

# A G E N D A

## JAMES CITY COUNTY BOARD OF SUPERVISORS County Government Center Board Room November 12, 2013

7:00 P.M.

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- A. CALL TO ORDER**
- B. ROLL CALL**
- C. MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE** – Cole Tross, an 8<sup>th</sup> grade student at Hornsby Middle School and a resident of the Berkeley District
- E. PRESENTATION**
  - 1. VDOT
- F. PUBLIC COMMENT**
- G. BOARD REQUESTS AND DIRECTIVES**
- H. CONSENT CALENDAR**
  - 1. Minutes –
    - a. October 8, 2013, Regular Meeting
    - b. October 22, 2013, Regular Meeting
  - 2. Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$11,414
  - 3. Grant Award – Dam Safety Assistance Fund for the Warhill Eastern Pond Dam – \$4,000
  - 4. Acceptance of a Grant Amendment – Virginia Recreational Trails Fund – \$195,000
  - 5. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual
  - 6. Contingency Transfer – Human Services Building
- I. PUBLIC HEARING**
  - 1. HW-0002-2013. Busch Gardens 2015 Festa Italia Attraction
- J. BOARD CONSIDERATIONS**
  - 1. Contract Award – Mooretown Road Extended Corridor Study – \$399,967
  - 2. The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015
- K. PUBLIC COMMENT**
- L. REPORTS OF THE COUNTY ADMINISTRATOR**
- M. BOARD REQUESTS AND DIRECTIVES**
- N. ADJOURNMENT** – to 4 p.m. on November 26, 2013, for the Work Session

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF OCTOBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Justin Abbott, a 10th-grade student at Lafayette High School and a resident of the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION** – None

**F. PUBLIC COMMENTS**

1. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in regard to the Wellington property and asked that it be developed by the County for affordable and workforce housing like what was done on Mahogany Lane in the Grove Community.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the policy and ethics of the Board and the lack of maintenance of bike paths throughout the County.

3. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to the lack of value placed on citizen comments at the Board meetings.

4. Mr. Fred Liggin, 100 Mace Street, addressed the Board in regard to the 3E Restoration Process, an organization that walks people through the process from homelessness to self-sufficiency.

5. Mr. Joe Mann, 148 The Green, addressed the Board in regard to the practices of the Board and the reception of citizen comments at meetings.

6. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to climate change and taxpayer dollars that have been spent on global warming initiatives that now seem to be false.

7. Mr. Christopher Schmedtje, 110 Ware Road, addressed the Board and citizens offering an invocation.

8. Mr. Lawrence Jones, 4905 Falkirk Mews, addressed the Board in regard to the lack of civility by citizens at meetings and requested that the Board adopt a policy allowing citizens to only speak in regards to issues affecting the community.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to traffic issues on Route 60 and requested that signs be placed near the Fire Station in Grove when the road is closed to through traffic.

10. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the renaming of the Community Center, stating that he believes that naming facilities after those still living should not be done.

11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to United Nations Agenda 21.

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

Mr. Kennedy stated that he would appreciate an update from the Virginia Department of Transportation (VDOT) on the timing of the traffic lights on Route 60. He also stated that there are several deceased animals along Route 199. He requested to be informed of the next scheduled mowing along Routes 199 and 60.

Mr. Icenhour stated that he attended the Longhill Road Corridor Study meeting on October 3 along with Mr. McGlennon. He stated that there was a good turnout of citizens who live along Longhill Road. He complimented staff for their efforts in gathering information from the community. He stated that he participated in the Virginia Association of Counties (VACo) Finance Steering Committee on October 7, and that the legislative program was drafted. He stated that he has received a copy of the VACo legislative program and it will be shared with the rest of the Board.

#### **H. CONSENT CALENDAR**

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

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

1. Minutes –
  - a. September 24, 2013, Work Session
  - b. September 24, 2013, Regular Meeting

2. Grant Award – Radiological Emergency Preparedness – \$25,000

**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 \$25,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM \$25,000

3. Contract Award – Benefit Consulting Services – \$63,000

**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.

4. Acceptance and Appropriation of the Emergency Solutions Grant – \$73,820

**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:

<u>Revenue:</u>	
Emergency Solutions Grant	<u>\$73,820</u>
<u>Expenditure:</u>	
Emergency Solutions	<u>\$73,820</u>

**I. PUBLIC HEARINGS**

1. Case Nos. Z-004-2013/SUP-0013-2013. Fire Station 1 Replacement

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. Middaugh stated that the resolution included in the Agenda Packet was a rezoning of just over an acre of land for the purposes of parking. Staff has reduced the size of the piece of land to rezoning to approximately 0.7 acre which will be better suited to the County’s needs. He stated that will leave a three-acre parcel, including the home, which would then be sold at a later date. He stated that the amended resolution was placed on the dais this evening.

Ms. Jones asked when the 2.99-acre parcel that is zoned B-1 was purchased by the County.

Mr. Middaugh stated that the 2.99-acre parcel is a James City Service Authority (JCSA) well site and

is only used for testing purposes.

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

1. Mr. Bill Apperson, 4900 Fenton Mill Road, addressed the Board as a representative of the James City-Bruton Volunteer Fire Department. He stated that Chief David Nice had intended to be present at this meeting, but he is currently out west assisting with the massive snow storms. He stated that over the years the cost and size of equipment has exponentially gone up. He stated that the downturn in the economy has drastically affected their ability to maintain the quality of service they provide for the citizens without a new building and they appreciate the Board's support.

2. Reverend Phil Murdock, current President of the James City-Bruton Volunteer Fire Department, addressed the Board stating that the current Fire Station 1, which was built by volunteers, has served the community for a long time, but the time has come that it can no longer serve the needs of the department. He stated that the Bruton Volunteer Firefighters appreciate the support of the Board.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board stating that while he has no objections to the rezoning, he would like to encourage staff to continue looking at the size and cost of the proposed building which has grown during the planning process.

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

Mr. McGlennon stated that a Board member had questioned staff on the increase in square footage of the building and asked Mr. Middaugh to address that question.

Mr. Middaugh stated that in the plans there is an optional 2,000-square-foot equipment bay off to the side of the building. He stated that staff does not believe that it will be completed under the base budget of the project, but that is what the additional square footage would come from.

Ms. Jones expressed her appreciation for the first responders in James City County and stated that she would be supporting the rezoning this evening. She stated that she believes that supporting the first responders is the one of the most important uses of taxpayer dollars. She requested that staff look in to alternatives for building and sustainability, unless the County is locked in to following the Leadership in Energy and Environmental Design (LEED) requirements. She stated that the LEED certification is a very restrictive and costly certification.

Ms. Jones made a motion to approve the amended resolution on Page 32, which was placed on the dais and the resolution on Pages 33 and 34 of the Agenda Packet.

Mr. Bradshaw stated that he appreciated the comments this evening and agreed that Fire Station 1 and the Bruton Volunteer Firefighters are truly emblematic of the community. He stated that there are several features of the design that are reminiscent of the old Toano High School and appreciates the efforts of the architect to include them. He stated that there is a need for a first-class facility to serve the needs of the community.

Mr. Icenhour expressed his appreciation for the Volunteer Fire Department and the job they do. He stated that if you look at the equipment that is housed there, and the number of people that work there, it is twice as much as the County's other stations. He stated that the area that this station serves is larger than the

other stations throughout the community, and this station will provide the same level of service to the citizens that are in the more remote areas of the County. He stated that he is very happy to support this case this evening.

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

## **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 ±.74-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.

## **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.

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

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

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

1. Mr. Wayne Moyer, 268 Peach Street, addressed the Board stating that he lives next door to the property involved in the case and is very supportive of the application and its approval.

2. Ms. Sherry Matheny, 270 Peach Street, addressed the Board stating that she lives adjacent to the property involved and is very supportive of the application and its approval.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board asking if any consideration was given to the access to the property in regard to the railroad crossing.

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

Mr. Vinciguerra stated that staff and VDOT are aware that there is an at-grade railroad crossing there, and VDOT has not expressed any concern.

Mr. Bradshaw stated that he would be abstaining from the vote as he is the legal representative of the owner involved.

Ms. Jones made a motion to adopt the resolution listed on Pages 59 and 60 of the Agenda Packet.

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

## **RESOLUTION**

### **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.

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

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

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

Mr. Icenhour made a motion to approve the resolution on Pages 74 and 75 of the Agenda Packet.

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

## **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.

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

Mr. Leo Rogers, County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

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

Mr. Bradshaw made a motion to approve the ordinance on Pages 85 and 86 of the Agenda Packet.

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

5. Conveyance of Conservation Easement at Mainland Farm to Williamsburg Land Conservancy

Mr. Middaugh addressed the Board giving a summary of the memorandum included in the Agenda Packet.

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

1. Ms. Caren Schumacher, 119 Elizabeth Harrison Lane, addressed the Board as the representative of the Williamsburg Land Conservancy. She thanked the Board for its action and for allowing the Williamsburg Land Conservancy to be the stewards of the conservation easement.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board stating his opposition to the transfer of a public asset, principally the control and development rights, to a private entity. He stated that taxpayer dollars were used to purchase the property and control of the property should stay under the purview of officials elected by the taxpayers.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board stating his opposition to the case and echoing the sentiments of Mr. Henderson.

4. Mr. Wayne Moyer, 268 Peach Street, addressed the Board stating his support for the transfer of development rights to the Williamsburg Land Conservancy.

5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board asking what happens if the Williamsburg Land Conservancy goes away.

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

Mr. Rogers stated that should the Williamsburg Land Conservancy no longer exist, then any conservation easements that they held would have to be held by another valid land conservancy agency or by the State land conservancy agency.

Mr. Kennedy asked Mr. Rogers to define an agricultural structure.

Mr. Rogers stated that an agricultural structure is a structure that is used in the agricultural business which could include a farm, barn, greenhouse, anything used for agricultural production.

Mr. Kennedy stated that there are some manufacturing structures that could be used for agriculture.

Mr. Rogers stated that is correct, if the product from the farm is being used in the manufacturing. He stated that there is a provision in the easement for processing facilities, like a winery or a cidery, which processes products grown on the farm.

Mr. Icenhour made a motion to approve the resolution on Page 90 of the Agenda Packet.

Ms. Jones stated that she has an issue with transferring the development rights and control of land that is publicly owned. She stated that the elected officials are the ones that are accountable to the taxpayers which purchased this property. She stated that she would not be supporting the conservation easement.

Mr. Bradshaw thanked Mr. Kennedy and Mr. McGlennon for initiating this conservation easement. He stated that this easement is much more flexible than traditional conservation easements to allow for changes over time to the agricultural business. He stated that the easement also protects the economic interests of the property by referencing agro-business and agro-tourism. He thanked the Williamsburg Land Conservancy for being willing to accept this unique easement on this unique piece of property. He stated that he sees no difference in this Board voting on this easement and a future Board selling the property to a developer. Both actions are permanent and the intent of this easement is to protect the property as agriculture for perpetuity.

Mr. Kennedy stated that he had been questioning why the Economic Development Authority (EDA) had held control of Mainland Farm for years, so when Mr. McGlennon called him, he was supportive of the idea. He stated that his preference would have been that the County hold the easement. He stated that as the County purchases Purchase of Development Rights (PDRs) and conservation easements, it would be his hope

that the EDA would reach out to these farms and work with them to develop relationships with local restaurants. He stated that in his opinion the County has not been very good at utilizing property acquisitions to their potential.

Mr. Icenhour asked Mr. Rogers, for clarification, if in fact the County still owns the land.

Mr. Rogers stated yes.

Mr. Icenhour stated that the Board is still accountable to the public for the land, the Board is just putting a stipulation on the future use of the land by granting a conservation easement. He stated that it has introduced a degree of stability for the land, by granting these self-imposed limitations. He stated that this land has historical significance and deserves to be protected; and he will be supportive of the easement this evening.

Mr. McGlennon stated that a previous Board, who authorized the purchase of the land, had the intention of protecting the property because of its historical significance. He stated that the land is not lying fallow; it is being actively farmed and produces record crop yields. He stated that the public wanted this land protected in 1997 when it was purchased and now the Board is following through and upholding the public trust by granting the conservation easement. He stated that he is proud to be supportive of the easement.

Mr. Bradshaw stated that Article 4 of the easement grants considerable flexibility in the use of the land as agriculture and times change. He stated that the integrity of the conservation easement is dependent on the independence and integrity of the holder. In this case, when one body has control over another body, and one is the landowner and one is the easement holder, there is little integrity to the easement.

Mr. Kennedy stated that he has been a proponent of keeping the property open and not being restrictive. He stated that he would like to see a focus on promoting agriculture as an industry in James City County.

Mr. McGlennon stated that regardless of how the vote turns out this evening, he is very appreciative of Mr. Kennedy's willingness to work with him to bring this issue forward.

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

## **J. BOARD CONSIDERATION**

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

Mr. Doug Powell, Assistant County Administrator, addressed the Board giving a summary of the memorandum included in the Agenda Packet. He noted that the Board was given an amended version of the resolution this evening that corrected a minor mistake in the language.

Mr. McGlennon stated that he directed staff to begin this process, and he had asked the other Board members to communicate any questions or concerns to him so that he might address them. He stated that if you consider the change happening in the County at the end of the 1960s through the middle of the 1980s, Mr. Frink was an important consensus builder in that time period. He stated that Mr. Frink was the consensus choice to be Chairman of the Board, and by doing so, broke historic grounds in the Commonwealth of Virginia.

Mr. Bradshaw stated that he was a senior in high school in 1969, and those were times of turmoil here in the community. He stated that it was leaders like Mr. Frink that lead this community through those times of turmoil in such a way that we all can be proud.

Mr. Kennedy stated that his only issue with renaming buildings is that at some point a policy needs to be developed for doing so. He stated that his concern is that renaming buildings can become very political. He stated that a discussion needs to be had in regards to the criteria under which public buildings would be renamed. He stated that he would be supportive of this action this evening and that obviously Mr. Frink is a worthy individual.

Mr. Icenhour stated that he agrees that a policy should be developed, but it should very carefully weigh the contributions of the individual to the community. He stated that he can clearly support this action this evening.

Mr. McGlennon stated that if the Board does not object, he would like to make a motion to approve the resolution on Page 102 of the Agenda Packet as amended and distributed this evening.

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

## **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 one year; 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.

**K. PUBLIC COMMENTS**

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board remarking on a notice in the paper for a Request for Proposals (RFP) for unarmed and armed security services. He questioned what unarmed security personnel are going to do for the County.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the progressive agenda of the current Board.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that he has no reports this evening.

**M. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour thanked Mr. Middaugh for the advanced notice of the work being done on Jolly Pond Road.

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

Mr. McGlennon noted that there is a Closed Session item on the Agenda.

Ms. Jones stated that Mr. Kennedy had requested that the appointment be deferred.

Mr. Kennedy stated that he would like to see more applicants brought forward.

Mr. Bradshaw stated that the Board could go in to Closed Session and discuss that.

Mr. Kennedy stated that the Board has been doing appointments in Open Session and he did not view this one as being controversial.

Mr. McGlennon stated that a deferral was made on this item at the last meeting to allow time for more applicants, and to make sure that those that had applied were still interested in serving. He stated that the Board has done appointments in Closed Session this year, when there needs to be a discussion in regard to the applicants.

Mr. Kennedy stated that he expressed concern, via email, that most of the applicants have ties to the government and the Board should be looking for other applicants. He asked Mr. Middaugh if advertisements were made for more applicants.

Mr. Middaugh stated that there is no specific advertisement process.

Mr. Bradshaw stated that the word is out in the community since two of the applications were

received in September of this year.

