside the Community Character Area

- Transition Areas** (also for Forge, Chickahominy, and Toano Drive transitions leading away from Richmond Road)
1. Building setbacks of 15-25 feet.
 2. Buildings should be of a lesser scale than those directly along the historic Toano corridor, with building heights of one and a half and two stories.
 3. Building density and massing should decrease as well, with side yard setbacks increasing to 10-15 feet.
 4. Landscaping should focus on berms and buffers between the edge of the village and the rural lands or industrial uses, while landscaping along the internal roads should still focus on streetscapes and integration of the village area. Parking behind the buildings should still be screened with plantings, but can include a mix of on-street parking if the road width is wide enough to support it.
 5. These guidelines are recommended for business and residential uses fronting on Richmond Road, and suggested for all other uses and back parcels.

- In Between Towns** (Outskirts of Community Character Area and in between towns)
1. Building setbacks and buffers should increase in this section to more closely mirror the Comprehensive Plan designations for this area, as parcels in this section encompass more industrial, low-density residential, and agricultural uses.
 2. Building scale and density is more readily dependent on land use, rather than the Toano historic district guidelines.
 3. Dominant features inside these areas should include more extensive buffering and landscape screening of these uses from Route 60.

Entrance Corridor from Anderson’s Corner - Richmond Road



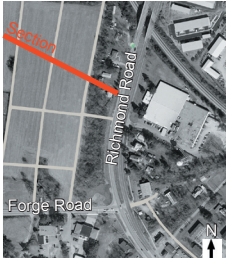
Concerns	Goals
Traffic Speed	Lower the speed limit in the transitional zone
Infrastructure	Create additional access to and from any proposed Forge Road development to Richmond Road; Introduce a traffic signal at the intersection of Forge Road and Richmond Road; Develop infrastructure before growth, not as a reaction
Gateway into Toano	Provide design elements that reinforce a sense of arrival
Pedestrian/bike access	Promote walking and biking with safe, improved sidewalks, crosswalks, bike lanes and sidewalk buffers
Character	Maintain an agricultural character by screening development with landscape and buffers; Create a town edge by increasing building setbacks and decreasing overall density

DESIGN ELEMENTS - TRANSITION ZONES



- Planted Median** - The transition from town center to town edge is enhanced by the introduction of trees in the median. In this corridor, visibility across the median becomes less important as the number of pedestrian crossings decrease.
- Gateway** - The median also acts as a space for the display of gateway elements such as signs, pedestrian-scale lighting, and sculpture/art work which alerts drivers to their arrival into town. Designed welcome signage can also be used to reinforce the desired character of the town/village and can provide information about the town to visitors.
- Bike Lane** - A separate lane designated for bicycle traffic will help to reduce automobile traffic and will make the town and school more accessible to non-drivers.
- Sidewalks** - Wide, buffered sidewalks encourage walking to and from the town.
- Landscaped Berm** - Transitioning from Richmond Road to farmland on Forge Road, or to industry along the entrance corridor from Norge, berms or earth mounds could be employed as a visual edge or screen between different land uses. For year-round screening, berms should be planted with evergreen species and at a scale-appropriate density.
- Intersection** - A signalized intersection at Forge Road and Richmond Road will help to manage traffic and increase the overall safety for drivers, pedestrians, and bikers.

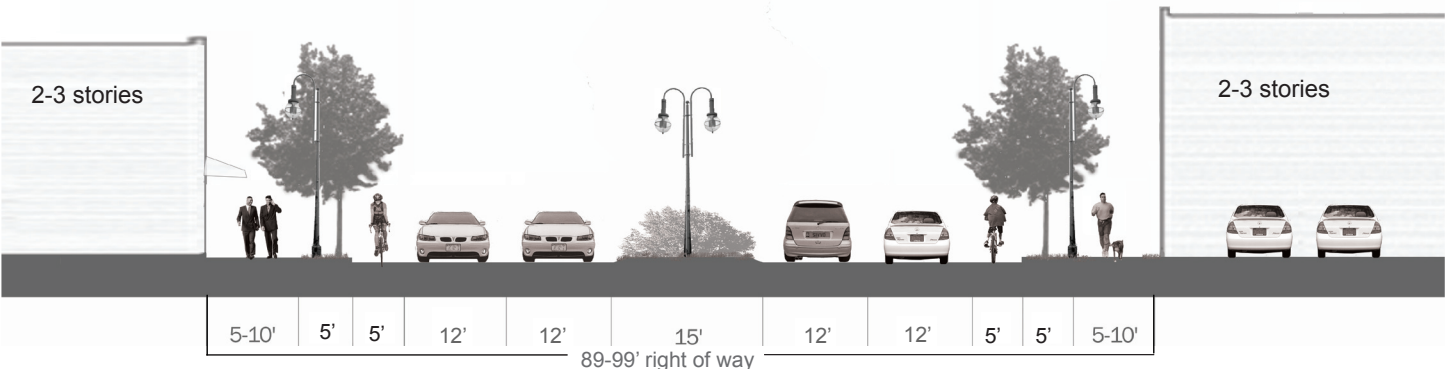
TRANSITIONAL DEVELOPMENT



Toano is primarily a rural/agricultural community, undergoing development pressure. The transition area North and South of Richmond Road should complement the character of the town center with smaller scale street-front buildings, rear entry parking, and pedestrian friendly design. Planning for new development should include the preservation of farm viewsheds and improved traffic management. Landscaped berms improve the visual continuity of farmland (example shown below) and act as a screen to adjacent or industrial development. New development should include a plan for multiple access routes and avoid overloading any single corridor.



Historic Toano, Richmond Road



Concerns	Goals
Traffic	Reduce the perceived scale of Richmond Road by employing streetscape design elements; Introduce traffic signals and clearly mark intersections
Pedestrian Access/Network	Encourage pedestrian activity through improved streetscape design including new sidewalks, bike lanes, sidewalk buffers, crosswalks, a planted median/refuge island, and short building setbacks
Economic/social vitality	Enhance the sense of place by increasing the density of mixed-use buildings in the village center. Designate points of interest to attract visitors and revitalize the downtown economy. Incorporate land for parks and open space.
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping and vernacular architecture; Preserve open space

DESIGN ELEMENTS - HISTORIC TOANO



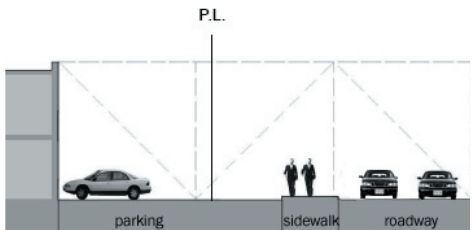
- Median** - Separate directional traffic. Provide a refuge island for safe pedestrian crossing. Reduce the perceived width of the roadway and reinforce the sense of place with landscaping, pedestrian-scale lighting, and signage.
- Crosswalk** - Highlight and designate specific areas for pedestrian crossing. Use texture and color to alert and slow drivers. Connect crosswalk with network of sidewalks for full pedestrian access.
- Landscape Buffers** - Promote sidewalk safety by providing grass buffer strips between pedestrian and highway traffic. Plant more street trees for shade, to add beauty to the streetscape, and to reinforce the distinction between the street and the sidewalk.
- Sidewalk** - Create a clear and safe zone for pedestrians that links to a network of crosswalks and sidewalks. Improve the current condition of the sidewalks and provide ample width to encourage pedestrian activity.
- Bike Lane** - Encourage bicycling as an alternate means of transportation. Provide a clearly defined lane for bikes with connections to a network.

Richmond Road Enhancement

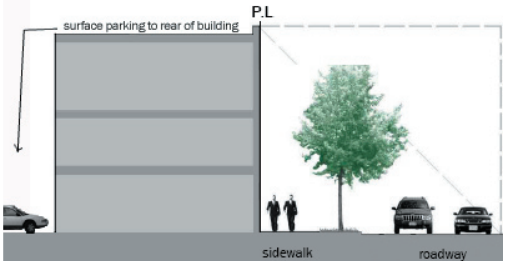


BUILDING FRONTAGE AND PARKING

Promote a village town atmosphere where pedestrian activity is encouraged and served by a network of safe sidewalks and crosswalks that pass before building entrances. Activate the town center by increasing building density and height (up to three stories). Encourage shorter building setbacks with entry access from the sidewalk. Restrict parking to the side or rear of buildings. Access parking from Richmond Road at designated locations, and create alternative access to lots from back-alley roads.

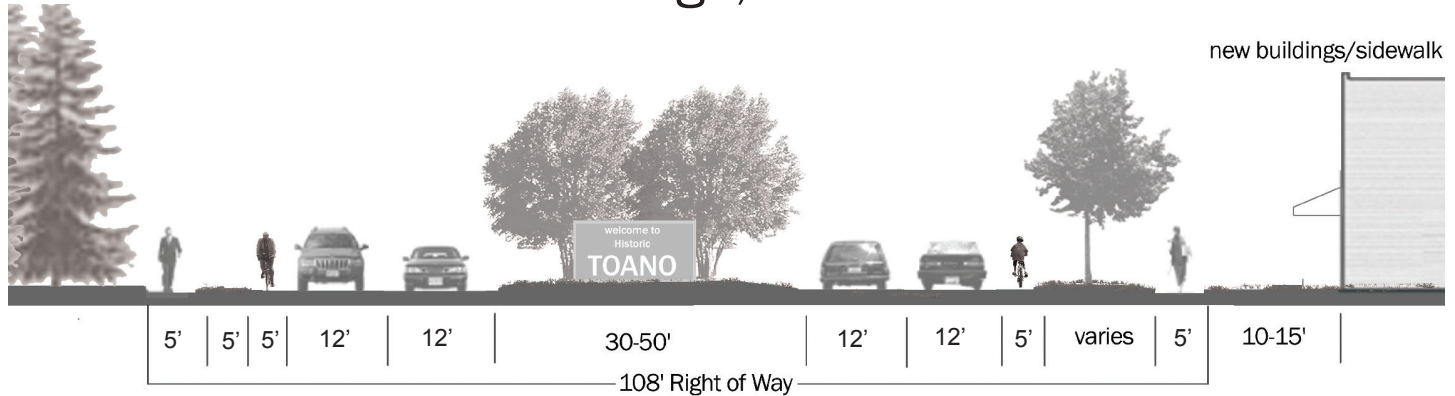


Discourages pedestrian activity



Parking behind the buildings promotes a pedestrian friendly streetscape

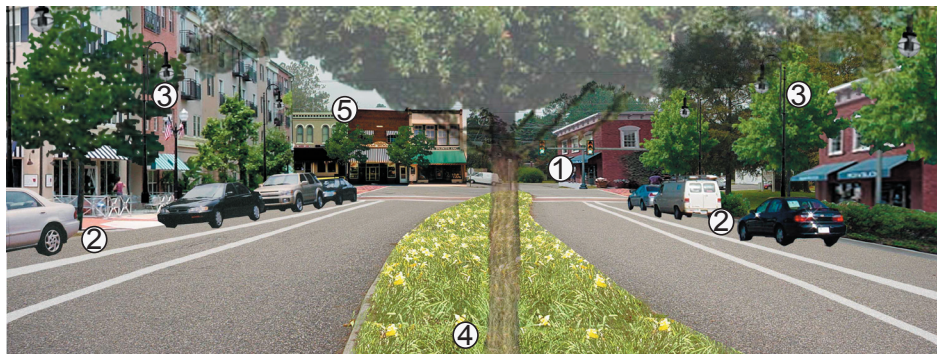
Entrance Corridor from Norge, Richmond Road



Concerns	Goals
Traffic Speed	Lower the speed of traffic entering town through signage, median plantings, street trees, sidewalks and shallow building setbacks
Gateway into Toano	Reinforce the sense of arrival through signage and other design elements
Development Pattern	Provide a framework of infrastructure (parallel streets, alleys, blocks) that extends the built pattern of the historic center in an incremental fashion as the village grows
Visual Beauty/character	Reinforce a village character with safe, walkable streets, landscaping, shallow building setbacks and vernacular architecture. Preserve open space where appropriate for future needs

Note: Design elements for "Entrance Corridor from Norge" are consistent with those listed under "TRANSITION ZONE" - page 6.

OTHER DESIGN ELEMENTS - TOANO DRIVE



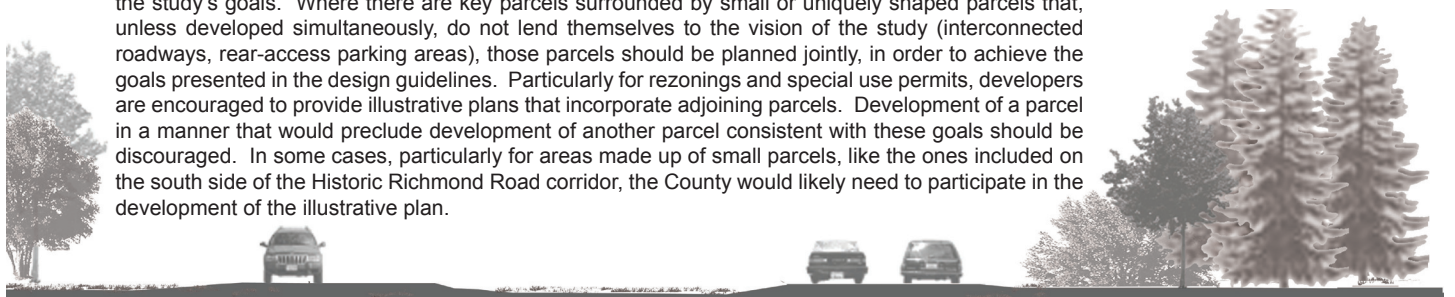
Toano Drive and Richmond Road Intersection Enhancement



- 1. Traffic Signal & Crosswalks** - Provide a signal which would slow down through traffic while allowing pedestrians to safely cross the highway at designated crosswalks.
- 2. Bicycle Lanes & On-Street Parking** - Use the existing wide section of Toano Dr. to provide for on-street parking and a bike lane in both directions. This helps narrow the street and slows down traffic while providing alternatives to surface parking lots.
- 3. Street Trees & Lighting** - Create a safe and comfortable walking environment through pedestrian scale lighting and shade, which also helps to break down the scale of the street.
- 4. Landscape Median** - Help to create a sense of place through well-maintained landscape in the public realm of the median.
- 5. Infill Development** - Encourage mixed-use development that follows the pattern found in historic Toano. Buildings should be 2 to 3 stories and pushed to the street edge with entrances onto the sidewalk.

