

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF FEBRUARY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Elijah Paige, a student at Toano Middle School, and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. VDOT Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for Virginia Department of Transportation (VDOT), addressed the Board giving a quarterly update of VDOT work throughout the County.

Mr. Onizuk stated that he is concerned about the homes along Ironbound Road in the Ironbound Village neighborhood that are experiencing significant flooding in their yards due to the buildup of the sidewalks when Ironbound Road was expanded. He stated that this issue was brought up at the previous Quarterly Update, and yet the citizens have not seen or heard from VDOT about addressing the issue.

Mr. Carroll stated that he and the construction engineer had gone out to the area to survey and are currently assessing the construction plan that was used. He stated that his staff is taking grade and elevation surveys now to determine which way the water is running to then determine what can be done. He stated that he has been in contact with Mr. John Horne, Director of General Services, and with Mr. Powell.

Mr. Onizuk asked if a timeframe could be given for a response and a solution.

Mr. Carroll stated that the weather has been problematic, but his staff should have surveys back in about four weeks.

Mr. McGlennon thanked Mr. Carroll for all the work during the recent snow events in the County. He stated that at the entrances to neighborhoods can be quite treacherous during those weather events, and he

requested that as the feeder roads to those neighborhoods are being treated, that the entrances to neighborhoods be treated with sand at the same time. He also stated that roads in Grove Heights have been patched many times, but now might need more significant repaving.

Mr. Carroll stated that he would look in to that issue.

Mr. Hipple stated that the front portion of the raised median at the entrance to Colonial Heritage, from Route 60, seems to be sticking out more so than the rest and he has received complaints from citizens that have clipped that edge. He also stated that Our Savior Lutheran Church asked that he mention that they are experiencing significant water run-off from Richmond Road that is affecting their property.

Mr. Carroll stated that he would look in to those issues as well.

Mr. Kennedy mentioned Route 60 Eastbound, near Olive Branch Christian Church, the shoulder seems to be washing out. Also, Route 60 Eastbound, at the entrance to Route 199, the shoulder is washing out there as well. He stated that potholes are beginning to show up again.

Mr. Carroll stated that he would look in to those areas, and repairing of potholes would begin once the weather warms up a bit.

Ms. Jones thanked Mr. Carroll and VDOT for their efforts during the recent snow events and for addressing the Board this evening.

F. PUBLIC COMMENTS

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.
2. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding an article in the newspaper regarding proffers.
3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding children's health and wellness.
4. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the Federal Reserve Bank.
5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.
6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding the actions of the County Attorney.
7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the pile of branches and pine needles that are on the side of Plantation Road, and the problems on Route 60 down in Grove.
8. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding land preservation programs.
9. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the denial of the rezoning of property for the Pentecostal Church.
10. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding an article in the newspaper regarding proffers.

11. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the actions of the County Attorney's Office.

12. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding private property rights of citizens.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon updated the Board on a well-attended Police Department outreach event in Grove and the Give Kids a Smile event at Olde Towne Medical Center.

Mr. Hipple stated that the Volunteer Fire Department is purchasing a Brush Truck with their funds; it will not be costing the County anything. He stated that the Volunteer Fire Department wanted the citizens to know that they are strong and reinvesting in the community as well.

Mr. Onizuk stated that the Board met earlier this evening in Closed Session to consider a public contract which would involve the expenditure of public funds to hire an Executive Search Firm for the process of hiring a new County Administrator. He stated that he would like to propose that the Board direct staff to negotiate a contract with Collin Baenziger and Associates consistent with the guidance of the Board and acceptable to the Chair. The Chair is authorized and directed to enter into a contract to retain the search firm and the Board allocates \$25,000 from Contingency Funds to the Board of Supervisors Professional Services Account for the costs and expenses incurred under the contract.

Ms. Jones questioned Mr. Rogers if a vote must be taken.

Mr. Rogers stated yes if Mr. Onizuk intended his proposal to be a motion.

Mr. Onizuk stated yes that was a motion.

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

Mr. Onizuk stated that he would like to see staff do more outreach with the citizens in regards to the changes coming with the recycling program. He stated that he has heard many questions from citizens, especially seniors, in regards to the new bin sizes. He stated that the Board and County leadership needs to be doing more to reach out to the community about this new program.

Ms. Jones stated that during the Work Session this afternoon that the Board made several appointments to various commissions and committees as well. For the benefit of the public, she read those names off: Mr. Stephan Rodgers recommended for reappointment to the Board of Zoning Appeals; Mr. Rich Krapf for Powhatan District, Ms. Robin Bledsoe for Jamestown District, and Mr. John Wright for the At-Large Representative on the Planning Commission; the Stonehouse Representative, for the Planning Commission, is currently vacant and the decision will be made in two weeks to allow time for applicants to come forward; Ms. Heather Cordasco appointed to the Regional Issues Committee; Mr. Christopher Rouzie, Mr. Michael Grimes, Ms. Vicki Nase, and Mr. Michael Simerlein were recommended for reappointment to the Board of Equalization, as well as Mr. Michael Berry; Mr. William Taylor and Mr. William Harcum were appointed to the Agricultural and Forestal Districts Advisory Committee; Mr. John Carnifax to fill the balance of an unexpired term on the Colonial Group Home Commission; Mr. John McDonald to fill the balance of an unexpired term on the Colonial Behavioral Health Board of Directors; the County Administrator appointed as Member representative and Director of General Services as the Alternate Designee for the Virginia Peninsula

Public Service Authority Board of Directors; Dr. Martin Mathes reappointed to the Purchase of Development Rights Committee.

Ms. Jones stated that the County Service Awards were held on February 5 at Legacy Hall, and she, Mr. Hipple, Mr. McGlennon, and Mr. Onizuk attended the ceremony and thanked the staff for their years of service. She stated that she, Mr. McGlennon, Mr. Powell, and Mr. Rogers attended Legislative Day in Richmond on February 6 and met with the representatives of VACo and VML as well as the Governor. She stated that it was a positive experience and a good opportunity to speak with other elected officials from throughout the Commonwealth.

Ms. Jones read and presented Ms. Dawn Oleksy, Environmental Coordinator, with a special proclamation declaring April as Litter Prevention Month. Ms. Peg Boarman and Mr. Will Barnes, members of the Clean County Commission were also in attendance and updated the citizens on the upcoming 33rd Annual County-wide Spring Clean Up.

H. CONSENT CALENDAR

Mr. McGlennon made a motion to approve the Consent Calendar with the amended minutes that were placed on the dais this evening.

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

1. Minutes –
 - a. January 2, 2014, Organizational Meeting
 - b. January 14, 2014, Regular Meeting
2. Secondary Street Acceptance Exception Request to the Virginia Department of Transportation (VDOT) – Columbia Drive

RESOLUTION

SUBMITTAL OF A SECONDARY STREET ACCEPTANCE EXCEPTION REQUEST TO

THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) - COLUMBIA DRIVE

WHEREAS, the James River Commerce Center (JRCC) was created to encourage new business growth in James City County; and

WHEREAS, JRCC has attracted new businesses and jobs to the eastern part of James City County; and

WHEREAS, Columbia Drive was constructed by the James City County Economic Development Authority (EDA) to expand the JRCC and was intended to be a public street; and

WHEREAS, the right-of-way for Columbia Drive has already been dedicated for public use, but remains a private road; and

WHEREAS, the James City County EDA owns a vacant parcel in the JRCC that is actively marketed, but the

private street access makes the site less attractive to prospective buyers; and

WHEREAS, trends show that prospective buyers are more frequently looking for smaller sites and legal subdivision of the property is prohibited without access to a public street; and

WHEREAS, 24VAC30-92-60 allows for the public service requirements to be reduced for individual streets serving State or local economic development projects; and

WHEREAS, the James City County EDA resolved at its meeting on December 12, 2013, to request the James City County Board of Supervisors formally submit a Secondary Street Acceptance Exception Request to VDOT on its behalf.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that VDOT accept Columbia Drive in the JRCC for public maintenance.

3. Conveyance of Utility Easement to Dominion Virginia Power – Fire Station 4

RESOLUTION

CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER –

FIRE STATION 4

WHEREAS, James City County owns property commonly known as 5312 Olde Towne Road and further identified as James City County Real Estate Tax Map Parcel No. 3240100027 (the “Property”); and

WHEREAS, the Board of Supervisors previously authorized construction of James City County Fire Station 4; and

WHEREAS, Dominion Virginia Power has requested that the County convey a utility easement across the Property and execute the Right-of-Way Agreement; and

WHEREAS, after holding a public hearing, the Board of Supervisors is of the opinion that it is in the best interests of the County and its citizens to convey the easement necessary and execute the Right-of-Way Agreement for Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Acting County Administrator to execute the appropriate documents to convey the easement and Right-of-Way to Dominion Virginia Power.

4. Appropriation of Secondary Transportation Funds-UPC 97214 Safe Routes to School – James River Elementary – \$42,832

RESOLUTION

APPROPRIATION OF SECONDARY TRANSPORTATION FUNDS

UPC 97214 SAFE ROUTES TO SCHOOL – JAMES RIVER ELEMENTARY – \$42,832

WHEREAS, the Safe Routes to School Program provides grants to facilitate infrastructure projects that will encourage and enable students to safely walk or bike to school; and

WHEREAS, James City County received an allocation of funds from the Safe Routes to School Program for crosswalk and intersection upgrades at James River Elementary School; and

WHEREAS, additional design work and requirements for construction engineering and inspection created a funding shortfall which prevented the project from being advertised for bid; and

WHEREAS, under guidance from the Board of Supervisors, Secondary funds from two cancelled projects were transferred to cover the deficit.