Mr. Bradshaw made a motion to appoint Mr. Wilford Kale, Jr.

Mr. Kennedy stated concerns over that appointment. He stated that he has heard from the Courthouse that there was an incident there earlier this year and would like to address that with Mr. Kale. He stated that he has concerns over the fact that Mr. Kale served on this Board last year.

Mr. Bradshaw stated that there has been time over the last few weeks to have that discussion and nothing has been mentioned to the rest of the Board. He stated that there has been time to consider the applicants and does not see the point in delaying the action and having the County fully represented on the Library Board.

Mr. Kennedy stated that he is expressing his opinion of the applicant. He stated that he would also like to ask if there is any truth to a rumor that Mr. Kale is a member of the Political Action Committee (PAC). He stated that he would like to know if he is a member of a PAC that is raising funds in opposition to Mr. Hipple and Mr. Onizuk.

Mr. Bradshaw stated that those are questions that should have been asked three weeks ago.

Mr. Kennedy stated that he just received that information today.

Mr. McGlennon stated that this is a discussion that should have been held in Closed Session, especially when discussing allegations about an applicant.

Mr. Bradshaw stated that he spoke to all four applicants and was satisfied with their different backgrounds and what they had to offer.

Mr. Icenhour stated that the Board has had this discussion about Closed Sessions before. There are legal reasons why the Board goes in to Closed Session, and then there are courtesy reasons as well. He stated that doing this in Open Session allows for things to be said about applicants that the Board does not know to be true or accurate. He stated that he believes the Board has done a disservice to the four applicants this evening.

Mr. McGlennon stated that he has concerns about allegations that have come forward this evening and does not believe that the Board can move forward on this appointment this evening. He stated that making allegations, not proven fact, in an Open Session is not an appropriate way to go about asking people to serve the County on a board or commission.

Mr. Kennedy stated that the Board goes back and forth about doing these appointments in Closed or Open Session.

Mr. McGlennon stated that the vote is always made in Open Session, but the discussion of the applicants is usually done in Closed Session.

Mr. Bradshaw withdrew his motion and the Board agreed to defer the appointment.

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

Mr. Bradshaw made a motion to adjourn.

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

At 9:48 p.m., Mr. McGlennon adjourned the Board.

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Robert C. Middaugh  
Clerk to the Board

100813bos\_min

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF OCTOBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Trevor Jahn, a 5th-grade student at Norge Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

At 7:02 p.m., Mr. McGlennon recessed the Board of Supervisors to conduct the James City Service Authority (JCSA) Board of Director's Meeting.

At 7:11 p.m. Mr. McGlennon reconvened the Board of Supervisors.

**E. PRESENTATION** – None

**F. PUBLIC COMMENTS**

1. Mr. Frank Buckley, 3900 Cold Spring Road, addressed the Board voicing concern over hybrid wolf dogs and the threat they pose to young children and small pets in residential neighborhoods.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the lack of elected representation for the Jamestown and Powhatan Districts over the past two years.

3. Ms. Mary Barry, 5 Sussex Court, addressed the Board in support of Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

4. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board stating that no issue is more important than the health and wellness of K-12 students in our schools.

5. Ms. Judy Fuss, 3509 Hunters Ridge, addressed the Board in support of Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

6. Mr. William Merz, 3987 East Providence Road, addressed the Board voicing concern over hybrid wolf dogs and the threat they pose to the community.

7. Mr. John Bookless, 3 Clarendon Court, addressed the Board in regard to the citizen input session that was held in regard to the Longhill Road Corridor Study.

8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the divisiveness of the Board and in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

9. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board offering a prayer and speaking to women's rights.

10. Ms. Janet Casanave, 3404 Waterview, addressed the Board recounting the voting record of Mr. Icenhour over the past several years.

11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

12. Mr. Richard White, 6309 Adams Hunt Drive, addressed the Board in regard to the lack of efficiency and supervision over the government.

13. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that he is pleased to see more citizens coming to the Board meetings and asked that the Board take heed of their comments.

14. Ms. Roseanne Reddin, 2812 King Rook Court, addressed the Board stating that the Board should be working for the good of all citizens and not along political lines.

15. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board in opposition to Mr. Wilford Kale being appointed to the Williamsburg Regional Library Board of Trustees.

16. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in regard to the problem of loitering teenagers in New Town.

17. Mr. Nate Walker, 101 Locust Place, addressed the Board in regard to political party lines being involved in local politics.

18. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the problem of loitering teenagers in New Town.

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

Ms. Jones stated that on October 17, she and Mr. Middaugh attended the Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Planning District Commission (HRPDC) meetings and there was a detailed report given in regard to the HB2313 transportation funding expectation and there has been extensive discussion on tolls. She stated that there was an extensive list of candidate projects put together including the I-64 expansion, Patriots Crossing, and I-664 widening. She stated that the Hampton Roads Bridge Tunnel was not specifically identified on the highlighted list of

candidate projects; however, discussion was made on proper maintenance of the tunnel and the Virginia Department of Transportation (VDOT) is working hard to maintain the infrastructure.

Mr. Kennedy stated that a citizen brought up the notion of hybrid cats this evening and asked Mr. Rogers if that is something that the County should be concerned about. He stated if so, then perhaps it should be added in to the ordinance that was discussed during the Work Session.

Mr. Rogers stated that he would have Ms. Perkins look into that as well.

Mr. McGlennon stated that the question is whether or not those types of animals would fall under the wild animal category and be part of a separate ordinance.

Mr. Rogers stated that they would probably fall under the exotic animal category.

Mr. McGlennon stated that there have been instances of bobcats being bred with other domesticated cats and that could pose an issue and warrants looking into.

Mr. Icenhour stated that he has had a request from citizens in regard Mid County Park. He stated that the playground for smaller children is not completely fenced in and it has been requested that it be fenced in with a latch gate so that small children cannot wander off. He also stated that it is been requested that a bench be placed inside the area for the small children so that parents can see all areas of the small playground area. He also requested that staff give an update on the underground Best Management Practice (BMP) problem at the Matoaka Elementary School playground.

Mr. Middaugh stated that he was not able to get an answer today about that, but he would get back to him and the Board with that information.

Mr. McGlennon stated that he attended a ribbon cutting ceremony for the new Jamestown Discovery Boat Tours out of the Jamestown Yacht Basin which is a new tourist opportunity here in the County. He stated that he attended a legislative briefing on I-64 last Thursday. He stated that he attended the Longhill Road Corridor Study meeting. He stated that it was an opportunity for citizens to have input on the design and to voice their concerns over current problems with the corridor.

## **H. CONSENT CALENDAR**

Ms. Jones made a motion to adopt the Consent Calendar.

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

1. Grant Award – FY 2013 Port Security Grant Program (PSGP) – \$63,000

## **RESOLUTION**

### **GRANT AWARD - FY 2013 PORT SECURITY GRANT PROGRAM (PSGP) - \$63,000**

WHEREAS, the James City County Police Department has been awarded an FY 13 Port Security Grant Program from the Department of Homeland Security; and

WHEREAS, the award is in the amount of \$63,000 (\$47,250 PSGP; \$15,750 local match) from the

Department of Homeland Security; and

WHEREAS, the matching funds of \$15,750 are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$63,000 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 13 PSGP	\$47,250
County’s Grant Match Account	<u>15,750</u>
Total:	<u>\$63,000</u>

Expenditure:

FY 13 PSGP	<u>\$63,000</u>
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2. Grant Award – Virginia Department of Environmental Quality – \$13,015

**RESOLUTION**

GRANT AWARD - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY - \$13,015

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$13,015.

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

Revenue:

Litter Control Grant	<u>\$13,015</u>
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Expenditure:

Litter Control Grant	<u>\$13,015</u>
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3. Irrevocable Election Not to Participate in Virginia Local Disability Program

**RESOLUTION**

**IRREVOCABLE ELECTION NOT TO PARTICIPATE IN**

**VIRGINIA LOCAL DISABILITY PROGRAM**

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long-term care coverage, by January 1, 2014 ; and

WHEREAS, it is the intent of James City County (55147) to make this irrevocable election to request that its eligible employees not participate in VLDP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

BE IT FURTHER RESOLVED that as an integral part of making this irrevocable election, James City County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

**I. PUBLIC HEARINGS - None**

**J. BOARD CONSIDERATION**

1. Contract Award – Fire Station 4 – \$3,279,000

Mr. Barry Moses, Capital Projects Coordinator, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy stated that he has been asked by several citizens about the size of fire stations in the County. He stated that after looking at things and looking at the difference in size in the apparatus that is used now versus what was used years ago, the size of the fire stations is warranted.

Mr. McGlennon stated that question was raised at the last meeting about the desirability of Leadership in Energy and Environmental Design (LEED) and asked Mr. Moses to comment on the value it brings to the County.

Mr. Moses stated that the LEED program focuses on energy savings in buildings and air quality, utilizing long-lasting, sustainable materials, and improved site design for environmental protection. He stated that these items are certified by a third-party contractor consultant.

Mr. McGlennon stated that it is a requirement of the County's green building policy that was adopted several years ago.

Mr. Icenhour made a motion to adopt the resolution on Page 15 of the Agenda Packet.

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

## **RESOLUTION**

### **CONTRACT AWARD – FIRE STATION 4 – \$3,279,000**

WHEREAS, funds are available from the Capital Improvement Project (CIP) accounts; and

WHEREAS, seven bids were considered for award and AR Chesson Construction Company, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$3,279,000 for the Fire Station 4 to AR Chesson Construction Company, Inc.

### **K. PUBLIC COMMENTS**

1. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board reading passages from The Bible.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board reading passages from the Founders' Bible.

3. Mr. John Bookless, 3 Clarendon Court, addressed the Board thanking it for its service and urged the Board to work together with the new members to serve the citizens at large.

4. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to children's health and wellness and stated that there is a park across the street from New Town that no one has ever done anything with.

5. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board in regard to the role of women and women's health.

6. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the green building policy and urged the Board to reevaluate the LEED certification process.

7. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board stating that she hopes that all citizens will research candidates for the upcoming elections.

8. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that there was no discussion about

the widening of Route 60 at the HRTPO and HRPDC meetings.

9. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board reading a passage from The Bible.

10. Ms. Janet Casanave, 3404 Waterview Road, addressed the Board stating that residents of Ford's Colony should investigate the reasoning behind the bankruptcy of their homeowners association.

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

Mr. Middaugh stated that the Jolly Pond Road will be closed through the rest of this week for more repairs. He stated that Halloween Trick-or-Treating hours in the County are from 6 p.m. until 8 p.m. for children 12 and under. He also stated that the candidate debates are being rebroadcast on Channel 48. He stated that curbside collection of leaves will be coming soon and information will be available on the website.

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

Mr. Icenhour stated that since he has been on the Board, beginning in 2006, he has voted for every budget. He stated that he would like to take the opportunity to thank Mr. Bradshaw for his service and his time on the Board.

Mr. Bradshaw stated that it has been honor to serve and a pleasure to work with staff.

Mr. McGlennon also thanked Mr. Bradshaw for his service and his expertise. He also stated that he does not believe that there is the evidence to support that New Town is a crime-ridden area. He stated that to suggest that this area is some high crime area is just misleading. He stated that, of course, there are problems every once in a while, but he is concerned with this campaign of misinformation that New Town is a violent and dangerous area. He stated that it is an important, vibrant area that contributes greatly to this community.

#### **N. CLOSED SESSION**

Mr. Bradshaw made a motion to go in to Closed Session pursuant to the code session listed on the Agenda.

Ms. Jones stated that she would not be participating in a Closed Session on this matter.

Mr. McGlennon stated that he was not sure of the point of going into Closed Session if all members would not be participating.

Mr. Bradshaw stated that he believes he made a mistake at the previous Board meeting by making a nomination and inviting discussion of candidates in Open Session. He stated that he believes that it is only appropriate to have those discussions in Closed Session when you have volunteers offering to serve. He stated that doing so in Open Session will only hurt the Board and the County in the long run.

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

At 8:58 p.m., the motion to enter Closed Session carried and the affirmative voting members entered in to 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

At 9:04 p.m., Mr. McGlennon reconvened the Board in Open Session.

Mr. Bradshaw made a motion to certify the Closed Session.

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

Mr. Bradshaw made a motion to appoint Mr. Wilford Kale to the Williamsburg Regional Library Board of Trustees.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. McGlennon (3). NAY: Mr. Kennedy, Ms. Jones (2).

Mr. Bradshaw thanked the participating Board members for a very diligent and civilized discussion of the qualifications and strengths of the applicants during the Closed Session.

## **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.

- O. ADJOURNMENT** – to 7 p.m. on November 12, 2013, for the Regular Meeting.

Mr. Bradshaw made a motion to adjourn.

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

At 9:06 p.m., Mr. McGlennon adjourned the Board.

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Robert C. Middaugh  
Clerk to the Board

102213bos\_min

**MEMORANDUM COVER**

**Subject:** Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$11,414

**Action Requested:** Shall the Board approve the resolution that accepts the Bulletproof Vest Partnership grant award?

**Summary:** The James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$11,414 (\$5,707 grant/\$5,707 local match). The funds are to be used to purchase approximately 17 replacement bulletproof vests for officers.

Staff recommends adoption of the attached resolution to appropriate funds.

**Fiscal Impact:** Requires a cash match of \$5,707.

**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:** November 12, 2013

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

DATE: November 12, 2013

TO: The Board of Supervisors

FROM: Emmett H. Harmon, Chief of Police

SUBJECT: Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$11,414

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The James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$11,414 (\$5,707 grant/\$5,707 local match). The funds are to be used to purchase approximately 17 replacement bulletproof vests for officers.

The BVP has typically been a recurring grant program made available each year to law enforcement agencies throughout the United States. This grant expires August 31, 2015, which allows replacement of vests, as needed, or to purchase vests for new officers throughout the grant period.

Each sworn officer within the Department is offered a bulletproof vest as part of their normal issued equipment. Currently, 99 bulletproof vests are issued. Unless recalls are made or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and integrate high-performance ballistic materials with a temperature-regulating carrier for maximum comfort. Additionally, the vest carriers utilize a fabric designed to dissipate the electric charge delivered by electronic control devices such as TASERs.

The grant requires a match of \$5,707, which is available in the County's Grant Match Account.

Staff recommends adoption of the attached resolution to appropriate funds.

  
Emmett H. Harmon

EHH/nb  
GA-BVP\_mem

Attachment

**RESOLUTION**

**FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$11,414**

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$11,414 (\$5,707 grant/\$5,707 local match); and

WHEREAS, the grant requires a match of \$5,707, which is available in the County’s Grant Match Account; and

WHEREAS, the funds are to be used to purchase approximately 17 replacement bulletproof vests for officers.

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 appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY13	\$5,707
Grant Match Account	<u>5,707</u>
Total	<u>\$11,414</u>

Expenditure:

BVP – FY13	<u>\$11,414</u>
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

GA-BVP\_res

**MEMORANDUM COVER**

**Subject:** Grant Award – Dam Safety Assistance Fund for the Warhill Eastern Pond Dam – \$4,000

**Action Requested:** Shall the Board approve the attached resolution to accept the \$4,000 grant for the Warhill Sports Complex Eastern Pond Dam?

**Summary:** The Virginia Department of Conservation and Recreation has awarded a Dam Safety, Flood Prevention, and Protection Assistance Fund grant to James City County in the amount of \$4,000 for the development of a dam break inundation zone map required for the County owned and operated Eastern Pond Dam at the Warhill Sports Complex. The dam break map is required to renew the regular six-year Operation and Maintenance (O&M) Certificate to comply with State dam safety regulations. The project has an estimated cost of \$13,900. The terms of the grant agreement require a County match equal to the grant amount of \$4,000.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** The County will save \$4,000 of the cost required to remain compliant with State dam safety laws and regulations.

