

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
October 13, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PRESENTATIONS

1. Retiree Recognition - Jane Townsend, Satellite Services Administrator
2. Legislative Update - Congressman Wittman
3. Award Presentation - Recognition of the Workforce Housing Task Force
4. Community Video Center Staff - NATOA Awards
5. Floodplain Program - Community Rating System

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes Adoptions
2. Grant Award - Virginia E-911 Services Board
3. Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$21,000
4. Grant Award - Department of Motor Vehicles - Speed Enforcement - \$21,000
5. Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,132
6. Grant Award - Justice Assistance Grant - \$11,119
7. Grant Award - Coronavirus Emergency Supplemental Funding (CESF) - \$48,875
8. Grant Award- Port Security Grant Program \$407,768
9. Grant Award - State Homeland Security Program \$21,100
10. Grant Award - COVID Homelessness Emergency Response Program - \$129,630
11. Grant Award - Kinship Navigator Program - \$46,556
12. Grant Award - Center for Tech and Civic Life COVID-19 Response Grant - \$38,745
13. Grant Award - COVID Homelessness Emergency Response Program - \$90,141
14. Appointment of Animal Control Officer
15. Dedication of the Streets in Phase VII-C of the Powhatan Secondary of Williamsburg Subdivision
16. Contract Awards – General Construction Annual Services
17. Memorandum of Understanding Between Hampton Roads Localities and Hampton Roads Sanitation District - Mutual Cooperation in the Retrofit Enforcement of Grease Control Devices
18. Next Generation 9-1-1 Participation Agreement

H. PUBLIC HEARING(S)

1. Conveyance of 114 Nina Ln. to JCSA
2. Proposed Fiscal Year 2021-2026 Secondary Six-Year Plan
3. AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition
4. SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

I. BOARD CONSIDERATION(S)

1. Contract Award - Toano West Stream Restoration - \$343,486
2. School Year-End Spending Plan Appropriation - \$769,827

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
2. Williamsburg Regional Library Board
3. Williamsburg Area Transit Authority
4. Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code section 2.2-3711(A)(3).

M. ADJOURNMENT

1. Adjourn until 4 p.m. on October 27, 2020 for the Work Session

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Jenni Tomes, Treasurer

SUBJECT: Retiree Recognition - Jane Townsend, Satellite Services Administrator

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 2:27 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 3:05 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:08 PM
Publication Management	Burcham, Nan	Approved	10/6/2020 - 3:10 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 3:11 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:17 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 3:18 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:23 PM

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Legislative Update - Congressman Wittman

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:01 AM

ITEM SUMMARY


DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Award Presentation - Recognition of the Workforce Housing Task Force

ATTACHMENTS:

	Description	Type
	Memo - HRHC Special Project Award	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	10/4/2020 - 9:13 AM
Publication Management	Burcham, Nan	Approved	10/5/2020 - 7:35 AM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 4:16 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 4:16 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 4:17 PM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Award Presentation - Workforce Housing Task Force Hampton Roads Housing Consortium Special Project/Housing Partner Award

James City County was recognized by the Hampton Roads Housing Consortium with the Special Project/Housing Partner Award. The County is receiving the award because of the successful work performed by the Workforce Housing Task Force (WHTF).

The Task Force was initiated by Goal 3 of the 2035 Strategic Plan and had its first meeting at the close of 2018. The year-long effort was led by a team of 14 local and regional leaders, all focused on developing and identifying solutions to providing workforce housing in the County.

The result was a toolbox of initiatives that could be implemented to increase housing options for working individuals and families at all income levels.

James City County appreciates the financial support provided by a Community Impact Grant from Virginia Housing and the consultant services it received from the Virginia Center for Housing Research at Virginia Tech and LSA Planning.

The WHTF findings are poised to serve as guiding principles of the Housing Chapter in the current update of the County's Comprehensive Plan. More recently, the WHTF final report was heavily cited in a successful award of \$1.2 million in Community Development Block Grant Housing Preservation funding. In just this one example, the WHTF was a thorough and worthwhile effort in James City County that continues to yield results.

AVP/nb
HousPartAwr-mem

Attachment

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

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

SUBJECT: Recognition of awards presented to the James City County Community Video Center staff by the National Association of Telecommunications Officers and Advisors (NATOA) at their virtual conference September 3, 2020.

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	9/22/2020 - 1:19 PM
Financial Management	Day, Sharon	Approved	10/6/2020 - 2:41 PM
Publication Management	Daniel, Martha	Approved	10/6/2020 - 2:46 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 3:11 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:25 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 3:54 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:54 PM

ITEM SUMMARY

DATE: 9/25/2020

TO: Board of Supervisors

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

SUBJECT: Floodplain Program - Community Rating System

ATTACHMENTS:

	Description	Type
📎	Presentation - Power Point	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Cook, Darryl	Approved	9/27/2020 - 2:18 PM
General Services	Ripley, Joanna	Approved	10/6/2020 - 10:32 AM
Publication Management	Burcham, Nan	Approved	10/6/2020 - 10:34 AM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 10:38 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 11:50 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 3:04 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:07 PM

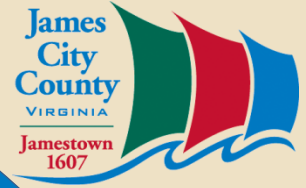
FLOODPLAIN PROGRAM — COMMUNITY RATING SYSTEM

NATIONAL FLOOD INSURANCE PROGRAM



- James City County participates in the NFIP allowing residents and businesses to purchase federal flood insurance
- There are approximately 1000 policies in force in the county

COMMUNITY RATING SYSTEM



- FEMA developed the CRS to provide incentives for communities to go beyond the NFIP minimum program requirements
- Activities are credited in these categories
 - Public Information
 - Mapping and Regulations
 - Flood Damage Reduction
 - Flood Warning and Response

COMMUNITY RATING SYSTEM



- The incentive for communities to participate in the CRS program is to discount flood insurance premiums
- James City County has participated in the CRS program since 1992
- Communities are reviewed once every five years to determine their classification in the CRS program and their premium discounts

COMMUNITY RATING SYSTEM



- Presentation from FEMA Representative regarding County's classification
- Presentation from Department of Conservation and Recreation

COMMUNITY RATING SYSTEM



- First Class 5 Community in the Virginia
- Results in over \$100,000 in savings to policy holders

COMMUNITY RATING SYSTEM



- Team Effort by County Staff
 - General Services – Stormwater
 - Community Development – Zoning, Building Safety and Permits
 - Information Resources Management – GIS
 - Emergency Management
 - Housing Office
- Received Valuable Assistance from Wetlands Watch – Mary-Carson Stiff

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoptions

ATTACHMENTS:

	Description	Type
📎	090120 Special Meeting	Minutes
📎	090820 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 4:19 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:27 AM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING
101 F Mounts Bay Road, Williamsburg, VA 23185

September 1, 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 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 John McGlennon, 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 call.

C. BOARD DISCUSSIONS/GUIDANCE

1. Public Hearing: Ordinance to Amend and Reordain Chapter 2, to Establish a Center for Absentee Voting in Person

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 Ms. Dianna Moorman, General Registrar for James City County, would make a presentation followed by a public hearing.

Ms. Moorman addressed the Board noting the uniqueness of the current presidential election. She noted the same three methods for voting that have always been in place are still present but with more intensity. Ms. Moorman requested a move for the operations of the 45-day, no excuse absentee voting currently in effect, to the James City County Recreation Center. She further noted staff referenced the facility as 'the James City County Vote Center' as she detailed the faster time for voters using the Vote Center compared to the Registrar's Office. Ms. Moorman noted the constraints of the Registrar's Office due to the COVID-19 health and safety restrictions. She further noted the projected number of voters, ranging from 500 to

1,500 on a daily basis, would move through the office toward the end of the election cycle. Ms. Moorman noted the capacity was not available for such numbers, thus the request for the relocation to 5301 Longhill Road to accommodate voters. She further noted this location be established permanently to calm voters' questions and help increase voter confidence of the system in the County. Ms. Moorman noted past voter confusion regarding the Registrar's Office location, adding the Longhill Road permanent location assisted voters in recognizing an established location.

Ms. Larson asked about the logistics of Ms. Moorman's physical office.

Ms. Moorman noted operations would remain at her current office at 5300 Palmer Lane. She further noted that location would serve as the vote by mail processing center. Ms. Moorman noted the current high volume of vote by mail and the restructuring within the Palmer Lane office to accommodate it. She further noted ballots could still be dropped off at that same location in lieu of mailing the ballots.

Ms. Larson questioned Ms. Moorman on the long-term viewpoint for future elections. Ms. Larson noted the gubernatorial election in the upcoming year as well as the need for a permanent voting location.

Ms. Moorman noted in an ideal world, it would all be located under one roof. She further noted the revenue impact to the County with the use of the Recreation Center's conference rooms as the Vote Center. Ms. Moorman noted currently the Recreation Center was the only option available. She further noted COVID-19 had compounded the 45-day, no excuse absentee voting process with the removal of an excuse for absentee voting. Ms. Moorman cited projections from North Carolina and the 'opening of the floodgates' with respect to the estimated number of increased absentee voting. She noted the Longhill Road location would remain in place until further notice. Ms. Moorman noted for the primaries, one of the two conference rooms had already been booked. She further noted that the use of one versus two rooms would help negate the revenue impact to the Recreation Center.

Ms. Larson asked Ms. Moorman to discuss the process. She noted there was talk about the various forms of voting and the safety of those forms.

Ms. Moorman noted voters in James City County and across the Commonwealth of Virginia had three options. She further noted the first option was requesting a ballot by mail. Ms. Moorman noted this option allowed a ballot to be mailed to the citizen. She further noted the three-day window once the 45-day process started, adding the law required those ballots be sent out on or before September 18. Ms. Moorman noted the Registrar's Office policy was applications received by 5 p.m. were mailed out the next day. She further noted an extension on voters returning their ballots, which had been changed to noon on Friday after the Election, provided the ballot was postmarked on or before Election Day. Ms. Moorman noted voter concerns regarding mail, adding voters could return their ballots to the Vote Center with proper identification per State Code compliance and mitigation of ballot harvesting. Ms. Moorman noted the second option required no ballot, but the voter needed to come to the Vote Center anytime from September 18 until 5 p.m. on October 31, adding on the two Saturdays prior to the election, the Vote Center would also be open from 8 a.m.-5 p.m. for voting. She further noted the in-person option required a form of identification, not necessarily a photo identification. Ms. Moorman noted voters were required to provide their full name and address for record, but polling officials could only repeat the full name back for voter privacy purposes. She further noted the voter would then receive a ballot, place it in the voting machine, get an 'I Voted' sticker, and hand sanitizer upon completion of the voting process. Ms. Moorman noted the third option, which was the traditional one, was to vote in-person at the polls on Election Day. She further noted the Recreation Center was only open for Jamestown B that day and only for voters assigned to that precinct. Ms. Moorman noted 19

precincts were open on Election Day.

Ms. Larson inquired if Ms. Moorman had enough volunteers for Election Day.

Ms. Moorman noted there were currently enough volunteers. She further noted providing an overage of volunteers based on possible attrition rates as well as staffing more than the state requirement for election officers. Ms. Moorman added currently the number of volunteers was good, but the Registrar's Office would not turn anyone away who volunteered.

Ms. Larson thanked Ms. Moorman for the information.

Mr. McGlennon also thanked Ms. Moorman and noted citizen concerns this year regarding ballot security and accuracy of the voting counts. Mr. McGlennon asked about the process for the in-person, early voting. He inquired if voters would receive individual ballots which would then be fed into the voting machine. Mr. McGlennon asked if the mail-in ballot or drop-off option were used, would those votes be tabulated the evening of the election.

Ms. Moorman confirmed yes. She noted with both the in-person, early voting, and Election Day voting, the system had an LED display which counted each time a ballot was fed into the reader. She further noted the system was very secure and confidential, but the actual voting results were not tabulated until after the close of the polls at 7 p.m. on Election Day. Ms. Moorman noted four years ago, 3,000 ballots had been mailed out to citizens. She further noted the current number stood at almost 10,000 ballots for the first mailing on September 18. Ms. Moorman noted the time constraints of counting that volume of ballots in a timely manner. She further noted preprocessing, in accordance with State Code, would be implemented to tally those ballots. Ms. Moorman noted the preprocessing would start the first weekend of October 2020, with a team of appointed Assistant General Registrars which would be representative of both political parties with an equal number of representatives. Ms. Moorman detailed the by-mail preprocessing protocol.

Mr. McGlennon inquired, if during the extended in-person, no excuse absentee voting period, a person arrived at the Recreation Center who requested the opportunity to register and vote, would that be allowed.

Ms. Moorman noted currently the opportunity to register exists, but there is a five-day hold period to verify the voter's address and avoid the possibility of multiple votes in various localities.

Mr. McGlennon asked if online registering was available.

Ms. Moorman confirmed yes.

Mr. McGlennon noted registration could occur at the Registrar's Office or the Vote Center, but inquired if a waiting period existed prior to actually casting the ballot.

Ms. Moorman noted the only time the waiting period was in effect was if the voter registered in person. She further noted if the registration arrived via mail to the Registrar's Office within three days, by law the Registrar was allowed to have the citizen vote at that time. Ms. Moorman added that voter registration applications were also available wherever hunting and fishing licenses were sold. Ms. Moorman noted if citizens have a valid Virginia driver's license, they can use the Department of Elections website's Citizen Portal as well as the County website to assist with applications.

Mr. McGlennon noted the significance of the Recreation Center as a Voting Center for 45 days, and the amount of work involved, but expressed concern about the distance for citizens

at opposite ends of the County. He further noted legislative action regarding the possibility of drop boxes. Mr. McGlennon inquired if those would be used if legislation passed.

Ms. Moorman noted there was consideration of drop boxes for the north and south ends of the County. She further noted compliance with legislation, satellite office set-ups, and the timeline for potential drop boxes from the vendor. Ms. Moorman noted the vendor had indicated mid- to late October before availability of the drop boxes. She further noted discussion on having one volunteer representative from each political party to be available for drop-off, but added options were being discussed.

Mr. McGlennon noted the opportunity for people to use drop boxes in light of concerns regarding the mail.

Ms. Moorman noted updates from the Department of Elections would provide guidance and when the information was available, she would update the County website as well as provide a news release.

Mr. McGlennon asked what other things could be done to assist citizens.

Ms. Moorman noted directing people to either the Department of Elections website or the County's website.

Mr. Hipple noted the Friday noon deadline following the Tuesday election meant the results of the election would possibly be unavailable for several days.

Ms. Moorman confirmed yes. She noted the Friday noon deadline was the same for Northern Virginia. She further noted the volume from that locality.

Mr. Hipple asked if that deadline was only for Virginia or all states.

Ms. Moorman confirmed it was only Virginia. She noted each state had its own guidelines and regulations.

Mr. Hipple asked about the timeline and possible lag.

Ms. Moorman noted she thought Virginia would fall somewhere in the middle in reporting the voting results.

Mr. Hipple asked about the cost of stamps.

Ms. Moorman noted for the first mailing, which included return mailing, that cost would be almost \$11,000 just for postage. She further noted a current budget amendment proposal which could allocate a portion, if not all, of the return postage costs. Ms. Moorman noted a \$2 million proposed allotment for localities.

Mr. Hipple noted concern for an additional budget item.

Ms. Moorman noted legislation would be a determining factor. She further noted it was roughly \$1.50 per voter just for the mail. Ms. Moorman noted the cost reflected the size of the mailing envelope and United States Postal Service (USPS) processing fees. She further noted the USPS validates the number of processed envelopes from the County and transfers the chain of custody from the County to the USPS.

Mr. Hipple asked about the dates.

Ms. Moorman confirmed September 18 to October 31.

Mr. Hipple asked if those dates were open to anyone in the County for casting votes.

Ms. Moorman confirmed yes with just a form of identification.

Mr. Hipple questioned the different mailers that were arriving, but noted they were not from the General Registrar's Office. He noted some were blank while others were pre-filled forms. Mr. Hipple asked how citizens could determine the validity of the different mailers.

Ms. Moorman noted there were third-party entities who were encouraging voters to vote, regardless of party, but cautioned the voter list may not be from the Virginia Department of Elections. She further noted the mailers were legitimate applications and her office was processing them. Ms. Moorman noted the Registrar's Office was still processing applications from the first mailing, but to contact her office if no ballot has been received by September 24 or later. She noted the process and the required documentation. She further noted application duplication from the numerous mailers being sent and the extra work for her office.

Mr. Hipple asked about the process for receiving duplicate applications.

Ms. Moorman noted if applications appeared suspicious, the Registrar's Office reported those to the Department of Elections. She further noted contacting the Commonwealth's Attorney Office as well to investigate. Ms. Moorman noted the third-parties generally had the best intentions with their mailings, but not the most accurate mailing list.

Mr. Hipple noted confusion regarding the mailings.

Ms. Moorman noted those mailings come to the Registrar's Office as the County's return address is on the mailings. She further noted the confusion for some localities such as Richmond and Richmond County as well as several others in the state.

Mr. Hipple noted drop-off boxes and the process for that implementation.

Ms. Moorman noted the process was dependent on the direction from the Department of Elections. She further noted if drop-off boxes were used, proper lighting, cameras, and other security features would be implemented, but she preferred the tables with both parties represented for drop-off.

Mr. Hipple noted the uniqueness of this election. He asked if voters would receive confirmation from the Registrar's Office upon receipt of their votes.

Ms. Moorman noted the State Board of Elections had passed an Ordinance to use the intelligent barcode system. She further noted voters could access their unique barcode from their envelopes, enter the code into the USPS system, and see the location of their ballots. She noted this system did not work for overseas voters; however, the Registrar's Office scans those ballots upon receipt into the County system. Ms. Moorman further noted then the voter can then access the Department of Elections website to track the ballot location.

Mr. Hipple asked about the timeline for the ability to view that ballot.

Ms. Moorman noted 10-15 days.

Mr. Hipple asked about the timeline if a citizen cast his/her ballot at the Vote Center.

Ms. Moorman noted those ballots were reviewed daily.

Mr. Hipple complimented the Registrar's Office and the voting volunteers for all their hard work. He noted increased cost for set-up, staffing, and other factors. He questioned budget considerations for the upcoming year, but further noted all the answers were not yet available regarding potential state funding.

Ms. Moorman thanked him. She noted each locality had received Coronavirus Aid, Relief, and Economic Security (CARES) Act money for each locality's Elections Office. She further noted the CARES Act money was approximately \$69,000 or \$1.43 per voter. Ms. Moorman noted the City of Williamsburg received a grant that equated to \$5.05 per voter. She further noted she questioned the formula for the dispersion of funds, but received various responses. Ms. Moorman noted her appreciation of the funds received to assist with the absentee vote-by-mail costs. She further noted each ballot took one to three days to process correctly. Ms. Moorman added the two-person rule was applied to each ballot. She explained this meant two people did the same thing to each ballot to ensure it is processed correctly.

Mr. Hipple noted the Board was available if additional state funding was needed. He further noted the Board could contact the state seeking assistance.

Ms. Moorman expressed her appreciation. She noted the change on the voting envelopes had prompted additional and unexpected costs. She further noted unanticipated costs with this unique election situation that had not been budgeted. Ms. Moorman noted she was hopeful a portion of the return postage would be compensated.

Mr. Hipple thanked Ms. Moorman.

Ms. Sadler noted constituents asked what the timeline was regarding the nationwide election decision. She further noted Ms. Moorman's focus was on Virginia, but asked if there was a timeframe for that final decision.

Ms. Moorman noted unfortunately no as there were 50 different factors and she had no prediction. She further noted she was focused on Virginia and compliance with laws.

Ms. Moorman noted her goal was to be ready the Tuesday after the election.

Ms. Sadler thanked Ms. Moorman and noted James City County was fortunate to have her as its Registrar. She expressed her thanks to the Registrar's Office also. Ms. Sadler further noted reviewing budget and capabilities for future elections.

Ms. Moorman noted Financial and Management Services as well as General Services had been wonderful in helping her office with requests. She further noted the help of Information Resources Management and Information Technology with cybersecurity issues. Ms. Moorman noted it had been a true team effort and she appreciated all the help.

Mr. Icenhour noted both the absentee and in-person voting would be processed through the voting machines, and election night voting would be tallied relatively quickly, but the exception would be any absentee votes received between Tuesday and Friday noon.

Ms. Moorman confirmed yes.

Mr. Icenhour noted the availability of result numbers with the possibility of slight adjustment if needed.

Ms. Moorman confirmed yes. She noted her office was projecting to process the majority of the ballots shortly after the 7 p.m. poll closing on the night of the election. She further noted

two optical scanners were required by Code at precincts with over 4,000 voters and at the discretion of the General Registrar. Ms. Moorman noted the precinct at Norge Elementary School may require one, but she did not foresee a lengthy time post-election for processing the ballots. She further noted she did not anticipate a high volume of write-in votes.

Mr. Icenhour extended his thanks to Ms. Moorman and her office. He noted the citizens of James City County could have a very high level of confidence in the security and integrity of elections run in the County. He further noted credit to the Electoral Board and Ms. Moorman and her staff.

Ms. Moorman thanked the Board. She expressed her thanks to her staff also.

Mr. Icenhour opened the Public Hearing.

1 Ms. Maryann Simpson, 3005 Travis Close, addressed the Board on behalf of the President of the League of Women Voters in the Williamsburg Area, Ms. Sudie Watkins. Ms. Simpson noted she was the Co-chair for the Voters Services of the local League. She further noted the League's hearty endorsement of the establishment of the satellite voting center at the James City County Recreation Center. Ms. Simpson noted the heightened awareness of the increase in absentee and early voting for the upcoming election. She further noted the move to the Recreation Center would allow for more resources to handle the anticipated increase. Ms. Simpson noted the League had assisted Ms. Moorman and her staff at previous elections and complimented both she and her staff. Ms. Simpson noted the volunteer experience was invaluable. She further noted the numerous legislative actions within a short timeframe that the General Registrars across the state had to implement.

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

Mr. Icenhour asked if any Board members had additional comments.

Mr. McGlennon noted the passing of Ms. Lois Hornsby, a distinguished citizen in the Williamsburg area. He further noted her impact on the community and extended his condolences to her family.

Ms. Sadler noted people had notified her that Election-related yard signs were being removed. She further noted respecting differing opinions and staying off other's property.

Mr. Icenhour noted his attendance earlier in the day at the Greater Williamsburg Chamber and Tourism Alliance meeting with The Honorable United States Senator Tim Kaine and Congresswoman Elaine Luria, Ms. Terry Banez, Chief Executive Officer of the Greater Williamsburg Business Council, Ms. Vicki Cimino, CEO, Williamsburg Tourism Council, Ms. Cheri Green, Greater Williamsburg Business Council, Ms. Julie Summs, Chair, Greater Williamsburg Business Council, Mr. Chad Green, York County Board of Supervisors, and Mr. Kevin Lembke, Park President of Busch Gardens Williamsburg. He further noted discussion had focused on concerns regarding long-term business impacts, CARES Act money as possible revenue replacement, and a possible extension on the December 31, 2020, deadline for CARES Act money usage.

D. CLOSED SESSION

None.

E. ADJOURNMENT

1. Adjourn until 5 p.m. on September 8, 2020, for the Regular Meeting

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

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

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

At approximately 5:53 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
September 8, 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 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

Ms. Sadler acknowledged her presence on the call.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. Icenhour led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

1. Frances Baker 100th Birthday Proclamation

Mr. Icenhour read the proclamation which highlighted Ms. Baker's contributions to the community. He noted September 17 was proclaimed as Frances Baker Day in James City County. He further noted as no family was in attendance, he would ensure the signed proclamation was sent to Ms. Baker.

2. Retirement Presentation - Dwight Brooks

Ms. Grace Boone, Director of General Services, highlighted Mr. Brooks' 20 years of custodial service to the County. She noted that during that tenure, custodial services did not have the automated equipment it currently uses, but manually cleaned and maintained the 84,000-square-foot James City County Recreation Center nightly. Ms. Boone noted Mr. Brooks' knowledge and input on training custodial coordinators. She further noted his

continued service when Legacy Hall opened as well as his involvement with emergency shelters for citizens in times of need. Ms. Boone noted Mr. Brooks would be remembered for his hard work, dedication, and kindness. She thanked him and wished him well.

Mr. Icenhour noted Mr. Brooks' nickname as the "Mayor of the Recreation Center" was very fitting as Mr. Brooks knew the names of all the patrons. He further noted Mr. Brooks exemplified the level of service James City County was proud to offer to its citizens. He thanked Mr. Brooks for his service.

Mr. Brooks thanked the Board of Supervisors.

3. Arc of Greater Williamsburg - Recognition of the 30th Anniversary of the Americans with Disabilities Act

Mr. Icenhour read the proclamation which recognized the 30th anniversary of the Americans with Disabilities Act (ADA). He noted the historical significance of the ADA in creating civil right equality for Americans with disabilities. He further noted James City County's affirmation of inclusion and equality for persons with disabilities. Mr. Icenhour noted The Arc of Greater Williamsburg and other organizations within the Greater Williamsburg area and the Commonwealth work with constituents to ensure ADA compliance, as well as continued equity and inclusion for individuals with disabilities.

Ms. Pam McGregor, Executive Director of The Arc of Greater Williamsburg, addressed the Board thanking it for acknowledgement of the ADA. She noted James City County and surrounding counties had been instrumental in working with Arc to ensure inclusion.

4. Clean County Commission FY20 Annual Report

Ms. Peg Boarman, 17 Settlers Lane, Co-Chairman of the Clean County Commission was joined by Ms. Emma Zahren-Newman, 6520 Revere Street, the Jamestown District representative on the Clean County Commission. Ms. Boarman gave a PowerPoint presentation which introduced the members of the James City Clean County Commission. She noted the Commission was still looking for a representative from the Powhatan District.

Ms. Zahren-Newman noted one of the Commission's projects for the year had been Recyclopedia, located on the County's website, where citizens could research accepted recyclables for the County's new recycling program. She further noted the site was continually updated and revised to assist citizens in understanding recyclables. Ms. Zahren-Newman noted another program the Commission had been working on was the Straw Free Campaign. She further noted volunteers from the Commission had visited local restaurants requesting pledges to eliminate plastic straws. She noted many local businesses had assisted in that request. Ms. Zahren-Newman noted since the program launched in July 2019, it had proven successful in the reduction of plastic straw usage. She continued the PowerPoint presentation highlighting acknowledgement of local businesses with the Quarterly Clean Business Award. Ms. Zahren-Newman noted the application was available online and she encouraged nominations for area businesses.

Ms. Boarman continued the presentation highlighting the Fall 2019 Good Neighbor Environment Matching Grants. She noted the four areas receiving the grants included Adam's Hunt, The Pointe at Jamestown, Windsor Forest, and Seasons Trace. She further noted the application was available online, but added due to budget cuts, the funding could be reduced from previous years. Ms. Boarman noted the Commission had participated in National Night Out with the County's Fire and Police Departments. She further noted, at Ms. Sadler's

suggestion, the creation of signs with various 'no trash, no litter' themes for display in the districts over several weeks.

Ms. Zahren-Newman continued the PowerPoint presentation highlighting the community education and outreach events the Commission participated in during the year. She noted the Jamestown Beach Clean-up and the number of younger volunteers at the event.

Ms. Boarman noted the Harvest Fest at the Chickahominy Park had a large turnout. She further noted participation on Chickahominy Day, 2019 Litter and Recycling Day, Adopt-a-Spot, and other activities.

Ms. Zahren-Newman noted virtual engagement with the Keep James City County Beautiful volunteers through monthly Zoom meetings with the newest outreach program called The Stewardship Hour. She further noted each meeting would feature a guest expert in various areas to explain options for being better stewards of the County and necessary actions for success. Ms. Zahren-Newman noted since the program had launched, the topics had covered pollinators, school and residential recycling, and the upcoming Recycling Expo. She further noted three over-arching campaigns for the upcoming year: 1) Recycling Education; 2) ZERO Tolerance for Litter; and 3) Community Beautification. She detailed the components of each of the campaigns in the presentation.

Ms. Boarman continued the presentation noting a litter index survey for the County using the five watersheds not each precinct. She noted the litter breakdown for the respective watersheds of Skiffes Creek, Powhatan, Ware Creek, Diascund Creek, and Gordon's Creek. Ms. Boarman further noted the County was overall the same as the past four years of surveys. She noted a slight increase in certain areas adding that citizens were informing the Commission of illegal dumps throughout the County. Ms. Boarman noted certain County events such as Earth Day and others had been canceled due to the current health situation, but that meetings have continued. She stressed the Clean County Commission was available to help in any way.

Mr. McGlennon thanked both ladies and the Commission for all their hard work.

Ms. Larson expressed her thanks. She noted her disappointment that some areas had an increase in litter and stressed everyone doing better to address the problem. Ms. Larson noted the straw program and requested more information on the Zoom meetings and accessing the various topics discussed.

Ms. Zahren-Newman noted the first meeting was available on the public access channel. She further noted providing an update on the other meetings.

Mr. Hipple expressed his thanks.

Mr. Icenhour expressed his thanks.

Discussion ensued on litter, recent grass mowing work of the Virginia Department of Transportation, and signs.

Ms. Sadler expressed her thanks.

Ms. Boarman and Ms. Zahren-Newman expressed their thanks to the Board for its support.

Ms. Boarman noted the Stewardship Hour was slated for 5:30 p.m., Thursday, September 10, 2020.

Ms. Zahren-Newman noted the announcement would be on the County's Facebook page.

Ms. Boarman noted the Litter and Recycling Expo would take place at Warhill High School. She further noted vendors and details for the event.