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 for the purposes described above:

Revenues:

UPC 97214 Safe Routes to School	
James River Elementary	<u>\$42,832</u>

Expenditure:

UPC 97214 Safe Routes to School	
James River Elementary	<u>\$42,832</u>

5. Grant Award – Commonwealth Attorney – VA Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND – \$37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$37,981 grant, which is awarded annually from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2014; and

WHEREAS, no local match is required for this grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenue:

CY 14 Virginia Domestic Violence Victim Fund	<u>\$37,981</u>
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Expenditure:

CY 14 Virginia Domestic Violence Victim Fund	<u>\$37,981</u>
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6. Grant Award – Commonwealth Attorney – V-STOP Grant Program Fund – \$54,159

RESOLUTION

**GRANT AWARD – COMMONWEALTH ATTORNEY –
V-STOP GRANT PROGRAM - \$57,378**

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$54,159 grant (Federal share \$28,372; County Match \$25,787), which is awarded annually from the V-STOP Grant Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2014 through December 31, 2014; and

WHEREAS, this grant requires a local cash or in-kind match of \$25,787, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2014, for the purposes described above:

Revenues:

CY 14 V-STOP Department of Criminal Justice Services Federal Revenue (DCJS)	\$28,372
CY 14 V-STOP James City County Matching Funds	<u>\$25,787</u>
Total	<u>\$54,159</u>

Expenditure:

CY 14 V-STOP Grant Program

\$54,159**I. PUBLIC HEARINGS**1. Pre-Budget Public Hearing – FY 2015 and FY 2016 Budget

Ms. Sue Mellen, Assistant Director of Financial and Management Services, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the stormwater management requirements and its effects on the budget.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.

3. Ms. Dorothea Neiman, 105 Broomfield Circle, addressed the Board as a representative of the James City Citizens Coalition (J4C) and requested that the County fully fund the stormwater management budget request.

4. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding climate change and the impact of the mitigating initiatives on the County's budget.

5. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the PDR program and its funding.

6. Ms. Heather Cordasco, 113 Alexander Place, addressed the Board regarding the funding of the School's budget.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating that any surplus in revenues should be used to reduce the debt load of the County.

8. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board asking what the cost is to taxpayers for participation in the Cool Counties Resolution and similar organizations.

9. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding the School's budget.

10. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the different memberships and organizations that the County is paying into and a member of.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

2. Recision of February 8, 2005 Resolution and Abandonment of Certain Portions of Routes 776 and 1480 and Addition of Portions of Routes 776, 1480, and 5000 into the Secondary System of State Highways

Mr. Adam Kinsman, Deputy County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

RECISION OF FEBRUARY 8, 2005 RESOLUTION AND ABANDONMENT OF CERTAIN PORTIONS OF ROUTES 776 AND 1480 AND ADDITION OF PORTIONS OF ROUTES 776, 1480, AND 5000 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, in order to address Virginia Department of Transportation (“VDOT”) roadway changes under the Greenspring Plantation Project and Project 5000-047-166, C501, on February 8, 2005, the Board adopted the resolution entitled “Abandonments of Portions of Right-of-Way for Greensprings Plantation Drive and Powhatan Secondary and Request Discontinuance of Portions of Route 5, John Tyler Highway” (the “February 8, 2005 Resolution”); and

WHEREAS, the February 8, 2005, resolution does not accurately reflect the roadway changes made under the Greenspring Plantation Project and by Project 5000-047-166, C50 and needs to be rescinded and superseded by a correct resolution; and

WHEREAS, the correct project sketches and VDOT AM4.3 Form(s), attached and incorporated herein as part of this resolution, accurately define adjustments required in the Secondary System of State Highways as a result of the construction of the Greenspring Plantation Project and Project 5000-047-166, C501; and

WHEREAS, certain segments identified appear to no longer serve public convenience and should be abandoned as a part of the Secondary System of State Highways; and

WHEREAS, certain segments identified are ready to be accepted into the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds its February 8, 2005, resolution and adopts this resolution to supersede the February 8, 2005, resolution.

BE IT FURTHER RESOLVED that the Board hereby requests VDOT to take the necessary action to abandon those segments identified on the project sketches and attached AM4.3 Form(s) as a part of the Secondary System of State Highways, pursuant to § 33.1-155 of the *Code of Virginia*, 1950, as amended (the “Virginia Code”).

BE IT FURTHER RESOLVED that the Board requests VDOT to add the segments of roadway identified on the project sketches and incorporated AM4.3 Form(s) to the Secondary System of State Highways, pursuant to § 33.1-229 of the Virginia Code, for which segments of roadway this Board hereby guarantees the right-of-way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage.

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to VDOT.

3. Granting an Easement upon 3135 Forge Road Property

Mr. Adam Kinsman, Deputy County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to taking property off the tax rolls.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Kinsman stated that real estate records have shown this strip of property in question as belonging to the County, so no one has been paying taxes on it. He stated that this easement allows the property owner to continue using this strip of property as she has been.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

GRANTING AN EASEMENT UPON 3135 FORGE ROAD PROPERTY

WHEREAS, the County owns a parcel of property located at 3135 Forge Road, further identified as James City County Real Estate Tax Parcel No. 1230100027 and commonly known as Fire Station 1 (the “County Property”); and

WHEREAS, an old 120-foot-wide C&O railbed is situated upon the southern portion of the County Property and abuts a parcel located at 3121 Forge Road (the “Price Property”); and

WHEREAS, ownership of the railbed on the County Property is unsettled and the owners of the Price Property are willing to quitclaim any ownership they may have in the railbed in exchange for a 60-foot easement on the County Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute any and all documents necessary to grant a 13,216-square-foot easement on the County Property as shown on the plat of easement entitled "PLAT OF EASEMENT FOR JAMES CITY COUNTY TOANO FIRE STATION #1" dated January 8, 2014, and made by AES Consulting Engineers to the owners of the Price Property in exchange for a quitclaim deed from the owners of the Price Property, quitclaiming any and all rights to ownership of the railbed on the County Property.

4. Case No. AFD-02-86-1-2013. Croaker Agricultural and Forestal District (AFD) Addition – 420 Stonehouse Road

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, Ms. Jones opened the Public Hearing.

As no one wished to speak to the case, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the ordinance included in the Agenda Packet.

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

5. Case No. SUP-0014-2013. Lightfoot Marketplace

Ms. Ellen Cook, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Paul Gerhardt, 116 Alexander Place, addressed the Board as the representative of the applicant, Williamsburg Retail Investors, LLC. He stated that Mr. Tom Tingle, from Guernsey Tingle Architects and contributing architect on the project, would also be speaking during the presentation on architectural sustainability issues. Mr. Gerhardt presented a power point that outlined the proposed redevelopment and revitalization plan of Lightfoot Marketplace. Mr. Tingle presented several renderings of the architectural character that is being proposed based off of conversations with the Development Review Committee (DRC).

2. Mr. Harry Smith, 6720 Tarpsey Tavern Rd, addressed the Board in support of the redevelopment plan and the positive impacts it will have on the County.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the redevelopment plan but questioned the LEED building requirements imposed by the County.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the redevelopment plan but questioned if there is area being reserved for VDOT right-of-way future use.

5. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in support of the project but questioned the increase in traffic flow at that intersection of Richmond Road.

6. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board asking who would be responsible for maintaining the retention pond that is shown on the project plan.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Ms. Jones asked Mr. Gerhardt to return to the podium to answer questions from the Board and to answer some of the questions raised by the other citizens.

Mr. Gerhardt stated that there is space available for VDOT right-of-way should Richmond Road be expanded in the future. He also stated that the retention would be maintained by the developer.

Mr. McGlennon asked for clarification on the reduction of the impervious cover on the parcel.

Mr. Gerhardt stated that the amount of pavement that will be removed is approximately 83,000 square feet.

Mr. Onizuk asked about the process of moving this project through the application stages. He questioned if it was burdensome, as he wants to make sure that the County is being business-friendly.

Mr. Gerhardt stated that this is a significant project and that the applicant wanted to have the full support of the DRC.

Mr. Onizuk specifically asked if the LEED certification was important to the applicant or if it was brought up by the County.

Mr. Gerhardt stated that it was suggested by the County, based on policy, but moving towards some type of LEED certification results in reductions in some of the fees to the County.

Mr. Hipple expressed his support of the project and expressed his appreciation for the increase of vegetation and trees that are being proposed on the plan.

Mr. McGlennon stated that he is not overly fond of the proposed architecture; however, this plan is a much better alternative than the initial plan that was presented to the County. He stated that this particular area has various architectural styles and perhaps the Board and the County should be thinking about what the County wants this area to look like in the future.

Mr. Kennedy stated there have been several comments this evening regarding LEED certification. He stated he supports green design and buildings that are energy efficient. He stated that he supports this project because it is a revitalization project and a reduction in retail square footage.

Mr. Onizuk stated that he is supportive of the project because it is a redevelopment and revitalization of the site. He stated that he supports the reduction in retail space and he supports this project because it will bring jobs into the County.

Mr. Kennedy stated that for the benefit of the public, and for the record, Costco was approached to develop this site, and the company declined. He stated that many citizens ask about that type of store coming to the County, but the County is not the one that is saying "no."

Ms. Jones stated that she will be supportive of the application and thanked the applicant and the future businesses for placing their confidence in the County. She stated that it is compatible with the Comprehensive Plan, it is revitalization, and it will bring jobs to the County. She thanked Mr. Kennedy and Mr. Hipple for

their comments regarding green building, and stated that the County's planning staff needs to understand that LEED is not a requirement for developers.

