

# **A G E N D A**

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

**County Government Center Board Room**

**October 28, 2014**

**7:00 P.M.**

- 
- A. CALL TO ORDER**
  - B. ROLL CALL**
  - C. MOMENT OF SILENCE**
  - D. PLEDGE OF ALLEGIANCE** – Kahlil Stubbs, and 3<sup>rd</sup> grade student at James River Elementary and a resident of the Roberts District
  - E. PRESENTATIONS**
    - 1. Clean County Commission Annual Report
  - F. PUBLIC COMMENT**
  - G. BOARD REQUESTS AND DIRECTIVES**
  - H. CONSENT CALENDAR**
    - 1. Minutes –
      - a. October 14, 2014, Regular Meeting
    - 2. Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$11,370
    - 3. Appropriation of Funding for the Virginia Homeless Solutions Program in the amount of \$33,851
    - 4. Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District (AFD) Renewal
    - 5. Conveyance of Utility Easement to Dominion Virginia Power – Fire Station 1
  - I. PUBLIC HEARINGS**
  - J. BOARD CONSIDERATION**
  - K. PUBLIC COMMENT**
  - L. REPORTS OF THE COUNTY ADMINISTRATOR**
    - 1. County Administrator's Report
  - M. BOARD REQUESTS AND DIRECTIVES**
  - N. CLOSED SESSION**
  - O. ADJOURNMENT** – until 7 pm on November 11, 2014



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

Bryan J. Hill, County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Makayla Palmer, a 1st-grade student at James River Elementary and a resident of the Roberts District, led the Board and citizens in the Pledge.

**E. PRESENTATION**

**1. Heritage Humane Society**

Ms. Kimberly Laska, Director of the Heritage Humane Society, addressed the Board giving a presentation regarding the current activities and events happening at the Heritage Humane Society.

**F. PUBLIC COMMENTS**

1. Mr. Gary Bohlken, 119 Rothbury Drive, addressed the Board regarding a lack of zoning enforcement.

2. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.

3. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding the Williamsburg-James City County (WJCC) schools' recently released middle school plan.

4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the Longhill Road Corridor Study Report.

5. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board in opposition to the Longhill Road Corridor Study Report.

6. Ms. Heather Cordasco, 113 Alexander's Place, thanked the Board and staff for their participation in Manufacturing Day.

7. Ms. Catherine Preston, 137 Pintail Trace, addressed the Board in support of the Longhill Road Corridor Study Report.

8. Ms. Petra Nadal, 106 Indian Circle, addressed the Board regarding greenspace acquisition programs.

9. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in opposition to the Longhill Road Corridor Study Report.

10. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the mobile Vietnam War Memorial Wall that has been in the community.

11. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the grass in the medians along Route 199.

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

Mr. Kennedy thanked the County Administrator for getting the flag replaced and the eagle repaired.

Mr. Hipple reminded the Board and citizens that Chickahominy Day is Saturday, October 18. He stated that he attended the grand opening of Dr. Dewitt's veterinarian practice. He displayed the plaque given to the County from Manufacturing Day. He stated that 90 students participated in the event as well as members of the Board and the WJCC School Board.

Mr. Hipple made a motion to begin the process of amending the charter to have the County Attorney position fall under the supervision of the County Administrator.

Mr. Onizuk questioned if a resolution was necessary.

Mr. Rogers stated no, he is in the process of drafting the County's Legislative Program and if the Board concurs, then the change to the County Charter would be included.

Ms. Jones queried that the Board would be responsible for moving the process along to hire a new County Attorney, but once the Charter is changed then the new County Attorney would report to the County Administrator.

Mr. Rogers stated that the Board can handle the hiring of the new County Attorney in whatever manner it sees fit. He stated that if the Charter amendment process is done, it would not be effective until July 1, 2015, so until that point, the Board would still have purview over the process and the new County Attorney. He stated that in order to amend the Charter, a public hearing must be held prior to the changes being sent to the General Assembly for approval.

Mr. McGlennon requested information regarding the advantages and disadvantages of this change and information regarding how other localities in the State handle this issue.

Mr. Onizuk questioned the wording of the motion made by Mr. Hipple. He clarified that the motion should be to add a Charter amendment to the Legislative Program that would allow the County Attorney to be supervised by the County Administrator.

Ms. Jones also added to the motion that the County Administrator is to begin the search for hiring a new County Attorney.

Mr. Hipple asked Mr. Rogers to help restate the motion.

Mr. Rogers stated that the motion would be to have a Charter Amendment added to the 2014 Legislative Program that would allow the County Attorney to report to the County Administrator.

Mr. Hipple asked how long the process would take.

Mr. Rogers stated that if it was added to the Legislative Program, it would be approved by the Board at the second meeting in November, a public hearing would be held as part of the Amendment process in December, and then the legislation would be sent up to the General Assembly at the end of December or early January. It would have to receive two-thirds approval from both the House and the Senate and be signed-off on by the Governor in order for it to go into effect on July 1, 2015.

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

Ms. Jones applauded the work and efforts put into Manufacturing Day. She stated that she attended the ribbon cutting for Dr. Dewitt's office as well. She also attended the ribbon cutting for Papa Murphy's along with Mr. Onizuk and Mr. McGlennon. She and Mr. McGlennon attended the ribbon cutting for 3E Resources on Saturday, October 11. She thanked all those involved in bringing the Mobile Vietnam Veterans Memorial Wall to the community.

## **H. CONSENT CALENDAR**

Mr. Onizuk requested that Item No. 2 be pulled for further discussion.

Mr. Hipple requested that Item No. 5 be pulled for further discussion.

Mr. McGlennon made a motion to approve Item Nos. 1, 3, 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. Minutes –
  - a. September 23, 2014, Regular Meeting

3. Grant Award – Virginia Department of Environmental Quality – \$13,010

### **RESOLUTION**

#### **GRANT AWARD – VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY – \$13, 010**

WHEREAS, the Department of Environmental Quality has awarded James City County a Litter Prevention and Recycling Grant in the amount of \$13,010.