5. Next Generation 9-1-1 Migration

Fire Chief Ryan Ashe addressed the Board regarding the 2017 discussion on emerging technologies and public safety. He noted discussion on migration to the Next Generation 9-1-1. He further noted he would update the Board on the migration, funding, and the implementation process. Chief Ashe gave a PowerPoint presentation of the current 9-1-1 network in Virginia, which consists of nine independent networks in the state. He noted the County was serviced by one network with two locations: Newport News and Portsmouth. Chief Ashe detailed the current system, primarily for voice calls, adding the technology was old as the first 9-1-1 call was in 1968. He noted the challenges to the existing system included Verizon, the current provider, was no longer going to be in the 9-1-1 service; limited data processing capabilities; increased use of wireless devices; and the development of smart communication technology such as Alexa, Google Chrome, and others. Chief Ashe noted the next step was to move to the Next Generation 9-1-1 (NG9-1-1) with a common and dedicated network that would allow for all types of emergency calls from various sources. He further noted the new system allowed for actual footage or photos to be sent for viewing at the 9-1-1 center as well as enhanced redundancy between centers. Chief Ashe noted the change moved calls received from copper phone lines to fiber optics with a cloud-based dedication to 9-1-1. He further noted the state's migration was awarded to AT&T, adding migration proposals had been developed for each jurisdiction, with Fairfax County and Virginia Beach each submitting Request for Funding Proposals (RFPs). Chief Ashe noted the migration was not optional as copper lines would no longer be used and per the Code of Virginia, the migration was required to be completed by July 1, 2023. Chief Ashe continued the PowerPoint presentation noting the funding. He noted the estimated deployment cost was \$216,191 with the majority going to the fiber optic upgrade in the County. He further noted that amount was fully funded by the Virginia 9-1-1 Services Board and the majority of costs would be paid to AT&T directly. Chief Ashe noted the County's estimated monthly recurring costs for 9-1-1 would increase from \$2,864 to \$11,156. He noted the Virginia 9-1-1 Services Board would pay the \$8,292 difference for 24 months after deployment while the County continued its payment of \$2,864. Chief Ashe further noted at the end of the 24 months, the County would be responsible for the full cost. He added these were estimates based on 2016 migration proposals with AT&T. Chief Ashe noted the next steps would help narrow down the specifics with a more current estimate than the one from 2016, which hopefully would be lower than originally estimated.

Ms. Larson asked how the County was going to fund the difference and possible technology changes within the next few years that could take place and drive costs higher again.

Chief Ashe noted in Virginia, everything was an estimation and proposal except Fairfax County. He further noted as Fairfax County was the only jurisdiction in Virginia that had adopted the proposal, there was not enough information yet to identify the true cost. Chief Ashe noted the next step was a participation agreement, not a contract, as the County was not initially exchanging funds for the service, but to move forward in the process. He further noted AT&T would then further evaluate the costs of the fiber optics and equipment. Chief Ashe noted this allowed for budgeting and an estimated timeline. He further noted the County's call handling equipment had been updated every five years and this aided in cost reduction for the Next Generation 9-1-1 upgrade. Chief Ashe noted he would have more information regarding costs in the upcoming months.

Mr. Hipple asked who received the \$8,292.

Chief Ashe replied AT&T.

Mr. Hipple asked about the costs in relation to AT&T as the County used its platform. He also asked if the cost would decrease as other jurisdictions joined the upgrade platform.

Chief Ashe noted he did not know about the cost. He further noted Next Generation 9-1-1 was occurring in other states to create a nation-wide network. He added he was not sure of what share was federal funding, but that it was a nation-wide effort for the emergency systems.

Mr. Hipple noted Fairfax County and Virginia Beach and that this migration proposal would be through Fairfax.

Chief Ashe confirmed yes, adding Fairfax County had accepted the proposal in 2016, but Virginia Beach had decided to 'shop it out' last year. He noted they wanted to review quoted equipment costs with updates. Chief Ashe noted Virginia Beach submitted another RFP for competitive bidding, which was again awarded to AT&T. He further noted in reviewing the proposals, Fairfax County was deemed the best contract for the terms and conditions.

Mr. Hipple asked if the cost lowered in Fairfax County as each group joined.

Chief Ashe noted he was not sure, but would check on that point.

Mr. Hipple noted concern about paying for part of Fairfax County in the plan when James City County came on board. He further noted the ongoing cost of communication and the technology around it. He questioned what would be done with the additional \$8,292 costs being charged for 9-1-1. Mr. Hipple noted citizens paid a fee for the service. He further noted budget planning for the cost.

Chief Ashe noted an annual amount slightly over \$200,000 comes to the County from the state 9-1-1 funding.

Mr. Hipple noted most of that was probably already spent.

Chief Ashe noted Ms. Sharon Day, Director of Financial and Management Services, could assist on the revenue side.

Mr. McGlennon noted the start-up cost for most localities, which would be paid from the 9-1-1 fund. He further noted a possible legislative agenda item for the General Assembly to have some of that funding assist localities in offsetting the costs.

Chief Ashe noted that was a great point. He further noted in October 2020, he would appear before the Board with an annual grant of \$2,000 for educational purposes. Chief Ashe noted additional grants could be available and staff would apply for those also.

Mr. Icenhour asked Chief Ashe for other comments.

Chief Ashe noted the next step was the Board's approval for Mr. Stevens to sign the participation agreement with AT&T to start the process to finalize the costs. He further noted it was not a contract award. Chief Ashe added that based on current projections, the deployment was tentatively scheduled for the third quarter of 2021.

Mr. Hipple asked if the signing of the agreement was not contractual, but rather to move the process along.

Chief Ashe noted his understanding was the County would not sign a contract as the state would be entering into contract with AT&T. He further noted the next step involved the signing of the participation agreement for the more formal evaluations to be completed. He added it was thought the bulk of the contract would be paid to AT&T by the state, but that was currently uncertain. Chief Ashe noted after the participation agreement was signed, a kick-off meeting would occur and more questions would be asked then.

Mr. Kinsman noted he had several discussions with AT&T regarding a particular clause in the agreement. He further noted a form of the non-appropriations clause was included, which meant if the Board agreed to the participation, but did not appropriate the funds, then the County was automatically out of the contract.

Mr. Hipple asked if the monthly cost was determined by the volume of calls or number of citizens in the County.

Chief Ashe noted he did not think either of the factors were considered. He further noted the analogy of cell service with a flat fee whether the phone was used all day or once a day. He added the cost was for the service almost like a subscription.

Mr. Hipple asked about the cost compared with other localities and if volume of usage was a factor in the cost. He asked Chief Ashe if he would check on that point.

Ms. Larson noted despite the cost, that this was the right move to the migration upgrade.

Chief Ashe confirmed yes, adding the technology capabilities were tremendous. He noted the use of landline 9-1-1 calls versus cell phone usage and timing constraints. Chief Ashe noted technological capabilities in place with the migration to enhance the cell 9-1-1 calls being routed. He further noted the added benefits of the migration as well as the added costs, but stated there were still unanswered questions. Chief Ashe noted this was a necessary action as Verizon would no longer be a provider at some point.

Mr. McGlennon noted this had to be done as the state had made a decision and AT&T was the vendor. He further noted the cost was up to the Board on the funding.

The other Board members concurred and thanked Chief Ashe.

F. PUBLIC COMMENT

Mr. Icenhour noted there were no speakers.

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

2. Dedication of Columbia Drive

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

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

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

3. Grant Award - Four-for-Life - Return to Localities Fund -\$70,863

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

4. Grant Award - Virginia Fire Programs Fund - \$255,286

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

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

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

6. Grant Award - HUD CARES Act Round 2 Administrative Funds - \$26,718

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

7. Contract Award - Dispatch Console Furniture Replacement

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

8. Confirmation of August 3, 2020 Declaration of a Local Emergency and August 5, 2020 Ending of Local Emergency

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

9. Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337

A motion to Approve was made by Ruth Larson, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

10. Grant Award - Coronavirus Aid, Relief, and Economic Security Act Election Funding - \$69,748

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. Frank Polster, Planning Commission representative, was in attendance.

1. Readoption of an Ordinance to Ensure the Continuity of Government

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 it had been almost six months since the adoption of the Emergency Continuity of Government Ordinance, and such Ordinances are only effective for six months. He noted this particular Ordinance allowed for many subordinate boards and commissions to operate remotely. Mr. Kinsman recommended the Board readopt the Ordinance for a six-month extension to April 2021 during the current pandemic crisis.

Mr. Icenhour opened the Public Hearing.

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

2. An Ordinance to Amend and Reordain James City County Code Chapter 16, Section 16-22, Metal Detecting

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. John Carnifax, Director of Parks and Recreation, addressed the Board noting a previous amendment which prohibited any metal detecting in any County park. He detailed the history and concerns regarding the Ordinance. Mr. Carnifax noted he had received two emails to date with one requesting deferment and the other expressing concern over unsupervised use of the Jamestown Beach.

Mr. Icenhour asked since the Ordinance had been in place, what was the volume of metal detecting traffic.

Mr. Carnifax noted during the unsupervised time, he was unsure. He further noted four people had been there on several occasions prior to April 1, 2020, which was the cutoff time for allowing metal detecting on the man-made beach at Jamestown Beach. Mr. Carnifax noted those four people had provided photos of what they uncovered to him.

Mr. Icenhour opened the Public Hearing.

1. Ms. Ethel Eaton, 138 The Maine, addressed the Board noting she was an archaeologist and supported the change in the amendment. She noted the concern for Jamestown Beach as it is listed within an archaeological district. Ms. Eaton further noted the potential for additional archaeological sites existed in the area. She noted metal detecting could pose an issue to these sites with the digging that accompanies it. Ms. Eaton noted the validity of metal detecting to remove potentially dangerous items near playgrounds or under the supervision of a professional archaeologist.

2. Mr. Thomas Davidson, 138 The Maine, addressed the Board noting the County's longstanding tradition of protecting historical and archaeological resources. He noted strict monitoring as well as the impact to potential grants in the future.

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

Ms. Larson noted her concerns regarding the historical significance of the area and pressure to allow metal detecting. She asked Mr. Carnifax if County staff would provide the supervision.

Mr. Carnifax confirmed yes.

Ms. Larson asked if there were archaeologists who would be willing to accompany staff during supervision or if the two groups could discuss and confer.

Mr. Carnifax noted the use of volunteers who had metal detectors assisting staff. He further noted before or after the beach season, using volunteers again to sweep the beach and present their findings to staff, who would then present those findings to members of the Historical Commission for validation if necessary. Mr. Carnifax noted the archaeological study taking place at Brickyard Landing as that was part of the development plan.

3. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts

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

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

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

Ms. Terry Costello, Deputy Zoning Administrator, addressed the Board noting the history regarding the zoning requirements for the keeping of bees. She noted a draft Ordinance was reviewed at a series of Policy Committee meetings. Ms. Costello noted the Policy Committee recommended unanimous approval of the draft Ordinance to the Planning Commission for commercial districts. She recommended the Board approve the resolution in the Agenda Packet.

Mr. Polster addressed the Board noting the performance standards were based on the Best Management Practices (BMPs) in Virginia and regulations from the Albemarle County Zoning Ordinance. He noted the active participation of Mr. Michael Garvin, President of the Williamsburg Area Beekeepers Association and Mr. Garvin's communication regarding beekeeping allowance in commercial areas in the City of Williamsburg. Mr. Polster noted the Planning Commission voted 7-0 in favor of the Ordinance amendment with the recommendation to the Board to consider beekeeping in all zoning districts.

Mr. Icenhour opened the Public Hearing.

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

4. ORD-20-0003. Consideration of Amendments to the Zoning Ordinance Regarding Inoperative Motor Vehicles and Oversized Vehicles

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

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

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

Ms. Christy Parrish, Zoning Administrator, addressed the Board noting the July 14, 2020, deferral on the amendment to address language change regarding the number of inoperable vehicles and screened cover. She noted staff had revised the language to incorporate no inoperable vehicles were permitted under set guidelines. Ms. Parrish noted staff recommended the Board's approval.

Mr. Icenhour opened the Public Hearing.

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

Ms. Larson thanked Ms. Parrish for the additional work.

5. SUP-20-0008. 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath

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

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

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

Ms. Costello addressed the Board citing the history and details of the Special Use Permit (SUP). She noted the Planning Commission approved this application by a 7-0 vote on August 5, 2020. Ms. Costello noted staff recommended approval by the Board subject to the listed conditions.

Ms. Larson asked if this establishment was already operating.

Ms. Costello noted the 7-Eleven convenience store was operating and that this application was to extend the time period on the SUP. She further noted if something were to happen, neither the 7-Eleven store nor the SUP would be affected.

Mr. Icenhour asked if the gas pumps already existed and this item related only to the drive-through part.

Ms. Costello confirmed yes.

Mr. Polster addressed the Board noting a previous approval on the SUP. He noted this application addressed the extension on the timeline for the drive-through restaurant. Mr. Polster noted the Commissioners had no discussion on the application and it was approved unanimously.

Mr. Icenhour opened the Public Hearing.

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

Ms. Larson noted traffic, but as the convenience store already existed that should pose additional issues. She further noted the restaurant as a viable option to travelers in that area of the County.

6. SUP-20-0009. 3303 Rochambeau Drive Tourist Home

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

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

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

Mr. Paul Holt, Director of Community Development, addressed the Board noting he was presenting on behalf of Mr. Brett Meadows, Planner. He noted the applicant, Ms. Ivy Brothers, was applying for an SUP for the use of an existing four-bedroom home as a short-term rental. Mr. Holt noted the specifics of the property pertaining to zoning and other factors. He further noted staff's recommendation for the Board's approval subject to conditions as set forth in the staff report. Mr. Holt noted at the July 1, 2020, Planning Commission meeting, the application was approved 4-3. He further noted since that meeting, Ms. Brothers had amended the application to state she would live in the home during the rentals. Mr. Holt noted several letters of support had been received and were included in the Board's Agenda Packet. He further noted no letters of opposition or concern were received.

Ms. Larson noted her initial question on the applicant's residency as other SUP applications for tourist homes with the owners living off-site had been denied previously. Ms. Larson further noted with the confirmation of the applicant living on-site, she was okay with the revised application.

Mr. Polster noted the Planning Commissioners had expressed similar concerns to other applications for short-term rental homes over the past two years. He further noted the review of short-term rentals at the Board's request for reduction during the Engage 2045 Comprehensive Plan Review. He cited concerns encompassed conveyance of the SUP with the home, impact of short-term rentals on the community, and other factors. Mr. Polster noted the approval by the Planning Commission with a 4-3 vote.

Mr. Icenhour opened the Public Hearing.

1. Ms. Ivy Brothers, 3303 Rochambeau Drive, addressed the Board.

Ms. Larson asked Ms. Brothers for her assurance she would be staying at the home.

Ms. Brothers confirmed yes.

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

I. BOARD CONSIDERATION(S)

1. Initiating Resolution to Consider Allowing Beekeeping in Non-residential Zoning Districts

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 desire to consider allowing beekeeping in non-residential districts. He noted if the Board wished to consider it, he recommended adoption of the resolution in the Agenda Packet.

Mr. McGlennon noted there had been previous discussion on that point.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon hoped everyone had a good first day of school 'whatever it was like.'

Ms. Larson echoed the sentiment. She noted some early morning computer issues in the Williamsburg-James City County Schools. She further noted her hope was this was short-term and students could return to school as soon as it is safe to do so. Ms. Larson stressed for everyone to please stop littering. She noted recent contact regarding speeding concerns, particularly in neighborhoods. Ms. Larson noted Officer White of the James City County Police Department was a member of the Traffic Unit. She further noted contacting the Police on the non-emergency number at 253-1800 regarding speeding concerns. Ms. Larson asked about the speeding signs, adding she was working with Officer White, but wanted to share information about the signs with citizens.

Mr. Stevens confirmed yes, but citizens could also call his office for assistance with the speeding signs. He noted the signs served as speeding educational tools. He further noted some had been lost, but replacements would be available.

Ms. Larson noted the use of the speed limit flashing sign, but added the educational aspect was very important. She further noted an upcoming groundbreaking event on John Tyler Highway. Ms. Larson noted her Tourism Council Finance Meeting would be at 2 p.m. on Thursday, September 10, 2020. She added it was an open meeting so she encouraged participation. Ms. Larson noted if any of her fellow Board members wished to attend, let her know and she would give them details as she thought it would be a Zoom meeting. Ms. Larson noted a memorial service for Pastor Bill Warwick, a Berkeley District resident and longtime pastor at Williamsburg Community Chapel, would be held on Friday, September 11, 2020. She extended her condolences to his family.

Mr. Hipple noted school days and while he is glad students returned to school, he was hopeful of their return to actual school facilities. He further noted the frustration across multiple localities with technical issues. Mr. Hipple noted driving to strategically parked school buses in the County to access hot spots for students to attend school while sitting in vehicles usually with their parents. Mr. Hipple noted issues at home with hot spots, but indicated the County was working with Cox Communications, Inc. for internet service throughout the County. He noted concern for homes with technical issues while parents are at work. Mr. Hipple further noted his frustration at the situation and stressed that as a community, doing better was essential, and emphasized working better as a team was critical.

Ms. Larson noted how schools serve a huge purpose. She further noted she wanted the community to be aware of a young male student who told his teacher he did not have enough food and his panic at no food since he would not be in school to receive it. Ms. Larson noted that teacher went to the grocery store to get food for that student and his family. She further noted 'our teachers' do that on a daily basis. Ms. Larson noted schools served more than just the educational aspect. She further noted that was part of a larger discussion for how schools came to be all that they are and society's influence on that aspect. Ms. Larson encouraged donations to FISH, Inc. or the Peninsula Food Bank and their backpack programs. She noted food drop-offs at schools that she had seen on social media recently in addition to possible weekend backpack programs. Ms. Larson noted making people cognizant of the bigger picture for assistance. She further noted the issue regarding accessing hot spots and the stress on families.

Mr. Hipple noted Friday, September 11, 2020, was the day for politicians to help with the baskets at the Food Bank in the City of Hampton. He further noted the event would take place at 10 a.m.

Ms. Sadler echoed Ms. Larson's comments on feeding through neighborhoods. She noted receiving citizen comments on those same things and working with community leaders. Ms. Sadler thanked Ms. Larson for addressing that point. Ms. Sadler thanked Mr. Chris Williams, Video Center Administrator, for the excellent work he and his staff did assisting participants who called in for meetings.

Mr. Icenhour noted he had nothing further to add.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the 9-1-1 Remembrance Ceremony that would be held virtually on Friday, September 11, 2020, at 7 p.m., by Boy Scout Troop 414. He further noted the ceremony would stream online with assistance from the James City County Media Team, the James City County Fire Department, and the James City-Bruton Fire Department. Mr. Stevens noted the live stream would be available on the County's YouTube channel or Facebook.com/jccbfd. He reminded visitors to County facilities to please wear masks in the buildings or crowded public settings, social distancing from others, as well as washing and sanitizing hands.

L. CLOSED SESSION

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

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

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

At approximately 6:44 p.m., the Board of Supervisors entered Closed Session.

At approximately 7:12 p.m., the Board of Supervisors re-entered Open Session.

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

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

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

1. Consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia

M. ADJOURNMENT

1. Adjourn until 4 p.m. on September 22, 2020 for the Work Session

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

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

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

At approximately 7:13 p.m., Mr. Icenhour adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia E-911 Services Board

ATTACHMENTS:

	Description	Type
☐	GA-911PSAP21-mem	Cover Memo
☐	GA-911PSAP21-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Aiken, Tristan	Approved	9/10/2020 - 9:59 AM
Publication Management	Daniel, Martha	Approved	9/10/2020 - 10:03 AM
Legal Review	Kinsman, Adam	Approved	9/10/2020 - 10:54 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:40 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:35 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia E-911 Services Board Public Safety Answering Point - \$3,000

The James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point Education Program (PSAP) grant in the amount of \$3,000 from the Virginia E-911 Services Board under the Fiscal Year 2021 PSAP Grant Program.

The funds are to be used for 911 and geographic information system-specific group education and training opportunities. The grant award is for registration, per diem, and lodging only and is a reimbursement grant.

The grant does not require a local match, though costs in excess of the award and for other than registration, per diem, and lodging will be paid by the Emergency Communications Division.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/md
GA-911PSAP21-mem

Attachment

RESOLUTION

GRANT AWARD - VIRGINIA E-911 SERVICES BOARD

PUBLIC SAFETY ANSWERING POINT - \$3,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point (PSAP) Education Program grant in the amount of \$3,000 from the Virginia E-911 Services Board under the Fiscal Year 2021 PSAP Grant Program; and

WHEREAS, the funds are to be used for 911 and geographic information system-specific group education and training opportunities; and

WHEREAS, the grant does not require a local match.

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

Revenue:

PSAP Grant-Education	<u>\$3,000</u>
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Expenditure:

PSAP Grant-Education	<u>\$3,000</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 13th day of October, 2020.

GA-911PSAP21-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$21,000

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000. The funds are to be used toward alcohol traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:20 PM
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:21 PM
Publication Management	Daniel, Martha	Approved	9/10/2020 - 2:25 PM
Legal Review	Kinsman, Adam	Approved	9/10/2020 - 2:55 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:11 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:33 AM

M E M O R A N D U M

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$21,000

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000. The funds are to be used toward alcohol traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVAlcEnfmt-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

ALCOHOL ENFORCEMENT - \$21,000

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000; and

WHEREAS, the funds are to be used toward alcohol traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Federal: Fiscal Year 2021 DMV Alcohol Enforcement	<u>\$21,000</u>
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Expenditure:

Fiscal Year 2021 DMV Alcohol Enforcement	<u>\$21,000</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 13th day of October, 2020.

GA-DMVAlcEnfmt-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - \$21,000

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000. The funds are to be used toward speed traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:20 PM
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:21 PM
Publication Management	Burcham, Nan	Approved	9/10/2020 - 2:31 PM
Legal Review	Kinsman, Adam	Approved	9/10/2020 - 2:56 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:12 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:34 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - \$21,000

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000. The funds are to be used toward speed traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVSpdEnfmt-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

SPEED ENFORCEMENT - \$21,000

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$21,000; and

WHEREAS, the funds are to be used toward speed traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Federal - Fiscal Year 2021 DMV Speed Enforcement	<u>\$21,000</u>
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Expenditure:

Fiscal Year 2021 DMV Speed Enforcement	<u>\$21,000</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 13th day of October, 2020.

GA-DMVSpdEnfmt-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,132

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$6,132. The funds are to be used toward traffic enforcement overtime, where officers will focus on the enforcement of laws related to proper use of occupant restraints. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:20 PM
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:21 PM
Publication Management	Daniel, Martha	Approved	9/10/2020 - 2:27 PM
Legal Review	Kinsman, Adam	Approved	9/10/2020 - 2:56 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:12 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:34 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,132

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$6,132. The funds are to be used toward traffic enforcement overtime, where officers will focus on the enforcement of laws related to proper use of occupant restraints. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

BJR/md
GA-DMVOccupant-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

OCCUPANT PROTECTION - \$6,132

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$6,132; and

WHEREAS, the funds are to be used toward alcohol traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

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

Revenue:

Federal - Fiscal Year 2021 DMV Occupant Protection	<u>\$6,132</u>
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Expenditure:

Fiscal Year 2021 DMV Occupant Protection	<u>\$6,132</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 13th day of October, 2020.

GA-DMVOccupant-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer

SUBJECT: Grant Award - Justice Assistance Grant - \$11,119

The James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$11,119.

The grant will used to fund two training courses (Polygrapher training class and Forensic Examination of Electronics certification class) and a Police mountain bike. This allocation requires no matching funds.

Staff recommends acceptance of the funds and adoption of the attached resolution to the Special Projects/Grants Fund.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:21 PM
Police	Rinehimer, Bradley	Approved	9/10/2020 - 2:21 PM
Publication Management	Burcham, Nan	Approved	9/10/2020 - 2:30 PM
Legal Review	Kinsman, Adam	Approved	9/10/2020 - 2:56 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:15 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:34 AM

MEMORANDUM

DATE: October 13, 2020
TO: The Board of Supervisors
FROM: Bradley J. Rinehimer, Chief of Police
SUBJECT: Grant Award - Justice Assistance Grant - \$11,119

The James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$11,119.

The grant will be used to fund two training courses (Polygrapher training class and Forensic Examination of Electronics certification class) and a Police mountain bike. This allocation requires no matching funds.

Staff recommends acceptance of the funds and adoption of the attached resolution to the Special Projects/Grants Fund.

BJR/nb
GA-JustAsstnce-mem

Attachment

RESOLUTION

GRANT AWARD - JUSTICE ASSISTANCE GRANT - \$11,119

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$11,119; and

WHEREAS, funds will be used for two training courses (Polygrapher training class and Forensic Examination of Electronics certification class) and a Police mountain bike; 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 - Fiscal Year 2020 JAG Local Solicitation \$11,119

Expenditure:

Fiscal Year 2020 JAG Local Solicitation \$11,119

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 13th day of October, 2020.

GA-JustAsstnce-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer

SUBJECT: Grant Award - Coronavirus Emergency Supplemental Funding (CESF) - \$48,875

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 10:31 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 10:37 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 10:38 AM
Publication Management	Daniel, Martha	Approved	10/6/2020 - 10:43 AM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 3:11 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:17 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 3:18 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 3:22 PM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Chief of Police

SUBJECT: Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$48,875

The James City County Police Department has been awarded a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) grant through the Virginia Department of Criminal Justice Services for \$48,875. The purpose of the CESF grant is to assist local units of government in preventing, preparing for, and responding to the coronavirus.

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

This grant is a local solicitation with pass through funds from the federal CESF Grant and augments the federal CESF allocation to the James City County Police Department awarded in June, 2020.

Staff recommends acceptance of the funds and adoption of the attached resolution to the Special Projects/Grants Fund.

BJR/nb
GA-CESFFY20-mem

Attachment

RESOLUTION

GRANT AWARD - FISCAL YEAR 2020

CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING - \$48,875

WHEREAS, the James City County Police Department has been awarded a Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) grant through the Virginia Department of Criminal Justice Services (DCJS) for \$48,875; and

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

WHEREAS, the grant requires no local 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 - Fiscal Year 2020 DCJS CESF	<u>\$48,875</u>
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Expenditure:

Fiscal Year 2020 DCJS CESF	<u>\$48,875</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 13th day of October, 2020.

GA-CESFFY20-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT:

ATTACHMENTS:

	Description	Type
📎	Memo	Cover Memo
📎	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Aiken, Tristan	Approved	9/30/2020 - 11:33 AM
Publication Management	Daniel, Martha	Approved	9/30/2020 - 11:50 AM
Legal Review	Kinsman, Adam	Approved	10/2/2020 - 1:32 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:35 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:37 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:48 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Port Security Grant Program - \$407,768

The Fire Department has been awarded grant funding through the U.S. Department of Homeland Security's Fiscal Year 2020 Port Security Grant program. This grant will provide federal funds to replace the current fire boat. The replacement boat will increase Fire's capabilities for diving operations, victim search and rescue, and marine firefighting. Significant support for this project came from the Port of Virginia, as the Fire Department is a member of the Port's Marine Incident Response Team (MIRT) and provides equipment and personnel in the event of regional MIRT activations.

The total award amount of \$407,768 includes a federal share of \$305,826 (75%) and a local match of \$101,942 (25%). The replacement boat was initially included in the Fiscal Year 2022 Capital Improvements Project (CIP) plan. This grant award will allow the Fire Department to replace the boat earlier than originally planned, at a significantly lesser financial impact to the County. The County's local match will be funded by surplus in the Capital Projects Fund from the Fire Department's completed capital projects.

The attached resolution appropriates the grant funds to the Capital Projects Fund. Once appropriated by the Board, Fire and Purchasing staff will work with vendors to develop specifications and proposals for the replacement boat.

RTA/nb
GA-PortSec-mem

Attachment

RESOLUTION

GRANT AWARD - PORT SECURITY GRANT PROGRAM - \$407,768

WHEREAS, the Fire Department has been awarded a \$407,768 grant (federal share \$305,826; local match \$101,942) through the U.S. Department of Homeland Security's (DHS) Port Security Grant Program; and

WHEREAS, the funds will provide federal support for the Fire Department to increase its maritime operational capabilities; and

WHEREAS, public safety in the local and regional waterways is of great significance to both James City County and the Hampton Roads region.

WHEREAS, the grant requires a local match, which is available in the County's Capital Projects Fund through surplus funds from the Fire Department's completed projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this grant and the following appropriation to the Capital Projects Fund:

Revenue:

Federal - Port Security Grant Program - DHS/FEMA	\$305,826
Local Match	<u>\$101,942</u>
Total	<u>\$407,768</u>

Expenditure:

Port Security Grant Program - DHS/FEMA	<u>\$407,768</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 13th day of October, 2020.

GA-PortSec-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - State Homeland Security Program \$21,100

ATTACHMENTS:

	Description	Type
📎	GA-SHSP2020-mem	Cover Memo
📎	GA-SHSP2020-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	9/30/2020 - 8:53 AM
Publication Management	Daniel, Martha	Approved	9/30/2020 - 8:57 AM
Legal Review	Kinsman, Adam	Approved	9/30/2020 - 8:58 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:40 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:34 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - State Homeland Security Program - \$21,100

The James City County Fire Department's Emergency Management Division has been awarded a grant in the amount of \$21,100 from the Commonwealth of Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP).

The grant was awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency.

The \$21,100 award is designated for the support of the regional Citizens Corps programs. These programs include the Citizens Emergency Response Team and the Community Animal Response Team. These teams are made up of citizens trained in various emergency management functions including mass search and rescue, mass care and sheltering, and first aid and logistics. This award will support the training and equipment needs for both the James City County and the City of Williamsburg programs. Many of the training activities will be coordinated cooperatively between both jurisdictions.