Mr. Hipple made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

CASE NO. SUP-0014-2013. LIGHTFOOT MARKETPLACE

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. Paul Gerhardt has applied on behalf of Williamsburg Retail Investors, LLC for an SUP to allow for the construction of commercial and office uses on approximately 19 acres zoned M-1, Limited Business/Industrial, District; and

WHEREAS, the proposed development is shown on a plan prepared by AES Consulting Engineers date stamped December 27, 2013, (the "Master Plan") and entitled "Lightfoot Marketplace Special Use Permit;" and

WHEREAS, the property is located at 6401 Richmond Road and can be further identified as James City County Real Estate Tax Map Parcel No. 2430100038 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2014, voted 6-0 to recommend approval of this application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of SUP-0014-2013 as described herein with the following conditions:

1. Master plan. This Special Use Permit ("SUP") shall apply to that certain property located at 6401 Richmond Road and further identified as James City County Tax Parcel No. 2430100038 (the "Property"). The SUP shall be valid for the construction of 136,500 square feet of commercial and office uses and all improvements as shown and designated on that certain Master Plan entitled "Master Plan for Special Use Permit for Lightfoot Marketplace" December 27, 2013, and prepared by AES Consulting Engineers (the "Master Plan"). All final development plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Planning Director concludes that the development plan does not: significantly affect the general location or classification of buildings as shown on the master plan; significantly alter the distribution of recreation or open space areas on the master plan; significantly affect the road layout as shown on the master plan; or significantly alter the character of land uses or other features or conflict with any building conditions placed on the corresponding legislatively approved case associated with the master plan. If the Planning Director determines that a proposed change would deviate

from the approved Master Plan, the amendment shall be submitted and approved in accordance with section 24-13. In the event the Planning Director disapproves the amendment, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

2. Impervious cover. Impervious cover on the Property shall be reduced by at least 20% as compared to the existing conditions. Calculations shall be included on each site plan for improvements on the Property that includes the existing impervious cover, the proposed impervious cover, and the cumulative total impervious cover reduction of all plans.
3. Water conservation. The owner of the Property (“Owner”) shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the “JCSA”) prior to final site plan approval. The standards shall 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-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
4. Irrigation. In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments, or water taken from an underground cistern, may be used for irrigating common areas on the Property. In no circumstances shall the JCSA public water supply be used for irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the impoundments or cisterns.
5. Richmond Road Bike Lane. In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property’s Richmond Road frontage. However, this requirement may be waived by the Planning Director should the Owner demonstrate that existing pavement width or section, drainage, or other engineering constraints adjacent to Parcel No. 2430100039 would restrict the ability of the Owner to install the bike lane in a manner that would meet Virginia Department of Transportation (VDOT) requirements. Such analysis shall be submitted concurrent with the initial building site plan. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection unless otherwise approved by the Planning Director. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.
6. Pedestrian Facilities. The sidewalk connections internal to the Property, the multiuse trail along Centerville Road, and the connection to the Liberty Crossing trail shall be implemented as shown on the Master Plan. Minor alterations in location that result in equivalent facilities may be approved by the Planning Director. All pedestrian facilities

shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Prior to approval of such plan, the design of all pedestrian facilities shall be reviewed and approved by the Planning Director. The pedestrian facilities shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

7. Traffic Improvements. Prior to issuance of a Certificate of Occupancy for the initial building on the site (unless other timing is approved by the Planning Director in writing), the following improvements shall be constructed or bonded in a manner acceptable to the County Attorney:

Intersection of Richmond Road and Lightfoot Road/West Site Entrance

- a. The Property's West Entrance shall have three exiting lanes (one-left, one-left-through, & one-right) and two entering lanes.
- b. The existing eastbound Richmond Road left-turn lane shall be lengthened from 150 feet to 250 feet.
- c. A pedestrian crosswalk and pedestrian heads shall be installed that will work concurrently with the eastbound through motion on Richmond Road. A crosswalk and pedestrian heads shall be provided across Richmond Road that will work concurrently with either the Lightfoot Marketplace phase or the Lightfoot Road phase. These crosswalk improvements across Richmond Road shall include the provision of a pedestrian refuge area in the median to accommodate pedestrian traffic and to provide an adequate crossing surface. The West Site Entrance widening improvements shall include re-striping/delineation of the pedestrian crosswalk and installation of supplemental pedestrian crosswalk signage.
- d. The existing traffic signal shall be modified to provide protected-permissive movements (flashing yellow arrows) for Richmond Road left-turn movements, the pedestrian movements, and the additional lanes at Lightfoot Marketplace. The Owner shall be responsible for the purchase and installation of the necessary flashing yellow arrow traffic signal equipment as well as the retiming/updating of signal timing plans for the intersection to ensure coordination with the adjacent signalized intersections.
- e. A railroad pre-emption switch shall be provided in the controller cabinet. VDOT shall be responsible for the connection of the pre-emption switch to the railroad gates and any associated permitting required as a result of the pre-emption switch.

Intersection of Richmond Road and Centerville Road

- a. Add/install supplemental Yield pavement markings to increase driver awareness as a result of the dual left-turn movement occurring from westbound Richmond Road to southbound Centerville Road.

Intersection of Centerville Road, Opportunity Way and the Property's South Entrance

- a. The Property's South Entrance shall have three exiting lanes (one-left, one-left-through, & one right) and two entering lanes.

- b. An additional 200-foot left-turn lane with taper shall be constructed for northbound Centerville Road to provide a dual left-turn lane. In making this improvement, the existing dedicated bike lane shall be retained.
 - c. The existing traffic signal shall be modified to meet the lane configurations noted herein. The Owner shall be responsible for the purchase and installation of the traffic signal equipment necessary to modify the existing traffic signal so that it can accommodate the dual left-turn movement.
 - d. With the widening of the Property's South Entrance, the improvements shall include the re-striping/delineation of a pedestrian crosswalk across this approach as well as installation of supplemental pedestrian crosswalk signage.
8. Sustainable Design Initiatives.
- a. Sustainable design initiatives shall be implemented during development of the Property and construction of Buildings 1 through 5 on the Master Plan to achieve the equivalent of those credits that would be required to achieve the "Certified" level in the LEED 2009 Certification program. This shall include completion of all prerequisite items, except that for the Energy and Atmosphere category prerequisite number 1, the Owner may choose to pursue Energy Star designation or such other energy system verification process as is approved in advance by the Planning Director. In addition, for up to a maximum of 10 percent of the points needed to reach the LEED "Certified" level, the Owner may request that initiatives equivalent to, but not included on the LEED checklist as credits, be pursued instead. Any request for equivalent initiatives shall be submitted in writing as part of the process specified in (b) below, together with supporting documentation for review and approval by the Planning Director.
 - b. Application for formal LEED certification by the USGBC is at the discretion of the Owner and is not required. If formal LEED certification is not pursued, compliance with this condition shall be monitored and verified to the County by a LEED Accredited Professional engaged by the Owner. The monitoring and verification process shall include submission of the checklist for each building (Buildings 1 through 5) at the time of building permit application which shows the proposed initiatives for review by the Planning Director or his designee(s), and a meeting between the Planning Director or his designee(s) and the LEED Accredited Professional prior to Certificate of Occupancy for each building to review the initiatives which have been completed and develop a timeline for any items which are outstanding.
 - c. The Owner, in coordination with the Planning Director, will examine the feasibility of including sustainable design initiatives in Building 6 on the Master Plan. Prior to the issuance of a building permit for Building 6, the Owner and/or tenant will identify and select a minimum of three initiatives from the LEED 2009 Certification Program checklist (above and beyond those otherwise required by the latest edition of the Virginia Energy Conservation Code). Such initiatives shall be approved by the Planning Director. Verification that the initiatives have been completed shall be submitted prior to issuance of a permanent Certificate of Occupancy unless otherwise agreed in writing by the Planning Director.
 - d. In the event the Planning Director disapproves the other energy system verification process or the equivalent initiatives as specified in (a) above, or the three initiatives for Building 6 as specified in (c) above, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission.

9. Architectural Review.

- a. Prior to issuance of a building permit for each building shown on the Master Plan, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for such building. The final building elevations shall specifically include the view of the building for all sides visible from Centerville or Richmond Road. Buildings shall be substantially consistent, with only minor changes, with the Lightfoot Marketplace Design Guidelines dated December 27, 2013, and the architectural elevations titled "Lightfoot Marketplace – Architectural Renderings" dated November 8, 2013, and December 23, 2013, prepared by Bonstra Haresign Architects and submitted with this SUP application. Determination of substantial architectural consistency shall be determined by the Planning Director or his designee. In the event the Planning Director disapproves the waiver, the applicant may appeal the decision of the Planning Director to the DRC which shall forward a recommendation to the Planning Commission.
- b. For Buildings 4 and 6, the front façade shall face Richmond Road. For Building 5, the main building entrance doors may face the traffic circle or internal to the site, but the façade facing Richmond Road shall still have architectural detailing sufficient to be viewed as a front façade, including fenestration, as determined by the Planning Director.

10. Site Landscaping.

- a. The Community Character Corridor buffers along Richmond Road and Centerville Road shall each be an average of 50 feet in width, exclusive of easements. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013. For the portion of the buffer along Centerville Road between the site south entrance and the boundary with the bank parcel, the buffer shall contain the following elements: (i) minimum of two rows of deciduous shade trees (ii) evergreen and ornamental understory and (iii) 3-foot to 4-foot evergreen hedgerow. It is not the intent of this condition to prevent the planting of the understory trees or hedgerow shrubs with the utility easement as may be otherwise permitted.
- b. Street trees shall be provided along Richmond Road and Centerville Road, and along the internal streets (Streets A- D) in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy.
- c. Landscaping shall be provided in the entrance medians at Centerville and Richmond Road, at the Marketplace Green, at the Street D focal point, and at the Entry Greenspace/Roundabout in substantial compliance with the guidelines for entrances and common areas contained in the Streetscape Guidelines Policy.
- d. Landscaping designed to screen the rear façade of the Harris Teeter building and the BMP from Centerville Road shall be installed as specified in Section 24-100 of the Zoning Ordinance.
- e. The landscaping detailed in a – d of this condition shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. Such landscaping, including the number and spacing of trees per 10(a), shall be reviewed and approved by the Planning Director or his designee for consistency with this condition. In the event the Planning Director disapproves a component of the landscape plan, the applicant may appeal the decision of the Planning Director to the Development Review Committee which shall forward a recommendation to the Planning Commission. The landscaping shown on the

approved landscape plan(s) shall be installed prior to issuance of Certificate of Occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

