

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 14, 2019**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Graydon Hassan, a 5th grade student at D.J. Montague Elementary and a resident of the Jamestown District

**E. PRESENTATIONS**

1. Social Services Department Retirement Recognition - Greg Walker
2. Safe Boating Week Proclamation
3. Adult Abuse Prevention Month Proclamation
4. Foster Care Month Proclamation
5. Williamsburg Area Arts Commission Annual Update

**F. PUBLIC COMMENT**

**G. CONSENT CALENDAR**

1. Minutes Adoption
2. Resolution Designating May as Building Safety Month
3. Diascund Reservoir Park Cooperation Agreement
4. Chesapeake Bay Restoration Fund Grant
5. Contract Award – James City County Recreation Center Multi-Purpose Fields Irrigation
6. Contract Award- Public Safety Physicals
7. Contract Award - Storm Drain System Repairs
8. Contract Awards – Annual HVAC Support Services

**H. PUBLIC HEARING(S)**

1. Z-19-0002. 8231 Richmond Road Rezoning
2. HW-19-0001. Busch Gardens Height Limitation Waiver 2019
3. Proposed Fiscal Year 2020-2025 Secondary Six-Year Plan

**I. BOARD CONSIDERATION(S)**

1. An Ordinance to Enact a User Fee for Curbside Recycling Collection Service
2. FY 2020 Budget Adoption
3. C-18-0118. 4704 Lady Slipper Path, Fence
4. Requesting the Commonwealth Prioritize the Next Segment of Interstate 64 Widening -

Lightfoot to Bottoms Bridge

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. CLOSED SESSION**

1. Economic Development Authority Appointments

**M. ADJOURNMENT**

1. Adjourn until 4 p.m. on May 21, 2019 for the Work Session



**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Pledge Leader - Graydon Hassan, a 5th grade student at D.J. Montague Elementary and a resident of the Jamestown District

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:51 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Social Services Department Retirement Recognition - Greg Walker

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:16 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: James O. Icenhour Jr., Chairman of the Board

SUBJECT: Safe Boating Week Proclamation

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:18 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: James O. Icenhour, Jr., Chairman

SUBJECT: Adult Abuse Prevention Month Proclamation

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/9/2019 - 2:58 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: James O. Icenhour, Jr., Chairman

SUBJECT: Foster Care Month Proclamation

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/9/2019 - 2:59 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Susan Branch Smith, Chair of the Arts Commission

SUBJECT: Williamsburg Area Arts Commission Annual Update

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:19 PM

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

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**ATTACHMENTS:**

	Description	Type
📎	040919 BOS Meeting	Minutes
📎	042319 BOS Budget Work Session	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:29 PM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 9, 2019**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Vice Chairman, Powhatan District  
Ruth M. Larson, Berkeley District  
P. Sue Sadler, Stonehouse District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Finley Hooker-Tidwell, a 7th-grade student at James Blair Middle School and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance

**E. PRESENTATIONS**

1. Retiree Recognition - Ms. Suzanne R. Mellen, Financial and Management Services Director

Ms. Sharon Day, Assistant Director of Financial and Management Services, referenced many of the admirable qualities Ms. Mellen had utilized in her 31 years of service with James City County, which included her leadership, friendships, and creative abilities.

Mr. Stevens stated he had the honor of recognizing Ms. Mellen as the Financial and Management Services Director and long-time dedicated employee. He gave a synopsis of her career, achievements, and positions held while working with James City County. He expressed his appreciation to Ms. Mellen for the help she extended to him since his recent hire as the County Administrator. He noted the wealth of information Ms. Mellen willingly shared with those interested in learning more about finances and further noted she had managed a good financial plan for the County. He further stated Ms. Mellen had led the County through the bond rating process in 2016 and reaffirmed last fall, whereas the County received a AAA Bond Rating from all three rating agencies, which was the best rating a county could receive. He expressed feelings that Ms. Mellen would be missed as she departed this organization; however, her legacy would continue with the efforts of staff she prepared over the years for her imminent retirement. He stated that on behalf of James City County he expressed his appreciation for her 31 years of service, and wished her much happiness, success, and congratulations as she moved on to the next chapter in her life. The audience and Board members gave Ms. Mellen a standing ovation.



Mr. Icenhour and Board members presented Ms. Mellen with a Certificate of Service and Appreciation in recognition of 31 years of dedicated employment with James City County.

Ms. Mellen expressed her appreciation and noted that over the past 31 years she had many mentors within the organization, especially Mr. John McDonald, who installed the leadership, stewardship, and collaboration values she respected and incorporated into her career. She noted she would miss the people she worked for, as well as the people she worked with, and remarked the experience had been wonderful.

The Board and audience members gave Ms. Mellen a standing ovation.

The Board expressed its sentiments.

Mr. Hipple expressed his gratitude for the job Ms. Mellen had done for the County financing and wished her a wonderful retirement.

Ms. Larson expressed her gratitude and admiration to Ms. Mellen. Ms. Larson reflected back to her days working on the Williamsburg-James City County School Board and noted that when Ms. Mellen's name was mentioned everyone got quiet and knew they had better listen. She mentioned to Ms. Mellen she was very respected for her wonderful job performance after the unexpected passing of Mr. McDonald, who held the position at the time of his passing as Director of Financial and Management Services. She remarked on the contributions Ms. Mellen made to the community and various board services. She expressed her thanks for the grace Ms. Mellen showed her as a new Board of Supervisors member when reviewing the budget and other items. She further expressed her gratitude to Ms. Mellen who never hesitated in helping others to understand areas where there were questions.

Ms. Sadler echoed Ms. Larson's sentiments and expressed her appreciation for everything Ms. Mellen had done over the years. She reflected on the times of being a new Board member and how Ms. Mellen took her under her wings and guided her through the process, page by page if necessary. She mentioned Ms. Mellen helped her to understand the importance of the process and to what degree it served the citizens, as well as the relevance of determining how to spend taxpayer's money. She stated Ms. Mellen did a superb job of representing the County and again expressed her gratitude.

Mr. McGlennon reflected Ms. Larson's sentiments regarding Ms. Mellen's efforts of stepping up when Mr. McDonald unexpectedly passed away. He commented on Ms. Mellen's abilities and understanding of issues and noted he never felt an instance in which there was a question regarding confidence in what Ms. Mellen was disclosing to the Board, which in turn allowed it to make informed decisions. He further noted Ms. Mellen's work style was one that shared generously with knowledge of finances and continuation of working to make the County prominent. He noted Ms. Mellen could leave James City County with the knowledge that she had made a difference in the community.

Mr. Icenhour stated he was impressed by how well Ms. Mellen moved into the leadership position after Mr. McDonald's unexpected passing. He further stated he was equally impressed with Ms. Mellen's preparation of the road for her own departure from the County. He expressed his appreciation of Ms. Mellen's continued patience and pointing out of information when necessary and she would be greatly missed.

## **F. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, addressed the Board in regard to the Virginia Department of Transportation (VDOT) issues along Route 60 and Route 199 as well as

connecting roads. He discussed erosion problems, lack of storm drains, curbs, gutters, shrubbery, and debris. He commented he would welcome a resignation from Mr. Rossie Carroll, VDOT Residency Administrator.

2. Mr. Tim Trant, Kaufman & Canoles, P.C., 4801 Courthouse Street, Suite 300, addressed the Board in regard to Carter's Grove Associates, the owner of the property that is the subject of Consideration Item No. 1. He stated he would be available at the time the Board considered this item.

3. Ms. Peg Boarman, 17 Settler's Lane, addressed the Board in regard to reducing the amount of trash that had been generated. She emphasized the need for items to be reused when possible before being recycled. She recited excerpts of a March 18 press release from Ms. Monica Boehringer with the Virginia Recycling Association. She noted April 13 was the 41st Annual Spring Cleanup and reminded citizens it was not too late to get involved in cleanup within the County. She expressed her gratitude to citizens and Board members who had helped keep the County clean. She extended an invitation to join the celebration at Veterans Park after the cleanup April 13 beginning at 4:30 p.m. and noted festivities to occur during the celebration.

#### **G. CONSENT CALENDAR**

A motion to Approve both items was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Minutes Adoption
2. Dedication of the Streets in Section 4 of the White Hall Subdivision

#### **H. PUBLIC HEARING(S)**

Mr. Icenhour recognized Mr. Jack Haldeman, Planning Commissioner, in the audience.

1. FY 2020 County Budget

Ms. Sadler opened the Public Hearing regarding Item No. 1 for the James City Service Authority (JCSA) at approximately 5:30 p.m., as noted in the April 9, 2019, Board of Directors meeting minutes.

At approximately 5:30 p.m., Mr. Icenhour opened the Public Hearing regarding Item No. 1 for the Board of Supervisors.

Mr. Icenhour stated that the presentation for the FY 2020 County Budget would be presented by Mr. Doug Powell, General Manager, JCSA and Ms. Day.

Ms. Day stated the evening's presentation would provide highlights from the County Administrator's FY 2020 proposed County Budget and gave an overview of a PowerPoint presentation relating to the County-side portion of information included in the Agenda Packet.

Mr. Powell continued the presentation with highlights regarding the JCSA portion of the information included in the Agenda Packet.

In closing, Ms. Day referenced upcoming budget work sessions as well as meetings that were included in the Agenda Packet and noted the County Administrator's FY 2020 Proposed County Budget was available on the County website at [www.jamescitycountyva.gov](http://www.jamescitycountyva.gov), which contained summary information in the front portion of the document as well as detailed information throughout the entirety of the document.

Mr. Icenhour stated the Public Hearing regarding the County would be held first.

1. Ms. Caren Schumacher, 119 Elizabeth Harrison Lane, addressed the Board in regard to the FY 2020 County Budget. She requested asset funding be included in the FY 2020 County Budget to resurrect a land protection tool like the once viable Purchase of Development Rights (PDR) program. She noted the County and Historic Virginia Land Conservancy work together to hold educational sessions for landowners and discussed past funding opportunities within the County. She discussed the importance of communities that conserve land and noted they were making wise investments for future generations. She remarked that land conservation helped communities in five key areas: 1) reducing the tax burden on residents; 2) improving property values; 3) attracting business investment; 4) reducing spending on infrastructure; and 5) promoting healthy lifestyles and public health. In closing, Ms. Schumacher stated land conservation in James City County was paramount to its future.

2. Mr. David Allen, 2001 Bush Neck Road, addressed the Board in regard to the FY 2020 County Budget. He gave a brief summary of his family background regarding rural development living. He stated the PDR program was a great program and would preserve for all time what was rapidly vaporizing and thus urged the Board to support the PDR program.

3. Mr. Tom Hitchens, 350 Thompson Lane, addressed the Board in regard to the FY 2020 County Budget. He gave a brief summary of his experience living all his life in rural areas of James City County. He stated the County had a natural beauty that must be protected and it was critical to have a program in place that could protect landowners with an opportunity to monetize their land. He further stated he supported funding a program that would leave the County in good shape for present and future generations.

4. Ms. Patrice Sadler, Executive Director of the Historic Virginia Land Conservancy, 5000 New Point Road, addressed the Board in regard to the FY 2020 County Budget. She reinforced the presence of a landowner conservancy program and fully supported its funding. She referenced protection considerations laid out in recent articles which appeared in the *Virginia Gazette* and *WY Daily*. She stated the County and Conservancy had been proven partners in land protection for many years and noted approximately 15,000 acres were currently protected within the County. She further stated the Historic Virginia Land Conservancy respectfully asked that the FY 2020 Budget include funding for this critically important effort.

Mr. Icenhour stated that was the last speaker for the County section of the FY 2020 County Budget and therefore closed its Public Hearing.

Ms. Sadler inquired if there were any speakers for the JCSA side of the FY 2020 County Budget.

As no one wished to speak, Ms. Sadler closed its Public Hearing.

Mr. McGlennon stated after hearing today's comments and referring back to an earlier discussion the Board had about PDR rights, it was clear the Board was very interested in examining the opportunity for PDRs. He further stated when that portion of the budget was approached he would be looking within the constraints of the budget to find out how to address those concerns.

Mr. Hipple agreed with Mr. McGlennon's comment.

2. An Ordinance to Vacate a Portion of Unimproved Right-of-Way in the Williamsburg West Subdivision

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Liz Parman, Assistant County Attorney, gave an overview of a memorandum and Ordinance included in the Agenda Packet.

Mr. Icenhour opened the Public Hearing.

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

Mr. Icenhour noted this was located in his district. He stated that if he recollected correctly, this was originally intended to be a connection to Ford's Colony, which now it could not be; therefore, he felt it would be very beneficial as it had been a contentious point in the neighborhood.

3. An Ordinance to Amend Section 2-15.1 of the County Code, authority to obtain criminal history record information for employees

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Parman noted this was largely a housekeeping measure and gave an overview of a memorandum and Ordinance included in the Agenda Packet.

Mr. Icenhour opened the Public Hearing.

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

4. Case No. SUP-19-0004. JCSA College Creek Pipeline Project

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Terry Costello, Deputy Zoning Administrator, gave an overview of a staff report and resolution included in the Agenda Packet.

Mr. Haldeman stated the Planning Commission considered this application at its meeting held on March 6, 2019, and unanimously recommended approval. He further stated concerns were raised regarding the tree buffer between College Creek Estates and Route 199; however, they were assured no mature trees would be removed and any tree removal would be kept at a minimum. He noted discussion ensued regarding marshaling of equipment on the west side of the pipeline.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon stated he had received several calls regarding this item. He further stated some citizens thought this applied to some place interior to the subdivisions and nearby areas; however, he assured them it did not. He noted he felt it was an important project, which would modernize that section of pipe.

5. Ordinance to Amend Sections 10-4 and 10-5 of the County Code, maintenance of premises and recourse of county upon failure to maintain

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Joe Melton, Legal Extern, expressed his gratitude to the County Attorney's Office for the legal experience it provided him as a second-year student at the College of William & Mary Law School. He noted these were largely housekeeping amendments and gave an overview of the memorandum and Ordinance included in the Agenda Packet.

Mr. McGlennon thanked Mr. Melton for his presentation. He inquired if Mr. Melton felt this was primarily a result of the state legislative changes.

Mr. Melton replied it was primarily a result of the state law changes since 2011 as there had been a few different amendments throughout the years and was primarily reflecting these changes.

Mr. Icenhour opened the Public Hearing.

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

6. AFD-02-86-2-2018. 4450 Ware Creek Road Croaker Addition

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Roberta Sulouff, Senior Planner, gave an overview of the staff reports and Ordinances included in the Agenda Packet regarding Item Nos. 6, 7, 8, 9, and 10. She stated during the course of the recent renewal of the County's Agricultural and Forestal Districts (AFDs), staff received five requests to add land into the AFD program. She further stated the five requests were reviewed by the AFD Advisory Committee at its January 24, 2019 meeting, and the Committee voted unanimously to recommend approval of each addition. She noted that at the March 6, 2019 Planning Commission meeting, the Commission voted 6-0 to recommend approval of the following two applications to the Croaker AFD: 4928 Fenton Mill Road (52 acres of land), and 4450 Ware Creek Road (14.18 acres of land). She further noted that at the same meeting the Commission voted 5-1 to recommend approval of the remaining three separate requests: 9888 Sycamore Landing Road (62.35 acres of land to the Croaker AFD), 8328 Diascund Road (10 acres of land to the Mill Creek AFD), and 358, 365, and 382 Ivy Hill Road (60.73 acres of land to the Mill Creek AFD).

Mr. Haldeman stated several of these AFDs were approved unanimously and three were approved by a vote of 5-1. He further stated the considerations on the AFDs that were

approved 5-1 had to do with concerns whether a property should be included in an AFD if it was undevelopable, or partly undevelopable, due to steep slopes, poor soil, or other issues. He remarked other considerations such as protection of watersheds and wildlife habitat, etc., were more than enough reason to include these properties in an AFD, hence the 5-1 recommendation for approval.

Mr. McGlennon inquired if there was any financial benefit of including an undevelopable piece of property to an AFD.

Mr. Paul Holt, Director of Community Development and Planning, stated ultimately it depended on the application and the annual process with the Office of the Commissioner of the Revenue. He further stated if Mr. McGlennon was interested staff could pursue that further.

Mr. McGlennon replied he would ask the Commissioner of the Revenue.

As liaison to the AFD Committee, Ms. Sadler expressed her gratitude to staff for the excellent job it did with reviewing these parcels. She noted this was a volunteer group that gave up their time to serve and it was very appreciated.

Mr. Icenhour opened the Public Hearing for all five AFDs.

As no one wished to speak, Mr. Icenhour closed the Public Hearing on all five AFDs.

7. AFD-18-0016. 365, 358, and 382 Ivy Hill Road Mill Creek Addition

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

8. AFD-18-0017. 9888 Sycamore Landing Road Croaker Addition

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

9. AFD-18-0019. 4928 Fenton Mill Road Croaker Addition

A motion to Approve was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

10. AFD-18-0020. 8328 Diascund Road Mill Creek AFD Addition

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

11. An Ordinance to Enact a User Fee for Curbside Recycling Collection Service

Ms. Grace Boone, Director of General Services, gave an overview of a PowerPoint presentation as well as memorandum and Ordinance included in the Agenda Packet. Topics included in the PowerPoint presentation regarding curbside recycling were as follows:

- Existing regional contract expires June 30, 2019;
- The cost of recycling has historically come from the General Fund;

- As a result of changes in the international trade market, net cost has increased drastically;
- The County is a community committed to sustainability;
- Opt-out option;
- Treasurer's Office will be performing the billing; and
- Proposing to move to a voluntary "Fee for Service" system for residents who wish to have curbside recycling. Staff recommends a recycling fee of \$7 per household per month, effective October 1, 2019.

General discussion ensued regarding curbside recycling.

Ms. Larson expressed her gratitude to Ms. Boone, Ms. Dawn Olesky, Environmental Coordinator, Recycling, and citizens for their involvement regarding this issue.

Mr. McGlennon mirrored Ms. Larson's comment and expressed his appreciation for the hard work regarding this issue, which had been encompassing localities across the country. He referenced Ms. Boarman's mindset that the ultimate key is to reduce the amount of waste being produced.

Mr. Icenhour inquired if the first quarter billing cycle would be using general fund monies with the remainder of the year using "fee for service" monies.

Ms. Boone replied correct.

Mr. Icenhour inquired if the billing would be monthly or if there was an option for quarterly, semi-annually, or annual payment.

Ms. Boone replied it was quarterly billing with an option to pay for an entire year if so desired.

Mr. Stevens stated citizens could elect to pay quarterly, six months, nine months, or the full 12 months.

Mr. Icenhour opened the Public Hearing.

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

Mr. Icenhour stated there would be no action taken this evening as it would be part of the budget work sessions.

The Board took a break at approximately 6:33 p.m.

The Board reconvened at approximately 6:40 p.m.

## **I. BOARD CONSIDERATION(S)**

1. Case No. C-18-0123. Hampton Roads Sanitation District Treatment Plant Expansion within Carter's Grove AFD

A motion to Adopt the second resolution was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Sulouff gave an overview of the staff report and two resolutions included in the Agenda

Packet regarding this item.

Ms. Sadler inquired about when the federal order was issued.

Ms. Sulouff replied she would refer that question to the Hampton Roads Sanitation District (HRSD) representative.

Mr. Edward (Ted) Henifin, General Manager, HRSD, stated the consent decree was originally entered into court in 2010. He further stated HRSD had responded with its proposed plan in October 2017 and had not received approval at this time.

Mr. McGlennon inquired if a deadline had been indicated in order to meet the consent agreement.

General discussion ensued regarding this topic.

Ms. Sadler stated she would be interested in hearing from the landowner or representative.

Mr. Trant approached the podium.

Ms. Sadler stated she would like to hear his position on these criteria and the potential loss of the 53 acres as well as how that would affect the property.

Mr. Trant replied in his opinion the decision had been presented to the Board in an unnecessarily difficult manner. He stated it was a decision between two lofty and mutually exclusive virtues, the sustainability of the public utility system on one hand versus environmental stewardship of rural lands and historic preservation on the other. He discussed the three criteria in response to Ms. Sadler's question.

General discussion ensued regarding this item.

Mr. Hipple briefly discussed the time period when Colonial Williamsburg owned the land and HRSD put its plant on the land and added a buffer in an effort to camouflage the plant from any neighboring areas. He stated HRSD had protected the amount of money spent on this project and sensed a deal would be worked out in the near future. He expressed concern in regard to "the amount of take being taken."

General discussion ensued regarding this item.

Mr. Hipple inquired if the owner of Carter's Grove gave a certain amount of land or a portion of a well site to HRSD.

General discussion ensued regarding this item.

Ms. Sadler asked for clarification regarding the specific area of discussion.

Mr. Trant clarified the location.

Mr. Icenhour inquired to Mr. Kinsman in regards to the two resolutions included in the Agenda Packet. He asked for clarification for the Board and the public regarding the process in each case. He stated his understanding was if he voted yes, this did not actually take the land out of the AFD. He further stated it was his understanding there was a process whereby they had to go through the Planning Commission and back to the Board of Supervisors in order to physically do the removal.



Mr. Kinsman replied that was correct and briefly explained the difference of the two documents.

General discussion ensued regarding this process.

Ms. Sadler noted to Mr. Icenhour that Mr. Chris Taylor, Chair of the AFD Board Committee, was present in the audience.

Mr. Taylor referenced the January 24, 2019 AFD Committee meeting, and stated the Committee was informed by staff it would be charged with making a recommendation on whether the proposed action by HRSD to acquire land at 250 Ron Springs Drive. He further stated the land, which was located at the Carter's Grove AFD by commendation for public utility purposes, might have an unreasonable and adverse effect upon the preservation and enhancement of agricultural and forestal resources located within the district and associated policies. He remarked that in a 5-1 vote the AFD Committee found the action did have an adverse effect based on the following criteria set forth by the state of Virginia: 1) the effect the action would have upon the preservation and enhancement of the agricultural and forestal resources within a district and associated policies; 2) the necessity of the proposed service to the public in the most economic and practical manner; and 3) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts within the district. Mr. Taylor briefly discussed the AFD Committees, finding on each of the above criteria. In conclusion, Mr. Taylor stated the AFD Committee members tried to promote and encourage the use of the AFD to promote preservation of property in the County. He further stated the Committee felt by voting to allow a sizable amount of the property currently in the AFD to be condemned, it would be voting against one of the layers of protection promoted when landowners come and want to enter into the AFD program.

Mr. McGlennon stated his concern was this particular piece of property was not just associated with this application, but was also one that figured quite predominately in a recent case before the U.S. Circuit Court of Appeals related to the placement of power lines across the James River. He further stated that in his perspective it did not appear requirements had been precisely followed and briefly discussed this issue. He noted he would be inclined to adopt the second resolution included in the Agenda Packet.

Ms. Sadler stated she attended the AFD meeting and had concern with the criteria that regarded the commitment to protecting the layer of protection provided by an AFD and compromising that protection. She agreed with Mr. McGlennon and Mr. Taylor that she would be supportive of the second resolution.

Mr. Icenhour expressed his thanks to both parties for engaging in productive negotiations and felt the amount of land being proposed was in excess of what was needed to do the project. He stated there were two good public needs competing and it was important to minimize the amount of disruption to this AFD. He commented he felt Mr. McGlennon was correct in his observations. He briefly discussed the adjacent property that was not in the AFD and noted there was an opportunity to look at what existed around the plant and to do this in a much tighter footprint that might be more appropriate. He further stated as it presently stood he could not support this item.

Mr. McGlennon echoed the comments made by Mr. Icenhour. He affirmed this was an important project and was supportive of the project itself and hoped there could be a resolution that would satisfy the parties to a much greater extent. He noted this additional process would not take a very long period of time and yet would provide a better level of confidence in whatever the final proposal was as to whether or not the Board would be making the right move.