This awards does not require a local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/nb
GA-shsP2020-mem

Attachment

RESOLUTION

GRANT AWARD - STATE HOMELAND SECURITY PROGRAM - \$21,100

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded a grant in the amount of \$21,100 from the Commonwealth of Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP); and

WHEREAS the grant was awarded by VDEM using funds from the United States Department of Homeland Security Federal Emergency Management Agency; and

WHEREAS, the funds will be used to support cooperative Citizens Corps programs with James City County and the City of Williamsburg; and

WHEREAS, the SHSP grant does not require a local match.

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

Revenue:

Federal - 2020 SHSP Regional CERT Program Enhancement	<u>\$21,100</u>
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Expenditure:

2020 SHSP Regional CERT Program Enhancement	<u>\$21,100</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 13th day of October, 2020.

GA-SHSP2020-res

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID Homelessness Emergency Response Program - \$129,630

ATTACHMENTS:

	Description	Type
▣	Memo - Grant Award - COVID Homelessness Emergency Response Program - \$129,630	Cover Memo
▣	Resolution - Grant Award - COVID Homelessness Emergency Response Program - \$129,630	Resolution
▣	Funding Award Documentation	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	9/24/2020 - 4:31 PM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 4:35 PM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 8:46 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:11 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:33 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID Homelessness Emergency Response Program Rapid Re-Housing Funds - \$129,630

The James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program Partner by the Greater Virginia Peninsula Homelessness Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula). Additionally, Housing is further designated as a subgrantee of funding awarded through the GVPHC to the City of Hampton.

In an effort to continue responding to the COVID-19 Pandemic, the Department of Housing and Community Development has made COVID Homelessness Emergency Response Program (CHERP) funds available for Rapid Re-housing Operations. As a designated subgrantee, Housing has received an allocation from these funds of \$129,630 including: \$62,390 for direct services, \$3,146 for program administration, and \$64,094 for staffing a Housing Outreach Stabilization Specialist in the Upper Peninsula.

By accepting these funds, the Housing Unit will agree to follow CHERP Funding Guidelines for prioritizing the use of these funds and will commit to only use these funds to cover the costs associated with providing assistance toward achieving the “second goal” outlined in the guidelines. “The second goal of the COVID Homelessness Emergency Response Program is to help households maintain or obtain permanent housing and receive housing-focused supportive services necessary to retain permanent housing.”

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these CHERP funds and the use of these funds to staff a Full-Time, Limited-Term Housing Outreach Stabilization Specialist position to administer rapid re-housing operations related to the COVID-19 Pandemic.

RV/md
GA-CHERP Funds-mem

Attachments:

1. Resolution
2. Funding Award Documentation

RESOLUTION

GRANT AWARD - COVID HOMELESSNESS EMERGENCY RESPONSE PROGRAM

RAPID RE-HOUSING FUNDS - \$129,630

WHEREAS, the James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program Partner by the Greater Virginia Peninsula Homelessness Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula); and

WHEREAS, the Department of Housing and Community Development has made COVID Homelessness Emergency Response Program (CHERP) funds available for Rapid Re-housing Operations; and

WHEREAS, the James City County Social Services Housing Unit, as a designated subgrantee of funding awarded through the GVPHC to the City of Hampton, has received an allocation from the CHERP funding of \$129,630 including: \$62,390 for direct services, \$3,146 for program administration, and \$64,094 for staffing a Housing Outreach Stabilization Specialist in the Upper Peninsula; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this award for CHERP funding and authorizes the following appropriation to the Housing and Neighborhood Development Fund:

Revenue:

Federal - CHERP Rapid Re-housing	<u>\$129,630</u>
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Expenditures:

CHERP Direct Services	\$ 62,390
CHERP Administration	3,146
CHERP Outreach Stabilization Specialist	<u>64,094</u>
Total	<u>\$129,630</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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

Keith Denny

From: Hill, Angelique <angelique.hill@dss.virginia.gov>
Sent: Monday, September 21, 2020 4:31 PM
To: stacie@lgbtlifecenter.org; Matthew Stearn; Lynne Finding; Keith Denny; Mike Taylor; Snell, Traci E.; Phillips, Terri
Subject: [External] Re: RRH providers under CHERP

OK, this breakdown has been accepted by all the partners. Please move forward...

On Tue, Sep 15, 2020 at 4:55 PM Hill, Angelique <angelique.hill@dss.virginia.gov> wrote:
attached you will find the CHERP budget breakdown that we discussed on the last providers Zoom meeting. We backfilled the unfunded requests for VHSP for LGBT LifeCenter and funded 3 additional Housing Stab/Outreach workers for the region. Please respond with questions or comments by Friday COB 9/18/20 before I submit it to the City.

--

Angel Hill
Senior Family Services Specialist
Hampton Department of Social Services
757-727-1907 - Desk
757-727-1932 - FAX

Agency	Rapid Re-Housing Award Amount	Admin Award Amount		Total CHERP Award
JCC (CM position)	\$64,094.00			
JCC	\$62,390.00	\$3,146.00		
LINK	\$56,903.00	\$2,838.00		
HELP	\$56,903.00	\$2,838.00		
LGBT LifeCenter	\$42,148.00	\$2,107.00		
GVPHC (Lower Peninsula)	\$249,562.00	\$17,071.00		
Total	\$532,000.00	\$28,000.00		\$560,000.00

GRANT AGREEMENT
COVID Homelessness Emergency Response Program Funding
Program Year 2020 - 2022

20-CHERP-035

This Grant Agreement is made by and between the **Virginia Department of Housing and Community Development (“DHCD”)**, and **City of Hampton (“Grantee”)** for the period **April 2, 2020 to September 20, 2022** in the amount of **\$800,000**. Included in the amount is **\$240,000** in state general funds to support emergency shelter operations and **\$560,000** in federal funds to support rapid re-housing activities.

The Grantee was identified as part of the community’s emergency response system to homelessness in the 2020 Homeless and Special Needs Housing COVID-19 – Homelessness Emergency Response Program (CHERP) request for funding submitted by the lead agency (or designee) of the continuum of care (CoC) or balance of state local planning group (LPG). Activities funded through this grant will be provided at the Grantee location(s) identified in DHCD’s Centralized Application Management System (CAMS).

DHCD administers the Commonwealth of Virginia’s COVID-19 homeless services resources through the CHERP. The Grant, which is the subject of this Agreement, is comprised of state funds through the COVID Relief Fund and an allocation from the United States Department of Housing and Urban Development (HUD) authorized under the Emergency Solutions Grant – COVID program for federal fiscal year 2020; the federal grant number is E20DC510001 and the Catalog of Federal Domestic Assistance (CFDA) number is 14.231. The Grant is subject to the terms, guidelines and regulations set forth in the COVID Homelessness Emergency Response Program Guidelines document, any subsequent amendments, the CoC/LPG proposal as amended through negotiations with DHCD, the DHCD approved Grantee budget, HUD regulations 24 CFR Part 576, as amended, which are incorporated by reference as part of this Agreement, the laws of the Commonwealth of Virginia, and federal law.

I. Scope of Services

The goals of CHERP are to first, ensure all individuals and households experiencing homelessness have access to safe, 24-7, emergency shelter during this health pandemic. The second goal of the COVID Homelessness Emergency Response Program is to help households maintain or obtain permanent housing and receive the housing-focused supportive services necessary to retain permanent housing. This funding will support coordinated community-based activities that are designed to reduce the overall length of homelessness in the community, the number of households becoming homeless, and the overall rate of formerly homeless households returning to homelessness.

CHERP funds may be used for one or more of the following activities as detailed in the program guidelines and must coincide with the program funding request submitted by the CoC/LPG lead agency and approved by DHCD:

- Emergency Shelter Operations
- FEMA – Emergency Shelter Operations
- Targeted Prevention
- Rapid Re-housing

- Administration

II. Conditions

A. Service Provision

The Grantee is responsible for coordination of CHERP activities with other CoC/LPG CHERP Grantees and mainstream resources. The Grantee must assure non-duplication of services with other CHERP Grantees.

B. Reimbursement

Funds are disbursed on a reimbursement based on payment dates. Grantees must submit remittances in DHCD's Centralized Application and Management System (CAMS) and be able to provide documentation that the work and services occurred within the grant period and the expenses were paid appropriately by the Grantee. Grantees may elect to submit remittances on a monthly or bi-monthly basis, the chart below reflects monthly submission dates. The option selected should be adhered to throughout the year. Supporting documentation must clearly indicate the period for which the reimbursement is requested.

Payment Period	Remittance Submission Timeframe
April 1-30, 2020	May 1-31, 2020
May 1-31, 2020	June 1-30, 2020
June 1-30, 2020	July 1-31, 2020
July 1-31, 2020	August 1-31, 2020
August 1-31, 2020	September 1-30, 2020
September 1-30, 2020	October 1-31, 2020
October 1-31, 2020	November 1-30, 2020
November 1-30, 2020	December 1-31, 2020
December 1-31, 2020	January 1-31, 2021
January 1-31, 2021	February 1-28, 2021
February 1-28, 2021	March 1-31, 2021
March 1-31, 2021	April 1-30, 2021
April 1-30, 2021	May 1-31, 2021
May 1-31, 2021	June 1-30, 2021
June 1-30, 2021	July 1-31, 2021
July 1-31, 2021	August 1-31, 2021
August 1-31, 2021	September 1-30, 2021
September 1-30, 2021	October 1-31, 2021
October 1-31, 2021	November 1-30, 2021
November 1-30, 2021	December 1-31, 2021
December 1-31, 2021	January 1-31, 2022
January 1-31, 2022	February 1-28, 2022
February 1-28, 2022	March 1-31, 2022
March 1-31, 2022	April 1-30, 2022
April 1-30, 2022	May 1-31, 2022
May 1-31, 2022	June 1-30, 2022
June 1-30, 2022	July 1-31, 2022
July 1-31, 2022	August 1-31, 2022
August 1-31, 2022	By September 20, 2022
September 1-15, 2022	By September 20, 2022

C. Reporting

Grantees must submit reports as required by DHCD. Such reports may include, but are not limited to, outcomes and performance reports. Any required reports and their due dates will be announced by DHCD along with any relevant instruction. Submission of reports implies approval from the executive director and is considered final. DHCD reserves the right to withhold reimbursement payments if the Grantee fails to submit the reports.

D. Continuum of Care Participation

Grantees must actively participate in the Homeless Management Information System (HMIS) and regional continuum of care or balance of state local planning groups. In addition, Grantees must assure full participation in annual point-in-time and housing inventory counts.

E. Accounting

The Grantee must adhere to Generally Accepted Accounting Principles (GAAP). The Grantee shall establish and maintain separate accounts within its existing accounting system or set up accounts independently. The Grantee shall record in its accounting system all grant payments received pursuant to the grant and all other match funds provided for, accruing to, or otherwise received on account of the grant.

All costs charged to the grant shall be supported by properly executed payrolls, timesheets, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges. All checks, payrolls, contracts, vouchers, or other accounting documents pertaining in whole or in part to the grant shall be clearly identified, readily accessible, and separate and distinct from all other such documents. Such documents shall reside at the offices of the grantee.

F. DHCD Notification

Grantee must notify DHCD of any potentially illegal act, such as misuse of grant funds or fair housing violations, immediately upon knowledge of such act. In addition, Grantee must notify DHCD should any other local, federal or state agency uncover evidence of any potentially illegal act.

Grantee must notify DHCD if there is a change in agency management and/or fiscal personnel. Failure to do so will constitute a finding and may result in repayment of funds by the Grantee, the de-obligation of current funding and the preclusion of future funding.

G. Audit

All grantees, sub-grantees, CHDOs, and sub-recipients, localities, developers, or any other organizations that receive funding during a specific program year are required to submit one of the following financial documents: Financial Statement**, Reviewed Financial Statement prepared by an independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an independent CPA or an 2 CFR 200 Subpart F Audit (Single Audit) prepared by an independent CPA. Please see the table below to determine which document your organization is required to submit.

The threshold requirements outlined below are the minimal standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to

undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures \leq \$100,000 – regardless of source	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 – regardless of source	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures $>$ \$300,000 – regardless of source	Audited Financial Statement prepared by an Independent CPA
Federal expenditures \geq \$750,000	2 CFR 200 Subpart F Audit - prepared by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and 2 CFR 200 Subpart F Audit only) - whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:
http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf.

H. Compliance

Grantees with outstanding audit findings, IRS findings, DHCD monitoring findings or other compliance issues are not eligible to receive allocations. DHCD will work with all interested parties toward the resolution of unresolved matters, where appropriate.

I. Maintenance of Records

Records shall be readily accessible to DHCD, appropriate state and federal agencies, and the general public during the course of the grant agreement and shall remain intact and accessible for five years thereafter. The exception is in the event that any litigation claim or audit is started before expiration of the five year period, the records shall be retained until such action is resolved.

J. Costs Incurred Prior To Grant Agreement Execution

No costs incurred prior to the start of the contract period shall be eligible for reimbursement with grant funds, unless incurred costs are authorized in writing by DHCD.

K. State Not Liable

The Grantee shall hold harmless the Commonwealth of Virginia, DHCD, its agents and employees from any and all claims and demands based upon or arising out of any action by the Grantee, its employees, agents or contractors.

L. Expenditure Review

DHCD will monitor expenditure rates to ensure state resources are maximized. Failure to expend funds proportionately throughout the contract period may result

in the de-obligation of funds. DHCD reserves the right to de-obligate funds at any time during the contract period and reallocate as deemed appropriate within the CoC/LPG or statewide based on compliance, performance, need, and available funding.

M. Termination, Suspension, Conditions

If through any cause, the Grantee fails to comply with the terms, conditions or requirements of the contract documents, DHCD may terminate or suspend this Agreement by giving written notice of the same and specifying the effective date of termination or suspension at least five (5) days prior to such action.

In the case of contract violation by the Grantee, DHCD may request that all or some of the grant funds be returned, even if the Grantee has already expended the funds. The Grantee agrees to return such funds as requested by DHCD within 30 days of the written request.

N. Subsequent Contracts

The Grantee shall remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any subsequent or third parties for the undertaking of all or part of the activities for which the Grant assistance is being provided to the Grantee.

The Grantee agrees to ensure that any contractor or subcontractor who is not the Grantee shall comply with all the lawful requirements of the Grantee necessary to ensure that the project for which this assistance is being provided under this Agreement are carried out in accordance with the Grantee's Assurances and Certifications.

O. Default

A default is any unapproved use of grant funds. Upon due notice to the Grantee of the occurrence of any such default and the provision of a reasonable opportunity to respond, DHCD may take one or more of the following actions:

- (1) direct the Grantee to submit progress schedules for completing approved activities;
- (2) issue a letter of warning advising the Grantee of the default, establishing a date by which corrective actions must be completed and putting the Grantee on notice that more serious actions will be taken if the default is not corrected or is repeated;
- (3) direct the Grantee to suspend, discontinue or not incur costs for the affected activity;
- (4) require the Grantee to reimburse DHCD for costs inappropriately charged to the program;
- (5) other appropriate action including , but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omissions by DHCD in exercising any right or remedy available to it under the Agreement shall impair any such right to remedy or constitute a waiver or acquiescence in any Grantee default.

P. Conflict of Interest

Grantees shall ensure that the provision of any type or amount of assistance may not be conditional on an individual's or family's acceptance or occupancy of housing owned by the grantee, the sub-grantee, a parent organization, or subsidiary. Grantees/sub-grantees, parent organizations, or subsidiaries may not administer rapid re-housing or prevention assistance and use the assistance for households residing in units owned by the grantee/sub-grantee, parent organization, or subsidiary.

Individuals (employees, agents, consultants, officers, or elected or appointed officials of the grantee or sub-grantee) may not both participate in decision-making related to determining eligibility and receive any financial benefit. This financial benefit may not be received by the specific individual, any member of his/her immediate family or a business interest. The restriction applies throughout tenure in the position and for a one-year period following tenure.

Q. Religious Influence

The Grantee may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under VHSP. If an organization conducts these activities, then they must be offered separately, in time or location, from the programs or services funded under VHSP and participation must be voluntary for program participants.

III. Additional Assurances

- A.** Grantee will give the DHCD, the Comptroller, HUD and any other authorized state or federal representatives access to and the right to examine all records, books, papers, or documents related to the Grant.
- B.** In accordance with federal law, grantee will provide that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin, in any phases of employment or in any phase of service delivery.

IV. Additional Certifications:

The Grantee certifies that it will comply with the following:

- (a) Freedom of Information Act (5 U.S.C 552) and Virginia Freedom of Information Act;
- (b) Virginia Fair Employment Contracting Act;
- (c) Fair Housing Act (42 U.S.C. 3601-20), and implementing measures under:
 - 24 CFR 100 (discriminatory conduct under Fair Housing Act);
 - Executive Order 11063 and regulations at 24 CFR 107 (preventing discrimination on basis of race, color, creed, or national origin);
 - 24 CFR Part 8 (prohibiting discrimination against handicapped individuals);
 - Title VIII of Civil Rights Act of 1968 as amended (prohibiting discrimination based on race, color, national origin, religion, sex, familial status [including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18], and disability)
- (e) Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at:

- 24 CFR 146 (nondiscrimination on basis of age in HUD programs);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(f) 24 CFR 574.320 (Federal rent standards for rental assistance, requiring rents to be charged no greater than appropriate Fair Market Rent levels);

(g) 24 CFR Part 35 (Federal lead-based paint provisions, requiring visual inspections and stabilization of paint before commencement of occupancy);

(h) Adhere to Executive Orders 11625, 12432, and 12138, that Grantee must make efforts to encourage participation of minority and women-owned business enterprises in connection with funded activities;

(i) Encourage participation of locally-owned enterprises in connection with funded activities;

(j) McKinney-Vento Homeless Assistance Program Regulations;

(k) Anti-lobbying Certification;

(l) Drug Free Workplace.

If requested by DHCD:

1. A Grantee that is a unit of local government agrees to assume the status of a responsible Federal official under the National Environmental Policy Act (NEPA) of 1969 and other provisions of Federal law as specified at 24 CFR 58 and 58.5 and agrees to comply with these NEPA regulations.
2. All Grantees that are not units of local government agree to assist DHCD in carrying out 24 CFR 58 and 58.5.

The Agreement is hereby executed by the parties on the date set forth below their respective signatures as follows:

Virginia Department of Housing and Community Development



Pamela G. Kestner, Deputy Director

7/28/2020

Date

City of Hampton



Signature

Steven D. Bond

Name (printed or typed)

Assistant City Manager

Title

8/24/2020

Date

CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY
Approved as to form and legal sufficiency

Date: 08/20/2020

Name: [Handwritten Signature]

Title: Asst. City Attorney

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Kinship Navigator Program - \$46,556

ATTACHMENTS:

	Description	Type
▣	Memo - Grant Award - Kinship Navigator Program - \$46,556	Cover Memo
▣	Resolution - Grant Award - Kinship Navigator Program - \$46,556	Resolution
▣	DSS Subaward Letter - Kinship Navigator Program - \$46,556	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	9/25/2020 - 12:04 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 12:17 PM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 2:28 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:40 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 3:03 PM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - Kinship Navigator Program - \$46,556

James City County Department of Social Services (JCC DSS) has been chosen as an awardee of the Kinship Navigator Grant Program in the amount of \$46,556 by the Virginia Department of Social Services. This is the third year that JCC DSS has been awarded these 100% reimbursable federal funds.

The Kinship Navigator Program is a regional program that provides assistance to kinship caregivers who are not involved in the foster care system. The Kinship Navigator directly connects kinship caregivers to services to meet the needs of the children they are raising and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are adequately served throughout the catchment area of James City County, the City of Williamsburg, York County, and the City of Poquoson. In Fiscal Year (FY) 2020, this program served 35 caregivers and 36 children.

In addition, the Greater Williamsburg Regional Kinship Council has been established that brings together multiple partners, such as JCC DSS, Williamsburg Department of Human Services, York-Poquoson Department of Social Services, Williamsburg-James City County (WJCC) Schools, Colonial Behavioral Health, WJCC Community Action Agency, Peninsula Agency on Aging, the 9th District Court Services Unit, and other local faith-based and nonprofit organizations to create the Greater Williamsburg Regional Kinship Council. The Council meets on a regular basis to discuss opportunities for outreach and coordination efforts to ensure that all kinship caregivers have the services and support they need, such as financial benefits, therapeutic services, and training.

These funds are to be used for any activity related to enhancing our program, including hiring staff. As such, JCC DSS is requesting the creation of a term-limited full-time Kinship Navigator position for FY21.

Staff respectfully requests that the Board accept the allocation in the amount of \$46,556 and approve the creation of one new limited-term full-time position through September 30, 2021.

RV/md
GA-KinshipNav20-mem

Attachment:

1. Resolution

RESOLUTION

GRANT AWARD - KINSHIP NAVIGATOR PROGRAM - \$46,556

WHEREAS, James City County Department of Social Services (JCC DSS) has been chosen as an awardee of the Kinship Navigator Grant Program in the amount of \$46,556 by the Virginia Department of Social Services; and

WHEREAS, these one-time 100% reimbursable funds are being made available to enhance kinship navigator programs to assist kinship caregivers in utilizing services to meet the needs of the children they are raising and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served; and

WHEREAS, due to the continued increased volume in kinship caregivers needing assistance, JCC DSS is requesting the creation of a term-limited full-time Kinship Navigator position which will be responsible for providing outreach to the community and establishing a more formalized network of support for local kinship caregivers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant award, the creation of one new position, and the following appropriation amendment to the Virginia Public Assistance Fund:

Revenue:

From The Commonwealth	<u>\$46,556</u>
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Expenditure:

Administration - Staff and Operations	<u>\$46,556</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 13th day of October, 2020.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

10/06/20

Rebecca Vinroot, Director
James City County Department of Social Services
5249 Old Towne Rd,
Williamsburg, VA 23188

RE: Kinship Navigator Grant Program Award

Dear Ms. Vinroot,

Congratulations! James City County Department of Social Services has been chosen as an awardee of the Kinship Navigator Grant Program in the amount of \$46,556.00. Thank you for participating in the Kinship Navigator Grant Program application process. The award is contingent upon the availability of funds from the Children's Bureau.

Additional steps will be necessary to execute your Memorandum of Agreement (MOA) with the Virginia Department of Social Services (VDSS). Future emails will provide detailed information concerning your MOA as well as information about quarterly invoicing and statistical reports required for this grant program.

If you have any questions, please contact me at (804)387-7677 or tiffany.gardner1@dss.virginia.gov. I look forward to working with you and your community in strengthening kinship care in Virginia.

Sincerely,

Tiffany Gardner

Tiffany Gardner
Family First Project Manager
Division of Family Services
Virginia Department of Social Services

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Dianna Moorman, General Registrar

SUBJECT: Grand Award - Center for Tech and Civic Life COVID-19 Response Grant - \$38,745

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:11 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:40 PM
Publication Management	Daniel, Martha	Approved	10/5/2020 - 1:42 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:32 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:37 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:53 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Dianna S. Moorman, General Registrar

SUBJECT: Grand Award - Center for Tech and Civic Life COVID-19 Response Grant - \$38,745

The Center for Tech and Civic Life (CTCL) has granted funding to the local voter elections office specifically for the public purpose of planning and operationalizing safe and secure election administration in James City County for the 2020 federal election cycle. The County's Voter Registration and Elections Office has been awarded \$38,745 for this purpose.

The County has certified that the amount awarded would only be expended on the following specific election administration needs: ballot drop boxes; drive-through voting; election department real estate costs, or costs associated with satellite election department offices; non-partisan voter education; personal protective equipment (PPE) for staff, poll workers, or voters; poll worker recruitment funds; hazard pay; and/or training expenses; polling place rental and cleaning expenses for early voting or Election Day; temporary staffing; and vote-by-mail/absentee voting equipment or supplies. In addition, the County has agreed to submit a report to CTCL explaining and documenting how grant funds have been expended in support of the activities listed. All funds must be encumbered by November 30, 2020, and paid out by December 31, 2020.

It is recommended that the Board of Supervisors adopt the attached resolution to authorize acceptance of these grant funds and appropriate the use of these funds for eligible expenses for the 2020 federal election cycle.

DSM/md
GA-CTCLRespGrt-mem

Attachment

RESOLUTION

GRANT AWARD - CENTER FOR TECH AND CIVIC LIFE COVID-19

RESPONSE GRANT - \$38,745

WHEREAS, James City County's Voter Registration and Elections Office will oversee election operations in the County during the 2020 federal election cycle; and

WHEREAS, the County has been awarded a grant from the Center for Tech and Civic Life (CTCL) for the purpose of planning and operationalizing safe and secure election administration in James City County for the 2020 federal election cycle; and

WHEREAS, the County agrees to abide by the stipulations provided by CTCL regarding the allowable uses of these funds and the necessary recordkeeping; 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 these grant funds and the budget appropriation of \$38,745 to Special Projects/Grants Fund as shown below.

Revenue:

Grant Award - CTCL COVID-19 Response Grant	<u>\$38,745</u>
--	-----------------

Expenditure:

Election Funds	<u>\$38,745</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 13th day of October, 2020.

GA-CTCLRespGrt-res

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID Homelessness Emergency Response Program - \$90,141
(Emergency Shelter)

ATTACHMENTS:

	Description	Type
▣	Memo - Grant Award - COVID Homelessness Emergency Response Program - \$90,141	Cover Memo
▣	Resolution - Grant Award - COVID Homelessness Emergency Response Program - \$90,141	Resolution
▣	Funding Award Documentation - Grant Award - COVID Homelessness Emergency Response Program - \$90,141	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	10/2/2020 - 1:04 PM
Publication Management	Daniel, Martha	Approved	10/2/2020 - 1:30 PM
Legal Review	Kinsman, Adam	Approved	10/2/2020 - 1:32 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:33 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:37 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:52 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Grant Award - COVID Homelessness Emergency Response Program Emergency Shelter Funds - \$90,141

The James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program Partner by the Greater Virginia Peninsula Homelessness Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula). Additionally, Housing is further designated as a subgrantee of funding awarded through the GVPHC to the City of Hampton.

In an effort to continue responding to the COVID-19 Pandemic, the Department of Housing and Community Development has made COVID Homelessness Emergency Response Program (CHERP) funds available for Emergency Shelter Operations. As a designated subgrantee, Housing has received an allocation of \$90,141 from these funds for non-congregate, winter shelter.

By accepting these funds, the Housing Unit will agree to follow CHERP Funding Guidelines for prioritizing the use of these funds to cover costs associated with providing assistance toward achieving the first goal outlined in the guidelines which states, “ensure all individuals and households experiencing homelessness have access to safe, 24-7, emergency shelter during this health pandemic.”

Staff recommends that the Board of Supervisors adopt the attached resolution to authorize acceptance of these CHERP funds and the use of these funds to provide access to safe, 24-7, emergency shelter during this health pandemic.

RV/md
GA-EmergSheltr-mem

Attachments:

1. Resolution
2. Funding Award Documentation

RESOLUTION

GRANT AWARD - COVID HOMELESSNESS EMERGENCY RESPONSE PROGRAM

EMERGENCY SHELTER FUNDS - \$90,141

WHEREAS, the James City County Social Services Housing Unit (Housing) is designated as a Virginia Homeless Solutions Program Partner by the Greater Virginia Peninsula Homelessness Consortium (GVPHC), to provide emergency shelter, homelessness prevention, rapid re-housing, and associated services within James City County, the City of Williamsburg, and Upper York County (Upper Peninsula); and

WHEREAS, the Department of Housing and Community Development has made COVID Homelessness Emergency Response Program (CHERP) funds available for Emergency Shelter Operations; and

WHEREAS, the James City County Social Services Housing Unit, as a designated subgrantee of funding awarded through the GVPHC to the City of Hampton, has received an allocation from the CHERP funding of \$90,141 to be used to “ensure all individuals and households experiencing homelessness have access to safe, 24-7, emergency shelter during this health pandemic”; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this award for CHERP funding and authorizes the following appropriation to the Housing and Neighborhood Development Fund:

Revenue:

Federal - CHERP Emergency Shelter	<u>\$90,141</u>
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Expenditure:

CHERP Direct Services	<u>\$90,141</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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

CoC/LPG Name:

Greater Virginia Peninsula Homelessness Consortium

COVID Homelessness Emergency Response Program (CHERP) - 2020 - 2022

Organization	<i>Request must be in whole dollars with no \$ sign. Totals will autocalculate.</i>					
	Emergency Shelter Operations	FEMA - Emergency Shelter Operations	Targeted Prevention	Rapid Re-housing	Administration (up to 5%)	GRAND TOTAL
Hampton Social Services	\$790,000			\$532,000	\$28,000	\$1,350,000
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
						\$0
Total	\$790,000	\$0	\$0	\$532,000	\$28,000	\$1,350,000

\$ 240,000 Distributed in August

\$550,000.00 Currently Available

Keith Denny

From: Hill, Angelique <angelique.hill@dss.virginia.gov>
Sent: Thursday, October 1, 2020 3:15 PM
To: Keith Denny
Subject: [External] Fwd: CHERP Funding Awards and Updates- GVPHC
Attachments: GVPHC.xlsx; COVID Homelessness Emergency Response Program Guidelines 2020-2022 revised September 2020.pdf

Keith,

Please see forwarded email from DHCD in reference to CHERP funds awarded to our region. I have an additional email that Taylor sent me that specifically notes the recent approval of \$550,000 in additional ESO funds. We have not received a grant amendment for that award yet but do have the email from Taylor. I will forward that email to you separately.

Per our Emergency Shelter providers meeting today, we have agreed to award James City County an additional \$90,141 in Emergency Shelter Operations funds under CHERP. Please be advised, this does not include any Admin or HMIS funding at this time.