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

Revenue:

Litter Control Grant	<u>\$13,010</u>
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Expenditure:

Litter Control Grant	<u>\$13,010</u>
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4. Compensation Plan and Personnel Policies Agreement with Sheriff

### **RESOLUTION**

#### **COMPENSATION PLAN AND PERSONNEL POLICIES AGREEMENT WITH SHERIFF**

WHEREAS, the Williamsburg-James City County Sheriff (the “Sheriff”) desires to include its employees on James City County’s (the “County”) compensation plan and personnel policies; and

WHEREAS, the County wishes to enter into an agreement with the Sheriff to include Sheriff’s employees on the County’s compensation plan and policies and procedures; and

WHEREAS, the Board of Supervisors is of the opinion that it is in the public interest to execute the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute any and all documents necessary to enter into the agreement with the Sheriff.

2. FY 2014 School Year-End Spending Plan

Mr. Onizuk stated that he wanted to discuss two items, specifically textbooks and buses. He explained that it appears that \$500,000 was not spent by the WJCC Schools for textbooks and digitalization, as they did not want to make a premature decision prior to the conclusion of an ongoing study regarding textbooks. In the agreement, it appears that those dollars will be taken away. He is cautious of creating a “spend it or lose it” type of mentality.

Mr. John McDonald, Director of Financial and Management Services, stated that three members of the WJCC School staff are in attendance this evening and could address that concern. He introduced Ms. Renee Yewing from the Finance Office, Mr. Brian Landers from the Technology Office, and Mr. Marcella Snipes from Operations.

Mr. Landers stated that the WJCC Schools is looking to move to a more digital type of textbook and more digital environment and those funds were earmarked for that change after a study was completed. The answer to why the money was not spent is not an answer they can give; they would need to speak to the Curriculum Office. He stated that he could go back to the school division and gather some information and forward it to the Board.

Mr. Onizuk reiterated he does not want the Schools to be penalized if they were holding those funds in reserve until they had figured out exactly how they planned to proceed regarding textbooks.

Mr. McGlennon asked if the digitalization of textbooks was part of the plan for this year.

Mr. Landers stated no, it is part of the five-year strategic plan for the Division.

Mr. McGlennon asked if it was part of this year's budget.

Ms. Yewing stated that there was \$250,000 budgeted for textbooks in this year's budget.

Mr. Onizuk stated that he would like further information regarding textbooks from the School Division. He also questioned the replacement school buses that are listed as part of the memorandum. He asked at what point the aged buses become unsafe.

Mr. Snipes, Senior Director of Operations for WJCC Schools, stated that aged buses are kept for spare parts. He stated that nine buses need to be aged out of operation and replaced.

Mr. Onizuk questioned if the remaining six buses are still serviceable and safe.

Mr. Snipes stated yes.

Mr. McGlennon asked if it is possible to refresh buses by changing out engines if the rest of the bus is still in good condition.

Mr. Snipes stated that he would need to speak to the Director of Transportation and get back to the Board.

Mr. Onizuk made a motion to approve the resolution.

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

## **RESOLUTION**

### **FY 2014 SCHOOL YEAR-END SPENDING PLAN**

WHEREAS, the Williamsburg-James City County Schools (WJCC) have submitted a spending plan for unspent local funds for the fiscal year ended June 30, 2014; and

WHEREAS, the Board of Supervisors must approve a spending plan for these unspent local funds under the terms and conditions of the City/County School Contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the retention by WJCC of \$1,582,145 in unspent County funds for the following purposes:

School Buses - Nine replacement	\$ 922,692
Technology Refresh	<u>659,453</u>
Total:	<u>\$1,582,145</u>

5. Longhill Road Corridor Study Report

Mr. Hipple stated that there have been several citizen comments about this item tonight as well as communication from citizens leading up to the meeting. He specifically heard questions and comments from citizens regarding the Season's Trace and Lafayette High School entrances along Longhill Road.

Ms. Ellen Cook, Planner III, addressed the Board stating that the plan for that area of Longhill Road is finalized. The plan in the report is not necessarily the best option; there is still coordination that needs to be done with School Division and others.

Mr. Hipple questioned if the Board should adopt this Report if all of the parts of the plan are not nailed down.

Ms. Cook stated that the Report needs to be adopted as it comes with State and Federal funding and there are timelines that must be met. She stated that staff did not want to rush this specific plan for that area when there is more discussion and coordination to be done; however, the general vision for the area is set within the Report.

Mr. Hipple questioned the inclusion of a roundabout in the Report.

Ms. Cook stated that the Virginia Department of Transportation (VDOT) has a requirement that all intersections be evaluated for utilizing a roundabout, as well as, many citizen comments in favor of a roundabout at the public meetings.

Mr. Onizuk stated that he attended several of the public meetings and the roundabout was generally met with favorable comment from citizens. He stated that Season's Trace and Lafayette High School areas are part of Phases 2 and 3 of the Report which are 10-20 years down the road. The adoption of this Report will allow for VDOT to begin the process for Phase 1, but there is plenty of time to finalize those areas as part of Phases 2 and 3.

Mr. Kennedy asked about funding for Phase 1.

Mr. Paul Holt, Director of Planning, stated that funding has been identified that will cover preliminary engineering of Phase 1. He stated that staff is trying to identify and secure some regional transportation funding dollars. He also stated that this project is a candidate for inclusion in the 2040 Long Range Transportation Plan by the Transportation Planning and Organization (TPO).



Mr. Kennedy questioned the issue of property that would need to be condemned in order to accomplish the widening of Longhill Road and how the new legislation regarding imminent domain would be affected.

Mr. Holt stated that the new imminent domain law would not affect this situation at all.

Mr. Hipple stated that he is concerned with having such a grand plan when there is no funding for it, and probably will not be any funding for 20-30 years. He questioned if the plan could be simpler to get some relief on the road for the traffic and then add some of the elements on as funding is available.

Mr. Holt stated that there are “quick-hitter projects” included in the report that are designed to help give some relief, but can be accomplished quickly and require fewer dollars.

Mr. Onizuk stated that the Board must adopt a Report in order to be eligible for State and Federal funds. He stated simply that if the Board does nothing, then we get nothing.

Mr. Holt concurred. A Board approved vision document gives the County extra points when applying for the State and Federal funds.

Mr. McGlennon agreed with Mr. Onizuk. He stated that significant money and time has been invested in this study.

Ms. Jones asked if the County is bound to the VDOT recommendation regarding the roundabout. She believes that they are not in keeping with the character of the County. She questioned if the County would disqualify itself from VDOT funds if it said no to the roundabout.