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

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Memorandum
2. Resolution
3. Map

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

**Date:** November 12, 2013

**MEMORANDUM**

DATE: November 12, 2013

TO: The Board of Supervisors

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

SUBJECT: Grant Award – Dam Safety Assistance Fund for the Warhill Eastern Pond Dam – \$4,000

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Last year the County was awarded and the Board of Supervisors accepted a 2012 matching grant from the Virginia Department of Conservation and Recreation for the Warhill Sports Complex Western Pond dam. This 2013 grant award pertains to the sister dam on the Warhill tract, the Eastern Pond Dam.

The Virginia Resources Authority, as administrator of the Dam Safety, Flood Prevention, and Protection Assistance Fund for the Virginia Department of Conservation and Recreation, has awarded James City County a \$4,000 grant for dam break inundation zone analysis, mapping, and digitization, (known as a dam break inundation map) for the Warhill Sports Complex Eastern Pond Dam, State Inventory No. 09529. A dam break inundation map is an engineering analysis performed using topographic information and computer models to examine the area downstream of a dam that may be inundated or otherwise directly affected by failure of a dam. This analysis is performed using several different dam break scenarios and results are used to determine the hazard classification of the dam for permitting purposes and whether any preparedness or emergency action plans may be required due to threatening or failure conditions.

The County does not have the tools or resources to perform dam break inundation mapping. Grants from the fund require a minimum 50 percent match by the recipient and funds are dispersed and reimbursed after completion of work. The estimated cost of the project is \$13,900. The terms of the grant require a County match for up to 50 percent of the project cost or for an amount not to exceed the grant award of \$4,000. This amount was budgeted and is available in the Division of Engineering and Resource Protection FY 14 Professional Services Account No. 001-104-0203.

The Warhill Eastern Pond Dam is situated just to the back left (northeast of) the Williamsburg Indoor Sports Complex (WISC) building. The Eastern Pond Dam is a recreational amenity and part of Warhill District Park master plan and is used to irrigate the nearby natural grass soccer practice fields. The dam/lake was upgraded to serve as a regional stormwater management best management practice (BMP) facility as part of the Warhill Public-Private Education Facilities and Infrastructure Act (PPEA) project by the County in 2005-2006. The BMP serves a drainage area of 150 acres and provides water quality and stream channel protection volume control for drainage area associated with the nearby cross-country utility corridor, substation, existing practice soccer fields, Warhill High School, Sanford B. Wanner Community Sports Stadium and associated maintenance building, a JCSA water tank, the WISC building and parking, and undeveloped land to the northeast. The Eastern Pond Dam controls large storm events and outlets into the natural receiving stream channel which runs along the west of Season's Trace which ultimately ends up at the SR 612 Longhill Road crossing near Lafayette High School.

The County currently owns and operates the Eastern Pond Dam. The County brought the dam into compliance with State dam safety standards in 2006 by obtaining an alterations permit and a conditional (temporary) Operation and Maintenance (O&M) Certificate. In 2007 a regular, six-year O&M Certificate was then secured. At that time, the State assigned a Class III hazard classification to the impounding structure and a dam break inundation map was not required. However, because of dam safety law and regulation changes in 2008, dams are now classified in a different manner and a comprehensive dam break inundation map submittal is required. As noted previously in the memorandum, future hazard classification is dependent on the results of the study.

Recommendation:

Accepting the grant will save the County \$4,000 of the cost required to remain compliant with State dam safety regulations. Staff recommends approval of the attached resolution to accept the \$4,000 grant, execute the grant agreement, and appropriate the funds as described.



Scott J. Thomas

SJT/nb

GA\_WarhillEDam\_mem

Attachment

**RESOLUTION**

**GRANT AWARD – DAM SAFETY ASSISTANCE FUND FOR THE**

**WARHILL EASTERN POND DAM – \$4,000**

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority, as administrator of the Dam Safety, Flood Prevention, and Protection Assistance Fund, has awarded James City County a grant to improve dam safety; and

WHEREAS, funds are needed for the Warhill Eastern Pond Dam to develop a dam break inundation map as required for renewal of a regular six-year Operational and Maintenance (O&M) Certificate in accordance with Virginia Dam Safety Act and Impounding Structure Regulations; and

WHEREAS, the award is in the amount of \$4,000 (with \$4,000 local match required); and

WHEREAS, the matching funds of \$4,000 are available in the County Department of Development Management, Division of Engineering and Resource Protection, FY 14 Expenditures Budget for Professional Services No. 001-104-0203.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$4,000 grant awarded by the Virginia Department of Conservation and Recreation and the Virginia Resources Authority for the Warhill Eastern Pond Dam and authorizes the County Administrator to execute the grant agreement.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the County Department of Development Management, Division of Engineering and Resource Protection Division budget:

Revenue:

Dam Safety Assistance Fund	<u>\$4,000</u>
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Expenditure:

Warhill Eastern Pond Dam	<u>\$4,000</u>
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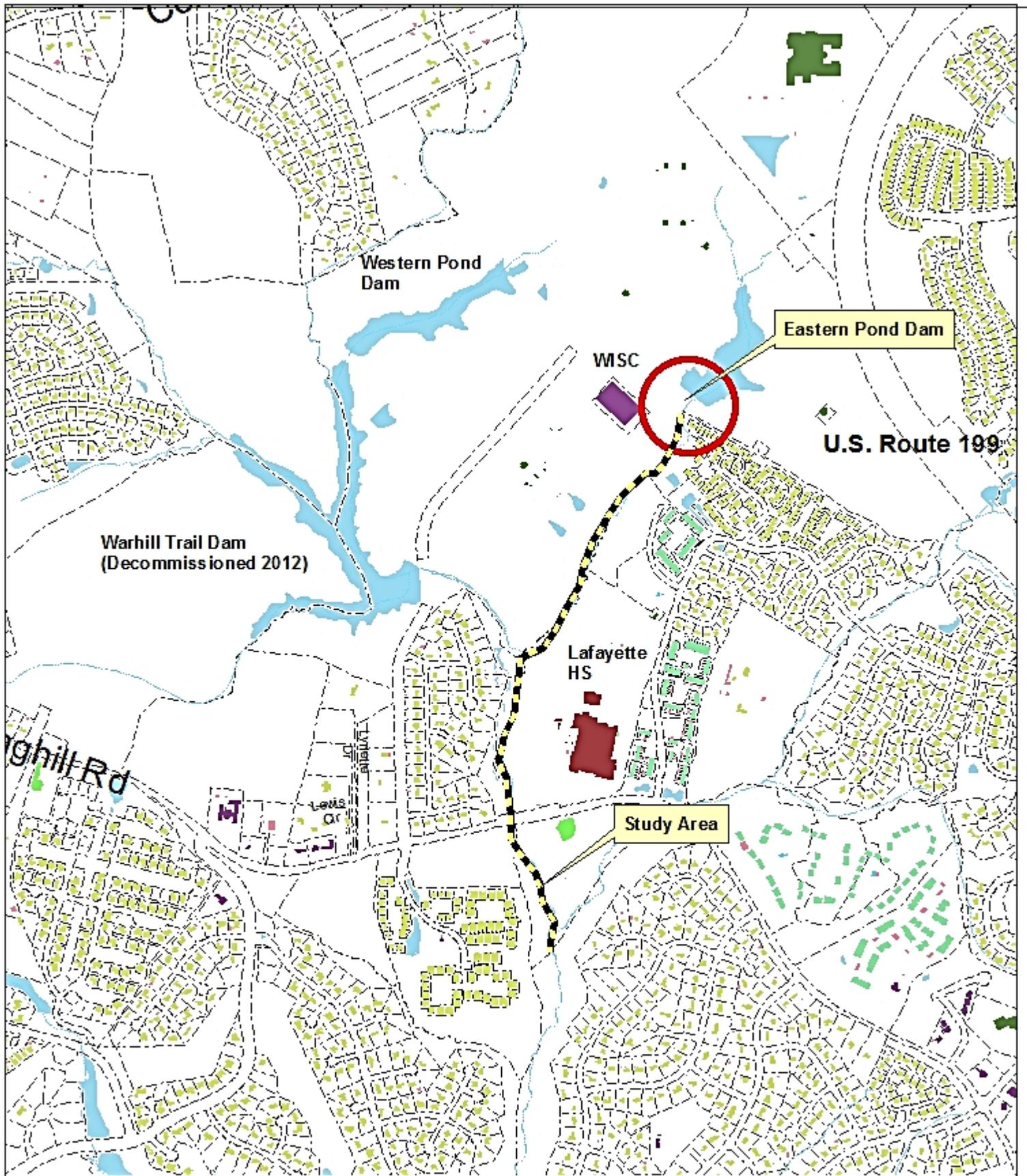
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.



# Grant Award - Dam Safety Assistance Fund for the Warhill Eastern Pond Dam - \$4,000



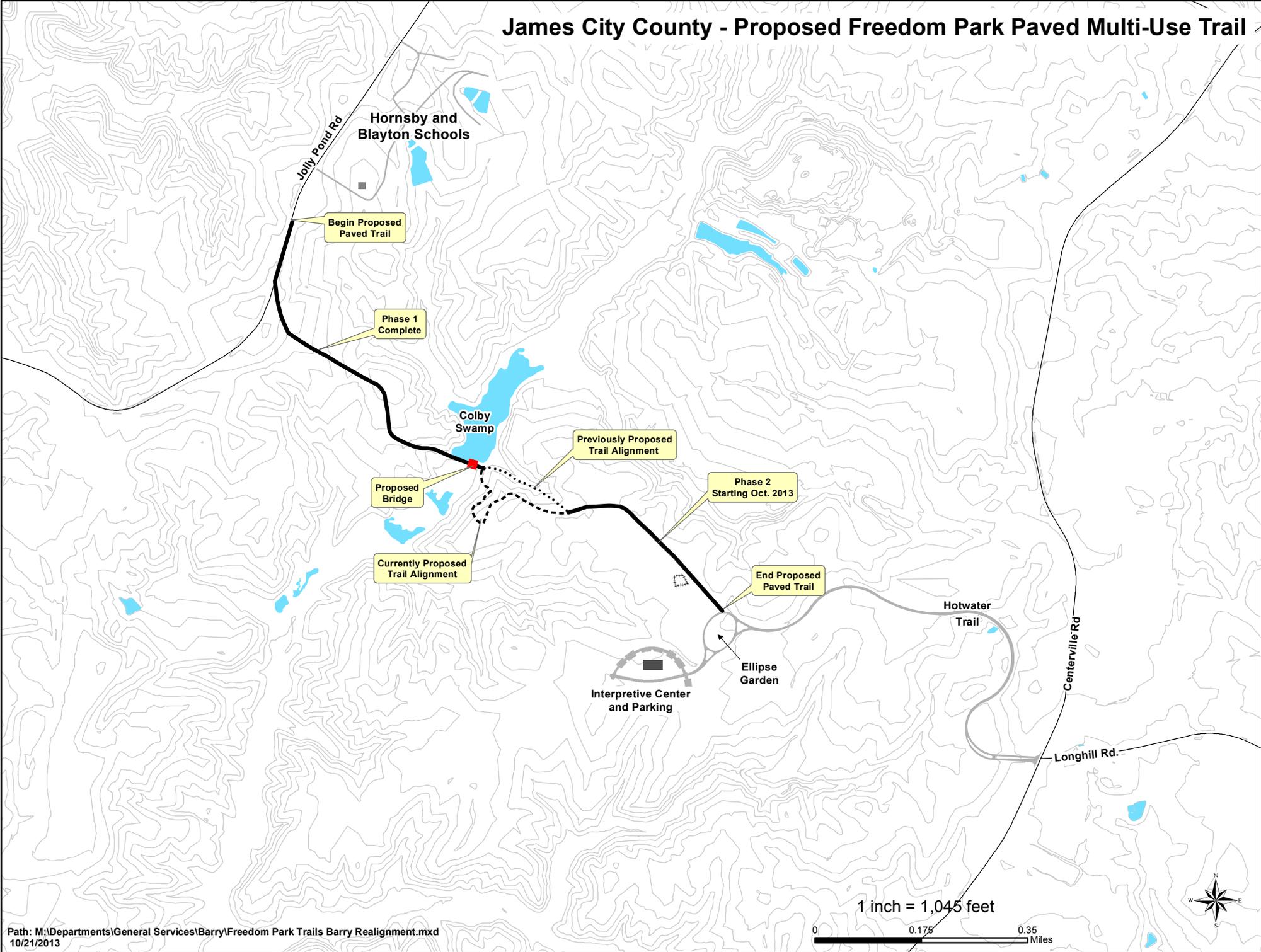
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies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

0 0.05 0.1 Miles



Aerial Imagery Copyright 2005 James City County.

# James City County - Proposed Freedom Park Paved Multi-Use Trail



**MEMORANDUM COVER**

**Subject:** Acceptance of a Grant Amendment - Virginia Recreational Trails Fund - \$195,000

**Action Requested:** Shall the Board approve the attached resolution to accept the additional \$195,000 grant amendment for the Freedom Park Trail?

**Summary:** James City County Parks and Recreation currently has an open grant with the Virginia Department of Conservation and Recreation for the construction of the Freedom Park Trail. The initial amount of grant award was \$200,000 which represented 50 percent of anticipated cost of project. An amendment of an additional \$195,000 was given to the County to bring the total grant award to the full 80 percent as allowed by the grant. The combination of the full 80 percent grant amount and 20 percent local match will complete the trail.

Staff recommends adoption of the attached resolution.

**Fiscal Impact:** With this amendment, the County will save a total of \$395,000 of the cost to build the Freedom Park Trail.

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

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Memorandum
2. Resolution
3. Map

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

**Date:** November 12, 2013

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

DATE: November 12, 2013

TO: The Board of Supervisors

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

SUBJECT: Acceptance of a Grant Amendment - Virginia Recreational Trails Fund - \$195,000

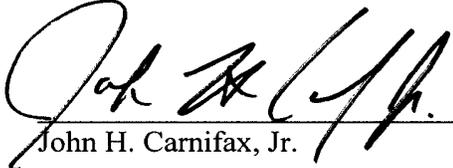
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The Virginia Department of Conservation and Recreation has allowed James City County Department of Parks and Recreation to amend the initial grant awarded from \$200,000 to \$395,000 from the Virginia Recreational Trails Fund Grant for the Freedom Park Trail. With the addition of this grant award, the trail will receive 80 percent funding from the State of Virginia and 20 percent from local funds. Monies totaling \$98,750 from the local Greenway Bond Referendum funds will be used to complete the trail that has a total cost of \$493,750.

The purpose of the matching grant is to assist with the development costs for a paved trail at Freedom Park that is included in the planned Phase IV improvements. The eight-foot-wide trail is 1.3 miles that include a 70-foot bridge that traverses Colby Swamp. Phase 1 of the trail has been completed and Phase 2 began in October with completion of the trail expected in December 2013. The trail will provide stable and safe access from Freedom Park to the Jolly Pond school site that houses Hornsby Middle and Blayton Elementary Schools.

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

Staff recommends approval of the attached resolution to accept the \$195,000 for the Freedom Park Trail and to appropriate the funds as described above.

  
John H. Carnifax, Jr.

JHC/nb  
FreedmTrlGrnt\_mem

Attachment

**RESOLUTION**

**ACCEPTANCE OF A GRANT AMENDMENT –**

**VIRGINIA RECREATIONAL TRAILS FUND – \$195,000**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$195,000 grant amendment to help with the construction of the Freedom Park Trail and authorizes the County Administrator to execute the required documents.