----- Forwarded message -----

From: Taylor Ryan <taylor.ryan@dhcd.virginia.gov>
Date: Mon, Sep 28, 2020 at 9:52 AM
Subject: CHERP Funding Awards and Updates- GVPHC
To: Angelique Hill <angelique.hill@dss.virginia.gov>, Terri Phillips <terri.phillips@dss.virginia.gov>, Dee Riter <dee.riter@dss.virginia.gov>

Good morning GVPHC/Angel,

DHCD's Homeless and Special Needs Housing Unit has allocated its second round of ESG-CV funding as authorized by the CARES Act. The funding allocated to your CoC/LPG is listed in the attached CHERP Funding Request. CoCs/LPGs must submit their finalized CHERP Funding Requests detailing the funded providers and funded activities by **Wednesday, October 14**. Additional details are below.

- ESG-CV(2) is added to the CoC/LPG's CHERP funding award. This funding may be used to support ESO, Prevention, and RRH activities. An additional funding award has been made for administrative expenses related to administering this ESG-CV funding, you do not have to use all of this funding but it is available to the CoC/LPG. DHCD will remove any remaining allocation of administrative funding following the submission of the CoC/LPG's finalized CHERP Funding Request.

- HMIS Leads/Administrators: ESG-CV funding to support HMIS activities and required ESG-CV reporting will be allocated separately once all finalized CHERP Funding Requests have been received.

- All ESG-CV (1+2) has the same funding period of April 2, 2020 - September 20, 2022.

Keith Denny

From: Hill, Angelique <angelique.hill@dss.virginia.gov>
Sent: Thursday, October 1, 2020 3:17 PM
To: Keith Denny
Subject: [External] Fwd: DHCD-HSNH Updates: COVID Response Funding
Attachments: GVPHC 9.11.2020.xlsx

Notification of additional ESO funding for the region...

----- Forwarded message -----

From: **Taylor Ryan** <taylor.ryan@dhcd.virginia.gov>
Date: Fri, Sep 11, 2020 at 2:46 PM
Subject: Re: DHCD-HSNH Updates: COVID Response Funding
To: Hill, Angelique <angelique.hill@dss.virginia.gov>
Cc: Amanda Brandenburg <abrandenburg@theplanningcouncil.org>, Phillips, Terri <terri.phillips@dss.virginia.gov>

Hello Angel,

GVPHC has been awarded an additional 550,000 in CHERP ESO funds to be expended by December 30, 2020.

I have updated your CHERP funding request to reflect the increase. Please **review and confirm** as soon as possible.

Remittances for funding spent to date need to be submitted as soon as possible as this is the only way we can continue to secure funding from the state COVID relief.

Best,
Taylor

On Thu, Sep 10, 2020 at 1:16 PM Hill, Angelique <angelique.hill@dss.virginia.gov> wrote:
This request will be through December 31, 2020.

On Thu, Sep 10, 2020 at 11:43 AM Taylor Ryan <taylor.ryan@dhcd.virginia.gov> wrote:
Hello Angel,

Is the additional 550,000 in ESO to last until the end of the year or next year?

Best,
Taylor

On Wed, Sep 9, 2020 at 4:46 PM Hill, Angelique <angelique.hill@dss.virginia.gov> wrote:
Ok Taylor,

I'm going to be bold here. I know we have not submitted remittances showing we have spent the money... that is because of our City's checks and balances before remittances can be uploaded into CAMS. What I

can tell you is we have encumbered all funds except for \$36,000 as of last week and we still get referrals daily. We have one outreach worker that is verifying category 1 for the whole peninsula. We've estimated we need an additional \$550,000 for ESO to get us through COVID. It's been difficult to give you projections because no one knew what to expect from this pandemic. This request is based upon the numbers we have been seeing referred that are category 1 criteria from The Housing Crisis Hotline. We are seeing people referred that have not been engaged with providers in the past and confirming with outreach. The one DV provider has been overwhelmed and spending DV funds but they don't have enough. We are doing everything we can. The other problem is the eviction moratorium has created a lack of available housing stock to RRH individuals we have in ESO. We're trying the best we can... Having said all that, we are going out on a limb and requesting an additional \$550,000 in ESO funds.

On Wed, Sep 9, 2020 at 4:05 PM Taylor Ryan <taylor.ryan@dhcd.virginia.gov> wrote:
Hello CoC/LPG Leads and grantees,

If you have yet to do so (and would like to), please submit your revisions to your funding request no later than close of business Friday, September 11, 2020.

CoC/ LPG leads, If you do not wish to update your request, please send me an email notifying me that you are good with your request as is, no later than close of business Friday, September 11, 2020.

Feel free to contact me if you have any questions or concerns.

----- Forwarded message -----

From: **Taylor Ryan** <taylor.ryan@dhcd.virginia.gov>
Date: Thu, Aug 6, 2020 at 10:50 AM
Subject: DHCD-HSNH Updates: COVID Response Funding
To:
Cc: Kendall Cloeter <kendall.cloeter@dhcd.virginia.gov>

Good afternoon CoC/LPG Leads and HSNH Grantees!

We have a few updates for you regarding COVID response funding:

1. Emergency Shelter Operations funding allocated through the COVID-VHSP 2020 projects in CAMS will expire December 30, 2020. If you anticipate any issues expending all funding by that date, please contact your program administrator ASAP.
2. All funding allocated through the COVID Homeless Emergency Response Program (CHERP) will expire in September 2022. This includes the RRH funds that were announced last week and all future COVID-related funding from HSNH.
3. All COVID funding allocations are based on your CoC/LPG's formal request for COVID response funding which was submitted to DHCD in early June. If your CoC/LPG needs to update the amounts requested for ESO, Prevention, or RRH because they no longer reflect the needs of your community, please do so. A spreadsheet detailing funds requested and funds allocated to date for each CoC/LPG is attached.
4. FEMA Reporting - Only a small percentage of communities are routinely submitting their weekly FEMA reports to DHCD. To simplify the reporting process and to ensure we have accurate data, we will be moving this to a CAMS report. The reports will be assigned to each individual ESO grantee and will detail the

appropriate reporting period. If you did not expend any FEMA funding for a specific week, you will enter a \$0 report.

Feel free to contact me if you have any questions or concerns.

Best,
Taylor

--

Taylor Ryan
Pronouns: She/Her
Housing Program Administrator
Homeless and Special Needs Housing Unit
Division of Housing

Department of Housing & Community Development (DHCD)
Main Street Centre
[600 East Main Street, Suite 300](#)
[Richmond, Virginia 23219-1321](#)
phone (804) 629-0765 fax (804) 371-7091

taylor.ryan@dhcd.virginia.gov



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**
Partners for Better Communities

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Appointment of Animal Control Officer

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Reso	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	9/25/2020 - 8:46 AM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 9:53 AM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 2:29 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:09 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:37 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:30 AM

MEMORANDUM

DATE: October 13, 2020
TO: The Board of Supervisors
FROM: Shirley Anderson, Animal Control Supervisor
SUBJECT: Appointment of Animal Control Officer

Attached for your consideration is a resolution appointing Mr. David Luchard as Animal Control Officer for James City County. Board appointment is necessary in order for Mr. Luchard to enforce State and County animal laws.

Staff recommends adoption of the attached resolution.

SA/md
ACOApt-Luchard-mem

Attachment

RESOLUTION

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Board of Supervisors of James City County is authorized to appoint Animal Control Officers; and

WHEREAS, the Animal Control Officers are vested with the authority to enforce the animal laws in the County pursuant to Virginia Code Sections 3.2-6555, et seq., and James City County Code Section 3-2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Mr. David Luchard is hereby appointed Animal Control Officer for James City County, Virginia.

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 13th day of October, 2020.

ACOApt-Luchard-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

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

SUBJECT: Dedication of the Streets in Phase VII-C of the Powhatan Secondary of Williamsburg Subdivision

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	9/25/2020 - 3:28 PM
Development Management	Holt, Paul	Approved	9/25/2020 - 3:31 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 3:39 PM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:11 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 10:03 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

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

SUBJECT: Dedication of the Streets in Phase VII-C of the Powhatan Secondary of Williamsburg Subdivision

Attached is a resolution requesting acceptance of the streets in Phase VII-C of the Powhatan Secondary of Williamsburg Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are Oak Tree Lane, John Richardson Lane, Beamer Ridge, and a small portion of Powhatan Secondary that was not previously accepted. 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
PowhatanSecondaryVII-CStDed-mem

Attachments:

1. Resolution
2. AM-4.3
3. Map

RESOLUTION

DEDICATION OF THE STREETS IN PHASE VII-C OF THE POWHATAN SECONDARY OF

WILLIAMSBURG 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

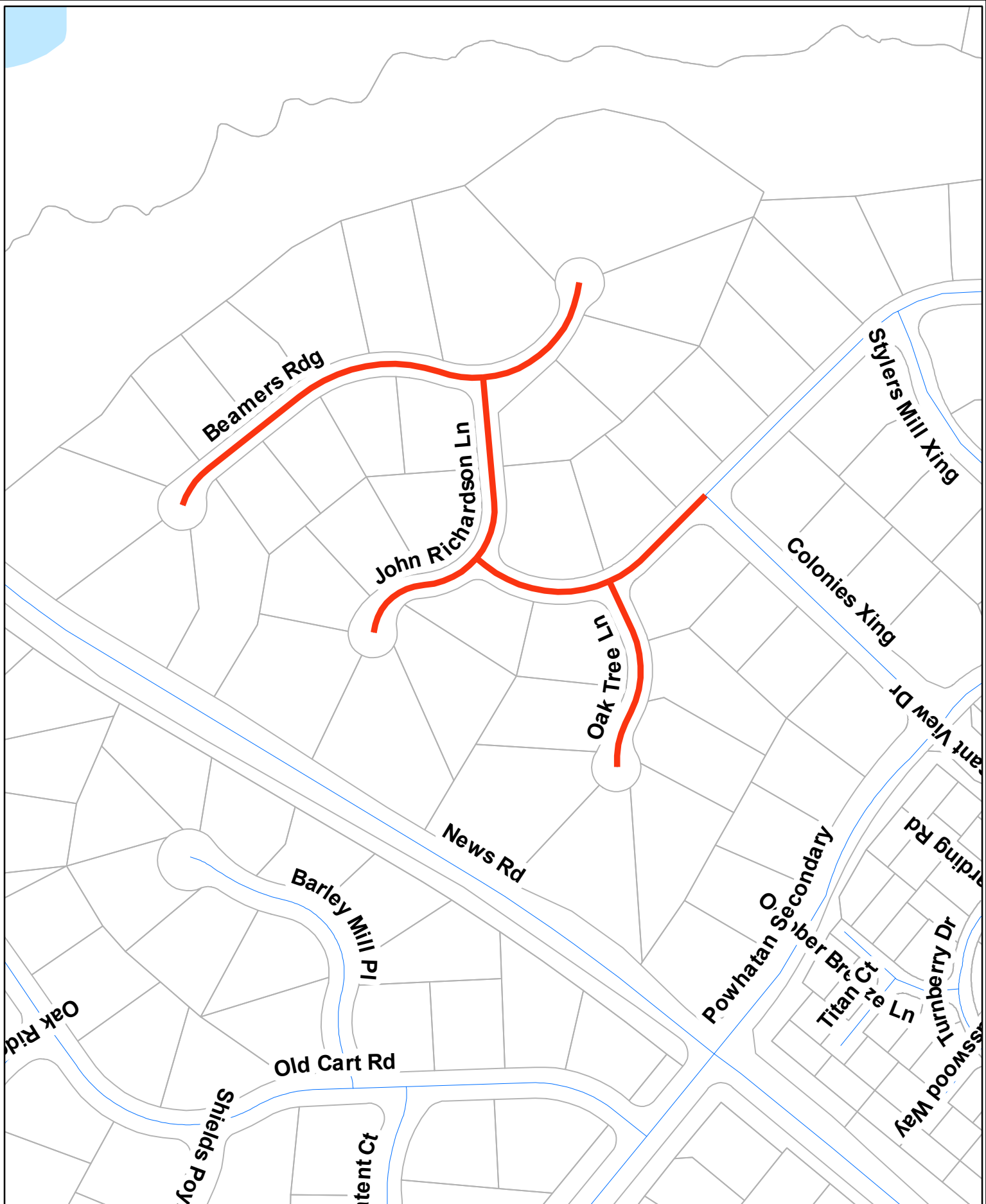
ATTEST:

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 13th day of October, 2020.

PowhatanSecondaryVII-CStDed-res



**Dedication of the Streets in Phase VII-C
of the Powhatan Secondary of
Williamsburg Subdivision**

Legend

 Streets to be Dedicated

1 inch = 200 feet



In James City County

36041814

by Resolution of the governing body adopted October 13, 2020

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

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: 047 Powhatan of Williamsburg Secondary Phase
7C

Addition - New subdivision street §33.2-705

Route Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1089	Oak Tree Lane	Cul-de-sac	Rt. 1480 (Powhatan Secondary)	0.05	2		40
1090	John Richardson Lane	Cul-de-sac	Rt. 1480 (Williamsburg Secondary)	0.03	2		40
1090	John Richardson Lane	Rt. 1480 (Powhatan Secondary)	Rt. 1092 (Beamer's Ridge)	0.05	2		40
1091	Beamer's Ridge	Rt. 1090 (John Richardson Ln)	Cul-de-Sac	0.04	2		40
1091	Beamer's Ridge	Rt. 1090 (John Richardson Ln)	Cul-de-Sac	0.1	2		40
1480	Powhatan Secondary	Rt. 1089 (Oak Tree Ln)	Rt. 1583 (Colonies Crossing)	0.03	2		40
1480	Powhatan Secondary	Rt. 1090 (John Richardson Ln)	Rt. 1089 (Oak Tree Ln)	0.04	2		40

In James City County

36041814

by Resolution of the governing body adopted October 13, 2020

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator

SUBJECT: Contract Awards – General Construction Annual Services

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Facilities & Custodial Services	Ripley, Joanna	Approved	9/25/2020 - 4:55 PM
General Services	Boone, Grace	Approved	9/25/2020 - 4:58 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 5:02 PM
Legal Review	Kinsman, Adam	Approved	9/28/2020 - 8:55 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:10 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:32 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator

SUBJECT: Contract Awards – General Construction Annual Services

An Invitation for Bid (IFB) was publicly advertised for qualified and experienced firms for General Construction Services, which includes Painting, Plumbing, Electrical and Masonry. Five firms responded to the IFB by describing their qualifications, experience in performing similar work, and labor rate pricing. A team of staff members representing General Services evaluated the bids for the firms' qualifications. Based on the questionnaire and labor rates, the lowest four (4) responsible and responsive firms were selected: Bay River Contracting, Allcon Contracting, United Unlimited Construction and Causey Contracting.

The initial contract term is one year with the option of four additional one-year renewals upon mutual consent of the parties. Individual project assignments will consist of creating a scope of work for each project. Projects with budgets of under \$50,000 will require only one quote from a contracted firm. Projects with budgets from \$50,001 to \$100,000 will require quotes from three of the contracted firms. A purchase order will be issued for each individual project assignment and will reference the contract terms and conditions.

Staff recommends adoption of the attached resolution authorizing award of the General Construction Services contracts to Bay River Contracting, Allcon Contracting, United Unlimited Construction, and Causey Contracting.

MA/tlc
CA-AnnSrvGenConst-mem

RESOLUTION

CONTRACT AWARDS – GENERAL CONSTRUCTION ANNUAL SERVICES

WHEREAS, the request for Proposals has been advertised and evaluated for annual construction services; and

WHEREAS, the four (4) firms listed in the memorandum were determined to be the best qualified to provide the required construction services in their respective groups.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual construction services to the four (4) firms listed in the memorandum.

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 13th day of October, 2020.

CA-AnnSrvGenConst-res

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: M. Douglas Powell, General Manager, James City Service Authority

SUBJECT: Memorandum of Understanding Between Hampton Roads Localities and Hampton Roads Sanitation District - Mutual Cooperation in the Retrofit Enforcement of Grease Control Devices

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Cover Memo
☐	MOU	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
James City Service Authority	Powell, Doug	Approved	9/28/2020 - 3:44 PM
Publication Management	Daniel, Martha	Approved	9/28/2020 - 3:49 PM
Legal Review	Kinsman, Adam	Approved	9/29/2020 - 11:46 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:40 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:36 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: M. Douglas Powell, General Manager, James City Service Authority

SUBJECT: Memorandum of Understanding - Mutual Cooperation in the Retrofit Enforcement of Grease Control Devices

As part of the 2014 Consent Order, each Hampton Roads locality is required to implement a Maintenance, Operations, and Management (MOM) program to minimize sanitary sewer overflows. Part of the MOM program is to reduce fats, oils, and grease (FOG) in the sanitary sewer system. In an effort to reduce FOG in the sanitary sewer system, the Hampton Roads localities have developed standards for the sizing of grease control devices in food service establishments.

The attached Memorandum of Understanding affirms each of the Hampton Roads localities commitment to enforce the requirement for grease control devices, and allows the Hampton Roads Sanitation District to enforce the standards in the event that the locality is unable to secure compliance.

Staff recommends the approval of the resolution authorizing the County Administrator to execute the Memorandum of Understanding. Once executed, it will be the responsibility of the James City Service Authority to enforce the provisions of the MOU.

MDP/md
MOU-GreaseCntrl-mem

Attachment

RESOLUTION

MEMORANDUM OF UNDERSTANDING BETWEEN HAMPTON ROADS LOCALITIES AND HAMPTON ROADS SANITATION DISTRICT MUTUAL COOPERATION IN THE RETROFIT ENFORCEMENT OF GREASE CONTROL DEVICES

WHEREAS, the 2014 Consent Order with the Department of Environmental Quality requires each Hampton Roads locality to implement a Maintenance, Operations, and Management (MOM) program to minimize sanitary sewer overflows; and

WHEREAS, part of the MOM program is to reduce fats, oils, and grease (FOG) in the sanitary sewer system; and

WHEREAS, the installation and proper maintenance of grease control devices (GCDs) in food service establishments (FSEs) is necessary to aid in preventing the introduction and accumulation of FOG into the sanitary sewer system that may contribute to sanitary sewer blockages and obstructions; and

WHEREAS, in an effort to reduce FOG in the sanitary sewer system, the Hampton Roads localities and Hampton Roads Sanitation District (HRSD) have developed standards for the sizing and installation of grease control devices in FSEs; and

WHEREAS, the James City Service Authority is the political subdivision responsible for the wastewater system in James City County and the MOM program; and

WHEREAS, by authorizing and entering into a Memorandum of Agreement, the Board of Supervisors seeks to establish a procedure by which the County and HRSD mutually cooperate in ensuring the installation or upgrade of GCDs in FSEs requiring such devices.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the Memorandum of Understanding with the Hampton Roads Sanitation District pertaining to the mutual cooperation in the retrofit enforcement of grease control devices.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia that the James City Service Authority shall be responsible for administering and enforcing the provisions of the Memorandum of Understanding.

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 13th day of October, 2020.

MOU-GreaseCntrl-res

MEMORANDUM OF AGREEMENT BETWEEN THE HAMPTON ROADS SANITATION DISTRICT AND THE CITIES OF VIRGINIA BEACH, NORFOLK, CHESAPEAKE, SUFFOLK, HAMPTON, NEWPORT NEWS, PORTSMOUTH, WILLIAMSBURG AND POQUOSON, THE TOWN OF SMITHFIELD, THE COUNTIES OF ISLE OF WIGHT, JAMES CITY, GLOUCESTER, AND YORK PERTAINING TO MUTUAL COOPERATION IN THE RETROFIT ENFORCEMENT OF GREASE CONTROL DEVICES

This Memorandum of Agreement, dated this ____ day of _____, 2019, by and between the Cities of Virginia Beach, Norfolk, Chesapeake, Suffolk, Hampton, Newport News, Portsmouth, Williamsburg, Poquoson, the Town of Smithfield, the Counties of Isle of Wight, James City, Gloucester, and York (collectively, the "Hampton Roads Localities") and the Hampton Roads Sanitation District (HRSD),

WITNESSETH:

WHEREAS, the Special Order by Consent dated December 19, 2014 and other Consent Orders (the "Consent Orders") entered into by the Hampton Roads Localities with the Virginia Department of Environmental Quality (VDEQ) require each of the Hampton Roads Localities to implement Maintenance, Operations and Management (MOM) programs to minimize sanitary sewer overflows; and

WHEREAS, in order to minimize the number of sanitary sewer overflows, it is necessary and appropriate that each of the Hampton Roads Localities develop and implement affirmative measures as a component of their respective MOM Programs to reduce the impact of discharges of fats, oils, and grease (FOG) to the sanitary sewer system of each locality and HRSD; and.

WHEREAS, the Hampton Roads Localities, together with the HRSD, have developed a model FOG Ordinance, Enforcement Response Plan, and the Hampton Roads Regional Technical Standards for the Sizing of Grease Control Devices to be used as templates for each locality's MOM Program; and

WHEREAS, it is anticipated, however not mandated, that each of the Hampton Roads Localities will adopt a FOG Ordinance, Enforcement Response Plan and Design Standards; and

WHEREAS, FOG discharged into the sanitary sewer system from Food Service Establishments (FSEs) are known to cause or contribute to sanitary sewer blockages and to cause or contribute to a significant percentage of all overflows in the sanitary sewer systems of the Hampton Roads Localities and HRSD; and

WHEREAS, the installation and proper maintenance of grease control devices (GCDs) in FSEs is necessary to aid in preventing the introduction and accumulation of FOG into the sanitary sewer system that may contribute to sanitary sewer blockages and obstructions; and

WHEREAS, within each of the Hampton Roads Localities, there are FSEs that were constructed prior to the adoption of the Virginia Uniform Statewide Building Code (VUSBC) provision requiring a GCD; and

WHEREAS, Chapter 66 of the 1960 Acts of Assembly, as amended from time to time, and Section 301 (d) of HRSD's Industrial Wastewater Discharge Regulations provide HRSD with the legal authority to require existing FSEs that are grandfathered from the requirements of the Virginia Uniform Statewide Building Code pertaining to GCDs to retrofit such establishments with GCDs meeting the requirements of the VUSBC; and

WHEREAS, by entering into this Memorandum of Agreement, the parties seek to establish a procedure by which Hampton Roads Localities and HRSD mutually cooperate in ensuring the installation or upgrade of GCDs in FSEs requiring such devices;

NOW, THEREFORE, THE PARTIES DO HEREBY MUTUALLY AGREE AS FOLLOWS:

1. The City or County shall:
 - (a) As necessary, determine if a FSE is contributing FOG to the sanitary sewer system;
 - (b) In the event the City or County is unable to secure compliance by such means as it deems appropriate, notify HRSD of enforcement actions taken to date and request HRSD, in writing, to inspect the FSE and to proceed with action to cause compliance;

- (c) Be responsible for issuance of any required building permits and performing future inspections of GCDs as part of its FOG control program; and
- 2. HRSD shall:
 - (a) Perform an inspection of the FSE within a reasonable time of the date such inspection was requested by the City or County;
 - (b) Initiate appropriate enforcement action in accordance with the HRSD Enforcement Response Plan and send an electronic copy of the enforcement action to the City or County;
 - (c) Require the installation or upgrade of a GCD if a FSE is determined to be contributing FOG to the sanitary sewer system.
- 3. The parties hereby also agree as follows:
 - (a) The effective date of this Memorandum of Agreement between HRSD and the individual County or City shall be the date on which the latter of the parties executes this Memorandum of Agreement;
 - (b) This Memorandum of Agreement contains the whole of the terms governing the matters referred to in this Memorandum of Agreement;
 - (c) The parties shall not be bound by any terms written or stated prior to the creation of this Memorandum of Agreement and not expressly incorporated into this Memorandum of Agreement; and
 - (d) Any party hereto may withdraw from this Memorandum of Agreement, either wholly or as to any other party, at any time upon written notice to all other parties, and shall thereafter incur no further obligations hereunder.

LIST OF SIGNATORIES

CITY OF CHESAPEAKE

GLOUCESTER COUNTY

CITY OF HAMPTON

ISLE OF WIGHT COUNTY

JAMES CITY COUNTY

CITY OF NEWPORT NEWS

CITY OF NORFOLK

CITY OF POQUOSON

CITY OF PORTSMOUTH

CITY OF SUFFOLK

CITY OF VIRGINIA BEACH

CITY OF WILLIAMSBURG

YORK COUNTY

TOWN OF SMITHFIELD

HAMPTON ROADS SANITATION DISTRICT

This listing of participants is followed by the signature page to be completed by each party.

IN WITNESS WHEREOF, the Party has caused this Agreement to be executed by their duly authorized officials as shown below.

HRSD

By: _____
Edward G. Henifin, P.E.

Date: _____

Attest: _____

**(ELECTRONIC SIGNATURES OF ALL PARTIES TO THE AGREEMENT WILL BE
CONSOLIDATED ON THIS PAGE IN THE FINAL DOCUMENT)**

IN WITNESS WHEREOF, the Party has caused this Agreement to be executed by their duly authorized officials as shown below.

By: _____

Date: _____

Locality: _____

Date: _____

Attest: _____

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Kitty Hall, Purchasing Director

SUBJECT: Next Generation 9-1-1 Participation Agreement

ATTACHMENTS:

	Description	Type
☐	Memo - NG 911 Agreement	Cover Memo
☐	Resolution - NG 911 Agreement	Resolution
☐	NG 911 Agreement	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Fellows, Teresa	Approved	10/6/2020 - 5:13 PM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Kitty Hall, Purchasing Director

SUBJECT: Next Generation 9-1-1 Participation Agreement

In 2018, a preliminary analysis was conducted by the 9-1-1 Services Board to determine the cost of migrating James City County to the Next Generation 9-1-1 technology. Fairfax County took on the role as lead agency to solicit vendors to provide these services and through a cooperative contract clause, awarded a contract to AT&T. This contract allows interested localities to use the contract and contains a mechanism that allows the 9-1-1 Services Board to pay for the initial migration costs and also the delta between the current monthly amount James City County pays for 9-1-1 technology and the new NG 9-1-1 technology for 24 months.

There is no County outlay for the migration to AT&T; however, in order for the 9-1-1 Services Board to update its analysis of the County's needs, a Participation Agreement must be signed on behalf of the County and released to AT&T.

I recommend adoption of the attached resolution authorizing the County Administrator to execute those documents necessary to enter into the Next Generation 9-1-1 Participation Agreement.

KH/md
NG911-PartAgrmt-mem

Attachment

RESOLUTION

NEXT GENERATION 9-1-1 PARTICIPATION AGREEMENT

WHEREAS, James City County must migrate to the Next Generation 9-1-1 technology; and

WHEREAS, AT&T was awarded a contract via Fairfax County that allows interested localities to use the contract, the costs of which will be fully reimbursed by the 9-1-1 Services Board; and

WHEREAS, James City County desires to enter into the Next Generation 9-1-1 Participation Agreement, which will initiate a study period to allow the 9-1-1 Services Board to update its analysis of the County's needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to enter into the Next Generation 9-1-1 Participation Agreement, provided that the 9-1-1 Services Board reimburses the costs associated with such Participation Agreement.

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 13th day of October 2020.

NG911-PartAgrmt-res

PARTICIPATION AGREEMENT

WHEREAS, AT&T Corp. ("AT&T") and Fairfax County are parties to that Contract Number 4400007825 for Next Generation Core Services Solution (NGCS), between the County of Fairfax and AT&T Corp., dated August 8, 2017, including the Acceptance Agreement, the Memorandum of Negotiations, and all attachments and documents incorporated therein (the "Fairfax Agreement"); and

WHEREAS, James City County, Virginia, ("Participant") wishes to purchase certain AT&T ESInet™ [and optional] services from AT&T under the same terms and conditions provided for in the Fairfax Agreement;

NOW, THEREFORE, PREMISES CONSIDERED, PARTICIPANT AND AT&T AGREE AS FOLLOWS:

1. This Participation Agreement is made between Participant and AT&T (collectively, the "Parties"), and is effective on the date when first signed by both parties. Fairfax County is not a party to this Participation Agreement and takes on no obligations and receives no entitlements as a result of this Participation Agreement.
2. Participant agrees to purchase AT&T ESInet™ [and optional] services in accordance with the terms, conditions, and pricing contained in the Fairfax Agreement, attached hereto as Exhibit "A", as specified in more detail in Participant's purchase order(s) attached hereto as Exhibit(s) "B" [attach B-1, B-2, B-3, as needed].
3. Participant agrees to be bound by and pay for all services obtained pursuant to this Participation Agreement and agrees that all terms, conditions, rights and remedies under the Fairfax Agreement applicable to Fairfax County are fully enforceable against Participant as if Participant were the "County" or "Fairfax County" under the Fairfax Agreement. AT&T agrees to provide the AT&T ESInet™ [and optional] services to Participant pursuant to the terms and conditions of the Fairfax Agreement and this Participation Agreement.
4. Under this Participation Agreement, all orders for services must be entered no later than August 7, 2025. Services obtained under this Participation Agreement will terminate on or before August 7, 2027, or such earlier date as may be set forth in an individual purchase order.
5. This Participation Agreement may not be assigned by Participant. Any such assignment shall be null and void.
6. AT&T may disclose the fact of Participant's participation to Fairfax County. Such disclosures may include Participant's name, services purchased, monthly or annual usage, total billings and payment status.
7. In the event of a conflict between the terms contained in this Participation Agreement and the Fairfax Agreement, the terms of this Participation Agreement shall control.
8. Any required notices under this Participation Agreement shall be in writing and shall be sent to the office of the recipient set forth below or to such other office or recipient as designated in writing from time to time:

To Participant	To AT&T.
Name	Name Edgar Perdomo Esteban
Title: County Administrator	Title: CSE LED East
Address: 101-D Mounts Bay Road	Address 7229 Parkway Dr.
City/State/Zip: Williamsburg, VA 23185	City/State/Zip: Hanover, MD 21076

9. This Participation Agreement constitutes the entire agreement between the parties. This agreement supersedes all prior agreements, proposals, representations, statements or understandings, whether written or oral concerning the services. This agreement shall not be modified or supplemented by any written or oral statements, proposals, representations, advertisements, or service descriptions not expressly set forth or incorporated by this Agreement.
10. The parties agree that the terms and conditions of contract number 4400007825 between County of Fairfax, Virginia and AT&T [the “underlying contract”] are incorporated herein as fully as if set forth, with the following amendments, as applicable:

10.1: All references in the underlying contract to the originating public body shall be deemed to be references to the County of James City, Virginia, as owner.