JOINT DEVELOPMENT

There are sections of the study area where it will be very difficult to develop on a small scale and still achieve the study's goals. Where there are key parcels surrounded by small or uniquely shaped parcels that, unless developed simultaneously, do not lend themselves to the vision of the study (interconnected roadways, rear-access parking areas), those parcels should be planned jointly, in order to achieve the goals presented in the design guidelines. Particularly for rezonings and special use permits, developers are encouraged to provide illustrative plans that incorporate adjoining parcels. Development of a parcel in a manner that would preclude development of another parcel consistent with these goals should be discouraged. In some cases, particularly for areas made up of small parcels, like the ones included on the south side of the Historic Richmond Road corridor, the County would likely need to participate in the development of the illustrative plan.



RESOLUTION

COMMUNITY CHARACTER CORRIDOR (CCC) BUFFER TREATMENT GUIDELINES

AND MAP

WHEREAS, the Community Character Corridor (CCC) Buffer Treatment Guidelines and Map were created to establish three sets of landscape design guidelines for development along all CCC throughout the County; and

WHEREAS, the 2009 Comprehensive Plan identified the need to create and designate guidelines for CCC buffer landscape treatments; and

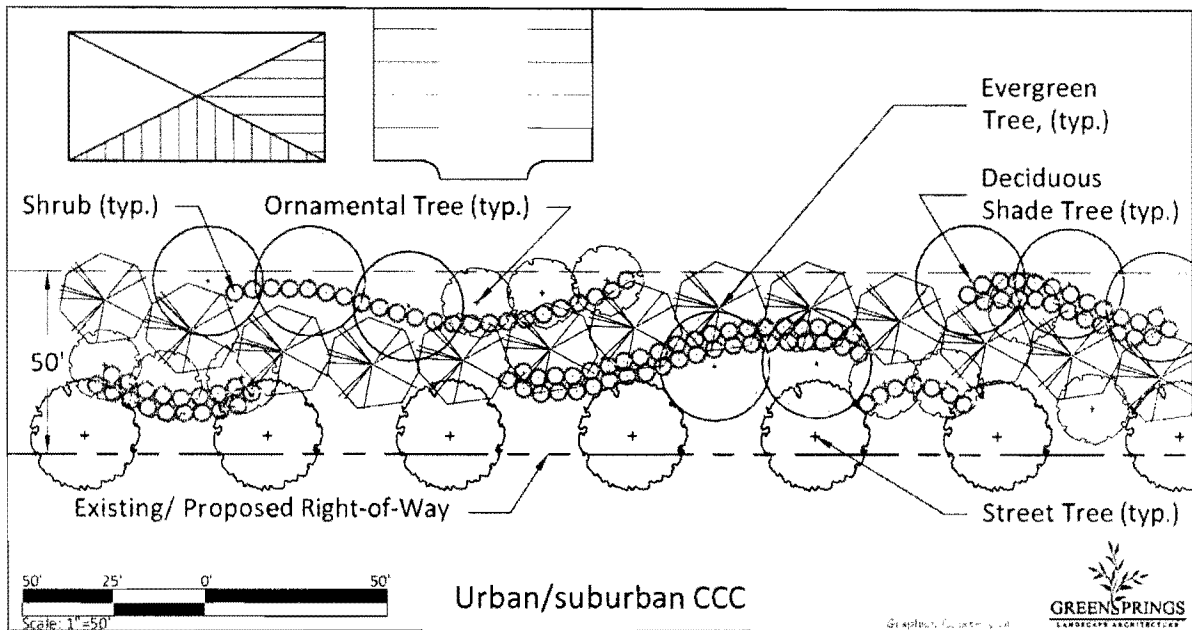
WHEREAS, the Policy Committee recommended endorsement of the CCC Buffer Treatment Guidelines and Map to the Planning Commission on February 3, 2011; and

WHEREAS, the James City County Planning Commission, after a public hearing, endorsed the revisions to the CCC Buffer Treatment Guidelines and Map on October 5, 2011, by a vote of 6-1.

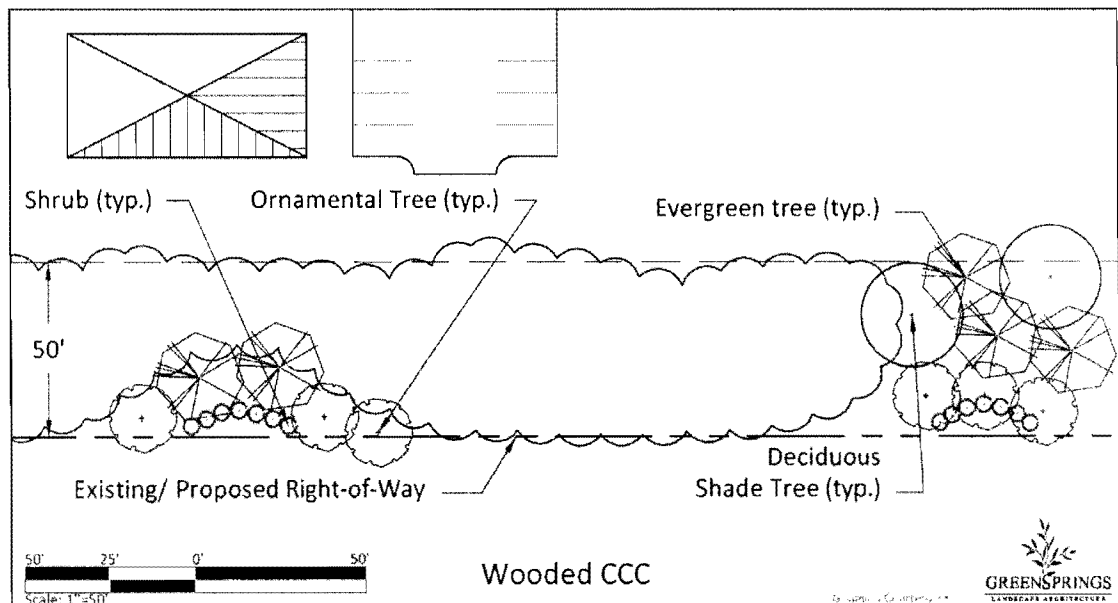
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following CCC Buffer Treatment Guidelines and the James City County CCC Type Designation and Buffer Treatment Map dated January 13, 2011:

Purpose: The Comprehensive Plan establishes a network of CCCs throughout the County, along which all commercial developments are required to provide a 50-foot average buffer and residential developments provide a 150-foot buffer. It is the purpose of these CCC Buffer Treatment Guidelines, in conjunction with the James City County CCC Type Designation and Buffer Treatment Map, to designate all corridors as a particular type (Urban/Suburban, Wooded, or Open/Agricultural) and to give guidance on the landscape treatment expected for each type. The descriptions and sample drawings below depict the landscaping style required for each corridor type to aid in creating appropriate landscape plans for developments along these corridors.

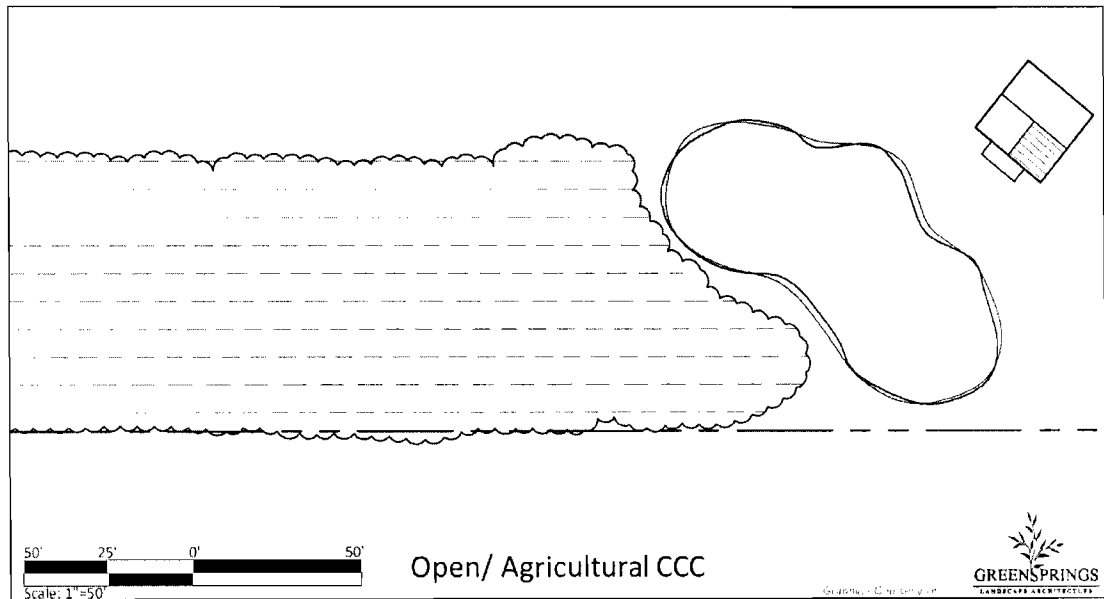
Urban/Suburban CCCs - *An Urban/Suburban CCC is characterized as having high to moderate traffic, commercial uses, and some residential uses. The predominant visual character of these corridors should be the built environment and the natural landscape, with parking and other auto-related areas as a secondary component. The buffer treatments should incorporate existing specimen and understory trees, required plantings, and any legislated enhancements such as over-sized landscape plants, the use of berms, and other desirable design features to complement and enhance the visual quality of the urban corridor. Auto-related activities such as parking lots and other outdoor operations should be screened with required evergreen plantings. In comparison to the Wooded and Open/Agricultural treatments, this treatment provides the applicant with the most visibility for the commercial use and the most flexibility in establishing a manicured and/or formal look. The corridors designated with this type of treatment are in Community Character Areas and other urban areas of the County that have mainly commercial uses. Roads in New Town, Five Forks, Toano, Norge, and Richmond Road are examples of the Urban/Suburban type of treatment.*

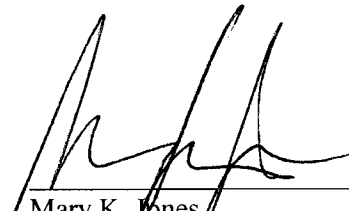


Wooded CCCs - A wooded CCC is characterized as having natural wooded areas along the road, with light to moderate traffic, and minimal existing or planned commercial development. The objective of the buffer is to visually screen the development from the road. Ideally, existing vegetation should be preserved or supplemented to create a wooded buffer that preserves open space and wildlife habitat to maintain the natural character of the County. Corridors appropriate for this type of treatment include areas that have existing vegetation consisting of mature trees and shrubs and that are mostly developed with residential uses. Corridors along John Tyler Highway, Centerville Road, Longhill Road, Greensprings Road, and Route 199 are examples of the wooded landscape type treatment. This type of treatment offers the least amount of visibility to the development, and the intent is to preserve the natural beauty of the development site. The design should be informal and natural.

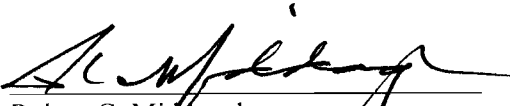


Open/Agricultural CCCs - An Open/Agricultural CCC is characterized as a corridor located primarily in rural lands where farming and forestry activities are predominant or sought to be preserved. The objective of the Open/Agricultural designation is to preserve the view and integrity of farm fields and natural open spaces so they remain the dominant visual features. This type of treatment is appropriate for the agricultural areas that exist in the County. The Anderson's Corner roads, Forge Road, and Old Stage Road are examples of the Open/Agricultural treatment type.




Mary K. Jones
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of November, 2011.

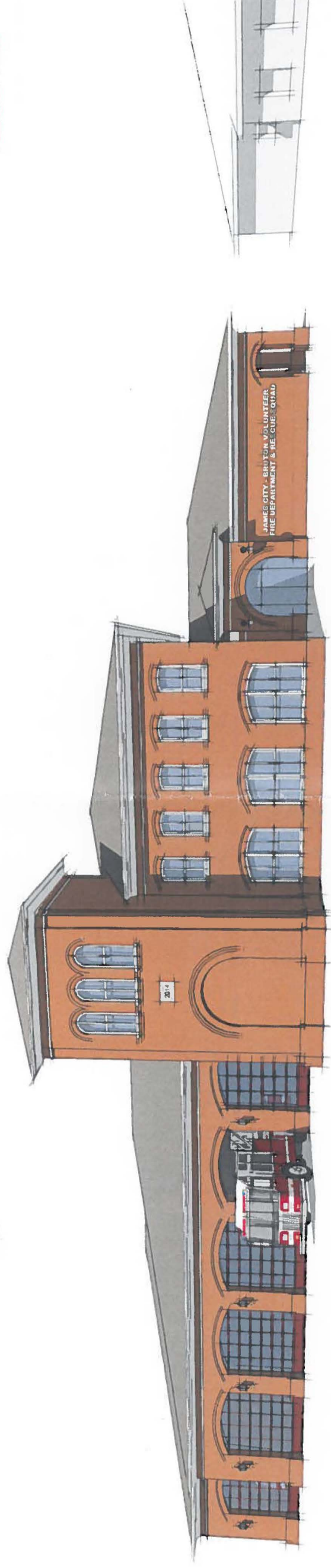
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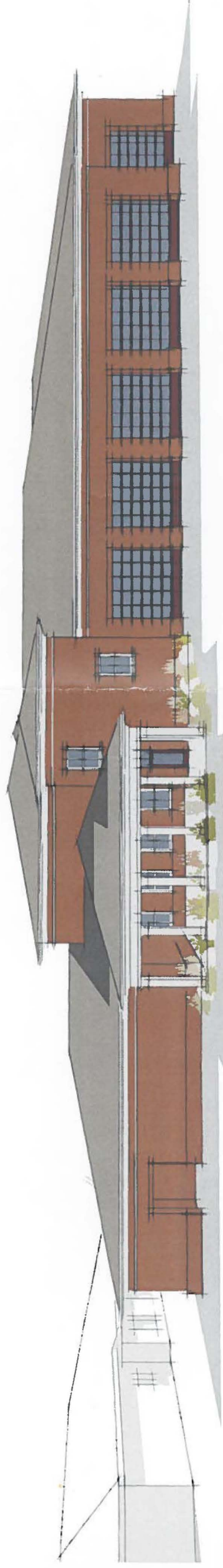
PLANNING DIVISION

JUL 24 2013

RECEIVED



Front Perspective



Rear Perspective

TOVANO FIRE STATION

James City County Fire Station #1
3135 Forge Rd., Toms, VA 23168

Guernsey Tingle Architects
WILLIAMSBURG, VIRGINIA
757 220 0220

**Schematic Design Model
(alternate bid apparatus
bay illustrated)**

Date	07-23-13
Drawn	AJM
Checked	--
Project	211104
SU-1	
Of	Sheets

REVISIONS			
SYMBOL	DESCRIPTION	DATE	INITIALS
	Schematic Design	03/06/13	AJM

THREE DRAWINGS AND THIS DESIGN REMAIN THE PROPERTY OF QUINCY TUNGLA ARCHITECTS AND MAY NOT BE REPRODUCED, REPRODUCED, OR BUILT WITHOUT PERMISSION OF THE ARCHITECT.

