

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
January 14, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATIONS

1. Retiree Recognition - Kenny Driscoll
2. Proclamation of Recognition - Robin B. Bledsoe
3. James City County Recognized By 2019 Digital Counties Survey

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Contract Award - Fuel Depot Services
3. Service Agreement for Household Chemical Collection Services
4. Olde Towne Medical and Dental Center Addition of Marketing and Communications Specialist

H. PUBLIC HEARING(S)

1. FY2021-2022 Pre-Budget Public Hearing
2. Amendment to County Code Section 16-22 to permit certain use of metal detectors
3. AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road
4. Z-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment

I. BOARD CONSIDERATION(S)

1. Authorization of Multiple Part-Time Regular Positions
2. Authorization for the Creation of Assistant Director of Community Development Position and Transfer of Funds from Capital Projects Fund to the General Fund

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

2. 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
3. Planning Commission Appointments
4. Board of Equalization Appointments
5. Virginia Peninsula Public Service Authority Board of Directors - Staff Appointments
6. Community Services Coalition Board of Directors - Staff Appointment
7. Disposition of publicly held real property where discussion in an open meeting would adversely affect the negotiating strategy of the public body; in particular, the unimproved right-of-way located along Overlook Drive pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.
8. Consultation with legal counsel pertaining to actual litigation, where such consultation would adversely affect the negotiating or litigation posture of the public body; in particular, the case known as Fout v. Laurel Lake Waterfront Property Owners' Assoc., Case No. CL17-8698, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

M. ADJOURNMENT

1. Adjourn until 9 a.m. on January 25, 2020 for the Board Retreat

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Ryan Ashe, Fire Chief

SUBJECT: Retiree Recognition - Kenny Driscoll

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 2:31 PM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: James O. Icenhour, Jr., Chairman

SUBJECT: Proclamation of Recognition - Robin B. Bledsoe

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 2:32 PM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: James City County Recognized By 2019 Digital Counties Survey

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 2:30 PM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: James City County Recognized By 2019 Digital Counties Survey

James City County earned recognition for fifth place nationally in the population category of up to 150,000 in the Digital Counties Survey 2019. This survey, sponsored by Center for Digital Government (CDG) and the National Association of Counties (NACo), identifies the best technology practices among U.S. counties focusing on delivery of government services, collaboration and shared services, enhanced cybersecurity and efforts toward recovery from disasters.

This recognition caught the attention of Virginia Senator Mark Warner where he said, “This honor recognizes your commitment to improving the delivery of government services through the use of technology.”

Recognized in 2019 for enhancements and initiatives focused on Strategic Plan Goals adopted by the Board in 2016, all divisions of Information Resources Management (IRM), along with departments and staff from around the County, contributed to this achievement. This presentation formally recognizes staff for their achievement in service to the citizens of James City County.

PP/tlc
DigitalCo-mem

Digital Counties Survey 2019

James City County recognized as a leading county
for programs that encourage government
innovation and collaboration

About the Survey



- Awarded by the Center for Digital Government (CDG) and National Association of Counties (NACo)
- James City County ranked fifth nationally in our population category, up to 150,000 residents
- This is James City County's first time being recognized as a top Digital County

About the Survey



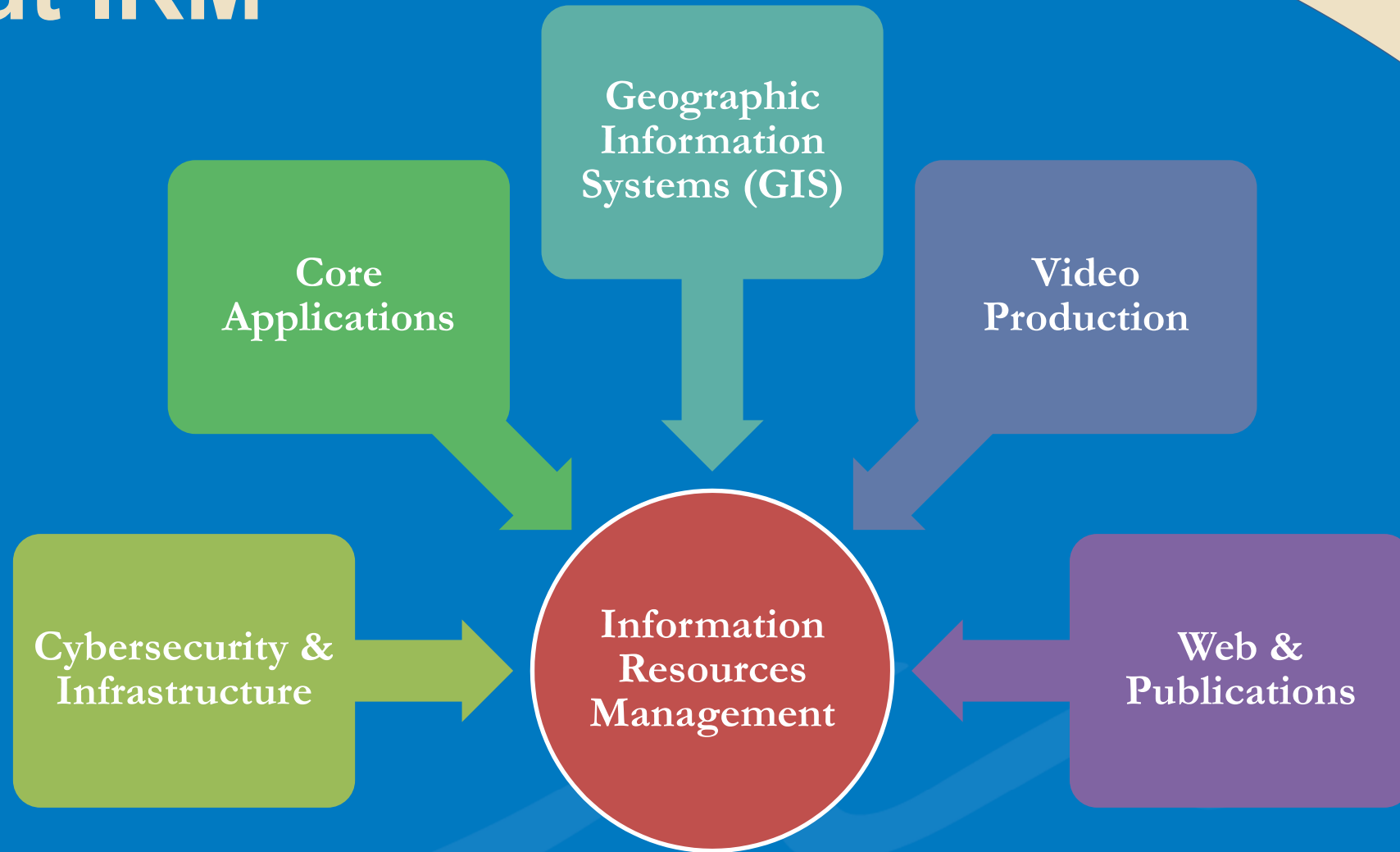
- The survey identifies the best technology practices among U.S. counties, especially initiatives that:
 - Streamline delivery of government services
 - Encourage open data
 - Foster collaboration and shared services
 - Enhance cybersecurity and
 - Contribute to disaster response and recovery efforts

Strategic Plan



- Recognition reaffirms our commitment to the County's Strategic Plan, adopted by the Board in 2016
- James City County Strategic Plan Goals:
 - Modern infrastructure, facilities and technology systems
 - Exceptional public services

About IRM



Initiatives



Between 2018-2019, IRM enhanced and introduced several new initiatives that led to the recognition:

- **Cybersecurity & Infrastructure**
 - Modern cybersecurity and infrastructure initiatives
 - Emergency responsiveness
- **Core Applications**
 - Expanding online services through development and deployment of new PermitLink and InvoiceCloud
 - Open data and transparency initiatives with investments in business intelligence
- **Geographic Information Systems (GIS)**
 - Robust mapping and GIS services with property information system
 - Launch of new GIS open data site
- **Video Production**
 - Innovation in video and multimedia with adoption of high definition cameras, aerial drone footage, live streaming public meetings, indexed videos on-demand, use time-lapse photography and interactive 360 media
- **Web & Publications**
 - Innovation in outreach and information delivery systems, including emergency alerts, and integration of social media and podcast platforms
 - Improved citizen engagement with implementation of smart forms, online page-turning publications and commitment to universal content accessibility
 - Continued dedication to transparency with online records archives

What's Next?



- Increase cybersecurity training for County staff
- Introduce additional network redundancy with fiber rings
- Implement new Accounting/Purchasing system
- Transition to new GIS software to expand analysis capabilities
- Expand mapping support for next-generation 911 system
- Redesign County website
- Standardize ADA compliance across website and printed materials

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
☐	November 12, 2019 Regular Meeting	Minutes
☐	November 26, 2019 Work Session	Minutes
☐	December 3, 2019 Joint Meeting	Minutes
☐	December 10, 2019 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 1:00 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 12, 2019
5:00 PM

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. Ellie Gassner, a 3rd-grade student at Norge Elementary School and a resident of the Powhatan District, led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

1. Proclamation Presentation

Mr. Icenhour read aloud a proclamation which proclaimed November 10 as Adelle Roudels Day in James City County. He noted Ms. Roudel was unable to attend the meeting; however, he would deliver the proclamation to her the following day.

The Board and audience members applauded.

2. Service Project Recognition

Ms. Larson referenced the Eagle Scout Service Project Recognition. She stated Mr. Phelan Daum, a sophomore at Lafayette High School, spruced up a butterfly garden located on the Billsburg Brewery property as a service project to attain Eagle Scout status. She noted details involved in the project, and remarked the Coastal Virginia Wildlife Observatory used the garden to study butterflies and the plants inside the garden were selected to attract the insects. She expressed her appreciation to Mr. Daum and his family as well as his troop for their contributions in the effort.

The Board and audience members applauded.

3. Retiree Recognition - Al Catlett, Jr., Fire Rescue Battalion Chief

Mr. Icenhour noted Mr. Catlett was unable to attend the meeting and deferred the recognition to a future meeting.

F. PUBLIC COMMENT

1. Ms. Peg Boarman, Clean County Commission Chair, 17 Settlers Lane, addressed the Board in regard to “trash to treasures.” She referenced the James City Ruritan Club and gave a brief synopsis. She noted a celebration would be held November 16 from 3-5 p.m. at the Stonehouse Presbyterian Church. She listed several past presidents of the James City Ruritan Club and remarked the focus was on serving the environment. She mentioned trash and recycling and noted that on November 9, 2019, the Clean County Commission held its annual Litter and Recycling Expo. She reviewed the details of the event and expressed her gratitude to the volunteers who attended.

G. CONSENT CALENDAR

1. Minutes Adoption

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

The motion for Approval of the minutes included the following meetings:

- September 24, 2019 Work Session
- October 8, 2019 Regular Meeting
- October 22, 2019 Work Session

2. Grant Award - Medicaid Expansion - \$3,000

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

3. Grant Award - Justice Assistance - \$10,710

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

4. Grant Award - Four-for-Life Fund Adjustment - \$15,423

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

5. Grant Award - Radiological Emergency Preparedness - \$30,000

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

6. Grant Award - Bulletproof Vest Partnership - \$34,997

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

7. Grant Awards - State Homeland Security Program - \$38,600

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

8. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$65,473

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. Contract Award - Child Health Initiative Management System - \$116,540

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

10. Grant Award - Virginia Fire Programs Fund - \$244,057

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

11. Contract Award - Replacement Fire Pumper - \$708,937

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

12. Grant Award - Urban Areas Security Initiative - \$279,148

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

13. Grant Award - Virginia Environmental Endowment James River Water Quality Improvement Fund - \$396,000

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

Ms. Larson expressed her kudos for the amount of grants that staff regularly pursues as well as their attendance at the meetings regarding those grants.

H. PUBLIC HEARING(S)

1. Case No. SUP-19-0016. 3021 Ironbound Road Tourist Home

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. Terry Costello, Deputy Zoning Administrator, gave an overview of the staff report and resolution included in the Agenda Packet. She stated staff recommended approval of the application subject to the conditions listed in the resolution.

Mr. McGlennon inquired about dealing with a reapplication due to failure to meet the condition of things being done within a 12-month timeframe and asked if that timeframe would be an issue.

Ms. Costello replied the applicant had already applied for a building permit and was waiting for this Special Use Permit (SUP) to be approved, after which an inspection could be obtained.

Mr. Jack Haldeman, Planning Commission Chair, stated the Planning Commission voted unanimously and without discussion for the Board to approve this tourist home application.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

2. Ordinance to Amend County Code Section 15-5 to Require Fencing around Junkyards

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

Mr. McGlennon expressed his appreciation to staff for working on this issue as it would aid citizens dealing with visual blight in their communities and help address non-conforming junkyards still remaining in developed neighborhoods.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

3. Conveyance of Real Property - 1653 Green Mount Parkway

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 gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

4. Amendment of James City County Code 13-13.1 and to Create 13-13.2 to Regulate Motorized Skateboards and Scooters

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. Kinsman gave an overview of the memorandum and Ordinance included in the Agenda Packet.

Ms. Larson expressed her appreciation to Mr. Kinsman for looking into this issue.

Mr. Icenhour opened the Public Hearing.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

5. Case No. AFD-19-0001. 7150 Richmond Road, Hill Pleasant Farm AFD Withdrawal

This item is combined with Item No. 6.

6. Case No. SUP-19-0017. Hill Pleasant Farm Solar Farm

A motion to Approve the removal of the Agricultural and Forestal District 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

A motion to Approve SUP-19-0017 Solar Farm 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. Icenhour stated that Item Nos. 5 and 6 would be combined.

Mr. Tom Leininger, Planner, gave an overview of documents regarding Item Nos. 5 and 6 included in the Agenda Packet.

Mr. McGlennon expressed his appreciation for the research involved in this case. He briefly discussed two situations where such withdrawals had been approved and in both instances the first two conditions were not met.

Mr. Haldeman stated the Planning Commission also considered these items together and recommended withdrawal by a 4-2 vote, as there was one absence at that meeting. He further stated the Commission recommended approving the SUP at a 5-1 vote and noted the applicant agreed to work with staff to add a condition to guarantee the planting of low growth pollinators, such as clover, within the 125-acre solar panel array and to guarantee replantings as necessary for the duration of the lease. He stated the Commission voted 5-1 that the application was consistent with the Comprehensive Plan. He noted the Commissioners who voted in favor of these issues made the following points: 1) the Agricultural and Forestal District (AFD) policy discouraged but did not prohibit early withdrawal; 2) renewable and solar energy were for public good and would benefit the community; and 3) the solar provider Strata Solar Development has a strong reputation in a good location shielded from Richmond Road by the railroad tracks, consistent with rural economic policies, and meets three of the four conditions for the withdrawal. He further noted the Commissioner who voted against these proposals made the point it was not consistent with the Comprehensive Plan because it

reduced the development potential in the County core for substantial time, and the lease eventually could have been anticipated on the date of the last day of renewal. He remarked the Planning Commission also recommended the Board of Supervisors resolve the question of what would happen if the withdrawal was approved but the SUP was later denied. He asked if the property owner would need to apply to have his property be readmitted to the AFD.

Mr. Icenhour opened the Public Hearing on both Item Nos. 5 and 6.

1. Mr. Greg Davis, Kaufman & Canoles, P.C., 4801 Courthouse Street, representing the applicant Strata Solar LLC, acknowledged Mr. Don Hunt of Hill Pleasant Farm, Inc. in the audience. He discussed a PowerPoint slideshow which included the following topics: Project Team; Background; SUP; Pollinator Habitat; AFD Withdrawal Policy Four Factors; Circumstances Changed; and Public Purpose. Mr. Davis concluded with the following points: Hill Pleasant Farm is the perfect location: no negative impacts; AFD removal is justified, recommended by AFD Advisory Committee and Planning Commission; and Applicant request - Act on cases together. He commented if the SUP was not to be granted, it would be a great detriment to the landowner to have the property removed from the AFD.

Ms. Larson referenced traffic on Rochambeau Drive and asked what might be expected during construction.

Mr. Davis replied there would be truck and construction worker traffic while developing and grading approximately 120 acres with some tree removal.

Mr. Jackson Naftel, Director of Development with Strata Solar LLC, stated a project of this size would take approximately six months with the core of the truck traffic over in approximately six weeks.

Ms. Larson expressed her concern that Rochambeau Drive was a narrow, winding road.

Ms. Sadler stated she attended the AFD Advisory Committee meeting. She referenced the July 25, 2019, meeting minutes and noted that while at that meeting she asked if the Committee felt the withdrawal criteria had been met.

Mr. Hipple referenced the safety issue on Rochambeau Drive and briefly discussed previous logging trucks which had used that route.

Mr. Davis stated the SUP conditions included a requirement for construction management and mitigation plan and could be addressed by staff at the site plan stage.

Mr. McGlennon inquired about the pedestrian and bicycle accommodations that would be part of this project.

Mr. Davis stated the Ordinance would require a bike path be constructed on the frontage of the property and his client was aware of that and understood it would be a condition of site plan approval.

Mr. McGlennon expressed concern regarding the increased number of tourists traveling by train and referenced buffering and visibility of the solar farm from trains.

General discussion ensued.

Mr. Icenhour referenced the staff report and stated it indicated this was about $\pm$ 190 acres for the solar farm, that the AFD withdrawal was about half of the Hill Pleasant Farm, and the remainder was predominately on the north side.

Mr. Davis replied that was correct.

As there were no registered speakers, Mr. Icenhour closed the Public Hearing.

Mr. Icenhour addressed Mr. Kinsman and referenced the AFD withdrawal and inquired about a rollback of a tax advantage listed as \$80,000.

Mr. Kinsman replied he spoke to the Commissioner of the Revenue and it would depend upon how much was cleared on the property; therefore, the Commissioner was estimating between \$30,000 and \$50,000.

Mr. Icenhour stated it was his understanding when this was approved and built, then this was no longer taxed at rural lands value and it would become more of an industrial type of tax use base.

Mr. Kinsman replied that was correct, it was no longer agricultural.

Mr. Icenhour commented in that respect it did represent a benefit. He further commented there was a proliferation of heavy metals and whatnot in those panels and at the end the decommissioning of the recycling could be an environmentally sensitive issue. He stated there currently was a surety required on this with an ability over a 30- or 40-year period to be adjusted for inflation. He addressed the applicant regarding recycling and assurance that those materials would not be a problem.

Mr. Davis discussed the materials composition and the recycling market.

General discussion ensued.

Mr. Icenhour asked Mr. Kinsman if these items could be voted on simultaneously.

Mr. Kinsman replied they needed to be done separately, with the AFD first and the SUP second.

Mr. McGlennon stated he would not approve the AFD withdrawal unless he was planning on voting for the application.

Mr. Hipple stated the reason the AFD was put in there was to keep this in the family and keep it in a natural state by introducing the solar farm for the next 30 years. He commented the land was being protected by being in the solar farm, allowing the ability in the future for the land to go back into farming if so desired. He stated two of the requirements needed to be reviewed by the Board and the wording examined.

Ms. Larson stated she met with Mr. Davis to discuss this item and appreciated the thought that went into the application as well as the Hunts' contributions to the County over the years. She expressed concern over the previous discussion regarding recycling and assurance that materials would not be a problem and was glad to hear a better product was going to be used.

7. Case No. Z-18-0002/Z-19-0010/MP-18-0002. Stonehouse Rezoning and Proffer and Master Plan Amendment

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

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Nays: Larson

Ms. Ellen Cook, Principal Planner, gave an overview of the staff report, Ordinances, and resolution included in the Agenda Packet.

Mr. Hipple inquired about the 130,000 square feet of Commercial A-1 use and asked if there would be an SUP for any of that use.

Ms. Cook replied there were certain limited uses that were prevented by-right in A-1, but for any other use listed as a Specially Permitted Use that would be required to be in place before those uses could occur.

Mr. Hipple asked if there would be a Virginia Department of Transportation (VDOT) or traffic study during that SUP process depending on the use of the land.

Ms. Cook replied yes, all proposals would be reviewed by VDOT. She stated the need for a traffic study, as required by the Ordinance, would be determined based on the level of trips that were generated. She further stated it had to be below a certain level to not have a traffic study required, if it was above that level then one would be required.

Mr. Hipple inquired if a traffic study was done and if it was determined that the road needed to be widened, who would make that decision.

Ms. Cook replied the traffic study would list certain recommended improvements for the Board to consider as part of the application.

Mr. Hipple inquired if there would be any way the County would be 'on the hook' for something like that and noted he realized this was a tough question.

Ms. Cook replied she felt the Board would be aware of what impacts any SUP application would have, and could make a determination of whether they were being mitigated with that particular application.

Mr. McGlennon stated this was overall a large project and recognized it had previously been approved and gone through the master plan process a few times. He felt it was unreasonable to suggest the proposal needed to meet all the current policies and was curious if there might be some recalibration to reflect the changing circumstances of this application. He stipulated he was pleased at the proposal to significantly reduce the total number of units. He referenced the school site and noted it was originally proffered at 179 acres of which 113 was developable. He noted this particular one was 89 acres of which 33 acres were developable, which was an 80-acre reduction in school site.

Ms. Cook confirmed his calculations.

Mr. McGlennon stated the proposal for the new site involved compacting since it was previously a landfill and asked if it would increase the net developable land.

Ms. Cook replied the non-developable land was based on the environmental features.

General discussion ensued.

Mr. McGlennon recognized a proffer for cash in-lieu of that land and remarked it may be a better option for the County. He stated the area probably needed traffic signalization and if a middle school was added to the other side of the street, there would definitely be a need for signalization which would add additional cost. He inquired about public transportation and

asked if any effort was made to suggest and encourage alternate forms of transportation, in particular the bus system.

Ms. Cook replied no, not public transit.

Mr. McGlennon briefly discussed affordable workforce housing in regard to this case. He asked Ms. Cook to clarify the current terms of contributions per unit to affordable housing costs.

Ms. Cook replied \$1,254.

Mr. McGlennon stated that in a previous discussion with Mr. Tim Trant, Applicant Representative, Kaufman & Canoles, P.C., the figure had been closer to \$15,000.

Ms. Cook replied she would verify in the proffers.

Mr. McGlennon apologized for the questions, but noted the large size of the meeting's Agenda Packet which included a lot of information to review.

Ms. Larson referenced the 33 acres noted for a middle school and inquired if it had been confirmed with the Williamsburg-James City County (WJCC) schools and if that was the suggested acreage for a middle school.

Ms. Cook replied yes, they had been aware of the application and noted the layout was not a firm or definite layout, but rather an example layout.

Ms. Larson repeated if that was the acreage wanted for a middle school.

Ms. Cook replied the acreage was listed in the Comprehensive Plan for each level of school.

Ms. Sadler stated if this was approved and the school did go on that particular site, she would like the County to continue working with VDOT for a traffic signal. She commented this was a very congested area and would be something that needed to continue being pushed and reviewed.

Mr. Hipple noted that every traffic signal cost \$500,000.

Mr. Haldeman stated the Planning Commission voted 4-2 to recommend approval of these applications and the master plan amendment, with the recommendation that the Board of Supervisors endorse the applicant's suggestion of a single buyer for the Stonehouse reserve parcel through a conservation easement of property under the Commonwealth of Virginia Conservation Agency. He further stated the Commission had a number of questions for the applicant, and under discussion the Commissioners who voted in favor of this made the following points: 1) 1,100 reduction in housing units and a substantial reduction in non-residential development removed considerable pressure from the water use, traffic, infrastructure, and schools; 2) the Commission felt it promoted the quality of life within the County; 3) the application promoted better land conservation by seeking a single buyer for the Stonehouse preserve; 4) one Commissioner noted the state approached the applicant about buying this parcel; 5) by selling the property to the state or conservation agency, the homes and commercial uses would likely not be developed; 6) this parcel has been recognized as a high core area and was part of the Governor's vision for preserving Virginia; 7) a significant reduction in roads and turn lanes reduced impervious surface and pollution; and 8) there were a number of residents who spoke to the condition and width of Sycamore Landing Road and Croaker Road and noted the Commissioners felt that was a separate issue from this case; however, the concerns were legitimate. He remarked the Commissioners who voted against

this application pointed out: 1) there were a lot of unknowns regarding this application; 2) the County would receive only one school site and no public safety site versus the existing proffer with two school sites and one public safety site; 3) residents in that area currently have a long public safety response time already; 4) removing the housing units could put growth pressure in the wrong areas of the County when Stonehouse was well situated with access to the interstate; 5) putting affordable housing in a Planned Unit Development (PUD) was not always successful because of the maintenance cost and was not always affordable long term; and 6) decisions had been made on the Comprehensive Plan and other cases based on the density of the project. He noted the Commission had a discussion regarding the affordability of these units.

General discussion ensued.

Mr. Icenhour addressed Mr. Kinsman and discussed page 24 of the proffer document and spoke about external road connections.

Mr. Icenhour opened the Public Hearing.

1. Mr. Tim Trant, Applicant Representative, Kaufman & Canoles, P.C., 4801 Courthouse Street, Suite 300, addressed the Board in regard to Stonehouse rezoning and Proffer and Master Plan amendment. He gave an overview of a PowerPoint slideshow. He introduced representatives of the ownership group, project management team, as well as a fellow colleague from Kaufman & Canoles, P.C. He expressed his appreciation to Ms. Cook for her efforts in pulling this application together. He discussed the project background, proposed master plan, highlights of proposed changes, highlights of proposed changes - PUD, preservation square, and highlights of proposed changes - A1. He discussed whereas his firm had been asked by some of the residents to eliminate or phase the commercial activity on the Stonehouse preserve. He stated with regard to the school site the change in the location of the school site was in part driven by the reduced school impact, reduced number of school children, and the extent of the residential development. He further stated the neighborhood schools no longer seemed prudent and appropriate to draw in buses and traffic from other places in the County. He discussed the proposed master plan and the per unit school cash proffer currently in the proffers. In conclusion, Mr. Trant discussed potential uses for the developable property on the school site as well as the commitment of affordable housing proffers. He noted the \$300,000 number was the 2019 number that was represented in the current proffers.

Ms. Larson inquired about the size of the previous school site.

Mr. McGlennon replied 179 acres with 113 developable.

Ms. Larson briefly discussed the possibility of a middle school and redistricting.

General discussion ensued regarding the details of the proposed school site property.

Mr. Hipple inquired if the \$1.6 million could be negotiated and asked if there was a site included that would accommodate a high school and take the school issue totally off the table. He noted the County would then have what it needed to put in there and asked if the County could take the \$1.6 million and parlay it back to the developer and buy a piece of land that would take care of the County school site.

Mr. Trant replied he did not believe there was a site within the PUD as it would be reconfigured that would be readily available for accommodating a high school. He felt it would involve taking the \$1.6 million and finding a site elsewhere in the area.

Mr. McGlennon stated this 179 acres was a very valuable piece of property inside the development. He stipulated he did like this proposal and felt it could be a win-win situation. He further stated the question of where a school site could be found for \$1.6 million in the County was a bit of a challenge. He commented he felt this project would signal the need for signalization. He briefly discussed the original approved plan.

Mr. Trant stated the delivery of the school site, commitment to improve it to the County specifications, and the \$800,000 cash more than offset the balance.

Mr. McGlennon replied correct and he respected it was just a matter of the right balance.

Ms. Larson disagreed and discussed the proposed school site. She stated she did not want to be misunderstood; she said there needed to be a high school site because she did not know if this would work out for the School Board and a different acreage limited what could be provided for a school.

Mr. Hipple stated he looked at it differently and commented the County would be getting a smaller site but would also be getting a smaller community.

General discussion ensued on this subject.

Mr. Hipple pointed out the significant cost savings for the County not to have to pay for clearing the land and getting it pad ready. He stated he felt the Board was getting hung around the axle on this school site and not looking at the larger picture of traffic, schools, fire, and EMS. He remarked that currently it was hard to keep up with school buses and mentioned the travel, fuel costs, and additional buses for the upper end of the County. He further stated the area in a nature preserve would be a benefit in the future and felt this was very close to some of the things the Board had been seeking.

Ms. Sadler inquired about the school site and possible uses.

The project development manager stated there were other portions of the property that were developable that were not part of the schematic layout of the school. He noted the schematic layout was done with just the intent of the school use itself and not evaluated for multiple uses.

Mr. Hipple referenced site readiness and inquired about the costs for making the site pad ready.

The project development manager estimated \$800,000 to \$1 million to make the site pad ready.

The Board entered a recess at approximately 7:12 p.m.

The Board reconvened at approximately 7:20 p.m.

Mr. Icenhour reviewed the Public Hearing rules for audience members.

2. Mr. Art Michel, 9420 Ottoway Court, addressed the Board in regard to Item No. 7. He stated he resided in Stonehouse Glen and remarked he was pleased to see the setting aside of this part of the proposal, rezoning, and proffers, etc. He commented on the amount of wildlife in the area and their habitat being continually squeezed out and noted his support on the effort of changing the Master Plan.

3. Mr. Ron Grossman, 9936 Swallow Ridge, addressed the Board in regard to Stonehouse at Mill Pond and noted he was the Vice President of the Association. He referenced the

Stonehouse at Mill Pond Board meeting and highlighted the issues discussed. He remarked the Stonehouse at Mill Pond Homeowners Association fully supported the proposed changes to the master plan agreement proffer amendment and rezoning review and encouraged approval of the applications.

4. Mr. Richard Costello, 10020 Sycamore Landing Road, addressed the Board in regard to Case No. Z-18-0002/Z-19-0010/MP-18-0002. He spoke on behalf of the Sycamore Landing concerned citizens and briefly surmised their comments. He requested the Board defer the case and direct staff to work with Stonehouse to address four additional conditions Sycamore Landing residents felt should be added to the rezoning documents.

5. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, addressed the Board in regard to the Stonehouse Rezoning and Proffer and Master Plan Amendment. He stated he was speaking for many older neighborhood residents who could not attend due to weather conditions. He noted concerns of traffic and potential cumulative impacts of some land purchased by the state and the remaining land bought by private development as well as discussed the removal of 1,100 units being a public benefit.

6. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, addressed the Board in regard to registered speaker Ms. Janet Whiteside, 10036 Sycamore Landing Road. He stated Ms. Whiteside was his neighbor who was unable to attend and whom asked that he read her email verbatim to the Board. The email referenced Item No. 7 and discussed traffic concerns.

7. Ms. Kelly Fulton, 9888 Sycamore Landing Road, addressed the Board in regard to the Stonehouse Rezoning and Proffer and Master Plan Amendment. She stated she was in attendance for herself and her neighbor Mr. Sam Cupp, 10213 Sycamore Landing Road, as well as Ms. Mary Mitchell, neighbor. She discussed neighborhood concerns and gave the Board a flash drive with a video displaying problems encountered in regard to the width of the road.

8. Mr. W. Scott Mowry, 10210 Sycamore Landing Road, addressed the Board in regard to Case No. Z-18-0002/Z-19-0010/MP-18-0002. He handed out photos to the Board. He briefly discussed the background of the road noting its present conditions and stated planning needed to be done for the safety of the road.

9. Ms. Nancy Baughan, 10124 Sycamore Landing Road, addressed the Board in regard to Case No. Z-18-0002/Z-19-0010/MP-18-0002. She briefly described the history of Sycamore Landing Road, the community it had served over the years, and traffic condition concerns.

10. Ms. Jo Brooks, 10117 Sycamore Landing Road, addressed the Board in regard to the Stonehouse Rezoning and Proffer and Master Plan Amendment. She expressed her thanks for the opportunity to speak regarding this item. She commented she represented many neighbors who could not attend and shared their concern for the community in which they resided. She discussed the traffic and Sycamore Landing Road hazards and encouraged Board members to visit the area discussed before making a decision.

11. Mr. James Miller, 10031 Sycamore Landing Road, addressed the Board in regard to Item No. 7. He stated downzoning was fantastic. He discussed concerns such as: road narrowness and safety; traffic; public safety - gaining access to the community and arrival timeframe; and selling the property to the state.

12. Ms. Pam Dannon, 9510 Sycamore Landing Road, addressed the Board in regard to Case No. Z-18-0002/Z-19-0010/MP-18-0002. She discussed dangerous road conditions and stated she was not asking for the road to be improved, just for no more traffic to be added.

She asked the Board to defer the case based on the project size, obtaining more information from the School Board, and more time to review the Agenda Packet to have a better understanding of all the elements.

13. Mr. Thomas Williams, Jr., 10005 Sycamore Landing Road, addressed the Board in regard to the Stonehouse Rezoning and Proffer and Master Plan Amendment. He discussed traffic safety concerns.

14. Mr. Jeff Miller, 10025 Sycamore Landing Road, addressed the Board in regard to Item No. 7. He briefly discussed traffic safety concerns.

15. Mr. Robert Meeker, 10200 Sycamore Landing Road, addressed the Board in regard to Case No. Z-18-0002/Z-19-0010/MP-18-0002. He gave a brief personal history of residing in various neighborhoods in the County over the past years. He referenced 'old' News Road and Barnes Road versus Sycamore Landing Road and Croaker Road and noted a difference was the access and the ability to develop. He stated it was a difficult road to improve and barely capable of maintaining the types of vehicles currently en route. He stated he was in favor of property improvements but requested a deferment for more information and better alternatives. He encouraged Board members to take the opportunity and drive on Sycamore Landing and Croaker Roads.

16. Mr. Alan Babb, 10125 Sycamore Landing Road, addressed the Board in regard to Item No. 7. He briefly discussed school bus/road traffic safety concerns on Sycamore Landing Road. He supported the idea of having fewer houses and property being developed as the area needed a closer high school and fire station.

17. Mr. Robert Spencer, 9123 Three Bushel Drive, addressed the Board in regard to the Stonehouse Rezoning and Proffer and Master Plan Amendment. He referenced the end of Field Stone Parkway when getting on Route 30 going south and noted it was a traitorous intersection in need of a traffic control device.

As there were no more speakers, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon asked Ms. Cook if the intersection referenced by Mr. Spencer was affected by the proposal and was there a plan for signalization.

Ms. Cook replied yes, included in the proffers there was a traffic signal at that location when it would be warranted.

General discussion ensued regarding proposed plan aspirations, concerns as well as clarification on which preserve (or both) was to be considered for purchase by the state, and a County legal standpoint regarding the easement.

Ms. Sadler asked Mr. Trant about community meetings. Mr. Trant estimated community meetings were held late winter or early spring 2018 and July or August 2019. Ms. Sadler inquired if the meetings were held in both Stonehouse communities.

Mr. Trant replied yes and discussed various meetings held in regard to this item.

General discussion ensued regarding voting in Stonehouse Glenn and Mill Pond and the original Stonehouse Master Plan.

Ms. Larson inquired about reactions of residents during the Sycamore Landing community meetings.

Mr. Trant noted the major concern was traffic and discussed this issue.

Ms. Sadler referenced a handout and inquired about the number of potential homes that could be built.

Mr. Trant replied the maximum density was 400 multifamily units in that order and a 130,000 square foot of commercial development potential including a marina on Tract 8 the riverfront preserve alone, not including the Stonehouse preserve which would potentially be another ± 2,500 homes.

Discussion ensued regarding affordable housing in relation to this proposal.

Ms. Larson inquired about a possible by-right that could have gone out to Sycamore Landing Road and asked what the County had in place for road improvements. She noted the proffer seemed to change and asked if there was any plan in place. She asked if we as a County had discussed Sycamore Landing Road and how improvements might be handled.

Mr. Paul Holt, Director of Community Development and Planning, referenced the current Master Plan.

Discussion ensued.

Mr. Holt stated there were roads and intersections like this one all over the County. He further stated the traffic analysis done as part of Stonehouse found there would be additional traffic, approximately 3%, but none appreciable enough to warrant any road improvements.

Mr. Icenhour mentioned a recent drive he took to the end of Sycamore Landing Road. He briefly discussed road conditions, open fields, VDOT controls and restrictions, as well as imagining the possibility of the land being purchased and cut up by-right into three-acre lots, noting the importance of downzoning.