10.2. The locations for the delivery of goods and the performance of services shall be as identified by the County of James City, Virginia.

Venue for civil actions related to this contract shall be in the state Courts of James City County, Virginia, or in an appropriate case in a U.S. District Court with jurisdiction and venue over the parties and the matter, and the choice of law shall be the laws of the Commonwealth of Virginia

11. Each signatory below represents that he or she is authorized to sign this Participating Agreement on behalf of the party designated.

IN WITNESS WHEREOF, AT&T and Participant have caused this Participation Agreement to be executed by their duly authorized representatives as of the date written below.

By: _____
(by its authorized representative)

(Typed or Printed Name)

(Title)

(Date)

AT&T Corp.

By: _____
(by its authorized representative)

(Typed or Printed Name)

(Title)

(Date)

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Conveyance of property located at 114 Nina Lane to the James City Service Authority.

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Draft Deed of Gift	Exhibit
☐	Plat	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	9/11/2020 - 11:36 AM
Publication Management	Daniel, Martha	Approved	9/11/2020 - 11:39 AM
Legal Review	Kinsman, Adam	Approved	9/11/2020 - 11:42 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:11 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:41 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Max Hlavin, Deputy County Attorney

SUBJECT: Transfer of 114 Nina Lane to James City Service Authority

In 1999, the County acquired an approximately 0.28-acre parcel of property located at 114 Nina Lane, further identified as James City County Real Estate Tax Map Parcel No. 2320100036A (the "Property"). The Property was acquired for improvements related to a James City Service Authority (JCSA) facility located at 116 Nina Lane. JCSA paid the costs of acquisition by checks dated April 16, 1998 and June 18, 1999 from Account Code 105-100-1105.

The attached resolution authorizes the County Administrator to convey the Property to JCSA for the consideration already paid. This housekeeping transfer will allow JCSA to consolidate the parcels if necessary for future improvements to its facility and access road.

MH/nb
114NinaLnToJCSA-mem

Attachment

RESOLUTION

CONVEYANCE OF REAL PROPERTY - 114 NINA LANE

WHEREAS, James City County (the "County") currently owns a certain parcel of land located at 114 Nina Lane and further identified as James City County Real Estate Tax Map Parcel No. 2320100036A (the "Property"); and

WHEREAS, the County acquired the Property by order of the circuit court entered on June 27, 1999, for improvements related to a James City Service Authority facility; and

WHEREAS, the James City Service Authority paid for the costs of acquiring the Property; and

WHEREAS, the Property is used exclusively by the James City Service Authority and may need to be consolidated with a neighboring parcel for future improvements to the facility; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should convey the Property to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the conveyance of the Property to the James City Service Authority for the value of the consideration already paid.

BE IT FURTHER RESOLVED that the Board of Supervisors understands that both parties to the conveyance authorized by this resolution are represented by the County Attorney's Office and that the Board has been informed by counsel of the potential conflicts that may arise from such common representation and consents to such common representation.

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 13th day of October, 2020.

114NinaLnToJCSA-res

Prepared by/Return to:
Maxwell Hlavin, Esq.
101-D Mounts Bay Road
Williamsburg, VA 23185

JCC Tax Map No: 2320100036A
Consideration: \$10.00

WITHOUT TITLE EXAMINATION

**RECORDATION TAXES ARE EXEMPT PURSUANT TO SECTIONS 58.1-811(A)(3)
AND (C)(4) OF THE CODE OF VIRGINIA, 1950, AS AMENDED.**

DEED OF GIFT

THIS DEED, is made this ____ day of _____, 2020, by and between the **COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), Grantor, and the **JAMES CITY SERVICE AUTHORITY**, a political subdivision of the Commonwealth of Virginia (the "JCSA"), Grantee.

WHEREAS, the County owns a parcel of property located at 114 Nina Lane, further identified as James City County Real Estate Tax Map No. 2320100036A (the "Property"); and

WHEREAS, the JCSA paid for acquisition of the Property in 1999 and has exclusive use of the Property; and

WHEREAS, at its meeting on October 13, 2020, the Board of Supervisors of the County authorized the conveyance of the Property to the JCSA; and

WHEREAS, the County and the JCSA are both represented in the transaction by the County Attorney's Office and have been informed by counsel of the potential conflicts that may arise from such common representation and consent to such common representation.

WITNESSETH:

That Grantor, for the consideration of \$10.00, the value paid by the JCSA for acquisition of the Property, and other good and valuable consideration, the receipt and sufficiency is hereby acknowledged, does convey unto Grantee by SPECIAL WARRANTY all the right, title, interest, claim, or demand in the Property, more particularly described as:

All that certain lot, piece or parcel of land consisting of approximately 0.278 acre lying and situate in Powhatan District, James City County, Virginia, shown and

designated as: "PARCEL 'B-1' 0.278± AC.," on that certain plat entitled: "PLAT SHOWING TWO PARCELS OWNED BY SHARON C. MORRISON TRUST CONTAINING 5.883 ± ACRES," dated December 8, 1997, made by AES Consulting Engineers, which said plat is recorded the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City in Plat book 70, Page 30 (the "Plat"), to which plat reference is made for a more complete description of the property herein.

It being the same property conveyed to Grantor by Order of the Circuit Court entered June 27, 1999 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City on June 29, 1999 as Instrument No. 990013937 and indexed in the name of Sharon C. Morrison, Trustee as grantor and the County of James City, Virginia as Grantee.

IN WITNESS WHEREOF, the County Administrator of the County of James City Virginia has signed and sealed this deed, the day and year first above written pursuant to the authorization granted by resolution adopted by the Board of Supervisors on October 13, 2020.

GRANTOR: COUNTY OF JAMES CITY, VIRGINIA

By: Scott Stevens
Its: County Administrator

COMMONWEALTH OF VIRGINIA,

County of James City, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Scott Stevens, County Administrator, on behalf of the County of James City, Virginia.

Notary Public

My Commission expires: _____

Notary Registration Number: _____

Approved as to form:

County Attorney

GRANTEE: JAMES CITY SERVICE AUTHORITY,

_____(SEAL)
M. Douglas Powell
Title: General Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me by M. Douglas Powell, as General Manager of the James City Service Authority, the Grantee, on this _____ day of _____, 2020.

Notary Public

My commission expires: _____

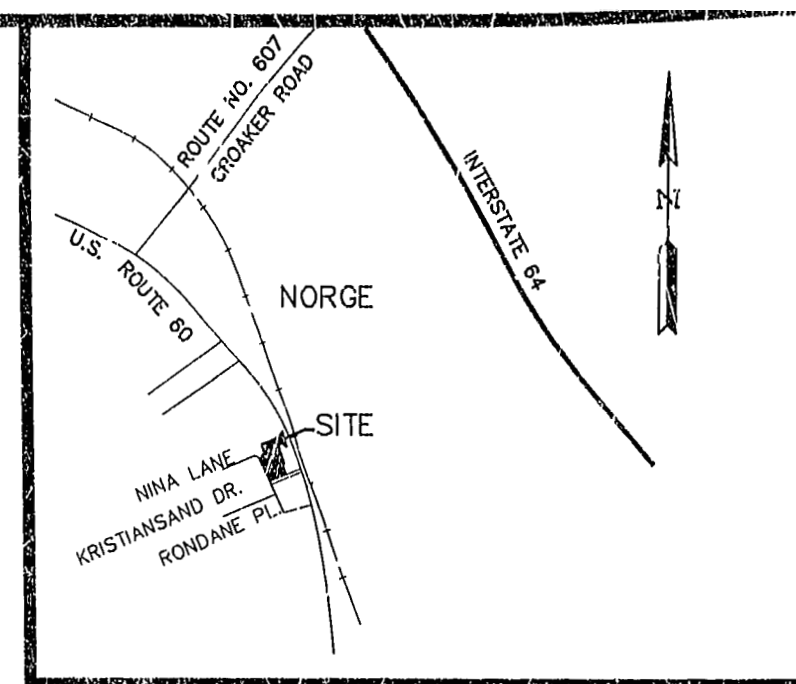
Notary registration number: _____

Approved as to form:

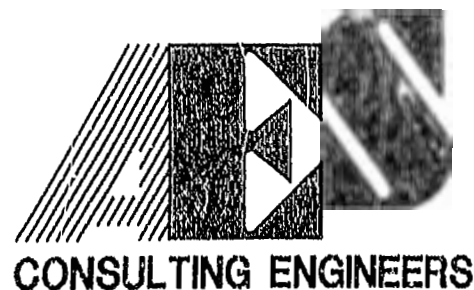
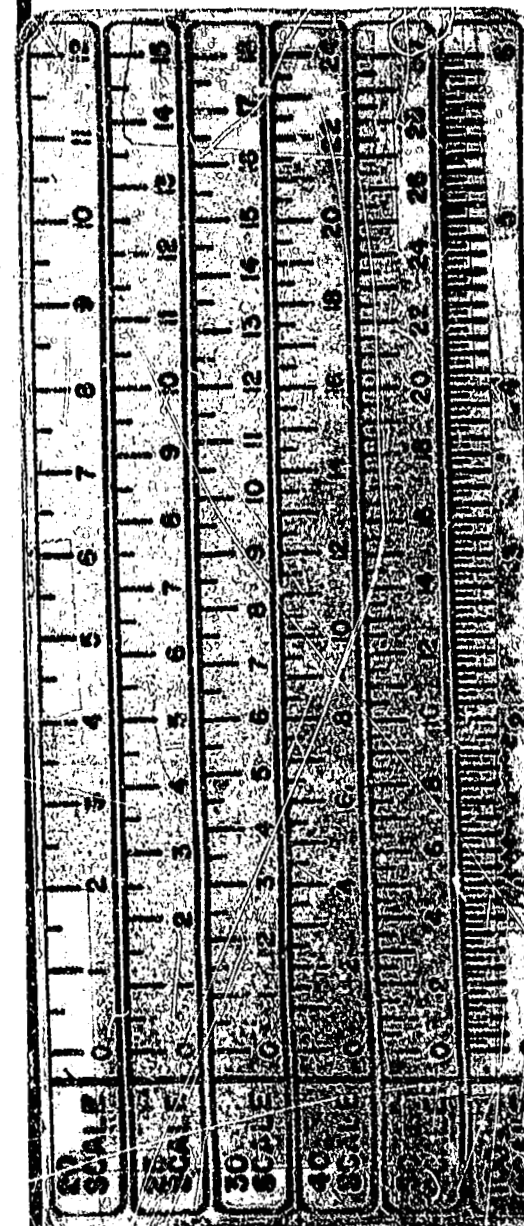
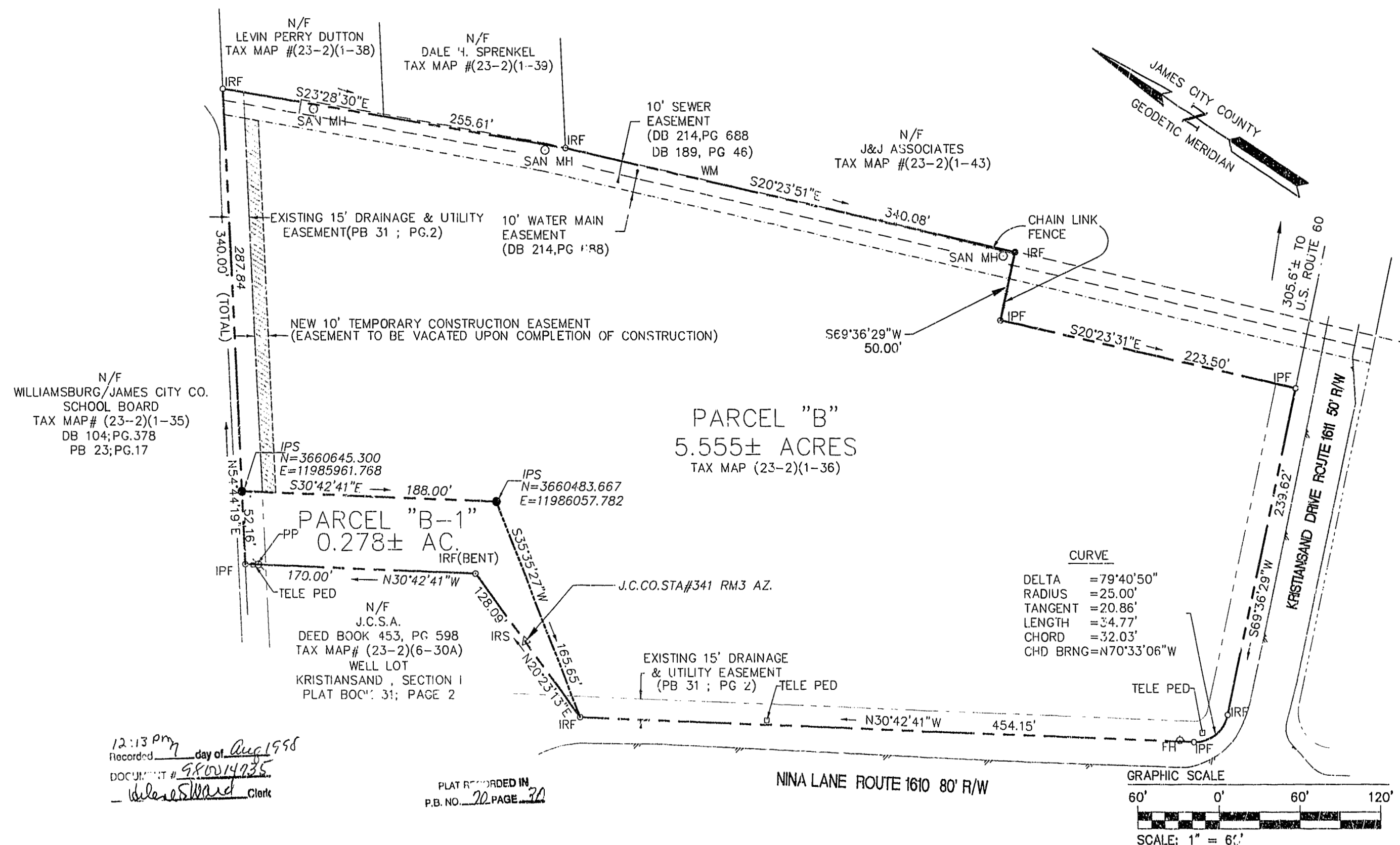
County Attorney

GENERAL NOTES

1. TOTAL AREA = 5.833 ACRES±
2. PROPERTY SHOWN HEREON IS ALL OF TAX MAP PARCEL NO. (23-2)(1-36) .
3. PROPERTY IS CURRENTLY ZONED "LB" - LIMITED BUSINESS
4. PROPERTY TO BE SERVED BY PUBLIC WATER AND SEWER.
5. THIS PROPERTY LIES IN FLOOD ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD ZONE) PER F.I.R.M. COMMUNITY PANEL NO. 510201 0020 B ; DATED 02/06/97
6. SETBACKS
FRONT= 35'
REAR = 35'
SIDES = 15'
7. J.C.CO. STATION #341- REFERENCE MARK NO. 3AZ
N = 3660411.940
E = 11985985.173



VICINITY MAP
SCALE 1"=2000'

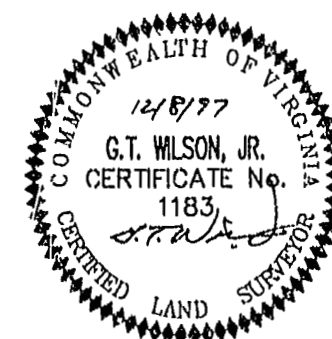


5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994

PLAT

SHOWING TWO PARCELS
OWNED BY SHARON C. MORRISON TRUST
CONTAINING 5.883 ± ACRES

POWATAN DISTRICT COUNTY OF JAMES CITY VIRGINIA



No.	DATE	REVISION / COMMENT / NOTE	BY
1	3-6-98	REVISED PARCEL B-1 PER JCC COMMENTS	TCS

Designed TCS	Drawn TCS
Scale 1"=60'	Date 12/8/97
Project No. 8154-13	
Drawing No. 1 OF 1	

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Tom Leininger, Senior Planner

SUBJECT: Proposed Fiscal Year 2021-2026 Secondary Six-Year Plan

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Overall Map of Projects	Backup Material
☐	Aerial Map - Longhill Road	Backup Material
☐	Aerial Map - Centerville and News Road	Backup Material
☐	Aerial Map - Croaker Road	Backup Material
☐	Aerial Map - Peach Street	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/24/2020 - 10:07 AM
Development Management	Holt, Paul	Approved	9/24/2020 - 10:08 AM
Publication Management	Daniel, Martha	Approved	9/24/2020 - 10:14 AM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 8:46 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:41 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 10:04 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Tom Leininger, Senior Planner

SUBJECT: Proposed Fiscal Year 2021-2026 Secondary Six-Year Plan

Each year the Virginia Department of Transportation (VDOT) works with the James City County Board of Supervisors to develop a list of project priorities for the Secondary Six-Year Plan (SSYP). The SSYP is a priority-funding plan for the improvement and construction of secondary roads (roads with route numbers of 600 or greater). As part of the review process, a public hearing has been advertised for the October 13, 2020, meeting to provide an opportunity for public comment.

Allocations

Through the SSYP, the County receives yearly state and federal allocations to fund proposed secondary improvements. Funding is primarily derived from state and federal gasoline taxes, vehicle title fees, vehicle sales tax, and state sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal and state government. For Fiscal Year (FY) 2021-2026, the proposed SSYP allocation for James City County totals \$1,432,774, with an FY 21 allocation of \$243,203 compared to the FY 20 allocation of \$246,498.

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

Listed below is a brief summary of current and special funding projects for the priority list for the FY 21-26 SSYP.

Current Projects

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

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

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

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

Centerville Road Intersection Improvements at News Road (Route 614)

This project adds a right-turn lane on News Road, right- and left-turn lanes on Centerville Road, and signalizes the intersection. The project is currently in the construction phase with a total project cost of \$4,054,756. Previously, \$3,711,082 of the project has been allocated. For FY 21-26, \$343,674 has been allocated to fully fund the project.

Croaker Road (Route 607)

This project will widen the section of roadway between Richmond Road and the James City County Library from two to four lanes (Attachment No. 4). The project will include preliminary engineering, right-of-way acquisition and construction of a new two-lane bridge parallel to the existing bridge over the CSX lines, two additional travel lanes, and a shared use path. Staff recommends keeping this project as the second priority on the SSYP. VDOT's current cost estimate for this project is now \$21.2 million. Staff has identified \$18.1 million in funding through FY 26 and will continue to work through the regional Transportation Planning and Organization process to identify and secure the additional needed funding.

Special Funding Projects

VDOT utilizes a special funding mechanism, which provides annual allocations to localities for unpaved roads and bridge projects. Due to reductions in transportation funding over the past years, new funds have rarely been allocated to these special funding projects as part of the SSYP. As part of the FY 21-26 SSYP, however, \$5,806 of unpaved road state funds are proposed to be available, and VDOT staff have identified an eligible project as noted below. Staff recommends keeping eligible projects on the SSYP so that the County can continue to receive allocations as funds become available. The funds would be utilized when needed.

Unpaved Road Funding Program

Racefield Drive was the most recent road paved using the Unpaved Roads Funding Program. In October 2017, VDOT staff identified Peach Street as meeting the criteria of the Rural Rustic Road Program, making it eligible for unpaved road state funds. Based upon this information, the Board of Supervisors adopted a resolution adding Peach Street to James City County's SSYP. Of the \$198,872 in estimated costs, \$189,119 has been previously allocated and \$5,806 of unpaved road state funds is anticipated throughout FY 21-26 to complete the project.

Hicks Island Road Bridge (Route 601)

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

Recommendation

Given the funding levels expected in the next six years and the current projects that are underway, staff recommends the following priorities, which generally mirror the Board's priorities for the FY 21-26 SSYP, with the exception of Centerville Road, which has been inserted as second priority due to its status of being under construction:

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

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

Staff recommends adoption of the attached resolution, which endorses the secondary road priority list as set forth in this memorandum for the FY 21-26 SSYP.

TL/md
PropFY21-26SSYP-mem

Attachments:

1. Resolution
2. Map of FY 21-26 SSYP Projects
3. Aerial Map - Longhill Road
4. Aerial Map - Centerville Road
5. Aerial Map - Croaker Road
6. Aerial Map - Peach Street

RESOLUTION

PROPOSED FISCAL YEAR 2021-2026 SECONDARY STATE HIGHWAY SIX-YEAR PLAN

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

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

WHEREAS, a public hearing was advertised for the regularly scheduled Board of Supervisors meeting on October 13, 2020, so citizens of the County would have the opportunity to participate in the hearing and to make comments and recommendations concerning the proposed list of priorities for improvement.

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

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

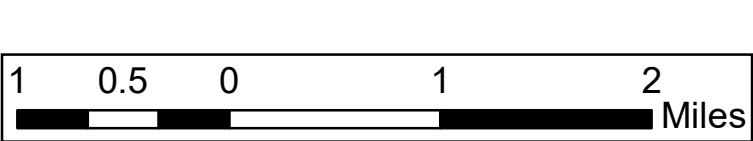
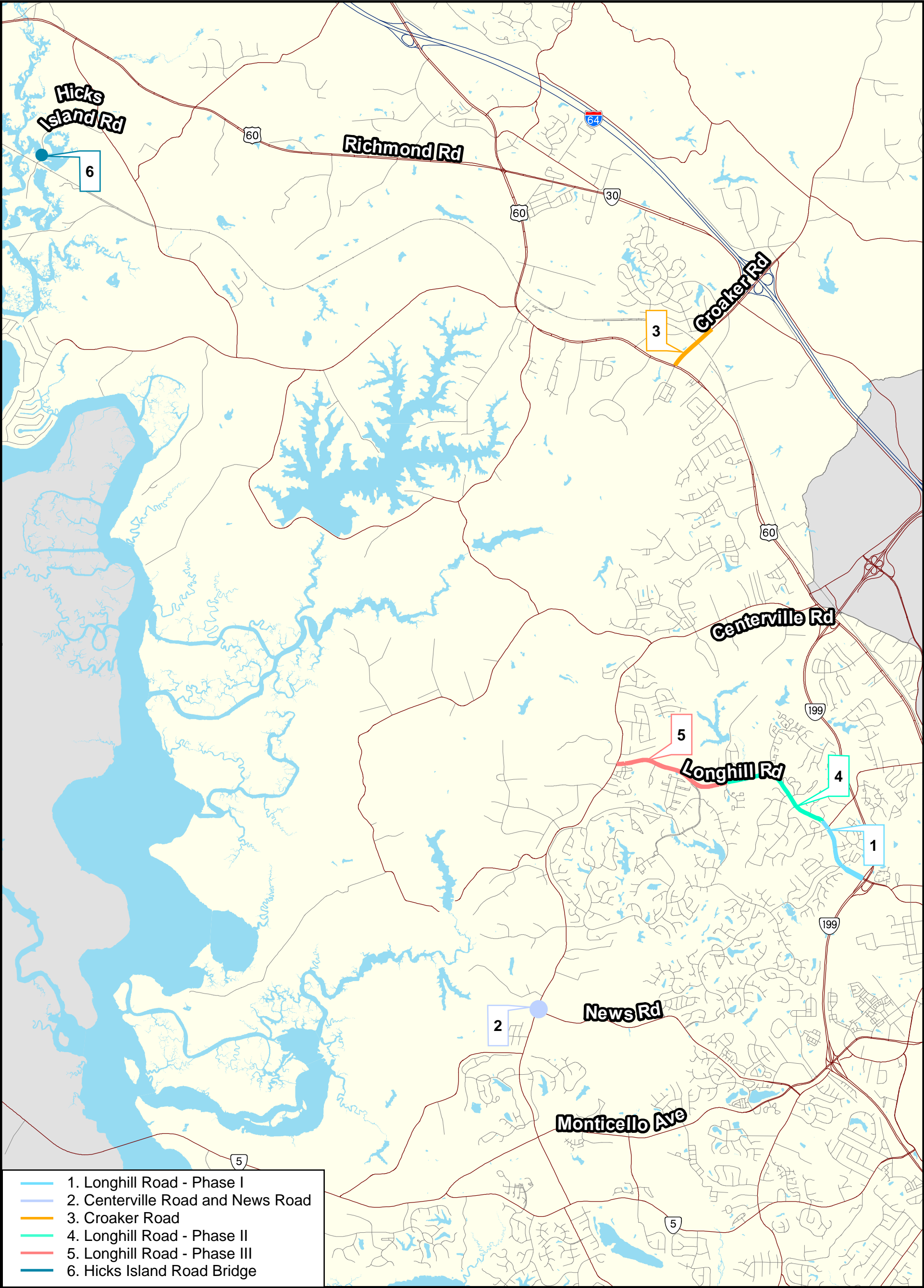
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SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

PropFY21-26SSYP-res

James City County

FY 21-26 SSYP Projects

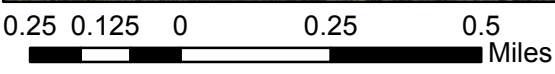


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Longhill Rd (Route 612)

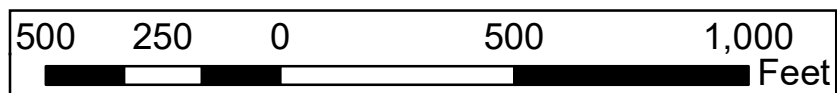


- Longhill Phase 1
- Longhill Phase 2
- Longhill Phase 3



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Centerville Road (Route 614) and News Road Intersection Improvements



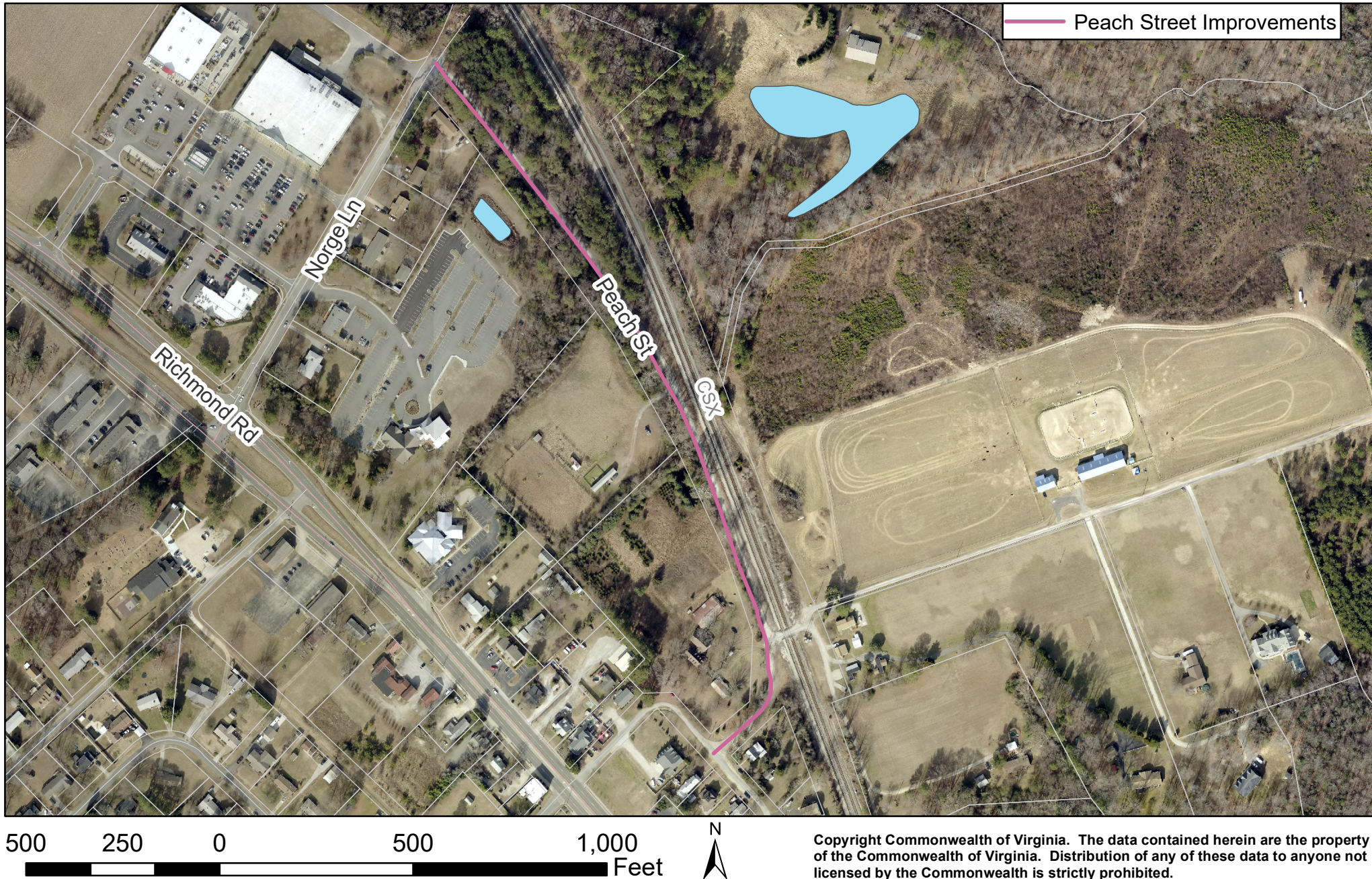
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Croaker Road (Route 607) Improvements



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Peach Street Improvements



ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Tori Haynes, Senior Planner

SUBJECT: AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Ordinance	Ordinance
▣	Attachment 2. Location Map	Backup Material
▣	Attachment 3. Barnes Swamp AFD Map	Backup Material
▣	Attachment 4. Barnes Swamp AFD 2018 Renewal Ordinance and Staff Report	Backup Material
▣	Attachment 5. Forest Management Plan	Backup Material
▣	Attachment 6. State Code § 15.2-4306, AFD Application Criteria	Backup Material
▣	Attachment 7. July 23, 2020 AFD Committee Unapproved Minutes	Backup Material
▣	Attachment 8. September 2, 2020 Planning Commission Unapproved Minutes	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/25/2020 - 2:21 PM
Development Management	Holt, Paul	Approved	9/25/2020 - 2:22 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 2:27 PM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 2:28 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:09 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:37 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:30 AM

Agricultural and Forestal District-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

Staff Report for the October 13, 2020, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant: Mr. Jonathan C. Kinney

Land Owner: Mr. Jonathan C. Kinney, Trustee

Proposal: Addition of ±196.3 acres to the Barnes Swamp Agricultural and Forestal District (AFD).