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

Revenue:

Virginia Department of Conservation and Recreation	<u>\$195,000</u>
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Expenditure:

Freedom Park Trail	<u>\$195,000</u>
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of  
November, 2013.

FreedmTrlGrnt\_res

**MEMORANDUM COVER**

**Subject:** Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

**Action Requested:** Shall the Board approve the resolution to revise Chapter 5 of the James City County Personnel Policies and Procedures Manual?

**Summary:** The new Virginia Retirement System Hybrid Plan goes into effect on January 1, 2014. It includes mandated requirements such as short- and long-term disability that did not coordinate with leave and other items outlined in Chapter 5. Employees in Plan 1 and 2 are not affected.

Staff has proposed changes to better clarify who is eligible for which type of leave. This is consistent with the Virginia Retirement System's advice that localities may wish to consider modifying current leave structure to coordinate more effectively.

Staff recommends approval of the attached resolution to revise Chapter 5 of the James City County Personnel Policies and Procedures Manual.

**Fiscal Impact:** N/A

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

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Resolution
2. Memorandum
3. Policy

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

**Date:** November 12, 2013

**MEMORANDUM**

DATE: November 12, 2013

TO: The Board of Supervisors

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

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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At the October 22, 2013, Board of Supervisors Work Session, staff presented an overview of the Virginia Retirement System's new Hybrid Plan that goes into effect on January 1, 2014. Staff discussed mandated provisions of the Hybrid Plan that differ from Plan 1 and 2. As a result of these differences, most notably, the inclusion of a Short-Term Disability Plan that transitions to a Long-Term Disability Plan, staff proposes revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual to reflect these distinctions.

The majority of the Chapter 5 revisions are related to the new leave policy for VRS Hybrid Plan participants and part-timers hired on or after January 1, 2014. Some of the features of the new leave policy include combining sick and annual leave into one leave type called Paid Time Off (PTO), limiting leave carry-over to one year's accrual, and better clarifying who is eligible for which type of leave. The changes adjust the amount of leave earned to coordinate with the mandated short-term and long-term disability requirements; are easier to explain, understand, and track; give employees more control over their leave; and reduce/limit the County's liability. This is consistent with the Virginia Retirement System's advice that localities may wish to consider modifying their current leave structure to coordinate more effectively.

The proposed changes reflect a sample plan developed by a regional group of public sector Human Resource professionals. The changes were reviewed by payroll, Executive Leadership Team, and the Employee Benefits Committee.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.



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James A. Peterson, II

JAP/nb  
Ch5PerPolPro\_mem

Attachments

**RESOLUTION**

**REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, the provisions of the Virginia Retirement System's Hybrid Plan that goes into effect January 1, 2014, differ from the provisions of Plan 1 and Plan 2; and

WHEREAS, the Virginia Retirement System advised that localities may wish to consider modifying current leave structure to coordinate more effectively.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures are adopted effective December 1, 2013.

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

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

Ch5PerPolPro\_res

## CHAPTER 5

### EMPLOYEE BENEFITS

- [Section 5.1 Policy - General](#)
- [Section 5.2 Eligibility - General](#)
- [Section 5.3 Holidays](#)
- [Section 5.4 Leave](#)
- [Section 5.5 Family and Medical Leave Act \(FMLA\)](#)
- [Section 5.6 Health Related Benefits](#)
- [Section 5.7 Retirement, Disability, and Life Insurance](#)
- [Section 5.8 Workers' Compensation \(Policy\) \(Procedures\)](#)
- [Section 5.9 Tax-Related Benefits](#)
- [Section 5.10 Credit Union](#)
- [Section 5.11 Employer Assisted Home Ownership Program](#)
- [Section 5.12 Optional, Employee-Paid Benefits](#)

Chapter 5  
Employee Benefits

Section 5.1    Policy - General

It is the policy of James City County to provide employee benefits that complement the County’s values and strategic direction, that help meet certain needs of County employees and their families, and that help the County to attract and retain quality employees. The County strives to offer high quality benefits, at a reasonable cost to both employees and the County, which prove valuable and useful to employees.

*Given the range of benefits and eligibility requirements, the County will communicate the availability of these benefits to eligible individuals and will provide assistance in understanding and using them.*

Section 5.2    Eligibility – General

~~The benefits contained in this chapter are available to all employees in full-time regular and limited-term positions. Benefits are also available to employees in part-time regular and limited-term positions, to former employees and retirees, and to employees in temporary positions where specifically indicated in the policy. Eligibility of employees in other positions varies by department and is recorded in the Human Resource Department.~~

<i><b>Position Type</b></i>	<i><b>Benefit Eligibility</b></i>
<i>Full-time regular and limited-term positions</i>	<i>All benefits available; VRS Plan 1, 2, or Hybrid eligibility depending on VRS service criteria; leave plan eligibility depending on VRS Plan 1, 2 or Hybrid;</i>
<i>Part-time regular and limited-term positions</i>	<i>Benefits available where specifically indicated in the policy; eligibility is dependent on date of hire into the part-time position and authorized annual hours</i>
<i>Temporary positions, on call positions, former employees, and retirees</i>	<i>Benefits available where specifically indicated in the policy</i>
<i>Other positions</i>	<i>Benefits eligibility varies by organization; contact the Human Resource Department.</i>

Section 5.3   Holidays

The County observes the following eleven designated holidays:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

The Board of Supervisors may declare any other day an additional holiday.

- A. Eligibility for and Calculation of Holidays. Employees in full-time and part-time regular and limited-term positions are eligible for paid holidays or compensatory leave ~~in the amount of their monthly sick leave accrual rate~~ as listed in the eligibility charts below.

<i>IF an employee is in a Full-Time Position (2,080 or more Annual Authorized Hours)</i>	
<i>AND the employee participates in VRS Plan 1 or 2</i>	<i>THEN paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)</i>
<i>AND the employee participates in the VRS Hybrid Plan</i>	<i>THEN paid holidays or compensatory leave is 8 hrs</i>

<i>IF an employee is in a Part-Time Regular or Limited-Term Position (fewer than 2,080 Annual Authorized Hours)</i>		
<i>AND the employee was hired into a part-time regular or limited-term position before 1/1/2014</i>	<i>AND authorized to work fewer than 2,080 hrs.</i>	<i>THEN the employee's paid holidays or compensatory leave is based on the employee's monthly sick leave accrual rate (see Section 5.4.B.9.)</i>
<i>AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014</i>	<i>AND authorized to work 1,040 - 2,079 hrs.</i>	<i>THEN the employee's paid holidays and compensatory leave is 6 hrs.</i>

<i>AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014</i>	<i>AND authorized to work 780 - 1,039 hrs.</i>	<i>THEN the employee's paid holidays and compensatory leave is 3 hrs.</i>
<i>AND the employee was hired into a part-time regular or limited-term position on or after 1/1/2014</i>	<i>AND authorized to work fewer than 780 hrs.</i>	<i>THEN the employee is not eligible for paid holidays or compensatory leave</i>

B. Observance of Holidays

1. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday; if a holiday falls on a Sunday, the following Monday shall be observed as the holiday. County operations which are open on holidays shall observe the actual holiday for purposes of holiday pay.
2. If an observed holiday falls on a day an employee is not otherwise scheduled to work, the employee shall earn compensatory leave *for the observed holiday in the amount of his monthly sick leave accrual rate for the observed holiday for the number of holiday hours listed in the eligibility chart above.* In cases where this would present a hardship because of work load, the department ~~manager~~ *director* may authorize payment in lieu of the compensatory leave if the budget permits.
3. An employee who is on approved leave with pay during a period in which a holiday falls, shall not be charged leave for the observed holiday *for the number of holiday hours listed in the eligibility chart above.*
4. An employee who is on military leave with pay during a period in which a holiday falls shall not receive any additional pay or compensatory leave for the holiday.
5. An employee forfeits eligibility to be compensated for the holidays observed by the County unless the employee works the last scheduled work day before the holiday and the first scheduled work day after the holiday. ~~The forgoing does not apply to employees who are~~ *or is* on ~~authorized~~ *approved* leave with pay.

C. Working on Holidays

1. If an employee is required to work on an observed holiday, he shall receive holiday pay as outlined in Chapter 4, Section 4.15.

2. Certain employees who are called to work on a County-observed holiday on which they are not scheduled to work may be eligible for premium pay as outlined in Chapter 4, Section 4.17.

Section 5.4 Leave

A. General

1. Policy Statement - James City County recognizes the importance of balancing the productivity needs of the County with the needs of County employees and their families by providing employees with time away from work. It is the policy of the County to provide employees with continued income and benefits during certain approved absences of specified durations.
2. Eligibility - *Employees in full-time regular and limited-term positions are eligible for leave. Employees in part-time regular and limited-term positions are eligible for leave on a pro-rated basis with the exception of those hired on or after January 1, 2014, into positions with fewer than 780 annual authorized hours.*

3. Definitions

- a. Day – A day is defined as ~~the number of sick leave hours accrued monthly by the employee~~ *in the chart below.*

<i>Full or Part Time</i>	<i>Characteristics</i>	<i>Annual Authorized Hours</i>	<i>Day</i>
<i>Full-Time</i>	<i>VRS Plan 1 or 2 Member</i>	<i>2,080 or more</i>	<i>Monthly sick leave accrual rate</i>
<i>Full-Time</i>	<i>VRS Hybrid Plan Member</i>	<i>2,080</i>	<i>8 hours</i>
<i>Part-Time</i>	<i>Hired before 1/1/2014</i>	<i>Fewer than 2,080</i>	<i>Monthly sick leave accrual rate</i>
<i>Part-Time</i>	<i>Hired on or after 1/1/2014</i>	<i>1,040- 2,079</i>	<i>6 hours</i>
<i>Part-Time</i>	<i>Hired on or after 1/1/2014</i>	<i>780 - 1,039</i>	<i>3 hours</i>
<i>Part-Time</i>	<i>Hired on or after 1/1/2014</i>	<i>Fewer than 780</i>	<i>None; ineligible</i>

- b. Immediate Family - The immediate family is defined as: spouse, parent, son, daughter, brother, sister, grandparents, grandchildren,

step-children, step-parents, guardian, spouse's parent, and any persons residing in the same household as the employee.

3 c. Week - A week is defined as the annual authorized hours of the employee's position divided by 52.

D B. Types of Leave

The County offers the following types of leave. ~~A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections. An overview of eligibility, purpose and guidelines is listed below.~~

- ~~Annual Leave~~ ————— ~~Any purpose.~~
- ~~Sick Leave~~ ————— ~~Personal doctor appointment, illness, or short-term disability.~~  
~~Immediate family member doctor appointment or illness.~~
- ~~Funeral Leave~~ ————— ~~Death of immediate family member.~~
- ~~Civil Leave~~ ————— ~~Serving on a jury.~~  
~~Attending court as a witness under subpoena.~~
- ~~Military Leave~~ ————— ~~Paid absences for employees covered by USERRA for training or deployment.~~
- ~~School Leave~~ ————— ~~Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 or a licensed preschool or daycare center.~~
- ~~Leave Without Pay~~ ————— ~~Unpaid absences from work.~~

1.

Type	Annual Leave
Eligibility	<i>Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired into those positions before January 1, 2014</i>
Purpose	Any purpose
Guidelines	<p><del>New employees will have available up to the equivalent of five (5) months of annual leave accrual upon employment. The leave will be available immediately and leave not used will be credited to the employee's annual leave balance at the beginning of the sixth (6th) month.</del></p> <p><u>Accrual</u>  <del>Beginning in the sixth (6th) month of employment, a</del>  Annual leave shall be accrued in accordance with the chart below.</p>

Monthly Accrual Rate In Hours			
Annual Authorized Hours	< 5 years of service	5<15 years of service	> 15 years of service
< 261	1	1.5	2
261-520	2	3.0	4
521-780	3	4.5	6
781-1,040	4	6.0	8
1,041-1,300	5	7.5	10
1,301-1,560	6	9.0	12
1,561-1,820	7	10.5	14
1,821-2,080	8	12.0	16
2,081-2,340	9	13.5	18
2,341-2,600	10	15.0	20
2,601-2,860	11	16.5	22
>2,860	12	18.0	24

The maximum amount of leave that an employee may accumulate is the amount of leave ~~he~~ *the employee* can earn in a two-year period.

The employee's leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.

Payment for Accumulated Leave Upon Separation from Employment:

~~No payment shall be made for any unused portion of annual leave if an employee leaves employment within the first five months.~~

Employees shall receive the monetary equivalent of their annual leave balance up to the annual maximum accumulation ~~except as noted in item (1) above~~. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department ~~manager~~ *director*.

2.

Type	Civil Leave
Eligibility	<i>Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have annual authorized hours fewer than 780.</i>
Purpose	May be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.
Guidelines	<p><u>Compensation</u> An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.</p> <p><u>Return to Work</u> Any employee serving four or more hours (including travel time) is not required to start any shift that begins between 5 p.m. and 3 a.m. following the court appearance. The time will be charged to Civil Leave.</p> <p><u>Exclusion</u> In those circumstances where a County employee is not subpoenaed and is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, the employee shall be charged annual or compensatory leave or leave without pay.</p>

3.

Type	Funeral Leave
Eligibility	<i>Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have annual authorized hours fewer than 780.</i>
Purpose	May be used by an employee to provide paid absences upon the death of a member of an employee's immediate family.
Guidelines	<p><u>Amount of Leave</u> Funeral leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days as defined in <del>5.4.C.1</del> <i>Section 5.4.A.3.a.</i> per death of an employee's immediate family member. Exceptions may be granted by the department <del>manager</del> <i>director</i>.</p>

4.

Type	Leave Without Pay
Eligibility	<i>Employees in full-time and part-time regular and limited-term positions who are eligible to accrue leave. See Section 5.4.A.2.</i>
Purpose	May be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.
Guidelines	<p>An employee shall be on leave without pay under the following circumstances:</p> <ul style="list-style-type: none"> <li>1 a. Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department <del>manager</del> <i>director</i>, not to use accrued leave;</li> <li>2 b. Absences authorized as a condition of employment;</li> <li>3 c. Unapproved absence from the job during a scheduled work period;</li> <li>4 d. Suspension without pay as defined in Section 7.5.C; or</li> <li>5 e. Furlough, or required unpaid time off for a defined group of employees, directed by the County Administrator due to fiscal constraints.</li> </ul> <p><u>Impact on Other Benefits and Conditions of Employment</u></p> <ul style="list-style-type: none"> <li>1 a. <i>PTO or</i> sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.</li> <li>2 b. An employee's first performance increase after returning to work shall be pro-rated for each period of thirty (30) consecutive calendar days the employee is on leave without pay.</li> <li>3 c. The County shall pay its share of County health and life insurance premiums during approved leave without pay unless otherwise provided in writing to the employee.</li> <li>4 d. Should an employee fail to return to work by the date the employee agreed to in writing, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date, except where the employee requires additional <i>leave time off</i> under the Family and Medical Leave Act, <del>Chapter 5, Section 5.5, of this Manual</del> <i>or is on short-term disability</i>. An employee who accepts employment elsewhere while on leave without pay, unless approved, shall be considered to</li> </ul>

	have terminated employment with the County without notice as of the original date the leave was begun.
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5.