Mr. Holt stated that he cannot give a definitive answer on that right now. He stated that staff is still learning this new policy from VDOT and would need to look into what degree that policy is tied to approval of State and Federal funding.

Mr. Onizuk stated that this is the Vision Document that will get the County on the list for funding.

Mr. Holt agreed and stated that this document is not an engineering report or a construction plan, those will come later when funding becomes available and with more input from the community.

Ms. Jones stated that the ultimate need for this project is because of increased capacity which means that the road must be widened. Widening a road requires property to be condemned from private citizens. She stated that safety and the movement of traffic along Longhill Road is the important part, not all of the extra sidewalks and bike paths. For each additional element, the cost of the project increases.

Mr. Hipple made a motion to approve the resolution.

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

## **RESOLUTION**

### **LONGHILL ROAD CORRIDOR STUDY REPORT**

WHEREAS, Longhill Road is a major travel corridor in the community that has seen increases in traffic volumes over the years leading to congestion and safety issues; and

WHEREAS, this circumstance was reflected in the County's 2009 Comprehensive Plan, which included a vision statement for Longhill Road that suggested conducting a study to explore needs along the corridor and context-sensitive transportation solutions; and

WHEREAS, the County received an allocation of Federal Regional Surface Transportation Program (RSTP) funds in FY 12 and an additional allocation in FY 13 to fully fund a study of the Longhill Road Corridor from Route 199 to Centerville Road; and

WHEREAS, the Board of Supervisors appropriated the funds in July 2012 and the Board authorized the award of a contract to Kimley Horn and Associates, Inc. in April 2013; and

WHEREAS, the study has included detailed technical analysis, documenting existing conditions, forecasting future traffic volumes for year 2034, then developing proposed typical sections for the corridor, an access management plan, and an intersection design plan; and

WHEREAS, the study has also included multiple public input opportunities, such as four public meetings, five meetings of the Project Advisory Committee, 17 stakeholder interviews, creation of a website, and multiple one-on-one meetings with a number of individuals and organizations to discuss the specifics of the recommendations in relation to their properties; and

WHEREAS, staff and the consultant provided updates and opportunities for feedback to the Policy Committee at their meetings in October 2013 and March and May of 2014, and updates to the Board of Supervisors at its work sessions in October 2013 and May 2014; and

WHEREAS, the results of the work on these individual components have been compiled into the Longhill Road Corridor Study Report; and

WHEREAS, the Planning Commission, at its meeting on September 3, 2014, voted 7-0 to recommend approval of the Longhill Road Corridor Study Report.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Longhill Road Corridor Study as the official guidance document for improvement of Longhill Road, thereby setting the stage for implementation actions such as seeking funding and considering the report recommendations during review of legislative cases.

**I. PUBLIC HEARING** – None

**J. BOARD CONSIDERATIONS** – None

## **K. PUBLIC COMMENTS**

1. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding Capital Projects.
2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding road projects.
3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding citizen input.
4. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the Board's discussion.
5. Ms. Heather Cordasco, 113 Alexander's Place, addressed the Board regarding school start times and buses.
6. Mr. Robert Buckley, 133 Westbury Court, addressed the Board regarding the Longhill Road project.
7. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board expressing congratulations to Mr. Rogers on his new position.

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

### **1. County Administrator's Report**

Mr. Hill directed citizens to the County website for information regarding photo ids for voting and for curbside leaf pickup dates. He stated that a new page has been added the website for directing citizens to the most up-to-date information regarding the Ebola virus. He stated that County staff has been working to be prepared and to have precautionary measures in place.

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

Mr. Kennedy stated that in response to the comments made by Ms. Cordasco, if the purchase of additional buses would allow more students to attend the Vocational and Trade School, then he is open to having that discussion.

Mr. Hill stated that he will be conferring with Dr. Constantino regarding the questions raised this evening about the School Division.

Mr. Hipple agreed with Mr. Kennedy. He stated that the Vocational and Trade School is important and kids should have every opportunity to attend. He questioned if the buses that are being purchased will help with adjusting start times.

Mr. Hill stated that part of the discussion this evening was about nine school buses that need to be retired due to age and will be replaced. His understanding is that these are replacements not additional buses, but he will confirm with Dr. Constantino and disseminate that information to the Board.

Mr. Hipple requested to continue having a monthly report on Capital Projects.

Mr. McGlennon stated that streets that had slurry-seal applied last year are already producing cracks and potholes and requested that VDOT be contacted.

Mr. Onizuk requested that the Board have a retreat as soon as it is possible for all to get together.

Mr. Hill stated that he is currently researching consultants to help with planning the vision and strategic plan for the County. He stated that he has informed staff about moving forward with a strategic plan and will be in place for the 2017 budget.

Ms. Jones stated that on Thursday, October 16, she will be attending the Hampton Roads Transportation Planning Organization (HRTPO), Planning District Commission (PDC), and Hampton Roads Transportation Accountability Committee (HRTAC) meetings in Chesapeake. She stated that the agendas for those meetings are available online.

Mr. McGlennon requested that the Board take a five-minute recess before entering into Closed Session.

At 9:18 p.m., Ms. Jones recessed the Board.

At 9:23 p.m., Ms. Jones reconvened the Board.

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

Mr. McGlennon made a motion to enter 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).

At 9:23 p.m., the Board entered Closed Session.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Social Services Advisory Board
2. Consideration of the Acquisition/Disposition of a Parcel/Parcels of Property for Public Use, Pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia
3. Consultation with Legal Counsel Pertaining to Actual or Probable Litigation Pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia

At 10:10 p.m., the Board reconvened in Open 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), the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions.

## **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)(3), the consideration of the acquisition/disposition of a parcel/parcels of property for public use.

## **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)(7), the consultation with legal counsel pertaining to actual or probable litigation.

Mr. McGlennon made a motion to appoint Ms. Lynn Allison to fill the balance of a vacated term on the Social Services Advisory Board that will expire on July 1, 2016.

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

Mr. McGlennon made a motion to approve the resolution included in the Closed Session Agenda Packet entitled Acquisition of Real Property – Vacant Parcel – Colony Square Subdivision.