11. Marketplace Green. The layout of the Marketplace Green shall be generally in accordance with the “Marketplace Green Alternative 2” design as depicted on the document entitled “Marketplace Green Lightfoot Marketplace Special Use Permit” prepared by AES Consulting Engineers and dated December 18, 2013, as determined by the Planning Director.
12. Entrance Modification. Prior to final site plan approval for the initial site plan for the Property, Owner shall submit documentation demonstrating that permission to modify the entrance to James City County Tax Parcel No. 2430100063 has been obtained and that a shared access easement or other appropriate legal document is in place that allows access from 2430100063 to the signalized intersection.
13. Signage. Entrance signage located at the Property’s three entrances as shown on the Master Plan shall be externally illuminated monument style signs, not to exceed eight feet in height. The base of the signs shall be brick or shall use materials similar in type and color with the site architecture. The design of the signs shall be approved by the Planning Director for consistency with this condition.
14. Screening of Site Features. Dumpsters and cart corrals which are adjacent to buildings shall be screened by an enclosure composed of masonry, closed cell PVC, prefinished metal or cementitious panels, in detail and colors to blend with adjacent building materials. Where present, such features shall be shown on the site plan for the adjacent building, and shall be reviewed and approved by the Planning Director for consistency with this condition.
15. Richmond Road Median Landscaping. All existing landscaping in the Richmond Road median shall be preserved or replaced with like species. For any site plan that includes the improvements to the Richmond Road/Lightfoot Road/Shopping Center entrance intersection, the existing landscaping shall be shown, together with any plans for relocating or replacing plant material. The plans for relocating or replacing the plant material shall be approved by the Planning Director prior to final site plan approval for the plan specified above. Should VDOT object to preserving or replacing existing landscaping in the median, a re-location/replanting plan shall be approved by the Planning Director and VDOT prior to final site plan approval for the plan specified above.
16. Internal Traffic Signage Plan. The Owner shall include along with the materials submitted for the initial site plan review process an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, prior to final approval of the initial site plan for the Property. Thereafter, the internal signage plan may be amended with review and approval by the Planning Director, or his designee.
17. Shared Maintenance of Site Improvements. Prior to final site plan approval for Building 1 as shown on the Master Plan, Owner shall submit documentation demonstrating that all shared site improvements (including, but not limited to, utilities, stormwater facilities, landscaping, roads and parking lots, and lighting) are subject to appropriate shared maintenance agreements ensuring that the site improvements will be maintained

continuously. Compliance with this condition as to the existence of such shared maintenance documentation shall be subject to review and approval of the County Attorney or his designee.

18. Commencement of Construction: If construction has not commenced on this project within 48 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
19. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATIONS – None

K. PUBLIC COMMENTS

1. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board continuing her comments from earlier in the meeting regarding land preservation programs.

2. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to advertising for a tax rate increase.

3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding operating a business in the County and stating that he does not consider the County business-friendly.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board requesting that the Development Review Committee (DRC) be taken away from the Planning Commission and given to a group of architectural and development professionals.

5. Ms. Pedra Nadell, 106 Indian Circle, addressed the Board stating that the architecture in the County is all starting to look the same and she raised concerns over the bus service for citizens from the Grove area.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to LEED in the County.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the third public workshop for the Longhill Road Corridor Study will be held on February 19 and 20 at Lafayette High School. He stated that more information can be found on the Planning Department website. He also stated that Monday, February 17 is President's Day and County offices and the Courthouse will be closed; however, the Recreation Centers, the Parks, the Convenience Centers, and the Libraries will be open.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that in response to some of the comments made by citizens this evening, Anheuser-Busch was, and still is, an active participant in green building initiatives. He stated that Wal-Mart is the leading innovator in green building initiatives because it cost effective in doing business. He stated that it is not required by the County, but it is encouraged.

Ms. Jones stated that a Joint meeting between the Williamsburg City Council, the Board, and the School Board is in the process of being scheduled. She asked that Board members communicate their availability to Mr. Powell.

Mr. McGlennon requested that the Board receive a briefing from WATA during this budget process to demonstrate how they intend to utilize the new State funding that has been received.

N. ADJOURNMENT – to 4 p.m. on February 25, 2014, for the Work Session.

Mr. Hipple made a motion to adjourn.

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

At 10:22 p.m., Ms. Jones adjourned the Board.

M. Douglas Powell
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF FEBRUARY 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Debt Analysis – Presentation by Davenport and Company, LLC

Mr. Courtney Rogers, Senior Vice President of Davenport and Company LLC, presented a review of the information given at the Board of Supervisors budget retreat. Mr. Rogers presented four different options for an additional bond issuance of \$35 million to accommodate requested funds for the Williamsburg-James City County School Division in 2016.

Mr. Kennedy asked if the projections for the additional bond issuance included any increase in current revenue by the County.

Ms. Sue Mellen, Assistant Director of Financial and Management Services, responded that the projections include an increase of 1% to 2% annual increases in revenue. She also stated that the 1% to 2% increase was not from an increase in tax rates but rather from growth within the County.

Mr. Kennedy stated that these projections were based on \$35 million bond issuance. He asked what would happen if the numbers were \$45 million to \$55 million.

Mr. Rogers stated that if that were the case then it would then take the county above the 12% ratio of debt service to revenue.

2. Appointment of Planning Commission Representative - Stonehouse District

Mr. Kennedy made a motion to appoint Mr. Heath Richardson to fill the vacated seat from the Stonehouse District for the remainder of the current term.

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

3. Appointment of Board Member to serve on the Hampton Roads Economic Development Alliance

Mr. McGlennon made a motion to appoint Mr. Hipple to fill the seat.

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

4. Appointment of Board Member to serve on the Greater Peninsula Workforce Development Consortium Peninsula Council for Workforce Development

The Board of Supervisors decided not to appoint a member at this time to give the Board Members time to gather more information.

D. CLOSED SESSION

At 5:03 p.m., Mr. McGlennon made a motion to go into closed session, pursuant to the Code Sections listed on the agenda.

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

1. Consultation with Legal Counsel on a Specific Legal Matter Requiring the Provision of Legal Advice Pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia
2. Consideration of acquisition/disposition of a parcel/parcels of property for public use, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

At 6:14 p.m., Mr. McGlennon made a motion to certify the Closed Session.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: 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) Section 2.2-3711(A)(7), consultation with Legal Counsel on a specific legal matter requiring the provision of legal advice.

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) Section 2.2-3711(A)(3) consideration of acquisition/disposition of a parcel/parcels of property for public use.

E. ADJOURNMENT – to Regular Meeting at 7 p.m.

Ms. Jones recessed the Board till the Regular Meeting beginning at 7 p.m.

M. Douglas Powell
Clerk to the Board

022514bosws-min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF FEBRUARY 2014, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Margaret Sheppard, an 8th grade student at Toano Middle School and a resident of the Stonehouse District led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION

1. Williamsburg Area Arts Commission

Mr. Greg Lilly, Chair of the Williamsburg Area Arts Commission (WAAC), addressed the Board giving a report on the WAAC program this year and highlights of the recent grant program.

2. Planning Commission Annual Report

Mr. Al Woods, Chair of the Planning Commission for 2013, addressed the Board giving highlights of the 2013 Planning Commission Annual Report included in the Agenda Packet.

Mr. Kennedy thanked Mr. Woods for his service on the Planning Commission.

Ms. Jones recognized Mr. Rich Krapf as the Planning Commission Representative in attendance tonight.

F. PUBLIC COMMENTS

1. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering a thought on a biblical quote.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the Federal Reserve Bank and monetary reform.
3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding K-12 health and wellness.
4. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding an article in the last word section of the newspaper.
5. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Hybrid Sewer Plan.
6. Mr. John Haldeman, 1597 Founders Hill North, addressed the Board regarding the Hybrid Sewer Plan.
7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding green building initiatives.
8. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Reimbursement Grant Award for the Purchase of Development Rights Program on the Consent Calendar.
9. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.
10. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Cool Counties Resolution.
11. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding local and states' rights.
12. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the School's Budget.
13. Mr. Jim Icenhour, 101 Shinnecock, addressed the Board regarding a drainage issue off of Centerville Road that is affecting an individual property owner.
14. Mr. Walker Ware, 5004 River Dr., addressed the Board regarding the platting of the sewer lines in the County.

G. BOARD REQUESTS AND DIRECTIVES - None

H. CONSENT CALENDAR

Ms. Jones requested that Item 3 be pulled for discussion and a separate vote.

Mr. McGlennon requested that Item 2 be pulled for a separate vote, as he is an employee of the College of William and Mary, and while he cannot think of a conflict of interest, he will be abstaining from the vote.

Mr. McGlennon made a motion to approve Consent Calendar Items 1 and 4.

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

1. Establishment of Part-Time Position, Benefits Coordinator

RESOLUTION

ESTABLISHMENT OF PART-TIME POSITION, BENEFITS COORDINATOR

WHEREAS, the part-time position of County Benefits Coordinator was eliminated when those duties were re-assigned to a shared position that was fully funded by the Williamsburg-James City County Schools (Schools); and

WHEREAS, in exchange for discontinuing the shared position, the Schools will reimburse the County \$23,000; and

WHEREAS, although there are no added costs or added hours, Board approval is needed because it is a new County position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the transfer of \$23,000 from School reimbursement to the FY 2014 Human Resources budget establishes the position of part-time Benefits Coordinator (1,040 hours per year) effective February 26, 2014.

4. Establishment of a Full-Time Regular Groundskeeper Position

RESOLUTION

ESTABLISHMENT OF A FULL-TIME REGULAR GROUNDSKEEPER POSITION

WHEREAS, the James City County Department of General Services desires to provide outstanding grounds maintenance services to all County and Williamsburg-James City County (WJCC) school facilities; and

WHEREAS, a WJCC grounds employee has resigned and there is a continuing need for that position to provide the needed services; and

WHEREAS, the approved interagency agreement between James City County and WJCC Schools requires that school positions be replaced by County positions as they become vacant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time regular groundskeeper position in the Department of General Services effective March 1, 2014.

2. Bill of Sale Document Donation

Mr. Onizuk made a motion to approve Item 2.

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

RESOLUTION

BILL OF SALE DOCUMENT DONATION

WHEREAS, the County owns an original copy of the 1868 Bill of Sale for the Richardson Grist Mill which has been stored in a Development Management file cabinet for a number of years; and

WHEREAS, the College of William and Mary's Earl Gregg Swem Library has indicated a desire to conserve, preserve, and display the document if the County donates it to the library; and

WHEREAS, the Library of Virginia has concurred that the Earl Gregg Swem Library is the most appropriate repository for this historical document; and

WHEREAS, at its meeting on February 4, 2014, the James City County Historical Commission voted unanimously to recommend that the document be donated to the College of William and Mary's Earl Gregg Swem Library.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 15.2-951 of the *Code of Virginia*, 1950, as amended, the Acting County Administrator is hereby authorized to execute any and all documents necessary to donate the 1868 Bill of Sale for the Richardson Grist Mill to the College of William and Mary's Earl Gregg Swem Library.