Ms. Sadler concurred with the comments made by Mr. McGlennon and felt the second resolution would provide more time to be able to further analyze the project.

Mr. Icenhour stated the public had not received the opportunity to weigh in on this project and a public process allowed such an opportunity to be given.

Mr. Kinsman clarified the record and briefly discussed the terms of the second resolution.

2. Initiating Resolution to Consider Amendments to County Code Section 24-16

A motion to Approve was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Kinsman referenced the 2016 session of the General Assembly that regarded a number of changes made to proffer laws. He stated a lot of work was done in the interim and noted in its current session the General Assembly made a number of changes to the proffer laws, some that appeared to address concerns the Board mentioned in 2016. He further stated he and Mr. Paul Holt, Community Development Director, had put before the Board an initiating resolution that directed staff to review the new proffer law and determine whether or not any changes were warranted to that section of the County Code and any policies that had previously been rescinded. Mr. Kinsman commented if the Board of Supervisors desired a deeper look be taken into this; it was his recommendation the Board adopt the attached resolution.

General discussion ensued regarding this issue.

Ms. Larson expressed her gratitude to Mr. McGlennon in regard to his efforts with the High Growth Coalition and achievements thus far in the process.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Hipple stated he attended a retirement event for Coach Mel Jones who had coached Williamsburg-James City County schools indoor and outdoor track as well as field for the past 45 years and gave a brief biography of Coach Jones' accomplishments throughout his career. He noted he delivered a resolution from the Board to honor Coach Jones who expressed his appreciation for the performance of the Board of Supervisors. Mr. Hipple further stated that on April 25 a big event would be held for the signing of the Hampton Roads Tax Project with the Hampton Roads Bridge Tunnel and invited fellow Board members to attend if their schedules allowed.

Ms. Larson noted she recently participated in a panel discussion at a "Lunch and Learn" at the Williamsburg Area Association of Realtors. She further noted additional guests included the Superintendent of Schools, Chair of the School Board, and Principal of Jamestown High School. She briefly discussed the importance of having a connection with the real estate community and how it could benefit future efforts regarding redistricting. Ms. Larson commented she and Mr. Stevens attended the grand opening of Harris Teeter on John Tyler Highway, and remarked it was the second Harris Teeter supermarket in James City County as well as the third Harris Teeter in the Greater Williamsburg Area.

Ms. Sadler noted she attended Fox Wire Farms annual shearing of approximately 90 alpacas and commented it was a fascinating event to observe. She gave a shout out to Mr. John Ballentine for doing a great job during her recent visit as well as boosting tourism in the upper end of the County.

Mr. McGlennon stated he attended a meeting at Hampton University that brought together the Peninsula Council for Workforce Development and the Southside equivalent for demonstration of working cooperatively and collaboratively in an effort to address workforce needs of the region. He noted Mrs. Bobbye Alexander, a resident of the City of Williamsburg who had a profound impact on James City County, recently passed away and gave a brief synopsis of her legacy. Mr. McGlennon commented he and Mr. Stevens attended the celebration of volunteer activities at Williamsburg Regional Library. He noted these activities were only possible due to the commitment of members of the community. He referenced the Book Nook located in both libraries and recognized it had generated \$1.15 million in sales over the past 10 years, which benefited the community and supplemented the funding provided. He pointed out that Ms. Betsy Fowler, Library Director, was generous in her recognition of the County's role in funding of the world-class library system.

Mr. Icenhour stated March 29 had been designated Vietnam War Veterans Day on a national basis and he attended its recent celebration. The event was held at the Veterans Park memorial with a local Vietnam Veterans Chapter in attendance. He expressed his thanks to the County and noted Mr. Jason Purse, Assistant County Administrator, was present as well as County and Parks staff. He commented that Parks staff were very helpful at the event and over 125 pins were presented to Vietnam Veterans at this meaningful ceremony. He stated earlier in the day he participated with the Pure Silk Championship Media Day and was able to welcome everyone to James City County. He mentioned there would be a Virginia Commonwealth Transportation Board Public Hearing on the FY 2020-2025 Six-Year Improvement Plan on April 18 in Suffolk at 7511 Burbage Drive, as well as one to be held April 25 in Glen Allen at 4240 Dominion Boulevard.

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

Mr. Stevens reminded the Board that the Community Budget Forum would be held April 11 at 6:30 p.m. at the James City County Recreation Center. He also reminded the Board of the 41st Annual Spring Cleanup to be held April 13 from 7 a.m.-4 p.m., and the Celebration of Veteran's Park beginning at 4:30 p.m. He noted additional information was available at 259-5375. He mentioned Social Services would be hosting a Landlord Fest on April 26 at the James City County Recreation Center in an effort to provide coordination with the Virginia Housing Consortium. He noted the community resource fair would be held for the purpose of connecting rental property owners to valuable resources with opportunities to provide housing to the most vulnerable citizens. He further noted more information was available at 259-5340.

#### **L. CLOSED SESSION**

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 7:28 p.m., the Board entered Closed Session.

At approximately 7:45 p.m., the Board re-entered Open Session.

1. Section 2.2-3711.A(8), Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, a right-of-way known as a portion of Overlook Drive in the Kingspoint subdivision

## **M. ADJOURNMENT**

1. Continue until 6:30 p.m., on April 11, 2019, for the Community Budget Forum at the James City County Recreation Center

A motion to Continue was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 7:46 p.m., Mr. Icenhour adjourned the Board of Supervisors.

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 23, 2019**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Vice Chairman, Powhatan District  
Ruth M. Larson, Berkeley District  
P. Sue Sadler, Stonehouse District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**C. BOARD DISCUSSIONS**

**1. FY 2020 Budget Discussion**

Ms. Sharon Day, Assistant Director of Financial and Management Services (FMS), addressed the Board, Mr. Stevens, and Ms. Sue Mellen, Director of FMS, with an overview and the highlights of the County Administrator's proposed budget, a recap of discussion to date including where the County was in the budget process and where it will be going next. Ms. Day presented a timeline of the budget process in a PowerPoint presentation, noting a pre-budget public hearing in January 2019 up to the current budget work session meeting. She highlighted a revenue summary of the General Fund with taxes, licenses, and other sources. Ms. Day also highlighted the expenditure summary of the General Fund noting schools as a major component. She continued with the Capital Projects Fund revenue and expenditure breakdowns. Ms. Day explained how the County projects for potential costs of building additional schools, fire stations, and such. She noted that based on recently received budget feedback, the three areas of Purchase Development Rights (PDRs), school funding, and curbside recycling were main points. Ms. Day asked the Board for any guidance regarding the budget and welcomed any comments.

Ms. Mellen asked if there were any specific areas for questions. She noted there was not much difference in the current proposed budget from what the Board had planned for last year other than the items noted in the presentation.

Mr. Stevens addressed the Board on an addition to the proposed budget that had not been included and he recommended inclusion. He noted changes in state law regarding Commonwealth Attorneys and funding for additional personnel and the use of body cams. He highlighted the budgetary breakdown and its timeline. Mr. Stevens also highlighted some financial adjustments from changes with jail costs and its financial impact to the County's budget.

Mr. Icenhour asked if either of these points was in the current budget and if not, then they

would need to be included.

Mr. Stevens confirmed yes the two items would need to be included, but noted he wanted the Board to be aware of these items.

Mr. McGlennon asked about the state legislature requiring the body cams.

Mr. Stevens confirmed that if the locality wanted the use of body cams, then additional personnel was mandated.

Discussion ensued.

Mr. Icenhour asked if an errata sheet would be presented later.

Ms. Mellen confirmed yes an errata sheet would be available.

Ms. Larson noted the number of questions she had received on recycling. She asked about the look of the new recycling program and communication to residents.

Ms. Dawn Oleksy, Environmental Sustainability Coordinator, General Services, noted communication would be ongoing.

Ms. Larson asked about the absorption of the recycling costs if residents opted out of the program.

Ms. Sadler echoed concerns from constituents on the same point.

Ms. Mellen noted the cost was based on tonnage and number of participants.

Mr. Stevens further noted staff had reviewed the numbers in relation to potential reduction in both areas and the cost impact to both residents and the County.

Ms. Larson asked about the education piece of the recycling changes.

Ms. Oleksy noted there was a recycling hotline with prerecorded messaging regarding the changes. She further noted “pushing the education piece” and making presentations to neighborhood groups.

Discussion ensued about long-term recycling options, billing and costs, and revenue.

Mr. Icenhour addressed concern about what was being recycled in the landfill. He asked about follow-up on tracking the materials.

Ms. Oleksy noted Virginia Peninsulas Public Service Authority (VPPSA)’s reputation for its recycling program. She added VPPSA was tracking the recycled items. She further noted she told citizens “if you throw it in the trash can, there’s a 100% chance it’s going to a landfill; if you put it in the recycling bin then there is a very high percentage it’s going to be recycled.” Ms. Oleksy added it’s “our job to do our part to help this industry get back on its feet.”

Ms. Larson asked about follow-up on the wrong items being recycled and damage to equipment.

Discussion ensued.

Ms. Larson expressed her thanks for all the recycling efforts.

Mr. Icenhour asked about the Board's consideration on the recycling fee or paying it from the General Fund. He noted this would allow it to be included on the errata sheet if needed.

Mr. Hipple stated to "leave it as a fee." He noted the impact on the rural districts and possible changes in five years on a County-wide basis.

Mr. Icenhour noted the Board's consensus to retain the fee for recycling.

Discussion ensued.

Ms. Mellen noted in the process that the Board would receive a separate Ordinance for the recycling fee for its vote first and then the budget would follow.

Mr. Hipple noted the Voter Registrar in relation to other districts near James City County. He further noted the County Administrator addressed this and the General Assembly review of the Voter Registrar study for next year.

Mr. Icenhour asked Mr. Stevens about the budget in relation to the Voter Registrar.

Mr. Stevens noted a pay adjustment phase-in over two years for Ms. Dianna Morman, Director of Elections. He further noted a 5% state pay increase as well as a \$5,000 movement to align her salary more with neighboring localities. He cited the volume of ballots and different precincts in the County in addition to monitoring next year's state study on Registrars.

Mr. Icenhour questioned the monetary adjustments.

Discussion ensued on state salary adjustments and locality-specific contract agreements for elected officials.

Ms. Mellen noted the County did not supplement any of the constitutional officers' pay, but did supplement the staff under that level. She cited the Board of Supervisors had historically chosen not to supplement any of the constitutional officers' salaries.

Discussion ensued.

Ms. Larson asked how the salary for the Voter Registrar within the Commonwealth had not kept up with the level necessary.

Mr. Stevens noted localities pushing back to the state level with recruitment and salary evaluation.

Ms. Larson asked about local legislators and their involvement in this process for fair pay.

Mr. Stevens noted multiple factors were involved: population survey, number of registered voters, and number of precincts.

Ms. Mellen noted legislators' involvement with the 2% pay increase as well as their intent to review and implement within their two-year budget cycle. She cited salary studies to assist in the salary structure. Discussion ensued on salaries and supplementation from the localities.

Mr. Hipple questioned an increase to \$8,000 over the suggested \$5,000.

Mr. Stevens noted the proposed budget showed support, but it did not try to "get too far ahead of that state study."

Discussion ensued.

Ms. Larson asked about availability of information regarding supplement of constitutional officers.

Mr. Stevens noted some information was available and he would share it with the Board with a disclaimer that “we believe it to be correct.”

Ms. Day noted localities pay almost 100% of health and dental insurance, retirement, and FICA coverage benefits for constitutional officers, not the state. She further noted the adjustments depended on what types of coverage employees carried. She noted 30% was the County average.

Mr. Hipple asked what the state paid.

Ms. Mellen referenced page B7 of the proposed budget with the breakdown of the state portion.

Ms. Day noted the percentage between state and local funding was tracked. She further noted a review of shared positions, such as the Sheriff in York County, was considered in terms of a supplement. Ms. Day stated the shared position reflected the Sheriff representing the multiple localities of York County and Poquoson.

Mr. McGlennon asked if the employees in the Commonwealth Attorney’s office were local employees.

Ms. Mellen answered affirmatively.

Mr. McGlennon asked if the state authorized those positions.

Mr. Icenhour noted the state authorized the County to pay those positions.

Mr. McGlennon asked about the salary and no benefits.

Ms. Mellen and Ms. Day confirmed it was a small percentage on benefits.

Mr. Icenhour asked Mr. Hipple if he still wanted to change the increase to \$8,000.

Mr. Hipple confirmed the increase adjustment.

Mr. Icenhour noted it would be reviewed again the following year, particularly with regards to state funding for the next year. Mr. Icenhour asked the Board if there was a consensus on the increase.

All Board members acknowledged a consensus.

Mr. Icenhour asked if there were additional items for discussion.

Mr. Hipple noted he had several items. He referenced the “tool box” for PDRs and funding for the program.

Mr. McGlennon asked about time to review the County’s debt situation for the next session. He noted looking at “what’s coming off” and inquired about the Davenport team’s next meeting with the Board.



Ms. Mellen noted it was not on an annual basis, but she could request a meeting with the Davenport representatives.

Mr. Icenhour noted there was no dedicated PDR funding in this budget as the program was under evaluation.

Ms. Day confirmed \$300,000 in funding was remaining from the old PDR program.

Discussion ensued regarding an additional \$1.3 million set aside.

Ms. Mellen clarified that funding was for land purchases with no specific designation and would be required to come back to the Board for spending authority.

Mr. McGlennon asked about a June work session on the PDR program.

Mr. Stevens confirmed that information.

Mr. McGlennon noted in June a review of staffing capacity would determine if an adequate plan could be put in place for the program. He further noted if additional staffing was needed then possibly the Greenspace funding could be available.

Ms. Larson expressed concern as she thought the \$1.3 million was set aside for schools, fire stations, and other projects.

Mr. McGlennon noted the \$1.3 million had been designated for “a multitude of possibilities”, but that was different funding. He further noted the existing Greenspace money available.

Ms. Sadler asked about additional discussion.

Mr. Icenhour noted there would be more discussion and while there was nothing designated in this budget, remaining funds existed that could be used.

Ms. Larson asked about the Comprehensive Plan survey and the Greenspace question.

Mr. Stevens noted there was a general question, but noted a more detailed land use survey could go out in the fall.

Ms. Larson asked about the specifics of land use and identifying properties and land.

Mr. Icenhour noted a more targeted approach was needed and how it fit into the vision for the County.

Discussion ensued establishing land criteria, setting aside funding for land and schools, and reviewing current debt.

Mr. McGlennon asked about revenues and a sense of the trend line on the 1% sales tax.

Ms. Mellen noted, to date, it was close to the projected numbers. She referenced page B4 for data. She noted a three-year trend line would show a better picture of those revenues.

Mr. McGlennon asked about different revenue issues, particularly the recordation tax. He questioned if people were not refinancing as much or growth was lower.

Ms. Mellen stated it was related to one particular timeshare in the community that had gone

from selling the property to a contract basis and no longer had recordation fees.

Mr. McGlennon inquired if any of that was filed with the state or the locality.

Ms. Mellen replied no. Ms. Mellen also noted the \$1.3 million in the Capital Improvements Program was only allocated in year one of the budget and based on future needs. She further noted the Board could choose to review those needs and allocations. Ms. Mellen said if the Board wanted to build that fund then it would need to consider those items.

Mr. Icenhour noted the Board would review those items in the fall. He referenced the list of projects, as well as funding and prioritization.

Discussion ensued.

Mr. McGlennon inquired if the Public Service revenue reflected Skiffes Creek.

Ms. Mellen noted the Commissioner of the Revenue did not have that revenue yet, but possibly for the second half of the year.

Ms. Larson asked about the amount.

Mr. McGlennon noted it was \$450,000 with no depreciation.

Mr. Hipple asked if a percentage could be predetermined and locked in for budgetary purposes. He cited the school system as an example, noting it would remain a steady percentage rate instead of going back and forth on the funding needs each year.

Mr. McGlennon noted California worked that way with the school systems, but cited potential problems.

Mr. Icenhour stated “reaching out to them very early in the process and staying involved as we go through has proved more productive for us.”

Ms. Larson noted a fluid conversation had always been between the County and the school system. She cited Newport News was evaluating a set percentage for its school system. She further noted “the push and pull of what we have to do.”

Ms. Day also noted mandates on the County as well as the school level could change that percentage at any time.

Mr. Hipple noted the Bright Beginnings program and referenced Mr. McGlennon asking about it several years ago as an opportunity to alleviate pressure on the schools.

Ms. Larson said the school system had suggested this was not a “sound education” option, but she noted preschool was not mandated. She further noted it was mandated to “provide services for children aged 2 and up.” Ms. Larson then stated she had been asked the question of “investing in a separate type of capital building for something that is not mandated.”

Ms. Sadler asked for statistics on auxiliary buildings in terms of cost reduction. She questioned how this played into the need for an additional elementary school.

Mr. Icenhour stated, in conferring with the School Liason Committee, he had requested statistics and information on the elementary schools in terms of growth and overcapacity numbers. He said, “we need to be more comfortable with the analysis that they have gone through to come to the conclusion that they want a new elementary school as opposed to

expansion on the others.”

Ms. Larson cautioned against making assumptions that “yes you can save money because we have these, because you may not.” She referenced consolidation from several years ago with the Bright Beginnings program.

Ms. Sadler asked about age-restricted communities and the number of students. She requested when the Board members meet with the School Liason Committee that those numbers be reviewed “in a realistic way.” She cited Colonial Heritage as an example.

Discussion ensued.

Mr. Icenhour asked the Board if there were specific areas of the budget to address regarding the schools.

Ms. Larson asked what the schools’ response had been to the Board “not fulfilling the financial requests completely.”

Mr. Stevens noted he did not have an official response, but further noted a reduction in the five counselor positions and a 3% raise as opposed to a 4% raise for teachers.

Discussion ensued.

Mr. Icenhour asked if there were any additional questions, noting the next session would address individual departments.

Ms. Mellen noted the departmental allocations reflected the compensation study results. She further noted those funds had been set aside in a non-departmental fund which would then move to the respective departments. Ms. Mellen mentioned the recycling and fire as changes.

Mr. Icenhour asked Board members to review the budget and note any questions over the next week and send an email to Ms. Mellen and Ms. Day.

Ms. Mellen noted specific division directors could then be available to answer any of the Board’s questions.

Discussion ensued regarding the current budget and establishing guidelines for the five-year plan.

Mr. Icenhour welcomed Mr. Doug Powell, General Manager, James City Service Authority (JCSA), to the meeting. He asked Mr. Powell about the transition to the new water meters with monthly billing and if it was part of this fiscal year.

Mr. Powell stated no, but noted a position to prepare with that transition was included in the current budget. He anticipated the meter transition implementation would occur over the next two-year cycle.

Mr. McGlennon asked about revenue estimates.

Mr. Powell noted the estimates were still in line with projections. He further noted with some reductions, expenditures, and revenue transfers, JCSA would still track on budget.

Mr. McGlennon asked how the new fixed charge worked in terms of replenishing the capital funding.

Mr. Powell replied it was working well.

Mr. McGlennon asked about this year's experience with the grinder pumps and the replacement pace.

Mr. Powell noted he would get back with Mr. McGlennon on that point.

Mr. Icenhour asked about the incremental increases on rates and the five-year plan. He also asked how much longer on the study.

Mr. Powell noted the rate study was done in 2015. He further noted this year's proposed budget reflected the fifth year. Mr. Powell explained the Board had previously adopted a five-year rate study cycle and part of the budget incorporated that study. He noted "that issue will be revisited as part of the next rate study and will feed into the next two-year budget."

Mr. Hipple asked if James City County was still the second lowest on rates.

Mr. Powell noted the County was the lowest on water and second lowest combined.

Mr. Hipple asked about the 50-year life expectancy on pipes. He commented on the large volume and the timing for replacement of those pipes.

Mr. Powell noted that was the purpose of putting funds aside and to recognize the infrastructure was aging.

Mr. Icenhour asked about an elevated pipe off Route 60.

Mr. Powell thought it was a Newport News pipe.

Mr. McGlennon asked about the variance in the rates and what Hampton Roads Sanitation District (HRSD) charges the different localities.

Mr. Powell explained the combined rate included only water and wastewater collection, not the HRSD part.

The Board thanked Mr. Powell as it had no further questions.

Ms. Mellen asked for clarification on the Board's requests for the next meeting. She noted a request for the debt capacity overview moving forward and its correlation to the proposed CIP for the five years.

The Board confirmed that point.

2. Tourism Request for Appropriation for Funding to Greater Williamsburg Chamber and Tourism Alliance

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Stevens addressed the Board regarding a resolution to "untether" funds for the Chamber and the transference of those funds. He noted increased "transparency" regarding the Chamber and funds. Mr. Stevens further noted the other localities had paid the additional amount and were fully paid, but the County was the only remaining locality that "today was

not.”

#### **D. BOARD REQUESTS AND DIRECTIVES**

Mr. Hipple noted Thursday, April 25, was the day for the signing of the Hampton Roads Bridge-Tunnel Agreement and Governor Northam was expected to be in attendance.

#### **E. CLOSED SESSION**

A motion to Enter a Closed Session was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 5:47 p.m., the Board entered Closed Session.

At approximately 5:56 p.m., Mr. Icenhour re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, Sadler, McGlennon, Icenhour, Jr.

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

2. Appointments - Colonial Behavioral Health Board

A motion to Appoint Individuals to Boards and Commissions was made by Michael Hipple, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon moved for the appointment of Fire Chief Ryan Ashe to serve as Ms. Mellen's replacement on the Colonial Behavioral Health Board with his term effective May 1, 2019 until June 30, 2021. He also noted the reappointment for additional three-year terms for Ms. Rebecca Vinroot, Mr. John Kuplinski, and Ms. June Hagee.

3. Appointments - Economic Development Authority

Not discussed.

4. Appointment - Alternate for Eastern Virginia Regional Industrial Facility Authority

A motion to Appoint Individuals to Boards and Commissions was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. McGlennon moved for the appointment of Mr. Jason Purse, as one of two alternates to the Eastern Virginia Regional Industrial Facility Authority for a term to begin immediately and to expire April 23, 2023.

**F. ADJOURNMENT**

1. Adjourn until 4 p.m. on april 30, 2019, for the Budget Work Session

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 5:57 p.m., Mr. Icenhour adjourned the Board of Supervisors.

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Tom Coghill, Director of Building Safety and Permits

SUBJECT: Resolution Designating May as Building Safety Month

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	4/16/2019 - 8:55 AM
Publication Management	Daniel, Martha	Approved	4/16/2019 - 11:13 AM
Legal Review	Kinsman, Adam	Approved	4/16/2019 - 1:14 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:02 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:16 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Tom Coghill, Director of Building Safety and Permits

SUBJECT: Designating May as Building Safety Month

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Building Safety Month is a worldwide campaign presented by the International Code Council, its members and partners to promote building safety. First observed in 1980, Building Safety Month raises awareness about critical safety issues from structural to fire prevention, plumbing and mechanical systems, and energy efficiency.

Building codes and the officials who enforce them are making our families and communities safer and more resilient. Homes and buildings that are built in compliance with building safety codes result in resilient structures that minimize the risks of death, injury, and property damage. Building safety affects everyone, and modern, updated building codes save lives.

This year's themes are: May 1-5, Preparing for Disasters: Build Strong, Build Smart; May 6-12, Ensuring a Safer Future Through Training and Education; May 13-19, Securing Clean, Abundant Water for All Communities; May 20-26, Construction Professionals and Homeowners: Partners in Safety; and May 27-31, Innovations in Building Safety.

Building codes have protected the public for thousands of years. The regulation of building construction in the United States dates back to the 1700s. In the early 1900s, the insurance industry and others with similar concerns developed the first model building code.

To further bring awareness to this important event, staff respectfully requests that the Board designate the Month of May as Building Safety Month in James City County.