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

## **RESOLUTION**

### **ACQUISITION OF REAL PROPERTY – VACANT PARCEL – COLONY SQUARE SUBDIVISION**

WHEREAS, Apple Development Limited Company (“Apple”) currently owns a parcel of real property identified as James City County Real Estate Tax Map Parcel No. 4810100004A and more commonly known as the “Apple Property”; and

WHEREAS, the County must implement improvements to meet Municipal Separate Storm Sewer System Permit No. VAR040037; and

WHEREAS, restoration of the stream will contribute towards the restoration of the Mill Creek and the Chesapeake Bay; and

WHEREAS, Apple Development Limited Company has offered to sell the Apple Property to the County for \$225,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute any and all documents necessary to purchase the property identified as James City County Real Estate Tax Map Parcel No. 4810100004A and more commonly known as the Apple Property.

**O. ADJOURNMENT** – until 4 p.m. on October 28, 2014, for the Work Session

Mr. McGlennon 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 10:11 p.m., Ms. Jones adjourned the Board.

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Bryan J. Hill  
Clerk to the Board

101414bos-min





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

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$11,370

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The James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,370. This grant is awarded to the County by the Commonwealth of Virginia Department of Emergency Management using funds from the United States Department of Homeland Security Federal Emergency Management Agency 2014 SHSP grant cycle.

The funds will be used to support the James City County Community Emergency Response Team (JCC CERT) program by funding a temporary part-time CERT Manager position and providing equipment and supplies for the program.

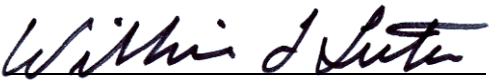
The JCC CERT program trains residents to be prepared for a range of hazards, to safely respond in emergencies until professional responders arrive, and to support Emergency Management through specific volunteer support activities including community outreach, specific tasks in emergency operations, and support to the Emergency Operations Center in activations and exercises.

The County's CERT program, which has been active since 2003, has trained more than 400 residents. There are seven neighborhood JCC CERT teams as well as a cadre of active at-large volunteers.

Through this grant, the Emergency Management Division's JCC CERT Program will provide ongoing training for existing volunteers; recruit and train new volunteers; provide JCC CERT volunteers with basic equipment and supplies; and continue to recruit, train, and deploy JCC CERT volunteers as force multipliers in actual emergencies as well as activations and exercises.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

WTL/nb  
GA-SHSPGrant-mem

Attachment

## RESOLUTION

### GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

#### STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$11,370

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$11,370 from the Commonwealth of Virginia Department of Emergency Management using funds from the United States Department of Homeland Security Federal Emergency Management Agency 2014 SHSP grant cycle; and

WHEREAS, the funds will be used to support the James City County Community Emergency Response Team (JCC CERT) program by funding a temporary part-time CERT Manager position and providing equipment and supplies for the program; and

WHEREAS, the JCC CERT program seeks to increase the safety, preparedness, and resiliency of County residents; and

WHEREAS, the grant requires no match.

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

Revenue:

VDEM-SHSP-JCC CERT	<u>\$11,370</u>
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Expenditure:

VDEM-SHSP-JCC CERT	<u>\$11,370</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Bryan J. Hill  
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 28th day of October, 2014.

**MEMORANDUM**

DATE: October 28, 2014

TO: The Board of Supervisors

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


SUBJECT: Appropriation of Funding for the Virginia Homeless Solutions Program in the amount of \$33,851

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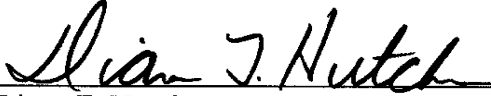
James City County, through its Office of Housing and Community Development, operates the Virginia Homeless Solutions Program (VHSP) formerly known as Housing Intervention Program. VHSP funds are used to prevent homelessness or to assist those already homeless. The funds are paid directly to landlords for rent in arrears, deposits, and or first and last month's rent on behalf of qualified applicants.

As part of OHCD's FY 15 budget, the Board approved an appropriation of \$148,269 for homeless intervention. The Virginia Department of Housing and Community Development, through the Greater Virginia Peninsula Homeless Continuum has authorized an additional \$33,851 in assistance, making \$182,120 available to serve the residents of James City County, York County and the City of Williamsburg.

Staff recommends adoption of the attached resolution authorizing the County Administrator to expend the additional funding for the VHSP in the amount of \$33,851.

  
A. Vaughn Poller

CONCUR:

  
Diana F. Hutchens

AVP/nb  
VHSPFunding-mem

Attachment

## RESOLUTION

### APPROPRIATION OF FUNDING FOR THE

### VIRGINIA HOMELESS SOLUTIONS PROGRAM IN THE AMOUNT OF \$33,851

WHEREAS, the James City County Office of Housing and Community Development (OHCD) administers the Virginia Homeless Solutions Program to benefit the residents of the County, York County, and the City of Williamsburg; and

WHEREAS, James City County has residents who have need of assistance to intervene or prevent their being homeless; and

WHEREAS, OHCD budgeted \$148,269 for Homeless Intervention; and

WHEREAS, the Commonwealth of Virginia, through its Department of Housing and Community Development, has made available an additional \$33,851 in the Virginia Homeless Solutions Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for Homeless Intervention Program, now known as the Virginia Homeless Solutions Program, in the amount of \$33,851 for fiscal year ending June 30, 2015, as follows:

Revenue:

Virginia Homeless Solutions Program	<u>\$33,851</u>
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Expenditure:

Virginia Homeless Solutions Program	<u>\$33,851</u>
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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
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 28th day of October, 2014.

**MEMORANDUM**

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Planning

SUBJECT: Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District (AFD) Renewal

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This case was previously considered by the Board of Supervisors at its September 9, 2014 meeting, at which time the Board renewed the District until October 31, 2018.

When the District was renewed in September, the ordinance listed three parcels owned by Regjag, LLC: more specifically, Parcel Nos. 4740100042F (56.58 acres), 4740100042E (56.40 acres), and 4740100041 (56.63 acres).

On August 11, 2014, Regjag, LLC received final subdivision plat approval to create these three lots and the above-referenced tax map ID numbers were subsequently created by the Real Estate Assessments Division and used in the September 9 ordinance.