3. Reimbursement Grant Award - Purchase of Development Rights Program - \$149,678.46

Ms. Jones noted that this grant award requires a 50% match from the County, and she believes that there are other priorities in the County where this money could be utilized.

Mr. McGlennon stated that these are State funds that are available to the County should the County decided to utilize them during a PDR purchase which would save local tax dollars. He stated that accepting the Grant Award does not require the County to spend money if there is not a purchase that the County wishes to make.

Mr. McGlennon made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. McGlennon, (2). NAY: Mr. Hipple, Mr. Onizuk, Ms. Jones, (3). Motion defeated.

I. PUBLIC HEARING - None

J. BOARD CONSIDERATIONS

Ms. Jones stated that she attended the retreat for the HRTPO and the HRPDC, and Mr. Aubrey Lang, Secretary of the Commonwealth, spoke about the strong support from the Governor's Office for regional taxation authority. She stated that there are those who have challenged the constitutionality of regional taxation; however, the Virginia Supreme Court has ruled that tolls are constitutional if there is regional taxation authority. She stated that there has been significant discussion at the HRTPO on how to best handle regional taxation authority if it is granted, and the possibility of an increase in staffing. She stated that she distributed a report to the Board from the Secretary for Transportation.

K. PUBLIC COMMENTS

1. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Cool Counties Resolution and climate change.

2. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding the School Health Initiative Program (SHIP).

3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the Environmental Protection Agency (EPA).

4. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding climate change.

5. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the appointment of the police chief.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding climate predictions for this winter and the Cool Counties Resolution.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that the Board has recently scheduled two meetings that are not on their calendar. The Board will be meeting with the Executive Search Firm Consultant on Thursday at 3 p.m. and the Joint Meeting with the School Board and the City Council is scheduled for March 11 and 4 p.m.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that several citizens have asked who voted for the proffer policy. He stated that three members of this current Board and two members of a past Board; Mr. Goodson, Mr. Icenhour, Mr. McGlennon, Ms. Jones, and himself voted on them in 2008/2009 and again in 2010. He also stated that as far as he has been able to find out, there is no cost associated with the Cool Counties Resolution, there are principles that may be applied, but there is no membership associated with it.

Mr. McGlennon requested that the General Services department post the cost savings that have accrued since 2007 and the Cool Counties Initiatives. He stated that the membership with ICLEE was dropped at the Board's direction, and a commercial vendor software program was purchased, Planet Footprint, to help manage the County's energy consumption and show areas of savings.

Ms. Jones stated that she does not recall any conversation about the purchase of the Planet Footprint software. So, it is a cost that has been incurred as a result of the initiatives of the Cool Counties Resolution. She stated that she does not see the need for the use of Planet Footprint, that common sense can be applied here in the County. She also stated that Cool Counties Initiatives is part of NACo, and the County does pay a membership fee to NACo. She stated that several policies, including land use and zoning, and the PDR program are byproducts of the Cool Counties Initiatives, and those are costs as well.

Mr. McGlennon stated that the PDR program was around prior to the Cool Counties Resolution, and there has been a referendum and several opinion polls of citizens that overwhelming support the PDR program.

Mr. Kennedy stated that he had requested information regarding Planet Footprint from Mr. John Horne, Director of General Services. He stated that the information he received back is that Planet Footprint is a private firm that takes the County's utility bill information and some fuel consumption information that is provided by the County and consolidates it into tracking reports and helps to identify when areas are having anomalies that could causing increases in utility costs. He stated that the cost for the service is \$5,000 annually.

Mr. Onizuk asked if NACo is supporting Cool Counties. He stated that most of what he has seen is from the Sierra Club and is somewhat dated.

Ms. Jones stated that yes; NACo supports Cool Counties and showed a printed document from the NACo website regarding Cool Counties.

Ms. Jones stated that during the Work Session two appointments were made.

Mr. Kennedy stated that Mr. Heath Richardson was appointed to fill the Stonehouse Seat vacancy on the Planning Commission.

Ms. Jones stated that Mr. Hipple was appointed as the Board representative to the Hampton Roads Economic Development Alliance for this year.

Ms. Jones requested a motion to recess the Board in order to conduct the JCSA Board of Directors Meeting.

Mr. Kennedy made the motion.

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

At 8:30 p.m., Ms. Jones recessed the Board of Supervisors.

At 10:34 p.m., Ms. Jones reconvened the Board of Supervisors.

N. CLOSED SESSION

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: 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) of the Code of Virginia, to consider a personnel matter related to the Acting County Administrator.

Ms. Jones made a motion to reappoint Mr. M. Douglas Powell as Acting County Administrator, as well as the General Manager of the JCSA.

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

O. CONTINUATION – to 3 p.m. on February 27, 2014, for the meeting with the Search Firm Consultant.

Mr. Kennedy stated that he would not be in attendance on Thursday, February 27th, due to family business out of state.

Mr. Onizuk made a motion to recess.

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

At 10:36 p.m., Ms. Jones recessed the Board until 3 p.m. on February 27, 2014.

M. Douglas Powell
Clerk to the Board

MEMORANDUM COVER

Subject: Contract Award – Unarmed and Armed Security Guard Services

Action Requested: Shall the Board approve the contract to New Horizon Security Services, Inc. for unarmed and armed security guard services for the County?

Summary: The Purchasing Department solicited competitive proposals on behalf of the Division of Social Services for armed and unarmed security guard services. The Request for Proposals (RFP) includes the provision for use by the County, School and Service Authority on an as-needed basis. This contract is for an initial two-year period with the option for four additional one-year renewal periods upon mutual agreement of both parties.

The RFP was publicly advertised and four proposals were received. Based on the evaluation criteria listed in the RFP, the Evaluation Committee determined New Horizon Security Services, Inc. was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A contract rate was negotiated at an annual cost of \$34,000 that met budget requirements of the Division of Social Services and the price is firm for the initial two-year contract term.

Staff recommends approval of the attached resolution.

Fiscal Impact: The contract is funded and allocated in the Social Services budget.

FMS Approval, if Applicable: Yes No

Acting Assistant County Administrator

Adam R. Kinsman AK

Acting County Administrator

M. Douglas Powell MDP

Attachments:

1. Memorandum
2. Resolution

Agenda Item No.: H-2

Date: March 25, 2014

M E M O R A N D U M

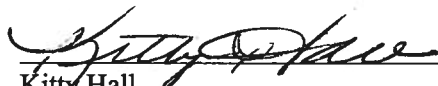
DATE: March 25, 2014
TO: The Board of Supervisors
FROM: Kitty Hall, Director of Purchasing
SUBJECT: Contract Award – Unarmed and Armed Security Guard Services

On September 10, 2013, a Request For Proposals (RFP) was issued to solicit proposals from qualified firms to provide unarmed and armed security guard services for the Division of Social Services and to furnish unarmed and armed security guard services as required by James City County, James City Service Authority, and the Williamsburg/James City County Public School Division on an as-needed basis.

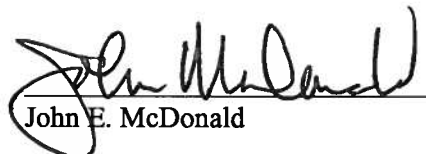
The RFP was publicly advertised and four proposals were received. Based on the evaluation criteria listed in the RFP, the Evaluation Committee determined New Horizon Security Services, Inc. was the most fully qualified firm and its proposal best suited the County's needs as defined in the RFP. A contract rate was negotiated that met budget requirements of the Division of Social Services and the price is firm for the initial two-year contract term of \$34,000 with New Horizons Security Services, Inc. for unarmed and armed security guard services with the option for four additional one-year renewal periods upon mutual agreement of both parties.

Contracts that total a cumulative amount over \$100,000 require Board approval.

Staff recommends approval of the attached resolution.


Kitty Hall

CONCUR:


John E. McDonald

KH/nb
CA-SecurityGSvcs-mem

Attachment

RESOLUTION

CONTRACT AWARD – UNARMED AND ARMED SECURITY GUARD SERVICES

WHEREAS, a Request for Proposals (RFP) for unarmed and armed security guard services was publicly advertised and staff reviewed proposals from four firms interested in providing the service; and

WHEREAS, funds are available in the FY 2014 budget for the purpose of providing unarmed and armed security guard services; and

WHEREAS, upon evaluating the proposals, staff determined that New Horizons Security Services, Inc. most fully qualified and submitted a proposal that best suited the County's needs as presented in the RFP and negotiated an annual price for a two year initial contract of \$34,000 with New Horizons Security Services, Inc. for unarmed and armed security guard services with the option for four additional one-year renewal periods upon mutual agreement of both parties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with New Horizon Security Services, Inc. for unarmed and armed security guard services.

Mary K. Jones
Chairman, Board of Supervisors

ATTEST:

M. Douglas Powell
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	___	___	___
JONES	___	___	___
MCGLENNON	___	___	___
ONIZUK	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2014.

CA-SecurityGSvcs-res

MEMORANDUM COVER

Subject: Dedication of Streets within Jacobs Industrial Center

Action Requested: Shall the Board approve the resolution that dedicates the street and associated right-of-way for Jacobs Industrial Center to the Virginia Department of Transportation (VDOT)?

Summary: The following submittal contains the necessary documents for the street dedication process. Included are the Board memorandum, resolution, a location map of the proposed roads, and the Virginia Department of Transportation (VDOT) AM-4.3.

Staff recommends approval of the attached resolution.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting Assistant County Administrator

Adam R. Kinsman

AK

Acting County Administrator

M. Douglas Powell

MDP

Attachments:

1. Memorandum
2. Resolution
3. Location Map
4. VDOT AM-4.3

Agenda Item No.: H-3

Date: March 25, 2014

M E M O R A N D U M

DATE: March 25, 2014

TO: The Board of Supervisors

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

SUBJECT: Dedication of Streets within Jacobs Industrial Center

Attached is a resolution requesting acceptance of streets into the State Secondary Highway System. The streets proposed for acceptance are within Jacobs Industrial Center. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

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

Staff recommends the adoption of the attached resolution.