Mr. Hipple stated he knew Sycamore Landing Road fairly well and has traffic concerns. He commented he wanted to make certain that safeguards were in place and spoke of potential traffic on the road.

Discussion ensued regarding by-right uses, A1 SUP uses, and safeguards in place.

Mr. Hipple briefly discussed possible noise pollution if this Stonehouse development moved closer to Sycamore Landing. He reiterated he wanted to make certain there was a safeguard for the neighbors as well as expressed his kudos for the work they had done and again noted their biggest concern was Sycamore Landing Road.

Discussion ensued.

Mr. Hipple stated it was a good plan, but he did not want traffic on that road and wanted to make sure the citizens that live there were protected and can continue the quality of life they currently had. He commented if something major came in and was going to cause a traffic problem, it needed to come before the Board before it could be implemented.

Discussion ensued.

Mr. Icenhour referenced the potential for by-right development of property on Croaker Road to Sycamore Landing Road and stated the owner(s) had the by-right ability to carve the properties up into three-acre lots and nothing could be done about it, making that the biggest threat in his opinion. He further stated he was comfortable the easement would limit the

adverse impact that whatever development occurred would have; however, he felt there was a very real concern for the community and other areas in the County.

Mr. McGlennon stated this was a very difficult situation because it was an opportunity to more thoroughly address a proper school site and expected more in terms of addressing the affordable housing issue. He briefly discussed cash contribution and proffer, reduction of the number of units, as well as the potential of an environmental advance. He remarked there were opportunities to do more; however, he would support the application.

Ms. Sadler stated this had been very difficult for everyone and consisted of many discussions and studies. She noted the Board had received a letter from the Mr. Joe Sanders, Stonehouse Golf Club, who stated he was aware of the changes proposed to the Stonehouse Master Plan and expressed his support. She expressed her appreciation to everyone voicing their opinions and attending the meeting.

Ms. Larson expressed her appreciation to Mr. Trant, Mr. Rinaldi, and Mr. Costello for the time they took with this proposal. She stated this was a tough item and briefly discussed her unhappiness and frustration with the school switch commitment and a road that would not be improved. She commented she was not as confident as her colleagues.

I. BOARD CONSIDERATION(S)

1. 2020 Legislative Agenda

A motion to Approve the 2020 Legislative Agenda with the addition of 2-8 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. Kinsman referenced the last Board of Supervisors work session as well as the James City County 2020 Legislative Program. He stated that at the Chairman's request he drafted a proposed addition to the second page in light of what occurred this evening and handed the Board members the following: "EASTERN STATE HOSPITAL SURPLUS PROPERTY - James City County encourages the Department of General Services, with the cooperation of the Department of Behavioral Health and Developmental Services, to work with the County to identify a minimum of ten acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center. The subject property shall be transferred to James City County upon such terms and conditions as may be agreed to by the parties." He stated Ms. Rebecca Vinroot, Director of Social Services, had been working with legislators and was one who the Honorable Senator Montgomery Mason thought would be helpful in the upcoming session. He further stated at the Chairman's request he drafted a proposed addition to the second page of the handout, in light of what occurred this evening, James City County encouraged the Commonwealth of Virginia to purchase the approximately 2,300-acre property, located in James City County, known as the Stonehouse Preserve for the expansion of Ware Creek Wildlife Management Area or the York River State Park. He noted that would be the Chairman's proposed addition, otherwise, he recommended the Board adopt this new amended 2020 Legislative Program, and then have this presented at the Board's work session in a couple of weeks.

Ms. Larson expressed her appreciation for the additional part regarding Eastern State. She referenced the history of entering into the agreement with Eastern State and asked if this was separate from the property it wanted to develop.

Mr. Kinsman replied that Mr. Holt would be the person to address that question.

Ms. Larson addressed Mr. Holt and asked if he would send her information in regard to her question.

Mr. Kinsman clarified that Mr. Holt and Ms. Vinroot were the two members of staff who had been working on this and could clear it up with an email.

2. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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. Patrick Teague, Director of Human Resources, gave an overview of the memorandum and resolution included in the Agenda Packet.

3. 3877 Strawberry Plains Road: City of Williamsburg Water Service Approval

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

Mr. Doug Powell, General Manager of James City Service Authority (JCSA), gave an overview of a memorandum and resolution included in the Agenda Packet.

Mr. McGlennon inquired if there would be seven lots on this parcel.

Mr. Powell replied that was what was proposed.

Mr. McGlennon inquired if the same situation would apply for all the additional lots as they develop.

Mr. Powell replied there was development potential for those lots and the conditions with the JCSA would continue to be the same. He noted the City of Williamsburg did not want to commit to providing water service to anything beyond this and was only willing to agree to serve this parcel.

Mr. Icenhour referenced three lots north of this parcel toward the JCSA water main and asked if they were served by JCSA.

Mr. Powell replied no and stated the lots were either undeveloped or served by wells.

Mr. McGlennon stated it would not be possible to put seven lots in if they were to be served by wells.

Mr. Powell replied correct.

Mr. Icenhour inquired if the ultimate determination of what would fit on the lot would have to come back before the Board by-right, what would be the minimum size lot, as well as the amount of acres.

Discussion ensued regarding this matter.

4. Fiscal Year 2019 School Year-End Spending Plan Appropriation - \$1,697,787

A motion to Defer 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

Ms. Sharon Day, Director of Financial and Management Services, gave an overview of the memorandum and resolution included in the Agenda Packet.

Ms. Larson pulled the Drivers Education Vehicle Replacement 49424 and asked that the Board vote on it separately.

Mr. McGlennon referenced the school buses and inquired about the smoothing plan and its starting off with a 14 instead of a 10.

Ms. Day replied they had already included the 10 and were asking for an additional four.

Mr. McGlennon inquired about the smoothing plan process and rotation, and if electric buses were part of the plan.

Mr. Icenhour suggested deferring consideration of this item until a work session in order to have members of the School Board and administration in attendance to answer any questions.

Mr. Hipple stated regarding an item such as this, someone from the school system should be present in order to answer any questions the Board may have, rather than having to delay the item. He noted this was becoming a pattern and upset him that if extra funds were wanted, it would seem a representative could find a way to make the meeting and not make the Board of Supervisors wait and have to do it in a work session.

Mr. Icenhour commented there was a school liaison meeting the following day and that would be a good opportunity to have such a discussion with school administration. He stated for the time being it was for everyone's benefit to defer this item.

Ms. Larson stated she felt the school system was having its Capital Improvements Program (CIP) discussion this evening. She further stated possibly the representative presenting the CIP was the same person needed to attend the Board of Supervisors meeting.

Ms. Day stated that was her understanding.

Ms. Larson stated she did not have a question, but was aggravated and not going to vote for the Driver's Education automobile, remarking it was a matter of principal and time to start looking at doing Driver's Education separately.

Mr. McGlennon stated he respected Ms. Larson's perspective on that issue.

Ms. Larson discussed local jurisdictions moving Driver's Education into a separate class as well as student congestion in regard to behind the wheel instruction.

The Board expressed its apologies to Ms. Day for deferring the item after her attendance throughout the meeting.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple briefly discussed revitalizing the Toano project. He noted the new ferry was in operation. He remarked he and Ms. Sadler attended the James City-Bruton Volunteer Fire Department Banquet. He expressed his condolences to the recent passing of two community leaders: Mr. Henderson and Mr. Nice, and asked to keep the families in thoughts and prayers.

Ms. Larson referenced speeding and stated it was a big issue in the community. She expressed her appreciation to Supervisor McGlennon for his efforts with signs and was hopeful they would help with the problem. She noted she received weekly telephone calls regarding speeding and would like to see the County work together with the Police and see what could be done in an effort to curtail speeding. She briefly discussed lighting situations at school polling stations on Election Day after dark. She congratulated Mr. Icenhour on his recent recognition at the Virginia Association of Counties (VACo) for his 10-year award. She stated that earlier in the day she had been sworn in as the Region 2 Representative on the VACo Board. She expressed her appreciation to her fellow Board members for their continued support as she has served on various committees.

The Board members applauded.

Ms. Sadler expressed her congratulations to Ms. Larson and Mr. McGlennon on their victories. She commented on having a similar Election Day experience at Norge Elementary School and noted the lack of evening lighting and uneven pavement. She further expressed congratulations to Ms. Larson for her Region 2 representation and Mr. Icenhour on his 10-year tenure. She commented it was an honor to attend the James City-Bruton Volunteer Fire Department Banquet as it was a wonderful event.

Mr. McGlennon expressed his congratulations to Ms. Sadler on her re-election. He expressed his gratitude to the staff who worked in polling stations and all their work and efforts on a long day with minimal pay. He noted his attendance at the Recycling Expo and stated it was a great event with a lot of useful information. He stated he attended the VACo session along with Mr. Icenhour, Ms. Sadler, and Ms. Larson and commented it was a very productive event. He further stated he presided over the Coalition of High Growth Communities meeting which had a record turnout. He remarked he attended part of the Historic Land Conservancy's annual meeting and noted it was very well attended. He further remarked he had the opportunity to serve as a moderator for Representative Elaine Luria. He inquired about the upcoming school liaison meeting and asked if there could be a briefing on the plans of the school system to deal with pre-kindergarten education, what they anticipate in terms of future enrollment, how they would adapt to a universal pre-kindergarten program, and a sense of what the issues are and how to prepare for the facility needs likely to arise.

Ms. Larson expressed her condolences to the family of Mr. Ron Davis on his recent passing.

Mr. Icenhour stated he recently attended the WJCC Schools Foundation meeting with several of his fellow Board members and had to leave to attend another event. He referenced the Opioid Town Hall meeting held at Legacy Hall and noted it was very worthwhile and informative. He encouraged Board members to attend such a meeting if the opportunity arose. He stated he attended the Mayors and Chairs meeting and raised the issue on focusing on areas such as the Interstate 64 program. He noted he attended the Health Foundation Awards and saw several of his fellow Board members in attendance and also attended the Town Hall meeting that Supervisor McGlennon mediated. He mentioned he met with his Vietnam Veterans' group, before going off to VACo as well as attended a fundraiser at the Post Office for the organization.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens referenced the Comprehensive Plan update and noted Engage 2045: Summit on the Future, November 18, 2019, 6:30-8:30 p.m. He stated this was an opportunity for residents to speak about where they do and do not want development to occur as well as sharing their visions of priorities for James City County. He noted using technology and with the help of WJCC schools, there would be one meeting held simultaneously at six locations throughout the County: James River Elementary School, Jamestown High School, Lois Hornsby Middle School, Toano Middle School, Berkeley Middle School, and the County Government Center Board Room located in Building F as well as tune into Cox Cable Channel 48 or 1048.

Mr. McGlennon inquired if it was the intent for a Board member to be present and serve as a moderator.

Mr. Stevens replied yes. He encouraged the community to come out and participate and if there were questions to call 757-253-6685. He referenced the Shaping Our Shores Master Plan and noted staff was going out to the community and asking residents their vision of what they wanted to see at the James City County Marina, Jamestown Beach Event Park, and Chickahominy Riverfront Park. He further noted these Master Plans were being updated and would like for the community to share its thoughts on what they would like their community to look like going forward. He stated the community meetings would be held November 21 at 2 p.m. at the James City County Recreation Center on Longhill Road as well as on November 25 at 6:30 p.m., and noted an online survey located on the Parks and Recreation website.

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and pertaining to the Economic Development Authority

Mr. McGlennon inquired if the Closed Session item could be postponed until the November 26, 2019 work session meeting.

Mr. Icenhour stated the appointment to the Economic Development Authority item would be postponed until the November 26, 2019 work session.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on November 26, 2019, for the Work Session

A motion to Adjourn 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 9:30 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
November 26, 2019
4:00 PM

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. Meeting with State Legislators

Mr. Icenhour thanked the State Legislators for their attendance. He noted Mr. Kinsman would lead this portion of the meeting with a presentation of the Board's legislative agenda.

Mr. Kinsman addressed the legislative representatives: the Honorable Amanda Batten, Virginia House of Delegates-elect; the Honorable Michael Mullin, Virginia House of Delegates; and the Honorable Tommy Norment, Member of the Virginia Senate. Mr. Kinsman highlighted the agenda noting legislative requests followed by positions for which the Board was seeking support. He noted a carryover from the previous year which requested the General Assembly require online retailers to distribute sales tax by physical address rather than zip code to ensure each locality received the proper amount. He further noted the County's Financial and Management Services had experienced some difficulty with reports for surrounding localities.

Delegate Mullin noted this was a fair way to distribute the tax, but he questioned if there was legislation carried last year for this point and what was the fiscal impact for the state.

Mr. Kinsman noted he was unaware of any impact, but he further noted no local legislators picked up this legislation. He added he was unaware if any had occurred in the General Assembly.

Senator Norment noted no bill was introduced pending the Wayfair decision impact. He further noted the impact had been pretty significant.

Mr. Kinsman continued with Point No. 2, which addressed an amendment to the Virginia Code to include Special Conservators of the Peace (SCOP) such as the County Park Rangers to have access to the Virginia Criminal Information Network (VCIN). He noted the VCIN access allowed Rangers to check driver licenses as needed. Mr. Kinsman noted the Director of Parks and Recreation had spoken with the Virginia State Police representative and was

advised on this route as the best course. He further noted the specifics and uniqueness of SCOP who are employed by a locality in the definition of a Criminal Justice Agency.

Senator Norment asked if the representative of the Virginia State Police indicated support of this request.

Mr. Kinsman noted he had not spoken with the representative, but was under the impression that the request was supported with the wording "of the locality" included.

Delegate Mullin referenced legislation he had endorsed two years earlier for Newport News and the VCIN training requirements from the Department of Criminal Justice Services (DCJS). He noted SCOPs were not required to have DCJS training or continuing education requirements so they would not have the same requirements that all other parties have for VCIN access.

Mr. Kinsman confirmed that, adding SCOPs did have training, but a different training from police officers.

Senator Norment noted there had been a contentious debate for several years over the SCOP training. He further noted the previous concerns from both the Virginia Sheriffs Association and the Chief of Police Association.

Mr. Kinsman noted this may have been the point the State Police representative hinted at with the designation of 'locality' incorporated into the wording. Mr. Kinsman continued with Point No. 3, which addressed an amendment to the Virginia Code which allowed localities to prohibit e-cigarette stores from locating within 1,000 feet of a public school. He noted this was a request from Mr. McGlennon. Mr. Kinsman continued with Point No. 4, which he added the County's Commissioner of the Revenue had identified. He noted an amendment to a particular section of the Virginia Code which would allow the imposition of a license tax on amusement machines that take payment in forms other than coins. Mr. Kinsman further noted a section of the Code that referenced a license tax on coin-operated machines. He added he was not aware of any coin-operated amusement machines in the County as most had credit card or swipe payment methods. He referenced the Queen machines which had recently been discussed.

Senator Norment noted a possible ban on the machines through legislative action. He further noted the adverse measurable effect on lottery sales.

Mr. McGlennon noted a nonprofit organization in the County had recently received a grant from a company involved in the skill machines.

Mr. Kinsman continued with Point No. 5, which was from a recent meeting, and it focused on amending the Virginia Code to require absentee votes be reported by precinct when more than 25 such votes were cast in that precinct. He noted an increase in absentee voting.

Senator Norment acknowledged the Transparency Caucus.

Delegate Mullin noted the Caucus existed and was on the House side.

Delegate-elect Batten asked if the Registrar office had such a Caucus.

Mr. McGlennon noted it did not, but added this request was in response to the No Excuse Absentee Voting and its projection of approximately 60% of voting being done absentee. He further noted the precinct breakdown would be available.

Mr. Icenhour noted this request allowed for better statistics than just central absentee data. He further noted the Registrar had said this was doable, but added the direction to do it was needed.

Senator Norment noted the increased number of early absentee voting and its political impact on campaigns using AB Chase. He referenced the historical perspective of chasing absentee ballots and the enhanced ability to identify data and behavior of voters.

Mr. McGlennon noted the change to the upcoming election with the ability to view demographics of who has voted. He further noted it would allow the respective parties to then focus on the groups that have not voted. Mr. McGlennon stated that he understood information was available, but not reported that way.

At approximately 4:19 p.m., the Honorable Montgomery Mason, Member of the Virginia Senate, joined the meeting.

Mr. Kinsman noted the second page highlighted new and carryover legislation. He further noted Item Nos. 2-1, 2-7, and 2-8 were new. He stated No. 2-1 encouraged the General Assembly to provide funding to the Virginia Department of Transportation specifically for improvements to the Airport Road-Richmond Road intersection. Mr. Kinsman noted No. 2-7 addressed a joint cooperation between the Department of General Services and the Department of Behavioral Health and Developmental Services to work with the County to identify a minimum of 10 acres on the Eastern State Hospital site for the location of a new facility for Colonial Behavioral Health. He added that Senator Mason, Senator Norment, and Ms. Rebecca Vinroot, Director of Social Services, had more experience with that particular item than he did. Mr. Kinsman noted No. 2-8 was the result of a recent rezoning and encouraged the Commonwealth of Virginia to purchase the approximately 2,300-acre property located in the County as The Stonehouse Preserve for the expansion of the Ware Creek Wildlife Management Area or the York River State Park. Mr. Kinsman stated the remaining items were carryovers: revision of existing impact fee laws to encourage use of statutorily-calculated impact fees in lieu of cash proffers; changing the primary date from the second to the third Tuesday in June; supporting nonpartisan redistricting at the state and local levels; supporting the legislative agendas of the Virginia Municipal League (VML), the Virginia Association of Counties (VACo), and the Virginia Coalition of High Growth Communities; and requesting the state adequately fund for local road improvements, tourism, substance abuse and mental health treatment, public education, stormwater local assistance funds ("SLAF" funding), and public libraries.

Senator Mason noted there was no mention of inoperable vehicles on the list.

General discussion ensued.

Mr. Icenhour asked if there were any questions on Mr. Kinsman's presentation and asked for sponsorship on the legislation on Page 1. He noted discussion with Mr. Kinsman at a later date was also an option.

Senator Norment asked about Item No. 2-7 and the anticipation of a fair market value paid on the 10-acre site.

Mr. Kinsman thought that was so, but deferred to Senator Mason and Ms. Vinroot.

Senator Mason noted working through the process and the overall context regarding this as a benefit to Virginia's mental and public health. He noted he did not know where the prospective opportunities were currently, but discussion on possible proffering or other options.

Senator Norment asked about Item No. 2-8 and the Commonwealth's purchase of the 2,300-acre property. He referenced the County's real estate tax increase for the purpose of purchasing Open Space.

Mr. McGlennon noted the suspension of the Green Space program years back during the recession. He further noted the 1 cent tax dedication, which allocated half to the Green Space program and the other half cent to the Purchase of Development Rights (PDR) program. He added there had been discussion on the PDR program. Mr. McGlennon noted some expectations regarding funding from the mitigation of the Dominion Energy towers and possible use for acquisition of preservation land for the Chesapeake Bay.

Senator Norment said yes and that a significant amount had been used to obtain land in Gloucester for a state park.

Mr. McGlennon noted hearing of state discussion with Stonehouse.

Senator Mason said this was news to him.

Mr. Kinsman noted the discussion had probably been with the Department of Forestry. He further noted this indicated the Board's desire to continue this point moving forward.

Mr. Hipple noted conversation with the property owner and the Ware Creek Management as well as options at the presentation to the Board of Supervisors at its last meeting.

Discussion ensued.

Senator Mason apologized for his late arrival, but noted Item No. 1-2 and conversation about Newport News and some significant problems. He asked about the online sales tax and a solution to the problem.

Ms. Larson noted she had spoken with Ms. Lara Overy, Commissioner of the Revenue for the City of Williamsburg, about how to fix the issue. She further noted a fix could include a zip code change or even a more dramatic change such as a name change. Ms. Larson stated it was something to be figured out with involvement from localities to ensure money was allocated into the right coffers.

Delegate Mullin asked if VACo or VML had drafted legislation concerning this issue. He noted the County was probably not the only location impacted in such a way and he cited Albemarle and the City of Charlottesville as well as several other Virginia localities dealing with this concern.

Ms. Larson noted this question would be asked at the January 6, 2020 VACo meeting.

Senator Norment asked if VACo had any prototype legislation.

Senator Mason questioned the dispersion and noted zip codes were not always correct for the locality.

Ms. Larson noted the responsibility was on the retailer for the correct information, but further noted if the retail system was sophisticated enough for that type of filtering process.

Delegate Mullin noted possibly for Amazon, but questioned that possibility for small online retailers.

Mr. Hipple stated many residents think they live in the City of Williamsburg based on their

mailing address, but actually they live in the County.

Ms. Larson noted she would follow up with the legislators after the VACo meeting and welcomed any suggestions they might encounter in the meantime.

Mr. McGlennon addressed a point not on the list. He noted affordable housing studies in numerous localities and the Virginia Coalition of High Growth Communities. He further noted a conference in the spring after the General Assembly on the affordable housing topic. Mr. McGlennon noted determining the view of each locality for addressing the nature of what type of affordable housing needs are in its own area, what obstacles exist, and the best way to address them. He requested legislation, prior to full discussion from all affected, not move forward until exploration of more localities and their respective needs could be reviewed.

Senator Norment asked if locality representatives would be willing to speak to this point and encourage postponing possible legislative action.

Mr. McGlennon confirmed yes.

Senator Norment noted he was not sure what 'New Virginia' looked like so he was not sure how components, such as affordable housing, would be incorporated into it. He further noted the collective wisdom hopefully would seek input from localities if affordable housing was an issue for legislation.

Mr. McGlennon noted the wide-range of counties, such as Albemarle, Spotsylvania, Stafford, Fairfax, and others, which comprised the Coalition. He further noted the dynamics of population were changing dramatically.

Delegate Mullin noted there was much interest for work on the affordable housing space, but cautioned the avenue of approach with regards to the Housing Trust Fund as well as the proffer arena.

Mr. Hipple suggested looking at townhomes, apartments, and such in relation to affordable housing. He noted many people think of a house and referenced Newport News and container homes as an option. Mr. Hipple further noted looking at affordable living conditions.

Discussion ensued on tiny homes, non-performing motels, and other housing options.

Ms. Larson noted an article from *The Virginia Pilot* that addressed recycling and current challenges. She further noted possible discussion during the General Assembly to address the issues of recycling that many localities were experiencing due to changes with China.

Senator Norment noted a recent trip to Israel where he met with several economic development prospects for the area. He further noted a potential recycling company that did not segregate garbage, but instead created a polymer from the collection. Senator Norment stated the company was shopping for a location, but added certain criteria were required to make production viable.

Mr. McGlennon extended congratulations to the delegates, which was echoed by his fellow Board members.

Mr. Icenhour asked Delegate-elect Batten to present a Certificate of Appreciation to retired Delegate Pogge on behalf of the Board.

Mr. Icenhour thanked the legislators for their participation.

At approximately 4:33 p.m., the Board recessed.

At approximately 4:34 p.m., the Board reconvened at which time Mr. Icenhour noted a change to the agenda with discussion on the Fiscal Year 2019 School Year-End Spending Plan Appropriation as the next item.

2. Fiscal Year 2019 School Year-End Spending Plan Appropriation - \$1,697,787

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 noted that this information had been presented by Ms. Sharon Day, Director of Financial and Management Services, at the last meeting. He further noted Ms. Day was unable to attend the work session, but the same material was included in the Agenda Packet. Mr. Stevens noted the amount represented the surplus funds from the Capital Plan for the Williamsburg-James City County (WJCC) school system with \$600,000 set aside toward next year's Capital Improvements Program (CIP) and this amount reflected the balance. He further noted some additional questions the Board had and added that Dr. Olwen Herron, Superintendent, and Ms. Rene Ewing, Chief Financial Officer, of WJCC Schools were present to answer any questions.

Mr. Icenhour asked if the Board had any additional questions for the school leaders.

Ms. Larson replied no.

Mr. McGlennon asked about the acquisition of additional buses and the plan going forward on that point.

Ms. Ewing stated the schools had a smoothing plan that allowed for the purchase of 10 buses per year. She noted the plan also listed the buses that were over 15 years old for reference. She further noted the smoothing plan in place meant 20 buses did not need to be purchased in any one year. Ms. Ewing stated buses aged out at 15 years. She noted the budget request included the purchase of four additional buses to keep on track.

Mr. McGlennon asked if the expectation for each year going forward included a request for 10 additional buses to replace the older ones.

Ms. Ewing confirmed yes.

Mr. McGlennon inquired about the Governor's initiative on the transition to electric school buses.

Ms. Ewing noted a grant application with a request for four-eight buses had been submitted. She further noted they were anticipating a response in December to see if the schools would receive one of the grants.

Mr. McGlennon asked if the grant covered the difference between the cost of a conventional school bus versus an electric one.

Ms. Ewing stated yes with the schools paying the cost of a normal diesel-powered bus and the grant covering the difference.

Mr. McGlennon asked what the cost was of the diesel-powered bus.

Ms. Ewing replied approximately \$250,000, and over \$300,000 for an electric bus.

Dr. Herron noted the challenge to eventually replace the fleet. She further noted that process would take place over time if that decision was made, but added the grant focused on the infrastructure initially to start the process based on the number of buses approved.

Ms. Sadler asked about the maintenance cost differences for the electric bus versus the conventional diesel bus.

Dr. Herron replied she was not sure, but added that the distance for an electric bus was not the same as the diesel. She noted electric had limitations, particularly if you traveled to an area without electric. Dr. Herron further noted that if the electric buses are approved, then they would review the routes very carefully.

Ms. Larson asked about the lifespan on an electric bus.

Dr. Herron asked Mr. Marcellus Snipes, Senior Director for Operations, if he had that information.

Mr. Snipes replied no, but it was expected to be the same as on a diesel bus. He noted there were some maintenance costs and cited batteries as an example.

Ms. Sadler asked about the battery cost.

Mr. Snipes noted the battery cost was approximately \$100,000 and lasted about 10 years.

Mr. McGlennon noted the importance of the advances in electric vehicles. He further noted less moving parts, greater distances, and the supportive infrastructure being less of an issue as the major automobile makers were supporting electric vehicles. Mr. McGlennon also noted the long-term cost savings for school districts with the conversion to electric buses.

Mr. Hipple asked about the savings.

Mr. McGlennon responded fuel.

Mr. Hipple noted the cost of still generating fuel, whether gas versus electric. He also cited the cost of batteries for each bus, charging station, or multiple ones.

Dr. Herron noted this was new territory being explored, but further noted advantages and disadvantages to both systems. She added that opportunities were available if the cost difference and the infrastructure were covered, while also exploring the cost savings for the future when additional electric buses could be used.

Ms. Larson noted the challenge as the bus depot was farther out and referenced the battery life charge. She further noted the environmental impact with the electric conversion. She asked if any school systems in Virginia had switched to electric school buses.

Mr. Snipes replied there were several school systems in Northern Virginia with some electric buses.

Ms. Larson requested some information on those systems.

Dr. Herron noted this would be a slow-moving process, but felt distance could impact a full-fleet conversion as well as the infrastructure.

Mr. Hipple noted he would rather see money go into seatbelts on school buses over conversion to electric. He further noted that if bus drivers needed seatbelts, then students should also. He added all drivers need to have and wear them.

Ms. Larson noted a bus driver shortage at one time.

Dr. Herron said that was a continual issue for many schools, but referred to Mr. Snipes.

Mr. Snipes noted it was a constantly changing area. He further noted other school divisions, such as Chesapeake, were struggling with a shortage.

Mr. Hipple commented on the four buses for this year and inquired how many buses were purchased last year.

Ms. Ewing noted 14 were purchased last fiscal year.

Mr. Hipple noted the four buses from last year plus the four additional ones this year would equal eight buses that would begin the aging process.

Mr. McGlennon asked if the four buses purchased from the surplus money would count toward last year.

Ms. Ewing noted they counted toward this year.

Mr. Icenhour asked if the smoothing plan for Fiscal Year (FY) 2019 was for 10 buses, but 14 buses were actually purchased.

Ms. Ewing confirmed yes.

Mr. Icenhour questioned FY20 in which the CIP only showed two buses.

Ms. Ewing noted the schools' operating budget only covered the cost of two buses, which were purchased.

Mr. Icenhour asked if there was anything programmed in the CIP for the remaining number of buses for the smoothing plan. He noted if 14 buses were purchased the previous year, then six more would be needed to maintain the smoothing plan. He questioned programming in the CIP to reflect that point up front.

Dr. Herron noted the remaining number was not in the CIP except when a new school was coming online. She further noted the replacement fleet was paid from the operating budget. Dr. Herron stated that previously they had not been able to put the bus purchase into budget. She noted they were able to put two buses into the budget now, but not additional ones due to competing needs.

Mr. Icenhour asked if the Board approved the request, and four buses were added, would the total be 20 over the last two years.

Dr. Herron confirmed yes.

Mr. Icenhour asked about future projections with 10 buses per year, but without the funds. He noted if the budget only allowed for two or three annually, this same process would need to be repeated again next year.

Dr. Herron replied yes, most likely. She noted they had tried to include two additional buses to last year's initial budget, but were unable to keep that number.

Mr. Icenhour asked about the number of buses for the upcoming year.

Dr. Herron noted they did not know yet, but were hoping to add.

Mr. Icenhour asked if the bus money was going into the operating fund and not the CIP.

Dr. Herron confirmed yes.

Mr. Icenhour asked if many of the other items on the spending list were CIP and if so had those items been moved forward to take advantage of this money.

Dr. Herron noted one was currently in the CIP and referenced the bus garage. She further noted that item would come out of the CIP.

Mr. Icenhour noted that one item, if drawn out of the future CIP, would allow more breathing space.

Dr. Herron confirmed yes.

Mr. Icenhour asked the Board for any other questions.

Ms. Larson noted she had a philosophical difference earlier, but added she would not pull the item tonight. She further noted her frustration, but expressed she would vote in favor. Ms. Larson acknowledged School Board member, Dr. James Beers, as well as several staff members, were in attendance.

Ms. Sadler asked if it was Driver's Education.

Ms. Larson confirmed yes.

Mr. Hipple asked about the smoothing plan as buses were discussed every year. He noted running behind the next year regarding the buses with end-of-year money.

Dr. Herron noted these four buses would keep them on task through the end of this year. She further noted when they were fortunate to have money at the end of the year, buses were a priority to help keep the smoothing plan in order.

Discussion ensued.

Mr. McGlennon noted the Board authorized a specific amount of money for the schools to operate. He further noted an increased amount would need additional authorization. Mr. McGlennon noted that the schools made decisions this year regarding cuts based on what items could be funded and so the number of school buses had been reduced. He added that the leftover funds allowed for an additional two buses to be requested.

Mr. Hipple noted the line items for equipment were similar to how the Volunteer Fire Department allocated funds. He questioned if 10 buses were necessary, or could they manage with five every year.

Discussion ensued regarding the process and the contract details with the City of Williamsburg and the schools with budget presentations.

Dr. Herron noted the budget had to be close, but still have allowance so as to not exceed the budget.

Mr. Hipple noted constituent concern regarding the number of buses requested every year.

Mr. McGlennon apologized for pressing the bus issue, but he wanted clarity on the smoothing plan.

Discussion ensued.

Ms. Larson noted the school system's obligation to provide transportation for K-12. She questioned the low percentage of high school ridership, but noted the obligation even if one student needed transportation.

Dr. Herron confirmed yes.

The Board thanked the school staff for their attendance.

3. James City County Recycling Public Policy Project

Mr. Icenhour thanked everyone for their patience.

Ms. Dawn Oleksy, Environmental Sustainability Coordinator, addressed the Board and introduced three Second-Year Masters of Public Policy students from the College of William & Mary (W&M). She noted the group included Ms. Shelly Harris, Ms. Nancy Chin, and Mr. Patrick Wise, who had a seminar assignment to apply their learnings to a public policy project. Ms. Oleksy noted these students were interested in local environmental challenges. She further noted recycling and solid waste management, particular in light of the County's Strategic Plan in reference to Exceptional Public Services and Fiscally Efficient Government. She added these students had interviewed and researched and the presentation was the result of their findings.

Mr. McGlennon noted that every year the Director of the Public Policy Program circulated a memorandum to W&M faculty who were involved in public policy. He further noted that while in the midst of the recycling program in the County, he thought of this opportunity for the students.

Mr. Wise addressed the feasibility of a solid waste removal system and presented a PowerPoint presentation. He noted the presentation addressed the County's history of recycling and the use of various small haulers and pricing.

Ms. Larson asked if the team had compared the 'mom and pop' companies' equipment versus that of the larger companies.

Mr. Wise stated no. He also noted an overall trend in surrounding sized areas similar to the County with recycling options.

Ms. Chin continued the PowerPoint presentation addressing legal constraints regarding State Code and hurdles the County faced with changes. She noted available alternatives as shown in the York County and the City of Hampton models, respectively. She further noted highlights of the Best Practices and Universal Service models, respectively.

Ms. Harris concluded the PowerPoint presentation with the pros and cons of the analysis for potential models for the County's recycling program. She cited benefits and drawbacks, and

highlighted both aspects in the York, Hampton, Best Practices, and Universal Service models. Ms. Harris explained the Universal model was based on a standard size, but a tiered model was unmanageable.

Mr. Wise noted the group's overall recommendation to the Board was to consider adopting a York or Universal Model for the greatest cost savings for residents, which would be justified via a homeowner petition and would eliminate potential legal issues.

Ms. Sadler asked if the petition was needed to implement either model.

Mr. Wise noted the petition was needed based on the current Virginia Code.

Ms. Larson asked if York County had to petition for the change or was it prior to the ruling.

Ms. Harris noted the rule was created within the past 20 years, but she thought York County had a contract in place that allowed it to bypass that law, but the team had not researched that point.

Mr. Icenhour noted the previous issue of recycling and asked if a petition had been mentioned.

Mr. McGlennon replied no, but mentioned a voluntary system.

Mr. Wise noted that allowed for justification in reviewing past memorandums on this issue. He referenced Virginia Code and a potential work-around.

General discussion ensued.

Mr. Wise noted several points of consideration for implementation. He further noted if one of the models was adopted then a fee system would need to be in place. He highlighted some changes to the billing system. He further noted the contract requirements with Virginia Peninsulas Public Service Authority (VPPSA).

Mr. Hipple noted the number of small haulers in the County and developing a gameplan for educating them regarding changes.

Ms. Larson asked how many small haulers were in the County.

Ms. Harris noted the team had only looked at five companies.

Mr. Hipple noted addressing a County-wide system for trash and recycling, but added that some residents would always take their trash to the dump. He further noted he included it as a budget item.

Mr. McGlennon asked if there was a total cost estimate for the service.

Ms. Harris noted just under \$5 million annually for the entire County.

Ms. Larson asked if that included trash and recycling.

Ms. Harris confirmed yes.

Mr. Wise concluded the PowerPoint presentation highlighting some key points in relation to the County's 2035 Strategic Plan. He noted the team was writing up its report and would share the details with the Board and General Services.

Mr. Hipple asked how much of the York County bill did residents pay and how much was the County's responsibility.

Mr. Wise noted there was nothing picked up by the County. He further noted it was a fee for service with its structure that directed cost to citizens.

Mr. Hipple noted currently James City County picked up a fee. He suggested some points to consider for a future program.

The Board thanked the team for its hard work.

4. Amend Adopted Calendar for Location Change of the Joint Meeting

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

Mr. Icenhour noted a location change from Legacy Hall to the Law Enforcement Center.

Mr. Stevens noted parking, time, and location for the Board members.

D. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted in response to citizens reaching out, she was requesting the Second Amendment resolution noting James City County as a Second Amendment Sanctuary on the agenda for discussion and vote.

Mr. Icenhour noted it would be under Board Considerations.

All Board members agreed.

Mr. Icenhour asked if there was any discussion.

There was none.

Mr. McGlennon noted he attended the Shaping Our Shores meeting on Thursday and commented on the thoughtful ideas.

