

# A G E N D A

## JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

November 25, 2014

7:00 P.M.

- 
- A. CALL TO ORDER**
  - B. ROLL CALL**
  - C. MOMENT OF SILENCE**
  - D. PLEDGE OF ALLEGIANCE** – LaJoy Wade, a 5th-grade student at James River Elementary and a resident of the Roberts District
  - E. PRESENTATIONS**
    - 1. United Way of Greater Williamsburg
    - 2. Greater Williamsburg Chamber and Tourism Alliance
  - F. PUBLIC COMMENT**
  - G. BOARD REQUESTS AND DIRECTIVES**
  - H. CONSENT CALENDAR**
    - 1. Minutes –
      - a. October 28, 2014, Work Session
      - b. November 12, 2014, Regular Meeting
    - 2. Grant Award - Radiological Emergency Preparedness - \$30,000
    - 3. Grant Award - Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) Grant - \$59,900
  - I. PUBLIC HEARINGS**
    - 1. Exemption from County Real and Personal Property Taxes - Avalon
  - J. BOARD CONSIDERATION**
    - 1. 2015 Legislative Program
  - 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 p.m. on December 9, 2014, for the Regular Meeting



AT A JOINT WORK SESSION OF THE BOARD OF SUPERVISORS, AND THE PLANNING COMMISSION, OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER 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**

Board of Supervisors

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

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

Planning Commission

Richard Krapf, Chairman, Powhatan District  
 Robin Bledsoe, Vice Chairman, Jamestown District  
 Tim O'Connor, At-Large  
 Christopher "Chris" Basic, Berkeley District  
 George Drummond, Roberts District  
 John Wright, III, At-Large  
 Heath Richardson, Stonehouse District

Allen Murphy, Director of Development Management  
 Paul Holt, Director of Planning, Secretary to the Commission

Mr. Hill noted that Mr. Kennedy was on vacation and would not be present.

Mr. Paul Holt called to order the Planning Commission and called the Roll. All members of the Planning Commission were in attendance.

**C. BOARD DISCUSSION**

1. Joint Board of Supervisors and Planning Commission Work Session - Update on the 2009 Comprehensive Plan Review, *Toward 2035: Leading the Way*

Ms. Jones turned the meeting over to Mr. Krapf for the purpose of updating the Board on the 2009 Comprehensive Plan Review.

Mr. Krapf introduced Ms. Elizabeth Friel, the Chair of the Community Participation Team (CPT) and CPT liaison to the Planning Commission for this project.

Ms. Friel stated that the CPT held 16 meetings in 13 weeks and had a very interactive process with the community. She gave a summary of the CPT report included in the Agenda Packet.

Ms. Tammy Rosario, Principal Planner, gave a brief overview of the efforts of the Planning Commission Working Group (PCWG). She stated that the first section that the PCWG wanted to highlight was Housing. She stated that the Housing section was updated to include current public input related to housing and to reflect changes to the County's housing characteristics since the 2009 Comprehensive Plan. Staff updated information pertaining to characteristics of the County's housing stock such as total number of dwellings, types of structures, tenure, and physical conditions. These updates were made using the most recent data available from the U.S. Census Bureau (2012 and 2013). Affordability remains a core subject to the Housing text discussion. Staff has further elaborated on the subject and incorporated language related to affordable and workforce housing found in the Housing Opportunities Policy (HOP) approved by the Board of Supervisors to the revised section. Working in partnership with the Office of Housing and Community Development (OHCD), updates were made to topics such as assistance programs, homelessness and housing successes, and opportunities in the County.

Mr. O'Connor stated that the PCWG requested that the housing section be updated to include additional terms in the glossary, adding discussion on senior housing issues and the housing fund, adding linkages to the Community Action Plan on Aging as appropriate and adding action that would have staff examine ways that infill development might be made more affordable through hybrid funding and/or ordinance exceptions. He stated that having more affordable housing was a common theme heard throughout this process. He stated that those that work locally want to live locally, but most are not in the same bracket as the available housing. He stated that senior housing was a focus as well. By 2020, a majority of the citizenry will be age 65 or older. The group heard many comments on the availability of affordable services, long-term care, and transportation. He stated that the HOP was another area that was focused on. As it reads currently, it does not quite dovetail into some of the infill development that is currently happening in the community. He stated that PCWG members are not convinced that paying high Homeowners Association (HOA) fees every month makes the housing affordable.

Ms. Jones stated that the County needs more diverse housing available to maintain and promote a diverse community and believes that is something that is wanted by all. She stated that it is a challenge with infill development. She stated that she has always had a concern regarding the HOP, that it is not always applicable to high-price developments.

Mr. Hipple stated that affordable housing is difficult to do in the County. He stated that with the cost to build, the cost of the land, and the cost of the regulations, it is very difficult to build a home that would be considered "affordable." He questioned if looking at condos, townhomes, and apartments might be a better alternative than single-family homes. He stated that perhaps stepping our citizens up in stages to the point of being able to own their own home would be better.

Ms. Jones stated that even back in 2007 when she served on the Steering Committee, it was identified that more diverse housing options were needed in the community, including more rental options. She noted that there are incredibly good educational institutions around the County and we need those rental options to keep those graduates living and working here.

Mr. McGlennon stated that it bears mentioning that the HOP includes a "cash in lieu of" opportunity, so established neighborhoods that are looking at infill development could exercise that option instead of providing the affordable housing. He stated that the real problem is that there are a large number of people

employed in low-wage, service type jobs who are not going to be served by the single-family home model. He questioned if it would even be serviced by the private market apartments which are currently seeing their rents increasing faster than home prices. He questioned how we help people who currently cannot afford housing. He stated that the proffer that was done by the Stonehouse community for a housing fund, which could be used for housing vouchers, might be the way to go. He stated that the Comprehensive Plan should highlight the need to look for more creative ways to address the housing concerns in the community.

Ms. Rosario stated that the second section that the PCWG wanted to highlight was Public Facilities. She stated that the Public Facilities section was revised to include current public input related to County facilities and to reflect changes in the County's facilities since the 2009 Comprehensive Plan. Revisions to the Public Facility and Service Guidelines have been made in legislative format for ease in comparing the standards to those in the 2009 plan. These include the removal of a statement that recommends new County facilities be capable of containing multiple departments as facilities that are designed to meet the functional and operational efficiency criteria set forth earlier may not be workable for use by multiple groups. Another change is the clarification that school site size recommendations may not be appropriate for neighborhood or urban schools. Adult education and career and technical education standards from the 2009 Comprehensive Plan have been removed as neither Williamsburg-James City County (WJCC) Schools nor any other County agency has adopted these. Finally, a statement regarding the continued need for library space in a digital generation has been added. The goals, strategies, and actions section has also been updated. One change is the revision of PF 1.5.5 and the addition of PF 1.5.6 to address the suggestion of a Public Facilities Master Plan.

