

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
June 9, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATIONS

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoption
2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$4,745
3. Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support: Department of Housing and Urban Development Housing Counseling Network - \$40,000
4. Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$34,507
5. Dedication of the Streets in the Westport Ford's Colony Subdivision
6. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual
7. Olde Towne Medical and Dental Center - Addition of Full-Time Dentist/Dental Coordinator
8. Application for Community Development Block Grant COVID-19 Urgent Need Funding - \$348,104
9. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 504 Grievance Procedure
10. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 3 Business and Employment Plan
11. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Fair Housing Certification

H. PUBLIC HEARING(S)

1. SUP-20-0007. 805 Arlington Island Road Tourist Home
2. SUP-20-0001. 2898 Lake Powell Road Tourist Home
3. SUP-20-0005. 230 Peach St. Tourist Home
4. SUP-19-0030. 124 B Cooley Rd. Rental of Rooms
5. SUP-20-0002. 3374 Ironbound Rd. Tourist Home
6. AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road
7. Ordinance to Amend and Reordain Chapter 1, General Provisions, Sec. 1-13(b), Courthouse maintenance; court security and jail processing fees

8. An Ordinance to Readopt an Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

I. BOARD CONSIDERATION(S)

1. Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337
2. An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program
3. FY2021 - FY2022 Budget Adoption & Resolution of Appropriation
4. Extension of Special Use Permit: Colonial Heritage
5. Extension of Special Use Permit: Mason Park
6. Land and Water Conservation Fund Grant Acceptance

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Social Services Advisory Board Appointments
2. Williamsburg-James City County Community Action Agency Board Appointment
3. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, the legal status of the unimproved 50-foot-wide right-of-way located along Overlook Drive in the Kingspoint neighborhood, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on June 23, 2020 for the Work Session

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
📎	050520 Budget Work Session	Minutes
📎	051220 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 5:25 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 5, 2020
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 - via phone
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

Mr. Icenhour asked for a motion to allow Ms. Sadler to participate in the meeting remotely, due to an illness that prevented her attendance.

A motion to allow Ms. Sadler to participate remotely was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Icenhour welcomed Ms. Sadler to the meeting.

Ms. Sadler acknowledged her presence on the call.

C. BOARD DISCUSSIONS

1. Grant Award - Coronavirus Aid, Relief, and Economic Security Act Provider Relief Fund - \$84,994

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. Icenhour noted he did not see Chief Ashe in attendance.

Mr. Stevens noted it was a grant received through the Emergency Medical Services carrier through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. He further noted with the grant acceptance, additional opportunities for funding could be available. Mr. Stevens noted a pending grant had to be accepted. He further noted it was being presented to the Board this evening in the event eligibility for additional opportunities became available and to avoid any delays in applying for future funds.

Ms. Larson asked what the grant covered.

Mr. Stevens noted the grant covered ambulance service and came through the billing provider on the ambulance side. He further noted the service had sought the funding for its clients, specifically for that type of reimbursement. Mr. Stevens noted the County met specific criteria regarding loss of revenue for the grant.

Ms. Larson thanked Mr. Stevens.

2. Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

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. Kinsman addressed the Board noting the County Administrator's request for the Board's consideration to temporarily waive the imposition of the 10% late penalty for personal property taxes effective through August 5, 2020. He noted the interest rate at 10% annum, which was .83% per month, would still be imposed.

Mr. Stevens confirmed the monthly percentage rate.

Mr. Kinsman noted the Board's consideration of the convenience fee waiver, also through August 5, 2020, as done earlier in the year. He further noted recommendation of both actions with the Emergency Ordinance. Mr. Kinsman noted it would need to come before the Board within 60 days for official readoption.

3. Current Fiscal Year 2020 Budget Discussion

Mr. Stevens addressed the Board noting Ms. Sharon Day, Director of Financial and Management Services (FMS) would lead the presentation. He noted he and Ms. Day wanted to confirm the Board's direction for the current Fiscal Year (FY 2020) budget.

4. Proposed Fiscal Year 2021 Budget Discussion

Ms. Day addressed the Board, noting at its April 21, 2020 Work Session, it had requested staff review the latest developments and prepare reductions to the FY 2021 proposed budget for consideration. Ms. Day noted her staff's work on the evening's presentation, particularly Ms. Cheryl Cochet, Assistant Director of FMS, and Ms. Margo Zechman, one of the Senior Budget and Accounting Analysts. Ms. Day further noted Ms. Cochet was participating remotely via phone for the presentation. Ms. Day began her PowerPoint presentation highlighting the COVID-19 estimated impact to the FY 2020 budget. She noted an estimated three-month impact of \$7.6 million with the majority of that amount from the sales, meals, and lodging taxes. Ms. Day further noted the expenditure reductions reflected a 50-50 split with the school division of roughly \$3.8 million on each side. Ms. Day provided an update on the meals and lodging tax collections, noting previous estimates had been an approximately 40% reduction. She noted April collections through the month's end with some March collections still coming in for approximately 49% collection rate for the meals tax and 69% for the lodging tax. Ms. Day noted the April-June projection had been 75%. She further noted a decline was anticipated, but added some revenue would come in for March due to non-filers. Ms. Day noted the estimates were close to anticipated revenues. Ms. Day continued her presentation with the proposed FY 2021 budget revenue of \$216 million with overall reductions of 5%, 10%, 15%, and 20% to the General Fund scenario. She noted the incremental percentages were reflected in the following amounts respectively: \$205 million; \$194 million; \$183 million;

and \$172 million. Ms. Day also noted the further breakdown of the percentages of each revenue source in the PowerPoint presentation. Ms. Day noted an impact to the proposed budget, unrelated to COVID-19 and post-budget preparation, was due to a modification to the state's budget in reference to elimination of the recordation tax distribution to localities. She further noted that money had been redistributed to the Hampton Roads Regional Transit Fund and represented a \$400,000 revenue loss to the County's General Fund. Ms. Day noted that loss had been incorporated into the numbers represented in the PowerPoint presentation under the Commonwealth line item. She continued the presentation noting the expenditure impact also with the 5%, 10%, 15%, and 20% breakdown scenario as used earlier. Ms. Day noted the dollar impact of each of the scenarios in separate line items based on feedback from departments, discussions with agencies, and discussions with various school divisions. She further noted the table reflected the County and the School Division sharing the reductions with a 48%, 52% split, respectively. Ms. Day noted the logic behind that reflected the current split in the originally proposed budget.

Mr. Hipple asked about a discrepancy in the revenue impact on Page 3 for the 10% reduction. He noted it showed \$194.428 million, but the expenditure for 10% was \$197.428 million, which did not match like the other amounts. He inquired if that was possibly a typographical error.

Ms. Day questioned Page 3.

Mr. Stevens clarified Page 3, Slide 5.

Ms. Day confirmed that was a typo.

Mr. Icenhour asked which amount was correct.

Ms. Day clarified \$194.428 million was the correct amount and that the revenue was the correct amount,

Mr. Stevens confirmed the typo would be corrected.

Mr. Hipple thanked Ms. Day.

Ms. Day continued her presentation citing the budget impact using the various percentages ranging from 5% to 20%. She noted the highlights within each percentage such as travel and training, staff recognition events, and other items. She further noted additional cuts which affected County programs such as Parks and Recreation programs and streetlight projects. Ms. Day noted the proposed Capital Improvements Program (CIP) projects and the percentage reduction scenarios as well as their rankings based on departmental ranking input. She further noted if grants were involved with projects, those items were not deferred to take advantage of the grant opportunities if reasonable. Ms. Day noted two items remained in the 20% category for the CIP projects and those items were deemed necessary. She further noted those items included the Computer Aided Dispatch system replacement for the Fire Department and the Records Management System system replacement for the Police Department and the system replacements would be financed through leases. Ms. Day continued her presentation with the four percentages and their respective scenarios for reduction in County transfer to other funds. She noted the biggest impact in the transfer to other funds was the 60% of the lodging tax revenue to the Tourism Fund in relation to the projected reduction in revenue. Ms. Day noted additional reductions for Social Services and Housing as well as Special Projects with a Virginia Department of Transportation match. She further noted a balance in the Transportation Match Fund, which she recommended it be used before adding additional funding to it. Ms. Day continued her presentation noting County contributions and detailed the breakdown which showed all scenarios totaled an approximate

\$472,158 reduction. She noted contact with outside agencies regarding budget reductions on their side as well fund balances. Ms. Day further noted during those discussions, the agencies' service levels are being impacted as in times of challenge, the need for service goes up. Ms. Day continued her presentation with the School Operations expenditures based on the 5%-20% scenarios. She noted the recent announcement of Governor Northam's approval of \$238.6 million of CARES funding for the Virginia Department of Education. She further noted the allocation to the local School Division and that the County's share had been received, Ms. Day noted the amount was approximately \$1.2 million.

Mr. Icenhour noted that was a one-time funding.

Ms. Day confirmed yes.

Mr. Icenhour noted the School Division would receive this money this year, but not next year.

Ms. Day confirmed yes. She said it was undetermined if the money would be received this year or this summer. She continued her presentation noting the School Division had prioritized its Capital Projects, which was before the Board this evening. Ms. Day noted the School Division was continuing a review of its budget and other factors. Ms. Day noted that concluded her presentation and she was happy to answer any questions from the Board.

Ms. Larson noted an inundation of emails from parents, at the encouragement of several School Board members, for the Board to use some reserve funds to pay for the shortfall. She further noted this was not a recommendation from the County Administrator or Ms. Day.

Mr. Icenhour asked Ms. Day to expand on that point. He noted a possible misconception on the public's part regarding these funds as contingency funds. Mr. Icenhour further noted it was fund balance, which impacted the County's bond rating, and if spent, was not a recurring source of money. He noted using these funds equated to taking one-time funds for ongoing expenses. Mr. Icenhour asked Ms. Day to explain that to the general public for a better understanding.

Ms. Day noted it was always one of the scenarios discussed and reviewed as a potential funding source, depending on the impact and the timeline. She further noted from the bond rating agency viewpoint, it was frowned upon. Ms. Day noted the funding was available for large one-time hits, but cautioned concern as hurricane season was approaching. She further noted the County had experienced several storms over the past few years. Ms. Day noted Federal Emergency Management Agency (FEMA) and the state were slow to reimburse with timelines of two-four years. She further noted Hurricane Isabel had been a \$15 million storm and the County had \$30 million in the bank. She cited the impact to the budget's reserves while maintaining operations as well as tax collection only twice a year. Ms. Day noted consideration of the magnitude of the impact in addition to the length of time. She further noted a plan had to be developed before the fund balance could be used as these were requirements of the credit rating agencies. Ms. Day noted that plan included: what are the funds used for; what extent; how long; and what is the plan to replenish it. She further noted detailed and timely discussion to outline those points as her recommendation before going to that extent.

Ms. Larson noted receiving an email earlier in the day which stated "we could get our reserve funds flush with cash in no time". She asked Ms. Day to explain what was required to replenish those funds and the plan.

Ms. Day noted she had been with the County for three years and based her answer on that timeframe. She further noted the County did not really budget for contingency. Ms. Day noted the entire General Fund was \$216 million with \$100,000 in a Contingency Fund. She further noted that was highly unusual as most localities have one half to \$1 million. Ms. Day noted the

County was already banking in having savings in preparation for possible shortfalls. She further noted, during her three years, the average net income for the County was under \$2 million. Ms. Day noted it was difficult to get closer to that point without going over budget, adding that meant that was the extent revenues exceeded expenditures. She cited the example of taking \$5 million from the fund balance at a restoration rate of three-four years and that was if normal operations resumed immediately.

Ms. Larson noted that was probably not so.

Ms. Day noted that was most likely not going to happen.

Mr. Stevens addressed Ms. Larson regarding the hurricane threat, as well as the possibility of another shutdown after businesses reopen and the need for those funds. He noted his hesitation, adding the County was in good financial shape, to use the reserve or fund balance at this time. Mr. Stevens noted possible funding from the federal level to the state level could be available to cover some of the County's expenses, but that was currently unknown. Mr. Stevens noted it was too early in good conscience to advise the Board to spend any reserves or fund balance at this time. He further noted substantial County cuts to keep operating budgets within the projected revenues.

Mr. Icenhour noted the earlier deferral of the property tax collection from June until August. He further noted that revenue would come in two months later yet the County still continued to operate and have expenses. Mr. Icenhour noted this fund balance provided liquidity to maintain operations, but if used, then there would be less to weather potential problems.

Ms. Day confirmed yes. She noted it served as a cash flow buffer for the six month time between the tax collections of June and December. She further noted those months marked when the majority of cash came into the County. Ms. Day noted much of those funds was invested and the stock market impact to those investments. She further noted potential penalties for withdrawals in addition to the volatility of the stock market.

Mr. McGlennon asked Ms. Day if the cash reserves equated to a rainy day fund. He noted at the state level there was a fund named that and was specifically created to address revenue shortfalls. Mr. McGlennon further noted there were limitations on the fund's uses.

Ms. Day noted this was not a rainy day fund. She further noted the County had not established a revenue stabilization fund, which was really a rainy day fund. Ms. Day noted the County had other reserves for specific items. She further noted Social Services and Housing received federal and state funding and had their own fund balances due to restrictions regarding grants. Ms. Day noted there was also a health insurance reserve under restrictive criteria. She further noted the remaining amount was the undesignated fund balance, not particularly for revenue shortfall, but to help bridge the gap between tax payments and one-time uses such as hurricanes or natural disasters.

Mr. Hipple thanked Ms. Day for noting the hurricane aspect. He noted he assisted with the debris burning and cleanup. He further noted some issues and costs that had been involved with the cleanup. Mr. Hipple noted his displeasure that several School Board members had encouraged parents to send emails to the Board of Supervisors requesting full funding. He further noted the drastic cuts being made throughout the community. Mr. Hipple noted the work between both Boards over the years. He further noted no one wanted cuts to the school funding, but the current times were difficult and funding cuts needed to be taken together. Mr. Hipple noted the same if the situation changed and things came back up then that would also be done together. He further noted during his tenure no cuts had been made to school funding due to the commitment to the County's schools and students. Mr. Hipple noted cuts were not directed at the schools, but were across the board for many groups. He further noted

continued harmonious work between the two Boards was needed. Mr. Hipple noted he hoped no one took his comments in a negative way, but emphasized growth and positivity in working together.

Ms. Larson noted recent conference calls with Virginia Association of Counties (VACo) and the unknowns surrounding federal money that was supposed to come back to the states. She questioned if the state would allocate some of its money to localities during the shortfalls. Ms. Larson noted she had not heard of a plan for funding including which localities would receive funding. She asked if Mr. Stevens knew of any plans.

Mr. Stevens noted he had not heard of any. He further noted he had also been on calls with both VACo and Virginia Municipal League (VML) representatives, but no word on funding to localities or when. Mr. Stevens noted there had been some discussion regarding FEMA money. He further noted requesting meetings with FEMA on that point. Mr. Stevens noted reimbursement on COVID-19 related expenses, but not on lost revenue. He asked Ms. Day for additional input.

Ms. Day noted she conferred with her counterparts throughout the state and concern about possible funding to localities. She further noted confusion around federal money to states and what states intended to do with that money. Ms. Day noted localities for the most part did not receive funding from the federal government as part of the CARES package. She further noted unknowns, but added the only locality specific number she had seen involved the previously mentioned \$1.2 million from the Virginia Department of Education. Ms. Day added there was still no information on when the money would be received nor how it was to be used.

Mr. Stevens noted the only localities receiving direct funds were those who had a Community Development Block Grant (CDBG) program. He further noted some appropriations had been made in the Hampton Roads area, but not generally in the counties. Mr. Stevens noted the timeline of law passage to development and the availability of more information.

Mr. Icenhour noted the funding from the federal government to the state in relation to the CARES Act and his understanding that specific revenues, like the ambulance fees, were a requirement for the locality to receive state funding. He further noted the specific COVID-19 impact, not overall revenue shortfall, was a criteria. Mr. Icenhour noted additional strict criteria for the state, in relation to federal funding, for funding to localities.

Ms. Sadler asked Ms. Day what the impacts with funding to revenue would be from tourism and small businesses so the public would have a better understanding.

Ms. Day noted talking with the Tourism Council. She further noted it had supplied estimates on the sales tax and meals tax along with the percentage that was derived from nonresidents. Ms. Day noted 40% from sales tax and 35% from the meals tax. She further noted lodging tax could be as high as 90%, but those numbers were still being tracked. Ms. Day noted while numbers on the CARES Act were few, guidance on how to track the County's information was available. She further noted the departments were steadily monitoring information and sharing it almost daily so purchases and such were tracked on a spreadsheet. Ms. Day noted the Virginia Department of Emergency Management (VDEM) had been very helpful and that the County was ready with its information for VDEM when it was requested.

Ms. Sadler asked Ms. Day if she could supply actual figures rather than percentages for the meals and lodging taxes.

Ms. Day noted the lodging tax was approximately \$2.9 million and at 90% reduction, only \$290,000 would be collected. She further noted the meals tax was approximately \$5 million with a 50% nonresident impact, so only \$2.5 million would be collected.

Ms. Larson asked about the sales tax impact.

Ms. Day noted three different sales tax numbers. She further noted approximately \$4.6 million for the Historic Tax, which would be \$2.3 million. Ms. Day noted the regular sales tax was approximately \$11 million with \$5.5 million there and the sales tax for education was approximately \$11-12 million range.

Mr. Icenhour noted the handout with the tourism revenue breakdown and potential lost revenue impact in a worst case scenario.

Mr. McGlennon noted that information represented a full year.

Ms. Larson noted definite peaks and valleys in tourism.

Ms. Day agreed.

Discussion ensued on lost holidays and events such as graduations, holidays, and such.

Ms. Larson noted correspondence from residents saying no tourists, but she added a price comes with that. She further noted if no tourist, then a decision on a real estate increase would have to be made.

Ms. Sadler asked Ms. Day if she had figures on the lost revenue with the closure of Busch Gardens.

Ms. Day said she did not.

Mr. Stevens noted it was not business-specific information, but more global information.

Ms. Day noted that typically was proprietary information.

Mr. Icenhour asked if any additional follow-up had taken place. He noted Busch Gardens was approaching Governor Northam on a phased reopening plan for the summer. Mr. Icenhour further noted the discussion was in conjunction with Kings Dominion's approach.

Mr. Stevens noted no additional follow-up this week, adding he had email correspondence the previous week with Mr. Kevin Lembke, President of Busch Gardens Williamsburg. He noted Mr. Lembke indicated they were making progress but had no plan at this time for the specifics of reopening or timeline. He further noted Mr. Lembke indicated representatives from both parks were on state-level committees and felt their concerns were being heard. Mr. Stevens noted on a local level, Busch Gardens was working with the local health department and staff on safety practices in preparation for reopening.

Mr. Hipple noted a soft reopening happening sooner than later. He noted the number of park attendees needed for Busch Gardens to reopen due to its size. Mr. Hipple noted the soft opening might include some barber shops and some restaurants, but further noted his frustration that some places were open and others not. He stressed the importance of safety and distancing, but noted a slow reopening could be done.

Ms. Sadler agreed with Mr. Hipple. She noted personal responsibility and creativity in reopening and getting things moving.

Ms. Larson noted her frustration at what she felt was a lack of a plan. She further noted the health concern component, but questioned discussion on the federal funding. Ms. Larson

noted even if an amount was unknown, a plan with information from localities and their needs would be available. She further noted that could be happening but no one had heard about it. Ms. Larson noted an email from VACo asking what is the plan. She questioned preparation regarding a possible second round in the fall and the impact to County residents already. She noted some people were continuing to do well during the pandemic while there were others who were not. Ms. Larson asked what was the Litmus test on whether the County closed for the fall and to have a plan in May if that became a reality. She then asked if instead the closure had been to allow hospitals to be prepared with sufficient equipment. Ms. Larson referenced the 1918 flu, the lack of a vaccine for COVID-19, and the power of the virus. She noted the need for a plan moving forward and where to get the best answers. Ms. Larson further noted the people in Richmond could have a group working on helping now while another group worked with localities for future planning. She asked how those answers could be obtained. Ms. Larson noted a possible task force so that if another shutdown occurred in the fall, what would be the future plan.

Mr. Stevens noted the collective frustration of those involved and the lack of information. He further noted other County Administrative Officers (CAOs) in neighboring localities were asking the same questions and seeking information. Mr. Stevens noted the VACo and VML representatives in Richmond had told the CAOs the best way to get information to the state was through VACo and VML. He further noted the lack of information flow and added he had been told of a number of taskforces to gather statewide information. Mr. Stevens noted Mr. Lembke was on one taskforce. He further noted he was unsure of the number of taskforces or their respective agendas, but he would inquire about them.

Ms. Larson said yes.

Mr. Stevens noted localities had been in an emergency response mode for several months and answers for the future were not there. He further noted the frustration and uncertainty, but added the push to continue to gather information would be ongoing. Mr. Stevens noted in reference to the budget, depending on which percentage the Board adopted, it would be monitored closely due to lags. He further noted not much spending would occur even with a July 1, 2020 adoption. Mr. Stevens noted any spending would be with Board approval and that would probably be the case through at least the first half of the next year. He further noted that was true of any budget once it was adopted; it had to be monitored closely. Mr. Stevens noted reports could be generated, but even with a July budget adoption, some milestones would be available, but there would a longer timeline on the shared revenues impact. He noted a very cautious approach moving forward.

Ms. Larson noted her appreciation of that point. She further noted slow and steady was the way to go, but emphasized planning and information.

Mr. Stevens addressed Ms. Larson's question on hospitals and equipment noting the County was in better shape today than three weeks prior with personal protective equipment for its first responders and staff. He noted the delay had allowed a chance for catchup with the supply chains. He further noted continued conversations with the hospitals in terms of their supplies and bed availability. Mr. Stevens noted the County was in better shape should the number of cases rise with the reopening and the medical community was also from two months prior.

Ms. Sadler asked Mr. Stevens if the County was relying on the state for plans at reopening or were local plans in place.

Mr. Stevens noted the County was following the state's order and Governor Northam's restrictions. He further noted localities could be more restrictive than the state, but no authority to be less restrictive. Mr. Stevens noted that as the Governor allowed less restrictions for

businesses across the state that information would be shared with local businesses. He further noted the County working with the businesses in the reopening plan and compliance with the Governor's plan.

Ms. Sadler asked if the state was supplying that information to the County now.

Mr. Stevens noted it was being received at the press conferences as the public and businesses were also receiving it.

Ms. Sadler asked if the press conference information was the only way the County was informed.

Mr. Stevens noted that was correct.

Mr. McGlennon noted in the Governor's May 4, 2020 press conference that all that information would be coming out with regards to each particular enterprise, like a bowling alley versus a hair salon, would deal with safety concerns.

Ms. Larson noted contact from a community nonprofit organization regarding specific written guidelines for fundraisers. She further noted information for the nonprofit sector whether from the Board or the state.

Mr. Stevens noted he would check. He further noted he was not sure it would be nonprofit specific, but rather focused on activities and gatherings. Mr. Stevens noted if any group had specific questions to call the County for assistance to better understand the state requirements. He further noted criteria for gatherings as the phased reopening occurs.

Ms. Larson thanked Mr. Stevens.

Mr. Icenhour noted the Community Center on Waller Mill Road had been completely closed down and other groups were helping to carry the load of facility shutdowns. He also noted the importance of guidelines from the state for nonprofit groups.

Mr. Stevens noted plans were being developed, but were not ready yet. He further noted he would gather the requested information.

Ms. Larson asked about restrictions such as wearing masks in County establishments.

Mr. Stevens noted he would confer with the County Attorney. He further noted the County could have stricter guidelines than the state, but not less strict guidelines.

Mr. Hipple noted a plan for James City County needed to be in place when it reopened. He further noted the plan needed to be available for citizens to know timelines and specifics. Mr. Hipple noted the 20% scenario and where the County might be in September in terms of adjusting the budget. He further noted planning for the worse and hoping for the best. He expressed his frustration regarding the lack of a plan. Mr. Hipple noted James City County should be the leader in developing a plan for reopening with the how and what when the time came.

Mr. McGlennon noted even if James City County had a plan the surrounding counties may not.

Mr. Hipple noted that was okay. Mr. McGlennon disagreed. He cited confusion with different plans in surrounding areas. He noted the work of business leaders on taskforces in Richmond and funding allocations.

Mr. McGlennon noted \$6.7 million was the funding that was to have come from the CARES Act, as reported by National Association of Counties (NACo). He further noted it was reimbursement for directly related COVID-19 expenses. Mr. McGlennon noted it was unlikely the County would have directly related COVID-19 expenses of that amount. He further noted the state's difficulty in obtaining information from the U.S. Treasury Department on what constitutes a reasonable expense. Mr. McGlennon noted the exceptional uncertainty surrounding the Board's discussion and current events.

Mr. Hipple noted that was why a plan was important. He further noted he was not counting on any money until it came.

Mr. McGlennon referenced a recent survey stating 82% of people did not feel comfortable going out to a restaurant.

Mr. Hipple noted that was okay; they did not have to go. He further noted a phased opening with a plan.

Discussion ensued on Governor Northam's reopening timelines, tracers for determining hot spots, and the lack of information shared with locality leadership.

Ms. Sadler noted her agreement with Mr. Hipple to take the hard road and if the course changed, then make adjustments where needed such as the schools. She further noted taking the tough position now to possibly give back later.

At approximately 5:26 p.m., the Board recessed for a short break.

At approximately 5:33 p.m., the Board reconvened.

Mr. Icenhour noted the Board's direction for staff regarding the budget. He further noted after staff reworked the budget that the Board still needed to review the CIP list on an individual project basis. Mr. Icenhour proposed the Board reviewed those items at the May 26, 2020 Work Session, before the June 6, 2020 budget adoption.

Ms. Larson asked if that was enough time for staff.

Mr. Icenhour inquired if that was so.

Mr. Stevens replied yes.

Ms. Day noted a technical correction so the Board had the correct numbers for its decision. She referenced Mr. Hipple's comment on Slide No. 8 and the correct amount was \$194,428 under the 10% scenario. Ms. Day noted an incorrect number was in the transfer to Capital Project Fund amount under the 10% reduction. She further noted the incorrect number was \$8,314,290, but stated the correct number was \$5,314,290.

Mr. Icenhour thanked Ms. Day for the clarification.

Mr. Hipple asked about the 50-50 split in the budget for the County and the School Division in Slide No. 1 instead of the 52%-48% split.

Ms. Day confirmed that was correct.

Mr. Icenhour asked if that was for the current year.

Ms. Day confirmed yes.

Mr. Hipple noted the 20% scenario and some concerns. He further noted he was in favor of the 15% scenario. Mr. Hipple inquired about the School Division's allocation.

Ms. Day noted it was how the money was appropriated, but further the County Attorney could confirm. She further noted if the appropriation was done in its entirety at the budget adoption, then that was correct. Ms. Day noted the Board had the option to appropriate monthly, quarterly, or some other frequency which allowed for adjustments to be made.

Mr. Hipple noted his concern if one lump amount was given to the School Division and then the possible need for adjustments and funding. He further noted this was not a school issue, but a numbers issue. Mr. Hipple noted the flexibility of this approach. He further noted support of the 15% scenario and wording to protect the funding source should the need arise.

Ms. Day noted the FY 2021 scenario factored in a 52%-48% split, but that FY 2020 had been a 50%-50% split. She further noted the difference was approximately \$150,000 and detailed the School funding.

Mr. Hipple thanked Ms. Day.

Ms. Larson asked Ms. Day and Mr. Stevens if they were still looking at the 5% scenario.

Mr. Stevens noted the 5%-10% range, but added the 10% was probably a better choice in terms of a conservative approach.

Ms. Day agreed with the 10% scenario based on updated information.

Ms. Larson noted the reality of the list and the impact of a park closure for a day versus a school classroom size. She further noted once the School Division received its allocation, then it decided on what projects were affected. Ms. Larson noted the real hit the School Division would take, but cited the economic difficulty being faced. Ms. Larson asked the total 10% decrease to the School Division's budget.

Ms. Day noted \$11.2 million.

Ms. Sadler asked if that was for schools.

Ms. Day confirmed that it was for schools at 52%. She noted another option, besides quarterly allocation or another interval, was a different split between CIP and Operations. She further noted the School's CIP budget was fully appropriated by the County as part of the County budget and some of that could be withheld as possible reduction.

Mr. Icenhour asked about the incremental allocation. He noted it might be an idea to do for the County also and not just the School Division. He asked how that would impact the County's operations pro and con and if that was a consideration.

Mr. Stevens noted he would need to think that through, but on the school side, he would contact the Superintendent to see if quarterly appropriation would have an impact. He further noted he was unsure of staffing and contractual obligations. Mr. Stevens noted on the County side, the Board could amend the budget at each meeting. He further noted what was appropriated to the school remained, but what was appropriated to departments in the County could be adjusted at each meeting.

Mr. Icenhour noted the bulk of the school budget focused on personnel. He further noted the impact regarding teacher contracts.

Ms. Day highlighted certain budget items, such as debt service payments, were required annually by the bond covenants to be appropriated in their entirety. She noted some contracts had appropriation disclaimers, but was unsure if that applied to personnel contracts.

Discussion ensued on budget concerns and impacts to the school and County.

Ms. Sadler asked if there were plans to reopen the schools.

Mr. Stevens noted he had not heard of a reopening date. He further noted there was no confirmation on a fall reopening, but added the need to educate.

Ms. Larson noted a larger CIP reduction on the school side to get more money on the operating side. She further noted a forecast. Ms. Larson noted the localities have stepped in and stepped up in assisting schools. She further noted the Commonwealth needed to stand with counties to assist in bridging the gap with 2009 funding. Ms. Larson asked if 2021 had no closures what the long-term financial plan on when some deficit would be recouped.

Ms. Day noted ongoing conversations with the schools. She further noted the schools were having conversations with the state regarding lower funding amounts. Ms. Day noted the school budget was being impacted on the local, state, and federal levels. She further noted FY 2020 had full funding appropriation to the schools with \$3.9 million being requested back. Ms. Day noted \$2 million of that amount had been returned in the past two weeks. She further noted the good faith effort as well as collaboration between the two Boards. Ms. Day noted the school appropriation was on a cash reimbursement basis. She further noted that even the County appropriated 52% of the budget, the full amount is not paid in July, but instead monthly as needed to cover the school expenses. Ms. Day noted the summer months typically had lower payroll expenses so reimbursement to the schools would be less. She further noted the cycle reversed as school started, typically the cash demands increased. Ms. Day noted that allowed the County to hold on to the cash and get interest on it which helped the County from a cash flow standpoint.

Mr. McGlennon noted elimination in the school budget for proposed pay raises for the upcoming year. He further noted it was a significant amount of money.

Ms. Day confirmed yes and added it was approximately \$3 million.

Discussion ensued on education, teacher pay, and the impacts.

Ms. Sadler noted the difficulty in making hard decisions in such an unknown scenario.

Mr. McGlennon noted the fiscal crisis before them, though a different one from the recession where property values were impacted. He further noted that led to a rise in the tax rate. Mr. McGlennon noted the work of the staff and the value of County employees. He recommended the 10% scenario. Mr. McGlennon noted the difficulty of making some of the decisions before them, particularly ones addressing public health. He further noted strategically reviewing sources of financial aid, personnel salary increases, as well as another review in the upcoming month.

Mr. Icenhour referenced his military days citing the adage of 'do more and more with less and less until you were qualified to do everything with nothing.' He noted the many unknowns and the need for due diligence with the best guess that staff had provided. He further noted Slide No. 9 with the County and School expenditures with the 52-48% split in Operations and Capital. Mr. Icenhour noted a significant hit at 10% to the County's CIP category, with additional hits at 15% and 20%. He further noted the ability to look at the CIP and funding as

needed. Mr. Icenhour noted the School budget took its hit in the operations, but there was \$3 million in CIP projects as potential revenue and the combined \$7 million between those two areas. He further noted the impact of the tourism revenue deficit and his decision to go with the 10% scenario. Mr. Icenhour noted the community's concern about emails regarding the Board and the School Board, but further noted both groups worked well together. Mr. Icenhour noted the 10% scenario offered some flexibility in addressing CIP projects and incremental funding without adversely affecting more critical areas. Mr. Icenhour asked each Board member to give the percentage he or she preferred along with guidance to staff.

Ms. Larson asked if the School Board would help with the communication piece regarding the reserves. She asked Ms. Day if she had spoken with Ms. Rene Ewing, Chief Financial Officer.

Ms. Day confirmed yes, noting Ms. Ewing understood as they were both in the same field.

Ms. Larson noted Ms. Ewing speaking with Dr. Olwen Herron, Williamsburg-James City County (WJCC) School Board Superintendent, regarding the request from several citizens and the Board's decision on the reserves. She further noted the decision was based on staff recommendation.

Ms. Sadler asked if school appropriation could be scheduled on a quarterly or alternate schedule.

Ms. Day confirmed yes. She noted the County contributed approximately \$112 million of which \$15 million was debt service. Ms. Day further noted the \$15 million would have to be fully appropriated, but the balance could be appropriated on an alternate frequency.

Mr. McGlennon asked if that meant contracts could be issued without appropriated funds.

Ms. Day confirmed yes

Mr. Stevens noted he would confirm with Dr. Herron.

Ms. Sadler questioned how to appropriate quarterly with contracts.

Mr. Hipple noted the contracts were tied to the appropriations. He further noted Mr. Stevens and Dr. Herron could review which items would work under alternate appropriations. Mr. Hipple noted reviewing percentages while not having a negative impact on the schools. He further noted watching out for everyone's money, asking tough questions that impact people's lives, and being cautious. Mr. Hipple noted the importance of funding and the ability to manage. He cited the business impact locally and nationally such as the chicken industry and the recovery time even with partial reopening. Mr. Hipple noted he was in favor of the 15% scenario.

Ms. Sadler noted the uncertainty surrounding the small business and tourism impact, she was in favor of the 15% scenario. She further noted the tough decision now for possible funding later when things change.

Ms. Larson noted she was leaning more toward the 10% scenario and liked the idea of the check-in to review additional changes if needed. She further noted her concern for the timeline and no plan, but added she took Ms. Day's recommendation. Ms. Larson noted if things did not change, the 15% scenario or worse looked likely.

Mr. McGlennon noted there were some things out of the Board's control like the state mandate on school closings. He further noted the Board did have control in encouraging citizens to practice better behavior in being proactive with protection such as wearing masks,

distancing, and such to avoid an increased spread of the disease in the fall. Mr. McGlennon noted more information would be available in the coming weeks, but for planning purposes he recommended the 10% scenario.

Mr. Icenhour noted he preferred the 10% scenario. He further noted the guidance to staff would be 10%. He noted the check-in was an essential part of this process. Mr. Icenhour noted a significant amount of time to review the CIP list at the May 26 Work Session with input from staff. He further noted reaching out to staff with any questions prior to that meeting.

Ms. Larson asked Ms. Day if there would a point where the County would need to consider using the reserve.

Ms. Day said yes there would be some circumstances where she would make that recommendation to the County Administrator and up the line. She noted it might not be a percentage scenario, but rather a timeline impact and the line items. She further noted a daily review of the state revenue. Ms. Day noted there had not been any real reduction to the state revenue, but she added that the state funding to localities had been reduced in previous years. She further noted some unknown factors today that could impact tomorrow. Ms. Day recommended at the Work Session that the Board have the CIP list with the Pay Go versus Debt Funding listed for the respective projects. She noted most of the projects discussed tonight were Pay Go projects. Ms. Day noted only \$3.8 million of the \$7.1 million School projects were Pay Go. She further noted for every \$1 million borrowed, there is approximately \$100,000 of debt service, Ms. Day noted she could present the projects that way to show savings, but that it was not dollar for dollar. She further noted savings on the delay or deferral of Fire Station 6 which was currently not factored in as it was not a Pay Go project.

Mr. McGlennon asked Mr. Stevens what was happening in other localities.

Mr. Stevens noted similar discussion regarding frustration on a forward plan. He further noted a mixed reaction on giving raises or not as well as a 5-10% budget range. Mr. Stevens noted more information would be known in the coming months. He further noted a 5% reduction was in place for York County and he would confirm the budget adoption date. Mr. Stevens noted with all the unknowns, the other localities knew modifications would need to be made.

Mr. Icenhour noted prior to moving ahead on the agenda, he had a notice to read. At the Board's meeting on April 14, 2020, a motion was made to appoint Mr. Brandon Nice to a term on the Economic Development Authority that would expire on March 31, 2021. He stated that it had come to his attention that this would be to fulfill the remaining portion of an unexpired term, so the expiration date should instead be May 31, 2021, and he would entertain a Motion to Amend Mr. Nice's term to expire on May 31, 2021 instead of March 31, 2021.

A motion to Amend Brandon Nice's appointment to the Economic Development Authority for the expressed term as noted 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.

D. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler asked if Mr. Chris Johnson, Director of Economic Development, was available and if so could he address the Board.

Mr. Stevens confirmed yes to both counts.

Mr. Johnson noted, at Mr. Stevens's request, he had done some analysis to investigate what surrounding localities have been doing in response to relief for small businesses during the pandemic. He further noted the City of Williamsburg City Council had recently adopted a COVID-19 business grant program that would be funded with \$1 million from its Tourism Development Fund. Mr. Johnson detailed the criteria for businesses, and noted they were on a first come, first serve basis. He noted a comparison between the City of Williamsburg and James City County in number of businesses, adding the City had roughly 800 business licenses while the County has 5,400. Mr. Johnson noted the challenges of scaling a similar program to the County presented numerous challenges including funding. He further noted the City of Newport News and the City of Hampton through their respective City Councils and Economic Development Authorities (EDAs) had put forward money in the sum of \$500,000 in the past few weeks. Mr. Johnson noted resiliency grants in the City of Newport News and forgivable loans in the City of Hampton with unique criteria, but few restrictions on how the funds could be used. He further noted the recent correspondence addressing the Greater Williamsburg Partnership and its coordination with the Williamsburg Community Foundation to create a Greater Williamsburg Small Business Relief Fund in partnership with the EDAs of James City County, York County, and the City of Williamsburg with seed money of \$10,000, split between the three localities. Mr. Johnson noted equal matches had been received over the past 10 days from Chesapeake Bank as well as several Williamsburg Community Foundation Trustees. He further noted that fund had over \$30,000 to date to be used as forgivable loan grants administered through the Virginia 30 Day Fund for businesses in the three localities. Mr. Johnson noted the Virginia 30 Day Fund was created by Mr. Pete Snyder, an alumnus of the College of William & Mary. Mr. Johnson further noted in the three weeks since the Fund had launched, over \$800,000 had been raised for direct assistance to over 135 businesses, including several in the County. He detailed the application and funding process, noting a three-day processing time for businesses with \$3,000 in forgivable loans. Mr. Johnson noted this amount in conjunction with federal assistance for businesses.

Discussion ensued.

Ms. Sadler noted she had spoken with Mr. Johnson about assistance to small businesses in the County. She further noted the businesses invested in the County and helping them during this time. Ms. Sadler noted a \$500,000 donation to the Virginia 30 Day Fund would go to 166 businesses in James City County.

Mr. Johnson confirmed the money could be designated for County businesses. He explained the destination attachment to funding. Mr. Johnson noted if the Board authorized the donation, the Board could then specify criteria for that money's use for those businesses. He further noted while the Virginia 30 Day Fund was distributed throughout the Commonwealth, specific localities could designate criteria within their localities for local businesses.

Ms. Sadler asked Mr. Stevens how the funding would work in this situation.

Mr. Icenhour asked the number of local businesses.

Mr. Hipple noted 166.

Mr. Johnson noted with the suggested sum of \$500,000 at \$3,000 per business, 166 businesses would benefit.

Mr. Stevens noted the funding, if the Board chose to move forward, would be more difficult in FY 2021. He further noted savings in the current year (FY 2020) could be used without using the fund balance. Mr. Stevens noted this information could be presented at the next Board meeting.

Ms. Sadler noted she would want to know more about this year's budget impact. She further noted the need to support local businesses now.

Mr. McGlennon noted his reluctance to turn money over to an outside organization. He further noted accountability and cited 166 out of 5,400 businesses was not a large target impact. Mr. McGlennon noted another option was to address tourism and the establishment of grants to help restaurants and hotels with sanitization programs. He questioned the source of the money and rolling that amount into the next year's budget.

Ms. Sadler noted she heard Mr. McGlennon's concerns and possibly those types of County businesses could be helped through this program. She further noted problems the County may face in implementing a program like this on its own. Ms. Sadler noted this particular program was already in place and assisting businesses. She further noted she felt strongly on this point and wanted to help in any way.

Mr. Icenhour noted the maintenance of money effort from localities for tourism. He further noted reaching out to the Tourism Council as a funding source. Mr. Icenhour noted James City County's annual contribution was \$740,000.

Ms. Larson noted that annual amount went to the Greater Williamsburg Chamber and Tourism Alliance and that the Tourism Council had no vote on it. She further noted speaking with it, but added legislative restrictions.

Mr. Icenhour noted if the Alliance would be willing to contribute to this effort in support of the business community and tourism industry.

Ms. Larson noted she would follow up with them. She further noted reviewing the feasibility of a plan. Ms. Larson noted the difficulty for businesses with limited cash flow to stock supplies such as face masks. She further noted the need to assist local businesses.

Mr. Hipple noted he was fine with a review of the different options for funding. He further noted some companies might close down, but the funding was limited.

Mr. Icenhour noted five weeks earlier the County, which comprised less than 1% of the state's population, had 7.9% of the cases with 13.6% of the deaths. He further noted, as of today, the County was less than 1% of the cases and approximately 2% of the deaths. Mr. Icenhour noted the success of the programs and credit to citizens for observance of social distancing and other criteria. He further noted less optimism on the state level with week-to-week increases in cases and deaths.

Ms. Larson noted increased testing and changes in the reporting yet the numbers were increasing. She asked how a clear statistic could be determined.

Mr. Stevens noted Governor Northam had addressed statistics regarding comparisons and other factors. He further noted more data available on the state's website for locality breakdown.

Ms. Larson noted her surprise at the rate of the virus, but added the need to get precautionary information out to citizens for potential upcoming travel.

Mr. Hipple noted the changing times and online education. He thanked the School Board and staff for the tough decisions on revenue.

Ms. Larson noted she had reached out to Dr. Herron regarding the student meals provided by WJCC. She further noted the involvement of other organizations in providing meals whether

through delivery or some other way. Ms. Larson expressed her appreciation for everyone's help with the meals. She noted Dr. Herron had said 45,000 meals had been prepared and served by various staff groups at four school sites.

Mr. McGlennon asked Ms. Larson if she knew what arrangements were when school ended.

Ms. Larson noted in the past WJCC schools had not qualified for federal lunch programs, but was unsure. She further noted that information could be requested. Ms. Larson also noted area church involvement. She further noted the recent VACo meeting via Zoom with workforce and COVID-19 updates. Ms. Larson noted the annual VACo conference was still slated for November 8-10, 2020, but will provide updates as needed including a new location site as The Homestead was undergoing renovation. Ms. Larson thanked Delegate Amanda Batten for participating on the VACo call.

Mr. McGlennon noted the Greater Peninsula Work Force Board had allocated some federal funding to area localities, including six James City County businesses in preparation for reopening.

E. CLOSED SESSION

None.

F. ADJOURNMENT

1. Adjourn until 5 p.m. on May 12, 2020, for the Regular 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 6:56 p.m., Mr. Icenhour adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 12, 2020
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 - via phone
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

Mr. Icenhour requested a motion to allow Ms. Sadler to participate remotely for the meeting, due to an ongoing medical condition which did not allow her attendance.

A motion to allow Ms. Sadler to participate remotely was made by Michael Hipple, the motion result was Passed.

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

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

Ms. Sadler acknowledged her presence on the phone.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mr. Hipple led the Board and the citizens in the Pledge of Allegiance

E. PRESENTATIONS

None.

F. PUBLIC COMMENT

None.

None.

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:

- January 2, 2020, Organizational Meeting
- January 25, 2020, Board Retreat
- April 14, 2020, Regular Meeting
- April 21, 2020, Budget Work Session

Mr. Icenhour noted a technical date correction was made to one set of meeting minutes.

2. Resolution of Chesapeake Bay Preservation Ordinance Violation at 2618 Chickahominy Road

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. Resolution of Chesapeake Bay Preservation Ordinance Violation at 2640 Chickahominy Road

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

H. PUBLIC HEARING(S)

Mr. Icenhour acknowledged Mr. Jack Haldeman, Planning Commission Representative, in the audience.

1. Case No. Z-20-0001. Norge Center Proffer Amendment

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

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

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

Mr. Brett Meadows, Planner, gave an overview of the staff report and Ordinance included in the Agenda Packet. In conclusion Mr. Meadows stated he would be happy to answer any questions.

Mr. McGlennon inquired if this was Mr. Meadows' first presentation.

Mr. Meadows replied yes.

Mr. McGlennon welcomed Mr. Meadows.

Mr. Haldeman stated the Planning Commission enthusiastically and unanimously recommended approval of the application. He remarked that in addition to all the staff points there would be a significantly lower amount of traffic, as opposed to originally when it was a Farm Fresh grocery store, and applauded the repurposing of an existing building. He further stated a Commissioner suggested shrinking the size of the parking lot and adding greenspace, to which the applicant agreed.

Mr. Icenhour referenced the recent removal of the previous Farm Fresh gas pumps and expressed his delight for reducing the parking lot scale and adding greenspace.

Mr. Icenhour opened the Public Hearing.

1. Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP, on behalf of Chesapeake Bank, introduced Mr. Leigh Houghland, Chesapeake Bank Regional Executive, as well as Mr. Tom Tingle, Project Architect. He commented this was a great reuse of an abandoned grocery store building for all the reasons previously stated. He clarified that the initial construction was all interior, with discussion regarding the parking lot and landscaping to come in the second phase of the project.

Ms. Larson referenced the initial interior construction and second phase of landscaping and stated any improvements were greatly appreciated.

Mr. Hipple noted his banking institution was Chesapeake Bank to which he had no ownership and inquired if this created any conflict.

Mr. Kinsman assured Mr. Hipple that it did not create a conflict.

Mr. Hipple briefly discussed his experience as a satisfied customer dealing with Chesapeake Bank.

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

2. Case No. Z-19-0003. Ford's Colony Proffer Amendment

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. Alex Baruch, Acting Principal Planner, gave an overview of the staff report and Ordinance included in the Agenda Packet.

Mr. McGlennon referenced the proposed bike lane on Longhill Road and inquired about an alternative being offered.

Mr. Baruch replied the Longhill Corridor Study showed a multiuse path on Longhill Road. He briefly discussed Ford's Colony providing a dedication during the Phase III portion of the corridor improvements for dedication of property that it owns.

Mr. Haldeman stated the Planning Commission unanimously recommended approval of this application. He noted discussion regarding a bike lane and a multipurpose lane being two different things. He referred to conversation regarding safety concerns for bikers, pedestrians, and strollers. He remarked a lot of public input was compiled into the Longhill Road Corridor Study at the time it was laid out and these concerns were all addressed. He mentioned another concern being if density could be transferred among the four parcels. He noted the answer was no, at least not administratively, it would have to come back for another proffer amendment.

Mr. Icenhour opened the Public Hearing.

1. Mr. Drew Mulhare, General Manager of Ford's Colony at Williamsburg Homeowners Association (HOA), introduced Ms. Susan Tarley, Tarley Robinson PLC, in the audience. He referenced a memorandum regarding Ford's Colony proffers and remaining undeveloped residential parcels. He stated approximately two years ago County staff contacted the Ford's Colony HOA expressing concern for proffers that were delinquent in regard to the required periodic traffic study. He briefly discussed conversations with staff reflected that no one entity remained that could represent the continuing Master Plan interest of

Ford's Colony and remaining multifamily parcels could potentially transfer density to the disadvantage of other parcel owners. He noted the HOA stepped up to address the changes necessary to the existing proffers to permit the orderly development of Ford's Colony as intended by the Master Plan. He commented an agreement was reached on all the issues submitted with the amended proffers. He referenced the staff report noting there are no unfavorable factors and the request does not change the gross density. He commented the existing proffers were primarily being updated to correspond with existing and remaining areas to be developed and requested approval of the amended proffers.

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

Mr. Icenhour stated he is a resident of Ford's Colony and could vote on this item without a conflict of interest.

Mr. Kinsman replied correct.

I. BOARD CONSIDERATION(S)

1. Establishment of a Full-Time Building Security and Custodial Services Superintendent Position

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

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

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

Ms. Joanna Ripley, Assistant, Director of General Services, gave an overview of the memorandum and resolution included in the Agenda Packet.

2. Skimino Creek Watershed Management Plan - Board Adoption

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

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

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

Ms. Toni Small, Director of Stormwater & Resource Protection, introduced Mr. Michael Woolson, Senior Watershed Planner, in the audience. Ms. Small gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon noted the amount of effort the County and staff have put into developing these plans over the years and is pleased to see them move forward.

Mr. Icenhour inquired if this was the seventh plan.

Ms. Small conferred with Mr. Woolson and replied the sixth.

Mr. Icenhour inquired if there were 11 watersheds.

Mr. Woolson replied there were eight that the County would have a plan on.

Mr. Icenhour referenced pervious cover in regard to watershed plans. He inquired about targets allowing the Board the ability to go to the sub-watershed and look at individual plans knowing what should be targeted.

Mr. Woolson replied it would depend on which plan was referenced, noting some contained

such data where others would be gotten from the geographic information system.

3. 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.

Ms. Larson explained her feelings regarding paid time off and appreciated efforts moving forward toward allowing sick leave to accrue in an effort to keep employees and their coworkers healthy.

4. Authorization and Appropriation for the Contribution to the Greater Williamsburg Small Business Relief Fund

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

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

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

Mr. Christopher Johnson, Director of Economic Development, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon stated he recently had conversations with Ms. Sadler regarding clarification noting his biggest issue with this proposal was there were no clear criteria beyond the ones that Mr. Johnson indicated. He further stated that Ms. Sadler spoke with the Director of the Virginia 30 Day Fund who indicated they would provide criteria beyond what is listed in the regional resolution. He briefly discussed the criteria and concluded he was pleased to see another set of criteria and know exactly the uses of that money going forward.

Ms. Sadler thanked Mr. McGlennon for this request and noted a criteria memorandum would be sent to the Board. She briefly discussed various elements of the criteria as well as conversation with the Director of the Virginia 30 Day Fund.

Ms. Larson expressed her appreciation to Mr. Johnson, Ms. Sadler, and colleagues for their efforts, noting it was important to work with local businesses to aid them in obtaining relief during this very trying time.

Mr. Icenhour referenced an email from the state regarding federal funding and noted the potential for reimbursement for COVID-19 expenses. He added this would be discussed in the following Board Consideration.

5. COVID-19 Reopening Guidelines

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

A motion to Approve the resolution authorizing the signature of the letter 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. Stevens stated there were several presenters in attendance prepared to give a short update.

Mr. Nate Green, Commonwealth Attorney, explained how the Commonwealth Attorney's (CA) Office has both adapted and adopted new policies in connection with dealing with COVID-19. He stated that his office has developed ways to continue to work safely while still perusing and protecting justice for the citizens and community. He commented his office has 19 positions with one of them currently not filled. He discussed an order issued by the Supreme Court on March 16, 2020, suspending the hearing of all non-essential cases. He explained that beginning May 18, the court can begin to hear non-essential cases if deemed safe to do so. He noted there are fewer cases going forward in the courtroom; however, there is a tremendous amount of work that goes into every criminal case before it ever enters the courtroom or gets called by the judge. He emphasized that work was not eliminated or suspended and the office continues to receive new cases. He discussed office staffing after the Supreme Court issued its Order and the Governor of Virginia (Governor) began to issue the Shelter at Home recommendation. He further discussed his going to courtrooms to handle cases that were still being heard and noted staff and attorneys worked at home preparing for those cases, emphasizing the work continues. He updated his office staffing situation and noted by the beginning of June the office strives to be working at a 50-50 split between staff working at their desks at home or in the office. He expressed his appreciation to Mr. Patrick Page, Director of Information Resources Management (IRM), and his staff, for working with the Commonwealth Attorney's Office extremely well and assisting with the access and ability for everyone to work from home with borrowed County laptops and Virtual Private Networks (VPNs). He stated this allowed staff the access to being at the office without actually being at the office. He remarked staff continued to work closely with judges to identify cases needing to be heard in the courtroom and declared we do not want a citizen to spend one single day incarcerated as a result of COVID-19. He commented if someone is incarcerated it is because justice calls for it, and not because we could not hear their case due to the pandemic. He concluded stating we have done a very good job staying true to that priority, the judges have worked wonderfully with us, as well as the Sheriff's Department doing a fantastic job of making sure the courtrooms, court ways, and courthouse are safe for everyone.

Ms. Larson expressed her thanks and inquired about 'time served' regarding cases whose hearings are delayed due to COVID-19.

Mr. Green discussed time served scenarios during the pandemic.

Ms. Larson inquired about client confidentiality concerns with employees working at home.

Mr. Green replied IRM did a wonderful job working with the CA's Office. He briefly discussed the process of setting employees up with County issued laptops and VPNs in order to maintain security.

The focus shifted to the Police Department and Chief Brad Rinehimer approached the Board to give an update.

Chief Rinehimer stated in regard to equipment the Department was doing great, noting previously scarce Personal Protective Equipment (PPE) items were recently more available. He referenced Calls for Service and reported an overall decrease; however, calls such as domestic assaults and mental health issues had increased. He commented crime offenses in general were consistent with no increases or decreases. Chief Rinehimer commented that currently the vast majority of Officers work the roads and respond to calls, noting a less proactive approach in some enforcement measures until transitioning back into a more normal

life. He announced this was National Police Week noting usual events had been postponed or cancelled due to the pandemic. He asked to please keep in mind the +22,000 Police Officers who have died in the line of duty in our country; and also to pray for Fallen Officers families as well as all Law Enforcement Officers as we move forward.

Brief discussion regarding speeding violations ensued.

Mr. Hipple inquired about domestic and alcohol related calls due to everyone being home bound.

Chief Rinehimer replied yes, domestic violence calls were up 14% over last year with mental health calls having a larger increase.

Mr. Hipple mentioned citizen's concerns regarding Police patrolling gatherings.

Chief Rinehimer replied most issues responded to are due to complaints; however, if an Officer happens to notice a violation he/she will attempt to educate those involved.

Mr. McGlennon expressed his appreciation to Chief Rinehimer for the reminder concerning National Police Week and emphasized the importance of recognizing the service and sacrifices made by Police Officers locally and across the country. He inquired about anticipation regarding situations where possible conflicts could arise due to protocol not being followed, such as the wearing of a mask in an establishment.

Chief Rinehimer replied he hoped there was no such need, but anticipated that potential and noted they were of the mindset to educate as much as possible.

Ms. Sadler expressed her gratitude to Chief Rinehimer for his service and asked that he express thanks to all the men and women who serve in an effort to keep the community safe.

Ms. Larson expressed her thanks for the update and inquired about the future of community policing programs temporarily on hold.

Chief Rinehimer replied Zoom presentation technology had been utilized, for instance, in an effort to reduce scams especially in regard to COVID-19 situations. He commented that Community Service Officers were staying in touch with the community and business leaders and responding to issues as they arose.

Ms. Larson inquired about procedures handling mental health calls.

Chief Rinehimer replied mental health calls are constant and Officers deal with people that are in mental crisis daily. He commented procedures for those situations remain the same. He emphasized the Officers' goal was to try and obtain the professional help that the individual needed without them being arrested if possible.

Discussion ensued on safety supplies on hand while moving forward through the pandemic.

Ms. Larson expressed her appreciation to Chief Rinehimer and the entire Police Department for the jobs they do for the community.

Mr. Stevens stated Fire Chief Ashe was in attendance and noted there would not be a presentation; however, he was available for any questions from the Board.

Ms. Larson asked for an update regarding PPE.

Chief Ashe stated that back in March 2020, PPE was a big struggle, and since that time the Department had been successful in acquiring PPE from a number of different sources. He briefly surmised the Department history of ordering supplies, concluding that currently the stock was at a comfortable level with the number of N95 Respirators, gowns, and gloves. He mentioned supplies were available in a normal timeframe and efforts were made to continue maintaining the ample inventory moving forward.