Type	Military Leave						
Eligibility	<i>Employees in full-time and part-time regular and limited-term, temporary and on-call positions who are members of one of the covered military, security, or recovery organizations listed below.</i>						
Purpose	May be used by an employee <del>who is a</del> to provide paid absences <i>and USERRA rights</i> for the reasons and duration outlined below.						
Guidelines	<p><u>Legal Basis</u> James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42, <i>and by Sections 44-93 of the Code of Virginia, 1950, as amended.</i></p> <p>Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.</p> <p><u>Covered Organizations and Qualifying Reasons</u></p> <table border="1"> <thead> <tr> <th>Covered Organizations</th> <th>Qualifying Reason</th> </tr> </thead> <tbody> <tr> <td>The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia</td> <td>Annual active duty for training. <i>Inactive duty training.</i> Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.</td> </tr> <tr> <td>Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law</td> <td>Federal deployment and /or training during regularly scheduled work hours.</td> </tr> </tbody> </table>	Covered Organizations	Qualifying Reason	The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. <i>Inactive duty training.</i> Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.	Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and /or training during regularly scheduled work hours.
Covered Organizations	Qualifying Reason						
The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia	Annual active duty for training. <i>Inactive duty training.</i> Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.						
Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law	Federal deployment and /or training during regularly scheduled work hours.						

Amount of Leave

Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons.

Duration of Leave and Associated Pay and Benefits

<b>Length of Absence</b>	<b>Salary and Benefits</b>
Up to 15 days per federal fiscal year	Full pay and all benefits and benefit accruals continue.
More than 15 days in a federal fiscal year	Employee coordinates with department <del>manager</del> <i>director</i> to use other applicable leave or leave without pay.

Special Circumstances

Employees *in full-time and part-time regular and limited-term positions, except those hired on or after 1/1/2014 into part-time regular or limited-term positions which have annual authorized hours fewer than 780*, who are members of one of the forces listed above and are involuntarily called to federally funded military active duty shall receive the following: a. A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.

Employee Responsibility

- 1 a. The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return.
- 2 b. The employee cannot accept other employment while on military leave without the prior approval of the ~~D~~department ~~Manager~~ *director*.

Return to Work

- 1 a. The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.
- 2 b. The position that the employee is eligible to return to after active duty service depends on the length of that

	<p>service as provided by USERRA.</p> <p>3 c. The employee's terms of employment are controlled by the Personnel Policies and Procedures Manual and applicable USERRA provisions.</p> <p>4 d. If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.</p> <p><u>Urban Search and Rescue</u>  Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&amp;R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&amp;R team membership and FEMA reimbursement policies in effect at the time of activation.</p>
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6.

Type	<i>Paid Time Off (PTO)</i>
Eligibility	<i>Employees in full-time regular and limited-term positions who are members of the VRS Hybrid Plan, and employees in part-time regular and limited-term position of 780 or more annual authorized hours who were hired into the part-time position on or after January 1, 2014.</i>
Purpose	<i>May be used by an employee to provide paid absences for any purpose including illness and supplementing short-term disability payments.</i>
Guidelines	<p><u>Accrual</u></p> <p><i>PTO shall be accrued in accordance with the chart below.</i></p>

<b>PTO Monthly Accrual Rate in Hours</b>				
<b>Annual Authorized Hours</b>	<b>&lt; 5 Years of Service</b>	<b>5 – 10 Years of Service</b>	<b>10 – 15 Years of Service</b>	<b>15+ Years of Service</b>
< 780	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued	Ineligible; no PTO accrued
780 – 1,039	3.0	3.5	4.0	4.5
1,040 - 2,079	6.0	7.0	8.0	9.0
2,080	12.0	14.0	16.0	18.0

*Employees do not accrue leave while on short-term or long-term disability.*

*The maximum amount of PTO that an employee may accumulate is the amount of leave the employee can earn in a one-year period.*

*The employee’s PTO leave balance must be within the maximum accumulation amount on July 1 of each year or the excess shall be forfeited.*

Use

a. *Scheduled Absences - PTO should be scheduled in advance for time off for vacations, personal leave appointments or other reasons. It is subject to supervisor approval, department staffing needs and established department procedures.*

b. *Unscheduled Absences - While sometimes unavoidable, unscheduled absences can adversely affect the operations of the department. The supervisor may request the employee provide documentation in accordance with department policy or County procedures or regulations.*

c. *Supplement to Short-Term Disability Payments – Accrued PTO may be used by full-time employees wishing to increase STD payments up to 100% or full pay.*

	<p><i><u>Payment for Accumulated Leave Upon Separation from Employment</u></i></p> <p><i>Employees shall receive the monetary equivalent of their PTO balance up to the annual maximum accumulation. If two weeks' notice is not given by an employee, the equivalent of one day shall be deducted from the leave payments for each day that the employee failed to give notice of termination up to a two-week maximum. Exceptions may be made by the department director.</i></p>
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7.

Type	School Leave
Eligibility	<i>Employees in full-time and part-time regular and limited-term positions except those hired on or after 1/1/2014 into part-time regular and limited-term positions which have fewer than 780 annual authorized hours.</i>
Purpose	May be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school, or a licensed preschool or daycare center.
Guidelines	<p>Employees in full-time regular and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.</p> <p>Employees in part-time regular and limited-term positions may take up to <del>the number of hours of their monthly sick leave accrual rate per fiscal year</del> <i>one day as defined in Section 5.4.A.3.a.</i></p>

8.

Type	<i>Short-Term Disability (STD)</i>
Eligibility	<i>Employees in full-time regular and limited-term positions who are VRS Hybrid Plan members.</i>
Purpose	<i>May be used by an employee to provide paid absences for illnesses or injuries including Workers' Compensation meeting the criteria set forth in the Code of Virginia.</i>
Guidelines	<i>Details of coverage are available from the Human Resource Department.</i>

9.

Type	Sick Leave
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Eligibility	<i>Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2, and employees in part-time regular and limited-term positions who were hired in to those positions before January 1, 2014.</i>
Purpose	May be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.
Guidelines	<p>Sick leave provides paid absences for the following reasons:</p> <ol style="list-style-type: none"> <li>a. A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties;</li> <li>b. Appointments for examination and/or treatment related to health when approved in advance by the department <del>manager</del> <i>director</i> and when such appointments cannot reasonably be scheduled during nonwork hours.</li> <li>c. An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department <del>manager</del> <i>director</i>, not to exceed twelve (12) days per fiscal year. <i>A day is defined in 5.4.C.1 Section 5.4.A.3.a.</i> Use of additional sick leave <del>requested</del> in excess of the permitted allowance may be approved if recommended by the department <i>director</i> and approved by the Human Resource <del>Manager</del> <i>Director</i>.</li> </ol> <p><u>Accrual</u></p>

a. Sick leave shall be accrued in accordance with the chart below:

Annual Authorized Hours	Monthly Accrual Rate In Hours
< 261	1
261-520	2
521-780	3
781-1,040	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

b. There is no limit to the amount of sick leave an employee may accrue.

Payment for Accumulated Leave Upon Separation from Employment

Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited.

Exceptions may be made by the department ~~manager~~ *director*.

Years of Service	Maximum Payment
2 – 14	\$1,000
15 – 24	\$2,500
25 or more	\$5,000

	<p><u>Sick Leave Bank</u>  Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be <del>administered by employees,</del> supported by employees, and shall cease to exist should there be insufficient employee interest.</p>
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Section 5.5 Family and Medical Leave Act (FMLA)

- A. Policy Statement – James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5 ~~of this manual~~. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H ~~of this manual~~.
  
- B. Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:
  - 1. The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
  - 2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.
  
- C. Definitions
  - 1. Day ~~The number of sick leave hours accrued monthly by the employee.~~ *See Section 5.4.A.3.a.*
  - 2. Fiscal Year – July 1 through June 30.
  - 3. In loco parentis – Acting as a temporary guardian of a child.
  - 4. Next of Kin – The closest blood relative of the injured or recovering service member.

5. Parent – The biological, adoptive, step, or foster parent or other person who stands “in loco parentis” to the employee.
6. Qualifying Exigency – One of the following:
  - a. short-notice deployment,
  - b. military events and activities,
  - c. child care and school activities,
  - d. financial and legal arrangements,
  - e. counseling,
  - f. rest and recuperation,
  - g. post-deployment activities and
  - h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
7. Serious Health Condition – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:
  - a. a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
  - b. any period of incapacity related to pregnancy or prenatal care,
  - c. any period of incapacity or treatment for a chronic serious health condition,
  - d. a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
  - e. any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
8. Son or Daughter – A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing “in loco parentis” who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:
  - a. The child is incapable of self-care because of mental or physical disability.
  - b. Leave is requested and approved for a qualifying exigency.
9. Spouse – A husband or wife.
10. 12-month period -
  - a. For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.
  - b. For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.

11. Week - The annual authorized hours of the employee's position divided by 52.

D. Reasons for FMLA Leave Absences - To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. To care for a spouse, child or parent with a serious health condition.
2. The serious health condition of the employee.
3. The birth of a child and in order to care for that child.
4. The placement of a child for adoption or foster care and to care for the newly placed child.
5. Qualifying exigency leave for an employee whose spouse, son, daughter or parent is a member of the National Guard or Reserves when the covered military member either has been notified of an impending call or order to active military duty or who is already on active duty in support of a contingency operation. The leave may begin as soon as the individual receives the call-up notice.
6. Military caregiver leave (also known as covered service member leave) to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty.

E. Amount of Allowable FMLA Leave

1. An eligible employee may take up to a total of 12 weeks for the FMLA reasons specified in Sections 5.5.D.1, 5.5.D.2 and 5.5.D.5 of ~~this policy~~ during a fiscal year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the fiscal year and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee takes until the end of that fiscal year.
2. An eligible employee may take up to 12 weeks for the FMLA reasons specified in Sections 5.5.D.3 and 5.5.D.4 of ~~this policy~~. An eligible employee under Sections 5.5.D.3 and 5.5.D.4 has 12 months from the date of the birth/adoption to take the allowable leave, subject to the fiscal year limitation.
3. An eligible employee may take up to 26 weeks for the FMLA reason specified in Section 5.5.D.6 of this policy during a single 12-month period which begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period.

4. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of leave during the fiscal year. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of leave during a 12-month period.
5. An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.
6. If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's serious health condition, including Workers' Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

F. Employee Responsibilities - An eligible employee requesting time off for one of the reasons listed in section 5.5.D ~~of this policy~~ must:

1. Inform the supervisor that the employee is requesting leave and the purpose of the leave 30 days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice as soon as practicable and must comply with the Department's absence notification procedures;
2. Work with the supervisor to identify the type of County leave(s) which will be taken during the absence;
3. Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave if foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;
4. Advise the supervisor or the Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;
5. Comply with arrangements to make benefit payments if necessary;
6. Keep the supervisor informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work;
7. Upon returning to work, provide a fitness for duty certification from a physician if the leave was taken for the employee's own serious health condition.

G. Supervisor Responsibility - If an employee requests leave for one of the purposes listed in Section 5.5.D of this policy, or when an employee has been absent for more than three consecutive workdays for reasons which may make the employee eligible under FMLA, the supervisor shall inform Human

Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.

H. Human Resource Responsibilities:

1. Post and provide general notice to all employees of their FMLA rights and responsibilities;
2. Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;
3. Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;
4. If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;
5. If the absence does qualify for FMLA:
  - a. Confirm the employee's eligibility for FMLA in writing including ending date of leave;
  - b. Maintain group health benefits as if the employee continued to work instead of taking leave;
  - c. Notify the employee concerning the status of benefits while on leave; and
  - d. Designate and track the absence under FMLA.
6. Upon completion of an employee's absence under FMLA:
  - a. Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and
  - b. Track the employee's remaining available time and the remaining eligible time period.

I. Recertification/Second Opinion – James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.

J. Additional Information – Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical

Leave Act itself and/or the appropriate areas of the Department of Labor web site.

Section 5.6 Health Related Benefits

- A. Policy Statement - James City County recognizes the importance of the physical and mental health of employees and their dependents to the employees' quality of life and productivity at work. It is the policy of James City County to provide employees with assistance to care for their physical and mental health.
- B. Health Insurance
  1. Group Health Insurance Plan - The County shall provide at least one group health insurance option.
  2. Eligibility and Cost
    - a. Employees in full-time regular and limited-term positions, their spouses, and dependent children are eligible for group health insurance coverage. The County shall pay at least a portion of the cost of the group health insurance coverage for active employees.
    - b. Retirees, at least 50 years of age, who have worked for the County for at least 15 years or who have worked for the County fewer than 15 years but have retired because of a Line of Duty Act injury, are eligible to continue group health insurance for themselves and their dependents until they are eligible for Medicare, if they elect to participate prior to leaving County employment. The County bears none of the cost for this coverage; however, the retiree may be eligible for a VRS Retiree Health Insurance Credit. See Sections 5.67.B.2.b and 5.67.C.1.b3.
    - c. Employees who are terminating employment or reducing their hours to part-time may elect to continue the group insurance coverage for themselves and their dependents at that time. This option is available only for as long as the employee or eligible family member is not covered by another group plan and only for designated periods of time. The County bears none of the cost of this coverage and an administrative charge is added to the premium.
  3. Medicare - Both the County and the employee contribute to the Medicare account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions regarding Medicare coverage should be directed to the Social Security Administration.

- C. Employee Assistance Program - The County shall offer a program to provide confidential counseling and referral services.
  - 1. Eligibility - Employees in full-time and part-time regular and limited-term positions, their spouses, and dependent children are eligible for counseling and referral services.
  - 2. Cost - The County shall bear the cost of short-term counseling and referral services. The Employee Assistance service provider shall refer the employee and dependents to an affordable community resource, including coordination with the employee's health insurance plan, for longer-term counseling.
- D. Fitness Program - The County shall assist employees in accessing at least one fitness center and in obtaining educational materials on wellness.

Section 5.7 Retirement, Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.67.B.3.b.
  - 1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
  - 2. VRS Service Retirement
    - a. The County's retirement plan is administered by the Virginia Retirement System (VRS). ~~It is a~~ VRS Plans 1 and 2 are defined benefit plans qualified under the Internal Revenue Service Code. The VRS Hybrid Plan has both a defined benefit and defined contribution component. The VRS is governed by the *Code of*

Virginia, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the *defined benefit* retirement benefit such as *whether the employee is in Plan 1, 2, or the Hybrid Plan*, age, average final compensation, and years of VRS service

- b. Generally, a credit of up to a maximum of \$45 per month is available to employees who retire with at least 15 years of VRS service to help defray the cost of health insurance premiums. The amount of the credit varies based on factors such as the number of years of VRS service. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

### 3. Deferred Compensation

- a. The County sponsors a deferred compensation plan to allow County employees to save a portion of their ~~pretax~~ salary for retirement purposes. The plan is voluntary and is administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.
- b. The County may match 50 percent of the employee contribution up to a maximum County contribution established by the Board of Supervisors in the budget. The maximum match for part-time employees will be half that of full-time employees. Employees who have at least two years of County service will be vested for purposes of the match funds. (Effective 7-1-2006)
- c. Employees age 45 or older with 15 years or more of service on July 1, 2006, may be eligible for an additional match upon retirement if they have contributed continuously to deferred compensation from July 1, 2006, and if they contribute at least some of their final leave payments to their deferred compensation account. (Effective 7-1-2006)

### C. Disability

- 1. VRS Plan 1 and 2 Members - The VRS provides an employee with disability retirement if the employee becomes mentally or physically unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the

disability is work-related or is compensable under Workers' Compensation. ~~The County pays the full cost of the VRS contribution for the employees.~~

2. *VRS Hybrid Plan Members* - are eligible for Long-Term Disability (LTD) coverage in accordance with the provisions implemented under the Code of Virginia. If benefits are approved by the LTD insurance carrier, benefits may continue until service retirement age.