REVISIONS		SYMBOL	DESCRIPTION	DATE	INITIALS
			Schematic Design	03/06/13	AJM
THREE DRAWINGS AND THIS DESIGN REMAIN THE PROPERTY OF GUERNSEY TINGLE ARCHITECTS AND MAY NOT BE ALTERED, REPRODUCED, OR BUILT WITHOUT PERMISSION OF THE ARCHITECT.					



**Guernsey
Tingle
Architects**

WILLIAMSBURG, VIRGINIA
757 220 0220

TOANO FIRE STATION

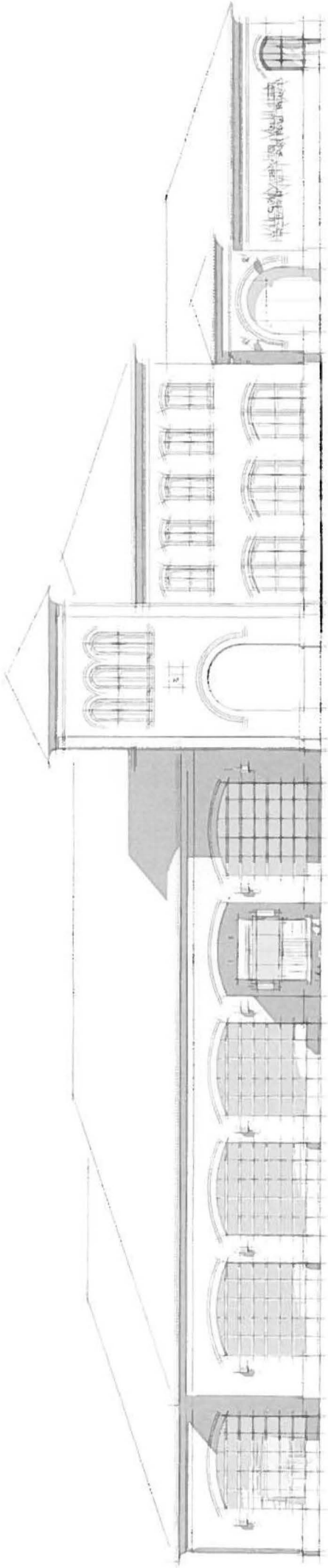
James City County Fire Station #1
3135 Forge Rd., Toano, VA 23168

Schematic Design Model
(alternate bid apparatus
bay illustrated)

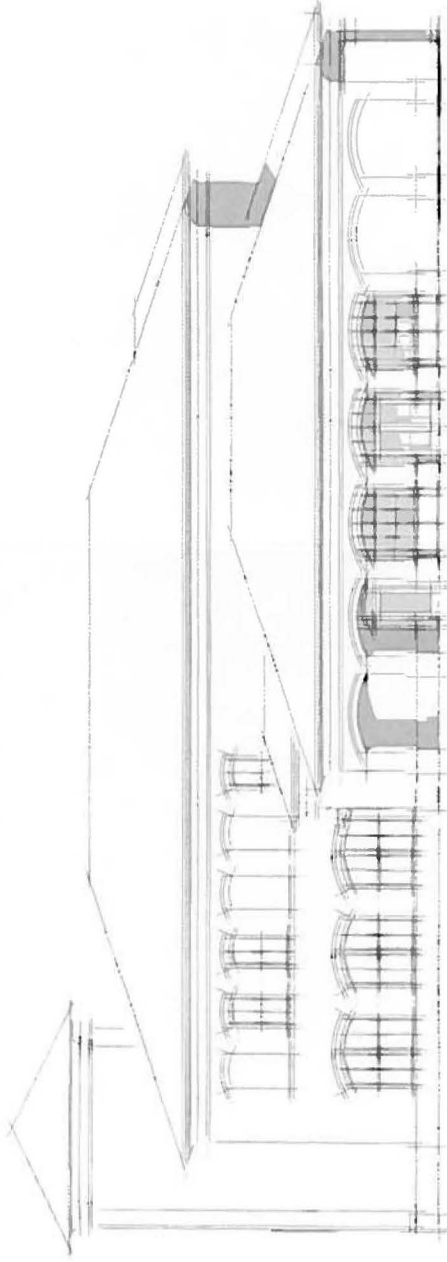
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Project	211104

SU-2

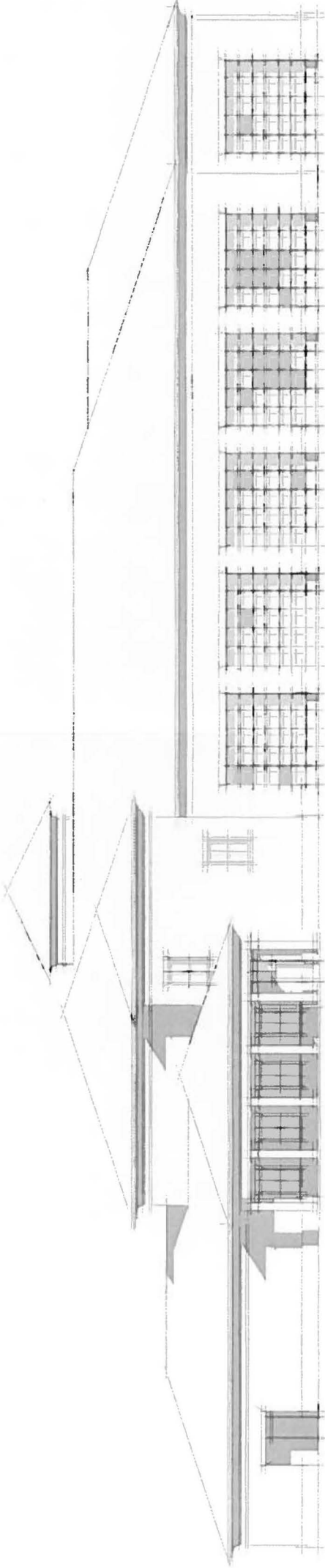
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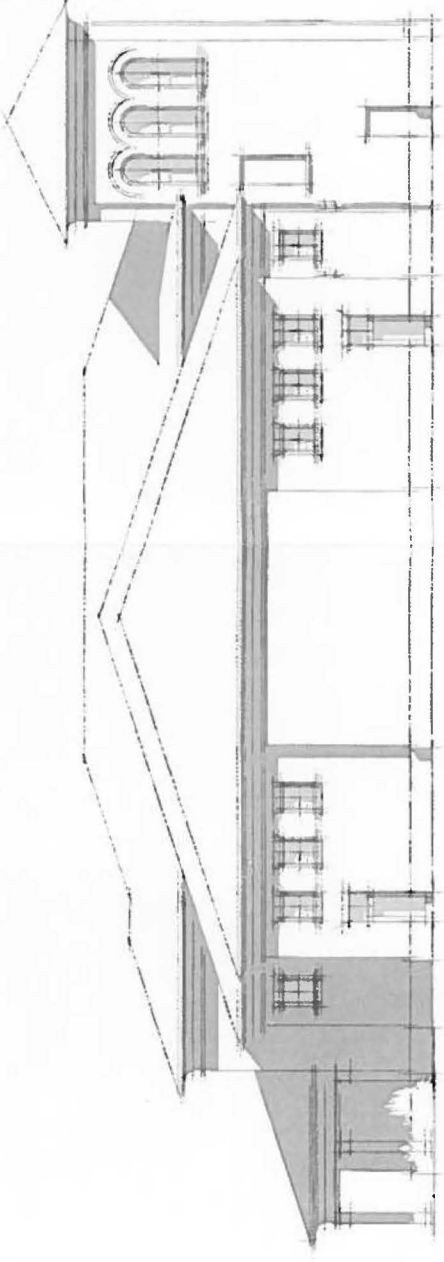
Front Elevation



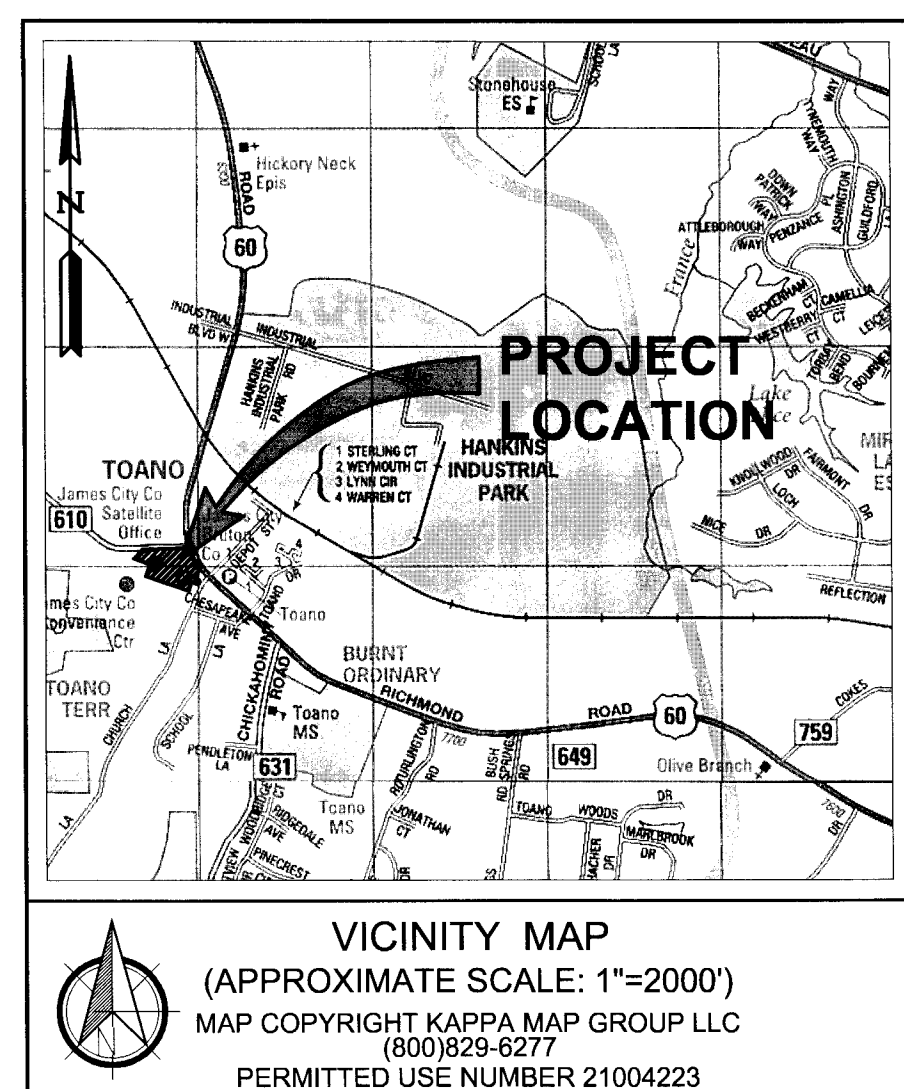
Right Elevation



Rear Elevation



Left Elevation



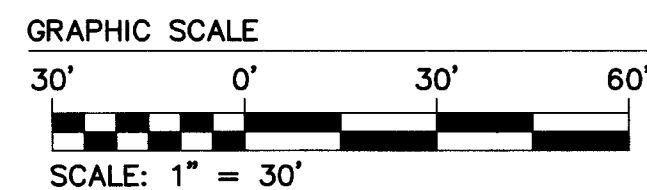
NUMBER OF PARKING SPACES PROVIDED :	78
NUMBER OF ADA ACCESSIBLE SPACES REQUIRED :	4
NUMBER OF ADA ACCESSIBLE SPACES PROVIDED :	4

ASPHALT SURFACE

CONCRETE SURFACE

GRAVEL

LANDSCAPE/HARDSCAPE PLAZA AREA



EXISTING IMPERVIOUS COVER:	62,726± S.F., 1.439± ACRES	20%
PROPOSED IMPERVIOUS COVER:	116,305± S.F., 2.669± ACRES	38%
TOTAL SITE AREA:	304,454± S.F., 6.989± ACRES	100%

LEGEND

	ASPHALT SURFACE
	CONCRETE SURFACE
	GRAVEL

REV	DATE	DESCRIPTION
1	8/23/13	REVISED PER COUNTY COMMENTS

1298 Old Towne Road, Suite 100
Hampton Roads, VA 23666
Phone: (757) 233-3040
Fax: (757) 233-8894
www.ahs.com

AHS
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

CONCEPTUAL PLAN

JAMES CITY COUNTY
TOANO FIRE STATION #1

STONEHOUSE DISTRICT, JAMES CITY COUNTY VIRGINIA

Project Contacts: REC
Project Number: W10212-00
Scale: 1"=30' Date: 07/23/13
Sheet Title: DRAINAGE CONCEPT
Sheet Number: P-C02

MEMORANDUM COVER

Subject: Case No. SUP-0009-2013. Tidewater Equine

Action Requested: Shall the Board approve a Special Use Permit (SUP) to allow a large animal veterinary clinic at 276 Peach Street?