Mr. Icenhour noted the School Liaison Committee meeting on November 13 where discussion focused on the CIP. He further noted the updated CIP material would be available to review before the December 3 joint meeting. Mr. Icenhour noted the Board's attendance at the Celebration of Business and expressed his appreciation to staff for the event. He further noted a tour of Warhill High School and the auxiliary gym. He added funding for it to serve as an emergency shelter. Mr. Icenhour noted the Comprehensive Town Hall meetings success. He also noted he attended a meeting regarding the new shops proposed on Monticello Avenue. He said the development team had contacted the community and hosted a meeting. Mr. Icenhour noted that development was on a fast track and should come before the Board at the January 2020 meeting. He further noted an online petition to resist development on the Monticello Corridor.

Ms. Sadler asked if traffic was an issue.

Mr. Icenhour confirmed yes, but added concerns about noise. He noted if the Board approved it, the case would still need approval by the Commonwealth Transportation Board.

He noted there was a lot of public concern and wanted to make Board members aware of the upcoming case.

Ms. Larson noted receiving comments about the responsibility on empty retail space and lower rent on those spaces in lieu of new development. She further noted the Engage 2045 and concerns about growth and development. Ms. Larson said developers may not necessarily want existing retail space, but new space and what was within the Board's power on rent control.

Mr. Icenhour noted the changing nature of the market as the dynamics of the big box were not economically viable anymore. He further noted no rent control. He noted there was citizen concern that too much development was being approved.

Ms. Larson noted she had asked Mr. Paul Holt, Director of Community Development, and Mr. Jason Purse, Assistant County Administrator, about the number of new commercial developments within the past four years. She further noted it was probably three, but others may have been revised cases.

Discussion ensued about economic development, citizen concerns, and balancing growth in the County.

Mr. Icenhour asked if the discussion for the Economic Development Authority (EDA) appointment could be made openly.

Mr. Hipple, Ms. Larson, and Ms. Sadler were in agreement.

Mr. McGlennon noted his preference for a closed session for discussion.

E. CLOSED SESSION

A motion to Enter a Closed Session 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 5:49 p.m., the Board entered Closed Session.

At approximately 5:42 p.m., the Board re-entered Open Session.

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and pertaining to the Economic Development Authority

A motion to Certify the Board spoke only 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, 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 and pertaining to the Economic Development Authority

A motion to Appoint Mr. Joseph Stanko was made by Ruth Larson, the motion result was

Passed.

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

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

The Board recommended the appointment of Mr. Joseph Stanko to the EDA for the balance of a term to end August 1, 2023.

F. ADJOURNMENT

1. Adjourn until 9 a.m. on December 3, 2019, for the Joint Meeting at the Law Enforcement Center

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 5:53 p.m., Mr. Icenhour adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
Joint Budget Meeting with WJCC School Board, Board of Supervisors, and Williamsburg
City Council
James City County Law Enforcement Center
4600 Opportunity Way, Williamsburg, VA 23188
December 3, 2019
9:00 AM

A. CALL TO ORDER

Mr. Icenhour called the Board of Supervisors to order at 9:01 a.m.

Mr. Freiling called the City Council to order at 9:01 a.m.

Ms. Ownby called the School Board to order at 9:01 a.m.

B. ROLL CALL

Board of Supervisors: Present were Mr. Michael Hipple, Mr. James Icenhour (Chair), Mr. John McGlennon, Ms. Sue Sadler (left meeting at 9:35 a.m.) and Ms. Ruth Larson. Also present was Mr. Scott Stevens, County Administrator.

City Council: Present were Mr. Ted Maslin, Mr. Douglas Pons, Ms. Barbara Ramsey, Mr. Benny Zhang and Mr. Paul Freiling (Mayor). Also present was Mr. Andrew Trivette, City Manager.

School Board: Present were Dr. James Beers, Ms. Kyra Cook, Ms. Julie Hummel, Mr. Jim Kelly, Ms. Lisa Ownby (Chair) and Mrs. Sandra Young. Mrs. Holly Taylor was absent. Also present were Dr. Olwen Herron, superintendent; Ms. Rene Ewing, CFO; Ms. Janet Cerza, clerk of the board; staff; press; and, the public.

C. JOINT MEETING AGENDA ITEM

1. School Board Update on FY2020 Operating Budget

The Superintendent's Proposed FY21-25 Capital Improvement Plan was presented. (*See Attachment*) The presentation consisted of the following:

- Projects included anticipated A&E costs, contingency and escalation at a rate of 3% annually
- New projects may appear in the CIP for the first time due to new or updated information
- Recommended Cycles for auditorium, gymnasium and generator replacement
- Recommended Projects for FY21-25
- HVAC/Window Replacements
- Roof Replacement/Repair/Refurbishment
- Other CIP Projects
- Facilities - New Construction
- Additions to 5-Year CIP
- Modifications to 5-Year CIP

- Modifications to FY21

Mr. Sean Walker, Assistant Superintendent for Elementary School Leadership, presented information on the Need for a New Elementary School.

Mr. Zhang asked if WJCC had received any registered concerns from teachers or parents on the limited spaces. Dr. Herron responded no formal concerns have been received. The schools are still serving students, but it is not under ideal circumstances.

Mr. Zhang asked if there would be rezoning to mitigate the large population of economically disadvantaged students at James River Elementary School (depends upon location of new elementary school.)

Mr. McGlennon questioned how capacity in elementary schools is affected by Pre-K students; use of space in schools with Pre-K; possible impact of governor's initiative on Pre-K; and, impact on special needs students in the future. Mr. McGlennon asked if it was possible to provide dedicated facilities away from existing schools to achieve objectives of Pre-K students.

Dedicated facility/facilities separate from schools for Pre-K students was discussed. A conversation with citizens is needed to address the impact of Pre-K issues.

Mr. Icenhour asked what type of Pre-K facilities WJCC was considering (two to add to existing elementary school sites.) Dr. Herron stated adding onto existing school sites is one option. The percentage of special needs students is growing significantly causing less service to at risk students that WJCC is not required to serve. There are 100 children on the waiting list that are at risk. The size of Pre-K space needs to be determined during the community conversation. Dr. Herron noted the \$22 million is a placeholder in the CIP that was based on 250 students at each site (number of students x cost per student x cost per square footage).

Mr. Kelly noted there was an elementary school problem, not a Pre-K problem. Today's students have more academic needs. Teachers must also be considered as their teaching space is being taken away. Teachers talk with their feet by leaving the profession.

There was discussion on the definition of "capacity" and "operational" at schools. Mr. Freiling noted the group had this conversation last year and they (city and county) have planned their capital expenditures budget for the next five years. Overall, the elementary school enrollment over the next 6-7 years is stable. It is hard to create a sense of urgency and get the general public to understand why it has to happen now instead of four years out when there is an increase in enrollment. The public interprets 100% capacity as full and needs to understand that schools are at capacity before 100%. Most of the schools were built 20+ years ago and are not the size needed to meet the academic needs of our community today.

Ms. Cook pointed out that the three groups came to common understanding last year on capacity at 85% and 90%. In terms of urgency, enrollment has reached these capacities even with flat enrollment. At the School Liaison Committee, we are trying to work cooperatively to communicate a Long Range Plan to citizens and stakeholders.

Ms. Cook noted school space issues were mentioned at a recent PTA Council meeting. Williamsburg has one of the largest rates of homelessness in the state.

There was discussion on which students are mandated to receive Pre-K (special education students.) The general assembly does not fully fund Pre-K, the localities pick up the rest of the cost of funding Pre-K. Mr. Hipple asked why the new elementary school has been moved forward seven years. Would moving Pre-K from the schools to alleviate space be less expensive than adding onto existing schools?

Mr. Hipple said the board of supervisors wants to support the school division as high as they can and will work with the school division to try to figure out options they can afford and the schools can live with.

Ms. Ownby clarified, regarding the federal requirements for serving students with disabilities is required by law; services to Pre-K students at risk is optional; schools at 100% do not have Pre-K. Bright Beginnings provides Pre-K services to students with disabilities and at risk students. The governor's initiative for universal Pre-K also has to be considered. Students have changed, buildings have not. More small group services and instruction are needed.

Dr. Beers discussed how Bright Beginnings has evolved; the need for more direct instruction for disadvantaged students individually and in small groups; and, the increasing caseloads of special education teachers.

Ms. Larson noted a tax increase would be needed to pay for much needed resources and the school board would have to support the tax increase. There was discussion on the capacity for a new elementary school (700-750 students) and messaging to the citizens to keep them aware of upcoming needs, and long-term outlook for capital projects.

Mr. McGlennon said there was a serious issue with Pre-K and they need to address and bring before the community what they want to do about class sizes. There are 100 kids on the waiting list for Pre-K. Would we need to reconfigure current spaces to address these needs? Important choices need to be made and they will have consequences for the facilities of the community. Justification on why current facilities are not meeting the objectives is needed.

Mr. Pons said they would have to bite the bullet on how they want to educate students. Teaching is a hard profession to get into and teachers are being expected to do more. If we do not have the facilities to accommodate teachers and treat them with respect, it will have a negative effect no matter the size of the school. He felt sooner is better and they need to support the school division for doing the analysis.

Mr. Icenhour said they do not argue there is a need for elementary school space, but there are two separate pieces - elementary school and Pre-K. If the schools want to do Pre-K first, then that would take the pressure off capacity in the elementary schools. It would require reconfiguration of elementary schools because Pre-K would be in separate facilities. He could not see the two pieces separated. Mr. Icenhour noted enrollment is projected to grow at 2% over the next ten years. Need to consider how it will be integrated over the years. Coordinate building elementary school and Pre-K facilities in the existing schools. Ability to pay for new elementary school and take care of the problem for the long term. Which did the school division want first - the general assembly will come out with something on budgeting cycle.

Ms. Cook noted if the school board asks for a new elementary school to be funded as soon as possible, the 10 year plan to handle Pre-K with facilities is predicated on guesses. The current school board could not make promises for future school boards.

Ms. Larson said they need to have a conversation on the vision of the school board.

Mr. Maslin said he saw a strong message for adding special use spaces at all elementary schools. He did not see the need for a new elementary school.

Mr. Stevens said there was a swimming issue in James City County. The JCC Recreation Facility pool closed on November 25 because the grounding for the pool was failing. The pool will be closed until it is repaired and this will affect the school swim teams.

D. ADJOURNMENT

1. Adjourn

At 10:43 a.m. School Board, City Council and Board of Supervisors adjourn.

Mr. Hipple made a motion to adjourn the Board of Supervisors. The motion carried 4:0 (Ms. Sadler left the meeting at 9:35 a.m.)

Mr. Zhang made a motion to adjourn the city council meeting. Mr. Pons seconded the motion, which carried 5:0.

The WJCC School Board adjourned.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 10, 2019
5:00 PM

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 Leaders - Bailey Hollenbeck, Alice Kiser, Evelyn Rajec, Anna Loiacono, and Evan Bowler, Honor Roll students at Clara Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance

Mr. Icenhour noted these students were nominated by their principal, Mr. Michael Hurley, for their hard academic work and setting positive examples for others to emulate.

E. PRESENTATIONS

Prior to the presentations, Mr. Icenhour provided a summary of the Board's 2019 activity. He noted 27 Board meetings which included 12 regular, 10 work sessions, organizational, retreat, budget work session, and two joint meetings with the Williamsburg-James City County School Board. Mr. Icenhour further noted recognition of seven retirees, 32 presentations, 25 grant awards totaling \$2.8 million, 53 public hearings, and 45 work session topics. He expressed his appreciation to his colleagues and the collaborative efforts. He noted future plans included Comprehensive Plan rewrite, continued revenue options for economic development, diversification of the economy with a highlight on workforce development and affordable housing, a new elementary school, and long-term water supply at a reduced cost.

1. Chairman's Awards

Mr. Icenhour noted there were two awards for the evening. He further noted the 2019 Chairman's Award was presented to Habitat for Humanity, Peninsula and Greater Williamsburg. Mr. Icenhour read the resolution which highlighted the work of Habitat for Humanity in the community. He welcomed Ms. Janet Green, Executive Director of Habitat for Humanity, to receive the award.

Ms. Green thanked the Board and citizens.

Mr. Icenhour noted the second award was presented to staff and the Curbside Recycling Implementation Team. He further noted the combined work from various County departments to address the challenges of the recently implemented fee-based recycling program for the County as stated in the resolution. Mr. Icenhour thanked the team and noted it was consisted of the following staff: Ms. Pam Dawson, Ms. Holli Haney, Ms. Patricia Smith, Ms. JoAnna Ripley, Ms. Dawn Oleksy, Mr. Jim Hill, Ms. Jenni Tomes, Mr. David Bauernschmidt, Mr. Steve Curtis, Mr. Chris Coleman, Ms. Renee Dallman, and Ms. Kim Hazelwood.

Mr. Icenhour presented each member with a certificate.

The Board thanked the team and expressed its appreciation to Mr. Icenhour for the selection of recipients.

2. Williamsburg Boat Club

Mr. Bruce Lifka, President of the Williamsburg Boat Club, addressed the Board and introduced Mr. Tom Rooks, Executive Director. Mr. Lifka noted the attributes of the area as a water venue.

Mr. Rooks noted this area was underutilized as a water community. He cited a need to develop the infrastructure and water traffic use. He noted the Club's mission and building up participation.

Mr. Lifka highlighted the Club's vision and mission in a PowerPoint presentation. He noted involvement of local schools in the rowing programs, sponsorship of events, and Chickahominy River Park (CRP) and its amenities. He further noted the Park's Master Plan and resources. Mr. Lifka added the benefits of working with the Park and the College of William & Mary (W&M).

Mr. Rooks noted the Board's approval of the 'No Wake Zone' which enhanced the rowing programs in the Park.

Mr. Lifka noted three focal points for the Club: 1) water access that offered Americans with Disabilities Act access and dock improvements; 2) relocation/re-routing traffic flow for increased safety; and 3) boat house storage capacity. He detailed each point in the PowerPoint presentation. His presentation highlighted the Club's events and cooperation with the County on CRP plans. Mr. Lifka thanked the Board for its time.

3. James City County Audit Report (including James City Service Authority Audit)

A motion to Move 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. Icenhour noted the audit report included the James City Service Authority (JCSA) audit. He asked Ms. Sadler, JCSA Board of Directors Chair, to open its meeting.

At approximately 5:21 p.m., Ms. Sadler opened the Board of Directors meeting for the County audit report.

Ms. Leslie Roberts, Partner at Brown, Edwards & Company, LLP, addressed the Board on

the Fiscal Year 2019 audit. She noted overall the audit went well and thanked Ms. Sharon Day, Director of Financial and Management Services, and Ms. Cheryl Cochet, Assistant Director, for their help. Ms. Roberts highlighted the audit report in the Agenda Packet and noted it was clean. She noted governmental audit findings and federal monies, which were also clean. Ms. Roberts thanked the Board for its continued association with Brown Edwards.

Ms. Larson thanked Ms. Roberts. She also acknowledged the strong leadership under Ms. Day as the Director of the department and thanked staff.

Ms. Roberts noted she was heading to the School Board to share its audit.

The Board thanked Ms. Roberts.

Ms. Sadler resumed the Board of Directors meeting.

At approximately 5:25 p.m., Mr. Icenhour resumed the Board of Supervisors meeting.

Mr. Icenhour asked for a motion to amend the Agenda to move Item I, Board Considerations immediately following Public Comment.

F. PUBLIC COMMENT

Due to the extraordinary number of Public Comment sign-ups for the December 10 meeting, each speaker was given one minute to speak so as to allow as many speakers to be heard as possible.

Mr. Icenhour noted the speaking time as well as the timing sequence of the colored lights at the podium as a reminder to all speakers. He further noted speaker information required for public record and other points of interest pertinent to the meeting's topics. Mr. Icenhour noted each speaker had been given a number and groups of 10 speakers would line up at a time for comment.

1. Mr. Robert Koch, 13 Jan Rae Circle, addressed the Board requesting the County notify Richmond that this County supported the rights of its citizens to protect themselves in any legal manner. He requested rights not be violated or unconstitutional laws passed to affect those rights.

2. Mr. Adam Garrison, 402 London Company Way, spoke in favor of the resolution. He requested the Board's support of the resolution.

3. Ms. Christine Payne, 2689 Jockeys Neck Trail, addressed legislation about gun control. She noted Virginia's General Assembly and its laws enacted. She further noted adherence to those laws and opposed any further consideration of gun sanctuaries.

4. Mr. Bill Sizemore, 4704 Yarrow Court, expressed his opposition to the Second Amendment sanctuary measure. He noted the legal jeopardy placed on the Board and law enforcement officers for failure to carry out duly enacted laws of the state of Virginia.

5. Ms. Jennifer Tierney, 2824 Linden Lane, expressed her opposition to the Second Amendment sanctuary for the County. She cited tourism and its impact if the County was not enforcing laws of the Commonwealth. She noted the importance of tourism to the County's economy.

6. Ms. Mary Ann Moxon, 2920 Nathaniel's Run, noted well-regulated gun control, but not

unlimited. She further noted not supporting the County as a Second Amendment sanctuary.

7. Mr. Luca BenYishay-Sapalio, 3024 John Vaughan Road, addressed the Board in favor of stronger gun laws. He noted two years previously he had addressed the community on the behalf of children's safety.

8. Mr. Ariel BenYishay, 3024 John Vaughan Road, addressed the Board in favor of stronger gun laws, citing various safety issues and concerns in the community.

Mr. Icenhour noted speakers 9 and 10 were not present and continued with speakers 11-20.

11. Mr. Richard Monahan, 208 Charter House Lane, noted the division of the political landscape and changes. He encouraged the Board to vote unanimously to pass this resolution.

12. Mr. Max Blalock, 2772 Linden Lane, spoke in favor of life and against guns. He stressed the importance of safe communities.

13. Ms. Linda Rice, 2394 Ford's Road, spoke against the proposed resolution. She cited irrational fear of yet unpassed legislation and misunderstanding about the constitutionality.

14. Dr. Mark Downey, 121 Horseshoe Drive, York County, addressed the Board on behalf of his pediatric patients against the passage of the resolution.

15. Mr. Wayne Moyer, 268 Peach Street, noted he felt this resolution was a waste of funds and time. He encouraged the Board to vote against the resolution.

16. Ms. Joanna Di Scipio, 500F Ukrop Way, noted she was a W&M student. She spoke on behalf of the youth of America with the fear of mass shootings in schools. She asked the Board to vote against the resolution.

17. Mr. Will Sambrook, 300E Richmond Road, a W&M student, spoke about gun violence in society and generational concerns.

18. Mr. Les Solomon, 113 Wetherburn Lane, noted his opposition to this Amendment.

19. Ms. Anne Brennan, 159 Lakewood Drive, addressed the Board regarding the Dillon Rule status of Virginia and public safety. She asked the County not be recognized as a Second Amendment sanctuary.

20. Ms. Jordan Stofko, 313 Jamestown Road, a W&M student, noted she was originally from Connecticut and had attended Sandy Hook Elementary School. She cited proper gun regulation and the powerful impact on communities.

21. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board with points on gun legislation and the Second Amendment. He asked the Board to support this resolution.

22. Mr. Rich Wadkins, 3703 South Square, cited responsible gun safety. He noted he did not support the resolution.

23. Ms. Adrienne Carter, 100 Lauren Court, stressed common sense and harm reduction. She noted she was not in support of the resolution.

Mr. Icenhour reminded speakers to refrain from calling out Board members individually and to keep comments focused on the issues. He also noted speaker 24 was not available.

25. Ms. Pam Pouchot, 103 Kimberly Court, Yorktown, noted her opposition to the resolution.

Speaker 26 was not present.

27. Mr. Evan Nuzzo, 7600 Uncle's Neck, asked for support of the Amendment.

28. Mr. Lenny Berl, 413 Fairfax Way, spoke in support of the resolution.

29. Mr. Doug Hansen, 3416 Avery Circle, noted his opposition to the resolution that opposed enforcement of Virginia's laws.

30. Mr. Rick Timberlake, 4147 Wiffet Way, noted his support of the Second Amendment sanctuary for the County.

Speaker 31 was not present.

32. Mr. David Richards, 3405 William Hodgson, expressed concerns about constitutional rights.

33. Ms. Suzanne Stern, 128 Spring Branch, questioned clarification on the resolution.

34. Mr. Vincent D'Orazio, 6504 Yancey Court, addressed the Board about gun safety. He encouraged support of the resolution.

35. Mr. Sam McClintock, 4660 Yeardeley Loop, noted concerns about gun safety. He further noted no need for a Second Amendment sanctuary and let the laws continue as designed.

36. Mr. Andre Provoncha, 106 Links of Leith, noted his support of the resolution.

37. Mr. Greg Aldape, 118 Winter East, asked the Board to adopt the County as a Second Amendment sanctuary.

Speaker 38 was not present.

39. Mr. Miles Diamond, 7229 Church Lane, noted his support of the resolution.

40. Mr. Keith Bowman, 224 Edinburg Drive, addressed the Board about the Bill of Rights and the Constitution as "the DNA of our liberty."

41. Mr. Robert Meekins, 124 Macaulay Road, supported Second Amendment sanctuary in the County.

42. Ms. Barbara Henry, 141 Devon Road, addressed the Board about gun control and infringement of citizens' rights. She requested support of the Second Amendment sanctuary for James City County.

43. Mr. Rob Charles, 1776 Patriots Way, supported constitutional rights.

44. Mr. Colin Romanick, 7 Meadow Circle, spoke in support of the resolution.

45. Mr. Bob Lambert, 3452 Frederick Drive, noted his support of the resolution.

46. Ms. Peg Boarman, 17 Settlers Lane, complimented staff on its organization of the meeting. She noted instead of talking about the three R's of trash, she asked for adherence to laws and requested an affirmative vote on the resolution.

47. Ms. Dorothy Fischer, 102 Royal Saint Georges, discussed rights. She favored support of the resolution and the Constitution.

48. Ms. Brenda Joyner, 13 Jan Rae Circle, noted guns were not the problem, but criminals were and questioned the point of how to remove guns from them, but not law-abiding citizens.

Speaker 49 was not present.

50. Mr. Scott Wiegner, 3109 Ridge Drive, supported the Second Amendment and requested the County be a sanctuary city.

51. Mr. Ash Thumm, 230 Reflection Drive, requested adoption of the resolution to protect all rights, particularly the Second Amendment.

52. Ms. Jane Gingrich, 103 Dyke, addressed the Board on sensible gun legislation from the General Assembly.

53. Mr. Cary Franklin, Jr., 100 Windsor Lane, requested the Board adopt the resolution.

54. Mr. Riley Wiesner, 3109 Ridge Drive, addressed the Board about the infringement of constitutional rights. He requested adoption of the Second Amendment sanctuary resolution.

55. Ms. Julie Vaisvil, 3114 Cider House Road, noted safe possession of guns. She asked the Board not to adopt the resolution.

56. Ms. Debra Hill, 196 The Maine, noted her opposition to the resolution citing the impact on tourism if the County was designated a gun sanctuary.

57. Dr. Rocco Basciano, 25 Frenchmen's Key, cited statistics from the American College of Physicians. He noted specific points should be considered in the decision.

58. Mr. Tom Corbett, 3305 Mary Byrd, noted his strong support for the resolution. He further noted concern for the language proposed and felt it was against the Constitution.

Mr. Icenhour noted Speaker 26 had arrived.

26. Mr. Jeffry Long, 112 Ewell Place, spoke in favor of passing the resolution, belief in the Constitution, and following the Second Amendment.

59. Mr. Jim Brittan, 7144 Pinebrook Road, spoke on behalf of the resolution adoption.

60. Mr. Bryan Denny, 213 West Tazewells Way, requested support of the Constitution and establish the County as a Second Amendment sanctuary.

61. Mr. Wayne Parker, 8802 Diascund Road, spoke on behalf of the resolution's support.

62. Mr. Robert Wilson, 201 Norman Davis Drive, supported the resolution. He also requested a resolution to change the Virginia Constitution Section 2 language.

63. Mr. Bill Przybysz, 6216 Sommerset Lane, The Village of Westminster, noted emotions and statistics.

64. Mr. Trevor Herrin, 2528 Campbell Close, addressed the Board regarding constitutional rights of the resolution. He requested adoption of the resolution.

65. Mr. Keith Gibbons, 1117 King William Drive, requested adoption of the resolution for James City County as a sanctuary county.

Speaker 66 was not present.

67. Mr. John Paine, 3305 Ashe View, asked for ways to bring safety to 'would be' victims of gun violence and unite the community.

68. Mr. Dewey McGee, 1109 Lafayette Street, expressed his support of the resolution and asked the Board for its support.

69. Ms. Jan Walker, 106 Lawnes Circle, spoke against the County as a sanctuary.

70. Mr. Joshua Mayes, 135 Racefield Drive, spoke on behalf of his mother, a disabled combat veteran. He noted the need to protect citizens' Second Amendment rights.

71. Ms. Sasha Pauley, 9 Darling Lane, spoke in support of guns and constitutional rights.

72. Mr. Shawn Lindfos, 3858 Staffordshire Lane, supported the resolution and natural rights.

73. Mr. Arthur Tanchak, 4908 Grand Strand Drive, addressed rights.

Speaker 74 was not present.

75. Mr. Ryan Suleski, 125 Wilson Circle, spoke in favor of the Second Amendment and the United States Constitution.

76. Mr. William Graham, 1600 River Ridge, addressed the rights of the Second Amendment.

77. Mr. Mark Collins, 100 Saint Georges Boulevard, spoke against the bill and emphasized training and education as preventative measures.

78. Mr. Randy Taylor, 7112 Church Lane, spoke in favor of the resolution and the message it will send to Richmond.

79. Mr. Bryan Scott Simperts, 5983 Centerville Road, supported the Second Amendment sanctuary.

80. Mr. Michael Pollard, 1504 Trudy Lane, spoke in favor of the Second Amendment sanctuary.

81. Mr. Kenneth Murphy, 2884 Hidden Lake Drive, noted the volume of people in attendance. He asked the Board defend the Second Amendment.

82. Mr. Donnie Martin, 7196 Canal Street, Chickahominy Haven, asked the Board to pass the Second Amendment sanctuary for the County.

83. Ms. Katie Abercrombie, 502 Westgate Circle, spoke in favor of responsible gun ownership and support of the Second Amendment sanctuary.

84. Mr. R.J. Glaser, 104 Canterbury Place, addressed values and legislation.

85. Ms. Dena Waltrip, 2884 Lake Powell Road, spoke in favor of the Second Amendment sanctuary.

86. Mr. James Gelfin, 1010 Kingsmill Way, spoke in favor of defending the Constitution.

87. Ms. Cindy Gibson, 4792 Bristol Circle, thanked the County staff for its organization of the meeting. She opposed the sanctuary and cited its impact on tourism.

88. Mr. Jim Prince, 311 Patriot Way, Yorktown, spoke in support of the Second Amendment.

Mr. Icenhour noted that concluded the list of speakers.

The audience cheered.

Mr. Icenhour extended his appreciation to everyone in the audience for the civil, orderly process during the evening. He noted Item I, Board Considerations, was moved forward and would be next.

G. CONSENT CALENDAR

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. Icenhour asked if any Board member wished to pull an item.

Ms. Larson asked to pull Item No. 1.

1. Appointment of Assistant Fire Marshal

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

Ms. Larson asked if Fire Chief Ryan Ashe was available and would make an introduction of the appointee.

Chief Ashe addressed the Board regarding a resolution for the appointment of Mr. Charles (Chuck) Satterfield to Assistant Fire Marshal. Chief Ashe introduced Mr. Satterfield and noted he had completed the necessary training as required.

Ms. Larson thanked them.

2. Adoption of the James City County Emergency Operations Plan 2019

3. Compensation Plan and Personnel Policies Agreement with Sheriff

4. Appropriation - City of Williamsburg Child Health Initiative - \$10,006

5. Contract Award - 14 In-Car Camera Systems - \$125,532

6. Grant Award - Integrated Care Training - \$10,000

7. Grant Award - Virginia Department of Environmental Quality Fiscal Year 2020 Litter Grant - \$10,998
8. Grant Award - Naloxone for Law Enforcement - \$2,025
9. Grant Award - Scattered Site Housing Rehabilitation - Community Development Block Grant - \$1,208,771
10. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan
11. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination
12. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Local Business and Employment Plan
13. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Fair Housing Certification
14. Contract Award - Columbia Drive Restoration Project - \$174,450
15. Contract Award - Woodland Farms Phase II Stream Restoration - \$1,389,968
16. Abandonment of a Portion of Jolly Pond Road

H. PUBLIC HEARING(S)

Mr. Icenhour noted Mr. Danny Schmidt, Planning Commission's representative, was in attendance.

1. Case No. SUP-19-0019. 530 Neck-O-Land Road Tourist Home

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. Scott Whyte, Senior Landscape Planner II, addressed the Board regarding the applicant's request for a Special Use Permit (SUP) to allow for short-term rental of two tourist homes with two units each and the specifics of the application. He noted staff's approval of the SUP and recommended the Board's approval subject to the proposed conditions. Mr. Whyte noted the Planning Commission, at its November 6, 2019 meeting, voted 4-2 to deny this application.

Mr. Schmidt, Planning Commission representative, noted a 4-2 split vote at the November meeting. He further noted the split vote reflected not supporting the SUP application. He said there were no public speakers during the hearing and addressed concerns regarding no arterial or collector roads, but rather a local road. Mr. Schmidt also noted concerns from the

Commission against the application regarding affordable auxiliary housing needs and short-term rentals being inconsistent with the Comprehensive Plan. He further noted those Commissioners in favor cited the short-term rental as a tourism advantage.

The Board had no questions for Mr. Schmidt.

Mr. Icenhour opened the Public Hearing.

1. Mr. Wilson Huffman, 530 Neck-O-Land Road, the applicant, noted he was available for any questions.

2. Ms. Sharon Dennis, 100 Saint Georges Boulevard, referenced the approval of her Ironbound Road home as a short-term rental and the Board's discussion on other such properties. She noted affordable housing and referenced short-term rentals as a tourism option. She further noted renovations and the services necessary to convert properties as a viable source of employment. Ms. Dennis encouraged the Board to view this as positive and noted it could contact her with any questions.

Mr. Icenhour noted there were no additional speakers. He closed the Public Hearing.

Mr. Hipple noted the Board usually heard from surrounding neighbors of the properties being discussed who had concerns and none were present at either the Planning Commission or the Board of Supervisors meeting. He further noted the question of the affordable housing issue discussed in the Planning Commission meeting. Mr. Hipple noted boundaries of affordability and location options.

Mr. McGlennon noted he had addressed the applicants previously. He further noted concern over the location and the impact on the residential neighborhoods along Neck-O-Land Road.

Mr. McGlennon noted discussion with the applicants regarding a reduction to two units for the property rental in the SUP application. He added the reduction would affect the three-bedroom house plus apartment, and not the duplex in the rear of the property. Mr. McGlennon noted the applicants were not adverse to that option if that was the best choice. He further noted support of the application with the reduced units. Mr. McGlennon noted the applicants acknowledged if all parties agreed then the additional units could be addressed in the future.

Ms. Sadler asked if the applicants were agreeable to this and the possibility of returning later to address the additional units.

Mr. McGlennon confirmed yes, but noted it would not guarantee approval at a later date.

Mr. Huffman addressed the Board regarding a change to the business model in terms of the rental time. He noted concerns around housing and the compromise of two units with the possibility of the other two units at a later time.

Ms. Larson noted she had spoken with Ms. Huffman previously. Ms. Larson further noted her concern over the number of units then and that she still had concerns. She cited the impact to neighbors and traffic.

Mr. Icenhour noted contact with the applicants also. He further noted the aspect of the business model change with short-term rental. Mr. Icenhour noted the lack of policy on short-term rentals and emphasized the concern of a commercial aspect in a residential community. He asked the County Attorney if the SUP was permanent until additional changes were required.

Mr. Kinsman noted that was correct unless a violation of the SUP occurred.

Mr. Icenhour asked if the SUP's conditions were met, then it remained in perpetuity.

Mr. Kinsman confirmed yes and noted the SUP followed the land and not the owner.

Mr. Icenhour noted the permanence of the decision without establishing a set policy. He further noted the need to address the issue for future applications.

Mr. McGlennon acknowledged that concern. He credited the applicants for making use of the County's regulations regarding short-term rentals in the proper way. He noted the location of the tourist home on Neck-O-Land Road and not off a collector road. He moved to accept a revised resolution for two units.

Ms. Sadler asked for clarification on the resolution and property location.

Mr. Icenhour noted it was the resolution with yellow at the top and it reflected the reduction to two units.

2. Case No. Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Mr. Jose Ribeiro, Senior Planner, addressed the Board noting the applicant's request for deferment until the first regular Board meeting in 2020. He noted staff was in support of the request.

Mr. Icenhour opened the Public Hearing. He noted the hearing would remain open until the January 14, 2020 Board meeting.

3. Case No. Z-19-0012/SUP-19-0020. Forest Heights Rezoning and Independent Living Facility

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

A motion to Approve the SUP 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 noted there were two motions: the SUP and the Ordinance.

Mr. Thomas Wysong, Senior Planner, addressed the Board regarding the County's rezoning proposal of 47.1 acres in Forest Heights from Mixed Use with proffers to R-3, Residential Redevelopment and R-3, Residential Redevelopment with proffers. Mr. Wysong noted Mr. Doug Harbin of Wayne Harbin Builder, Inc. was proposing 46 townhomes and a 50-unit age-restricted, independent living facility within this district and proffered as affordable housing. He cited the details of the proposal with the revision in which the self-storage unit was replaced with an independent living facility. Mr. Wysong noted the Planning Commission's approval with modifications.

Mr. McGlennon noted the replacement of the self-storage unit with the independent living

facility, at the request of the Board, met the needs of older citizens for independent living.

Mr. Wysong confirmed yes.

Mr. Schmidt noted the Planning Commission unanimously voted in favor of the rezoning and the SUP, but noted 10 public speakers addressed concerns at the meeting. He further noted traffic issues, affordable housing needs, and other factors from the speakers as well as discussion from the Commissioners on a bus stop and a park. Mr. Schmidt noted the Commission stressed staff develop a plan for a pocket park and land development.

Mr. Icenhour thanked Mr. Schmidt and highlighted the park and land development aspects.

Mr. Icenhour opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board representing Mr. Harbin. Mr. Geddy highlighted the application in a PowerPoint presentation. He noted the change with the 50-unit affordable, senior independent living facility. Mr. Geddy further noted the stormwater attributes and other details in the presentation. He added the applicant was offering cash proffers. He encouraged the Board to approve the project.

As there were no other speakers, Mr. Icenhour closed the Public Hearing.

Ms. Larson thanked Harbin Builder and Mr. Geddy and his team for their hard work to find a solution which served a population that needed it. She noted in the long run, this would serve well as a neighbor.

I. BOARD CONSIDERATION(S)

Mr. Icenhour addressed Ms. Sadler for comment.

Ms. Sadler thanked everyone for being there. She read aloud the resolution.

1. Reaffirming James City County's Commitment to the Constitutions of the United States and the Commonwealth of Virginia

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

Mr. Icenhour asked the Board for comments following Mr. Hipple's motion to adopt the resolution.

Mr. Hipple thanked everyone for participation, cooperation, information, and support.

Ms. Larson also extended her thanks for participation and respect. She noted patriotism and respect for both sides. She encouraged the passion she heard from speakers on this point to be directed toward Richmond, where the decision would be made. Ms. Larson noted it was not within the Board's purview to make those changes.

Ms. Sadler asked to go last with her comments.

Mr. McGlennon noted the Board's action was not to declare James City County as a

sanctuary county, but to restate what its oath of office required. He further noted changes in the County's Ordinances based on legislation from the General Assembly that were deemed necessary under oath.

Mr. Icenhour thanked everyone for the civil discourse. He also thanked his fellow Board members for the collaborative efforts. He noted citizens' concern for a lack of enforcement of measures, but he reiterated 'take those to Richmond' and the legislators. Mr. Icenhour noted he had done so himself in speaking to his legislators.