In conclusion of this segment of the presentation Ms. Larson expressed her gratitude to Chief Ashe and the Fire Department for all they do for the community.

Mr. Stevens introduced Ms. Rebecca Vinroot, Director of Social Services, to provide an update to the Board.

Ms. Vinroot began her presentation stating the most basic need is food and commented the community response has been outstanding. She noted several local nonprofits had hit the ground running and provided a tremendous supply of food to those in need. She remarked there were new faces seen and interrupted that to mean the word has gotten out. She briefly discussed food pickups as well as deliveries for those who are unable to get out. She noted the school system had partnered for pickups and deliveries to motels and neighborhoods where needed. She emphasized the food supply needs to continue, noting a large distribution at Busch Gardens Williamsburg and an upcoming distribution with the Salvation Army in May. She commented information regarding these distributions was getting out to the public and briefly discussed Pandemic EBT, a new program coming in June for students who receive free and reduced price lunches through the schools. She discussed housing and shelter issues and noted collaboration between community partners on a case-by-case basis. She mentioned additional emergency shelter funds recently received in the amount of \$10,000 with the intent being to pay for hotels and noted possible funds in July that will help individuals pay for rent and utilities. She referenced the Seniors Wellness Calls Program was going well and had been a great collaboration with the CONECT (Community, Outreach, Network, Educate, Care, Thrive) Program and Crosswalk Community Church. She remarked staff continued to reach out and provide information with volunteers making over 130 calls with a lot of good connections. She noted other providers were regularly taking care of their seniors and extended appreciation to the Library for making staff face shields for nursing homes, assisted living facilities, Olde Towne Medical, home visit staff, and various providers. She referenced area child care facilities being open for business and stated child care assistance information was currently available on the County website. She further stated Olde Towne Medical and Dental Center was open by appointment only in an effort to reduce office traffic during the pandemic.

Mr. McGlennon referenced a program associated with the Supplemental Nutrition Assistance Program (SNAP) and inquired if \$376 was for the entire summer before school starts up again and was it targeted for the children.

Ms. Vinroot replied yes, she believed it was a calculation based on the number of days they were not physically in the building. She commented that prior to the pandemic there was talk about a summer SNAP program but did not know the current status. She further commented staff had received almost 500 new applications for SNAP since March 16 and briefly discussed the allotment.

Mr. McGlennon inquired about testing for workers and children in child care centers.

Discussion ensued regarding funding available for testing of essential workers.

Ms. Larson inquired about a website for individuals who want to help and contribute but do not know how. She inquired about enrollment for school children new to the community, and

expressed concern with schools being closed there was no opportunity for families to apply for the free and reduced price lunch program.

Ms. Vinroot replied the SNAP program was through the local school division and briefly discussed where information could be obtained.

Discussion ensued regarding a balance between summer programs and community partners to feed school age children.

Mr. McGlennon recognized the burdens an entire Social Services Division encounters during a time of pandemic.

Ms. Vinroot expressed her appreciation and praised staff for working throughout the pandemic with the use of the VPNs allowing the opportunity for teleworking, combined with staff in the office.

In conclusion of this portion of the presentations, Ms. Larson expressed her thanks and commented some of the work dealt with had to be heavy in the heart.

Mr. Stevens shifted the focus and introduced Mr. John Carnifax, Director of Parks and Recreation, to give the Board an update.

Mr. Carnifax stated that April 1, 2020, the Department furloughed 78 part-time employees and currently have 52 full-time positions with two vacancies. He commented there is staff working at the landfill, convenience centers, and out in the parks. He further commented most of the Recreation Center staff has been working at General Services or in the parks monitoring, educating, and/or breaking up gatherings larger than 10 individuals. He explained trail usage is up on all of the trails, ranging from 52-148% more than this time last year. He further explained the weekly procedure referencing the Executive Orders and bench marking with local communities, observing what departments around the country remain closed or have opened. He briefly discussed the upcoming Phase I opening of the short-stay campground, noting the Marina has remained open throughout the pandemic. He mentioned the upcoming Memorial Day weekend in regard to Jamestown Beach and potential patronage adhering to mandatory rules in place for safety reasons. He discussed Phase II on both the program side as well as the Recreation Center side. He noted it typically took two-three weeks for hiring and training staff. He further noted preparation work for some of the regulations that will be required, such as moving equipment at the Recreation Center in an effort to allow necessary space between equipment due to social distancing criteria. He concluded his presentation stating the County's role is in relation to an Executive Order by the Governor and what we can and cannot do.

Ms. Larson inquired specifically about James City County pools and the prospective regarding opening.

Mr. Carnifax replied unless the Governor changes something in Phase II, outdoor pools can be operated with a 50% capacity and separation requirement. He briefly discussed patron limitations in fitness areas and potential online registration for pool experiences. He stated the current plan is to open up when we get to Phase II, following the Centers for Disease Control (CDC) and Prevention Guidelines, the Governor's Executive Order, discussion with County Administration, and the Board.

Discussion ensued regarding safety equipment, fees, potential revenue, as well as bringing back some of the part-time staff as things start to reopen.

Mr. McGlennon acknowledged the hard work involved in this endeavor and felt it was

important to send a strong message to citizens that regulations are in place for public safety and public health.

Ms. Larson briefly discussed her personal experiences on area walking trails.

The Board expressed its thanks to Mr. Carnifax for his presentation.

The focus shifted and Mr. Stevens introduced Ms. Grace Boone, Director of General Services, to give an update to the Board.

Ms. Boone opened her discussion stating the main focus has been on safety. She noted supplying PPE, making certain buildings are disinfected, and providing the equipment to perform those tasks. She reiterated previous speaker comments regarding the hardship of locating hand sanitizer and disinfectant and commented currently inventory is in good shape. She expressed kudos to Ms. Bernadette Williams, Fire Administrative Coordinator, and the critical role she has played in obtaining much needed supplies. She remarked currently there are supplies on hand and a means for departments to order supplies through the employee portal on the County website. She noted a guideline that has been compiled on how to properly clean a work area and remove gloves without the risk of infecting yourself. She mentioned hand sanitation stations had been installed in most buildings and custodial staff had visited facilities twice a day concentrating on touch points and restrooms. She noted awareness of continuing that service as buildings are reopened and bringing employees back to ensure they feel safe. She mentioned working with Purchasing, Human Resources, and Parks and Recreation in an effort to ensure enough staff is available to continue to provide that service. She stated Facility staff had been extremely busy customizing numerous social distancing barriers at the parks and in the buildings as well as discussing adjustments to ventilation systems and other systems to keep the buildings healthy. Ms. Boone further stated the biggest surprise for many jurisdictions had been the amount of yard waste and trash coming into solid waste facilities. She briefly discussed an additional 2,300 customers at solid waste facilities compared to March and April 2019, with most debris dropped off at the Jolly Pond Road facility and noted each site has a social distancing barrier for staff protection. She discussed new procedures on the weekends reducing the influx of traffic into the convenience center and on Jolly Pond Road near the site. She expressed kudos to Parks and Recreation staff for the critical role they have played in keeping the services running. She mentioned Parks and Recreation staff voluntarily put together a fantastic training document that will be helpful moving forward. She remarked great work had been done on athletic fields since the suspension of sports as well as working with Mapping regarding a street sign app that rates sign conditions aiding in determining which signs need to be replaced first. She mentioned the Fleet Division was able to complete the upfit of the remaining Police vehicles, and had been working on process improvements. She noted the Stormwater Division has been working with Community Development and IRM on steps toward more online customer-friendly services for As-Built submittals. Ms. Boone mentioned the Capital Improvements Program (CIP) staff work had not stopped for the projects that were in the queue. She reported Administrative staff was keeping up with the PPE tracking and Recycling staff had not missed a beat. She took a minute to thank the General Services employees who work behind the scenes and continued to provide essential services, emphasizing her pride in the work done every day. In conclusion of her presentation, Ms. Boone thanked the entire James City County team, noting her appreciation for the support received when reaching out.

Mr. McGlennon endorsed Ms. Boone's thanks to staff and commented it was nice to see things being kept in great condition, with citizens ensured with the knowledge things are being well maintained and protected as they proceed out to County trails and into facilities.

Ms. Larson expressed her appreciation to General Services' staff for their diligent work and explained it could make a difference in what happens in the community and being prepared

moving forward.

Mr. Stevens shifted the focus and introduced Mr. Patrick Teague, Director of Human Resources, to give an update to the Board.

Mr. Teague provided an overview of a memorandum and PowerPoint presentation included in the Agenda Packet.

Mr. McGlennon expressed kudos to Mr. Teague for doing a great job releasing valuable information about the Employee Assistance Program, noting often times individuals do not realize the amount of stress they are under during times like these.

The Board expressed its thanks to Mr. Teague for his presentation.

In conclusion of the presentations, Mr. Stevens introduced Mr. Jason Purse, Assistant County Administrator.

Mr. Purse addressed the Board in an effort to obtain direction in regard to the reopening guidelines. He noted from a procedural standpoint that March 13, 2020, the County facilities were closed and March 17, 2020, the Board ratified that decision with an Emergency Ordinance which was re-ratified in April. He noted his and Mr. Stevens' desire this evening for the Board to concur with the phased reopening plan resolution, emphasizing this was a phased reopening plan to slowly bring staff back gradually and deliberately making sure to have a safe environment for staff and the public. He commented we will be following Orders from the Governor's Office and mimicking those of other businesses in the locality. He stated that next week a majority of staff would return to the office setting to begin the evaluation process and noted working with Ms. Boone and General Services to ensure availability of necessary safety equipment.

Mr. Stevens noted a late item previously mentioned to Board members that is related to federal money. He stated notice was received today that the Commonwealth was going to release 50% of the Coronavirus Aid, Relief, and Economic Security (CARES) Act locality based allocation on or around June 1, 2020. He further stated James City County's allocation is approximately \$6.7 million; therefore, we should receive approximately \$3.3 million in June 2020. He commented this funding cannot be used to replace lost revenues, but can be used for COVID-19 expenditures from March 1, 2020 to December 31, 2020. He further commented we will learn more about how to best leverage these funds and ensure we are able to retain or use all that our community is eligible to receive. Mr. Stevens stated a resolution has been drafted that requires a letter provided from the Commonwealth, that the Chairman, myself, and Ms. Sharon Day, Director of Financial and Management Services, would need to sign. He emphasized the letter was provided from the Commonwealth, and questioned if the Board was comfortable with the letter authorizing the three of us to sign on the Board's behalf. He noted the letter is due May 22, 2020 and approximately half of the \$6.7 million would arrive in early June.

Mr. Icenhour stated it appeared some of that money could be used for COVID-19 related items such as our business program.

Mr. Stevens replied, yes that does appear to be eligible.

Mr. Icenhour stated when that money is received, we can go through the process of putting the money back in and using it.

Mr. McGlennon inquired if the money could pay for the first six months of the full-time Building Security and Custodial Services Superintendent position previously approved.

Mr. Stevens replied it was his interpretation that anything done in excess, such as more cleaning, more cleaning staff, and more cleaning supplies as well as the position earlier approved, would be eligible until December 31, 2020.

Mr. Hipple inquired if the School System would be eligible to add in.

Mr. Stevens replied he did not currently know enough about it to answer with certainty. He noted sharing the information with the School Superintendent so that she would have the same information. He commented if the County benefited, there would be some benefit to the Schools, but was uncertain if they were directly eligible but would ask those questions in future webinars.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple referenced Board discussion in regard to helping staff and the School Board 10% reduction to move forward and discussed the need to formally vote on it, possible percentage adjustments if deemed necessary, and tough decisions a Board has to make.

General discussion ensued regarding the motion.

A motion to Approve formalizing the direction to County staff to prepare a proposed budget with a 10% reduction due to the impacts of COVID-19 was made by Michael Hipple and the motion result was Passed.

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

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

Mr. McGlennon emphasized that the Board appropriates funds, but the School Board makes its decisions about priorities and added we are not looking at forcing a set of choices within whatever resources we are able to provide.

Discussion ensued regarding funding issues with the School System and working together as a team, effects and functions of these reductions and revenue loss due to the pandemic, and reaching out to representatives to encourage more support for flexibility on already approved aid to local governments.

Ms. Larson discussed a recent call with the Governor.

Mr. Icenhour noted he would like to give direction to the County Administrator to look into building an additional \$300,000 into the budget in an effort to help the schools, keeping in mind we still have the 52-48 split for future consideration and briefly discussed a possible source of paying for the program.

A motion to Approve giving direction to the County Administrator to consider putting \$300,000 back into schools and the funding mechanisms to be determined over the next couple of weeks as we go through our CIP and finally to our budget approval was made by James Icenhour Jr, and the motion result was Passed.

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

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

Mr. McGlennon took the opportunity to encourage people to recognize guidelines from the CDC on face masks, hand washing, and maintaining a six foot distance are critically important.

Ms. Larson referenced the Tourism Council meeting next week, noting it had been very active

and was waiting before pushing out any marketing. She noted an online meeting she has scheduled next week with Mr. Stevens and the Virginia Peninsula Regional Jail. She noted she would like to go into Closed Session regarding appointments.

Mr. Hipple stated he did not have any further comments.

Ms. Sadler expressed her gratitude to staff for the wonderful job it continues to do and gave kudos to Mr. Chris Johnson, Director of Economic Development, for all he does for the business community. She hoped citizens understood that local businesses are part of the backbone of the community and thanked large and small local businesses.

Ms. Larson briefly discussed local restaurants and possible events to encourage visitation.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens referenced tax payments and stated some residents feel they should not have to pay their taxes due to the current COVID-19 crisis. He commented this is not something the County can allow and still be able to provide needed services to the community. He stated the message to our residents has been that we need for them to pay what they can toward their taxes owed. He explained the Board of Supervisors has to treat all taxpayers the same and cannot differentiate between those experiencing hardships and those who are not. He noted areas of help that are in place such as: eliminating credit card convenience fees; late penalties waived on real estate and personal property taxes until August 5, 2020; as well as a fairly low interest rate per month on late payments. He noted the Treasurer and Commissioner of the Revenue are allowing public access to their buildings because it is tax time; however, calling or paying online is encouraged. He remarked the floor is marked for residents coming into the offices to pay, allowing only 10 or less citizens into the building at a time. He referenced making the outside area more comfortable for individuals waiting to enter the building and asked for citizens' patience. He stated that in terms of reopening County facilities, a plan had been discussed and will be worked through in a safe manner for our staff and the public. He noted the schedule would depend on the Governor's direction along with efforts to try and mimic something similar to the Virginia Forward Plan. He further noted beginning next week we will meet with members of the public by appointment. He stated our message would be to call or email and if we cannot help remotely we will figure out how to meet in person. He asked that residents continue to be patient and hopes area businesses are able to open at the same time or shortly thereafter. He emphasized it is a recommendation, not a requirement, but a recommendation, based on CDC guidelines, that a face covering be worn when visiting County facilities. He remarked to Mr. McGlennon's standpoint, face coverings are worn to protect others around you, and encouraged them to be worn especially in crowded areas or when visiting County offices and stated if possible bring your own mask with you. In conclusion Mr. Stevens commented that the County staff has been and is still working, so please do not hesitate to call if needed.

L. CLOSED SESSION

A motion to Certify the Close Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAY: 0 ABSTAIN: 0 ABSENT: 0

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

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

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

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

At approximately 7:07 p.m., the Board entered Closed Session.

At approximately 7:16 p.m., the Board re-entered Open Session.

1. Appointments - Parks and Recreation Advisory Committee

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

AYES: 5 NAY: 0 ABSTAIN: 0 ABSENT: 0

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

The Board recommended appointments of Mr. Julian Lipscomb, Jr., Mr. Michael Hand, and Mr. Kevin Radcliffe each for four-year terms to expire on April 12, 2024.

2. Appointments - Historical Commission

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

AYES: 5 NAY: 0 ABSTAIN: 0 ABSENT: 0

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

The Board recommended appointments of Ms. Chris Hamilton-Petteys, Mr. Lafayette Jones, and Mr. Mark Jakobowski for terms to three-year terms to expire on April 12, 2021.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on May 26, 2020, 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 7:17 p.m., Mr. Icenhour adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police and Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$4,745

The James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office participate in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS). This program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds."

James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office have entered a Memorandum of Understanding with the Tri-Rivers Drug Task Force (TRDTF). Through TRDTF, funds are routinely received through assets forfeited in drug arrests involving the manufacturing or distribution of dangerous narcotics in James City County as well as from similar cases the other members of TRDTF conduct. The specific sharing percentages are detailed in the Memorandum of Understanding with the other members of the TRDTF. Funds may also be received; however, through local drug cases not investigated by TRDTF.

The expenditure of forfeited funds is restricted to law enforcement activities specified by DCJS.

Funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$3,302.

Staff recommends acceptance of the funds and adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	5/13/2020 - 8:50 AM

Police	Rinehimer, Bradley	Approved	5/13/2020 - 8:50 AM
Publication Management	Daniel, Martha	Approved	5/13/2020 - 9:03 AM
Legal Review	Kinsman, Adam	Approved	5/15/2020 - 10:16 AM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:18 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:01 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:31 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police
Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$4,745

The James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office participate in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS). This program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds."

James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office have entered a Memorandum of Understanding with the Tri-Rivers Drug Task Force (TRDTF). Through TRDTF, funds are routinely received through assets forfeited in drug arrests involving the manufacturing or distribution of dangerous narcotics in James City County as well as from similar cases the other members of TRDTF conduct. The specific sharing percentages are detailed in the Memorandum of Understanding with the other members of the TRDTF. Funds may also be received; however, through local drug cases not investigated by TRDTF.

The expenditure of forfeited funds is restricted to law enforcement activities specified by DCJS.

Funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$4,745.

Staff recommends acceptance of the funds and adoption of the attached resolution.

BJR/NRG/md
VAForfASProg-mem

Attachment

RESOLUTION

ACCEPTANCE OF FUNDS -

VIRGINIA FORFEITED ASSET SHARING PROGRAM - \$4,745

- WHEREAS, the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office participate in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS); and
- WHEREAS, this program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the *Code of Virginia*, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds"; and
- WHEREAS, funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$4,745.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates funds of \$4,745 to the Special Projects and Grants Fund for the Police Department's and Commonwealth's Attorney's participation in the Virginia Forfeited Asset Sharing Program.

Revenues:

Police Department State Asset Forfeit Funds	\$2,478
Commonwealth Attorney State Asset Forfeit Funds	<u>\$2,267</u>
Total	<u>\$4,745</u>

Expenditures:

Police Department State Asset Forfeit Funds	\$2,478
Commonwealth Attorney State Asset Forfeit Funds	<u>\$2,267</u>
Total	<u>\$4,745</u>

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

ITEM SUMMARY

DATE: 6/9/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support: Department of Housing and Urban Development Housing Counseling Network - \$40,000

ATTACHMENTS:

	Description	Type
📎	Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support	Cover Memo
📎	Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/14/2020 - 9:20 PM
Publication Management	Burcham, Nan	Approved	5/15/2020 - 7:10 AM
Legal Review	Kinsman, Adam	Approved	5/15/2020 - 10:17 AM
Board Secretary	Day, Sharon	Approved	5/28/2020 - 10:07 AM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:49 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support: Department of Housing and Urban Development Housing Counseling Network - \$40,000

The James City County Social Services Housing Unit (Housing) is designated as a Department of Housing and Urban Development (HUD) Approved Housing Counseling Agency (HCA) with three HUD Certified Housing Counselors providing assistance to people in James City County.

In an effort to assist with responding to the COVID-19 crisis, the Virginia Housing Development Authority has awarded \$40,000 in funding to James City County to help support and maintain the HUD Housing Counseling networks' critical service delivery and operational capacity. The funds are available to cover costs incurred from June 1, 2020 to August 31, 2020, that are necessary for the HCA to provide safe service delivery during the COVID-19 Pandemic and to prepare for a safe return to traditional housing counseling services in the future. Eligible costs include operating expenses, but do not include direct assistance to clients.

Housing proposes to use the funding for salary; to replace an old copier (the cost was removed from the 2020 budget as a COVID related cost savings measure); to cover safety equipment for the building, staff, and clients; to purchase additional laptops to provide all Housing staff the ability to work remotely; videoconferencing equipment, and office supplies.

It is recommended that the Board of Supervisors adopt the attached resolution to authorize acceptance of these emergency funds and the use of these funds in the administration and operation of the County Housing Counseling program during the COVID-19 crisis.

RV/md
GA-VDHA-HCACOVID-19-mem

Attachment

RESOLUTION

GRANT AWARD - VIRGINIA HOUSING DEVELOPMENT AUTHORITY COVID-19

EMERGENCY FUNDING SUPPORT: DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT HOUSING COUNSELING NETWORK - \$40,000

WHEREAS, the James City County Social Services Housing Unit is designated as a Department of Housing and Urban Development (HUD) Approved Housing Counseling Agency, to provide housing services within James City County; and

WHEREAS, the County has been awarded \$40,000 in COVID-19 Emergency Funding Support: HUD Housing Counseling Network funding by the Virginia Housing Development Authority (VHDA) to support and maintain safe delivery of housing services for people in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this emergency funding from VHDA and the budget appropriation in the amount of \$40,000 to the Housing and Neighborhood Development Fund as shown below and further authorizes the County Administrator to execute documents necessary to accept and implement the grant.

Revenue:

State - VHDA COVID-19 Emergency Funding	<u>\$40,000.00</u>
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Expenditure:

VHDA COVID-19 Emergency Operations	<u>\$40,000.00</u>
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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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$34,507

The James City County Police Department has been awarded a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) grant through the Department of Justice/Bureau of Justice Assistance for \$34,507. The purpose of the CESF grant is to provide local units of government to prevent, prepare for, and to respond to the coronavirus.

The funds will be used for the purchase of personal protective and disinfecting/sanitizing supplies.

Staff recommends acceptance of the funds and adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	5/21/2020 - 2:10 PM
Police	Rinehimer, Bradley	Approved	5/21/2020 - 2:10 PM
Publication Management	Burcham, Nan	Approved	5/21/2020 - 2:32 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 3:32 PM
Board Secretary	Day, Sharon	Approved	5/28/2020 - 10:10 AM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:48 PM

MEMORANDUM

DATE: June 9, 2020
TO: The Board of Supervisors
FROM: Bradley J. Rinehimer, Chief of Police
SUBJECT: Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$34,507

The James City County Police Department has been awarded a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) grant through the Department of Justice/Bureau of Justice Assistance for \$34,507. The purpose of the CESF grant is to provide local units of government to prevent, prepare for, and to respond to the coronavirus.

The funds will be used for the purchase of personal protective and disinfecting/sanitizing supplies.

Staff recommends acceptance of the funds and adoption of the attached resolution.

BJR/md
GA-FY20CESF-mem

Attachment

RESOLUTION

GRANT AWARD -FISCAL YEAR 2020

CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING - \$34,507

WHEREAS, the James City County Police Department has been awarded a Fiscal Year (FY) 2020 Coronavirus Emergency Supplemental Funding (CESF) grant through the Department of Justice/Bureau of Justice Assistance for \$34,507; and

WHEREAS, the funds will be used for the purchase of personal protective and disinfecting/sanitizing supplies; and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

Federal - FY 2020 CESF	<u>\$34,507</u>
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Expenditure:

FY 2020 CESF	<u>\$34,507</u>
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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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

GA-FY20CESF-res

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection Division

SUBJECT: Dedication of the Streets in the Westport Ford's Colony Subdivision

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	AM-4.3	Exhibit
☐	Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	5/28/2020 - 12:55 PM
Development Management	Holt, Paul	Approved	5/28/2020 - 1:00 PM
Publication Management	Burcham, Nan	Approved	5/28/2020 - 1:33 PM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:01 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:56 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:47 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection

SUBJECT: Dedication of the Streets in the Westport Ford's Colony Subdivision

Attached is a resolution requesting acceptance of the streets in the Westport Ford's Colony Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are Edenderry, Eskerhills, Locklomond, and Westport. They are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Requirements (SSR), effective January 2005, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the Secondary System of State Highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the Secondary System of State Highways. Administrative procedures outlined in the SSR/24VAC31-90-10 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the Secondary System of State Highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

TES/nb
WestportStDed-mem

Attachments:

1. Resolution
2. AM-4.3
3. Map

RESOLUTION

DEDICATION OF THE STREETS IN THE WESTPORT FORD'S COLONY SUBDIVISION

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached Additions Form AM-4.3 to the Secondary System of State Highways, pursuant to § 33.2-705 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

WestportStDed-res

In the County of James City

By resolution of the governing body adopted June 9, 2020

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

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Westport Ford's Colony

Type Change to the Secondary System of State Highways:

Addition

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

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: ☐33.2-705, ☐33.2-334

Street Name and/or Route Number

◆ **Westport, State Route Number 1848**

Old Route Number: 0

- From: Centerville Road (Route 614)

To: Locklomond (Route 1849), a distance of: 0.22 miles.

Recordation Reference: Inst., No. 140004338

Right of Way width (feet) = 82

Street Name and/or Route Number

◆ **Westport, State Route Number 1848**

Old Route Number: 0

- From: Locklomond (Route 1849)

To: Edenderry (Route 1850), a distance of: 0.13 miles.

Recordation Reference: Inst., No. 080008539

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Westport, State Route Number 1848**

Old Route Number: 0

- From: Edenderry (Route 1850)

To: Eskerhills (Route 1851), a distance of: 0.27 miles.

Recordation Reference: Inst., No. 140004338

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Locklomond, State Route Number 1849**

Old Route Number: 0

- From: Westport (Route 1848)

To: Cul de sac, a distance of: 0.17 miles.

Recordation Reference: Inst., No. 080008539

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Edenderry, State Route Number 1850**

Old Route Number: 0

- From: Westport (Route 1848)

To: Cul de sac, a distance of: 0.12 miles.

Recordation Reference: Inst., No. 080008539

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Eskerhills, State Route Number 1851**

Old Route Number: 0

- From: Westport (Route 1848)

To: Cul de sac, a distance of: 0.21 miles.

Recordation Reference: Inst., No. 140004338

Right of Way width (feet) = 50

Street Name and/or Route Number

◆ **Westport, State Route Number 1848**

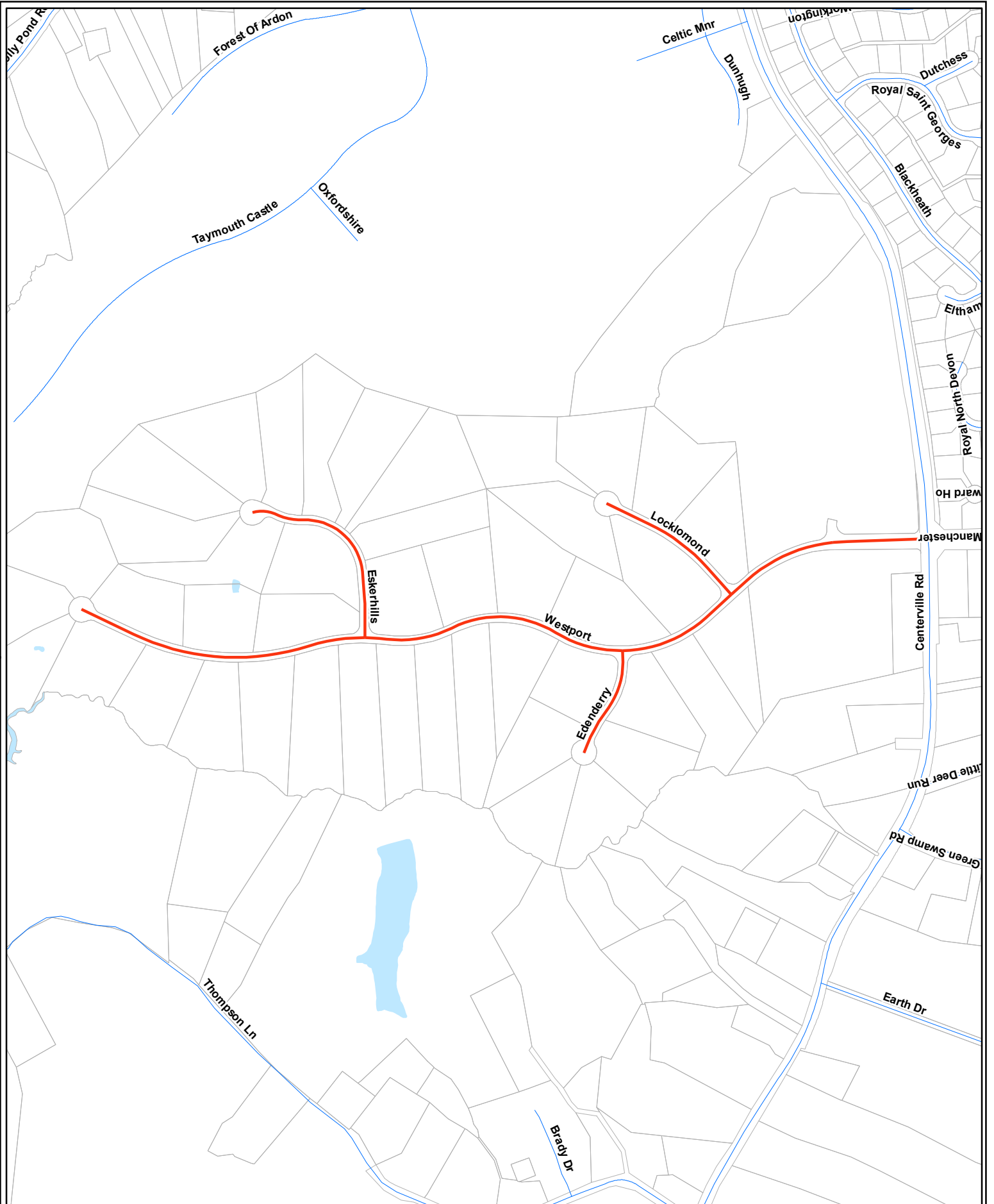
Old Route Number: 0

- From: Eskerhills (Route 1851)

To: Cul de sac, a distance of: 0.29 miles.


Recordation Reference: Inst., No. 140004338

Right of Way width (feet) = 50



Dedication of the Streets in the Westport Ford's Colony Subdivision

Legend

 Streets to be Dedicated

1 inch = 650 feet



ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

ATTACHMENTS:

	Description	Type
☐	Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual	Cover Memo
☐	Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual	Resolution
☐	Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	5/22/2020 - 10:56 AM
Publication Management	Daniel, Martha	Approved	5/22/2020 - 11:08 AM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 11:43 AM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:20 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:49 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

To remain current with benefits best practices, we must periodically make adjustments to our benefits package.

Staff proposes revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual to revise Section 5.5 Family and Medical Leave Act (FMLA) to change the eligibility period from 12 months during a consecutive fiscal year, to a rolling 12-month period measured backwards each time the employee uses FMLA leave.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

POT/md
JCCCh5Revis-mem

Attachments

RESOLUTION

REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual (the “Manual”) is an important document that guides personnel decisions; and

WHEREAS, it is the practice of the County to revise and update the Manual to reflect changes and improvements; and

WHEREAS, periodically updating the County’s benefit offerings in the Manual ensures the County is maintaining best practices in benefit management; and

WHEREAS, staff recommends revisions to Chapter 5 of the Personnel Policies and Procedures Manual to change the eligibility period for Family and Medical Leave Act (“FMLA”) from a fiscal year 12-month consecutive period to a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Personnel Policies and Procedures Manual is amended to change the eligibility period for FMLA to a rolling 12-month period measured backward from the date an employee uses any FMLA leave, effective July 1, 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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

JCCCh5Revis-res

CHAPTER 5

EMPLOYEE BENEFITS

- [Section 5.1 Policy - General](#)
- [Section 5.2 Eligibility - General](#)
- [Section 5.3 Holidays](#)
- [Section 5.4 Leave](#)
- [Section 5.5 Family and Medical Leave Act \(FMLA\)](#)
- [Section 5.6 Health Related Benefits](#)
- [Section 5.7 Retirement, Disability, and Life Insurance](#)
- [Section 5.8 Workers' Compensation \(Policy\) \(Procedures\)](#)
- [Section 5.9 Tax-Related Benefits](#)
- [Section 5.10 Employer Assisted Home Ownership Program](#)
- [Section 5.11 Optional, Employee-Paid Benefits](#)

Section 5.5 Family and Medical Leave Act (FMLA)

- A. Policy Statement - James City County policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The function of this policy is to provide employees with a general description of their FMLA rights. This policy summarizes the key provisions of the Act; employees should refer to the Act itself or contact Human Resources if more specific detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, James City County will grant up to 12 weeks of time away from work (or up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty) during a 12-month period to eligible employees. The leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances of the leave and in accordance with Sections 5.4 and 5.5. A request for determination of eligible leave under FMLA may be initiated by the employee, the supervisor, or the Human Resource Department in accordance with their respective responsibilities outlined in Sections 5.5.F, 5.5.G, and 5.5.H.
- B. Eligibility - To qualify for FMLA under this policy, the employee must meet all of the following conditions:
1. The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
 2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date the leave is requested to begin. Hours actually worked will be counted in determining the 1,250 hours; paid or unpaid time off will not be counted.
- C. Definitions
1. Day - See Section 5.4.A.3.a.
 2. Fiscal Rolling Year - ~~July 1 through June 30~~ *12 month period measured backward from the date an employee uses any FMLA leave.*
 3. In loco parentis - Acting as a temporary guardian of a child.
 4. Next of Kin - The closest blood relative of the injured or recovering service member.
 5. Parent - The biological, adoptive, step, or foster parent or other person who stands “in loco parentis” to the employee.
 6. Qualifying Exigency - One of the following:
 - a. short-notice deployment,
 - b. military events and activities,
 - c. child care and school activities,
 - d. financial and legal arrangements,

- e. counseling,
 - f. rest and recuperation,
 - g. post-deployment activities and
 - h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
7. Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The “continuing treatment” test for a serious health condition under the regulations may be met through:
- a. a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment,
 - b. any period of incapacity related to pregnancy or prenatal care,
 - c. any period of incapacity or treatment for a chronic serious health condition,
 - d. a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or
 - e. any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.
8. Son or Daughter - A biological or adopted child or foster child, a step-child, a legal ward, or a child of a person standing “in loco parentis” who is under 18 years of age. FMLA leave may apply to a son or daughter defined in this section who is over 18 if either of the following two situations apply:
- a. The child is incapable of self-care because of mental or physical disability.
 - b. Leave is requested and approved for a qualifying exigency.
9. Spouse - A husband or wife.

10. 12-month period -
 - a. For military caregiver leave, the 12-month period begins on the first day that leave is taken and ends 12 months later.
 - b. For determining the 1,250-hour eligibility provision, the 12-month period begins 12 months prior to the start of the FMLA leave.
11. Week - The annual authorized hours of the employee's position divided by 52.

D. Reasons for FMLA Absences - To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. To care for a spouse, child or parent with a serious health condition.
2. The serious health condition of the employee.
3. The birth of a child and in order to care for that child.
4. The placement of a child for adoption or foster care and to care for the newly placed child.
5. Qualifying exigency leave for an employee whose spouse, son, daughter or parent is a member of the National Guard or Reserves when the covered military member either has been notified of an impending call or order to active military duty or who is already on active duty in support of a contingency operation. The leave may begin as soon as the individual receives the call-up notice.
6. Military caregiver leave (also known as covered service member leave) to care for a spouse, son, daughter, parent or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty while on active duty.

E. Amount of Allowable FMLA Leave

1. Allows eligible employees to take leave from work for up to 12 work weeks of paid, unpaid or a combination of paid and unpaid leaves during a ~~fiscal~~rolling year. Each time an employee takes leave that qualifies under FMLA, the County will compute the amount of leave the employee has taken under this policy during the ~~fiscal~~preceding 12 months and subtract it from the 12 weeks of available leave. The balance remaining is the amount of FMLA leave the employee may take until the end of that ~~fiscal~~rolling year.
2. An eligible employee may take up to 12 weeks paid, unpaid or a combination of paid and unpaid leave for the birth of a child or the placement of a child for adoption or foster care, to care for a spouse, child or parent with a serious health condition, or where the employee suffers from a serious health condition. FMLA leave to bond with a child must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave.
3. An eligible employee may take up to 26 weeks of military caregiver leave during a single 12-month period beginning the first day the

eligible employee takes leave, and ends 12 months after that date. During this single 12-month period, the employee may also take leave for a different eligible FMLA-related event, but the employee is entitled to a combined total of 26 workweeks of military caregiver leave and leave for any other FMLA-qualifying reason in this single 12-month period. Under this policy, up to a total of 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness incurred in the line of duty while on active duty during the 12 month period for eligible employees.

4. If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the husband and wife may take a combined total of 12 weeks of FMLA leave during the ~~fiscal~~ *rolling* year. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may take a combined total of 26 weeks of FMLA leave during a 12-month period.
5. An employee who uses accrued paid leave to cover some or all of the FMLA leave must take it in accordance with County policy as defined in Section 5.4.F of this policy.
6. If paid leave is used, such time will also be counted concurrently toward the 12 weeks granted under FMLA. Disability leave for the birth of a child and for an employee's own serious health condition, will be designated as FMLA.
7. Worker's Compensation injuries or illnesses will be designated as FMLA after 6 months of date of injury.
8. Employees in VRS Plan 1 or Plan 2 will be afforded an additional 14 weeks upon the completion of the original FMLA designation. This will provide employees the same benefit as those covered under the VRS Hybrid plan for short-term disability.

F. Employee Responsibilities - An eligible employee requesting time off for eligible FMLA reasons must comply with their department's usual and customary notice and procedural requirements for requesting leave. When an employee does not comply with James City County's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed, denied, or rescheduled.

1. Employee requests FMLA paperwork from Human Resources and informs supervisor the purpose for leave. Notice should be provided 30 days in advance if leave is foreseeable. When advance notice is not possible, the employee must provide notice within 5 working days of event or as soon as practicable and must comply with the Department's absence notification procedures;
2. An employee must work with the supervisor to identify the type of County leave(s) which will be taken during the absence;

3. Provide medical certification within 15 calendar days of the request for leave if the situation necessitating the absence and anticipated duration of leave is foreseeable. Medical certification will be provided using the appropriate Department of Labor form obtainable from Human Resources or the DOL web site;
4. An employee must advise their supervisor and the Human Resource Department if leave is to be taken intermittently, or on a reduced work schedule basis;
5. An employee should contact Human Resources to make benefit payments if necessary;
6. Employees should keep their supervisor and the Human Resources informed of the status of the absence, including any change in the circumstances for which the leave is being taken, and the employee's anticipated return to work; and
7. Prior to returning to work, an employee must provide to the Human Resource Department a fitness for duty certification from their physician if the leave was taken for the employee's own serious health condition. Human Resources will notify supervisor of the return to work date and if the employee has any restrictions.

G. Supervisor Responsibility - If an employee requests leave for an eligible FMLA event, or when an employee has been absent for more than five (5) consecutive workdays for reasons which may make the employee eligible for FMLA, the supervisor must inform Human Resources of the absence so that Human Resources may inform the employee in writing, of their rights and responsibilities under FMLA.

1. Supervisor must inform Human Resources of any contact with the employee regarding the extension of FMLA leave or if the employee has been released to return to work sooner than expected.
2. Supervisor must not allow the employee to return to work until Return to Work Form has been provided to Human Resources.

H. Human Resource Responsibilities:

1. Post and provide general notice to all employees of their FMLA rights and responsibilities;
2. Upon learning of the employee's absence, notify the employee within five (5) workdays that the leave may qualify for and be designated as leave under FMLA;
3. Review the employee-submitted documentation to determine if the employee's absence qualifies under FMLA;
4. If the absence does not qualify for FMLA, confirm that in writing to the employee including the reason(s) the employee is not eligible;
5. If the absence does qualify for FMLA:
 - a. Confirm the employee's eligibility for FMLA in writing including ending date of leave;

- b. Maintain group health benefits as if the employee continued to work instead of taking leave;
- c. Notify the employee concerning the status of benefits while on leave; and
- d. Notify the employee's supervisor of the qualified FMLA absence so tracking of leave may begin.
- e. Upon completion of an employee's absence under FMLA:
 - 1) Upon receipt of the return to work authorization, notify supervisor of return to work date and any restrictions.
 - 2) Ensure the employee is returned to the same or equivalent position based upon the FMLA provisions; and
 - 3) Track the employee's remaining available time and the remaining eligible time period.

I. Recertification/Second Opinion - James City County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee or the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with the FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask if the need for leave is consistent with the employee's serious health condition. If the County has reason to doubt the validity of the medical certification, the County, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification.

J. Additional Information - Employees seeking more detailed information may contact the Human Resource department or consult the Family and Medical Leave Act itself and/or the appropriate areas of the Department of Labor web site.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director, Olde Towne Medical and Dental Center

SUBJECT: Olde Towne Medical and Dental Center - Addition of Full-Time Dentist/Dental Coordinator

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Attachment 1 - OTMDC Board Meeting Minutes	Exhibit
☐	Attachment 2 - Job Description	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/28/2020 - 9:06 AM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:01 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:02 PM
Publication Management	Burcham, Nan	Approved	6/2/2020 - 1:15 PM
Legal Review	Kinsman, Adam	Approved	6/2/2020 - 1:15 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:49 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:50 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:50 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: William J. Mann, Jr., MD, Executive Medical Director, Olde Towne Medical and Dental Center

SUBJECT: Addition of Full-Time Dentist/Dental Coordinator

Old Towne Medical and Dental Center, which serves the uninsured and underinsured of James City and York Counties and the greater Williamsburg area currently utilizes three part-time dentists to provide dental services. To improve continuity of care, maximize use of our dental equipment and rooms, and to expand the nature of the dental services we now offer, Olde Towne plans to bring on a full-time employed dentist/dental coordinator. We believe adding this full-time dental provider will allow us to serve our patients' dental needs and improve the quality of the care we now offer. We will continue to augment our full-time dentist/dental coordinator with volunteer dentists from the community, just as we now augment our three part-time dentists. Funding for this position is in Olde Towne's budget, and all costs are covered in the budget.

WJM/md
FTDentCoord-mem

Attachment

RESOLUTION

OLDE TOWNE MEDICAL AND DENTAL CENTER

ADDITION OF FULL-TIME DENTIST/DENTAL COORDINATOR

WHEREAS, Olde Towne Medical and Dental Center serves the uninsured and underinsured population of James City and York Counties, and the greater Williamsburg area; and

WHEREAS, Olde Towne Medical and Dental Center utilizes dentists to provide quality oral health preventative and therapeutic dental care; and

WHEREAS, it is now necessary to improve the quality of oral health care, increase continuity of care, improve the efficiency of our oral health care delivery, and utilization of our dental equipment and space.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the hiring of a full-time Dentist/Dental Coordinator by Olde Towne Medical and Dental Center, funded entirely 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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

FTDentCoord-res

**Board of Directors Meeting
Olde Towne Medical and Dental Center
Virtual Meeting
May 18, 2020 5:00-6:40 PM**

Attendance			
Members Present		Members Absent	Staff Present
Thomas Brownlie William Bennett, DDS Ben Puckett Christine Payne Frank Sisto Dr. Camilla Buchanan Benny Zhang David Masterson Dr. Rana Graham Ramon Rodriguez Adria Vanhoozier	Judy Knudson Chris James Brian Smalls Cheryl Cochet Sharon Marchelya Janna Roche Jonathan Weiss Brian Fuller Wendy Evans Walt Zaremba	John Anderson, M.D. Amanda Ulishney Sue Sadler Cheryl Fields	Dr. Bill Mann

Agenda

Summary of Business Items covered:

1. Call to Order and Attendance – Tom Brownlie

Chair Brownlie welcomed the directors, a quorum was present.

Chair Brownlie recognized Dr. Bill Bennett for his service to the Olde Towne Board and thanked him for his leadership of the Dental Clinic.

2. Consent Agenda – Tom Brownlie

Chris James moved to approve the consent agenda and Christine Payne seconded the motion. The motion passed.

- a. Board of Directors Meeting Minutes- April 2020
- b. Executive Committee Minutes- May 2020
- c. Communication and Development Committee Minutes- April 2020
- d. Grant Report

3. Visioning Moment – Dr. Mann

We are seeing many new chronic hypertension patients. Staff realized that with an in home blood pressure measurement, out telemedicine visits would be more effective. We were able to obtain blood pressure monitors for all of our insured patients. The patients picked the monitors up curbside and were instructed in proper use. Patient and provider response has been very positive to this approach.

4. Business Update– Dr. Mann, Dr. Bennett

We are starting to see dental patients again. Going through a learning process dealing with protection for staff and patients. Currently only dealing with emergency cases, Dr. Modeste handling all patients at this time. Interviews are underway for a replacement dental assistant. Room air filtration systems are on order.

The routine for the medical side includes curbside BP checks, injections and delivery of medications. We are conducting telemedicine visits and seeing a limited number of patients. We will be setting up to do lab work 4 days per week. We are interviewing to fill the MAP vacancy with Paula's retirement.

See the EMD report for additional details.

5. New Director Candidates – Brian Smalls

- a. Rashid Jones
- b. Stacy Kern-Scheerer, J.D, MPH

6. Update on Marketing Communications Specialist and ED – Chris James

Chris announced that Michelle Williams will be joining the team as Marketing Communications Specialist. Michelle will start on June 1st.

Chris also provided an update on the search for a new Executive Director. We have received almost 30 applications and the search committee will be working to narrow the list to approximately 5 this week with plans to begin interviews next week.

7. Committee Reports

a. Finance Committee

Ben Puckett provided an update to current year finances which are in good shape despite the loss of patient revenue in March, April and May. The PPP loan will allow us to maintain and pay staff and we have received other grants that will help us through the summer.

8. Discussion of Olde Towne in the new Normal– Tom Brownlie

Directors submitted thoughts, suggestions and commentary on how the COVID-19 crisis will impact Olde Towne in the future. Tom Brownlie collected and summarized the data in the attached presentation. The standing committees will use this initial brainstorming input to develop plans to prepare for anticipated new environment.

9. Other Business

a. Tom Brownlie introduced the subject of the need for a policy for the approval of transfers from the operating account to the Endowment. We have a policy for moving from the Endowment but not the converse. The Finance Committee was charged to review the topic and make a recommendation.

b. Dr. Mann requested approval to create a new full time position for dentist to provide flexibility resolving challenges with scheduling in the Dental Clinic. We currently only have part time positions. Judy Knudson moved that we approve the creation of a new full time position for a dentist with a salary range of \$180,000 to \$192,000 per year. Dr. Graham seconded the motion. After further discussion and clarifications the motion passed.

c. Dr. Mann proposed a bonus for employees who have worked through the shutdown. A \$1000 bonus for full time employees and \$500 for part time employees was suggested. After discussion, the motion was tabled and referred to the Finance Committee. There were concerns about the timing of bonus, the lack of prior documentation in the board package and perceived equity across the community. There is strong support for recognition at a future time, when the budgets for Olde Towne and our primary funders are more clearly understood.

10 Next Board Meeting

July 27, 2020 5:00 to 6:30 PM at the Multi-purpose Room, or Virtual

11. Chris James moved to adjourn and Judy Knudson seconded the motion. The meeting adjourned at 6:40 PM

Tom Brownlie

Chair, Olde Towne Medical and Dental Center

Olde Towne PP (Post Pandemic)

What Changes do we anticipate for Olde Towne and the Community?

How can we prepare to address those challenges?

There were many themes in the input that you provided and quite a bit of alignment. Themes ranged from technology to donors and patients. We cannot address all of the potential changes; however, it is our responsibility to evaluate how these will impact the center and begin the process of planning to address these challenges. Management and staff have already done an amazing job pivoting to a new way of doing business but the environment is changing very rapidly and will continue for quite some time.

This summary of input is arranged by the frequency of a topic in the group input

Technology:

Telemedicine will be a growing future part of our operations

Telemedicine may help control the cost of providing care, especially for routine visits with our chronic care patients.

We will need to look at the infrastructure to make this a more effective tool.

Better use of electronic medical records and addition of electronic dental records will contribute a more efficient “touch free” work environment.

Board and committee meetings by video conferencing could be a productivity tool saving drive time.

Our check in ap will be a tool that can provide additional productivity and maybe help revenue. It will also help manage flow in the waiting room area in the future.

Patients

- With a slow economic recovery we can expect more patients who have lost jobs and need our help (or perhaps fewer as they move out of the area to somewhere with better prospects).
- We need to convince patients it is safe to visit the center.
- We need to reach out and communicate to potential new patients who may have never considered OldeTowne.
- Will we need to increase capacity by increasing staff and hours of operation to meet the demand? Will this be a slow return but eventually reach a higher level?
- Short term, we should expect a surge of postponed visits when we can see more people.
- Impact on public transportation

Financial

- A perfect storm?
- Patients with less ability to pay
- Jurisdictions with strained budgets less able to support
- Greater competition for grant and donations
- Higher costs for materials – PPE and other supplies
- Higher labor costs – competition for providers, extra staff for cleaning and managing patients, lower provider productivity
- Declining support from WHF
- But, short term we have gotten excellent help from government programs

Communications

- Endless needs:
- To staff to keep everyone informed and motivated
- To volunteers as we move back to using their services
- To donors to keep them motivated to donate and support
- To jurisdictions as they manage their own crisis
- To patients so they know what is happening and when

Local Environment

- Anticipate a slow recovery of tourist businesses
- Jurisdictions will see a major drop in revenues
- Will retirees come out and spend?
- How can we help the situation with information and examples?

Development

- Even greater competition for grants and donations
- How do we have events in the future?

Operations

- How will this impact our volunteers who have active businesses?
- Will older volunteers feel safe to come out?
- How do we manage the waiting room and patient check in and check out?
- Need to help employees manage added stress of “new normal”
- Need to establish rules for dealing with a future positive test. We will need some type of staff segregation so the whole operation is not shut down.
- All operations, but especially dental, added procedures, PPE, air handling and physical separation
- Do we need to change the scope of what we will and will not do in dental and medical.
- Can we find some great new employees due to disruption in the job market?
- If we need a new facility, the local economic slowdown may provide opportunity to find low cost space without building new.

Action Items?

- Utilize our existing committee structure to address the “opportunities” created by the changes
- Executive Committee with Dr. Mann to identify most critical issues that will have a financial impact and require Board of Directors action and approval
- Other specific ideas / volunteers ?



Class Title
Position Number
FLSA Status
EEO Classification
Department
Supervised By

Dental Coordinator
Non-Exempt Professionals
Olde Town Medical and Dental Center
Executive Medical Director

Nature of Work

Performs responsible dental procedures and customer service for Olde Towne Medical and Dental Center to include carrying out varied and complex dental procedures.

Essential Job Functions (other essential job functions may be designated by department)

- Performs dental treatments to include oral examination, any necessary radiographs and charting of all pathology including any pertinent information of a medical nature to include restoration, oral surgery, endodontics, periodontics and minor prosthodontics; writes prescriptions as needed.
- Confers with other health care providers and refers patients to specialists when indicated.
- Participates in dental audits and adheres to appropriate dental procedures in the care of patients; assesses equipment needs for dental clinic.
- Follows guidelines given by the Occupational Safety and Health Administration (OSHA) and update procedures as necessary.
- Ensures that services delivered follow applicable laws, rules and regulations, and that services are delivered within the context of applicable standards of professional practice; previews and selects clinical literature
- *Oversees scheduling and flow of patients in clinic to ensure maximum and appropriate staff support for each patient visit.*
- *Provides effective supervision of assigned staff and volunteers including selection, performance management, training, prioritizing and assigning work and related activities.*
- *Provides clinical/dental support to the Executive Medical Director*
- Performs other duties as assigned.

Job Preparation Needed

- Doctor of Dentistry degree from an accredited USA dental school.
- Must have a valid Virginia Dental License or be able to obtain within 30 days of hire.
- Must have a Drug Enforcement Administration (DEA) Registration Number.
- Some knowledge of standard office practices and procedures, equipment and clerical techniques in a medical setting, medical terminology and telephone triage; and some knowledge of general office computer software.
- Ability to teach children and adults dental health care, particularly prevention; ability to work under pressure and to meet deadlines; ability to establish and maintain effective working relationships with dentists, doctors, nurses, other coworkers, volunteers and the public.

Performance

All employees are expected to work effectively and ethically with citizens and with each other to meet the needs of the community and the organization. Employees are expected to demonstrate work behaviors that model the County's values and further the County's mission.

Post Offer Requirements

- Credential check
- Drug test
- National criminal/sex offender record check

Introductory Period 12 months

Post Hire Requirements

- Must maintain all required certifications

Job Locations and Conditions

- Duties are performed at the Olde Towne Medical Center in a dental clinic setting; operates standard office and dental office equipment.
- Performs work safely in accordance with department safety procedures and County Safety Program; operates equipment safely and reports any unsafe work condition or practice to supervisor.
- May be required to report to work to serve customers during emergency conditions; may be assigned to report at a different time and location and to perform different duties as necessary.



Class Title
Position Number
FLSA Status
EEO Classification
Department
Supervised By

Dental Coordinator
Non-Exempt Professionals
Olde Town Medical and Dental Center
Executive Medical Director

General Aptitudes and Physical Abilities

James City County is an Equal Opportunity Employer. The Americans with Disabilities Act requires that we identify the general aptitudes and physical requirements needed to perform the job listed above. Incumbents must be able to perform all essential job functions unaided or with reasonable accommodation. Prospective and current employees are invited to discuss accommodations.

Frequency Scale:

C= Continuously (2/3 or more of the time)	F= Frequently (from 1/3 to 2/3 of the time)	O= Occasionally (up to 1/3 of the time)	R= Rarely (less than 1 hour per week)	N= Not an essential job function
--	--	--	--	----------------------------------

General Aptitudes/ Physical Abilities	Frequency	Description
Mental Ability	C	Must have general learning ability and the ability to understand instructions and underlying principles; understand and follow oral and written instruction, and/or to guide/give instructions; and ability to make decisions in accordance with established procedures and policies
Communication Ability	C	Must have ability to understand meanings of words and ideas associated with them and to use them effectively; comprehend language to understand the relationship between words; understand meanings of whole sentences and paragraphs; present information or ideas clearly; and communicate with public, vendors, supervisors and/or other employees and County officials. <ul style="list-style-type: none"> • Verbal Communication: hear/listen; communicate orally with public, vendors, supervisors, other employees and County officials • Written Communication: read/understand text; exchange information in written form
Mathematical ability	O	Must have ability to perform accurate calculations mentally and/or aided by a calculator or other device
Spatial ability	O	Must have ability to comprehend forms in space and understand relationships of plane and solid objects; may be used in such tasks as blueprint reading and in solving geometry problems; frequently described as the ability to mentally visualize objects of two or three dimensions or to think visually of geometric forms
Operate office equipment	F	Office equipment such as computer keyboard and mouse, copy/fax machines, telephones, calculator, etc.
Operate other equipment/tools	F	Necessary equipment and/or tools
Transport/Reposition Objects	O	Must be able to transport and reposition 5-10 pounds of materials/equipment from ground to waist, at waist level, waist level to shoulder, above shoulder
Ascend/Descend	R	Must be able to work in and move to different height levels
Sit	F	Must have the ability to sit
Stand	F	Must have the ability to stand
Walk	F	Move self from one location to another on flat terrain
Run	N	Move self from one location to another on flat terrain, rough terrain or both flat and rough terrain
Position self to lower level	R	Must have ability to bend forward or down from the middle of the waist or the middle of the back, to bend downwards, to lower oneself
Reaching, handling, fingering, and/or feeling	O	Must have ability to stretch out, extend, or put forth a bodily part; to touch or grasp something, by extending or stretching; to touch, lift, hold or operate with hands
Seeing	C	Must be able to see, to perceive, or comprehend by the sense of sight; be able to focus with distinctness or clarity; use peripheral vision; and determine color and depth perception. Must be able to see at night and/or in dark spaces
Hearing	C	Must be able to hear and listen to voices and sounds
Driving	N	Must be able to transfer or convey in a standard, automatic, or multi-gear) vehicle including car, van, small truck, medium truck, large truck, truck w/equipment, heavy bus equipment

ITEM SUMMARY

DATE: 6/9/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Application for Community Development Block Grant COVID-19 Urgent Need Funding - \$348,104

ATTACHMENTS:

	Description	Type
▣	Memo - COVID-19 Urgent Need CDBG - Application	Cover Memo
▣	Resolution - COVID-19 Urgent Need CDBG - Application	Resolution
▣	Summary of Public Hearings	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/29/2020 - 10:56 AM
Publication Management	Burcham, Nan	Approved	5/29/2020 - 10:59 AM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:01 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:57 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:02 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:31 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: COVID-19 Urgent Need Program - Community Development Block Grant Application

On March 16, 2020, James City County began closing offices to the public in response to the spread of the COVID-19 virus. Within days the Social Services Housing Unit (Housing) began receiving calls from tenants participating in the Housing Choice Voucher program reporting job losses, furloughs, and reduced hours.