Mr. Richardson stated that the PCWG requested that staff develop an action regarding the County's use of technology to improve service delivery, recognized a need for library space, and specificity in the wording regarding the public facility master plan. He stated that the general feedback on County facilities was very high. With regards to the schools, feedback was positive but many noted the issue of overcrowding. He stated that 30 percent of the survey respondents indicated that they would support paying higher taxes to fund a field house or aquatic center. Comments were received that were supportive of a County facility that could house sporting events. He stated that the development of a public facilities master plan was also high on the list of comments received.

Ms. Rosario stated that the third section that the PCWG wanted to highlight was Land Use. The Citizen Commentary portion of the Land Use section was revised to include current public input related to land use issues. Information related to the Primary Service Area (PSA) which looks at the land or parcels available for residential and nonresidential growth was revised with more up-to-date information. The Rural Lands portion of the section was also substantially updated to reflect the work that has occurred in the past five years, including the completion of the Transfer of Development Rights feasibility study, the Understanding Rural panel discussion and the Thinking Rural public input meetings, and the Strategy for Rural Economic Development recently created through the work of the Rural Economic Development Committee. Substantial revisions were also made to the Coordinated Planning and Regional Context portion, spotlighting the coordination work that has occurred over the last five years among the Historical Triangle localities. The Goals, Strategies, and Actions (GSAs) section has also been updated, though in most cases, the updates were minor in nature. Certain strategies or actions have been struck where work on those items was accomplished over the past five years. In the instance of LU 5.3, given limited resources since the last Comprehensive Plan, staff recommends focusing resources on cumulative impact modeling and any public facility planning efforts.

Mr. Krapf stated that considerable citizen input focused on growth management. He stated that there was also interest in the Rural Lands program, specifically the Rural Economic Development Committee and its role in growing and supporting agricultural and forestry based businesses that can support our community. The PCWG requested future discussion on the PSA, including background information and any available cost-comparison data on the provision of water service, as well as the role of the utility service in controlling growth.

Mr. McGlennon stated that in 2009 the rate of growth of in the County was much lower than it is now. He stated that this section of the Comprehensive Plan will be very important as the process continues.

Mr. Hipple questioned if there were a lot of comments regarding slowing down the growth.

Mr. Krapf stated that the comments were regarding managing and sustaining growth.

Mr. Hipple questioned if managing the growth and development would be included in the Comprehensive Plan, meaning more direction as to where the growth and development should occur as we move forward. He stated that he would like to see a plan as to where the commercial and residential growth will be located in the County.

Ms. Rosario stated that the fourth section that the PCWG wanted to highlight was Economic Development. The Economic Development section benefitted from new citizen input gathered through the Virginia Tech Citizen Survey, as well as the Community Workshops, CPT forums and other formats, and that has been reflected in the updated language. Staff also worked closely with the Office of Economic Development (OED) and the Economic Development Authority (EDA). The EDA appointed a two person committee to review the 2009 section text and provide comments on how to incorporate key EDA goals and strategies in the plan. In addition to general statistical updates, many new charts and tables were included in the document to help give a more visual understanding of the County's economic picture. In most instances this new information helps the County benchmark itself against other adjacent localities as well as against those in the Greater Peninsula Area. The agriculture section text was heavily updated to reflect work by the Rural Economic Development Committee (REDC). The Committee report provided new information about the state of agricultural uses in the County, as well as strategies for growing this sector of the economy in James City County. Other changes to the GSAs focused on general language updates to more closely match with the strategic plan for the OED for those items associated with the OED. Updates were made to help promote business opportunities in the County, and redevelopment continues to be an important part of the GSAs. Tourism was also added as an area of importance.

Ms. Bledsoe stated that the County has seen growth in new businesses as well as expansion of current businesses as evidenced by increases in Business, Professional, and Occupational License (BPOL) tax revenue. The Virginia Employment Commission reported that in 2012, James City County had 26,985 jobs. Of those jobs, 12,517 were in healthcare and social assistance, retail, hospitality, and education, which many of those categories are the lower wage type of jobs. Citizen comments included the desire to see new businesses and industries in the County offer higher wages, businesses to support green building techniques and have a minimal impact on natural resources, provide research and technology opportunities, and to provide opportunities for our skilled young workers. Citizens also noted that the County should promote redevelopment and repurposing of sites when new businesses are coming in to the County. There was considerable concern, by the citizens, that too many buildings are being left empty while new construction continues throughout the County. She stated that many citizens supported growth in sports tourism, agrotourism, and eco-tourism. The PCWG requested that staff examine the language, policies, and regulations included in the GSAs to ensure that they do not unnecessarily inhibit economic growth and development.

Mr. Onizuk stated that he has heard from citizens about the vacant buildings and retail space as well. During his conversations with Mr. Russell Seymour, the Director of Economic Development, he learned that the opposite is actually the case, there are not many spaces available for businesses to go. The County is starting to become challenged on available land, and many businesses want something more turn-key, and the County really does not have that to offer. He stated that the County's retail vacancies are actually very low, with the exception of one particular shopping center.

Mr. Hipple concurred with Mr. Onizuk's comments. He stated that discussion with the EDA has focused on the possibility of having ground-ready areas for businesses, meaning that the groundwork is done, all the business would need to do is build whatever building they need. However, the County is getting limited on its land resources, hence the need for more long-range planning for areas of the County.

Ms. Jones stated that there was considerable citizen comment about the need for more vocational educational opportunities which ties in to Economic Development. She stated that the manufacturing industry in the community is having a hard time finding skilled workers and many of our students are not even aware of these opportunities. She stated that the County would be well served to position itself with a qualified workforce for the manufacturing industry.

Mr. McGlennon stated that one of the main reasons that businesses locate here in our community is because of the quality of life. He stated that the manufacturing industry is very different than it was 20 years ago; it is much more technical and relies heavily on robotics. He stated that one of the reasons the community has such a vibrant manufacturing industry is that the decision was made years ago to locate those manufacturing sites out of the public eye. It has been a real success and there are still opportunities for development in those areas for similar types of enterprises.

Ms. Jones stated that in the previous Comprehensive Plan there was a significant focus on maintaining the character of the community. She stated that these mixed-use urban developments do not really distinguish James City County from any other localities around the Country. She stated that we need to be mindful of maintaining the unique character of our community.

Mr. McGlennon concurred, but stated that objective standards of what makes our community unique need to be developed.

Mr. Krapf clarified that this is just the first stage of the Comprehensive Plan review. The second stage will include land use applications which should be wrapped up by the January 2015 work session with the Board. He stated that the final stage involves the final revisions of the text, updating the land use map, and working the document through the approval process. He stated that the PCWG is very appreciative of the responsiveness of staff, and thanked the Board for the opportunity to provide an update.

At 5:02 p.m., Mr. Krapf adjourned the Planning Commission until the November 5, 2014, Planning Commission meeting.