Ms. Sadler thanked the Board for working well together in sending a message to Richmond that showed support to the Constitutions of the United States and Virginia. She also thanked everyone for emails and phone calls.

At approximately 6:56 p.m., the Board of Supervisors recessed for a short break.

At approximately 7:07 p.m., the Board of Supervisors reconvened.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple noted he had attended plenty of transportation meetings, but he would pass that information on at the next Board meeting.

Ms. Larson noted the joint meeting with the schools recently and the topic of the new elementary school. She further noted working on that topic and asked Mr. Stevens for an update.

Mr. Stevens noted some discussion on available sites in the County as well as the City of Williamsburg, but that the School Board did not have a specific site. He further noted reviewing growth and need.

Ms. Larson asked if the City had an available parcel.

Mr. Stevens noted it had a parcel that might be acceptable.

Ms. Larson noted discussion needed to start and to not follow the same path that the middle school discussion had gone. She further noted getting answers to all the questions and making a decision to move forward. Ms. Larson noted the process of hiring a Jail Superintendent had begun and interviews would begin in January 2020. She thanked the Law Enforcement Center for hosting the School Board meeting and several other events.

Ms. Sadler thanked the law enforcement officers in attendance at the night's meeting and all staff. She also thanked the fire department and staff.

Mr. McGlennon noted his attendance at the League of Women Voters holiday reception. He also reiterated Ms. Larson's comments on space needs for the schools and to comprehensively review those needs. He complimented Mr. Icenhour as the moderator of the joint School Board, City of Williamsburg, and the Board of Supervisors meeting. Mr. McGlennon noted the passing of Ms. Edith Edwards, wife of former Supervisor Jack Edwards. He further noted her leadership role in the community.

Mr. Icenhour noted the need to address the school issue at a work session. He further noted two factors: availability and design site; comprehensive review of all schools, not just the elementary school. Mr. Icenhour noted he would join Mr. Hipple and Mr. Stevens at the large staff meeting and he encouraged others to switch out for other Board members to attend. He

also noted the County holiday luncheon. Mr. Icenhour stated January 2020 had several upcoming events: January 6 - Virginia Association of Counties (VACo)/Virginia Municipal League (VML) Day and Meet Your Legislators, which would need to be put onto the Board's schedule at the organizational meeting; January 13 - join the School Board for its legislative day in Richmond with possibly two Board attendees.

Each Board member wished each other and the community wishes for a wonderful holiday.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the kickoff event for the County's Comprehensive Plan Update, Engage 2045. He further noted additional information from County residents was requested and noted the survey was available on the website until December 18. He thanked the Board and wished everyone a safe and happy holiday.

Ms. Larson noted the Engage 2045 events and the positive feedback. She further noted a similar event in Hampton that had one central location instead of the County's multiple locations which engaged more residents and comments.

Mr. Stevens thanked Ms. Larson for the comments and noted he would share that feedback with staff.

L. CLOSED SESSION

None.

M. ADJOURNMENT

1. Adjourn until 4 p.m., January 2, 2020, for the Organizational Meeting

A motion to Adjourn 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 7:55 p.m., Mr. Icenhour adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: William W. Stewart, Director of Fleet and Equipment

SUBJECT: Contract Award for Fuel Depot Repair, Preventative Maintenance and New Installation Services

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	12/20/2019 - 7:22 AM
Publication Management	Burcham, Nan	Approved	12/20/2019 - 7:30 AM
Legal Review	Kinsman, Adam	Approved	12/20/2019 - 3:26 PM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:21 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:07 AM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: William W. Stewart, Director of Fleet and Equipment

SUBJECT: Contract Award - Fuel Depot Repair, Preventive Maintenance, and New Installation Services

A Request for Proposal (RFP) was solicited from qualified firms to simplify the purchasing process and speed up work when repair, maintenance, or new installation assistance is required by having a firm pre-selected based upon its qualifications per the requirements of the Virginia Public Procurement Act and establishing an “in place” contract for Fuel Depot Repair, Preventive Maintenance, and New Installation Services.

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 James City County Fleet, Williamsburg-James City County (WJCC) Public Schools, and Purchasing evaluated the proposals and selected the most qualified firm. The contract has an initial term of two years with 18 additional one-year options available to the County. The RFP included Cooperative procurement provisions allowing WJCC Public Schools and other entities to use the firm if they so choose.

Firm selected for contract award is:

JF Acquisition, LLC dba Jones & Frank

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

WWS/md
CA-FuelDepotPM-mem

Attachment

RESOLUTION

CONTRACT AWARD - FUEL DEPOT REPAIR, PREVENTIVE MAINTENANCE,

AND NEW INSTALLATION SERVICES

WHEREAS, a Request for Proposals has been advertised and evaluated for fuel depot repair, preventive maintenance, and new installation services; and

WHEREAS, JF Acquisition, LLC dba Jones & Frank was determined to be the best qualified to provide the required fuel depot services in its respective group.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for fuel depot repair, preventive maintenance, and new installation services to the firm listed in this resolution.

XXX

Chairman, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2020.

CA-FuelDepotPM-res

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Grace A. Boone, Director of General Services

SUBJECT: Service Agreement for Household Chemical Collection Services - Virginia Peninsulas Public Service Authority

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Service Agreement between James City County & Virginia Peninsulas Public Service Authority	Backup Material
☐	Service Agreement between Virginia Peninsulas Public Service Authority and MXI Environmental Services, LLC	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	12/20/2019 - 7:22 AM
Publication Management	Burcham, Nan	Approved	12/20/2019 - 7:31 AM
Legal Review	Kinsman, Adam	Approved	12/20/2019 - 3:26 PM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:19 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:08 AM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Grace A. Boone, Director of General Services

SUBJECT: Service Agreement for Household Chemical Collection Services - Virginia Peninsulas Public Service Authority

Attached is a memorandum and service agreement from the Virginia Peninsulas Public Service Authority (VPPSA) for Household Chemical Collection Services. This agreement sets the terms for services provided by VPPSA to collect household chemicals at collection events starting in February 2020. VPPSA has provided this service successfully since 2005 and has performed in a satisfactory manner. The budget for the program is included in the General Services Fiscal Year 2020-2021 operating budget. Overall costs should be similar to previous years. The VPPSA Board of Directors, with County representation, has approved the agreement and it needs to be approved by the County for services to continue past January 2020.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the service agreement.

GAB/md
AgrmtHCCS-VPPSA-mem

Attachments:

1. Resolution
2. Letter from VPPSA
3. Service Agreement

RESOLUTION

SERVICE AGREEMENT FOR HOUSEHOLD CHEMICAL COLLECTION SERVICES -

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) provides services to James City County for collection of Household Chemicals; and

WHEREAS, VPPSA provides these services through a service agreement with the County; and

WHEREAS, it is necessary to approve a service agreement to cover the Fiscal Year 2020-2021 program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the Household Chemical Collection service agreement between the County and VPPSA.

XXX

Chairman, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2020.

AgrmtHCCS-VPPSA-res

HOUSEHOLD CHEMICAL COLLECTION SERVICE AGREEMENT

This Household Chemical Collection Service Agreement is made this _____ day of _____, 2020, between the Virginia Peninsulas Public Service Authority (hereinafter the "Authority") and the County of James City (the "Community").

RECITALS

- A. The Authority was formed for the purpose of developing regional refuse collection, waste reduction and disposal alternatives with the ultimate goal of acquiring, financing, constructing and/or operating and maintaining a regional residential, commercial and industrial garbage and refuse collection and disposal system or systems.
- B. The member jurisdictions of the Authority are the cities of Hampton, Poquoson, and Williamsburg and the counties of Essex, James City, King and Queen, King William, Mathews, Middlesex and York.
- C. The Community desires to retain the Authority as an independent contractor to provide Household Chemical Collection Services for the Community. The Community and the Authority are entering into this Agreement to set forth the rights, duties, and obligations of the parties with respect to the collection of household chemicals.
- D. The Authority has entered into an Agreement for Household Chemical Collection Services with MXI Environmental Services, LLC (the "Contractor") to provide the desired services.

AGREEMENT

NOW, THEREFORE, the parties hereto hereby agree as follows:

ARTICLE I

DEFINITIONS

Unless otherwise defined, each capitalized term used in this Agreement shall have the meaning set forth below.

Acceptable Materials: Shall mean residential household maintenance products, automotive products, lawn and garden products, household cleaning products, paint related materials, waste fuels and solvents, small quantities of unknown materials (up to one gallon), and other miscellaneous household chemicals.

Agreement for Household Chemical Collection Service: Shall mean the agreement between the Authority and MXI Environmental Services, LLC, dated December 12, 2019.

Applicable Law: Shall mean any law, regulation, requirement (including but not limited to permit and governmental approval requirements) or order of any local, state or federal agency, court or other governmental body, applicable from time to time to the performance of any obligations under any agreement entered into in connection herewith.

Collection Sites: Shall mean the locations throughout the service area where citizens will deliver Acceptable Materials. The Collection Site shall be the Warhill High School parking lot, or other sites as mutually agreed by the Authority and the Community.

Disposal Costs: Shall mean all costs paid by the Authority for the Household Chemical Collection Services provided through the Agreement for Household Chemical Collection Service and costs for disposal of solid wastes at a Landfill.

Disposal Fees: Shall mean the amount payable by the Community to the Authority for disposal of Acceptable Materials and solid waste.

Fiscal Year: Shall mean the period from July 1 of one year to June 30 of the next year.

Household Chemical Collection Services: Shall mean receipt and packaging of household chemicals by the Authority and transportation and disposal by MXI Environmental Services, LLC for the term of the Agreement.

Landfill: Shall mean any landfill which the Authority has contracted for disposal:

Operating Costs: Shall mean all actual costs of the Authority properly allocable to providing Household Chemical Collection Services including, but not limited to:

1. Salaries and fringe benefits of employees;
2. Utilities, fuel, equipment (including but not limited to trucks and heavy equipment) tools and supplies;
3. All costs for compliance with all permit conditions and compliance with Applicable Law;
4. Legal costs incurred in connection with the zoning and permitting of Collection Sites and providing Household Chemical Collection Services.
5. Insurance costs;
6. Capital Expenditures necessary for normal maintenance and reasonable periodic expansion of the services to be provided to the Community and Capital Expenditures incurred in connection with Uncontrollable Circumstances;
7. Purchase, lease or least/purchase, and maintenance costs of equipment;
8. All accounting and bookkeeping fees and charges;
9. All collection costs;
10. All costs for transportation and disposal of solid waste to a Landfill;
11. All amounts required to fund any operating reserve or equipment replacement reserve fund created by the Authority; and overhead cost of the Authority allocated to this project by the Board of the Authority in accordance with the Authority's Articles of Incorporation and established policy.

Operating Fee: Shall mean the amount payable by the Community to the Authority for operating the Household Chemical Collection Services.

Participating Community: Shall mean the cities of Hampton, Poquoson and Williamsburg and the counties of James City and York.

Start-Up Date: Shall mean the date the services will begin – February 8, 2020.

Unacceptable Materials: Shall mean radioactive waste including smoke detectors; asbestos; explosives including gun powder, flares, ammunition; business or commercial waste; pressurized fire extinguishers, gas cylinders, and other pressurized containers;

substances regulated by the Drug Enforcement Agency; large quantities (over one gallon) of unknown materials.

Uncontrollable Circumstance: Shall mean any event or condition, whether affecting MXI Environmental Services, LLC, the Community, or the Authority, that interferes with the performance required hereunder, if such event or condition is beyond the reasonable control, and not the result of willful action of the party relying thereon as justification for any non-performance including but not limited to an act of God, storm, flood, landslide, earthquake, fire or other casualty, war, blockade, insurrection, riot, the order or judgment of any local, state, or federal court, administrative agency or governmental officer or body, a strike, lockout, or other similar labor action.

ARTICLE II

TERM

The term of this Agreement shall coincide with the Term of the Agreement for Household Chemical Collection Services.

ARTICLE III

HOUSEHOLD CHEMICAL COLLECTION

Section 3.1. Authority as Service Provider: The Community hereby retains the Authority to provide Household Chemical Collection Services, and the Authority hereby agrees to provide Household Chemical Collection Services in accordance with and subject to the terms and conditions of this Agreement and the Agreement for Household Chemical Collection Services.

Section 3.2. Use of Contractor: The Community and the Authority hereby agree that the Authority will use a contractor, MXI Environmental Services, LLC, to provide disposal services.

Section 3.3. Collection Site: The Community and the Authority hereby agree that the Authority will use the Collection Site on property owned by the Community to provide the services described herein. The Community agrees to provide access to the Collection Site to permit the Authority to provide the services described herein.

Section 3.4. Acceptance and Disposal: Beginning on the Start-Up Date and continuing throughout the term of this Agreement, the Authority agrees to provide Household Chemical Collection Services for all Acceptable Materials delivered to the Collection Sites in accordance with the terms of this Agreement and to provide for disposal of such Acceptable Materials delivered to and accepted by it in accordance with Applicable Law, unless an Uncontrollable Circumstance renders the Collection Site or the Contractor's facility or any significant portion thereof, inoperable. In such event, the Authority will use its best efforts to provide for acceptance and disposal of Acceptable Materials at an alternative facility, until the Collection Site or the Contractor's facility, is again operable. The Community retains title to Acceptable Material until such time as accepted by the Contractor.

Section 3.5. Use of Collection Sites by Other Communities: The Community agrees that users from all of the Participating Communities may use the Collection Site. The Authority agrees to identify and record the community of origin for each user of the Collection Site for the purposes of allocating the Disposal Costs.

Section 3.6. Unacceptable Material: The Authority shall never be deemed to have taken title to Unacceptable Material.

Section 3.7. Disposal of Unacceptable Material: The Authority will use its best efforts not to permit the unloading of Unacceptable Material at the Collection Sites and the Authority shall notify any person delivering Unacceptable Material to the Collection Sites that such Unacceptable Materials cannot be disposed of at the Collection Sites and that such person must promptly cause the Unacceptable Material to be removed from the Collection Sites and disposed of in accordance with Applicable Law. In the event that Unacceptable Materials are found at the Collection Site, the Authority shall make efforts to properly dispose of the Unacceptable Materials. The Communities using the Collection Site, however, shall be responsible for the actual costs and expenses of removing and disposing of such Unacceptable Material and for any fines, penalties, expenses or liabilities imposed on the Community or Authority resulting from the deposit of such Unacceptable Material at the Collection Sites; provided, however, the Community shall be given the opportunity to participate in and defend any action seeking to impose a fine, penalty or liability. If such Unacceptable Material can be

identified as being delivered from one particular community, then that community shall be responsible for the actual costs and expenses as described herein.

Section 3.8. Operation and Maintenance: The Authority shall operate and maintain the Collection Sites in accordance with Applicable Laws and shall furnish or cause to be furnished all labor, tools, utilities, and equipment necessary for the safe and efficient operation of the Collection Sites.

The Authority shall provide training of all Authority employees who will provide the services. The Authority will provide all labor, tools, and equipment necessary to maintain the containers and associated equipment in good working condition.

Section 3.9. Insurance: Regarding the existence and operation of the Collection Site on property owned by the Community, the Authority will be named as an additional insured on the Community's general liability insurance. The Community agrees to waive the right of subrogation against the Authority in regard to any liability associated with existence and operation of the Collection Site.

ARTICLE IV

PAYMENTS

Section 4.1. Annual Budget: The Authority shall provide to the Community its annual budget for the Household Chemical Collection Services for each upcoming Fiscal Year ("Annual Budget") as part of the regular budget preparation for all Authority operations. The Annual Budget shall set forth the budgeted Operating Costs for such Fiscal Year, itemizing each category of expenditure and the method of allocating any item of expenditure applicable to more than one community. The Annual Budget shall also set forth the budgeted Disposal Costs for such Fiscal Year. The Authority shall also provide Operating Costs and Disposal Costs for the then current Fiscal Year. The Annual Budget for an upcoming Fiscal Year and any amendments thereto shall not be effective and no expenditures shall be made by the Authority under the proposed Annual Budget unless and until such Annual Budget and any amendments have been approved by the Board of the Authority. The Authority shall continue operating within the expenditure levels approved under the Annual Budget for the immediately preceding Fiscal Year until such time as a new Annual Budget is approved.

Section 4.2. Operating Fees: The Authority shall charge the Community an annual Operating Fee in an amount equal to the budgeted annual Operating Costs for the Fiscal Year in question, payable in equal quarterly installments or as otherwise agreed between the Authority and the Community. If at any time during the Fiscal Year the Authority determines that actual Operating Costs will exceed Operating Fees, the Authority shall amend the Annual Budget to reflect such increase in Operating Costs and adjust the Operating Fees to cover such increase.

Section 4.3. Disposal Fees: The Authority shall charge the Community Disposal Fees in an amount equal to the actual Disposal Costs incurred and invoiced to the Authority in accordance with the Agreement for Household Chemical Collection Services. If more than one Community has delivered Acceptable Materials to the Collection Site over the invoice period, the Disposal Costs will be prorated to the Community based on the number of vehicles using the Collection Site during the invoice period.

If at any time during the Fiscal Year the Authority determines that actual Disposal Costs will exceed Disposal Fees, the Authority shall amend the Annual Budget to reflect such increases in Disposal Costs and adjust the Disposal Fees to cover such increases.

Section 4.4. Payments: The Authority shall invoice the Community in advance on a quarterly basis for an amount equal to one-quarter (1/4) of the estimate annual Operating and Disposal Fees for the Fiscal Year payable hereunder. Such invoices shall be due and payable within thirty (30) days of receipt or as otherwise agreed between the Authority and the Community.

Section 4.5. Nature of Payments: Payments of Operating and Disposal Fees hereunder are payments by the Community for services rendered and the obligation to make such payments does not constitute a debt of the Community for purposes of constitutional, statutory or charter limitations.

The parties hereto acknowledge that the Board of Supervisors of the Community is not empowered to make any binding commitment to make the appropriations described herein in future fiscal years. Nothing herein is or shall be deemed to be a lending of the credit of the Community to the Authority, the Contractor, or to any other person or entity. Nothing herein contained shall be deemed to be a pledge of the faith

and credit or the taxing power of the Community. Notwithstanding any other provision of this Agreement, nothing herein contained shall bind or obligate the Board of Supervisors of the Community to appropriate funds to the Authority for the purposes described herein nor shall any provision of this Agreement give the Authority, the Contractor., or any other person or entity any legal right to enforce the terms of this Article IV against the Community or the Board of Supervisors of the Community except for termination of this Agreement in accordance with Article VI hereof.

Section 4.6. Annual Reports: The Authority shall deliver to the Community, within 120 days of the end of the Fiscal Year, an annual report accompanied by a certificate from a certified public accountant setting forth a statement of actual Operating and Disposal Costs for the Fiscal Year and of Operating Fees and Disposal Fees received by the Authority and any excess or deficit of Operating and Disposal Fees over Operating and Disposal Costs. If there is an excess of Operating Fees over Operating and Disposal Costs for the Fiscal Year, the Authority will apply that excess to the then current Fiscal Year's Operating or Disposal Costs or held in reserve as directed by the Authority Board of Directors. The Authority agrees to apply the Operating Fee solely to pay Operating Costs and the Disposal Fee to pay Disposal Costs, unless otherwise approved in advance by the Community. The Community shall be responsible for establishing and collecting whatever fees, if any, it determines to charge for the use of the Collection Sites.

Section 4.7. Books and Records: The Authority shall maintain all books, records and accounts necessary to record all matters affecting the Operating and Disposal Costs and Operating and Disposal Fees, or other amounts payable by or to the Community and the Authority under this Agreement. All such books, records and accounts shall be maintained in accordance with generally accepted accounting principles; shall accurately, fairly and in reasonable detail reflect all the Authority's dealings and transactions under this Agreement; and shall be sufficient to enable those dealings and transactions to be audited in accordance with generally accepted accounting principles. All such books, records and accounts shall be available for inspection and photocopying by the Participating Communities on reasonable notice so that they can verify Operating and Disposal Costs or other amounts payable under this

Agreement. All such books, records and accounts shall be kept by the Authority for at least six years (or any longer period required by Applicable Law).

ARTICLE V

ADDITIONAL AGREEMENTS

Section 5.1. Right of Access: Representatives of the Community shall have reasonable access to the Collection Sites to monitor the Authority's compliance with the terms hereof.

Section 5.2. Notification: The Authority and the Community agree that either party shall promptly furnish to the other party a copy of any notice or order of any governmental authority asserting that the Household Chemical Collection operation is not in compliance with any Applicable Law.

Section 5.3. Equal Opportunity: During the performance of this contract, the Authority agrees as follows:

1. The Authority will not discriminate against any employee or applicant for employment because of age, disability, race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Authority. The Authority agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
2. The Authority, in all solicitations or advertisements for employees placed by or on behalf of the Authority, will state that such Authority is an equal opportunity employer.
3. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
4. The Authority will include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Section 5.4. Drug Free Workplace: During the performance of this contract, the Authority agrees as follows:

1. The Authority will provide a drug-free workplace for the Authority's employees.
2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
3. State in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and
4. Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

Section 5.4. Immigration Law: During the performance of this contract, the Authority shall not knowingly employ an unauthorized alien as defined in the federal Immigration and Control Act of 1986.

ARTICLE VI

TERMINATION AND DEFAULTS

Section 6.1. Termination: This Agreement may be terminated by either party hereto upon twelve (12) months prior written notice to the other. In the event of termination, the Community shall continue to make payments for Operating Fees and Disposal Costs until the date of termination.

Section 6.2. Defaults: Each of the following shall constitute an Event of Default hereunder:

1. Failure by the Community to pay any amount due hereunder when due;
2. Breach by either party of any other term or condition hereof which breach is not remedied within thirty (30) days of the giving of notice of such breach by the non-defaulting party; provided, however, that if the defaulting party has commenced action to cure such default within such thirty (30) period and thereafter diligently pursues such cure to completion, such party shall not be deemed to have defaulted hereunder.

Section 6.3. Remedies: If an Event of Default by either party has occurred and is continuing, the non-defaulting party, in addition to any other remedies it may have at law or in equity, may immediately terminate this Agreement.

ARTICLE VII

MISCELLANEOUS

Section 7.1. Entire Agreement; Amendments: This Agreement represents the entire and integrated agreement between the Authority and the Community and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by a written agreement signed by the Authority and the Community.

Section 7.2. Assignment: No assignment of this Agreement, or any right occurring under this Agreement, shall be made in whole or partly by either party without the other party's express written consent.

Section 7.3. Partnership: Nothing herein shall be construed to constitute a partnership or joint venture between the Authority and any Community.

Section 7.4. Severability of Invalid Provisions: If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section had not been contained in it.

Section 7.5. Notices: All notices, invoices, certificates, requests or other communications under this Agreement must be in writing and will be deemed given, unless otherwise required, when mailed by first-class mail, postage prepaid, to the address set forth below:

If to the Authority:
Virginia Peninsulas Public Service Authority
Attention Executive Director
475 McLaws Circle, Suite 3B
Williamsburg, Virginia 23185

If to the Community:
James City County
Attention County Administrator
P.O. Box 8784
Williamsburg, Virginia 23187

The parties may be notice given under this Section, designate such other addresses as they may deem appropriate for the receipt of notices under this Agreement. If, by reason of the suspension of or irregularities in regular mail service, it is impractical to mail notice of any event when notice is required to be given, then any manner of giving notice which is satisfactory to the intended recipient will be deemed to be sufficient.

Section 7.6. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

The signatories to this Agreement have been lawfully authorized by their principals to execute this Agreement.

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY

By: 

Title: 

JAMES CITY COUNTY

By: _____

Title: _____

**Agreement for Household Chemical Collection Services
between the
Virginia Peninsulas Public Service Authority
And
MXI Environmental Services, LLC**

This Agreement for Household Chemical Collection Services is made as of December 12, 2019 between the Virginia Peninsulas Public Service Authority (hereinafter referred to as the “Authority”) and MXI Environmental Services, LLC (hereinafter referred to as the “Contractor”)

WHEREAS, the Virginia Peninsulas Public Service Authority desires to engage the Contractor to provide Household Chemical Collection Services as defined herein; and

WHEREAS, the Contractor desires to provide Household Chemical Collection Services as defined herein;

NOW THEREFORE, the Authority and the Contractor do hereby agree as follows:

Section 1.0. Definitions:

For the purposes of this Agreement, the following terms shall apply:

Acceptable Materials: Shall mean residential household maintenance products, automotive products, lawn and garden products, household cleaning products, paint related materials, waste fuels and solvents, small quantities of unknown materials (up to one gallon), propane tanks (up to 20 pounds) and other miscellaneous household chemicals.

Authority-Designated Personnel: Shall mean designated members and alternates of the Authority Board of Directors, Authority employees or agents and elected or appointed officials or employees of the member local governments of the Authority or such other public officials as the Authority may designate under this Agreement.

Collection Sites: Shall mean the locations throughout the service area where citizens will deliver Acceptable Materials.

Force Majeure: Shall mean any cause beyond the reasonable control of the party whose performance under this Agreement is affected, including but not limited to acts of God, war, riot, fire, exposition, wind storm, flood, or action by governments not party to this Agreement. Force Majeure shall not include strikes, labor disputes, or equipment failure.

Household Chemical Collection Services: Collection, transportation, recycling and disposal of household chemicals by the Contractor for the term of the Agreement.

Service Area: The service area for household chemical collection services shall include the jurisdictions of Hampton, Poquoson, Williamsburg, James City County, and York County. The service area shall also include the Middle Peninsula Counties - Essex, King and Queen, King William, Mathews and Middlesex.

Start Date: Date that The Contractor shall start providing Household Chemical Collection Services which shall be February 14, 2020.

Unacceptable Materials: Shall mean radioactive waste including smoke detectors; medical wastes; asbestos; explosives including gun powder, flares, ammunition; business or commercial waste; pressurized fire extinguishers, substances regulated by the Drug Enforcement Agency; large quantities of unknown materials.

Section 2.0. Term of Agreement:

The term of this Agreement shall commence on the Start Date and shall be for a period of two (2) years. The Agreement may be extended for three (3) one-year renewals with the written agreement of both parties.

Section 3.0. Schedule:

Collection events will be held from 8:00 until noon during the months of February, March, April, May, June, July, August, September, October and November in accordance with the following schedule:

Location	Day	Months
James City – Warhill High School Parking Lot	2 nd Saturday	February, April, June, August, and October
York County Environmental and Development Services Parking Lot	2 nd Saturday	March, May, July, September, and November
Hampton Coliseum Parking Lot	3 rd Saturday	March, May, July, September, and November
Poquoson Swimming Pool Parking Lot	1 st Saturday	October

The Contractor will also provide Household Chemical Collection Services for events in the Middle Peninsula Counties - Essex, King and Queen, King William, Mathews and Middlesex. The Contractor will provide two events per year, on the third Saturday in April and the third Saturday in August at locations to be determined.

The schedule may be changed with written approval of both parties.

Section 4.0. Responsibilities of the Authority:

The Authority shall be responsible for the following:

- Identify and secure locations for Collection Sites.
- Provide a minimum of eight employees for the York and Hampton collection events and ten employees for the James City collection events to perform the following:
 - Site set up
 - Greeting vehicles
 - Traffic control
 - Encouraging users to remain in vehicles
 - Unloading materials
 - Simple sorting (obvious materials only)
 - Loading trash to container
 - Disposal of latex paint
 - Disposal of materials not removed by contractor
 - Site teardown and clean up
- Provide personal protective equipment to all Authority personnel.
- Provide a schedule for collection activities at all collection sites.
- Disposal fees for all non-hazardous wastes received and segregated at the Collection Sites.
- Provide all promotional and educational information.

Section 5.0. Scope of Services:

The Contractor shall perform Household Chemical Collection Services in the Service Area as follows:

5.1. Training:

The Contractor will provide initial training for Authority personnel at the annual Authority in-house training events, to include, but not be limited to the following:

- Site set up
- Identification of acceptable and unacceptable materials
- Materials sorting
- Materials packing methods
- General health and safety practices

The Contractor is not responsible to provide Authority employees with any OSHA training.

5.2. Safety and Contingency Plan:

The Contractor shall prepare a Safety and Contingency Plan specifically for the Authority program. An individual plan shall be prepared for all collection sites and shall be presented to the Authority before the Start Date.

The Contractor shall review the Safety and Contingency Plan as necessary, and at a minimum one year after the Start Date, and the Contractor shall revise, if warranted.

5.3 Personnel:

The Contractor shall provide a sufficient number of employees at each collection event to conduct all activities described herein. The Contractor will provide additional employees at no additional cost to the Authority if warranted as a result of increases in the number of users or material received at the collection events consistent with past history. The Contractor's personnel will be responsible for all sorting, pour-off activities, and material packing except for simple and obvious sorting to be completed by Authority personnel during unloading of vehicles.

5.4 Site Set Up:

All Contractor personnel shall be at the collection event one hour before the scheduled start time and will assist Authority personnel in set up activities.

5.5 Equipping Collection Sites:

The Contractor shall provide at a minimum all drums, buckets, containers, packing materials and supplies, hazard class labels, and all necessary labels and other materials and supplies needed to properly package the Acceptable Materials.

5.6 Collection of Materials:

The Contractor will collect materials on the day that the Authority receives material at the sites. All materials will be removed from the Collection Site at the end of the collection event.

5.7 Documentation and Record Keeping:

The Contractor will maintain all records for receipt, storage, and disposal of waste.

The Contractor shall provide the Authority with documentation that all materials that are collected have been handled, transported, and disposed of in accordance with all pertinent federal and state regulations.

5.8 Title to Waste:

The Contractor shall take title to the waste materials at the time that the Contractor accepts and removes the materials from the Collection Sites.

5.9 Waste Generator:

The Contractor agrees to act as the generator of all waste that is removed from the Collection Site by the Contractor.

5.10 Transportation and Disposal:

The Contractor agrees to provide transportation and disposal of all Acceptable Materials removed from the Collection Sites in accordance with all applicable federal and state regulations. The Contractor agrees to notify the Authority in writing if the disposal facilities are changed at any time during the term of this Agreement.

5.11 Conditionally Exempt Small Quantity Generators:

The Contractor agrees to accept qualified materials delivered to the collection event from Conditionally Exempt Small Quantity Generators (CESQG). Said materials, if

acceptable by the Contractor, will be sorted and weighed by Contractor personnel and the CESQG shall be directly charged for disposal of same. Rates applied will be in accordance with this agreement. The Authority shall not be responsible for the payment of disposal of said materials.

5.12 Program Reports:

The Contractor shall provide monthly summary reports to the Authority providing information regarding materials removed from each Collection Site. The reports shall contain the following at a minimum:

- Date of shipments
- Chemical description and waste composition
- Amount and weights
- EPA or state waste codes
- Shipping container size
- Method and location of disposition

Section 6.0. Middle Peninsula Events:

The Contractor agrees to provide Household Chemical Collection Services for events in the Middle Peninsula Counties - Essex, King and Queen, King William, Mathews and Middlesex. The Contractor will provide two events per year on the third Saturday in April and the third Saturday in August at locations to be determined.

For these events, VPPSA shall be responsible for the following:

- Provide all promotional and educational information.
- Assist with site set up
- Greeting vehicles
- Traffic control
- Encouraging users to remain in vehicles
- Provide personal protective equipment to all Authority personnel
- Assist with site teardown and clean up
- Disposal of latex paint
- Disposal of materials not removed by contractor

- Disposal fees for all non-hazardous wastes received and segregated at the Collection Sites.

At these events, the Contractor shall be responsible for all activities included in Section 5.0 and the following:

- Unloading materials
- All sorting of Acceptable Materials
- Loading trash and latex paint to container

Section 7.0. Annual Program Review:

On or about December 1 of every year of this Agreement, an Annual Program Review Meeting will be held at the Authority administrative office to evaluate the program and to develop recommendations for improvements to the program.

Section 8.0. Expansion of Program and Special Events:

The Authority may from time to time throughout the term of this Agreement expand the program or hold special events.

8.1. Expansion of Program:

The Authority may establish additional Collection Sites throughout the service area. The Contractor agrees to provide Household Chemical Collection Services at any additional Collection Site established by the Authority within the Service Area in accordance with the provisions of this Agreement.

8.2 Special Events:

The Contractor agrees to provide Household Chemical Collection Services for special events with disposal fees based on the schedule in Exhibit A. The Contractor may request additional reasonable fees if circumstances warrant. The special events may include, but are not limited to the following:

- Collection events after disasters such as hurricanes
- Collection of materials from governmental departments or school districts of Authority members

Section 9.0. Labor & Costs:

The Contractor shall, at its sole cost and expense, except as otherwise provided herein, furnish all materials, labor and equipment required to perform its scope of the Household Chemical Collection Services pursuant to this Agreement.

Section 10.0. Authority's Representative:

For the purposes of this Agreement, the Authority has designated the Executive Director as its representative and has empowered the Executive Director with the authority necessary to administer the provisions of this Agreement.

Section 11.0. The Contractor' Representatives:

The Contractor shall assign qualified persons who are authorized to act on behalf of the Contractor and to be in charge of the services described herein, and agrees to give the name of such persons to the Authority upon execution of this agreement.

Section 12.0. Compensation for Services:

The Authority agrees to make monthly payments to The Contractor, within thirty (30) days of receipt of a billing invoice by the 10th day of the month for service rendered by the Contractor under this Agreement for the previous month.

Payment for services rendered shall be based on established mobilization fees and the actual quantity of material removed from the Collection Sites and the unit prices included in the Schedule of Fees in Exhibit A. Additional fees or service charges not specifically itemized in the Schedule of Fees will be permitted only with prior authorization of the Authority.

The Contractor's billing invoice will not be considered by the Authority to be complete and payable if it fails to provide the required reports specified in Section 5.0 of this Agreement. Failure by the Contractor to include specified reports and appropriate documentation shall be deemed by the Authority as cause to withhold payment for the services rendered until such time as the required reports and documentation are received by the Authority.

If vehicle counts or material quantities vary significantly from historical figures, the Contractor may petition the Authority for an adjustment to the prevailing rates in the Fee Schedule. The Authority agrees, in good faith, to consider the request for rate adjustment.

Section 13.0. Non-Appropriation:

The program governed by this Agreement is funded solely through funds appropriated to the Authority by the participating jurisdictions. Failure of any jurisdiction to appropriate or pay to the Authority the funds necessary to cover the cost of that jurisdiction's portion of the program service area shall terminate the Contractor's obligation to provide service under this contract for that jurisdiction.

Should the Authority fail to appropriate funds for this Agreement, this Agreement shall be terminated when existing funding is exhausted. Failure by one or more jurisdictions to appropriate or pay funds to the Authority shall not be a breach or default under this contract and the Contractor's sole remedy shall be the right to terminate the Agreement.

Section 14.0. Permits and Licenses:

The Contractor, at its sole cost and expense, shall secure and maintain throughout the term of this Agreement all permits, licenses and approvals necessary or required for the Contractor to perform the work and services described herein except as described herein.

Section 15.0. Compliance with Laws & Regulations:

The Contractor agrees that, in its performance of the Household Chemical Collection Services including all processing and disposal activities and the performance of other work and services required of it under this Agreement, the Contractor will qualify under and comply with any and all federal, state and local laws and regulations now in effect, or hereafter enacted during the term of this Agreement, which are applicable to the Contractor, its employees, agents or subcontractors, if any, with respect to the work and services described herein. In the event changes in laws or regulations increase the Contractor's cost of providing the services, the Contractor shall be entitled to renegotiate its rates with the Authority. If the Contractor and the Authority are unable to successfully renegotiate the rates, this Agreement shall terminate.

Section 16.0. Law to Govern:

This Agreement is entered into and is to be performed in the Commonwealth of Virginia. The Authority and The Contractor agree that the laws of the Commonwealth of

Virginia shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and shall govern the interpretations of this Agreement.

Section 17.0. Independent Contractor:

The Contractor shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of the Authority. Except as otherwise provided under this Agreement, the Contractor shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder and all persons performing the same and nothing herein shall be construed as creating a partnership or joint venture between the Authority and The Contractor. No person performing any of the work or services described hereunder shall be considered an officer, agent, servant, or employee of the Authority, and no such person shall be entitled to any benefits available or granted to employees of the Authority or its member jurisdictions.