Soon thereafter, James City County was identified as a “hot spot” for COVID-19 infections in Hampton Roads and began to see a significant economic impact as a result of the high number of service and tourism related closings. With restaurants, hotels, and tourist attractions being closed, along with travel restrictions and Stay at Home Orders, James City County began to see significant job losses across all employment sectors.

Beginning March 27, 2020, the CARES Act Section 4024(b) was put in place to prohibit landlords of certain rental “covered dwellings” from initiating eviction proceedings or “charging fees, penalties, or other charges” against a tenant for the nonpayment of rent. These protections extend for 120 days from enactment, until July 25, 2020, for renters living in subsidized housing and or housing with a federally-backed mortgage. Evictions from all other housing types are banned statewide until at least April 26, 2020.

Anticipating the end of the eviction moratorium, Housing submitted a Letter of Interest on April 22, 2020 in response to the Virginia Department of Housing and Community Development announcement of the availability of funding under the Community Development Block Grant (CDBG) Urgent Need Grant program’s “Homelessness and Health Care” project. The funding would provide emergency payment of rent and utilities (paid directly to the landlord and utility provider for a limited time) related to homeless assistance. The funding will help stabilize Low- and Moderate-Income (LMI) households financially impacted by job loss, furlough, or reduced hours as a result of the COVID-19 Pandemic and who may face eviction or utility cutoff as a direct result of unpaid rent and or utility debt.

Additionally, landlords have been put in difficult positions as they begin to lose income and may be forced to seek forbearance from their mortgage holder. This assistance may help to stabilize those landlords by paying past due rent that, in many cases, might be their sole source of income. Maintaining positive relationships with landlords and ensuring they can continue providing this vital housing stock is critical in helping to maintain stable housing for LMI renters.

On May 22, 2020, the Virginia Department of Housing and Community Development notified Housing that \$348,104 had been set aside, pending County Board of Supervisors' approval to apply for the funds and engage in a one year contract for services with the state. This notice of funding availability requires no matching funds or local leverage.

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize the submission of a CDBG Urgent Need application for emergency payment of past due rent and utilities related to the COVID-19 Pandemic and to authorize the County Administrator to contract with the Virginia Department of Housing and Community Development, and to sign other agreements and documents necessary to participate in and implement the Program.

COVID-19 Urgent Need Program - Community Development Block Grant Application

June 9, 2020

Page 2

RV/nb

CDBG-Appln-mem

Attachments:

1. Resolution
2. Summary of the public hearings held on May 20, 2020, and May 27, 2020, regarding the proposed project and the use of CDBG funding

RESOLUTION

COVID-19 URGENT NEED PROGRAM

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (VCDBG); and

WHEREAS, in compliance with VCDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, posted on County social media sites, and the hearings were held on May 20, 2020, and May 27, 2020; and

WHEREAS, James City County wishes to apply for \$348,104 in VCDBG funds to be used for emergency payment of past due rent and utilities related to the COVID-19; and

WHEREAS, James City County is not expected to provide any local funds; and

WHEREAS, the project is anticipated to benefit approximately 83 households, by providing payments of past due rent and utilities for renter occupied housing units, which will meet the Housing and Community Development Act of 1974 Section 104(b) National Objective of addressing urgent community needs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, the County of James City, Virginia, hereby wishes to apply for \$348,104 of VCDBG funds for an Urgent Need Community Development Block Grant program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to contract with the Virginia Department of Housing and Community Development, and to sign other agreements and documents necessary to participate in and implement the Program.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

Summary of Public Hearings

COVID-19 Urgent Need Program CDBG First Public Hearing

Date: May 20, 2020 4-5pm

Location: Virtual Meeting – zoom.us Meeting ID: 848 3833 1210

Staff in Attendance: Keith Deny, Vaughn Poller, Carrie Daniels, Jason Wiedel, Latara Rouse

Citizens in Attendance: 4

AGENDA

1. Introduction
2. Virginia's Community Development Block Grant Program
3. James City County's Past Use of CDBG Funds
4. James City County Housing Programs
5. Proposed CDBG Project Development
6. Adjourn

COVID-19 Urgent Need Program CDBG Second Public Hearing

Date: May 27, 2020 4-5pm

Location: Virtual Meeting – zoom.us Meeting ID: 848 3833 1210

Staff in Attendance: Keith Deny, Vaughn Poller, Carrie Daniels, Amy Driscoll, Jason Wiedel

Citizens in Attendance: 2

AGENDA

- I. Introduction
- II. Proposed CDBG Project Development
- III. Questions and Comments
- IV. Adjourn

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: COVID-19 Urgent Need Funding - Community Development Block Grant Application
- Adoption of Section 504 Grievance Procedure

ATTACHMENTS:

	Description	Type
▣	Memo - Section 504 Grievance Procedure	Cover Memo
▣	Resolution - Section 504 Grievance Procedure	Resolution
▣	Section 504 Grievance Procedure	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/29/2020 - 10:59 AM
Publication Management	Daniel, Martha	Approved	5/29/2020 - 11:06 AM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:30 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:58 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:47 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: COVID-19 Urgent Need Program - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination

As a recipient of a Community Development Block Grant, James City County must to adhere to requirements of a variety of federal and state laws and regulations including equal opportunity and labor standards.

The attached Section 504 Grievance Procedure for Disability Nondiscrimination has been adapted from a sample grievance procedure developed by the U.S. Treasury, Office of Revenue Sharing based on material prepared by the U.S. Department of Health and Human Services, Office of Civil Rights Regional Technical Assistance Staff. This internal grievance procedure provides for the prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794).

Section 504 states, in part, that “no otherwise qualified handicapped individual...shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...”.

Staff recommends approval of the attached resolution to adopt the Section 504 Grievance Procedure for Disability Nondiscrimination.

RV/nb
CDBG-Sect504Adopt-res

Attachments:

1. Resolution
2. Section 504 Grievance Procedure for Disability Nondiscrimination

RESOLUTION

COVID-19 - URGENT NEED PROGRAM -

COMMUNITY DEVELOPMENT BLOCK GRANT -

ADOPTION OF REQUIRED SECTION 504 GRIEVANCE PROCEDURE FOR

DISABILITY NONDISCRIMINATION

WHEREAS, the Virginia Department of Housing and Community Development has notified James City County that Community Development Block Grant funding of \$348,104 is available to provide short-term financial assistance to prevent evictions and utility cutoffs for households suffering a significant reduction in income as a direct result of the COVID-19 Pandemic; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's 24 CFR 8.53(b), implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual ... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...".

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

CDBG-Sect504Adopt-res

Section 504 Grievance Procedure for Disability Nondiscrimination

The James City County Board of Supervisors adopted this internal grievance procedure by resolution dated June 9, 2020, providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) ((24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794, hereinafter referred to as "Section 504")). Section 504 states, in part, that "no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development."

Complaints should be addressed to the following designated Section 504 compliance officer:

Barbara Watson
Assistant Director, Social Services
5249 Olde Towne Road
Williamsburg, VA 23188
(757) 259-3123

1. A complaint shall be filed in writing and contain the name and address of the complainant, and briefly describe the alleged violation of the regulations.
 2. A complaint shall be filed within 7 days after the complainant becomes aware of the alleged violation, processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.
 3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Barbara Watson. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, a reasonable opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), James City County need not process complaints from applicants for employment or from applicants for admission to housing.
 4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Barbara Watson and a copy forwarded to the complainant no later than 30 days after its filing.
 5. The Section 504 coordinator shall maintain the files and records relating to the complaints filed pursuant to this grievance procedure.
-

6. The complainant may request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within 7 days of the issuance of the written determination and shall be made in writing to Barbara Watson.
7. The right of a complainant to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the complainant's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that James City County complies with Section 504 and the applicable HUD regulations.

Date adopted by the Board of Supervisors: June 9, 2020

I, Teresa J. Fellows, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing *Section 504 Grievance Procedure for Disability Nondiscrimination* that was approved by Resolution of the Board of Supervisors and duly adopted on June 9, 2020.

Teresa J. Fellows

Date

ITEM SUMMARY

DATE: 6/9/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: COVID-19 Urgent Need Funding - Community Development Block Grant Application
- Adoption of Section 3 Business and Employment Plan

ATTACHMENTS:

	Description	Type
📎	Memo - Section 3 Business and Employment Plan	Cover Memo
📎	Resolution - Section 3 Business and Employment Plan	Resolution
📎	Section 3 Local Business and Employment Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/29/2020 - 11:17 AM
Publication Management	Daniel, Martha	Approved	5/29/2020 - 11:24 AM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:27 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:57 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:02 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:47 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Community Development Block Grant Section 3, Local Business and Employment Plan

As a recipient of a Community Development Block Grant (CDBG), James City County must adhere to the requirements of a variety of state and federal laws and regulations in areas such as equal opportunity and labor standards. One such law is Section 3 of the Housing and Community Development Act of 1974, as amended (Section 3). For each new CDBG, Section 3 requires a locality to adopt a written plan setting forth the steps it will take to identify and notify minority, female, and locally owned businesses of goods and services the locality will purchase with grant funds. The attached Section 3, Local Business and Employment Plan (Section 3 Plan) describes procedures the County will follow to notify lower-income County residents of training and employment opportunities.

The County has adhered to these Section 3 requirements in its previous CDBG projects, and these requirements are consistent with the affirmative action policies within the County's purchasing and employment regulations. The Section 3 Plan is based on the model plan suggested by the Virginia Department of Housing and Community Development that administers the CDBG funds.

Staff recommends approval of the attached resolution to adopt the CDBG Section 3, Local Business and Employment Plan.

RV/nb
CDBG-Sect3BusPln-mem

Attachment:

1. Local Business Plan

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 3,

LOCAL BUSINESS AND EMPLOYMENT PLAN

WHEREAS, the Virginia Department of Housing and Community Development awarded the County of James City, Virginia, a Community Development Block Grant (CDBG) of \$348,104 for a COVID-19 Urgent Need Program; and

WHEREAS, Section 3 of the Housing and Community Development Act of 1974 specifies that low-income project area residents and businesses should be utilized to the greatest extent reasonable and further requires recipients of CDBG funds to adopt and act in accordance with a written Section 3, Local Business and Employment Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached CDBG Section 3, Local Business and Employment Plan.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

CDBG-Sect3BusPln-res

JAMES CITY COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 3, LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The Board of Supervisors for the County of James City, Virginia (the “County”) designates as its Section 3 Business and Employment Project Area the boundaries of the County of James City, Virginia.
2. The County, its contractors and suppliers, and designated third parties shall, in utilizing Community Development Block Grant (CDBG) funds, use businesses and lower-income residents of the County in carrying out grant activities, to the greatest extent feasible. For purposes of Section 3, low-income residents are those with household incomes that do not exceed 80% of the HUD area median income
3. In awarding contracts for construction, non-construction, materials, and supplies the County, its contractors and suppliers, and designated third parties shall take the following steps to utilize businesses located in or owned in substantial part by persons residing in the County:
 - (a) The County shall identify the contracts required to conduct the CDBG activities.
 - (b) James City County Board of Supervisors shall identify potential various and appropriate sources, including:
 - The Virginia Gazette published in Williamsburg, Virginia
 - The County will use the contractors and suppliers within the County, and known to the County, that are likely to provide construction contracts, non-construction contracts, materials, and services that will be used in the activities funded through the CDBG.
 - (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes, or proposals for work or procurement contracts that use CDBG funds.
 - (d) To the greatest extent feasible, the County shall use the identified business and any other project area business concerns for activities funded with CDBG funds.
4. The County and its contractors and suppliers shall take the following steps to encourage the hiring of lower-income persons residing in the County:

- (a) In consultation with its contractors and suppliers (including design professionals), the County shall ascertain the types and number of open positions for both trainees and employees that are needed to conduct CDBG activities.
 - (b) The County shall encourage its contractors and suppliers to advertise open positions and their availability with information on how to apply through the following sources:
 - The Virginia Gazette
 - (c) The County, its contractors, and suppliers shall maintain records of inquiries and applications from project area residents in response to advertisements and the status of such inquiries and applications.
 - (d) To the greatest extent reasonably feasible, the County, its contractors, and suppliers shall hire lower-income project area residents in filling open training and employment positions necessary for implementing activities funded by the CDBG.
5. To document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, the County shall keep and obtain from its contractors and suppliers, registers of contractors and suppliers, and registers of assigned employees for activities funded by the CDBG. Such listings shall be completed and verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

The County of James City, Virginia

BY: _____
Scott A. Stevens, County Administrator

Date

Approved as to form:

County Attorney

ITEM SUMMARY

DATE: 6/9/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: COVID-19 Urgent Need Funding - Community Development Block Grant Application
- Adoption of Fair Housing Certification

ATTACHMENTS:

	Description	Type
☐	Memo - Fair Housing Certification	Cover Memo
☐	Resolution - Fair Housing Certification	Resolution
☐	Fair Housing Requirements	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/29/2020 - 11:18 AM
Publication Management	Daniel, Martha	Approved	5/29/2020 - 11:25 AM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:27 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:57 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:02 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:47 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Community Development Block Grant COVID-19 Urgent Need Program - Fair Housing Certification

The \$348,104 in Community Development Block Grant (CDBG) funds awarded to James City County for the COVID-19 Urgent Need Program (the "Program") are federal funds authorized under the Housing and Community Development Act of 1974, as amended (the "Act").

The Act requires recipients of CDBG funds to take action to affirmatively further fair housing. The Virginia Department of Housing and Community Development (DHCD), administrator of the CDBG funds, requires James City County to take at least one action to affirmatively further fair housing each grant year during the life of its COVID-19 Urgent Need Program. Attached is a list of activities that DHCD deems acceptable in affirmatively further fair housing. The County may also request DHCD approve actions not listed.

In the past, the Housing Unit has fulfilled the obligation to affirmatively further fair housing with contests for children in after-school programs to submit drawings or models of their dream home; by recruiting and training landlords of low- and moderate-income households; distributing fair housing information at public events, and posting fair housing information on the JCC TV channel.

In the first year of the Program, the Housing Unit plans include holding a Fair Housing seminar in October 2020. The Housing Unit will select an activity for 2021 in the fall of 2020.

Staff recommends approval of the attached resolution to certify the County will take one action each program year to further fair housing.

RV/nb
CDBG-FHousCert-mem

Attachment:

1. Eligible Fair Housing Actions

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19

URGENT NEED PROGRAM - FAIR HOUSING CERTIFICATION

WHEREAS, the Virginia Department of Housing and Community Development awarded the County of James City a Community Development Block Grant (CDBG) of \$348,104 for the CDBG COVID-19 Urgent Need Program; and

WHEREAS, the County intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its COVID-19 Urgent Need Program funded with Community Development Block Grant funds. The County will take an action included on the list provided by or approved by the Virginia Department of Housing and Community Development.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

CDBG-FHousCert-res

resolved in CAMS. Final Closeout Reports

Project Closeout

After the Final Compliance Review has been held, DHCD, in consultation with the Grantee, will determine if the CDBG-funded activities are completed and/or all CDBG funds have been expended in conformance with program guidelines. If so, a Letter of Conditions (LOC) will be issued. The LOC informs the Grantee of what must be done before the grant can be administratively closed out.

Upon issuance of the LOC, DHCD has determined that no further draws on the grant account are needed and that the only additional remittance request that will be accepted is for the five percent (5%) administrative retainage. For this reason, when they are advised that the LOC is being prepared, the Grantee must request the last remittance request for construction or micro-loan activities.

The Letter of Conditions identifies conditions necessary to resolve grant issues and to become administratively closed. These may include the resolution of any findings identified in the final compliance review, submission of a program income plan, or other administrative requirements. In all cases, the LOC transmits the Final Closeout Reports, which must be completed and submitted as a condition of Administrative Closeout.

The Final Closeout Reports are further discussed in Chapter 12: Grant Closeout Procedures. Samples of the final closeout reports can be found in Appendices 73-76.

Fair Housing Requirements

Title VIII of the *Civil Rights Act of 1968, as amended*, makes it illegal to discriminate in housing based on the following factors:

- Race;
- Color;
- National origin;
- Religion;
- Sex;
- Age;
- Familial status (families with children under the age of 18 or who are expecting a child); and
- Disability.

The Grantee's Fair Housing Certification commits the Grantee to take affirmative steps to further fair housing during each program year in which the CDBG Agreement is active.

The Grant Manager must ensure that at least one of the following actions (additional actions may be approved by DHCD) is completed during each program year. Examples of acceptable activities include:

- Adopt a resolution endorsing the concept of fair housing, including the specific rights included in the law, and advertise its wording in a display

advertisement in a local newspaper;

- Adopt a proclamation declaring April as Fair Housing Month. A sample resolution can be provided by your CDS;
- Include a flyer about Fair Housing in the water bill and send it to every household in the Grantee's locality;
- Partner with a technology class at the local high school to create a short advertisement or spotlight on Fair Housing to be aired on community access television;
- Run a Fair Housing public service announcement on local radio stations or the local community cable station throughout the month of April. Topics can include what are prohibited activities and where to file a discrimination complaint;
- Develop a page on the Grantee's website concerning fair housing issues, including links to the Virginia Fair Housing Office and other resources available to protected groups;
- Add the Fair Housing logo to the Grantee's official stationary. The logo can be downloaded at <https://portal.hud.gov/hudportal/HUD?src=/library/bookshelf11/hudgraphics/fheologo>;
- Provide all program beneficiaries with a copy of federal or state Fair Housing brochures. Various federal Fair Housing brochures

can be downloaded at

https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opportunity/marketing.

State Fair Housing brochures can be downloaded at

<http://www.dpor.virginia.gov/FairHousing/>. Click on "Publications and Links."

- Host a booth at public community events and distribute Fair Housing brochures;
- Distribute copies of the federal or state Fair Housing brochures to persons attending project community meetings or CDBG-required public hearings;
- Have a display on Fair Housing issues at local public libraries, schools or the Grantee's administrative offices for at least thirty (30) days;
- Include a Fair Housing commitment clause in the recorded Investor-Owner Rental Agreement;
- Include a discussion on Fair Housing on the agenda of Oversight Boards or the local governing body;
- Provide funding for local Fair Housing groups or provide financial or technical assistance to local citizens wishing to organize such a group;
- Conduct public educational programs for local realtors and bankers, homebuyers, landlords, and/or Grantee employees

regarding fair housing issues, including their Fair Housing rights and responsibilities. This could include sponsoring a local Fair Housing workshop conducted by the Virginia Fair Housing Office;

- Attendance by a member of the local governing body or Chief Administrative Official and a second appropriate representative (realtor, banker, etc.) at a fair housing workshop approved by DHCD;
- Enlist the participation of local realtors, lenders and homebuilders in an agreement, and promotion of affirmative marketing, open housing and review of underwriting/credit criteria, etc. Publish such agreements in a local paper;
- Post one or more of the federal Fair Housing posters at the Grantee's administrative offices for at least thirty (30) days;
- Sponsor a Fair Housing poster contest at local schools with the public voting on the winning poster and displaying it at the Grantee's administrative offices and on the Grantee's website;
- Develop a Fair Housing assistance program to make housing opportunities available in non-minority areas, monitor compliance and submit discrimination complaints to the State or Federal government;

- Conduct a formal Assessment of Impediments (AI) study of local zoning, real estate and/or financing practices which affect housing choices of minorities and other protected classes; and
- Survey the special housing problems of minorities and women, determining any effects of discrimination and developing a plan to assist them in overcoming these effects.

✱ The Fair Housing activity selected by the Grantee must be a different one each program year. Furthermore, all Fair Housing activities must be sufficiently documented, including records on funds provided, if any for such activities, so their completion can be verified during the compliance review. Accepted documentation would include copies of brochures provided, along with a distribution list, or minutes of meetings where Fair Housing is discussed. If the Grantee has more than one active CDBG project, only one Fair Housing activity is required annually, but all project files must be documented.

Complaints and Appeals

During the course of the project, it is possible that applicants, beneficiaries and contractors will make complaints. All complaints must be handled in an even-minded, diplomatic manner designed to identify and resolve the real problem. All complaints are to be brought to the attention of Project Management Teams or Oversight Boards.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0007. 805 Arlington Island Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Additional Location Map	Backup Material
▣	Master Plan	Backup Material
▣	Unapproved Minutes of the May 6, 2020, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2020 - 2:00 PM
Development Management	Holt, Paul	Approved	5/21/2020 - 2:00 PM
Publication Management	Burcham, Nan	Approved	5/21/2020 - 2:34 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 4:30 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:22 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:05 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:51 PM

SPECIAL USE PERMIT-20-0007. 805 Arlington Island Road Tourist Home**Staff Report for the June 9, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Michael Hipple

Land Owner: Mr. Michael Hipple

Proposal: To allow for the short-term rental of a two-bedroom residential home as a tourist home. The owner will live off-site during the time of the rentals.

Location: 805 Arlington Island Road

Tax Map/Parcel No.: 0940100001

Project Acreage: ± 2.7

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: May 6, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, *"Toward 2035: Leading the Way."*
3. The site provides adequate parking, exceeding the required minimum of two parking spaces.
4. Lot sizes in the A-1, General Agricultural District are larger than in other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.
5. The applicant has acknowledged that, should this application be granted, he will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.
6. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Recommend the Board of Supervisors approve this application subject to the attached conditions.

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.

PLANNING COMMISSION RECOMMENDATION

At its May 6, 2020 meeting, the Planning Commission voted 4-3 to recommend approval of the Special Use Permit (SUP) request to the Board of Supervisors.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- The proposed SUP would allow for the short-term rental of an existing two-bedroom house as a tourist home. The house is located on a neighboring property to the applicant's primary residence. The original application was for a three-bedroom tourist home. After a review by the Virginia Department of Health (VDH), the current sewage system is approved for no more than two bedrooms. VDH recommends having an on-site soil evaluator or professional engineer evaluate the current site conditions. An SUP condition states that once the VDH has approved the sewage system for the third bedroom, the home may then be rented out for all three rooms. The proposal includes no changes to the size or footprint of the house.
- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rental to three since there are three bedrooms in the existing home. Any future expansion to include a fourth bedroom would require an SUP amendment.

- The property has an existing driveway and an existing parking area sufficient to accommodate guests.

SURROUNDING ZONING AND DEVELOPMENT

The property is not located within any major or minor subdivision. The properties surrounding this parcel are all zoned A-1, General Agriculture and designated Rural Lands on the 2035 Comprehensive Plan Land Use Map.

COMPREHENSIVE PLAN

- The site is designated Rural Lands on the adopted Comprehensive Plan Land Use Map. Appropriate primary uses include traditional agricultural and forestal activities, but also uses such as agri-tourism, rural support business, and rural-based public or commercial recreation. Staff finds this use to generally fit within these categories as nearby lodging options could support agri-tourism or eco-tourism uses in the Rural Lands.
- The development standards state that non-agricultural/non-forestal uses should be sited to minimize impacts or disturbance to agricultural and forestal uses, open fields, and important agricultural/forestal soils and resources. Staff finds the use to be consistent given that the proposal will take place within existing structures and there are no forested and/or agricultural resources on the property or which would be otherwise impacted.

IMPACT ANALYSIS

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 traffic exceeding a typical residential use. -The subject property is located on a local road. No changes anticipated to Level of Service on Arlington Island Road.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	-Subject property is located within a six-minute radius of Fire Station 1. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.

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.

SPECIAL USE PERMIT-20-0007. 805 Arlington Island Road Tourist Home**Staff Report for the June 9, 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>Cultural/Historic</u>	<u>No Mitigation Required</u>	-The subject property has been previously disturbed and has no known cultural resources on site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	-This segment of Arlington Island Road is not designated in a Community Character Corridor nor within a Community Character Area. -Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the road.

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 June 9, 2020, Board of Supervisors Public Hearing

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be 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 this application subject to the attached conditions.

TL/md
SUP20-7ArlIsldTH

Attachments:

1. Resolution
2. Location Map
3. Additional Location Map
4. Master Plan
5. Unapproved Minutes of the May 6, 2020, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-20-0007. 805 ARLINGTON ISLAND ROAD TOURIST HOME

- WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Michael Hipple has applied for an SUP to allow for the operation of a tourist home on property located at 805 Arlington Island Road, further identified as James City County Real Estate Tax Map Parcel No. 0940100001 (the "Property"); and
- WHEREAS, the Planning Commission, following its public hearing on May 6, 2020, recommended approval of Case No. SUP-20-0007 by a vote of 4-3; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0007; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2035 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-20-0007 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a tourist home on property located at 805 Arlington Island Road and further identified as James City County Real Estate Tax Map Parcel No. 0940100001 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-20-0007: 805 Arlington Island Road Tourist Home" and date stamped April 20, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of rental rooms and occupants. There shall be no more than two (2) bedrooms available for rent to visitors and no more than four (4) rental occupants total at any one time. The owner may provide documentation from the Virginia Department of Health (VDH) demonstrating that the Property's septic system is approved for the existing third bedroom of the tourist home to be rented out. Once VDH approval for the third bedroom is submitted to the Zoning Administrator, there shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
4. Contracts per rental period. There shall not be simultaneous rentals of the Property

under separate contracts.

5. Signage. No signage related to the tourist home shall be permitted on the Property.
6. Parking. Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
7. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

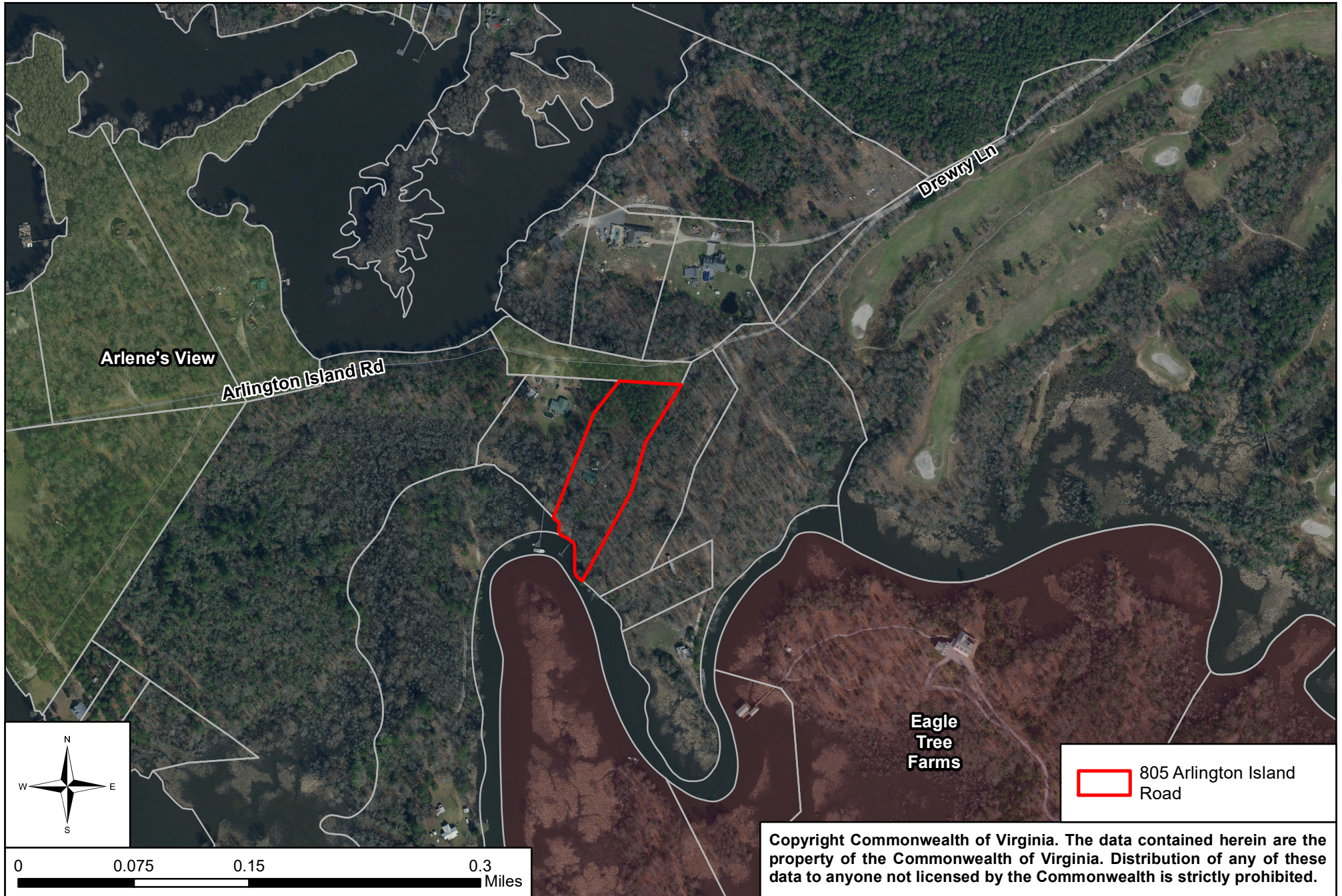
Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

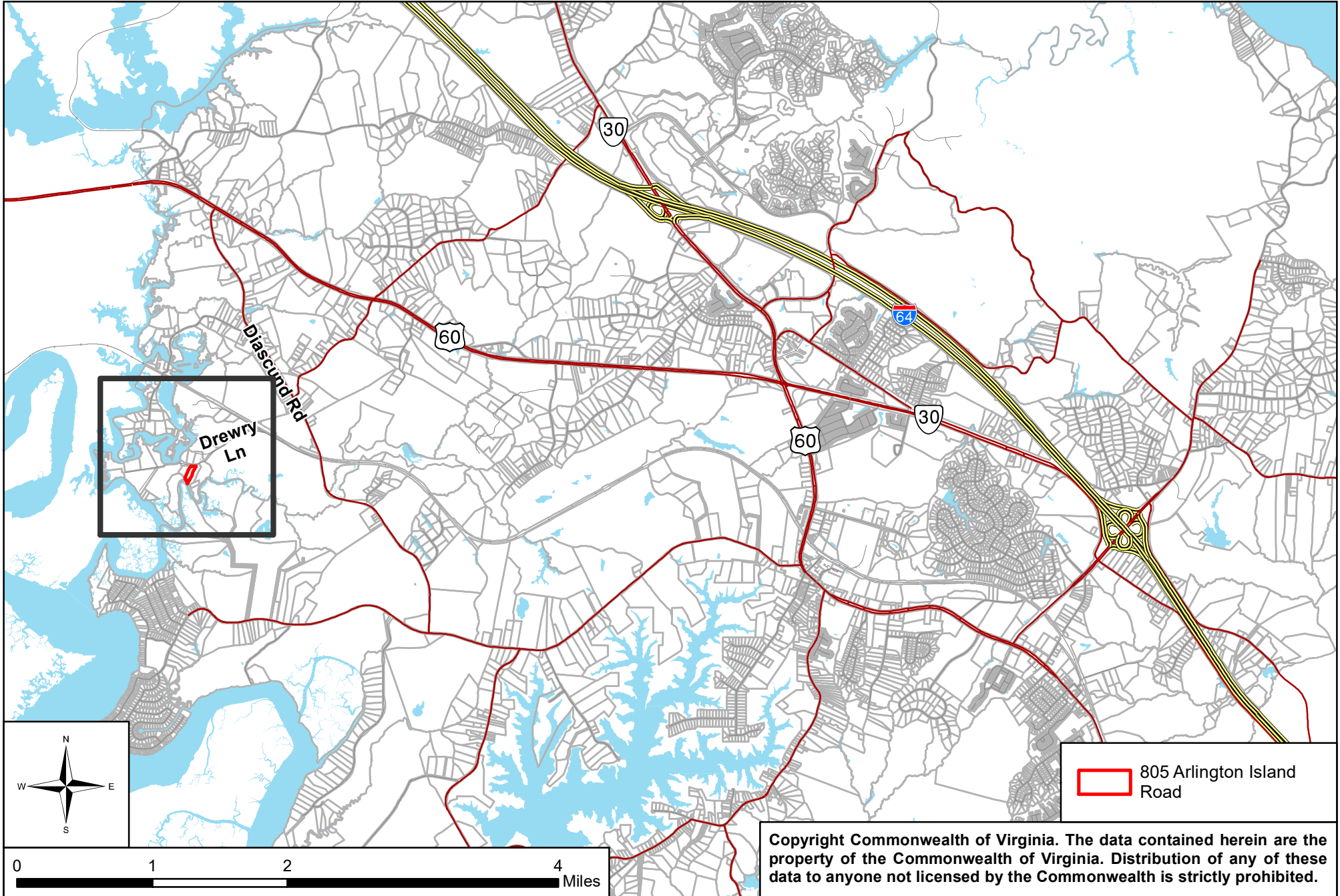
JCC SUP-20-0007

805 Arlington Island Road Tourist Home



JCC SUP-20-0007

805 Arlington Island Road Tourist Home



SUP-20-0007, 805 Arlington Island Road Tourist Home

Property Information

0940100001
Michael Hipple
805 Arlington Island Road
Lanexa, VA 23089
A1 General Agriculture
Comp Plan: Rural Lands
Acres: 2.7

General Notes

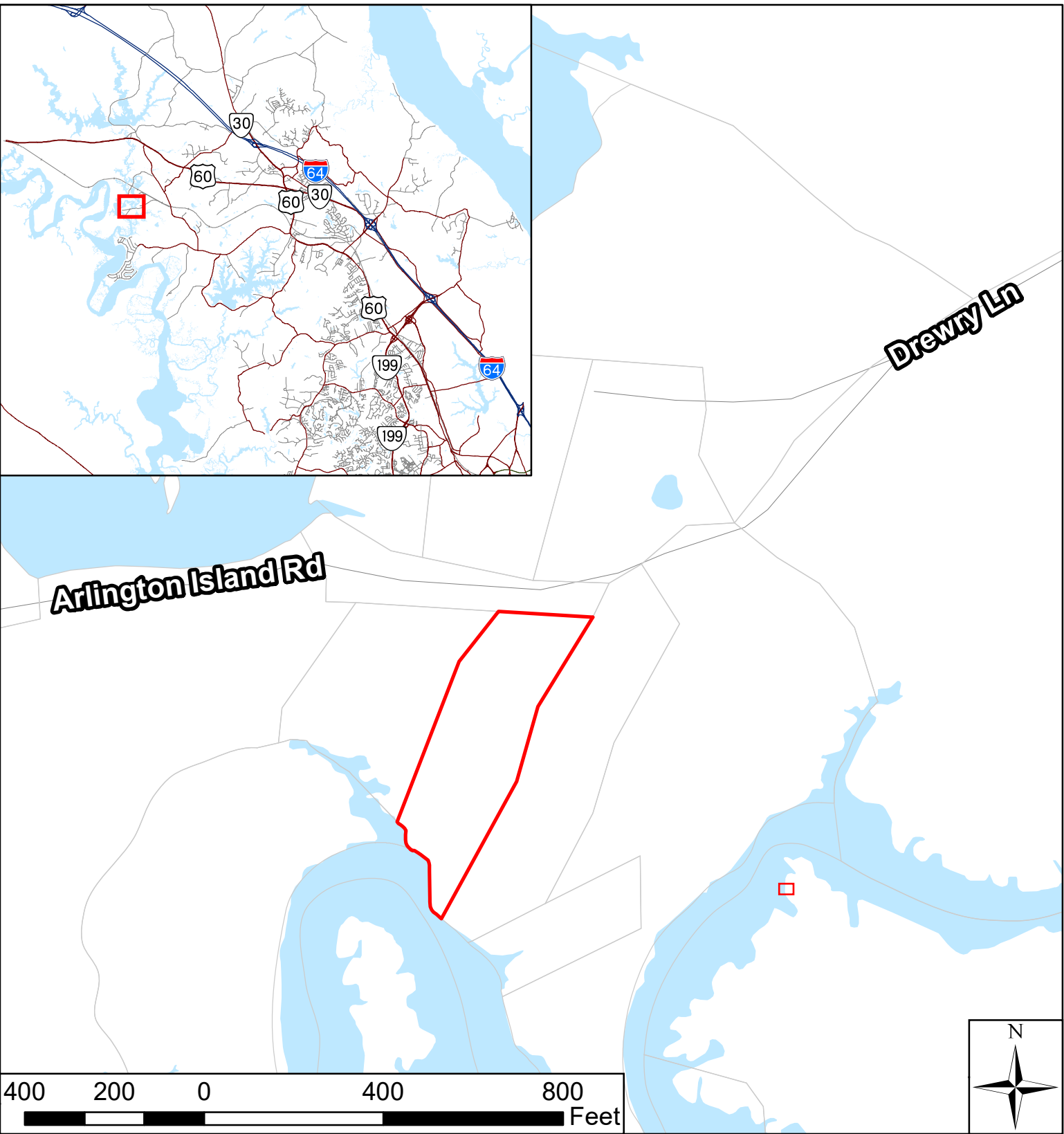
1. Site is served by private well and septic.
2. This site is located in the special flood hazard area zone AE based on Flood Insurance Rate Map 51095C0019D, effective 12/16/15.
3. Property does contain Resource Protection Area.
4. Property has an existing gravel driveway accessed from a shared gravel driveway.
5. A minimum of two parking spots shall be provided (one parking spot per bedroom).

Adjacent Properties

0940100002A Michael Hipple 807 Arlington Island Rd Lanexa, VA 23089 A1 General Agriculture	0930100003 Tina Hicks 723 Arlington Island Rd Lanexa, VA 23089 A1 General Agriculture
0931100007 James Bozzell 750 Arlington Island Rd Lanexa, VA 23089 A1 General Agriculture	0930100004 Robert Hughes 723 Arlington Island Rd Lanexa, VA 23089 A1 General Agriculture
0940100008C John McLaughlin 3336 N. Riverside Dr. Lanexa, VA 23089 A1 General Agriculture	

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1. Cover Page
2. Location Map
3. Site Details



Maps Not To Scale

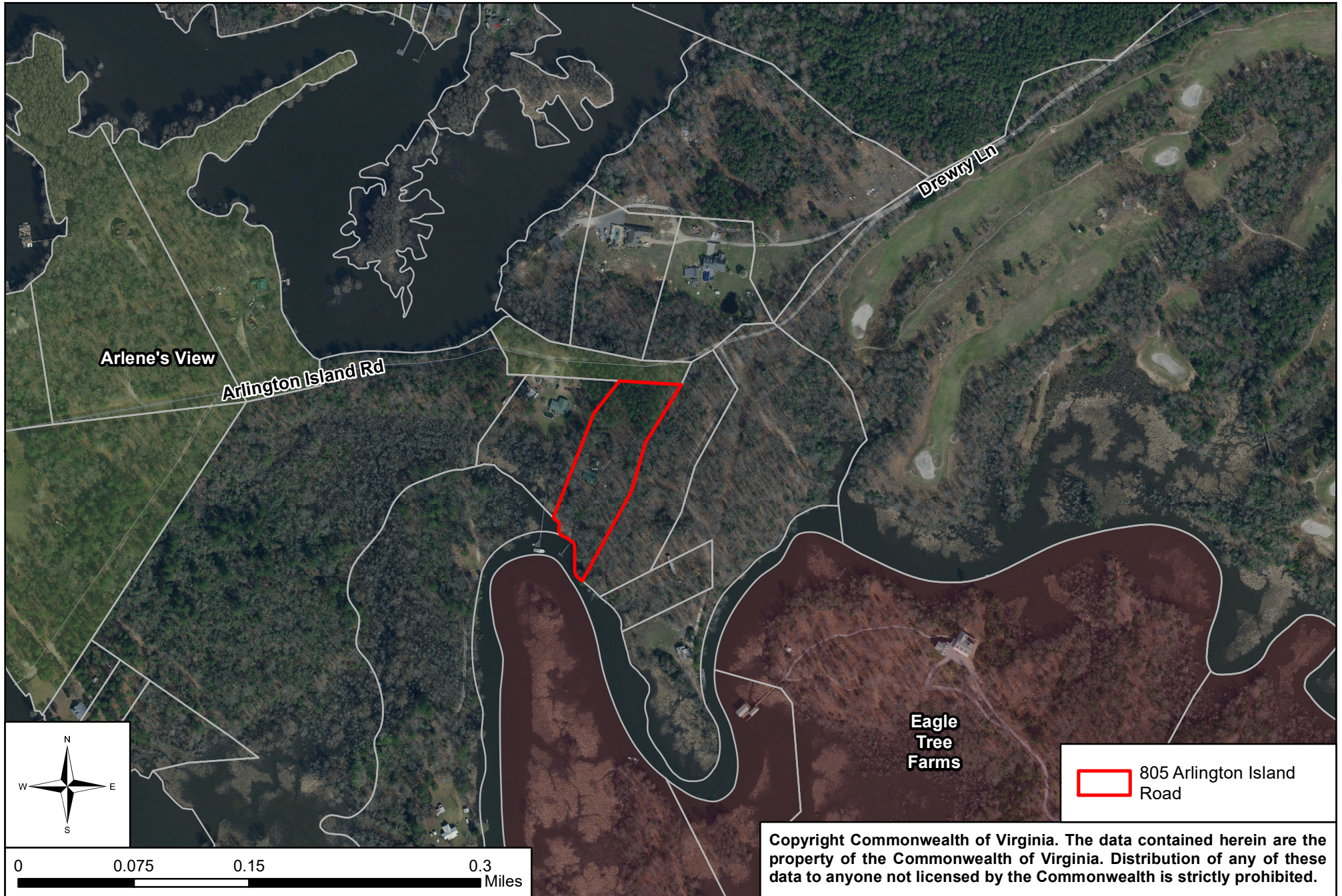
PLANNING DIVISION

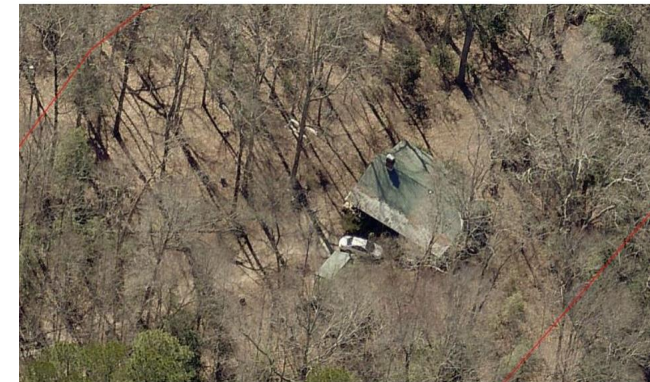
April 20, 2020

RECEIVED

JCC SUP-20-0007

805 Arlington Island Road Tourist Home





**Unapproved Minutes of the May 6, 2020
Planning Commission Regular Meeting**

SUP-20-0007. 805 Arlington Island Road Tourist Home

Mr. Tom Leininger, Planner, stated that Mr. Michael Hipple has applied for a Special Use Permit (SUP) to allow for the short-term rental of an entire 4-bedroom home located at 230 Peach Street. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live offsite during the time of rentals. Mr. Leininger stated that the property is zoned A-1, General Agriculture, is designated Rural Lands in the Comprehensive Plan, and is located outside the PSA.

Mr. Leininger stated that if this SUP is granted, it will allow short-term rentals of 2 of the 3 bedrooms throughout the year. Mr. Leininger further stated that the applicant can receive approval of the third bedroom once approval from the Virginia Department of Health for the 3rd bedroom is submitted. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired who would be responsible for maintaining the property.

Mr. Leininger stated that the applicant would be responsible for the property and resides on the parcel just to the east of the subject property.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Michael Hipple, 821 Arlington Island Road, stated that he lives adjacent to the subject property and would be overseeing the rentals. Mr. Hipple stated that the home was purchased with the understanding that it is a three bedroom dwelling; however, the Virginia Department of Health (VDH) has it designated as only two bedrooms. Mr. Hipple stated that he has initiated a review of the septic system and once it is confirmed to be satisfactory, the necessary information will be submitted to VDH for their guidance and action.

Mr. Hipple stated that the property is in a wooded setting and there is a substantial buffer between the subject property and the adjacent properties

Mr. Hipple stated that his purpose in making the property available to rent is to provide tourists with an opportunity to experience and enjoy the rural character of the County with the natural setting and abundant wild life.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

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

Mr. Polster noted that short-term rentals have been the subject of many discussions over the last two years. Mr. Polster noted that the difficulty with these applications is not having sufficient criteria to guide consideration of the applications. Mr. Polster further stated that he hopes the criteria that is ultimately developed for evaluating short-term rentals will take into account the nature of the area and the opportunity for visitors to experience something different.

Ms. Leverenz stated that there have been a number of these applications recently. Ms. Leverenz stated that it is necessary to consider whether approval would set a precedent and how the use of the property would affect the affordable housing stock. Ms. Leverenz further stated that she believes it is time to take an in-depth look at how these applications should be evaluated. Ms. Leverenz further stated that she concurs with the idea of placing a time limit on the SUP so that it could be re-evaluated periodically. Ms. Leverenz stated that she would reluctantly oppose this application.

Mr. Krapf stated that he relies on the Comprehensive Plan and the existing guidelines to evaluate the applications. Mr. Krapf stated that he finds the application to be in keeping with both the Comprehensive Plan and the existing guidelines. Mr. Krapf stated that he does concur with the need to look at regulations for Tourist Homes and Rental of Rooms as part of the 2040 Comprehensive Plan review. Mr. Krapf stated that he will support this application based on the existing criteria.

Mr. Polster made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0007. 805 Arlington Island Road Tourist Home. (4-3)

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0001. 2898 Lake Powell Road Tourist Home

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Master Plan	Backup Material
☐	Approved Minutes of the March 4, 2020, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2020 - 1:51 PM
Development Management	Holt, Paul	Approved	5/21/2020 - 1:51 PM
Publication Management	Daniel, Martha	Approved	5/21/2020 - 1:54 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 4:26 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:21 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:50 PM

SPECIAL USE PERMIT-20-0001. 2898 Lake Powell Road Tourist Home**Staff Report for the June 9, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Franklin Berggren

Land Owner: Mr. Franklin Berggren

Proposal: To allow for the short-term rental of an entire three-bedroom residential home as a tourist home. The owner will live off-site.

Location: 2898 Lake Powell Road

Tax Map/Parcel No.: 4810100040

Project Acreage: ± 0.64 acres

Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: March 4, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal to be compatible with the surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan.
3. Adequate off-street parking is provided.
4. The applicant has acknowledged that, should this application be approved, he will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
5. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its March 4, 2020 meeting, the Planning Commission voted 5-2 to recommend approval of the Special Use Permit (SUP) request to the 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.

SPECIAL USE PERMIT-20-0001. 2898 Lake Powell Road Tourist Home

Staff Report for the June 9, 2020, Board of Supervisors Public Hearing

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of an existing three-bedroom home as a tourist home. The owner will not be present during the time of the rentals and the property is not the owner's primary residence. The proposal includes no changes to the size or footprint of the dwelling.
- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rent to three, as there are three bedrooms in the existing home. Should a future expansion add another bedroom, an SUP amendment would be required.

PLANNING AND ZONING HISTORY

None.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential

East: R-8, Rural Residential with Airport Approach Overlay District

South: R-2, General Residential

West: R-2, General Residential

This site is surrounded by residential homes to the north, south, and west. Behind the property to the east is the Williamsburg-Jamestown Airport and a contractor's office and storage yard (Yard Works).

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all of the surrounding parcels. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
- Generally be located on collector or arterial roads at intersections. This property is located on, and takes access from, Lake Powell Road. This segment of Lake Powell Road is classified by the Virginia Department of Transportation as a collector road.
- Provide adequate screening and buffering to protect the character of nearby residential areas. Staff finds that existing vegetation and fencing provide adequate screening from adjacent properties. Additionally, staff notes that this use inherently retains the same visual character as nearby residences.

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.

IMPACT ANALYSIS

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 traffic exceeding a typical residential use. -The subject property is located on a collector road, as recommended in the Comprehensive Plan in areas designated Low Density Residential. -No changes anticipated to Level of Service on Lake Powell Road.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not triggered when there are no changes proposed to the building footprint.
<u>Public Safety</u>	<u>No Mitigation Required</u>	-Subject property is located within a six-minute radius of Fire Station 3. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

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.

SPECIAL USE PERMIT-20-0001. 2898 Lake Powell Road Tourist Home**Staff Report for the June 9, 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>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	-The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-The subject property is located near both residential and commercial uses. -Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	-Lake Powell Road is not a Community Character Corridor.

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.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be 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 this application, subject to the attached conditions.

TL/md
SUP20-1LkPowellTH

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Approved Minutes of the March 4, 2020, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-20-0001. 2898 LAKE POWELL ROAD TOURIST HOME

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

WHEREAS, Mr. Franklin Berggren has applied for an SUP to allow for the operation of a tourist home on property located at 2898 Lake Powell Road, further identified as James City County Real Estate Tax Map Parcel No. 4810100040 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2020, recommended approval of Case No. SUP-20-0001 by a vote of 5-2; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2035 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-20-0001 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a tourist home on property located at 2898 Lake Powell Road and further identified as James City County Real Estate Tax Map Parcel No. 4810100040 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-20-0001, 2898 Lake Powell Road Tourist Home" and date stamped January 7, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within twelve (12) months from the issuance of this SUP or this SUP shall automatically be void.
3. Number of rental rooms and occupants. There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time.
4. Contracts per rental period. There shall not be simultaneous rentals of the Property under separate contracts.
5. Signage. No signage related to the tourist home shall be permitted on the Property.

6. Parking. Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
7. Lighting. No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

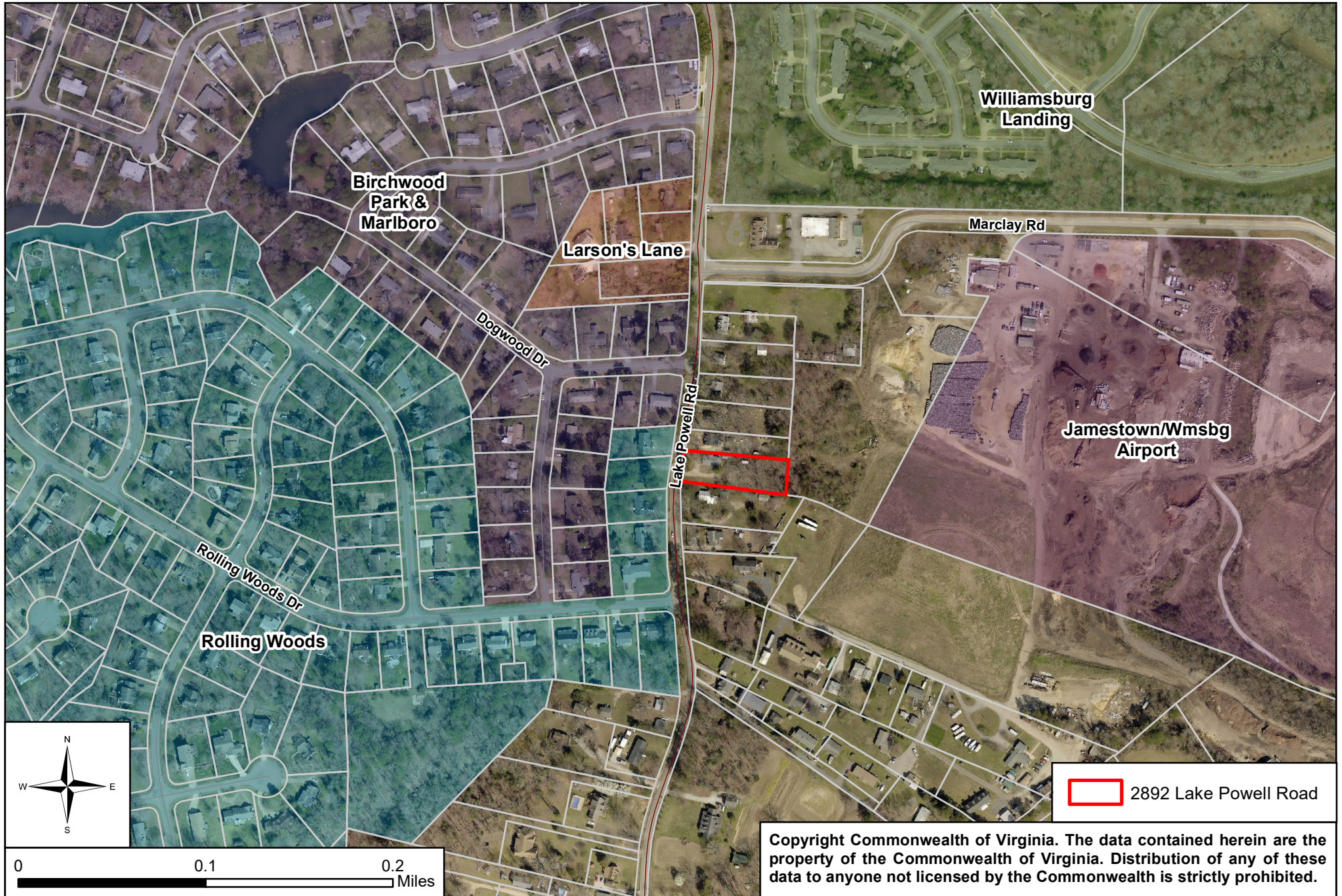
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

SUP20-01LkePowTHme-res

JCC SUP-20-0001

2898 Lake Powell Road Tourist Home



SUP-20-0001, 2898 Lake Powell Road Tourist Home

Property Information

PIN 4810100040
2898 Lake Powell Road
Franklin Berggren
Zoning: R-2, General Residential
Comp. Plan: Low Density Residential
Acres: ±0.64

General Notes

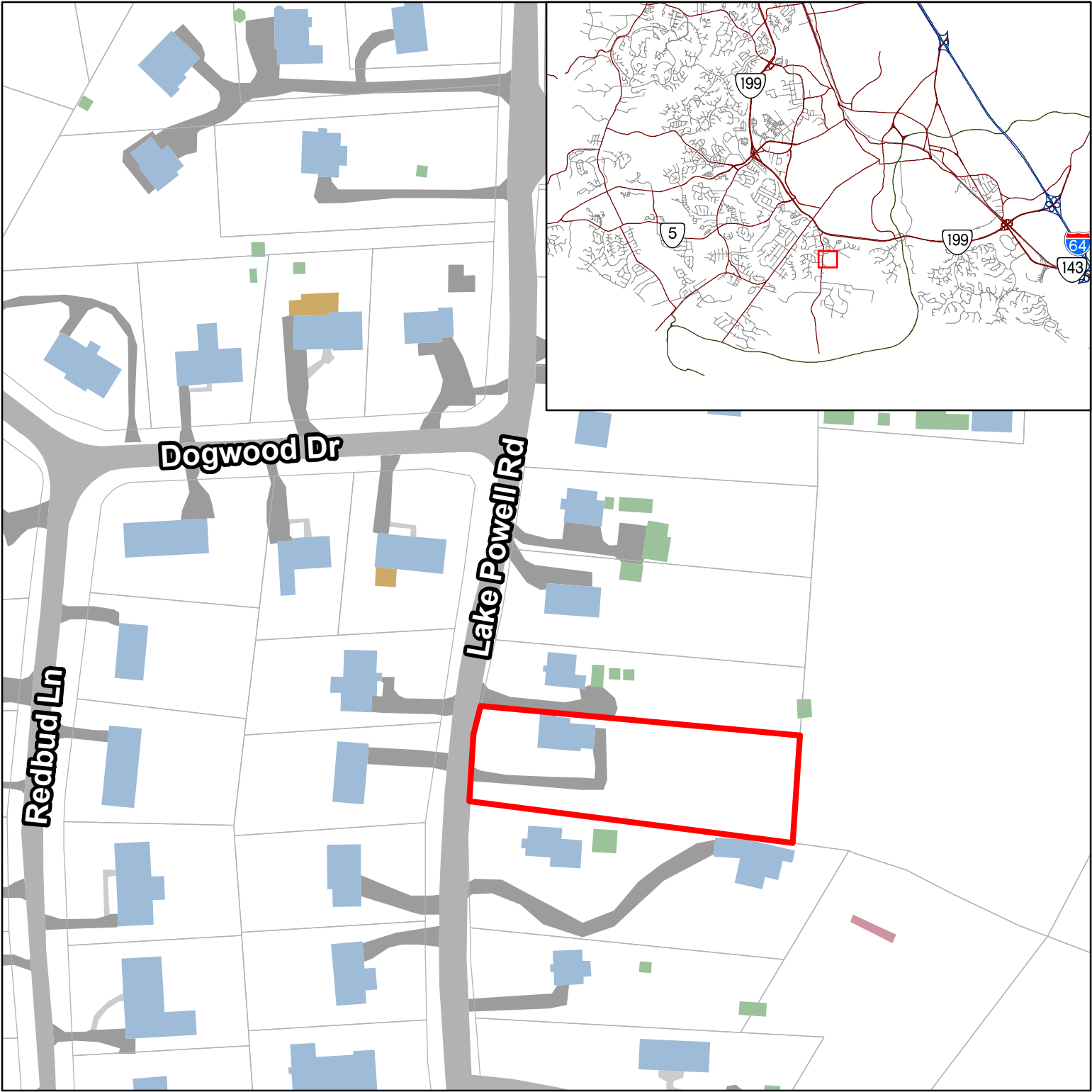
- 1. Site is served by public water and sewer.
- 2. Property is located in Zone X per FIRM 51095C0201D dated 12/16/15.
- 3. The property does not contain Resource Protection Area.
- 5. A minimum of two (2) off-street parking spaces shall be provided.