TC/md  
BldgSafetyMonth19-mem

Attachment:

1. Resolution



## **RESOLUTION**

### **DESIGNATING MAY AS BUILDING SAFETY MONTH**

- WHEREAS, James City County is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings, and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and
- WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians - building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in the construction industry - who work year-round to ensure the safe construction of buildings; and
- WHEREAS, these guardians are dedicated members of the International Code Council, a United States-based organization, that brings together local, state, and federal officials who are experts in the built environment to create and implement the highest quality codes to protect us in the buildings where we live, learn, work, play; and
- WHEREAS, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world; and
- WHEREAS, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods, and earthquakes; which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 million in future mitigation benefits for every dollar invested; and
- WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety - our local code officials - who assure us of safe, efficient, and livable buildings that are essential to America's prosperity; and
- WHEREAS, "No Code. No Confidence." the theme for Building Safety Month 2019, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2019 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses; and
- WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and

state building departments, fire prevention bureaus, and federal agencies in protecting lives and property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the month of May 2019 as Building Safety Month in James City County.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

BldgSafetyMonth19-res

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator, Parks and Recreation

SUBJECT: Diascund Reservoir Park Cooperation Agreement

---

**ATTACHMENTS:**

	Description	Type
▣	DIASCUND RESERVOIR PARK AGREEMENT-mem	Cover Memo
▣	DIASCUND RESERVOIR PARK AGREEMENT-res	Resolution
▣	DIASCUND RESERVOIR PARK AGREEMENT-Att A	Backup Material
▣	DIASCUND RESERVOIR PARK AGREEMENT-Att B	Backup Material
▣	DIASCUND RESERVOIR PARK AGREEMENT-new agreement	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	4/26/2019 - 10:10 AM
Publication Management	Burcham, Nan	Approved	4/26/2019 - 10:37 AM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:09 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:10 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:15 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator, Parks and Recreation

SUBJECT: Diascund Reservoir Cooperative Agreement

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Diascund Reservoir Park, located at 9551 Diascund Reservoir Park Road, provides year-round public access for boating and fishing and includes a boat ramp, parking lot, and boat-landing pier. In Fiscal Year 2018, 24,422 people visited the park.

The park is located on property owned by Newport News Waterworks. James City County, the Virginia Department of Game and Inland Fisheries, and the City of Newport News were parties to a cooperative agreement to jointly operate Diascund Reservoir Park for a 20-year period from 1998 to 2018. A new cooperative agreement has been drafted to continue this relationship for a period of 25 years.

Responsibilities for the County include maintaining the entrance road and parking area, as well as any trash receptacles, establishing rules and regulations in cooperation with the City of Newport News, and keeping the boating access site open to the public. Additionally, the agreement states that James City County and the City of Newport News will undertake a project to resurface the entrance and parking lot, each providing 50% of necessary funding.

Staff recommends approval of the Diascund Reservoir Cooperative Agreement.

AP/nb  
DiasResAgmt-mem

Attachments:

1. Diascund Reservoir Cooperative Agreement
2. Attachment A
3. Attachment B

## RESOLUTION

### DIASCUND RESERVOIR COOPERATIVE AGREEMENT

WHEREAS, James City County, the City of Newport News, and the Department of Game and Inland Fisheries were parties to an Agreement dated July 14, 1998, for the purpose of providing a portion of real estate located off the Diascund Creek Reservoir, owned by the City of Newport News, to establish a public boating access site; and

WHEREAS, that agreement expired on July 13, 2018, after a 20-year term; and

WHEREAS, James City County desires to continue the arrangement to provide boating access for the benefit of the public; and

WHEREAS, the Commonwealth of Virginia has prepared a Cooperative Agreement to jointly operate the boating access site for a period of 25 years from the date of execution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents to enter a cooperative agreement between James City County, the City of Newport News, and the Department of Game and Inland Fisheries.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

DiasResAgmt-res

**COMMONWEALTH OF VIRGINIA  
COOPERATIVE AGREEMENT  
BY AND BETWEEN  
THE CITY OF NEWPORT NEWS,  
THE COUNTY OF JAMES CITY, AND  
THE DEPARTMENT OF GAME AND INLAND FISHERIES**

This Agreement entered into this 14th day of July 1998 by the CITY OF NEWPORT NEWS hereinafter called the "**City**", the COUNTY OF JAMES CITY hereinafter called the "**County**" and the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries hereinafter called the "**Department**."

**WITNESSETH** that the Department, City and County, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows.

**SCOPE OF SERVICES**

The Department shall act in the capacity of Project Manager to facilitate the engineering, design and construction of a public boating access facility on Diascund Creek Reservoir. This public boating access facility hereinafter called the "Landing" shall be designed and built to Department standards to facilitate access to the waters of the Commonwealth. (**Attachment A**)

**TERM OF AGREEMENT**

To begin on the date this agreement is signed by all parties and lasting for a term of twenty (20) years. The funding period for this project is currently set to end 365 days from signing. Should the project require more time, the Department will pursue an extension of funding availability. Terms of this agreement are more specifically described in **Attachment B**.

**FINAL PRODUCT**

The Department shall design and construct a public boat landing as described in the Scope of Services, **Attachment A**. The Landing will meet, but not be limited to the following criteria:

1. Open to the public for boating and fishing access for a minimum of twenty (20) years.
2. Handicapped Accessible (Barrier Free to the top of the ramp or slide)
3. The Department will be responsible for operating and maintaining all public areas associated with the landing.
4. No fees charged for the use of the Landing.

**AGREEMENT DOCUMENTS**

The Agreement documents, incorporated herein, shall consist of:

1. The signed agreement
2. The attachments of the Agreement consist of:
  - a. **Attachment A**, Scope of Services
  - b. **Attachment B**, Terms of Agreement

c. Attachment C, Site Plan

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby:

City: CITY OF NEWPORT NEWS

By:

EDGAR E. MARONEY

APPROVED AS TO FORM:

City Attorney

Title: City Manager

Date:

July 17, 1998

Approved by Resolution duly adopted on July 14, 1998

ATTEST:

By:

Bernice E. Berry

County: COUNTY OF JAMES CITY

By:

Samuel Butner

Title:

COUNTY ADMINISTRATOR

Date:

AUGUST 4, 1998

Department: BOARD OF GAME AND INLAND FISHERIES  
DEPARTMENT OF GAME AND INLAND FISHERIES

By:

William L. Woodfin, Jr.

Title:

Director

Date:

8/11/98

## **ATTACHMENT A - SCOPE OF SERVICES**

Project Title:	<u>Proposed Diascund Creek Reservoir Boat Landing</u>
Project Location:	<u>Diascund Creek Reservoir - County of James City</u>
Project Manager:	<u>Samuel S. West</u>
Project Advisors:	<u>Phillip D. Lownes</u>

### **PROJECT OBJECTIVE**

Provide water-based recreational activities at the Diascund Creek Reservoir.

### **PROPOSED PROJECT**

To construct a concrete boat ramp, access road, and a parking area in order to provide recreational fisherman, boaters, and other users a readily available site for water-based recreational activities.

The scope of the work will include stripping the topsoil from the proposed access road and parking areas and applying a layer of stone for the base. The ramp will be constructed on fill material places during a drawdown of the reservoir.



## **ATTACHMENT B - TERMS OF AGREEMENT**

### **GENERAL TERMS AND CONDITIONS FOR RECIPIENTS OF DEPARTMENTAL FUNDS DEPARTMENT OF GAME AND INLAND FISHERIES COOPERATIVE AGREEMENT WITH LOCALITIES PROGRAM**

- 1. USE OF DEPARTMENT FUNDS:** The Department's funds shall only be used for the purposes and activities covered in the Agreement Proposal.
- 2. APPLICABLE LAWS:** This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia.
- 3. SEVERABILITY:** Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.
- 4. COLLATERAL CONTRACTS:** Where there exists any inconsistency between this Agreement and other provisions of collateral Contractual Contracts which are made a part of this Agreement by reference or otherwise, the provisions of this Agreement shall control.
- 5. INTEGRATION AND MODIFICATION:** This Agreement constitutes the entire Agreement between the Department, City and County. No alteration, amendment or modification in the provisions of this Agreement shall be effective unless it is reduced to writing, signed by the parties and attached hereto.
- 6. DISCLAIMER:** Nothing in this Agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the project contained herein. Furthermore, the City or County shall not assign, sublet, or sub-agreement any work related to this Agreement or a interest it may have herein without the prior written consent of the Department.
- 7. TERMINATION FOR CAUSE:** The Department reserves the right to terminate the Agreement in whole, or in part, at any time before the date of completion, upon written notice to the City and County, that City or County has failed to comply with the conditions of the Agreement. In connection with such termination or recoveries, the Department shall be in accord with the legal rights and liabilities of the parties.
- 8. TERMINATION FOR CONVENIENCE:** The Department may terminate the Agreement if its funding is terminated. The Department, City or County may terminate the Agreement in whole, or in part, if all parties agree that the continuation of the Agreement program will not produce beneficial results commensurate with further expenditure of funds. The Department, City and County shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The City or County shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the City or

County for the federal share of the noncancellable obligations properly incurred by the City or County prior to termination. If the Agreement is terminated by the City, prior to the completion of the twenty (20) year period, the City shall repay the Department for any Agreement funds, capital funds and or federal funds invested and documented into the facility by the Department on a prorated schedule for the portion of the term of the Agreement from the date of termination to the end of the period specified.

**9. THERE ARE NO THIRD PARTY BENEFICIARIES TO THIS AGREEMENT.**

**10. THE CITY AGREES TO:**

- (a) Make available the land, as shown on Attachment C, owned by the City, for public use for access to the waters of the State for boating and fishing.
- (b) Identify and mark the boundary of the Landing and associated bank fishing areas.
- (c) Inspect the Landing and grounds as needed to ensure that the terms of this agreement are being met.
- (d) To maintain the property and grounds for the term of this Agreement; such maintenance shall include cutting weeds and brush, mowing the grass at established public access points and other routine maintenance necessary for safe public use of the Landing.
- (e) Maintain ditches and stormwater treatment units.

**11. THE COUNTY AGREES TO:**

- (a) Maintain the property and grounds for the term of this Agreement; such maintenance shall include the collection and removal of trash and garbage, removal of debris and other routine maintenance necessary for safe public use of the Landing.
- (b) Patrol the Landing as it deems appropriate to enforce local laws, rules and other public safety regulations.
- (c) May install and maintain an information kiosk; in which all parties may display information.

**12. THE DEPARTMENT, subject to available funding and appropriations by the General Assembly, Agrees to:**

- (a) Patrol the Landing as it deems appropriate to enforce game, inland fish and boat laws as well as local regulations related to the public use of the Landing.
- (b) Erect and maintain signs related to direction, regulations of the public boat landing, public fishing rights and access.

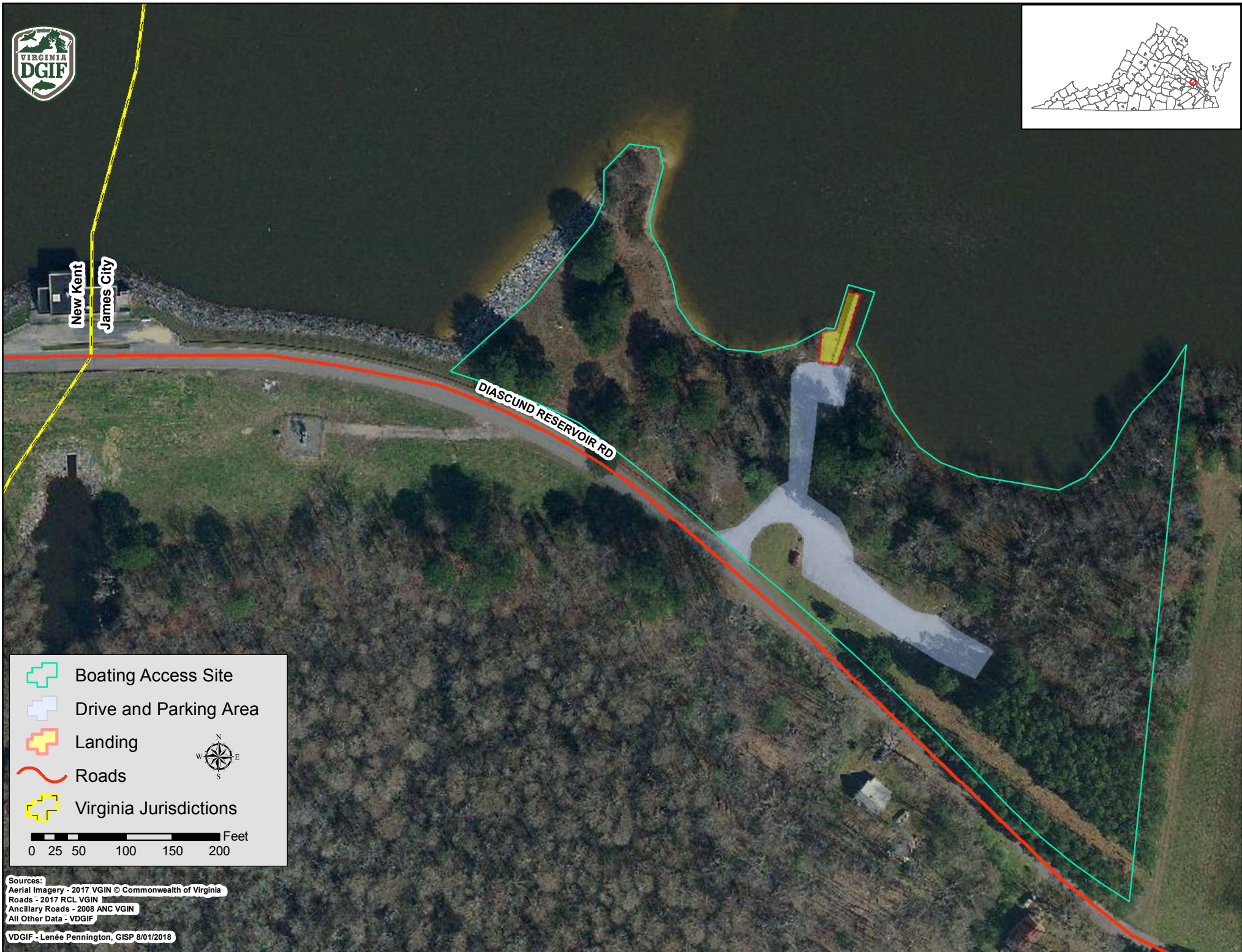
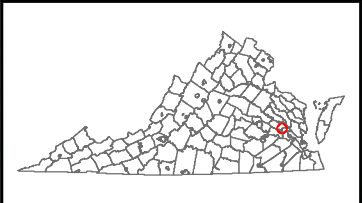
- (c) Maintain and make the necessary improvements to the Landing as needed, including the ramp or slide, pier and parking area, and be responsible for costs associated with those improvements or maintenance. the necessity for maintenances and improvements shall be at the sole discretion of the Department, including repairing the access road and parking lot surface.
- (d) Obtain all necessary permits and approvals for the construction of the proposed Landing.
- (e) Establish rules and regulations on appropriate public usage, vehicular access, litter control, and sanitation at the Landing.
- (f) Make the necessary improvements (complying with all federal, state and local requirements including full accessibility where possible ) to the Landing.
- (g) Keep the Landing open to the public for boating access and fishing, except for reasonable closures necessary for maintenance or emergencies.
- (h) Provide and maintain obvious and conspicuous signs acknowledging participation of the City, Department and any additional partners in the development of the Landing.

**13. ALL PARTIES AGREE TO:**

- (a) The land set aside by this agreement will only be used for the purposes of public access and water supply. Any other uses require prior approval by all parties.
- (b) Restrictions governing the use of Diascund Creek Reservoir and marginal lands owned by the City of Newport News provided in City Code Sections 29-54 to 29-60 and the Virginia Health Laws shall apply to all facilities included in the Landing Area.
- (c) The Landing's hours of operation will be one hour before sunrise to one hour after sunset.
- (d) Charge no fees for use of the facilities.
- (e) By separate agreement the County with the City may operate a concessionaire facility at the Landing.

**ATTACHMENT C - SITE PLAN**





Sources:  
Aerial Imagery - 2017 VGIN © Commonwealth of Virginia  
Roads - 2017 RCL VGIN  
Ancillary Roads - 2008 ANC VGIN  
All Other Data - VDGIF

VDGIF - Lenée Pennington, GISP 8/01/2018

**COMMONWEALTH OF VIRGINIA  
COOPERATIVE AGREEMENT  
BY AND BETWEEN  
JAMES CITY COUNTY, THE CITY OF NEWPORT NEWS  
AND THE COMMONWEALTH OF VIRGINIA,  
DEPARTMENT OF GAME AND INLAND FISHERIES**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by **James City County**, hereinafter referred to as the "**County**", the **City of Newport News**, Virginia, hereinafter referred to as the "**City**", and the **Commonwealth of Virginia, Department of Game and Inland Fisheries** hereinafter referred to as the "**Department**."

**WITNESSETH:**

**WHEREAS**, the **Department, County and City** were parties to an Agreement dated July 14, 1998, hereinafter referred to as the "**Original Agreement**" for the purpose of providing a portion of real estate located off of the Diascund Creek Reservoir, owned by the City of Newport News, to establish a public boating access site to include the "**Landing**", being defined as the concrete boat ramp and the immediately adjacent pier, and the "**Facility**", being defined as the parking lot and surrounding grounds, excluding the **Landing**; hereinafter collectively referred to as the "**Boating Access Site**".

**WHEREAS**, the **Department, County and City**, collectively referred to as the "**Parties**" desire to continue their arrangement to provide boating access for the benefit of the public pursuant to this **Cooperative Agreement**, hereinafter called the "**Agreement**."

**NOW, THEREFORE**, in consideration thereof, and of the promises, terms and covenants herein, the **Department, County and City** agree as follows:

- 1) **PRIOR AGREEMENT:** The aforementioned **Original Agreement** dated July 14, 1998, included herein as **Attachment A**, is incorporated by reference. Any other agreements written or verbal, shall be superseded in their entirety by this **Agreement**.
- 2) **TERM OF AGREEMENT:** This **Agreement** shall remain in force for a period of twenty-five (25) years from the date of execution. Upon the expiration of the twenty-five (25) year term, this **Agreement** shall automatically renew from year to year, unless any of the Parties provides written notice of non-renewal to the other Parties at least ninety (90) days prior to the expiration of the current term. Any of the Parties may terminate this **Agreement** at any time with one hundred and eighty (180) days written notice as described in Paragraph 16, and pursuant to the terms of Paragraph 9 herein.

- 3) **USE OF DEPARTMENT FUNDS:** Department funds shall only be used for the purposes and activities covered in the **Agreement** Proposal.
- 4) **APPLICABLE LAWS:** This **Agreement** shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia.
- 5) **SEVERABILITY:** Each paragraph and provision of this **Agreement** is severable from the entire **Agreement**; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.
- 6) **INCONSISTENCIES IN INCORPORATIONS BY REFERENCE:** Where there exists any inconsistency between this **Agreement** and provisions of previous written agreements between the Parties regarding the **Boating Access Site**, which are made a part of this **Agreement** through incorporation by reference or otherwise, the provisions of this **Agreement** shall control.
- 7) **INTEGRATION AND MODIFICATION:** This **Agreement** constitutes the entire **Agreement** between the **Department, County** and **City**. No alteration, amendment or modification in the provisions of this **Agreement** shall be effective unless it is reduced to writing, signed by the Parties and attached hereto.
- 8) **DISCLAIMER:** Nothing in this **Agreement** shall be construed as authority for any of the Parties to make commitments, which will bind another Party or Parties beyond the project contained herein.
- 9) **TERMINATION FOR CAUSE:** Either the **Department, County** or the **City** may terminate the **Agreement**, in whole, or in part, at any time before the date of completion, upon written notice to the other Parties that there has been a failure to comply with the conditions of the **Agreement**. In connection with such termination, any recoveries by the Parties shall be in accord with the legal rights and liabilities of the Parties.
- 10) **TERMINATION FOR CONVENIENCE:** The **Department, County** or **City** may terminate the **Agreement** after providing proper notice as described in Paragraphs 2 and 16 if all Parties agree that the continuation of the **Agreement** program will not produce beneficial results commensurate with further expenditure of funds. The **Department, County** or **City** may likewise mutually terminate the **Agreement**, in whole or in part, after proper notice is given as described in Paragraphs 2 and 16 and all Parties agreeing to the same, if the requesting Party's funding for the **Boating Access Site** is terminated or reduced. The **Department, County** and **City** shall agree upon the termination conditions, including the effective date or, in the case of



partial terminations, the Parties shall agree upon the portions to be terminated. In the event that the **County** or **City** elects to terminate said **Agreement** prior to the expiration of the initial twenty-five year term without the consent of the other Parties, the terminating party shall repay the **Department** for any Agreement funds, capital funds and/or federal funds invested and documented into the facility during the term of the Agreement by the Department, on a pro-rated schedule for the portion of the term of the Agreement from the date of termination to the end of the initial term.

**11) COUNTY AGREEMENT:** The **County** agrees:

- a. Together with the **City**, to provide maintenance and make the necessary renovations to the **Facility** on the land owned by the **City**, as shown on **Attachment B - The Site Plan**, for public use for access to the Diascund Creek Reservoir for boating and fishing.
- b. That the land set aside by this **Agreement**, owned by the **City**, shall be used by County solely for the purposes of public access for boating and fishing, including but not limited to administrative purposes. Any other uses must be approved by all Parties. If the **County** utilizes the **Boating Access Site** or any portion of the **Boating Access Site** in a manner that causes damage to the **Boating Access Site**, the **County** shall, at their own expense, take whatever steps are necessary to repair damages to the **Boating Access Site** and prevent further, such damage.
- c. To share in the patrolling of the **Boating Access Site** as deemed appropriate by the **County** to enforce local laws, rules and other public safety regulations, and direct traffic during peak use times.
- d. To establish rules and regulations, in cooperation with the **City** and the **Department**, on appropriate public usage, vehicular access, litter control, and sanitation at the **Boating Access Site**, as deemed necessary and/or appropriate by the **County**, in cooperation with the **City** and the **Department**.
- e. To keep the **Boating Access Site** open to the public for boating access and fishing, except for reasonable closures necessary for maintenance and emergencies.
- f. To prohibit private advertising signage within the boundaries of **Boating Access Site**.
- g. To charge no fees for the use of the **Boating Access Site**.
- h. Together with the **City**, to maintain the **Facility**, its improvements and grounds for the term of this **Agreement**. **County's** maintenance shall include maintaining the parking lot surfaces and access road including parking barriers and bollards, collection and removal of trash and garbage, removal of debris and all other **Facility** maintenance necessary for safe public use of the **Boating Access Site**. Should the **County** install trash receptacles, the receptacles must be emptied by the County as often as is required as to prevent the accumulation of litter and trash in or around the



receptacles.

- i. To erect and maintain signs, if needed, related to the rules and regulations established pursuant to item line item (d) of Paragraph 11.

**12) CITY AGREEMENT:** The **City** agrees to:

- a. Make available the land, as shown on **Attachment B** - The Site Plan, owned by the **City**, for public use for access to the waters of Diascund Creek Reservoir for boating and fishing.
- b. Identify and mark the boundaries of the **Boating Access Site**, and associated bank fishing areas, as it outlined on **Attachment B** - The Site Plan.
- c. Inspect the **Boating Access Site**, and land therein set aside by this **Agreement**, as needed to ensure that the terms of this **Agreement** are being met.
- d. To establish rules and regulations, in cooperation with the **County** and the **Department**, on appropriate public usage, vehicular access, litter control, and sanitation at the **Boating Access Site**, as deemed necessary and/or appropriate by the **City**, in cooperation with the **County** and the **Department**.
- e. Together with the **County**, to maintain the **Facility**, its improvements and grounds for the term of this **Agreement**. **City's** maintenance shall include cutting weeds and brush, maintaining drainage ditches and mowing the grass at established public access points, as is detailed on **Attachment B** -The Site Plan
- f. If the **City** utilizes the **Boating Access Site** or any portion of the **Boating Access Site** in a manner that causes damage to the **Boating Access Site**, the **City** shall, at their own expense, take whatever steps are necessary to repair damages to the **Boating Access Site** and prevent further, such damage.
- g. To erect and maintain signs, if needed, related to the rules and regulations established pursuant to item line item (d) of Paragraph 12.