Scott J. Thomas

SJT/nb
JacobsIndCtr-mem

Attachments

RESOLUTION

DEDICATION OF STREETS WITHIN JACOBS INDUSTRIAL CENTER

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

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

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

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

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

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

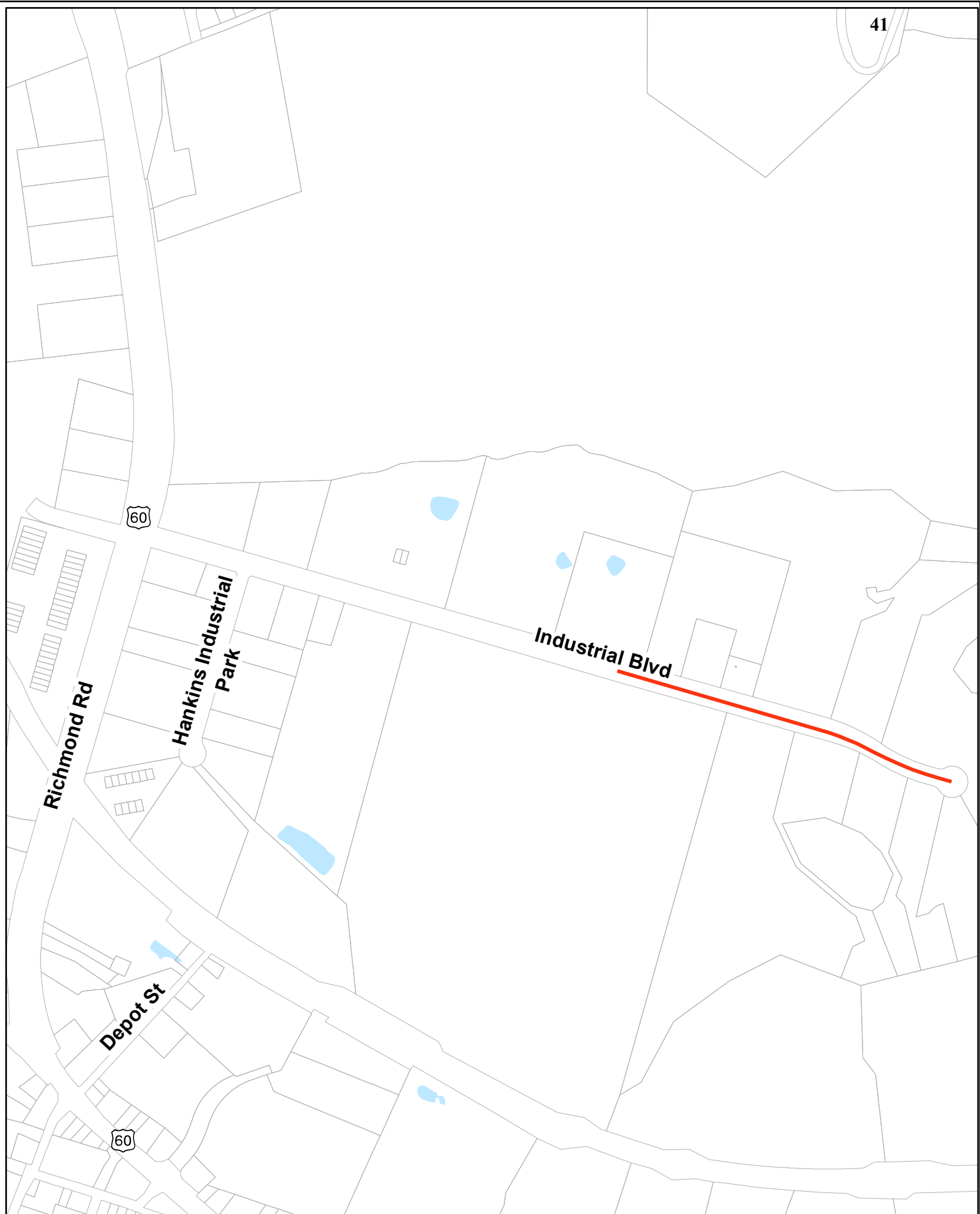
 Mary K. Jones
 Chairman, Board of Supervisors

ATTEST:

 M. Douglas Powell
 Clerk to the Board


	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
KENNEDY	_____	_____	_____
JONES	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2014.



DEDICATION OF STREETS WITHIN THE JACOBS INDUSTRIAL CENTER

Legend

 Streets to be Dedicated

1 inch = 550 feet



In the Equity of the People

By resolution of the governing body adopted March 25, 2014

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

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Jacobs Industrial Center

Type Change to the Secondary System of State Highways: Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Street Name and/or Route Number

† Industrial Boulevard, State Route Number 754

Old Route Number: 0

| From: .38 miles east of Richmond Road

To: Cul-de-sac, a distance of: 0.30 miles.

Recordation Reference: 080013841

Right of Way width (feet) = 80-100 ft

MEMORANDUM COVER

Subject: FY 2015 School Operating and Capital Budgets

Action Requested: No Action Required

Summary: The Board of Supervisors recently participated in a presentation and discussion, with both City Council and the School Board, of the Superintendent's Proposed Operating budget, Capital budget, and current proposals for both a new middle school and central office. For the benefit of the public, and to avoid misstating the alternatives, a copy of the presentation made at that meeting will be presented in summary and a School representative is expected to be present.

Fiscal Impact: N/A

FMS Approval, if Applicable: Yes No

Acting Assistant County Administrator

Adam R. Kinsman AK

Acting County Administrator

M. Douglas Powell MDP

Attachments:

1. Memorandum
2. PowerPoint Presentation

Agenda Item No.: J-1

Date: March 25, 2014

MEMORANDUM

DATE: March 25, 2014

TO: The Board of Supervisors

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

SUBJECT: FY 2015 School Operating and Capital Budgets

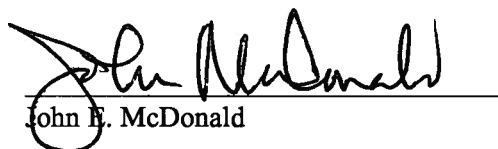
The Board of Supervisors recently participated in a presentation and discussion, with both City Council and the School Board, of the Superintendent's Proposed Operating budget, Capital budget, and current proposals for both a new middle school and central office. For the benefit of the public, and to avoid misstating the alternatives, a copy of the presentation made at that meeting will be presented in summary and a School representative is expected to be present.

The County Administrator will soon issue a budget proposal for both FY 2015 and FY 2016, including a recommendation for a contribution to the School Operating Budget and, separately, to the School Capital Budget. Staff would like any thoughts, comments, questions, and/or guidance the Board would choose to provide.

As it relates to the middle school and central office proposals, the staff focus would be to adopt the strategy included in the financing plan presented by Davenport – timing a bond issue to finance the school projects so that the first payment of principal and interest would occur in FY 2017 when current annual debt service requirements drop by \$3 million. From a debt capacity standpoint, and utilizing existing revenue sources, this seems to be the optimum way to finance new school facilities without creating the need for new annual revenues to pay for construction.

For project spending that would have to occur before the bond issue, staff will most likely ask for the authority to enter into a short-term borrowing, something similar to a line of credit or bond anticipation notes, that would be retired with the proceeds of the long-term financing. How much needs to be borrowed, and when, will depend on what the Board is willing to commit to both projects and the County's share of the total cost, to be determined after discussions with the City. Again, any thoughts, comments, questions, and/or guidance the Board would choose to provide would be helpful in developing a recommendation.

No action by the Board is expected this evening. Staff assumes that the Board will consider the School Board requests as part of its deliberations on the FY 2015 budget. A public hearing on the County Administrator's proposed budget is scheduled for the April 22, 2014, meeting and a budget is projected to be adopted on May 13, 2014. Budget work sessions are currently scheduled for April 28, April 30, and May 5. Staff would be prepared to answer questions or to provide any additional information.


John E. McDonald

JEM/nb
SchoolCIP-mem

Attachment

Joint Meeting: Superintendent's Proposed FY2015 Operating & CIP Budgets

March 11, 2014



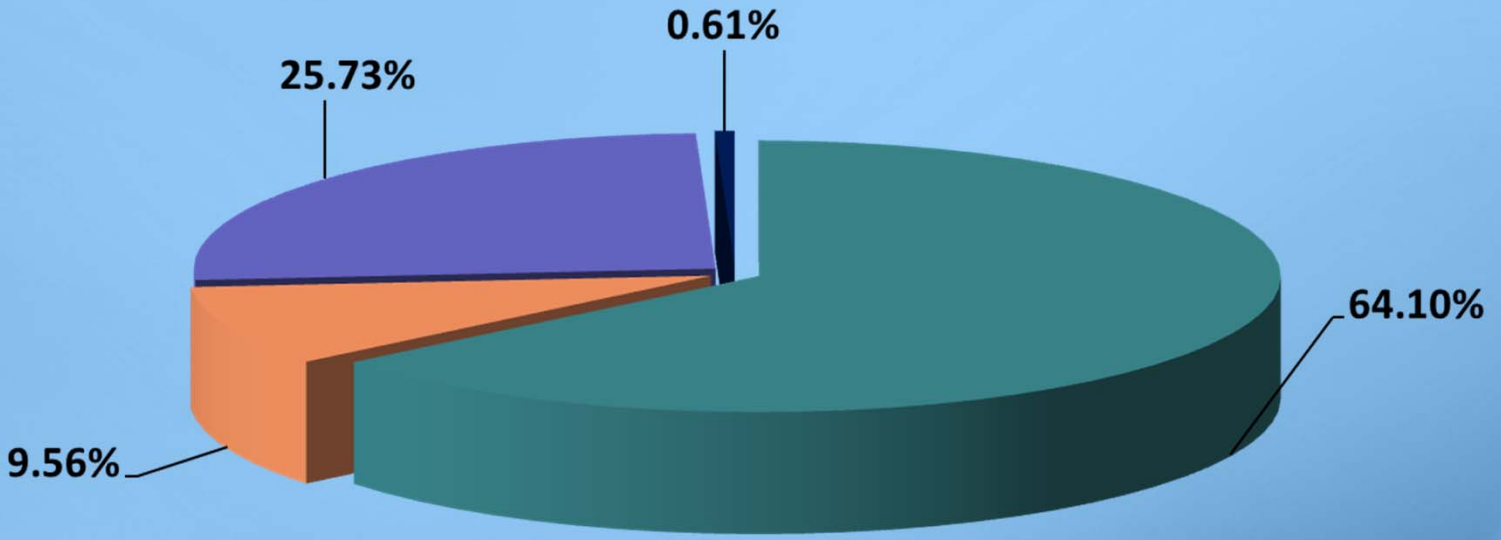
Operating Budget Revenue

- **Local revenue appropriation increase of \$1.5 million or 1.9% (\$1.7 million or 2.0% factoring in State Sales Tax increase)**
- **State revenue increase of \$3.8 million or 13.8%, excluding State Sales Tax**
- **Other revenue increase of \$48,050 or 7.9%**