Summary: Dr. Gary Duxtater has submitted a Special Use Permit (SUP) application for a large animal veterinary clinic at 276 Peach Street. Tidewater Equine is a mobile large animal clinic. The business is run by two veterinarians, two full-time office workers, and one part-time office worker. The proposal is to renovate the existing barn and use it as a veterinary clinic.

At its September 4, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 6-0.

Staff recommends approval of this application subject to the conditions in 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. Resolution
2. Location map
3. Unapproved Minutes of the September 4, 2013, Planning Commission meeting
4. Photographs of the property and access easement
5. Illustrative Master Plan titled "Illustrative Master Plan – Tidewater Equine Clinic" dated August 21, 2013, and prepared by Dan Jurgella
6. Road Maintenance Letter

Agenda Item No.: I-2

Date: October 8, 2013

**SPECIAL USE PERMIT-0009-2013. Tidewater Equine
Staff Report for the October 8, 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

September 4, 2013, 7:00 p.m.
October 8, 2013, 7:00 p.m.

SUMMARY FACTS

Applicant: Dr. Gary Doxtater

Land Owner: Sherry Matheny

Proposal: Renovate an existing structure as a veterinary office

Location: 276 Peach Street

Tax Map/Parcel No.: 2410100013

Parcel Size: ±11.2 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Economic Opportunity (EO)

Primary Service Area: Outside

STAFF RECOMMENDATION

Staff finds the proposal to be consistent with surrounding land uses and the Economic Opportunity (EO) designation on the Comprehensive Plan Land Use Map. Staff recommends the Board of Supervisors approve the Special Use Permit (SUP) with the conditions listed in the attached resolution.

Staff Contact: Luke Vinciguerra, Planner I Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

At its September 4, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 6-0.

Proposed Changes Made Since Planning Commission Meeting

None. Due to citizen concerns regarding increased traffic, the Planning Commission requested staff review the access easement and determine if there is any formal process available for road maintenance. Per the County Attorney's office, the County does not control the easement and maintenance is a private matter between property owners; therefore, the County cannot impose conditions upon an applicant to pay into a private maintenance program. Upon review of applicable deeds by the County Attorney's office, it appears the applicant has the right to use the easement for the proposed use.

PROJECT DESCRIPTION

Dr. Gary Doxtater of Tidewater Equine clinic has submitted an SUP application for a large animal veterinary clinic at 276 Peach Street. Veterinary clinics are a specially permitted use in the A-1, General Agricultural, zoning District. The property is approximately 11.2 acres in size. Tidewater Equine is a mobile large animal clinic. The business principally provides services for horses, but can accommodate other livestock such as cattle, sheep, goats, llamas, alpacas, and pigs. The business is run by two veterinarians, two full-time office workers, and one part-time office worker. The proposed hours of operation are 7:30 a.m. to 5:00 p.m., Monday through Friday; however, the veterinarians are on call 24 hours a day.

The proposal is to renovate the existing barn and use it as a veterinary clinic and office. Should the SUP be approved, the structure would remain the same size but would be upgraded to meet current Building Code requirements and to enhance the exterior appearance. The barn is constructed out of cinderblock and has a metal roof. The structure has roughly 3,000 square feet of enclosed space with approximately 500-1,000 square feet of open area (similar to a pole barn). During staff's site visit, the space appeared to be well suited for the proposed use. An existing unused mobile home on-site would need to be removed as it does not meet building code requirements and is not habitable. The applicant has also indicated interest in clearing and fencing land for a future pasture with sheds for horses which may be leased to a neighboring horse farm.

As a mobile service, the veterinarians operate principally out of two vans. These vans are usually garaged at the veterinarian's personal residences. The veterinarians usually leave from their homes to make their calls and may only visit the office every few days. The applicant has stated on average a client might come to the clinic once a day to pick up medication or to pay a bill; an animal might only be brought to the clinic, at most, a few times each month. The clinic would typically be occupied by the other two to three office employees.

One of staff's concerns for businesses located in residential areas is outdoor operation and storage. In this instance, there will be no heavy equipment stored on-site except for an occasional horse trailer. Staff has discussed the proposal with two adjacent property owners during a site visit, neither of whom objected to the application.

In 2007, the Board approved an SUP application for the Denley Brown Contractors' Warehouse, located on an adjacent property on Peach Street. This application is for a property immediately west of the contractor's office. The similarity between the two applications is that both propose a use that is essentially a staging ground where the majority of business activities take place off-site. Staff notes this application would have significantly less impact as the veterinarians would not be towing any heavy machinery. The Denley Brown property was sold in 2009 and the business is no longer in operation.

PUBLIC IMPACTS

Engineering and Resource Protection

Watershed: York River

Staff Comments: The Engineering and Resource Protection Division has reviewed the proposal and has no comments at this time.

Utilities

The site has an existing well and septic system. Though it was designed for residential use, due to the small scale of the proposed operation, the existing facilities may be adequate. The Health Department has recommended a "Wastewater Characterization" analysis to determine if the system needs to be upgraded. Further review of the utilities will be addressed during the site plan review process.

Transportation

The parcel does not have any road frontage along a public right-of-way. The property is approximately 1,800 feet from Peach Street and 2,500 feet from Richmond Road. The only means of access from Peach Street is from a single lane, unpaved road within a shared ingress/egress easement, portions of which are in poor repair. There are six homes along the access easement. Depending on the weather, it may be

challenging for a vehicle (especially one with a horse trailer) to traverse the road and cross the railroad tracks. Staff has met with a neighboring property owner who mentioned the property owners' efforts to collectively improve the road. As no formal maintenance agreement appears to be in place, the applicant has stated his willingness to contribute to the road's upkeep. Staff estimates the proposed use could add an additional 10 trips per day. The Virginia Department of Transportation (VDOT) has reviewed the proposal and has not expressed any objection.

The Mooretown Road extension project could impact this property in the future. Though the exact alignment has not been determined, the extension could pass near or through this property. The Comprehensive Plan's proposed alignment for the road is shown on the location map. Funding has been encumbered for a corridor study which will make recommendations for the road's final alignment.

COMPREHENSIVE PLAN

The site is designated EO on the 2009 Comprehensive Plan Land Use Map. The principal uses recommended by the Comprehensive Plan are ones that "... maximize the economic development potential of the area and encourage development types that have certain attributes that have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support location economic stability." The designation also recommends "...no development should occur unless incorporated into area/corridor master planning efforts..." The applicant is aware of the vision of the EO designation and has not expressed objection to participating in any future master planning process.

In 2010, the Board approved the American Heritage Recreational Vehicle (RV) Park Expansion which is also designated EO. In this instance, the applicant attempted to demonstrate the 'impermanence' of the RV park and that the parcel could easily be incorporated into any EO planning process. Given the size of the proposed operation and the applicant's desire to reuse an existing structure, staff does not find this application would hinder the development of the EO vision in the future. Staff finds similarly this application does not propose any significant new construction and finds the proposal to be an appropriate use in a remote rural setting that would not have a negative impact on adjacent residential properties.

RECOMMENDATION

Staff finds the proposal to be consistent with surrounding land uses and the EO designation on the Comprehensive Plan Land Use Map. At its September 4, 2013, meeting, the Planning Commission recommended approval of this application by a vote of 6-0. Staff recommends the Board of Supervisors approve the SUP with the conditions listed in the attached resolution.

Luke Vinciguerra

CONCUR:

Allen J. Murphy, Jr.

LV/gb
Sup09-13TideWtrEqui.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Unapproved Minutes of the September 4, 2013, Planning Commission meeting
4. Photographs of the property and access easement
5. Illustrative Master Plan titled "Illustrative Master Plan - Tidewater Equine Clinic" dated August 21, 2013, and prepared by Dan Jurgella
6. Road Maintenance Letter

RESOLUTION

CASE NO. SUP-0009-2013. TIDEWATER EQUINE

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, Dr. Gary Doxtater of Tidewater Equine has requested an SUP to allow a large animal veterinary clinic located at 276 Peach Street, zoned A-1 (General Agricultural), and further identified as James City County Tax Map Parcel No. 2410100013; and

WHEREAS, the Planning Commission, following its public hearing on September 4, 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 Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-0009-2013 as described herein with the following conditions:

1. Use. This SUP shall be valid for the operation of a large animal veterinary office and accessory uses as shown on the Master Plan titled "Illustrative Master Plan - Tidewater Equine Clinic" dated August 21, 2013.
2. Hours of Operation: Normal business office hours shall be limited to 7:30 a.m. to 5:00 p.m. Monday through Friday.
3. Screening: Any dumpsters and all heating, cooling, and exterior electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director or his designee prior to final site plan approval.
4. Lighting: Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the boundaries of the property lines.
5. Manufactured Home: The existing manufactured home shall be removed prior to the issuance of any Certificate of Occupancy.
6. Site Plan: A site plan shall be required for this project. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.

7. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining permits for building renovation.
8. Outdoor Storage: No outdoor storage of machinery or equipment (other than horse trailers) that creates noise, odor, smoke, dust, or glare; or is dangerous to adjacent property owners is permitted on the property. Trailers may only be garaged at the location designated "Proposed Trailer Parking" as shown on the Master Plan.
9. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

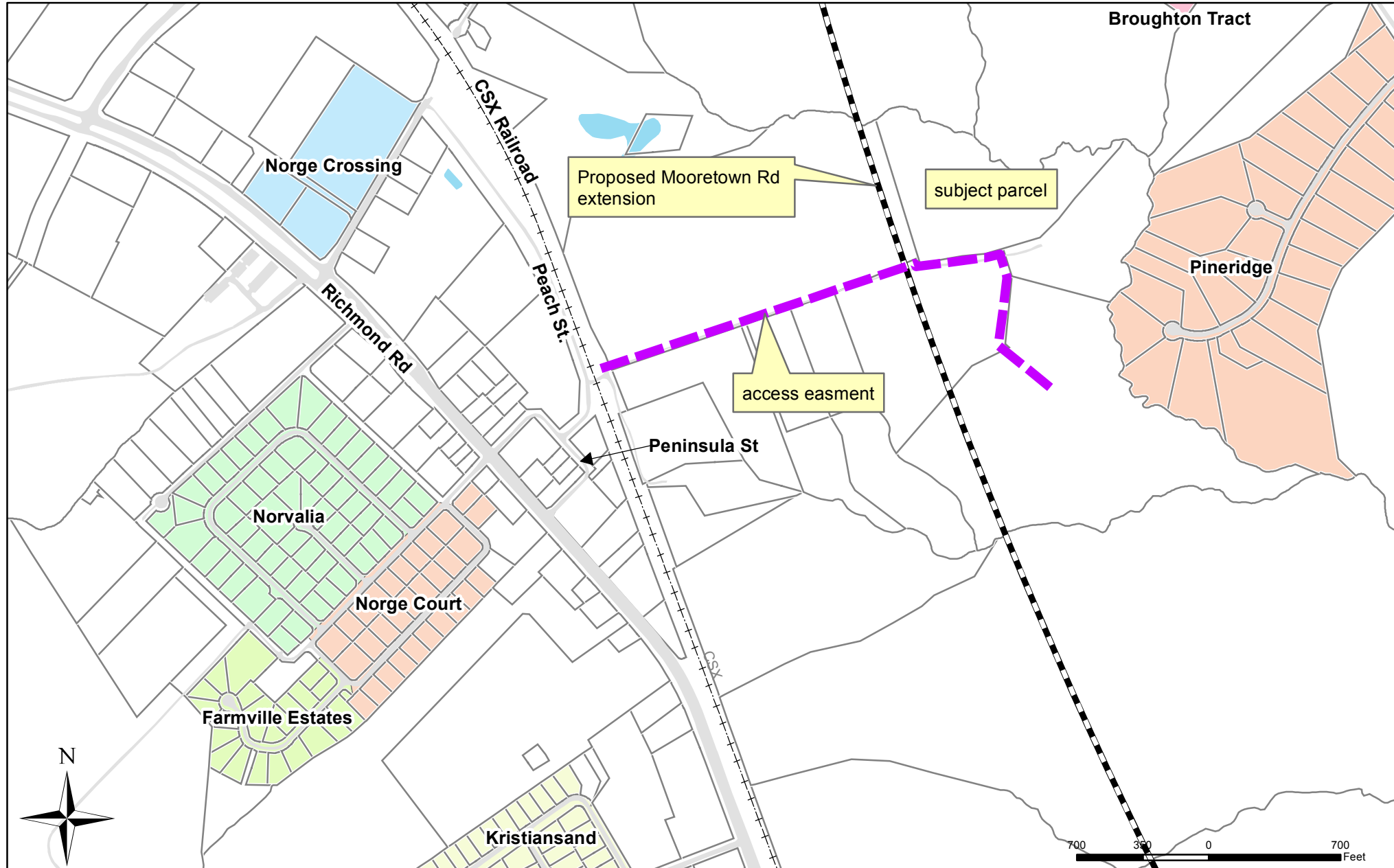
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2013.

Sup09-13TidewtrEqui_res

SUP-0009-2013

Tidewater Equine



Unapproved Minutes of the September 4, 2013 Planning Commission Meeting

A. Case No. SUP-0009-2013. Tidewater Equine.

Mr. Luke Vinciguerra, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

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

Mr. Tim O'Connor inquired about the removal of the manufactured home.

Mr. Vinciguerra stated that the structure does not meet current building code; therefore, removal of structure is necessary. Mr. Vinciguerra also stated that it is a Zoning Ordinance requirement.