3. *Health Insurance Credit* - Generally, a credit of \$45 per month is available to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

D. Life Insurance

1. VRS Standard Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.

2. VRS Optional Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

Section 5.8 Workers' Compensation

A. Policy Statement

When an employee experiences an employment-related injury or illness as defined in the Workers' Compensation Act of the Code of Virginia, the County provides medical reimbursement, lost wage payments, and fixed awards as outlined in the Code of Virginia. The County also provides a salary supplement to help offset the difference between the lost wage payment and the employee's normal net pay, after taxes. *Employees do not accrue leave while on Workers' Compensation.* Where the injury or illness is outside the scope of the Code, employees are encouraged to contact the Human Resource Department to determine what other benefits may apply.

B. Eligibility

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions are eligible for Workers' Compensation benefits.

Section 5.9 Tax-Related Benefits

- A. Policy Statement - James City County recognizes the value of paying certain expenses outlined in IRS Code Section 125 with pretax dollars. It is the policy of the County to offer such opportunities where there are a sufficient number of interested employees.
- B. Pretax Health Insurance Premiums - Also called Premium Conversion, allows employees who pay a portion of their County-sponsored group health insurance plan premiums to pay them before taxes. Employees are automatically enrolled unless they waive participation.
- C. Reimbursement Accounts - Also called Flexible Spending Accounts, allow *eligible* employees in full-time and part-time regular and limited-term positions who enroll in the program to pay for eligible health care or dependent care expenses with pretax dollars on a reimbursable basis.

Section 5.10 Credit Union

Employees in full-time and part-time regular, limited-term, temporary, and on-call positions and members of their families are eligible to join any credit union with which James City County is affiliated and receive the membership benefits available.

Section 5.11 Employer Assisted Home Ownership Program

- A. Policy Statement - James City County recognizes the value of having employees live in the community they serve when possible economically and considering family circumstances. It is the policy of the County to assist employees who meet eligibility requirements to purchase a home in the community.
- B. Legal Basis - County Code Section 2-15.2 authorizes the County program in accordance with State Code *of Virginia* Section 15.2-958.2.
- C. Benefits - eligible employees may receive matching funds up to the maximum allowed by the Program if they purchase a primary residence in James City County or the City of Williamsburg and they meet all program terms and conditions.
- D. Repayment of Matching Funds – In accordance with the terms of the Program, employees are required to repay some or all of the funds received if they do not remain in County employment and live in the residence for an amount of time specified in the program terms and conditions.

Section 5.12 Optional, Employee Paid Benefits

From time to time the County may offer optional benefits that it deems of value to employees, and which are 100 percent employee paid. ~~Eligibility and plan descriptions will be available in the Human Resource Department.~~

Revised: 10/30/13  
Chap5\_101113

**MEMORANDUM COVER**

**Subject:** Contingency Transfer - Human Services Building

**Action Requested:** Shall the Board approve a transfer of \$120,000 from Capital Contingency to fine-tune the rehabilitation needs of the County's Human Services Building?

**Summary:** Included in the FY 2015 Capital Improvement Plan is \$2,050,000 to rehabilitate the Heating, Ventilation, and Air Conditioning (HVAC), roof, utilities, parking/drainage, and interior walls and flooring at the 30-year-old Human Services Building (HSB). The inefficiencies of the building infrastructure and spatial allocations have become even more problematic as the demand for services continues to increase. As an example, Social Services eligibility for the Supplemental Nutrition Assistance Program (SNAP) has increased from 965 households in 2008 to 2,236 households in 2013, a five-year growth of 132 percent. The pace of the growth in workload has started to drop but the growth continues; new households are being added on a monthly basis. The Olde Towne Medical and Dental Center is adding medical staff and rearranging space to create additional exam rooms to accommodate similar growth in providing medical services to the uninsured. The size of the building will not change with this project. The bulk of the funding will go toward a new roof and replacement of HVAC systems.

Staff would like to fine-tune plans, obtain final engineering estimates, and analyze potential changes in the building to improve the spatial efficiencies by advancing \$120,000 of the project total this fiscal year as a transfer from Capital Contingency. This request originated from a discussion with the Directors of Community Services and General Services, as well as staff from the Olde Towne Medical and Dental Center. Currently, there is \$536,910 in Capital Contingency.

Staff recommends approval of the attached resolution.

**Fiscal Impact:** See above.

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

**Assistant County Administrator**  
  
Doug Powell \_\_\_\_\_

**County Administrator**  
  
Robert C. Middaugh \_\_\_\_\_

**Attachments:**  
1. Memorandum  
2. Resolution

**Agenda Item No.:** H-6  
  
**Date:** November 12, 2013

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

DATE: November 12, 2013

TO: The Board of Supervisors

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

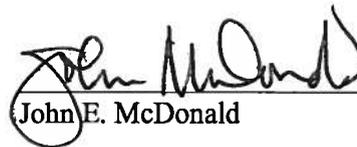
SUBJECT: Contingency Transfer - Human Services Building.

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Included in the FY 2015 Capital Improvement Plan is \$2,050,000 to rehabilitate the Heating, Ventilation, and Air Conditioning (HVAC), roof, utilities, parking/drainage, and interior walls and flooring at the 30-year-old Human Services Building (HSB). The inefficiencies of the building infrastructure and spatial allocations have become even more problematic as the demand for services continues to increase. As an example, Social Services eligibility for the Supplemental Nutrition Assistance Program (SNAP) has increased from 965 households in 2008 to 2,236 households in 2013, a five-year growth of 132 percent. The pace of the growth in workload has started to slow but the growth continues, new households are being added on a monthly basis. The Olde Towne Medical and Dental Center is adding medical staff and rearranging space to create additional exam rooms to accommodate similar growth in providing medical services to the uninsured. The size of the building will not change with this project. The bulk of the funding will address a new roof and replacement of obsolete and inefficient HVAC systems.

Staff would like to fine-tune plans, obtain final engineering estimates, and analyze potential changes space allocations in the building to improve the spatial efficiencies by advancing \$120,000 of the project total this fiscal year as a transfer from Capital Contingency. This request originated from a discussion with the Directors of Community Services and General Services, as well as staff from the Olde Towne Medical and Dental Center. There is currently \$536,910 in Capital Contingency.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
John E. McDonald

JEM/nb  
HSB-ContTrnsfr\_mem

Attachment

**RESOLUTION**

**CONTINGENCY TRANSFER - HUMAN SERVICES BUILDING**

WHEREAS, the County's adopted five-year Capital Improvement Plan includes, in the upcoming fiscal year, \$2,050,000 to rehabilitate the 30-year-old Human Services Building; and

WHEREAS, the need for greater efficiencies in the building infrastructure and spatial allocations is a pressing one, given the growth in the number of James City County households served by the offices who occupy the building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$120,000 from Capital Contingency to General Services to fine-tune plans, obtain final engineering estimates, and analyze potential changes in the building.

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

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

HSB-ContTrnsfr\_res

**MEMORANDUM COVER**

**Subject:** HW-0002-2013. Busch Gardens 2015 Festa Italia Attraction

**Action Requested:** Shall the Board approve a height limitation waiver for a new 156-foot-tall attraction in Busch Gardens?

**Summary:** Mr. Piotr Swietuchowski of VHB, Inc. has applied on behalf of Sea World Parks and Entertainment LLC for a height limitation waiver to permit the installation of a new attraction in the Festa Italia area of Busch Gardens. The attraction is proposed to reach a height of approximately 156 feet above finished grade (or 242 feet above sea level) and would be located adjacent to the existing Apollo's Chariot roller coaster. Structures in excess of 60 feet in height from grade to the top of the structure require a height limitation waiver by the Board of Supervisors.

The applicant conducted a balloon test to simulate the expected height of the attraction. The attraction would be shorter than most of the other existing visible attractions in Busch Gardens; however, the highest peak of the proposed attraction is slightly offset to the west of the highest point of the Apollo's Chariot so it would add some visual impact, predominantly along Route 60 and from the top of the I-64 Grove Interchange overpass. The simulation was not visible from Kingsmill including Wareham's Pond Road and the Marina. Based on past observations, Apollo's Chariot is not one of the attractions that is visible from the James River. Since the proposed attraction is shorter than Apollo's Chariot, staff does not anticipate that it would be visible from the James River.

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan.

Staff recommends approval of this application subject to the attached conditions.

**Fiscal Impact:** N/A

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

N/A

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Resolution
2. Location Map
3. Height Waiver Submittal Package
4. Balloon Test Photographs
5. Proposed Landscaping Areas Exhibit

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

**Date: November 12, 2013**

**HEIGHT WAIVER-0002-2013. Busch Gardens 2015 Festa Italia Attraction  
Staff Report for the November 12, 2013, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Board of Supervisors:

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

November 12, 2013, 7:00 p.m.

**SUMMARY FACTS**

Applicant:

Piotr Swietuchowski, VHB, Inc.

Land Owner:

SeaWorld Parks and Entertainment, LLC

Proposal:

New attraction with a maximum height of 156 feet above finished grade (or 242 feet above sea level).

Location:

7851 Pocahontas Trail

Tax Map/Parcel No.:

5140100009

Parcel Size:

± 383.07 acres

Zoning:

M-1, Limited Business/Industrial

Comprehensive Plan:

Limited Industry

Primary Service Area:

Inside

**STAFF RECOMMENDATION**

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions.

Staff Contact:

Leanne Reidenbach, Senior Planner II

Phone: 253-6890

**PROJECT DESCRIPTION**

Mr. Piotr Swietuchowski of VHB, Inc. has applied on behalf of SeaWorld Parks and Entertainment LLC for a height limitation waiver to permit the installation of a new attraction in the Festa Italia area of Busch Gardens. The attraction is proposed to reach a height of approximately 156 feet above finished grade (or 242 feet above sea level) and would be located adjacent to the existing Apollo’s Chariot roller coaster. Existing game and food vending buildings are proposed to be converted to serve as the queuing area for the attraction. A height waiver sight lines exhibit is attached, which shows the layout of Busch Gardens and surrounding roads and identifies the location of the proposed attraction. The following table is provided as a point of comparison regarding past height limitation waivers that the Board of Supervisors has approved for Busch Gardens.

**Height Comparison of Busch Gardens Attractions**

<b>Ride Name</b>	<b>Max Height Above Finished Grade (feet)*</b>	<b>Max Elevation Above Sea Level (feet)*</b>
Verbolten	95	150
2015 Festa Italia Attraction	156	242
Apollo's Chariot	170	255
Griffon	210	280
Mach Tower	260	340

*\*Maximum heights established by HW conditions, but the attraction may have been constructed to be shorter than the maximum approved heights.*

The applicant conducted a balloon test to simulate the expected height of the attraction. The results of the balloon test can be seen in Attachment No. 4. The attraction would be shorter than most of the other existing visible attractions in Busch; however, the highest peak of the proposed attraction is slightly offset to the west of the highest point of Apollo’s Chariot so it would add some visual impact, predominately along Route 60 and from the top of the I-64 Grove Interchange overpass. The simulation was also visible from the Williamsburg Parkside Resort on Route 143 in York County through a break in the trees. Staff contacted York County for comments and did not receive any objections to the application.

The simulation was not visible from Kingsmill, including Wareham’s Pond Road and the Marina. Staff was unable to confirm whether or not the attraction would be visible from the Colonial Parkway given its closure; however, based on past observations, Apollo’s Chariot is not one of the attractions visible from the James River. Since the proposed attraction is shorter than Apollo’s Chariot, staff does not anticipate that it would be visible from the James River.

Additionally, the applicant has scheduled a meeting to discuss the proposed attraction with any interested residents of Kingsmill. The meeting is scheduled for November 7, 2013, so comments were not able to be incorporated into the staff report; however, staff will provide an update as part of the public hearing.

**SURROUNDING ZONING AND DEVELOPMENT**

To the west and southwest of Busch Gardens is Kingsmill, a residential subdivision zoned R-4, Residential Planned Community, and Carter’s Grove County Road which, in this location, is owned by Xanterra Kingsmill. Properties are designated Low Density Residential and Limited Industry on the Comprehensive Plan land use map. To the north of the theme park is the Anheuser-Busch Brewery on land zoned M-2, General Industrial, and designated General Industry. To the northeast of the park are the Route 60 and Route 143 roadways, sections of rail line owned by CSX Railroad, Williamsburg Parkside Resort, and the Williamsburg Country Club and Golf Course. To the east and southeast of the theme park

is the Grove area, which contains residentially zoned and designated properties. Given surrounding development and the expected limited impact to the visibility of the existing park attractions outside of the theme park boundaries, staff finds the proposal within the existing theme park to be compatible with surrounding land uses.

### **HEIGHT WAIVER**

On property zoned M-1, Limited Business/Industrial, structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver from the Board of Supervisors. Section 24-418 (c) of the Zoning Ordinance states that a waiver may be granted upon finding:

1. Additional setbacks have been provided as required by Section 24-439 and Section 24-440; however, the Board of Supervisors may waive additional setbacks in excess of 60 feet.

**Staff comment:** The proposed attraction is located more than 1,000 feet from the nearest property line; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.

2. Such structure will not obstruct light from adjacent property.

**Staff comment:** Given that the attraction is proposed as an open, lattice-type structure and that it is not in close proximity to adjacent properties, staff finds that the proposed structure will not obstruct light from adjacent property.

3. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

**Staff comment:** Given that the proposed attraction will have no greater visual impacts than existing attractions within the park on adjacent residential or commercial development; staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.

4. Such structure will not impair property values in the area.

**Staff comment:** Over the years Busch Gardens has undergone a number of changes and new attractions have been added; however; the Director of Real Estate Assessments has found that the County has never seen any market changes in values for the residential community in closest proximity to the park (Kingsmill) that were attributable to its adjacency to Busch Gardens. It is the opinion of the Director of Real Estate Assessments that the proposed 156-foot attraction in the Festa Italia area (near Apollo's Chariot) will not negatively affect the property values in the Kingsmill subdivisions.

5. Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

**Staff comment:** The Fire Department indicated that they have no concerns with the new attraction from a fire service standpoint. Busch Gardens and the Fire Department have attraction specific response plans in place in the event that an attraction gets stuck. Each attraction is designed to have enough momentum to get it to the next safe stopping point. Busch then locks the attraction in place and the Fire Department's tactical team is called in to complete the evacuation. The tactical team practices evacuations on two to three attractions each year and have all the necessary equipment and training to complete the evacuations on each attraction.

6. Such structure will not be contrary to the public health, safety and general welfare.

**Staff comment:** Based upon the information submitted by the applicant, staff finds that the proposed attraction will not have an adverse impact on the public health, safety or general welfare.

### **PUBLIC IMPACTS**

#### **Engineering and Resource Protection, Utilities, and Traffic**

**Staff comment:** The proposed attraction will have minimal impact on the environment, utility service or traffic generation. The attraction is located in an area of Busch Gardens that is already significantly developed and existing buildings will be used for queuing and other attraction services. The footprint

of the attraction itself will largely be composed of piers driven into the ground rather than a large amount of new impervious cover. The attraction is not anticipated to produce an increased demand for utilities or generate any new daily traffic to and from the site.

### **COMPREHENSIVE PLAN**

The property is designated as Limited Industry on the 2009 Comprehensive Plan Land Use Map. Land included in this designation is generally within the Primary Service Area (PSA) and used for warehousing, office, and service industries. Parcels ordinarily require access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection and other site characteristics suitable for intense development with adequate buffers to residential developments. The Comprehensive Plan also specifies that the following characteristics should be considered during evaluation of a proposed land use: open space; protection of environmental and historical and archaeological resources; preservation of rural and scenic vistas, and generation of noise, dust, or odor.