Location: 10039 Old Stage Road

Tax Map/Parcel No.: 0410100010

Project Acreage: ±196.3 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

Staff Contact: Tori Haynes, Senior Planner

PUBLIC HEARING DATES

AFD Committee: July 23, 2020, 4:00 p.m.

Planning Commission: September 2, 2020, 6:00 p.m.

Board of Supervisors: October 13, 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 existing District.
2. Staff finds the proposal to be consistent with the recommendations of the 2035 Comprehensive Plan Land Use Action 6.1.1.
3. Impacts: This proposal is not anticipated to generate any impacts that require mitigation.

FACTORS UNFAVORABLE

As this proposal is not anticipated to generate any impacts that require mitigation, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its September 2, 2020 meeting, the Planning Commission voted 7-0 to recommend approval of the application, subject to the proposed conditions.

AFD ADVISORY COMMITTEE RECOMMENDATION

At its July 23, 2020 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the application to the Planning Commission and Board of Supervisors.

PROJECT DESCRIPTION

- Mr. Jonathan Kinney has applied to enroll ± 196.3 acres of land located at 10039 Old Stage Road into the Barnes Swamp AFD.
- A forest management plan has been prepared by consulting forester Paul Verbyla (see Attachment No. 5).
- Per the United States Department of Agriculture's *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia*, the parcel consists of the following soils:

Soil Type	Erosion Hazard	Equipment Limitation	Seedling Mortality	Windthrow Hazard
10B, Craven fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight
11C, Craven-Uchee complex, 6-10% slopes	Slight	Moderate	Slight-Moderate	Slight
14B, Emporia fine sandy loam, 2-6% slopes	Slight	Slight	Slight	Slight
15D, Emporia complex, 10-15% slopes	Slight	Slight	Slight	Slight
15E, Emporia complex, 15-25% slopes	Slight	Moderate	Slight	Slight
15F, Emporia complex, 25-50% slopes	Moderate	Severe	Slight	Slight
19B, Kempsville-Emporia fine sandy loams, 2-6% slopes	Slight	Slight	Slight	Slight
29B, Slagle fine sandy loam, 2-6% slopes	Slight	Moderate	Slight	Slight

- The Virginia Department of Forestry (VDOF) has noted that the soils are moderately- to well-suited for the cultivation of trees. When harvesting, the logger must notify VDOF within three days of starting per Virginia Code § 10.1-1181.2(H). VDOF will inspect the harvest at least once to determine if it is silvicultural in nature, and will monitor water quality if deemed appropriate.

PARCEL AND 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 in four-year intervals in 1990, 1994, 1998, 2002, 2006, 2010, 2014, and 2018 with various additions and withdrawals taking place during those periods.
- A Special Use Permit was granted in 2002 for the construction of a telecommunications tower on the northwestern end of the property. Wireless communications facilities are not in conflict with the Barnes Swamp AFD Ordinance.
- The District currently consists of $\pm 1,698.48$ acres. Should this addition be approved, the District would consist of $\pm 1,894.78$ acres.

SURROUNDING ZONING AND DEVELOPMENT

All surrounding properties are zoned A-1, General Agricultural and designated Rural Lands in the Comprehensive Plan.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this parcel as Rural Lands. Appropriate primary uses in Rural Lands include traditional agricultural and forestal activities. Land Use Action 6.1.1 of the 2035 Comprehensive Plan states that the County shall "support both the use and value assessment of Agricultural and Forestal (AFD) programs to the maximum degree allowed by the Code of Virginia."

PUBLIC IMPACTS

Staff finds that this proposal is not anticipated to generate any impacts that require mitigation.

Staff Report for the October 13, 2020, Board of Supervisors Public Hearing

STAFF RECOMMENDATION

Staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Staff recommends that the Board of Supervisors approve this application, subject to the proposed conditions, consistent with other properties in the District.

TH/md

AF5-86-2-2018BrnsSwpAdd

Attachments:

1. Ordinance
2. Location Map
3. Barnes Swamp AFD Map
4. Barnes Swamp AFD 2018 Renewal Ordinance and Staff Report
5. Forest Management Plan
6. State Code § 15.2-4306, AFD Application Criteria
7. Unapproved Minutes of the July 23, 2020 AFD Advisory Committee Meeting
8. Unapproved Minutes of the September 2, 2020 Planning Commission Meeting

ORDINANCE NO. _____

AGRICULTURAL AND FORESTAL DISTRICT-05-86-2-2018

10039 OLD STAGE 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 ±196.3 acres of land located at 10039 Old Stage Road, further identified as James City County Real Estate Tax Map Parcel No. 0410100010, 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 July 23, 2020 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the Application; and

WHEREAS, a public hearing was advertised and held by the Planning Commission (the "Commission") at its September 2, 2020 meeting, after which the Commission 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 ±196.3 acres located at 10039 Old Stage Road and identified as James City County Real Estate Tax Map Parcel No. 0410100010, (the "Property") 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 Agricultural and Forestal Districts Act (Va.

Code § 15.2-4300 et seq.), 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

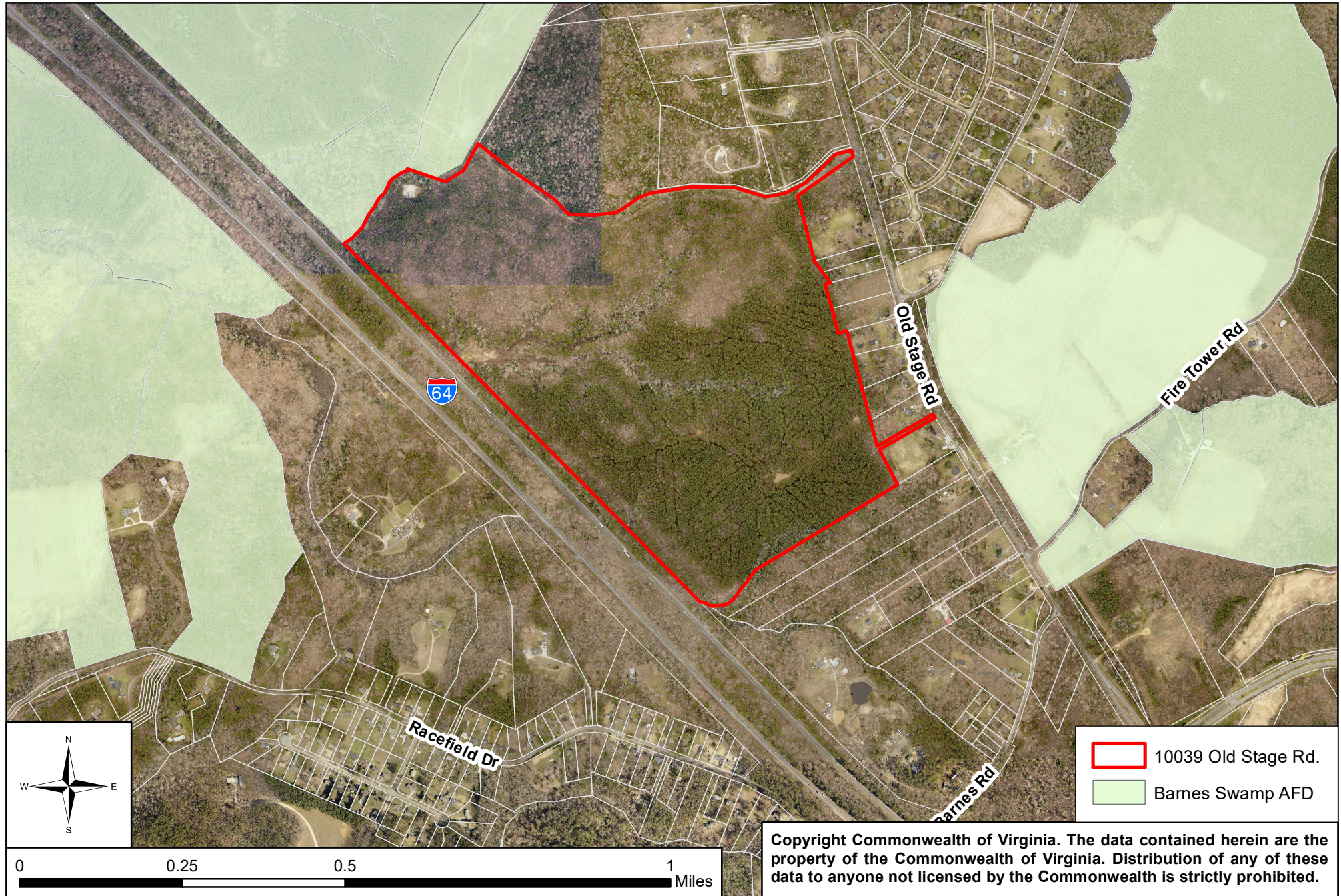
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SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

AFD5-86-2-2018BrnsSwpAdd-res

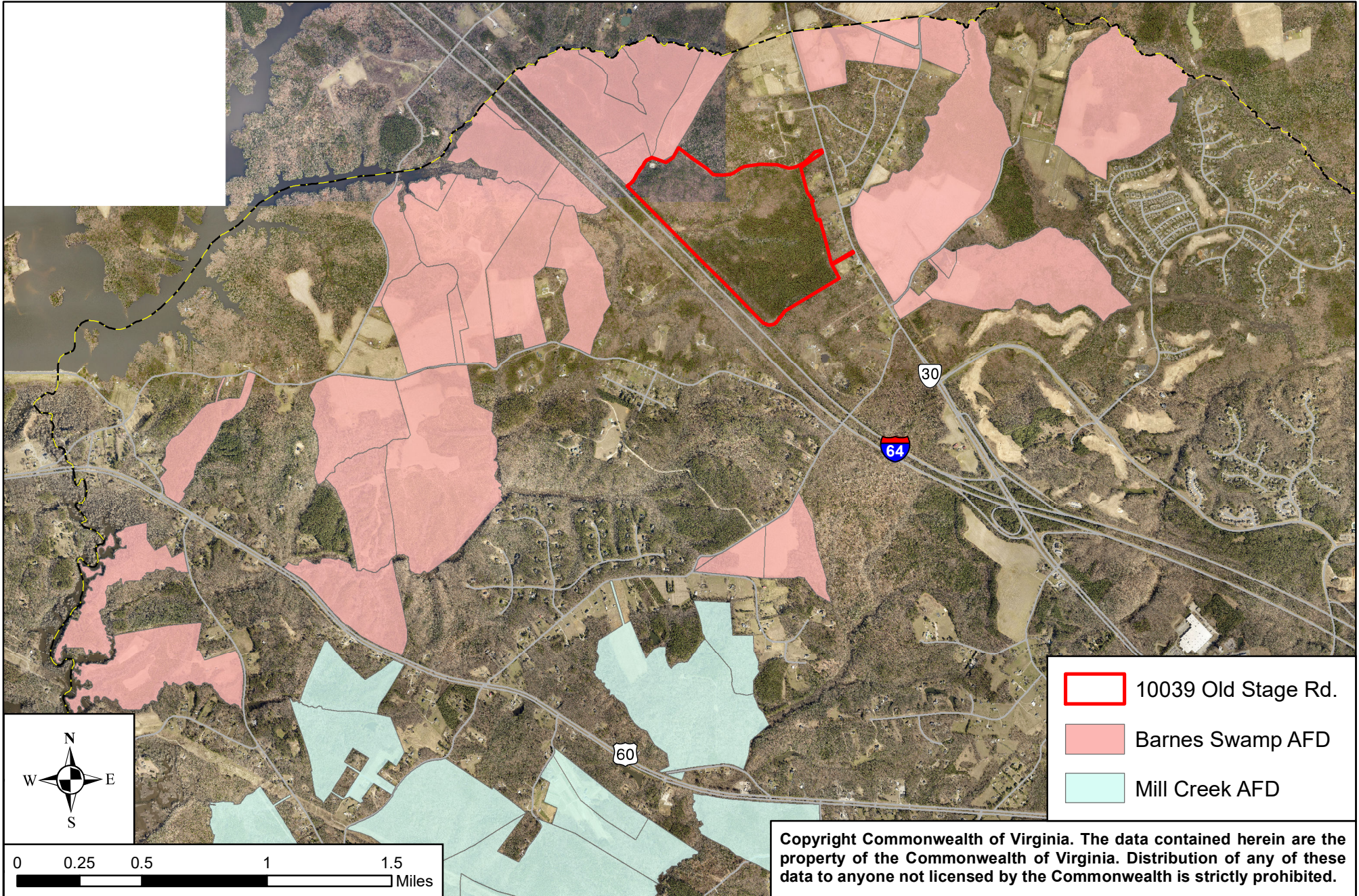
JCC AFD-05-86-2-2018

Barnes Swamp AFD Addition, 10039 Old Stage Rd.



AFD-05-86-2-2018

Barnes Swamp AFD Exhibit



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

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

Forest Management Plan
TAX MAP PARCEL 0410100010
Hockaday Tract, James City County

I inspected this tract on October 18, 2018. The tract is comprised of 3 different forest stands which are shown on the attached map. All boundary lines and acreages were estimated from digital orthophotos.

+/-80 acres (shown in blue) is primarily loblolly pine, white oak, yellow poplar, sweetgum, and Virginia Pine. This stand was established naturally in 1991 following a clearcut. Most of the stand is low value pulpwood and should be left to grow into more valuable sawtimber. This will take around 15 years.

+94 acres is in thinned loblolly pine and is 26 years old (shown in green). This stand should be clearcut at age 35 to 40 years, when sawtimber production peaks. This stand was commercially thinned in March of 2011.

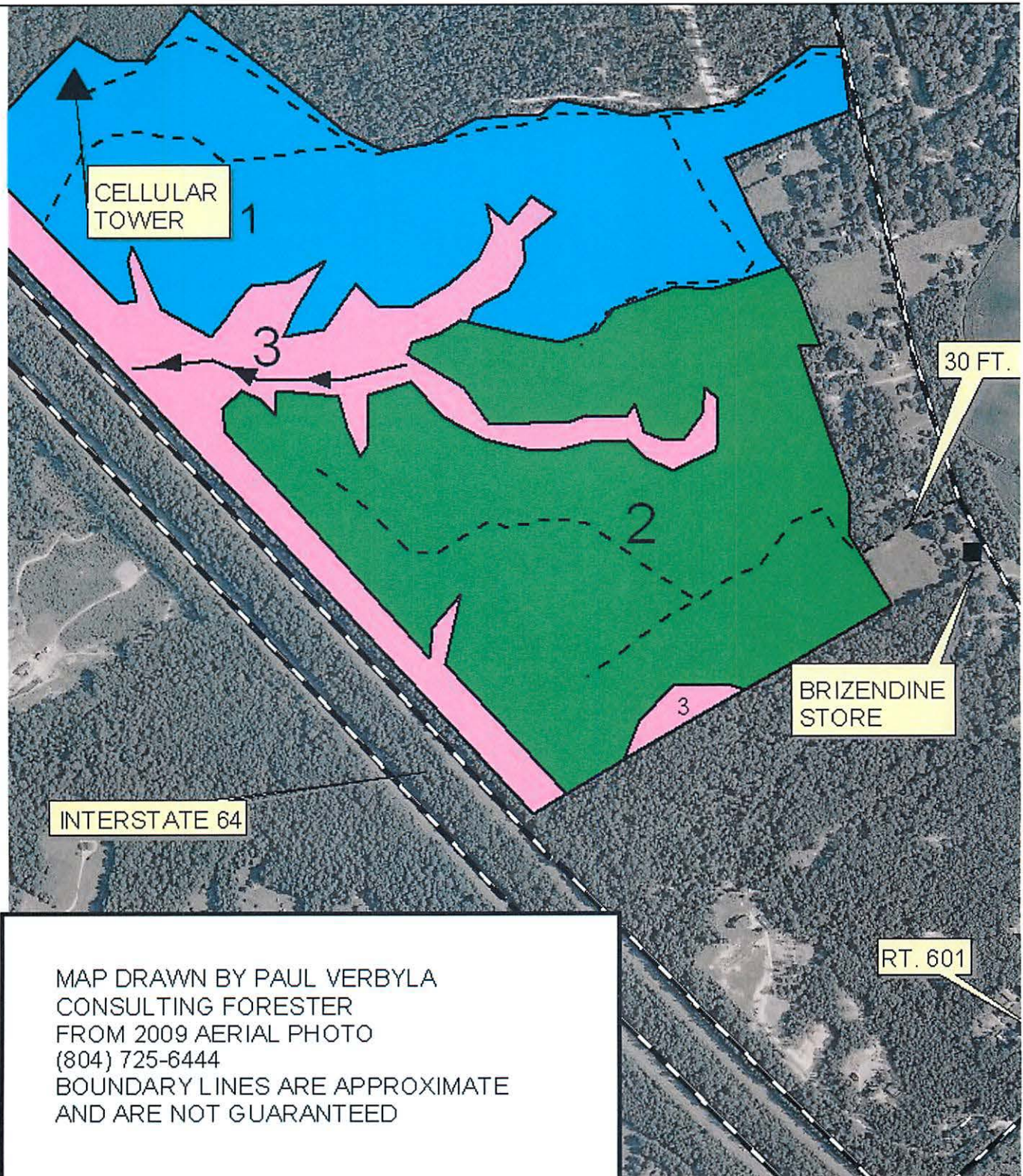
+/-22 acres is older timber in a roadside buffer along interstate 64 and riparian areas (shown in pink). This timber should be harvested when the adjacent stand is harvested. Due to its small acreage, it would be impractical to harvest by itself.

Attached is a 2009 digital orthophoto showing the stands of the Hockaday Tract..

Sincerely,

Paul S. Verbyla
Consulting Forester

HOCKADAY TRACT
TAX PARCEL 04 10100010
OWNER: JONATHAN C. KINNEY, TRUSTEE
ACRES: +/- 196



MAP DRAWN BY PAUL VERBYLA
CONSULTING FORESTER
FROM 2009 AERIAL PHOTO
(804) 725-6444
BOUNDARY LINES ARE APPROXIMATE
AND ARE NOT GUARANTEED

§ 15.2-4306. Criteria for evaluating application

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § 15.2-4303 is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

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.

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 AFD ADVISORY COMMITTEE
REGULAR MEETING
101-A Mounts Bay Road, Williamsburg, VA 23185
Building A Large Conference Room
July 23, 2020
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/95663544207> or call 301-715-8592 and enter the meeting ID 956 6354 4207. Citizen comments may be submitted via US Mail to the AFD Advisory Committee Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

2. Zoom Meeting Instructions

B. ROLL CALL

1. Electronic Meeting Resolution

Mr. Chris Taylor called the Agricultural and Forestal District (AFD) Advisory Committee meeting to order at 4 p.m. He called the roll and read the Electronic Meeting Resolution.

Mr. Bruce Abbott motioned to Adopt the Electronic Meeting Resolution.

Mr. Payten Harcum seconded the Motion.

The Resolution was adopted by a voice vote of 6-0.

Present:

Chris Taylor, Chair
Bruce Abbott
Loretta Garrett
Payten Harcum
William Harcum
Sandy Wanner

Absent:

Richard Bradshaw

Thomas Hitchens
Sue Sadler

Staff:

Alex Baruch, Principal Planner
Tori Haynes, Senior Planner
Beth Klapper, Community Development Assistant
Katie Pelletier, Community Development Assistant

C. MINUTES

1. Minutes of the January 23, 2020 Organizational Meeting

Mr. William Harcum motioned to Approve the minutes of the January 23, 2020 meeting.

Mr. Abbott seconded the motion.

On a voice vote, the motion was approved 6-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition

Ms. Tori Haynes addressed the Committee and stated that the applicant, Mr. Jonathan Kinney, has applied to enroll 196 acres located at 10039 Old Stage Road into the Barnes Swamp AFD. She said the parcel is currently undeveloped and forested, except for a telecom tower located at the northwestern end of the property.

Ms. Haynes noted a forest management plan has been prepared for the owner, and the Virginia Department of Forestry has noted that the soils are well-suited for the cultivation of trees.

Ms. Haynes said that staff finds the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. She stated, should the Committee concur, staff recommends approval of the proposed addition to the Planning Commission and Board of Supervisors.

Ms. Haynes asked if the Committee had any questions.

Ms. Loretta Garrett asked about the total acreage in the AFD.

Ms. Hayes stated the entire parcel would be included in the AFD as towers are allowed, and

the addition would increase the Barnes Swamp AFD from 1,698.48 acres to 1,894.78 acres.

Mr. Taylor asked if there were any further comments or questions.

Ms. Garrett motioned to Approve AFD-05-86-2-2018. 10039 Old Stage Road, Barnes Swamp AFD Addition.

Mr. Abbott seconded the motion.

The motion was unanimously approved on a voice vote of 6-0.

F. ADJOURNMENT

Mr. Taylor motioned to Adjourn the meeting.

The meeting was adjourned at 4:10 p.m. after a unanimous 6-0 voice vote.

**Unapproved Minutes of the September 2, 2020
Planning Commission Regular Meeting**

AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road

Ms. Tori Haynes, Senior Planner, stated that Mr. Jonathan Kinney has applied to enroll 196 acres located at 10039 Old Stage Road into the Barnes Swamp AFD. Ms. Haynes stated that the parcel is currently undeveloped and forested, with the exception of a telecom tower located at the northwestern end of the property.

Ms. Haynes stated that a forest management plan has been prepared for the owner, and the Virginia Department of Forestry has noted that the soils are well-suited for the cultivation of trees.

Ms. Haynes further stated that at its July 23 meeting, the AFD Advisory Committee voted 6-0 to recommend approval of the application.

Ms. Haynes stated that staff finds that the proposed addition meets all state and local requirements for inclusion in the Barnes Swamp AFD. Ms. Haynes stated that staff recommends that the Planning Commission recommend approval of the application to the Board of Supervisors.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Krapf invited the applicant, to speak; however, Mr. Kinney did not have anything to additional to provide.

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

Mr. Haldeman made a motion to recommend approval of the application to the Board of Supervisors.

Mr. Polster noted that he was pleased to see the forest management plan provided with the application, showing how this property is a valuable addition to the AFD. Mr. Polster further stated that he is happy to see that this parcel will be protected from development for the term of the AFD.

Mr. Holt requested confirmation that Mr. Haldeman's motion was to recommend approval of the application with the conditions in the Staff Report.

Mr. Haldeman confirmed.

On a roll call vote the Commission voted to recommend approval of AFD-05-86-2-2018. Barnes Swamp AFD Addition, 10039 Old Stage Road. (7-0)

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Thomas Wysong, Senior Planner

SUBJECT: SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1 Ordinance	Ordinance
▣	Attachment 2 Resolution	Resolution
▣	Attachment 3 Location Map	Exhibit
▣	Attachment 4 Master Plan	Exhibit
▣	Attachment 5 Proffers	Backup Material
▣	Attachment 6 Existing Dwelling Elevation	Backup Material
▣	Attachment 7 Rendered Conceptual Layout	Backup Material
▣	Attachment 8 Approximate Location of Conservation Easement Relocation	Backup Material
▣	Attachment 9 2013 SUP Conditions	Backup Material
▣	Attachment 10 2013 Proffers	Backup Material
▣	Attachment 11 1993 Proffers & SUP Conditions	Backup Material
▣	Attachment 12 September 2019 Board of Supervisors Resolution	Backup Material
▣	Attachment 13 Public Input Submitted to Planning Commission	Backup Material
▣	Attachment 14 Unapproved Minutes from the September 2, 2020 Planning Commission Meeting	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/25/2020 - 4:01 PM
Development Management	Holt, Paul	Approved	9/25/2020 - 4:01 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 4:11 PM
Legal Review	Kinsman, Adam	Approved	9/28/2020 - 8:55 AM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:16 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:41 PM

Board Secretary

Fellows, Teresa

Approved

10/6/2020 - 9:55 AM

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments

Staff Report for the October 13, 2020, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant: Mr. Paul Gerhardt

Land Owner(s): Williamsburg Landing LLC

Proposal: An amendment to the existing Special Use Permit (SUP) conditions and proffers to permit an additional four independent living units within two new structures.

Location: 5550 Williamsburg Landing Drive

Tax Map/Parcel No.: 4810100063

Project Acreage: 15.79 acres

Zoning: R-5 AA, Multifamily Residential and Airport Approach Overlay District

Comprehensive Plan: Low Density Residential

Primary Service Area (PSA): Inside

Staff Contact: Thomas Wysong, Senior Planner

PUBLIC HEARING DATES

Planning Commission: September 2, 2020, 6:00 p.m.

Board of Supervisors: October 13, 2020, 5:00 p.m.

FACTORS FAVORABLE

1. The proposal is for the addition of four units, which are expected to generate very limited traffic within the Williamsburg Landing development. In the context of Williamsburg Landing as a whole, no new traffic impacts are expected on Lake Powell Road.
2. The proposal is consistent with the use and density recommendations for the Low Density Residential land use designation within the Comprehensive Plan. With the proposed conditions and proffers, staff finds the proposal meets the Comprehensive Plan recommendations for Continuing Care Retirement Communities.
3. Staff finds the proposed conditions and proffers mitigate impacts.
4. Impacts: See Impact Analysis and the per unit Residential Impact information on Pages 5-7.

FACTORS UNFAVORABLE

1. Impacts: See Impact Analysis and the per unit Residential Impact information on Pages 5-7.

SUMMARY STAFF RECOMMENDATION

Approval with proffers and conditions.

PLANNING COMMISSION RECOMMENDATION

At its September 2, 2020 regular meeting, the Planning Commission recommended approval of this application subject to the amended proffers and conditions by a vote of 6-0 (with Mr. Haldeman abstaining). As part of the motion, the Planning Commission directed the applicant to work with staff to refine the Marclay Road tree buffering condition to ensure the long-term integrity of the buffer.

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 October 13, 2020, Board of Supervisors Public Hearing

PROPOSED CHANGES MADE SINCE PLANNING COMMISSION

The applicant has updated the master plan to note the proposed change in open spaces acreage in Williamsburg Landing resulting from this proposal. The master plan has also been updated to show the location of the proposed construction entrances from Marclay Road, as well as a general note referencing the supplementary planting planned within the adjacent tree buffer.

Per the Planning Commission's suggestion, the applicant has also proposed a revised version of the SUP condition for the tree buffer abutting Marclay Road. The SUP condition requires plantings for existing gaps within the buffer, as well as the replanting of the areas disturbed by the proposed construction entrances.

Lastly, as a follow-up to a question raised by the Planning Commission regarding the impact of the adjacent airport on this review, staff requested and received written confirmation from the Virginia Department of Aviation that this proposal will not negatively impact the Williamsburg-Jamestown Airport.

PROJECT DESCRIPTION

- This proposal is to permit an additional four independent living units within two new residential structures. The proposed homes would be located on Boatwright Circle within the Williamsburg Landing development.
- The subject parcel currently has 28 independent living units, with a gross density of 1.77 units per acre. If this proposal were to be approved, the subject parcel would have 32 units and a gross density of 2.03 units per acre. If this proposal were to be approved, the gross density for the Williamsburg Landing development would marginally increase from 3.80 to 3.83.

PLANNING AND ZONING HISTORY

- 5550, 5660, and 5700 Williamsburg Landing Road and 99 Marclay Road comprise the Williamsburg Landing Continuing Care Retirement Community.
- In 1982, a portion of the Williamsburg Landing site was rezoned from A-2, Limited Agriculture to R-5, Multifamily Residential. No proffers were part of this case, which approved nursing home facilities, facilities for residence and/or care of the aged, and offices.
- In 1984, four acres were incorporated into the R-5 Zoning District.
- In 1991, a portion of the site was rezoned from R-8 to PUD-R to allow a 60-unit single-family development.
- Rezoning cases in 1993, 1995, 2001, and 2008 added property to the site, introduced proffers and approved single-family, nursing, facilities for residence and/or care of the aged, assisted living units and independent living units in the overall development with caps being established and amended.
- Case No. Z-02-08/SUP-18-08 allowed a total of 100 nursing units, 100 assisted living units, and 87 independent living facility units on the property.
- The applicant received SUP extensions for the commencement of construction in 2011 under SUP-05-11 and again in 2014 under SUP-10-14.
- In 2013, the proffers and SUP conditions for the subject parcel (5550 Williamsburg Drive) were amended to permit one additional unit, bringing the total number of units permitted on-site to 28.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the October 13, 2020, Board of Supervisors Public Hearing**

- In 2015, Case No. SUP-06-15/Z-4-15 (Proffer and SUP Amendment) was requested to allow for an increase in assisted living units from 100 to 131 and a decrease in nursing units from 100 to 73. The request resulted in a net increase of four units over the total number of units permitted on-site. The application also allowed modification of the design of previously approved facilities by combining three previously approved facilities into two buildings.
- In 2017, an SUP, Rezoning and Height Waiver, was approved on 20 Marclay Road (now 99 Marclay Road) to permit 135 independent living units.
- In 2018, an administrative site plan application was approved to permit an additional six multifamily dwelling units on 5700 Williamsburg Landing Drive.
- See Table 1 in next column for the unit counts and density for each of the parcels associated with Williamsburg Landing, as well as the counts for the development in total.