Adjacent Properties

4810100042 Sharon Dennis 2894 Lake Powell Road Williamsburg, VA 23185 R-2, General Residential	4810100042A Larry Waltrip 10 Marclay Road Williamsburg, VA 23185 R-8, Rural Residential
4810100039 Armando Holdings LLC. 2902 Lake Powell Road Williamsburg, VA 23185 R-2, General Residential	4811800005 Mark Aker 2903 Lake Powell Road Williamsburg, VA 23185 R-2, General Residential
4811800004 Phyllis Hagmaier 2899 Lake Powell Road Williamsburg, VA 23185 R-2, General Residential	

Sheet Index

- 1. Cover Page
- 2. Site Photos

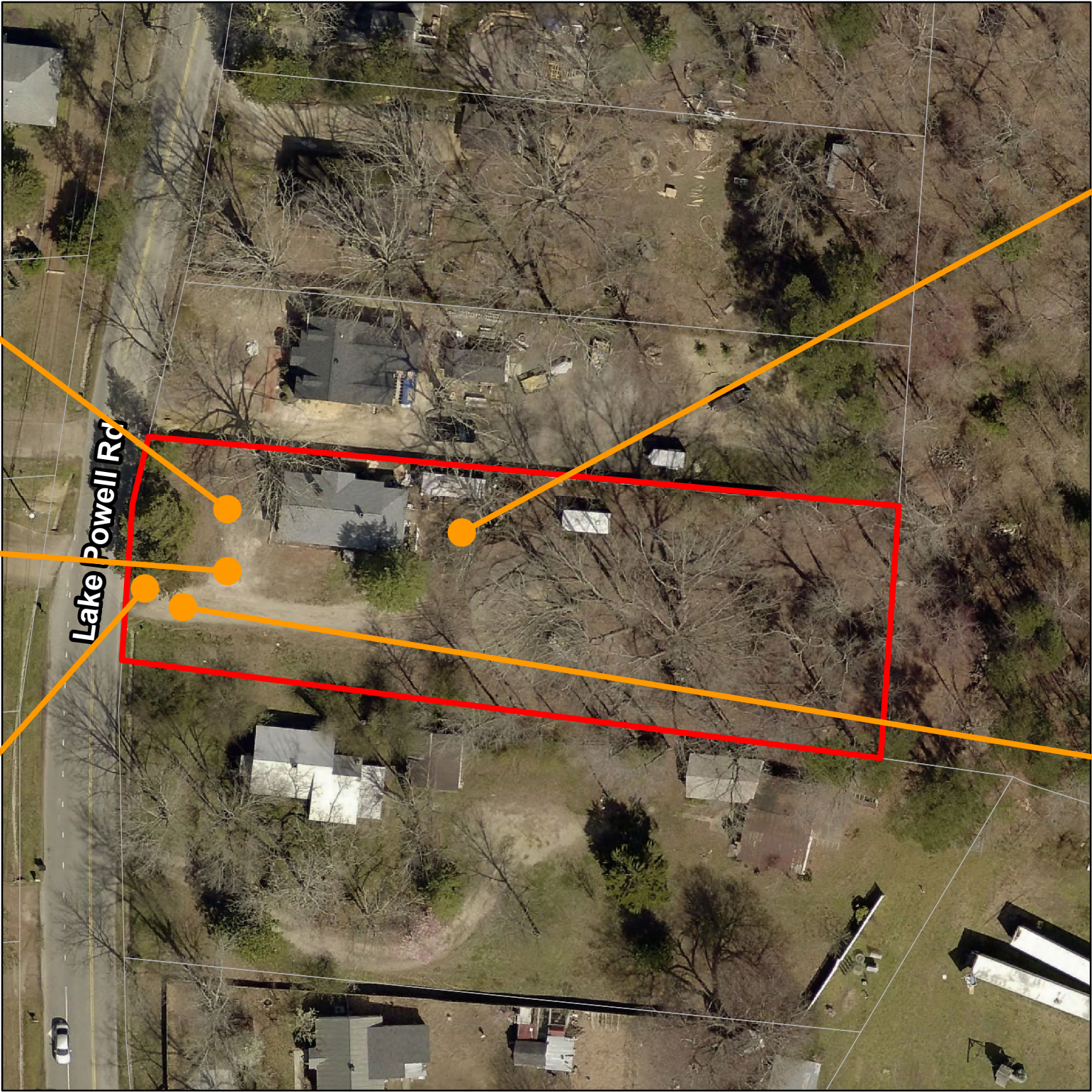


PLANNING DIVISION

Jan 07, 2020

RECEIVED

JCC SUP-20-0001
2898 Lake Powell Road Tourist Home



Mr. O'Connor inquired about deferral of the case from the previous meeting due to the requirement for the restroom.

Mr. Meadows stated that Building Safety and Permits stipulates that the restroom is required because this is a commercial operation.

Mr. Meadows stated that port-a-johns would not be permitted and that this is a way to satisfy the requirement short of building another structure on the property.

Mr. O'Connor inquired if one of the residences on Parcel No. 1 were used for the office and restroom, would the residence fall under the SUP. Mr. Holt confirmed that it would be part of the SUP.

Mr. Haldeman inquired about the effect of selling Parcel No. 3 separately.

Mr. Meadows stated that Parcel No. 1 would, then, require construction of or designation of restroom facilities.

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

Mr. Krapf stated that he will reluctantly support the application; however, he has concerns about the effects of the commercial activities on neighbors.

Mr. Rose stated that he has concerns about being able to ensure that any use of the equipment on the property is purely personal.

Ms. Leverenz stated that she understands the need to maintain a property and that such maintenance can create temporary impacts. Ms. Leverenz stated that she believes the application should be taken at face value and the applicant should be trusted to comply with the terms of the SUP. Ms. Leverenz stated that she will support the application.

Mr. Polster stated that he appreciates the efforts of the applicant to improve the appearance of the property and the residences on Parcel No. 1. Mr. Polster noted that he does have concerns about the impacts on the neighbors. Mr. Polster stated that the required fencing and screening should mitigate the impacts. Mr. Polster stated that he will support the application.

Mr. O'Connor stated that he appreciated that the applicant is trying to come into compliance. Mr. O'Connor noted that he is concerned about including Parcel No. 3 in the application. Mr. O'Connor further stated that he does not find the use to be a limited commercial facility and that it does not meet the criteria of supporting the residential area where it is located. Mr. O'Connor stated that he does not intend to support the application.

Ms. Leverenz stated that the commercial use is supportive of the surrounding community. Ms. Leverenz noted that the applicant often uses his equipment to assist neighbors during snow storms or wind storms.

Mr. Haldeman stated that he intends to 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 SUP-19-0012. Tiki Tree and Landscape. (5-2)

3. SUP-20-0001. 2898 Lake Powell Road Tourist Home

Nays: O'Connor, Rose

Mr. Thomas Leininger, Planner, stated that Mr. Frank Berggren has applied for an SUP to allow for the short-term rental of an entire 3-bedroom home located at 2898 Lake Powell Road. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live offsite during the time of rentals. Mr. Leininger stated that the property is zoned R-2, General Residential, is designated Low Density Residential on the 2035 Comprehensive Plan land Use Map, and is located inside the PSA.

Mr. Leininger stated that if granted, the SUP would allow short-term rentals throughout the year. Mr. Leininger further stated that the home is currently occupied by the applicant as a vacation home and would be rented short-term when they are not there. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that the conditions include restrictions on commercial signage and lighting. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Mr. O'Connor inquired how staff determines if a buffer or screening should be added to the SUP conditions.

Mr. Paul Holt, Director of Community Development and Planning, stated that from all external appearances, a tourist home should retain the appearance of a single family residence. Mr. Holt further stated that in the instances where screening is required, the property is in close proximity to another dwelling.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Franklin Berggren, Applicant, 5821 Painted Leaf Lane, Naples, Florida stated that his family intends to use the property as a vacation home, with the goal of moving to James City County in the future. Mr. Berggren stated that he would like to rent the property short-term when he is not there.

Mr. Krapf inquired if the applicant would have a property management company checking on the house regularly.

Mr. Berggren stated that he would be in town several times a month to check on the property.

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

Mr. O'Connor stated that he researched the sale price history of the property, which fell well

within the affordable housing range. Mr. O'Connor stated that allowing short-term rental properties does not support the Comprehensive Plan goals and, further, removes affordable homes from the housing stock. Mr. O'Connor stated that he will not support the application.

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

On a roll call vote the Commission voted to recommend approval of SUP-20-0001. 2898 Lake Powell Road Tourist Home. (5-2)

4. SUP-20-0002. 3374 Ironbound Road Tourist Home

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Leverenz, Null, Polster

Nays: O'Connor, Rose

Mr. Thomas Wysong, Senior Planner, stated that Ms. Jeanette Brady has applied for an SUP to allow for the short-term rental of an entire four-bedroom home as a tourist home. The property is located at 3374 Ironbound Road, is zoned R-8, Rural Residential, is designated Mixed Use Five Forks on the 2035 Comprehensive Plan Land Use Map, and is located inside the PSA.

Mr. Wysong stated that if granted, the SUP, would allow short-term rentals throughout the year. Mr. Wysong stated that no changes to the footprint of the home are proposed. Mr. Wysong stated that the owner will live off-site.

Mr. Wysong stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Wysong further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Wysong stated that conditions include restrictions on commercial signage and lighting. Mr. Wysong stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired if it is a single-family residence.

Mr. Wysong stated that the structure was built in 2003 and that, to his understanding, it has always been a single-family residence.

Mr. O'Connor inquired if the applicant intended to employ anyone to care for the property.

Mr. Wysong stated that he would defer to the applicant.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Planner

SUBJECT: SUP-20-0005. 230 Peach St. Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Backup Material
▣	Master Plan	Backup Material
▣	Applicant Narrative	Backup Material
▣	Unapproved Minutes of the May 6, 2020, Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/21/2020 - 1:55 PM
Development Management	Holt, Paul	Approved	5/21/2020 - 1:55 PM
Publication Management	Burcham, Nan	Approved	5/21/2020 - 2:33 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 4:30 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:22 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:51 PM

SPECIAL USE PERMIT-20-0005. 230 Peach Street Tourist Home**Staff Report for the June 9, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Mr. Gary Campbell

Land Owner: Mr. Armond Campbell

Proposal: To allow for the short-term rental of an entire four-bedroom residential home as a tourist home. The owner will live off-site during the time of the rentals.

Location: 230 Peach Street

Tax Map/Parcel No.: 2320100024A

Project Acreage: ± 2.76

Zoning: A-1, General Agricultural

Comprehensive Plan: Economic Opportunity

Primary Service Area: Outside

Staff Contact: Tom Leininger, Planner

PUBLIC HEARING DATES

Planning Commission: May 6, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal compatible with surrounding zoning and development.
2. With the proposed conditions, the proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, “*Toward 2035: Leading the Way*.”
3. The site provides adequate parking, exceeding the required minimum of three parking spaces.
4. Lot sizes in the A-1, General Agricultural District are larger than in other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.
5. The applicant has acknowledged that, should this application be granted, he will obtain the proper licensing and inspections through the County and will be subject to the appropriate use-based taxes.
6. The applicant has stated that it is his intent to provide caretaking and management services for rentals when he cannot remain on-site or nearby.
7. Impacts: See Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis on Pages 4-5.

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.

SUMMARY STAFF RECOMMENDATION

Recommend the Board of Supervisors approve this application subject to the attached conditions.

PLANNING COMMISSION RECOMMENDATION

At its May 6, 2020 meeting, the Planning Commission voted 4-3 to recommend approval of the Special Use Permit (SUP) request to the Board of Supervisors.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- The proposal would allow for the short-term rental of an existing four-bedroom house as a tourist home. The house is, and will remain, the applicant's primary residence. The applicant has stated that he may not be present during the time of rentals; however, the applicant has also stated that it is his intent to provide guests with contact information for caretakers in their absence (please see Attachment No. 4 for applicant narrative). The proposal includes no changes to the size or footprint of the house.
- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rental to three of the four bedrooms. After a review by the Virginia Department of Health (VDH), the current sewage system

is approved for no more than three bedrooms. VDH recommends having an on-site soil evaluator or professional engineer evaluate the current site conditions. An SUP condition states that once the VDH has approved the sewage system for the fourth bedroom, the home may then be rented out for all four rooms. Any future expansion to include a fifth bedroom would require an SUP amendment.

- The property has an existing driveway and an existing parking area sufficient to accommodate guests.

SURROUNDING ZONING AND DEVELOPMENT

The property is not located within any major or minor subdivision. The properties surrounding this parcel to the north, south, and east are all zoned A-1, General Agriculture. Properties to the west are all zoned B-1, General Business. Development located on Peach Street includes a horse farm, Tidewater Equine Clinic, and a contractor's office. The latter two uses were also permitted through the SUP process.

COMPREHENSIVE PLAN

The site is designated Economic Opportunity (EO) on the adopted Comprehensive Plan Land Use Map. Principal uses for new development recommended by the Comprehensive Plan are ones that "... maximize the economic development potential of the area and encourage development types that have certain attributes that have a positive fiscal contribution, provide quality jobs, enhance community values, are environmentally friendly, and support location economic stability."

In 2013, the Board approved an SUP for the Tidewater Equine Clinic, which is also located on Peach Street and located in an area designated

SPECIAL USE PERMIT-20-0005. 230 Peach Street Tourist Home

Staff Report for the June 9, 2020, Board of Supervisors Public Hearing

EO. In the consideration of that case, the Board found that permitting the re-use of an existing structure did not prohibit the parcel from being incorporated into any future EO planning process. Likewise, given the size of the proposed operation, the applicant's desire to reuse an existing structure, and the fact that the home will remain the applicant's primary residence, staff does not find that this application would hinder the development of the EO vision in the future. Staff finds the proposal would not have a negative impact on adjacent residential properties.

- In 2018, the Board approved an SUP for a tourist home at 234 Peach Street, which is an adjacent parcel. The application was approved to allow for a four-bedroom tourist home. The previous application and this application use the same shared gravel driveway. The proposed SUP conditions match the neighboring property.

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.

IMPACT ANALYSIS

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 traffic exceeding a typical residential use. -The subject property is located on a local road. No changes anticipated to Level of Service on Peach Street.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	-Pedestrian/bicycle accommodations are not shown on the adopted Pedestrian/Bicycle Accommodations Master Plan.
<u>Public Safety</u>	<u>No Mitigation Required</u>	-Subject property is located within a six-minute radius of Fire Station 1. -The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	-The proposal will not generate school children.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	-The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	-The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.

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.

SPECIAL USE PERMIT-20-0005. 230 Peach Street Tourist Home**Staff Report for the June 9, 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>Cultural/Historic</u>	<u>No Mitigation Required</u>	-The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	-This segment of Peach Street is not designated in a Community Character Corridor and is within the Norge Community Character Area. -Existing façade and landscaping maintain the property's residential character, and parking is not located directly on the road.

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.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Staff finds the proposal to be 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 this application subject to the attached conditions.

TL/md
SUP20-5PeachStTH

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Unapproved Minutes of the May 6, 2020, Planning Commission Meeting

RESOLUTION

CASE NO. SUP-20-0005. 230 PEACH STREET TOURIST HOME

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

WHEREAS, Mr. Gary Campbell has applied for an SUP on behalf of the owner, Mr. Armond Campbell, to allow for the operation of a tourist home on property located at 230 Peach Street, further identified as James City County Real Estate Tax Map Parcel No. 2320100024A (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on May 6, 2020, recommended approval of Case No. SUP-20-0005 by a vote of 4-3; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0005; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with good zoning practices and the 2035 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-20-0005 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a tourist home on property located at 230 Peach Street and further identified as James City County Real Estate Tax Map Parcel No. 2320100024A (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-20-0005: 230 Peach Street Tourist Home" and date stamped March 20, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of rental rooms and occupants. There shall be no more than three (3) bedrooms available for rent to visitors and no more than six (6) rental occupants total at any one time. The owner may provide documentation from the Virginia Department of Health (VDH) demonstrating that the Property's septic system is approved for the existing fourth bedroom of the tourist home to be rented out. Once VDH approval for the fourth bedroom is submitted to the Zoning Administrator, there shall be no more than four (4) bedrooms available for rent to visitors and no more than eight (8) rental occupants total at any one time.

4. Contracts per rental period. There shall not be simultaneous rentals of the Property under separate contracts.
5. Signage. No signage related to the tourist home shall be permitted on the Property.
6. Parking. Off-site parking for the tourist home shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
7. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

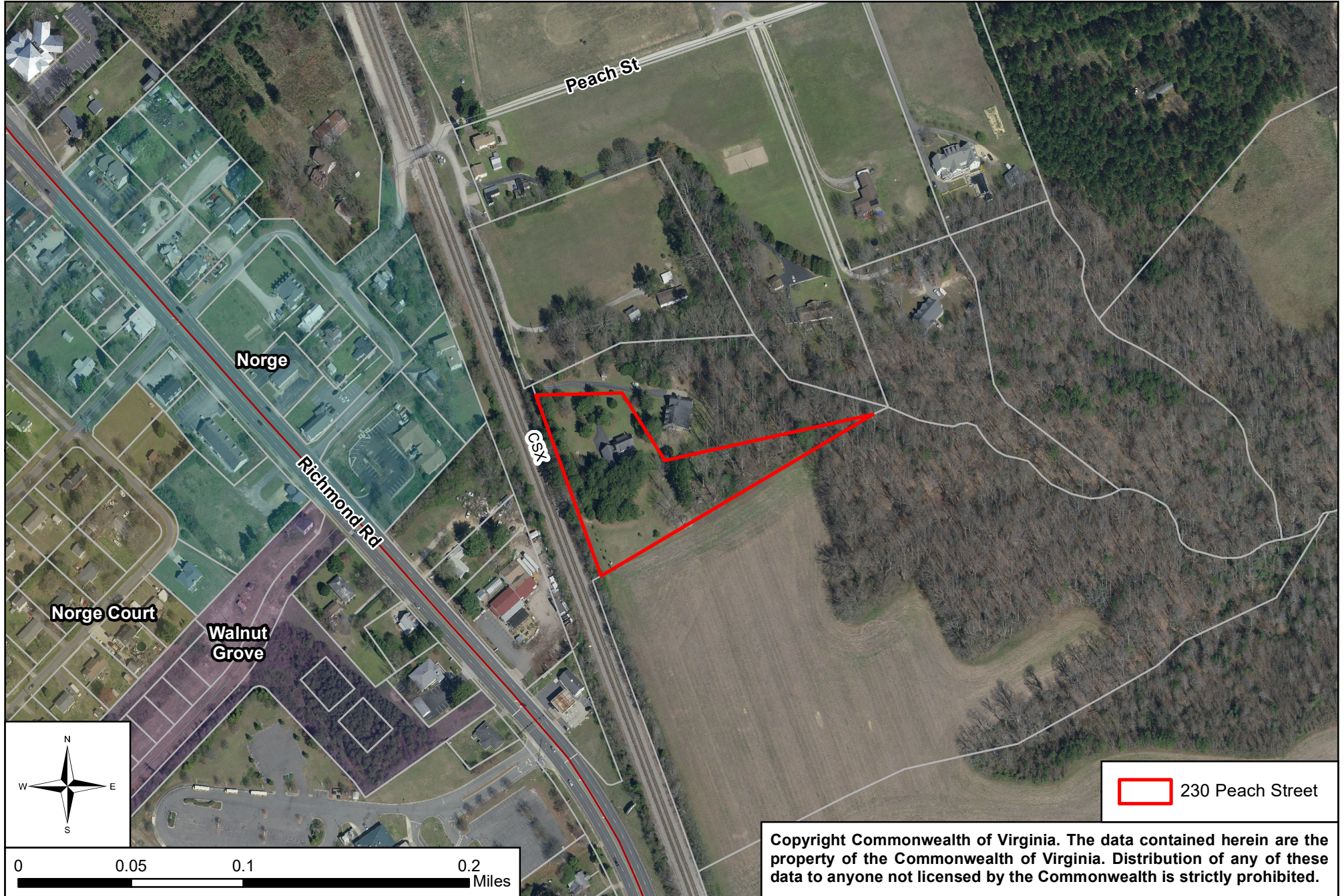
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

SUP20-05PchStTHme-res

JCC SUP-20-0005

230 Peach Street Tourist Home



SUP-20-0005, 230 Peach Street Tourist Home

Property Information

2320100024A
Armond and Linda Campbell
230 Peach Street
Williamsburg, VA 23188
A1 General Agriculture
Comp Plan: Economic Opportunity
Acres: 2.76

General Notes

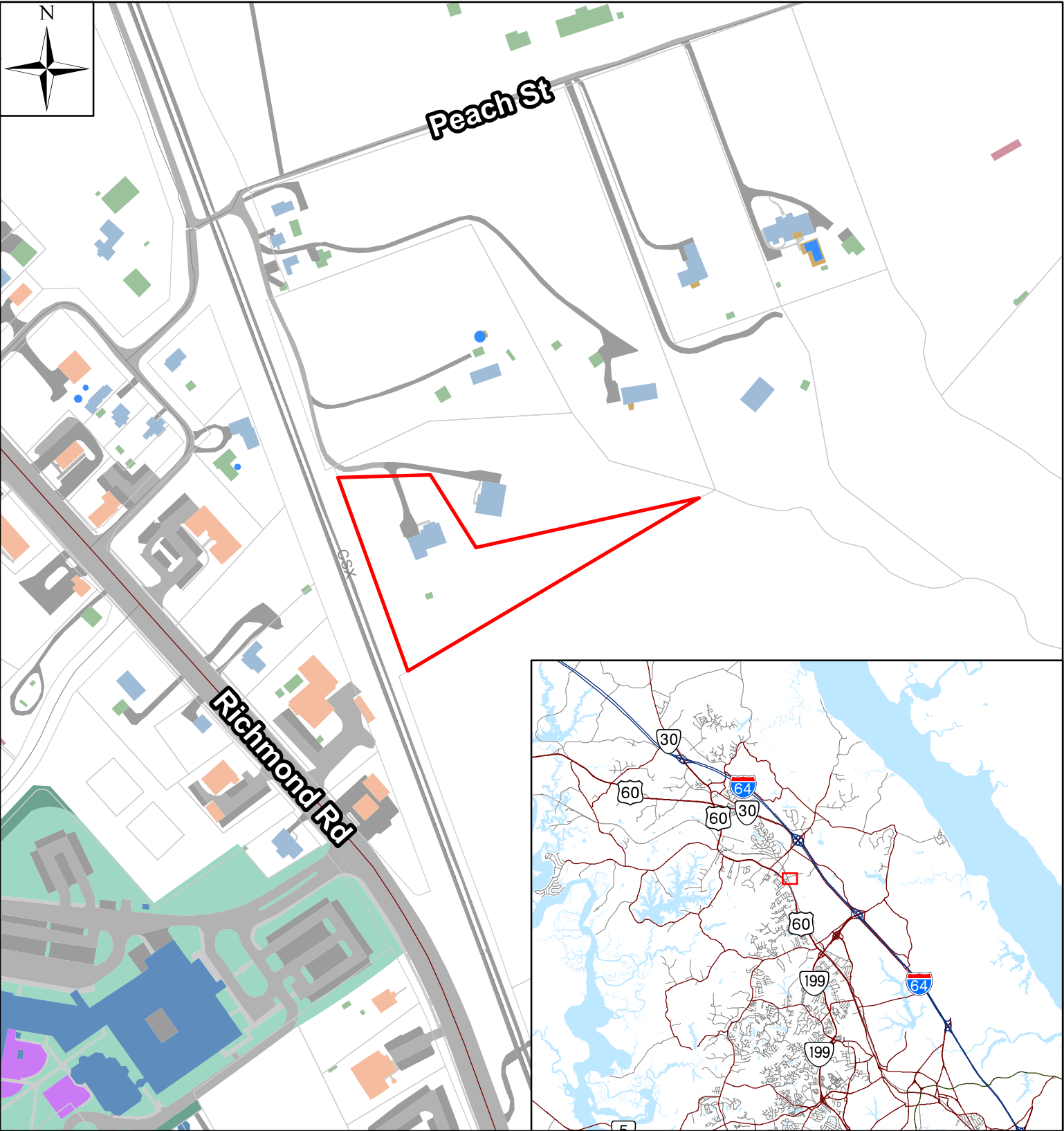
- 1. Site is served by private well and septic.
- 2. Property is not located in a FEMA Floodplain zone.
- 3. Property does contain Resource Protection Area.
- 4. Property has an existing paved driveway accessed from a shared gravel driveway.
- 5. A minimum of three parking spots shall be provided (one parking spot per bedroom).

Adjacent Properties

2320100029 Six Forks Investment 7358 Richmond Road Williamsburg, VA 23188 B1 General Business	2320100028 John Stanco 7354 Richmond Road Williamsburg, VA 23188 B1 General Business
2320100025 Dae Chong 7296 Richmond Road Williamsburg, VA 23188 A1 General Agriculture	2320100024B Gary Campbell 234 Peach Street Williamsburg, VA 23188 A1 General Agriculture
2320100027 Palmetto Group LLC 7348 Richmond Road Williamsburg, VA 23188 B1 General Business	

Sheet Index

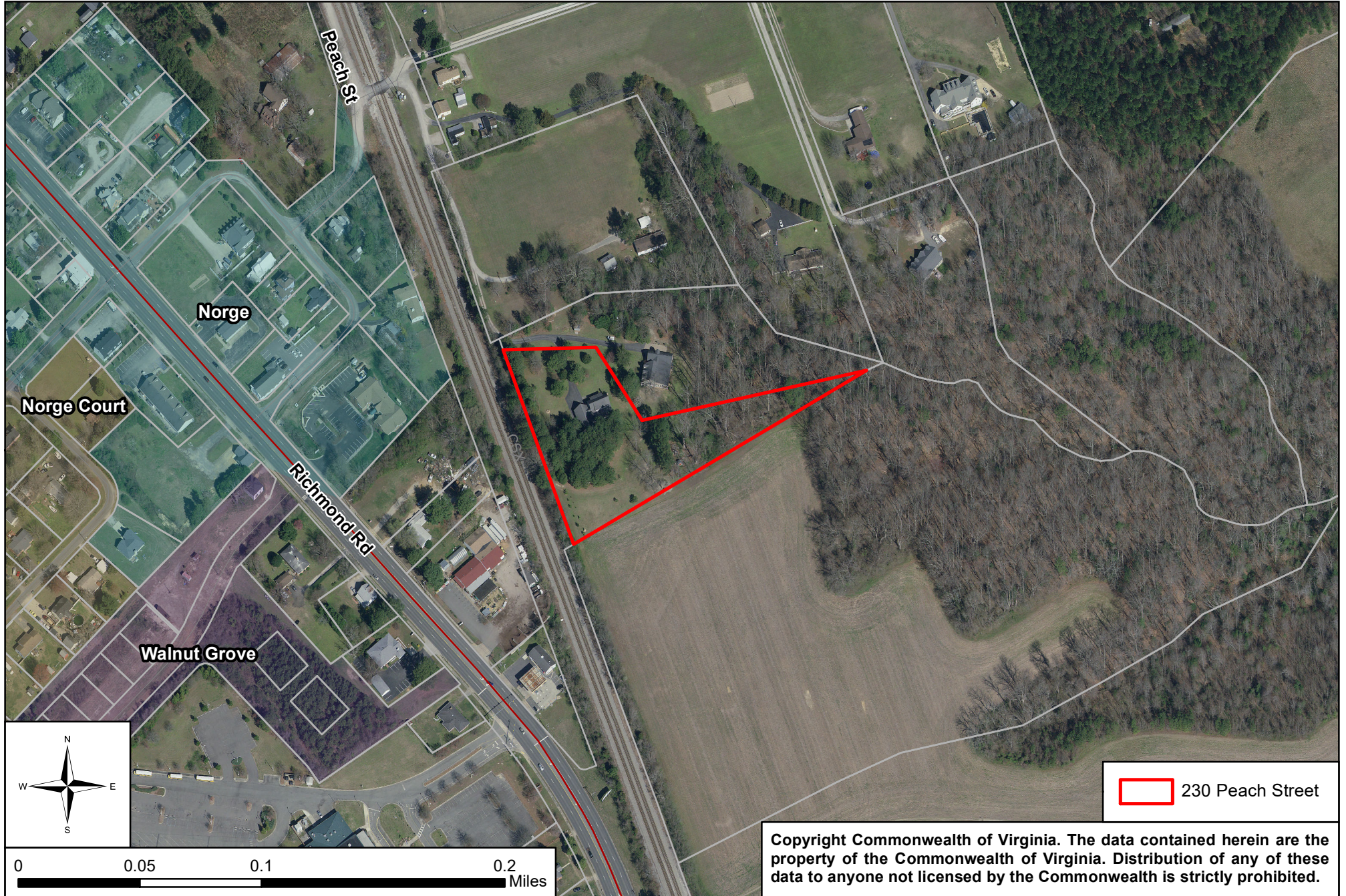
- 1. Cover Page
- 2. Location Map
- 3. Site Details

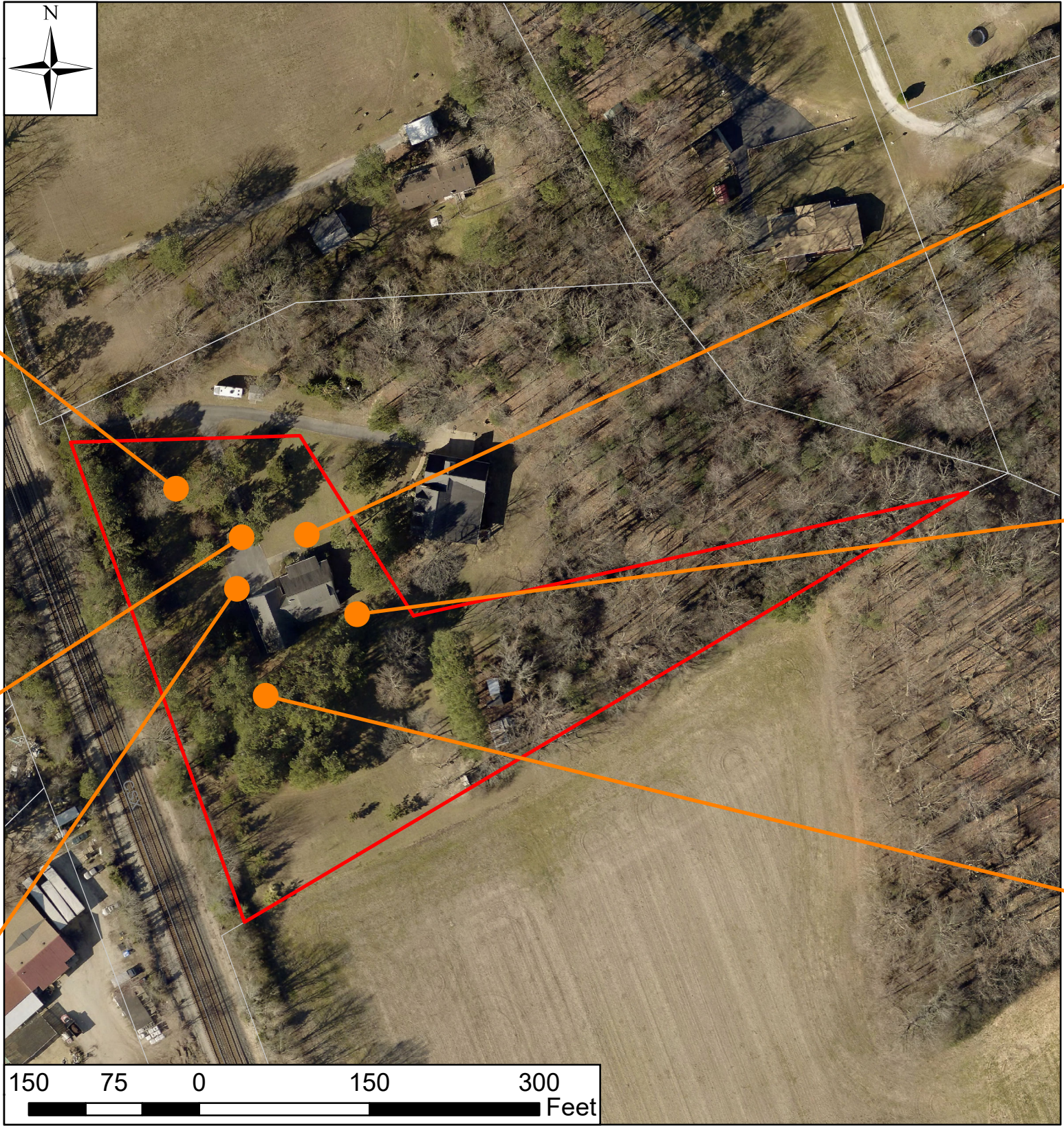


Maps Not To Scale

JCC SUP-20-0005

230 Peach St. Tourist Home





February 28, 2020

To Whom It May Concern:

We are requesting the county grant a special use permit so that we may be able to utilize our existing three bedroom /three bathroom home located in an A-1 General Agricultural district as a short term Tourist Home intermittently throughout the year. We have additional real estate located in the Outer Banks of North Carolina that we frequent often allowing us to alternately provide our primary home for short-term rental. The house is, and will remain, our primary residence. We may not be present during each and every time we host guests; however, our intent is to provide guests with contact information for caretakers of our home in our absence. We do not plan to alter the size or footprint of our home.

We are able to provide adequate parking to exceed the required minimum of four parking spaces. Our home is also serviced by private water and septic.

Our 2.76-Acre Parcel is larger than other more densely populated residential areas. The size of the lot and the existing vegetation provide screening and buffering to most adjacent properties.

Properties surrounding us are all Zoned A-1, General Agricultural.

Our neighbors on Peach Street include a horse farm, an equine veterinary clinic and a contractor's office. The latter two uses were also permitted through the SUP process. In addition, our immediate neighbors also use their home intermittently as a "tourist home" after obtaining a SUP.

Much like the previously approved SUP operations along Peach Street, our property does not have any direct frontage along a public right-of-way. An unpaved road within a shared ingress/egress easement, which serves three other parcels, accesses the site. Adjacent property owners are in favor of the recommended proposed use. County staff previously found that the proposed use would not create additional impacts beyond those typically associated with residential development.

Thank you for your consideration in this matter,
The Campbell's

Armond Campbell
Linda C. Campbell

**Unapproved Minutes of the May 6, 2020
Planning Commission Regular Meeting**

SUP-20-0005. 230 Peach St. Tourist Home

Mr. Tom Leininger, Planner stated that Mr. Gary Campbell has applied for a Special Use Permit (SUP) to allow for the short-term rental of an entire 4-bedroom home located at 230 Peach Street. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live off-site during the time of rentals. Mr. Leininger stated that the property is zoned A-1, General Agriculture, is designated Economic Opportunity in the Comprehensive Plan, and is located outside the PSA.

Mr. Leininger stated that if the SUP is granted, it would allow short-term rentals of 3 of the 4 bedrooms throughout the year. Mr. Leininger further stated that the applicant can receive approval to rent the fourth bedroom once approval is granted by the Virginia Department of Health (VDH). Mr. Leininger stated that the home is currently occupied by the applicant and would be rented out the home when the applicant is not in residence. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired about a discrepancy in the number of bedrooms to be rented.

Mr. Leininger stated that the proposal is to rent three bedrooms with the possibility of renting a fourth bedroom if approved by the state.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf inquired if any public comments or speaker cards were submitted for this application.

Mr. Holt stated that no speaker cards or public comments had been submitted.

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

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

Ms. Null inquired about management of the property when the owner was away.

Mr. Gary Campbell, 230 Peach Street, Applicant, clarified that the house has only three bedrooms currently and that the possible fourth bedroom is unfinished, but may be considered for use at a future time. Mr. Campbell further stated that the property is owned by his parents. Mr. Campbell stated that he and his wife would be managing the property.

Mr. Rob Rose inquired about how the SUP conditions would be enforced if the application is approved.

Mr. Holt stated that some of the items are required prior to a business license being issued, and others are enforced on a complaint based system. Mr. Holt further stated that at current staffing levels, it is not feasible to do regular follow up; however, complaints are investigated and the SUP conditions can be enforced.

Mr. Tim O'Connor stated that he remains steadfast in the opinion that short-term rentals are not in keeping with the goals of the Comprehensive Plan. Mr. O'Connor further stated that the property is adjacent to the railroad tracks and is located on an unimproved road which does not represent the County well for visitors to the area. Mr. O'Connor stated that he cannot continue to support these types of applications.

Mr. Haldeman made a motion to recommend approval of the application with the conditions recommended in the staff report.

On a roll call vote the Commission voted to recommend approval of SUP-20-0005. 230 Peach St. Tourist Home. (4-3)

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: SUP-19-0030. 124 B Cooley Rd. Rental of Rooms

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment 1. Resolution	Resolution
☐	Attachment 2. Location Map	Exhibit
☐	Attachment 3. Master Plan	Exhibit
☐	Attachment 4. Narrative	Backup Material
☐	Attachment 5. Approved PC Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/22/2020 - 2:00 PM
Development Management	Holt, Paul	Approved	5/22/2020 - 2:03 PM
Publication Management	Burcham, Nan	Approved	5/22/2020 - 2:11 PM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 2:15 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:21 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:50 PM

SPECIAL USE PERMIT-19-0030. 124 B Cooley Road Rental of Rooms

Staff Report for the June 9, 2020, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mrs. Eileen Demari

Land Owner(s): Mrs. Eileen Demari
Mr. Gilbert Demari

Proposal: To allow for the short-term rental of one bedroom within a caretaker-occupied single-family home.

Location: 124 B Cooley Road

Tax Map/Parcel No.: 4720270006A

Project Acreage: ± 0.45 acres

Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: February 5, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal is for the rental of only one bedroom, which is less than the maximum of three rooms permitted within the Limited

Residential (R-1) District. Also, unlike a tourist home use, the owner or caretaker lives on site.

2. There is adequate off-street parking provided on site.
3. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
4. The proposal is consistent with some of the recommendations of the Comprehensive Plan, such as having limited traffic impacts.
5. Impacts: See Impact Analysis on Page 3.

FACTORS UNFAVORABLE

1. The subject property is located on a local road. Unlike other past applications in areas designated Low Density Residential, the subject parcel is fully integral to an existing neighborhood. Renters traveling to and from the property will be going through the neighborhood.
2. While the property has adequate parking and some mature vegetation that is not unlike other residential units, the particular size and configuration of this parcel could result in adjacent properties being aware of and potentially impacted by renters with different hours and or noise levels than traditional, long-term residents.
3. Impacts: See Impact Analysis on Page 3.

SUMMARY STAFF RECOMMENDATION

Staff is unable to recommend approval for this application. Should the Board grant approval, staff has included draft conditions (Attachment No. 1).

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.

PLANNING COMMISSION RECOMMENDATION

At its February 5, 2020 regular meeting, the Planning Commission recommended denial of this application by a vote of 6-0.

PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of one bedroom within an existing three-bedroom home. The property is not the owner's primary residence; a caretaker will be present during the time of the rentals.
- The property currently consists of a single-family home with an attached garage and a detached storage building. The owner is proposing to rent one bedroom on a short-term basis. This Special Use Permit (SUP), if granted, would allow for short-term rentals throughout the year. No changes to the size or the footprint of the home are proposed.
- The "Rental of Rooms" use within the R-1 District limits rentals to a maximum of three bedrooms and requires the homeowner or caretaker to continue residing at the property during the time of rental.

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located adjacent to three other R-1, Limited Residential zoned properties within the Indigo Park neighborhood. Single-family dwellings are located to the north, south, east, and west, with the houses on either side of the subject property accessing Cooley Road and the property to the rear accessing Travis Lane.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all adjacent properties. Appropriate primary uses recommended by the Comprehensive Plan include single-family homes, multifamily units, accessory units, and cluster housing. Limited commercial uses may also be considered appropriate should the proposal meet the following standards:

- Complements the residential character of the area. Staff finds the proposal consistent with the residential character of the area, as no exterior changes to the home or property are proposed.
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses. Staff finds that impacts will be similar to nearby residential uses. Traffic is anticipated to be typical of what the current residential use produces. The subject property must adhere to the County's Noise Ordinance. SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
- Generally be located on collector or arterial roads at intersections. Cooley Road is classified by the Virginia Department of Transportation as a local road. While Cooley Road appears adequate to support this use, renters traveling to and from the property will be going through the neighborhood.
- Provide adequate screening and buffering to protect the character of nearby residential areas. The subject parcel does contain some mature vegetation, including a row of mature plantings that screen this house from the property located behind it. SUP conditions will prevent these plantings from being removed for the duration of this use. The existing landscaping on the front of property is typical of a single-family residence. Staff finds that the residential character of the area will not be visually impacted negatively by this proposal.

SPECIAL USE PERMIT-19-0030. 124 B Cooley Road Rental of Rooms**Staff Report for the June 9, 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>	<ul style="list-style-type: none">- The proposal is not anticipated to generate traffic exceeding a typical residential use.- The subject property is located on a local road. While Cooley Road appears adequate to support this use, renters traveling to and from the property will be going through the neighborhood.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Pedestrian/bicycle accommodations are not necessitated as a result of this proposed use.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Subject property is located within a 5-minute radius of Fire Station 3.- The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal is not expected to generate schoolchildren.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams and Reservoirs</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The Stormwater and Resource Protection Division offered no objections after reviewing this proposal. No new impervious surface is included in this proposal. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The subject property has been previously disturbed and has no known cultural resources on site.
<u>Nearby and Surrounding Properties</u>	<u>Not Fully Mitigated</u>	<ul style="list-style-type: none">- Although the SUP conditions would mitigate some impacts to neighboring properties, staff finds the location, size, and configuration of the subject parcel poses a high potential for impact and is not conducive for this use.
<u>Community Character</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- This segment of Cooley Road is not located on a Community Character Corridor or within a Community Character Area.

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.

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be incompatible with surrounding development and not entirely consistent with the recommendations of the adopted Comprehensive Plan. Staff is unable to recommend that the Board approve this application. Should the Board grant approval, staff has included draft conditions (Attachment No. 1).

TW/md
SUP19-30CooleyRd

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Letter
5. Approved Minutes of the February 5, 2020 Planning Commission Meeting

RESOLUTION

CASE NO. SUP-19-0030. 124 B COOLEY ROAD RENTAL OF ROOMS

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

WHEREAS, Mrs. Eileen Demari has applied to allow for the short-term rental of one bedroom within a caretaker-occupied single-family home on property located at 124 B Cooley Road, further identified as James City County Real Estate Tax Map Parcel No. 4720270006A (the "Property"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-19-0030; and

WHEREAS, the Planning Commission, following its public hearing on February 5, 2020, recommended denial of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-19-0030 as described herein with the following conditions:

1. Master Plan. This SUP shall permit the rental of rooms on property located at 124 B Cooley Road and further identified as James City County Real Estate Tax Map Parcel No. 4720270006A (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-19-0030: 124 B Cooley Road Rental of Rooms" and date stamped January 16, 2020 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within 12 months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of rental rooms and occupants. There shall be no more than one bedroom available for rent to visitors and no more than two rental occupants total at any one time.
4. Contracts per rental period. There shall not be simultaneous rentals of the Property under separate contracts.
5. Landscaping. The existing tree buffer located on the rear of the property shall be preserved. Any proposed change to this buffer shall require the written approval of the Director of Planning.
6. Signage. No signage related to the rental of rooms shall be permitted on the Property.

7. Parking. Off-site parking for this room rental shall be prohibited. No oversized commercial vehicles associated with occupants of the room rental, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.
8. Lighting. No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
9. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

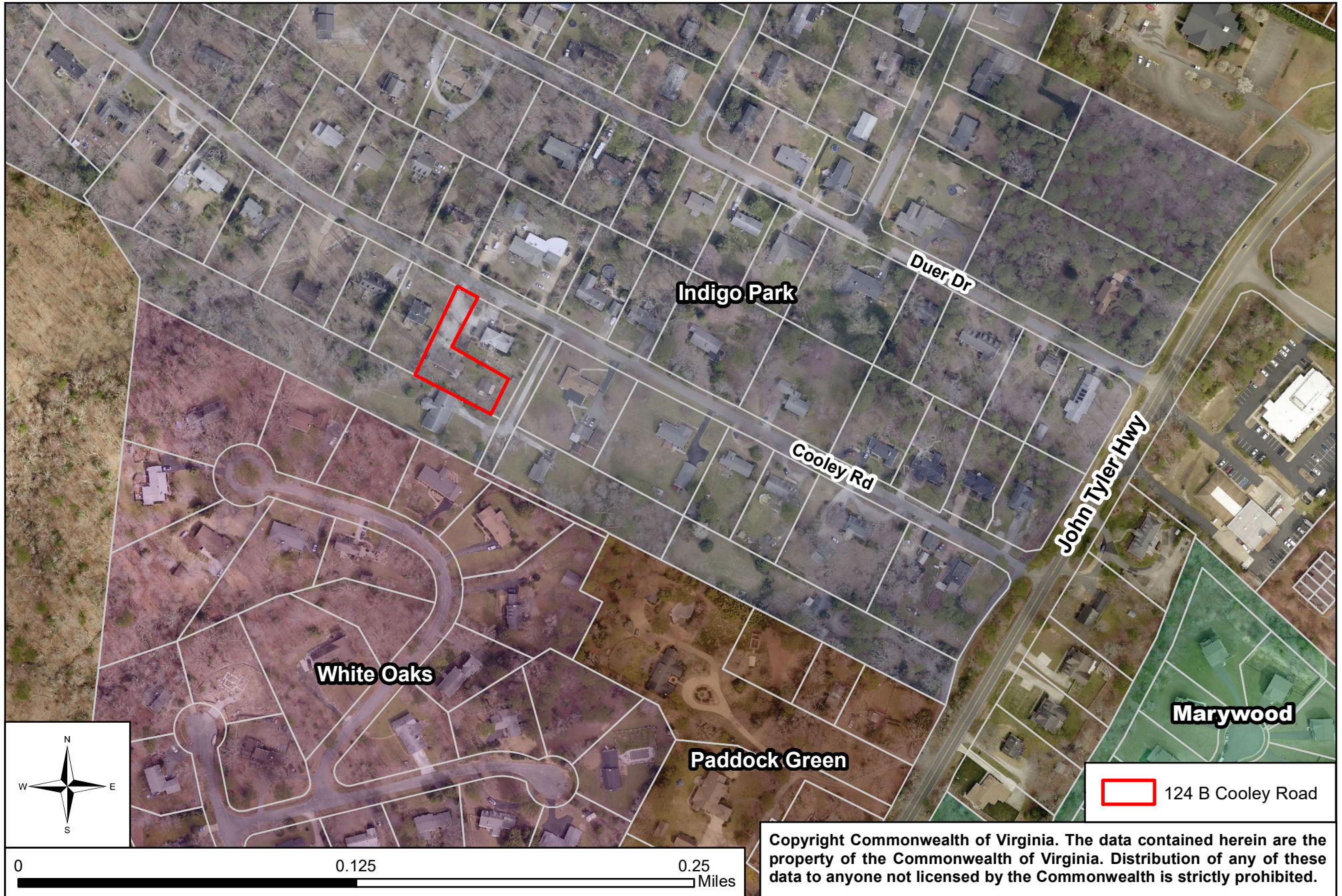
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June 2020.

SUP19-30CooleyRd-res

JCC SUP-19-0030

124 B Cooley Road Rental of Rooms



SUP-19-0030, 124 B Cooley Road Rental of Rooms

Property Information

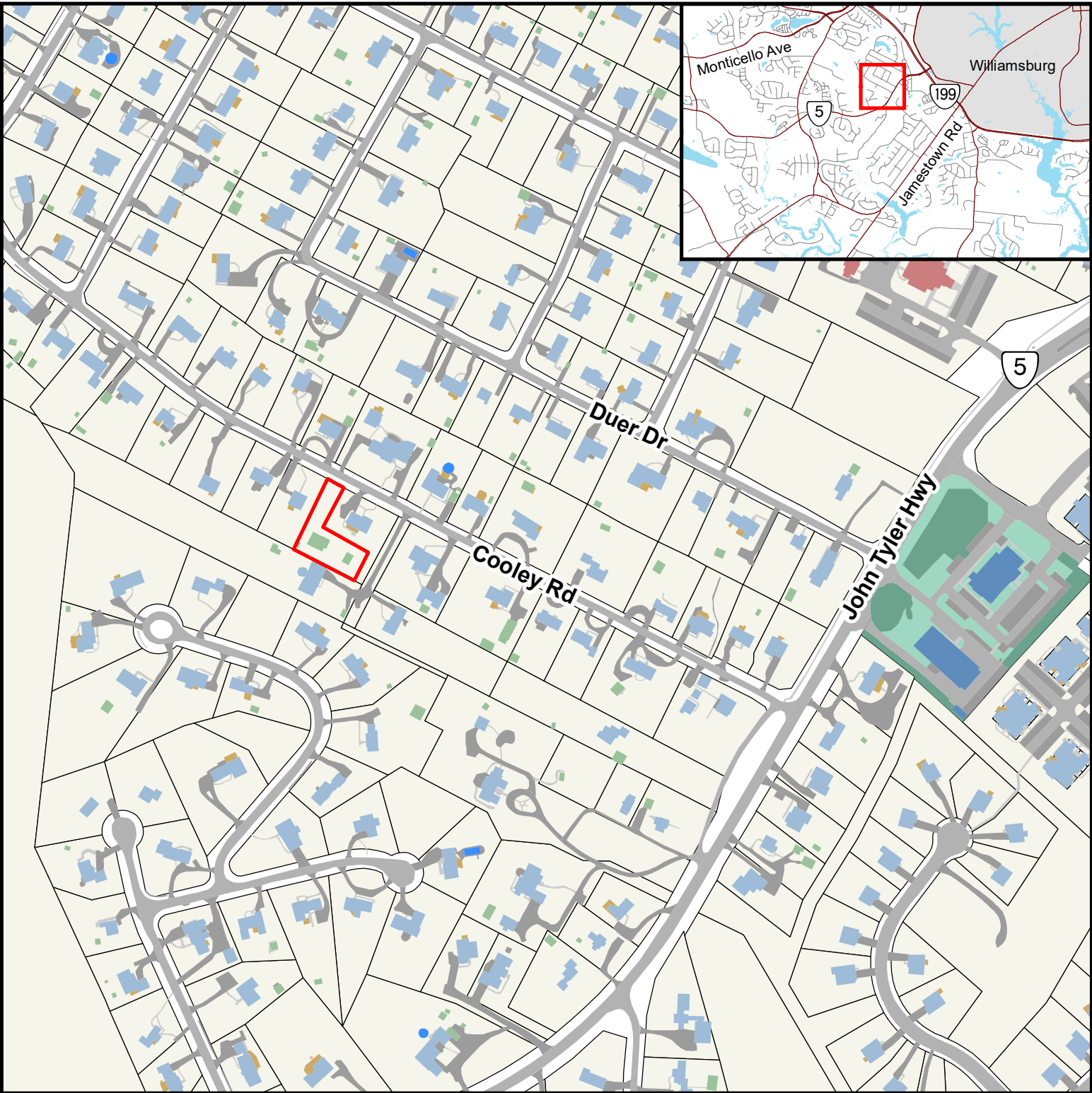
4720270006A
DEMARI, GILBERT J & EILEEN MARY
124 B Cooley Road
Williamsburg, VA 23188
Zoning: R1, Limited Residential
Comp. Plan: Low Density Residential
Acres: ±0.45

General Notes

- 1. The property is served by public water and sewer.
- 2. The property is not located in the special flood hazard area per FEMA FIRM 51095C0138D dated 12/16/15.
- 3. This property does not appear to be located in the Resource Protection Area.
- 4. The property has an existing driveway.
- 5. Two parking spaces shall be provided.