Mr. Krapf opened the public hearing.

Ms. Nancy McDonald, 258 Peach Street, inquired what kind of impact this business is going to have on the road and if Tidewater Equine will be assisting with the maintenance of the road.

Mr. Krapf requested Mr. Vinciguerra to address Ms. McDonald's inquiry.

Mr. Vinciguerra stated that staff estimates ten vehicular trips per day, that there is no formal agreement in effect for the access easement, and the applicant is willing to assist with the maintenance of the access easement.

Ms. Sherry Matheny, 270 Peach Street, stated that she is in favor of this business moving into the neighborhood.

Mr. James Howard, 8603 Richmond Road, stated that he would like the applicant to address the number of vehicular trips per day and inquired as to who would maintain the easement.

Mr. Krapf stated that the Planning Commission forum is where citizens can make statements about a project, not a dialogue between the Commission, staff, and the applicant.

Mr. Howard stated that the access easement is deeded to him and very concerned about maintenance to this easement.

Mr. Krapf stated that he will refer two items to staff: 1) the access easement and, 2) the formal process for road maintenance.

Mr. Adam Kinsman stated that it is common for an easement to go over one person's private property with others having access across it. The County does not control that easement; therefore,

making it a private matter. The County cannot impose conditions upon an applicant to pay into a private maintenance program and it is up to the applicant to have proper access to proposed use.

Mr. Kinsman stated perhaps the applicant can provide documentation to the Board of Supervisors showing proper access to this property.

Mr. Ken Amos, 220 Peach Street, stated that gravel was placed on the easement last week and the remaining 700 to 800 feet has not been maintained. The road is narrow and difficult for two vehicles to pass one another; however, he is in favor of the business moving into the neighborhood.

Ms. Kim Shoalp, 268 Peach Street, stated that she is representing the William Ware family and they are in favor of the business moving into the neighborhood. Ms. Shoalp also stated there is intent to gravel the remaining portion of the road and they will be requesting Tidewater Equine contribute to the maintenance.

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

Mr. Krapf requested staff include an additional narrative referencing the issues of access easement and road maintenance in the Board of Supervisors packets.

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

Mr. O'Connor moved to recommend approval of the application with the conditions listed in the staff report.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 6-0; Mr. Woods being absent.

ATTACHMENT 4



Figure 1: Current driveway located within the access easment



Figure 2: Picture of existing barn to be renovated



Figure 3: Existing on site manufactured home to be removed

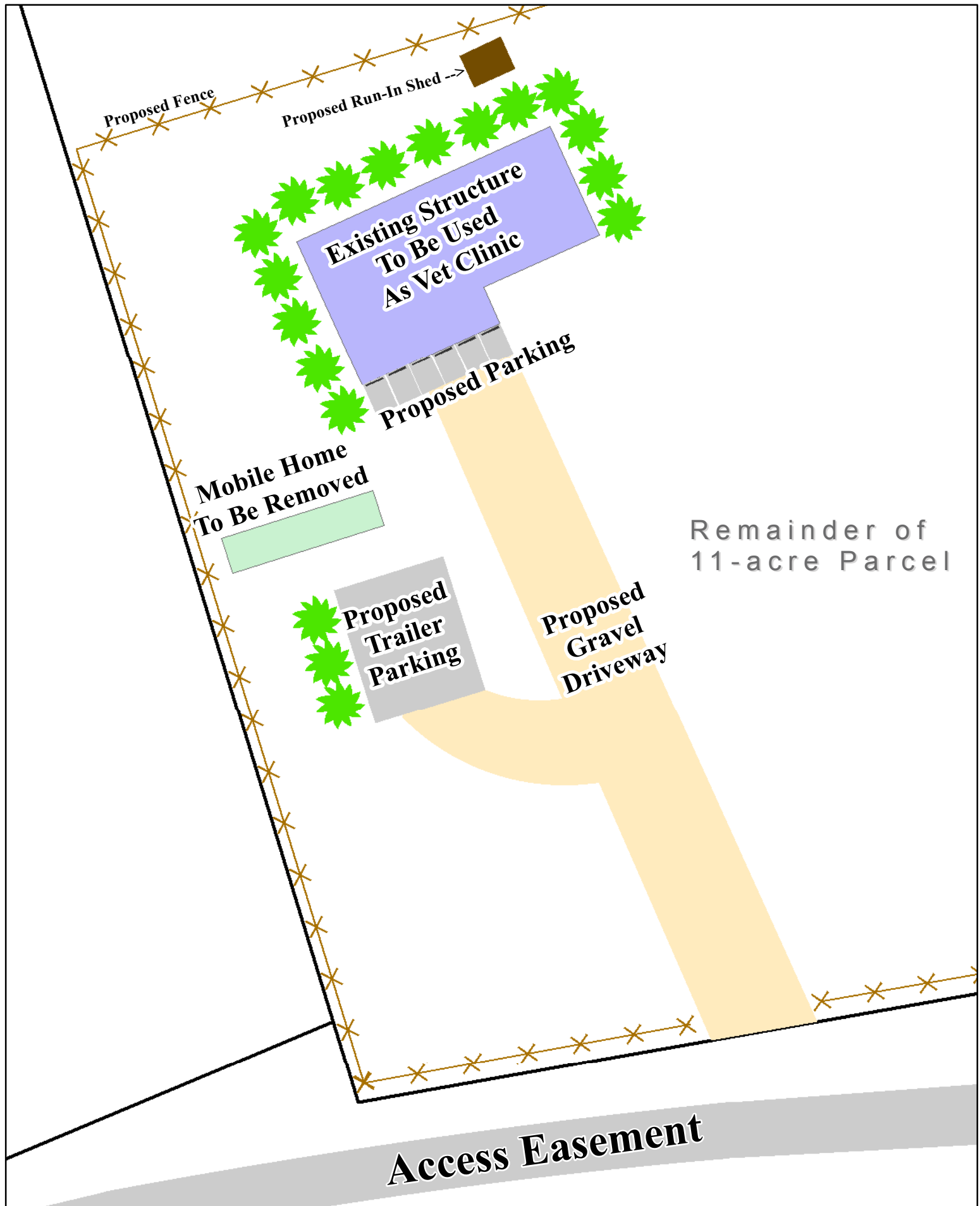


Figure 4: Picture of existing barn to be renovated



Figure 5: Existing Rail Road tracks crossing

Illustrative Master Plan - Tidewater Equine Clinic



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

Created by Dan Jurgella on 8/21/2013 P:\Luke Vinciguerra\SUP\SUP-9-13 Tidewater equine\maps\tidewater_equine.mxd

1 inch = 43 feet

0 25 50 Feet



Tidewater Equine Clinic

Luke Vinciguerra

JCC Planner

RE: Peach Street Road Maintenance

September 23, 2013

Luke,

Gary and I wanted to let you know the status of our Road Maintenance progress with the residents on Peach Street. In summary, it seems the residents have in the past functioned with a very loose and informal verbal agreement that has always maintained their access to a high standard to about midway along Peach Street. The Mathenys historically refused to participate, thus the portion under disrepair.

Our realtor, Steve Ewell, has spoken again with Ken Amos, who has several rental properties in proximity of Peach Street and is active in participating in the maintenance of the road. The property that the road is on rests on Mr. Howard's property. It is our understanding that Mr. Howard does not participate in the maintenance as he pays the taxes. Our conversations will include him as well.

Both Tidewater Equine Clinic and Phillip and Allison Drinkwater have expressed to all the neighbors the willingness to equitably participate in the continued maintenance of the existing stone improved portion of the road as well as prepare and then maintain the portion of the road currently in disrepair. Based on the conversations we have had with the residents, we are confident that we are well on our way to a long term and amicable road maintenance arrangement, which based on the history, may be a verbal agreement. As we prepare the site, this conversation will continue with each participant.

It is important to us that we keep you informed on this progress and address any questions you may have. Thank you for your support and assistance thus far in this project. Please feel free to contact us with any questions.

Sincerely,

Robert R. Lee

MEMORANDUM COVER

Subject: Case No. SUP-0011-2013. Veritas Preparatory School

Action Requested: Shall the Board approve a Special Use Permit to allow a private school at 275 McLaws Circle?

Summary: Ms. Diane Cavazos has applied for a Special Use Permit (SUP) to allow a private school. The proposed school would have as many as 50 students and up to ten staff members. The school would offer instruction in the tradition of a classical education, initially to students in grades six to ten and later to expand through grade twelve. Should this SUP be approved, the first school year would start August 2014. The business would operate from an existing building approximately 6,215 square feet in size. The property is zoned M-1, Limited Business/Industrial, and is designated Mixed Use on the 2009 Comprehensive Plan.

On September 4, 2013, the Planning Commission voted 5-1 (Bledsoe-nay; Woods-absent) to recommend approval of this application.

Staff recommends approval of this application subject to the conditions 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. Staff Report
2. Resolution
3. Location Map
4. Unapproved Minutes of the September 4, 2013 Planning Commission meeting
5. Letter from Busch Corporate Center Association Manager, Ed Robbins
6. Summary of feedback received by applicant
7. Letter from Dr. James Burden
8. Letter from Mr. Larry Lockwood, Jr.

Agenda Item No.: I-3

Date: October 8, 2013

Case No. SUP-0011-2013. Veritas Preparatory School

Staff Report for the October 8, 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 Building F Board Room; County Government Complex

Planning Commission: August 7, 2013 (applicant deferral), 7:00 p.m.

September 4, 2013, 7:00 p.m.

Board of Supervisors: October 8, 2013, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Diane Cavazos

Land Owner: Parcel 54, LLC

Proposal: To allow a private school in an existing building

Location: 275 McLaws Circle

Tax Map/Parcel: 5020100083

Parcel Size: ±1.52 acres

Existing Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this Special Use Permit (SUP) application subject to the conditions outlined in the attached resolution.

Staff Contact: Jennifer VanDyke, Planner

Phone: 253-6882

PLANNING COMMISSION RECOMMENDATION

On September 4, 2013, the Planning Commission recommended approval of this application (5-1: Bledsoe-nay; Woods-absent).

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

Ms. Diane Cavazos has applied for a special use permit (SUP) to allow for the operation of a private school in an existing building at 275 McLaws Circle in Busch Corporate Center. Schools are a specially permitted use in the M-1, Limited Business/Industrial, District. The proposed school would have as many as 50 students (Condition No. 1) and up to ten staff members. The school would offer instruction in the tradition of a classical education, initially to students in grades 6 to 10 and to later expand through grade 12. Should this SUP be approved, the first school year would start in late August 2014. There would be no bus service provided; students would be dropped off and picked up by parents and guardians. School hours would be from 8 a.m. to 3 p.m. There would be no food preparations on-site; students would be required to bring a bag lunch.

History of the Site

The existing 6,215-square-foot structure and parking lot were built in 1997. The subject property, as well as the two adjoining properties, 273 and 277 McLaws Circle, was previously a single parcel; however, in 2000, the adjoining parcels were subdivided off. The parking lot contains 59 parking spaces and is shared between the three properties. The existing building was previously used as office space for a financial institution.

Surrounding Zoning and Land Use

The property is located within Busch Corporate Center; the properties within the center are largely zoned M-1, Limited Business/Industrial. All properties in Busch Corporate Center are designated Mixed Use on the 2009 Comprehensive Plan Land Use Map and are governed by established covenants. Attached is a letter signed by the Williamsburg Corporate Center Association (Busch Corporate Center governing body) Manager, Ed Robbins, confirming approval of the use. Mr. Larry Henson, a representative of the school, spoke with several business owners/operators that immediately surround the proposed school site and documented summaries of feedback received (refer to Attachment Nos. 4 and 5). The applicant also held a meeting with the adjacent property owner of 273 McLaws Circle to discuss school operations. On September 4, 2013, the property owner submitted a letter by proxy in support of the proposed school (refer to Attachment No. 6). The property is also in close proximity to the York County line to the northeast.

Development Review Committee Recommendations and Feedback

This proposal was reviewed by the Development Review Committee (DRC) on May 29 as a consideration item. The Committee offered the following comments/questions (responses in *italics*):

1. What physical education activities will be offered?
The applicant responded that the school will offer calisthenics. The school has also spoken with Williamsburg Conference Center regarding the possible use of their tennis courts; however Williamsburg Conference Center management did not want to broker an agreement so far in advance of the school's opening.
2. Has there been a show of commitment from parents?
The applicant responded that a feasibility study was conducted. Findings indicate a need for classical education within the community.
3. How many course offerings would the school have?
The applicant responded that the classical education platform is more focused on core curriculum offerings, such as mathematics, literature, and history. Certain core classes such as literature and history would move in unison on a historical timeline. The school would be faith based in Catholicism and require all students to take Theology as part of the core curriculum. Beyond the core subjects, roughly six electives would be offered.
4. Would there be any clergy on staff?
The applicant responded that there would be no clergy on staff.
5. Concern was raised regarding parents dropping students off on McLaws Circle to avoid pulling into the parking lot and the capacity of the parking lot to accommodate the queue of cars.
Please see Condition No. 4 concerning the Traffic Mitigation Plan. By reviewing the school's plan on an annual basis staff will ensure proper measures are being taken to mitigate traffic impacts prior to the start of each school year. One such measure includes circulating pick-up and drop-off procedures to all parents and staff.

6. What would be the size of the classroom?
The applicant responded that there would be 15 students per classroom.
7. How would Veritas Preparatory School differentiate themselves from Providence Classical School?
The applicant responded that Veritas Preparatory School would be more rigorous and focused in their approach and more selective with student admissions.
8. Has the applicant reviewed the covenants and restrictions for Williamsburg Corporate Center Association to ensure compliance?
The applicant has verified compliance and has received a letter from the Association Manager, Ed Robbins, confirming approval of the use (see attached letter).
9. Concern was raised regarding the site becoming overly congested if the parcel directly in front of the proposed, 273 McLaws Circle, were to be developed.
Should an application be submitted for development on 273 McLaws Circle, parking would need to be provided for any proposed use in accordance with the Zoning Ordinance. Parking availability and acceptability would be determined through the site plan process. Should the property at 273 McLaws Circle be developed while a school occupies 275 McLaws Circle, it will be incumbent upon the school to address parking allocation as a part of the annual submission of the Traffic Mitigation Plan (Condition No. 4).