Section 18.0. Subcontractors:

The Contractor hereby agrees that no subcontractor will be used to perform any of the services to be provided to the Authority under this Agreement, except for subcontractors identified in writing by the Contractor, without written approval of the Authority, such approval will not be unreasonably withheld. The Contractor further agrees that any subcontractor shall meet all Authority requirements imposed on the Contractor.

Section 19.0. Non-Assignment:

Neither the Contractor nor the Authority shall assign, transfer, convey, or otherwise hypothecate this Agreement or their rights, duties or obligations hereunder or any part thereof without the prior written consent of the other.

Section 20.0. Insurance:

The Contractor shall obtain and maintain throughout the term of this Agreement, at the Contractor's sole cost and expense, not less than the insurance coverage set forth below:

Workers Compensation:

Coverage A	-	Statutory Requirements
Coverage B	-	\$100,000per Occurrence
Coverage C	-	\$100,000/\$500,000 /\$100,000
Accident and/or Disease		All States Endorsement

Automobile Liability, Including Owned, Non-Owned, & Hired Car Coverage:

Limits of Liability:

Bodily Injury

or - \$1,000,000 each occurrence

Property Damage

Commercial General Liability:

Bodily Injury

or - \$1,000,0000 each occurrence

Property Damage

Excess Liability:

Bodily Injury

OR - \$5,000,000 each occurrence

Property Damage

The Contractor shall deliver to the Authority, prior to the execution date of this Agreement, Certificates of Insurance from carriers licensed in the Commonwealth of Virginia acceptable to the Authority for the limits specified above, with the Authority named as additional insured. In addition, the insurer shall agree to give the Authority thirty (30) days written notice of its decision to cancel, change, or fail to renew coverage.

Section 21.0. Indemnification:

It is understood and agreed that the Contractor hereby assumes the entire responsibility and liability for any and all damages to persons or property caused by or resulting from or arising out of any act or omission on the part of the Contractor, its

subcontractors, agents or employees, whether directly or indirectly employed, or anyone for whose acts the Contractor or any of its subcontractors may be liable under or in connection with this Agreement or the performance or failure to perform any work required by this Agreement. The Contractor shall save harmless and indemnify the Authority, its member jurisdictions and its agents, servants, employees, directors and officers (the "Indemnified Parties") from and against any and all claims, losses or expenses of any kind whatsoever, including but not limited to attorney's fees, court costs, consultant fees and expert witness fees which any of them may suffer, pay or incur as the result of claims or suits due to, arising out of or in connection with any and all such damage, real or alleged, including damage attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use therefrom, or arising out of or resulting from the transportation, handling or disposal of any waste accepted by the Contractor pursuant to this Agreement or the release or threatened release of any hazardous or toxic substances, waste or materials in, on, under, or from any site where the waste accepted by the Contractor pursuant to this Agreement is disposed of, including, without limitation liability arising under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et. seq. as amended, where one or more of the Indemnified Parties are or are alleged to be liable as arranging for the disposal of hazardous substances, unless such claim, suit or damage results solely from the negligence, willful misconduct, violation of law or breach of this Agreement by an Indemnified Party. The Contractor shall upon written demand by the Authority assume and defend at the Contractor's sole expense with counsel reasonably acceptable to the Indemnified Parties any and all such suits or defense of claims for which the Contractor is liable to indemnify the Indemnified Parties.

Section 22.0. Termination:

In the event the Contractor defaults in the performance of any of the material covenants or agreements to be kept, done, or performed by it under the terms of this Agreement, the Authority shall notify the Contractor in writing of the nature of such default. Within fifteen (15) days following such notice:

- The Contractor shall correct the default; or
- In the event of a default not capable of being corrected within fifteen (15) days, the Contractor shall commence correcting the default within fifteen (15) days of the Authority's notification. The Authority will grant an extension providing that, in

the Authority's reasonable judgment, the Contractor is diligently pursuing a correction.

If The Contractor fails to correct the default as provided above, the Authority, without further notice, shall have all of the following rights which the Authority may exercise singly or in combination, in addition to any other right or remedy allowed by law.

- The right to declare that this Agreement together with all rights granted the Contractor hereunder are terminated, effective upon such date as the Authority shall designate; and
- The right to contract with others to perform the services otherwise to be performed by the Contractor, or to perform such services itself

Section 23.0. Notices:

All notices required or contemplated by this Agreement shall be personally served or mailed by U.S. Mail, postage prepaid – return receipt requested, addressed to the parties as follows:

To the Authority: Executive Director
 Virginia Peninsulas Public Service Authority
 475 McLaws Circle, Suite 3-B
 Williamsburg VA 23185

To The Contractor: Ronald Potter, President
 MXI Environmental Services, LLC
 26319 Old Trail Road
 Abingdon, Virginia 24210

Or to such other persons and addresses as the parties may designate in writing.

Section 24.0. The Contractor Records:

The Contractor shall maintain its books and records related to the performance of this Agreement in accordance with the following minimum requirements:

The Contractor shall maintain any and all ledgers, books of account, invoices, vouchers, and cancelled checks, as well as all other records or documents evidencing or relating to charges for services, expenditures or disbursements borne by the Authority for a minimum period of five (5) years, or for any longer period required by law, from the date of final payment to the Contractor pursuant to this Agreement.

The Contractor shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of five (5) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time, during regular business hours, upon written request by Authority Designated Personnel. The records shall be available to Authority Representative at the Contractor's address indicated for receipt of notices in this Agreement.

Section 25.0. Inspections:

The Contractor agrees to permit Authority Designated Personnel to inspect its facilities, equipment, or procedures at the Authority's expense to the extent such facilities, equipment, etc. apply to the performance of this Agreement.

Section 26.0. Waiver:

A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision hereof operate as a waiver of such provisions or of any other provision.

Section 27.0. Force Majeure:

It is mutually understood and agreed by the parties that The Contractor shall be relieved of its obligation under this Agreement during any period or periods of time when Force Majeure, as defined under Section 1 of this Agreement, render impossible its performance under this Agreement. Upon the occurrence of an event of Force Majeure, The Contractor shall promptly give the Authority notice of its best, good faith estimate of the period of time it expects Force Majeure to render impossible its performance hereunder.

Should the Contractor be unable to render performance under this Agreement by reason of Force Majeure, the Authority shall have the right to secure another vendor to perform any or all portions of the service provided by the Contractor under this Agreement for the period of expected Force Majeure set forth in the notice from the Contractor described herein. The Authority and the participating local jurisdictions supporting the Authority in this Agreement shall have the right to negotiate for alternative service to be provided by any other vendor during Force Majeure. In the event the period of Force Majeure should end prior to the expiration of this alternative Service Agreement, the Authority, in its sole discretion, shall have the right to continue service during the notice period with any alternate vendor procured during the notice period or instruct the Contractor to resume services notwithstanding anything herein to the contrary. The Authority shall resume service with the Contractor according to the terms of this Agreement after expiration of the notice period.

At any time that Force Majeure is in effect, it is understood by the parties to this Agreement that the Authority shall not be obligated to pay service fees to the Contractor for any or all service interrupted by reason of Force Majeure other than for work already completed.

Section 28.0. Compliance with Equal Opportunity:

During the performance of this contract, the Contractor agrees as follows: The Contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, will state that the Contractor is an equal opportunity employer.

Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purposes of meeting the requirements of this section.

The Contractor will include the provisions of the foregoing paragraphs of this section in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

The Contractor shall comply with Executive Order No. 11246, entitled "Equal Employment Opportunity" as supplemented in Department of Labor Regulation (41 CFR, Part 60). During the performance of this Agreement, the Contractor, for itself, its assignees, and successors in interest, agrees to comply with Title VI of the Civil Rights Act of 1964, which is made part of this Agreement by reference, and with any other applicable provision of federal or state law guaranteeing equal employment opportunity.

Section 29.0. Drug Free Workplace:

During the performance of this contract, the Contractor agrees as follows:

The Contractor will provide a drug free workplace for the Contractor's employees.

The Contractor will post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor' workplace and specifying the actions that will be taken against employees for violations of such prohibition.

The Contractor will state in all solicitations or advertisements for employees placed by or on behalf of the Contractor, that the Contractor maintains a drug-free workplace.

The Contractor will include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

Section 30.0. Immigration Law:

During the performance of this Contract, the Contractor shall not knowingly employ an unauthorized alien as defined in the federal Immigration and Control Act of 1986.

Section 31.0. Titles of Sections:

Section headings inserted herein are for convenience only, and are not intended to be used as aids to interpretation and are not binding on the parties.

Section 32.0. Amendment:

This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 33.0. Severability:

The invalidity of one or more of the phrases, sentences, clauses, or sections contained in this Agreement shall not affect the validity of the remaining portion of the Agreement so long as the material purposes of this Agreement can be determined and effectuated.

Section 34.0. Successors and Assigns:

This Agreement shall be binding upon the parties hereto, their successors, and assigns.

Section 35.0. Entirety:

This Agreement and any Exhibits attached hereto contain the entire Agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

The signatories to this Agreement have been lawfully authorized by their principals to execute this Agreement.

**VIRGINIA PENINSULAS
PUBLIC SERVICE AUTHORITY**

By: _____
Stephen B. Geissler
Executive Director

MXI Environmental Services, LLC

By: _____
Ronald Potter
President

**Exhibit A
Fee Schedule**

Material	Units	Unit Cost
Paint and Petroleum Distillates (Pour off)	55 Gal Drums	\$95.00
Non-Pourable Paints and Resins	Pounds	\$0.45
Pesticides	Pounds	\$1.50
Acids for Aqueous Treatment	Pounds	\$1.10
Organic Acid Material for Incineration	Pounds	\$0.40
Flammable Material for Incineration	Pounds	\$0.45
Alkaline Material for Incineration	Pounds	\$1.10
Oxidizing Material for Incineration	Pounds	\$4.00
Aerosols for Incineration	Pounds	\$0.50
Dioxin Forming Compounds for Stabilization	Pounds	\$4.00
Mercury for Stabilization	Pounds	\$3.00
Fluorescent Bulbs		
Compact bulbs	Pounds	\$1.00
Straight tubes – 4 foot	Pounds	\$1.00
Straight tubes – 8 foot	Pounds	\$1.00
U tubes	Pounds	\$1.00
Sodium vapor / mercury vapor bulbs	Pounds	\$1.00
Mercury in manufactured articles	5 Gal Pail	\$250.00
Propane Tanks		
One Gallon	Each	\$4.00
20 Gallon	Each	\$7.00

Mobilization and labor fees:

	<u>Mobilization</u>	<u>Labor</u>	Total per Event
James City	\$2,000	\$1,500	\$3,500
York	\$2,000	\$1,500	\$3,500
Hampton	\$2,000	\$1,500	\$3,500
Poquoson	\$2,000	\$1,200	\$3,200

	<u>Mobilization</u>	<u>Labor</u>	Total per Event
Middle Peninsula	\$2,000	\$1,200	\$3,200

Additional labor as requested by VPPSA - \$400 per man per event

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center

SUBJECT: Olde Towne Medical and Dental Center Addition of Marketing and Communications Specialist

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:18 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:08 AM
Publication Management	Burcham, Nan	Approved	1/7/2020 - 10:45 AM
Legal Review	Kinsman, Adam	Approved	1/7/2020 - 10:55 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 11:25 AM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 1:42 PM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 2:10 PM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director of Olde Towne Medical and Dental Center

SUBJECT: Olde Towne Medical and Dental Center Addition of Marketing and Communications Specialist

Olde Towne Medical and Dental Center (OTMDC) serves the uninsured and underinsured population of James City and York Counties, and the greater Williamsburg area. OTMDC utilizes nurse practitioners and physicians to address the primary medical care of our patients, and dentists and hygienists to provide quality dental care to our uninsured and underinsured patients. We rely for funding on foundation grants, support of municipalities, and the generous support of donors in our community. We have a wide range of fundraising activities, including, but not limited to, a golf tournament, two 5-K runs, wine tastings, donor mailings, and individual donor solicitation. To increase our visibility to potential patients who might benefit from our services, and to keep funders informed of our clinic activities, our Board wishes to create a new Marketing and Communications Specialist position which will be funded by the Williamsburg Area Medical Assistance Corporation.

WJM/md
OTMDC-MCSposit-mem

Attachment

RESOLUTION

OLDE TOWNE MEDICAL AND DENTAL CENTER

ADDITION OF MARKETING AND COMMUNICATIONS SPECIALIST

WHEREAS, Olde Towne Medical and Dental Center (OTMDC) serves the uninsured and underinsured population of James City and York Counties, and the greater Williamsburg area; and

WHEREAS, OTMDC provides quality health and wellness care; and supports the functioning of the clinic with a broad range of outreach programs to both patients and to potential funders of clinic operations; and

WHEREAS, it is now necessary to increase patient knowledge of the services available at Olde Towne, and to keep current and potential funders aware of the clinic's ongoing activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the addition of a Marketing and Communications Specialist to the personnel staff of OTMDC, funded by the Williamsburg Area Medical Assistance Corporation.

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 January, 2020.

OTMDC-MCSpisit-res

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Pre-Budget Public Hearing - FY2021-2022 Biennial Budget

ATTACHMENTS:

	Description	Type
📎	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	1/2/2020 - 5:33 PM
Publication Management	Daniel, Martha	Approved	1/3/2020 - 8:08 AM
Legal Review	Kinsman, Adam	Approved	1/3/2020 - 4:17 PM
Board Secretary	Fellows, Teresa	Approved	1/3/2020 - 4:29 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:07 AM

M E M O R A N D U M

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Pre-Budget Public Hearing - FY 2021-2022 Biennial Budget

The purpose of this public hearing is to invite comments and suggestions from citizens for the upcoming County Budget. The comments and suggestions made at this pre-budget Public Hearing will help guide staff in preparing a budget proposal for the Board's review in May. No Board action is requested at this time.

SBD/nb
PH-2021-2022Bud-mem

ITEM SUMMARY

DATE: 12/5/2019

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator, Parks and Recreation

SUBJECT: Amendment to County Code Section 16-22 to permit certain use of metal detectors

ATTACHMENTS:

	Description	Type
▣	Amend Ch16 Sec16-22 MetalD-ordinance	Cover Memo
▣	Amend Ch16 Sec16-22 MetalD-ordinance	Ordinance
▣	Amend Ch16 Sec16-22 MetalD-ordinance final	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	12/5/2019 - 10:56 AM
Publication Management	Daniel, Martha	Approved	12/5/2019 - 11:10 AM
Legal Review	Kinsman, Adam	Approved	12/5/2019 - 11:13 AM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:23 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:07 AM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: Ordinance to Amend and Reordain Chapter 16, Public Parks and Recreation Facilities, Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-22, Metal Detectors

Section 16-22 of the James City County Code of Ordinances prohibits electronic metal detecting devices in any recreational facility.

In response to citizen interest in recreational metal detecting, Parks & Recreation staff have identified the sand beach at Jamestown Beach Event Park as a suitable location for this activity. However, in order to offer this opportunity, an amendment to the County Code of Ordinances is required so that the Director of Parks & Recreation has the authority to designate such areas.

In surveying other localities on the peninsula, staff found that most localities permit metal detecting devices on public beaches. If conflict or maintenance issues surface as a result of the activity, and they are of a greater frequency than currently exist, staff will either eliminate the activity or adjust the procedures as needed.

The proposed Code amendment would allow metal detecting only in areas designated for such by the Director of Parks and Recreation.

Staff recommends approval of the attached resolution to Amend and Reordain Chapter 16, Public Parks and Recreation Facilities, Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-22, Metal Detectors.

AP/nb
Ch16Sec16-22MDetect-mem

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, PUBLIC PARKS AND RECREATION FACILITIES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, REGULATIONS GOVERNING PUBLIC PARKS AND RECREATION FACILITIES, SECTION 16-22, METAL DETECTORS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16, Public Parks and Recreation Facilities, is hereby amended and reordained by amending Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-22, Metal detectors.

Chapter 16. Public Parks and Recreation Facilities

Article II. Regulations Governing Public Parks and Recreation Facilities

Sec. 16-22. Metal detectors.

No person shall use any type of electronic metal detecting device in any recreational facility, *except in areas designated by the Director.*

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 January, 2020.

Ch16Sec16-22MDetect-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 16, PUBLIC PARKS AND RECREATION FACILITIES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, REGULATIONS GOVERNING PUBLIC PARKS AND RECREATION FACILITIES, SECTION 16-22, METAL DETECTORS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 16, Public Parks and Recreation Facilities, is hereby amended and reordained by amending Article II, Regulations Governing Public Parks and Recreation Facilities, Section 16-22, Metal detectors.

Chapter 16. Public Parks and Recreation Facilities

Article II. Regulations Governing Public Parks and Recreation Facilities

Sec. 16-22. Metal detectors.

No person shall use any type of electronic metal detecting device in any recreational facility, except in areas designated by the Director.

Ch16Sec16-22MDetect-ord-final

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Tori Haynes, Planner

SUBJECT: AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Ordinance	Ordinance
▣	Attachment 2. Location Map	Backup Material
▣	Attachment 3. Croaker AFD Map	Backup Material
▣	Attachment 4. Croaker AFD 2018 Renewal Ordinance and Staff Report	Backup Material
▣	Attachment 5. State Code § 15.2- 4305	Backup Material
▣	Attachment 6. Forest Management Plan	Backup Material
▣	Attachment 7. Unapproved Minutes of the Oct. 24 AFD Advisory Committee Meeting	Backup Material
▣	Attachment 8. Unapproved Minutes of the Dec. 4 Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	12/27/2019 - 10:30 AM
Development Management	Holt, Paul	Approved	12/27/2019 - 10:30 AM
Publication Management	Burcham, Nan	Approved	12/27/2019 - 10:45 AM
Legal Review	Kinsman, Adam	Approved	12/30/2019 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 8:21 AM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:56 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:07 AM

Agricultural and Forestal District-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Ms. Kelly Dana Fulton

Land Owner: Deep Creek Crossing, LLC

Proposal: Addition of ± 3.85-acre parcel to the Croaker Agricultural and Forestal District (AFD).

Location: 9896 Sycamore Landing Road

Tax Map/Parcel No.: 0720100006A

Project Acreage: ± 3.85 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Tori Haynes, Planner

PUBLIC HEARING DATES

AFD Committee: October 24, 2019, 4:00 p.m.

Planning Commission: December 4, 2019, 6:00 p.m.

Board of Supervisors: January 14, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds that this addition to the Croaker AFD would be compatible with surrounding development and the core of the District.
2. Staff finds the proposal to be consistent with the recommendations

of the 2035 Comprehensive Plan Land Use Action 6.1.1.

3. Impacts: This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

As this proposal is not anticipated to generate any impacts that require mitigation, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

The subject parcel is located more than one mile away from the core parcels of the Croaker AFD; therefore, as specified in the Code of Virginia, this parcel may be added to the District only upon finding that it contains agriculturally and forestally significant land. At its October 24, 2019 meeting, the AFD Advisory Committee found that the subject parcel is agriculturally and forestally significant and recommended its addition to the Croaker AFD, and the Planning Commission subsequently concurred with this recommendation. Staff recommends that the Board of Supervisors approve this application, subject to the attached conditions, consistent with other properties in the District.

PLANNING COMMISSION RECOMMENDATION

At its December 4, 2019 meeting, the Planning Commission voted 6-0 to recommend approval of this application to the Board of Supervisors.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its October 24, 2019 meeting, the AFD Advisory Committee voted 5-0 to find that the subject property is agriculturally and forestally significant and to recommend approval of this application to the Planning Commission and Board of Supervisors.

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.

Agricultural and Forestal District-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing

PROJECT DESCRIPTION

- Ms. Kelly Fulton has applied to enroll $\pm$ 3.85 acres of land located at 9896 Sycamore Landing Road into the Croaker AFD. The subject parcel is currently undeveloped and forested.
- The subject parcel is more than one mile away from the core parcels in the Croaker AFD; therefore, as specified in the Code of Virginia, the governing body must decide if this property contains agriculturally and forestally significant land to be added to the Croaker AFD (see Attachment No. 5).
- A forest management plan has been prepared by Singletree Forestry Service (see Attachment No. 6). Per the plan, the subject parcel consists of an upland hardwood timber type, including tree species such as red oak, yellow poplar, sweet gum, and loblolly pine.
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*, the parcel consists of the following soils (roughly west-east):

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
19B, Kempsville-Emporia fine sandy loams, 2-6% slopes	Slight	Slight	Slight	Slight
15D, Emporia complex, 10-15% slopes	Slight	Slight	Slight	Slight
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight	Slight

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
31B, Suffolk fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight

As the table indicates, the eastern portion of the parcel closest to the York River contains moderately erodible soils. The Virginia Department of Forestry (VDOF) has noted that when harvesting, the logger must notify VDOF within three days of starting per Virginia Code § 10.1-1181.2(H). VDOF will monitor the harvest for water quality concerns and work with the logger to remedy any problems that might arise.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling $\pm$ 1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various withdrawals and additions occurring during that period.
- In 2019, the Board of Supervisors approved the addition of three parcels totaling $\pm$ 128.81 acres to the District.
- The District currently consists of $\pm$ 1,311.04 acres. Should this addition be approved, the District would consist of $\pm$ 1,314.89 acres.
- The majority of the Croaker AFD core consists of undeveloped forested land, with portions of some parcels being used for traditional agriculture such as farming or grazing.

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.

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands in the 2035 Comprehensive Plan. The subject parcel is bounded by the York River to the east. The adjacent parcel to the south and west is owned by the applicant's family and was added to the Croaker AFD in 2019. Existing land uses on adjacent properties include single-family residences and undeveloped forested land.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states that the County shall "support both the use and value assessment of Agricultural and Forestal (AFD) programs to the maximum degree allowed by the Code of Virginia."

PUBLIC IMPACTS

Staff finds that this proposal is not anticipated to generate any impacts that require mitigation.

STAFF RECOMMENDATION

The subject parcel is located more than one mile away from the core parcels of the Croaker AFD; therefore, as specified in the Code of Virginia, this parcel may be added to the District only upon finding that it contains agriculturally and forestally significant land. At its October 24, 2019 meeting, the AFD Advisory Committee found that the subject parcel is agriculturally and forestally significant and recommended its addition to the Croaker AFD, and the Planning Commission subsequently concurred with this recommendation. Staff recommends that the Board of Supervisors approve this application, subject to the attached conditions, consistent with other properties in the District.

TH/md

AFD19-2CroakerADD

Attachments:

1. Ordinance
2. Location Map
3. Croaker AFD Map
4. Croaker AFD 2018 Renewal Ordinance and Staff Report
5. State Code § 15.2-4305 regarding AFD Application Criteria
6. Forest Management Plan prepared by Singletree Forestry Services
7. Unapproved Minutes of the October 24, 2019, AFD Advisory Committee Meeting
8. Unapproved Minutes of the December 4, 2019, Planning Commission Meeting

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-19-0002

9896 SYCAMORE LANDING ROAD, CROAKER ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the “Board of Supervisors”) to add ± 3.85 acres of land owned by Deep Creek Crossing, LLC, located at 9896 Sycamore Landing Road and identified as James City County Real Estate Tax Map/Parcel No. 0720100006A to Agricultural and Forestal District (AFD) No. 02-86, which is generally known as the “Croaker Agricultural and Forestal District” (the “Application”); and

WHEREAS, at its October 24, 2019 meeting, the AFD Advisory Committee voted 5-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the “Commission”) at its December 4, 2019 meeting, after which the Commission voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of James City County, Virginia, hereby adds ± 3.85 acres located at 9896 Sycamore Landing Road and identified as James City County Real Estate Tax Map Parcel No. 0720100006A (the “Property”) to AFD-02-86, which is generally known as the “Croaker Agricultural and Forestal District” (the “District”) with the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors’ Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
3. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County’s policies and Ordinances regulating such facilities.

XXXXXX

Chairman, Board of Supervisors

ATTEST:

VOTES

AYE

NAY

ABSTAIN

HIPPLE

LARSON

SADLER

MCGLENNON

ICENHOUR

Teresa J. Fellows

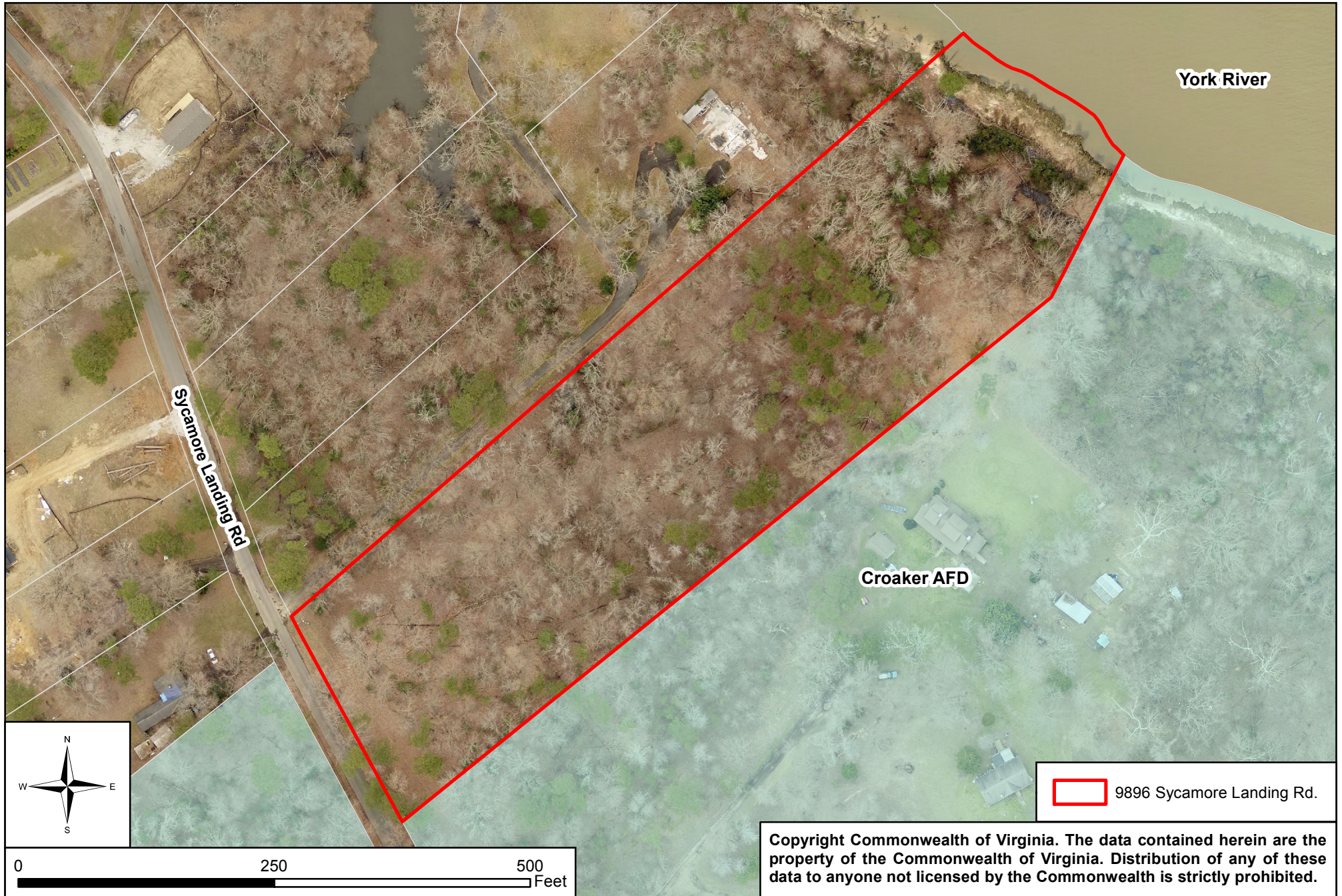
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2020.

AFD19-2CroakerADD-res

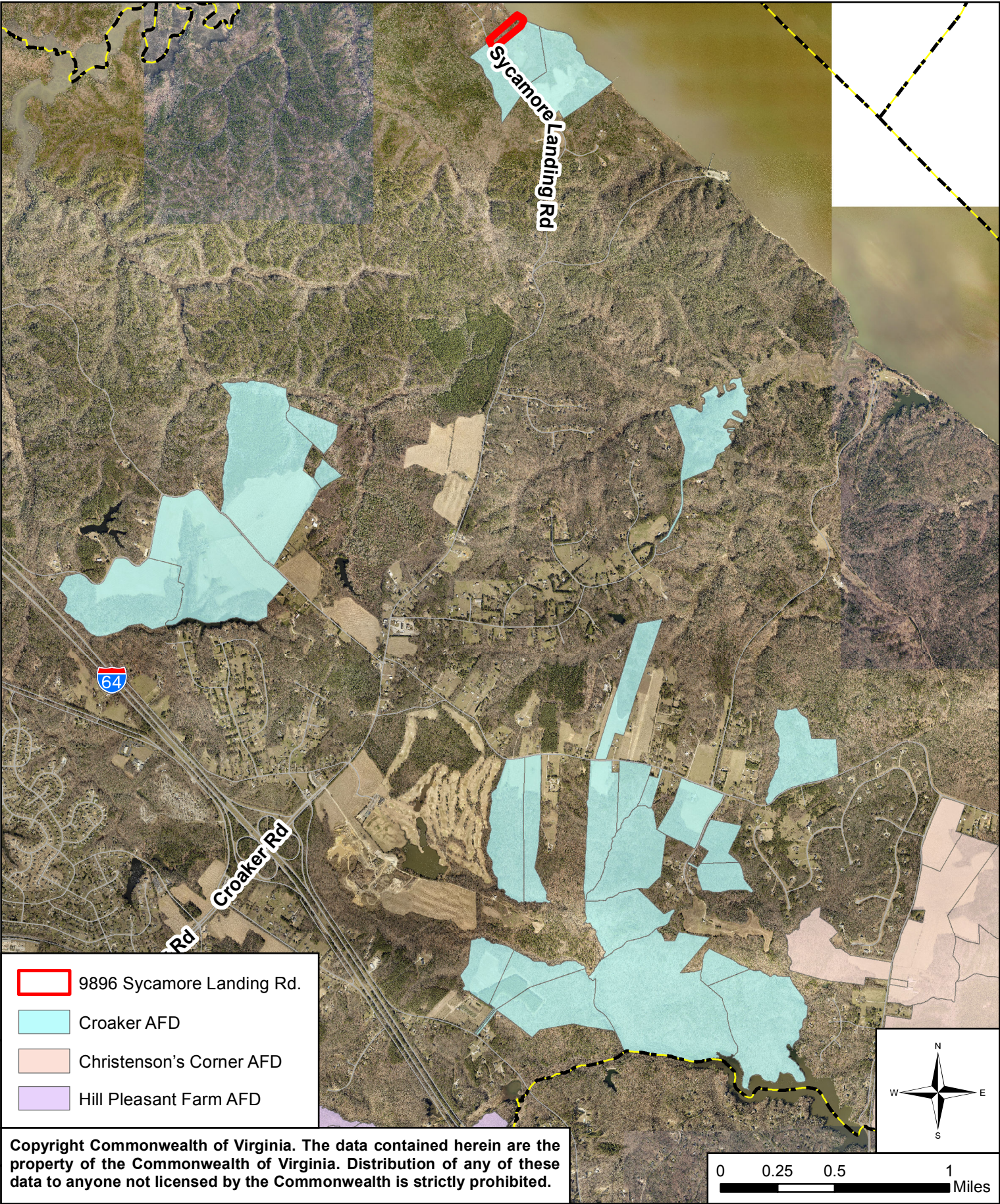
JCC AFD-19-0002

Croaker AFD Addition, 9896 Sycamore Landing Rd.



JCC AFD-19-0002

Croaker AFD Exhibit



CORRECTED

ADOPTED

SEP 11 2018

ORDINANCE NO. 164A-17

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018

CROAKER 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Croaker Agricultural and Forestal District (the "District"); and
- WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, 1950, as amended (the "Virginia Code"), property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the District; and
- WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee at its meeting on June 21, 2018, voted 9-0 to recommend renewal of the District; and
- WHEREAS, the Planning Commission following its public hearing on August 1, 2018, concurred with the recommendation of staff and the AFD Advisory Committee and voted 5-0 to recommend renewal of the District with the conditions listed below.

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

1. The Croaker Agricultural and Forestal District (the "District") is hereby continued to October 31, 2022 in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq. (the "Act").
2. That the District shall include the following parcels, provided, however, that all land within 25 feet of road right-of-ways is excluded from the District:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Hankins Land Trust	1530100044	119.00
William and Mary M. Apperson	1440100015	26.05
William and Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. Richardson & LA Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms LLC	1320100018	95.30
Wenger Farms LLC	1410100001	150.00
Wenger Farms LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05

William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
Total:		<u>1,182.23</u>

3. That pursuant to Sections 15.2-4312 and 15.2-4313 of the Act, the Board of Supervisors requires that no parcel in the District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of Wireless Communications Facilities (WCFs), provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the Primary Service Area and within the District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land within the District may be withdrawn from the District in accordance with the Board of Supervisors' Policy Governing the Withdrawal of Properties from Agricultural and Forestal Districts, adopted September 28, 2010.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the Act, which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCFs on properties in the District that are in accordance with the County's policies and Ordinances regulating such facilities.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

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

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

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal**Staff Report for the September 11, 2018, Board of Supervisors Public Hearing****SUMMARY FACTS**

<u>LAND OWNERS</u>	<u>PARCEL ID</u>	<u>ACRES (±)</u>
Hankins Land Trust	1530100044	119.00
William L. & Mary M. Apperson	1440100015	26.05
William L. & Mary M. Apperson	1440100015A	26.23
Ronald McManus, et al.	1530100043	119.85
Ronald McManus, et al.	1530100042	10.10
Ronald McManus, et al.	1530100036	40.40
Hazel M. & L. Richardson	1530100002	39.76
Hazel M. Richardson	1530100034	39.78
J. Rosalie Will, Trustee	1440100010	40.00
Stephanie L. Billon-Wolfe, Trustee	1440100009	49.08
Wenger Farms, LLC	1320100018	95.30
Wenger Farms, LLC	1410100001	150.00
Wenger Farms, LLC	1410100014	143.50
Thomas B. Ballard	1530100035	53.17
Sharpe Family Properties, LLC	1530100018	16.05
William R. Atkins, Jr.	1530100019	16.40
William R. Atkins, Jr.	1530100029	30.94
Milly Wallis	1540100004	40.00
Thomas B. Ballard	1530100035A	4.91
Thomas B. Ballard	1530100032	16.22
Wenger Farms, LLC	1410100007	7.00
Katherine G. & William Mann	1510400003	50.00
Mitchell Family Ltd. Partnership	0740100002	48.49
TOTAL ACRES		1,182.23

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands
Low-Density Residential

Primary Service Area

(PSA): Inside and Outside

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: August 1, 2018, 6:00 p.m.

Board of Supervisors: September 11, 2018, 5:00 p.m.

STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

**AGRICULTURAL AND FORESTAL DISTRICT (AFD)
ADVISORY COMMITTEE RECOMMENDATION**

At its June 21, 2018 meeting, the AFD Advisory Committee voted 9-0 to recommend the continuation of the District to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

DISTRICT HISTORY

- The Croaker AFD was created in 1986 for a term of four years and originally consisted of 13 parcels totaling ±1,341 acres.
- The District was renewed for four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various withdrawals and additions occurring during that period.

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

- In 2017, the Board of Supervisors approved the addition of 48.49 acres of land located at 9730 Sycamore Landing Road to the AFD.

DISTRICT DESCRIPTION

While still conforming to applicable area and proximity requirements this District is somewhat geographically dispersed. According to the United States Geological Service Soils Survey, the bulk of the District appears to consist of soils which are prime for crop cultivation or forestry. The majority of the District is forested and remains rural in nature. All the land in this District is zoned A-1, General Agricultural. Pieces of the District are located both outside and inside of the PSA, and are designated both Rural Lands and Low-Density Residential by the adopted Comprehensive Plan.