Mr. McGlennon stated that he would like to propose a process for hiring a new County Attorney. Firstly, he would like to propose that Mr. Adam R. Kinsman, Assistant County Administrator, be appointed as the Interim County Attorney. He stated that a resolution to that affect would be forthcoming. Secondly, that the Board formally requests that Mr. Hill advertise the position and a plan for the search drafted and presented to the Board for approval. Thirdly, that the Board delegate the authority to conduct the search, including interviewing candidates, to the County Administrator who will then make a recommendation to the Board. Finally, while the search is going on, the Board can engage in a discussion regarding the delegation of authority to manage the County Attorney to the County Administrator.

Ms. Jones, Mr. Onizuk, and Mr. Hipple affirmed their agreement to the proposal by Mr. McGlennon.

Mr. Hipple and Mr. McGlennon agreed that having the discussion regarding the supervision of the County Attorney should happen sooner rather than later so that candidates would know what to expect.

Ms. Jones expressed her appreciation for the efforts of Mr. Kinsman and thanked him for being willing to take on this additional role in the interim and stated that he has the Board's full support.

Mr. Onizuk stated that he has had concerns, as well as others, regarding the meeting structure and efficiency of the Board meetings. He stated that there are business items that need to be addressed, and there are legal personnel and business personnel who are being paid for their time and are waiting while other business of the County is being conducted. He also noted that it is also costly to keep staff here late at night. He asked Mr. Hill to look into a different meeting structure to address some of these issues. He would like to see this item be on the next agenda for discussion. He stated that that the proposal from Mr. Hill would include starting the meeting at 6 p.m. and from 6-7 p.m. would be the roll call, pledge of allegiance, moment of silence, and public comment and interaction session. At 7 p.m., the business portion of the Board meeting would be conducted including presentations, public hearings, board considerations, board requests and directives, reports of the County Administrator, and closed session if necessary. With Mr. Kennedy not here, he would like his input and would ask that this be part of the next meeting's agenda.

Mr. Hill stated that he could put the agenda proposal together. He asked what time the Board would like to start the meeting. It could be 5 or 6 p.m.

Ms. Jones stated that she would like to hear feedback from the community on the start time. Either time would work with her, but she is concerned about the availability of the public for participation.

Mr. Onizuk concurred.

Mr. McGlennon stated that he questions moving the start time back to early in the afternoon and questioned how this would affect the work session start times.

Mr. Rogers recommended that the Board put whatever change into effect at its Organizational Meeting in January when the Board adopts its calendar.

Mr. Hipple asked to see how other surrounding jurisdictions order their meetings and start times as well.

The Board directed Mr. Hill to take their comments into consideration and put together a proposal that can be discussed at the next meeting.

**D. RECESS** – until the Regular Meeting at 7 p.m.

Mr. Onizuk made a motion to recess.

The motion passed by unanimous voice vote.

At 5:23 p.m., Ms. Jones recessed the Board.

---

Bryan J. Hill  
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 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** – Patrick Driscoll, a 3rd-grade student at Stonehouse Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge.

**E. PRESENTATION**

1. VDOT Quarterly Transportation Report

Mr. Rossie Carroll, Residency Administrator of the Williamsburg Residency, Virginia Department of Transportation (VDOT), addressed the Board giving a summary of the quarterly transportation report included in the Agenda Packet.

Mr. Hipple stated that he had received several comments from citizens about a dusk-to-dawn light at the intersection of News Road and Centerville Road. Now that it is getting darker earlier, people are having a hard time seeing the road sign for News Road at that intersection.

Mr. Carroll stated that VDOT normally does not install street lights unless there is a safety issue. He agreed to look in to the issue and report back.

Mr. Hipple stated that, at the entrance to the old Boy Scout Camp off Jolly Pond Road, the shoulder area is starting to get worn with all of the school traffic going up and down the road.

Mr. Carroll stated that he would look into that as well.

Mr. Kennedy asked for an overview of the plan for dealing with snow, ice, and precipitation this coming winter.

Mr. Carroll stated that his employees have already completed their “dry-run” and have evaluated all equipment and vehicles in preparation for the winter season. He stated that priority is given to the interstate and heavily traveled secondary roads are second priority. From the time the storms stop, it is usually 48 hours until the primary and heavily traveled secondary roads are cleared. Once those are clear, VDOT will evaluate the other secondaries.

Mr. Kennedy requested that the traffic lights on Route 60 eastbound from the Williamsburg Pottery to the entrance of Route 199 be looked at. He stated that the traffic lights are out of sync.

Mr. Carroll stated that VDOT is in the process of evaluating that entire corridor.

Mr. McGlennon thanked VDOT for the recent work that was done on Lake Powell Road.

Mr. Onizuk thanked Mr. Carroll for all his hard work and for his responsiveness whenever there is an issue. He mentioned Chisel Run and the no parking signs and asked if a third sign could be installed.

Mr. Carroll stated that those signs were installed as part of a Black Friday event, not as part of a sign study. In order to add another sign and to check the spacing, he would need to look into some form of sign study.

Mr. Onizuk stated that an ongoing concern he hears is regarding Longhill Road near Lafayette High School. There are a lot of new and inexperienced drivers coming out of Lafayette High School and that intersection makes many citizens nervous. He questioned if there was anything that could be done at the intersection to increase safety.

Mr. Carroll stated that a proposal has been issued for that area.

Ms. Jones thanked Mr. Carroll for his time this evening.

## **F. PUBLIC COMMENTS**

1. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding an article in The Virginia Gazette.

2. Ms. Ann Davis, Treasurer for James City County, addressed the Board regarding her announced retirement.

3. Ms. Jennifer Tomes, Deputy Treasurer for James City County, addressed the Board regarding fulfilling the vacated term as Treasurer.

4. Mr. Tinsley Goad, 118 Ferncliffe Drive, addressed the Board regarding Eco Discovery Park.

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

6. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding public comment opportunities.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding affordable housing and public comment opportunities.

8. Ms. Petra Nadal, 108 Indian Circle, addressed the Board regarding public comment opportunities.

9. Mr. Les Skelley, 6572 Wiltshire Road, addressed the Board regarding a recent article in The Virginia Gazette.

10. Ms. Landra Skelley, 6572 Wiltshire Road, addressed the Board regarding affordable housing.

11. Mr. Bill Unaitis, 221 Charleston Place, addressed the Board regarding the Community Services Coalition.

12. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the recent article in The Virginia Gazette regarding a fourth middle school.

13. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding public comment opportunities.

14. Mr. Eric Bardrof, 4603 Rochambeau Drive, addressed the Board regarding Eco Discovery Park.

15. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding home values and improvements to Route 60.

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

Mr. McGlennon stated that he attended ribbon cuttings for Powerhouse Dance, Swing Kings, and Deli Rolls.

Ms. Jones stated that she had the opportunity to speak to a class at Berkeley Middle School regarding what it is like to be involved in local government.