Archaeological Impacts

Because the use is proposed to operate within an existing building on an already improved lot, no land disturbance will be required for the proposed school. The property is also not located in an area identified as highly sensitive by the Virginia Department of Historic Resources and therefore, an archaeological study is not required.

Environmental

Watershed: College Creek

Engineering and Resource Protection 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.

Transportation:

Access to the site is from McLaws Circle which is a private street maintained by Williamsburg Corporate Center Association. Given the unique site constraints of the property and the sensitivity required due to the shared parking with adjacent properties, the proposed SUP conditions include a requirement for the annual submission and approval of a Traffic Mitigation Plan (Condition No. 4). The operation of the school will create two peak traffic occurrences at approximately 7:45 a.m. for drop-off and around 2:45 p.m. for pick-up. The Institute of Transportation Engineers created trip generation rates for private schools (K-12); the estimate is approximately 40 in the a.m. and 28 in the p.m. peak hour, weekday daily trips for this project. This estimate is based on the maximum student enrollment 50 (Condition No. 1).

As proposed in the SUP conditions, the Planning Director will have the ability to ensure the annually submitted Traffic Mitigation Plan fully meets the intent of the condition. The intent is as follows: traffic going to the school shall not be allowed to back up onto McLaws Circle and vehicles shall not stop on McLaws Circle to drop-off or pick-up students nor be allowed to impede on-site traffic going to the adjacent properties.

Beyond safeguarding the vehicular and pedestrian traffic on- and directly off-site, the implementation of the annual Traffic Mitigation Plan will give the school certain discretionary allowances and flexibility to address the changing needs of the school and adjacent properties. The school will initially offer grades 6 up to 10 though anticipates expanding through grade 12 in subsequent years. This expansion will introduce student drivers that would park and remain at the school creating a shift in parking needs.

2009 Traffic Counts: On Pocahontas Trail between Route 199 and the York County line approximately 21,000 average annual daily trips (AADT).

2035 Volume Projected: On Pocahontas Trail between Route 199 and the Kingsmill Gate 36,420 AADT are projected. This is in the watch category; forecasted volumes indicate improvement needed.

COMPREHENSIVE PLAN

Busch Corporate Center is designated Mixed Use on the 2009 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.

The principal suggested uses for this corridor from Routes 60/199 interchange to the City of Williamsburg line are commercial and office development, with moderate density residential development as a secondary use.

Strategies and actions taken from the 2009 Comprehensive Plan, Economic Development section includes encouraging the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.

STAFF RECOMMENDATION

Staff finds the proposed use to be compatible with the surrounding zoning and development and consistent with the 2009 Comprehensive Plan. Staff recommends the Board of Supervisors approve this SUP application subject to the conditions outlined in the attached resolution.

Jennifer Van Dyke

CONCUR:

Allen J. Murphy, Jr.

JVD/gb
Sup11-13VPSch.doc

ATTACHMENTS:

1. Resolution
2. Location map
3. Unapproved Minutes of the September 4, 2013, Planning Commission meeting
4. Letter from Busch Corporate Center Association Manager Ed Robbins
5. Summary of feedback received by applicant
6. Letter from Dr. James Burden
7. Letter from Mr. Larry Lockwood, Jr.

RESOLUTION

CASE NO. SUP-0011-2013. VERITAS PREPARATORY SCHOOL

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, Ms. Diane Cavazos has requested an SUP to allow for a private school in the M-1, Limited Business/Industrial, District, located at 275 McLaws Circle, further identified as James City County Real Estate Tax Map Parcel No. 5020100083; and

WHEREAS, the Planning Commission, following its public hearing on September 4, 2013, voted 5-1 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-0011-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the operation of a school and related activities within the existing building, limited to hours of operation from 7 a.m. to 9 p.m., Monday-Friday, and limited to an enrollment capacity of 50 students maximum.
2. Certificate of Occupancy: A Certificate of Occupancy shall be required prior to operating the school or related activities. A permanent Certificate of Occupancy shall be obtained within 24 months of approval of this SUP, or the permit shall become void.
3. Enrollment: On or before July 1 of each year, the school shall provide the Zoning Administrator, or his designee, school enrollment data for the previous school year and projected school enrollment data for the upcoming school year. The school enrollment data shall include, at a minimum, the total number of children enrolled, the total number of children in each grade level, and the number of staff employed by the school. Enrollment shall be limited to grades six (6) through twelve (12) with the anticipation that the school will initially offer grades six (6) to ten (10) and expand in subsequent years of operation.
4. Traffic Mitigation Plan: On or before July 1 of each year, the school shall provide an annual Traffic Mitigation Plan for the Planning Director, or his designee, for review and approval. Should a school relocate or vacate the property, this condition will be terminated. The annually submitted materials shall include the following provisions:
 - i. Site data to include academic hours of operation, the number of on-site parking spaces available and the number of staff available to monitor and direct traffic during established a.m. drop-off times and p.m. pick-up times.
 - ii. A site layout graphic which shall illustrate shared parking allocated to uses on the adjacent parcel, school staff and students, and the manner in which traffic will be directed during a.m. drop-off and p.m. pick-up times.

1. Upon issuance of preliminary site plan approval, said illustrative exhibit will incorporate the new development located at 273 McLaws Circle to include parking allocation calculations.
- iii. A copy of a letter or other notice that shall be provided to parents, students, and staff regarding pick-up and drop-off procedures.

Other elements that may be necessary components of the Traffic Mitigation Plan shall include, but not be limited to, a narrative describing operational plans for drop-off and pick-up and any proposed directional and reserved parking signage. In the event the Planning Director finds that the proposed Traffic Mitigation Plan does not adequately address traffic impacts generated by the school, the applicant may appeal the Planning Director's determination to the Development Review Committee. The approved Traffic Mitigation Plan shall be implemented prior to the start of each school year. The Planning Director will review the Traffic Mitigation Plan to ensure the following standards are met: traffic does not back up onto McLaws Circle or impede access to the adjoining properties and that vehicles do not stop on McLaws Circle to drop-off or pick-up students.

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

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

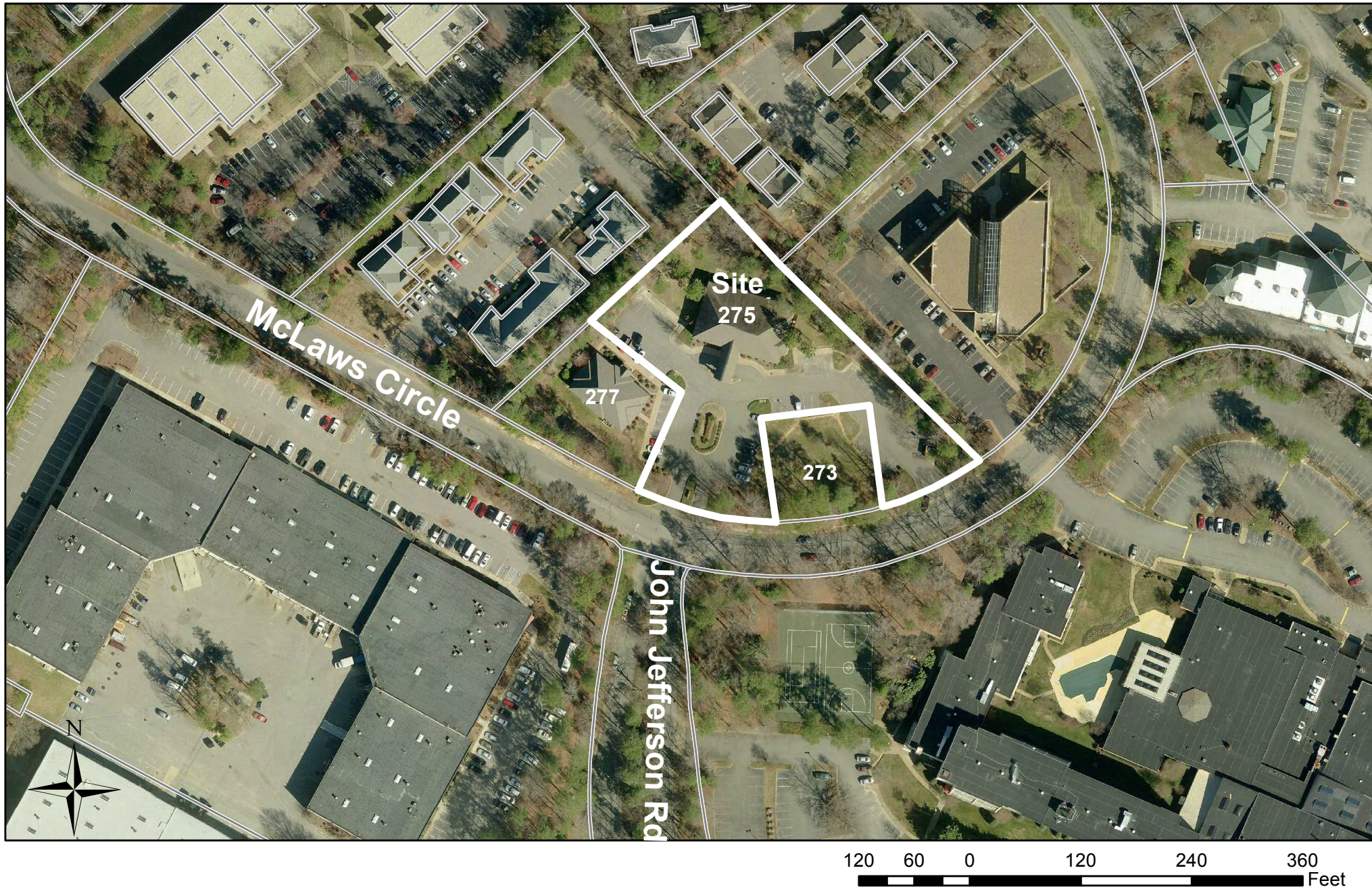
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
BRADSHAW	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2013.

Sup11-13VPSch_res

JCC-SUP-0011-2013

Veritas Preparatory School



Unapproved Minutes of the September 4, 2013 Planning Commission Meeting

A. Case No. SUP-0011-2013. Veritas Preparatory School.

Ms. Jennifer VanDyke, Planner, addressed the Planning Commission giving a summary of the staff report included in the Agenda Packet.

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

Mr. Krapf stated that the Public Hearing was opened at the August 7th meeting and the public hearing was still open for speakers. Mr. Krapf stated the applicant has first choice to address the Planning Commission.

Ms. Diane Cavazos stated that she is the founder of Veritas Preparatory School and she intends to run the school as a business. Ms. Cavazos stated that she has applied for Articles of Incorporation in the State of Virginia and has applied to the Internal Revenue Service for non-profit status.

Ms. Robin Bledsoe stated traffic and parking are a concern and inquired as to the agreement of adjacent businesses with their proposal and the proposed parking arrangements.

Ms. Cavazos stated that she is going to turn the floor over to Mr. Larry Henson, Veritas Preparatory School's Head Master.

Mr. Henson stated that the school would be established and hope the agreement with current businesses, should they decide to relocate, would transfer to new businesses. Mr. Henson further stated that the school will not be a heavy user of the parking spaces.

Ms. Bledsoe stated that the peak hours are in the morning and afternoon then inquired as to the number of driving students.

Mr. Henson stated that the school is starting with sixth through ninth grades and the school would have heavier traffic flow in the morning hours due to staff so student parking will not be an issue, however, they are planning to add tenth grade in year two and eleventh grade in year three. Mr. Henson stated they anticipate utilizing fifteen additional spaces for driving students.

Mr. Krapf opened the public hearing.

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

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

Mr. Maddocks moved to recommend approval of the application with the conditions listed in the staff report.

On a roll call vote, the Planning Commission voted to recommend approval of the application with the conditions listed in the staff report by a vote of 5-1; Ms. Bledsoe voting Nay and Mr. Woods being absent.

Williamsburg Corporate Center Association, Inc.

150 Strawberry Plains Road, Suite A-1

Williamsburg, VA 23188

Phone: 757-229-6810

Fax: 757-229-8208

July 12, 2013

Mike Mausteller Jr. CCIM

Harvey Lindsay Commercial Real Estate

701 Town Center Drive Suite 100

Newport News, VA 23606

Re: 275 McLaws Circle

Williamsburg, VA

Dear Mr. Mausteller:

This letter will confirm that the Williamsburg Corporate Center Association will permit the use of 275 McLaws Circle as a school facility. The Board of Directors for the Association has determined that this request is an appropriate use for this facility and is in keeping with similar prior requests.

Please advise the Association in care of this office of the final plans. If you have any questions or if I can be of further assistance please contact me at 757-229-6810 ext. 210.

Sincerely,



Ed Robbins

Association Manager

Veritas SUP for 275 McLaws Circle - visits to nearby businesses

Most of these visits were conducted on 7/10/2013 by Larry Henson – Headmaster. These are the businesses immediately surrounding the school site.

- Reagan & James, 263 McLaws Circle, spoke to Calyton W. James – Managing Partner. Clayton thought it would be great to have a school “in the neighborhood”. He did not see how a school with under 100 students and faculty would make much of an impact on the traffic of McLaws Circle. Good conversation.
- Virginia Gourmet, 264 McLaws Circle, spoke to Lenny Beri, co-owner, who got excited about the possibility of offering healthy snacks and possibly lunches for the students.
- DoubleTree, 50 Kingsmill Road, Simone Piette Waltrip, Offered services in support of the school and thought it would be nice to have bright teens in the area. Supportive of the idea of having a school in the neighborhood.
- James A. Burden, Smiles of Williamsburg, Dentist. Thought it would be nice to have a school as a neighbor. Talked to about a half dozen staff and a couple are interested in looking into the school for their children.
- Kingsmill Police, 106 McLaws Circle, Met with Hollie Olson who said that there is a lot of empty space in the park and that it would be nice to have a school here.
- Prosoft, 283 McLaws Circle, Ian Kersey – they provide training to the government, primarily on the use of video conferencing. Interested in what we were doing and welcomed us to the neighborhood and wished us luck.