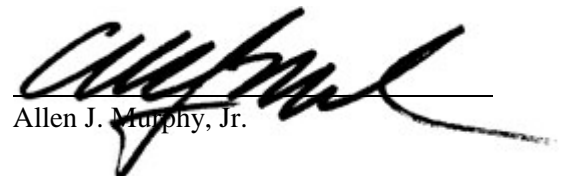
The owner has now informed staff that he does not wish to record the approved subdivision plat in its current form.

Therefore, to ensure the Agricultural and Forestal District (AFD) renewal ordinance does not reference parcels which have not yet been recorded, staff recommends approval of the attached revised ordinance renewing the Gospel Spreading Church Farm AFD until October 31, 2018.

The ordinance has been updated to reflect the current tax map ID numbers as they currently exist. The revised ordinance merely updates the parcel references and the property contained within the AFD remains the same as it did on September 9, 2014. As a reminder, the District renewal did not include a 3,200-square-foot piece of land which is the subject of a Special Use Permit (SUP) application request (Parcel No. 4740100041). The SUP application will be considered by the Board separately and is tentatively scheduled for a public hearing with the Board of Supervisors at the December 9, 2014 meeting.

  
Paul D. Holt, III

CONCUR:

  
Allen J. Murphy, Jr.

PDH/nb  
AFD12-86-1-14GospelCF-mem

Attachments:

1. Ordinance
2. Applicant's Letter
3. Staff Report from the September 9, 2014, Board of Supervisors meeting

**ORDINANCE NO. \_\_\_\_\_****CASE NO. AFD 12-86-1-2014. GOSPEL SPREADING CHURCH FARM****AGRICULTURAL AND FORESTAL DISTRICT (AFD) RENEWAL**

WHEREAS, James City County has completed a review of the Gospel Spreading Church Farm Agricultural and Forestal District (AFD); and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code") property owners have been notified, public notices have been filed, public hearings have been advertised and public hearings have been held on the continuation of the Gospel Spreading Church Farm AFD; and

WHEREAS, the AFD Advisory Committee, at its meeting on July 7, 2014, voted 8-0 to recommend renewal of the District; and

WHEREAS, the Planning Commission, following its public hearing on August 6, 2014, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to recommend renewal of the District with the conditions listed below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that:

1. The Gospel Spreading Church Farm AFD is hereby continued to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et seq.
2. The District shall include the following parcels provided; however, that all land within 25 feet of road rights-of-way is excluded from the district:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
James City County Bible and Agricultural Training School	4830100035 .....	403.55
James City County Bible and Agricultural Training School	5620100001 .....	457.79
Roderick B. Perkinson	4740100037 .....	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C .....	2.89
Regjag, LLC	4740100042D .....	2.81
Regjag, LLC	4740100042E.....	16.29
Regjag, LLC	4740100040 .....	42.84
Regjag, LLC	4740100041 .....	108.20
Regjag, LLC	4830100042 .....	<u>71.33</u>
	Total: .....	<u>1,133.62</u>

3. Pursuant to Virginia Code Sections 15.2-4312 and 15.2-4313, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm AFD be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County subdivision ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCF), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Properties from AFDs, adopted September 28, 2010, as amended.
  - c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with Virginia Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

---

Bryan J. Hill  
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 28th day of October, 2014.

AFD12-86-1-14GospelCF-res

**KAUFMAN & CANOLES**  
attorneys at law

Kaufman & Canoles, P.C.  
4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

*Mailing Address*  
Post Office Box 6000  
Williamsburg, VA 23188

T (757) 259.3800  
F (757) 259.3838

kaufCAN.com

Gregory R. Davis  
(757) 259.3820  
grdavis@kaufcan.com

October 15, 2014

**Via e-mail**

Paul Holt  
Director of Planning  
James City County  
101-A Mount Bays Road  
Williamsburg, VA 23185

**Re: SUP – 0008-2014**  
**R. Edwin Gilley**

Dear Paul:

This letter supplements the above-referenced application, as well as the Agricultural and Forestal District renewal related to the property which is the subject of the special use permit application.

As you are aware, the Deed of Conservation Easement put in place as a part of the purchase of development rights on the REGJAG, LLC property permitted a subdivision of the Gilley farm tract into three (3) lots (one for each of the Gilley siblings). While the special use permit application was being considered by staff, the Gilley family, working with LandTech Resources, Inc., had submitted a proposed subdivision plan for the property, which was approved by the County. Under the assumption that the subdivision plat approved by the County had been recorded prior to Planning Commission consideration of the special use permit application, the County staff placed the public hearing advertisement using a description of the Gilley farm tied to the approved subdivision plat, *but the subdivision plat had not been recorded*. Accordingly, all parties have agreed that the matter should be readvertised, and that the Planning Commission public hearing should be reopened as a matter of form in order to assure that no error in the advertising process could undermine the eventual grant of the special use permit sought by my clients.

As the special use permit requesting a parking area for contractor equipment was being considered and approved by the Planning Commission, renewal of the Gospel Spreading Church Farm Agricultural and Forestal District (the "AFD") was being processed by the County. Under prior request from the applicant, an area of 3,200 square feet of the Gilley Farm (sufficient to locate the contractor equipment storage area) was not to be included within the AFD.



Readvertisement of the special use permit application previously approved by the Planning Commission does not affect the request of my client that the AFD renewal exclude the 3,200 square foot area of the REGJAG, LLC property in order to accommodate the special use permit applied for by my client.

By way of confirmation, supplemental letters from me originally submitted to James City County Development Management staff suggested that the special use permit referenced above include a barn, larger parking area, and the parking of a number of pieces of equipment not yet owned by my client. Subsequently, my letter of July 28, 2014 clarified that the special use permit application includes only a parking area, not a barn or building for the storage of commercial construction equipment. That same correspondence delineated a 40' x 80' graveled parking area as the subject of the special use permit. In addition, I clarified with staff and at the public hearing before the Planning Commission that my client does not seek to expand the equipment he stores on the subject property pursuant to the special use permit.

In an effort to implement a flexible plan accommodating future expansion of Edwin Gilley's business, staff had suggested including equipment beyond that which is owned today as a part of the special use permit, but I hereby confirm that the application includes only the storage of that equipment listed in the Staff Report to the September 3, 2014 Planning Commission: a GMC single Axle Dump Truck, a twenty-ton trailer, a John Deere Skid Loader, a twenty-four foot Haulmark trailer, and a John Deere 75 excavator (or equivalent equipment and replacements to obsolete or damaged equipment).