Adjacent Properties

4720270006 Gilbert J. Demari 124 Cooley Road Williamsburg, VA 23188 R1, Limited Residential	4720260009B Helene A. Hale 127 Cooley Road Williamsburg, VA 23188 R1, Limited Residential
4720270007A John Aughenbaugh & Katlin Robinson 126 Cooley Road Williamsburg, VA 23188 R1, Limited Residential	4720270008 Jocelyn V. Robertson Trustee 1 Travis Lane Williamsburg, VA 23188 R1, Limited Residential
4720260008 David E. & Elizabeth H. Villenave Trustee 5387 Riverview Road Williamsburg, VA 23188 R1, Limited Residential	



Maps Not To Scale



Sheet Index

- 1. Cover Page
- 2. Master Plan

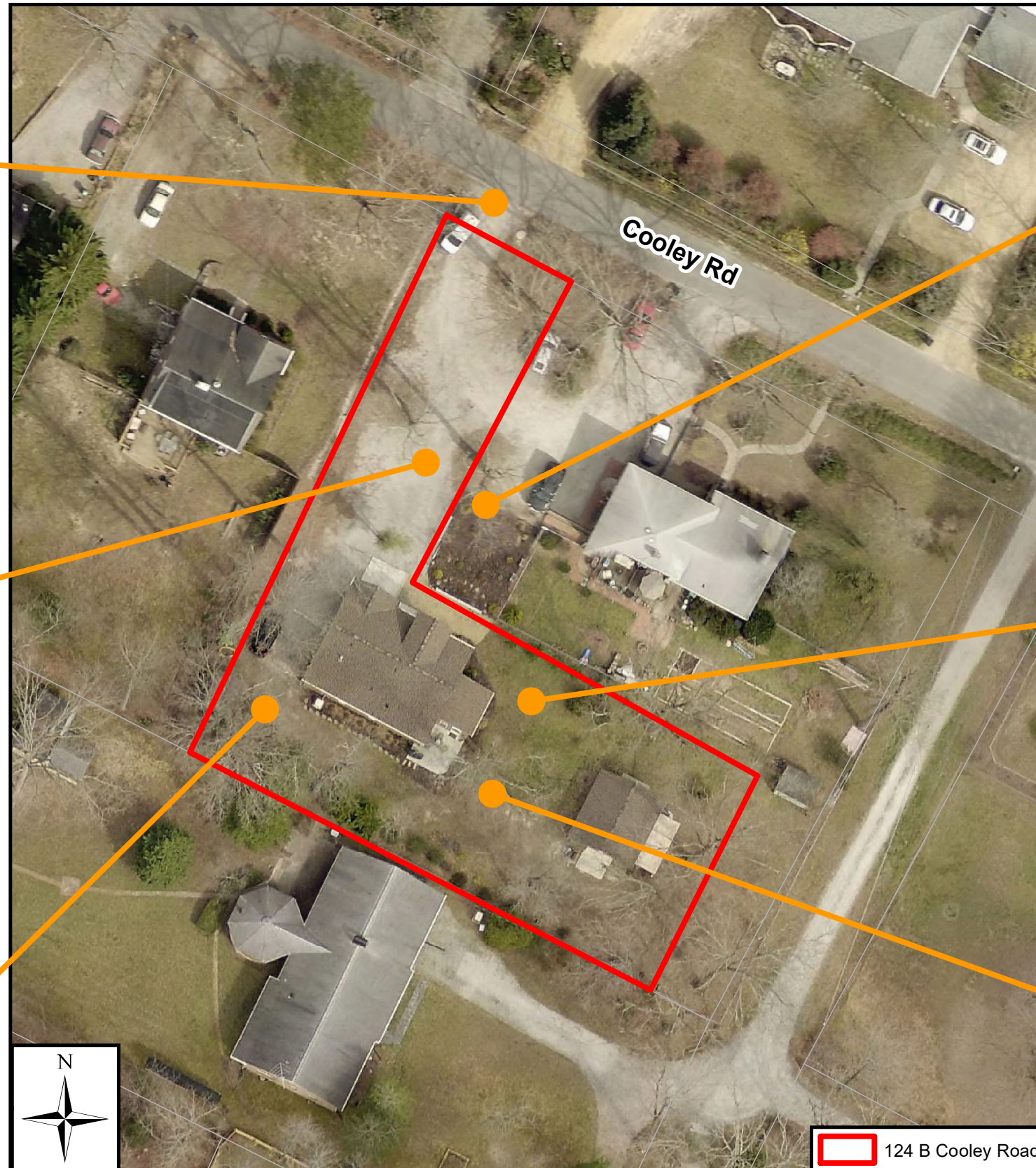
PLANNING DIVISION

Jan 16 2020

RECEIVED

JCC SUP-19-0030

124 B Cooley Road Rental of Rooms



SUP-19-0030

124-B Cooley Road
4720270006

This letter is to confirm, 124-B is the home we are applying for a special use permit. This is for a 1 room rental in our home at 124-B Cooley Rd

We understand that someone, ourselves or a caretaker has to live in the home at all times while the room is actively being rented via Airbnb.

The short term rental will be on the Airbnb.com platform. The guest will book through the website, after being confirmed, address and entry details are given. Once they are in the home we have a welcome kit that has all the details they may need for their stay.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
February 5, 2020
6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
Terry Costello, Deputy Zoning Administrator
Scott Whyte, Senior Landscape Planner
Thomas Wysong, Senior Planner
Brett Meadows, Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

Mr. Jay Everson, 103 Branscome Boulevard, addressed the Commission on the school CIP requests and school enrollment forecasts.

As no one further wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Frank Polster stated that the Development Review Committee (DRC) met January 22, 2020 to consider C-19-0073. 2822 and 2896 Forge Road.

Mr. Polster stated that the applicant proposed to modify the driveway access that was previously recommended by the DRC and approved by the Planning Commission in November 2019. The recommendation allowed one shared driveway between “New Parcel 1” and “New Parcel 2” and one driveway to serve “New Parcel 3”.

Mr. Polster stated that under the new proposal, “New Parcel 2” would share access with the existing driveway on the neighboring Boelt property instead of sharing a new driveway with New Parcel 1. Mr. Polster further stated that the driveways approved for “New Parcel 1” and for “New Parcel 3” (with the understanding that the applicants hope to access this parcel in the future via a shared driveway with the Martin Farm Estates neighborhood.) would remain in place

Mr. Polster stated that the DRC members thought that the new proposal was an improvement over the configuration of the originally approved driveway.

Mr. Polster stated that the DRC then voted to recommend approval to the Planning Commission for the exception request under Section 19-18 specifying one shared driveway for Lots 2 and 1 and one driveway for Lot 3 and recommended an exception to Sec 19-73 (b) permitting a gravel driveway for New Parcel 2 Boelt shared driveway.

Ms. Julia Leverenz stated that the Policy Committee met on December 12, 2019. Committee members present were Rich Krapf, Tim O’Connor, and Julia to consider Phase III amendments to the Zoning Ordinance regarding inoperative motor vehicles and certain oversized vehicles. Ms. Leverenz stated that a recent change to the County Charter granted James City County the additional authority to regulate inoperative motor vehicles for properties zoned agricultural and less than two acres, and for vehicles which do not display a valid license plate or valid inspection. Ms. Leverenz stated that the proposed ordinance includes two subsections: one for properties zoned residential or commercial, in which “inoperative vehicle” is defined as one with an invalid license plate and an invalid inspection decal; and a second subsection for properties less than two acres zoned residential, commercial, or agricultural, which defines “inoperative vehicle” as one with an invalid license plate or an invalid inspection decal. Ms. Leverenz stated that the distinctions are in accordance with the wording in the State Code. Ms. Leverenz stated that violation of each subsection has different consequences, and the County will have two options when enforcing violations on residential or commercial properties less than two acres.

Ms. Leverenz stated that the Committee also considered proposed language to regulate keeping and parking oversized commercial vehicles in areas zoned residential, both on private property and along residential streets. Ms. Leverenz

stated that incorporating previous policy committee discussions as well as input from the county police department, the proposed ordinance specifies as oversized vehicles: solid waste collection vehicles, tractor trucks, tractor truck semitrailers, tractor truck/trailer combinations, dump trucks, concrete mixer trucks, or any heavy instruction equipment. Ms. Leverenz stated that the Committee discussed the ordinance's applicability to personal use trailers and recreational vehicles, some of which are regulated in Chapter 13.

Ms. Leverenz stated that the Committee also reviewed ORD-2019-0007, Consideration of Warehouse, Storage, and Distribution Centers in the Mixed Use Zoning District. Ms. Leverenz noted that staff clarified that these uses include self-storage units. Ms. Leverenz noted that warehouse, storage, and distribution centers have been consistently permitted by right in Mixed Use Zoning Districts; however, in August 2019 the Board of Supervisors adopted an Initiating Resolution to either remove these uses from the Mixed Use District or allow them as a specially permitted use. Ms. Leverenz stated that the Committee felt that these could be valid components of certain MU Districts, but not the principal component. Ms. Leverenz stated that the recommended ordinance language, which allows these structures as a specially permitted use, will come before the Planning Commission at its next meeting.

Ms. Leverenz further stated that the Committee also met on January 9, 2020. To consider Phase I Zoning Ordinance amendments to address the keeping of bees in residential districts. Ms. Leverenz stated that in October 2019 the Board of Supervisors adopted an Initiating Resolution to address beekeeping in residential and agricultural districts. Ms. Leverenz noted that James City County already allows beekeeping in the A-1 General Agricultural, and R-8, Rural Residential districts. Ms. Leverenz stated that at the State level, there have been initiatives to support beekeeping. Ms. Leverenz further stated that staff's research showed that all neighboring localities allow beekeeping accessory to residential uses. Ms. Leverenz state that the Committee recommended that beekeeping be allowed county-wide, in all zoning districts. Ms. Leverenz stated that discussion centered on permitting, notification, and standards, such as minimum lot size(s) and barriers. Ms. Leverenz stated that the committee suggested that 0.25 acres should be the minimum lot size for keeping bees, and asked staff to utilize the standards in Charlottesville's and Albemarle County's ordinances when preparing language for Stage II consideration. Ms. Leverenz stated that staff will also research standards for commercial and industrial zoning districts.

Ms. Leverenz stated that the Committee also considered Phase I amendments to address combat tactical training facilities. Ms. Leverenz stated that in August 2019 the Board of Supervisors adopted an Initiating Resolution to consider amending the zoning ordinance to exclude combat tactical training facilities as a permitted use in agricultural and residential districts, and to evaluate their

appropriateness as a specially permitted use in the General Industrial district. Ms. Leverenz noted that these considerations are separate from the shooting ranges that are currently regulated in county ordinances. Ms. Leverenz stated that the Committee recommended excluding combat tactical training facilities from all zoning districts, and asked staff to incorporate provisions similar to those used by New Kent County, when drafting language for Stage II consideration.

E. CONSENT AGENDA

1. Minutes of the December 4, 2019 Regular Meeting
2. Development Review Committee Action Item: C-19-0073. 2822 and 2896 Forge Road. Shared Driveway Exception Request

Ms. Leverenz made a motion to approve the Consent Agenda.

On a voice vote, the Commission voted to approve the Consent Agenda.

F. PUBLIC HEARINGS

1. SUP-19-0012. Tiki Tree and Landscape

Mr. O'Connor inquired why the postponement was requested.

Mr. Holt stated that the applicant needed additional time to evaluate factors that might change the application and require the case to be re-advertised.

Mr. O'Connor made a motion to not grant the postponement.

Mr. Holt stated that if the Commission does not grant the postponement, the matter would be discussed, with the potential for further recommendation by the Commission.

Mr. Krapf stated that he had concerns about not agreeing to the postponement, as otherwise the Commission would not have the information in the staff report or the applicant's presentation to make an informed decision.

Ms. Leverenz stated that she was uncertain of the implications of not granting the postponement. Ms. Leverenz inquired whether, if the Commission did not defer, the Commission would make a recommendation to the Board of Supervisors regarding the matter.

Mr. Holt stated that the Commission would need to dispose of the matter in some form.

On a roll call vote, the motion to not postpone was not approved. (1-5)

Mr. Krapf made a motion to postpone the matter to the Commission's March 4, 2020 meeting.

On a roll call vote, the Commission voted to postpone the matter to its March 4, 2020 Regular Meeting. (5-1)

2. SUP-19-0025. 5403 Riverview Road Tourist Home

Ms. Terry Costello, Deputy Zoning Administrator, stated that Ms. Elaine Henk has applied for a Special Use Permit (SUP) to allow the operation of a Tourist Home at 5403 Riverview Road. Ms. Costello stated that the SUP will allow for the short-term rental of a 4-bedroom home with no changes to the size or footprint of the home. Ms. Costello stated that the property is zoned A-1, General Agricultural, is designated Rural Lands in the Comprehensive Plan, and is located outside the Primary Service Area, as are all surrounding parcels.

Ms. Costello stated that staff considered the home's location, lot size, parking provisions, and screening all to be favorable factors in the evaluation of this application. Ms. Costello further state that the property has an existing driveway and parking area sufficient to accommodate guests. Ms. Costello noted that the size of the lot and the existing vegetation provides screening from most adjacent properties. Ms. Costello stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Ms. Costello further stated that the proposed conditions include limitations on the number of rooms rented and total number of rental occupants per stay.

Ms. Costello stated that staff finds the proposal to be compatible with the 2035 Comprehensive Plan, Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application to the Board of Supervisors.

Ms. Leverenz inquired if the property owner would also be in residence.

Ms. Costello stated that there are two houses on the property and the owner would occupy one of the houses.

Mr. O'Connor inquired which of the residences would be rented.

Ms. Costello stated that it would be the house located farthest back on the property.

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. Rich Krapf made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0025. 5403 Riverview Road Tourist Home. (5-1)

3. SUP-19-0028. 6221 Old Mooretown Road, Strait Gate Temple Expansion

Ms. Ellen Cook, Principal Planner, stated that Mr. Edward Rose has submitted an SUP application for a place of public assembly at 6221 Old Mooretown Road. Ms. Cook stated that the property is currently zoned R-2, General Residential and is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

Ms. Cook stated that the existing structure will be rehabilitated prior to occupancy and the master plan permits an additional 1,771 square feet of building area, bringing the total to 3,271 square feet. Ms. Cook stated that with the new addition, seating for up to 160 people is planned. Ms. Cook stated that site improvements will include additional parking spaces.

Ms. Cook stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2035 Comprehensive Plan. Ms. Cook stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired about the adequacy of the existing parking for the anticipated size of the congregation. Mr. Krapf further inquired if there would be multiple worship services on Sundays and Wednesdays.

Ms. Cook stated that she would defer to the applicant on this question.

Mr. Haldeman inquired if there is a requirement for when construction must commence.

Ms. Cook stated that the SUP condition, as it is currently written, only addresses the requirement for obtaining site plan approval.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Edward Rose, Pastor, 6221 Old Mooretown Road, stated that there are only approximately 20 members in the congregation at this time. Mr. Rose stated that the 160 members accounts for potential increase in the congregation over time. Mr. Rose stated that there would be only one service on Sundays and Wednesdays. Mr. Rose stated that this application allows for any changes necessary for growth over time.

Mr. Krapf inquired if additional parking would be addressed at that time.

Mr. Rose stated that the site plan would show future parking when it is submitted.

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

Mr. O'Connor inquired if the applicant would have the option to reformat the entrance to take access from Curry Drive, should the traffic study show that a turn lane or taper is required.

Mr. Holt stated that the applicant would be encouraged to consider this as an option, should road improvements be required. Mr. Holt stated that, depending on any other changes, this might be something that could be approved administratively and that staff would work with the applicant to consider all the options.

Mr. Polster made a motion to recommend approval of the application.

On a roll call vote, the Commission voted to recommend approval of SUP-19-0028. 6221 Old Mooretown Road, Strait Gate Temple Expansion. (6-0)

4. SUP-19-0029. 4451 Longhill Road Life Church and Daycare Program

Ms. Terry Costello, Deputy Zoning Administrator, stated that Ms. Lyra Hale has applied for an SUP to allow for the existing church and daycare located at 4451 Longhill Road. Ms. Costello stated that the property is zoned R-8, Rural Residential, is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, and is located inside the Primary Service Area. Ms. Costello stated that surrounding development includes Windsor Forest, Season's Trace and Lafayette High School.

Ms. Costello stated that the Christian Life Center, known as Life Church, has occupied this facility since March 2000. Ms. Costello stated that in 1998, when the original site plan was approved, houses of worship were a permitted

use in the R-8 Zoning District. Ms. Costello further stated that the Zoning Ordinance was amended in December 1999 to require an SUP for this use. Ms. Costello stated that due to this change, the church is currently considered non-conforming.

Ms. Costello stated that the daycare program, as proposed, would have a maximum of 30 children with 8 staff members. Ms. Costello stated that the age range of the children will be from infant to 36 months. Ms. Costello further stated that the hours of operation will be from 8:30 am to 1:30pm, three days a week, including the pickup and drop off times. Ms. Costello stated that the daycare will operate within the current facility and there are no external changes such as outdoor playgrounds proposed.

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

Mr. Polster inquired about the hours of operation.

Ms. Costello stated that the daycare will be open from 9:30 a.m. to 12:30 p.m. Ms. Costello stated that staff added an extra hour in the morning and in the afternoon to allow for drop off and pick up.

Mr. Polster inquired if the daycare would operate only three days a week.

Ms. Costello confirmed.

Mr. O'Connor inquired if there is a reason for the condition limiting the days and hours of operation.

Ms. Costello stated that the condition was designed to mitigate conflicts with the school traffic.

Mr. O'Connor inquired if the intersection will be signalized as part of the Longhill Road Widening project.

Mr. Holt stated that this section of Longhill Road will not be improved in the near future, as funding for that section of the project has not yet been identified. Mr. Holt further stated that during the study phase, a consensus was not reached regarding treatment of that intersection. Mr. Holt noted that the Longhill Road Study document recommended further consideration of the proposed options prior to developing the project.

Mr. Polster noted that the current management of the traffic is superior to signalizing the intersection.

Mr. Polster inquired if the applicant was satisfied with the condition.

Ms. Costello stated that the applicant found the condition acceptable.

Mr. Polster inquired if the applicant would want longer hours.

Ms. Costello stated that the applicant proposed operating hours of 9:30 a.m. to 12:30 p.m. and staff added time to accommodate drop off and pick up.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Ms. Lyra Hale, 140 Country Club Drive, introduced herself as director of the daycare program and would be pleased to answer any questions the Commission might have.

Mr. Polster stated that he liked the concept of the program to allow parents a partial day respite to accomplish errands. Mr. Polster inquired if the applicant would prefer longer hours.

Ms. Hale stated that the proposed operating hours were set prior to submitting the application. Ms. Hale further stated that those would be the operating hours for the foreseeable future.

Mr. O'Connor stated that he is not in favor of restricting business hours. Mr. O'Connor inquired if the applicant could foresee a need to expand the hours of operation in the future.

Ms. Hale stated that if the program did expand in the future, it would be increasing daytime hours to match other existing daycare and preschool schedules.

Ms. Leverenz inquire if they might expand the number of days of operation.

Ms. Hale confirmed.

Mr. Krapf noted that the Commission has the option to recommend approval of the application with the condition regarding hours of operation being removed or, if the application moves forward with no change to the conditions, and the applicant would always have the opportunity to request an amendment at a later time.

Mr. Holt confirmed that there are a number of options open to the Commission.

Mr. Polster inquired if there is an administrative process to make amendments to the hours of operation.

Mr. Holt stated that any changes would have to be made through the legislative process.

The Commission noted that the options included: leaving the SUP conditions stand with the applicant having the option to modify the SUP through the legislative process at a later date; removing the restriction on the hours of operation; and/or expanding the days of operation.

Ms. Leverenz stated that she would support amending the days of operation but would prefer to leave the restriction on the hours as it stands.

Ms. Hale stated that she concurs with that option.

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

Mr. O'Connor stated that he would support removing the restrictions on the hours of operation.

Ms. Leverenz stated that she would prefer opening up the days of operation but keeping the restriction on the hours of operation.

Mr. Polster noted that the school traffic is currently well handled and that this application would not create a significant impact if the restriction on hours was eliminated.

Ms. Leverenz stated that if the hours of operation are expanded, it would change the parameters of the proposal.

Mr. Krapf inquired if there is an issue with traffic impacts, not mitigated by existing measures, that warrants the limitation on the hours of operation.

Mr. Holt noted that there is no funding on the horizon for the Longhill Road Widening or any other intersection improvements. Mr. Holt stated that if there is the opportunity for the Police Department to have an officer directing traffic, it might be a short-term solution; however, that option has its own set of pros and cons. Mr. Holt noted that the school hours are approximately 7:30 a.m. to 2:30 p.m.

Mr. Polster stated that he drives the road frequently and at dismissal there is a police officer directing traffic. Mr. Polster further stated that the busses exit from the side of the school farthest from Season's Trace. Mr. Polster further noted that one of the bus drivers stops traffic to allow the busses to turn left or right. Mr. Polster further stated that the same is true in the mornings. Mr. Polster also noted that drivers are very good about adhering to the school zone speed limit. Mr. Polster stated that he can foresee the potential to expand the services in the future to accommodate a growing need for child care.

Mr. Krapf stated that since the traffic is being managed adequately, he is inclined to support eliminating the restriction on hours of operation.

Mr. Polster made a motion to recommend approval of the application with SUP Condition No. 2 amended to state that "The daycare shall be operated within the existing place of public assembly."

On a roll call vote, the Commission voted to recommend approval of SUP-19-0029. 4451 Longhill Road Life Church and Daycare Program. (4-2)

5. SUP-19-0030. 124 B Cooley Rd. Rental of Rooms

Mr. Thomas Wysong, Senior Planner, stated that Mrs. Eileen Demari and Mr. Gilbert Demari have applied for an SUP to allow the short-term rental of one bedroom in a caretaker-occupied single-family home at 124 B Cooley Road.

Mr. Wysong stated that the property is zoned R-1, Limited Residential, is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, and is located inside the Primary Service Area.

Mr. Wysong stated that staff has found several favorable factors for this application: the proposal is for the rental of only one bedroom, which is less than the maximum of three rooms permitted within the Limited Residential (R-1) District, unlike a tourist home use, the caretaker for this use will live on site, there is adequate off-street parking provided on site, and the proposal is consistent with some of the recommendations of the Comprehensive Plan, such as having limited traffic impacts.

Mr. Wysong further stated that one drawback remains since the subject property is located on a local road and adopted Comprehensive Plan recommends that this use be located on collector or arterial roads at intersections. Mr. Wysong further stated that, unlike other past applications in areas designated Low Density Residential, the subject parcel is fully integral to an existing neighborhood. Mr. Wysong stated that renters traveling to and from the property will be going through the neighborhood.

Mr. Wysong stated that staff has concerns that the particular size and configuration of this parcel could result in adjacent properties being impacted by renters with different hours and or noise levels than traditional, long-term residents.

Mr. Wysong stated that staff is unable to recommend that the Planning Commission recommend approval of this application. Mr. Wysong stated that should the Commission recommend approval, staff has provided proposed conditions to mitigate impacts.

Ms. Leverenz inquired about the number of rooms being rented.

Mr. Wysong stated that there is one bedroom to be rented as a short-term rental. Mr. Wysong stated that the remainder of the house is rented out to a long-term tenant who would serve as the caretaker.

Ms. Leverenz inquired if the property owners would be on site.

Mr. Wysong stated that the owners would not be on site.

Mr. Krapf inquired if staff's main concern is that the road is not an arterial or collector road.

Mr. Wysong stated that the road classification as well as the property's location within the neighborhood are the primary concerns. Mr. Wysong noted that the home is very close to other adjacent residences.

Mr. Polster inquired about the condition restricting the removal of shrubbery at the rear of the property. Mr. Polster noted that he did not see any screening shrubbery.

Mr. Wysong stated that the screening is not visible from the street. Mr. Wysong further stated that the property owner has planted shrubbery at the rear of the property to shield the adjacent residence.

Ms. Leverenz noted that many of the adjacent property owners have submitted statements of support. Ms. Leverenz inquired if the property owner in front of the subject property supports the application.

Mr. Wysong stated that he was not certain if that property owner had responded. Mr. Wysong noted that staff did receive a telephone call from a resident in the neighborhood who expressed concern over the potential for a Recreational Vehicle (RV) to be parked on the street. Mr. Wysong noted that the SUP condition prohibited parking RVs on the street but they could be parked on the property.

Ms. Leverenz inquired if there is a Homeowner's Association for the neighborhood.

Mr. Wysong stated that there is no Homeowner's Association.

Mr. O'Connor inquired about the limitation on the number of simultaneous rental contracts when there was already a rental contract for the caretaker.

Mr. Holt clarified that the condition is only for the short-term rental. Mr. Holt stated that he long-term rental for the caretaker is a permitted use and not subject to an SUP.

Mr. Haldeman opened the Public Hearing.

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

Mr. Krapf stated that he finds Cooley Road to be a fairly wide residential street and that the property is no located far from the entrance. Mr. Krapf noted that the short-term rental would not have more impact than a family occupying the property. Mr. Krapf noted that he is concerned that the application does not meet all the criteria set forth in the Comprehensive Plan.

Ms. Leverenz noted that she appreciated the applicant working toward compliance with the Zoning Ordinance. Ms. Leverenz further stated that she hesitates to oppose the application because she does want to encourage compliance. Ms. Leverenz stated that she is uncomfortable with what she sees as ordinance creep by setting the precedent for any type of transient rental in a neighborhood.

Mr. O'Connor stated that he does not find short-term rentals to support the Comprehensive Plan in regard to affordable housing and supporting the tourism industry.

Mr. Polster stated that he remains concerned about the issue of short-term rentals. Mr. Polster stated that he hopes that the Commission and staff will use the Comprehensive Plan Review to revisit the issue. Mr. Polster stated that his main concern is allowing short-term rentals within a neighborhood. Mr. Polster stated that he would not support the application.

Mr. Polster made a motion not to recommend approval of the application.

On a roll call vote, the Commission voted not to recommend approval of SUP-19-0030. 124 B Cooley Rd. Rental of Rooms. (6-0)

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - February 2020

Mr. Max Hlavin, Deputy County Attorney, reminded the Commission that a vote was required on the request to postpone SUP-19-0012. Tiki Tree and Landscape.

(Secretary's Note: Discussion and vote are recorded with the item listed under Public Hearings)

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

Mr. O'Connor inquired about the land disturbing activity at Anderson's Corner.

Mr. Holt stated that he believes this is a permitted stockpile area.

Mr. O'Connor inquired if the stockpile would be permanent.

Mr. Holt stated that he would need to look into the matter.

Mr. Krapf stated that he understands, from discussion with staff, that this is a 2008 Land Disturbing Permit that has recently been activated. Mr. Krapf noted that the permit does not show any parking or structures on the property. Mr. Krapf stated that he understands that any structures or improvements would require a separate process.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that Mr. Polster has Board of Supervisors coverage for February; however, there are no land use cases on the agenda.

Mr. Haldeman noted that the Community Participation Team (CPT) has made a report available on line detailing the community engagement efforts made to date for the Comprehensive Plan Update. Mr. Haldeman noted that the outreach efforts would continue through the Engage 2045 website and other community activities.

J. ADJOURNMENT

Ms. Leverenz made a motion to adjourn.

The meeting was adjourned at approximately 7:04 p.m.

Paul D. Holt, III, Secretary

John Haldeman, Chair

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: SUP-20-0002. 3374 Ironbound Rd. Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Resolution	Cover Memo
▣	Attachment 2. Location Map	Exhibit
▣	Attachment 3. Compressed MP	Exhibit
▣	Attachment 4. Project Narrative	Backup Material
▣	Attachment 5. Primary Principles for Five Forks Area of James City County	Backup Material
▣	Attachment 6. Approved PC Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/22/2020 - 2:01 PM
Development Management	Holt, Paul	Approved	5/22/2020 - 2:03 PM
Publication Management	Burcham, Nan	Approved	5/22/2020 - 2:12 PM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 2:15 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:22 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:51 PM

SPECIAL USE PERMIT-20-0002. 3374 Ironbound Road Tourist Home**Staff Report for the June 9, 2020, Board of Supervisors Public Hearing**

SUMMARY FACTS

Applicant: Ms. Jeanette Brady

Land Owner(s): Jeanette Brady Irrevocable Trust

Proposal: To allow for the short-term rental of an entire four-bedroom home as a tourist home. The owner will live off-site.

Location: 3374 Ironbound Road

Tax Map/Parcel No.: 4710100025

Project Acreage: ± 1.05 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Mixed Use Five Forks

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: March 4, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal to be compatible with the surrounding zoning and development.

2. With the proposed conditions, the proposal is generally consistent with the recommendations of the Comprehensive Plan.
3. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
4. Impacts: See Impact Analysis on Page 4.

FACTORS UNFAVORABLE

1. The proposal does not fully fulfill the intent of the Mixed Use Designation, but is of such limited scale that it would not hinder the future development of the Five Forks area in accordance with the Comprehensive Plan.
2. Impacts: See Impact Analysis on Page 4.

SUMMARY STAFF RECOMMENDATION

Approval, with the proposed conditions (See Attachment No. 1).

PLANNING COMMISSION RECOMMENDATION

At its March 4, 2020 regular meeting, the Planning Commission voted 5-2 to recommend approval of this application to the Board of Supervisors.

PROPOSED CHANGES MADE SINCE THE LAST PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- This proposal is to allow for the short-term rental of an entire four-bedroom home as a tourist home. The property is not the owner's primary residence; a caretaker will not be present during the time of the rentals.
- The property currently consists of a single-family home with a detached garage and a detached storage building. The owner is proposing to rent the entire house on a short-term basis. This Special Use Permit (SUP), if granted, would allow for short-term rentals throughout the year. No changes to the size or the footprint of the home are proposed.
- The Zoning Ordinance defines a tourist home as "a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients." The proposed conditions limit the number of bedrooms available for rent to four, as there are four bedrooms in the existing home. Should a future expansion add another bedroom, an SUP amendment would be required.

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located to the north and west of the Airtight Self-Storage Facility (zoned B-1), east of the Powhatan Crossing Subdivision (zoned R-1), and south of the Baron Woods subdivision (zoned R-2). Direct access is provided via a driveway on to Ironbound Road, which is classified by the Virginia Department of Transportation as a Minor Collector.

COMPREHENSIVE PLAN

The property is designated Mixed Use Five Forks on the 2035 Comprehensive Plan Land Use Map, as are the properties located to the south and east. Properties to the north and west are designated for

Low Density Residential. The Mixed Use Land Use Designation provides the following development standards for all proposed mixed use developments within areas designated for this use:

- All developments should refer to the Residential and Commercial/Industrial Development Standards along with the Mixed Use Development Standards.

Staff finds this proposal to be generally consistent with the applicable standards found in both of these categories.

- Mixed Use developments are intended to be urban environments characterized by a variety of land uses that are higher density, pedestrian scaled, and complementary to one another in order to create a destination for people to live, work, play, and shop. Such developments typically require nearby police and fire protection, public utilities, and other public services and as such, are to be developed in an appropriately scaled time so as not to overburden existing infrastructure. Place making is to be emphasized within these developments, with open spaces, community facilities, and unified architectural design being essential qualities.

Staff finds this proposal is not part of a master planned, mixed-use development and is of limited scale, with no land disturbance or changes to the exterior of the house being proposed. As such, staff finds this proposal neither fulfills nor contradicts these standards.

The Mixed Use Five Forks area designation provides the following guidance for uses within this area:

- Development at the intersection of John Tyler Highway (Route 5) and Ironbound Road primarily serves nearby residential development. Limited commercial development of this nature may continue so long as the resulting land use mix of the area is limited primarily to community-scale and neighborhood

Staff Report for the June 9, 2020, Board of Supervisors Public Hearing

commercial and office uses. Moderate density residential development is encouraged as a secondary use. New development should tie into the larger Five Forks area with complementary building types and connections to surrounding commercial and residential development.

Although a tourist home is not typically considered a traditional neighborhood commercial use, staff finds this proposal to be a limited commercial use that is appropriately scaled for the Five Forks community. Future expansion of this house for a tourist home use would require an SUP amendment.

- Preservation and adaptive re-use of historic buildings are encouraged, as is the redevelopment of existing residential and commercial uses in the immediate area. Future development and redevelopment should also reflect the historic and scenic qualities of the Five Forks area and should adhere to the Board adopted Primary Principles for the Five Forks Area. Overall development intensities should be closely monitored to ensure they can be accommodated within the capacities of the existing two-lane roads, both of which are projected to be above capacity by 2030.

Staff finds this proposal generally aligns with these standards. The exterior of the house is in well-maintained condition and no alteration or expansion is planned for this structure because of this use. Furthermore, this proposal generally aligns with the applicable Primary Principles for the Five Forks Area. Trip generation from this use is not expected to overburden Ironbound Road.

SPECIAL USE PERMIT-20-0002. 3374 Ironbound Road Tourist Home**Staff Report for the June 9, 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 traffic exceeding a typical residential use.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	- Pedestrian/bicycle accommodations are not necessitated as a result of this proposed use.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Subject property is located within a five-minute radius of Fire Station 3. The proposal does not generate impacts that require mitigation to the County's emergency services or facilities.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- The proposal is not expected to generate schoolchildren.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to the County's parks and recreation services or facilities.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to public libraries or cultural centers.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.
<u>Watersheds, Streams, and Reservoirs</u>	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division offered no objections after reviewing this proposal. No new impervious surface is included in this proposal. Should exterior site improvements be made in the future, such as a deck expansion or paved parking area, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	-The subject property is located near both residential and commercial uses. -Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	-This segment of Ironbound Road is a Community Character Corridor (CCC) and Five Forks is designated as a Community Character Area. -The existing façade maintains the property's residential character, and parking is not located directly on the CCC, as recommended by the Comprehensive Plan.

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.

SPECIAL USE PERMIT-20-0002. 3374 Ironbound Road Tourist Home
Staff Report for the June 9, 2020, Board of Supervisors Public Hearing

PROPOSED SUP CONDITIONS

Proposed conditions are provided as Attachment No. 1.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be compatible with surrounding development and generally consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends approval, subject to the proposed conditions.

TW/md
SUP20-2IronboundTH

Attachments:

1. Resolution
2. Location Map
3. Master Plan
4. Project Narrative
5. Primary Principles for Five Forks Area
6. Approved Minutes of the March 4, 2020 Planning Commission Meeting

RESOLUTION

CASE NO. SUP-20-0002. 3374 IRONBOUND ROAD TOURIST HOME

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

WHEREAS, Ms. Jeanette Brady has applied to allow for the short-term rental of an entire four-bedroom home as a tourist home located at 3374 Ironbound Road, further identified as James City County Real Estate Tax Map Parcel No. 4710100025 (the "Property"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0002; and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2020, recommended approval of the application by a vote of 5-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-20-0002 as described herein with the following conditions:

1. Master Plan. This SUP shall permit a tourist home use on property located at 3374 Ironbound Road further identified as James City County Real Estate Tax Map Parcel No. 4710100025 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "SUP-20-0002, 3374 Ironbound Road Tourist Home" (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement. An updated Certificate of Occupancy and evidence of a business license shall be provided to the Director of Planning within 12 months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of rental rooms and occupants. There shall be no more than four bedrooms available for rent to visitors and no more than eight rental occupants total at any one time.
4. Contracts per rental period. There shall not be simultaneous rentals of the Property under separate contracts.
5. Signage. No signage related to the tourist home shall be permitted on the Property.
6. Parking. Off-site parking for this tourist home shall be prohibited. No oversized commercial vehicles associated with occupants of the room rental, such as, but not limited to, buses and commercial trucks and trailers, shall be allowed to park on the Property.

7. Lighting. No exterior lighting shall be permitted on the Property, other than lighting typically used at a single-family residence.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

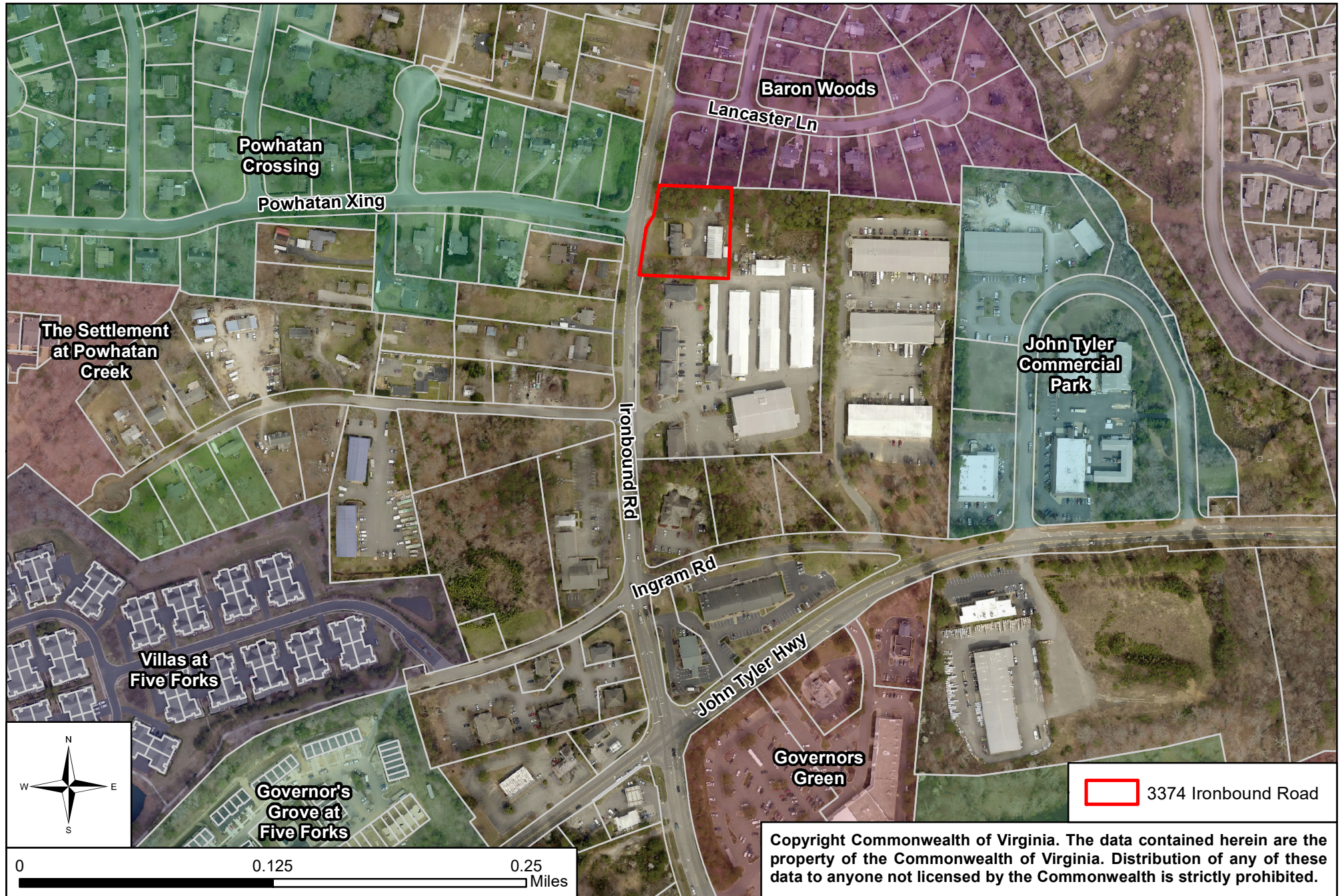
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

SUP20-2IrnbdRdTH-res

JCC SUP-20-0002

3374 Ironbound Rd. Tourist Home



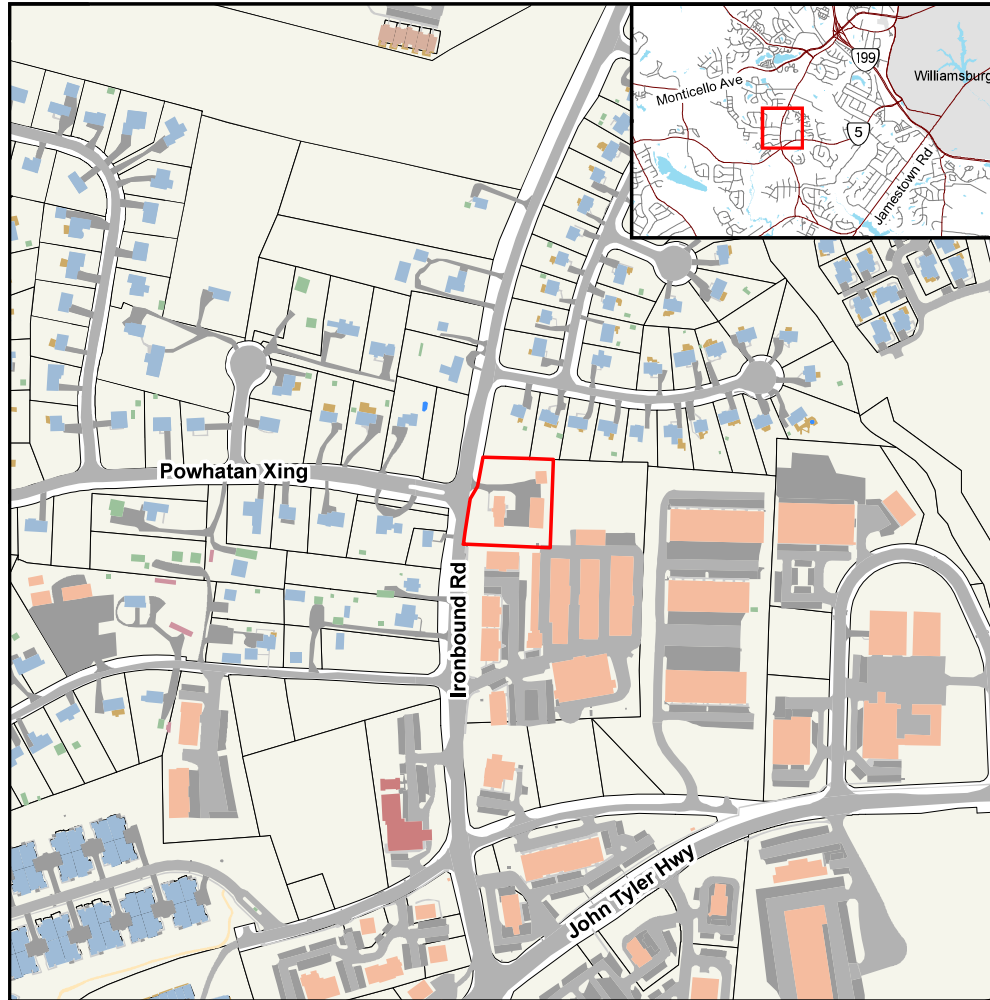
SUP-20-0002, 3374 Ironbound Road Tourist Home

Property Information

4710100025
BRADY, JEANETTE B TRUSTEE
3374 Ironbound Road
Williamsburg, VA 23188
Zoning: R8, Rural Residential
Comp. Plan: Mixed Use
Acres: ±1.05

General Notes

1. The property is served by public water and sewer.
2. The property is not located in the special flood hazard area per FEMA FIRM 51095C0119D dated 12/16/15.
3. This property does not appear to be located in the Resource Protection Area.
4. The property has an existing driveway.



Maps Not To Scale

Adjacent Properties

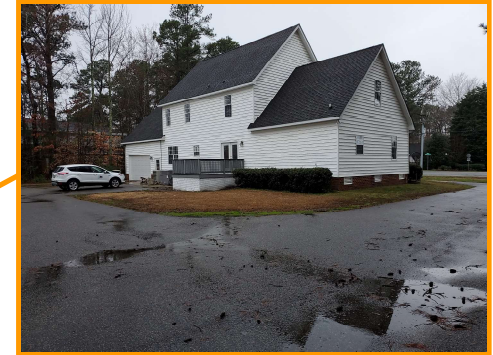
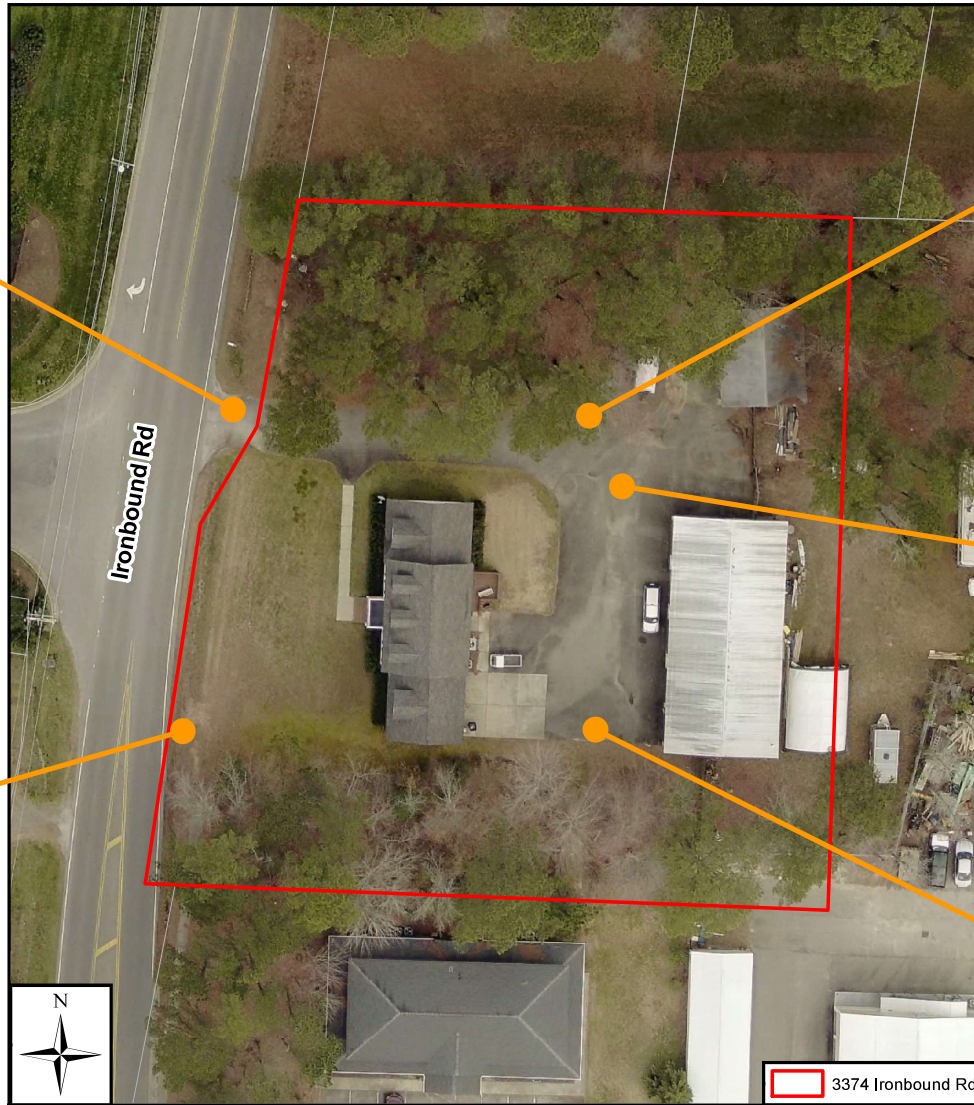
471100001C Powhatan Crossing Homeowners Assoc. R1, Limited Residential	471100001D Powhatan Crossing Homeowners Assoc. R1, Limited Residential
4710100009 Christopher T. & Deborah R. McSmith 4401 Powhatan Xing Williamsburg, VA 23188 R8, Rural Residential	4710100010 William M. & Bertha K. Epperson 3367 Ironbound Rd Williamsburg, VA 23188 R8, Rural Residential
4710100026 Jeanette B. Brady, Trustee 3356 Ironbound Rd. Williamsburg, VA 23188 B1, Limited Residential	4710900030 Hector L. & Cheryl R. Davila 3304 Lancaster Ln. Williamsburg, VA 23188 R2, General Residential
4710900031 Ronald F. & Jayne M. Henn, Trustee 3300 Lancaster Ln. Williamsburg, VA 23188 R2, General Residential	

Sheet Index

1. Cover Page
2. Master Plan

JCC SUP-20-0002

3374 Ironbound Road Tourist Home



SUP 20-0002

3374 Ironbound Road

I own the property at 3374 Ironbound Road and would like to rent it as an Airbnb. It is a single dwelling with 5 bedrooms. It would be available to rent year round. I don't live at the property.

Thanks,

Jeanette Brady

757-223-9960

RESOLUTION

PRIMARY PRINCIPLES FOR FIVE FORKS AREA OF JAMES CITY COUNTY

- WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and
- WHEREAS, on June 8, 2004, the Board of Supervisors created the Five Forks Area Study Committee to conduct a comprehensive study of the area and develop a set of guiding principles for future development; and
- WHEREAS, these principles will be used by citizens, staff, Planning Commission, and the Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area; and
- WHEREAS, after four public meetings the Five Forks Area Study Committee unanimously adopted primary principles for the Five Forks area of James City County; and
- WHEREAS, on September 13, 2004, the James City County Planning Commission recommended the adoption of the primary principles by a vote of 7-0.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Vision and Principles to be used alongside the 2003 Comprehensive Plan when reviewing Rezonings, Special Use Permits, and other development activities in the Five Forks area:

Primary Principles for the Five Forks Area of James City County

Five Forks is an area with a unique village character. Bounded to the east by Mill Creek and to the west by the Powhatan Creek, Five Forks is within a significant natural area. Five Forks also supports a thriving commercial center and boasts a quality elementary school at its southern edge. Five Forks is generally understood to encompass the area that lies within three quarters of a mile of the intersection of John Tyler Highway and Ironbound Road.

Five Forks has grown and changed. With new growth, however, come questions about traffic levels, housing capacity, and preservation of the village qualities that make the area unique.

The Five Forks Area Study Committee was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Five Forks. The Committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks. These principles seek to protect the watersheds and safeguard the village character of the area. The principles will address residential growth, commercial development, traffic concerns, and alternative transportation. The principles will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles, when approved, serve as an addendum to the 2003 Comprehensive Plan.

Vision Statement

Five Forks has a rich heritage and a community character unique to James City County. By cooperating with citizens and with local government we will preserve these qualities for future generations. Through these principles, the Committee envisions that Five Forks will be a place where future redevelopment or development:

- Improves or maintains water quality and other environmental features;
- Preserves Five Forks' unique village character;
- Does not overburden the road network beyond capacity;
- Provides adequate facilities for pedestrians and cyclists;
- Provides goods and services needed by citizens; and
- Ensures housing opportunities for all citizens.

I. Transportation Principles

1. Capitalize on and Enhance Existing Roadway Network (see the Environmental Principles for relevant information related to these recommended actions):
 - Inventory/validate existing pavement and right-of-way width.
 - Reconfigure pavement markings/lane delineations to accommodate a 150-foot full-width exclusive right-turn lane for southbound Ironbound Road (i.e., north leg).
 - Construct a 150-foot full-width right-turn lane along the northbound approach of Ironbound Road (i.e. south leg).
 - Reduce the speed limit to 35 mph approximately a half mile from the intersection of Ironbound Road and John Tyler Highway.
 - Implement AM, Noon, PM, and Off-Peak signal timing modifications to best process traffic, maximize available and enhanced capacity, and to sustain acceptable level of operations for the isolated signalized intersection of Ironbound Road and John Tyler Highway.
2. In conjunction with any development proposals using Ingram Road West for access, encourage developers to make road improvements (reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such reopening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.):
 - Developers using Ingram Road West for access should rebuild this road as a two-lane roadway in accordance with current VDOT street requirements. Improvements could include:
 - 12 - 14-foot lanes to include roadway as well as curb and gutter;
 - 4-foot buffer between curb and sidewalk on one side of roadway;
 - Street trees and other aesthetic improvements; and
 - 25 mph posted speed limit.

3. Promote pedestrian and bicycle facility interconnectivity within Five Forks area (see the Land Use and Environmental Principles for relevant information related to these recommended actions):

- Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
- Ensure that new development either provides sidewalks along public road frontages in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
- Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

Phase I

- Using the Five Forks area sidewalk inventory, and considering existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to extend sidewalks to serve pedestrian activity within the businesses at the Ironbound Road/John Tyler Highway intersection.
- Stripe crosswalks and provide crossing ramps and pedestrian signals for each approach to the Ironbound Road/John Tyler Highway intersection.
- Provide paved shoulders on John Tyler Highway west of the Ironbound Road intersection during the next VDOT repaving to decrease road maintenance and provide more travel space for bicycles and pedestrians.

Phase II

- Using the Five Forks area sidewalk inventory, existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to construct sidewalk segments that provide greater connectivity between the central business area and Clara Byrd Baker Elementary School, neighborhoods, and recreational areas.
- In accordance with the Greenway Master Plan, construct a multi-use path along John Tyler Highway that can connect to Jamestown High School and the Greensprings Trail.
- Construct shoulder bikeways along Ironbound Road using Federal grants. In accordance with the Greenway Master Plan, construct a multi-use path along Ironbound Road that can connect to Mid-County Park/Monticello Marketplace Shopping Center.
- Utilize Greenway Funds in the Capital Improvement Program budget and other sources of funding such as grants to support the construction of the above multi-use paths.

4. Promote opportunities for bus service in Five Forks:
 - Work with Williamsburg Area Transport (WAT) to investigate areas and routes with the highest ridership and potential for enhanced service (e.g., to serve activity/employment centers).
 - Work with WAT and Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
 - Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.
5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process (trip levels above the threshold result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.):
 - Without Geometric Improvements
 - AM peak should not exceed 350 new trips
 - PM peak should not exceed 500 new trips
 - With Geometric Improvements recommended by Principle I.1
 - AM peak should not exceed 500 new trips
 - PM peak should not exceed 650 new trips
 - New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in Principle I.1 are either constructed or fully funded in the VDOT Six-Year Road Plan.
 - New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

II. Environmental Principles

1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek Watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff:
 - Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.
 - Minimize drainage of new sidewalks, multiuse paths, or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.

- For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled "*Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act.*"
 - Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
 - Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek Watersheds.
2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors on February 26, 2002:

Watershed Management Plan Recommendations:

- Non-tidal mainstem in the Five Forks area (west of Ironbound and north of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem.
 - Tidal mainstem in the Five Forks area (west of Ironbound Road and south of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem stormwater management with an added focus on fecal coliform removal.
 - Stormwater Recommendations: Use of Special Stormwater Criteria; specialized on-site BMP design with emphasis on removal of nutrients and bacteria; minimize stormwater outfalls on steep slopes.
3. Explore options for land conservation in Five Forks:
- Through the rezoning and special use permit process; encourage developers to set aside land as permanent open space.
 - Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

III. Land Use Principles

1. Promote mixed-use, pedestrian-friendly land-use patterns (see Principles III.6 for Land Use recommendations, including recommendations on moderate- and low-income housing):
- Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).

- Continue to promote Five Forks as a center of community activity with complementary mixed uses.
 - Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc., in an effort to encourage walkable neighborhoods within the Five Forks area.
2. Identify and re-utilize vacant buildings and properties that are no longer utilized:
 - Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
 - Promote reuse and redevelopment of blighted and no longer utilized properties.
 - Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
 - Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc., to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.
 3. Reduce conflicts between incompatible land uses:
 - Promote transitional uses between different land uses.
 - Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).
 4. Connect the land use pattern to a supportive, multi-modal transportation system:
 - Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
 - Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with Principle I.4.
 5. Establish guidelines to define and maintain the historic, cultural, and aesthetic character of the Five Forks area:
 - As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
 - Building architecture, scale, materials, spacing, height, and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary

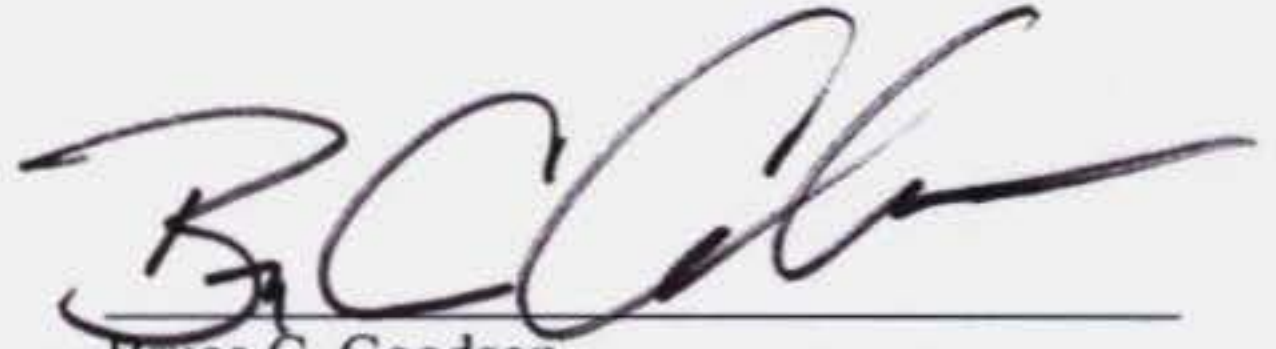
clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines, and cornices.

- Buildings that are traditional in character, massing, and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.
 - Building facade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
 - Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
 - Existing specimen trees and shrubs should be preserved to the extent possible. New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
 - Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
 - All mechanical equipment should be screened from view with architectural elements, fencing, or landscaping.
 - In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the Community Character Corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
- Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
 - Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.
6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks area:
- Ensure new trip generating developments do not exceed new trip thresholds in accordance with Principle I.5 through the rezoning/special use permit process.
 - Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:

- Low Density Residential: Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low-and moderate-cost housing developments; low- and moderate-income (Low income housing is defined as housing for persons earning less than 50 percent of area median income. Moderate income housing is defined as housing for persons earning 50 percent to 80 percent of the area median income.) housing; mixed-cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.
 - Moderate Density Residential: Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low-income housing (including persons earning less than 30 percent of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low-impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments, or attached cluster housing.
 - Mixed Use: The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate-density housing may be a secondary use provided it is designed in accordance with these principles.
- As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land-Use element.