James A. Burden, D.D.S. & Associates
Family & Cosmetic Dentistry

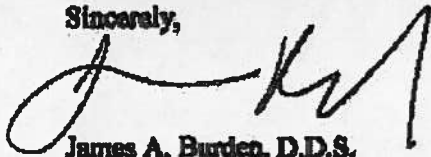
July 29, 2013

To whom it may concern,

Larry Henson has visited my office and made us aware of Vertias Preparatory's plans to locate a small grade 6 to 12 school in the 275 McLaws Circle building. He has also shared that the school will be using the parking spaces on the east side of the parking lot and will not be using the spaces surrounding our building.

We look forward to having Vertias Prep as a neighbor.

Sincerely,



James A. Burden, D.D.S.

Providing BEAUTIFUL SMILES for our community!

277 McLaws Circle, Williamsburg, VA 23185
(757) 229-1224 • fax (757) 220-1485
www.SmilesOfWilliamsburg.com



HUNTER LAW FIRM

Thomas L. Hunter P.C.

Reply To:

1910 W. Mercury Blvd.
Suite 2A
Hampton, VA 23666
Phone: (757) 825-0400
Fax: (757) 825-0389

P.O. Box 327
6558 Main St.
Suite 1
Gloucester, VA 23061
Phone: (804) 694-0560
Fax: (804) 693-3343

11211 Jannetown Rd.
Suite 101
Williamsburg, VA 23185
Phone: (757) 345-3900
Fax: (757) 345-3773

September 4, 2013

Fax to: (757) 873-2525
Mike Mausteller Jr. CCIM
Senior Vice President
Harvey Lindsay Commercial Real Estate
701 Town Center Dr., Suite 100
Newport News, VA 23606

Re: McLaw's Circle Property

Dear Mr. Mausteller:

Please let this letter confirm our conversation today that Hunter & Hunter, LLC., has no objection to the variance request for a school on the 275 McLaw's Circle property, the hearing for which is scheduled for this evening.

On behalf of Tom and Daryl Hunter, we wish you and the school the best of luck in this endeavor.

Sincerely,

Larry W. Lockwood, Jr.

LIFE MEMBER
NATIONAL ASSOCIATION OF REALTORS
"The Top Real Estate in America"

LWL/bh

Founder / CEO
Thomas L. Hunter

Managing Partner
Sara A. Lynch

Associates
Robert G. Saunders
John R. Pittchard, III
Amy M. VanFossen
Larry W. Lockwood, Jr.

Of Counsel
Mark A. Stallings
Katie G. Kiefer

www.ThomasHunter.com

100/1002

09/04/2013 WED 15:03 FAX

MEMORANDUM COVER

Subject: Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General, to Amend Section 20-7.4, Penalties and Interest for Late Payment of Taxes

Action Requested: Shall the Board approve an ordinance to amend and reordain Chapter 20, Taxation?

Summary: Attached is an ordinance to amend and reordain Chapter 20, Taxation, of the County Code, Section 20-7, Penalties and interest for late payment of taxes. The proposed ordinance amendments will clarify when penalties and interest may be assessed if a due date falls on a day for which the Treasurer's Office is closed.

Staff recommends adoption of the attached ordinance.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Ordinance
3. Clean Copy of Ordinance

Agenda Item No.: I-4

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General, to Amend Section 20-7.4, Penalties and Interest for Late Payment of Taxes

The circumstances under which penalties and interest may be assessed on late payment of taxes and levies due to the County are outlined in Section 20-7.4 of the County Code. The language as written is unclear as it pertains to weekends, holidays, and other days the Treasurer's Office may not be open for business to accept payments. The attached ordinance amends Section 20-7.4 to clarify the assessment of penalties and/or interest when due dates of payments and levies may not fall on a business day. The proposed amendment does not alter the intent of the section, but merely clarifies the existing language.

I recommend approval of the attached ordinance.

Adam R. Kinsman

CONCUR:

Leo P. Rogers

LPR/nb
Ch20_Penalties_mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 20-7.4, PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-7.4, Penalties and interest for late payment of taxes.

Chapter 20. Taxation

Section 20-7.4. Penalties and interest for late payment of taxes.

Any person failing to pay any county real estate or personal property tax levy on or before either of its two installment due dates, or failing to pay any other county levy on or before the due date for the levy, or *failing to pay any county real estate or personal property tax levy or any other county levy on* the first *business* day thereafter *if the due date falls on* ~~which is not a Saturday, a Sunday, or a legal holiday~~ *any day for which the treasurer's office is closed* shall incur a penalty of ten percent of the tax past due, or \$10.00 whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable. Any such penalty when so assessed shall become part of the tax. Any penalty assessed shall then be added to amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto, interest in the amount of ten percent per annum shall commence the first day of the month following the month in which such taxes are due.

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 8th day of October, 2013.

Ch20_Penalties_ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 20-7.4, PENALTIES AND INTEREST FOR LATE PAYMENT OF TAXES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended and reordained by amending Section 20-7.4, Penalties and interest for late payment of taxes.

Chapter 20. Taxation

Section 20-7.4. Penalties and interest for late payment of taxes.

Any person failing to pay any county real estate or personal property tax levy on or before either of its two installment due dates, or failing to pay any other county levy on or before the due date for the levy, or failing to pay any county real estate or personal property tax levy or any other county levy on the first business day thereafter-if the due date falls on any day for which the treasurer's office is closed shall incur a penalty of ten percent of the tax past due, or \$10.00 whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable. Any such penalty when so assessed shall become part of the tax. Any penalty assessed shall then be added to amount due from such person, which, when collected by the treasurer, shall be accounted for in said person's settlements; in addition thereto, interest in the amount of ten percent per annum shall commence the first day of the month following the month in which such taxes are due.

MEMORANDUM COVER

Subject: Conveyance of Conservation Easement at Mainland Farm to Williamsburg Land Conservancy

Action Requested: Shall the Board convey a perpetual conservation easement across Mainland Farm to the Williamsburg Land Conservancy?

Summary: Mainland Farm is the oldest working farm in the country. The James City County Economic Development Authority (EDA) purchased, with funding from the County, approximately 214.05 acres at Mainland Farm to continue the farming industry on the site. The EDA has conveyed fee simple title to Mainland Farm to the County.

The attached resolution would authorize the County Administrator to execute the necessary documents to convey a perpetual conservation easement across the Mainland Farm parcel to the Williamsburg Land Conservancy. The easement would help to protect and preserve the historic fields and farmlands consistent with the James City County Comprehensive Plan.

Adoption of the attached resolution is recommended.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution
3. Map
4. Proposed Conservation Easement

Agenda Item No.: I-5

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

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

SUBJECT: Conveyance of Conservation Easement at Mainland Farm to Williamsburg Land Conservancy

At its May 14, 2013 meeting, the Board of Supervisors directed staff to begin the process of developing a conservation easement on Mainland Farm. Since that time, the James City County Economic Development Authority (EDA) transferred ownership of Mainland Farm to the County. Mainland Farm consists of 214.05± acres and is located at 2881 Greensprings Road in James City County, Virginia, and is further identified as James City County Real Estate Tax Map Parcel No. 4610100012 (“Mainland Farm”). A map is attached as Exhibit A. The Board of Supervisors has indicated a desire to grant a conservation easement on Mainland Farm to the Williamsburg Land Conservancy (the “WLC”). A copy of the proposed conservation easement that was circulated to the EDA and to the WLC is attached as Exhibit B. The terms of this easement have been generally approved by both the EDA and the WLC.

The County’s Comprehensive Plan designates Mainland Farm as Low Density Residential, which use category recommends, among other things, the maintenance of open fields and farm lands, the preservation of scenic vistas, the protection of wildlife habitats, and the preservation of historic resources, all of which shall be accomplished through this perpetual conservation easement.

In 1997, the County desired to acquire Mainland Farm to preserve agricultural uses and to promote recreational purposes. The EDA was used as a conduit to acquire Mainland Farm in order to satisfy the property owners’ desire to receive the payment over time. Mainland Farm is the oldest working farm in the country. The EDA currently has one tenant operating on Mainland Farm. The EDA conveyed Mainland Farm to the County with the understanding that the rental revenue from the farm operations on Mainland Farm would continue to be paid to the EDA.

We recommend the Board consider adopting the attached resolution authorizing the conveyance of a conservation easement over Mainland Farm to the Williamsburg Land Conservancy.

Robert C. Middaugh

Leo P. Rogers

Attachment

RESOLUTION

CONVEYANCE OF CONSERVATION EASEMENT AT MAINLAND FARM TO

WILLIAMSBURG LAND CONSERVANCY

WHEREAS, on August 7, 1997, the Economic Development Authority (EDA) (as the Industrial Development Authority, or IDA) entered into an Option Contract to purchase a 214.05± acre parcel of property located 2881 Greensprings Road in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4610100012 and more commonly known as Mainland Farm (“Mainland Farm”); and

WHEREAS, the EDA acquired title to Mainland Farm on July 21, 1999; and

WHEREAS, at its meeting on September 23, 2013, the EDA approved a motion to convey Mainland Farm to the County with the request that rental revenue from farm operations on Mainland Farm be assigned to the EDA and that the County convey a conservation easement to the Williamsburg Land Conservancy in general conformance with that approved by the EDA; and

WHEREAS, the EDA conveyed fee simple ownership of Mainland Farm to the County; and

WHEREAS, the Board desires to have Mainland Farm be subject to the terms of a perpetual conservation easement; and

WHEREAS, the Board wishes to convey a conservation easement over Mainland Farm to Williamsburg Land Conservancy in order to protect and preserve the scenic, rural and agricultural character of Mainland Farm.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to sign and execute the necessary documents to convey the conservation easement over Mainland Farm to the Williamsburg Land Conservancy.

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 8th day of October, 2013.

MF_Easemnt_res



1 inch = 800 feet
0 400 800 Feet

James City County
Mainland Farm
2881 Greensprings Rd



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.

Path: C:\Temp\Mainland Farm.mxd 9/25/2013

NOTE TO TITLE EXAMINERS: This conservation and open-space easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

October ____, 2013

JCC TAX ID NO: 4610100012
CONSIDERATION: \$

THIS DEED IS EXEMPT FROM TAXATION UNDER VIRGINIA CODE
§§ 58.1-811 (A)(3)

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this ____ day of ____, 2013, by and between the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the “County” or the “Grantor”) and the **WILLIAMSBURG LAND CONSERVANCY**, (the “Conservancy” or the “Grantee” and together with the County, the “Parties”).

WITNESSETH:

WHEREAS, the County is the owner in fee simple of a 214.05± acre parcel of property located at 2881 Greensprings Road in James City County, Virginia and further identified as James City County Real Estate Tax Parcel Number 4610100012 as more particularly described in Exhibit A (the “Property”); and

WHEREAS, the County has voluntarily agreed to have the Property be subject to the terms of this perpetual conservation easement; and

WHEREAS, the County’s grant of the conservation easement identified herein assures that the County’s resources are protected and efficiently used, establishes and preserves open space, and furthers the goals of the County’s Comprehensive Plan by protecting the County’s natural and scenic resources, conserving biological diversity and natural wildlife habitat, promoting the continuation of agricultural and forestal activities, and protecting the quality of the County’s surface water and groundwater resources; and

WHEREAS, the County’s Comprehensive Plan designates the Property as Low Density Residential, which use category recommends, *inter alia*, the maintenance of open fields and farm lands, the preservation of scenic vistas, the protection of wildlife habitats, and the preservation of historic resources, all of which shall be accomplished through this perpetual conservation easement; and

WHEREAS, Mainland Farm is the largest tract of undeveloped property remaining from the original 3,000-acre Governor’s Land Charter of 1618 and was cultivated by early settlers who moved off Jamestown island, is adjacent to Greensprings Road which is believed to be one of the oldest roads in British America, and was the site upon which Lord Cornwallis and his troops camped and, on and on July 6, 1781, was the site of the Battle of Green Spring, and is believed to be the oldest continuously farmed land in British North America; and

WHEREAS (any language as to the Conservancy's purposes)

NOW, THEREFORE, in consideration of the recitals and the mutual benefits, the covenants and terms herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the County hereby grants, conveys, covenants, and agrees as follows:

1. GRANT AND CONVEYANCE OF EASEMENT. The County hereby grants and conveys to the Conservancy and its successors and assigns, with Special Warranty, a perpetual conservation easement in gross in, upon, and over the Property, establishing servitudes, obligations, and limitations restricting in perpetuity the use of the Property in the manner set forth in this Deed of Easement.

2. EXISTING STRUCTURES. Existing structures on the Property shall be authorized to continue only as follows:

(a) *Existing residential structures*. None exist on the Property at this time.

(b) *Existing non-residential structures*. The non-residential structures that exist on the Property shown on and more particularly described in the Baseline (the "Existing Non-Residential Structures") may continue in their current condition (reasonable wear and tear excepted), may be maintained, repaired, remodeled, rebuilt or removed.

3. FUTURE STRUCTURES AND IMPROVEMENTS. No structure or other improvement shall be constructed, placed, situated, permitted or maintained on the Property except as authorized according to the following:

(a) *Residential structure* – One residential structure shall be permitted on the Property. Additional residential structures shall be permitted if they are deemed necessary or desirable to support a *bona fide* agricultural or forestal use conducted on the Property (e.g., a caretaker's residence).

(b) *Non-residential structures and accessory structures*. Non-residential structures and accessory structures incidental to an agricultural, forestal, or temporary events (as each is defined in section 4(a) herein) conducted on the Property shall be permitted.