FY2015 Operating Budget at a Glance

Description	FY2014 Budget	FY2015 Budget	Change	% Change
Enrollment	10,911	11,131	220	2.0%
Operating Budget	\$ 115,876,862	\$ 121,451,451	\$ 5,574,589	4.8%
FTEs	1,560	1,583	23	1.5%
Per Pupil	10,283.83	10,575.34	292	2.8%
Non-negotiable	-	3,525,000	3,525,000	3.0%
Staffing - enrollment	-	1,200,000	1,200,000	1.0%

Operating Revenue Summary



TOTAL: \$ 121,451,451

■ Local \$77,851,494
■ State \$31,249,910

■ Local (Sales Tax) \$11,610,047
■ Other (with Impact Aid) \$740,000



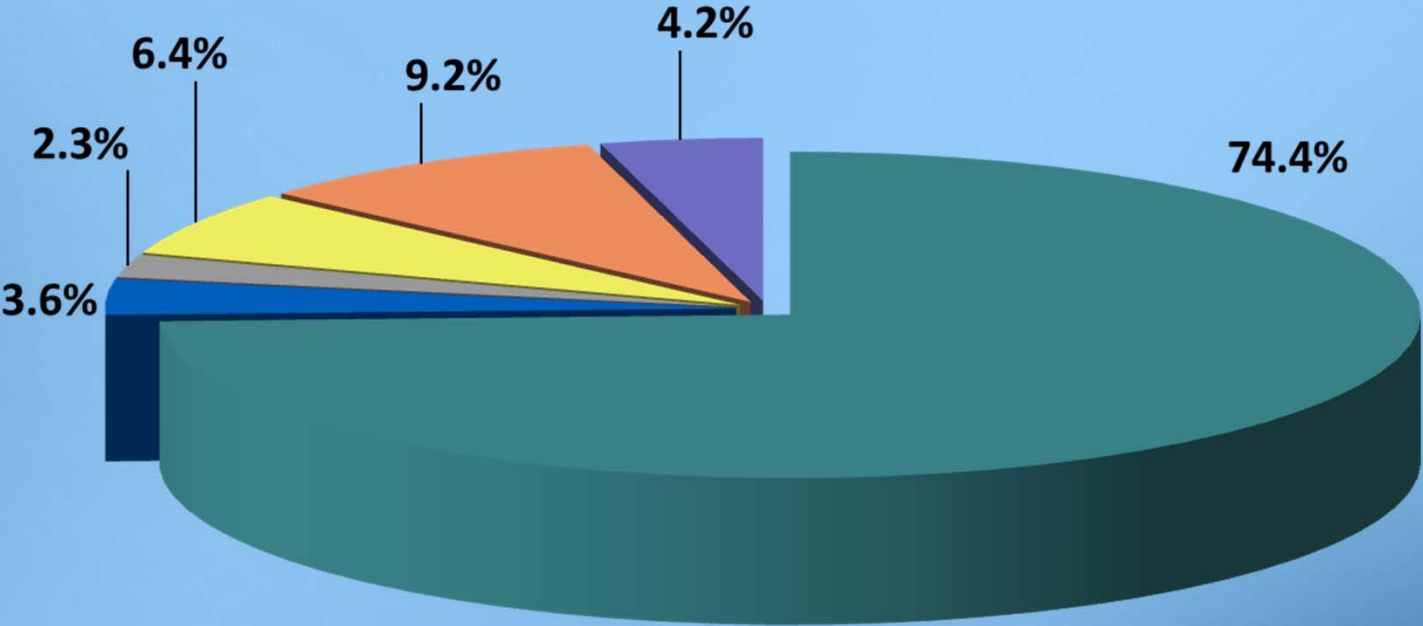
Operating Expenditure – Decreases

- **Base budget reductions, including attrition savings – \$717,451**
- **Final phase of elimination of LPN program – \$119,768**
- **Reduction in legal expenditures – \$50,000**
- **Reduction in line-item budgets associated with efficiencies identified within cost centers, including overtime and substitute costs – \$120,000**

Operating Budget Expenditures

- **Non-negotiable increases of \$3.5 million or 3.0% increase on FY2014, including VRS rate increase (\$1.8 million), health insurance (\$1.2 million), and SOQ ESL teacher (\$75,000)**
- **16 classroom teachers based upon enrollment – \$1.2 million**
- **3.42% salary increase to complete implementation of employee 5% VRS contribution – \$636,000 (\$212,000 included in non-negotiable)**
- **1% wage increase – \$823,000**
- **Alternative education enhancement – \$300,000**

Operating Expenditures by Function



TOTAL: \$ 121,451,451

- Instruction
- Student Attendance & Health*
- Administration
- Pupil Transportation
- Operation & Maintenance Services
- Technology**



Superintendent's Proposed FY2015 Budget – Capital Improvement Plan

March 11, 2014



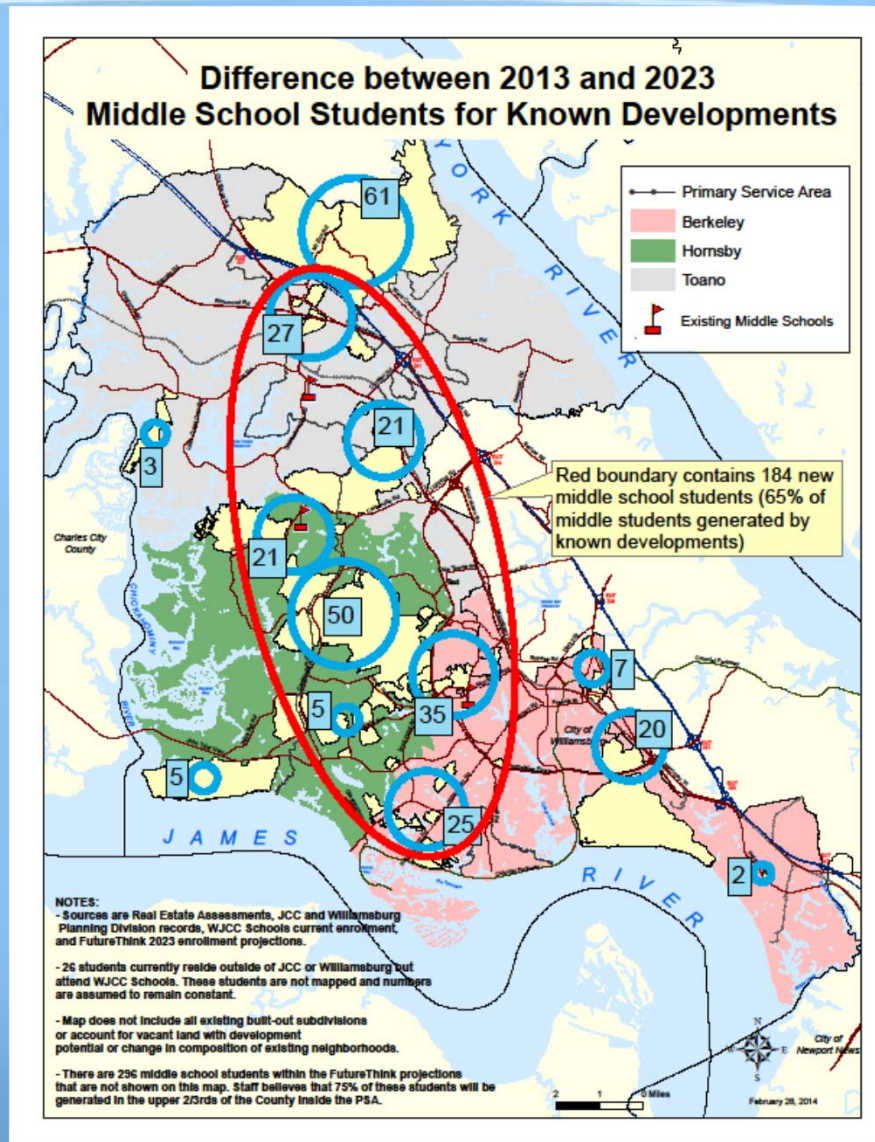
Capital Improvement Plan

- **Continues standard refurbishment & replacement cycle**
- **Includes school bus replacement plan**
- **Berkeley baseball field refurbishment**
- **Fourth Middle School starts with Design in FY2015 and Construction in FY2016 – Options A & B for consideration**
- **Includes new Central Office Facility for FY2015**

Fourth Middle School

- **June 2013 – Middle School 2017 final report presented to the School Board**
- **September 2013 – Modernization/New Construction Feasibility Study presented to the School Board**
- **October 2013 – City and County staff presented planning data to School Board**
- **November 2013 – Enrollment projections completed, current student population mapped**
- **December 2013-February 2014 – WJCC, City & County staff work collaboratively to map future enrollment**

Middle School Enrollment Growth



Fourth Middle School

- **70% of future middle school students are projected to be within the Primary Service Area (PSA) – 406 students**
- **Mapping exercise indicates middle school site should be centrally located**
 - James Blair site requires no land purchase