Table 1: Williamsburg Landing Unit Density

Unit Type for All Current and Proposed Williamsburg Landing Properties					
Unit Type	5550 Williamsburg Landing Drive	5560 Williamsburg Landing Drive	5700 Williamsburg Landing Drive	99 Marclay Drive	Total
<i>Independent Living</i>	32**	87	219	135	473
<i>Assisted Living</i>	0	131*	*	0	131
<i>Nursing</i>	0	73*	*	0	73
<i>Total</i>	32	291	219	135	667
<i>Acreage</i>	15.79	50.01	72.7	14.87	153.37
<i>Net Developable Acreage</i>	15.79	48.31	44.4	14.87	123.37
<i>Gross Density</i>	2.03	1.8	4.93	9.08	3.83

*Institutional uses not included in density calculation

**Unit count including four units within proposal

SURROUNDING ZONING AND DEVELOPMENT

The subject property is located adjacent to the two other developed parcels in Williamsburg Landing, which are to the north and east. The parcel to the north is zoned R-5, Multifamily Residential, while the parcel to the east is split zoned R-5, Multifamily Residential and R-8, Rural Residential. The parcels located to the west of the subject parcel on the other side of Lake Powell Road are zoned for General Residential and Airport Approach Overlay District and consists of low density, single-family residential neighborhoods. The Jamestown-Williamsburg Airport is located to the south.

COMPREHENSIVE PLAN

- Williamsburg Landing is designated as Low Density Residential (LDR) on the 2035 Comprehensive Plan Land Use Map and is

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-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments

Staff Report for the October 13, 2020, Board of Supervisors Public Hearing

located inside the PSA. Single-family homes, multifamily units, and retirement and care facilities/communities are all recommended uses in LDR areas provided that development:

- Complements the residential character of the surrounding area;
- Has traffic, noise, and lighting impacts similar to surrounding uses;
- Is generally located on collector or arterial roads at intersections; and
- Provides adequate screening and buffering to protect the character of nearby residential areas.

Staff finds this portion of Williamsburg Landing meets all of these criteria and will continue to do so should this application be approved. Additionally, the Comprehensive Plan recommends a gross density of one to four units per acre in LDR areas. If approved, this application would result in a density of 2.03 dwelling units per acre for the subject parcel, compared to the current parcel density of 1.77 units per acre, and a marginal increase within the overall density of Williamsburg Landing from 3.80 unit per acre to 3.83 units per acre.

In order to achieve a higher gross density, certain public benefits must be provided, which include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design. Historically, Williamsburg Landing has included specific proffers and agreed to County instituted conditions, which have been designed to mitigate impacts by providing enhanced environmental protection and preserving open space. Specifically, the proffers approved for the rezoning of this parcel from R-8 to R-5, Multifamily Residential in 1993 prohibited construction within 100 feet of the Lake Powell Road right-of-way, while the conditions approved for the associated SUP

require this buffer to be left in its natural state, except for necessary utility crossings or construction road entrances.

In 2013, the unit cap proffer and SUP conditions were amended to permit an additional independent dwelling unit on this parcel, as well as require for new tree plantings adjacent to Williamsburg Landing Drive. At the time, planning staff found the increase in density from 1.71 units per acre to 1.76 units per acre to be in alignment with the adopted Comprehensive Plan's recommendation of one unit to four units. The developments commitment to open space design was cited as the public benefit justifying this increase. Specifically, this analysis cited: a) the retention of the natural vegetative buffers around College Creek; and b) the emphasis of natural screening and buffering, which protects the designated Community Character Corridor along Route 199.

Each of these cited features is maintained by this application. Although these two new buildings will displace the conserved area, the proposed conditions ensure that an equal acreage will be conserved elsewhere in Williamsburg Landing. Furthermore, the new stormwater conditions associated with this proposal will ensure enhanced environmental protection for this development, which is one of the benefits contributing to increased density. Taken as a whole, staff finds this proposal (with proposed conditions) will maintain Williamsburg Landing's commitment to open space design and enhance environmental protection. As a result, staff finds the proposed 2.03 dwelling unit density for this parcel to be consistent with the Comprehensive Plan.

FINANCIAL IMPACTS OF RESIDENTIAL UNITS

On September 10, 2019, the Board of Supervisors adopted a resolution directing staff to produce a fact sheet that outlines general financial impacts of residential dwellings based on the Adopted Budget, the Capital Improvements Program, the Comprehensive Plan, the Strategic Plan, and any other relevant data. The resolution further

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SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the October 13, 2020, Board of Supervisors Public Hearing**

directs that the fact sheet should address the immediate and long-range fiscal impacts related to increased use and demand on the following public facilities and resources. The per unit Residential Impacts are based on the Fiscal Year (FY) 2020* data provided by the Department of Financial and Management Services and the James City Service Authority (JCSA), as well as the projected number of annual residential unit data through 2034 (the Comprehensive Plan horizon year). The per-unit impacts are detailed in Table 2 below.

Table 2-Per Unit Fiscal Residential Impacts Information

Category	Residential Impact	Proffered with current application
Public Transportation	\$242.21	\$0
Public Safety	\$1,328.07	\$0
Public Schools	\$8,879.12	\$0
Public Parks & Recreation	\$467.58	\$0
Public Libraries and Cultural Centers	-	\$0
Groundwater and Drinking Water Resources	\$2,862.06	\$0
Watersheds, Streams & Reservoirs	\$982.26	\$0

*Due to COVID19 and the significant, unique impact it created on the FY21 budget, and given that the budget may be revised by the Board of Supervisors, this table has not yet been updated for the current fiscal year.

SPECIAL USE PERMIT-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the October 13, 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 to add four additional dwelling units is not anticipated to generate new traffic impacts traffic exceeding a typical residential use. The expected combined trip generation for these units is approximately 2.7 per day. Boatwright Circle is a private road internal to this portion of the Williamsburg Landing development. It intersects with Williamsburg Landing Drive (also private), which connects to Lake Powell Road, a Virginia Department of Transportation major collector. The annual average daily traffic volume for this segment of Lake Powell Road is approximately 1,400, and this proposal is not expected to change its level of service.
<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 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 is not expected to generate schoolchildren. Williamsburg Landing operates as a Continuing Care Retirement Community that is incorporated and regulated as an age-restricted 501 (c) (3) non-profit.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- Given the small scale of the proposal (four new units) and the location of recreational amenities within Williamsburg Landing, which are exclusively available to the community's residents, it's not anticipated that this proposal would have a negative impact on the County's parks system. Parks and Recreation reviewed this application and raised no issues with the proposal.
<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.

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-20-0014/REZONING-20-0004. Williamsburg Landing Boatwright Circle Amendments**Staff Report for the October 13, 2020, Board of Supervisors Public Hearing**

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Groundwater and Drinking Water Resources</u>	<u>Mitigated</u>	- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources. JCSA raised no concerns about this application, but did request that water conservation standards be developed for approval. The County has included water conservation standards as an SUP condition.
<u>Watersheds, Streams, and Reservoirs</u>	<u>Mitigated</u>	- The Stormwater and Resource Protection Division requested specific conditions be included to mitigate impacts resulting from this development, each of which is included in the proposed conditions. Specifically, Stormwater and Resource Protection has requested the prohibition of certain special stormwater criteria as they relate to this proposal (such as the disconnection of impervious areas and the use of sumped or bottomless inlets), as well as the reallocation of an equal amount of the conserved acreage being displaced by the two new structures. The applicant has proposed to remove approximately 0.68 acres of conserved area from this parcel and add approximately 0.75 acres of conserved area to 5560 Williamsburg Drive resulting in a net increase of 0.07 acres of conserved area in Williamsburg Landing, overall.
<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>No Mitigation Required</u>	- Given its interior location, the proposal is not expected to generate significant impacts to nearby and surrounding properties. The leadership team at Williamsburg Landing met with residents of Boatwright Circle to discuss this proposal prior to the September Planning Commission Meeting. The Board of Directors for Williamsburg Landing supports this proposal, two members of whom live in Williamsburg Landing, with one living on Boatwright Circle.
<u>Community Character</u>	<u>No Mitigation Required</u>	- This proposal does not generate immediate impacts to a Community Character Area or 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.

Staff Report for the October 13, 2020, Board of Supervisors Public Hearing

PROPOSED SUP CONDITIONS

Proposed proffers and conditions are provided as Attachment Nos. 1 and 2, respectively.

STAFF RECOMMENDATION

Overall, staff finds the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. Staff recommends the Board of Supervisors approve this application, subject to the attached proffers and conditions.

TW/md
SUP20-14RZ20-4WLndg

Attachments:

1. Ordinance
2. Resolution
3. Location Map
4. Master Plan
5. Proffers
6. Existing Dwelling Elevation
7. Rendered Conceptual Layout
8. Approximate Location of Conservation Easement Relocation
9. 2013 SUP conditions
10. 2013 Proffers
11. 1993 Proffers & SUP Conditions
12. September 2019 Board of Supervisors Resolution
13. Public Input Submitted to Planning Commission
14. Unapproved Minutes from the September 2, 2020 Planning Commission Meeting

ORDINANCE NO.

AN ORDINANCE TO AMEND EXISTING PROFFERS RECORDED IN DEED BOOK 623 AT
PAGE 661, AS AMENDED BY PROFFERS SUBMITTED AND APPROVED AS PART OF Z-
0001-2013 AND RECORDED AS INSTRUMENT NUMBER 130017390, TO PERMIT AN
ADDITIONAL FOUR INDEPENDENT LIVING UNITS WITHIN TWO NEW STRUCTURES

CASE NO. Z-20-0004. WILLIAMSBURG LANDING BOATWRIGHT CIRCLE

PROFFER AMENDMENT

WHEREAS, on June 11, 2013, the Board approved Z-0001-2013, which amended the adopted proffers dated April 30, 1993, to permit an additional dwelling unit on the parcel located at 5550 Williamsburg Landing Drive, further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the "Property"); and

WHEREAS, Mr. Paul Gerhardt has applied for an amendment to Z-0001-2013 on behalf of the owner, Williamsburg Landing LLC, to permit an additional four independent living units within two new structures on the Property; and

WHEREAS, the Planning Commission, following its public hearing on September 2, 2020, recommended approval of Case No. Z-20-0004 by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-20-0004 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-20-0004 is hereby approved as described herein and the amended voluntary proffers are accepted.

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 13th day of October, 2020.

RESOLUTION

CASE NO. SUP-20-0014 WILLIAMSBURG LANDING BOATWRIGHT CIRCLE

AMENDMENT

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, on June 11, 2013, the Board approved SUP-0002-2013, which permitted an additional dwelling unit on the parcel located at 5550 Williamsburg Landing Drive, further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the "Property"); and

WHEREAS, Mr. Paul Gerhardt has applied for an amendment to SUP-0002-2013 on behalf of the owner, Williamsburg Landing LLC, to permit an additional four independent living units within two new structures on the Property; and

WHEREAS, the Planning Commission, following its public hearing on September 2, 2020, recommended approval of Case No. SUP-20-0014 by a vote of 6-0; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-20-0014; 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-20-0014 as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for four (4) additional independent living facility units of approximately 2,400 square feet each (the "New Units"), and other minor improvements (all together, the "Project") on property located at 5550 Williamsburg Landing Drive and further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the "Property"). Development of the Project shall be generally in accordance with the Master Plan entitled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan (2020)" prepared by AES Consulting Engineers, dated 09/23/20 (the "Revised Master Plan") with such minor changes as the Planning Director, or designee, determines do not change the basic concept or character of the Project, or the overall Williamsburg Landing development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the Project, or the overall Williamsburg Landing development, the applicant may appeal the Planning Director's determination to the Development Review Committee.

2. Notification. All prospective residents of the New Units shall be formally notified by the developer and/or seller of the New Units' proximity to the Airport Approach (AA) Overlay District.
3. Architectural Review. Prior to site plan approval, the Planning Director shall review and approve the final architectural design of the New Units. Such architectural design shall be generally consistent, as determined by the Planning Director, with the surrounding development.
4. Lighting. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing and a lighting plan shall be submitted to and approved by the Planning Director or designee prior to final site plan approval. All light poles must not exceed twenty (20) feet in height and the lighting plan must indicate no glare outside the boundary lines of the Property unless otherwise approved in writing by the Planning Director or designee. "Glare" is defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from adjoining properties.
5. Water Conservation. Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to site plan approval. The standards may include, but shall not be limited to, water conservation measures such as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Conservation Easement. Prior to site plan approval, a deed of exchange and a conservation easement plat showing the relocation of conserved acreage equal to or greater than the amount displaced by the Project shall be approved by the County. The relocated conservation acreage easement area shall be located on a parcel that is part of the Williamsburg Landing development and meet all requirements of the County's Stormwater and Resource Protection division (SRP).
7. Marclay Road Buffer. Prior to final site plan approval for the New Units, a landscaping plan for the Project shall be approved by the Planning Director. The landscaping plan shall include maintaining and supplementing a buffer of approximately seventy-five (75) feet in width along the southern boundary line of the Property starting at a point approximately 20 feet east of stormwater facility CC008 and running east parallel with Marclay Road to the eastern boundary line of the Property. Limited temporary construction access and future maintenance access and necessary utility crossings may be allowed in the buffer as shown in the final development plan. It is the intent of this condition to supplement gaps within the existing buffer at two trees and six shrubs per 400 square feet and, upon completion of the construction, to revegetate the temporary construction access areas with no fewer than two trees and six shrubs per 400 square feet so at maturity the plantings match or exceed the mature height and density of trees and shrubs of the existing buffer.
8. Master Stormwater Master Plan. In order to ensure enhanced environmental protection for the increase of density on the Property, as recommended for the Low

Density Residential land use designation, the Master Stormwater Master Plan (the "Stormwater Plan") must be revised and approved by SRP prior to site plan approval. Revisions must include updated total for impervious cover for Williamsburg Landing with updated layouts, natural open space easement update, and updated list of all included Special Stormwater Criteria (SSC) measures per Condition No. 10 of approved rezoning Z-02-2008. Generally, the overlap of SSC measures for water quality credits shall not be permitted, and the disconnection of impervious areas and use of sumped or bottomless inlets shall not be permitted. In order to be accepted as an SSC measure, the additional pollution load reduction must increase the 10-point plan by an entire two points.

9. Best Management Practices Access Route. Adequate access to stormwater facility CC008 shall be provided to the County. This access shall be at least twelve (12) feet wide, of a material that will withstand traffic by heavy maintenance vehicles, and permanently accessible to the County. The route must allow for vehicle access around at least one side of the facility to the principle spillway and emergency spillway. Adequate access shall be shown on the development plan prior to site plan approval.
10. Commencement of Construction: If construction has not commenced on the New Units within 36 months from the issuance of this SUP amendment, it shall automatically become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections for any one of the New Units.
11. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that this resolution shall supplement, and not replace or supersede, SUP-0002-2013.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

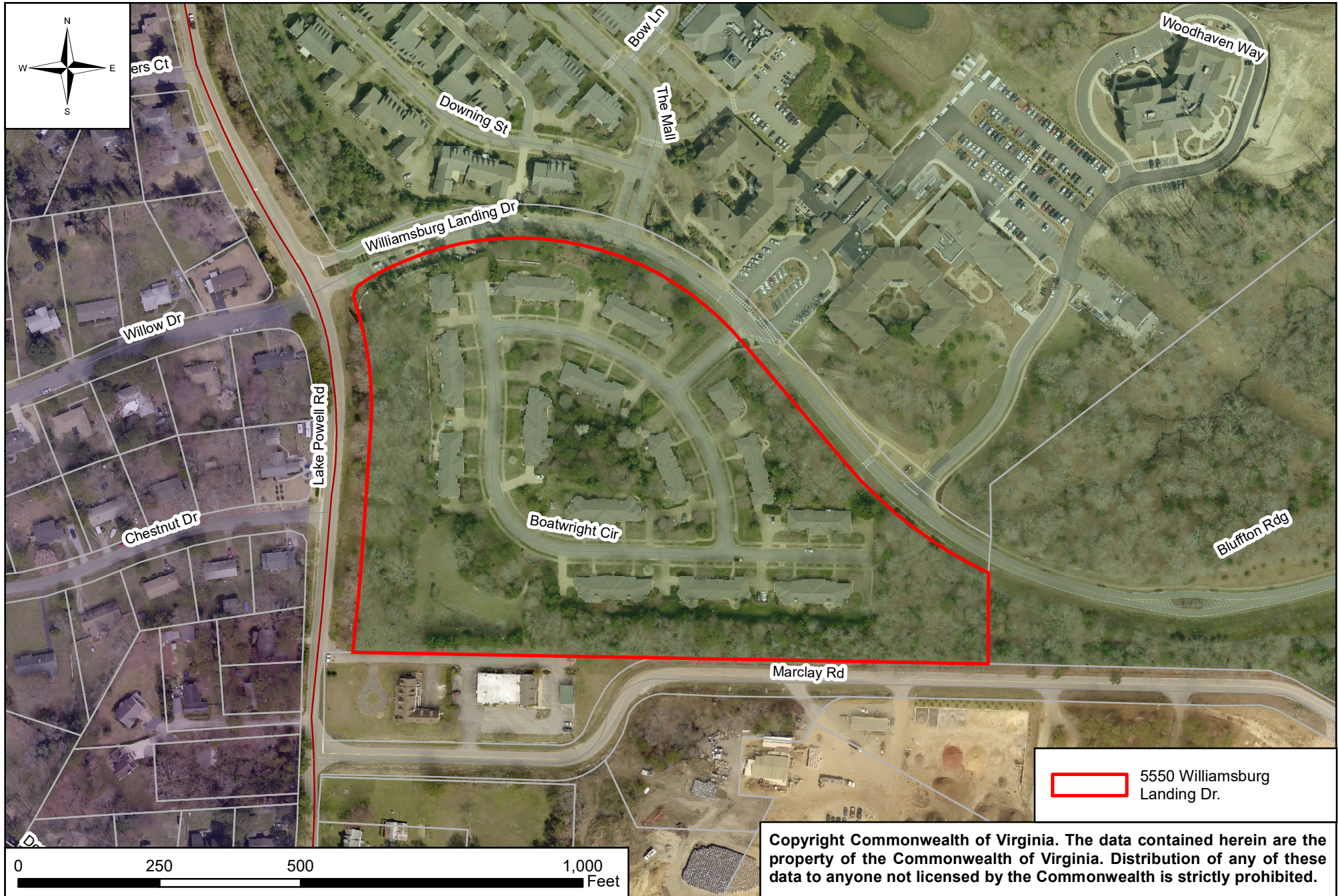
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

SUP20-14WmburgLndg-res

SUP-20-0014/Z-20-0004

Williamsburg Landing Boatwright Circle Amendments



CONSERVATION EASEMENT SUMMARY

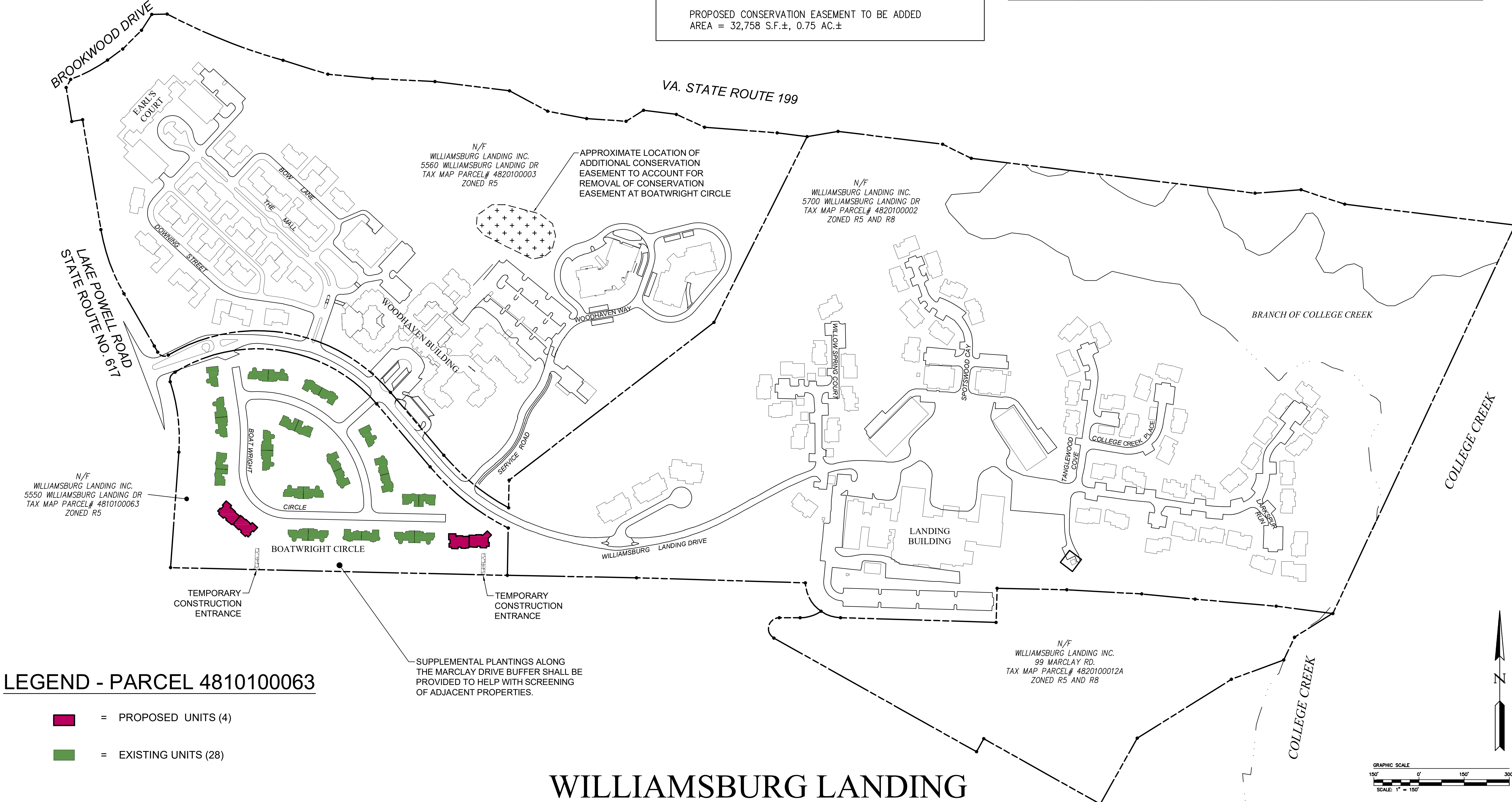
EXISTING CONSERVATION EASEMENT
AREA = 1,656,310 S.F.±, 38.02 AC.±

EXISTING CONSERVATION EASEMENT TO BE REMOVED
AREA = 29,813 S.F.±, 0.68 AC.±

PROPOSED CONSERVATION EASEMENT TO BE ADDED
AREA = 32,758 S.F.±, 0.75 AC.±

PARCEL 4810100063 DENSITY TABLE

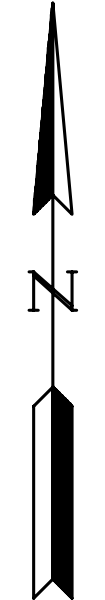
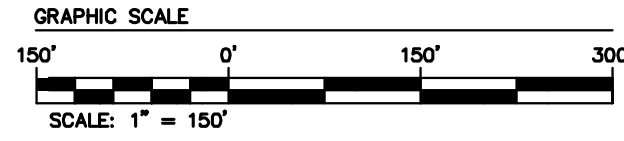
EXISTING UNITS	PROPOSED UNITS	TOTAL UNITS	PARCEL AREA (ACRES)	EXISTING DENSITY (UNITS/ACRE)	PROPOSED DENSITY (UNITS/ACRE)
28	4	32	15.79	1.77	2.03



LEGEND - PARCEL 4810100063

- = PROPOSED UNITS (4)
- = EXISTING UNITS (28)

WILLIAMSBURG LANDING
BOATWRIGHT CIRCLE MODIFICATION
CONCEPTUAL PLAN (2020)



AES

CONSULTING ENGINEERS

Hampton Roads

Central Virginia

Middle Peninsula

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

Project Contacts: TRS

Project Number: 8162-38

Scale: 1"=150'

Date: 09/23/20

Sheet Number

1 OF 1

Prepared by/Return to:
Kaufman & Canoles, P.C.
4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

Parcel No. 4810100063

PROFFER AMENDMENT

Applicable to Tax Parcel No. 4810100063 (Boatwright Circle Property)

THIS PROFFER AMENDMENT ("Amendment") is made this 24TH day of SEPTEMBER 2020, by and between WILLIAMSBURG LANDING, INC., a Virginia non-stock non-profit corporation, and/or its successors and assigns (collectively "WLI") (to be indexed as grantor), and THE COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia ("County") (to be indexed as grantee), provides as follows:

RECITALS:

R-1. WLI is the owner of certain real property in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the "Boatwright Circle Property").

R-2. The Boatwright Circle Property is subject to that Proffer Agreement (the "Initial Proffers") dated April 30, 1993, and of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") at Deed Book 623 at Page 661, as amended by that Proffer Amendment, dated April 18, 2013, and of record in the Clerk's Office as Instrument No. 13001739 (together with the Initial Proffers, the "Existing Proffers").

R-3. The Boatwright Circle Property is subject to that certain special use permit dated May 3, 1993, and identified as SUP-0007-1993, as amended by that special use permit, dated June 11, 2013, and identified as SUP-0002-2013 (collectively, the "Existing SUP").

R-4. WLI has made application to the County pursuant to County Case Nos. Z-20-0004 and SUP-20-0014 (the "Applications") to amend the Existing Proffers and Existing SUP to increase the number of units permitted to be constructed in accordance with Condition No. 2 of the Existing Proffers by four (4) additional units.

R-5. The provisions of the James City County Zoning Ordinance, Section 24-1, *et seq.* (the "Zoning Ordinance"), may be deemed inadequate for protecting and enhancing orderly development of the Boatwright Circle Property. Accordingly, WLI, in furtherance of the above-described application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Boatwright Circle Property, in accordance with the provisions of Section 15.2-2303 *et seq.* of the Code of Virginia, as amended (the "Virginia Code") and Section 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval of the Applications set forth above by the County Board of Supervisors, and pursuant to Sections 15.2-2303 and 15.2-2303.4(D) of the Virginia Code, Ordinance No. 31A-346, and Section 24-16 of the Zoning

Ordinance, it is agreed that all of the following conditions shall be met and satisfied in developing the Boatwright Circle Property.

PROFFERS:

1. Amendment of Existing Proffers to Allow for Additional Unit (the "Additional Unit"). Condition No. 2 of the Existing Proffers is hereby amended and restated in its entirety as follows:

Independent living units shall be limited to a total of thirty-two (32) units for the Undeveloped Property; however, such limitation shall not apply to the other uses hereby permitted.

2. Effect of this Amendment. As amended by this Amendment, the Existing Proffers and Existing SUP are hereby ratified and confirmed and all other terms of the Existing Proffers and Existing SUP shall remain in full force and effect.

3. Delegation of Subsequent Approvals. The County Board of Supervisors by accepting this Amendment is exercising its legislative function. While this Amendment and the Existing Proffers provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

4. Severability. In the event that any clause, sentence, paragraph, section or subsection of this Amendment or the Existing Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Boatwright Circle Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

5. Successors and Assigns. This Amendment and the Existing Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

[SIGNATURE PAGE TO PROFFER AMENDMENT]

WITNESS the following signatures, thereunto duly authorized:

WILLIAMSBURG LANDING, INC.
a Virginia non-stock, not-for-profit corporation

By [Signature]
(Name, Title)

ROBERT J SINGLEY
CHAIRMAN - BOARD OF DIRECTORS

COMMONWEALTH OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 24th day of Sept., 2020
by Robert J Singley as Chairman - BOB of Williamsburg Landing, Inc.,
a Virginia non-stock, not-for-profit corporation, on its behalf.

[Signature]
NOTARY PUBLIC

My commission expires: 10-31-23

Patricia A. Buckless
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 153460
My Commission Expires 10/31/2023

EXHIBIT A

All that certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "13.9303 ACRES" as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Stephen A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72.









DATE: AUGUST 20, 2020
SCALE: 1"=50'

SHEET 1 of 1

RENDERED CONCEPT LAYOUT
WILLIAMSBURG LANDING BOATWRIGHT CIRCLE MODIFICATION
JAMES CITY COUNTY, VIRGINIA
(AES PROJECT #: W8162-38 - AES PROJECT CONTACT: T. RYAN STEPHENSON, P.E.)