I trust you will find these clarifications helpful, and encourage you to contact me with questions or concerns in this regard.

Very truly yours,



Gregory R. Davis

GRD:fmy

cc: R. Edwin Gilley, REGJAG, LLC

**Case No. AFD 12-86-1-2014. Gospel Spreading Church Farm Agricultural and Forestal District Renewal**

**Staff Report for the September 9, 2014, Board of Supervisors Public Hearing**

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

**PUBLIC HEARINGS**

AFD Advisory Committee:

Planning Commission:

Board of Supervisors:

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

July 7, 2014, 4:00 p.m. (Human Services Building)

August 6, 2014, 7:00 p.m.

September 9, 2014, 7:00 p.m.

**SUMMARY FACTS**

**Owners:**

	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	4830100035.....	403.55
JCC Bible and Agricultural Training School	5620100001.....	457.79
Roderick B. Perkinson	4740100037.....	27.92
Robert E. Gilley, II and Meredith H. Gilley	4740100042C.....	2.89
REGJAG, LLC	4740100042F .....	56.58
REGJAG, LLC	4740100042E .....	56.40
REGJAG, LLC	4740100041.....	56.63
REGJAG, LLC	4830100042.....	<u>71.33</u>

TOTAL ACRES ..... 1,133.09

Zoning: A-1, General Agricultural; R-8, Rural Residential; R-2, General Residential; and R-1, Limited Residential

Comprehensive Plan: Rural Lands; Low Density Residential and Conservation Area

Primary Service Area: Inside and Outside

**STAFF RECOMMENDATION**

Staff finds this Agricultural and Forestal District (AFD) consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

Staff Contact:

Luke Vinciguerra

Phone: 253-6783

**PLANNING COMMISSION RECOMMENDATION**

At its August 6, 2014, meeting, the Planning Commission recommended the continuation of the District by a vote of 6-0 (Richardson absent).

**AFD ADVISORY COMMITTEE RECOMMENDATION**

At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

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

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District. Additionally, the property owner has applied for a special use permit (SUP-0008-2014) to allow the parking of construction equipment. This case is scheduled for the September 3, 2014, Planning Commission meeting. A plat subdividing land owned by Regjag, LLC and Leigh Ann Gilley (S-008-2014) was approved August 11, 2014, which has resulted in changes to parcel ID's and acreages compared to the 2010 Ordinance.

### **SUMMARY**

As required by State Code, the County must review all established AFDs prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm, which is scheduled to expire October 31, 2014.

Staff is attempting to synchronize the expiration dates of all districts. As part of the 2014 renewal process, staff is recommending a term of four years, making the proposed expiration date October 31, 2018.

### **DISTRICT HISTORY**

This District was approved on December 1, 1986, for a term of four years and the Board of Supervisors approved four-year renewals in 1990, 1994, 1998, and 2002. The following changes have occurred since 2002: a 26.46-acre parcel has been withdrawn and added several times, finally withdrawing for the final time in 2002; a 22.97-acre parcel was withdrawn in 2002; the former Gilley District (AFD-13-86) of approximately 198 acres was added in 2002 (a 27-acre parcel did not transfer, making the addition approximately 173 acres); and an additional 71.33 acres was added in 2004. In 2006, two properties totaling 57 acres were removed. In 2010 the District was renewed for a four-year term with no addition or withdrawal of property.

The District includes all the land on the above properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road improvements.

The Gospel Spreading Church Farm AFD consists of approximately 1,133.09 acres located from College Creek extending west to Neck-O-Land Road.

### **ANALYSIS**

The majority of the District primarily consists of woodland. The remainder of the property in the District is in open land and swamp or wetlands. Property within this District is zoned mostly R-8, Rural Residential, R-2, General Residential, and R-1, Limited Residential, and is not developed. Portions of parcels are zoned A-1, General Agricultural. The majority of surrounding property has been developed residentially. The majority of the District (approximately 950 acres) is designated Rural Lands or Conservation Area by the Comprehensive Plan, with the several parcels (approximately 240 acres) designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this District (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels lie within the PSA, an area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the potential use of the property.

### **REQUEST NOT TO CONTINUE IN THE AFD**

The property owner of 131 Smokehouse Lane has requested not to continue 3,200 square feet of his 56-acre property (see Attachment Nos. 6 and 7) in the District.

**ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

**CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition No. 2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts to refer to the most recent policy adopted in 2010. The proposed change is as follows:

~~"No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended."~~

*No land outside the Primary Service Area and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the AFD may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawals of Property from AFDs, adopted September 28, 2010, as amended.*

**STAFF RECOMMENDATION**

Staff finds this AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. At its August 6, 2014, meeting, the Planning Commission voted to recommend the continuation of the District by a vote of 6-0 (Richardson absent). At its July 7, 2014, meeting, the AFD Advisory Committee voted 8-0 recommending the continuation of the District to the Planning Commission and Board of Supervisors. Staff recommends the Board of Supervisors renew the Gospel Spreading Church Farm AFD for a period of four years, subject to the conditions listed in the attached resolution.

  
 Luke Vinciguerra

CONCUR:

  
 Allen J. Murphy, Jr.

LV/nb  
 AFD12-86-1-14GospelC

**Attachments:**

1. Ordinance
2. Location Map
3. Existing ordinance and conditions, dated September 28, 2010
4. Approved minutes of the July 7, 2014, AFD Advisory Committee meeting (under separate cover)
5. Unapproved minutes of the August 6, 2014, Planning Commission meeting (under separate cover)
6. 131 Smokehouse Lane non-continue request
7. 131 Smokehouse Lane exhibit

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

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: Conveyance of Utility Easement to Dominion Virginia Power – Fire Station 1

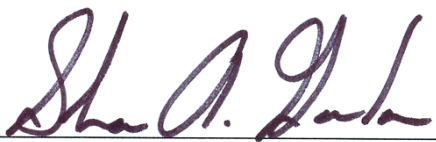
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The Fire Station 1 Renovation/Replacement received approval by the James City County Board of Supervisors as part of the FY2013-2014 adopted budget. The Board of Supervisors approved rezoning of parcels and corresponding Special Use Permit through Z-0004-2013 and SUP-0013-2013 on October 8, 2013. The Board approved the contract for construction of Fire Station 1 by A.R. Chesson Construction Company, Inc. on June 10, 2014.