## **H. CONSENT CALENDAR**

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

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. October 28, 2014, Regular Meeting

2. Grant Award – FY 2014 Port Security Grant Program – \$60,000**RESOLUTION****GRANT AWARD – FY 2014 PORT SECURITY GRANT PROGRAM – \$60,000**

WHEREAS, the James City County Police Department (the “Department”) has been awarded a grant from the FY 14 Port Security Grant Program (PSGP) from the Department of Homeland Security; and

WHEREAS, the award is in the amount of \$45,000 with a \$15,000 local match requirement from the Department of Homeland Security; and

WHEREAS, the funds will be used to purchase replacement dry suits and a SCUBA tank compressor for the Department’s Underwater Search and Recovery Team; and

WHEREAS, the matching funds of \$15,000 are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$60,000 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 14 PSGP	\$45,000
County’s Grant Match Account	<u>15,000</u>
	<u>\$60,000</u>

Expenditure:

FY 14 PSGP	<u>\$60,000</u>
------------	-----------------

3. Grant Award – Williamsburg Community Foundation – \$2,000**RESOLUTION****GRANT AWARD – WILLIAMSBURG COMMUNITY FOUNDATION – \$2,000**

WHEREAS, the Williamsburg Community Foundation (WCF) has awarded the James City County Police Department a grant in the amount of \$2,000; and

WHEREAS, the funds are to be used towards the purchase of supplies and materials for the Rape Aggression Defense (RAD) women’s self-defense and radKIDS Personal Empowerment Safety Education (a safety course teaching youth topics such as physical safety, internet safety, and bullying prevention) programs; 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 authorizes the following budget appropriation to the Special Projects/Grants Fund:

Revenue:

WCF – RAD/radKIDS	<u>\$2,000</u>
-------------------	----------------

Expenditure:

WCF – RAD/radKIDS	<u>\$2,000</u>
-------------------	----------------

4. Appropriation of Funding for the Virginia Housing Development Authority REACH Grant in the amount of \$5,000

**RESOLUTION**

**APPROPRIATION OF FUNDING FOR THE VIRGINIA HOUSING DEVELOPMENT**

**AUTHORITY REACH GRANT IN THE AMOUNT OF \$5,000**

WHEREAS, the James City County Office of Housing and Community Development (OHCD) administers the Virginia Housing Development Authority (VHDA) REACH Grant to benefit the residents of the County; and

WHEREAS, James City County has residents who have need of housing counseling; and

WHEREAS, OHCD budgeted \$15,000 for Homeless Intervention Programs; and

WHEREAS, the Commonwealth of Virginia, through the VHDA, has made available \$20,000 in REACH Grant funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for VHDA REACH Grant in the amount of \$5,000 for the fiscal year ending June 30, 2015, as follows:

Revenue:

VHDA REACH Grant	<u>\$5,000</u>
------------------	----------------

Expenditure:

VHDA REACH Grant	<u>\$5,000</u>
------------------	----------------

## I. PUBLIC HEARINGS

### 1. Case No. SUP-0009-2014. King's Garden Contractor's Office and Warehouse

Mr. Jose Ribeiro, 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.

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

Mr. Kennedy 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-0009-2014. KING'S GARDEN CONTRACTOR'S

#### OFFICE AND WAREHOUSE

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

WHEREAS, Mr. Mitchell Foos has applied for an SUP to allow for a contractor's office with outdoor storage on property located at 8850 Merry Oaks Lane; and

WHEREAS, the proposed project is depicted on the plan entitled "Master Plan for King's Garden" and dated September 16, 2014; and

WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 1120100032B; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 5-0-1 to recommend approval of Case No. SUP-0009-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Application No. SUP-0009-2014, as described herein, pursuant to the following conditions:

1. This SUP shall be valid for a contractor's office and the storage of vehicles, equipment and landscape materials associated with that business (the "Proposal") on property located at 8850 Merry Oaks Lane and further identified as James City County Real Estate Tax Map No. 1120100032B (the "Property"). The location of the storage of vehicles, equipment, and landscape materials shall be generally as shown on the master plan entitled "Master Plan for King's Garden" dated September 16, 2014 (the "Master Plan"), with such minor changes as

the Director of Planning determines do not change the basic concept or character of the development.

2. Commercial activity conducted at the Property shall be limited to administrative/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks and trailers.
3. Transportation of equipment to and from the Property shall be limited to 7 a.m. to 7 p.m. Monday through Saturday, except for occasional after hours and Sunday transportation related to storm clean-up work and the like.
4. On-site storage of vehicles, equipment, and landscape materials associated with the Proposal shall be as follows:
  - a. Vehicles and associated equipment, including but not limited to, trucks and trailers, shall be contained within an area of up to 2,000 square feet as generally shown on the Master Plan.
  - b. Landscape materials associated with the Proposal, including but not limited to, bricks, rocks, stones, and pavers shall be contained within an area of up to 3,000 square feet as generally shown on the Master Plan. These materials shall not be located within any required building setback or have a vertical height of more than eight feet.
  - c. Equipment associated with the Proposal, including but not limited to, leaf blowers, commercial lawn mowers, spray rigs, spreaders, wheelbarrows, chainsaws, backpack sprayers, and hand tools shall be stored within the existing 1,200-square-foot garage as shown on the Master Plan.
5. An amendment to this SUP shall be necessary should the number of vehicles, equipment, and landscape materials associated with the Proposal exceed the storage capacity as specified by this SUP.
6. The existing vegetation surrounding the storage areas shown on the Master Plan shall remain undisturbed.
7. Neither soil stockpile as defined by Section 24-46 of the Zoning Ordinance, nor storage/stockpiling of landscaping debris shall be allowed on the Property.
8. No outdoor signage advertising the Proposal or commercial activity shall be allowed on the Property.
9. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
10. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to, oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.

11. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
12. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0010-2014. Williamsburg Landing Construction Commencement Extension

Mr. Jose Ribeiro, Planner II, 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, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the amended resolution at the dais that corrected a typographical error.

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-0010-2014. WILLIAMSBURG LANDING**

#### **CONSTRUCTION COMMENCEMENT EXTENSION**

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

WHEREAS, Mr. Paul Gerhardt has applied to amend the SUP conditions for Case No. SUP-0005-2011 to allow for a 36-month extension to the construction time limit that is currently set to expire in January 2015; and

WHEREAS, the extension of the construction commencement condition will be valid through January 2018; and

WHEREAS, the extension will allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units; and

WHEREAS, the property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4820100003; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0010-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Case No. SUP-0010-2014; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0010-2014, as described herein, pursuant to the following conditions:

1. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Landing Conceptual Plan" and dated November 7, 2008, as determined by the Director of Planning. Minor changes may be permitted by the Director of Planning, as long as they do not change the basic concept or character of the development.
2. If construction has not commenced on the project by January 15, 2018, the SUP shall become void. Commencement of construction shall be defined as both obtaining permits for building construction and installation of footings and/or foundations.
3. This SUP shall be limited to the following specially permitted uses:
  - a. Single-family dwellings
  - b. Nursing homes and facilities for the residence and/or care of the aged

These specially permitted uses are in addition to those generally permitted uses specified in Proffer No. 1 of the Amended Proffers associated with Z-0002-2008. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

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

### 3. Case No. SUP-0011-2014. McDonald's at Lightfoot Redevelopment

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

Mr. McGlennon requested more information regarding the changes in design as a result of the Planning Commission recommendations.