The Comprehensive Plan also designates Pocahontas Trail (Route 60) between Route 199 and the Newport News border as a Community Character Corridor (CCC) with a suburban/urban character. This is a road with moderate to high traffic volumes and high levels of planned or existing residential and commercial development. The predominant visual character of this type of CCC should be the built environment and natural landscaping with parking and other auto-related areas clearly a secondary component of the streetscape. In these areas, the CCC designation would provide enhanced landscaping, berming and other desirable design elements which complement and enhance the visual quality of the urban corridor.

**Staff comment:** An amusement park is a service industry, albeit not a traditional one, but the proposed attraction is a smaller addition to the existing park. Staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attractions location in closer proximity to Route 60 and the Busch Gardens parking lot. There is some anticipated increased visual impact to Route 60 and the Grove Interchange based on the visual simulation. Busch Gardens has an existing visible presence in these areas. In order to mitigate the additional impacts of the proposed attraction, staff has proposed several conditions to apply to the height waiver including minimizing lighting on the attraction above 60 feet, requiring muted colors designed to minimize visual impacts (that would be approved by the Director of Planning), and planting supplemental evergreen landscaping in areas identified in the exhibit in Attachment No. 5. The areas for proposed landscaping are primarily in the right-of-way and are intended to extend and further enhance plantings that were required as part of the approval for Apollo's Chariot and as part of the recent plantings related to corridor enhancement. Staff notes that due to the location of existing utilities, new landscape planting may not be feasible in the area identified in Attachment No. 5 as "evergreen supplemental landscaping" along Route 60. Staff will verify the opportunities for additional landscaping in this area during the review of the development plans for the proposed new attraction. Staff views the plantings as a benefit as the peak of the proposed attraction will be visible on Route 60, but staff also acknowledges that complete screening of the attraction is not feasible.

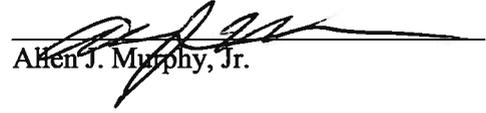
### **RECOMMENDATION**

Staff finds the proposal to be consistent with surrounding zoning and development and consistent with the Zoning Ordinance and 2009 Comprehensive Plan. Staff recommends that the Board of Supervisors approve this application subject to the attached conditions.



Leanne Reidenbach

CONCUR:



Allen J. Murphy, Jr.

LR/nb  
HW02-13BusGrdns.doc

Attachments:

1. Resolution
2. Location Map
3. Height Waiver Submittal Package
4. Balloon Test Photographs
5. Proposed Landscaping Areas Exhibit

## RESOLUTION

### HW-0002-2013. BUSCH GARDENS 2015 FESTA ITALIA ATTRACTION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Piotr Swietuchowski of VHB, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 156 feet above finished grade (the "Attraction"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0002-2013; and

WHEREAS, the location of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines;" and

WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009 and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0002-2013 to grant the applicant a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 156 feet tall from finished grade as described herein, pursuant to the following conditions:

1. **Plan:** This Height Waiver shall be valid for a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Attraction up to 156 feet above finished grade (or up to 242 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines." For the purposes of this application, "finished grade" is defined as 86 feet above sea level.
2. **Lighting:** All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded "wall-washer" type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. **Landscaping:** Supplemental landscaping shall be planted generally in the areas shown on the exhibit entitled "HW-0002-2013 Busch Gardens 2015 Festa Italia Attraction - Landscape Planting Areas" dated October 15, 2013, and as specified in a landscape design plan (the "Landscape Plan") that shall be reviewed and approved by the Director of Planning or his designee and subject to approval by the Virginia Department of Transportation (VDOT). Plantings shall be evergreen varieties that are designed, located, and planted in accordance with the requirements of Section 24-96 of the landscape ordinance. Plantings included on the Landscape Plan shall be installed or bonded prior to issuance of a final Certificate of Occupancy.
4. **Color Scheme:** The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
5. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
6. **Severance Clause:** This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

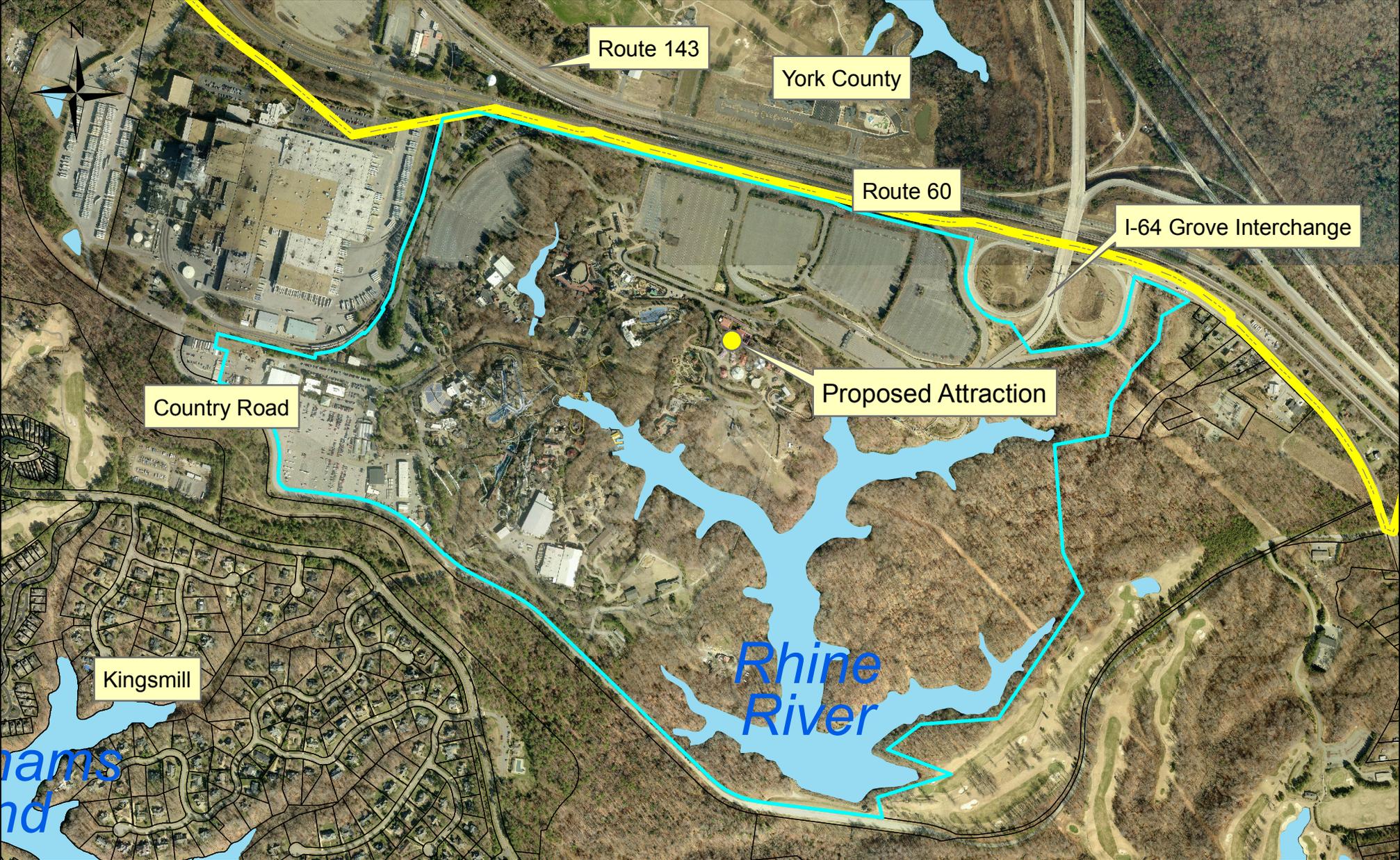
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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

HW02-13BusGrdns\_res

# HW-0002-2013, Busch Gardens 2015 Festa Italia Attraction





October 8, 2013

Ms. Leanne Reidenbach  
Senior Planner  
James City County Planning  
P.O. Box 8784  
Williamsburg, VA 23187-8784

Re: Busch Gardens Italia Attraction Expansion  
VHB Project No. 33273.34

Dear Ms. Reidenbach:

Busch Gardens® Williamsburg opened to the public in the spring of 1975, featuring several European-themed countries. Over the next 38 years, the park has continued to add expansions, which include a multitude of major ride attractions. During this ongoing evolution, Festa Italia has been chosen as a next location to host the park's next exciting addition.

This attraction will include a new structure extending approximately 146 feet above proposed grade and will be adjacent to the *Apollo's Chariot*® roller coaster in Festa Italia. The "Attraction" entry/exit platform proposed grade is at approximate elevation 86. This is approximately 10 feet above existing ground at approximate elevation 76. Several exhibits illustrating the location and height of this attraction accompany this request. Please note that the accompanying application requests a height of 156 feet above proposed grade, to approximate elevation 242, in order to account for potential changes during the project design phase. For comparison, the highest part of the *Apollo's Chariot*® roller coaster is at approximate elevation 250. A balloon test has been scheduled for October 14 between the hours of 8 a.m. and 10 a.m. with an alternate date of October 17 in the event of inclement weather on the 14th.

In accordance with the Zoning Ordinance of James City County, we hereby request a waiver to Section 24-418 "Height Limits and Height Limitations Waivers." As with past park expansions, we believe that this height waiver request is consistent with previous park additions. Currently, there are several existing attractions within Busch Gardens that exceed the 60' height limitation, including *Loch Ness Monster*®, *Alpengeist*®, *Apollo's Chariot*, *Griffon*®, *Mäch Tower*®, *Verbolten*® and the *Sky Ride*, connecting England, France and Germany. This "Attraction" will be located on the South side of *Apollo's Chariot* providing generous separation from adjacent boundaries.

As required, the following are our responses (in bold italic font) to the items one through six of County Code Sec. 24-418(c):

- (1) Additional setbacks have been provided as required by Section 24-414 and Section 24-415;

***The "Attraction" is located approximately 1100 feet from the nearest boundary and well in excess of the Zoning Ordinance setback requirements.***

(2) Such structure will not obstruct light from adjacent property;

***Given that the "Attraction" will be 1100 feet from the nearest boundary, there will be no possibility of obstructing light from adjacent properties.***

(3) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

***The "Attraction" will not interfere with the enjoyment of historic attractions or areas of significant interest. The closest historic attractions are Carter's Grove and Colonial Williamsburg several miles from the proposed attraction.***

(4) Such structure will not impair property values in the area;

***History has shown that development of an attraction requiring height waivers within Busch Gardens, similar to this request, have had no negative impact on values of adjacent properties.***

(5) Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

***Safety is a paramount concern at Busch Gardens. As with all previous expansions, Busch Gardens will work closely with the James City County Fire Department during the site plan approval process to ensure compliance with life safety and property protection requirements.***

(6) Such structure will not be contrary to the public health, safety and general welfare.

***The height of the "Attraction" is not contrary to the public health, safety and general welfare. As with all Busch Gardens ventures, this attraction must meet strict safety standards established by Busch Gardens, James City County and the Commonwealth of Virginia.***

We hope this project narrative and overview provides you with the background information needed to grant approval to this height waiver limitation request.

Please do not hesitate to contact me, should you have any questions regarding this request.

Sincerely,



Piotr Swietuchowski, PE

Project Manager

Vanasse Hangen Brustlin, Inc.

Copy: Mr. Larry Giles, VP of Engineering, SeaWorld Parks & Entertainment,  
Ms. Suzy Cheely, Director of Engineering, SeaWorld Parks & Entertainment





### HEIGHT LIMITATION WAIVER

Date: \_\_\_\_\_ HW: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

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

1. Project Information:

Project Name: BUSCH GARDENS FESTA ITALIA EXPANSION  
 Address: 7851 POCAHONTAS TRAIL, WILLIAMSBURG, VA 23185  
 Requested Height: 156 FT ABOVE PROPOSED GRADE TO ELEV 242± Zoning: M1  
 Tax Map & Parcel ID: 505786 & 5140100009

2. Applicant/Contact Information:

Name: PIOTR SWIETUCHOWSKI  
 Company: VANASSE HANGEN BRUSTLIN, INC. Phone: 757-220-0500  
 Address: 351 McLaws Circle, Suite 3 Fax: 757-220-8544  
 Does applicant want to receive updates via CaseTrak? Yes  No   
 If yes, please provide an email address: pswietuchowski@vhb.com

3. Property Owner Information:

Name: LARRY GILES  
 Company: SEAWORLD PARKS & ENTERTAINMENT Phone: 757-253-3426  
 Address: ONE BUSCH GARDENS BLVD. WILLIAMSBURG, VA 23185 Fax: 757-253-3435  
 Email: LARRY.GILES@BUSCHGARDENS.COM

4. Are there any special use permit or proffer conditions that apply to this property?

Yes \_\_\_\_\_ No

If yes, please list the case number: \_\_\_\_\_

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

Applicant Signature: [Signature] Date: 9/23/2013  
 Property Owner Signature: [Signature] Date: 9/23/2013

Please be prepared to provide a date for a height simulation test.

# FEE SCHEDULE

**JAMES CITY COUNTY - JAMES CITY SERVICE AUTHORITY**  
**101A Mounts Bay Road - P. O. Box 8784, Williamsburg, Virginia 23187-8784**

DATE \_\_\_\_\_

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

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

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

	<u>JAMES CITY COUNTY</u>	<u>JCSA (543-0000)</u>
<b>SUBDIVISIONS (3340)</b>		
<u>Major/Minor Subdivision</u>		
No public improvements required	\$200 per plan plus \$70 per lot for each lot over 2 \$ _____	\$25 _____
Public improvements required	\$250 per plan plus \$70 per lot for each lot over 2 \$ _____	\$150 per plan plus \$25 per lot for each lot over 2 \$ _____
Townhouse or condominium subdivisions that have undergone site plan review	\$50 _____	N/A
Facility Review	N/A	\$1,500 per Wastewater or well facility \$ _____
Additional review fee after second resubmittal	\$250 _____	
<b>SIGN PERMITS (3340)</b>	\$ _____	<b>1% State Levy \$ _____</b> <b>(002-501-0050)</b>
<b>BOARD OF ZONING APPEALS (3340)</b>	\$500 _____	
<b>ADMINISTRATIVE VARIANCE (3340)</b>	\$250 _____	
<b>Zoning Verification Request</b>	\$100 _____	
<b>HEIGHT LIMITATION WAIVER (3340)</b>	\$200 <u>200.00</u>	N/A
<b>AGRICULTURAL &amp; FORESTAL DISTRICT (3340)</b>		
New application	\$100 _____	N/A
Withdrawal	\$ 50 _____	N/A
<b>EROSION &amp; SEDIMENT CONTROL (3375)</b>		
Residential subdivisions	\$70 per lot \$ _____	N/A
All other land disturbing activities (residential site plan)	\$840 per acre for first 15 acres plus \$560 for each additional acre over 15 acres \$ _____	N/A
All other land disturbing activities (non-residential site plan)	\$600 per acre for first 15 acres plus \$400 for each additional acre over 15 acres \$ _____	N/A
<b>DUPLICATION (0214)</b>		
Miscellaneous	\$ _____ plus tax _____	
Zoning Ordinance	\$ _____ plus tax _____	
Zoning Ordinance Amendment Subscription	\$ _____ plus tax _____	
Subdivision Ordinance	\$ _____ plus tax _____	
Comprehensive Plan	\$ _____ plus tax _____	
Land Use Map	\$ _____ plus tax _____	