IV. Economic Development Principle

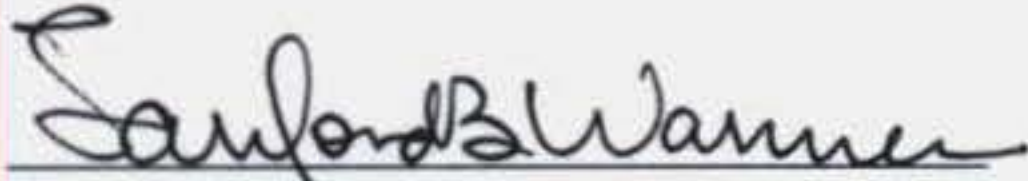
1. Promote and facilitate economic growth through development/redevelopment:
 - Facilitate the location of a new anchor tenant in Governor's Green Shopping Center should Winn-Dixie close.
 - Support the development of remaining undeveloped commercial land and vacant buildings in Five Forks to provide goods and services desired by residents of the Five Forks area.
 - Advise the Economic Development Authority on the outcomes of the Five Forks Study so that they may capitalize on future economic opportunities.



Bruce C. Goodson
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	NAY
MCGLENNON	AYE
GOODSON	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2004.

fiveforkredev.res

M I N U T E S
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 4, 2020
6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Rob Rose
Barbara Null

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
José Ribeiro, Senior Planner
Thomas Wysong, Senior Planner
Tom Leininger, Planner
Brett Meadows, Planner
Carla Brittle, Recreation Centers Administrator

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Ms. Julia Leverenz stated that the Policy Committee met on February 13, 2020. To consider Stage III Ordinance language to address Code of Virginia changes regarding Wireless Communication Facilities. Ms. Leverenz noted that changes to the state code as well as Federal Communications Commission regulations have made it necessary to update the ordinance to be consistent with these changes. Ms. Leverenz stated that the new text better aligns the Ordinance language with State Code. Ms. Leverenz stated that Mr. Max Hlavin, Deputy County Attorney, asked the

Committee to consider adding language to the motion to incorporate another change in the State Code that is pending Senate approval. The Committee moved to recommend approval of the proposed Ordinance changes, as amended, pending House Bill 554's consideration in the Senate. Ms. Leverenz stated that staff will check in with the Board of Supervisors on this revision before it comes to the Planning Commission.

Ms. Leverenz stated that staff introduced the FY 2021-2025 Capital Improvements Program (CIP) review process. Ms. Leverenz stated that twenty-eight applications were submitted, totaling almost \$155,000,000. Ms. Leverenz stated that two more meetings will be held with representatives of the departments proposing these projects.

Ms. Leverenz noted that in public comment, Mr. Jay Everson noted flat enrollment on the school's Future Think projections, and asked the Committee not to recommend any classroom expansion in the school system.

Ms. Leverenz stated that the Policy Committee met again on February 20, 2020, the first of two meetings to review CIP applications.

Ms. Leverenz stated that staff from the Office of Economic Development addressed questions regarding utility improvements at Amblers House. Ms. Leverenz stated that staff indicated that this is the last project phase needed to enable the facility to begin meeting the recommendations in the Shaping Our Shores Master Plan. Ms. Leverenz noted that once completed, the Amblers House will function as a public-private partnership, and the tenant will be responsible for interior renovations.

Ms. Leverenz stated that Parks & Recreation staff indicated that no location has yet been found for the proposed Lower County Park, although negotiations are expected to begin soon for sites on Powhatan Trail. Ms. Leverenz stated that staff believes that having the resources available would facilitate the property acquisition.

Ms. Leverenz stated that Parks & Recreation staff indicated that the \$500 per sq. ft. estimate for restroom/concession facilities on multiple projects is based on actual costs of the Jamestown Beach restroom and concession building.

Ms. Leverenz stated that Stormwater Division staff clarified that the budgeted funds for stormwater improvements do not necessarily include state and federal funding, but the County pursues grant funding on an annual basis. Ms. Leverenz stated that Stormwater Division staff reported that the Diascund Creek the water quality was tested in 2010 and 2012 and mercury was found in fish tissue. Ms. Leverenz stated that a watershed study for Diascund Creek has never been done, and is proposed for this 5-year CIP cycle.

Ms. Leverenz stated that Williamsburg Regional Library staff discussed the proposal for building a third library in James City County, or expanding/building a new library at the current City of Williamsburg site. Ms. Leverenz stated that

Williamsburg Regional Library staff noted that adequate parking and access are significant issues at the current site. Ms. Leverenz stated that staff further indicated that it would be more cost-effective for the County to have two buildings rather than three.

Ms. Leverenz stated that Williamsburg Regional Library staff noted that the proposed natural playground at the Croaker library would be a Phase II to the recently-completed renovation of the children's area inside the library.

Ms. Leverenz stated that Community Development staff presented the Transportation Match proposal. Ms. Leverenz stated that staff clarified that the \$12M, five-year CIP proposal is primarily to fund the Pocahontas Trail corridor plan. Ms. Leverenz stated that staff noted that VDOT will not start any work until a project is shown as fully funded.

Ms. Leverenz stated that Community Development staff also discussed Site Preparation for the Stonehouse school site. Ms. Leverenz stated that staff noted that this is a time-restricted project. Ms. Leverenz stated staff noted that the developer has proffered to deliver a school-ready pad site on what was formerly a fill site and the budgeted \$125K is for the county to provide independent technical verification during and at the completion of the project.

Ms. Leverenz stated that The Policy Committee met again at 4:00 p.m. on February 27, 2020.

Ms. Leverenz stated that General Services staff indicated that a site for the Grove Convenience Center has been found near Fire Station 2. Ms. Leverenz stated that further stated that staff noted that credit card payments are being accepted at all county convenience centers.

Ms. Leverenz stated that Capital Projects staff addressed questions regarding the turn-arounds on Jolly Pond Road. Ms. Leverenz stated that staff noted that the turn-arounds at the Dam have not yet been designed because access has only recently been granted by the property owner. Ms. Leverenz stated that proposals will be sought for both T-turn and circular termini, which will be constructed in safe locations that discourage dumping and other undesirable activities.

Ms. Leverenz stated that Williamsburg-James City County Schools (WJCC Schools) staff addressed the proposed school projects. Ms. Leverenz stated that staff clarified that the school systems' enrollment program, Future Think, looks at the historical issuance of building permits, not planned development.

Ms. Leverenz stated that WJCC Schools staff noted that there currently are five Bright Beginnings locations. Bright Beginnings also takes in special needs children and is required to reserve space for them. Ms. Leverenz stated that WJCC Schools staff stated that the program has had a wait list of about 100 children every year since its inception in 1976. Ms. Leverenz stated that WJCC Schools staff explained that building a separate center for Bright Beginnings would subject very young

children to unreasonably long bus rides, and a standalone center would require its own cafeteria, educators, and administrators.

Ms. Leverenz stated that in response to a question about why high school expansions are proposed, but not elementary school expansions, WJCC Schools staff stated that elementary schools are subject to a certain recommended optimal size but there are no such restrictions on high schools.

Ms. Leverenz stated that the Committee agreed to meet on March 5 to finalize its CIP rankings.

Mr. Frank Polster stated that the Development Review Committee (DRC) met on February 19 2020 to review Case No. C-19-0100. Shaping Our Shores Update.

Mr. Polster stated that the Shaping our Shore Master Plans for Chickahominy Riverfront Park, Jamestown Beach Event Park, and the Jamestown Marina have been updated and will be considered for adoption by the Planning Commission and the Board of Supervisors. Mr. Polster further stated that before consideration by the full Planning Commission, the Parks and Recreation Department staff requested that this item be placed on the DRC agenda to discuss the update and obtain input from the Committee. Mr. Polster noted that no action by the DRC was required.

Mr. Polster stated that Parks and Recreation staff presented an overview of the updated Shaping our Shores using the updated master plan maps for Chickahominy Riverfront Park, Jamestown Beach Event Park, and the Jamestown Marina and at the same time answering questions. Mr. Polster stated that there was some discussion on the future impact of sea-level rise on sections of the Chickahominy Riverfront Park and Jamestown Beach, which would be revisited at the project design timeframe. Mr. Polster stated that staff also provided an update on the first phase of dredging and bulkhead replacement for the Jamestown Marina.

Mr. Polster stated that the Committee was supportive of the updated master plans, complimentary of their two-year effort, the level of coordination across the county staff agencies and their extensive outreach efforts with the community.

Mr. Haldeman presented a Resolution of Appreciation to Mr. Danny Schmidt in thanks for his service on the Planning Commission.

Mr. Schmidt expressed appreciation for his fellow Commissioners and Planning staff. Mr. Schmidt also encouraged citizens to participate in the Comprehensive Plan Review Process and to serve the community by volunteering to serve on a board, commission, or committee.

Mr. Haldeman presented a Resolution of Appreciation thanking Ms. Odessa Dowdy, who was not able to attend the meeting, for her service on the Planning Commission.

E. CONSENT AGENDA

1. Minutes of the February 5, 2020 Regular Meeting
2. Resolution of Appreciation – Mr. Danny Schmidt
3. Resolution of Appreciation – Ms. Odessa Dowdy

Ms. Leverenz made a motion to approve the Consent Agenda.

On a voice vote the Commission voted to approve the Consent Agenda. (7-0)

F. PUBLIC HEARINGS

1. AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road

Mr. Thomas Wysong, Senior Planner, stated that Mr. Stephen Bowmer has applied to enroll 44.74 acres of land located at 811 and 917 Stewarts Road into the Barnes Swamp Agricultural and Forestal District (AFD). Mr. Wysong stated that the subject parcels are currently undeveloped and forested, and are located within one mile of the core of this district. Mr. Wysong further stated that the parcels are zoned A-1, General Agricultural, are located outside of the Primary Service Area (PSA) and are designated for Rural Lands on the 2035 Comprehensive Plan Land Use Map.

Mr. Wysong stated that at its January 23 meeting, the AFD Advisory Committee recommended unanimous approval of this application. Mr. Wysong stated that, accordingly, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

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. Polster made a motion to recommend approval of the application.

On a roll call vote the Commission voted to approve AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road. (7-0)

2. SUP-19-0012. Tiki Tree and Landscape

Mr. Brett Meadows, Planner, stated that Hayden's Place, LLC, doing business as Tiki Tree and Landscape, has applied to allow a contractor's storage yard at 6283, 6293, and 6289 Centerville Road. Mr. Meadows stated that the parcels are zoned A-1, General Agricultural and are located within the PSA. Mr. Meadows noted a contractor's storage yard is a specially permitted use in the A-1 Zoning District.

Mr. Meadows stated that only the parcel at 6283 will be used for the storage area. Mr. Meadows further stated that the parcel belonging to Mr. Timothy Soderholm and Ms. Ashley Marie Campbell will be used for an office and restroom facilities, while the parcel belonging to Mr. Bruce Gilliam will contain an access easement to the storage yard from Centerville Road.

Mr. Meadows stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Meadows stated that conditions include screening from adjoining parcels and Centerville Road, limiting vehicle access to Centerville Road, and requiring a revegetation plan.

Mr. Meadows stated that staff finds the proposal compatible with the 2035 Comprehensive Plan as a use of very limited commercial nature which is located on a collector or arterial road. Mr. Meadows stated that with the proposed conditions, staff finds the proposal compatible with surrounding zoning and development. Mr. Meadows stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired about the history of the application.

Mr. Meadows stated that the applicant had conducted a similar use on parcel No. 3 and was found to be in violation of the Zoning Ordinance. Mr. Meadows stated that the applicant abated the violation. Mr. Meadows stated that the applicant has since been found in violation of the Zoning Ordinance for uses conducted on Parcel No. 1. Mr. Meadows stated that the applicant chose to go through the SUP process to achieve compliance with the Zoning Ordinance.

Mr. Krapf inquired about next steps should the SUP not be approved.

Mr. Meadows stated that the applicant could continue the appeal process for the Board of Zoning Appeals decision through the Circuit Court. Mr. Meadows further stated that the applicant could appeal the Board of Supervisors decision through the Circuit Court or could come into compliance by removing contractor's equipment and materials from the property.

Mr. Polster inquired if there were any comments from adjacent property owners.

Mr. Meadows stated that he received one response when the case was first advertised in February. Mr. Meadows further stated that the neighbor expressed some concerns about the location of the fencing; however, there was no further contact from the neighbor.

Mr. O'Connor inquired if the residences on Parcels No 1 and No. 2 will be used as residences under the SUP.

Mr. Meadows stated that the SUP limits the storage yard to the middle part of the property and should not preclude residential use at the front of the parcel. Mr. Meadows noted that he was not certain if the residence is currently occupied.

Mr. O'Connor noted that the SUP conditions limited the opening in the fence to six feet; however, the Master Plan shows a 16-foot gate. Mr. O'Connor requested clarification on the size of the gate.

Mr. Meadows stated that the Master Plan shows the existing gate. Mr. Meadows stated that the SUP requires screening that will be approved during the Site Plan process and the gate will be part of the Site Plan approval.

Mr. Polster inquired about the area on Parcel No. 1 behind the designated storage area.

Mr. Meadows stated that it was not included in the SUP and would require an SUP amendment if it were to be used for commercial purposes at a later time.

Mr. Polster inquired if the fencing would extend along the entire parcel.

Mr. Meadows stated that the extent of the fence would be determined at the Site Plan stage, but would most likely screen only the storage area.

Mr. Polster inquired if the adjacent property owner was aware of that possibility.

Mr. Meadows stated that he had not received any comments from that neighbor.

Mr. O'Connor inquired if the limitations on mulching and stump grinding applied to the entirety of the three parcels or just to the commercial/storage area.

Mr. Meadows stated that the conditions would cover all three parcels.

Mr. Haldeman called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with the applicant's attorney.

Mr. Haldeman opened the Public Hearing.

Ms. Virginia Major, attorney for Hayden's Place, LLC, introduced Ryan Stephenson with AES Consulting Engineers, Mr. Timothy J. (TJ) Soderholm, owner of Tiki Tree Service and Hayden's Place, and Mr. Michael Heikes, attorney for Tiki Tree Service. Ms. Major addressed the Commission on the history of the application.

Ms. Majors provided the Commission with letters from neighbors who are not opposed to the SUP.

Mr. Polster inquired about the length of the eight-foot fence already in place on the property.

Mr. TJ Soderholm stated that the fence extends behind the first four properties along Settlers Lane and part-way behind the fifth parcel. Mr. Soderholm stated that there is also a fence along the west side of Parcel No. 1.

Mr. Polster inquired if there is any screening extending north from the pole barn.

Mr. Soderholm stated that there is no screening past the storage area.

Mr. Krapf inquired about the ownership of Parcel No. 1

Mr. Soderholm stated that he owns the property and rents the two dwellings.

Mr. Krapf inquired if the tenants have expressed concerns over the commercial activity.

Mr. Soderholm stated that the letters provided to the Commission are from surrounding residents who support the application.

Mr. O'Connor inquired if the applicant plans to expand the business operations.

Mr. Soderholm stated that he has no plans for expansion.

Mr. O'Connor inquired if the applicant agrees with the SUP conditions.

Mr. Soderholm confirmed.

Mr. Rob Rose inquired if there was any correspondence from the adjacent property owner at 6273 Centerville Road.

Mr. Soderholm stated that the owner did not wish to provide one. Mr. Soderholm stated that the owner encouraged him to pursue the SUP through the proper channels.

Ms. Majors stated that another neighbor had also encouraged the applicant to pursue the SUP through the County.

John Holland, 6273 Centerville Road addressed the Commission in opposition to the application.

Mr. Krapf inquired if there is any processing of materials from job sites that would make undue noise.

Mr. Michael Heikes stated that there is no tree work or stump grinding on the property. Mr. Heikes stated that the property is used for parking or storage of equipment only.

Mr. Krapf inquired if the equipment might be tested on the property to ensure maintenance of the equipment is satisfactory.

Mr. Heikes stated that this could be possible from time to time.

Mr. Soderholm noted that he does have a chipper and a grinder as part of his equipment. Mr. Soderholm further stated he has done work on the property to clean it up which required the use of those machines on a personal basis. Mr. Soderholm further stated that any future use of equipment on the property would be for necessary maintenance.

Mr. O'Connor inquired about deferral of the case from the previous meeting due to the requirement for the restroom.

Mr. Meadows stated that Building Safety and Permits stipulates that the restroom is required because this is a commercial operation. Mr. Meadows stated that port-a-johns would not be permitted and that this is a way to satisfy the requirement short of building another structure on the property.

Mr. O'Connor inquired if one of the residences on Parcel No. 1 were used for the office and restroom, would the residence fall under the SUP.

Mr. Holt confirmed that it would be part of the SUP.

Mr. Haldeman inquired about the effect of selling Parcel No. 3 separately.

Mr. Meadows stated that Parcel No. 1 would, then, require construction of or designation of restroom facilities.

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

Mr. Krapf stated that he will reluctantly support the application; however, he has concerns about the effects of the commercial activities on neighbors.

Mr. Rose stated that he has concerns about being able to ensure that any use of the equipment on the property is purely personal.

Ms. Leverenz stated that she understands the need to maintain a property and that such maintenance can create temporary impacts. Ms. Leverenz stated that she believes the application should be taken at face value and the applicant

should be trusted to comply with the terms of the SUP. Ms. Leverenz stated that she will support the application.

Mr. Polster stated that he appreciates the efforts of the applicant to improve the appearance of the property and the residences on Parcel No. 1. Mr. Polster noted that he does have concerns about the impacts on the neighbors. Mr. Polster stated that the required fencing and screening should mitigate the impacts. Mr. Polster stated that he will support the application.

Mr. O'Connor stated that he appreciated that the applicant is trying to come into compliance. Mr. O'Connor noted that he is concerned about including Parcel No. 3 in the application. Mr. O'Connor further stated that he does not find the use to be a limited commercial facility and that it does not meet the criteria of supporting the residential area where it is located. Mr. O'Connor stated that he does not intend to support the application.

Ms. Leverenz stated that the commercial use is supportive of the surrounding community. Ms. Leverenz noted that the applicant often uses his equipment to assist neighbors during snow storms or wind storms.

Mr. Haldeman stated that he intends to 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 SUP-19-0012. Tiki Tree and Landscape. (5-2)

3. SUP-20-0001. 2898 Lake Powell Road Tourist Home

Mr. Thomas Leininger, Planner, stated that Mr. Frank Berggren has applied for an SUP to allow for the short-term rental of an entire 3-bedroom home located at 2898 Lake Powell Road. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live offsite during the time of rentals. Mr. Leininger stated that the property is zoned R-2, General Residential, is designated Low Density Residential on the 2035 Comprehensive Plan land Use Map, and is located inside the PSA.

Mr. Leininger stated that if granted, the SUP, would allow short-term rentals throughout the year. Mr. Leininger further stated that the home is currently occupied by the applicant as a vacation home and would be rented short-term when they are not there. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that the conditions include

restrictions on commercial signage and lighting. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Mr. O'Connor inquired how staff determines if a buffer or screening should be added to the SUP conditions.

Mr. Paul Holt, Director of Community Development and Planning, stated that from all external appearances, a tourist home should retain the appearance of a single family residence. Mr. Holt further stated that in the instances where screening is required, the property is in close proximity to another dwelling.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Franklin Berggren, Applicant, 5821 Painted Leaf Lane, Naples, Florida stated that his family intends to use the property as a vacation home, with the goal of moving to James City County in the future. Mr. Berggren stated that he would like to rent the property short-term when he is not there.

Mr. Krapf inquired if the applicant would have a property management company checking on the house regularly.

Mr. Berggren stated that he would be in town several times a month to check on the property.

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

Mr. O'Connor stated that he researched the sale price history of the property, which fell well within the affordable housing range. Mr. O'Connor stated that allowing short-term rental properties does not support the Comprehensive Plan goals and, further, removes affordable homes from the housing stock. Mr. O'Connor stated that he will not support the application.

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

On a roll call vote the Commission voted to recommend approval of SUP-20-0001. 2898 Lake Powell Road Tourist Home. (5-2)

4. SUP-20-0002. 3374 Ironbound Road Tourist Home

Mr. Thomas Wysong, Senior Planner, stated that Ms. Jeanette Brady has applied for an SUP to allow for the short-term rental of an entire four-bedroom home as a tourist home. The property is located at 3374 Ironbound Road, is zoned R-8, Rural Residential, is designated Mixed Use Five Forks on the 2035 Comprehensive Plan Land Use Map, and is located inside the PSA.

Mr. Wysong stated that if granted, the SUP, would allow short-term rentals throughout the year. Mr. Wysong stated that no changes to the footprint of the home are proposed. Mr. Wysong stated that the owner will live off-site.

Mr. Wysong stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Wysong further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Wysong stated that conditions include restrictions on commercial signage and lighting. Mr. Wysong stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired if it is a single family residence.

Mr. Wysong stated that the structure was built in 2003 and that, to his understanding, it has always been a single family residence.

Mr. O'Connor inquired if the applicant intended to employ anyone to care for the property.

Mr. Wysong stated that he would defer to the applicant.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Ms. Jeanette Brady, Applicant, 2501 Manion Drive, stated that she owns all of the surrounding property. Ms. Brady noted that the property should be commercial since it is surrounded by other commercial activity. Ms. Brady stated that family members use the property when in town. Ms. Brady stated that she is on site every day because of her business interests. Ms. Brady further stated that there are numerous security cameras monitoring the property.

Mr. Rob Rose inquired about the number of bedrooms.

Ms. Brady stated that it is a four bedroom house; however, there is a large game room that could be used as a bedroom.

Mr. Rose inquired if it would be rented as a four bedroom.

Ms. Brady stated that she considered it a four bedroom home but there is always the potential to use the game room as a bedroom.

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

Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote the Commission voted to recommend approval of SUP-20-0002. 3374 Ironbound Road Tourist Home. (5-2)

G. PLANNING COMMISSION CONSIDERATIONS

1. C-19-0100. Shaping Our Shores Update

Mr. José Ribeiro, Senior Planner, introduced Ms. Carla Brittle Recreation Centers Administrator for Parks and Recreation.

Ms. Brittle provided the Commission with an overview of the updates to the Shaping Our Shores Master Plan, detailing the changes for Chickahominy Riverfront Park, the James City County Marina, and Jamestown Beach Event Park.

Mr. Holt stated that the Commission would need to approve the Shaping Our Shores Update by roll call vote.

Mr. Krapf noted appreciation for the presentation and complemented Mr. John Carnifax, Director of Parks and Recreation on his proactive leadership.

Mr. Krapf made a motion to approve the Shaping Our Shores Master Plan.

On a roll call vote, the Commission voted to approve the Shaping Our Shores Master Plan. (7-0)

Mr. O'Connor also noted appreciation for the Parks and Recreation team.

2. Planning Commission and Board of Zoning Appeals 2019 Annual Report

Mr. Paul Holt noted that the Annual Report highlights the Planning Commission and Board of Zoning Appeals activities over the preceding year. Mr. Holt stated that the Appendix provides an update on the County's progress with the Comprehensive Plan Goals, Strategies and Actions.

Mr. Haldeman complemented staff on the effort involved in preparing the report.

Mr. Polster made a motion to approve the Planning Commission and Board of Zoning Appeals 2019 Annual Report.

On a voice vote, the Commission voted to approve the Planning Commission and Board of Zoning Appeals 2019 Annual Report. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2020

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

Mr. Holt noted that the Commission should review the draft Calendar which follow the traditional schedule and let staff know if there were any concerns.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman noted that Ms. Leverenz has Board of Supervisors coverage for March.

Mr. Polster stated that he would like to staff review regulations regarding short-term rentals and provide suggestions for improving the process to address owner occupancy requirements, buffering, and where this type of use should take place. Mr. Polster recommended that this discussion should take place for the Comprehensive Plan review to allow the public to provide input on the matter.

Mr. Krapf stated that he concurs with the suggestion.

Ms. Leverenz stated that it would be very beneficial to obtain the public input on the matter.

Ms. Barbara Null stated that she had been through a similar process in Charlottesville. Ms. Null noted that she would be happy to provide information on the Charlottesville process.

Mr. Haldeman stated that he concurs with bringing this forward as part of the Comprehensive Plan process.

Mr. O'Connor stated that his challenge is that short-term rentals is not entirely in accord with the goals, strategies, and actions of the Comprehensive Plan in regard to creating jobs and in maintaining housing stock.

Mr. O'Connor stated that he appreciated staff's efforts to bring the Tiki Tree Service matter to a workable resolution.

J. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 7:50 p.m.

Paul D. Holt, III, Secretary

John Haldeman, Chair

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Attachment No. 1 Ordinance	Ordinance
☐	Attachment No. 2 AFD 19-0003 Location Map	Exhibit
☐	Attachment 3 Barnes Swamp AFD Map	Exhibit
☐	Attachment 4 Barnes Swamp AFD Renewal Ordinance and Staff Report	Backup Material
☐	Attachment 5. State Code § 15.2- 4305	Backup Material
☐	Attachment 6. Approved 1.23.20 AFD Meeting Minutes	Minutes
☐	Attachment 7 Approved 3.4.20 PC Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	5/22/2020 - 2:02 PM
Development Management	Holt, Paul	Approved	5/22/2020 - 2:03 PM
Publication Management	Burcham, Nan	Approved	5/22/2020 - 2:10 PM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 2:15 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:18 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:01 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:31 PM

Agricultural and Forestal District-19-0003. Barnes Swamp AFD Addition, 811 and 917 Stewarts Road

Staff Report for the June 9, 2020, Board of Supervisors Regular Meeting

SUMMARY FACTS

Applicant: Mr. Stephen Bowmer

Land Owner: Berta L. Bowmer Estate

Proposal: Addition of \pm 44.74 acres to the Barnes Swamp Agricultural and Forestal District (AFD)

Locations: 811 Stewarts Road (\pm 25.84 acres)
917 Stewarts Road (\pm 18.9 acres)

Tax Map/Parcel Nos.: 0240100014
0240100013

Project Acreage: \pm 44.74 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

AFD Committee: January 23, 2020, 4:00 p.m.

Planning Commission: March 4, 2020, 6:00 p.m.

Board of Supervisors: June 9, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds that this addition to the Barnes Swamp AFD would be compatible with surrounding development and the core of the District.
2. Staff finds the proposal 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

Staff recommends that the Board of Supervisors approve this application, subject to the proposed conditions.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its January 23, 2020 meeting, the AFD Advisory Committee voted 8-0 to recommend approval of this application to the Planning Commission and Board of Supervisors.

PLANNING COMMISSION RECOMMENDATION

At its March 4, 2020 meeting, the Planning Commission voted 7-0 to recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

PROPOSED CHANGES MADE SINCE PLANNING COMMISSION MEETING

None.

PROJECT DESCRIPTION

- Mr. Stephen Bowmer has applied to enroll \pm 44.74 acres of land located at 811 and 917 Stewarts Road into the Barnes Swamp AFD. The subject parcels are currently undeveloped and forested.
- The subject parcels are within one mile of the core parcels in the Barnes Swamp AFD.
- The applicant received a reforestation plan from the Virginia Department of Forestry (VDOF) in September 2019. The applicant began harvesting in that same month under the monitoring of the VDOF and completed the harvest in October 2019.
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*, the parcels consist of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
11C, Craven-Uchee Complex, 6-10% Slopes	Slight	Moderate	Slight	Slight
14B, Emporia	Slight	Slight	Slight	Slight
15e, Emporia	Slight	Moderate	Slight	Slight
17, Johnston	Slight	Severe	Severe	Moderate
27, Peawick	Slight	Moderate	Slight	Slight
29A, Slagle	Slight	Moderate	Slight	Slight

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling \pm 1,905 acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during that period.
- If this addition is approved, the District would consist of approximately 1,698.48 acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands or Open Space or Recreation in the 2035 Comprehensive Plan. Existing land uses on adjacent properties include single-family residences and undeveloped forested land, as well as the Diascund Reservoir, which is located north of the property on the other side of Stewarts Road.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels 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*."

Staff Report for the June 9, 2020, Board of Supervisors Regular Meeting

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this application, subject to the proposed conditions (see Attachment No. 1).

TW/nb
AFD19-03BarnesSwpAdd

Attachments:

1. Ordinance
2. Location Map
3. Barnes Swamp AFD Map
4. Barnes Swamp AFD 2018 Renewal Ordinance and Staff Report
5. State Code § 15.2-4305 Regarding AFD Application Criteria
6. Approved Minutes of the January 23, 2020 AFD Advisory Committee Meeting
7. Approved Minutes of the March 4, 2020 Planning Commission Meeting.

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-19-0003

811 AND 917 STEWARTS ROAD, BARNES SWAMP ADDITION

WHEREAS, a request has been filed with the Board of Supervisors of James City County, Virginia, (the "Board of Supervisors") to add \pm 44.74 acres of land located at 811 and 917 Stewarts Road, further identified as James City County Real Estate Tax Map Parcel Nos. 0240100014 and 0240100013, respectively, to Agricultural and Forestal District (AFD) No. 05-86, which is generally known as the "Barnes Swamp Agricultural and Forestal District" (the "Application"); and

WHEREAS, at its January 23, 2020 meeting, the AFD Advisory Committee voted 8-0 to recommend approval of the Application; and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2020, voted 7-0 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 \pm 44.74 acres located at 811 and 917 Stewarts Road, further identified as James City County Real Estate Tax Map Parcel Nos. 0240100014 and 0240100013, respectively (the "Properties"), to AFD-05-86, which is generally known as the "Barnes Swamp 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.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

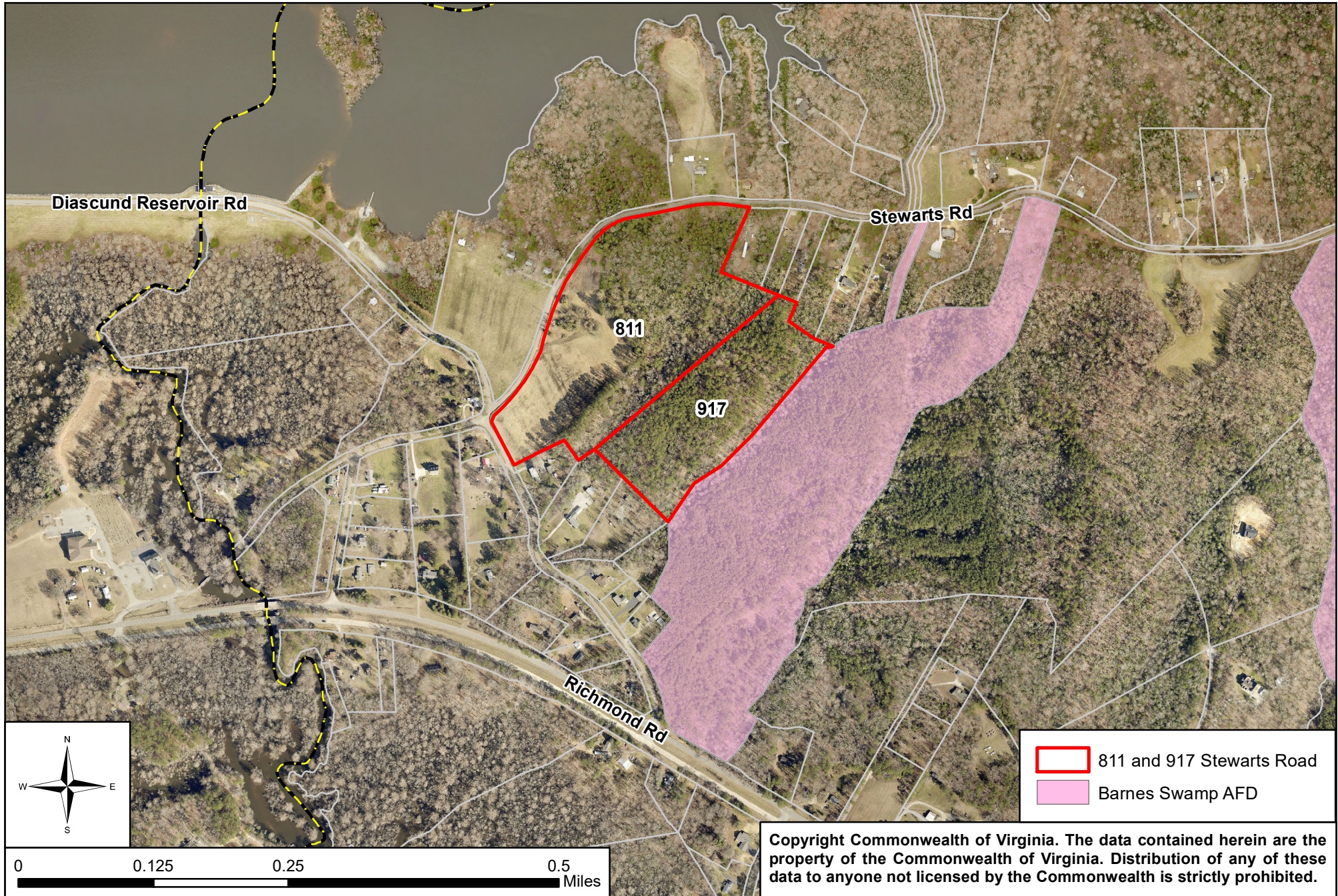
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

AFD19-3BarnesSwpAdd-res

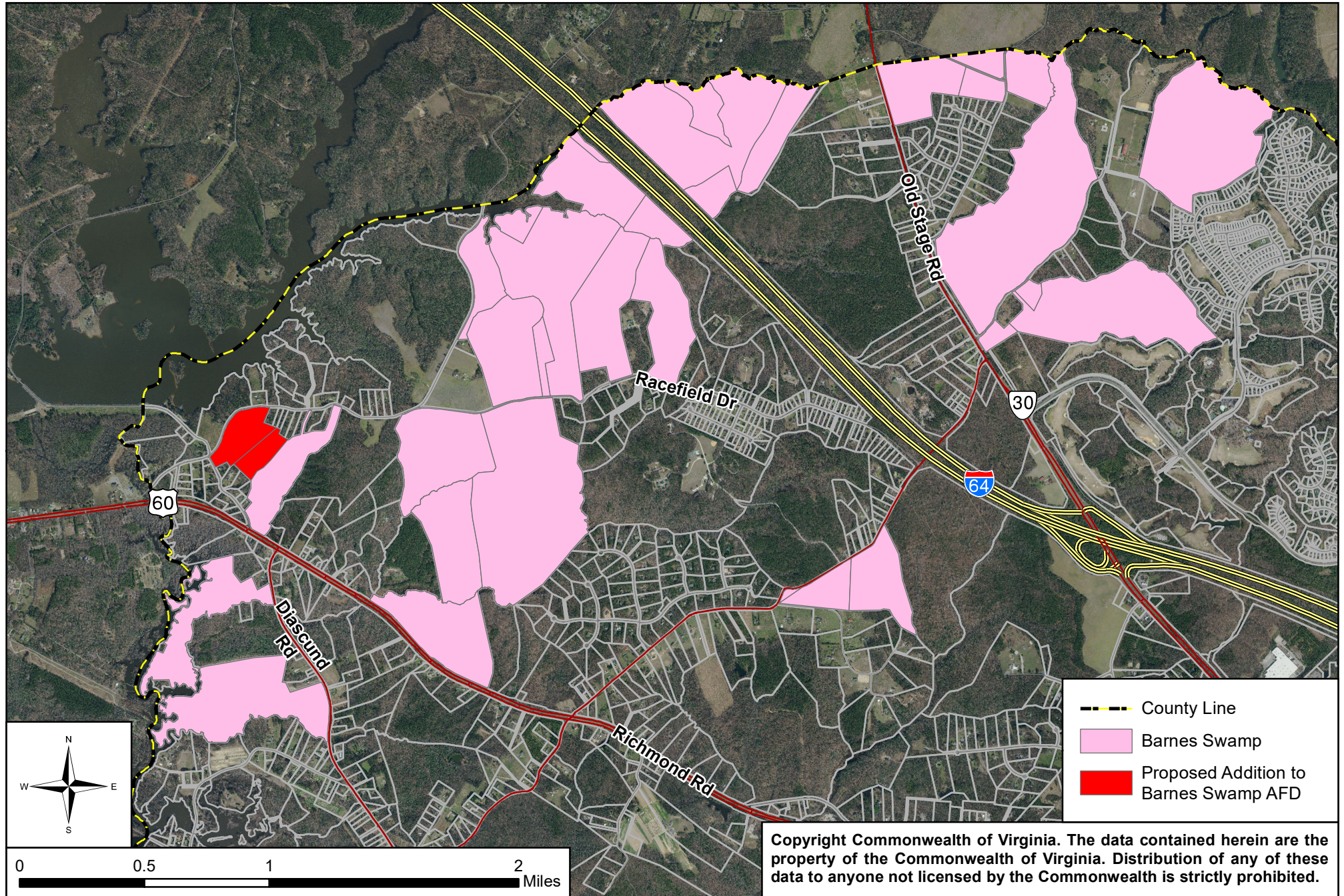
JCC AFD-19-0003

811 and 917 Stewarts Rd. Barnes Swamp AFD Addition



JCC AFD-19-0003

811 and 917 Stewarts Rd. Barnes Swamp AFD Addition



AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp 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>
SD & SKI, LLC	0310100001	108.47
Jane Farmer & Betty B. Rady	0310100002	64.00*
Katherine L. Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha McMurrin & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty Johnson & Lynn Fischer	0320100003	19.07
Betty Johnson & Lynn Fischer	0320100003A	93.98
Robert M. Dzula	0320100004	28.07
John A. Richardson	0410100005	42.00
John A. Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	227.98**
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50***
Alex L. Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. & Shelly D. Latoski, Trustee	0310100001B	10.23
Dennis W. Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven & Michelle Johnson	0340800003	52.63
Steven & Michelle Johnson	0340800005	68.43

TOTAL ACRES 1,719.98

*Proposing to withdraw 28 acres, with 36 acres remaining in the Agricultural and Forestal District (AFD).

**Proposing to withdraw 38.24 acres, with 189.74 acres remaining in the AFD.

***Acreage has been updated based on boundary surveys that have been recorded for this property.

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands; Open Space and Recreation

Primary Service Area (PSA): 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.

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 RECOMMENDATION

At its August 1, 2018 meeting, the Planning Commission voted 5-0 to recommend the continuation of the District to the Board of Supervisors.

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018. Barnes Swamp Renewal

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

DISTRICT HISTORY

- The Barnes Swamp AFD was created in 1986 for a term of four years and originally consisted of 29 parcels totaling $\pm 1,905$ acres.
- The District was renewed at four-year intervals again in 1990, 1994, 1998, 2002, 2006, 2010 and 2014 with various additions and withdrawals taking place during that period.
- There have been no additions to or withdrawals from the District since its most recent renewal in 2014.

DISTRICT DESCRIPTION

This District is primarily forested, though records indicate that a significant portion of the land is actively in agricultural use. All the land in this District is zoned A-1, General Agricultural, located outside of the PSA, and designated Rural Lands and Open Space and Recreation 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

- *Addition Requests:*
 - The owner of the property located at 10039 Old Stage Road (James City County Tax Map ID 0410100010) has applied to add approximately 196 acres to the District. That application will be evaluated under a separate cover and is tentatively scheduled for the Committee's consideration at the October 25, 2018, meeting.

- *Withdrawal Requests:*

- The owners of the property located at 1245 Stewarts Road (James City County Tax Map ID No. 0310100002) have requested to withdraw 28 acres of their parcel out of the District. Thirty-six acres of the subject parcel would be left in the AFD.
- The owners of the property located at 9812 Old Stage Road (Tax Map ID No. 0420100008) have requested to withdraw 38.24 acres of their parcel out of the District; 189.74 acres of the subject parcel would be left in the AFD.
- With these withdrawals, the District would include a total of 1,653.56 acres, and will thus continue to meet minimum area requirements.

CHANGES TO CONDITIONS

None.

SURROUNDING ZONING AND DEVELOPMENT

The area surrounding the main body of the District is zoned A-1, General Agricultural and designated Rural Lands by the adopted Comprehensive Plan. Some parcels at the eastern end of the District are adjacent to the Stonehouse development, which is zoned Planned Unit Development and designated Low-Density Residential and Mixed Use by the adopted Comprehensive Plan. The Diascund Reservoir borders the main body of the District to the west and Mill Creek AFD is located directly south of the District.

COMPREHENSIVE PLAN

The Comprehensive Plan designates these parcels as Rural Lands and Open Space and Recreation. Land Use Action 6.1.1 of the adopted

Staff Report for the September 11, 2018, Board of Supervisors Public Hearing

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 Barnes Swamp 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 the conditions listed in the District Ordinance (Attachment No. 1).

RS/md
AFD-BarnesSwpRnw

Attachments:

1. Ordinance
2. Location Map
3. Property owner withdrawal request for 1245 Stewarts Road
4. Property owner withdrawal request and plat for 9812 Old Stage Road
5. Adopted conditions for the Barnes Swamp AFD
6. Board of Supervisors staff report for the 2014 renewal of the Barnes Swamp AFD

ADOPTED

SEP 11 2018

ORDINANCE NO. 167A-14

Board of Supervisors
James City County, VA

AGRICULTURAL AND FORESTAL DISTRICT-05-86-1-2018

BARNES SWAMP 2018 RENEWAL

- WHEREAS, James City County has completed a review of the Barnes Swamp 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 Barnes Swamp 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>
SD & SKI, LLC	0310100001	108.47
Jane B. Farmer & Betty B. Rady	0310100002	36.00
Katherine Leon Hockaday	0310100003	65.26
Jane Farmer & Betty Rady	0330100003	70.00
Jane Farmer & Betty Rady	0330100004	70.00
Arline H. Bowmer Estate	0330100006	96.75
Arline H. Bowmer Estate	0240100012	62.19
Martha W. McMurren & SWR-Misc, LLC	1010100001	61.61
Elizabeth O. Harwood	0320100001	43.52
Stephen E. & Rebecca Murphy, Trustee	0320100002	13.85
Frederick C. Johnson, Trustee	0320100002A	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003	19.07

Betty L. Johnson & Lynne J. Fischer	0320100003A	93.98
Robert Michael Dzula	0320100004	28.07
John Avery Richardson	0410100005	42.00
John Avery Richardson	0410100006	10.00
Niceland Farm, LLC	0420100008	189.74
Cherri U. Spellmeyer	0420100014	134.00
Pamaka, LLC	0430100015	21.99
Pamaka, LLC	0430100016	52.00
Charles & Dianne Hasbrouck	0920100001	97.50
Alex Lamar Penland	0240100029	55.90
Donald A. Hazelwood	0420100020	112.44
Donald A. Hazelwood	0420100018	3.46
Donald A. Hazelwood	0440100001	6.11
John P. and Shelly D. Latoski Trustee	0310100001B	10.23
Dennis Wayne Leonituk, Jr.	0310100001A	10.00
Pamaka, LLC	0430100014A	1.34
Steven M. & Michelle T. Johnson	0340800003	52.63
Steven M. & Michelle T. Johnson	0340800005	68.43
Total:		<u>1,653.74</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	<u>✓</u>	___	___
ICENHOUR	<u>✓</u>	___	___
SADLER	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2018.

AFD-BarnesSwpRnw-res

§ 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.

**MINUTES
JAMES CITY COUNTY
AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE
ORGANIZATIONAL MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 23, 2020
4:00 PM**

A. CALL TO ORDER

Mr. Chris Taylor called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m.

B. ROLL CALL

Present:

Bruce Abbott
Chris Taylor, Chair
Thomas Hitchens
Loretta Garrett
Payten Harcum
Richard Bradshaw (late arrival)
Sue Sadler
Sandy Wanner

Absent:

William Harcum

Staff:

Thomas Wysong, Senior Planner
Katie Pelletier, Community Development Assistant

C. APPROVAL OF MINUTES

1. Approval of the October 24, 2019 Meeting Minutes

Mr. Bruce Abbott motioned to Approve the minutes of the October 24, 2019 meeting.

Mr. Thomas Hitchens seconded the motion.

On a voice vote, the motion was approved 7-0. Mr. Richard Bradshaw was not present for the vote.

D. OLD BUSINESS

1. AFD Advisory Committee Proposed 2020/2021 Calendar

Mr. Abbott motioned to Approve the AFD Advisory Committee Proposed 2020/2021 Calendar.

Mr. Sandy Wanner seconded the motion.

On a voice vote, the motion was approved 7-0. Mr. Bradshaw was not present for the vote.

E. NEW BUSINESS

1. Election of Officers

Mr. Bradshaw arrived at the meeting.

Mr. Payten Harcum motioned to Re-elect Mr. Taylor as the Committee Chairman and Mr. Abbott as the Vice Chairman.

Mr. Hitchens seconded the motion, and the motion was approved 8-0 after a unanimous voice vote.

2. Case No. AFD-19-0003. Barnes Swamp AFD Addition, 811 and 917 Stewarts Road

Mr. Thomas Wysong addressed the Committee and stated that the applicant, Mr. Stephen Bowmer, has applied to enroll 44.74 acres of land located at 811 and 917 Stewarts Road into the Barnes Swamp AFD.

Mr. Wysong stated the subject parcels are currently undeveloped, forested, and located within one mile of the core of the Barnes Swamp District. He said the parcels are zoned A-1, General Agricultural and designated for Rural Lands within the Comprehensive Plan.

Mr. Wysong said the applicant received a reforestation plan from the Virginia Department of Forestry (VDOF) in September 2019. The applicant began harvesting in that same month under the monitoring of the VDOF and completed the harvest in October 2019.

Mr. Wysong told the Committee that staff finds the proposal compatible with surrounding development and the Barnes Swamp District core and consistent with the goals and recommendations within the Comprehensive Plan. He said that staff does not anticipate any impacts that would need to be mitigated as a result of the addition. Mr. Wysong said staff therefore recommends that the Committee recommend approval of the application to the Planning Commission and Board of Supervisors.

Mr. Wysong said both he and the applicant were available to answer any questions.

Mr. Hitchens asked how many acres are the two combined parcels.

Mr. Wysong replied there are 44.74 acres of land total.

Mr. Hitchens asked if the land had ever been in an AFD.

Mr. Wysong replied no.

Ms. Loretta Garrett asked how many acres were currently in the Barnes Swamp AFD.

Mr. Wysong stated that if the current application is approved, there would be 1,698.48 acres in the District.

Mr. Bradshaw replied there are currently 1,653.74 acres in the District.

Mr. Taylor asked the applicant about any structures located on the parcels.

Mr. Bowmer stated a previous structure had burned down.

Mr. Taylor asked if there were any further comments or questions.

Mr. Abbott motioned to Approve Case No. AFD-19-0003, Barnes Swamp AFD Addition, 811 and 917 Stewarts Road.

Mr. Hitchens seconded the motion.

The motion was unanimously approved on a voice vote of 8-0.

F. ADJOURNMENT

Mr. Hitchens motioned to Adjourn the meeting.

Mr. Bradshaw seconded the motion.

The meeting was adjourned at 4:10 p.m. after a unanimous 8-0 voice vote.

Chris Taylor, Chair

Ellen Cook, Principal Planner

M I N U T E S
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 4, 2020
6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 6:00 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Julia Leverenz
Rob Rose
Barbara Null

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney
José Ribeiro, Senior Planner
Thomas Wysong, Senior Planner
Tom Leininger, Planner
Brett Meadows, Planner
Carla Brittle, Recreation Centers Administrator

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

Ms. Julia Leverenz stated that the Policy Committee met on February 13, 2020. To consider Stage III Ordinance language to address Code of Virginia changes regarding Wireless Communication Facilities. Ms. Leverenz noted that changes to the state code as well as Federal Communications Commission regulations have made it necessary to update the ordinance to be consistent with these changes. Ms. Leverenz stated that the new text better aligns the Ordinance language with State Code. Ms. Leverenz stated that Mr. Max Hlavin, Deputy County Attorney, asked the

Committee to consider adding language to the motion to incorporate another change in the State Code that is pending Senate approval. The Committee moved to recommend approval of the proposed Ordinance changes, as amended, pending House Bill 554's consideration in the Senate. Ms. Leverenz stated that staff will check in with the Board of Supervisors on this revision before it comes to the Planning Commission.

Ms. Leverenz stated that staff introduced the FY 2021-2025 Capital Improvements Program (CIP) review process. Ms. Leverenz stated that twenty-eight applications were submitted, totaling almost \$155,000,000. Ms. Leverenz stated that two more meetings will be held with representatives of the departments proposing these projects.

Ms. Leverenz noted that in public comment, Mr. Jay Everson noted flat enrollment on the school's Future Think projections, and asked the Committee not to recommend any classroom expansion in the school system.

Ms. Leverenz stated that the Policy Committee met again on February 20, 2020, the first of two meetings to review CIP applications.

Ms. Leverenz stated that staff from the Office of Economic Development addressed questions regarding utility improvements at Amblers House. Ms. Leverenz stated that staff indicated that this is the last project phase needed to enable the facility to begin meeting the recommendations in the Shaping Our Shores Master Plan. Ms. Leverenz noted that once completed, the Amblers House will function as a public-private partnership, and the tenant will be responsible for interior renovations.

Ms. Leverenz stated that Parks & Recreation staff indicated that no location has yet been found for the proposed Lower County Park, although negotiations are expected to begin soon for sites on Powhatan Trail. Ms. Leverenz stated that staff believes that having the resources available would facilitate the property acquisition.

Ms. Leverenz stated that Parks & Recreation staff indicated that the \$500 per sq. ft. estimate for restroom/concession facilities on multiple projects is based on actual costs of the Jamestown Beach restroom and concession building.

Ms. Leverenz stated that Stormwater Division staff clarified that the budgeted funds for stormwater improvements do not necessarily include state and federal funding, but the County pursues grant funding on an annual basis. Ms. Leverenz stated that Stormwater Division staff reported that the Diascund Creek the water quality was tested in 2010 and 2012 and mercury was found in fish tissue. Ms. Leverenz stated that a watershed study for Diascund Creek has never been done, and is proposed for this 5-year CIP cycle.

Ms. Leverenz stated that Williamsburg Regional Library staff discussed the proposal for building a third library in James City County, or expanding/building a new library at the current City of Williamsburg site. Ms. Leverenz stated that

Williamsburg Regional Library staff noted that adequate parking and access are significant issues at the current site. Ms. Leverenz stated that staff further indicated that it would be more cost-effective for the County to have two buildings rather than three.

Ms. Leverenz stated that Williamsburg Regional Library staff noted that the proposed natural playground at the Croaker library would be a Phase II to the recently-completed renovation of the children's area inside the library.

Ms. Leverenz stated that Community Development staff presented the Transportation Match proposal. Ms. Leverenz stated that staff clarified that the \$12M, five-year CIP proposal is primarily to fund the Pocahontas Trail corridor plan. Ms. Leverenz stated that staff noted that VDOT will not start any work until a project is shown as fully funded.

Ms. Leverenz stated that Community Development staff also discussed Site Preparation for the Stonehouse school site. Ms. Leverenz stated that staff noted that this is a time-restricted project. Ms. Leverenz stated staff noted that the developer has proffered to deliver a school-ready pad site on what was formerly a fill site and the budgeted \$125K is for the county to provide independent technical verification during and at the completion of the project.

Ms. Leverenz stated that The Policy Committee met again at 4:00 p.m. on February 27, 2020.

Ms. Leverenz stated that General Services staff indicated that a site for the Grove Convenience Center has been found near Fire Station 2. Ms. Leverenz stated that further stated that staff noted that credit card payments are being accepted at all county convenience centers.

Ms. Leverenz stated that Capital Projects staff addressed questions regarding the turn-arounds on Jolly Pond Road. Ms. Leverenz stated that staff noted that the turn-arounds at the Dam have not yet been designed because access has only recently been granted by the property owner. Ms. Leverenz stated that proposals will be sought for both T-turn and circular termini, which will be constructed in safe locations that discourage dumping and other undesirable activities.

Ms. Leverenz stated that Williamsburg-James City County Schools (WJCC Schools) staff addressed the proposed school projects. Ms. Leverenz stated that staff clarified that the school systems' enrollment program, Future Think, looks at the historical issuance of building permits, not planned development.

Ms. Leverenz stated that WJCC Schools staff noted that there currently are five Bright Beginnings locations. Bright Beginnings also takes in special needs children and is required to reserve space for them. Ms. Leverenz stated that WJCC Schools staff stated that the program has had a wait list of about 100 children every year since its inception in 1976. Ms. Leverenz stated that WJCC Schools staff explained that building a separate center for Bright Beginnings would subject very young

children to unreasonably long bus rides, and a standalone center would require its own cafeteria, educators, and administrators.

Ms. Leverenz stated that in response to a question about why high school expansions are proposed, but not elementary school expansions, WJCC Schools staff stated that elementary schools are subject to a certain recommended optimal size but there are no such restrictions on high schools.

Ms. Leverenz stated that the Committee agreed to meet on March 5 to finalize its CIP rankings.

Mr. Frank Polster stated that the Development Review Committee (DRC) met on February 19 2020 to review Case No. C-19-0100. Shaping Our Shores Update.

Mr. Polster stated that the Shaping our Shore Master Plans for Chickahominy Riverfront Park, Jamestown Beach Event Park, and the Jamestown Marina have been updated and will be considered for adoption by the Planning Commission and the Board of Supervisors. Mr. Polster further stated that before consideration by the full Planning Commission, the Parks and Recreation Department staff requested that this item be placed on the DRC agenda to discuss the update and obtain input from the Committee. Mr. Polster noted that no action by the DRC was required.

Mr. Polster stated that Parks and Recreation staff presented an overview of the updated Shaping our Shores using the updated master plan maps for Chickahominy Riverfront Park, Jamestown Beach Event Park, and the Jamestown Marina and at the same time answering questions. Mr. Polster stated that there was some discussion on the future impact of sea-level rise on sections of the Chickahominy Riverfront Park and Jamestown Beach, which would be revisited at the project design timeframe. Mr. Polster stated that staff also provided an update on the first phase of dredging and bulkhead replacement for the Jamestown Marina.

Mr. Polster stated that the Committee was supportive of the updated master plans, complimentary of their two-year effort, the level of coordination across the county staff agencies and their extensive outreach efforts with the community.

Mr. Haldeman presented a Resolution of Appreciation to Mr. Danny Schmidt in thanks for his service on the Planning Commission.

Mr. Schmidt expressed appreciation for his fellow Commissioners and Planning staff. Mr. Schmidt also encouraged citizens to participate in the Comprehensive Plan Review Process and to serve the community by volunteering to serve on a board, commission, or committee.

Mr. Haldeman presented a Resolution of Appreciation thanking Ms. Odessa Dowdy, who was not able to attend the meeting, for her service on the Planning Commission.

E. CONSENT AGENDA

1. Minutes of the February 5, 2020 Regular Meeting
2. Resolution of Appreciation – Mr. Danny Schmidt
3. Resolution of Appreciation – Ms. Odessa Dowdy

Ms. Leverenz made a motion to approve the Consent Agenda.

On a voice vote the Commission voted to approve the Consent Agenda. (7-0)

F. PUBLIC HEARINGS

1. AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road

Mr. Thomas Wysong, Senior Planner, stated that Mr. Stephen Bowmer has applied to enroll 44.74 acres of land located at 811 and 917 Stewarts Road into the Barnes Swamp Agricultural and Forestal District (AFD). Mr. Wysong stated that the subject parcels are currently undeveloped and forested, and are located within one mile of the core of this district. Mr. Wysong further stated that the parcels are zoned A-1, General Agricultural, are located outside of the Primary Service Area (PSA) and are designated for Rural Lands on the 2035 Comprehensive Plan Land Use Map.

Mr. Wysong stated that at its January 23 meeting, the AFD Advisory Committee recommended unanimous approval of this application. Mr. Wysong stated that, accordingly, staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

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. Polster made a motion to recommend approval of the application.

On a roll call vote the Commission voted to approve AFD-19-0003. Barnes Swamp AFD Addition, 811 & 917 Stewarts Road. (7-0)

2. SUP-19-0012. Tiki Tree and Landscape

Mr. Brett Meadows, Planner, stated that Hayden's Place, LLC, doing business as Tiki Tree and Landscape, has applied to allow a contractor's storage yard at 6283, 6293, and 6289 Centerville Road. Mr. Meadows stated that the parcels are zoned A-1, General Agricultural and are located within the PSA. Mr. Meadows noted a contractor's storage yard is a specially permitted use in the A-1 Zoning District.