Ms. Pollock stated that the design changes focused on the non-drive-thru side elevation, which is the side that faces Richmond Road. Those changes included a stone wrap around from the back panel, adding an awning across the Richmond Road side of the building, and a stepped out the brick façade on that side of the building. Landscaping will also soften the impact of the building.

Mr. McGlennon asked if these changes were made available to the Planning Commission after the request was made at the meeting and if the Planning Commission was amenable to the changes.

Ms. Robin Bledsoe, the Planning Commission representative in attendance, stated that the Planning Commission was concerned with the Richmond Road side of the building. She stated that the Planning Commission was satisfied with the changes submitted.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the brick being used in the building composition.

2. Mr. Steve Blevins, from Blakeway Corporation, addressed the Board on behalf of the applicant and stated that the brick would be compatible and subject to the approval of the Director of Planning. He stated that he is available for additional questions.

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

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-0011-2014. McDONALD'S AT LIGHTFOOT REDEVELOPMENT**

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. Steve Blevins of Blakeway Corporation has applied for an SUP on behalf of McDonald's (the "Owner") to demolish and rebuild an existing fast-food restaurant on property located at 6473 Richmond Road (the "Property"); and

WHEREAS, the proposed development is depicted on the plan prepared by Blakeway Corporation, dated February 26, 2014, revised September 15, 2014, and entitled "Preliminary Concept" ; and

WHEREAS, the proposed development is located in its entirety on property zoned M1, Limited Business/Industrial, further identified as James City County Real Estate Tax Map Parcel No. 2430100063; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0011-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Application No. SUP-0011-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-0011-2014, as described herein, pursuant to the following conditions:

1. Use: This SUP shall be valid for a fast-food restaurant approximately 4,600 square feet in size (the "Development").

2. Master Plan: The site plan for the development shall be generally consistent with the “Preliminary Concept” prepared by Blakeway Corporation, dated February 26, 2014 and revised September 15, 2014 (the “Master Plan”), as determined by the Director of Planning.
3. Elevations: Final building elevations shall be generally consistent with the “Proposed McDonald’s Restaurant Color Elevation Study” prepared by URSD and dated October 20, 2014 (the “Elevations”). Building materials and colors shall be similar to those used for the adjacent Lightfoot Marketplace development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final building elevations, materials, and color scheme for consistency with this condition.
4. Drive-thru Canopies and Dumpster Enclosure: The dumpster enclosure and the canopies and mounting structure for the drive-thru shall use neutral colors and building materials similar to the primary building elevation materials. No directional, informational, or menu board text shall be able to be read from beyond the property lines of the Development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final design and colors of the dumpster enclosure and drive-thru canopies for consistency with this condition.
5. Signage: In addition to building face signage as permitted by the James City County Zoning Ordinance (the “Ordinance”), the Development shall be limited to one externally illuminated freestanding monument-style sign on the Property not to exceed eight feet in height. The base of the sign shall be brick or shall use materials similar in type and color with the Elevations. All signage, content, and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition.
6. Richmond Road Buffer: The Community Character Corridor (CCC) buffer along Richmond Road shall be an average of 50 feet in width. The buffer shall contain enhanced landscaping in accordance with the County’s Enhanced Landscaping Policy as adopted April 9, 2013, and shall use similar plant materials and placement to the 50-foot CCC buffer along the Richmond Road frontage of Lightfoot Marketplace. Street trees shall be provided along Richmond Road in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy. Landscaping shall be shown as part of the initial building site plan and shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition.
7. Water Conservation Standards: The owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (the “JCSA”) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.
8. 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 Director of Planning should the owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the owner to install the bike lane in a manner that would meet Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the initial site plan submission. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Lightfoot Marketplace entrance intersection unless otherwise approved by the Director of Planning. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission.

9. *Internal Pedestrian Accommodations*: The Development shall provide internal pedestrian connections wherever the sidewalk enters the parking area or crosses the entrance or drive-thru lane and shall provide safe connections from the existing bus stop and to the adjacent Lightfoot Marketplace area. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning prior to final site plan approval.
10. *Commencement*: Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
11. *Severance Clause*: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **J. BOARD CONSIDERATION**

### **1. Appointment of Interim County Attorney**

Mr. Hill read the resolution given to the Board, at the dais, that would appoint Mr. Adam R. Kinsman, Assistant County Administrator, as the Interim County Attorney until such time as a County Attorney is hired to fill the vacancy.

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**

### **APPOINTMENT OF INTERIM COUNTY ATTORNEY**

WHEREAS, the position of County Attorney of James City County will become vacant on November 14, 2014; and

WHEREAS, it is necessary to formally appoint an Interim County Attorney to temporarily fulfill the legal and functional duties for the proper operation of the County; and

WHEREAS, the current Assistant County Administrator, Adam R. Kinsman, is a licensed attorney, served as the Assistant County Attorney from 2005-2007, served as the Deputy County Attorney from 2008-2014, and has the knowledge, skill, and ability to serve as the Interim County Attorney; and

WHEREAS, pursuant to Section 6.5 of the James City County Charter, the Board of Supervisors is responsible for appointing an Interim County Attorney; and

WHEREAS, an Interim County Attorney shall report to the County Administrator, shall serve at the pleasure of the Board of Supervisors, and may be replaced by another Acting County Attorney, Interim County Attorney, or by a County Attorney; and

WHEREAS, the Board of Supervisors and Adam R. Kinsman have agreed upon a letter of engagement for

Adam R. Kinsman to serve as Interim County Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Adam R. Kinsman as Interim County Attorney, effective at 5:00 p.m. on November 14, 2014.

#### **K. PUBLIC COMMENTS**

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding education and public schools.
2. Mr. Chris Henderson, 101 Keystone, addressed the Board thanking Mr. Rogers for his service as County Attorney to James City County.

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

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

Mr. Hill stated that his two-week progress report has been distributed to the Board and he is available for questions if necessary.

Mr. Hill informed the citizens and the Board that Iceburg, the synthetic skating rink at Mid County Park, will be opening November 15, 2014. The County website has the days and times that the skating rink will be open to the public.

Mr. Hill stated that the proposed Agenda structure was made available to the Board via email as well as on the dais this evening. He stated that his intention is to approve the new Agenda structure at the Organizational Meeting in January.

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

Mr. Onizuk congratulated Mr. Rogers on his new opportunity in Loudoun County, Virginia, and thanked him for his years of dedicated service to James City County. He stated that he attended the Greater Williamsburg Chamber and Tourism Alliance meeting this morning. There was a presentation done by the Lead Historic Triangle organization who intends to install benches at several of the public transportation bus stops around the community and invited the organization to come and give a presentation to the Board on the project. He stated that the Chamber will be giving a presentation at the next meeting on its efforts to grow the Chamber and to promote sports tourism. He also asked that consideration be given to adding to the County's Legislative Agenda a State program that would help citizens finance certificate and vocational training. He stated that he attended the Habitat for Humanity dedication on Monday, November 11. He attended the 1st Annual Litter and Recycling Expo on November 7 at Legacy Hall in New Town.