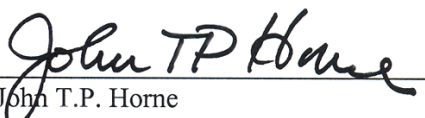
As part of the site improvements for construction of the new Fire Station 1, the existing site grades required adjustment to allow for the construction of the new employee parking lot and installation of the proposed stormwater system. Currently the existing primary service line that feeds the Emergency Communication Center is in conflict with the proposed grades for the site improvements necessary for the construction of the new Fire Station 1. (Refer to the attached Dominion Power Primary Service Line Exhibit)

Dominion Virginia Power (DVP) has designed the primary service electric line serving the James City County Emergency Communication Center to be lowered and adjusted the alignment of the service line along the western portion of the site. In addition, DVP has requested that the County convey an easement for the newly-aligned primary service line serving the Emergency Communication Center and execute the standard Right-of-Way Agreement. (Refer to the DVP Right of Way Agreement) The new primary service line will be installed at a minimum 30-inch depth with a direct alignment to the County facility. Once installed the former primary service line will be removed and the corresponding easement extinguished.

Electrical power is essential to the operation of the Emergency Communication Center and implementation of the site improvements for the new Fire Station 1 construction, staff recommends approval of the attached resolution authorizing conveyance of an easement to DVP.

  
Shawn A. Gordon

CONCUR:

  
John T.P. Horne

SAG/nb  
FSta1Esemt-mem

Attachments

## RESOLUTION

### CONVEYANCE OF UTILITY EASEMENT TO DOMINION VIRGINIA POWER –

#### FIRE STATION 1

WHEREAS, James City County owns property commonly known as 3135 Forge Road and further identified as James City County Real Estate Tax Map Parcel No. 1230100027 (the “Property”); and

WHEREAS, the Board of Supervisors previously authorized construction of the James City County Fire Station 1; and

WHEREAS, Dominion Virginia Power has requested that the County convey a utility easement across the Property and execute a 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 County Administrator to execute the appropriate documents to convey the utility easement and right-of-way to Dominion Virginia Power.

\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

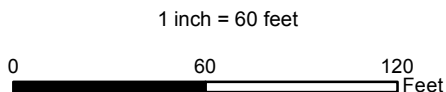
\_\_\_\_\_  
Bryan J. Hill  
Clerk to the Board

	<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 28th day of October, 2014.

FSta1Esemt-res





**Fire Station No. 1**  
**Dominion Power**  
**Primary Service Line Exhibit**



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

Copyright James City County GIS Office 10/10/2014  
M:\Departments\General Services\Shawn\Fire Station 1.mxd



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between

COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend ( ) feet in width across the lands of **GRANTOR**; and

Initials: \_\_\_\_\_

This Document Prepared by Virginia Electric and Power Company and should be returned to:  
Dominion Virginia Power, 902 G St, Hampton, VA23661.

(Page 1 of 5 Pages)  
DVPIDNo(s). 28-14-0091  
Tax Map No. 1230100027



## Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in James City County, Virginia, as more fully described on Plat(s) Numbered 28-14-0091, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: \_\_\_\_\_

(Page 2 of 5 Pages)  
DVPIDNo(s). 28-14-0091

## Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE's** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE's** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE's** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE's** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

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DVPIDNo(s). 28-14-0091

Form No. 728493-3 (Aug 2014)  
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## Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

**NOTICE TO LANDOWNER:** You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

**IN WITNESS WHEREOF, GRANTOR** has caused its name to be signed hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF James City County

(Name)

By:

(Title)

Title:

State of

County of

, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_

at Large, do hereby certify that this day personally appeared before me

in my jurisdiction aforesaid \_\_\_\_\_,

(Name of officer or agent)

(Title of officer or agent)

on behalf of

County, Virginia, whose name is

signed to the foregoing writing dated this \_\_\_\_\_ day of October, 2014, and acknowledged the same before me.

Given under my hand \_\_\_\_\_, 20\_\_\_\_

Notary Public (Print Name)

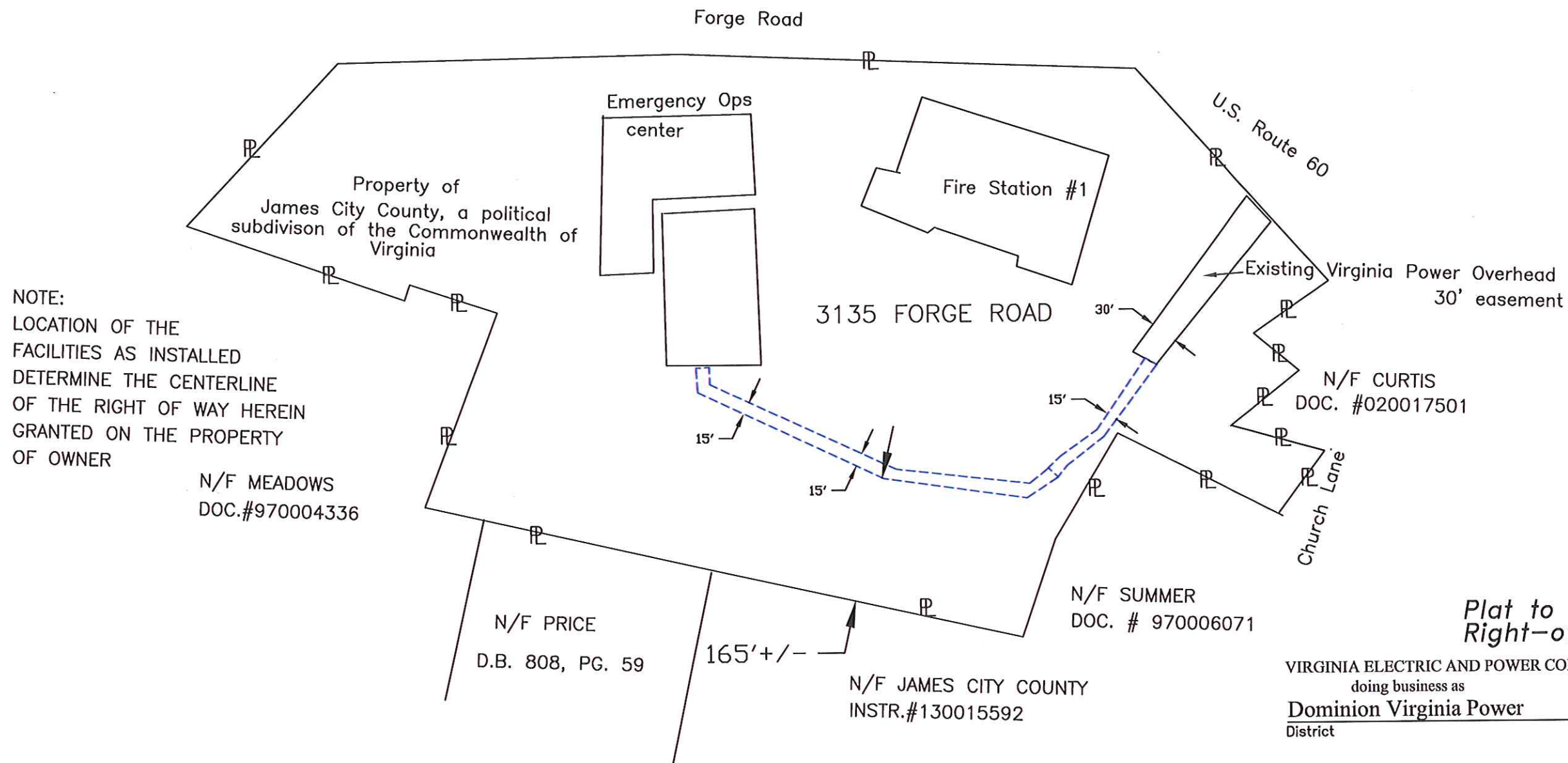
Notary Public (Signature)