(c) *Visual Buffer*. No permanent above-ground structure or planting of permanent, non-agricultural vegetation (e.g., bushes or trees) with a mature height of three feet or more may be located on the Property within one thousand feet (1000') of the centerline of Greensprings Road, provided, however, that this shall not preclude installation of signage accessory to a use permitted by this easement or installation of landscape plantings or vegetation pursuant to a landscape plan designed to complement any use permitted by this easement or to enhance the viewshed of the Property and surrounding area. The foregoing notwithstanding, areas of the Property which are currently in forestland as shown by the Baseline Data, may continue to be used for forestry purposes, including the harvesting and replanting of trees.

(d) *Fencing*. The County may enclose any portion of the Property with wooden fencing or materials that simulate the appearance of wood without prior written approval from the Conservancy, provided, however, that such fencing shall not exceed five and one-half feet in height

and shall not be privacy fencing. Fencing exceeding five and one-half feet in height may be erected only upon the prior written approval of the Conservancy.

(e) *Structure Size.* No single, non-agricultural structure on the Property may have a building footprint to exceed four thousand five hundred (4,500) square feet without the prior written consent of the Conservancy. This limitation shall not apply to structures accessory or incidental to an agricultural, forestal, or temporary use on the Property. The total area of all impervious surfaces on the Property shall not exceed five percent (5%) of the surface area of the Property, excluding all trails existing on the Property as shown by the Baseline Data.

4. FUTURE USES. No use may be made of or established on the Property except as authorized, permitted, and approved in this Deed of Easement.

(a) *Uses permitted by right.* All agricultural and/or forestal uses (as each is defined herein) of the Property, and Existing Non-Residential Structures, as well as uses that are accessory or incidental to such agricultural and/or forestal uses, temporary events, wildlife and wildlife habitat management, passive recreation, and roads, trails, sidewalks, and parking accessory to each shall be permitted without the prior written approval of the Conservancy to the extent such uses (1) are permitted by the County Code; (2) do not impair the conservation values of the Property herein protected, and (3) are otherwise consistent with the terms and purposes of this Deed of Easement.

1. Agricultural uses shall include, but not be limited to, the tilling of soil, raising of crops, orchards, horticulture, forestry and gardening, the keeping of animals and fowl (but not the commercial slaughtering of animals or poultry), agritourism, agribusiness, viticulture, wineries, botanical gardens, greenhouses, equine rings/courses, apiaries, the storage, processing and sale of agricultural product primarily produced on the Property and farmer's markets.

2. Forestal uses shall include, but not be limited to, timbering, silviculture, and tree farms.

3. Temporary events shall include, but not be limited to, festivals, fairs, weddings, educational, historic, or environmental events, seasonal attractions (e.g., corn mazes, hay rides, holiday events), concerts, sporting events, and religious, civic, charitable, memorial, or government-sponsored functions, and including permanent structures for such uses.

4. Wildlife and wildlife habitat management shall include hunting or trapping of wild animals as necessary to protect and or/promote any use permitted by this easement, control of invasive or non-native flora or fauna, planting of wildlife food plots, construction of ponds, provided that such activity is conducted pursuant to applicable laws.

(b) *Conditionally permitted uses.* The County may petition the Conservancy for approval to establish a use other than a use permitted by right pursuant to Section 4(a) of this Deed of Easement, provided the proposed use is: (1) not expressly prohibited by this Deed of Easement;

- (2) consistent with the primary conservation purpose of this Deed of Easement, which is the preservation of the Property for use as working farm and/or forest land in perpetuity; and
(3) otherwise permitted on the Property by the County Code.

5. CONFIGURATION/SUBDIVISION OF THE PROPERTY. The Property is currently comprised of one parcel totaling approximately 214 acres, as described in Exhibit A. Any subdivision of the property shall be (1) permitted by the County Code; and (2) otherwise consistent with the terms and purposes of this Deed of Easement.

6. GRADING, EXCAVATION, EARTH REMOVAL, BLASTING, AND MINING. No grading, excavation, earth removal, blasting or mining of the Property shall be made or conducted except as expressly permitted herein. Earth removal, except for activities incidental to a use permitted by this Deed of Easement, and blasting are prohibited on the Property. The exploration for, or development and extraction of minerals and hydrocarbons by mining or any other method is prohibited on the Property. Grading and excavation is permitted on the Property for activities incident to the uses permitted by this Deed of Easement. Grading and excavation shall be permitted for dam construction to create private conservation ponds with the prior written approval of the Conservancy, and grading and excavation shall be allowed during the construction of permitted structures or associated improvements as it relates to such construction. Common and customary agricultural or forestal activities such as plowing, erosion control and restoration are permitted activities that do not materially alter the topography of the Property.

7. MANAGEMENT OF AGRICULTURAL AND FORESTAL RESOURCES.

(a) *Management of Forest.* All silvicultural activities on the Property shall conform to a Forest Stewardship Plan. The Forest Stewardship Plan shall include recommended Forest Best Management Practices and other scientifically based recommendations as may be appropriate for protecting the health of the forest, controlling erosion, protecting water quality and providing wildlife habitat.

(b) *Agriculture.* All agricultural activities on the Property shall conform with a Farm Conservation Plan. This Plan shall include recommended Agricultural Best Management Practices, an implementation schedule and other scientifically based recommendations as may be appropriate for protecting the soil and natural resources and enhancing water quality.

8. ACCUMULATION OF WASTE MATERIAL. There shall be no accumulation or dumping of trash, refuse, or junk (including, without limitation, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material) on the Property. This restriction shall not prohibit customary agricultural, horticultural, or wildlife management practices including, but not limited to, establishing brush, compost piles, or the routine and customary short-term accumulation of household trash.

9. NOTICE AND PERMISSION.

(a) *Notice.* Whenever notice is to be given pursuant to any of the provisions of this Deed of Easement, or where a request for required permission is to be submitted to the Conservancy, or for a change of notice address, such notice or request for permission shall be in writing and shall be deemed to have been given upon (i) delivery by hand, (ii) three days after

deposit in the U.S. mail with postage prepaid, for delivery by certified mail, return receipt requested, or (iii) one day after delivery to a recognized national courier service for overnight delivery to:

If to County: County Administrator
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

With Copy To: County Attorney
101-D Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

If to Conservancy:

(b) *Permission.* When permission of the Conservancy is sought by the County, the County shall submit such request and any supporting documentation in writing to the Conservancy.

10. MISCELLANEOUS PROVISIONS.

(a) *No public right-of-access to Property.* This Deed of Easement does not create, and shall not be construed to create, any right of the public to enter upon or to use the Property or any portion thereof, except as County may otherwise allow in a manner consistent with the terms of this Deed of Easement.

(b) *Continuation.* The covenants, terms, conditions, servitudes, and restrictions of this Deed of Easement shall apply to the Property as a whole, and shall run with the land perpetually and be binding, upon the parties, their successors, assigns, personal representatives, and heirs, and be considered a servitude running with the land in perpetuity.

(c) *Enforcement.* In addition to any remedy provided by law or equity to enforce the terms of this Deed of Easement, the parties shall have the following rights and obligations:

1. Monitoring. Employees or agents of Conservancy may enter the Property from time to time, at reasonable times, for the purpose of monitoring compliance with the terms of this Deed of Easement. The Conservancy shall give reasonable prior notice before entering the Property.

2. Baseline Data. In order to establish the present condition of the Property, the Conservancy has examined the Property and prepared an inventory of relevant features, conditions, and improvements ("Baseline Study") which is incorporated by this reference and included as Exhibit B attached hereto. The

original Baseline Study shall be placed and remain on file with County in the Office of the County Attorney and in the Conservancy offices. The County and Conservancy agree that the Baseline Documentation is an accurate representation of the Property at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with this Deed of Easement. The County and Conservancy further agree that in the event a controversy arises with respect to the condition of the Property or a particular resource thereof, the County and Conservancy shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy.

(d) *Restoration.* Upon any breach of the terms of this Deed of Easement by the County, Conservancy may require by written demand to the County that the Property be restored promptly to the condition required by this Deed of Easement. If the County refuses to promptly restore the Property, the Conservancy retains the right, but not the obligation, to enter upon the Property and to restore the Property to a condition consistent with the terms of this Deed of Easement.

(e) *Failure to enforce does not waive right to enforce.* The failure of Conservancy to enforce any right, provision, covenant, restriction term or condition of this Deed of Easement shall not constitute a waiver of the right of the Conservancy to enforce such right, provision, covenant, restriction, term or condition in the future.

(f) *No right of enforcement by the public.* This Deed of Easement does not create, and shall not be construed to create, any right of any member of the public to maintain a suit for any damages against the County for any violation of this Deed of Easement.

(g) *Extinguishment and exchange.* The Parties intend that this conservation easement be perpetual and not extinguished, and agree that extinguishment of the conservation easement is not permitted under the Open Space Land Act (Virginia Code §§ 10.1-1700 *et seq.*), except in conformity with Virginia Code § 10.1-1704.

(h) *Notice of proposed transfer or sale.* The County shall notify the Conservancy in writing at the time of closing on any transfer or sale of the Property. In any deed conveying all or any part of the Property, this Deed of Easement shall be referenced by recorded instrument number in the deed of conveyance and the County shall cause such deed to state that this Deed of Easement is binding, upon all successors in interest in the Property in perpetuity.

(i) *Severability.* If any provision of this Deed of Easement is determined to be invalid by a court of competent jurisdiction, the remainder of this Deed of Easement shall not be affected thereby.

(j) *Recordation.* Upon execution by the Parties, this Deed of Easement shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

(k) *Authority to convey easement.* The County covenants that it is vested with good title to the Property and may convey this Deed of Easement.

(l) *Authority to accept easement.* The Conservancy is authorized to accept this Deed of Easement pursuant to Virginia Code § 10.1-1701.

(m) *Transfer of easement by Conservancy.* Neither the Conservancy nor its successors and assigns may convey or lease the conservation easement established and conveyed hereby unless the County approves of such conveyance or lease and the Conservancy conditions the conveyance or lease on the requirements that: (1) the conveyance or lease is subject to contractual arrangements that will assure that the Property is subject to the restrictions and conservation purposes set forth in this Deed of Easement, in perpetuity; and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder, or is a public body within the meaning of Virginia Code § 10.1-1700.

(n) *Construction.* This Deed of Easement shall be construed to promote the purposes of this Deed of Easement and the County Comprehensive Plan.

(o) *Liability and indemnification.* The County agrees that Conservancy has no obligations, express or implied, relating to the maintenance or operation of the Property. The County warrants that it has no actual knowledge of a release or threatened release of hazardous substances or wastes on the Property.

(p) *Controlling law.* The interpretation and performance of this Deed of Easement shall be governed by the laws of the Commonwealth of Virginia.

(q) *Entire agreement.* This instrument sets forth the entire agreement of the Parties with respect to this Deed of Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Deed of Easement, all of which are merged herein.

(r) *Amendments.* This Deed of Easement may be amended only with the written consent of the Conservancy and the County, and such amendment shall be duly recorded.

SIGNATURE PAGE FOLLOWS

WITNESS the following signatures and seals:

By: _____

Title: _____

COMMONWEALTH OF VIRGINIA

City/County of _____, to-wit:

The foregoing Deed of Easement was signed, sworn to and acknowledged before me this _____ day of _____, 2013, by _____, the _____ of _____, Grantor.

WITNESS my signature and notarial seal.

[SEAL] _____

Notary Public

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

MEMORANDUM COVER

Subject: Renaming the James River Community Center to the Abram Frink, Jr., Community Center

Action Requested: Shall the Board approve the resolution that would rename the James River Community Center to the Abram Frink, Jr., Community Center?

Summary: At the August 13, 2013, Board meeting, Chairman McGlennon stated that he would bring forward a resolution to rename the James River Community Center to the Abram Frink, Jr., Community Center.

Attached is a resolution that highlights Mr. Frink's service to James City County and renames the James River Community Center to the Abram Frink, Jr., Community Center.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes ☐ No ☐

Assistant County Administrator

Doug Powell _____

County Administrator

Robert C. Middaugh _____

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: J-1

Date: October 8, 2013

MEMORANDUM

DATE: October 8, 2013

TO: The Board of Supervisors

FROM: Doug Powell, Assistant County Administrator

SUBJECT: Renaming the James River Community Center to the Abram Frink, Jr., Community Center

At the August 13, 2013, Board meeting, Chairman McGlennon stated that he would bring forward a resolution to rename the James River Community Center to the Abram Frink, Jr., Community Center.

Attached is a resolution that highlights Mr. Frink's service to James City County and renames the James River Community Center to the Abram Frink, Jr., Community Center.



Doug Powell

DP/nb
AbramFrink_mem

Attachment

RESOLUTION

RENAMING THE JAMES RIVER COMMUNITY CENTER TO THE

ABRAM FRINK, JR., COMMUNITY CENTER

- WHEREAS, Abram Frink, Jr. has tirelessly served James City County citizens with dedication in many ways during his lifetime; and
- WHEREAS, Mr. Frink served on the James City County Planning Commission from 1967-69 and served on the Parks and Recreation Advisory Commission in 1988; and
- WHEREAS, Mr. Frink was appointed to represent the newly created Roberts District on the Board of Supervisors in 1969; and
- WHEREAS, Mr. Frink was elected to the Board of Supervisors in 1971 for a four-year term and ultimately represented the Roberts District for 14 years; and
- WHEREAS, Mr. Frink served as Chairman of the Board of Supervisors for four terms of two years; and
- WHEREAS, Mr. Frink was the first African American man to serve as the Chairman of a governing body in the Commonwealth of Virginia; and
- WHEREAS, Mr. Frink was active in the community serving as Superintendent of Sunday school in his church for over 20 years, serving on the Trustee Board and the Usher Board of his church, serving as the Cubmaster of the Pack 80 Boy Scout Troop, is the Past Master of Masonic Lodge 124, and is a member of the Williamsburg Men's Club.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby renames the James River Community Center to the Abram Frink, Jr., Community Center in recognition of his outstanding legacy of leadership and service.

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 8th day of October, 2013.

AbramFrink_res