Mr. Onizuk stated that in regards to the proposed Agenda structure, the idea is to try and make the meetings more efficient, not to limit public comment. For instance, there are two Board Requests and Directives sections on the Agenda this evening and he is not sure why that is. He stated that he is looking for input from the citizens and the business community on efforts to make the meetings more efficient for everyone involved. He stated that the proposed meeting is probably a little too early for those citizens that do have to work.

Mr. Kennedy stated that his thoughts were to start the meeting at 6 p.m. and citizens with new concerns and new issue items could address the Board until 6:45 p.m. There could then be a second public comment period at the end of the meeting for citizen comments that revolve around issues that are not new and any other commentary. He stated that the Board wants people to participate, and participate in the public hearings. He stated that he has heard from applicants who bring supporters to public hearings and they state that they sometimes do not stay and be heard because the hour is getting late before the public hearings have even been heard. He stated that everyone should be cognizant of the fact that the legal teams for applicants and business owners are billing for the hours that they sit here and if we want to be more business friendly and cost-effective, then we should try to minimize the time that they are left waiting in the audience. He stated that he is a proponent of an earlier start time and would prefer starting at 6 p.m.

Ms. Jones stated that this is an opportunity for the public to provide input and to ask questions of the Board, and it is the responsibility of the Board to serve the public. She stated that she could be supportive of a 6 p.m. start time, doing the public hearings first, and then moving on with the rest of the agenda including public comment and the consent calendar. She stated that she does not support limiting the public comment section to a total of 45 minutes or an hour. She believes that citizens should be heard, regardless of how long it takes.

Mr. Onizuk requested that the information provided regarding the formats of other localities be put out for the public to view. He stated that it is very interesting and many are more restrictive. He stated that it sounds like the Board is interested in some hybrid of Mr. Hill's proposal.

Mr. Kennedy stated that back in 2009, the Board started a program where citizens could come and sit down and discuss issues with Board between the work session and the regular meeting. That program was eventually cancelled because there was only one speaker that came forward and utilized the opportunity. He stated that this Board and previous Boards have always been very inclusive and this is not a move to limit people's ability to speak. He stated that he continues to have a concern about resolution of issues. If people continue to come forward with an issue, it needs to be resolved. By inaction, the Board has created a lot of unnecessary activity.

Mr. Kennedy thanked Mr. Rogers for his many years of service to the County, for being a friend, and for all his efforts in the community outside of his work hours. He stated that it is going to take an incredible individual to fill his shoes.

Mr. McGlennon stated that in response to some comments made this evening by one of the speakers, the suggestion that he withheld information last year regarding the school's administration building and the fourth middle school is false. It was discussed openly last year during public meetings. He stated that he had the opportunity to speak with the County Administrator and Chair of the Board in Loudoun County during the Virginia Association of Counties (VACo) Conference that he attended last week. He stated that they spoke very highly of Mr. Rogers and are excited to have him joining their staff. He expressed his appreciation and admiration for his work and service to James City County. He has made a real impact on the community over the years.

Mr. Hipple stated that information has been getting out to the public more efficiently since Mr. Hill has come on board. He expressed his appreciation for the efforts and service of Mr. Rogers and wished him well in his future endeavors. He commended the Planning Commission for their work on these projects that come before them and eventually the Board. He stated that they are working really well together and he appreciates their efforts.

Ms. Jones stated that next Thursday, she and Mr. Hill will be attending the Hampton Roads Transportation Planning Organization, Planning District Commission, and Hampton Roads Transportation Accountability Committee meetings in Chesapeake. She reminded citizens that the agendas are available online and stated that she forwarded the agendas to the rest of the Board. She asked that any feedback be directed to the Board or Mr. Hill for these commissions. She thanked Mr. Rogers for his service and wished him well in his new endeavor.

Mr. Rogers stated that the Board and Administration is in very capable hands with Mr. Kinsman as Interim County Attorney. He stated that all of the opportunities and accomplishments over the years pale in comparison to the friendships he has made in the community throughout the years.

**N. CLOSED SESSION** – None

**O. ADJOURNMENT** – until 4 p.m. November 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 8:58 p.m., Ms. Jones adjourned the Board.

---

Bryan J. Hill  
Clerk to the Board



M E M O R A N D U M

DATE: November 25, 2014  
TO: The Board of Supervisors  
FROM: William T. Luton, Fire Chief  
SUBJECT: Grant Award - Radiological Emergency Preparedness - \$30,000

---

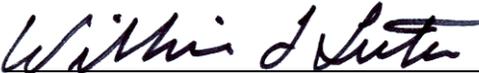
Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding from Dominion Virginia Power through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County Fire Department's Emergency Management Division has been awarded \$30,000 in radiological emergency preparedness funds from Dominion Virginia Power through VDEM due to the County's proximity to the Surry Power Station nuclear power plant.

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

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

WTL/gb  
GA-REP2014-mem

Attachment

**RESOLUTION****GRANT AWARD - RADIOLOGICAL EMERGENCY PREPAREDNESS - \$30,000**

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded pass-through funds in the amount of \$30,000 to support Radiological Emergency Preparedness (REP) from the Virginia Department of Emergency Management (VDEM); and

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

WHEREAS, the grant requires no match.

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

Revenue:

Radiological Emergency Preparedness Funds - VDEM      \$30,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM      \$30,000

---

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	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

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

GA-REP2014-res

**MEMORANDUM**

DATE: November 25, 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 - \$59,900

---

The James City County Fire Department's Emergency Management Division has been awarded a State Homeland Security Program (SHSP) grant in the amount of \$59,900. This grant is awarded to the County by the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2014 SHSP grant cycle.

Federal requirements have increased to ensure those with disabilities and special needs are fully incorporated in all emergency preparedness, response, recovery, and mitigation programs and services.

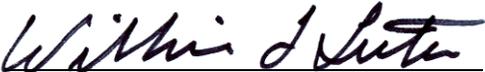
The funds will be used for a part-time temporary Emergency Management Planner position to enhance outreach, planning assistance, shelter options, and post-disaster services to individuals with functional and access needs.

The temporary position will average no more than 28 hours per week and will terminate at the conclusion of the grant period, March 31, 2016.