Mr. Meadows stated that only the parcel at 6283 will be used for the storage area. Mr. Meadows further stated that the parcel belonging to Mr. Timothy Soderholm and Ms. Ashley Marie Campbell will be used for an office and restroom facilities, while the parcel belonging to Mr. Bruce Gilliam will contain an access easement to the storage yard from Centerville Road.

Mr. Meadows stated that staff is recommending conditions which are intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Meadows stated that conditions include screening from adjoining parcels and Centerville Road, limiting vehicle access to Centerville Road, and requiring a revegetation plan.

Mr. Meadows stated that staff finds the proposal compatible with the 2035 Comprehensive Plan as a use of very limited commercial nature which is located on a collector or arterial road. Mr. Meadows stated that with the proposed conditions, staff finds the proposal compatible with surrounding zoning and development. Mr. Meadows stated that staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the proposed conditions.

Mr. Krapf inquired about the history of the application.

Mr. Meadows stated that the applicant had conducted a similar use on parcel No. 3 and was found to be in violation of the Zoning Ordinance. Mr. Meadows stated that the applicant abated the violation. Mr. Meadows stated that the applicant has since been found in violation of the Zoning Ordinance for uses conducted on Parcel No. 1. Mr. Meadows stated that the applicant chose to go through the SUP process to achieve compliance with the Zoning Ordinance.

Mr. Krapf inquired about next steps should the SUP not be approved.

Mr. Meadows stated that the applicant could continue the appeal process for the Board of Zoning Appeals decision through the Circuit Court. Mr. Meadows further stated that the applicant could appeal the Board of Supervisors decision through the Circuit Court or could come into compliance by removing contractor's equipment and materials from the property.

Mr. Polster inquired if there were any comments from adjacent property owners.

Mr. Meadows stated that he received one response when the case was first advertised in February. Mr. Meadows further stated that the neighbor expressed some concerns about the location of the fencing; however, there was no further contact from the neighbor.

Mr. O'Connor inquired if the residences on Parcels No 1 and No. 2 will be used as residences under the SUP.

Mr. Meadows stated that the SUP limits the storage yard to the middle part of the property and should not preclude residential use at the front of the parcel. Mr. Meadows noted that he was not certain if the residence is currently occupied.

Mr. O'Connor noted that the SUP conditions limited the opening in the fence to six feet; however, the Master Plan shows a 16-foot gate. Mr. O'Connor requested clarification on the size of the gate.

Mr. Meadows stated that the Master Plan shows the existing gate. Mr. Meadows stated that the SUP requires screening that will be approved during the Site Plan process and the gate will be part of the Site Plan approval.

Mr. Polster inquired about the area on Parcel No. 1 behind the designated storage area.

Mr. Meadows stated that it was not included in the SUP and would require an SUP amendment if it were to be used for commercial purposes at a later time.

Mr. Polster inquired if the fencing would extend along the entire parcel.

Mr. Meadows stated that the extent of the fence would be determined at the Site Plan stage, but would most likely screen only the storage area.

Mr. Polster inquired if the adjacent property owner was aware of that possibility.

Mr. Meadows stated that he had not received any comments from that neighbor.

Mr. O'Connor inquired if the limitations on mulching and stump grinding applied to the entirety of the three parcels or just to the commercial/storage area.

Mr. Meadows stated that the conditions would cover all three parcels.

Mr. Haldeman called for disclosures from the Commission.

Mr. O'Connor stated that he spoke with the applicant's attorney.

Mr. Haldeman opened the Public Hearing.

Ms. Virginia Major, attorney for Hayden's Place, LLC, introduced Ryan Stephenson with AES Consulting Engineers, Mr. Timothy J. (TJ) Soderholm, owner of Tiki Tree Service and Hayden's Place, and Mr. Michael Heikes, attorney for Tiki Tree Service. Ms. Major addressed the Commission on the history of the application.

Ms. Majors provided the Commission with letters from neighbors who are not opposed to the SUP.

Mr. Polster inquired about the length of the eight-foot fence already in place on the property.

Mr. TJ Soderholm stated that the fence extends behind the first four properties along Settlers Lane and part-way behind the fifth parcel. Mr. Soderholm stated that there is also a fence along the west side of Parcel No. 1.

Mr. Polster inquired if there is any screening extending north from the pole barn.

Mr. Soderholm stated that there is no screening past the storage area.

Mr. Krapf inquired about the ownership of Parcel No. 1

Mr. Soderholm stated that he owns the property and rents the two dwellings.

Mr. Krapf inquired if the tenants have expressed concerns over the commercial activity.

Mr. Soderholm stated that the letters provided to the Commission are from surrounding residents who support the application.

Mr. O'Connor inquired if the applicant plans to expand the business operations.

Mr. Soderholm stated that he has no plans for expansion.

Mr. O'Connor inquired if the applicant agrees with the SUP conditions.

Mr. Soderholm confirmed.

Mr. Rob Rose inquired if there was any correspondence from the adjacent property owner at 6273 Centerville Road.

Mr. Soderholm stated that the owner did not wish to provide one. Mr. Soderholm stated that the owner encouraged him to pursue the SUP through the proper channels.

Ms. Majors stated that another neighbor had also encouraged the applicant to pursue the SUP through the County.

John Holland, 6273 Centerville Road addressed the Commission in opposition to the application.

Mr. Krapf inquired if there is any processing of materials from job sites that would make undue noise.

Mr. Michael Heikes stated that there is no tree work or stump grinding on the property. Mr. Heikes stated that the property is used for parking or storage of equipment only.

Mr. Krapf inquired if the equipment might be tested on the property to ensure maintenance of the equipment is satisfactory.

Mr. Heikes stated that this could be possible from time to time.

Mr. Soderholm noted that he does have a chipper and a grinder as part of his equipment. Mr. Soderholm further stated he has done work on the property to clean it up which required the use of those machines on a personal basis. Mr. Soderholm further stated that any future use of equipment on the property would be for necessary maintenance.

Mr. O'Connor inquired about deferral of the case from the previous meeting due to the requirement for the restroom.

Mr. Meadows stated that Building Safety and Permits stipulates that the restroom is required because this is a commercial operation. Mr. Meadows stated that port-a-johns would not be permitted and that this is a way to satisfy the requirement short of building another structure on the property.

Mr. O'Connor inquired if one of the residences on Parcel No. 1 were used for the office and restroom, would the residence fall under the SUP.

Mr. Holt confirmed that it would be part of the SUP.

Mr. Haldeman inquired about the effect of selling Parcel No. 3 separately.

Mr. Meadows stated that Parcel No. 1 would, then, require construction of or designation of restroom facilities.

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

Mr. Krapf stated that he will reluctantly support the application; however, he has concerns about the effects of the commercial activities on neighbors.

Mr. Rose stated that he has concerns about being able to ensure that any use of the equipment on the property is purely personal.

Ms. Leverenz stated that she understands the need to maintain a property and that such maintenance can create temporary impacts. Ms. Leverenz stated that she believes the application should be taken at face value and the applicant

should be trusted to comply with the terms of the SUP. Ms. Leverenz stated that she will support the application.

Mr. Polster stated that he appreciates the efforts of the applicant to improve the appearance of the property and the residences on Parcel No. 1. Mr. Polster noted that he does have concerns about the impacts on the neighbors. Mr. Polster stated that the required fencing and screening should mitigate the impacts. Mr. Polster stated that he will support the application.

Mr. O'Connor stated that he appreciated that the applicant is trying to come into compliance. Mr. O'Connor noted that he is concerned about including Parcel No. 3 in the application. Mr. O'Connor further stated that he does not find the use to be a limited commercial facility and that it does not meet the criteria of supporting the residential area where it is located. Mr. O'Connor stated that he does not intend to support the application.

Ms. Leverenz stated that the commercial use is supportive of the surrounding community. Ms. Leverenz noted that the applicant often uses his equipment to assist neighbors during snow storms or wind storms.

Mr. Haldeman stated that he intends to 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 SUP-19-0012. Tiki Tree and Landscape. (5-2)

3. SUP-20-0001. 2898 Lake Powell Road Tourist Home

Mr. Thomas Leininger, Planner, stated that Mr. Frank Berggren has applied for an SUP to allow for the short-term rental of an entire 3-bedroom home located at 2898 Lake Powell Road. Mr. Leininger stated that this use is considered a Tourist Home because the owner will live offsite during the time of rentals. Mr. Leininger stated that the property is zoned R-2, General Residential, is designated Low Density Residential on the 2035 Comprehensive Plan land Use Map, and is located inside the PSA.

Mr. Leininger stated that if granted, the SUP, would allow short-term rentals throughout the year. Mr. Leininger further stated that the home is currently occupied by the applicant as a vacation home and would be rented short-term when they are not there. Mr. Leininger stated that no changes to the footprint of the home are proposed.

Mr. Leininger stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Leininger further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Leininger stated that the conditions include

restrictions on commercial signage and lighting. Mr. Leininger stated that any future expansions of the use would require an SUP amendment.

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

Mr. O'Connor inquired how staff determines if a buffer or screening should be added to the SUP conditions.

Mr. Paul Holt, Director of Community Development and Planning, stated that from all external appearances, a tourist home should retain the appearance of a single family residence. Mr. Holt further stated that in the instances where screening is required, the property is in close proximity to another dwelling.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Mr. Franklin Berggren, Applicant, 5821 Painted Leaf Lane, Naples, Florida stated that his family intends to use the property as a vacation home, with the goal of moving to James City County in the future. Mr. Berggren stated that he would like to rent the property short-term when he is not there.

Mr. Krapf inquired if the applicant would have a property management company checking on the house regularly.

Mr. Berggren stated that he would be in town several times a month to check on the property.

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

Mr. O'Connor stated that he researched the sale price history of the property, which fell well within the affordable housing range. Mr. O'Connor stated that allowing short-term rental properties does not support the Comprehensive Plan goals and, further, removes affordable homes from the housing stock. Mr. O'Connor stated that he will not support the application.

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

On a roll call vote the Commission voted to recommend approval of SUP-20-0001. 2898 Lake Powell Road Tourist Home. (5-2)

4. SUP-20-0002. 3374 Ironbound Road Tourist Home

Mr. Thomas Wysong, Senior Planner, stated that Ms. Jeanette Brady has applied for an SUP to allow for the short-term rental of an entire four-bedroom home as a tourist home. The property is located at 3374 Ironbound Road, is zoned R-8, Rural Residential, is designated Mixed Use Five Forks on the 2035 Comprehensive Plan Land Use Map, and is located inside the PSA.

Mr. Wysong stated that if granted, the SUP, would allow short-term rentals throughout the year. Mr. Wysong stated that no changes to the footprint of the home are proposed. Mr. Wysong stated that the owner will live off-site.

Mr. Wysong stated that staff considered the home's location, parking provisions, and appearance to be favorable factors in the evaluation of this application. Mr. Wysong further stated that staff is recommending conditions intended to mitigate the impacts of the use and preserve the residential character of the home. Mr. Wysong stated that conditions include restrictions on commercial signage and lighting. Mr. Wysong stated that any future expansions of the use would require an SUP amendment.

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

Ms. Leverenz inquired if it is a single family residence.

Mr. Wysong stated that the structure was built in 2003 and that, to his understanding, it has always been a single family residence.

Mr. O'Connor inquired if the applicant intended to employ anyone to care for the property.

Mr. Wysong stated that he would defer to the applicant.

Mr. Haldeman called for disclosures from the Commission.

There were no disclosures.

Mr. Haldeman opened the Public Hearing.

Ms. Jeanette Brady, Applicant, 2501 Manion Drive, stated that she owns all of the surrounding property. Ms. Brady noted that the property should be commercial since it is surrounded by other commercial activity. Ms. Brady stated that family members use the property when in town. Ms. Brady stated that she is on site every day because of her business interests. Ms. Brady further stated that there are numerous security cameras monitoring the property.

Mr. Rob Rose inquired about the number of bedrooms.

Ms. Brady stated that it is a four bedroom house; however, there is a large game room that could be used as a bedroom.

Mr. Rose inquired if it would be rented as a four bedroom.

Ms. Brady stated that she considered it a four bedroom home but there is always the potential to use the game room as a bedroom.

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

Mr. Krapf made a motion to recommend approval of the application.

On a roll call vote the Commission voted to recommend approval of SUP-20-0002. 3374 Ironbound Road Tourist Home. (5-2)

G. PLANNING COMMISSION CONSIDERATIONS

1. C-19-0100. Shaping Our Shores Update

Mr. José Ribeiro, Senior Planner, introduced Ms. Carla Brittle Recreation Centers Administrator for Parks and Recreation.

Ms. Brittle provided the Commission with an overview of the updates to the Shaping Our Shores Master Plan, detailing the changes for Chickahominy Riverfront Park, the James City County Marina, and Jamestown Beach Event Park.

Mr. Holt stated that the Commission would need to approve the Shaping Our Shores Update by roll call vote.

Mr. Krapf noted appreciation for the presentation and complemented Mr. John Carnifax, Director of Parks and Recreation on his proactive leadership.

Mr. Krapf made a motion to approve the Shaping Our Shores Master Plan.

On a roll call vote, the Commission voted to approve the Shaping Our Shores Master Plan. (7-0)

Mr. O'Connor also noted appreciation for the Parks and Recreation team.

2. Planning Commission and Board of Zoning Appeals 2019 Annual Report

Mr. Paul Holt noted that the Annual Report highlights the Planning Commission and Board of Zoning Appeals activities over the preceding year. Mr. Holt stated that the Appendix provides an update on the County's progress with the Comprehensive Plan Goals, Strategies and Actions.

Mr. Haldeman complemented staff on the effort involved in preparing the report.

Mr. Polster made a motion to approve the Planning Commission and Board of Zoning Appeals 2019 Annual Report.

On a voice vote, the Commission voted to approve the Planning Commission and Board of Zoning Appeals 2019 Annual Report. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2020

Mr. Holt stated that he did not have anything in addition to what was provided in the Agenda Packet.

Mr. Holt noted that the Commission should review the draft Calendar which follow the traditional schedule and let staff know if there were any concerns.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman noted that Ms. Leverenz has Board of Supervisors coverage for March.

Mr. Polster stated that he would like to staff review regulations regarding short-term rentals and provide suggestions for improving the process to address owner occupancy requirements, buffering, and where this type of use should take place. Mr. Polster recommended that this discussion should take place for the Comprehensive Plan review to allow the public to provide input on the matter.

Mr. Krapf stated that he concurs with the suggestion.

Ms. Leverenz stated that it would be very beneficial to obtain the public input on the matter.

Ms. Barbara Null stated that she had been through a similar process in Charlottesville. Ms. Null noted that she would be happy to provide information on the Charlottesville process.

Mr. Haldeman stated that he concurs with bringing this forward as part of the Comprehensive Plan process.

Mr. O'Connor stated that his challenge is that short-term rentals is not entirely in accord with the goals, strategies, and actions of the Comprehensive Plan in regard to creating jobs and in maintaining housing stock.

Mr. O'Connor stated that he appreciated staff's efforts to bring the Tiki Tree Service matter to a workable resolution.

J. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 7:50 p.m.

Paul D. Holt, III, Secretary

John Haldeman, Chair

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 1, General Provisions, Sec. 1-13(b), Courthouse maintenance; court security and jail processing fees

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Ordinance - Corrected	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/18/2020 - 2:13 PM
Publication Management	Daniel, Martha	Approved	5/18/2020 - 2:26 PM
Legal Review	Kinsman, Adam	Approved	5/18/2020 - 2:27 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:20 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:49 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to Amend and Reordain Chapter 1, General Provisions, Sec. 1-13(b), Courthouse maintenance; court security and jail processing fees

The Virginia General Assembly, during its 2020 session, amended Va. Code § 53.1-120 to allow a county or city to assess a \$20.00 fee as part of the costs in each criminal or traffic case heard in its district or circuit courts when the defendant is found guilty. The fee was previously \$10.00.

Proceeds are remitted to the Sherriff's Office to fund courthouse security personnel.

The attached Ordinance amends Sec. 1-13 of the County Code to reflect the increase in the allowable fee from \$10.00 to \$20.00.

EP/md
ORD-Ch1Sec1-13-mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 1-13(B), COURTHOUSE MAINTENANCE; COURT SECURITY AND JAIL PROCESSING FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-13(b), Courthouse maintenance; court security and jail processing fees.

BE IT FURTHER ORDAINED by the Board of Supervisors of the County of James City, Virginia, that this ordinance shall take effect on July 1, 2020.

Chapter 16. General Provisions

Sec. 1-13. Courthouse maintenance; court security and jail processing fees.

(b) A fee of \$~~20~~40.00 shall be assessed as part of the costs incident to each criminal or traffic case prosecuted in the district or circuit courts for the City of Williamsburg and County of James City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted to the treasurer of the county. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the county sheriff's office for the funding of courthouse security personnel and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

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

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

Teresa J. Fellows
Deputy Secretary to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

ORD-Ch1Sec1-13-ord

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Readopt an Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

ATTACHMENTS:

	Description	Type
☐	memo	Cover Memo
☐	ord	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/18/2020 - 2:12 PM
Publication Management	Daniel, Martha	Approved	5/18/2020 - 2:22 PM
Legal Review	Kinsman, Adam	Approved	5/18/2020 - 2:27 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:18 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:02 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:31 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: An Ordinance to Readopt an Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

At the Board of Supervisors' (the "Board") meeting on May 5, 2020, you adopted an Emergency Ordinance to suspend certain tax payment penalties and to waive certain convenience fees. Because this Ordinance was not advertised, the Board must readopt it following advertisement and a public hearing.

I recommend that the Board approve the attached Ordinance.

ARK/md
ReadpEOSpndTxWFee

Attachment

ORDINANCE

RE-ADOPTION OF EMERGENCY ORDINANCE NO. _____

AN ORDINANCE TO SUSPEND CERTAIN TAX PENALTIES

- WHEREAS, on January 31, 2020, the Secretary of Health and Human Resources declared a public health emergency in response to the spread of novel coronavirus, or COVID-19 (the “virus”); and
- WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia declared a state of emergency in the Commonwealth of Virginia in response to the spread of the virus; and
- WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency, beginning March 1, 2020, in response to the spread of the virus; and
- WHEREAS, at 11:30 a.m. on March 13, 2020, the James City County Director of Emergency Management declared a local State of Emergency (the “declaration”) in James City County (the “County”) due to the outbreak of the virus in the County and the resulting danger to the public’s health, safety, and welfare due to the transmission and contraction of the virus; and
- WHEREAS, on March 17, 2020, the Board of Supervisors of James City County (the “Board”) convened in a special meeting, confirmed the declaration, and further found the emergency to be a “disaster” and amended the declaration accordingly; and
- WHEREAS, on April 14, 2020, the Board adopted a Continuity of Government Ordinance to ensure that the County could continue essential operations while dealing with the effects of the virus; and
- WHEREAS, on May 5, 2020, the Board adopted an Emergency Ordinance to waive certain tax penalties and convenience fees; and
- WHEREAS, the Board has found that emergency measures are necessary to mitigate the ongoing emergency and disaster that is occurring in the County and to protect the health, safety, and welfare of the citizens; and
- WHEREAS, personal property taxes will become due and payable on June 5, 2020, and the Board desires to remove the automatic late penalty until August 5, 2020, to alleviate some of the financial burden associated with late tax payments or tax payments made online; and
- WHEREAS, Section 15.2-1427(F) of the Code of Virginia, 1950, as amended, (the “Virginia Code”) authorizes counties to adopt Emergency Ordinances without notice to be effective for a period not to exceed sixty (60) days unless readopted in accordance with applicable provisions of the Virginia Code; and
- WHEREAS, the Board wishes to readopt its May 5, 2020 Emergency Ordinance in accordance with the applicable provisions of the Virginia Code.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. Notwithstanding anything to the contrary in the James City County Code (the "County Code"), personal property tax payments made between June 6, 2020 and midnight of August 5, 2020 shall incur no penalty; provided, however, that interest shall continue to be charged at the rate of ten percent (10%) per annum for all payments made after June 5, 2020.
2. Notwithstanding anything to the contrary in the County Code, Administrative Regulations, Adopted Budget, internal regulations, or otherwise, all convenience fees are waived for payments made to the County between the date of this Ordinance and midnight of August 5, 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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

ReadpEOSpTxWFee-res

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Sharon Day, Director of Financial and Management Services

SUBJECT: Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2020 - 11:04 AM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337

The Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 provides funding for programs to address the COVID-19 Pandemic. A primary component of the CARES Act establishes the Coronavirus Relief Fund (CRF) to assist local governments, among other groups.

The allocation of CRF funds is based on the locality's population in proportion to the statewide total population. Therefore, James City County's allocation is 0.8965% of the state's total for an amount of \$6,676,337. These funds may be used for qualifying expenses of local governments. The CARES Act provides that payments from the CRF may only be used to cover costs that:

- Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- Were not accounted for in the budget most recently approved as of March 27, 2020, (the date of enactment of the CARES Act) for the State or government; and
- Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

It is stated the funding should not be used to make up for revenue shortfalls nor be used for ongoing services and/or base operations. Any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020 must be returned by December 30, 2020. Further, CRF funds expended in any manner that does not adhere to official federal guidance shall be returned within 30 days of a finding that the expenditure is disallowed.

It is recommended that the Board of Supervisors adopt the attached resolution to authorize acceptance of these emergency funds and appropriate the use of these funds in the administration and operation of the County during the COVID crisis.

SBD/nb
FMS-CARES-mem

Attachment

RESOLUTION

GRANT AWARD - CORONAVIRUS AID, RELIEF, AND

ECONOMIC SECURITY RELIEF FUNDS - \$6,676,337

WHEREAS, James City County is a locality in the Commonwealth of Virginia; and

WHEREAS, the County has been allocated \$6,676,337 from the Coronavirus Relief Fund and agrees to abide by the stipulations as presented in the previously signed CERTIFICATION for RECEIPT of CORONAVIRUS RELIEF FUND PAYMENTS by JAMES CITY COUNTY (attached). The resolution to sign the certification was adopted at the May 12, 2020, Board meeting; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this funding and the budget appropriation of \$6,676,337 to Special Projects/Grants Fund as shown below and further authorizes the County Administrator to execute the documents necessary to accept and implement the grant.

Revenue:

Federal - CARES COVID-19 Relief Funds	<u>\$6,676,337</u>
---------------------------------------	--------------------

Expenditure:

CARES COVID-19 Relief Funds	<u>\$6,676,337</u>
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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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

FMS-CARES-res

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	1. Proposed Ordinance Amendments to Appendix A of the County Code, Strikethrough Version	Ordinance
▣	2. Proposed Ordinance Amendments to Chapter 8 of the County Code, Strikethrough Version	Ordinance
▣	3. Proposed Ordinance Amendments to Appendix A of the County Code, Clean Version	Exhibit
▣	4. Proposed Ordinance Amendments to Chapter 8 of the County Code, Clean Version	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	5/20/2020 - 12:57 PM
Publication Management	Burcham, Nan	Approved	5/20/2020 - 1:27 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 11:49 AM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:18 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:02 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:31 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

As part of the Fiscal Year 2021-2022 Budget process, staff are proposing several amendments to Appendix A of the County Code. These amendments generally fall into one of several categories:

1. Formatting. Several formatting changes are proposed that are intended to accomplish the following:
 - a. Staying consistent with corresponding references in the Code of Virginia. For example, in the Chapter 4 references (Building Safety and Permits), changing “Kiddie Ride” to “Small Mechanical Ride or Inflatable Amusement Device” would ensure the County Code remains consistent with references in the Virginia Uniform Statewide Building Code.
 - b. Clarifying how the fees are administered to minimize confusion and ensure consistency in implementation. For example, in the Chapter 4 references (Building Safety and Permits), the current Code states that no certificate of occupancy shall be issued until all inspection fees have been paid. Staff is proposing to include clarifying language that this language applies to both non-residential and residential permit types.

In another Chapter 4 reference example, additional language has been added clarifying that Building Permit Plan review fees are due at the beginning of the process versus at the end of the process (i.e., after the plan review has already occurred). This would ensure plan review staff are not reviewing plans where ultimately no fee is paid.

- c. Other general formatting changes. For example, in the Chapter 4 references (Building Safety and Permits), there is a plan review and inspection fee for the “erection, placement or removal” of a building or structure to another location. Staff is proposing simplifying the language to simply be the “Relocation” of a building or structure.

In another example, staff has provided a cross-reference to the pass-through levy on building permits that is required by State Code. This is revenue that the state collects (i.e., 2% is added to each permit fee).

2. Changes to some existing fees. While the changes described above may affect the timing of when certain fees are collected and help to ensure consistency in applying fees between all of the various permit types, the changes listed in Item No. 1 do not change any existing fee amounts. However, staff is proposing changes to some existing fees. These include:
 - a. Increasing the fees for exception requests to the Chesapeake Bay Ordinance and reviews by the Wetlands Board, primarily to cover the significantly increased costs of advertising requirements in the local newspaper.

An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

June 9, 2020

Page 2

- b. Increasing the fees for multiple reinspections. Under the current Code, there is no fee associated with a first inspection and the existing fee for a reinspection is \$52.50. To cover the costs of multiple reinspections, staff proposes increasing the fee for a second reinspection and third and subsequent reinspections.
 - c. For legislative review of land use cases (i.e., Rezoning, Special Use Permits (SUPs), Height Waivers, Master Plans, Amendments, Wireless applications), staff is proposing to amend the fee schedule to include the postage costs necessary to notify adjacent property owners as required by State Code. The additional revenue will help cover increased costs of advertising requirements.
3. New fees. To help defray the costs incurred by the County to administrate each program, several new fees are proposed. These include the following for which no fee is currently charged:
- a. For amusement device and tent inspections that occur on weekends or after-hours;
 - b. Electrical inspections for generators used exclusively with amusement devices;
 - c. For temporary Certificate of Occupancy inspections;
 - d. Additional plan review when work is proposed in the floodplain;
 - e. Administrative review of Wetlands Permits;
 - f. Certificate of Occupancy site inspections and multiple site reinspections by the Stormwater and Resource Protection Division;
 - g. Fees for the Stormwater and Resource Protection Division to review and administer the as-built plan process; and
 - h. Requests for Exceptions to the Subdivision Ordinance, which include a requirement for staff to notify adjacent property owners.

Further, under the current Code, fees for building permits “shall be double for any construction that has commenced before a permit is obtained.” A similar fee structure is proposed if land disturbing occurs prior to the issuance of a permit or if development occurs within wetlands or Chesapeake Bay Preservation Areas prior to the issuance of a permit.

Most significantly, staff is proposing a new fee structure that is designed to provide additional resources to more proactively administer and manage the development surety process. For each development, the current County Code requires the developer provide a surety (e.g., bond, letter of credit, etc.) to ensure the completion of Ordinance requirements and the infrastructure needed for the proposed development. Such improvements could include water/sewer lines, streets and sidewalks, stormwater systems, etc. The additional resources will assist in getting projects completed and turned over for ongoing maintenance. The additional resources can also be used to complete annual reevaluations to ensure the County is holding an appropriate amount of surety. The additional resources can also be invaluable in working to clear the most aged sureties and ensuring sureties do not become aged in the first place if there are only minor items needing to be resolved (especially in instances where a developer may be choosing to renew the surety annually rather than completing the necessary work). To allow for such a fee structure to be created in Appendix A, a subsequent minor change to Chapter 8 of the Code setting forth the charges is also required.

An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

June 9, 2020

Page 3

Recommendation

Staff recommends the Board of Supervisors adopt the attached Ordinances. If adopted, these proposed fee changes would take effect on January 1, 2021.

PDH/md

AppA-FeeSched-mem

Attachments:

1. Proposed Ordinance Amendments to Appendix A of the County Code, Strikethrough Version
2. Proposed Ordinance Amendments to Chapter 8 of the County Code, Strikethrough Version
3. Proposed Ordinance Amendments to Appendix A of the County Code, Clean Version
4. Proposed Ordinance Amendments to Chapter 8 of the County Code, Clean Version

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF JAMES CITY COUNTY BY AMENDING APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS TO DETAIL THE FEES FOR BUILDING SAFETY AND PERMITS, EROSION AND SEDIMENT CONTROL, WETLANDS, THE CHESAPEAKE BAY PRESERVATION ORDINANCE, PLANNING, AND ZONING TO DEFRAY THE COSTS INCURRED BY THE COUNTY NECESSARY TO ADMINISTRATE EACH OF THE SIX LISTED PROGRAMS AND FOR THE FILING AND PROCESSING OF AMENDMENTS, APPLICATIONS, AND APPEALS RELATED TO EACH OF THE SIX LISTED PROGRAMS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the code of James City County is hereby amended and reordained by Amending Appendix A – Fee Schedule For Development Related Permits to detail the fees for Building Safety and Permits, Erosion and Sediment Control, Wetlands, The Chesapeake Bay Preservation Ordinance, Planning, and Zoning to defray the costs incurred by the county to administrate each of the six listed programs and for the filing and processing of amendments, applications, and appeals related to each of the four listed programs.

Appendix A - Fee Schedule for Development Related Permits

BUILDING SAFETY AND PERMITS		
CHAPTER 4 - BUILDING REGULATIONS		
CODE REFERENCE	DESCRIPTION	FEE
4-8	Annual Elevator Inspections	
	Traction Elevator	\$210.00
	Hydraulic Elevator	\$157.50
	Annual Inspection certificate by a third-party inspector	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
4-8	Amusement Device Inspection	
	Kiddie Ride <i>Small Mechanical Ride or Inflatable Amusement Device</i>	\$26.25 each
	Circular or Flat-ride less than 20 feet in height	\$36.75 each
	Spectacular Ride which cannot be inspected as a circular ride or flat-ride due to complexity or height	\$57.75 each
	Coaster exceeding 30 feet in height	\$157.50 each
4-8	<i>Weekend or after-hours amusement device and tent inspections</i>	<i>\$90</i>
4-8	<i>Generators used exclusively with amusement devices; excluding small portable generators serving only cord and plug connected equipment loads</i>	<i>\$52.50</i>
4-8	Certificate of Occupancy (No certificate of occupancy shall be issued until all inspection fees have been paid, <i>includes residential and non-residential</i>)	\$52.50
4-8	<i>30-day temporary certificate of occupancy - residential</i>	<i>\$52.50</i>
4-8	<i>30-day temporary certificate of occupancy - non-residential</i>	<i>\$105</i>
4-8	<i>30-day temporary certificate of occupancy renewal - residential</i>	<i>\$105</i>
4-8	<i>30-day temporary certificate of occupancy - non-residential</i>	<i>\$210</i>
4-8	Fire Department - New Construction (In addition to fees for building code permits and inspections when a fire department employee will participate in such inspections)	
	Fire protection system acceptance tests (Including fire alarm, fire sprinkler, standpipe, fire pump)	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
4-8	Commercial range hood fire suppression system acceptance tests	\$52.50
	Certificate of occupancy inspections excluding single- and two-family residences	\$52.50
4-8	Mobile Home Installation (The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home)	\$52.50
	Permits	
4-8	Building Permit	
	Minimum Building Permit Fee	\$52.50
	Construction of any building or addition where the floor area is increased, and installation or erection of any industrialized building unit based on the floor area to be constructed as computed from exterior building dimensions at each floor (Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation.)	\$0.1365 per square foot
4-8	Construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling	\$0.105 per square foot of the exterior dimensions of the building

CODE REFERENCE	DESCRIPTION	FEE
	Alteration or repair of any building or structure, or for the construction or erection of piers bulkheads, exterior walls or fences, towers, swimming pools or other structures or things	1.05 percent of the current value of all service, labor and materials
	Demolition or razing of any building or structure having a floor area greater than 200 square feet (No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less)	\$52.50
	Erection, placement or removal Relocation of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land	\$0.105 per square foot of the gross floor area.
	Construction not covered by any of the above	1.05 percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$52.50
	The Building Permit Fee shall be double for any construction that has commenced before a permit is obtained	As listed above
	Electrical Permit	
4-8	Minimum Electrical Permit Fee	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	Installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:	
		Single Three Phase Phase
	0-60 amps	\$52.50 \$52.50
	61-100 amps	\$52.50 \$57.75
	101-150 amps	\$63.00 \$68.25
	151-200 amps	\$68.25 \$73.50
	Over 200 amps, plus \$15.75 for each additional 50 amps or fraction thereof over 200 amps	\$68.25 \$73.50
	Installation of a temporary service, or the reconnection of a mobile home	\$52.50
	Increasing the size of the electrical service to any building structure, or mobile home	
	Service up to and including 200 amperes	\$52.50
4-8	Service over 200 amperes	\$52.50 plus \$15.75 for each 50 amperes or fraction thereof over 200 amperes.
	For relocation of any existing service for which the size is not increased	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	No additional fee shall be charged for outlets when the size of the service is increased	
	Addition to any existing electrical installation	
	1-100 outlets	\$52.50
	Over 100 outlets	\$52.50 plus \$0.21 for each outlet over 100
4-8	Mechanical and Gas Permits	
	Minimum Mechanical or Gas Permit Fee*	\$52.50
	Basic permit fee	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	*Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required	
	Fuel piping permit (applies when permit is for fuel piping work only)	\$0.01 × \$1,000 of valuation or fraction thereof
	L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit (Total water capacity in gallons.)	
	0-500	\$52.50
	501-2,000	\$57.75
	Over 2,000	\$57.75 plus \$1.05 per 10,000 gallons
	Tanks and associated piping for flammable liquids permit (Capacity in gallons)	
	0-10,000	\$52.50
	10,001-20,000	\$57.75
	20,001-50,000	\$63.00
	Over 50,000	\$73.50 plus \$5.25 per 25,000 gallons or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	Removal of storage tanks	\$52.50
	Fire suppression systems (Includes standpipes)	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Permit Reissuance Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years	\$52.50 for each six-month period
	Plumbing Permit	
	Minimum Plumbing Permit Fee	\$52.50
	Installation of each plumbing fixture or appliance	\$7.35
4-8	Installation of the water distribution system in each building	\$15.75
	Connection of any building drain to a public or private sanitary sewage disposal system	\$7.35
	Each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device	\$7.35
	Plan Review	
	Minimum Review Fee	\$15.75
4-8	Plan Review Fee <i>(to be paid at the time of application submittal)</i>	\$21 for each 1,000 square feet of floor space or part thereof

CODE REFERENCE	DESCRIPTION	FEE
	<i>Supplemental plan review for work proposed in the flood plain</i>	<i>\$52.50</i>
	Revised Plans - when such plans are substantially different than the original plans or the previous review comments have not been addressed and necessitate the issuance of additional review comments	
	Minimum Review Fee	\$7.35
	Plan Review Fee	\$21 for each 1,000 square feet of floor space or part thereof
	Reinspection (any building, electrical, mechanical, plumbing, elevator, mobile home, amusement device)	<i>First: \$52.50</i> <i>Second: \$105</i> <i>Third & Subsequent: \$210</i>
4-60	Administrative Fee A fee of shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this article or to the filing or processing of any appeal or amendment thereto	\$52.50
<i>36-137, Code of Virginia</i>	<i>Levy required by the Code of Virginia of up to two percent. Local building departments shall collect such levy and transfer it quarterly to the Department of Housing and Community Development.</i>	

STORMWATER AND RESOURCE PROTECTION		
CHAPTER 8 - EROSION AND SEDIMENT CONTROL		
CODE REFERENCE	DESCRIPTION	FEE
8-5	Land Disturbing Activity & Erosion & Sediment Control Plans	
	Single-family residential structure	\$105
	Residential subdivisions	\$73.50 per lot
	All other land disturbing activities (residential site plan)	\$882 per acre for first 15 acres plus \$588 for each additional acre over 15 acres
	All other land disturbing activities (non-residential plan)	\$630 per acre for first 15 acres plus \$420 for each additional acre over 15 acres
8-5	<i>The permit fee shall be double for any land disturbing that has commenced before a permit is obtained.</i>	<i>As listed above</i>
8-34	Fee Schedule for Registration and Issuance of General VPDES Permit for Discharge of Stormwater from Construction Activities	
	Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$304.50

CODE REFERENCE	DESCRIPTION	FEE
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$304.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$2,835**
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$3,570
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$4,725
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,405
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$10,080
	<p>**Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62. 1-44. 15:28 of the Code of Virginia this fee tier will be \$290 \$304.50 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with §62. 1-44. 15:28(A)(8)</p>	

CODE REFERENCE	DESCRIPTION	FEE
8-34	Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825	
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance less than one acre)	\$21
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$210
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$262.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$315
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$472.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$735

CODE REFERENCE	DESCRIPTION	FEE
8-34	Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830	
	Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$420
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)	\$525
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$682.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$945.00
8-34	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,470
8-34	<i>The Permit fee shall be double for any construction that has commenced before a permit is obtained</i>	<i>As listed above</i>

CODE REFERENCE	DESCRIPTION	FEE
8-34	<i>Certificate of Occupancy</i> <i>(No certificate of occupancy shall be issued until all inspection fees have been paid, includes residential and non-residential)</i>	\$52.50
8-34	<i>30-day temporary certificate of occupancy - residential</i>	\$52.50
8-34	<i>30-day temporary certificate of occupancy - non-residential</i>	\$105
8-34	<i>30-day temporary certificate of occupancy renewal - residential</i>	\$105
8-34	<i>30-day temporary certificate of occupancy renewal - non-residential</i>	\$210
8-34	<i>Reinspection</i>	<i>First: \$52.50</i> <i>Second: \$105</i> <i>Third & Subsequent: \$210</i>
8-35	<i>Initial Surety Establishment</i>	\$500
8-35	<i>Surety Renewal: Years 1-2</i>	\$-
8-35	<i>Surety Renewal: Years 3-5</i>	\$500
8-35	<i>Surety Renewal: Years 6-9</i>	\$700
8-35	<i>Surety Renewal: Year 10</i>	\$1,200
8-35	<i>Surety Renewal: Year 11 plus each subsequent year</i>	\$2,000
8-34	<i>As-Built Plan Review: Small Non-Residential (up to 3 BMPs)</i>	\$300
8-34	<i>As-Built Plan Review: Large Non-Residential (> 3 BMPs)</i>	\$500
8-34	<i>As-Built Plan Review: Small Residential (less than 5 acres)</i>	\$300
8-34	<i>As-Built Plan Review: Large Residential (> 5 acres)</i>	\$500

CHAPTER 22 - WETLANDS		
CODE REFERENCE	DESCRIPTION	FEE
22-4	Exceptions that must be granted by the manager	\$105
22-4	Permits affecting 20,000 square feet or less of wetlands	\$100 \$300
22-4	Permits affecting more than 20,000 but not more than 40,000 square feet of wetlands	\$200 \$400
22-4	Permits affecting more than 40,000 square feet of wetlands	\$200 plus \$100 for each additional acre in excess of one acre of affected wetlands \$500
22-4	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above
CHAPTER 23 - THE CHESAPEAKE BAY PRESERVATION ORDINANCE		
CODE REFERENCE	DESCRIPTION	FEE
23-15	Exceptions that must be granted by the Chesapeake Bay Board	\$125 \$300
23-15	Exceptions that must be granted by the manager	\$25 \$105
23-15	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above

PLANNING AND ZONING		
CHAPTER 24 - ZONING		
CODE REFERENCE	DESCRIPTION	FEE
24-7	Conceptual Plan	\$26.25
24-7	Height Limitation Waiver	\$210 <i>plus the cost of postage to notify adjacent property owners</i>
24-47	Chicken Keeping	\$21
24-7	Master Plan	
	Initial Review Residential cluster, mixed use or a PUD with less than 400 acres (PUDs more than 400 acres shall pay a rezoning fee only)	\$210 <i>plus the cost of postage to notify adjacent property owners</i>
	Revision of an Approved Plan	
	Residential Cluster	\$78.75 <i>plus the cost of postage to notify adjacent property owners</i>
	R-4, PUD, Mixed Use	\$157.50 <i>plus the cost of postage to notify adjacent property owners</i>

CODE REFERENCE	DESCRIPTION	FEE
24-7	Public Hearing Applicant Deferral Request Does not apply where deferral is the result of a commission or board action Does apply when the applicant fails to meet a staff imposed deadline for additional information relevant to the application	\$367.50 per request Cost of re-advertising
24-7	Sign Permits	Size (per square foot of gross sign area) x \$5.25
24-7	Site Plan	
	Administrative Review	
	Residential structures or improvements	\$630 plus \$63 per unit
	Nonresidential structures or improvements	\$630 plus \$0.0252 per sq. ft. of building area
	Mixed Use structures or improvements	\$630 plus \$63 per unit plus \$0.0252 per sq. ft. of nonresidential building area
	Planning Commission and/or DRC Review	
	Residential structures or improvements	\$1,890 plus \$63 per unit

CODE REFERENCE	DESCRIPTION	FEE
	Nonresidential structures or improvements	\$1,890 plus \$0.0252 per sq. ft. of building area
	Mixed Use structures or improvements	\$1,890 plus \$63 per residential unit plus \$0.0252 per sq. ft. of nonresidential building area
	Amendment to an Approved Plan	
	Residential structures or improvements	\$105 plus \$10.50 per residential unit
24-7	Nonresidential structures or improvements	\$105 plus \$0.0042 per sq. ft. of building area
	Mixed Use structures or improvements	\$105 plus \$10.50 per residential unit plus \$0.0042 sq. ft. of nonresidential building area
	Other	
	Residential or nonresidential structures or improvements where number of dwelling units, building area, pavement or open space is not changed more than 15%	\$105

CODE REFERENCE	DESCRIPTION	FEE
	Zoning/Fire Dept. review only	\$21
	Each additional review after second resubmission	\$262.50
24-7	Special Use Permit	
	General (If processed with a rezoning shall pay a rezoning fee only)	\$1,050 plus \$31.50 per acre*** <i>plus the cost of postage to notify adjacent property owners</i>
	Manufactured Home	\$105
	Family Subdivision under Section 24-214	\$105
	Amendment/Renewal to a Special Use Permit	\$420 <i>plus the cost of postage to notify adjacent property owners</i>
	Communication Facilities under Division 6	\$1,575 <i>plus the cost of postage to notify adjacent property owners</i>
	***Not to exceed \$5,000	

CODE REFERENCE	DESCRIPTION	FEE
24-7	<p>Stormwater Installation Inspection</p> <p>(For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)</p>	<p>\$945 per practice for each best management practice constructed and \$0.945 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit.</p>
24-7	Rezoning ****	
	5 acres or less	<p>\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i></p>
	More than 5, but no more than 10 acres	<p>\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i></p>

CODE REFERENCE	DESCRIPTION	FEE
	More than 10 acres	\$1,260 plus \$78.75 per acre <i>plus the cost of postage to notify adjacent property owners</i>
	Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density and where a public hearing is not required	\$210
	**** Not to exceed \$15,000/proffer amendments pay base fee only	
24-7	Zoning - Administrative Variance	\$262.50 <i>plus the cost of postage to notify adjacent property owners</i>
24-7	Zoning - Board of Zoning Appeals	\$525 <i>plus the cost of postage to notify adjacent property owners</i>
24-7	Zoning Verification Request	\$105

SUBDIVISION		
CHAPTER 19 - SUBDIVISIONS		
CODE REFERENCE	DESCRIPTION	FEE
19-15	Stormwater Installation Inspection (For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)	\$945 per practice for each best management practice constructed and \$0.9450 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit
19-15	Water and Sewer Line Installation Inspection (For inspection by the service authority of public water and sewer system installations)	\$1.5015 per foot for every foot of sewer main or water main constructed
19-15	Major/Minor Subdivision	
	No Public improvements required	\$210 per plan plus \$73.50 per lot for each lot over 2
	Public improvements required	\$262.50 per plan plus \$73.50 per lot for each lot over 2
19-15	Townhouse or condominium subdivisions that have undergone site plan review	\$52.50
19-15	Each additional review after second resubmission	\$262.50
<i>19-15</i>	<i>Exception Requests pursuant to Section 19-18</i>	<i>\$300</i>

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on January 1, 2021.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June,
2020.

AppendixA-FeeSch-Amend-ord

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8. EROSION AND SEDIMENT CONTROL, BY AMENDING SECTION 8-35, PERFORMANCE SURETY TO ADD A REFERENCE THAT FEES FOR COSTS OF ADMINISTRATION OF THE PERFORMANCE SURETY REQUIREMENT ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Code of James City County is hereby amended and reordained by Amending Chapter 8. Erosion and Sediment Control, by amending Section 8-35, Performance surety to add a reference that fees for costs of administration of the performance surety requirement are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

CHAPTER 8. EROSION AND SEDIMENT CONTROL

Sec. 8-35. Performance surety.

(a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.

(b) *Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.*

BE IT FURTHER ORDAINED that this Ordinance shall be made effective on January 1, 2021.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June,
2020.

Sec8-35PerformanceSurety-ord

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF JAMES CITY COUNTY BY AMENDING APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS TO DETAIL THE FEES FOR BUILDING SAFETY AND PERMITS, EROSION AND SEDIMENT CONTROL, WETLANDS, THE CHESAPEAKE BAY PRESERVATION ORDINANCE, PLANNING, AND ZONING TO DEFRAY THE COSTS INCURRED BY THE COUNTY NECESSARY TO ADMINISTRATE EACH OF THE SIX LISTED PROGRAMS AND FOR THE FILING AND PROCESSING OF AMENDMENTS, APPLICATIONS, AND APPEALS RELATED TO EACH OF THE SIX LISTED PROGRAMS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the code of James City County is hereby amended and reordained by Amending Appendix A – Fee Schedule For Development Related Permits to detail the fees for Building Safety and Permits, Erosion and Sediment Control, Wetlands, The Chesapeake Bay Preservation Ordinance, Planning, and Zoning to defray the costs incurred by the county to administrate each of the six listed programs and for the filing and processing of amendments, applications, and appeals related to each of the four listed programs.

Appendix A - Fee Schedule for Development Related Permits

BUILDING SAFETY AND PERMITS		
CHAPTER 4 - BUILDING REGULATIONS		
CODE REFERENCE	DESCRIPTION	FEE
4-8	Annual Elevator Inspections	
	Traction Elevator	\$210.00
	Hydraulic Elevator	\$157.50
	Annual Inspection certificate by a third-party inspector	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
4-8	Amusement Device Inspection	
	Small Mechanical Ride or Inflatable Amusement Device	\$26.25 each
	Circular or Flat-ride less than 20 feet in height	\$36.75 each
	Spectacular Ride which cannot be inspected as a circular ride or flat-ride due to complexity or height	\$57.75 each
	Coaster exceeding 30 feet in height	\$157.50 each
4-8	Weekend or after-hours amusement device and tent inspections	\$90
4-8	Generators used exclusively with amusement devices; excluding small portable generators serving only cord and plug connected equipment loads	\$52.50
4-8	Certificate of Occupancy (No certificate of occupancy shall be issued until all inspection fees have been paid, includes residential and non-residential)	\$52.50
4-8	30-day temporary certificate of occupancy - residential	\$52.50
4-8	30-day temporary certificate of occupancy - non-residential	\$105
4-8	30-day temporary certificate of occupancy renewal - residential	\$105
4-8	30-day temporary certificate of occupancy - non-residential	\$210
4-8	Fire Department - New Construction (In addition to fees for building code permits and inspections when a fire department employee will participate in such inspections)	
	Fire protection system acceptance tests (Including fire alarm, fire sprinkler, standpipe, fire pump)	\$52.50
4-8	Commercial range hood fire suppression system acceptance tests	\$52.50
	Certificate of occupancy inspections excluding single- and two-	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	family residences	
4-8	Mobile Home Installation (The fee for the inspection of the mobile home installation shall supersede any fee otherwise required for the inspection for an electrical or plumbing permit for that mobile home)	\$52.50
	Permits	
	Building Permit	
	Minimum Building Permit Fee	\$52.50
4-8	Construction of any building or addition where the floor area is increased, and installation or erection of any industrialized building unit based on the floor area to be constructed as computed from exterior building dimensions at each floor (Any residential building, any unenclosed carport, porch or stoop, when built in conjunction with and at the same time as the dwelling, shall be excluded from the square footage computation.)	\$0.1365 per square foot
4-8	Construction of a garage, barn, pole shed or similar structure, when not constructed at the time of and under the permit of the main dwelling	\$0.105 per square foot of the exterior dimensions of the building
	Alteration or repair of any building or structure, or for the construction or erection of piers bulkheads, exterior walls or fences, towers, swimming pools or other structures or things	1.05 percent of the current value of all service, labor and materials

CODE REFERENCE	DESCRIPTION	FEE
	Demolition or razing of any building or structure having a floor area greater than 200 square feet (No fee shall be charged for a permit to raze a building with a floor area of 200 square feet or less)	\$52.50
	Relocation of a building or structure, in part or in whole from one location to another, or into or out of the county or to a new location within the same lot or parcel of land	\$0.105 per square foot of the gross floor area.
	Construction not covered by any of the above	1.05 percent of the retail value or current market value of the work being done; provided, that the minimum permit fee shall be \$52.50
	The Building Permit Fee shall be double for any construction that has commenced before a permit is obtained	As listed above
4-8	Electrical Permit	
	Minimum Electrical Permit Fee	\$52.50
	Installation of each electrical service system in new construction, the fee shall be determined from the rated size of the service panels in amperes as follows:	

CODE REFERENCE	DESCRIPTION	FEE
		Single Phase Three Phase
	0-60 amps	\$52.50 \$52.50
	61-100 amps	\$52.50 \$57.75
	101-150 amps	\$63.00 \$68.25
	151-200 amps	\$68.25 \$73.50
	Over 200 amps, plus \$15.75 for each additional 50 amps or fraction thereof over 200 amps	\$68.25 \$73.50
	Installation of a temporary service, or the reconnection of a mobile home	\$52.50
	Increasing the size of the electrical service to any building structure, or mobile home	
	Service up to and including 200 amperes	\$52.50
4-8	Service over 200 amperes	\$52.50 plus \$15.75 for each 50 amperes or fraction thereof over 200 amperes.
	For relocation of any existing service for which the size is not increased	\$52.50
	No additional fee shall be charged for outlets when the size of the service is increased	

CODE REFERENCE	DESCRIPTION	FEE
	Addition to any existing electrical installation	
	1-100 outlets	\$52.50
	Over 100 outlets	\$52.50 plus \$0.21 for each outlet over 100
4-8	Mechanical and Gas Permits	
	Minimum Mechanical or Gas Permit Fee*	\$52.50
	Basic permit fee	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Replacement, repair or alteration of mechanical systems or equipment in existing buildings, structures or additions thereto	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	*Domestic cooking equipment and space heaters in dwelling units are exempt from mechanical permit fees. Inspections of this equipment are required	

CODE REFERENCE	DESCRIPTION	FEE
	Fuel piping permit (applies when permit is for fuel piping work only)	\$0.01 × \$1,000 of valuation or fraction thereof
	L.P.G. (i.e. butane, propane, etc.) tanks and associated piping permit (Total water capacity in gallons.)	
	0-500	\$52.50
	501-2,000	\$57.75
	Over 2,000	\$57.75 plus \$1.05 per 10,000 gallons
	Tanks and associated piping for flammable liquids permit (Capacity in gallons)	
	0-10,000	\$52.50
	10,001-20,000	\$57.75
	20,001-50,000	\$63.00
	Over 50,000	\$73.50 plus \$5.25 per 25,000 gallons or fraction thereof
	Removal of storage tanks	\$52.50

CODE REFERENCE	DESCRIPTION	FEE
	Fire suppression systems (Includes standpipes)	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Elevators, dumbwaiters, moving stairways, moving walks, manlifts or special hoisting and conveying equipment	
	New construction	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof

CODE REFERENCE	DESCRIPTION	FEE
	All others	
	First \$1,000 value	\$52.50
	Over \$1,000 value	\$52.50 plus \$5.25 per \$1,000 or fraction thereof
	Permit Reissuance Permits becoming invalid, as specified by the Code, may be reissued up to a period of five years	\$52.50 for each six-month period
4-8	Plumbing Permit	
	Minimum Plumbing Permit Fee	\$52.50
	Installation of each plumbing fixture or appliance	\$7.35
	Installation of the water distribution system in each building	\$15.75
	Connection of any building drain to a public or private sanitary sewage disposal system	\$7.35
	Each sewer (sanitary or storm), manhole (sanitary or storm), roof drain or other similar device	\$7.35
4-8	Plan Review	
	Minimum Review Fee	\$15.75
	Plan Review Fee (to be paid at the time of application submittal)	\$21 for each 1,000 square feet of floor space or part thereof

CODE REFERENCE	DESCRIPTION	FEE
	Supplemental plan review for work proposed in the flood plain	\$52.50
	Revised Plans - when such plans are substantially different than the original plans or the previous review comments have not been addressed and necessitate the issuance of additional review comments	
	Minimum Review Fee	\$7.35
	Plan Review Fee	\$21 for each 1,000 square feet of floor space or part thereof
	Reinspection (any building, electrical, mechanical, plumbing, elevator, mobile home, amusement device)	First: \$52.50 Second: \$105 Third & Subsequent: \$210
4-60	Administrative Fee A fee of shall be charged at the time of application to offset the cost of making inspections, issuing permits, enforcement and other expenses incident to the administration of this article or to the filing or processing of any appeal or amendment thereto	\$52.50
36-137, Code of Virginia	Levy required by the Code of Virginia of up to two percent. Local building departments shall collect such levy and transfer it quarterly to the Department of Housing and Community Development.	