Total acreage includes all the land in the above properties with the exception of all land within 25 feet of right-of-ways. This area has been excluded to allow for possible road and/or drainage improvements.

ADDITION/WITHDRAWAL REQUESTS/OTHER CHANGES IN ACREAGE

- *Addition Requests:*
 - The owner of the property located at 4450 Ware Creek Road (Tax Map ID No. 1410100046) has applied to add approximately 14.8 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018, meeting.
 - The owner of the property located at 4960 Fenton Mill Road (Tax Map ID 2420100035) has applied to add approximately 52.28 acres to the District. That application will be evaluated

under a separate cover and is tentatively scheduled for the AFD Committee's consideration at the October 25, 2018 meeting.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The majority of this District is located southeast of the Croaker Road/Interstate 64 interchange, though several small pieces are located north and east of the interchange as well. The surrounding area is mostly zoned A-1, General Agricultural; however, the northern and eastern portions of the District are surrounded by undeveloped portions of the Stonehouse Development, which is zoned PUD-R, Planned Unit Development-Residential. The Christenson's Corner AFD lies to the southeast of the District and the Hill Pleasant Farm AFD lies to the southwest of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Low-Density Residential. Land Use Action 6.1.1 of the adopted Comprehensive Plan states the County shall "support both the use value assessment and Agricultural and Forestal (AFD) programs to the maximum degree allowed by the *Code of Virginia*."

STAFF RECOMMENDATION

Staff finds the Croaker AFD compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve the renewal of this AFD for a period of four years, subject to conditions listed in the District Ordinance (Attachment No. 1).

AGRICULTURAL AND FORESTAL DISTRICT-02-86-1-2018. Croaker Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

RS/md

AFD-CroakerRnw

Attachments:

1. Ordinance
2. Location Map
3. Adopted conditions for the Croaker AFD
4. Board of Supervisors staff report for the 2014 renewal of the Croaker AFD

§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels

On or before November 1 of each year or any other annual date selected by the locality, any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one locality, provided that (i) separate application is made to each locality involved, (ii) each local governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that one of the local governing bodies disapproves the creation of a district within its boundaries, the creation of the district within the adjacent localities' boundaries shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833; 2011, cc. 344, 355.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

7-5-19

FOREST MANAGEMENT PLAN

LANDOWNERS: Thomas W. Dana III

~~AFD # 18-0017~~ AFD-19-0002

PIN # 0720100006A

TOTAL ACRES: 4

FORESTED ACRES: 4+/-

TIMBER STAND A: 4 acres +/-

Timber Type: Majority of this stand consists of an upland hardwood timber type. This stand includes tree species such as Red Oak, Yellow Poplar, Sweet Gum and Loblolly Pine. The average Diameter at Breast Height, DBH, ranges from 12-28" and an age of 54-74 years old.

History: Some firewood harvesting has occurred in the stand and this area was a field in years past.

Recommendations: A select harvest could be planned for sometime in the next 10 years as trees are slowing in growth. A 13" loblolly pine was measured at 18 rings of growth per one inch.

prepared by: Singletree Forestry Services LLC, Erik Blake, 804-512-9065

Unapproved Minutes of the October 24, 2019 AFD Advisory Committee Meeting

Ms. Tori Haynes addressed the Committee and stated that applicant Ms. Kelly Fulton has applied to enroll 3.85 acres of land located at 9896 Sycamore Landing Road into the Croaker AFD.

Ms. Haynes stated the parcel is currently undeveloped, forested and located more than one mile away from the core parcels of the Croaker AFD. She explained state code allows for the addition of a parcel located more than one mile away from the district core if the governing body finds the property contains agriculturally and forestally significant land.

Ms. Haynes stated a forest management plan has been prepared for the owner. She said the plan states that the subject parcel consists of an upland hardwood timber type, including tree species such as red oak, yellow poplar, sweet gum, and loblolly pine.

Ms. Haynes noted the eastern portion of the parcel closest to the York River contains moderately erodible soils. She said the Virginia Department of Forestry (VDOF) has noted that when harvesting, the logger must notify VDOF within three days of starting, and VDOF will monitor the harvest for water quality concerns and work with the logger to remedy any problems that might arise.

In summary, Ms. Haynes stated that if the AFD Advisory Committee find that the subject property contains agriculturally and forestally significant land, staff recommends that the Committee recommend approval of the application to the Planning Commission and the Board of Supervisors.

Ms. Haynes told the Committee that both she and the applicant were available to answer any questions.

Mr. Abbott made a motion to recommend approval of the application Case No. AFD-19-0002, Croaker AFD Addition, 9896 Sycamore Landing Road.

Mr. Hitchens seconded the motion.

On a voice vote of 5-0, the motion was unanimously approved.

Ms. Kelly Fulton thanked the Committee for their time and consideration.

Mr. Richard Bradshaw joined the meeting and noted that the ownership of the parcel would need to change from a corporation to an individual to receive any timbering tax credits. He stated that AFD and land use valuation are related but have different criteria.

**Unapproved Minutes of the December 4, 2019
Planning Commission Regular Meeting**

AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road

Ms. Tori Haynes, Planner, stated that Ms. Kelly Fulton has applied to enroll 3.85 acres of land located at 9896 Sycamore Landing Road into the Croaker Agricultural and Forestal District. Ms. Haynes stated that the parcel is currently undeveloped and forested, and is located more than one mile away from the core of the district. Ms. Haynes stated that when a parcel is located more than one mile from the core, state code allows it to be added to the AFD if the governing body finds that it contains agriculturally and forestally significant land.

Ms. Haynes stated that a forest management plan has been prepared for the owner, which has found that the property consists of an upland hardwood timber type, including red oak, yellow poplar, sweet gum, and loblolly pine.

Ms. Haynes stated that at its October 24, 2019 meeting, the AFD Advisory Committee found that the subject parcel is agriculturally and forestally significant, and recommended its addition to the Croaker AFD. Ms. Haynes further stated that with the AFD Advisory Committee's findings and recommendation of approval, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions, consistent with other properties in the district.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

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

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

Mr. Polster stated that he appreciated the thoroughness of the staff report and the materials included with the application. Mr. Polster noted that he always looks for documentation that provides a clear reason why the parcel should be included in an AFD and the Forest Management Plan met that criteria. Mr. Polster further noted that this parcel will serve as a buffer in the Stonehouse Reserve area.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of AFD-19-0002. Croaker AFD Addition, 9896 Sycamore Landing Road. (6-0)

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Z-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment No.1. Ordinance	Ordinance
☐	Attachment No.2. Location Map	Exhibit
☐	Attachment No.3. Proposed Proffer Amendment	Backup Material
☐	Attachment No.4. Previously Adopted Proffers	Backup Material
☐	Attachment No.5. Proposed Master Plan Amendment	Backup Material
☐	Attachment No.6. Memorandum from Traffic Consultant	Backup Material
☐	Attachment No.7. Restated Fiscal Impact Study	Backup Material
☐	Attachment No. 8. Proposed Architectural Elevation	Backup Material
☐	Attachment No.9. Applicant's Letter to Adjacent Property Owners	Backup Material
☐	Attachment No.10. Minutes from the Planning Commission's November 6, 2019 Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	12/26/2019 - 10:19 AM
Development Management	Holt, Paul	Approved	12/26/2019 - 10:19 AM
Publication Management	Daniel, Martha	Approved	12/26/2019 - 10:24 AM
Legal Review	Kinsman, Adam	Approved	12/30/2019 - 9:36 AM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:20 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:08 AM

REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant:	Mr. Jerry L. Bowman of Franciscus at Promenade, LLC
Land Owner:	Mr. Jerry L. Bowman of University Square Associates
Proposal:	A request to amend the adopted proffers and Master Plan to permit the construction of an additional ten-plex building.
Locations:	5299, 5303, 5307, and 5311 John Tyler Highway
Tax Map/Parcel Nos.:	4812200025, 4812200026, 4812200027, and 4812200028
Project Acreage:	+/- 5.5 acres
Zoning:	MU, Mixed Use
Comprehensive Plan:	Mixed Use
Primary Service Area: (PSA)	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission:	November 6, 2019, 6:00 p.m.
Board of Supervisors:	December 10, 2019, 5:00 p.m. (deferred by applicant)
Board of Supervisors:	January 14, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts: Please see Impact Analysis on Pages 5-6.

FACTORS UNFAVORABLE

1. Impacts: Please see Impact Analysis on Pages 5-6.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed amended proffers.

PLANNING COMMISSION RECOMMENDATION

At its November 6, 2019 meeting, the Planning Commission recommended approval of this application and acceptance of the amended proffers by a vote of 5-0 with one abstention (Leverenz).

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-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**CHANGES SINCE PLANNING COMMISSION**

None.

BOARD OF SUPERVISORS MEETING

At its December 10, 2019 meeting, the Board of Supervisors voted 5-0 to grant a request from the applicant to defer consideration of this application to the January 14, 2020, Board of Supervisors meeting.

PROJECT DESCRIPTION

- The Promenade at John Tyler is a mixed use development approved for the construction of up to 204 dwelling units and $\pm$ 47,918 square feet of commercial space.
- The 204 residential units are approved per the current adopted master plan as 110 residential units distributed in 11 ten-plex buildings, 80 residential units distributed in 40 duplex buildings, and 14 live-above units associated with the commercial development located at the four outparcels adjacent to Route 199.
- According to the applicant, construction of the residential portion of the project is substantially completed. However, the proposed commercial square footage approved for the outparcels has not yet been developed.
- The zoning land use designation type of the four outparcels subject to this amendment application is MU (i.e., residential, commercial, and office) located within mixed use structures.
- This amendment proposes revisions to the adopted master plan and proffers for a portion of The Promenade at John Tyler to allow for the following:

- In lieu of constructing the 14 live-above units in mixed use buildings on the outparcels, the applicant would like to build another ten-plex, all residential building instead.
- The proposed master plan therefore revises the land use designation of a portion of one of the outparcels located at 5311 John Tyler Highway, which is approved for commercial, office, and multifamily units contained within a mixed use structure, to a single-use structure containing 10 residential units. If this amendment is approved, a total of 200 residential units out of 204 allowable units would be built on the site. The applicant has not indicated where or if the remaining four residential units will be constructed.
- The proposed master plan also revises the land use designation of properties at 5299, 5303, and 5307, and the remaining portion of property at 5311 John Tyler Highway approved for commercial, office, and multifamily units contained within mixed use structures to permit stand-alone commercial and/or office structures and open space. The Master Plan would still permit up to 47,918 square feet of these uses.
- The proposed proffer amendment would allow modifying the Community Space proffers (Attachment No. 3) by replacing the reference to the amended land use designation.
- This amendment will not change the previously approved residential density of 8.3 dwelling units per acre and will not permit any net increase in the total number of residential units previously approved. No other changes are proposed as part of this request.

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-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**PLANNING AND ZONING HISTORY**

- The initial Williamsburg Crossing Shopping Center Master Plan was adopted by the Board of Supervisors in 1989 and permitted up to 657,390 square feet of nonresidential development. The Master Plan was subsequently amended by the adoption of two Special Use Permits (SUPs) in 1993 associated with a proposed outdoor amusement center. However, the SUP for the outdoor amusement center expired in 1996.
- In 1993, $\pm$ 13.3 acres were rezoned to MU and the Master Plan was amended to permit the development of up to 198 dwelling units and reduced the amount of nonresidential development to 535,665 square feet. La Fontaine subdivision consists of 160 of the permitted 198 dwelling units. The Riverside medical facility was constructed in 1999 at Kings Way.
- On December 9, 2014, the Board of Supervisors rezoned six properties totaling $\pm$ 24.54 acres within the Williamsburg Crossing Shopping Center from B-1, General Business, to MU, with proffers and design guidelines, to construct up to 204 dwelling units and commercial development along Route 199.
- On April 12, 2016, the Board of Supervisors approved an application to amend Condition No. 2 of the adopted proffer to clarify language regarding adherence to the Housing Opportunities Policy.
- On June 14, 2016, the Board of Supervisors approved an application to amend Condition No. 8 of the adopted proffers to amend the narrative description and conceptual cross-section of the Route 199 Community Character Corridor buffer that was submitted with the original rezoning application in order to allow

the placement of a 5.5-foot berm with the northern portion of the buffer.

Mix of Uses

Section 24-519(d) of the Zoning Ordinance states that in order to achieve the intent of the MU District, more than one land use category shall be used and no single use or category shall exceed 80% of the developable land area within a mixed use area, as designated on the Master Plan. Staff finds that this requirement is achieved with the proposed master plan amendment.

Proffers and Design Guidelines

The applicant is proposing to amend Proffer No. 11. Community Spaces to ensure that the “public square” (as shown on the Master Plan) will be installed or bonded prior to the County being obligated to issue Certificates of Occupancy (CO) for the proposed new ten-plex building. If the construction of the “public square” is bonded, it shall be installed within seven years of approval of this amendment request or prior to the issuance of a CO of the first building in the area designated on the Master Plan as EGJ. The proposed new ten-plex building will be constructed similarly to the existing residential buildings, with four-sided architecture consistent with the approved building elevations for The Promenade at John Tyler (Attachment No. 8). The commercial and office uses also remain subject to the approved Design Guidelines.

Fiscal Impact

The applicant has submitted the County’s Fiscal Impact worksheet submitted in 2014 as part of the rezoning of The Promenade at John Tyler. The County’s Fiscal Impact worksheet indicates that the project will have a negative fiscal impact at build-out of \$14,717. Regarding

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.

Staff Report for the January 14, 2020, Board of Supervisors Public Hearing

the changes proposed by this current application, the applicant has indicated that they do not believe the total commercial revenue will change. They intend to develop the same square footage of commercial and residential space. The 14 remaining residential units will be built with the same revenue projections. If the last four residential units are built, the revenue projections would remain unchanged.

SURROUNDING ZONING AND DEVELOPMENT

- North: Across Route 199 properties are zoned Planned Unit Development, PUD, and are located in the City of Williamsburg.
- South: Properties are zoned MU, Mixed Use (The Promenade at John Tyler).
- West: Properties are zoned B-1, General Business (Williamsburg Crossing Shopping Center).
- East: Properties are zoned R-2, General Residential (Winston Terrace).

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-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment**Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate additional traffic as the total number of residential units remain capped at 204 units. - No changes to the right-of-way are proposed. - No changes anticipated to Level of Service on Route 199. - Mr. Dexter Williams of DRW Consultants has submitted a memorandum stating that the proposed ten-plex building does not substantially change the previous recommendations of the traffic impact study and no road improvements are warranted. The Virginia Department of Transportation staff has reviewed this application and concurs with its conclusion.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- The Pedestrian Accommodations Master Plan does not require installation of a sidewalk along Route 199. The requirement for a bike lane will be addressed as part of the review process of the site plan. Development on the outparcels will still connect internally with the existing and proposed residential and commercial development via sidewalks.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Subject property is served by Fire Station 3 on John Tyler Highway. - Previously adopted proffers contributed toward County's Fire and EMS uses.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's school uses.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's parks and recreation uses.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's library uses.

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-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment**Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's water system uses. A Water Conservation Agreement has been previously submitted for review and has been approved by James City Service Authority.
<u>Watersheds, Streams and Reservoirs</u>	<u>No Mitigation Required</u>	- Watershed: Mill Creek - A previously adopted proffer has required the submittal of a Nutrient Management Plan for review and approval of the County's Stormwater and Resource Protection (SRP) Division. - SRP's staff has reviewed the amendment and provided comments that will be addressed as part of the review of the site plan for the proposal.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Phase I Archaeological Study to be submitted for review and approval by the Planning Director prior to issuance of a land disturbing permit. A Phase I Archaeological Study has been submitted, and the Virginia Department of Historic Resources has concurred with the findings of the Study that no further studies are warranted.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- Staff does not anticipate significant visual or other similar impacts on nearby properties.
<u>Community Character</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Community Character Corridor buffer along Route 199 with an average width of at least 50 feet.

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-19-0014/MP-19-0016. The Promenade at John Tyler Proffer and Master Plan Amendment**Staff Report for the January 14, 2020, Board of Supervisors Public Hearing**

COMPREHENSIVE PLAN

The area for the proposed development (the four outparcels), as well as the Riverside medical facility, La Fontaine, the existing shopping center, and the remaining residential development at The Promenade at John Tyler are all included in the Williamsburg Crossing Shopping Center MU designation on the 2035 Comprehensive Plan Land Use Map. The general MU area designation descriptions note that mixed use areas should be inside the PSA and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. Further, centers with higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Staff finds the proposed use consistent with the Comprehensive Plan.

PROPOSED PROFFER AMENDMENT

Proposed proffers are provided as Attachment No. 3.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application and accept the amended proffers.

JR/md
Z19-14MP19-16PromJT

Attachments:

1. Ordinance
2. Location Map
3. Proposed Proffer Amendment
4. Previously Adopted Proffers (Z-0005-2016/Z-0001-2016/Z-0003-2014)
5. Proposed Master Plan Amendment
6. Memorandum from Traffic Consultant
7. Restated Fiscal Impact Study
8. Proposed Architectural Elevation
9. Applicant's Letter to Adjacent Property Owners
10. Minutes from the Planning Commission's November 6, 2019 Meeting

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.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE EXISTING PROFFERS AND MASTER PLAN TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL TEN-PLEX BUILDING AND FOR CHANGES IN LAND USE DESIGNATIONS.

CASE NOS. Z-19-0014 AND MP-19-0016. THE PROMENADE AT JOHN TYLER

PROFFER AND MASTER PLAN AMENDMENT

WHEREAS, on December 9, 2014, the Board of Supervisors approved Case Nos. Z-0003-2014/MP-0003-2014, which rezoned certain property from B-1, General Business to MU, Mixed Use, with proffers (the “Original Proffers”) and permitted the development known as The Promenade at John Tyler; and

WHEREAS, the Original Proffers were amended by the Board of Supervisors on April 12, 2016 (Case No. Z-0001-2016) and June 14, 2016 (Case No. Z-0005-2016), which amended Condition Nos. 2 and 8 of the Original Proffers, respectively, and retained all other proffers contained in the Original Proffers (all together the “Existing Proffers”); and

WHEREAS, Mr. Jerry L. Bowman has submitted a request to amend the Existing Proffers and Master Plan for a portion of The Promenade at John Tyler to allow for the construction of an additional ten-plex building and for changes in land use designations in the Master Plan; and

WHEREAS, the properties subject to the application are located at 5299, 5303, 5307, and 5311 John Tyler Highway and can be further identified as James City County Real Estate Tax Map Parcel Nos. 4812200025, 4812200026, 4812200027, and 4812200028, respectively; and

WHEREAS, the Planning Commission of James City County, following its consideration on November 6, 2019, recommended approval of Case Nos. Z-19-0014 and MP-19-0016, by a vote of 5-0 with one abstention; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-19-0014 and MP-19-0016 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case Nos. Z-19-0014 and MP-19-0016 are hereby approved as described herein and the amended voluntary proffers are accepted.

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

Chairman, Board of Supervisors

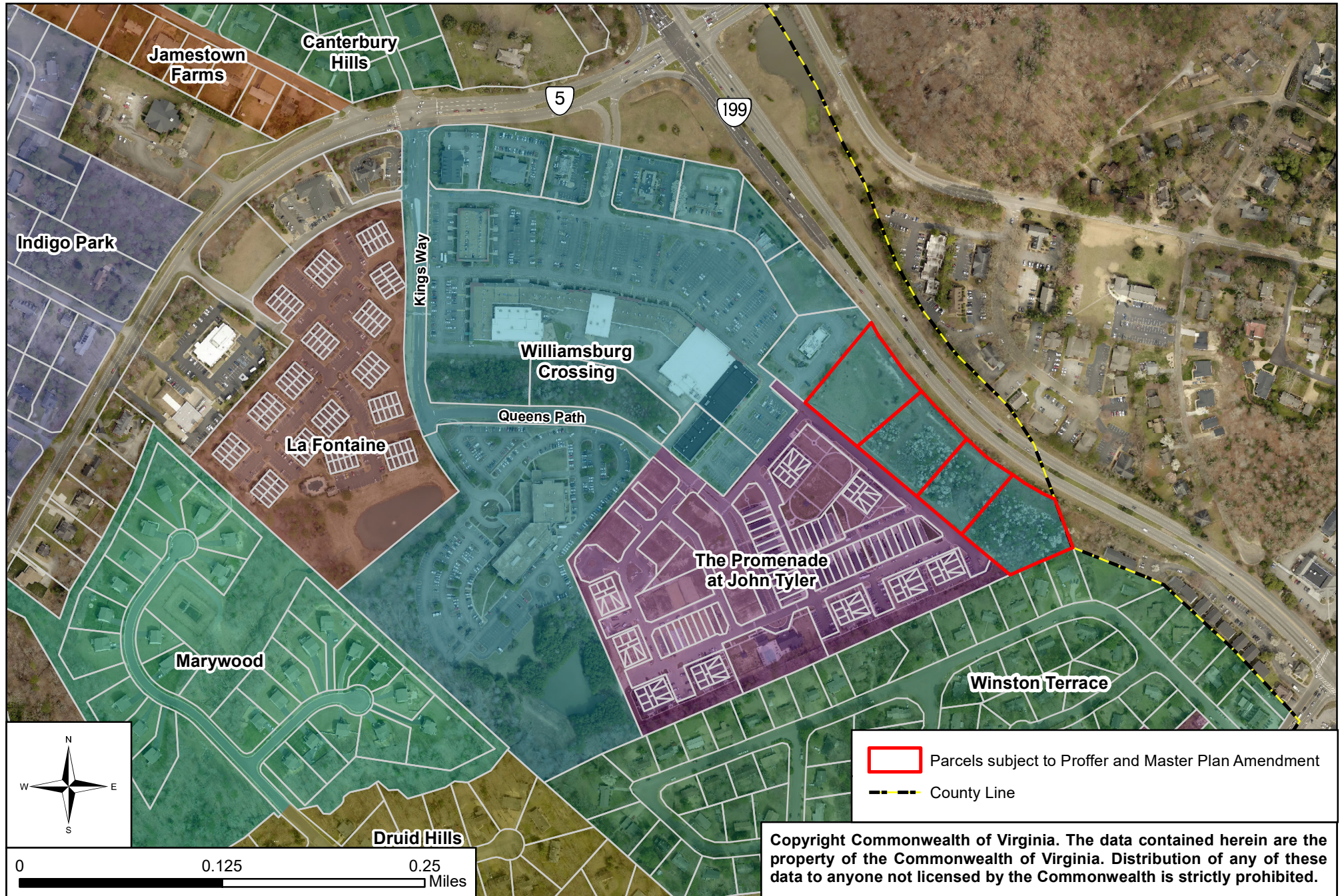
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2020.

Z19-14MP19-16PromJT-res

JCC Z-19-0014/MP-19-0016

The Promenade at John Tyler Highway Proffer and Master Plan Amendment



Tax Parcels: See attached Schedule A

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

THIRD AMENDMENT TO
PROFFERS

This Third Amendment to Proffers is made this 21st day of November, 2019 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership ("USA"), and FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company ("Franciscus"). USA and Franciscus together with their respective successors in title and assigns, are hereinafter sometimes called the "Owners" and are to be indexed as "Grantors." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. USA was the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 and recorded as Instrument No. 170018981 and Second Amendment to Proffers dated April 13, 2016 and recorded as Instrument No. 170007500 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. USA has sold a portion of the Property to Franciscus by Deed dated May 20, 2016 and recorded in the aforesaid Clerk's Office as Instrument No. 160010182 and continues to own the balance of the Property.

C. The Owners have applied to amend the existing Master Plan for the Promenade at John Tyler and in connection therewith have submitted to the County an amended master plan entitled "Master Plan Amendment for The Promenade at John Tyler" made by AES Consulting Engineers and dated September 25, 2019 and on file with the County Planning Department (the "Amended Master Plan").

D. In connection with the requested master plan amendment, the Owners desire to amend Condition 11 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The second sentence of Condition 11 of the Existing Proffers is hereby amended to read as follows:

"The Public Square shown on the Amended Master Plan shall be either installed or designed and its construction bonded in form and amount approved by the County Attorney prior to the County being obligated to issue any certificate of occupancy for Building No. 12, 10-Plex, as identified on the Amended Master Plan. If the construction of the Public Square is bonded as permitted above, it shall be installed prior to the earlier of (i) issuance of a certificate of occupancy for the first building in the Area designated on the Amended Master Plan as EGJ or (ii) the date seven (7) years from the approval of the requested master plan amendment. The Public Square shall be near the area depicted on the Amended Master Plan but the location may be adjusted with the approval of the Planning Director."

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signatures.

UNIVERSITY SQUARE ASSOCIATES

By: [Signature]
Title: Partner

STATE OF Virginia
CITY/COUNTY OF Norfolk, to-wit:

The foregoing instrument was acknowledged before me this 21st day of November 2019, by Jerry L. Bowman as General Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC



My commission expires: _____
Registration No.: _____

FRANCISCUS AT PROMENADE, LLC

By: [Signature]
Title: Manager

STATE OF Virginia
CITY/COUNTY OF Norfolk, to-wit:

The foregoing instrument was acknowledged before me this 21st day of November 2019, by Jerry L. Bowman as Manager of FRANCISCUS AT PROMENADE, LLC, a Virginia limited liability company, on behalf of the company.

[Signature]
NOTARY PUBLIC



My commission expires: _____
Registration No.: _____

Schedule A - Tax Parcels

4812500001A	4812500709	4812501201
4812500001B	4812500710	4812501202
4812500401	4812500801	4812501301
4812500402	4812500802	4812501302
4812500403	4812500803	4812501401
4812500404	4812500804	4812501402
4812500405	4812500805	4812501501
4812500406	4812500806	4812501502
4812500407	4812500807	4812501601
4812500408	4812500808	4812501602
4812500409	4812500809	4812501701
4812500410	4812500810	4812501702
4812500501	4812500901	4812501801
4812500502	4812500902	4812501802
4812500503	4812500903	4812501901
4812500504	4812500904	4812501902
4812500505	4812500905	4812502001
4812500506	4812500906	4812502002
4812500507	4812500907	4812502101
4812500508	4812500908	4812502102
4812500509	4812500909	4812502201
4812500510	4812500910	4812502202
4812500601	4812501001	4812502301
4812500602	4812501002	4812502302
4812500603	4812501003	4812502401
4812500604	4812501004	4812502402
4812500605	4812501005	4812502501
4812500606	4812501006	4812502502
4812500607	4812501007	4812502601
4812500608	4812501008	4812502602
4812500609	4812501009	4812502701
4812500610	4812501010	4812502702
4812500701	4812501101	4812502801
4812500702	4812501102	4812502802
4812500703	4812501103	4812502901
4812500704	4812501104	4812502902
4812500705	4812501105	4812505200
4812500706	4812501106	4812505400
4812500707	4812501107	4812200025
4812500708	4812501108	4812200026
	4812501109	4812200027
	4812501110	4812200028

170007500

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 23185

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

SECOND AMENDMENT TO
PROFFERS

This Second Amendment to Proffers is made this 13th day of April, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679, as amended by First Amendment to Proffers dated February 12, 2016 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend Condition 8 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. The third sentence of Condition 8 of the Existing Proffers is hereby amended to read as follows:

“The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer dated April 13, 2016 submitted to and on file with the County Planning Department.”

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: [Signature]

Title: MANAGER

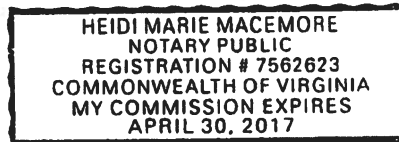
STATE OF Virginia

CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 13 day of April, 2016, by Gary L. Werner as Manager of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC

My commission expires: April 30, 2017
Registration No.: 7562623



INSTRUMENT 170007500
RECORDED IN THE CLERK'S OFFICE OF
WILLIAMSBURG/JAMES CITY COUNTY ON
April 13, 2017 AT 10:47 AM
MONA A. FOLEY, CLERK
RECORDED BY: CAF



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT
DEED RECEIPT

DATE : 04/13/2017 TIME : 10:47:38 CASE # : 830CLR170007500
RECEIPT # : 17000013329 TRANSACTION # : 17041300040
CASHIER : CAF REGISTER # : WD19 FILING TYPE : OTHER PAYMENT : FULL PAYMENT
INSTRUMENT : 170007500 BOOK : PAGE : RECORDED : 04/13/2017 AT : 10:47
GRANTOR : UNIVERSITY SQUARE ASSOCIATES EX : N LOC : CO
GRANTEE : UNIVERSITY SQUARE ASSOCIATES EX : N PCT : 100%
RECEIVED OF : JAMES CITY COUNTY VIRGINIA
ADDRESS : N/A
DATE OF DEED : 04/13/2017
CASH : \$0.00
DESCRIPTION 1 : 2ND AMENDMENT TO PROFFERS DATED 4/13/2016 PAGES : 003 OP : 0
NAMES : 0
CONSIDERATION : \$0.00 AVAL : \$0.00 MAP : PIN :

ACCOUNT CODE	DESCRIPTION	PAID
301	DEEDS	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00

CLERK OF COURT : MONA A. FOLEY

PAYOR'S COPY
RECEIPT COPY 1 OF 2

Z-0005-2016 PR-118-A
The Promenade at John Tyler
Proffer Amendment - CCC Buffer
Proffers Recordation

170018981

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

Return to: James City County Attorney's Office
101-C Mounts Bay Road
Williamsburg, Virginia 23185

FIRST AMENDMENT TO
PROFFERS

This First Amendment to Proffers is made this 24th day of February, 2016 by UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership (together with its successors in title and assigns, the "Owner"), to be indexed as "Grantor." James City County, Virginia shall be indexed as "Grantee."

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia now zoned MU – Mixed Use, and subject to Proffers dated October 15, 2014, which Proffers are recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 150010679 (the "Existing Proffers"). The Property is more particularly described in the Existing Proffers.

B. Owner desires to amend and restate Condition 2 of the Existing Proffers as set forth below. All capitalized terms used herein not otherwise defined shall have the definition set forth in the Existing Proffers.

AMENDMENTS TO CONDITIONS

1. Condition 2 of the Existing Proffers is hereby deleted and replaced in its entirety with the following;

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices determined in accordance with the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 as provided below for units offered for sale:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	30
61% - 80%	64%	120
81% - 120%	20%	40

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Tier	Percent of dwelling units required	Number of units
30% - 60%	16%	2
61% - 80%	64%	9
81% - 120%	20%	3

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2035 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less

burdensome on the Owner, the Owner shall only be required to comply with the amended Policy.

2. Except as specifically amended herein, the Existing Proffers remain unchanged and in full force and effect.

[remainder of page intentionally left blank – signatures appear on following page]

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By:

Title:

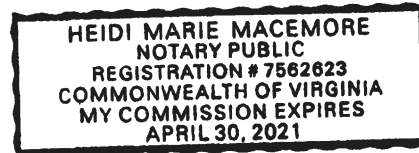
Gracy L. Werner
Partner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 24 day of February, 2016, by Gracy L. Werner as Partner of UNIVERSITY SQUARE ASSOCIATES, a Virginia general partnership, on behalf of the partnership.

Heidi Marie Macemore
NOTARY PUBLIC

My commission expires: April 30, 2021
Registration No.: 7562623



INSTRUMENT 170018981
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
September 29, 2017 AT 08:38 AM
MONA A. FOLEY, CLERK
RECORDED BY: EEO

Tax Parcels: 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029

Prepared By: Vernon M. Geddy, III, Esquire (VSB No: 21902)
Geddy, Harris, Franck & Hickman
1177 Jamestown Road
Williamsburg, VA 2318

PROFFERS

THESE PROFFERS are made this 15th day of October, 2014 by **UNIVERSITY SQUARE ASSOCIATES**, a Virginia general partnership (together with its successors in title and assigns, the "Owner").

RECITALS

A. Owner is the owner of six parcels of land located in James City County, Virginia, being Tax Parcel No's. 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, containing approximately 24.54 acres, more or less, and being more particularly described on Schedule A hereto (the "Property").

B. Franciscus Homes has contracted to purchase Tax Parcels 4812200020 and 4812200029 of the Property contingent upon approval of the requested rezoning. Upon taking title to that portion of the Property, Franciscus Homes shall be an "Owner" as defined herein.

C. The Property is designated Mixed Use on the County's Comprehensive Plan Land Use Map and is now zoned B-1 and is subject to the approved special use permit Master Plan for Williamsburg Crossing Shopping Center. Owner has applied to rezone the Property from B-1 to MU, Mixed Use, with proffers.

C. Owner has submitted to the County a master plan entitled "The Promenade at John Tyler" prepared by Clark Nexsen dated October 6, 2014 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU in the form of the following 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, 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. **Cash Contributions.** (a) A one-time contribution shall be made to the County of \$5,556.67 for each single family attached dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for school uses.

(b) A one-time contribution shall be made to the County of \$61.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for library uses.

(c) A one-time contribution shall be made to the County of \$71.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for fire/EMS uses.

(d) A one-time contribution shall be made to the County of \$324.63 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for parks and recreational purposes.

(e) A one-time contribution shall be made to the James City Service Authority of \$1,030.00 for each dwelling unit constructed on the Property, subject to paragraph (f) below. Such contributions shall be used by the County for water system uses.

(f) The cash contributions proffered in paragraphs (a) through (e) above shall be reduced in accordance with Section 3 of the County's Housing Opportunities Policy as shown in the table in Proffer 2 below.

(g) Such per unit contributions shall be paid to the County after completion of the final inspection and prior to the time of the issuance of any certificate of occupancy for the unit in question.

(h) The per unit contribution amounts shall consist of the amounts set forth in paragraphs (a) through (e) plus any adjustments included in the Marshall and Swift Building Costs Index, Section 98, Comparative Cost Multipliers, Regional City Averages (the "Index") from 2014 to the year a payment is made if payments are made after on or after January 1, 2015, subject to reduction as provided in paragraph (f). The per unit contribution amount shall be adjusted once a year with the January supplement of the Index of the payment year. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in the preceding paragraphs of this Section. In the event that the Index is not available, a reliable government or other independent publication evaluating information heretofore used in determining the Index (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

2. Housing Opportunities. All of the dwelling units permitted on the Property shall be offered for sale or made available for rent at prices that are targeted at households earning 30% to 120% of the Area Median Income ("AMI") as provided below:

Table 1 – 190 units on Parcels 4812200020 and 4812200029

Units targeted to (percent of	Percent of dwelling units	Number of units	Percentage cash proffer	2014 Price ranges per
----------------------------------	------------------------------	-----------------	----------------------------	--------------------------

AMI)	required		reduction	Housing Opportunities Policy Guide*
30% to 60%	16%	30	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	120	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	40	30%	\$242,387 to \$380,407

Table 2 – 14 units on Parcels 4812200025, 4812200026, 4812200027 and 4812200028

Units targeted to (percent of AMI)	Percent of dwelling units required	Number of units	Percentage cash proffer reduction	2014 Price ranges per Housing Opportunities Policy Guide*
30% to 60%	16%	2	100%	\$99,436 to \$173,376
Over 60% to 80%	64%	9	60%	\$173,377 to \$242,386
Over 80% to 120%	20%	3	30%	\$242,387 to \$380,407

* Per the Housing Opportunities Policy Guide price ranges are set annually by the County's Office of Housing and Community Development based on the definitions in the Policy.