TOTAL (JCC) \$ 200.00

TOTAL (JCSA) \$ 0.00

**GRAND TOTAL (JCC&JCSA) \$** 200.00

CHECK NO. \_\_\_\_\_

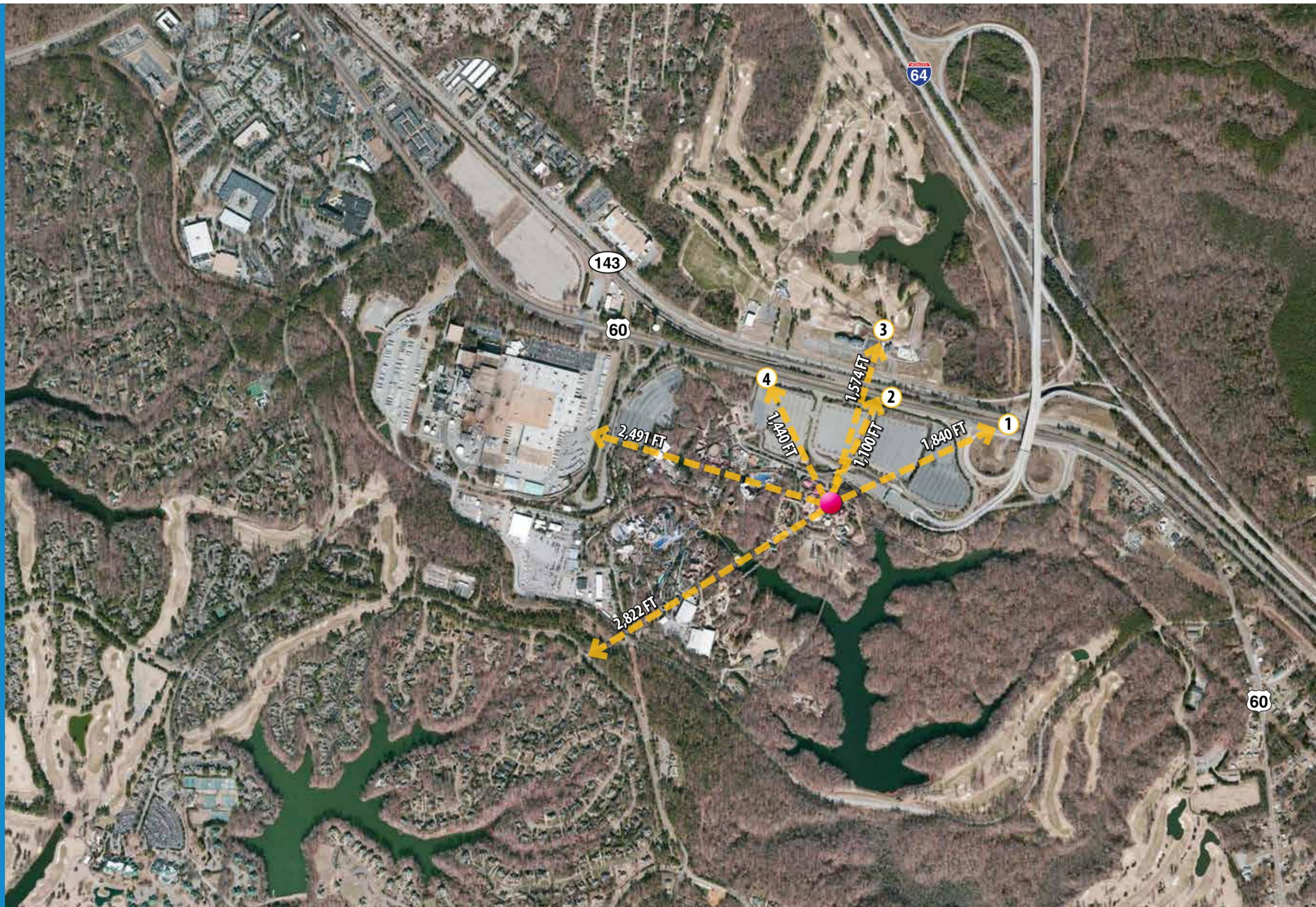
CASH \_\_\_\_\_

PREPARED BY Piotr Sulejowski VHB INC.

← - - - Attraction Sight Lines

**VIEW POINTS**

- ① Route 60 Near Grove Interchange
- ② Route 60 Near Germany Parking Lot
- ③ Williamsburg Country Club
- ④ Route 60 Near Germany Parking Lot



← Attraction Sight Lines

**VIEW POINTS**

- ① Route 60 Near Grove Interchange
- ② Route 60 Near Germany Parking Lot
- ③ Williamsburg Country Club
- ④ Route 60 Near Germany Parking Lot



166 FT HEIGHT ABOVE EXISTING GROUND (ELEV. 242 ±)  
156 FT HEIGHT ABOVE PROPOSED GRADE (ELEV. 242 ±)

**Busch Gardens Festa Italia Expansion**

EXHIBIT 3 ① VIEW FROM ROUTE 60 NEAR GROVE INTERCHANGE

166 FT HEIGHT ABOVE EXISTING GROUND (ELEV. 242 ±)  
156 FT HEIGHT ABOVE PROPOSED GRADE (ELEV. 242 ±)



166 FT HEIGHT ABOVE EXISTING GROUND (ELEV. 242 ±)  
156 FT HEIGHT ABOVE PROPOSED GRADE (ELEV. 242 ±)





**Attachment 4 – Balloon Test Photographs**



Route 60 at the exit ramp for the I-64 Grove Interchange



On top of the overpass for the I-64 Grove Interchange



Route 60 adjacent to Busch Gardens France parking lot



Route 143 in the Parkside Williamsburg Resort parking lot

# HW-0002-2013 Busch Gardens 2015 Festa Italia Attraction - Landscape Planting Areas



Evergreen supplemental landscaping to coordinate with existing planting. Install guardrail if necessary.

Evergreen supplemental landscaping along guardrail of I-64 overpass.

Busch Gardens

Approximate location of proposed attraction

Merrimac Trail

Pocahontas Trail

I-64 - Busch Gardens exit ramp

**MEMORANDUM COVER**

**Subject:** Contract Award - Mooretown Road Extended Corridor Study - \$399,967

**Action Requested:** Shall the Board approve the Award of Contract to Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$399,967 for consultant services for the Mooretown Road Extended Corridor Study?

**Summary:** On October 23, 2012, the Board of Supervisors appropriated \$400,000 in Regional Surface Transportation Program (RSTP) funds allocated by the Hampton Roads Transportation Planning Organization to the Special Projects Fund and authorized the County Administrator to execute the necessary documents for the project to be locally administered in accord with the Virginia Department of Transportation (VDOT) Locally Administered Projects program.

The RSTP funds are eligible for 100 percent reimbursement to the County by VDOT and require no local match.

The County solicited competitive proposals for consultant services to conduct a study of the Mooretown Road Extended corridor between its current terminus at Lightfoot Road and Croaker Road near its intersection with Rochambeau Drive.

The Request for Proposals (RFP) was developed in accordance with VDOT and Federal Highway Administration (FHWA) procurement guidelines and was publicly advertised.

Based on the evaluation criteria, the Evaluation Committee determined that Vanasse Hangen Brustlin, Inc. (VHB) was the most qualified firm and its proposal best suited the County’s need as defined in the RFP.

Staff recommends adoption of the attached resolution authorizing the Award of the Contract for the Mooretown Road Extended Corridor Study (UPC 98810) to VHB in the amount of \$399,967.

**Fiscal Impact:** \$399,967

**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:** November 12, 2013

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

DATE: November 12, 2013

TO: The Board of Supervisors

FROM: Jason Purse, Zoning Administrator

SUBJECT: Contract Award - Mooretown Road Extended Corridor Study - \$399,967

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On October 23, 2012, the Board of Supervisors appropriated \$400,000 in Regional Surface Transportation Funds (RSTP) allocated by the Hampton Roads Transportation Planning Organization to the Special Projects Fund and authorized the County Administrator to execute the necessary documents for the project to be locally administered in accord with the Virginia Department of Transportation's (VDOT) Locally Administered Projects program.

The County solicited competitive proposals for Consultant Services to conduct a study of the Mooretown Road Extended corridor between its current terminus at Lightfoot Road and Croaker Road near the intersection with Rochambeau Drive. The RSTP funds are eligible for 100 percent reimbursement to the County by VDOT and require no local match. The study will identify the preferred alignments, construction cost estimates, environmental impacts, and expected utility relocation costs.

As the Board may recall, the Longhill Road corridor study is also currently taking place. Some of the differences between the two projects in terms of scope and cost include: More detailed greenfield development alignment alternatives; environmental constraints analysis for multiple road crossings of resource protection area (RPA) land; and design constraints for multiple development patterns based on land use alternatives.

The Request for Proposals (RFP) was developed in accordance with VDOT and Federal Highway Administration (FHWA) procurement guidelines and was publicly advertised. Six proposals were received from: Johnson, Mirmiran, & Thompson (JMT); Michael Baker; Timmons Group; URS Corporation; Rummel Klepper & Kahl (RK&K); and Vanasse Hangen Brustlin, Inc. (VHB).

The Evaluation Committee, composed of staff members from Planning, Purchasing, and York County reviewed the six proposals based on the evaluation criteria listed in the RFP (understanding the project scope, firm's experience in similar type of services, personnel's experience in similar types of services, qualifications of the project manager, organizational capability, and present work with VDOT).

The Evaluation Committee determined that VHB was the most qualified firm and its proposal best suited the County's need as defined in the RFP. The study is expected to take 12-14 months to complete.

Staff recommends adoption of the attached resolution authorizing the award of the contract for the Mooretown Road Extended Corridor Study (UPC 98810) to VHB in the amount of \$399,967.

Contract Award – Mooretown Road Extended Corridor Study - \$399,967

November 12, 2013

Page 2



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Jason Purse

CONCUR:



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Allen J. Murphy, Jr.

JP/nb

CA-MooretnRd\_mem

Attachment

**RESOLUTION**

**CONTRACT AWARD - MOORETOWN ROAD EXTENDED CORRIDOR STUDY - \$399,967**

WHEREAS, a Request for Proposals (RFP) for Consultant Services to conduct a study of the Mooretown Road Extended corridor was publicly advertised and staff reviewed proposals from six firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Vanasse Hangen Brustlin, Inc. (VHB) was the most 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 \$399,967 contract for consultant services for the Mooretown Road Extended Corridor Study to VHB.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

CA-MooretnRd\_res

**MEMORANDUM COVER**

**Subject:** The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

**Action Requested:** Shall the Board give authorization to apply for FY 2015 Revenue Sharing Funds?

**Summary:** Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program which provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system. The program will match local dollars on a one-to-one basis up to \$10 million per locality. This year staff recommends the reconstruction of Neighbors Drive as a revenue sharing project.

Community Development Block Grant (CDBG) funds already appropriated for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II of the Forest Heights Road Project Planning Grant Area) will be used for the 50 percent local match should Revenue Sharing funds be awarded. The cost of the proposed improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$930,000.

The Revenue Sharing funds would represent new money to the project, which would help the County conserve local dollars. Should Revenue Sharing funds be awarded, the County would be able to utilize CDBG funds appropriated to the Community Development fund for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II) as the required local match, allowing the balance of the remaining local leverage funds to be used to meet other community needs. No new County funds would be required to offset the 50 percent local match.

Staff recommends adoption of the attached resolution which authorizes the County to participate in the FY 2015 Revenue Sharing Program.

**Fiscal Impact:** \$465,000

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

Required County match is \$465,000. Funding would be from CDBG funds already appropriated for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II). No new County funding would be required.

**Assistant County Administrator**

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

**County Administrator**

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

**Attachments:**

1. Memorandum
2. Resolution
3. Neighbors Drive Reconstruction Project Map

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

**Date:** November 12, 2013

**MEMORANDUM**

DATE: November 12, 2013

TO: The Board of Supervisors

FROM: Tamara A. M. Rosario, Principal Planner  
A. Vaughn Poller, Housing and Community Development Administrator

SUBJECT: The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015

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Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program, which provides localities an additional funding option to construct, reconstruct, improve or maintain the highway system. The program matches local dollars on a one-to-one basis up to \$10 million per locality. As a competitive program, VDOT prioritizes eligible projects into the following categories:

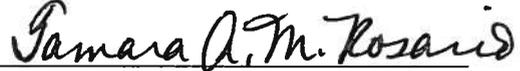
- Priority 1 Construction projects that accelerate a project in the Six-Year Improvement Plan or in a locality's capital plan.
- Priority 2 Maintenance projects for poor surface quality roads as determined by VDOT's road condition indices.
- Priority 3 Construction and maintenance projects that do not meet the above priority criteria.

The County typically uses revenue sharing to provide funding for small projects, immediately needed improvements, or to supplement existing funding on projects. This year staff is recommending one project for Board consideration, the reconstruction of Neighbors Drive. No other projects were pending consideration for an FY 15 application. As each year of the VDOT Revenue Sharing Program is a different application year, this submission would not impact projects awarded in previous years.

Neighbors Drive currently exists as a dirt street and is in poor repair. This road has been identified for improvement in conjunction with Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II of the Forest Heights Road Project Planning Grant Area). As part of this project, Neighbors Drive will be reconstructed to meet VDOT standards for acceptance in the state system of secondary roads. The project will include paving and installing sidewalk and a rolled curb within an established 40-foot right-of-way from Richmond Road to Benefit Lane (see Attachment No. 3). Cost of the proposed improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$930,000. This application would be considered a "Priority 3" project under VDOT criteria.

In March 2010 and again in March 2013, the Board of Supervisors authorized participation in a Community Development Block Grant (CDBG) to fund housing and infrastructure improvements within the Forest Heights Road Project Planning Grant Area, comprised of the Forest Heights Neighborhood Improvement Project (Phase I) and the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II). Phase I is currently under construction and is not part of this application. The Revenue Sharing funds would represent new money to the project, which would help the County conserve local dollars. Should Revenue Sharing funds be awarded, the County would be able to utilize CDBG funds appropriated to the Community Development fund for the Neighbors Drive/Richmond Road Neighborhood Improvement Project (Phase II) as the required local match, allowing the balance of the remaining local leverage funds to be used to meet other community needs. No new County funds would be required to offset the 50 percent local match.

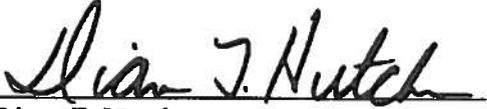
Staff recommends the adoption of the attached resolution authorizing the County to participate in the FY 2015 Revenue Sharing Program.

  
\_\_\_\_\_  
Tamara A. M. Rosario

  
\_\_\_\_\_  
A. Vaughn Poffler

CONCUR:

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

  
\_\_\_\_\_  
Diana F. Hutchens

TAMR/AVP/nb  
RevSharPr2015\_mem

Attachments:

1. Resolution
2. Neighbors Drive Reconstruction Project Map

**RESOLUTION**

**THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)**

**REVENUE SHARING PROGRAM-FISCAL YEAR 2015**

WHEREAS, the Board of Supervisors of James City County desires to submit an application requesting up to \$465,000 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Year 2015 Revenue Sharing Program; and

WHEREAS, matching funds already exist in the Community Development fund the County will match up to \$465,000 to any awarded Revenue Sharing Program funds; and

WHEREAS, the combined County and State funding totaling up to \$930,000 is requested to fund the reconstruction of Neighbors Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$465,000 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$465,000 toward this project.

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

ATTEST:

\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2013.

RevSharPr2015\_res



- Neighbors Dr/Richmond Rd Neighborhood Improvement Project (Phase II)
- Forest Heights Neighborhood Improvement Project (Phase I)



# Neighbors Drive Reconstruction Project Map

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.

Copyright James City County GIS Office 11/4/2013  
 P:\PLANNING\Transportation\Revenue Sharing\RevShareApplications2015\NeighborsDr\_GIS Drawing in Coord Sys.mxd