STORMWATER AND RESOURCE PROTECTION		
CHAPTER 8 - EROSION AND SEDIMENT CONTROL		
CODE REFERENCE	DESCRIPTION	FEE
8-5	Land Disturbing Activity & Erosion & Sediment Control Plans	
	Single-family residential structure	\$105
	Residential subdivisions	\$73.50 per lot
	All other land disturbing activities (residential site plan)	\$882 per acre for first 15 acres plus \$588 for each additional acre over 15 acres
	All other land disturbing activities (non-residential plan)	\$630 per acre for first 15 acres plus \$420 for each additional acre over 15 acres
8-5	The permit fee shall be double for any land disturbing that has commenced before a permit is obtained.	As listed above
8-34	Fee Schedule for Registration and Issuance of General VPDES Permit for Discharge of Stormwater from Construction Activities	
	Chesapeake Bay Preservation Act land disturbing activity (not subject to general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$304.50

CODE REFERENCE	DESCRIPTION	FEE
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$304.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$2,835**
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$3,570
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$4,725
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,405
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$10,080
	<p>**Pursuant to amendments to the Virginia Stormwater Management Act, as amended, § 62. 1-44. 15:28 of the Code of Virginia this fee tier will be \$304.50 for small construction activity involving a single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres. In addition, neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale within this tier, and all other tiers consistent with §62. 1-44. 15:28(A)(8)</p>	

CODE REFERENCE	DESCRIPTION	FEE
8-34	Modification or Transfer of Registration Statements for the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-825	
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance less than one acre)	\$21
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$210
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than ten acres)	\$262.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than ten acres and less than 50 acres)	\$315
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$472.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$735

CODE REFERENCE	DESCRIPTION	FEE
8-34	Fee Schedule for the Maintenance of the General VPDES Permit for Discharges of Stormwater from Construction Activities 9VAC25-870-830	
	Chesapeake Bay Preservation Act Land Disturbing Activity (not subject to the general permit coverage; sites within designated areas of Chesapeake Bay Act localities with land disturbance acreage equal to or greater than 2,500 square feet and less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (areas within common plans of development or sale with land disturbance acreage less than one acre)	\$52.50
	General/Stormwater Management - small construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than one acre and less than five acres)	\$420
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than five acres and less than 10 acres)	\$525
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$682.50
	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$945.00
8-34	General/Stormwater Management - large construction activity/land clearing (sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$1,470
8-34	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above

CODE REFERENCE	DESCRIPTION	FEE
8-34	Certificate of Occupancy (No certificate of occupancy shall be issued until all inspection fees have been paid, includes residential and non-residential)	\$52.50
8-34	30-day temporary certificate of occupancy - residential	\$52.50
8-34	30-day temporary certificate of occupancy - non-residential	\$105
8-34	30-day temporary certificate of occupancy renewal - residential	\$105
8-34	30-day temporary certificate of occupancy renewal - non-residential	\$210
8-34	Reinspection	First:\$52.50 Second:\$105 Third & Subsequent: \$210
8-35	Initial Surety Establishment	\$500
8-35	Surety Renewal: Years 1-2	\$-
8-35	Surety Renewal: Years 3-5	\$500
8-35	Surety Renewal: Years 6-9	\$700
8-35	Surety Renewal: Year 10	\$1,200
8-35	Surety Renewal: Year 11 plus each subsequent year	\$2,000
8-34	As-Built Plan Review: Small Non-Residential (up to 3 BMPs)	\$300
8-34	As-Built Plan Review: Large Non-Residential (> 3 BMPs)	\$500
8-34	As-Built Plan Review: Small Residential (less than 5 acres)	\$300
8-34	As-Built Plan Review: Large Residential (> 5 acres)	\$500

CHAPTER 22 - WETLANDS		
CODE REFERENCE	DESCRIPTION	FEE
22-4	Exceptions that must be granted by the manager	\$105
22-4	Permits affecting 20,000 square feet or less of wetlands	\$300
22-4	Permits affecting more than 20,000 but not more than 40,000 square feet of wetlands	\$400
22-4	Permits affecting more than 40,000 square feet of wetlands	\$500
22-4	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above
CHAPTER 23 - THE CHESAPEAKE BAY PRESERVATION ORDINANCE		
CODE REFERENCE	DESCRIPTION	FEE
23-15	Exceptions that must be granted by the Chesapeake Bay Board	\$300
23-15	Exceptions that must be granted by the manager	\$105
23-15	The Permit fee shall be double for any construction that has commenced before a permit is obtained	As listed above
PLANNING AND ZONING		
CHAPTER 24 - ZONING		
CODE REFERENCE	DESCRIPTION	FEE
24-7	Conceptual Plan	\$26.25

CODE REFERENCE	DESCRIPTION	FEE
24-7	Height Limitation Waiver	\$210 plus the cost of postage to notify adjacent property owners
24-47	Chicken Keeping	\$21
24-7	Master Plan	
	Initial Review Residential cluster, mixed use or a PUD with less than 400 acres (PUDs more than 400 acres shall pay a rezoning fee only)	\$210 plus the cost of postage to notify adjacent property owners
	Revision of an Approved Plan	
	Residential Cluster	\$78.75 plus the cost of postage to notify adjacent property owners
	R-4, PUD, Mixed Use	\$157.50 plus the cost of postage to notify adjacent property owners
24-7	Public Hearing Applicant Deferral Request Does not apply where deferral is the result of a commission or board action Does apply when the applicant fails to meet a staff imposed deadline for additional information relevant to the application	Cost of re-advertising

CODE REFERENCE	DESCRIPTION	FEE
24-7	Sign Permits	Size (per square foot of gross sign area) x \$5.25
24-7	Site Plan	
	Administrative Review	
	Residential structures or improvements	\$630 plus \$63 per unit
	Nonresidential structures or improvements	\$630 plus \$0.0252 per sq. ft. of building area
	Mixed Use structures or improvements	\$630 plus \$63 per unit plus \$0.0252 per sq. ft. of nonresidential building area
	Planning Commission and/or DRC Review	
	Residential structures or improvements	\$1,890 plus \$63 per unit
	Nonresidential structures or improvements	\$1,890 plus \$0.0252 per sq. ft. of building area

CODE REFERENCE	DESCRIPTION	FEE
	Mixed Use structures or improvements	\$1,890 plus \$63 per residential unit plus \$0.0252 per sq. ft. of nonresidential building area
	Amendment to an Approved Plan	
	Residential structures or improvements	\$105 plus \$10.50 per residential unit
24-7	Nonresidential structures or improvements	\$105 plus \$0.0042 per sq. ft. of building area
	Mixed Use structures or improvements	\$105 plus \$10.50 per residential unit plus \$0.0042 sq. ft. of nonresidential building area
	Other	
	Residential or nonresidential structures or improvements where number of dwelling units, building area, pavement or open space is not changed more than 15%	\$105
	Zoning/Fire Dept. review only	\$21
	Each additional review after second resubmission	\$262.50

CODE REFERENCE	DESCRIPTION	FEE
24-7	Special Use Permit	
	General (If processed with a rezoning shall pay a rezoning fee only)	\$1,050 plus \$31.50 per acre*** plus the cost of postage to notify adjacent property owners
	Manufactured Home	\$105
	Family Subdivision under Section 24-214	\$105
	Amendment/Renewal to a Special Use Permit	\$420 plus the cost of postage to notify adjacent property owners
	Communication Facilities under Division 6	\$1,575 plus the cost of postage to notify adjacent property owners
	***Not to exceed \$5,000	

CODE REFERENCE	DESCRIPTION	FEE
24-7	<p>Stormwater Installation Inspection</p> <p>(For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)</p>	<p>\$945 per practice for each best management practice constructed and \$0.945 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit.</p>
24-7	Rezoning ****	
	5 acres or less	<p>\$1,260 plus \$78.75 per acre plus the cost of postage to notify adjacent property owners</p>
	More than 5, but no more than 10 acres	<p>\$1,260 plus \$78.75 per acre plus the cost of postage to notify adjacent property owners</p>

CODE REFERENCE	DESCRIPTION	FEE
	More than 10 acres	\$1,260 plus \$78.75 per acre plus the cost of postage to notify adjacent property owners
	Written request to the board of supervisors to amend proffered conditions where such amendment does not affect conditions of use or density and where a public hearing is not required	\$210
	**** Not to exceed \$15,000/proffer amendments pay base fee only	
24-7	Zoning - Administrative Variance	\$262.50 plus the cost of postage to notify adjacent property owners
24-7	Zoning - Board of Zoning Appeals	\$525 plus the cost of postage to notify adjacent property owners
24-7	Zoning Verification Request	\$105

SUBDIVISION		
CHAPTER 19 - SUBDIVISIONS		
CODE REFERENCE	DESCRIPTION	FEE
19-15	Stormwater Installation Inspection (For inspection by the stormwater and resource protection division of public stormwater installations and private stormwater installations)	\$945 per practice for each best management practice constructed and \$0.945 per foot for every foot of stormwater drain or channel constructed. This fee shall be submitted at the time of filing an application for a land disturbance permit
19-15	Water and Sewer Line Installation Inspection (For inspection by the service authority of public water and sewer system installations)	\$1.5015 per foot for every foot of sewer main or water main constructed
19-15	Major/Minor Subdivision	
	No Public improvements required	\$210 per plan plus \$73.50 per lot for each lot over 2
	Public improvements required	\$262.50 per plan plus \$73.50 per lot for each lot over 2
19-15	Townhouse or condominium subdivisions that have undergone site plan review	\$52.50
19-15	Each additional review after second resubmission	\$262.50
19-15	Exception Requests pursuant to Section 19-18	\$300

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8. EROSION AND SEDIMENT CONTROL, BY AMENDING SECTION 8-35, PERFORMANCE SURETY TO ADD A REFERENCE THAT FEES FOR COSTS OF ADMINISTRATION OF THE PERFORMANCE SURETY REQUIREMENT ARE SET FORTH IN COUNTY CODE APPENDIX A - FEE SCHEDULE FOR DEVELOPMENT RELATED PERMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that the Code of James City County is hereby amended and reordained by Amending Chapter 8. Erosion and Sediment Control, by amending Section 8-35, Performance surety to add a reference that fees for costs of administration of the performance surety requirement are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

CHAPTER 8. EROSION AND SEDIMENT CONTROL

Sec. 8-35. Performance surety.

- (a) Prior to issuance of any permit, the applicant shall be required to submit a reasonable performance surety such as a bond, letter of credit, bank escrow account, or cash surety or escrow in the form of a cashier's or certified check made payable to the Treasurer, James City County, or any combination thereof, or such other legal arrangement acceptable to the county attorney to ensure that measures could be taken by the county at the applicant's expense should he/she fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him/her by the permit conditions as a result of his/her land disturbing activity. If the county takes such action upon such failure by the applicant, the locality may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, including permit termination and proper submittal and approval of construction record drawings and construction certifications for permanent BMP facilities and permanent stormwater conveyance system facilities by the administrator or the VSMP authority, such surety including bond, letter of credit, bank escrow account, or cash surety, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be released or refunded to the applicant or terminated, as applicable.
- (b) Fees to cover the costs associated with the administration of the performance surety requirement of this section are set forth in County Code Appendix A - Fee Schedule for Development Related Permits.

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Sharon Day, Director of Financial and Management Services

SUBJECT: FY2021 - FY2022 Budget Adoption & Resolution of Appropriation

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Errata Spreadsheet	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 2:52 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Sharon B. Day, Director, Financial and Management Services

SUBJECT: Fiscal Year 2021 Budget Appropriation

Attached is the resolution to appropriate the Fiscal Year (FY) 2021 budget, and reflecting the changes to the County Administrator's Proposed Budget made by the Board of Supervisors at the budget meetings and work sessions. The attached errata sheets detail these changes.

The majority of the changes relate to the economic impacts of the novel coronavirus (COVID-19), which is anticipated to result in revenue shortfalls that require corresponding reductions in expenditures. These changes and other adjustments to the FY 2021 Proposed Budget include:

General Fund Revenues:

COVID-19 reductions include the following:

<i>General Property Taxes</i>	<i>(\$2,305,000)</i>
<i>Other Local Taxes</i>	<i>(\$8,880,750)</i>
<i>Licenses, Permits & Fees</i>	<i>(\$3,146,200)</i>
<i>Fines and Forfeitures</i>	<i>(\$28,000)</i>
<i>Commonwealth</i>	<i>(\$6,065,742)</i>
<i>Charges for Services</i>	<i>(\$751,200)</i>
<i>Miscellaneous</i>	<i>(\$27,308)</i>
<i>Committed Fund Balance - Prior Year School Surplus</i>	<i>\$1,810,400</i>

Additional change due to the elimination of the State's disbursement for recordation tax:

<i>Commonwealth</i>	<i>(\$400,000)</i>
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General Fund Expenditures:

COVID-19 reductions include the following:

<i>Departmental Reductions</i>	<i>(\$2,791,016)</i>
<i>Hiring Freeze</i>	<i>(\$727,360)</i>
<i>Removal of New Positions/Reclassifications</i>	<i>(\$147,749)</i>
<i>Elimination of Compensation Reserve</i>	<i>(\$500,000)</i>
<i>Contingency</i>	<i>(\$373,972)</i>
<i>Contribution to Williamsburg-James City County Schools</i>	<i>(\$5,310,049)</i>
<i>Contributions to Williamsburg Regional Library</i>	<i>(\$214,027)</i>
<i>Contributions to Outside Entities</i>	<i>(\$296,658)</i>
<i>Transfers to Capital Projects Fund</i>	<i>(\$7,130,710)</i>
<i>Transfers to Other Funds</i>	<i>(\$2,302,059)</i>

Capital Improvement Program Revenues:

COVID-19 reductions include the following:

<i>Transfer from General Fund</i>	<i>(\$4,004,000)</i>
<i>Transfer from General Fund - 1% Additional Sales Tax</i>	<i>(\$3,126,710)</i>
<i>Prior Year General Fund</i>	<i>\$600,000</i>
<i>Prior Year School Fund</i>	<i>(\$600,000)</i>
<i>Federal/State Grants</i>	<i>(\$131,600)</i>
<i>Bond Anticipation/Proceeds</i>	<i>(\$3,282,000)</i>
<i>Transfer from Tourism Investment Fund</i>	<i>(\$725,000)</i>

Capital Improvement Program Expenditures:

COVID-19 reductions include the following:

<i>School Projects</i>	<i>(\$7,173,000)</i>
<i>General Services Projects</i>	<i>(\$2,553,310)</i>
<i>Parks and Recreation Projects</i>	<i>(\$1,093,000)</i>
<i>Other Projects</i>	<i>(\$450,000)</i>

Virginia Public Assistance Fund Revenues:

COVID-19 reductions include the following:

<i>Federal/State Revenues</i>	<i>(\$30,377)</i>
<i>Transfer from General Fund</i>	<i>(\$58,519)</i>

Virginia Public Assistance Fund Expenditures:

COVID-19 reductions include the following:

<i>Administration</i>	<i>(\$77,396)</i>
<i>Purchased Services</i>	<i>(\$2,800)</i>
<i>Local Non-Reimbursable</i>	<i>(\$8,700)</i>

Housing and Neighborhood Development Fund Revenue:

COVID-19 reductions include the following:

<i>Transfer from General Fund</i>	<i>(\$116,320)</i>
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Housing and Neighborhood Development Fund Expenditures:

COVID-19 reductions include the following:

<i>Housing</i>	<i>(\$14,783)</i>
<i>Purchased Services</i>	<i>(\$101,537)</i>

Colonial Community Corrections Fund Revenues:

COVID-19 reductions include the following:

<i>Transfer from General Fund</i>	<i>(\$9,720)</i>
<i>Other Locality Contributions</i>	<i>(\$17,280)</i>

Colonial Community Corrections Fund Expenditures:

COVID-19 reductions include the following:

<i>Operating</i>	<i>(\$19,500)</i>
<i>Direct Client Services</i>	<i>(\$7,500)</i>

Special Projects/Grants Fund Revenues:

COVID-19 adjustments include the following:

<i>Transfer from General Fund</i>	<i>(\$1,225,000)</i>
<i>Fund Balance</i>	<i>\$500,000</i>

Special Projects/Grants Fund Expenditures:

COVID-19 reductions include the following:

<i>Transportation Match</i>	<i>(\$725,000)</i>
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Tourism Investment Revenues:

COVID-19 adjustments include the following:

<i>\$2 Transient Occupancy Tax</i>	<i>(\$407,500)</i>
<i>Transfer from General Fund</i>	<i>(\$892,500)</i>
<i>Fund Balance</i>	<i>\$172,660</i>

Tourism Investment Expenditures:

COVID-19 adjustments include the following:

<i>Historic Triangle Marketing Fund (\$2 Tax)</i>	<i>(\$203,750)</i>
<i>Tourism Activities, Contributions, and Projects</i>	<i>(\$69,000)</i>
<i>Transfer to Capital Projects Fund</i>	<i>(\$725,000)</i>
<i>Contingency</i>	<i>(\$129,590)</i>

SBD/nb
FY21BudgtApp-mem

Attachment

RESOLUTION

FISCAL YEAR 2021 BUDGET APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2020, and ending June 30, 2021, along with the fiscal year beginning July 1, 2021, and ending June 30, 2022, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2021, and ending June 30, 2022.

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

1. The following amounts are hereby appropriated in the Fiscal Year (FY) 2021 General Fund for the offices and activities in the amounts as shown below:

<u>GENERAL FUND REVENUES:</u>	<u>FY 2021</u>
General Property Taxes	\$138,280,000
Other Local Taxes	19,649,250
Licenses, Permits and Fees	6,276,000
Fines and Forfeitures	250,000
Use of Money and Property	200,000
Commonwealth	22,761,000
Federal Government	8,200
Charges for Services	6,794,000
Miscellaneous	209,550
Committed Fund Balance	<u>1,810,400</u>
Total Revenues	<u>\$196,238,400</u>

<u>GENERAL FUND EXPENDITURES:</u>	<u>FY 2021</u>
General Administration	\$ 2,991,394
Court Services	4,302,740
Public Safety	27,666,426
Financial Administration	4,837,750
Information Resources Management	4,491,034
Community Development	2,969,635
General Services	11,815,667
Parks and Recreation	6,656,786

Contribution to Williamsburg-James City County (WJCC) Schools - Operations	92,720,422
Contribution to WJCC Schools - Debt Service	14,800,000
Contribution to Williamsburg Regional Library	4,933,357
Contributions to Outside Entities	7,119,832
Transfers to Other Funds	10,633,357
Nondepartmental	<u>300,000</u>
Total Expenditures	<u>\$196,238,400</u>

The appropriation for education includes \$92,720,422 as a local contribution to the WJCC Schools operations, of which \$92,669,352 represents the County's contribution directly to the Schools and \$51,070 represents the County's payment of compensation to the School Board.

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

Year End Fund Balance	\$2,400,000
Transfer to Capital Projects Fund	\$2,400,000

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

TAX RATES:

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

3. That the following amounts are hereby appropriated in other budgets in FY 2021 for the activities in the amounts as shown below:

CAPITAL PROJECTS FUND:

Revenues:

Transfer from General Fund - 1% Additional Sales Tax	\$1,523,290
Prior Year General Fund	2,400,000
Bond Anticipation/Proceeds	<u>2,500,000</u>
Total Capital Projects Fund Revenues	<u>\$6,423,290</u>

Expenditures:

General Services	\$2,623,290
Public Safety	<u>3,800,000</u>
Total Capital Projects Fund Expenditures	<u>\$6,423,290</u>

DEBT SERVICE FUND:

Revenues:

Transfer from General Fund - Schools	\$12,519,273
Transfer from General Fund - Other	7,980,727
Qualified School Construction Bonds	<u>42,500</u>
Total Debt Service Fund Revenues	<u>\$20,542,500</u>

Expenditures:

Total Debt Service Fund Expenditures	<u>\$18,362,851</u>
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TOURISM INVESTMENT FUND:

Revenues:	<u>\$1,472,660</u>
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Expenditures:	<u>\$1,472,660</u>
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VIRGINIA PUBLIC ASSISTANCE FUND:

Revenues:	<u>\$5,794,193</u>
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Expenditures:	<u>\$5,794,193</u>
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HOUSING AND NEIGHBORHOOD DEVELOPMENT FUND:

Revenues:	<u>\$2,725,282</u>
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Expenditures:	<u>\$2,725,282</u>
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COLONIAL COMMUNITY CORRECTIONS FUND:

Revenues:	<u>\$1,145,118</u>
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Expenditures:	<u>\$1,145,118</u>
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SPECIAL PROJECTS/GRANTS FUND:

Revenues:	<u>\$2,028,810</u>
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Expenditures:	<u>\$2,028,810</u>
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4. The County Administrator be authorized to increase the appropriation for the 3/5 Room Tax dollar per dollar for any amount collected over the original appropriation amount.
5. The County Administrator be authorized to increase the appropriation for the Additional \$2 per Night Room Tax dollar per dollar for any amount collected over the original appropriation amount.

6. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
7. The County Administrator be authorized to transfer up to \$10,000 per occurrence from the contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$10,000. Total transfers for the year are not to exceed \$100,000.
8. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
 - a) Insurance recoveries received for damage to any County property, including vehicles, for which County funds have been expended to make repairs; and
 - b) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
9. The County Administrator be authorized to adjust the appropriations for grants in the applicable fund (General Fund, Capital Projects Fund, Virginia Public Assistance Fund, Housing and Neighborhood Development Fund, Colonial Corrections Fund, and Special Projects Fund), as applicable if and when additional federal, state, and/or local funds become available or are reduced, not to exceed \$10,000 for each individual grant, unless the terms of the grant or program require specific actions by the Board of Supervisors.
10. The County Administrator be authorized to adjust the appropriations for the Constitutional Officers (Commonwealth Attorney, Clerk of Court, Sheriff, Treasurer, and Commissioner of the Revenue), as applicable if and when additional funding from the State Compensation Board becomes available or is reduced, not to exceed \$50,000 by Constitutional Officer, to be expended in accordance with guidelines as established by the state government.
11. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
12. The County Administrator be authorized to transfer funds to and from the Contingency account and divisional expenditure accounts.
13. All outstanding encumbrances, Capital Projects, Grants, and Special Projects in all County funds at June 30, 2020, shall be an amendment to the FY 2021 budget, and appropriated to the FY 2021 budget to the same department and account for which they were encumbered in the previous year.
14. The County Administrator or his/her designee be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Department of Financial and Management Services.

15. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2022:

General Fund	\$219,004,000
Capital Projects	18,418,460
Debt Service	20,542,500
Tourism Investment	2,600,000
Virginia Public Assistance	6,006,609
Housing and Neighborhood Development	2,871,019
Colonial Community Corrections	1,189,389
Special Projects/Grants	2,703,810

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

FY21BudgtApp-res

**Adjustments to Proposed Budget for Adopted Budget -
FY2021**

**Adjustments to Proposed Budget for Adopted Budget -
FY2022**

General Fund			
	Revenues		Revenues
Beginning Balance	\$ 216,032,000	Beginning Balance	\$ 219,404,000
COVID-19 Adjustments		State Recordation Tax Removal	(400,000)
<i>General Property Taxes</i>	(2,305,000)		
<i>Other Local Taxes</i>	(8,880,750)		
<i>Licenses, Permits & Fees</i>	(3,146,000)		
<i>Fines & Forfeitures</i>	(28,000)		
<i>Commonwealth</i>	(6,065,742)		
<i>Charges for Services</i>	(751,200)		
<i>Miscellaneous</i>	(27,308)		
State Recordation Tax Removal	(400,000)		
Committed Fund Balance			
<i>Prior Year School Surplus</i>	1,810,400		
Total Revenues	\$ 196,238,400	Total Revenues	\$ 219,004,000
	Expenditures		Expenditures
Beginning Balance	\$ 216,032,000	Beginning Balance	\$ 219,404,000
COVID-19 Adjustments		Contingency Reduction	(200,000)
<i>Departmental Reductions</i>		Compensation Reserve Reduction	(200,000)
General Administration	(110,820)		
Court Services	(80,025)		
Public Safety	(1,023,570)		
Financial Administration	(140,461)		
Information Resource Management	(119,995)		
Community Development	(43,950)		
General Services	(988,801)		
Parks and Recreation	(283,394)		
<i>Hiring Freeze for Six Months</i>	(727,360)		
<i>Removal of New Positions/Reclassifications</i>	(147,749)		
<i>Removal of Compensation Reserve</i>	(500,000)		
<i>Contingency</i>	(373,972)		
<i>Contribution to WJCC Schools</i>	(5,310,049)		
<i>Contribution to Williamsburg Regional Library</i>	(214,027)		
<i>Contributions to Outside Entities</i>	(296,658)		
<i>Transfers to Other Funds</i>	(2,302,059)		
<i>Transfer to Capital Improvement Program</i>	(7,130,710)		
Total Expenditures	\$ 196,238,400	Total Expenditures	\$ 219,004,000

**Adjustments to Proposed Budget for Adopted Budget -
FY2021**

**Adjustments to Proposed Budget for Adopted Budget -
FY2022**

Capital Projects Fund							
		Revenues				Revenues	
Beginning Balance		\$	17,692,600	Beginning Balance		\$	26,018,350
COVID-19 Adjustments				COVID-19 Adjustments			
General Fund Revenue			(4,004,000)	General Fund Revenue			(391,990)
General Fund - 1% Additional Sales Tax			(3,126,710)	Federal/State Grants			(270,900)
Prior Year General Fund			600,000	Bond Anticipation/Proceeds			(6,937,000)
Prior Year School Fund			(600,000)				
Federal/State Grants			(131,600)				
Bond Anticipation/Proceeds			(3,282,000)				
Tourism			(725,000)				
Total Revenues		\$	6,423,290	Total Revenues		\$	18,418,460
		Expenditures				Expenditures	
Beginning Balance		\$	17,692,600	Beginning Balance		\$	26,018,350
COVID-19 Adjustments				COVID-19 Adjustments			
School Projects				School Projects			
Berkeley Middle School			(1,922,000)	Berkeley Middle School			1,922,000
Toano Middle School			(339,000)	Berkeley Middle School			(2,539,000)
Warhill High School			(1,422,000)	Toano Middle School			339,000
Division Wide Projects			(208,000)	Warhill High School			1,422,000
Warhill High School Expansion			(3,059,000)	Division Wide Projects			208,000
Lafayette High School Expansion			(223,000)	Division Wide Projects			(440,000)
General Services Projects				Warhill High School Expansion			3,059,000
Stormwater Infrastructure: Powhatan/Yarmouth			(752,000)	Lafayette High School Expansion			223,000
Stormwater Infrastructure: Ware Creek			(752,000)	Clara Byrd Baker Elementary School			(301,000)
HVAC/Electrical			(163,700)	Laurel Lane Elementary School			(561,000)
Capital Building Maintenance			(16,510)	Norge Elementary School			(446,000)
Building/Energy Improvements			(162,500)	Matthew Whaley Elementary School			(467,000)
Grove Convenience Center			(596,600)	James River Elementary School			(52,000)
Vehicle Steel System Lifts			(110,000)	New Pre-School			(1,989,000)
IT Fiber Maintenance			(450,000)	General Services Projects			
Parks and Recreation Projects				Stormwater Infrastructure: Powhatan/Yarmouth			752,000
Chickahominy Riverfront Park			(863,000)	Stormwater Infrastructure: Ware Creek			752,000
Warhill Sports Complex Baseball Field			(230,000)	Stormwater Infrastructure: Other Projects			(2,600,000)
				HVAC/Electrical			163,700
				HVAC/Electrical			(127,800)
				Capital Building Maintenance			16,510
				Building/Energy Improvements			162,500
				Building/Energy Improvements			(316,400)
				Grove Convenience Center			596,600
				Vehicle Steel System Lifts			110,000
				Public Safety Projects			
				Fire Station 6			(8,230,000)
				Parks and Recreation Projects			
				Chickahominy Riverfront Park			63,000
				Warhill Sports Complex Baseball Field			230,000
				Other Projects			
				Information Tech. Fiber Maintenance			450,000
Total Expenditures		\$	6,423,290	Total Expenditures		\$	18,418,460

**Adjustments to Proposed Budget for Adopted Budget -
FY2021**

**Adjustments to Proposed Budget for Adopted Budget -
FY2022**

Debt Service Fund			
		Revenues	Revenues
Beginning Balance	\$	20,542,500	\$ 20,542,500
			General Fund - Schools (146,354)
			General Fund - Other 146,354
Total Revenues		\$ 20,542,500	\$ 20,542,500
		Expenditures	Expenditures
Beginning Balance	\$	18,362,851	\$ 19,125,743
			School Debt (146,354)
			County Debt (605,578)
Total Expenditures		\$ 18,362,851	\$ 18,373,811
Change in Fund Balance		\$ 2,179,649	\$ 2,168,689

Tourism Investment Fund			
		Revenues	Revenues
Beginning Balance	\$	2,600,000	\$ 2,600,000
COVID-19 Adjustments			
<i>Additional \$2 Per Night Room Tax</i>	(407,500)		
<i>Transfer from General Fund - 3/5 Room Tax</i>	(892,500)		
<i>Fund Balance</i>	172,660		
Total Revenues		\$ 1,472,660	\$ 2,600,000
		Expenditures	Expenditures
Beginning Balance	\$	2,600,000	\$ 2,600,000
COVID-19 Adjustments			
<i>Historic Triangle Marketing Fund (\$2 Tax)</i>	(203,750)		
<i>Jamestown Rediscovery</i>	(33,000)		
<i>Tourism Activities</i>	(24,000)		
<i>Wayfinding Signs</i>	(12,000)		
<i>Transfer to Capital Projects Fund</i>	(725,000)		
<i>Contingency</i>	(129,590)		
Total Expenditures		\$ 1,472,660	\$ 2,600,000

Virginia Public Assistance Fund			
		Revenues	Revenues
Beginning Balance	\$	5,883,089	\$ 6,006,609
COVID-19 Adjustments			
<i>Federal/State Revenues</i>	(30,377)		
<i>Transfer from General Fund</i>	(58,519)		
Total Revenues		\$ 5,794,193	\$ 6,006,609
		Expenditures	Expenditures
Beginning Balance	\$	5,883,089	\$ 6,006,609
COVID-19 Adjustments			
<i>Administration</i>	(77,396)		
<i>Purchased Services</i>	(2,800)		
<i>Local Non-Reimbursable</i>	(8,700)		
Total Expenditures		\$ 5,794,193	\$ 6,006,609

**Adjustments to Proposed Budget for Adopted Budget -
FY2021**

**Adjustments to Proposed Budget for Adopted Budget -
FY2022**

Housing & Neighborhood Development Fund			
Revenues		Revenues	
Beginning Balance	\$ 2,841,602	Beginning Balance	\$ 2,871,019
COVID-19 Adjustments			
<i>Transfer from General Fund - Administration</i>	(16,320)		
<i>Transfer from General Fund - Housing Fund</i>	(100,000)		
Total Revenues	\$ 2,725,282	Total Revenues	\$ 2,871,019
Expenditures		Expenditures	
Beginning Balance	\$ 2,841,602	Beginning Balance	\$ 2,871,019
COVID-19 Adjustments			
<i>Housing - Operating</i>	(4,783)		
<i>Housing Programs</i>	(10,000)		
<i>Neighborhood Development - Operating</i>	(1,537)		
<i>Neighborhood Programs</i>	(100,000)		
Total Expenditures	\$ 2,725,282	Total Expenditures	\$ 2,871,019

Colonial Community Corrections Fund			
Revenues		Revenues	
Beginning Balance	\$ 1,172,118	Beginning Balance	\$ 1,189,389
COVID-19 Adjustments			
<i>Transfer from General Fund</i>	(9,720)		
<i>Other Locality Contributions</i>	(17,280)		
Total Revenues	\$ 1,145,118	Total Revenues	\$ 1,189,389
Expenditures		Expenditures	
Beginning Balance	\$ 1,172,118	Beginning Balance	\$ 1,189,389
COVID-19 Adjustments			
<i>Operating</i>	(19,500)		
<i>Direct Client Services</i>	(7,500)		
Total Expenditures	\$ 1,145,118	Total Expenditures	\$ 1,189,389

Special Projects/Grants Fund			
Revenues		Revenues	
Beginning Balance	\$ 2,753,810	Beginning Balance	\$ 2,703,810
COVID-19 Adjustments			
<i>Transfer from General Fund</i>	(1,225,000)		
<i>Fund Balance</i>	500,000		
Total Revenues	\$ 2,028,810	Total Revenues	\$ 2,703,810
Expenditures		Expenditures	
Beginning Balance	\$ 2,753,810	Beginning Balance	\$ 2,703,810
COVID-19 Adjustments			
<i>Transportation Match</i>	(725,000)		
Total Expenditures	\$ 2,028,810	Total Expenditures	\$ 2,703,810

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Extension of Special Use Permit: Colonial Heritage

ATTACHMENTS:

	Description	Type
☐	memo	Cover Memo
☐	reso	Resolution
☐	Special Use Permit	Exhibit
☐	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/21/2020 - 3:32 PM
Publication Management	Burcham, Nan	Approved	5/21/2020 - 3:37 PM
Legal Review	Kinsman, Adam	Approved	5/21/2020 - 4:25 PM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:19 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:48 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Request for Special Use Permit Extension

On behalf of the developers of Colonial Heritage, Mr. Greg Davis has requested that the Board grant an extension to its Special Use Permit No. SUP-0003-2015 (the "SUP") to October 1, 2023. The SUP was approved by the Board of Supervisors (the "Board") on November 10, 2015, and permitted development of Deer Lake Estates, situated adjacent to the Colonial Heritage age-restricted community.

Condition Number 5(a) of the SUP requires that construction of public utilities commence within 36 months of the date of approval of the SUP (November 10, 2018) or the SUP becomes void. Though public utilities were not extended by that date, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the "Virginia Code") automatically extended the expiration date until July 1, 2020. The extension statute has been in place since 2009 and was intended to address developer's need to extend projects due to the housing crisis. The statute was extended in 2011, 2012, and 2017; however, the General Assembly did not further extend it during its 2020 session.

Because the statute was not extended, the SUP will automatically expire on July 1, 2020 unless 1) the developer satisfies Condition Number 5(a) by extending public utilities, or 2) the Board grants an extension as permitted by the Virginia Code. Section 15.2-2209.1 of the Virginia Code grants the Board the authority to extend the deadline "for a longer period as agreed to by the locality." Such an extension may be granted by resolution of the Board.

Mr. Davis has outlined the reasons for the extension request in the attached letter, including ongoing reviews by the Corps of Engineers and Virginia Department of Environmental Quality as well as a pending rezoning request. Should the Board desire to grant an extension to the SUP, I recommend that it adopt the attached resolution.

ARK/md
SUPext-ColonialHer-mem

Attachment

RESOLUTION

REQUEST FOR SPECIAL USE PERMIT EXTENSION

- WHEREAS, on November 10, 2015 the Board of Supervisors of James City County (the “Board”) approved Special Use Permit No. SUP-0003-2015 (the “SUP”) permitting a rural cluster development known as Deer Lake Estates (the “Project”) on property located at 499 Jolly Pond Road and further identified as James City County Real Estate Tax Map No. 2240100007 (the “Property”); and
- WHEREAS, Condition Number 5(a) of the SUP requires construction of public utilities to commence within thirty-six (36) months of the date of approval of the SUP or the SUP shall become invalid; and
- WHEREAS, though the public utilities were not constructed within thirty-six (36) months of the date of approval of the SUP, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”) automatically extended the SUP’s November 10, 2018 expiration date to July 1, 2020; and
- WHEREAS, Section 15.2-2209.1 no longer automatically extends the expiration date but instead allows localities to agree to an extension date; and
- WHEREAS, on behalf of the developer, Colonial Heritage, LLC, Mr. Greg Davis has requested that the Board grant an extension of the SUP to October 1, 2023, citing ongoing reviews by the Corps of Engineers and Virginia Department of Environmental Quality, a pending rezoning request, and the effects of the COVID-19 pandemic as reasons for the need for such extension; and
- WHEREAS, the Board has determined that granting an extension of the SUP’s expiration date to October 1, 2023 is be required by public necessity, convenience, general welfare, and good zoning practice.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Section 15.2-2209.1(B) of the Code of Virginia, 1950, as amended, does hereby extend the public utility extension deadline contained in Condition Number 5(a) of Special Use Permit No. SUP-0003-2015 from November 10, 2015 to October 1, 2023.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

RESOLUTION

CASE NO. SUP-0003-2015. COLONIAL HERITAGE DEER LAKE ESTATES UTILITY

EXTENSION: AMENDMENT AND RESTATEMENT OF CASE NO. SUP-0021-2004

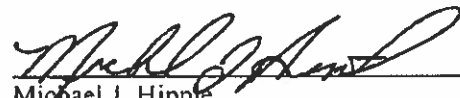
- WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. William Holt, of Kaufman and Canoles (the "Applicant"), on behalf of Colonial Heritage LLC (the "Owner"), has applied to extend public utilities to a ±228 acre portion of land associated with the Colonial Heritage Deer Lake SUP 0021-2004; and
- WHEREAS, the subject property is located at 499 Jolly Pond Road on land zoned A-1, General Agricultural, with proffers, and can be further identified as James City County Real Estate Tax Map Parcel No. 2240100007 (the "Property"), as shown on the exhibit titled "Deer Lake Estates Utility Extension-Water/Sewer SUP Exhibit" dated September 17, 2015 ("the Exhibit"), prepared by AES Consulting Engineers; and
- WHEREAS, on December 14, 2004, the Board approved SUP 0021-2004 permitting a 50-lot rural cluster development ("Deer Lake Estates") on the Property and prohibiting the extension of utilities to the Property; and
- WHEREAS, as part of SUP-0003-2015, the Owner seeks to amend and restate conditions associated with SUP-0021-2004 to allow the 50-lot rural cluster to connect to public utilities; and
- WHEREAS, the subject ±228 acres of the Deer Lake Estates development was included in the Primary Service Area on the adopted 2035 Comprehensive Plan Land Use Map; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case SUP-0003-2015; and
- WHEREAS, the Planning Commission, following its public hearing on October 7, 2015, recommended approval of this application by a vote of 7-0.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of SUP 0003-2015 as described herein with the following conditions.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, upon application by the Owner, and after consideration of the factors in Section 24-9 of the James City County Code, does hereby amend and restate the conditions of James City County Case No. SUP-0021-2004 with the following conditions:

1. *Development Limitation.* No more than 50 residential lots shall be platted on the 50-lot rural cluster portion of the Boy Scout of America property (known as "Deer Lake Estates"), as shown on the Exhibit. Any residential lots developed on the Property shall be subject to the 2,000-residential-unit density cap.
2. *Conservation Easement.* The conservation easement of ± 282 acres (the "Conservation Easement") shall be dedicated to James City County or an agency acceptable to the County and recorded prior to final subdivision approval by the County for any lot within Deer Lake Estates, as shown on the Exhibit. The area within the Conservation Easement shall be available and the Owner shall retain the right to utilize the open space and conservation area for stormwater management structures and facilities, required open space, required impervious/pervious cover calculations and watershed protection measures for the Colonial Heritage development and Deer Lake Estates. The Conservation Easement shall clearly state that no clearing, land disturbing or development shall occur on the ± 282 acres unless otherwise approved by the Planning Director.
3. *Buffers.* A minimum 150-foot buffer shall be maintained along Jolly Pond Road and Cranston's Mill Pond Road (the "Buffers"). The Buffers shall remain undisturbed with the exception of breaks for any entrance road, pedestrian connections, utilities, walking, hiking and biking trails, any *required* clearing necessary to create adequate sight distance and other uses specifically approved by the Planning Director. The Planning Director shall approve the design of such features located within the Buffers.
4. *Vehicular Access.* Access to the Deer Lake Estates development shall be from a single entrance road onto Jolly Pond Road unless a second entrance road is approved by the Planning Commission following the review of the Development Review Committee.
5. *Public Utilities.* Construction and operation of public utilities shall be subject to the following conditions:
 - a. *Commencement.* Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void.
 - b. *Construction Management:*
 - i. Construction, operation and maintenance of the water and sewer extensions shall comply with all local, state and federal requirements.
 - ii. Adequate dust and siltation control measures, as determined by the Director of Engineering and Resource Protection, shall be taken to prevent adverse effects the adjacent properties.
 - iii. All construction activity on the water and sewer extensions shall occur between 7 a.m. and 5 p.m., Monday through Friday.
 - c. *Regulatory Requirements:* All state and local permits and easements shall be acquired prior to the issuance of a land disturbing permit for any lot within the previously approved 50-lot rural *cluster* known as Deer Lake Estates.
 - d. *Erosion and Sediment Control:* The project shall comply with all Virginia erosion and *sediment* control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.

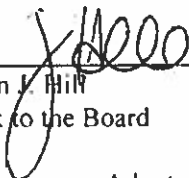
- e. *Construction Access.* Vehicular access to all residences along the affected rights-of-way, including Jolly Pond Road and Cranston's Mill Pond Road, shall be maintained at all times.
 - f. *Vegetation Protection.* The applicant shall avoid removing trees and bushes within the 150 feet Jolly Pond Road vegetative buffer and along the water and sewer extension corridors, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director or his designee.
- 6. *Water Conservation.* The Water Conservation Regulations for Residential properties applicable to the Colonial Heritage development shall be implemented and enforced for the Deer Lake Estates development.
 - 7. *Archaeology.* Prior to issuance of a land-disturbing permit for any portion of the Property, the *applicant* shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
 - 8. *Master Stormwater Plan.* A Master Stormwater Plan shall be submitted with the development plan for the alternative which is submitted for review and approval by the Director of Engineering and Resource Protection. The Master Stormwater Plan should specifically address how Deer Lake will be utilized as a primary Best Management Practices (by use of drawings/narratives), whether additional onsite structural or non-structural practices are necessary and whether there is a better site design/low-impact development component proposed for stormwater compliance.
 - 9. *Steep Slopes.* Any plan of development for Deer Lake Estates shall maintain a separation of at least 35 feet between the top of 25% and steeper slopes and any structure and a 20-foot separation from the limits of grading to the top of 25% and steeper slopes. This is intended to apply to the larger, contiguous areas of steep slopes, not isolated areas, as determined by the Director of Engineering and Resource Protection. The Director of Engineering and Resource Protection shall have the ability to grant variances from this criteria to provide flexibility in application of this condition.
 - 10. *RPA/Perennial Stream.* The applicant shall conduct a perennial stream evaluation which shall receive approval from the Director of Engineering and Resource Protection prior to preliminary approval being granted for any plan of development for Deer Lake Estates. If perennial streams are present on the site, a 100-foot buffer shall be required around them and any wetlands contiguous to and connected by surface flow to the stream. Any plan of development for Deer Lake Estates shall also maintain a structural separation of 35 feet from any Resource Protection Area on the property.
 - 11. *Pedestrian Accommodations.* In accordance with the adopted Pedestrian Accommodations Master and Regional Bicycle Facilities plans, sidewalk and a shoulder bike lane shall be provided along the Property's Jolly Pond Road frontage. This requirement may be waived by the Planning Director should the Owner

demonstrate that existing pavement width or section, drainage or other engineering constraints would restrict the ability of the Owner to install the bike lane or sidewalk in a manner that would meet Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the initial site plan submission. If a bike lane and/or can be installed, it shall be completed prior to the issuance of a Certificate of Occupancy for any of the 50 lots approved under James City County Case No. SUP-21-04, unless otherwise approved by the Planning Director. In the event that the Planning Director disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission.

12. *Severability.* This SUP is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MC GLENNON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KENNEDY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of November, 2015.

SUP03-2015DeerLakeEstates-res

KAUFMAN & CANOLES
attorneys at law

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grdavis@kaufcan.com

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May 4, 2020

VIA U.S. MAIL

Adam R. Kinsman, Esq.
James City County Attorney
101-C Mounts Bay Road
Williamsburg, VA 23185

**Re: Colonial Heritage, LLC
SUP-0003-2015: Public Utilities Connection
Deer Lake Estates Cluster Development
499 Jolly Pond Rd/Tax Parcel No. 2240100007**

Dear Adam:

In my capacity as attorney for Colonial Heritage, LLC, a Virginia limited liability company which is the owner of the Deer Lake Estates A-1 Rural Cluster Development referenced above ("Deer Lake Estates"), I write to request that James City County extend the deadline for commencement of construction and operation of public utilities serving Deer Lake Estates, which deadline was imposed in condition 5(a) of the Special Use Permit granted in Case No. SUP-0003-2015. The background for this request is as follows:

Background

Colonial Heritage, LLC is the developer of the Colonial Heritage age-restricted community located in James City County. As a part of the initial development of Colonial Heritage, property lying outside the primary service area ("PSA") but adjacent to the age-restricted development was approved for a 50 lot rural cluster development by SUP-0021-2004. Afterwards, as a part of the 2035 Comprehensive Plan adopted by the Board of Supervisors in June 2015, the County expanded the PSA to include Deer Lake Estates. Shortly thereafter, Colonial Heritage, LLC applied for a special use permit allowing connection of Deer Lake Estates to public utilities. That special use permit SUP-0003-2015 was approved by the Board of Supervisors on November 10, 2015.

Condition 5(a) of SUP-0003-2015 requires construction of the public utilities to commence within 36 months of the date of approval of the SUP, or the permit is void. Subsequently, in 2017 the Virginia General Assembly enacted Section 15.2-2209.1 of the Code of Virginia which mandated a statewide extension of special use permit deadlines requiring a landowner or developer to commence a project within a certain time. This statute, referred to hereafter as the "Extension Statute", extended performance deadlines until July 1, 2020 ***"or for a longer period as agreed to by the locality"*** (emphasis added). The County's Zoning Administrator issued an opinion on April 11, 2017 confirming the effect of the Extension Statute as requiring commencement of construction of public utilities for Deer Lake Estates by July 1, 2020.

As the housing economy recovered from the Great Recession, my client has undertaken two initiatives. First, Colonial Heritage, LLC has pursued necessary Corps of Engineers and DEQ permits for construction of a sewer bridge which would provide public sewer infrastructure to Deer Lake Estates from the adjoining Colonial Heritage age-restricted community.

Second, Colonial Heritage, LLC has filed a rezoning application seeking incorporation of Deer Lake Estates into the Colonial Heritage age-restricted community. That application was filed on September 24, 2019, see Case No. Z-19-0013/MP-19-0011 (the "Rezoning"). The Rezoning has been considered preliminarily by County planning staff, which determined that an extensive traffic study would be required as part of the application. That traffic study delayed the Rezoning process and was undertaken during the winter months of 2019-20.

In the interim, the COVID-19 pandemic struck Virginia and James City County. The Governor has issued orders prohibiting operation of non-essential businesses and Colonial Heritage, LLC has ceased development operations. Although houses under construction are being completed, little or no development activity relative to new housing or utility infrastructure is underway. Thus pursuit of the Rezoning has been largely postponed, and work on the sewer bridge referenced above has been halted. At this point in time, commencement of construction on public utilities infrastructure for Deer Lake Estates required by July 1, 2020 under SUP-0003-2015 and the Extension Statute is impossible.

The Extension Statute quoted above expressly permits James City County to consent to an extension of the deadline for commencement of construction of public utilities for Deer Lake Estates. If the SUP expires, a new SUP process will be required, complete with application, Planning Commission and Board of Supervisors public hearings, and the studies and submissions normally required of applicants for special use permits in James City County. This would be an expensive and protracted process. Meanwhile, the pendency of the Rezoning might well obviate the need for SUP-0003-2015 if Deer Lake Estates is rezoned and incorporated into the Colonial Heritage age-restricted community.

Extension to October 1, 2023 Requested

Thus, I write to request County agreement to an extension of the deadline established by subparagraph 5(a) of SUP-0003-2015 to October 1, 2023. This date coincides with the date on which the Commonwealth of Virginia Department of Environmental Quality permit for wetland and stream impacts necessary to install gravity sewer and water lines to Deer Lake Estates will expire. Further, the extension to October 2023 will allow ample time for consideration of the Rezoning application by James City County, and allow time for construction of Deer Lake Estates sewer and water infrastructure if the Rezoning is denied.

Please submit this request to the Board of Supervisors for consideration. My client and I will be happy to provide such further information or background materials as may be requested by the Board or staff. I thank the County in advance for its consideration of this matter.

Very truly yours,



Gregory R. Davis

GRD:kl

cc: Colonial Heritage, LLC, Attn: Joseph Roque

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Extension of Special Use Permit: Mason Park

ATTACHMENTS:

	Description	Type
☐	memo	Cover Memo
☐	reso	Resolution
☐	Special Use Permit	Exhibit
☐	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	5/22/2020 - 8:13 AM
Publication Management	Daniel, Martha	Approved	5/22/2020 - 8:15 AM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 8:18 AM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:19 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:03 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:48 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Request for Special Use Permit Extension

On behalf of George Nice & Sons, Inc. and Mason Park Development, LLC, Mr. Vernon Geddy has requested that the Board of Supervisors (the “Board”) grant an extension to Special Use Permit No. SUP-19-06 (the “SUP”). The SUP was approved by the Board on October 10, 2006, and permitted development of the Mason Park subdivision along Jamestown Road.

Condition Number 2 of the SUP requires commencement of construction on the development within 36 months from January 1, 2008 (January 1, 2011) or the SUP becomes void. Construction is defined as having obtained permits for building construction and footings and/or foundation that have passed required inspections. Though construction was not commenced by January 1, 2011, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”) automatically extended the expiration date until July 1, 2020. The extension statute has been in place since 2009 and was intended to address developers’ need to extend projects due to the housing crisis. The statute was extended in 2011, 2012, and 2017; however, the General Assembly did not further extend it during its 2020 session.

Because the statute was not extended, the SUP will automatically expire on July 1, 2020 unless 1) the developer satisfies Condition Number 2 by commencing construction or 2) the Board grants an extension as permitted by the Virginia Code. Section 15.2-2209.1 of the Virginia Code grants the Board the authority to extend the deadline “for a longer period as agreed to by the locality.” Such an extension may be granted by resolution of the Board. Mr. Geddy has asked that the new construction commencement deadline be July 1, 2021.

Mr. Geddy has outlined the reasons for the extension request in the attached letter, including Mason Park, LLC’s recent purchase of the property as well as difficulties associated with the COVID-19 pandemic. Should the Board desire to grant an extension to the SUP, I recommend that it adopt the attached resolution.

ARK/md
SUPext-MasonPark-mem

Attachment

RESOLUTION

REQUEST FOR SPECIAL USE PERMIT EXTENSION

- WHEREAS, on October 10, 2006 the Board of Supervisors of James City County (the “Board”) approved Special Use Permit No. SUP-19-2006 (the “SUP”) permitting a residential development known as Mason Park (the “Project”) on property located at 1916 Jamestown Road and further identified as James City County Real Estate Tax Map No. 4640100017 (the “Property”); and
- WHEREAS, Condition Number 2 of the SUP requires that construction on the Project commence within thirty-six (36) months of January 1, 2008 or the SUP shall become invalid; and
- WHEREAS, though construction was not commenced within thirty-six (36) months of January 1, 2008, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”) automatically extended the SUP’s January 1, 2011 expiration date to July 1, 2020; and
- WHEREAS, Section 15.2-2209.1 no longer automatically extends the expiration date but instead allows localities to agree to an extension date; and
- WHEREAS, on behalf of George Nice & Sons, Inc., and Mason Park LLC, Mr. Vernon Geddy has requested that the Board grant an extension of the SUP to July 1, 2021, citing Mason Park, LLC’s recent acquisition of the Property and the effects of the COVID-19 pandemic as reasons for the need for such extension; and
- WHEREAS, the Board has determined that granting an extension of the SUP’s expiration date to July 1, 2021 is be required by public necessity, convenience, general welfare, and good zoning practice.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Section 15.2-2209.1(B) of the Code of Virginia, 1950, as amended, does hereby extend the construction commencement deadline contained in Condition Number 2 of Special Use Permit No. SUP-19-2006 to July 1, 2021.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

RESOLUTION

CASE NO. SUP-19-06. MASON PARK

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

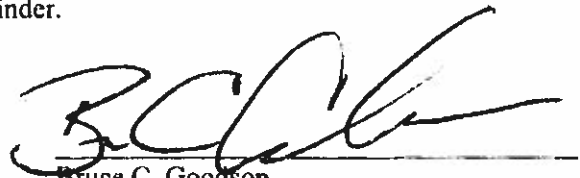
WHEREAS, Mr. Vernon Geddy, III has applied for an SUP to allow an open space cluster development to construct 15 single-family detached dwelling units with an overall density of 1.65 dwelling units per acre; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (46-4); and

WHEREAS, the Planning Commission, following its public hearing on August 7, 2006, voted 7 to 0 to recommend approval of this application.

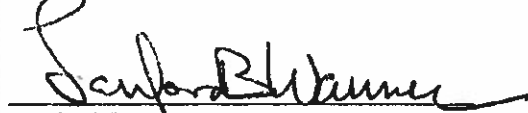
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 19-06 as described herein with the following conditions:

1. Only one entrance shall be allowed onto 4-H Club Road, State Route 680.
2. If construction has not commenced on this project within 36 months from January 1, 2008, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation that have passed required inspections.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
ICENHOUR	NAY
MCGLENNON	AYE
BRADSHAW	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2006.

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

May 19, 2020

VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

ANDREW M. FRANCK

SHERRI L. NELSON

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

Adam R. Kinsman, Esq.
County Attorney
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185

Re: Mason Park – SUP-19-06

Dear Adam:

I am writing on behalf of our clients, George Nice & Sons, Inc. and Mason Park Development, LLC. Mason Park Development, LLC is a newly formed Virginia limited liability company owned by the principals of George Nice & Sons, Inc., a site construction contractor headquartered in James City County.

On April 22, 2020, Mason Park Development purchased the Mason Park development from the original developer, HHHunt Homes Hampton Roads, LLC. Mason Park was originally rezoned in October 2006, with proffered conditions and a Special Use Permit for a residential cluster development of 15 homes. The SUP provided that:

“If construction has not commenced on this project with 36 months from January 1, 2008, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundations that have passed rezoned inspections.”

While the project was rezoned in October 2006, the original developer proffered that construction would not begin until January 1, 2008 so there would not be development and construction activities in this key location during the 2007 Quadricentennial celebrations at Jamestown.

The original developer did some limited development work on the project, but due to the housing and financial crisis that occurred in 2008 and the resulting great recession the project was put on hold and has languished since. In response to the crisis, the Virginia General Assembly by statute extended special use permit deadlines to commence a project first to July 1, 2014, then July 1, 2017 and finally to July 1, 2020. The statute is codified as Section 15.2-2209.1 of the Virginia Code.

Since closing on the property, Mason Park Development has been working diligently to install the subdivision infrastructure. Plans have been submitted to the County for three homes in

the project. While Mason Park Development believes that it can, if necessary, meet the deadline to commence construction imposed by the SUP which would entail the installation of the footings/foundation for one home, given the novel Coronavirus pandemic and the State of Emergency imposed by the Governor of Virginia, it has been more difficult to schedule both construction activities and required inspections creating the risk that the current SUP could become void. If that case, Mason Park Development would have to apply for a new SUP, with the attendant application, staff reviews and public hearings before the Planning Commission and Board. The process can be long and expensive, would cause the ongoing development work to grind to a halt with no guarantee of the result.

Section 15.2-2209.1 extended SUP performance deadlines until July 1, 2020 **or longer as agreed to by the locality** so the Board has the authority to agree to a longer deadline. Mason Park Development hereby requests an extension of the deadline to July 1, 2021 to allow the first footings/foundation to be installed in an orderly fashion.

Please forward this request to the Board for their consideration. We would, of course, be happy to furnish any further information needed. Thanks for your help.

Sincerely,



Vernon M. Geddy, III

cc: Mr. Michael A. Nice

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Carla Brittle, Community Centers Administrator

SUBJECT: Land and Water Conservation Fund Grant Acceptance

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	5/29/2020 - 8:18 AM
Publication Management	Burcham, Nan	Approved	5/29/2020 - 8:23 AM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:01 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:30 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:50 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:50 PM

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

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

SUBJECT: Land and Water Conservation Fund Grant

The Virginia Department of Conservation and Recreation, in conjunction with the National Park Service, has awarded James City County's Department of Parks and Recreation a \$687,500 Land and Water Conservation Fund Grant for the purchase of property for the development of a new park.

The 50:50 matching grant will be used for the purchase of 119 acres of private property on the Chickahominy River on Brickyard Road. Currently, the County owns and operates 0.33 acres in the center of the site, known as Brickyard Landing, which includes an access road, boat ramp, and parking for approximately six cars. The purchase of this additional property will be used to create a passive park and adequate parking to support citizen access to the Chickahominy River.

Staff recommends approval of the attached resolution to accept the \$687,500 grant and authorizes the execution of documents to accept the Land and Water Conservation Grant.

CTB/md
LWCFGrt-Brkyd-mem

Attachment

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT

WHEREAS, under the provisions of the Land and Water Conservation Fund, federal funding has been awarded to James City County to aid in the creation of Brickyard Landing Park; and

WHEREAS, James City County considers it in the best public interest to complete the land purchase described in the application for funding.

NOW, THEREFORE, BE IT RESOLVED that:

1. The County Administrator is authorized to sign a formal contract with the Department of Conservation and Recreation for a \$687,500 matching grant for property purchase;
2. Acquired funds will be used for the purchase of 119 privately held acres for the creation of the passive Brickyard Landing Park;
3. The grant will be paid on a reimbursement basis and request for payment will be made after eligible and allowable costs have already been paid and evidence has been provided to DCR in the format required;
4. The property purchased with financial aid from the Land and Water Conservation Fund will be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land and Water Conservation Fund Act of 1965, as amended;
5. Any non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to complete required documents related to the acceptance of the \$687,500 Land and Water Conservation Grant for the future purchase of the Brickyard Landing Park.

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of June, 2020.

LWCFGrt-Brkyd-res

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Social Services Director

SUBJECT: Social Services Advisory Board Appointments

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/22/2020 - 8:39 AM
Publication Management	Burcham, Nan	Approved	5/22/2020 - 8:44 AM
Legal Review	Kinsman, Adam	Approved	5/22/2020 - 10:01 AM
Board Secretary	Fellows, Teresa	Approved	5/27/2020 - 12:20 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:04 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:49 PM

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Williamsburg-James City County Community Action Agency Board Appointment

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	5/27/2020 - 3:42 PM
Publication Management	Burcham, Nan	Approved	5/27/2020 - 3:44 PM
Legal Review	Kinsman, Adam	Approved	5/29/2020 - 11:00 AM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 12:56 PM
Board Secretary	Purse, Jason	Approved	6/2/2020 - 1:05 PM
Board Secretary	Fellows, Teresa	Approved	6/2/2020 - 1:52 PM

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, the legal status of the unimproved 50-foot-wide right-of-way located along Overlook Drive in the Kingspoint neighborhood, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	6/4/2020 - 11:07 AM

ITEM SUMMARY

DATE: 6/9/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 4 p.m. on June 23, 2020 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	5/28/2020 - 8:51 AM