The funds will pay salary and employer costs for the temporary position along with related supplies, mileage, and training both attended and conducted by the Emergency Management Planner.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

  
William T. Luton

WTL/nb  
GA-SHSPPlanning-mem

Attachment

**RESOLUTION**

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

**STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT - \$59,900**

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 \$59,900 from the Commonwealth of Virginia Department of Emergency Management (VDEM) using funds from the United States Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) 2014 SHSP grant cycle; and

WHEREAS, the funds will be used for a part-time temporary Emergency Management Planner position to enhance outreach, planning assistance, shelter options, and post-disaster services to individuals with functional and access needs; and

WHEREAS, the temporary position will average no more than 28 hours per week and will terminate at the conclusion of the grant period, March 31, 2016; and

WHEREAS, the funds will also provide related supplies, mileage, and training both attended and conducted by the Emergency Management Planner; 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-Planning	<u>\$59,900</u>
--------------------	-----------------

Expenditure:

VDEM-SHSP-Planning	<u>\$59,900</u>
--------------------	-----------------

---

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	—	—	—
HIPPLE	—	—	—
MCGLENNON	—	—	—
ONIZUK	—	—	—
JONES	—	—	—

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

GA-SHSPPlanning-res

**MEMORANDUM**

DATE: November 25, 2014

TO: The Board of Supervisors

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

SUBJECT: Exemption from County Real and Personal Property Taxes - Avalon

---

The Board of Supervisors is authorized to grant exemptions from real and personal property taxes to charitable and benevolent organizations, not otherwise exempted by either State law or the State Constitution. The organizations can be exempted if they are 1) providing services to residents of James City County and/or the Greater Williamsburg area, 2) certain factors outlined in § 58.1-3651 of the State Code are considered, and 3) an ordinance is adopted, after a public hearing, that sets out the exemption. An application has been submitted by Avalon: A Center for Women and Children. The application is for property owned by Avalon, a Limited Partnership. These related entities are collectively referred to as "Avalon." Avalon operates an emergency shelter for women and their children who have experienced domestic violence or sexual assault. The property also includes an administrative building, garage, respite building, and six transitional apartments.

The factors that must be considered are listed in the State Code:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954 – Avalon is exempt; and
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property – Avalon does not; and
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services, which such director, officer, or employee actually renders – Avalon directors are uncompensated volunteers and Avalon employee compensation appears to be reasonable; and
4. Whether any part of the net earnings of such organization inures to the benefit of any individual and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, State or Federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services – Avalon programs and activities primarily focus on services to women and children; and
5. Whether the organization provides services for the common good of the public – Avalon's services to benefit women and children are needed and appreciated in the community; and
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office – Avalon does not; and
7. The revenue impact to the locality and its taxpayers of exempting the property –The County currently contributes \$49,500 to Avalon and Avalon has used \$9,141 to pay property taxes, both real and personal, to the County; and

8. Any other criteria, facts, and circumstances that the governing body deems pertinent to the adoption of such ordinance.

In past applications the Board has asked if the County would have to provide services that are now provided by the petitioning organization if that organization were not operating in the community. If Avalon were not available, the County would be seeking similar services from other providers.

Staff recommends that the attached ordinance, granting an exemption from real and personal property taxes to Avalon: A Center for Women and Children, and/or Avalon Limited Partnership, be adopted.



---

John E. McDonald

JEM/gb  
AvalonExemp-mem

Attachment

**ORDINANCE NO. \_\_\_\_\_**

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES - AVALON

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors considered the following, as required by law, regarding Avalon: A Center for Women and Children and/or Avalon Limited Partnership (Avalon):

1. Avalon is committed to intervening in and reducing the incidence of domestic violence and sexual assault by offering shelter, advocacy, education, and support to survivors. Avalon also fosters awareness and prevention by educating the community. Avalon is a tax-exempt organization under Section 501 (c) of the Internal Revenue Code of 1954; and
2. Avalon does not have a license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages; and
3. No Avalon director is compensated in relation to the services provided by such person and compensation of employees appears to be reasonable; and
4. No net earnings of Avalon inures to the benefit of any individual and Avalon receives a significant portion of its funds from donations and contributions; and
5. Avalon provides charitable and benevolent services for women and their families in James City County and the Greater Williamsburg area; and
6. Avalon does not engage in propaganda, attempt to influence legislation, or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. Avalon owns real property in the form of a shelter, with an assessed value of \$1,112,200, paying annual taxes of \$8,641. Avalon also owns a van with a value of \$11,575, paying personal property taxes of approximately \$463 a year; and
8. Avalon is an equal opportunity employer and service provider. Avalon does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Avalon shall be exempt from real and personal property taxation for all real and personal property owned by uses to perform its charitable and benevolent services to the community.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the tax exemption granted to Avalon shall be effective as of the date of this ordinance and shall remain in effect unless either terminated by the Board of Supervisors or the charitable and benevolent use of such real or personal property changes.

---

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	_____	_____	_____
HIPPLE	_____	_____	_____
MCGLENNON	_____	_____	_____
ONIZUK	_____	_____	_____
JONES	_____	_____	_____

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

AvalonExemp-res

MEMORANDUM

DATE: November 25, 2014  
TO: The Board of Supervisors  
FROM: Adam R. Kinsman, Interim County Attorney  
SUBJECT: 2015 Legislative Program

---

Attached for your consideration is a resolution approving James City County's 2015 Legislative Program. Also attached is the 2015 Legislative Program.

I recommend adoption of the attached resolution.



---

Adam R. Kinsman

ARK/nb  
15LegProg-mem

Attachments

**RESOLUTION**

**2015 LEGISLATIVE PROGRAM**

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2015 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2015 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2015 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

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

ATTEST:

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

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

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

15LegProg-res



## **JAMES CITY COUNTY 2015 LEGISLATIVE PROGRAM**

### **Part I. Legislation to be Introduced on Behalf of the County**

#### **1-1. PERMIT ALL LOCALITIES SHARING A COURTHOUSE TO COLLECT FEES TO OFFSET THE COSTS OF ELECTRONIC SUMMONSES**

James City County requests an amendment to Virginia Code § 17.1-279.1 to allow all localities sharing a single courthouse to collect fees to offset the costs of electronic summonses. Currently, only the locality in which the courthouse is physically located may collect such fees.

#### **1-2. GRANT COMMISSIONERS OF THE REVENUE EXPLICIT AUTHORITY TO ENFORCE SUMMONSES TO APPEAR**

James City County requests an amendment to Virginia Code § 58.1-3128 to grant Commissioners of the Revenue the explicit authority to enforce a Summons to Appear in a court of competent jurisdiction.

#### **1-3. AMENDMENT TO THE JAMES CITY COUNTY CHARTER**

James City County requests an amendment of § 7.4 of its Charter to remove the provision stating that the Director of Planning is appointed by, and serves at the pleasure of, the Director of Development Management.

**JAMES CITY COUNTY  
2015 LEGISLATIVE PROGRAM**



**Part II. Position/Legislation Supported by the County**

2-0. FEDERAL, STATE, AND HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION (HRTAC) FUNDING OF IMPROVEMENTS TO INTERSTATE 64 TO RICHMOND

The County encourages the federal government, the Commonwealth, and the HRTAC to fund the widening of Interstate 64 all the way to Richmond.

2-1. PROTECTION OF GROUNDWATER WITHDRAWAL PERMITS FOR ENTITIES THAT PROVIDE WATER FOR HUMAN CONSUMPTION

The County urges the General Assembly to enact legislation that prohibits the Department of Environmental Quality from reducing groundwater withdrawal allocations for entities that provide water for human consumption.