Fourth Middle School Option A

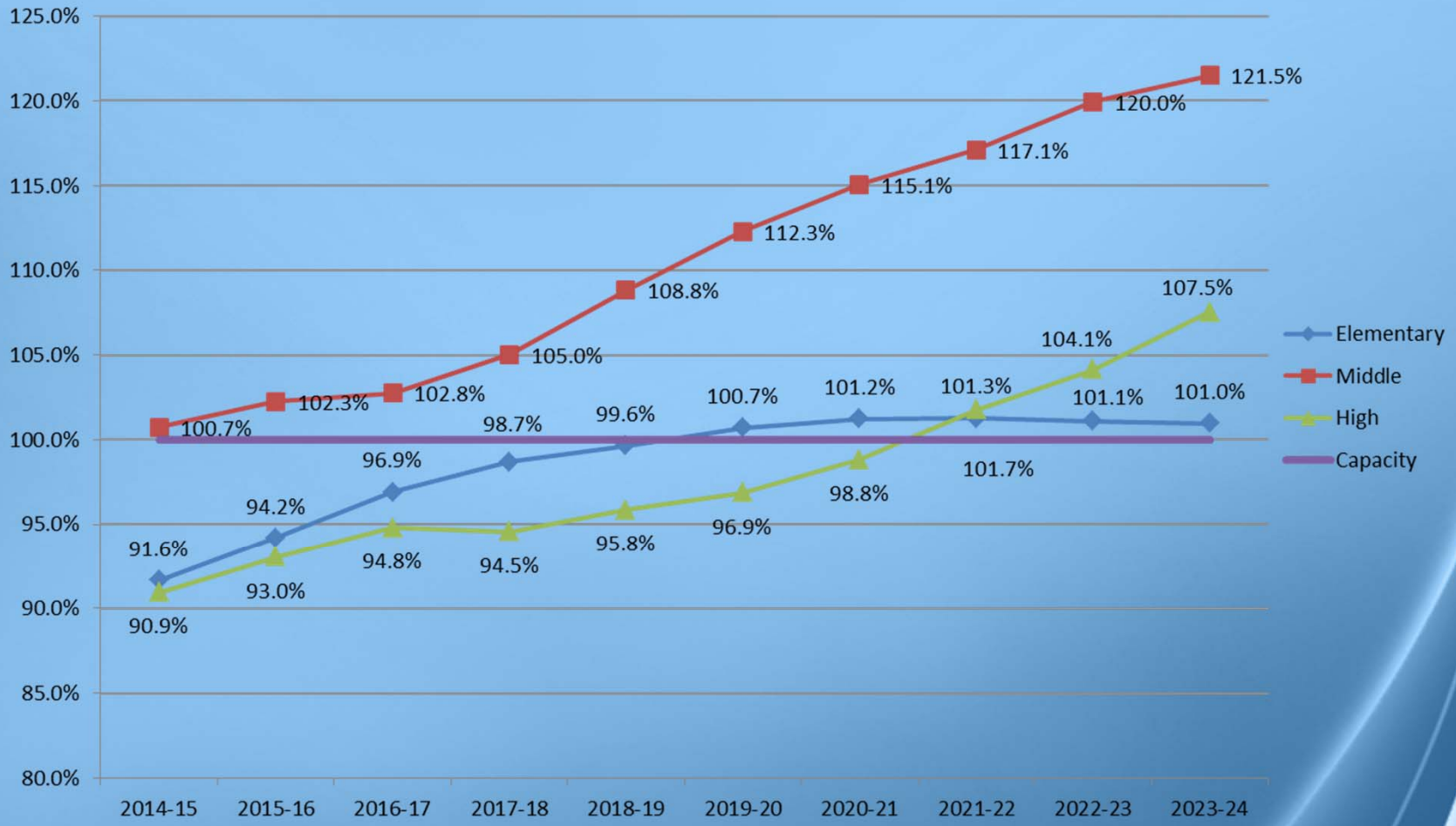
- **21st Century Learning Facility for 950 students**
- **James Blair Site**
 - **Modernization/Renovation - \$37.3 million**
 - 34,000 SF or 28.3% could be effectively modernized, the remaining 71.7% would be demolished
 - **New Construction - \$40.2 million**
- **School opening in September 2018**

Fourth Middle School Option B

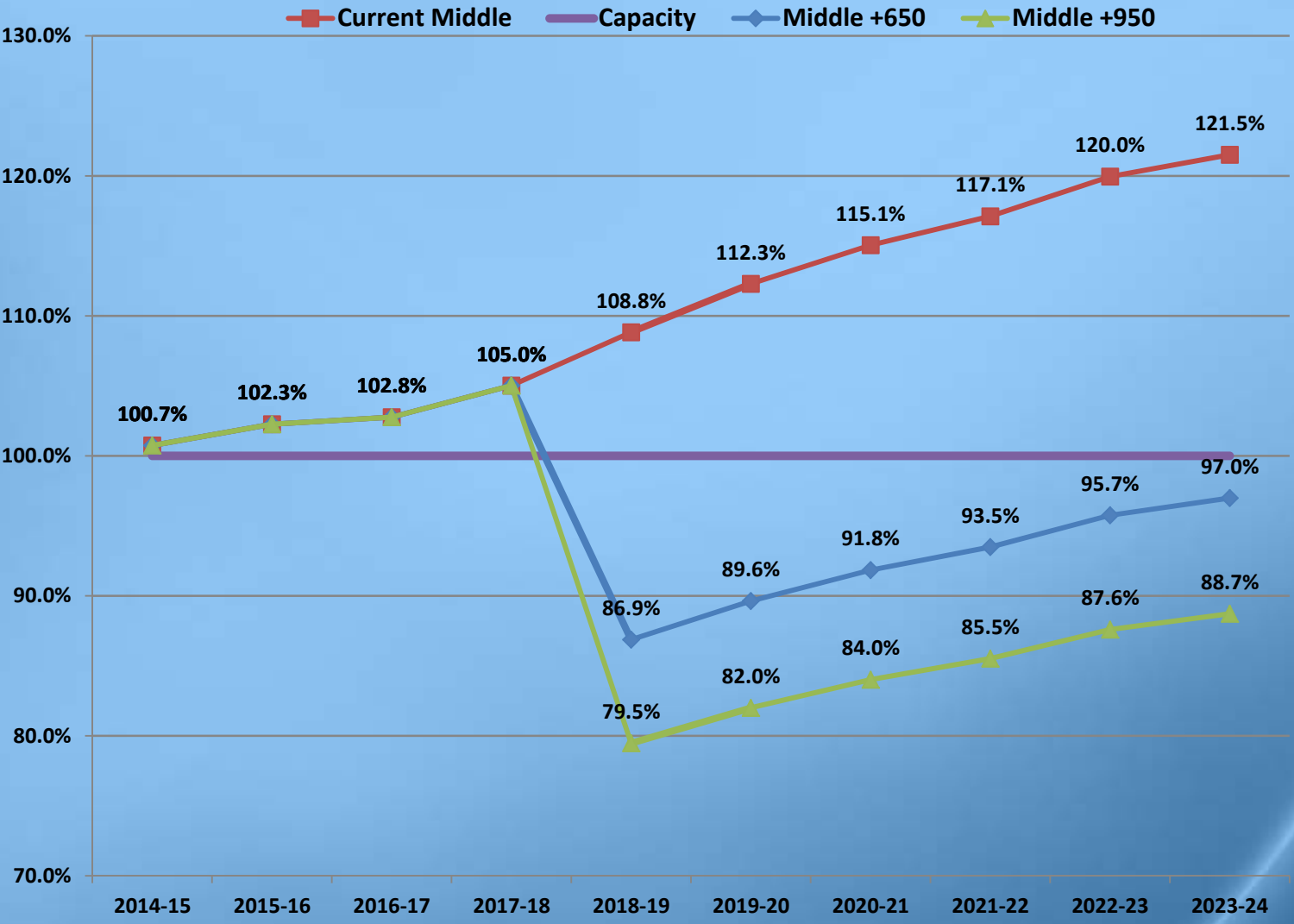
- **21st Century Learning Facility for 650 students**
- **James Blair Site**
 - Modernization/Renovation - \$28.0 million
 - New Construction - \$31.0 million
- **School opening in September 2018**
- **Phased-in approach: Future expansion to 925-950 students**
- **Expansion opening in September 2024 (projected)**
 - Cost of \$10.2 million, estimated to \$12.5 million in 2022

Future Capacity By Level

2014 Most Likely Projection



Future Middle School Capacity



Central Office Facility

- **December 2012 – Presented initial Central Office Space Needs Analysis to School Board**
- **September 2013 – Alternatives presented to the School Board**
- **October 2013 – Project put on hold pending outcome of middle school site selection**
- **March 2014 – Presented middle school options that require Central Office facility relocation**

Central Office Cost Estimate

- **Originally estimated at 37,203 SF with a 0.30 efficiency factor**
 - Space Needs Study was performed internally
 - Preliminary engineering review suggest that the 0.30 efficiency factor is not sufficient
 - Design services will include review of space needs
- **Cost is based upon \$200 per SF + 15% design & contingency - \$230 per SF**
 - 37,000 SF estimate of \$8,510,000
 - 40,000 SF estimate of \$9,200,000

Central Office – New Versus Lease

- **Approximate 40,000 SF facility on City/County owned land, estimated project cost of \$9.7 million**
 - 20-year cost: \$15.5 million, assumes issuance of debt with 5.0% interest rate over 20 years
- **Developer owned with landlord/tenant option, 40,800 SF**
 - Initial lease: \$749,904 annually (2% escalation factor) for 15 years
 - Estimated 20-year leasehold total cost: \$18.2 million

Central Office Facility Recommendation

- **Approximate 40,000 SF facility on City/County owned land, estimated project cost of \$9.7 million**
 - **Building - \$9.2 million**
 - **Site improvements & infrastructure - \$500,000**
 - **No land purchase**
 - **Estimated at \$2.0 million**

Joint Meeting Presentation: Superintendent's Proposed FY2015 Operating & CIP Budgets

March 11, 2014