**13) DEPARTMENT AGREEMENT:** The **Department**, subject to available funding and appropriation by the General Assembly, agrees:

- a. To patrol the **Boating Access Site** as it deems appropriate to enforce game, inland fish and boat laws as well as local regulations related to the public use of the **Boating Access Site** pursuant to its authority.
- b. To maintain signs related to Department Public Boating Access.
- c. To be responsible for maintenance and repair of the **Landing** as required, in the opinion of the **Department**, for safe use by the public.
- d. To allow the **City** or **County** to close the **Boating Access Site**, if necessary, for maintenance and emergencies, in coordination with the **Department**.

- 14) **AGREEMENT DOCUMENTS:** The **Agreement** documents, incorporated herein, shall consist of:
- a. This signed form;
  - b. The attached description consisting of the following:
    - i. Original Agreement dated July 14, 1998 (**Attachment A**)
    - ii. Site Plan (**Attachment B**)
- 15) **THERE ARE NO THIRD PARTY BENEFICIARIES TO THIS AGREEMENT.**
- 16) **NOTICES:** All notices hereunder must be in writing and shall be deemed valid if sent via one of the following methods:
- a. certified mail, return receipt requested; or
  - b. overnight delivery service.
- 17) **ALL PARTIES AGREE:**
- a. The land set aside by this **Agreement** is owned by the **City** as part of its water supply, and any activities authorized pursuant this **Agreement** are secondary to that primary use. The **County** and **Department** agree that their use of the property is limited solely to the purposes of public access for boating and fishing as is detailed herein. Any other uses require prior notification and approval, by all Parties, which notification is to be done via phone or overnight delivery service and which contact information can be found in the below Official Notice Contact Information.
  - b. The **Landing** is strictly for fishing and the launching and retrieval of watercraft.
  - c. The **Boating Access Site's** hours of operation shall be one hour before sunrise and one hour after sunset.
  - d. By separate agreement, the **County**, with the written approval of both the **City** and the **Department**, may construct and operate a concessionaire facility at the **Boating Access Site** – in accordance with the terms and condition set forth in that mutual agreement.
  - e. The **Drive and Parking Area**, defined as the existing asphalt roads and driveways within the **Boating Access Site**, are to be resurfaced and sealed (the "**Project**") at the cooperation, effort and expense of the **City** and the **County** together. The **City** and the **County** are each to be responsible for 50% (fifty percent) of the total cost of the **Project**, which **Project** is to be completed within a reasonable time frame from the execution of this Agreement.

**SEE FOLLOWING PAGE**

Notices shall be addressed as follows (or to any other address the Parties may designate by like notice):

**Official Notice Contact Information:**

**Department: Virginia Department of Game and Inland Fisheries**

ATTN: Real Property Mgmt.  
Address: 7870 Villa Park Drive, Suite 400  
Henrico, Virginia 23228

Telephone: 804-367-0811  
Fax No.: 804-367-2311

**County:** County of James City– Administration

ATTN: County Administrator  
Address: 101-D Mounts Bay Road  
Williamsburg, VA 23185

With copy to:  
James City County Attorney's Office  
101-D Mounts Bay Road  
Williamsburg, VA 23185

Telephone: 757-253-6612  
Fax No.: 757-253-6833

**City:** City of Newport News

ATTN: Director, Waterworks Department  
Address: 700 Town Center Dr., Suite 500  
Newport News, VA 23606

With copy to:  
City Attorney  
2400 Washington Avenue, 9<sup>th</sup> Floor  
Newport News, VA 23607

Telephone: 757-926-1146  
Fax No.: 757-926-1170



**IN WITNESS WHEREOF**, the Parties have caused this **Agreement** to be duly executed intending to be bound thereby:

**County:** \_\_\_\_\_

**By:**  
**County Administrator**  
**Date:**

**Approved by Resolution duly adopted on** \_\_\_\_\_  
Date

**Approved as to form:**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**County Attorney**

**City of Newport News:** \_\_\_\_\_

**By:**  
**City Manager**  
**Date:**

**Approved by Resolution duly adopted on** \_\_\_\_\_

**Approved as to form:**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City Attorney**

**Commonwealth of Virginia, Department of Game and Inland Fisheries**

\_\_\_\_\_  
**By:**  
**Director**  
**Date:**

**ITEM SUMMARY**

DATE: 5/14/2019

TO: Board of Supervisors

FROM: Carla Tyler Brittle, Centers Administrator, Parks and Recreation

SUBJECT: Chesapeake Bay Restoration Fund Grant Award

---

**ATTACHMENTS:**

	Description	Type
📎	Chesapeake Bay Restoration Fund Grant Award	Cover Memo
📎	Chesapeake Bay Restoration Fund Grant Award Res	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Rec - Community Centers	Brittle, Carla	Approved	4/10/2019 - 10:55 AM
Parks & Recreation	Etchberger, Joan	Approved	4/17/2019 - 12:31 PM
Publication Management	Daniel, Martha	Approved	4/17/2019 - 1:34 PM
Legal Review	Kinsman, Adam	Approved	4/23/2019 - 4:45 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:09 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:07 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Carla Tyler Brittle, Centers Administrator, Parks and Recreation

SUBJECT: Grant Award - Chesapeake Bay Restoration Fund Grant - \$2,400

---

James City County's Department of Parks and Recreation has been awarded a \$2,400 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia's Division of Legislative Services.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. As part of the experience, over 500 children will visit a local park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay.

Staff recommends approval of the attached resolution to accept the \$2,400 grant for the special marine camp, and to appropriate the funds as described in the attached resolution.

CTB/md  
GA-CBRestorFund-mem

Attachment

## RESOLUTION

### GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND GRANT - \$2,400

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Department of Parks and Recreation's REC Connect Summer Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$2,400 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenue:

From the Commonwealth	<u>\$2,400</u>
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Expenditure:

Chesapeake Bay Restoration Fund	<u>\$2,400</u>
---------------------------------	----------------

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May 2019.

GA-CBRestorFund-res



**ITEM SUMMARY**

DATE: 5/14/2019

TO: Board of Supervisors

FROM: Carla Brittle, Community Centers Administrator

SUBJECT: Contract Award – James City County Recreation Center Multi-Purpose Fields Irrigation

---

**ATTACHMENTS:**

	Description	Type
☐	CA-JCCRC MULTI-PURPOSE FIELDS MEM	Cover Memo
☐	CA-JCCRC MULTI-PURPOSE FIELDS RES	Resolution
☐	CA-JCCRC MULTI-PURPOSE FIELDS MAP	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	4/26/2019 - 8:15 AM
Publication Management	Burcham, Nan	Approved	4/26/2019 - 8:21 AM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:07 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:05 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:14 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Carla T. Brittle, Community Centers Administrator, Parks and Recreation

SUBJECT: Contract Award - Recreation Center Irrigation and Field Renovations Project - \$147,382

---

The Recreation Center Irrigation and Field Renovation Project, located at the James City County Recreation Center at 5301 Longhill Road, will replace the 30+ year-old underground irrigation infrastructure that is no longer operational. There are two multi-purpose natural grass athletic fields on-site that will be renovated. Both fields will be laser graded to reestablish a 1-1.5% slope to allow for surface drainage of stormwater. A more aggressive growing Bermuda grass will be established on the field, which will allow for safer and improved playing conditions for all patrons. These improvements will also enhance tournament play opportunities and reduce closure of fields due to poor conditions of the fields. Timing of this project during the months of June-September minimize disruption to James City County's cooperative athletic partners, while also allowing for maximum establishment of the Bermuda grass turf. All necessary approvals have been obtained for the project.

After a mandatory pre-bid meeting with three firms in attendance, one competitive bid was received. The following firm submitted a bid to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
GreenCor, LLC	\$147,382

GreenCor, LLC, has performed satisfactory work for James City County and for the Williamsburg-James City County Schools in the past and was determined to be the lowest qualified, responsive, and responsible bidder. This project is part of the approved Parks and Recreation Capital Improvements Program budget.

Staff recommends approval of the attached resolution authorizing the contract award to GreenCor, LLC.

CTB/nb  
CA-RecCRenov-mem

Attachments:

1. Resolution
2. Site Map

**RESOLUTION**

**CONTRACT AWARD - RECREATION CENTER IRRIGATION**

**AND FIELD RENOVATION PROJECT - \$147,382**

WHEREAS, the James City County General Services Division solicited bids for irrigation and field renovations; and

WHEREAS, after a mandatory pre-bid meeting was held with three firms in attendance, one competitive bid was received, and it was determined that GreenCor, LLC was the lowest qualified, responsive, and responsible bidder; and

WHEREAS, Capital Improvements Program budget funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$147,382 to GreenCor, LLC for the Recreation Center Irrigation and Field Renovation Project.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

CA-RecCRenov-res





1 inch = 80 feet

0 40 80 Feet

## James City County Community Center Multi-Purpose Fields

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 2/13/2019  
M:\Departments\General\_Services\Grounds\Rec\MultiPurposeFields.mxd

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award- Public Safety Physicals

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	4/26/2019 - 11:34 AM
Publication Management	Daniel, Martha	Approved	4/26/2019 - 11:43 AM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:07 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:09 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:15 PM



## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Contract Award - Public Safety Annual Physical Examinations - \$121,000

---

The Fiscal Year 2019 Fire and Police General Fund budgets include funds for uniformed personnel to receive occupational physicals. Personnel from Fire, Police, and Purchasing worked collaboratively to determine the departments' needs, and developed a list of criteria based upon the National Fire Protection Association's Standards 1582 and 1583. In January, Purchasing issued a single Request for Proposals (RFP) for interested vendors to submit proposals for performing the occupational physical evaluations for both departments.

Interested vendors responded to the RFP by describing their interest, qualifications, and experience. The Fire Department, Police Department, and Purchasing staff examined different options and determined the most qualified vendor to be Life Scan Wellness Centers. This vendor provided the most comprehensive and inclusive contract, and demonstrated experience with the National Fire Protection Association Standards for Health and Safety.

The cost of the proposed contract is within the funds allotted. This contract is for an annual period and contains the option to renew for four additional periods. The contract only provides for annual occupational physicals. Both pre-employment and return-to-duty evaluations will still be performed by the County's existing vendor.

Staff recommends approval of the attached resolution authorizing the contract award to Life Scan Wellness Centers for Public Safety Annual Examinations in the amount of \$121,000.

RTA/nb  
CA-PubSftyPhys-mem

Attachment

## RESOLUTION

### CONTRACT AWARD - PUBLIC SAFETY ANNUAL PHYSICAL EXAMINATIONS - \$121,000

WHEREAS, a Request for Proposals has been advertised and evaluated for occupational physical evaluations for Fire and Police uniformed personnel; and

WHEREAS, Life Scan Wellness Centers was determined to be the best qualified to provide the required services; and

WHEREAS, the Fire Department and Police Department have budgeted funds to support the pending contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for public safety annual occupational physical evaluations to Life Scan Wellness Centers.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

CA-PubSftyPhys-res

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Darryl Cook, Assistant Director Stormwater and Resource Protection

SUBJECT: Repair of storm drainage systems at the Courthouse, Jamestown High School and Two Neighborhoods

---

Funds allocated for the repair of storm drain systems at the Courthouse, the school system and older neighborhoods without an HOA are being used to make necessary repairs to these areas.

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Stormwater	Cook, Darryl	Approved	5/1/2019 - 9:40 AM
General Services	Boone, Grace	Approved	5/7/2019 - 3:54 PM
Publication Management	Burcham, Nan	Approved	5/7/2019 - 4:04 PM
Legal Review	Kinsman, Adam	Approved	5/7/2019 - 4:06 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:07 PM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 4:31 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:35 PM



## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Darryl E. Cook, Assistant Director of Stormwater and Resource Protection

SUBJECT: Contract Award - Storm Drain System Repairs - \$143,219

---

This project will perform maintenance on storm drain systems at the Williamsburg-James City County Courthouse, Jamestown High School, and outfalls in two older neighborhoods. Funds for repairs to drainage systems were programmed into the Fiscal Year 2019 operating budget. The projects all involve the use of a cured-in-place pipe (CIPP) liner technology to line pipes that have defects, which is a less expensive repair alternative than excavating and repairing the pipes.

The CIPP lining will be performed using the National Intergovernmental Purchasing Alliance "Trenchless Technology Rehabilitation" contract that was awarded to Corby Energy Services, Inc. The award number for this contract is R170801. The work is being subcontracted to Prism Contractors and Engineers located in James City County. The cooperative contract is being used because of a timing issue to complete the work before the end of the fiscal year. Staff has determined that the proposed contract amount is in line with past projects of a similar nature and the price is fair and reasonable.

Staff recommends approval of the attached resolution authorizing the repair services from Corby Energy Services, Inc. in the amount of \$143,218.54 for drainage system repairs.

DEC/md  
CA-StormDrainSysRep-mem

Attachment

**RESOLUTION**

**CONTRACT AWARD - STORM DRAIN SYSTEM REPAIRS - \$143,219**

WHEREAS, this project will repair deficiencies in storm drain systems at the Williamsburg-James City County Courthouse, Jamestown High School, and two older County subdivisions; and

WHEREAS, a National Intergovernmental Purchasing Alliance "Trenchless Technology Rehabilitation" cooperative contract that was awarded to Corby Energy Services, Inc. is being used to award this contract; and

WHEREAS, it has been determined that the proposed contract amount has been determined to be fair and reasonable; and

WHEREAS, previously authorized operational funds for storm drain system repairs are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$143,218.54 with Corby Energy Services, Inc. for storm drain system repairs.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

CA-StormDrainSysRep-res

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Mark Abbott, Capital Projects Coordinator

SUBJECT: Contract Awards – Annual HVAC Support Services

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Capital Projects	Abbott, Mark	Approved	4/25/2019 - 4:38 PM
General Services	Boone, Grace	Approved	4/29/2019 - 7:09 AM
Publication Management	Burcham, Nan	Approved	4/29/2019 - 7:36 AM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:08 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:04 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:15 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator, General Services

SUBJECT: Contract Awards - Annual HVAC Support Services

---

A Request for Proposal (RFP) was solicited from qualified firms to simplify the purchasing process and expedite work when HVAC technical support services are required by having firms pre-selected based upon their qualifications per the requirements of the Virginia Public Procurement Act and establishing an “in place” contract for needed professional services. Services include but are not limited to supplying HVAC equipment, installation, service, controls, and components.

Interested firms responded to the RFP by describing their interest, qualifications, project approach, and experience in performing similar work. A panel of staff members representing Capital Projects and Facilities evaluated the proposals and selected the most qualified firms. The contracts have an initial term of one year with four additional one-year renewals available to the County. The RFP included cooperative procurement provisions allowing Williamsburg-James City County Public Schools and other public entities to use these HVAC companies if they so choose.

The firms selected for contract award are:

Damuth Trane  
ColonialWebb Contractors Co., Inc.  
Warwick Plumbing & Heating Corporation

Staff recommends approval of the attached resolution awarding a contract to the firms listed above.

MA/md  
CA-HVACSuppServ-mem

Attachment

## RESOLUTION

### CONTRACT AWARDS - ANNUAL HVAC SUPPORT SERVICES

WHEREAS, a Request for Proposal was advertised and evaluated for HVAC support and technical services; and

WHEREAS, the firms listed below were determined to be the best qualified to provide the required services.

Damuth Trane  
ColonialWebb Contractors Co., Inc.  
Warwick Plumbing & Heating Corporation

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual HVAC support services to the firms listed in this resolution.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

CA-HVACSuppServ-res

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: Z-19-0002. 8231 Richmond Road Rezoning

---

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Master Plan	Backup Material
☐	Signed Proffers	Backup Material
☐	Unapproved April 3, 2019 Planning Commission Minutes	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/24/2019 - 8:06 AM
Development Management	Holt, Paul	Approved	4/24/2019 - 8:06 AM
Publication Management	Daniel, Martha	Approved	4/24/2019 - 8:17 AM
Legal Review	Kinsman, Adam	Approved	4/24/2019 - 11:37 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:02 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:16 PM

## **REZONING-19-0002. 8231 Richmond Road Rezoning**

### **Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

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#### **SUMMARY FACTS**

Applicant: Mr. Harris Forrest, Bicast Inc.

Land Owner: Toano NCC Investments, LLC

Proposal: To rezone a total  $\pm$  2.11 acres of land currently zoned A-1 to M-1, Limited Business/Industrial with proffers.

Location: 8231 Richmond Road

Tax Map/Parcel No.: 1240100007

Project Acreage:  $\pm$  2.11 acres

Zoning: A-1, General Agriculture

Comprehensive Plan: General Industry

Primary Service Area: (PSA) Inside

Staff Contact: Tom Leininger, Planner

#### **PUBLIC HEARING DATES**

Planning Commission: April 3, 2019, 6:00 p.m.

Board of Supervisors: May 14, 2019, 5:00 p.m.

#### **FACTORS FAVORABLE**

1. Staff finds the proposal is consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.

2. Staff finds the proposal will not negatively impact surrounding zoning and development.
3. The Economic Development chapter of the Comprehensive Plan encourages the creation of new and retention of existing small businesses (Goal ED 1.2) and the adaptive re-use of existing buildings (Goal ED 5).

#### **FACTORS UNFAVORABLE**

1. With the proposed proffers, staff finds that there are no unfavorable factors.

#### **SUMMARY STAFF RECOMMENDATION**

Staff recommends that the Board of Supervisors approve the proposed rezoning and accept the voluntary proffers.

#### **PLANNING COMMISSION RECOMMENDATION**

At its April 3, 2019 meeting, the Planning Commission recommended approval of this rezoning and acceptance of the voluntary proffers by a vote of 5-0.

#### **PROJECT DESCRIPTION**

This proposal includes the rezoning as follows:

- A 2.11-acre parcel from A-1, General Agriculture to M-1, Limited Business/Industrial with proffers.
- The proposal is to re-use the existing 7,500-square-foot building for Bicast, which produces novelty items such as custom magnets, custom designs on glassware, wood engravings, and jewelry.

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

## **REZONING-19-0002. 8231 Richmond Road Rezoning**

### **Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

---

- This use is classified in the Zoning Ordinance as the manufacturing, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone. This use is a permitted use within M-1.
- According to the applicant, Bicast currently has 14 employees at its largest shift and operation may run up to 24-hours a day when required.
- Bicast currently operates its business at 231 Parkway Drive which is inside the City of Williamsburg city limits.
- Staff finds the proposed use would have minimal impacts on the surrounding areas in regards to outdoor dust, odor, and noise. The entire operation is to remain indoors. During a site visit to Bicast's existing operation, staff did not notice any evidence of outdoor dust, odors, or noise while the business was in operation (Attachment No. 4, Proffer No. 4).
- As part of the rezoning to M-1, the applicant proposes to limit the other by-right uses that could be conducted on-site in the future (Attachment No. 4, Proffer No. 13).

#### **PLANNING AND ZONING HISTORY**

- A Special Use Permit (SUP) for a lawn equipment sale and repair, and retail sales of plants and garden supplies shop was approved by the Board of Supervisors on May 12, 2009 (Nick's Lawn Equipment).

#### **SURROUNDING ZONING AND DEVELOPMENT**

- All surrounding properties are zoned A-1, General Agricultural.
- Surrounding properties to the north and south contain single-family residential dwellings and small businesses. Properties to the east across Richmond Road are agricultural use. Property to the east is currently vacant.
- Property is ± .2 miles north of Toano Business Park and Hankins Industrial Park.

#### **PUBLIC IMPACTS**

##### Anticipated Impact on Public Facilities and Services:

##### *Streets:*

- Staff estimates that with 14 employees, the business would generate approximately 9.38 AM peak hour trips and 9.52 PM peak hour trips based on the General Light Industrial use of the ITE Traffic Generation Manual. With peak hour estimates below 100, no traffic study is required by the Zoning Ordinance or the Virginia Department of Transportation (VDOT). This section of Richmond Road was operating at Level of Service (LOS) A-C as of 2010, and is projected to continue to operate at LOS C or better through 2034. VDOT has reviewed the proposal and has recommended approval of the proposal.
- Staff finds the proposed proffers limit the possible permitted uses on this parcel in an effort to minimize traffic impacts and impacts to surrounding property owners (Attachment No. 4, Proffer No. 12).

---

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



## **REZONING-19-0002. 8231 Richmond Road Rezoning**

### **Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

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#### *Fire:*

- This area of the County is served by Fire Station 1 on Forge Road in Toano.

#### *Utilities:*

- Project receives public water and sewer. The James City Service Authority (JCSA) has reviewed the application and had no objection.
- A Water Conservation Agreement, consistent with past use of the property, is already in place (Attachment No. 3, Proffer No. 10).
- No in-ground irrigation systems shall be installed to utilize JCSA water (Attachment No. 4, Proffer No. 9).

#### *Environmental:*

- Stormwater management practices were included when this property was developed in 2009/2010. A maintenance agreement was signed by the owner to maintain the Best Management Practice (BMP) as designed. The Stormwater and Resource Protection staff has reviewed this application and has requested that the owner have the BMP analyzed and perform any repairs and maintenance of the existing BMP facility as required by the maintenance agreement. The applicant has submitted a proffer to address BMP issues prior to Certificate of Occupancy (Attachment No. 4, Proffer No. 5).
- Watershed: Diascund Creek.

#### *Cultural/Historic:*

- This project site has been previously disturbed and no impact on cultural or historic resources are expected.

#### *Nearby and Surrounding Properties:*

- With no new exterior construction proposed, staff finds that this proposal is generally compatible with the character of the existing surrounding development which is generally commercial/industrial in nature.
- The parcel is currently developed; however, any expansions to the building would need to be approved by the Planning Director to ensure that new development is uniform and compatible with existing structures and in accordance with the Master Plan (Attachment No. 4, Proffer Nos. 1 and 2).
- All outdoor storage, HVAC units and dumpsters will be screened by approved landscaping or fencing and cannot be located within landscape buffers (Attachment No. 4, Proffer Nos. 3, 7, 8, and 13).
- The proposed proffers limit the time of day for deliveries to 8 a.m.-6 p.m. on weekdays only (Attachment No. 4, Proffer No. 11).

#### **COMPREHENSIVE PLAN**

- The site is designated General Industry on the 2035 Comprehensive Plan Land Use Map.
- General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor, and other adverse environmental effects, require

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

## **REZONING-19-0002. 8231 Richmond Road Rezoning**

### **Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

---

buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.

- During SUP-0006-2009, Nick's Lawn Equipment, staff consulted with the Office of Economic Development regarding this application and the current Land Use designation. The parcels in this vicinity were designated General Industry primarily due to their proximity to the CSX railroad. However, due to significant Resource Protection Area (RPA) buffers paralleling the railroad, future proposals to access the property from the railroad are unlikely without encroaching into a RPA buffer; therefore, it is staff's assessment that although parcels in this area are designated for General Industry, it would not be economically practical to develop them for industrial uses requiring rail access. This particular parcel, as currently configured, is not directly adjacent to the railroad tracks. Staff notes that properties adjacent to this site are generally residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Further, the proposed use constitutes only a small portion (2.11 acres) of the industrially designated area, which includes the 157-acre Hankins Industrial Park and the seven-acre Toano Business Center.
- Staff finds that the proposed industrial use to be the surrounding industrial uses. This application would support the creation and retention of local small businesses and work force housing in keeping with the intent of the Economic Development Section of the Comprehensive Plan.
- With the proposed proffers, staff finds that any impacts to adjacent properties would be mitigated.