The forgoing affordable/workforce dwelling units shall be provided consistent with the criteria established by the Housing Opportunities Policy and Housing Opportunities Policy Guide adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning to provide affordable and workforce housing opportunities at different price ranges to achieve the greater housing diversity goal of the 2009 Comprehensive Plan; provided, however, that if the County amends the Housing Opportunities Policy as in effect as of the date of approval of the requested rezoning to increase the targeted income ranges or otherwise make the Policy otherwise less burdensome on the Owner, the Owner shall only be required to comply with the amended Policy. With respect to affordable and workforce rental units provided pursuant to this proffer, if any, Owner shall submit an annual report for each year of the required 30 year term to the County Director of Planning on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified affordable and workforce housing income range. With respect to affordable/workforce rental units, at the time such units are provided in accordance with this Proffer a notice in form approved by the County Attorney shall be recorded in the County land records providing notice that the units are subject to the County's Housing Opportunities Policy adopted by the Board of Supervisors on November 27, 2012 and in effect as of the date of approval of the requested rezoning. If an affordable/workforce rental unit is subsequently sold in accordance with the sale requirements of this proffer, the notice will be released from the unit sold. With respect to for sale affordable and workforce units provided pursuant to this proffer, a soft second mortgage meeting the requirements of the Housing Opportunities Policy or other instrument approved in advance by the County Attorney shall be executed by the initial purchaser thereof and recorded against the unit to assure the unit continues to meet the

requirements of the Housing Opportunities Policy and a copy of the settlement statement for the sale shall be provided to the Director of Planning. In addition, each deed to an affordable or workforce for sale unit shall include a right of first refusal in favor of the County in the event a subsequent owner desires to sell the unit. All affordable or workforce units provided pursuant to this Proffer shall be rented or sold to persons whose incomes fall within the qualifying income ranges used to determine the prices/rental rates under the Housing Opportunities Policy.

3. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for review and approval prior to issuance of a land disturbing permit. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's

Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the Property and the clearing, grading or construction activities thereon. This proffer shall be interpreted in accordance with the County's Archaeological Policy adopted by the County on September 22, 1998.

4. Nutrient Management Plan. The Owner shall be responsible for contacting an agent of the Virginia Cooperative Extension Office ("VCEO") or, if a VCEO agent is unavailable, a Virginia Certified Nutrient Management Planner to conduct soil tests and to develop, based upon the results of the soil tests, customized nutrient management plans (the "Plans") for the Property. The Plan shall be submitted to the County's Engineering and Resource Protection Director for his review and approval prior to the issuance of the 50th certificate of occupancy for buildings on the Property by the County. The property owners association for the Property shall be responsible for ensuring that any nutrients applied to common areas owned or controlled by the association within the Property are applied in accordance with the Plan.

5. Water Conservation. The Owner shall be responsible for developing water conservation standards for the Property to be submitted to and approved by the James City Service Authority ("JCSA"). The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and warm season turf on lots in areas with appropriate growing conditions for such turf and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

6. Road Repair and Dedication. Prior to issuance of the first certificate of occupancy for a dwelling unit on the Property, (i) either the deficiencies listed in the punch list dated September

15 made by the Virginia Department of Transportation ("VDOT") for Kingsway and "Road A" shall have been corrected and inspected by VDOT such that the roads are eligible for acceptance into the Commonwealth's secondary road system or the work necessary to correct such deficiencies shall have been bonded in form satisfactory to the County Attorney and (ii) the plat necessary to dedicate the right of way for such roads for public use shall have prepared and submitted to the County, with all required property owner signatures.

7. Architectural Guidelines. Prior to final approval of a site plan for development of the Property, Owner shall prepare and submit design guidelines to the Director of Planning for review and approval setting forth design and architectural standards for the development of the Property generally consistent with the typical architectural elevations included in the Community Impact Statement submitted with the Application for Rezoning and addressing items such as architectural features, color scheme, roof lines, building materials, streetscape improvements and landscaping (the "Guidelines") and requiring architectural consistency between the residential and commercial buildings developed on the Property. Once approved, the Guidelines may not be amended without the approval of the Director of Planning. All building plans and building elevations shall be generally consistent with the Guidelines. Prior to the issuance of final site plan approval for each building on the Property, architectural plans for such building shall be submitted to the Director of Planning for his review for general consistency with the Guidelines. The Director of Planning shall review and either approve or provide written comments settings forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. All buildings shall be constructed in accordance with the approved plans. In the case of plans that will be used on more than one building, Director of Planning approval need only be obtained for the initial building permit.

8. Community Character Corridor Buffer. The Community Character Corridor buffer along Route 199 shall have an average width of at least 50 feet. A landscaping plan for this buffer shall be shown as part of the initial building site plan, or shall be submitted as a separate plan concurrent with the initial building site plan. The buffers shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013 and shall be consistent with the narrative description and conceptual cross-section of the buffer submitted with the Application for Rezoning. The landscaping shown on the approved landscape plan(s) shall be installed or its installation during the next appropriate growing season bonded in form approved by the County Attorney prior to issuance of a certificate of occupancy for the initial building on the Property, unless other arrangements are approved by the Planning Director, or his designee, in writing.

9. Condominium Owners Association. There shall be organized a condominium owner's association or associations (the "Association") as required by the Virginia Condominium Act (the "Act") in accordance with Virginia law in which all residential condominium unit owners in the Property, by virtue of their property ownership, shall be members.

10. Private Streets. Any and all streets on the Property may be private. Pursuant to Section 24-528 of the Zoning Ordinance, private streets within the Property shall be maintained by the Association. The condominium instruments shall require the Association to create, fund and maintain a reserve for capital components, including private roads, in amounts determined in accordance with the Act and conduct capital reserve studies and adjust such reserves in accordance with the Act.

11. Community Spaces. The clubhouse and pool, two welcome parks, pocket park and community park shown on the Master Plan shall be installed prior to the County being obligated

to issue certificates of occupancy for more than 48 residential units on the Property. The Public Square shown on the Master Plan shall be installed prior to the County being obligated to issue certificates of occupancy for the first building in the area designated on the Master Plan as M (EGC).

12. Bus Pull-Off/Shelter. Prior to final development plan approval for development of the Property, Owner shall have consulted with Williamsburg Area Transit Authority ("WATA") regarding the need for a bus pull-off area and a bus shelter on the Property. If the Williamsburg Area Transit Authority determines there is a need for a bus pull-off area and a bus shelter on the Property, such bus pull-off area and bus stop shelter shall be shown on the development plans for the Property in a location approved by Owner and WATA. Such bus pull-off area and bus stop shelter shall be installed prior to the County being obligated to issue certificates of occupancy for more than 48 residential units on the Property.

13. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

14. Successors and Assigns. These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

WITNESS the following signature.

UNIVERSITY SQUARE ASSOCIATES

By: _____

Title: _____

Partner

STATE OF Virginia
CITY/COUNTY OF Virginia Beach, to-wit:

The foregoing instrument was acknowledged before me this 15 day of October, 2014, by
Frank R. Spadea as Partner of UNIVERSITY SQUARE ASSOCIATES, a
Virginia general partnership, on behalf of the partnership.

[Signature]
NOTARY PUBLIC

My commission expires: April 30, 2017
Registration No.: 7562623

HEIDI MARIE MACEMORE
NOTARY PUBLIC
REGISTRATION # 7562623
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
APRIL 30, 2017

Schedule A

Property Description

Those certain parcels or lots of land located in James City County, Virginia shown and set out as (i) "New Parcel 25," "New Parcel 26," "New Parcel 27," "New Parcel 28," and "New Parcel 29" on the plat entitled "PLAT OF RESUBDIVISION AND LOT LINE EXTINGUISHMENT SHOWING NEW PARCELS 2, 24-29, WILLIAMSBURG CROSSING" made by AES Consulting Engineers dated November 2, 1999 which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 75 at page 92 and (ii) "Residual Parcel 20" on the plat entitled "RESUBDIVISION OF PARCEL 20, WILLIAMSBURG CROSSING" made by Langley and McDonald, P.C. and dated July 30, 1997, which plat is recorded in the aforesaid Clerk's Office in James City Plat Book 67 at page 37.

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 10-2-2013
at 8:51 AM/PM. The taxes imposed by Virginia Code
Section 58.1-801, 58.1-802 & 58.1-814 have been paid.
STATE TAX LOCAL TAX ADDITIONAL TAX
\$ _____ \$ _____ \$ _____
TESTE: BETSY B. WOOLRIDGE, CLERK
BY: Betsy B. Woolridge Clerk



OFFICIAL RECEIPT
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT COURT
5201 MONTICELLO AVE SUITE 6
WILLIAMSBURG, VA 23188
757-564-2242

DEED RECEIPT

DATE: 06/02/15 TIME: 08:51:39 ACCOUNT: 830CLR150010679 RECEIPT: 15000017864
CASHIER: AES REG: WD19 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 150010679 BOOK: PAGE: RECORDED: 06/02/15 AT 08:51
GRANTOR: UNIVERSITY SQUARE ASSOCIATES EX: N LOC: CO
GRANTEE: UNIVERSITY SQUARE ASSOCIATES EX: N PCT: 100%
AND ADDRESS : N/A N/A, XX. 00000
RECEIVED OF : UNIVERSITY SQUARE ASSOCIATES DATE OF DEED: 10/15/14
: \$.00
DESCRIPTION 1: SIX PARCELS JAMES CITY COUNTY PAGES: 0 OP: 0
2: NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:
000 ** ZERO PAYMENT ** .00
TENDERED : .00
AMOUNT PAID: .00
CHANGE AMT : .00

CLERK OF COURT: BETSY B. WOOLRIDGE

PAYOR'S COPY
RECEIPT COPY 1 OF 2

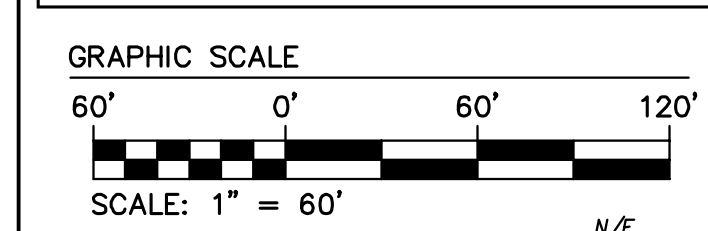
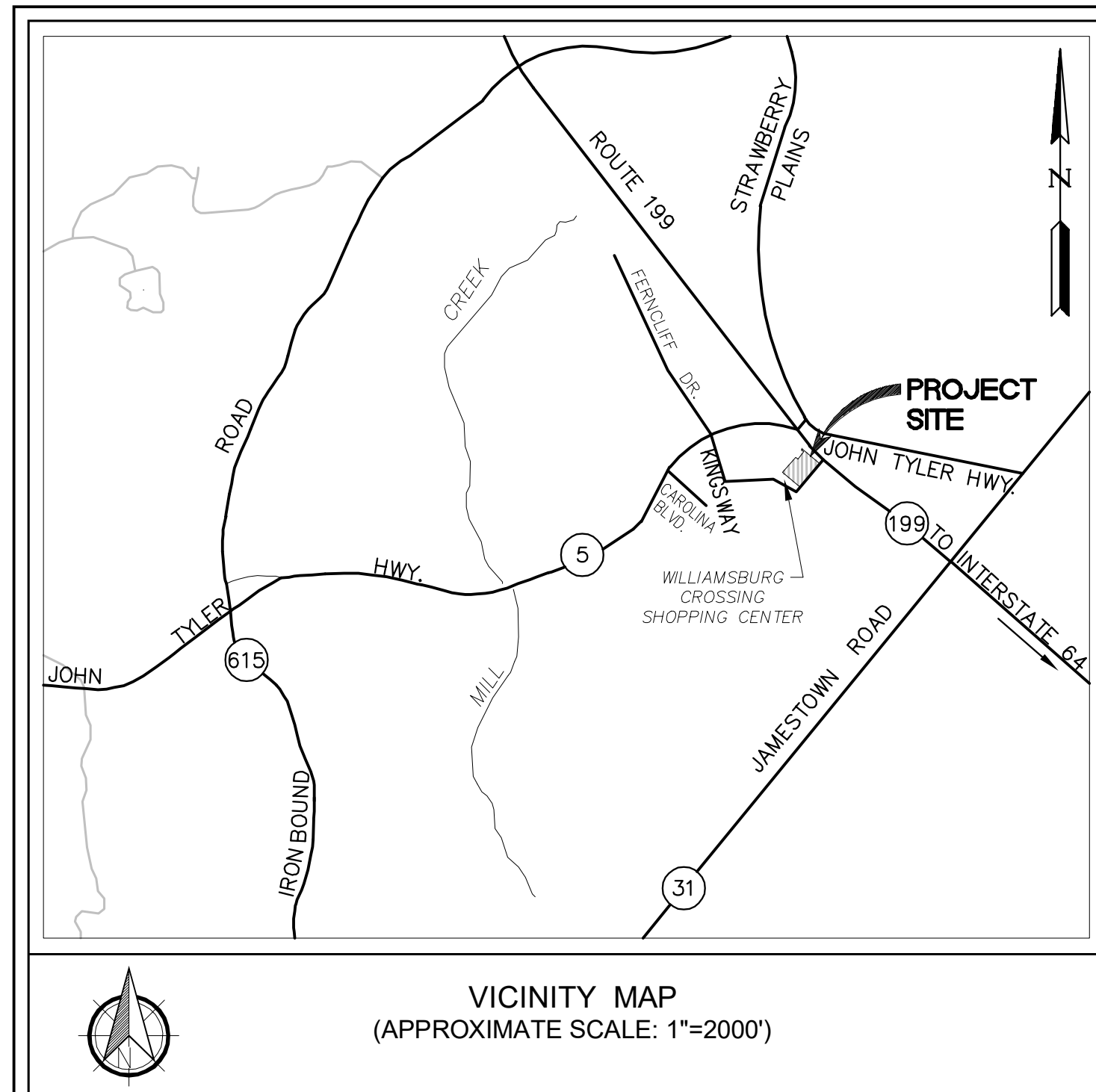
Z-3-14/MP-3-14

PR-118

Promenade at John Tyler (The)

Proffers

Recordation Page



SITE DATA:

JCC PROJECT NO. Z-19-0014/MP-19-0016

SITE ADDRESS: 5304 JOHN TYLER HIGHWAY
WILLIAMSBURG, VA 23188
Latitude: 37° 15' 18" N, Longitude: 76° 44' 13" W

PARCEL ID: 4812200020, 4812200029, 4812200025
4812200026, 4812200027, & 4812200028

FLOOD HAZARD MAP: THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON MAP NUMBER 51095C0138D, PANEL 0138, FOR COMMUNITY NUMBER 510201, DATED 12/16/2015 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VA. ZONE X IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.

DENSITY REQUIRED: 8.3 UNITS PER ACRE (PER APPROVED MASTER PLAN)

DENSITY PROVIDED: 200 UNITS IN 25.09 AC = 7.97 UNITS/ACRE

TYPE OF DEVELOPMENT	AREA DESIGNATION
SINGLE FAMILY	A
MULTI-FAMILY DWELLINGS CONTAINING UP TO AND INCLUDING FOUR DWELLING UNITS	B
MULTI-FAMILY DWELLINGS CONTAINING MORE THAN FOUR DWELLING UNITS	C
APARTMENTS	D
COMMERCIAL USES	E
WHOLESALE AND WAREHOUSE USES	F
OFFICE USES	G
LIGHT INDUSTRIAL USES	H
INSTITUTIONAL OR PUBLIC USES	I
AREAS OF COMMON SPACE, WITH RECREATION AREAS NOTED	J
STRUCTURES CONTAINING A MIXTURE OF USES	M*
OTHER STRUCTURES, FACILITIES OR AMENITIES	X

UNIT TABULATION		
APPROVED AMENDMENT #2		
UNIT	NO. UNITS	NO. BLDG
10 PLEX	10	11
DUPLEX	2	40
TOTAL	190	51
PROPOSED		
UNIT	NO. UNITS	NO. BLDG
10 PLEX	10	12
DUPLEX	2	40
TOTAL	200	52

ZONING REQUIREMENTS:

CURRENT ZONING: MU - MIXED USE (WITH PROFFERS)

SITE TABULATION:

UNIT SUMMARY:

TOTAL ALLOWABLE UNITS	204
TOTAL AREA (AC)	24.54
UNITS PER ACRE	8.3
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION C:

TEN-PLEX UNITS	120
AREA (AC)	9.03
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION B:

DUPLEX UNITS	80
AREA (AC)	7.75
BUILDING HEIGHT	2 STORIES

AREA DESIGNATION J:

COMMON OPEN SPACE AREA (AC)	2.58
PERCENTAGE OF OPEN SPACE	10%

AREA DESIGNATION (EGJ):

COMMERCIAL USES (SF)	47,918 (2-STORY)
AREA (AC)	5.09
BUILDING HEIGHT	TBD

AREA SUMMARY:

ITEM	AC	%
TOTAL AREA	24.54	100
BUILDING COVERAGE		
TOTAL	4.43	18
SUB-TOTAL	4.43	18
PAVEMENT COVERAGE		
ROADWAY PAVEMENT	6.44	26
OTHER	2.75	11
SUB-TOTAL	9.19	37
TOTAL IMPERVIOUS AREA	13.62	56
OPEN SPACE	10.92	44

PARKING SUMMARY:

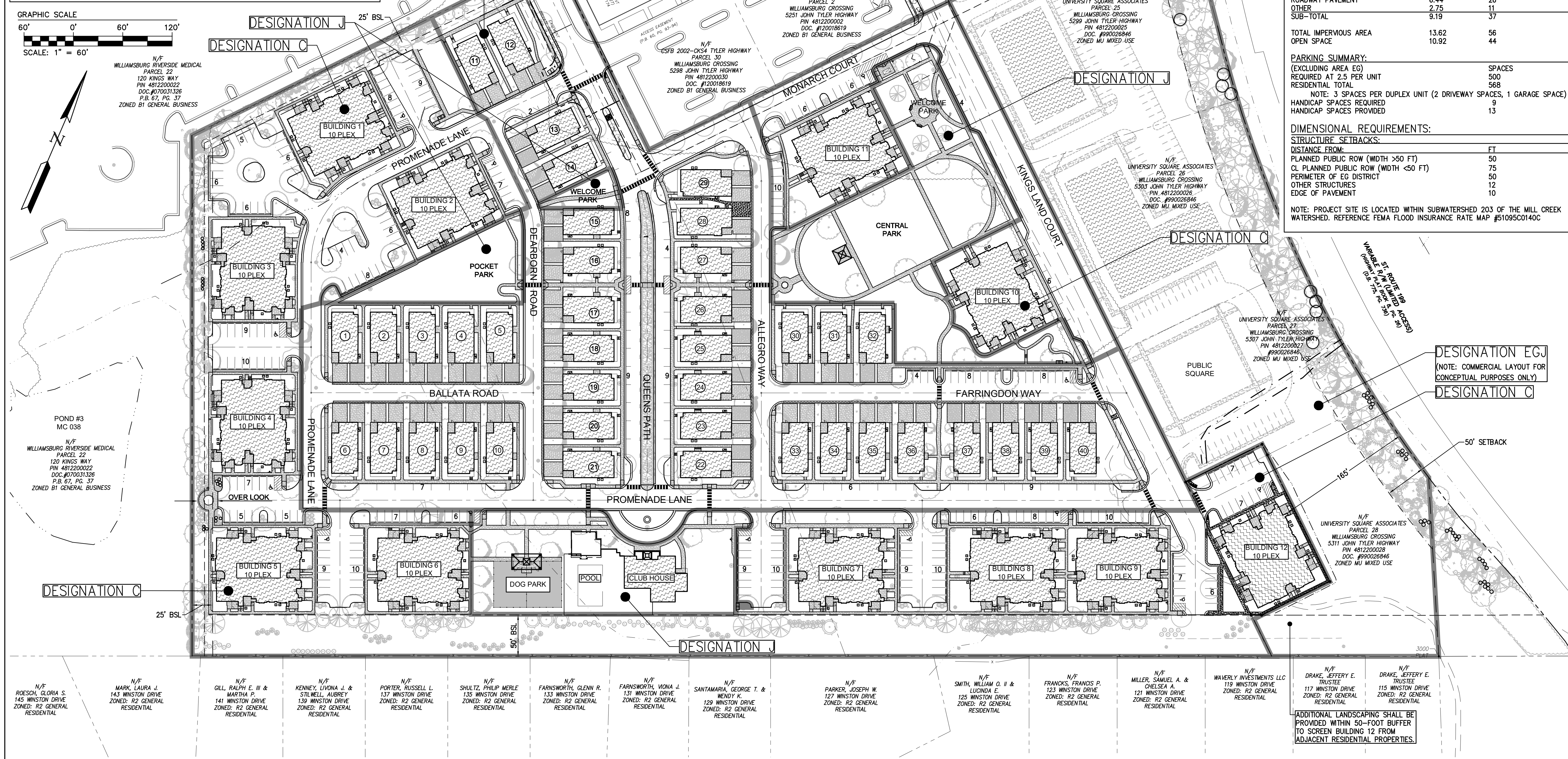
(EXCLUDING AREA EG)	SPACES
REQUIRED AT 2.5 PER UNIT	500
RESIDENTIAL TOTAL	568
NOTE: 3 SPACES PER DUPLEX UNIT (2 DRIVEWAY SPACES, 1 GARAGE SPACE)	
HANDICAP SPACES REQUIRED	9
HANDICAP SPACES PROVIDED	13

DIMENSIONAL REQUIREMENTS:

STRUCTURE SETBACKS:

DISTANCE FROM:	FT
PLANNED PUBLIC ROW (WIDTH >50 FT)	50
CL PLANNED PUBLIC ROW (WIDTH <50 FT)	75
PERIMETER OF EG DISTRICT	50
OTHER STRUCTURES	12
EDGE OF PAVEMENT	10

NOTE: PROJECT SITE IS LOCATED WITHIN SUBWATERSHED 203 OF THE MILL CREEK WATERSHED. REFERENCE FEMA FLOOD INSURANCE RATE MAP #51095C0140C



REVISED PER 2ND SUBMITTAL	REVIEW COMMENTS	DATE	BY
1	9/25/19		
2	11/04/19		

5248 Old Town Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 258-0400
Fax: (757) 258-0404
www.ades.com

ADES
CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

MASTER PLAN AMENDMENT FOR
**THE PROMENADE
AT JOHN TYLER**

BERKELEY DISTRICT | JAMES CITY COUNTY | VIRGINIA

Project Contacts: GVC
Project Number: 8642-19
Scale: 1"=60' Date: 09/25/2019
Sheet Title:
**MASTER PLAN
AMENDMENT**
Sheet Number
1 OF 1



TO: Jerry L. Bowman, Esq.
FROM: Dexter R. Williams, P. E.
SUBJECT: The Promenade At John Tyler
Relative Effect Of Additional Residential Units
DATE: September 24, 2019

The May 17, 2014 traffic study compared the effect of two trip generation scenarios for The Promenade At John Tyler: 1) 190 townhouse/condo units, and 2) retail development of the property as zoned.

Enclosed Exhibit 2 is from the 5/17/14 traffic study and shows the development plan at the time. In addition to the 190 residential units, there are four parcels along the Rt. 199 frontage shown for "Potential Future Commercial Development". Trip generation for the four parcels along Rt. 199 (designated Parcels 25, 26, 27, and 28 on current AES Master Plan Amendment) was not addressed directly in the 5/17/14 study. For the 190 residential unit scenario, the four parcels were not included. For the retail development scenario, trip generation was not developed using parcel areas. Trip assignment for the 190 residential units in the 5/17/14 study is shown on enclosed Exhibit 6A.

Trip generation for the retail scenario for The Promenade assumed a doubling of then-existing retail traffic at Williamsburg Crossing. Enclosed Exhibit G shows the trip assignment for the assumed retail traffic.

The following table compares trip generation the two scenarios in the 5/17/14 study:

TABLE ONE: 5/17/14 Scenario Trip Generation

	WEEKDAY TRIP GENERATION					
	AM PEAK HOUR			PM PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
190 Townhouse/Condos	15	71	86	68	34	102
Retail Use As Zoned	137	112	249	270	195	465

The previously zoned retail trip generation is 2.9 times the 190 residential units in the AM peak hour and 4.66 times the 190 residential units in the PM peak hour. The substantially lower trip generation for the then-proposed residential use produced much better traffic results in support of the land use change at that time.

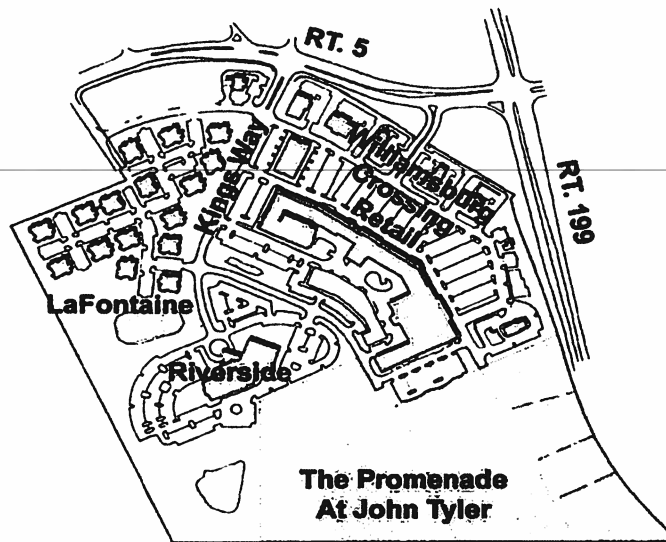
The current proposal for a total of 200 units does not appreciably change the previous study conclusions for much better traffic results relative to retail use. The following table shows compares the proposed 200 units with the previous retail trip generation:

Jerry L. Bowman, Esq.
September 24, 2019

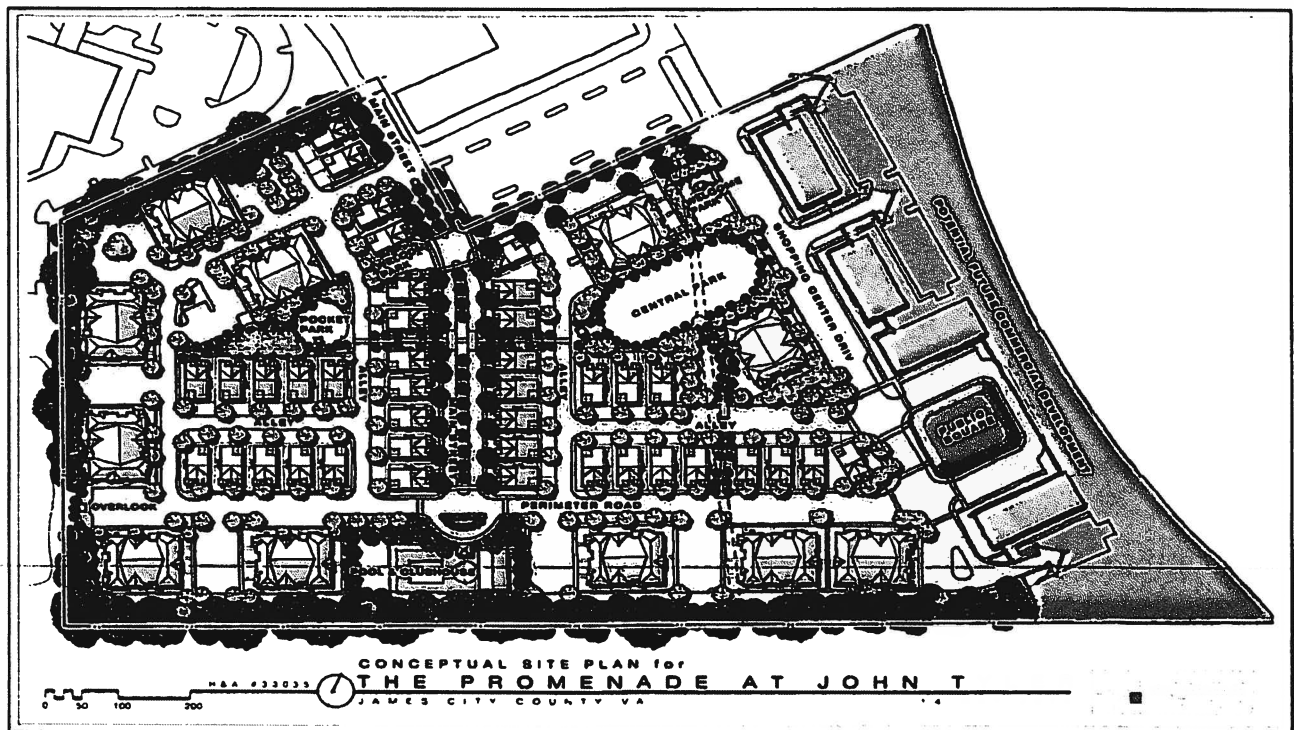
TABLE TWO: Current Scenario Trip Generation

	WEEKDAY TRIP GENERATION					
	PEAK HOUR			PM PEAK HOUR		
	Enter	Exit	Total	Enter	Exit	Total
200 Low-Rise Multifamily	21	71	92	69	40	109
Retail Use As Zoned	137	112	249	270	195	465

The previously zoned retail trip generation is 2.7 times the 200 residential units in the AM peak hour and 4.27 times the 200 residential units in the PM peak hour. 200 residential units or even the 204 total allowable units on the master plan will show essentially the same results as the 05/17/14 study: any residential use in this trip generation range produces much better traffic results than the original retail use.