2-2. STATE FUNDING FOR TOURISM

The County urges the General Assembly to increase funding for the Virginia Tourism Corporation (“VTC”) to promote tourism in Virginia generally, and the Historic Triangle in particular.

2-3. MAINTENANCE OF NEW AND EXISTING SECONDARY ROADS

James City County opposes any legislation that would transfer to counties the responsibilities to construct, maintain or operate new or existing roads. Should such transfer of responsibilities occur, the state must provide continuing funding for the costs incurred by the localities.

2-4. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

James City County supports a clarification of Virginia Code § 58.1-3819 et seq., to make sure that the transient occupancy tax applies to the entire amount charged for rooms by travel companies and on Internet sales regardless of any discounted rates paid by such companies for such rooms. This would provide equal taxing of room sales by Virginia businesses and Internet sales companies.

2-5. ENHANCE RAIL SERVICE ON THE PENINSULA AND TO RICHMOND

The County supports improving commuter rail system from Richmond through the Peninsula to connect urban centers for commuters and provide transportation alternatives for tourism.

2-6. BEHAVIORAL HEALTH AND COMPREHENSIVE SERVICES ACT (“CSA”) FUNDING

James City County urges the General Assembly to: 1) adequately fund the Medicaid waiver program to reduce the waiting list of individuals and families now eligible for services; 2) provide services to children with serious emotional disorders; and 3) to cover reasonable administrative costs for CSA programs. Adequate funding and services will help prevent the mentally ill from being released early

from treatment, living on the streets, going to jail, or being inappropriately placed in residential facilities or other government programs.

2-7. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

James City County supports maintaining State funding for mental health and substance abuse treatment in jails and juvenile detention facilities given the overwhelming percentage of adults and juveniles in the system diagnosed with mental health and/or substance abuse conditions.

2-8. TAX EQUITY BETWEEN CITIES AND COUNTIES

James City County supports equal taxing authority for cities and counties.

2-9. ALLOW ADVERTISEMENT OF REQUIRED PUBLIC NOTICES ON A LOCALITY'S WEBSITE AND THROUGH OTHER MEANS INSTEAD OF PUBLICATION IN A NEWSPAPER HAVING GENERAL CIRCULATION

James City County requests an amendment of Virginia Code § 15.2-107.1 to provide that wherever newspaper advertisement is required for public notices, a locality may instead publish such notice on its website and shall also provide, at the request of any citizen of the Commonwealth, notice by electronic or telephonic means or through the U.S. postal mail.

2-10. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

The County supports restoring the funding cuts made to pre-K and K-12 funding. In addition, the County supports restoring the funding cuts made to higher education which could cripple some of the most prestigious higher education institutions in the world, including the College of William & Mary.

2-11. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

James City County supports the State maintaining funding to public libraries to make sure that the State and the localities maintain their proportionate share of funding.

2-12. NO NEW STATE MANDATES AND ELIMINATE OR ADEQUATELY FUND EXISTING STATE MANDATES

James City County calls upon the General Assembly to oppose unfunded mandates and to reduce existing State mandates commensurate with any reduction in State funding to localities.

2-13. PROVIDE STATE FUNDING TO MITIGATE ENCROACHMENT OF AIRFIELD SURROUNDING JOINT BASE LANGLEY-FORT EUSTIS

James City County supports the initiative to provide state funding for the land acquisition program supporting mitigation of encroachment around Langley Air Force Base (now Joint Base Langley-Fort Eustis).

2-14. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE, THE VIRGINIA ASSOCIATION OF COUNTIES AND THE VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

James City County supports the legislative programs of the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Coalition of High Growth Communities.

DRAFT

**MEMORANDUM**

DATE: November 25, 2014  
TO: The Board of Supervisors  
FROM: Bryan J. Hill, County Administrator  
SUBJECT: County Administrator's Report

---

The following is a summary of activities that took place November 4, 2014 through November 18, 2014:

November 4, 2014 (Tuesday)

- Meeting with John McGlennon, JCC Supervisor

November 5, 2014 (Wednesday)

- Meeting with Chris Canavos: discussion about Hotel and Tourism
- Meeting with John Carnifax, Parks & Recreation Director
- Meeting with Terry Hall, York County Chief of Emergency Communications

November 6, 2014 (Thursday)

- Meeting with James Peterson, Director of Human Resources
- Attended Policy Team Meeting in York County
- Meeting with Cindy Monk, HR Assistant Director
- Meeting with John McDonald, FMS Director
- Board Briefing with Mary Jones and Michael Hipple, JCC Supervisors
- Meeting with Bill Dobson, Gloucester County Resident: various economic development topics

November 7, 2014 (Friday)

- Attended Colonial Pipeline Presentation with Emergency Management staff
- Meeting with Doug Powell, JCSA Manager
- Attended County Litter and Recycling Expo
- Board Briefing with Kevin Onizuk, JCC Supervisor
- Board Briefing with John McGlennon, JCC Supervisor

November 9, 2014 (Sunday)

- Attended Virginia Association of Counties Organization 2014 Conference

November 10, 2014 (Monday)

- Attended Virginia Association of Counties Organization 2014 Conference

November 11, 2014 (Tuesday – Veterans' Day)

- Attended Matoaka Elementary Veteran's Day Program

November 12, 2014 (Wednesday)

- Meeting with Paul Holt, Planning Director, and Tammy Rosario, Principal Planner: RevShare
- Agenda Meeting
- Meeting with John McDonald, FMS Director, and Sue Mellen, FMS Assistant Director
- Visit to Williamsburg Regional Library
- Meeting with Patrick Page, IT Director: Novus Agenda Review
- Meeting with Adam Kinsman, Assistant County Administrator
- BOS Work Session
- BOS Meeting

November 13, 2014 (Thursday)

- Meeting with Carl Lum, Bush Gardens Williamsburg President
- Attended William & Mary Law School with Adam Kinsman, Assistant County Administrator: discussion on budget process with Local Government class
- Meeting with Russell Seymour, Economic Development Director
- Meeting with John McDonald, FMS Director, and Sue Mellen, FMS Assistant Director

November 14, 2014 (Friday)

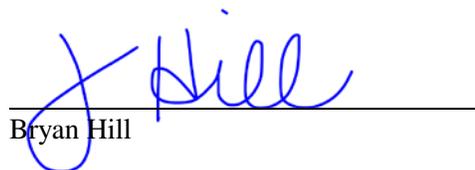
- Meeting and Interview at Newport News Waterworks
- Meeting with Cindy Monk, HR Assistant Director
- Meeting with Paul Holt, Planning Director: Transportation Projects

November 17, 2014 (Monday)

- Attended HTC Meeting
- Meeting with JCC County Attorney's Office staff
- Meeting with Brad Rinehimer, Police Chief
- Executive Leadership Team Meeting

November 18, 2014 (Tuesday)

- Tour of Surry Power Station and meeting with Vice President



---