### **STAFF RECOMMENDATION**

Staff finds the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Staff recommends the James City County Board of Supervisors approve this application and accept the voluntary proffers.

TL/md

RZ19-2-8231RichmdRd

#### Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Signed Proffers
5. Unapproved April 3, 2019, Planning Commission Minutes

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

## RESOLUTION

### CASE NO. Z-19-0002. 8231 RICHMOND ROAD REZONING

WHEREAS, Mr. Forrest Harris has applied to rezone approximately 2.11 acres from A-1 General Agriculture to M-1, Limited Business/Industry with proffers; and

WHEREAS, the property is located at 8231 Richmond Road, further identified as James City County Real Estate Tax Map Parcel No. 1240100007; and

WHEREAS, the Planning Commission, following its public hearing on April 3, 2019, recommended approval of Case No. Z-19-0002, by a vote of 5-0; and

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-19-0002; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-19-0002 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves Case No. Z-19-0002 as described herein and accepts the voluntary proffers.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

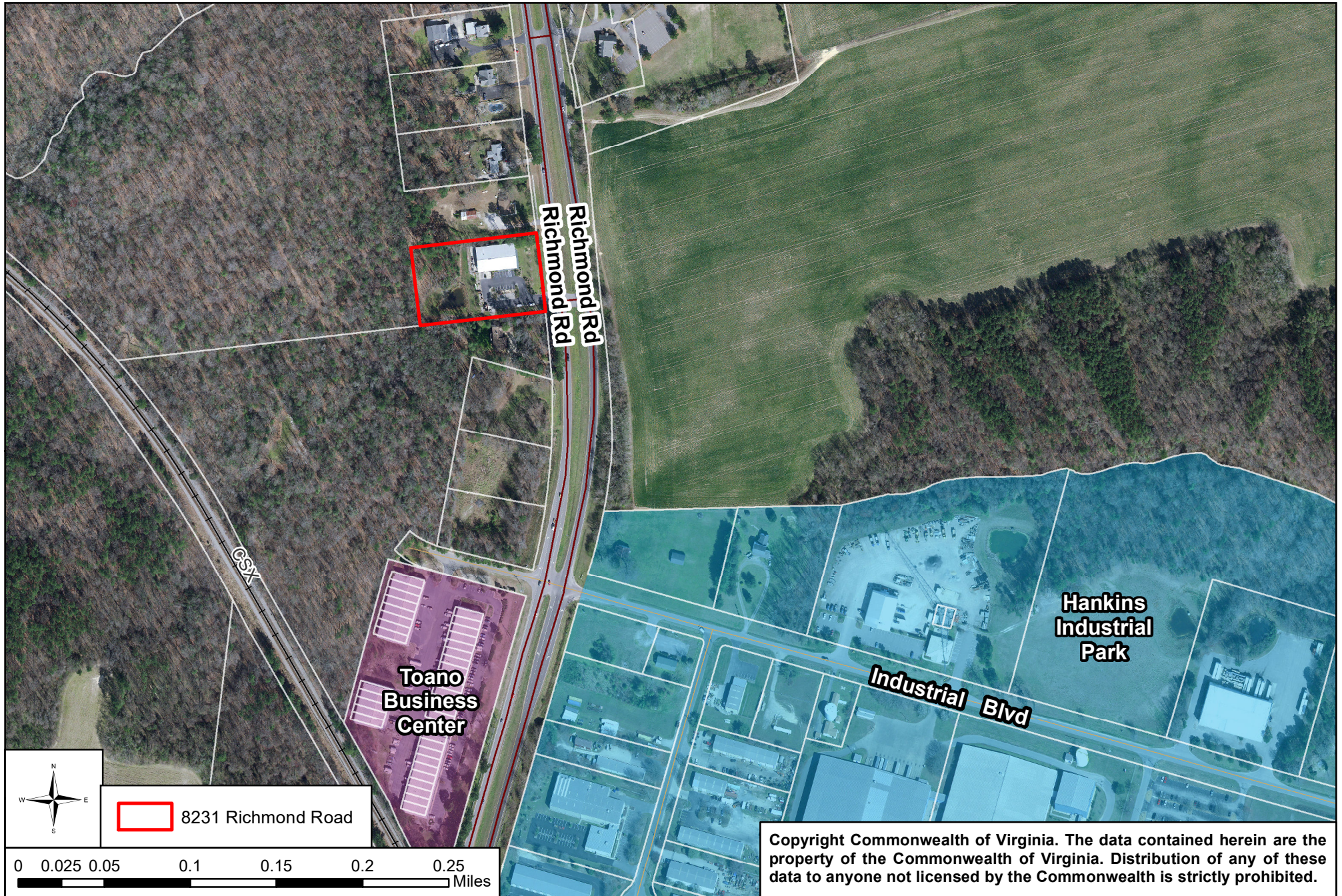
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

RZ19-2-8231RichmdRd



JCC Z-19-0002

# 8231 Richmond Road Rezoning





# 8231 Richmond Road, Bicast Inc

**Property Information**

1240100007  
Toano NCC Investments, LLC  
8231 Richmond Road  
Toano, VA 23168  
A-1 General Agriculture  
Comp Plan: General Industry  
Acres: 2.11

**Project Description**

Rezone from A-1 General Agriculture to M-1,  
Limited Business/Industry.

**Sheet Index**

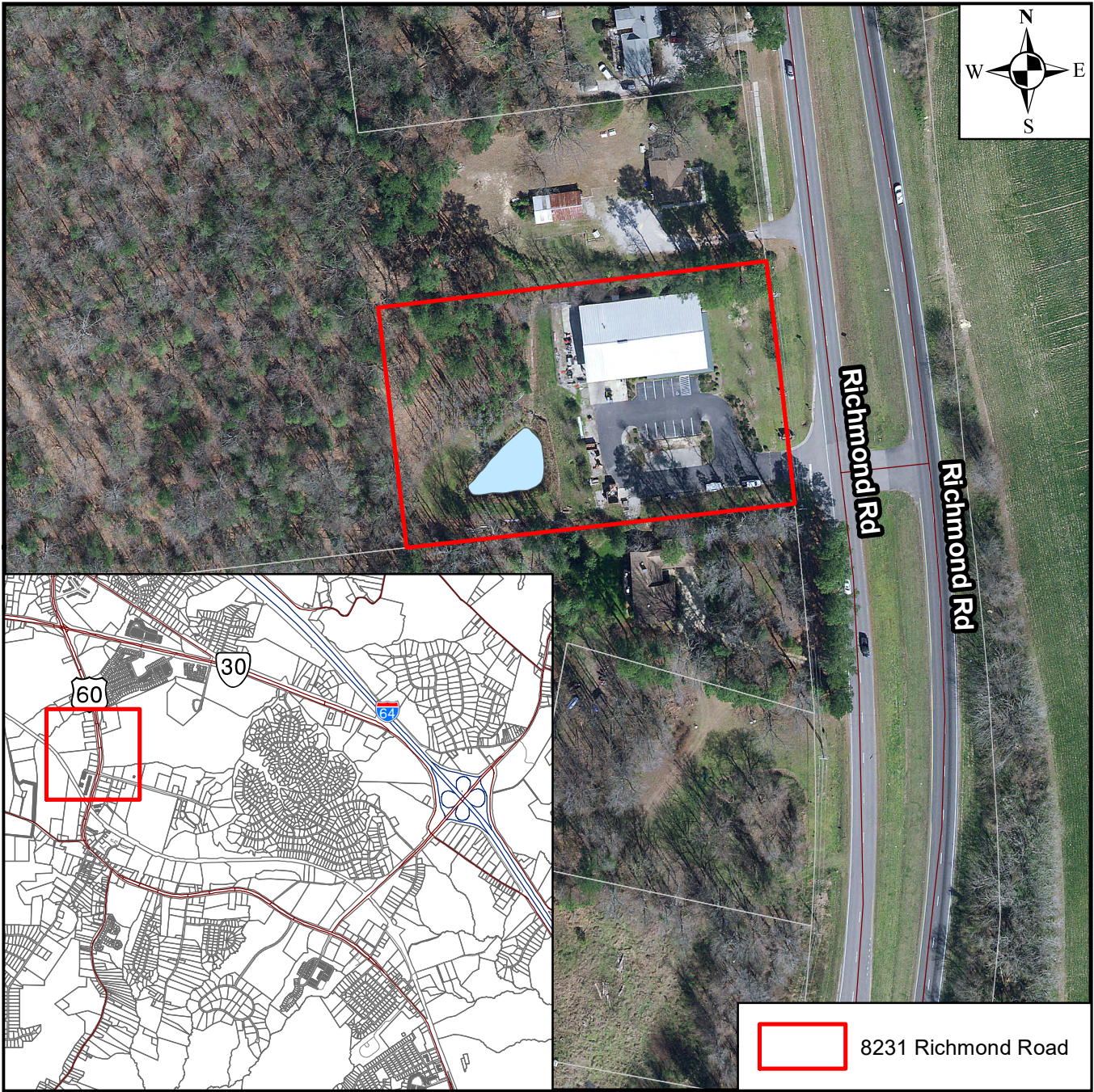
- 1. Cover Page
- 2. Master Plan

**General Notes**

- 1. Site is not located in the Resource Protection Area.
- 2. This site is not located in the special flood hazard area based on Flood Insurance Rate Map 51095C0043D, effective 12/16/15.

**Parking**

- No new parking is proposed.  
1 parking space per two employees on the largest shift.  
7 Parking Spaces Required.  
19 Parking Spaces Provided.



PLANNING DIVISION

Mar 22, 2019

RECEIVED



PARCEL ID#1240100064  
DOC# 080030652  
8251 RICHMOND ROAD

TOANO NCC INVESTMENTS, LLC  
PARCEL ID#1240100007  
ZONED: A1 General Agricultural  
AREA: 91,878 SQ. FT.  
2.11 ACRES

DOC# 060010141  
8231 Richmond Road

**1-STORY  
7500 SF  
BUILDING**

## LIMITS OF CLEARING

BORING  
GET B-2  
G=100.50

~~BORING  
GET 8-1  
8-98.48~~

STA:  
(1) 90° BEND

**RICHMOND ROAD (ROUTE 60)**

N/F  
STEWART, WILLIAM W & PA  
PARCEL ID#1240100009A  
8205 RICHMOND ROAD

SITE BENCHMARK  
ELEV=114.82  
60D NAIL IN  
UTILITY POLE

## PROFFERS

THESE PROFFERS are made this 22 day of March, 2019 by Toano NCC Investments, LLC a Virginia corporation (together with its successors in title and assigns, the "Owner").

## RECITALS

A. The Owner owns a parcel of land in James City County, Virginia, containing approximately 2.11 acres, more or less, located at 8231 Richmond Rd., and further identified as James City County Tax Map Parcel No. 1240100007 (the "Property").

B. The Property was rezoned in 1986 from B-1, general business, to A-1, general agriculture. There are no proffers associated with the Property. There is a special use permit, SUP-0006-2009, for the sale/repair of lawn equipment and garden supplies. The Owner has applied to rezone the Property from A-1 to M-1, Limited Business/Industrial, with proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

## CONDITIONS

1. Master Plan. The use and layout of the Property shall be generally located as shown on the document entitled "Bicast Master Plan" and date stamped 3/22/2019 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. Architectural Review. Expansions to the building shown on the master plan shall be submitted to the Director of Planning for review and approval. The intent of this condition is to ensure that

all future changes to the Property are uniform and compatible with existing structures in terms of design, materials, and colors, and are designed for minimal visual impact.

3. Landscaping. A fifty (50) foot wide community character corridor buffer shall remain along Richmond Road. Existing plantings along the perimeter of the Property shall remain preserved in accordance with the landscape section of the Zoning Ordinance

4. Odor/Noise/Dust. All noise, dust, and odor effects shall be limited to a fully enclosed building.

5. Stormwater Management. The on-site stormwater management facility (the “BMP”), shall be inspected by a professional engineer for determination of functionality. The professional engineer’s full report, including any testing and performance evaluations shall be submitted to the Director of the Stormwater & Resource Protection Division for review and approval prior to issuance of a Certificate of Occupancy. If the evaluation determines that the BMP is inadequate, or not functioning properly, proper maintenance, repairs, or upgrades as determined by the Director of Stormwater & Resource Protection shall be required and the Owner shall enter into a new maintenance agreement with the County prior to issuance of a Certificate of Occupancy.

6. Exterior Lighting. 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 and meet requirements of the Zoning Ordinance. No light poles shall exceed twenty (20) feet in height unless otherwise approved by the Director of Planning.

7. Fencing. Information on the colors for any proposed fencing, which is either designed for security and/or ornamental purposes, shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval. All fencing shall be brown, black or another neutral color.



8. Dumpster/HVAC. All dumpster and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or designee prior to site plan approval.

9. Irrigation. All new or existing irrigation systems shall not use the James City Service Authority ("JCSA") public water supply, except as otherwise provided by this condition. If the Owner demonstrates, to the satisfaction and approval of the General Manager of the JCSA, through the drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve shallow (less than 100 feet) irrigation wells to supplement the water provided by the impoundments. No JCSA water will be used for in-ground irrigation systems.

10. Water Conservation. The Owner shall be responsible for enforcing water conservation standards previously agreed upon and approved by JCSA. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

11. Delivery Trucks/Heavy Machinery

Deliveries to the site shall be limited to 8am to 6pm on weekdays only. No heavy machinery, trucks, or equipment shall be stored on the Property without approved landscaped screening or fencing as described herein.

## 12. Outdoor Storage

All outdoor storage shall be screened with approved landscape and fencing from the public right of way and adjacent properties. No outdoor storage or display shall be located within the parking area or landscape buffers.

## 13. Uses.

- a. Uses that require a Special Use Permit as determined by the M-1 Zoning District use list shall be permitted with the approval of a Special Use Permit.
- b. Any use otherwise permitted in M-1 not listed below, is not permitted. The following uses otherwise permitted by-right in M-1, , are permitted:

Accessory uses and structures as defined in section 24-2

Barber shops and beauty salons

Business and professional offices

Catering and meal preparation

Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Data processing centers

Dry cleaners and laundries

Janitorial service establishments

Laboratories, research and development centers

Laser technology production

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Photography, artist and sculptor stores and studios

Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet less in height

Research, development and design facilities or laboratories

Security service offices

Small-scale alcohol production

Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property)

Water well drilling establishments

Welding and machine shops (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps

Manufacture and processing of textiles and textile products

Manufacture and storage of ice, including dry ice

Manufacture, assembly, or fabrication of sheet metal products

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone

Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products

Manufacture of cans and other products from previously processed metals

Manufacture of carpets and carpet yarns

Manufacture of furniture

Manufacture of glass and glass products

Manufacture of pottery and ceramic products using kilns fired by gas or electricity

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment

Manufacture or assembly of electronic instruments, electronic devices or electronic components

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment

WITNESS the following signature.

Toano NCC Investments, LLC

*Anthony Cianelli*

Anthony Cianelli

Title: owner

STATE OF Virginia  
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 22 day of March,  
2019, by Anthony Cianelli, as owner of Toano NCC Investments, LLC.

*Annette M Logan*  
NOTARY PUBLIC

My commission expires: 4/30/2022  
Registration No.: 761602

**Unapproved Minutes of the April 3, 2019  
Planning Commission Regular Meeting**

**Z-19-0002. 8231 Richmond Road Rezoning**

Mr. Tom Leininger, Planner, stated that Mr. Forest Harris of Bicast, Inc. has applied to rezone approximately 2.11 acres, located at 8231 Richmond Road, from A-1 General Agriculture to M-1, Limited Business/Industrial with Proffers. Mr. Leininger stated that the parcel is designated General Industry on the 2035 Comprehensive Plan Land Use Map and is located inside the Primary Service Area.

Mr. Leininger stated that this property is currently subject to an SUP that allows for the construction of a lawn equipment sale and repair and retail sales of plant and garden supplies on the site. Mr. Leininger stated that the SUP was approved by the Board of Supervisors on May 12, 2009. Mr. Leininger further stated that this rezoning will nullify the existing SUP.

Mr. Leininger stated that the proposed use for this application is for the manufacturing and assembly of products made from previously prepared paper, plastic, metal, wood and glass. Mr. Leininger further stated that this use is a by-right use in the M-1 Zoning District. Mr. Leininger stated that with the operations of this use contained within the existing 7,500 sf building, all noise, dust and odor effects are limited to the fully enclosed building. Mr. Leininger stated that staff visited the current Bicast location within the City of Williamsburg and did not see, smell or hear any exterior impacts to adjacent properties.

Mr. Leininger stated that staff finds this proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan and Zoning Ordinance. Mr. Leininger stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed proffers.

Ms. Julia Leverenz inquired if any adjacent property owners had concerns about the project.

Mr. Leininger stated that only one citizen inquired about the project. He was interested in the product being manufactured but had no questions or concerns.

Mr. Tim O'Connor inquired if the existing screened dumpster was still acceptable.

Mr. Holt stated that he did not believe there were any additional requirements.

Mr. Leininger noted that if the dumpster were moved, it would need to be re-screened.

Mr. O'Connor stated that one of the proffers is to limit heavy delivery trucks to the hours of 8 a.m. to 6 p.m. Mr. O'Connor inquired if it would be reasonable to have the same limitation on trash pick-up.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Forrest Harris, Bicast, Inc., stated that Bicast is a family business which has been in existence for 27 years. Mr. Harris noted that the company produces souvenir items such as magnets, drinking glasses and keychains. Mr. Harris stated that the business has outgrown its current location and, further, it makes good financial sense to invest in a location rather than continuing to pay rent.

Ms. Leverenz requested that the applicant state his name and address for the record.

Mr. Harris stated that his address is 105 Friar's Court.

Mr. O'Connor stated that he has concerns about large trucks exiting the site on to Richmond Road.

Mr. Harris stated that the majority of trucks delivering or picking up are the smaller FedEx or United Parcel Service (UPS). Mr. Harris further noted that he did speak with the current owner of the property who assured him that there has never been a problem getting a tractor trailer through the parking lot. Mr. Harris stated that the proposed use would have fewer traffic impacts than the current use.

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

Mr. Krapf opened the floor for discussion by the Commission.

Ms. Leverenz made a motion to recommend approval of the application.

Mr. Krapf inquired if there were additional comments or discussion before the roll call vote.

Mr. Polster requested clarification on the concern over tractor trailers entering and exiting the property.

Mr. Paul Holt, Director of Community Development and Planning, stated that tractor trailers can enter the site now as it is currently zoned or in the future if the rezoning is approved. Mr. Holt stated that the M-1 Zoning District is the County's Business/Light Industrial District. Mr. Holt further stated that for comparison, the Busch Corporate Center is also Zoned M-1. Mr. Holt stated that the district does allow for some light manufacturing.

Mr. Krapf inquired if the proposed proffers limit some of the uses.

Mr. Holt stated that some of the more intensive by-right uses have been proffered out. Mr. Holt noted that the rezoning runs with the land, so that potential future impacts have been mitigated.

Mr. Krapf stated that he appreciates the conditions that have been proffered to minimize impacts on nearby residential properties and that he believes the proposal is in accord with the adjacent uses and the recommendations of the Comprehensive Plan.

On a roll call vote the Commission voted to recommend approval of Z-19-0002. 8231 Richmond Road Rezoning (5-0)

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Roberta Sulouff, Senior Planner

SUBJECT: HW-19-0001. Busch Gardens Height Limitation Waiver 2019

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Resolution	Resolution
▣	Attachment 2. Location Map	Backup Material
▣	Attachment 3. Height Waiver Site Line Exhibit	Backup Material
▣	Attachment 4. Height Waiver Table	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/26/2019 - 11:50 AM
Development Management	Holt, Paul	Approved	4/26/2019 - 11:50 AM
Publication Management	Burcham, Nan	Approved	4/26/2019 - 11:52 AM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:09 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:10 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:45 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:15 PM



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**HEIGHT LIMITATION WAIVER CASE NO. 19-0001. Busch Gardens Height Waiver 2019**

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**Staff Report for the May 14, 2019, Board of Supervisors Public Hearing****SUMMARY FACTS**

Applicant: Mr. Anthony Loubier, Vanasse Hangen Brustlin, Inc.

Land Owner: SeaWorld Parks and Entertainment, LLC

Proposal: A height limitation waiver to permit the construction of an attraction not to exceed a height of  $\pm$  355 feet above finished grade, or  $\pm$  435 feet above sea level.

Location: 7851 Pocahontas Trail

Tax Map/Parcel No.: 5140100009

Project Acreage:  $\pm$  383.07 acres

Zoning: M-1, Limited Business/Industrial

Comprehensive Plan: Limited Industry

Primary Service Area (PSA): Inside

Staff Contact: Roberta Sulouff, Planner

**PUBLIC HEARING DATE**

Board of Supervisors: May 14, 2019, 5:00 p.m.

**FACTORS FAVORABLE**

1. With the proposed conditions, staff finds that the proposal would not impact surrounding development.

2. Service industry uses are recommended uses for areas designated Limited Industry by the adopted Comprehensive Plan. Amusement parks are service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal given the attraction's location. The proposal is consistent with the adopted Comprehensive Plan.
3. The proposed structure is located interior to the park in an area with a lower base elevation, which assists in mitigating visual and noise impacts in areas outside of the park.
4. Staff finds that the proposed application satisfies the criteria for height waivers found in Section 24-418(c) of the Zoning Ordinance.

**FACTORS UNFAVORABLE**

1. The proposed structure is visible in areas of the Kingsmill development and along Route 143 where previous attractions have not been visible.

**SUMMARY STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver, subject to the attached conditions.

**PROJECT DESCRIPTION**

Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC, for a Height Limitation Waiver to permit the installation of a new attraction in Busch Gardens. The attraction is proposed to reach a height of

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

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**HEIGHT LIMITATION WAIVER CASE NO. 19-0001. Busch Gardens Height Waiver 2019**

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**Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

approximately 355 feet above finished grade (or 435 feet above sea level). The highest point of the attraction is to be located generally in the location shown on the attached sight lines exhibit (Attachment No. 3), approximately 2,612 feet (0.495 miles) from the nearest boundary to the Kingsmill Resort and subdivision.

The applicant conducted a balloon test to simulate the expected height of the attraction, also shown in the sight lines exhibit (Attachment No. 3). The structure is proposed to be of a lattice-type construction. The visual simulations show an approximate “width” of the structure at its highest point as a bracket labeled “355 FT above Existing Grade” on the aforementioned exhibit. The balloon test was visible in many of the areas in which existing attractions are already visible, such as on Jamestown Island, along Route 60 near (and atop) the I-64 Grove Interchange overpass and at the Williamsburg Country Club.

The balloon test was also visible in areas not generally impacted visually by earlier applications, such as at points along Wareham’s Pond Road, the Kingsmill Tennis Clubhouse, and at points along Route 143. The balloon was not visible from College Creek Beach on the Colonial Parkway, or the River Bluffs area of the Kingsmill Development.

**PLANNING AND ZONING HISTORY**

The attached table (Attachment No. 4) provides a comparison of the current application with past Height Limitation Waivers that the Board of Supervisors has approved for Busch Gardens.

**SURROUNDING ZONING AND DEVELOPMENT**

The park is generally bounded by Route 60 to the east, The Woods Golf Course (Kingsmill), zoned M-1, Limited Business/Industrial to the south, the Anheuser-Busch Brewery, zoned M-2, General Industrial to the north, and the Kingsmill residential community and

Carter’s Grove Country Road, both zoned R-4, Residential Planned Community, to the west and southwest.