SITE CONTEXT MAP

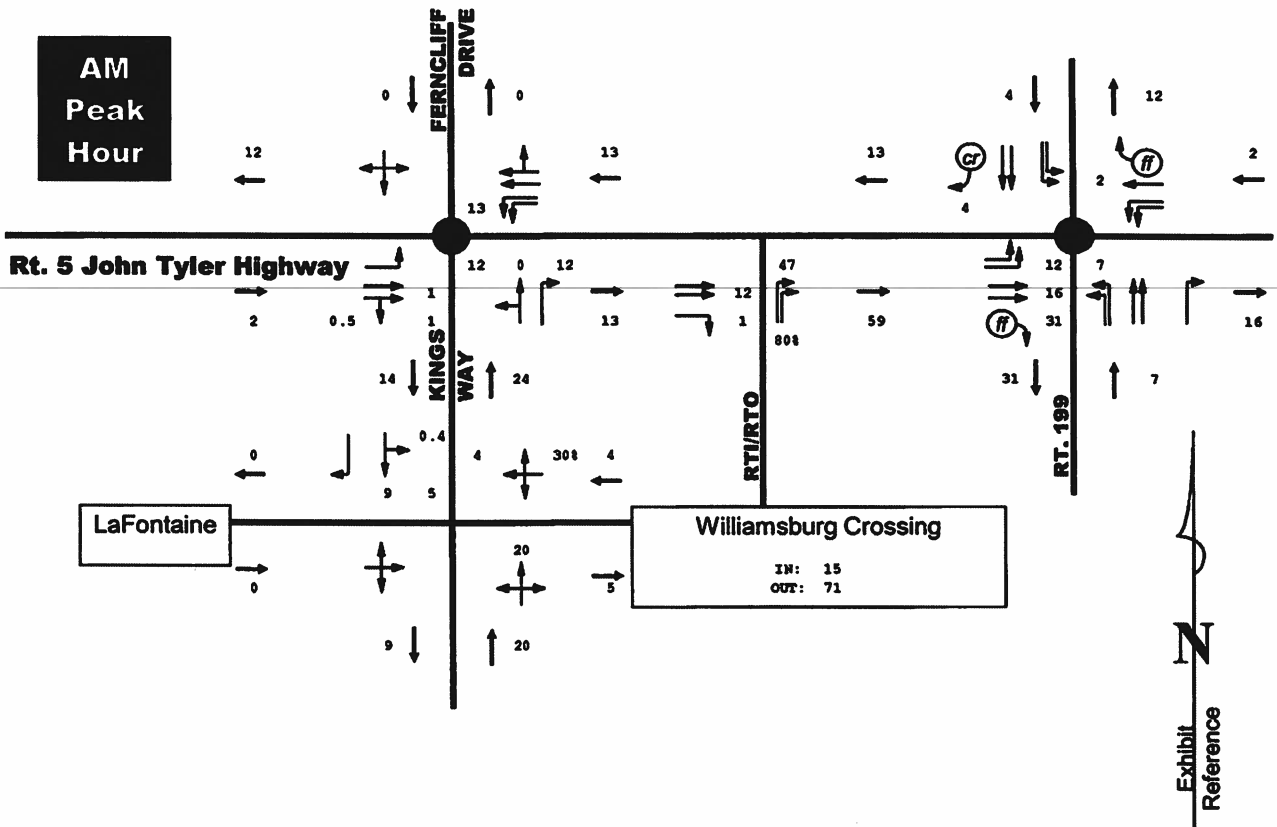


THE PROMENADE AT JOHN TYLER
AND AREA DEVELOPMENT

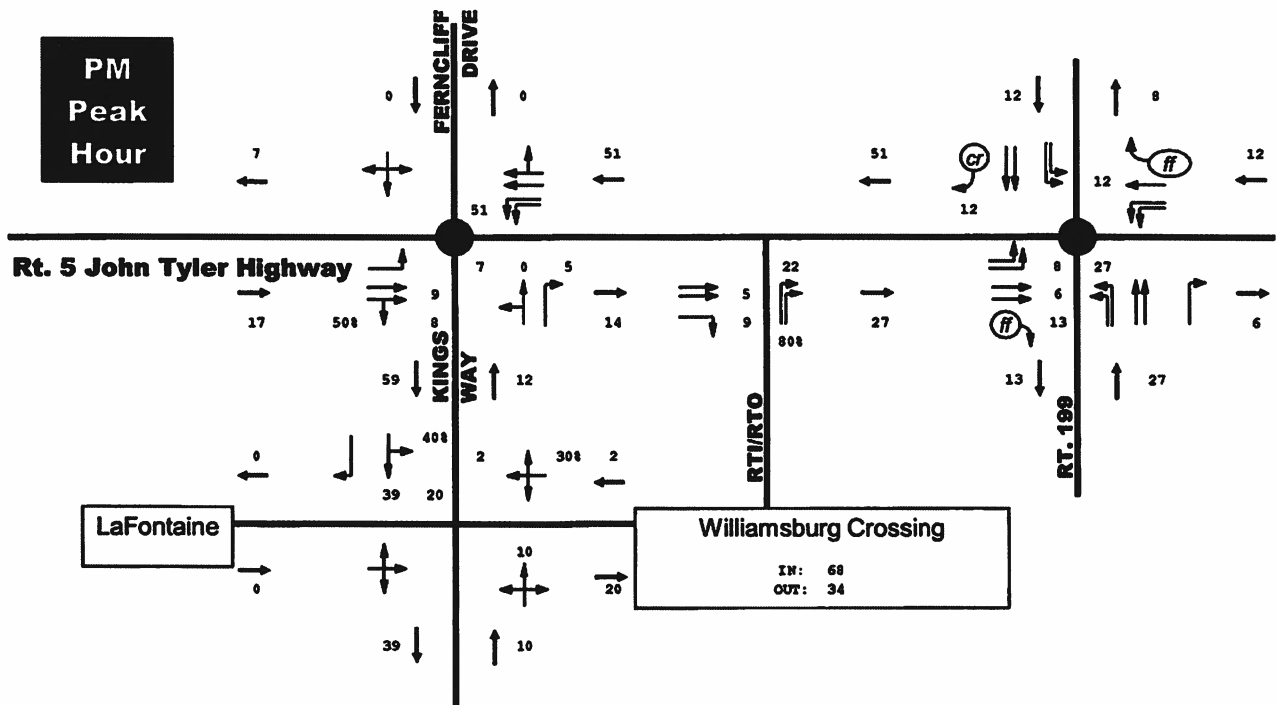
DRW Consultants, LLC
804-794-7312

Exhibit 2

**AM
Peak
Hour**



**PM
Peak
Hour**



Intersection
Approach
Lanes



Traffic
Signal



LEGEND

Link



Free Flow Or
Channelized
Right Turn

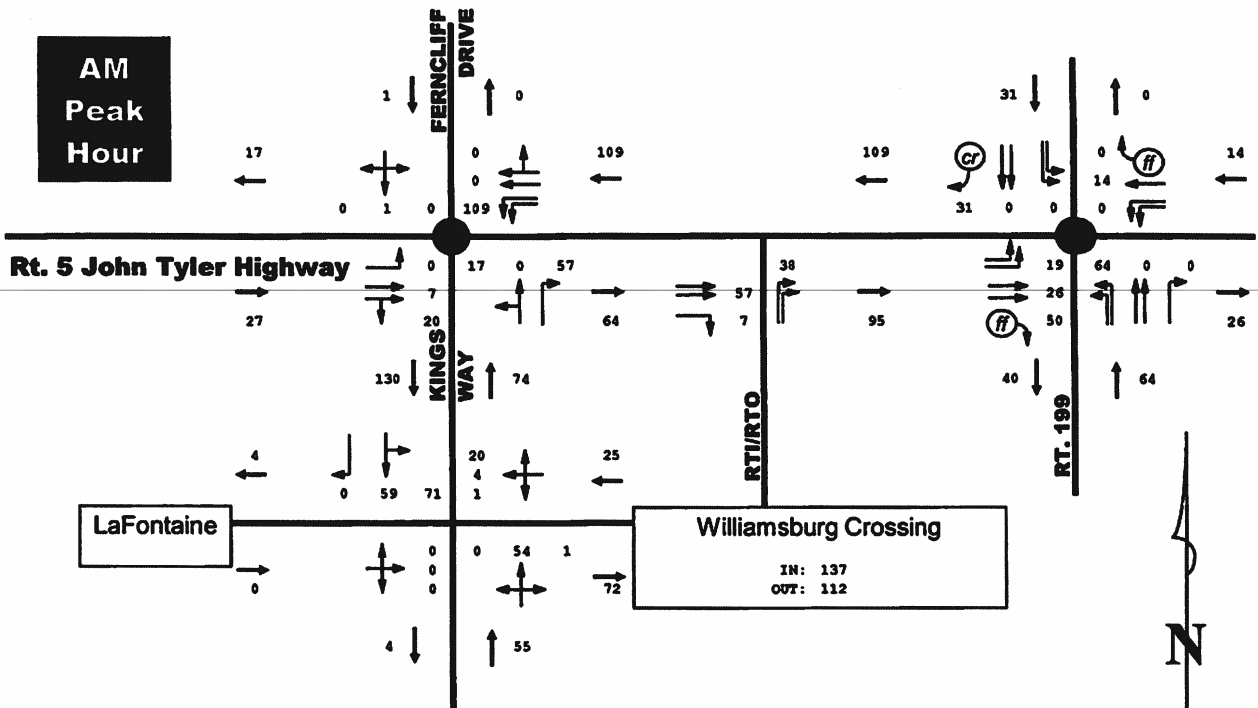


**TRIP ASSIGNMENT
THE PROMENADE AT JOHN TYLER**

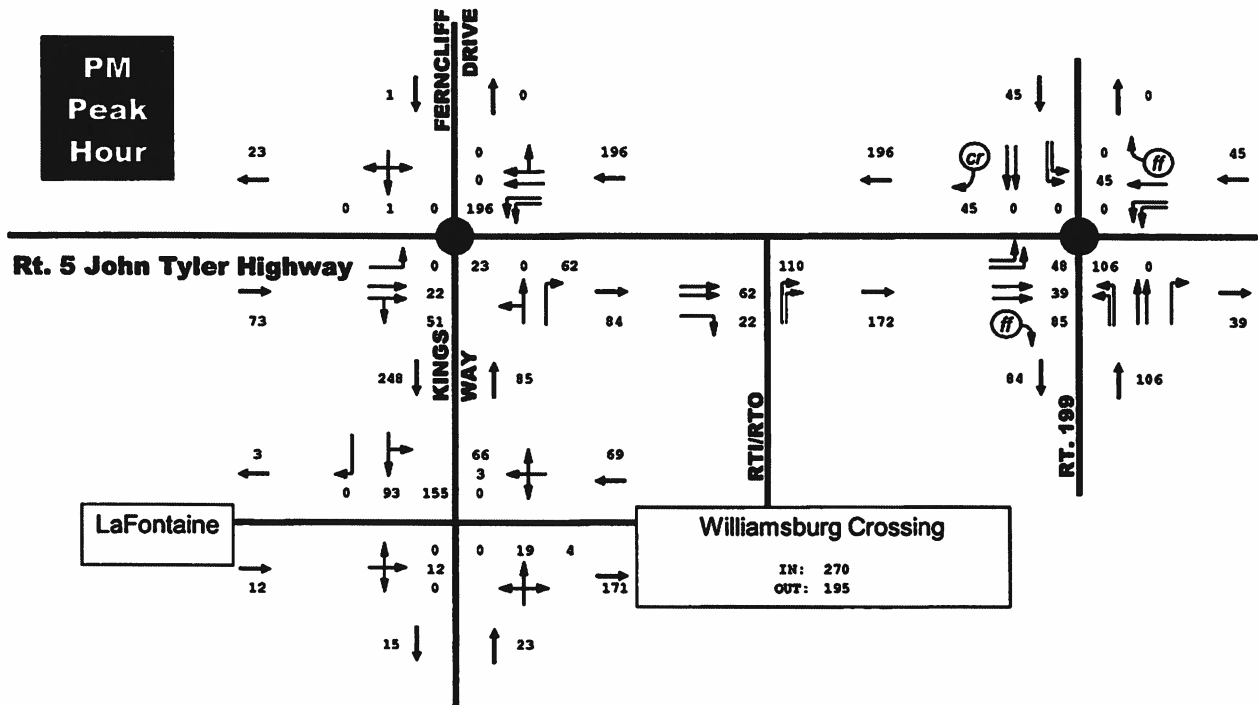
**DRW Consultants, LLC
804-794-7312**

Exhibit 6A

**AM
Peak
Hour**



**PM
Peak
Hour**



Intersection
Approach
Lanes



Traffic
Signal



LEGEND

Link



Free Flow Or
Channelized
Right Turn



2014 PEAK HOUR COUNTS
WILLIAMSBURG CROSSING
RETAIL TRAFFIC ONLY

DRW Consultants, LLC
804-794-7312

Exhibit G

Restated 9/15/19

1

Version 12.6.12



Please make sure to use the accompanying Excel Spreadsheet to calculate the numbers below.

FISCAL IMPACT WORKSHEET AND ASSUMPTIONS

Please complete all *applicable* sections. Please use the provided spreadsheet to perform calculations. If space provided is insufficient, please feel free to include additional pages. If you have any questions please contact the Planning Office at (757) 253-6685 or planning@jamestownva.gov

- 1a) PROPOSAL NAME The Promenade at John Tyler
- 1b) Does this project propose residential units? Yes 4 No ☐ (If no, skip Sec. 2)
- 1c) Does this project include commercial or industrial uses? Yes 4 No ☐ (If no, skip Sec. 3)

Fiscal Impact Worksheet Section 2: Residential Developments

- 2a) TOTAL NEW DWELLING UNITS. Please indicate the total number of each type of proposed dwelling unit. Then, *add* the total number of new dwelling units.

Single Family Detached	0	Apartment	0
Townhome/Condominium/Single Family Attached	204	Manufactured Home	0
Total Dwelling Units	204		

Are any units affordable? Yes 4 No ☐ (If yes, how many?) 204

Residential Expenses – School Expenses

- 2b) TOTAL NEW STUDENTS GENERATED. *Multiply* the number of each type of proposed unit from (2a) its corresponding Student Generation Rate below. Then, *add* the total number of students generated by the proposal.

Unit Type	Number of Proposed Units (from 2a)	Student Generation Rate	Students Generated
Single Family Detached	0	0.40	0
Townhome/Condo/Attached	204	0.17	34.68
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	204		34.68

2c). **TOTAL SCHOOL EXPENSES.** *Multiply the total number of students generated from (2b) by the Per-Student Total Expenses below.*

Total Students Generated	Per-Student Operating Expenses	Per-Student Capital Expenses	Per-Student Total Expenses	Total School Expenses
34.68	\$5920.16	\$2176.06	\$8096.22	\$ 280,778.91

Residential Expenses - Non-School Expenses

2d) **TOTAL POPULATION GENERATED.** *Multiply the number of proposed units from (2a) and multiply by the Average Household Size number below.*

Total Units Proposed	Average Household Size	Total Population Generated
204	2.19	446.76

2e) **TOTAL NON-SCHOOL EXPENSES.** *Multiply the population generated from (2d) by the Per-Capita Non-School Expenses below.*

Total Population Generated	Per-Capita Non-School Expenses	Total Non-School Expenses
446.76	\$640.98	\$ 286,384.22

2f) **TOTAL RESIDENTIAL EXPENSES.** *Add school expenses from (2c) and non-school expenses (2e) to determine total residential expenses.*

Total School Expenses	Non-School Expenses	Total Residential Expenses
\$ 280,778.91	\$ 286,384.22	\$ 567,141.13

Residential Revenues

2g) **TOTAL REAL ESTATE EXPECTED MARKET VALUE.** *Write the number of each type of units proposed from (2a). Then determine the average expected market value for each type of unit. Then, multiply the number of unit proposed by their average expected market value. Finally, add the total expected market value of the proposed units.*

Unit Type:	Number of Units:	Average Expected Market Value:	Total Expected Market Value:
Single Family Detached	0	\$ 0	\$ 0
Townhome/Condo/Multifamily	204	\$ 224,404.44	\$ 45,778,490
Total:	204	N/A	\$ 45,778,490

2h) **TOTAL REAL ESTATE TAXES PAID.** *Multiply the total market value from (2g) by the real estate tax rate below.*

Total Market Value	Real Estate Tax Rate	Total Real Estate Taxes Paid
\$ 45,778,490	0.0077	\$ 352,494.37

2i) **TOTAL PERSONAL PROPERTY TAXES PAID.** *Multiply the total real estate taxes paid (2h) by the property tax average below.*

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Taxes Paid
\$ 352,494.37	0.15	\$ 52,874.16

2j) **TOTAL SALES & MEALS TAXES PAID.** *Multiply the total real estate taxes paid (2h) by the sales and meals tax average below:*

Real Estate Tax Paid	Sales and Meals Tax Average	Total Sales & Meals Taxes Paid
\$ 352,494.37	.09	\$ 31,724.49

2k) **TOTAL CONSERVATION EASEMENT TAXES PAID.** *If the proposal contains a conservation easement, multiply the size of the proposed conservation easement by the conservation easement assessment rate.*

Proposed Conservation Easement Size	Assessment Rate	Conservation Easement Taxes Paid
0	\$2000/acre (prorated)	\$0

2l) **TOTAL HOA TAXES PAID.** *If the HOA will own any property that will be rented to non-HOA members, multiply the expected assessed value of those rentable facilities by the real estate tax rate below.*

HOA Property Type	Total Assessed Value	Real Estate Tax Rate	Total HOA Taxes Paid
Common Area	0	.0077	\$0

2m) **TOTAL RESIDENTIAL REVENUES.** *Add all residential taxes paid to the County from (2h) through (2l).*

Total Residential Revenues	\$ 442,821.82
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2n) **RESIDENTIAL FISCAL IMPACT.** *Subtract total residential revenues (2m) from total residential expenses (2f).*

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
567,141.16	437,093.02	\$ (130,048.11)

Fiscal Impact Analysis Worksheet Section 3: Commercial and Industrial Developments

Commercial and Industrial Expenses

3a) **TOTAL NEW BUSINESSES.** How many new businesses are proposed? 6
 (include all businesses that will rent or lease space at the location as part of the proposal, including probable tenants of an office park or strip mall).

3b) **TOTAL COMMERCIAL EXPENSES.** *Multiply* the total business real estate expected assessment value from (3c) below by the Commercial Expenses Rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
\$1	0.0045	\$ 20, 063.46

Commercial & Industrial Revenues

3c) **TOTAL REAL ESTATE EXPECTED ASSESSMENT VALUE.** *Estimate* the expected real estate assessment value, at buildout, of all proposed commercial element properties below.

Proposed Business Properties (by use and location)	Expected Assessment Value
Retail - Parcel 25	\$1,982,660.00
Retail - Parcel 26	\$1,982,660.00
Retail - Parcel 27	\$1,982,660.00
Retail - Parcel 28	\$583,135.00
Total:	\$ 6,531,115.00

3d) **TOTAL REAL ESTATE TAXES PAID.** *Multiply* the total expected market property value from (3c) by the real estate tax rate below.

Expected Market Value	Real Estate Tax Rate	Real Estate Taxes Paid
6,531,115.00	0.0077	\$ 50,289.59

3e) **TOTAL BUSINESS PERSONAL PROPERTY TAXES PAID.** *Multiply* the total business capitalization for each proposed commercial element by the business personal property tax rate below. Then *add* the total personal property taxes paid.

Proposed Business Name	Total Business Capitalization	Personal Property Tax Rate	Total Business Property Taxes Paid
Retail 1-4	\$2,410,776.28	0.01	\$24,107.76
		0.01	
		0.01	
Total:	\$2,410,776.28	N/A	\$ 24,107.76

3f) **TOTAL BUSINESS MACHINERY AND TOOLS TAXES PAID.** If any manufacturing is proposed, *multiply* the total business capitalization for each proposed manufacturing element by the business machinery and tools tax rate below. Then, *add* the machinery and tools tax paid.

Proposed Business Name	Total Business Capitalization	Machinery and Tools Tax Rate	Total Business Property Taxes Paid
	\$0	0.01	\$0
		0.01	
Total:		N/A	\$0

3g) **TOTAL SALES TAXES PAID.** Estimate the applicable total gross retail sales, prepared meals sales, and hotel/motel room sales for proposal's commercial elements below. Then, multiply the projected commercial gross sales by the applicable sales tax rates. Then, add the total sales taxes paid.

Tax Type	Projected Gross Sales	Sales Tax Rates	Sales Taxes Paid
Retail Sales	\$7,726,567.06	0.01 of Gross Retail Sales	\$77,265.67
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$77,265.67

* Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

3h) **TOTAL BUSINESS LICENSES FEES PAID.** Estimate each business element's total gross sales. Multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid.

Proposed Business Name(s)	Business Type* (see exhibit sheet)	Projected Total Gross Sales	Business License Rate	Annual Business License Fees Paid
	Professional Services		0.0058	
Retail 1-4	Retail Services	\$7,726,567.06	0.0020	\$15,453.13
	Contractors		0.0016	
	Wholesalers		0.0005	
	Exempt*		No fee due	
	Other Services		0.0036	
	Total	N/A	N/A	\$15,453.13

3i) **TOTAL COMMERCIAL AND INDUSTRIAL REVENUES.** Add the total taxes and fees paid by all of the business elements from (3d) through (3h).

Total Commercial and Industrial Revenues	\$167,116.15
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3j) **COMMERCIAL FISCAL IMPACT.** Subtract total commercial and industrial revenues (3i) from total commercial and industrial expenses (3b).

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
29,063.46	167,116.15	\$138,052.69

3k) **TOTAL PROPOSED FISCAL IMPACT.** Add residential fiscal impacts (2n) and commercial fiscal impacts (3j).

Residential Fiscal Impact	Commercial Fiscal Impact	Total Proposed Fiscal Impact
(\$130,048.11)	\$138,052.69	\$8,004.58

Fiscal Impact Analysis Worksheet Section 4: Current Land Use

Current Residential Use (If there are no existing residential units, skip to (4g)).

4a) **TOTAL CURRENT DWELLING UNITS.** Please indicate the total number of each type of existing dwelling unit. Then, *add* the total number of existing dwelling units.

Single Family Detached	0	Apartment	0
Townhome/Condominium/Single Family Attached	0	Manufactured Home	0
Total Dwelling Units	0		

Residential Expenses - School Expenses

4b) **TOTAL CURRENT STUDENTS.** *Multiply* the number of existing units from (4a) by its corresponding Student Generation Rate below. Then, *add* the total number of existing students.

Unit Type	Number of Existing Units	Student Generation Rate	Existing Students
Single Family Detached	0	0.40	0
Townhome/Condo/Attached	0	0.17	0
Apartment	0	0.31	0
Manufactured Home	0	0.46	0
Total	0	N/A	0

4c) **TOTAL CURRENT SCHOOL EXPENSES.** *Multiply* the total number of current students from (4b) by the per-student school cost below.

Number of Existing Students	Per-Student School Cost	Current School Expenses
0	\$8096.22	\$0

Residential Expenses - Non-School Expenses

4d) **TOTAL CURRENT POPULATION.** *Multiply* the total number of existing units from (4a) by average household size below.

Total Existing Units	Average Household Size	Total Current Population
0	2.19	\$0

4e) **TOTAL CURRENT NON-SCHOOL EXPENSES.** *Multiply* the current population from (4d) by per-capita non-school expenses below.

Total Current Population	Per-Capita Non-School Expenses	Current Non-School Expenses
0	\$640.98	\$0

4f) **TOTAL RESIDENTIAL EXPENSES.** Add school expenses from (4c) and non-school expenses from (4e).

School Expenses	Non-School Expenses	Residential Expenses
\$0	\$0	\$0

Residential Revenues

4g) **TOTAL CURRENT ASSESSMENT VALUE.** Search for each residential property included in the proposal on the Parcel Viewer at <http://property.iccgov.com/parcelviewer/Search.aspx>. Indicate each property's total assessment value below. Then, add total assessment values.

Property Address and Description	Assessment Value
5204 John Tyler Highway	\$1,217,000
5304 John Tyler Highway	\$981,200
5299, 5303, 5307 & 5311 John Tyler Highway	\$752,700
Total:	\$2,950,900

4h) **TOTAL CURRENT REAL ESTATE TAXES PAID.** Multiply the total assessment value from (4g) by the real estate tax rate below.

Total Assessment Value	Real Estate Tax Rate	Real Estate Taxes Paid
\$2,950,900	.0077	\$22,721.93

4i) **TOTAL CURRENT PERSONAL PROPERTY TAXES PAID.** Multiply total real estate taxes paid from (4h) by the personal property tax average below.

Real Estate Tax Paid	Personal Property Tax Average	Personal Property Paid
\$22,721.93	0.15	\$0 (No residents to pay PPT)

4j) **TOTAL CURRENT SALES AND MEALS TAXES PAID.** Multiply the total real estate taxes paid from (4h) by the sales and meals tax average below.

Real Estate Tax Paid	Sales and Meals Tax Average	Average Excise Tax Paid
\$22,721.93	.09	\$0 (No residents to pay sales/meals tax)

4k) **TOTAL CURRENT RESIDENTIAL REVENUES.** Add all current residential taxes paid to the County from (4h) through (4j).

Total Current Residential Revenues	\$22,721.93
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4l) **CURRENT RESIDENTIAL FISCAL IMPACT.** Subtract total residential revenues (4k) from total residential expenses (4f).

Total Residential Expenses	Total Residential Revenues	Total Residential Fiscal Impact
\$0	\$22,721.93	\$(22,721.93)

4m) **FINAL RESIDENTIAL FISCAL IMPACT.** Subtract current residential fiscal impact from (4l) from proposed residential fiscal impact from (2n).

Proposed Residential Impact	Current Residential Impact	Final Residential Fiscal Impact
\$(130,048.11)	\$(22,721.83)	\$(152,770.04)

Current Commercial Use

Current Commercial Expenses (If there are no current businesses or commercial properties, skip to (5k).

5a) **TOTAL CURRENT BUSINESSES.** How many businesses exist on the proposal properties?
 0 (Include all businesses that rent or lease space at the location).

5b) **TOTAL CURRENT COMMERCIAL EXPENSES.** Multiply the current number of businesses operating on the proposal properties by the per-business expense rate below.

Total Expected Assessment Value	Commercial Expense Rate	Total Commercial Expenses
0	0.0045	\$0

Current Commercial Revenues

5c) **TOTAL CURRENT ASSESSMENT VALUE.** Search for each commercial property included in the proposal on the Parcel Viewer at <http://property.lccgov.com/parcelviewer/Search.aspx>. Indicate each property's total assessment value below. Then, add total assessment values.

Addresses	Assessment Value	Real Estate Tax Rate	Real Estate Tax Paid
		.0077	
		.0077	
Total:			\$0

5d) **TOTAL CURRENT BUSINESS PERSONAL PROPERTY TAXES PAID.** Multiply the total business capitalization for each current commercial element by the business personal property tax rate below. Then add the total personal property taxes paid.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Business Property Taxes Paid
		0.01	
		0.01	
		0.01	
Total:		N/A	\$0

5e) **TOTAL CURRENT MACHINERY AND TOOLS TAX PAID.** If any manufacturing exists, multiply the total capitalization for manufacturing equipment by the business machinery and tools tax rate below.

Current Business	Total Business Capitalization	Personal Property Tax Rate	Machinery and Tools Tax Paid
		0.01	\$0

5f) **TOTAL CURRENT SALES TAXES PAID.** *Estimate the applicable total gross retail sales, prepared meals sales, and hotel/motel sales for existing commercial elements below. Then, multiply the projected commercial gross sales by the applicable sales tax rates. Then, add the total sales taxes paid.*

Activity	Projected Gross Sales	Tax Rate	Sales Taxes Paid
Retail Sales		0.01 of Gross Retail Sales	
Prepared Meals		0.04 of Prepared Sales	
Hotel, Motel		0.02 of Gross Sales*	
Total:	N/A	N/A	\$0

*Actual Occupancy Tax is 5% of Gross Sales; however, 60% of those funds are targeted to tourism.

5g) **TOTAL CURRENT BUSINESS LICENSES FEES PAID.** *Estimate each current business element's total gross sales. Then, multiply each business element's projected gross sales by the Annual Business License rate to determine annual business licenses fee paid. Then, add the total business license fees paid.*

Business Type	Gross Sales	Business License Rate	Annual Business License Fees Paid
Professional Services		\$0.0058	
Retail Sales		\$0.0020	
Contractors		\$0.0016	
Wholesalers		\$0.0005	
Manufacturers		No tax	
Other Services		\$0.0036	
Total:	N/A	N/A	\$0

5h) **TOTAL CURRENT COMMERCIAL REVENUES.** *Add all current commercial revenues paid by existing businesses from (5c) through (5g).*

Total Current Commercial Revenues	\$0
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5i) **CURRENT COMMERCIAL FISCAL IMPACT.** *Subtract total commercial revenues (5h) from total residential expenses (5b).*

Total Commercial Expenses	Total Commercial Revenues	Total Commercial Fiscal Impact
\$0	\$0	\$0

5j) **FINAL COMMERCIAL FISCAL IMPACT.** Subtract current commercial fiscal impact from (5i) from proposed commercial fiscal impact from (3j).

Proposed Commercial Impact	Current Commercial Impact	Final Commercial Fiscal Impact
\$138,052.69	\$0	\$138,052.69

5k) **FINAL FISCAL IMPACT.** Subtract the final commercial fiscal impact from (5i) from final residential fiscal impact from (4m).

Final Residential Impact	Final Commercial Impact	Final Fiscal Impact
(152,770.04)	\$138,052.69	\$ (14,717.35)

Fiscal Impact Worksheet Section 6: Phasing

Residential Phasing

6a) *Copy and paste* the residential phasing template from the accompanying Excel sheet to the page below.

Commercial Phasing

6b) *Copy and paste* the commercial phasing template from the accompanying Excel sheet to the page below.

Final Phasing Projections

6c) *Copy and paste* the final phasing projection from the accompanying Excel sheet to the page below.

Fiscal Impact Worksheet Section 7: Employment

7a) *Copy and paste* the employment projections from the accompanying Excel sheet to the page below.



JOB SITE COPY



NOTE:
5" OGEE GUTTER & 4" X 3"
DOWNSPOUTS NOT SHOWN.

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JOB SITE COPY



NOTE:
5" OGEE GUTTER & 4" X 3"
DOWNSPOUTS NOT SHOWN.

UNIVERSITY SQUARE ASSOCIATES

130 W. Plume Street
Norfolk, VA 23510
(757) 517 3010

September 25, 2019

Letter sent to Adjacent Property Owners to The Promenade at John Tyler

Re: Proposed Amendment to the Master Plan and Proffers
For The Promenade at John Tyler

To whom it may concern:

University Square Associates ("USA") has developed a 24.54 acre parcel at the intersection of Route 199 and Route 5 (John Tyler Highway). The development consists of 204 residential units and commercial property comprising 47,624 square feet. The residential portion of the project is substantially complete with the construction of 110 residential units in the form of a ten plex building and 80 residential units in the form of 40 duplex units. Additionally, the approved plans authorize an additional 14 residential units to be built as multifamily (more than 4 units per building). The original Master Plan provided that the 14 additional units would be built as part of the commercial development of the property.

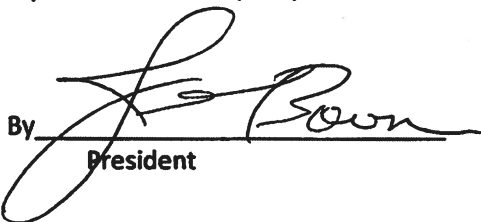
We have filed an application with the James City County Planning Department that would permit ten of the fourteen units to be built as part of the ten plex units that are being constructed at The Promenade at John Tyler. This proposal does not increase the number of permitted units but characterizes them as being part of the Area C (on the Master Plan) rather than area M (mixed use with commercial, office and multifamily). Additionally, we have filed an amendment to a proffer that we made as part of the rezoning in 2014. This amendment would clarify that a Public Square that will be built as part of the commercial development will occur prior to the issuance of an occupancy permit for the commercial buildings to be built.

We are happy to meet or speak with you regarding these proposed changes. We will schedule a meeting in the near future and will give you notice of it. If you have any questions prior to that meeting please feel free to contact Jerry Bowman at (757) 517 3010 or the James City County Planning Department at (757) 253 6671.

Sincerely,

UNIVERSITY SQUARE ASSOCIATES

By Market Planners, Inc., General Partner

By 
President

**Minutes of the November 6, 2019
Planning Commission Regular Meeting**

Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Ms. Leverenz stated that she would not participate in this Public Hearing as she has a potential financial interest in the development. Ms. Leverenz left the dais.

Mr. José Ribeiro, Senior Planner, stated that Mr. Jerry Bowman of Franciscus at Promenade, LLC, has submitted a request to amend the adopted Proffers and Master Plan for The Promenade at John Tyler Highway to allow for the construction of an additional ten-plex building on the site.

Mr. Ribeiro stated that The Promenade is a master planned community approved by the Board of Supervisors in December of 2014. Mr. Ribeiro stated that the development consists of up to 204 residential units and approximately 48,000 square feet of commercial space. Mr. Ribeiro stated that Mr. Ribeiro stated that the entire master planned area is zoned Mixed Use, with proffers and designated Mixed Use by the 2015 Comprehensive Plan and located within the Primary Service Area.

Mr. Ribeiro stated that the proposed 204 residential units are distributed in the following types of structures:

- 11 ten-plex buildings (110 units)
- 40 duplex buildings; (80 units) and
- 14 multi-family units, or the live-above units, associated with the mixed use buildings planned at the four outparcels adjacent to Route 199

Mr. Ribeiro stated that this amendment proposes revisions to the adopted Master Plan and Proffers for a portion of The Promenade, more specifically, the four outparcels adjacent to Route 199, to allow that in lieu of constructing the 14 live-above units as part of the Mixed Use buildings at the four out parcels, the applicant is proposing to build a ten-plex, all residential building, on the outparcel located at 5311 John Tyler Highway.

Mr. Ribeiro stated that staff recommends that the Commission recommend approval of the application and acceptance of the voluntary Proffers to the Board of Supervisors.

Mr. Haldeman called for disclosures from the Commission.

Mr. Krapf stated that he spoke with the applicant's representative.

Mr. Haldeman stated that he also spoke with the applicant's representative.

Mr. Polster stated that he spoke with the applicant's representative.

Mr. Haldeman opened the Public Hearing.

Mr. Vernon Geddy, Geddy Harris, Franck & Hickman, 1177 Jamestown Road made a presentation to the Commission.

Mr. Haldeman inquired how the commercial square footage will be adjusted.

Mr. Geddy stated that two of the buildings where commercial space had been proposed for the second floor will now be entirely commercial.

Ms. Betty Hatzidakis, 903 Promenade Lane, addressed the Commission with concerns about the application.

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

Mr. Krapf inquired if there were any public meetings for residents of the Promenade to better understand the changes.

Mr. Geddy stated that a meeting was held with residents of Winston Terrance; however, he was not certain about any meetings for the residents of the Promenade.

Mr. Krapf inquired if the wooded area would change if the ten-plex were not built.

Mr. Geddy stated that this area has always been planned for development; however, the existing buffers as shown on the Master Plan will not change.

Mr. Polster noted that he appreciates the amount of public parks included with this project. Mr. Polster further noted that the 204 units are all affordable units. Mr. Polster stated that of these units, 32 are priced to be affordable for entry level teachers and public safety employees.

Mr. Schmidt inquired if there is potential for potential to add additional parking to address the parking concerns.

Mr. Geddy stated that the applicant is agreeable to adding some additional parking spaces.

Mr. O'Connor stated that he appreciates the positive impact of the development on the Williamsburg Crossing Shopping Center. Mr. O'Connor further stated that having the office uses rather than retail within the Promenade is a better mix of uses.

Mr. Schmidt stated that he will also support the application.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment. (5-0-1) Ms. Leverenz abstaining.

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Patrick O. Teague, Human Resource Director

SUBJECT: Creation of 103 part-time regular positions to ensure compliance with the James City County Personnel Policies and Procedures Manual.

ATTACHMENTS:

	Description	Type
▣	Part-Time Positions Cover Memo	Cover Memo
▣	Part-Time Positions Resolutions	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	12/30/2019 - 7:56 AM
Publication Management	Daniel, Martha	Approved	12/30/2019 - 8:04 AM
Legal Review	Kinsman, Adam	Approved	12/30/2019 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	1/2/2020 - 1:22 PM
Board Secretary	Purse, Jason	Approved	1/7/2020 - 9:57 AM
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:07 AM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Authorization of Multiple Part-Time Regular Positions

Staff has determined that the County needs to convert multiple temporary positions to part-time regular positions to meet the intent of Chapter 2 of the James City County Personnel Policies and Procedures Manual, Section 2.4.

Staff proposes the authorization of the following part-time regular (PR) positions:

Department	Positions to PR	Hours	Number Below 1,040	Number Above 1,040
Olde Towne Medical & Dental Center	8	6,950	6	2
Social Services	1	1,040		1
Sheriff	3	3,120		3
Human Resources	1	1,040		1
General Services	5	5,590		5
Financial and Management Services	1	1,040		1
Fire	1	1,040		1
Police	3	3,796		3
Parks and Recreation	79	70,876	52	27
Treasury	1	1,040		1
Total PR positions	103	95,532	58	45
Total With Benefit, above 1,040	45			
Total under 1,040	58			

The conversion of temporary to part-time regular positions will have hours ranging from 400-1,456 annually, equating to 8-28 per week.

The financial impact of this change includes a 2% wage increase that matches the Fiscal Year 2020 wage increase for part-time regular and full-time regular staff and a 10% wage increase for five staff in the Parks and Recreation Department who will now be designated as supervisory.

- The total cost for general fund departments is \$20,469.90; \$15,104.40 comprises the wage increase.
- The total cost for other fund departments is \$3,276.70; \$2,730.34 comprises the wage increase.
- The total cost for all departments is \$23,746.60.

Staff also proposes approval to appoint the current temporary employees, who are interested and currently qualified, in the newly established part-time regular positions.

If approved, this will be effective February 1, 2020.

Authorization of Multiple Part-Time Regular Positions

January 14, 2020

Page 2

Staff recommends adoption of the attached resolution to create 103 part-time regular positions, a wage increase, and the ability to appoint existing temporary staff to the newly created positions.

POT/md

PT-Regular2020-mem

Attachment:

1. Resolution

RESOLUTION

AUTHORIZATION OF MULTIPLE PART-TIME REGULAR POSITIONS

WHEREAS, James City County desires to be in compliance with the James City County Personnel Policies and Procedures Manual; and

WHEREAS, creating new part-time regular positions will ensure James City County is in compliance; and

WHEREAS, staff recommends creation of 103 part-time regular positions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the creation of 103 part-time regular positions, for a total cost of \$23,746.60 including a wage increase and fringe benefits costs, and the ability to appoint existing temporary staff to these newly created positions as set forth in the staff memorandum, effective February 1, 2020.

Chairman, Board of Supervisors

ATTEST:

VOTES

AYE NAY ABSTAIN

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of January, 2020.

PT-Regular2020-res

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Authorization for the Creation of Assistant Director of Community Development Position and Transfer of Funds from Capital Projects Fund to the General Fund

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:48 AM

MEMORANDUM

DATE: January 14, 2020

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Authorization for the Creation of Assistant Director of Community Development Position and Transfer of Funds from Capital Projects Fund to the General Fund

Staff has determined that the County needs to add a new position to Community Development. Currently, the Director of Community Development oversees the Planning, Zoning, Building Safety and Permits, Neighborhood Development, and the plan review portion of the Stormwater Division. There had previously been a dedicated Planning Director position that is now encompassed within the Director position as well.

Along with helping with management of the day-to-day operation of these divisions, the Assistant Director will be tasked with overseeing the Purchase of Development Rights (PDR)/Open Space Program. Staff investigated hiring a consultant to lead the review and update of the current Ordinance, procedures, and funding options for the County, but has decided that this can be better implemented through a staff member. Similar positions in Hanover, Albemarle, and Chesapeake are comparable to this new position in terms of salary grade and duties.

The financial impact of this change includes four months of salary and benefits not previously anticipated for Fiscal Year 2020 totaling \$37,045. In future budgets the position will be budgeting for a full year with a salary starting at \$79,597 and fringe benefits totaling \$31,535; totaling \$111,132.

For the four months remaining in Fiscal Year 2020, staff proposes transferring money from the existing PDR account, which stands at \$365,966. Approval of this new position requires adoption of a resolution creating the position, as well as moving the one-time \$37,045 from the Capital Project Fund to the General Fund.

Staff recommends adoption of the attached resolution.

JP/nb
ComDevAsntDir-mem

Attachment:

1. Resolution

RESOLUTION

**AUTHORIZATION FOR THE CREATION OF ASSISTANT DIRECTOR OF
COMMUNITY DEVELOPMENT POSITION AND TRANSFER OF FUNDS FROM
CAPITAL PROJECTS FUND TO THE GENERAL FUND**

WHEREAS, James City County has a Community Development Department that consists of Planning, Zoning, Building Safety and Permits, Neighborhood Development, and Stormwater Division; and

WHEREAS, in order to more appropriately manage the day-to-day operations of these divisions, as well as oversee the management of the Purchase of Development Rights/Open Space Program a new Assistant Director of Community Development position is necessary; and

WHEREAS, in order to cover the salary and fringe benefits for this new position for the final four months of Fiscal Year 2020, staff recommends transferring \$37,045 from the Capital Projects Fund to the General Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the creation of the Assistant Director of Community Development position, for a total cost of \$111,132 including salary and fringe benefits costs, and authorizes the transfer of \$37,045 in funds from the Capital Project Fund to the General Fund to pay for this position for the remaining four months of Fiscal Year 2020.

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 January, 2020.

ComDevAsntDir-res

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community pursuant to Section 2.2-3711(A)(5) of the Code of Virginia.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/14/2020 - 12:33 PM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: 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

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:44 AM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Planning Commission Appointments

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 3:30 PM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Board of Equalization Appointments

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 3:45 PM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Scott Stevens, County Administrator

SUBJECT: Virginia Peninsula Public Service Authority Board of Directors - Staff Appointments

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:18 AM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Community Services Coalition Board of Directors - Staff Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:22 AM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Disposition of publicly held real property where discussion in an open meeting would adversely affect the negotiating strategy of the public body; in particular, the unimproved right-of-way located along Overlook Drive pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:19 AM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Consultation with legal counsel pertaining to actual litigation, where such consultation would adversely affect the negotiating or litigation posture of the public body; in particular, the case known as Fout v. Laurel Lake Waterfront Property Owners' Assoc., Case No. CL17-8698, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:21 AM

ITEM SUMMARY

DATE: 1/14/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 9 a.m. on January 25, 2020 for the Board Retreat

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/7/2020 - 10:43 AM