Virginia Notary Reg. No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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NOTE:  
LOCATION OF THE  
FACILITIES AS INSTALLED  
DETERMINE THE CENTERLINE  
OF THE RIGHT OF WAY HEREIN  
GRANTED ON THE PROPERTY  
OF OWNER

**Legend**

— — — — — Location of Boundary Lines of Right of Way  
15' in Width

== PL == Indicates Property Line is Right-of-Way  
Boundary 15' in Width

*Plat to Accompany  
Right-of-Way Agreement*

VIRGINIA ELECTRIC AND POWER COMPANY  
doing business as  
**Dominion Virginia Power** UG  
District

**WILLIAMSBURG**  
District-Township-Borough County-City State

**STONEHOUSE** **TDAND** **VA**  
Office Plat Number

**WILLIAMSBURG** **28 14 0091**  
Estimate Number Grid Number

**7636990** **M1642**  
Date By

10-10-14 *Carve Hill*

AGENDA ITEM NO. L-1**M E M O R A N D U M**

DATE: October 28, 2014

TO: The Board of Supervisors

FROM: Bryan J. Hill, County Administrator

SUBJECT: County Administrator's Report

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The following is a summary of activities that took place October 8, 2014, through October 21, 2014:

October 8, 2014 (Wednesday):

- Conference Call with York County: Crossroads Planning Meeting
- Meeting with Vernon Geddy, Attorney, Geddy, Harris, Franck & Hickman, Jim Castillo and Adam Kinsman, Assistant County Administrator – Settler's Market
- Meeting at James City Service Authority (JCSA) – Rate Study
- Attended Neighborhood Leaders Forum

October 9, 2014 (Thursday):

- Meeting with Richard Krapf, Stonehouse District Planning Commission Representative
- Meeting with Mark Morrow – CrossWalk Community Church
- Attending opening of Traveling Veterans Memorial Exhibit *The Wall that Heals*
- Board Briefing with John McGlennon, James City County Supervisor
- Meeting with Latara Branch, Civic Engagement Specialist
- Meeting with John Carnifax, Director of Parks and Recreation

October 10, 2014 (Friday):

- Board Briefing with Kevin Onizuk, James City County Supervisor
- Meeting with Philip McKenna, Senior Resident Inspector at the Surry Power Station
- Board Briefing with Mary Jones and Michael Hipple, James City County Supervisors

October 11, 2014 (Saturday):

- Chili Cook off – Legacy Hall

October 13, 2014 (Monday):

- Attended Williamsburg Regional Library Recognition Breakfast

October 14, 2014 (Tuesday):

- Meeting with John Horne, Director of General Services, and Doug Powell, Manager of JCSA
- Meeting with Stefen Smith
- Attended Agenda Meeting

County Administrator's Report  
October 28, 2014  
Page 2

- Meeting with Sue Mellen, Assistant Director of Financial and Management Services (FMS), and Tara Woodruff, Director of Accounting
- Board of Supervisors Meeting

October 15, 2014 (Wednesday):

- Attended Virginia Peninsula Regional Jail Meeting
- Meeting with Susan Gaston, Association for Realtors
- Meeting with Lisa Pacheco, Greater Williamsburg Chamber and Tourism Alliance (GWCTA) Conference Sales and Sports Director
- Meeting with Phil Tahey and Dave Jarman

October 16, 2014 (Thursday):

- Attended Hampton Roads Planning District Commission meeting with Mary Jones, James City County Board of Supervisors Chair
- Attended Hampton Roads Transportation Planning Organization meeting with Mary Jones, James City County Board of Supervisors Chair
- Attended Hampton Roads Transportation Accountability Commission meeting with Mary Jones, James City County Board of Supervisors Chair

October 17, 2014 (Friday):

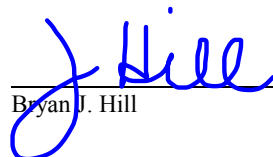
- Meeting with Brad Rinehimer, Chief of Police
- Meeting with Steve Rose, Marina Operator

October 20, 2014 (Monday):

- Attended Historic Triangle Collaborative meeting
- Meeting with Sue Mellen, Assistant Director of Financial and Management Services – Quarterly Revenue Report
- Meeting with Allen Murphy, Director of Development Management, Paul Holt, Assistant Director of Development Management, and Jason Purse, Zoning Administrator
- Meeting with Lisa Pacheco, GWCTA Conference Sales and Sports Director

October 21, 2014 (Tuesday):

- Meeting with Chris Henderson
- Meeting with Sharon Gibson-Ellis, United Way Director

  
Bryan J. Hill