**COMPREHENSIVE PLAN**

- The property is designated as Limited Industry on the adopted Comprehensive Plan Land Use Map.
- Land designated Limited Industry is generally located within the PSA and used for warehousing, office, and service industries. Parcels ordinarily require access to arterial roads or major collector streets, public water and sewer, nearby police and fire protection, and other site characteristics suitable for intense development with adequate buffers to residential developments. The Comprehensive Plan also specifies that the following characteristics should be considered during evaluation of a proposed land use: open space, protection of environmental and historical and archaeological resources, preservation of rural and scenic vistas and generation of noise, dust, or odor.
- In past applications, amusement parks have been interpreted as service industry uses, albeit not traditional ones. Additionally, staff finds the proposed attraction would not create dust or odor, and additional noise impacts on adjacent residential properties will be minimal, given the attraction’s location. There is some anticipated increased visual impact to Route 60 and the Grove Interchange based on the visual simulation. Busch Gardens has an existing visible presence in these areas. In order to mitigate the additional impacts of the proposed attraction, staff has proposed several conditions to apply to the Height Limitation Waiver, including minimizing lighting on the attraction above 60 feet, and requiring muted colors designed to minimize visual impacts (that would be approved by the Director of Planning).

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

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**HEIGHT LIMITATION WAIVER ANALYSIS**

- Section 24-418(c) of the James City County Zoning Ordinance states that structures in excess of 60 feet in height may be erected only upon the granting of a Height Limitation Waiver by the Board of Supervisors upon finding that the following criteria are met:

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

*Staff Comment: The proposed attraction is located more than 2,000 feet from the nearest property line; therefore, the setbacks are well in excess of those required by the Zoning Ordinance.*

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

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

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

*Staff Comment: Given that the proposed attraction has limited visual impacts on adjacent development beyond those of existing attractions within the park, staff finds that the proposed structure will not impair the enjoyment of historic attractions or areas of historic interest.*

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

*Staff Comment: It is the opinion of the Director of Real Estate Assessments that the proposed 355-foot attraction and any associated lighting will not impair property values in the area.*

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

*Staff Comment: The County Fire Chief finds that the attraction is well located relative to fire stations and appropriate equipment to offer adequate protection to life and property. The Fire Department has stated that it will continue to work with the attraction design team to resolve any concerns during subsequent development phases.*

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

*Staff Comment: Staff finds that the structure is not contrary to public health, safety, and welfare.*

**PUBLIC IMPACTS**

- Staff finds that the proposed attraction would have minimal impact on the environment, utility service, or traffic generation. The attraction is located interior to Busch Gardens, which is already significantly developed and is not anticipated to produce an increased demand for utilities or public facilities.

**Staff Report for the May 14, 2019, Board of Supervisors Public Hearing**

**PROPOSED CONDITIONS**

- The full text of the proposed conditions are attached within the proposed resolution.

**STAFF RECOMMENDATION**

Staff recommends the Board of Supervisors approve this Height Limitation Waiver application subject to the attached conditions.

RS/nb  
HW19-01BuschGrdns

Attachments:

1. Resolution
2. Location Map
3. Height Waiver Sight Line Exhibit
4. Height Waiver Table

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

## RESOLUTION

CASE NO. HW-19-0001. BUSCH GARDENS HEIGHT WAIVER 2019

### HEIGHT LIMITATION WAIVER

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

WHEREAS, Mr. Anthony Loubier has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 355 feet above finished grade (the “Attraction”); and

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

WHEREAS, the location of the highest point of the Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled “Busch Gardens Williamsburg-Height Waiver Sight Lines”; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-19-0001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied, in order to grant a Height Limitation Waiver to allow for the erection of structures in excess of 60 feet in height.

BE IT FURHTER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-19-0001 to grant the applicant a 295-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 315 feet tall from finished grade as described herein, pursuant to the following conditions:

1. Plan: This Height Waiver shall be valid for a 295-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 355 feet above finished grade (or up to 435 feet above mean sea level) (the “Attraction”) on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009. The Attraction shall be constructed as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled Busch Gardens Williamsburg—Height Waiver Sight Lines.”
2. Lighting: All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points

above 60 feet in height or installation of lights that direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded "wall-washer" type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.

3. Color Scheme: The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.
4. Commencement of Construction: Construction on the Attraction shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings for the Attraction.
5. Severance Clause: This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

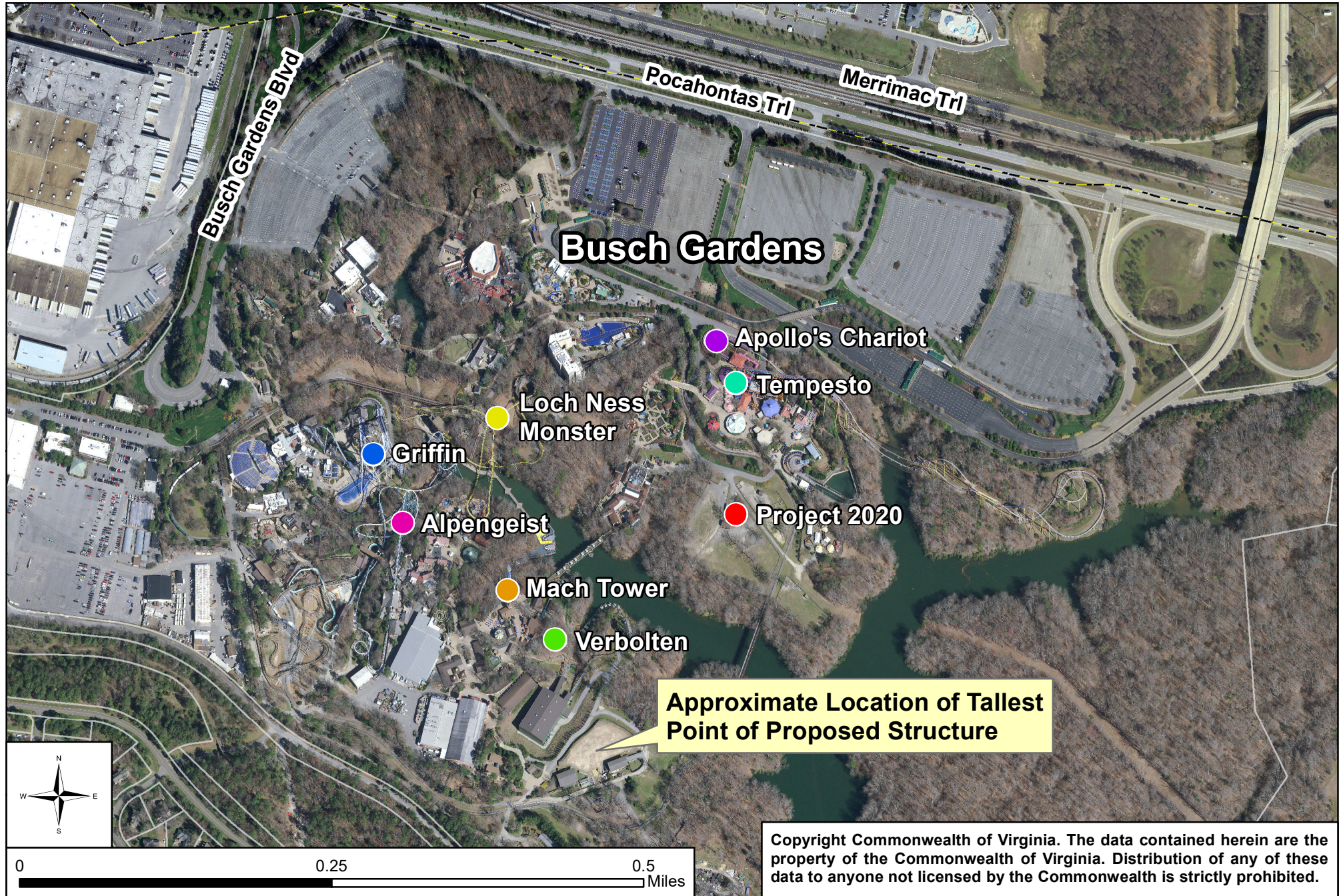
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

HW19-01BuschGrdns-res



# JCC HW-19-0001

## Busch Gardens Height Waiver 2019

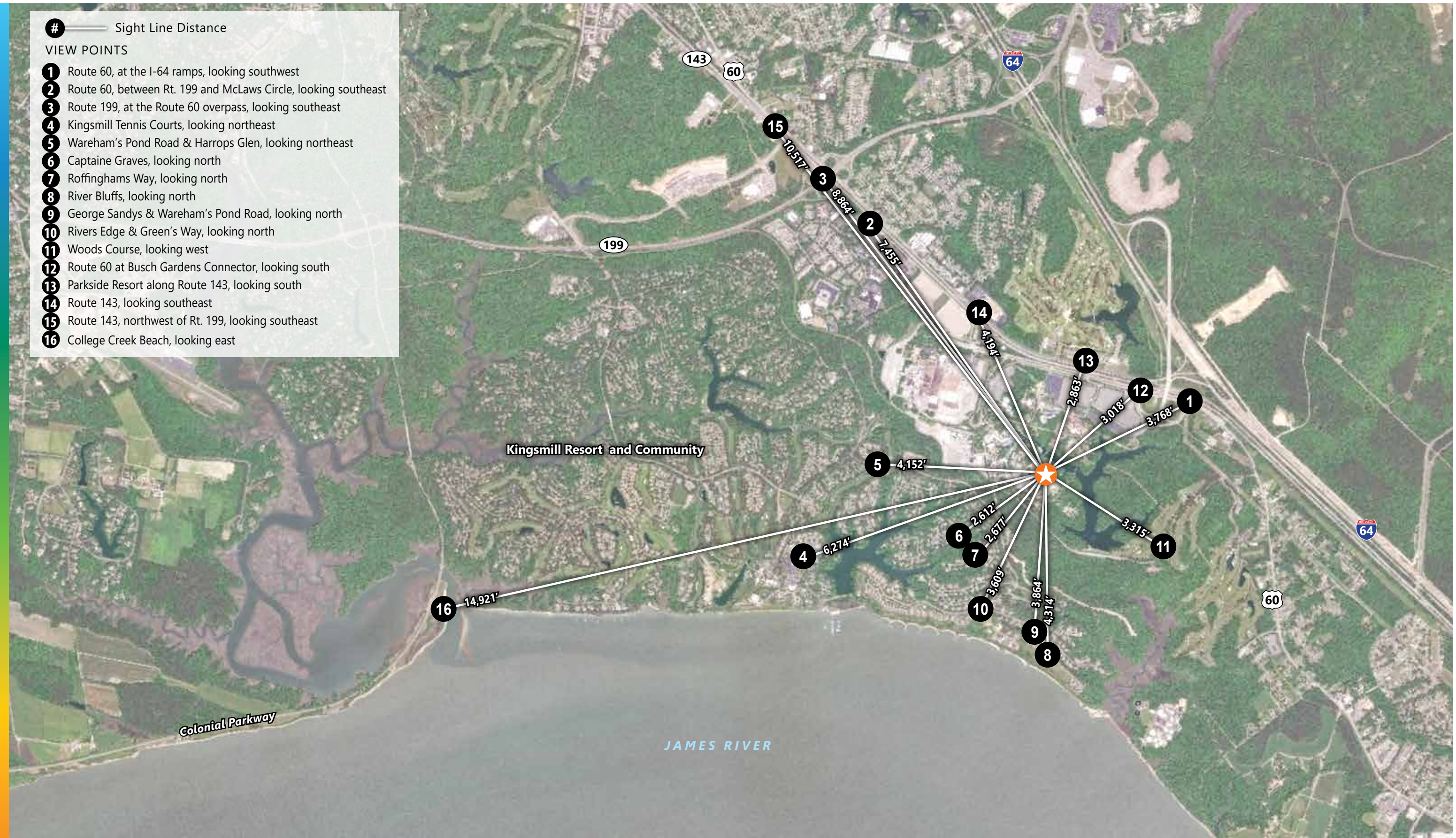




# — Sight Line Distance

#### VIEW POINTS

- 1 Route 60, at the I-64 ramps, looking southwest
- 2 Route 60, between Rt. 199 and McLaws Circle, looking southeast
- 3 Route 199, at the Route 60 overpass, looking southeast
- 4 Kingsmill Tennis Courts, looking northeast
- 5 Wareham's Pond Road & Harrops Glen, looking northeast
- 6 Captaine Graves, looking north
- 7 Roffinghams Way, looking north
- 8 River Bluffs, looking north
- 9 George Sandys & Wareham's Pond Road, looking north
- 10 Rivers Edge & Green's Way, looking north
- 11 Woods Course, looking west
- 12 Route 60 at Busch Gardens Connector, looking south
- 13 Parkside Resort along Route 143, looking south
- 14 Route 143, looking southeast
- 15 Route 143, northwest of Rt. 199, looking southeast
- 16 College Creek Beach, looking east







355 FT Above Existing Grade

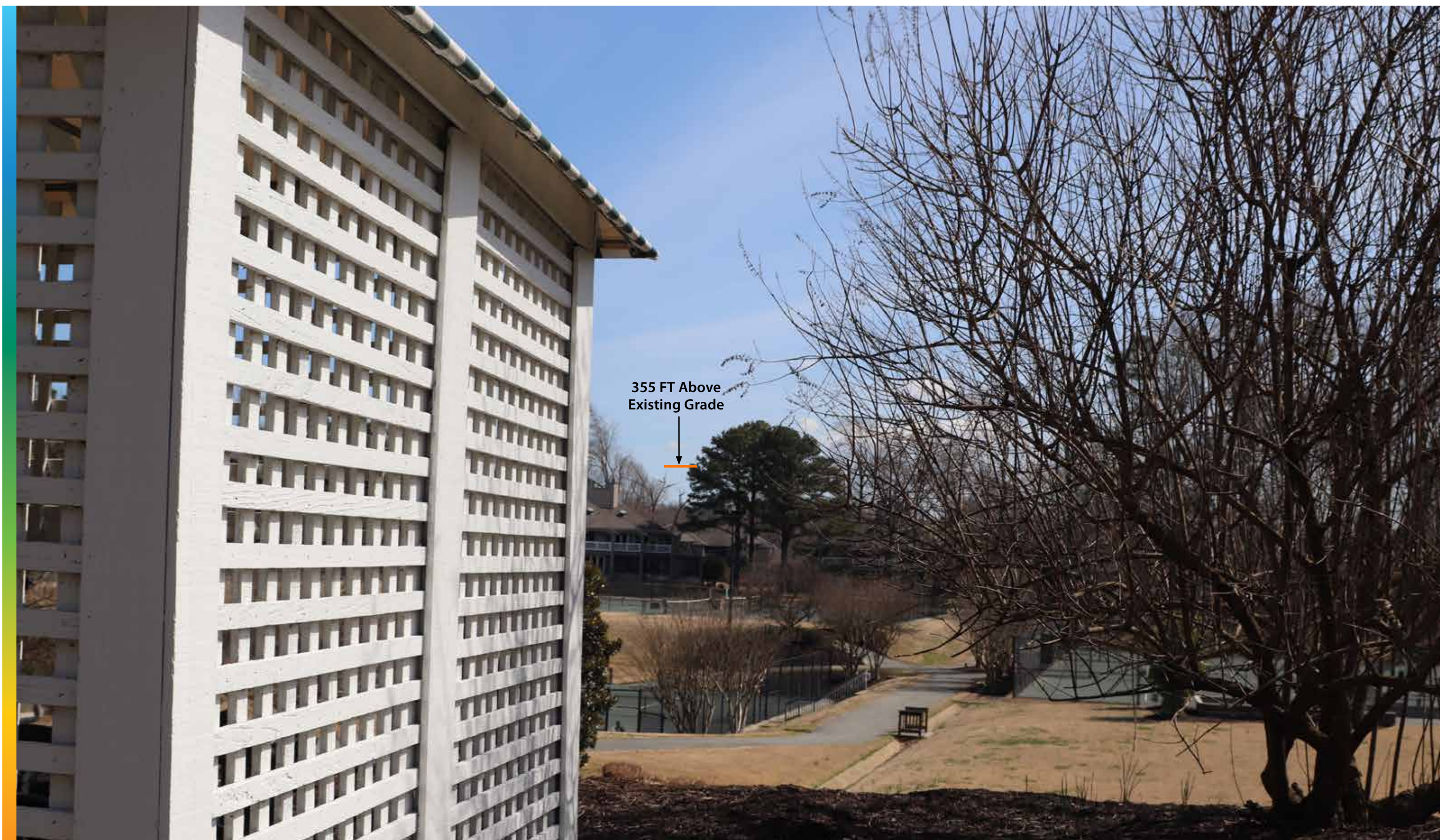












355 FT Above  
Existing Grade







Not visible (behind trees)









Not visible (behind trees)









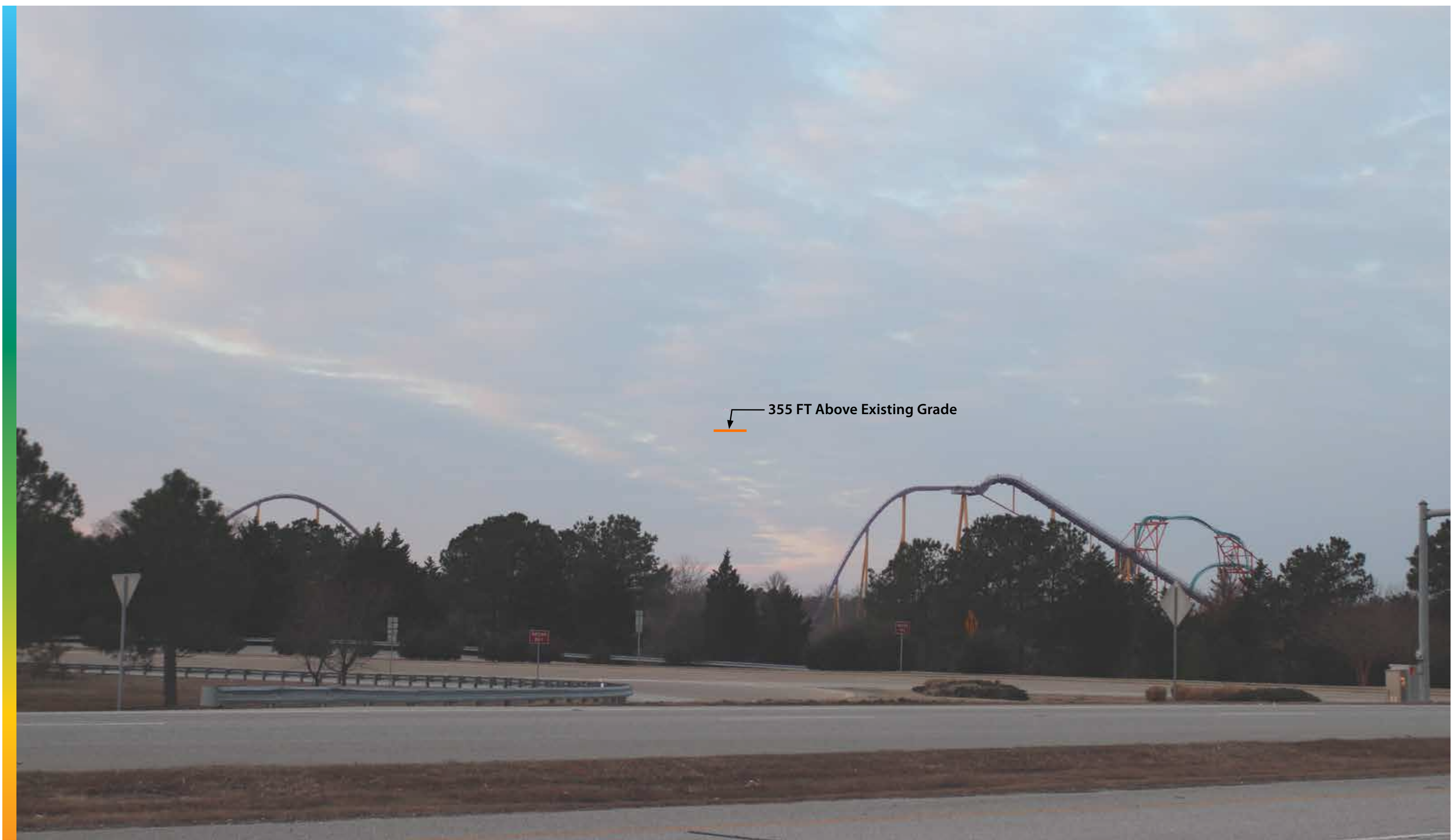






355 FT Above  
Existing Grade















Not visible (behind trees)





**Previously Granted Height Waiver Comparison Chart**

<b>Case</b>	<b>Max Height Above Finished Grade (feet)*</b>	<b>Max Elevation Above Sea Level (feet)*</b>
HW-0004-2010 (Verbolten)	95	150
HW-0002-2013 (Tempesto)	156	242
HW-0001-1997 (Apollo's Chariot)	170	255
HW-0001-2006 (Griffon)	210	280
HW-0002-2010 (Mach Tower)	260	340
HW-0003-2017 (Madrid)**	315	387
HW-0001-2018 (Ireland Expansion)	115	155
HW-19-0001 (2019 Height Waiver)	355	435

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

*\*\*Planning has recently approved a site plan for this attraction which now has a maximum height of ±260' above finished grade*

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: Proposed Fiscal Year 2020-2025 Secondary Six-Year Plan

---

**ATTACHMENTS:**

	Description	Type
▣	Memorandum	Cover Memo
▣	Resolution	Resolution
▣	Map of FY 20-25 SSYP Projects	Backup Material
▣	Aerial Map - Longhill Road	Backup Material
▣	Aerial Map - Croaker Road	Backup Material
▣	Aerial Map - Peach Street	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/26/2019 - 1:42 PM
Development Management	Holt, Paul	Approved	4/26/2019 - 1:42 PM
Publication Management	Burcham, Nan	Approved	4/26/2019 - 1:57 PM
Legal Review	Kinsman, Adam	Approved	4/29/2019 - 5:07 PM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:10 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:16 PM

## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: Proposed Fiscal Year 2020-2025 Secondary Six-Year Plan

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Each year the Virginia Department of Transportation (VDOT) works with the James City County Board of Supervisors to develop a list of project priorities for the Secondary Six-Year Plan (SSYP). The SSYP is a priority funding plan for the improvement and construction of secondary roads (roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised for the May 14, 2019, meeting to provide an opportunity for public comment.

### **Allocations**

Through the SSYP, the County receives yearly state and federal allocations to fund proposed secondary improvements. Funding is primarily derived from state and federal gasoline taxes, vehicle title fees, vehicle sales tax, and state sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal and state government. For Fiscal Year (FY) 2020-2025, the proposed SSYP allocation for James City County totals \$1,475,988, with an FY 20 allocation of \$246,498 compared to the FY 19 allocation of \$248,163.

Secondary allocations are not the only funding source for transportation projects. The County has applied and received or been recommended for competitive grants from the Construction District Grant Program and High Priority Projects Program via the SmartScale process, the Regional Surface Transportation Program (RSTP) and the Congestion Mitigation and Air Quality (CMAQ) program for Longhill and Croaker Roads. County staff will continue to apply for more SmartScale, RSTP, CMAQ, Revenue Sharing, and Highway Safety Improvement Program funds to help fund projects in future fiscal years.

Listed below is a brief summary of current and special funding projects for the priority list for the FY 20-25 SSYP.

### **Current Projects**

#### Longhill Road (Route 612) - Phases I, II, and III

Widening Longhill Road from Route 199 to Olde Towne Road/Devon Road from two to four lanes (Attachment No. 3) with a variable width median and accommodations has been the County's highest priority for secondary roads for a number of years. The 2014 Longhill Road Corridor Study examined the entire corridor from Route 199 to Centerville Road and identified short-term recommendations (Phase I widening and "quick-hitter" items) as well as mid-term (Phase II) and long-term recommendations (Phase III).

Specific recommendations and a preferred typical section from the study are being used to guide the Phase I widening, now in the construction phase. Due to the existing safety concerns and capacity deficiencies of Longhill Road, staff recommends keeping Phase I of the project as the first priority on the SSYP to ensure the project remains fully funded.



Since the study's adoption, VDOT and the County have been investigating opportunities to fund and implement improvements in the vicinity of Phases II and III (Attachment No. 3). These include quick-hitter items such as school zone safety improvements, signal timing/traffic operation improvements and pedestrian accommodations, as well as longer-term items such as select intersection improvements (especially in the vicinity of the Lafayette High School/Season's Trace entrances), and widening. Due to the uncertainty as to when opportunities will become available to fund and implement various projects associated with Phase II and III areas, staff recommends keeping them on the SSYP as the third and fourth priorities, respectively, to allow funds to accumulate. Planning-level estimates from 2014 for Phase II were approximately \$38,515,000 for full improvements and \$3,000 for quick-hitter items. Estimates for Phase III from 2014 were approximately \$27,000,000 for full improvements and \$151,000 for quick-hitter items. No funding has been allocated at this time.

#### Croaker Road (Route 607)

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 4). The project will include preliminary engineering, right-of-way acquisition and construction of a new two-lane bridge parallel to the existing bridge over the CSX lines, two additional travel lanes, and a shared use path. Staff recommends keeping this project as the second priority on the SSYP to ensure that the project remains fully funded. Of the \$14,768,521 in estimated costs, \$4,400,969 has been allocated and \$10,073,337 is expected throughout FY 20-25 to complete the project.

### **Special Funding Projects**

VDOT utilizes a special funding mechanism which provides annual allocations to localities for unpaved roads and bridge projects. Due to reductions in transportation funding over the past years, new funds have rarely been allocated to these special funding projects as part of the SSYP. As part of the FY 20-25 SSYP \$9,634 of unpaved road state funds are proposed to be available, and VDOT staff have identified an eligible project as noted below. Staff recommends keeping eligible projects on the SSYP so that the County can continue to receive allocations as funds become available. The funds would be utilized when needed.

#### Unpaved Road Funding Program

Racefield Drive was the most recent road paved using the Unpaved Roads Funding Program. In October 2017, VDOT staff identified Peach Street as meeting the criteria of the Rural Rustic Road Program, making it eligible for unpaved roads state funds. Based on this information, the Board of Supervisors adopted a resolution adding Peach Street to James City County's SSYP. Of the \$198,872 in estimated costs, \$189,119 has been previously allocated and \$9,634 of unpaved road state funds is anticipated throughout FY 20-25 to complete the project.

#### Hicks Island Road Bridge (Route 601)

VDOT identified replacing Hicks Island Road Bridge over Diascund Creek as a candidate project in 2012. This structure has a sufficiency rating less than 50, making it VDOT's first priority for bridge replacement on the County's secondary road system. The County concurred, identifying it as the County's priority for bridge funds in past SSYPs. In April 2017, the Board of Supervisors approved a resolution reducing the design scope of the project to a one-lane, 16-foot-wide bridge. Staff recommends keeping Hicks Island Road Bridge as the specific project for the bridge funds.

### **Recommendation**

Given the funding levels expected in the next six years and the current projects that are underway, staff recommends the following priorities, which mirror the Board's priorities for the FY 19-24 SSYP:

1. Longhill Road - Phase I
2. Croaker Road
3. Longhill Road - Phase II
4. Longhill Road - Phase III

In addition, staff recommends keeping Peach Street and Hicks Island Road Bridge as the specific projects for the County's unpaved road and bridge funds, respectively, until the projects are completed.

Staff recommends adoption of the attached resolution, which endorses the secondary road priority list as set forth in this memorandum for the FY 20-25 SSYP.

TL/ md

PropFY20-25-SSYP-mem

### Attachments:

1. Resolution
2. Map of FY 20-25 SSYP Projects
3. Aerial Map - Longhill Road
4. Aerial Map - Croaker Road
5. Aerial Map - Peach Street

**RESOLUTION**

**PROPOSED FISCAL YEAR 2020-2025 SECONDARY**

**SIX-YEAR PLAN**

WHEREAS, Section 33.2-331 of the Code of Virginia, 1950, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Secondary Six-Year Plan; and

WHEREAS, James City County, Virginia (the "County"), has consulted with the VDOT District Project Manager to set priorities for improvements to the County's secondary state highways; and

WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on May 14, 2019, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed list of priorities for improvement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves of the list of priorities for improvements to the Secondary State Highway System as presented at the public hearing and the County Administrator is hereby authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Six-Year Plan.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

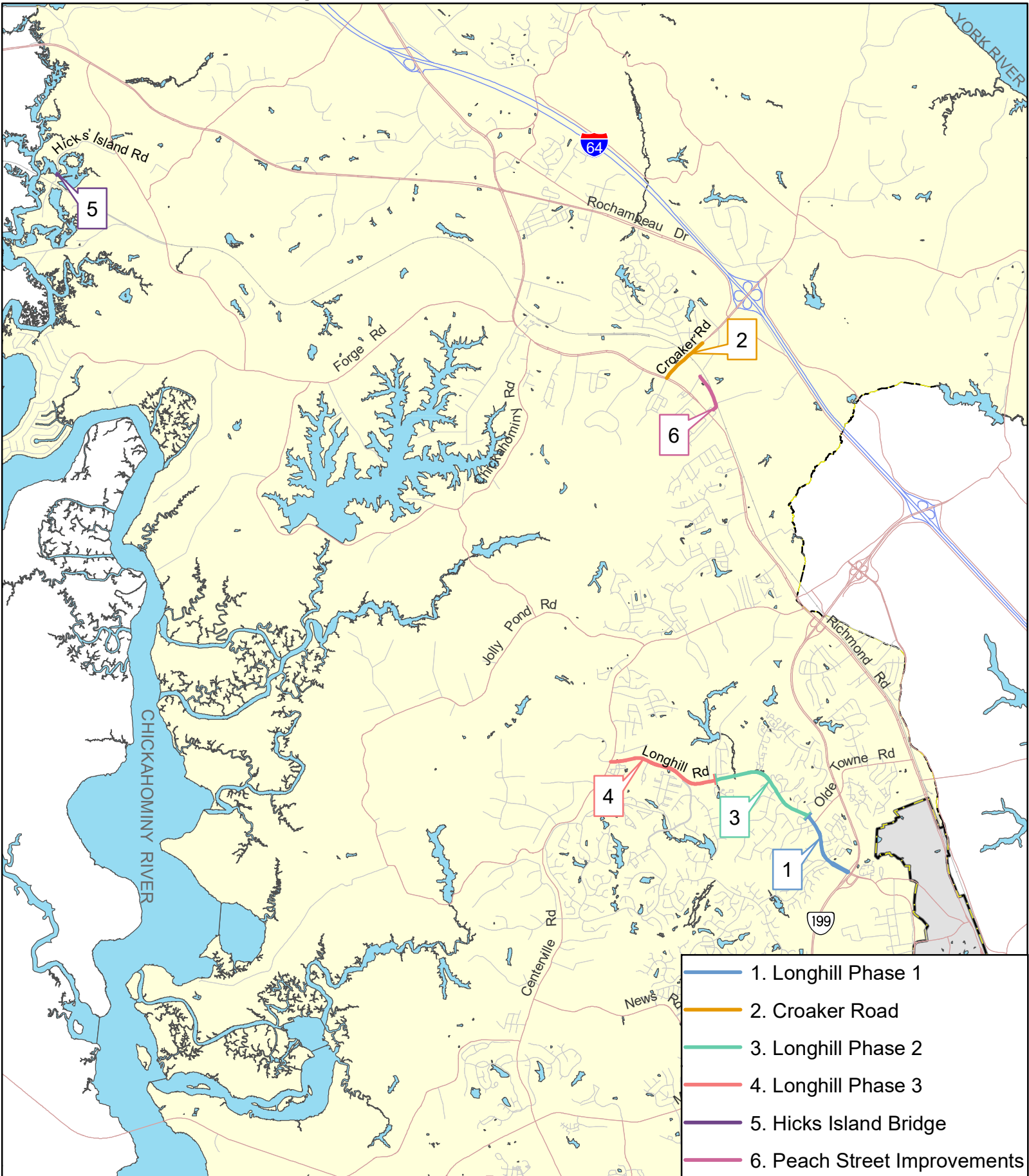
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

PropFY20-25-SSYP-res

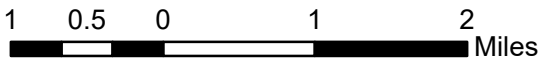


# James City County

## FY 20-25 SSYP Projects



- 1. Longhill Phase 1
- 2. Croaker Road
- 3. Longhill Phase 2
- 4. Longhill Phase 3
- 5. Hicks Island Bridge
- 6. Peach Street Improvements



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# Longhill Rd (Route 612)



- Longhill Phase 1
- Longhill Phase 2
- Longhill Phase 3

0.25 0.125 0 0.25 0.5 Miles



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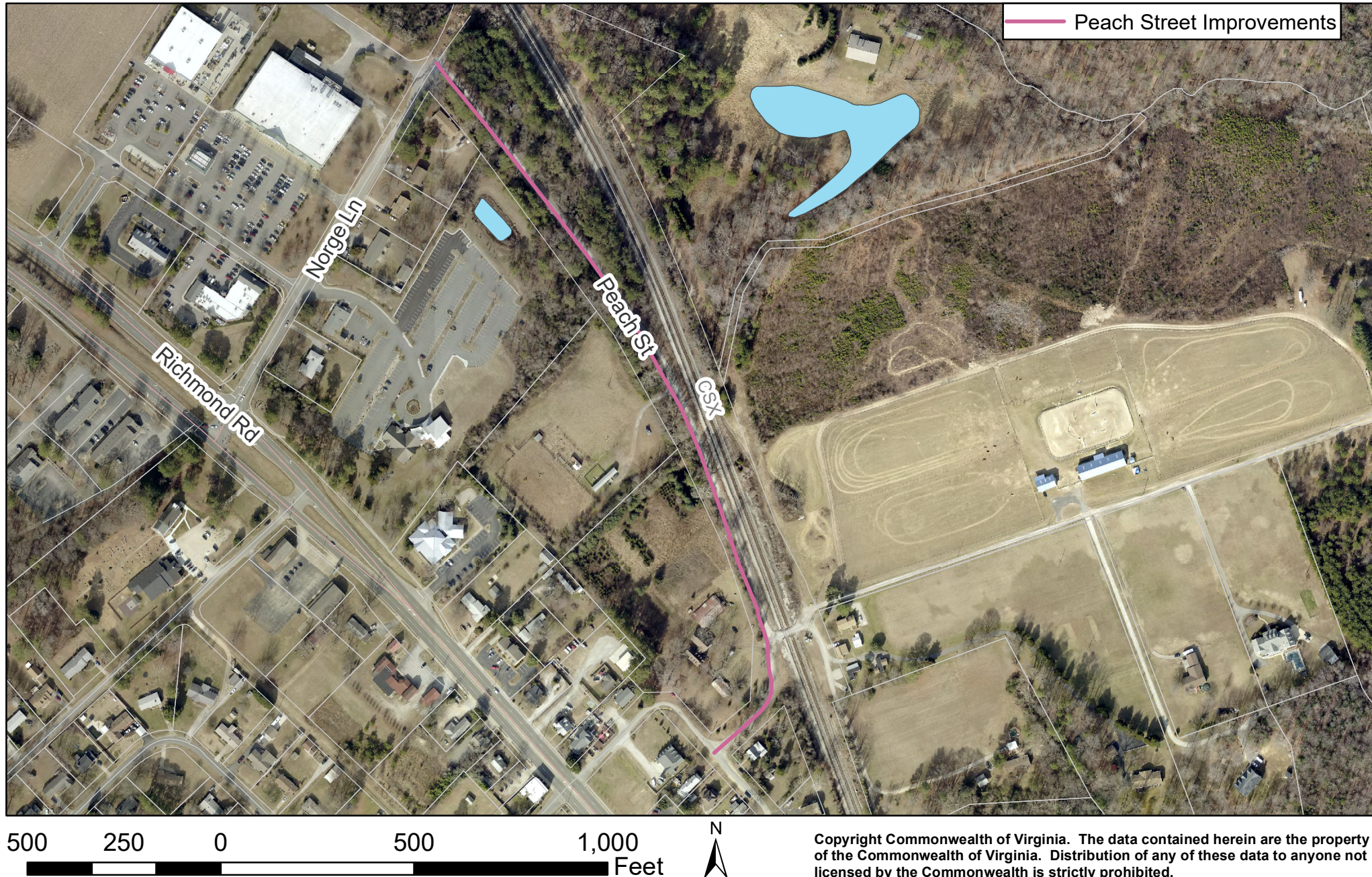
# Croaker Road (Route 607) Improvements



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# Peach Street Improvements





**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Grace Boone, General Services Director

SUBJECT: An Ordinance to Enact a User Fee for Curbside Recycling Collection Service

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance	Ordinance
☐	Ordinance - Final	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/6/2019 - 11:26 AM
Publication Management	Burcham, Nan	Approved	5/6/2019 - 11:36 AM
Legal Review	Kinsman, Adam	Approved	5/7/2019 - 3:48 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:49 PM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 4:31 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:35 PM

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

DATE: April 9, 2019

TO: The Board of Supervisors

FROM: Grace Boone, Director of General Services

SUBJECT: An Ordinance to Enact a User Fee for Curbside Recycling Collection Service

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### **Background**

James City County offers a curbside recycling collection service to County residents. The County contracts with Virginia Peninsulas Public Service Authority (“VPPSA”) to provide this service. Since its inception in 1995, the curbside recycling collection service has been funded entirely by the County’s general fund. Market conditions have drastically increased the cost to provide this service to County residents.

### **Current Service Costs and Proposed User Fee**

1. The Fiscal Year (FY) 2020 curbside recycling service contract is \$1.8 million and will serve approximately 25,000 County households.
2. The FY 2020 County budget allocates \$500,000 for the curbside recycling service contract.
3. The allocated funds are not adequate to cover the operational and administrative expenses for the curbside recycling service.
4. Customers do not currently pay a user fee for the service.
5. The proposed user fee per household is \$7 per month for a total of \$84 per year.
6. To arrive at the proposed user fee, the total expense of the curbside recycling service, including costs associated with customer service and billing, was divided by the number of curbside recycling customers.
7. The proposed user fee would go into effect October 1, 2019.

### **Considerations**

1. The proposed user fee is estimated to have a net zero impact on the County budget.
2. Approval of the proposed Ordinance is needed at this time so the County can include the user fee revenue in its FY 2020 budget and General Services can begin promotion and institute operational, administrative, staffing, and billing changes necessary to implement the fee on October 1, 2019.

### **Recommendation**

Adopt the proposed Ordinance to allow the County to impose a user fee for curbside recycling collection service.

GB/md  
CurbsdRecycServ-mem

Attachment



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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; AND ADDING ARTICLE III, RECYCLING, SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Section 10-2, Definitions; and adding Article III, Recycling, Section 10-31, Optional recycling collection service, fees.

## **Chapter 10. Garbage and Refuse**

### **Article I. In General**

#### **Sec. 10-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Ashes.* The residue resulting from the burning of wood, coal, coke or other combustible material.

*County administrator.* The county administrator of James City County.

*Director.* The director of general services of James City County.

*Garbage.* All animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

*Litter.* All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

*Manager.* The county administrator or his designee.

*Recycling collection service area.* The residential parcels within the county designated by the director for optional curbside recycling collection service.

*Refuse.* All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

*Refuse remover.* Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

*Refuse vehicle.* Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.

*Residential recyclable material.* Certain glass, plastic, metal, paper products, and other materials authorized by the director to be placed in an authorized recycling container which have been generated by occupants of a residential dwelling unit, specifically excluding hazardous waste.

**Article III. Recycling**

***Sec. 10-31. Optional recycling collection service, fees.***

- a) The county may offer an optional curbside recycling collection service to residential properties located within the recycling collection service area.*
- b) Residents who subscribe to the optional curbside recycling collection service shall use an authorized container approved by the director and shall pay a user fee.*
- c) The optional curbside recycling collection service shall provide for the collection of residential recyclable material according to a schedule approved by the director.*
- d) Residential recyclable material that is inaccessible to collection vehicles or located outside of an authorized container shall not be collected.*
- e) Material that does not meet the definition of residential recyclable material shall not be collected.*
- f) The user fee for curbside recycling collection service shall be \$7.00 per container per month.*
- g) The director may terminate curbside recycling collection service to any dwelling upon failure of its owner(s) or occupant(s) to comply with the provisions of this Article.*

**State Law reference** - Code of Va., § 15.2-928.

\_\_\_\_\_  
James O. Icenhour, Jr.  
Chairman, Board of Supervisors

**VOTES**

**AYE**      **NAY**      **ABSTAIN**

ATTEST:

HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

\_\_\_\_\_  
Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May,  
2019.

CurbsdRecycServ-ord

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 10-2, DEFINITIONS; AND ADDING ARTICLE III, RECYCLING, SECTION 10-31, OPTIONAL RECYCLING COLLECTION SERVICE, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 10, Garbage and Refuse, is hereby amended and reordained by amending Section 10-2, Definitions; and adding Article III, Recycling, Section 10-31, Optional recycling collection service, fees.

## **Chapter 10. Garbage and Refuse**

### **Article I. In General**

#### **Sec. 10-2. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Ashes.* The residue resulting from the burning of wood, coal, coke or other combustible material.

*County administrator.* The county administrator of James City County.

*Director.* The director of general services of James City County.

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*Litter.* All waste material, including, but not limited to, disposable packages or containers, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing.

*Manager.* The county administrator or his designee.

*Recycling collection service area.* The residential parcels within the county designated by the director for optional curbside recycling collection service.

*Refuse.* All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, litter, residues from cleanup of spills or contamination or other discarded materials.

*Refuse remover.* Any person, firm or corporation or any agent or employee thereof engaged in removing and transporting refuse for compensation from two or more residential, commercial or industrial establishments, or any combination thereof, in the county.

*Refuse vehicle.* Any truck or trailer used for transporting refuse from the premises from which it is collected to the point of refuse disposal.

*Residential recyclable material.* Certain glass, plastic, metal, paper products, and other materials authorized by the director to be placed in an authorized recycling container which have been generated by occupants of a residential dwelling unit, specifically excluding hazardous waste.



### **Article III. Recycling**

#### **Sec. 10-31. Optional recycling collection service, fees.**

- a) The county may offer an optional curbside recycling collection service to residential properties located within the recycling collection service area.
- b) Residents who subscribe to the optional curbside recycling collection service shall use an authorized container approved by the director and shall pay a user fee.
- c) The optional curbside recycling collection service shall provide for the collection of residential recyclable material according to a schedule approved by the director.
- d) Residential recyclable material that is inaccessible to collection vehicles or located outside of an authorized container shall not be collected.
- e) Material that does not meet the definition of residential recyclable material shall not be collected.
- f) The user fee for curbside recycling collection service shall be \$7.00 per container per month.
- g) The director may terminate curbside recycling collection service to any dwelling upon failure of its owner(s) or occupant(s) to comply with the provisions of this Article.

**State Law reference** - Code of Va., § 15.2-928.

CurbsdRecycServ-ord-final

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Sharon Day, Interim Director of Financial and Management Services

SUBJECT: FY 2020 Budget Adoption

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution of Appropriation	Resolution
☐	Errata Sheet	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:33 PM

## MEMORANDUM

DATE: May 14, 2019  
TO: The Board of Supervisors  
FROM: Sharon B. Day, Interim Director, Financial and Management Services  
SUBJECT: FY2020 Budget Appropriation

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Attached is a resolution to appropriate the FY2020 budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at the budget work sessions. The attached errata sheet details these changes. The resolution reflects two new paragraphs (#9 and #10) that will allow the County Administrator authority to adjust the appropriations for grants and Constitutional Officers when additional funding becomes available or is reduced.

Changes to the proposed FY2020 budget include:

General Fund Expenditures:

<i>Voter Registration and Elections</i>	<i>\$3,760</i>
Increase supplement for the General Registrar from \$5,000 to \$8,000, including fringe benefits.	
<i>Commonwealth Attorney</i>	<i>\$49,243</i>
Increase for two paralegal positions effective January 1, 2020.	
<i>Nondepartmental</i>	<i>\$39,397</i>
Increase to contingency to balance expenditures with revenues.	
<i>Contributions to Other Regional Entities</i>	<i>(\$92,400)</i>
Decrease due to revised request from the Virginia Peninsula Regional Jail.	

SBD/nb  
FY2020BudApp-mem

Attachment



## RESOLUTION

### RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2019 and ending June 30, 2020, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

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

1. The following amounts are hereby appropriated in the FY 2020 General Fund for the offices and activities in the amounts as shown below:

#### GENERAL FUND REVENUES

	<u>FY 2020</u>
General Property Taxes	\$ 137,075,000
Other Local Taxes	28,145,000
Licenses, Permits and Fees	9,427,000
Fines and Forfeitures	240,000
Use of Money and Property	200,000
Commonwealth	28,620,000
Federal Government	8,000
Charges for Services	7,850,000
Miscellaneous	<u>260,000</u>
Total Revenues	<u>\$ 211,825,000</u>

#### GENERAL FUND EXPENDITURES

	<u>FY 2020</u>
General Administration	\$ 2,831,370
Court Services	4,212,442
Public Safety	28,944,704
Financial Administration	4,868,882
Information Resources Management	4,432,645
Community Development	3,072,790
General Services	13,029,865
Parks and Recreation	6,589,884
Contributions - Other Outside Agencies	1,003,941
Nondepartmental	262,049
Contribution to WJCC Schools	95,746,036
Contribution - School Debt Service	14,800,000

Williamsburg Regional Library	4,933,357
Other Regional Entities	3,672,975
Health Services	2,513,934
Contributions to Other Funds	<u>20,910,126</u>
Total Expenditures	<u>\$ 211,825,000</u>

The appropriation for education includes \$95,746,036 as a local contribution to the Williamsburg-James City County Schools operations.

In addition, the following amount is hereby appropriated as a transfer from the General Fund to the Capital Projects Fund:

Year End Fund Balance	\$1,807,000
Contribution to Capital Projects	\$1,807,000

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.84
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Boats, weighing 5 tons or more, on each \$100 assessed value	\$1.00
Boats, weighing less than 5 tons, on each \$100 assessed value	\$3.50

3. That the following amounts are hereby appropriated in other budgets in FY 2020 for the activities in the amounts as shown below:

CAPITAL PROJECTS BUDGET

Revenues:

Transfer from the General Fund	\$ 6,560,000
General Fund – Senate Bill 942 Sales Tax	3,164,000
Prior Year General Fund	1,807,000
Prior Year School Fund Balance	900,000
Federal/State Grants	325,000
Bond Anticipation/Proceeds	2,216,000
Tourism Revenue	<u>718,100</u>
Total Capital Projects Fund Revenues	<u>\$15,690,100</u>

Expenditures:

Schools	\$ 2,904,000
General Services/Other	7,174,200
Public Safety	3,060,000
Parks and Recreation	<u>2,551,900</u>
Total Capital Projects Fund Expenditures	<u>\$15,690,100</u>

DEBT SERVICE BUDGET

Revenues:

General Fund - Schools	\$14,800,000
General Fund - Other	5,700,000
Qualified School Construction Bonds	<u>42,500</u>
Total Debt Service Fund Revenues	<u>\$20,542,500</u>

Expenditures:

Total Debt Service Fund Expenditures	<u>\$19,805,646</u>
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VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

Federal/State	\$3,924,885
General Fund	1,354,179
Other	<u>489,296</u>
Total Virginia Public Assistance Fund Revenues & Fund Balance	<u>\$5,768,360</u>

Expenditures:

Total Virginia Public Assistance Fund Expenditures	<u>\$5,768,360</u>
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HOUSING AND NEIGHBORHOOD DEVELOPMENT FUND

Revenues:

General Fund	\$ 647,364
Grants	1,642,630
Program Income	35,000
Revolving Loan Fund	200,000
Other	<u>171,277</u>
Total Housing and Neighborhood Development Fund Revenues & Fund Balance	<u>\$2,696,271</u>

Expenditures:

Housing Administration and Programs	\$2,363,782
Neighborhood Development Administration and Programs	<u>332,489</u>
Total Housing and Neighborhood Development Fund Expenditures	<u>\$2,696,271</u>



COLONIAL COMMUNITY CORRECTIONS FUND

Revenues:

Federal/State	\$799,790
General Fund	110,583
Supervision Fees	49,500
Other	<u>204,334</u>

Total Colonial Community Corrections Fund Revenues & Fund Balance	<u>\$1,164,207</u>
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Expenditures:

Total Colonial Community Corrections Fund Expenditures	<u>\$1,164,207</u>
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SPECIAL PROJECTS/GRANTS FUND

Revenues:

Children's Services Act (CSA)	\$ 244,300
CSA Local Match - General Fund	265,000
CSA School Share	377,000
Emergency Management Planning Grant	39,978
Technology Trust Fund	120,000
General Fund	1,354,000
Fund Balance	<u>100,000</u>

Total Special Projects/Grants Fund Revenues & Fund Balance	<u>\$2,500,278</u>
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Expenditures:

Children's Services Act (CSA)	\$ 986,300
Emergency Management Planning Grant	39,978
Technology Trust Fund	120,000
Transportation Match	<u>1,354,000</u>

Total Special Projects/Grants Fund Expenditures	<u>\$2,500,278</u>
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TOURISM INVESTMENT FUND

Revenues:

Additional \$2 per Night Room Tax	\$ 815,000
General Fund – from Room Tax Revenues	<u>1,755,000</u>

Total Tourism Investment Fund Revenues	<u>\$2,570,000</u>
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Expenditures:

Total Tourism Investment Fund Expenditures	<u>\$2,570,000</u>
--	--------------------

4. The County Administrator be authorized to increase the appropriation for the 3/5 Room Tax dollar per dollar for any amount collected over the original appropriation amount.
5. The County Administrator be authorized to increase the appropriation for the Additional \$2 per Night Room Tax dollar per dollar for any amount collected over the original appropriation amount.
6. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
7. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.
8. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
  - a) Insurance recoveries received for damage to any County property, including vehicles, for which County funds have been expended to make repairs; and
  - b) Refunds or reimbursements made to the county for which the County has expended funds directly related to that refund or reimbursement.
9. The County Administrator be authorized to adjust the appropriations for grants in the applicable fund (General Fund, Capital Projects Fund, Virginia Public Assistance Fund, Housing and Neighborhood Development Fund, Colonial Corrections Fund and Special Projects Fund), as applicable if and when additional federal, state and/or local funds become available or are reduced, not to exceed \$10,000 for each individual grant, unless the terms of the grant or program require specific actions by the Board of Supervisors.
10. The County Administrator be authorized to adjust the appropriations for the Constitutional Officers (Commonwealth Attorney, Clerk of Court, Sheriff, Treasurer and Commissioner of Revenue), as applicable if and when additional funding from the State Compensation Board becomes available or is reduced, not to exceed \$50,000 by Constitutional Officer, to be expended in accordance with guidelines as established by the state government.
11. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
12. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
13. All outstanding encumbrances, Capital Projects, Grants and Special Projects in all County funds at June 30, 2019, shall be an amendment to the FY 2020 budget, and

appropriated to the FY 2020 budget to the same department and account for which they were encumbered in the previous year.

14. The County Administrator or his/her designee be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

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James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May,  
2019.



General Fund		
FY 2020 Proposed Budget Adjustments		
	Balances	Difference
	\$211,825,000	\$211,825,000
		\$0
<u>Description</u>	<u>Revenues</u>	<u>Expenditures</u>
Beginning Balance	\$211,825,000	\$211,825,000
General Registrar: increase supplement from \$5,000 to \$8,000, including fringe		\$ 3,760
Commonwealth Attorney: add 2 Paralegals effective 1/1/2020		\$ 49,243
Contingency: to balance with revenues		\$ 39,397
Virginia Peninsula Regional Jail: reduce contribution		\$ (92,400)

**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Adam Kinsman, County Attorney and Alex Baruch, Senior Planner

SUBJECT: C-18-0118. 4704 Lady Slipper Path, Fence

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**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Graylin Woods Section 1B Subdivision Plat (and proposed fence location markup)	Backup Material
☐	Pictures of existing fence on adjacent lots	Backup Material
☐	Narrative provided by the applicant	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	5/1/2019 - 3:03 PM
Publication Management	Burcham, Nan	Approved	5/1/2019 - 3:20 PM
Legal Review	Kinsman, Adam	Approved	5/6/2019 - 11:25 AM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 10:27 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:44 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:05 PM

## MEMORANDUM

DATE: May 14, 2019  
TO: The Board of Supervisors  
FROM: Alex Baruch, Senior Planner  
SUBJECT: Case No. C-18-0118. 4704 Lady Slipper Path, Fence

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### **Graylin Woods Scenic Easement Fence**

#### *History:*

The Graylin Woods subdivision was developed in the 1980s with most of the houses completed between 1990 and 1996. A scenic easement exists for the length of the subdivision along John Tyler Highway. The scenic easement is located across the rear yard of the individual property owner's lots (Lots 40, 41, 42, 1, 2, 3, 4, and 5). The Ordinance in effect currently would require such an easement to be located on common open space that is maintained by the Homeowners Association (HOA). This requirement was not in place when Graylin Woods was created. As such, the easement is located across the privately owned lots. In addition, the scenic easement was not dedicated to any entity on the plat or by deed and therefore defaults to ownership and enforcement by the County.

At the time of the original subdivision case, the County had a Subdivision Review Committee which reviewed subdivision plans. It appears to staff that this Committee required the easement as part of the subdivision approval as John Tyler Highway was shown on the Comprehensive Plan Map as a greenbelt (now known as Community Character Corridors).

#### *Current Request:*

The owner of Lot No. 1, Ms. Melissa Butler and Mr. Ryan Joyce would like to construct a fence in their backyard within the scenic easement (Attachment No. 3). Because the County owns the scenic easement, the Board of Supervisors has to approve any construction within the easement. Rather than approve requests one at a time, staff proposes a standard procedure and set of requirements that would be applied to all such lots uniformly and consistently. Staff proposes that for the properties in Graylin Woods that front on John Tyler Highway (Lots 40, 41, 42, 1, 2, 3, 4, and 5), the conditions outlined in the resolution shown in Attachment No. 1 would apply to fences within the scenic easement. Per the existing easement language, no other structures would be permitted. Should the attached resolution be approved, staff will write up a standard operating procedure and provide the document to the HOA for its Architectural Review Board to provide to future property owners who want to build a fence within the scenic easement. Approval of this resolution would make approval of fences for these properties within the scenic easement easier for subsequent and future homeowners by allowing such future requests to be approved by staff. During a site visit it appears that there is already a fence along John Tyler Highway along the rear of the adjacent two properties, Lot Nos. 2 and 3 (see Attachment No. 4 for pictures). This existing fence meets the visual and height recommendations in the attached resolution and would be consistent with the attached resolution if approved.

Staff recommends that the Board of Supervisors approve the attached resolution.



Case No. C-18-0118. 4704 Lady Slipper Path, Fence  
May 14, 2019  
Page 2

AB/nb  
C18-0118-4704LadySPth-mem

Attachments:

1. Resolution
2. Location Map
3. Graylin Woods Section 1B Subdivision Plat (and proposed fence markup)
4. Pictures of existing fence on adjacent lots
5. Narrative provided by the applicant

## **RESOLUTION**

### **GRAYLIN WOODS SCENIC EASEMENT FENCE**

WHEREAS, there exists a scenic easement (the “Easement” or the “Graylin Woods Scenic Easement”) owned by and located within James City County across Lots 40, 41, 42, 1, 2, 3, 4, and 5 in the Graylin Woods subdivision; and

WHEREAS, the Easement is located within a Community Character Corridor and prohibits the removal of trees and the building of structures within the 75-foot-wide Easement; and

WHEREAS, certain homeowners wish to build fences in their yards within the Easement; and

WHEREAS, the Board of Supervisors of James City County (the “Board of Supervisors”) is of the opinion that certain types of fencing would not negatively impact the Community Character Corridor nor conflict with the intent of the Easement; and

WHEREAS, the Board of Supervisors wishes to allow fences within the Easement provided that each fence meets certain conditions and is approved by Planning staff through an administrative review of a conceptual plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby allows certain fences within the Graylin Woods Scenic Easement provided that each fence comports with the requirements set forth below.

1. Fences shall be permitted to be constructed within the Easement provided that all of the following conditions are met to the satisfaction of the Planning Director:
  - a. No trees greater than two inches diameter at breast height shall be removed;
  - b. No part of the fence shall extend more than six feet up from natural grade; and
  - c. The fence shall be constructed of unstained, unpainted wood and shall remain in that state for the duration of the fence.
2. The Planning Director may permit minor deviations from the requirements set forth in (1) above if the minor deviations comport with the purpose of the Easement and will not negatively impact the Community Character Corridor. Appeals of the Planning Director’s decision may be made to the Board of Supervisors.
3. The applicant shall file a conceptual plan with the County prior to commencement of construction of the fence. The conceptual plan shall show, at a minimum, the location of the fence and compliance with the conditions set forth in (1), above.
4. A copy of these conditions shall be recorded as a deed of restrictive covenants against the property in the Circuit Court for the City of Williamsburg and the County of James City within 30 days of commencement of construction of the fence. Proof of recordation shall be provided to the Zoning Administrator.

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James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

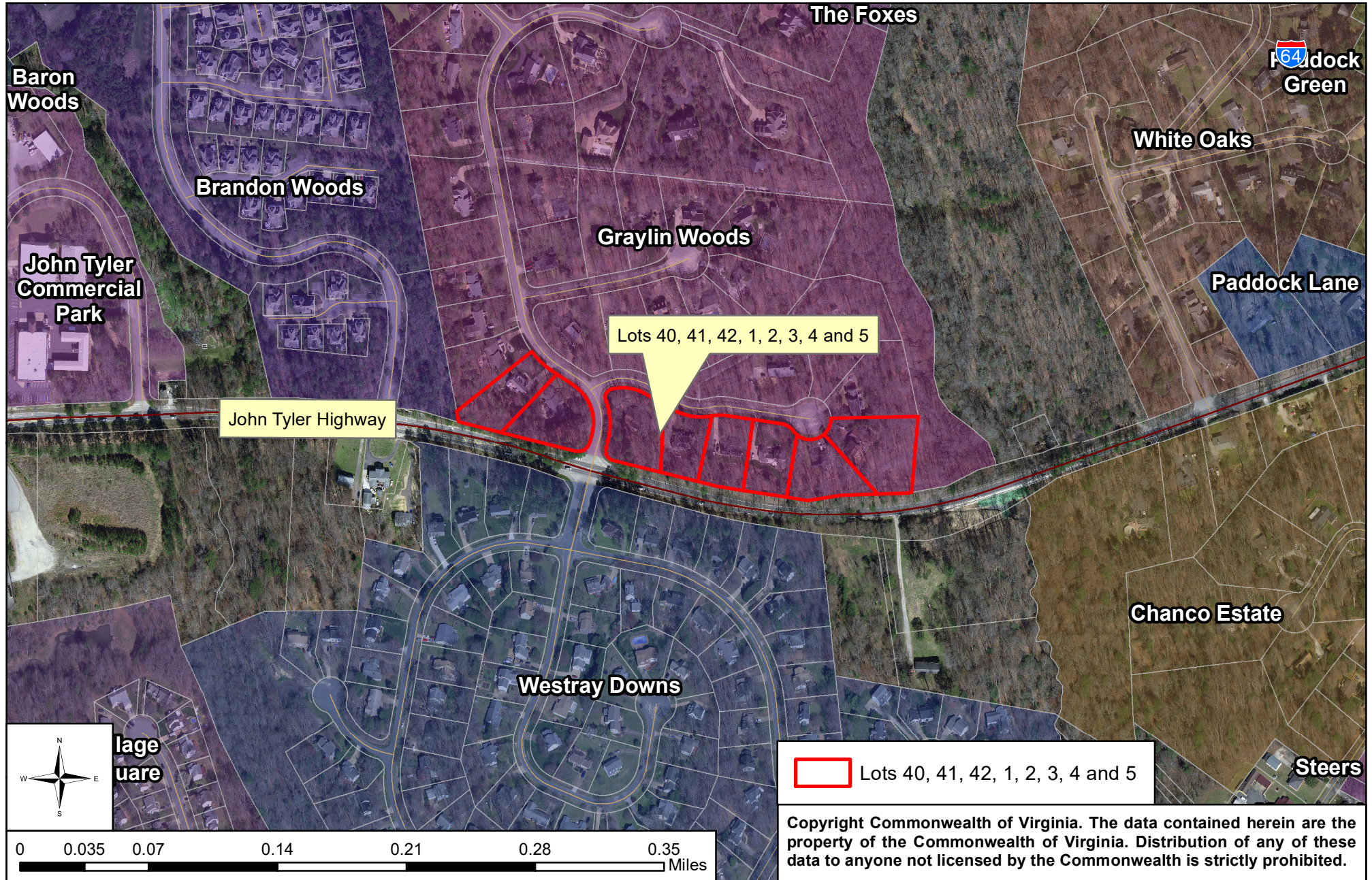
Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of  
May, 2019.

GraylinWdsScEsmt-res



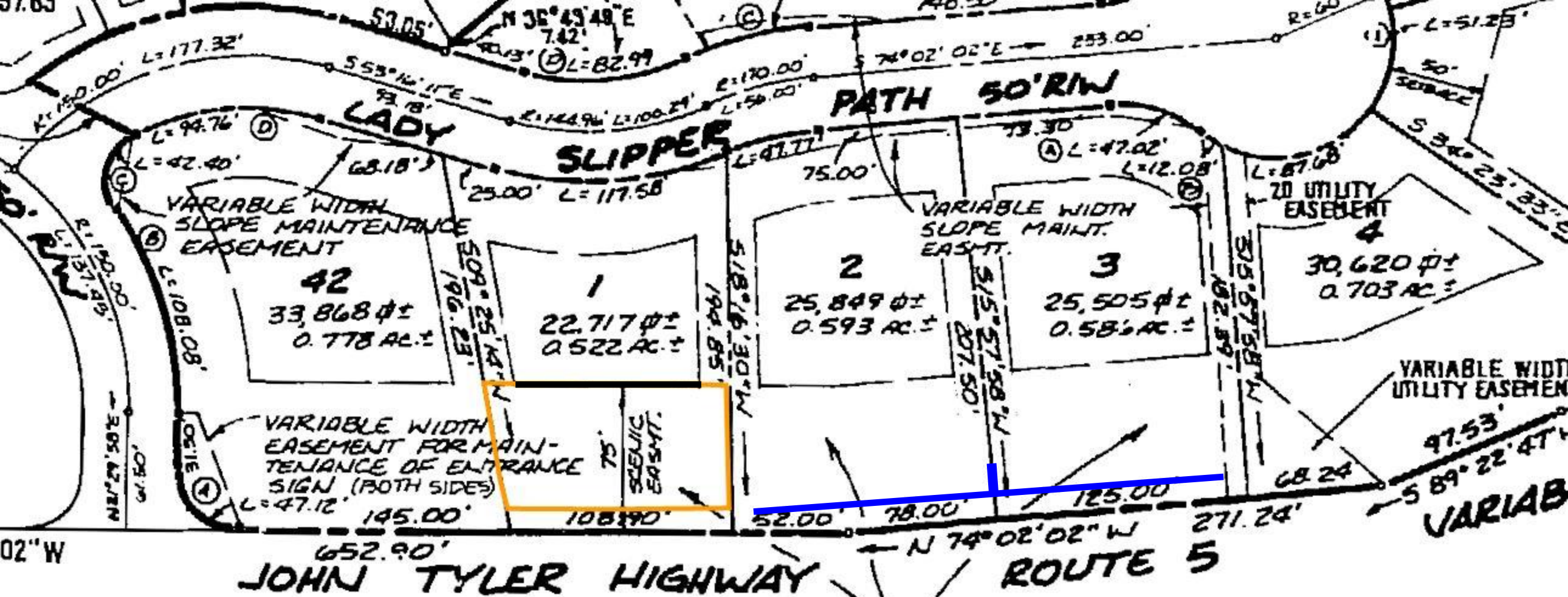
# JCC-C-18-0118



## 4704 Lady Slipper Path Fence









-  = Approximate location of Proposed Fence
-  = Approximate location of existing fence

NO TREES TO BE REMOVED  
NOR STRUCTURES TO BE CONSTRUCTED  
IN 75' SCENIC EASEMENT



View from John Tyler Highway  
to rear of Lot 1





View from John Tyler Highway  
to rear of Lot 2/3





View from John Tyler Highway  
to rear of Lot 2/3









Applicant Narrative:

I would like to apply to put a fence on my property, 4704 Lady Slipper Path. There is a "scenic easement" noted on the 1985 Graylin Woods Plat, but through communication with Christy Parrish on December 3, 2018, she informed me that there is no enforcement agency listed on the plat, and as such, defaults to the county. We would like to build a 6ft wood, dog-eared, panel fence on the interior of the tree line (set back from the road so as to preserve the wooded setting). We have met with the installing company, who has drawn up the fence line so that no trees will be disturbed by the placement, and it will maximize the greenbelt-like wooded setting from John Tyler Highway.



**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Requesting the Commonwealth Prioritize the Next Segment of Interstate 64 Widening - Lightfoot to Bottoms Bridge

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	4/24/2019 - 11:17 AM
Publication Management	Daniel, Martha	Approved	4/24/2019 - 11:43 AM
Legal Review	Kinsman, Adam	Approved	4/24/2019 - 11:44 AM
Board Secretary	Fellows, Teresa	Approved	4/30/2019 - 11:05 AM
Board Secretary	Purse, Jason	Approved	5/7/2019 - 1:44 PM
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 3:54 PM



## MEMORANDUM

DATE: May 14, 2019

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Celebrating the Creation of Additional Funding for State Funded Interstate 64 Improvements and Requesting the Commonwealth Transportation Board Prioritize the Next Commonwealth Funded Segment of Widening Interstate 64 to Begin in Hampton Roads at Exit 234 and Advance Incrementally Westward Toward Bottoms Bridge

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As part of the 2019 General Assembly Session, HB2718/SB1716 was passed and signed by the Governor creating the Interstate 81 (I-81) Corridor Improvement Fund.

The legislation primarily creates an Interstate 81 Committee, tasked with developing and updating a program related to Interstate 81 Corridor safety and improvements, and creates an Interstate 81 Corridor Improvement Fund (Fund). Those improvements to I-81 will occur through the creation of various fees and taxes. A regional gas tax for the I-81 area, like the tax imposed in the Northern Virginia and Hampton Roads regions would be established. All of the revenues generated by the regional gas tax in the I-81 area would be deposited into the Fund for I-81 improvements.

The other new revenues would be apportioned among the Fund, the Northern Virginia Transportation Authority Fund, and the Commonwealth Transportation Board for use in other interstate corridors.

The Commonwealth has determined that the continued widening of I-64 from Hampton Roads to Richmond is a priority and this additional funding puts into place the resources necessary to continue the work that is already underway.

The attached resolution recognizes that substantial investment. However, the current widening project (Segment III) ends at Exit 234 in Lightfoot. The attached resolution therefore requests the Commonwealth Transportation Board (CTB), utilizing its new dedicated revenue source of funds, commence the next phase of I-64 widening at Exit 234 and proceed incrementally westward to Bottoms Bridge (versus starting the next phase in Richmond and proceeding eastwardly towards James City County).

Such a methodology would also be in support of our regions' tourism and travel demands; it would continue to improve access to and from the Port of Virginia; it would continue to provide enhanced connectivity and congestion relief to our significant military installations, and it would continue to improve the emergency evacuation route away from the coastline.

Staff recommends approval of the attached resolution which would make this request known to the CTB and it also requests similar Resolutions of Support from the Hampton Roads Transportation Accountability Commission, the Hampton Roads Transportation Planning Organization, and the other Hampton Roads localities.

SAS/md  
I-64Seg4Funding-mem

Attachment:

1. Resolution



## **RESOLUTION**

**CELEBRATING THE CREATION OF ADDITIONAL FUNDING FOR STATE FUNDED  
INTERSTATE 64 IMPROVEMENTS AND REQUESTING THE COMMONWEALTH  
TRANSPORTATION BOARD PRIORITIZE THE NEXT COMMONWEALTH FUNDED  
SEGMENT OF WIDENING INTERSTATE 64 TO BEGIN IN HAMPTON ROADS AT EXIT 234  
AND ADVANCE INCREMENTALLY WESTWARD TOWARD BOTTOMS BRIDGE**

- WHEREAS, Interstate 64 (I-64) is a significant transportation corridor linking Hampton Roads and the Historic Triangle to Interstates 95 and 81 (I-95 and I-81); and
- WHEREAS, I-64 provides not only daily commuting for residents and business trips, but provides access to tourist attractions throughout the region; and
- WHEREAS, I-64 is essential for economic development in Hampton Roads and directly supports the transportation of freight in and out of the Port of Virginia; and
- WHEREAS, I-64 is essential to national security and supports military readiness by providing access to, from, and between military facilities; and
- WHEREAS, I-64 is essential as an emergency evacuation route, particularly during hurricane events affecting the Hampton Roads region; and
- WHEREAS, for these reasons, the Commonwealth Transportation Board, the Hampton Roads Transportation Accountability Commission (HRTAC), and the Hampton Roads Transportation Planning Organization (HRTPO) have all put into place significant funding for congestion relief on I-64; and
- WHEREAS, in support of relieving congestion in Hampton Roads, \$114 million has been invested into Segment I of I-64, \$176 million in Segment II, and \$244 million in Segment III; and
- WHEREAS, an additional \$3.86 billion has been approved to make improvements to the Hampton Roads Bridge Tunnel; and
- WHEREAS, the Commonwealth has invested \$43.4 million into widening I-64 eastward in Henrico and New Kent Counties; and, the Commonwealth has identified that widening the entirety of I-64 from the end of Segment III, which currently ends at Exit 234, to the Richmond area is needed.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, is of the opinion that a significant investment has already been made into the widening of I-64 within the Hampton Roads region.



BE IT FURTHER RESOLVED, that the Board of Supervisors is also of the opinion that the investment and momentum into the next segment of improving I-64 should also be within Hampton Roads and the Historic Triangle.

BE IT FURTHER RESOLVED, in support of our regions' tourism and travel demands, to improve access to and from the Port of Virginia, to continue to provide enhanced connectivity and congestion relief to our significant military installations, and to continue to improve the emergency evacuation route away from the coastline, that the Board of Supervisors finds that the next widening improvement of I-64, funded by the Commonwealth Transportation Board utilizing its new dedicated revenue source of funds established during the 2019 Session of the General Assembly, should commence at Exit 234 and proceed incrementally westward to Bottoms Bridge.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, urge the HRTAC, the HRTPO, and the other Hampton Roads localities to take a similar position and make that position known to the Commonwealth Transportation Board.

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James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

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Teresa J. Fellows  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of May, 2019.

I64-Seg4Funding-res



**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Economic Development Authority Appointments

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**ATTACHMENTS:**

Description	Type
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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/7/2019 - 4:52 PM



**ITEM SUMMARY**

DATE: 5/14/2019

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on May 21, 2019 for the Work Session

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**REVIEWERS:**

Department

Board Secretary

Reviewer

Fellows, Teresa

Action

Approved

Date

5/7/2019 - 3:52 PM