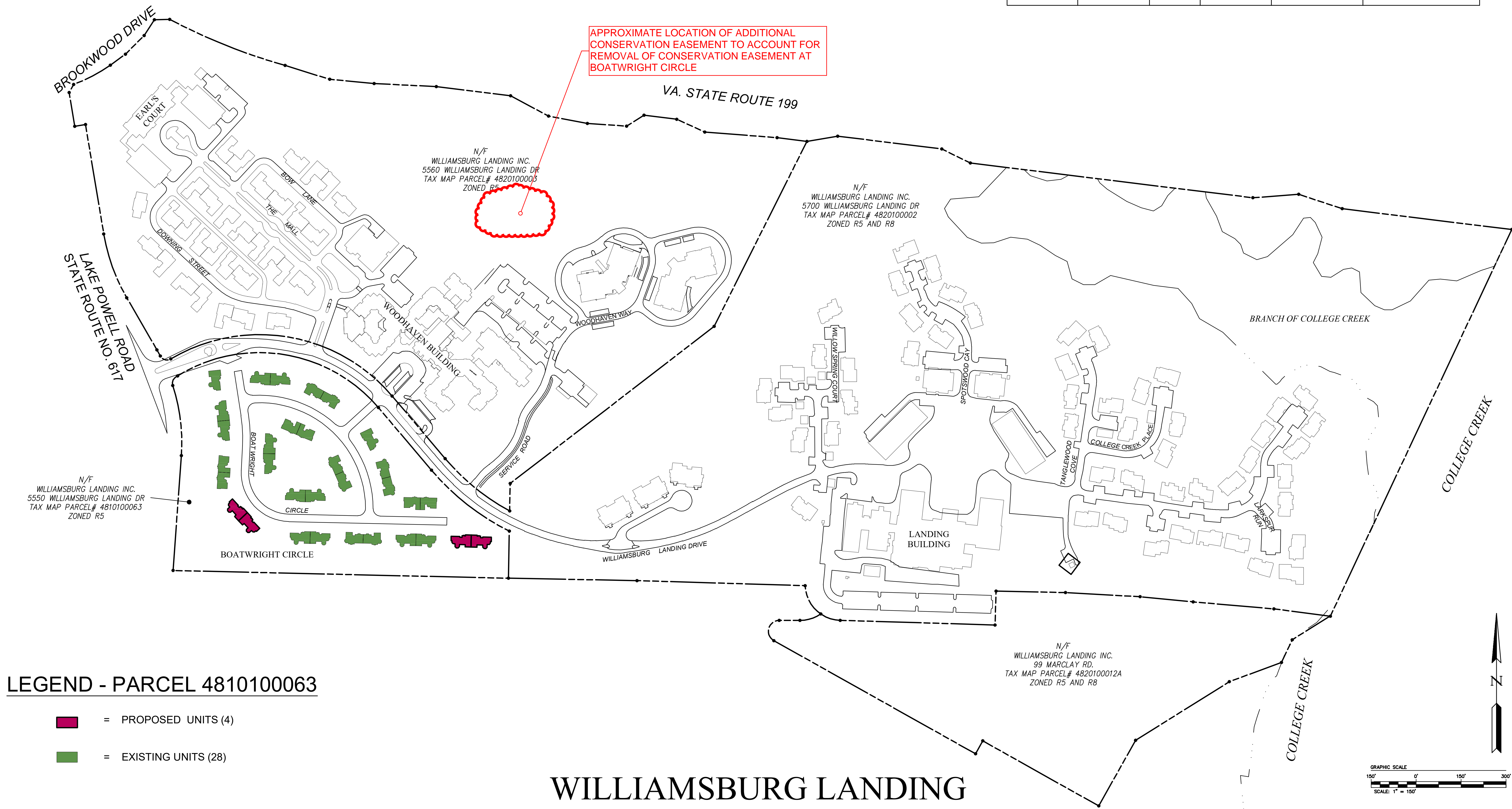


Hampton Roads | Central Virginia | Middle Peninsula

5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23186
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

PARCEL 4810100063 DENSITY TABLE					
EXISTING UNITS	PROPOSED UNITS	TOTAL UNITS	PARCEL AREA (ACRES)	EXISTING DENSITY (UNITS/ACRE)	PROPOSED DENSITY (UNITS/ACRE)
28	4	32	15.79	1.77	2.03

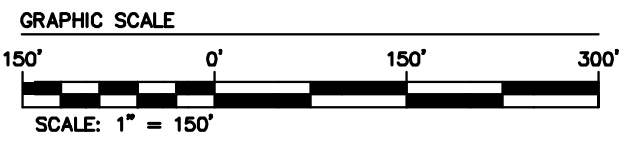
APPROXIMATE LOCATION OF ADDITIONAL
CONSERVATION EASEMENT TO ACCOUNT FOR
REMOVAL OF CONSERVATION EASEMENT AT
BOATWRIGHT CIRCLE



LEGEND - PARCEL 4810100063

- = PROPOSED UNITS (4)
- = EXISTING UNITS (28)

WILLIAMSBURG LANDING
BOATWRIGHT CIRCLE MODIFICATION
CONCEPTUAL PLAN (2020)



AES

CONSULTING ENGINEERS

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com

Project Contacts: TRS

Project Number: 8162-38

Scale: 1"=150' Date: 07/17/20

Sheet Number

1 OF 1

Hampton Roads | Central Virginia | Middle Peninsula

RESOLUTION

CASE NO. SUP-0002-2013. WILLIAMSBURG LANDING, BOATWRIGHT CIRCLE

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 (the "SUP") process; and

WHEREAS, Mr. Paul Gerhardt has applied on behalf of Williamsburg Landing, Inc. to allow one additional independent living unit; and

WHEREAS, the proposed development is shown on a plan titled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan" prepared by AES Consulting Engineers and dated March 14, 2013; and

WHEREAS, the property is located at 5550 Williamsburg Landing Drive and can be further identified as James City County Real Estate Tax Map Parcel No. 4810100063 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on May 1, 2013, voted 6-0 to recommend approval of this application; and

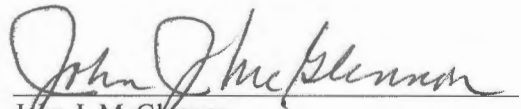
WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0002-2013 as described herein with the following conditions:

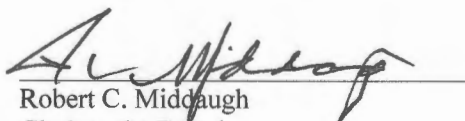
1. Master Plan: This SUP shall be valid for the proposed development, existing buildings and accessory structures, the addition of one unit approximately 2,500 square feet, and other minor improvements on properties located at 5550 Williamsburg Landing Drive and further identified as James City County Real Estate Tax Map Parcel No. 4810100063. Development of the Property shall be generally in accordance with the Master Plan entitled "Williamsburg Landing Boatwright Circle Modification Conceptual Plan" prepared by AES Consulting Engineers, dated March 14, 2013 (the "Master Plan") with such minor changes as the Planning Director, or his designee, determines does not change the basic concept or character of the development. In the event the Planning Director finds that the proposed change alters the basic concept or character of the development the applicant may appeal the Planning Director's determination to the Development Review Committee.
2. Landscaping: An area of 100 feet from the edge of the existing Lake Powell Road right-of-way shall be left as buffer area and remain in its natural state except for necessary utility crossings or construction road entrances. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include landscaping approximately 15 feet in width starting at the existing fence found approximately 70 feet from the front property line and running the length of Williamsburg Landing Drive for 150 feet on the side adjacent to the proposed unit to help screen vehicular traffic from the entrance. Per Section 24-96 of the James City County Code, the applicant shall supplement the existing trees and

shrubs with upright evergreen shrubs of a species that will achieve a height of at least 10 feet.

3. Notification: All potential residents of the residential structures shall be formally notified by the developer and/or seller the development's proximity to the Airport Approach (AA) Overlay District.
4. Architectural Review: Prior to site plan approval, the Planning Director shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Planning Director, with the surrounding units.
5. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee which indicates no glare outside the property lines unless otherwise approved by the Planning Director or his designee. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director or his designee prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
6. Commencement of Construction: If construction has not commenced on the project within 24 months from the issuance of the SUP, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections for the new unit.
7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Robert C. Middaugh
Clerk to the Board

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<u>X</u>	___	___
JONES	<u>X</u>	___	___
KENNEDY	<u>X</u>	___	___
ICENHOUR	<u>X</u>	___	___
BRADSHAW	<u>X</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of June, 2013.

SUP02-13WLndBC_res

RESOLUTION

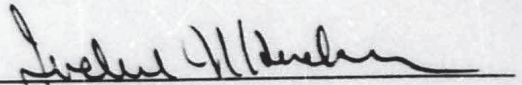
CASE NO. SUP-7-93. WILLIAMSBURG LANDING, INCORPORATED

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 process; and

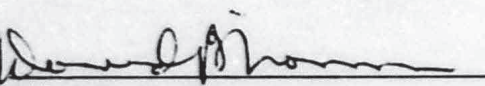
WHEREAS, the applicant has requested a special use permit to allow single-family dwellings, nursing homes, and facilities for the residence and care of the aged in the R-5, Multi-Family Residential District, on property identified as the southern portion of Parcel (1-3) on James City County Real Estate Tax Map No. (48-2).

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. SUP-7-93 as described herein with the following conditions:

1. Case No. SUP-7-93 shall remain in effect for a period of 36 months from the date of issuance. If within this time, site plan approval and/or building plan approval are issued, the special use permit shall remain in effect for the term of approval and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
2. Only two entrances shall be permitted to the property, one from Williamsburg Landing Drive and one from Marclay Drive.
3. An area of 100 feet from the edge of the existing Lake Powell Road right-of-way shall be left as buffer area and remain in its natural state except for necessary utility crossings or construction road entrances.
4. All potential residents of the residential structures shall be formally notified by the developer and/or seller the development's proximity to the Airport Approach Overlay District.


Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of May, 1993.

sup-7-93.res

PROFFER AGREEMENT

THIS PROFFER AGREEMENT is made as of the 30th day of April, 1993 by Williamsburg Landing, Inc., a Virginia Non-Stock, Non-Profit Corporation ("WLI"), together with its respective successors and assigns.

RECITALS

A. Williamsburg Landing is the owner of certain real property in James City County, Virginia (collectively "the WLI Property"), more particularly described as follows:

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "PARCEL A" on that certain plat entitled "PLAT OF PARCELS "A" AND "B", BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION TO BE CONVEYED TO WILLIAMSBURG LANDING, INC." dated October 6, 1983 consisting of two sheets and prepared by Charles R. Orsborne, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 39, Pages 20 and 21, consisting of 70.12 acres ("the Developed Property").

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "13.9303 ACRES" as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Stephen A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72 ("the Undeveloped Property").

That certain tract or parcel of land situate in James City County, Virginia, and more particularly described as "(PARCEL B) WILLIAMSBURG LANDING DRIVE, 1.8609 AC." as shown on that certain plat entitled "PLAT OF 1.8609 ACRES & 13.9303 ACRES, PARCEL "B" & PART OF PARCEL "C" (P.B. 39, PG. 20 & 21), BEING A SUBDIVISION OF PROPERTY OF AMERICAN RETIREMENT CORPORATION FOR CONVEYANCE TO WILLIAMSBURG LANDING, INC., JAMES CITY COUNTY, VIRGINIA", dated 12-14-92 and prepared by Steven A. Romeo, Land Surveyor, Langley and McDonald, Engineers-Planners-Surveyors, a copy of which plat is recorded in the

Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 56, Page 72. ("Williamsburg Landing Drive").

B. WLI has applied for an amendment of the proffers applicable to the WLI Property.

C. WLI has also applied for a rezoning of and a Special Use Permit for the Undeveloped Property and Williamsburg Landing Drive.

D. WLI has requested that the Undeveloped Property and Williamsburg Landing Drive be rezoned from Rural Residential (R-8) to Multi-Family Residential (R-5). WLI has also requested a Special Use Permit for the Undeveloped Property and Williamsburg Landing Drive to permit single family dwellings, nursing homes and facilities for the residence and care of the aged.

E. The provisions of the James City County Zoning Ordinance may be deemed inadequate for the orderly development of the Undeveloped Property and Williamsburg Landing Drive.

F. WLI desires to offer to James City County certain conditions on the development of the Undeveloped Property and Williamsburg Landing Drive not generally applicable to land zoned Multi-Family Residential District (R-5) for the protection and enhancement of the community and to provide for the high quality and orderly development of the Undeveloped Property and Williamsburg Landing Drive.

Now, therefore, for and in consideration of the approval by James City County ("the County") of the rezoning set forth above and the issuance of the requested Special Use Permit and pursuant to Section 15.1-491.1, et seq. of the Code of Virginia, 1950, as amended, and Section 20-18 of the County Code, WLI agrees that it will meet and comply with all of the following conditions in developing the Undeveloped Property and Williamsburg Landing Drive. In the event all of the requested rezoning and Special Use Permit is not granted by the County, these proffers shall thereupon become null and void.

CONDITIONS - UNDEVELOPED PROPERTY & WILLIAMSBURG LANDING DRIVE

1. The use of the Undeveloped Property shall be limited to single family dwellings contained within a cluster development, two-family dwellings, townhouses, three-family dwellings and, with the Special Use Permit, single family dwellings, nursing homes and facilities for the residence and/or care of the aged.

2. Single family dwellings, whether or not contained within a cluster development, two-family dwellings, townhouses and three-family dwellings shall be limited to a total of twenty-seven (27) dwelling units for the Undeveloped Property; however, such limitation shall not apply to the other uses hereby permitted.

3. The entrances to the Undeveloped Property shall be limited to entrances from Williamsburg Landing Drive and, if legally permitted, from Marclay Drive. No entrances except public roads and/or temporary construction entrances approved by the County and the Virginia Department of Transportation shall be permitted from Lake Powell Road to the Undeveloped Property.

4. All internal roads within the Undeveloped Property shall be designed and constructed to Virginia Department of Transportation standards and guidelines but said roads shall be private and maintained by WLI; however, if Marclay Drive is relocated and crosses any portion of the Undeveloped Property, Marclay Drive shall be a public road.

5. A Phase I Archaeological Study for the area to be disturbed on the Undeveloped Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites that are, in the Phase I study, recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

6. No building on the Undeveloped Property shall be erected closer than one hundred (100) feet to the existing right-of-way of Lake Powell Road.

7. No building on the Undeveloped Property shall exceed three (3) stories in height.

WILLIAMSBURG LANDING, INC.

By: Mary Lee Darling
Title: Chairman of the Board
of Directors & President

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 30th
day of April, 1993 by Mary Lee Darling on behalf
of Williamsburg Landing, Inc.

William H. C. [Signature]
NOTARY PUBLIC

My commission expires: 12/31/96

RESOLUTION

IMPACTS TO PUBLIC FACILITIES AND RESOURCES RELATED TO

RESIDENTIAL DWELLING UNITS

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has adopted certain policy and planning documents that guide its legislative considerations in James City County (the "County"), including the Comprehensive Plan, the Strategic Plan, the Annual Budget, and the Capital Improvements Program; and

WHEREAS, the Board is currently updating the County's Comprehensive Plan and, as part of that update, the Board has retained consultant services to support several operational initiatives from the 2035 Strategic Plan, including: conducting scenario planning; conducting a cumulative fiscal, infrastructure, community character, and environmental impact analysis of expanding the Primary Service Area; and refining the fiscal impact model to assess development impacts on the County's fiscal health; and

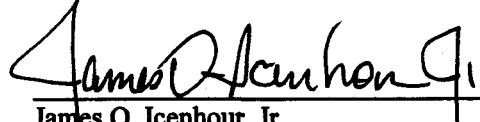
WHEREAS, this consultant will provide the specialized technical knowledge necessary to build, run, and extract pertinent information from sophisticated models; and

WHEREAS, prior to the completion of the Comprehensive Plan update and completion of the aforementioned fiscal impact studies and updates, the Board desires to identify the impacts of residential dwellings on public facilities and resources.


NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that staff is directed to produce a fact sheet that outlines general financial impacts of residential dwellings based on the Adopted Budget, the Capital Improvements Program, the Comprehensive Plan, the Strategic Plan, and any other relevant data. The fact sheet should address the immediate and long-range fiscal impacts related to increased use and demand on the following public facilities and resources:

1. Public Transportation - Construction of new roads and other rights-of-way, or the improvement or expansion of existing facilities, including necessary property acquisition, for automobile, public transit vehicle, pedestrian, and bicycle travel within the County; and construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, directly related to the Williamsburg Area Transit Authority and other transit facilities in the County.
2. Public Safety - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to law enforcement (Police, Sheriff, Courthouse, Jail and Animal Control), Fire, Emergency Medical Services, Emergency Management, Emergency Communications, and Rescue. Because these public safety facilities serve the entire County and provide mutual aid to other jurisdictions, the impact of residential dwellings on public safety facilities should be analyzed on a County-wide basis.

3. Public Schools - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the Williamsburg-James City County Public Schools. Because public school facilities serve the entire County and are shared with the City of Williamsburg, and new or expanded public school facilities may result in adjustments to attendance zones, the impact of residential dwellings on public school facilities should be analyzed on a County-wide basis.
4. Public Parks and Recreation - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to parks and recreation. Because public parks and recreation facilities serve the entire County, the impact of residential dwellings on these facilities should be analyzed on a County-wide basis.
5. Public Libraries and Cultural Centers - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the Williamsburg Regional Library System and Arts Centers. Because public library facilities serve the entire County and are shared with the City of Williamsburg, and new or expanded public library facilities may result in regional adjustments to facility capacity, the impact of residential dwellings on public library facilities should be analyzed on a County-wide basis.
6. Groundwater and Drinking Water Resources - Construction, improvement, or expansion of buildings, structures, parking, and other facilities, including necessary property acquisition, related to the James City Service Authority. Principally, the Board encourages the use of water conservation measures such as reduction or elimination of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
7. Watersheds, Streams, and Reservoirs - Construction, improvement, or expansion of capital projects and other facilities, including necessary property acquisition, related to the maintenance or improvement of water quality in the County's watersheds. Construction of residential dwellings shall be consistent with the adopted watershed management plans for Gordon Creek, Mill Creek, Powhatan Creek, Ware Creek, Yarmouth Creek, and York River-Skimino Creek, as those plans may be amended, and any other watershed management plans adopted by the Board of Supervisors.


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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<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 September, 2019.

ResImp-res

Thomas Wysong

From: Katie Pelletier
Sent: Thursday, August 27, 2020 4:04 PM
To: Thomas Wysong
Cc: Beth Klapper
Subject: FW: PUBLIC COMMENT: Boatwright Circle addition in Williamsburg Landing

From: Lyn & Carol Cini <lgcini2@gmail.com>
Sent: Thursday, August 27, 2020 3:42 PM
To: Planning <planning@jamescitycountyva.gov>
Subject: [External] Boatwright Circle addition in Williamsburg Landing

James City Planning Commission:

We have been residents of Williamsburg Landing for over seven years and realize that growth is important to the business aspects of our community. We applaud the efforts by Greg Storer and the Williamsburg Landing management team to control increasing costs by growing our revenue base. We whole-heartedly support the addition of 4 units to the Boatwright Circle neighborhood.

Carol and Lyn Cini
3000 Earls Ct # 1305
Williamsburg, VA 23185

Thomas Wysong

From: Judith Knudson <judyknudson20@gmail.com>
Sent: Thursday, August 27, 2020 8:17 AM
To: Community Development
Cc: Greg Storer
Subject: [External] Boatwright Circle SUP

We are writing in support of SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle SUP & Proffer Amendments.

We do not believe the new houses will harm our neighborhood.

We do believe that the new berm and enhanced landscaping will improve our community.

Thank you for your attention.

Judy and Steve Knudson
5638 Boatwright Circle

Sent from my iPad

Thomas Wysong

From: Ruth Baur <ruthbaur21@gmail.com>
Sent: Thursday, August 27, 2020 6:53 PM
To: Community Development
Subject: [External] Two Buildings on Boatwright Circle

Subject: Two Buildings on Boatwright Circle

It is my understanding that at the meeting in September 2020, there will be a discussion of two buildings on Boatwright Circle in Williamsburg Landing.

The construction would take place in natural open space Conservation Easements that are not permitted.

In addition, the residents who live in Boatwright Circle do not support the two additional buildings on beautiful areas.

Several years ago there was a similar plan. It was rejected because of the Conservation Easements.

Thank you for your consideration at the meeting.

Ruth Baur

5600 Boatwright Circle

Thomas Wysong

From: Susan Schultz <ssschultz@cox.net>
Sent: Wednesday, August 26, 2020 3:46 PM
To: Community Development
Subject: [External] Comments on SUP-20-0014/Z-20-004
Attachments: JCC Opposition Ltr_03.docx

Dear Sir/Madam,

Please accept the attached comments for the September 2 public hearing of the Planning Commission re SUP-20-0014/Z-20-0004. This is an email copy of the hard copy mailed to you today (August 26, 2020).

Thank you,
Susan Schultz

Planning Commission Secretary
James City Planning Commission
P.O. Box 8784
Williamsburg, Virginia 23187

RE: SUP-20-0014/Z-20-0004, Williamsburg Landing Boatwright Circle SUP & Proffer Amendments

As a resident of Boatwright Circle, I hereby submit the following comments in opposition to the above SUP and Proffer Amendments. These comments are submitted on behalf of many of the residents of Boatwright Circle, whose names are affixed to Appendix B of this document.

Boatwright Circle is a community of 28 residences, 26 of which are duplex units. The largest duplex unit is 1899 sq. ft. Residents were drawn to the community by the ambiance of the neighborhood, with its peaceful wooded setting. That is now being challenged by the proposed construction of four additional units in two duplexes.

OBJECTIONS TO PROPOSED CONSTRUCTION IN BOATWRIGHT CIRCLE

OBJECTION 1. THE REMOVAL OF TREES

The proposed construction would involve the removal of a large number of trees, resulting in the loss of benefits offered by those trees to the existing Boatwright Circle community and the Williamsburg Landing community at large. Those benefits of which we would be deprived include the following:

Trees Combat Climate Change

Excess carbon dioxide (CO₂) is building up in our atmosphere, contributing to climate change. Trees help cool the planet by removing harmful greenhouse gases and releasing oxygen back into the atmosphere. A mature tree can absorb an average of 48 lbs. of carbon dioxide per year.

Trees Clean the Air

Trees help cleanse the air by intercepting airborne particles, reducing heat, and absorbing such pollutants as carbon monoxide, sulfur dioxide, and nitrogen dioxide. Trees remove this pollution by lowering air temperature through Respiration Photosynthesis, and by retaining particulates. (Respiration Photosynthesis is the process by which plants use light energy to convert carbon dioxide and water into sugars. The sugars produced by photosynthesis can be stored, transported throughout the tree, and converted into energy which is used to power all cellular processes.)

Trees Control Noise Pollution

Trees muffle urban noise almost as effectively as stone walls. Trees can abate major noises from **factories**, freeways and **airports**.

Trees Fight Soil Erosion

Tree roots bind the soil and their leaves break the force of wind and rain on soil. Trees fight soil erosion, conserve rainwater, and reduce water runoff and sediment deposit after storms. According to the UN Food and Agriculture Association, a mature evergreen tree can intercept more than 4000 gallons of water every year.

Trees Offer Biodiversity and Provide Habitat for Wildlife

A single tree can be home to hundreds of species of insect, fungi, moss, mammals, and plants. Many species of wildlife find food and nesting sites within trees; they provide cover and places to raise their young. There is a sign posted on Williamsburg Landing Drive that speaks to this commitment to wildlife.



Trees Offer Health Benefits

Trees help reduce stress and anxiety, and allow us to reconnect with nature. In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension. This was proven in studies conducted by *Dr. Roger S. Ulrich at Texas A&M University*.

OBJECTION 2. INCREASED EXPOSURE TO YARD WORKS

Boatwright Circle is already exposed to the Yard Works factory. Before approving the decision to build new homes in Boatwright Circle, please understand the impact of Yard Works and how the removal of trees serving as a buffer will adversely affect the community and result in even further exposure to the Yard Works factory.

There is currently inadequate buffering for Boatwright Circle to counter the negative impact from the adjacent Yard Works factory: **dust, noise, odor, pollutants and other environmental concerns**. Many residents of Williamsburg Landing have witnessed the sandstorm-like dust emanating from Yard Works.

The noise is almost constant—sometimes a backup beep, at other times the dumping of large stones and the subsequent grinding of them. These are LOUD and disturbing noises. So pervasive and unpredictable are these noises that residents feel agitated and uneasy. These noises can be heard and felt both within and outside the homes of Boatwright Circle.

Yard Works and Pollution:

At Yard Works the production of products releases particulate matter, which can damage people's bodies when inhaled. The impacts of particulate matter include damage to the lungs and bloodstream, as well as damage to the environment. Chronic low levels of air pollution damage lung tissue by triggering an immune response that inflames the lungs, leading to asthma, emphysema and other respiratory diseases.

Ours is a community of often fragile residents. How many respiratory issues are arising as a result of pollutants from this factory?

Yard Works and Noise:

An article in the June 11, 2019 edition of the *Washington Post* spoke to the issue of unhealthy noises as reported by Consumer Reports. It states that "regular exposure to loud noise has been associated with cardio-vascular problems." In a 2018 study published in the International Journal of Cardiology, German researchers found that people who reported being annoyed by sounds, such as construction vehicle engines and horns, had a higher risk of atrial fibrillation—an irregular heartbeat that can lead to blood clots and stroke. Loud noises can disrupt sleep and it is known that insufficient sleep has been linked to obesity, diabetes and heart disease.

Make no mistake, Yard Works is a FACTORY. Located directly across the street from Boatwright Circle, it is almost constantly in operation, often starting at 5:00 a.m. Products include: 4 types of bagged products, 10 types of Gravel and Decorative Stones; 7 types of Mulches, 2 types of Playground Mulch; 2 types of Sand and 6 types of Soils and Soil Mixes. With these products come odors, dust, and noise. The backup beeping of vehicles is almost constant. The grinding and dumping of gravel and stones results in earsplitting noise. Along Marclay Road there is constant traffic in and out of

Yard Works. Huge trucks bring in material for grinding, while other trucks depart loaded with products.

In its SUP Amendment application (SUP-0014-2017, Yard Works SUP Amendment) Yard Works focused primarily on the mulching of wood products. Little mention was included of the grinding of stones. In fact, a transcript of the 2/7/18 Planning Commission hearing states the “operation involves grinding wood debris to produce, color and bag mulch, with a small portion of the property being used for retail sales.” **No mention here of the dumping and grinding of stones.**

Further, it was mentioned that the applicant historically has ground mulch an average of 150 days a year. That can no longer be true. With the exception of some respite on Sunday and the occasional holiday, there is activity at Yard Works practically every day.

At the hearing, Yard Works was represented by Ms. Pietrowski. According to the transcript, “Ms. Pietrowski stated that staff conducted a sound test for the project and that no noise associated with the grinding was audible from any adjacent properties visited by staff; however, beeping from vehicles was minimally audible from some locations. Ms. Pietrowski indicated that with the proposed SUP condition limiting hours of operation, there should be only minor noise impacts to adjacent properties.” **Was the sound testing in Boatwright Circle extensive? There is frequently noise starting as early as 5:00 a.m.**



Heavy machinery used by Yard Works



OBJECTION 3. DISRUPTION TO THE WALKING TRAIL

One of the many things that has become apparent during the pandemic and forced isolation is that Williamsburg Landing residents need areas in which to walk outside of their homes, offering them exercise and a sense of well-being. There is **only one walking trail delineated on the Williamsburg Landing campus map**. That trail begins/ends at Boatwright Circle, next to #5630. This one trail is traversed daily, including the streets of Boatwright Circle, by many residents from throughout the community. It is the only trail where one can find a connection to nature and relief from the heat of summer—its trees providing a cooling shelter. This trail would undoubtedly either be eliminated entirely or at least rendered unusable during the construction of the proposed units adjacent to 5630.

OBJECTION 4. CHANGES TO PORTIONS OF THE CONSERVATION EASEMENT

The area designated as a Natural Open Space Conservation Easement (Appendix A) adds to the quality of life of all residents of Williamsburg Landing, not just residents of Boatwright Circle. We walk through and enjoy these areas, offering residents some respite from the disruption caused by the recent pandemic. It appears that Williamsburg Landing is eliminating conservation easement areas with this proposed construction, with nothing offered in return to the Boatwright community.

OBJECTION 5. THE PROPOSED NEW HOMES ARE NOT IN KEEPING WITH THE CHARACTER OF THE COMMUNITY

The proposed duplexes are each to be, at least, 1000 sq. ft. larger than the largest duplex in Boatwright Circle. They will not blend in with the current homes of the community.

OBJECTION 6. DISRUPTION TO THE BOATWRIGHT COMMUNITY

Heavy construction machinery and vehicles would enter Boatwright Circle bringing noise, traffic and congestion. Not all traffic can be diverted to Marclay Road. **Why bring disruption to the community of Boatwright Circle, a community that brings so much pleasure to residents of Boatwright Circle and the entire Williamsburg Landing community who value it as a lovely, peaceful place to enjoy.**

CONCLUDING REMARKS

Given the availability of alternative construction sites within Williamsburg Landing, there seems little rationale to pursue the building of homes in Boatwright Circle, the construction of which would result in the loss of a large section of buffer trees and increased exposure to the disruption of the Yard Works factory.

The following areas within Williamsburg Landing are suggested as alternate building sites:

The large area behind the Memory and Adult Day Care facilities has already been cleared. This area could accommodate multiple units. The site would provide easy access and cause little disruption to the Williamsburg Landing community.

The area that is adjacent to that used for Williamsburg Landing vehicle parking on Marclay Road is suggested as an alternate site. Building on this site would involve little disruption to the Williamsburg Landing community as construction would take place behind the main building and be easily accessed via Marclay Road.

It is well known that mulch processing facilities have the potential to cause adverse impacts to the environment and human health. Why further endanger the residents of Boatwright Circle and the greater Williamsburg Landing community by removing the minimal protection currently offered by the existing trees?

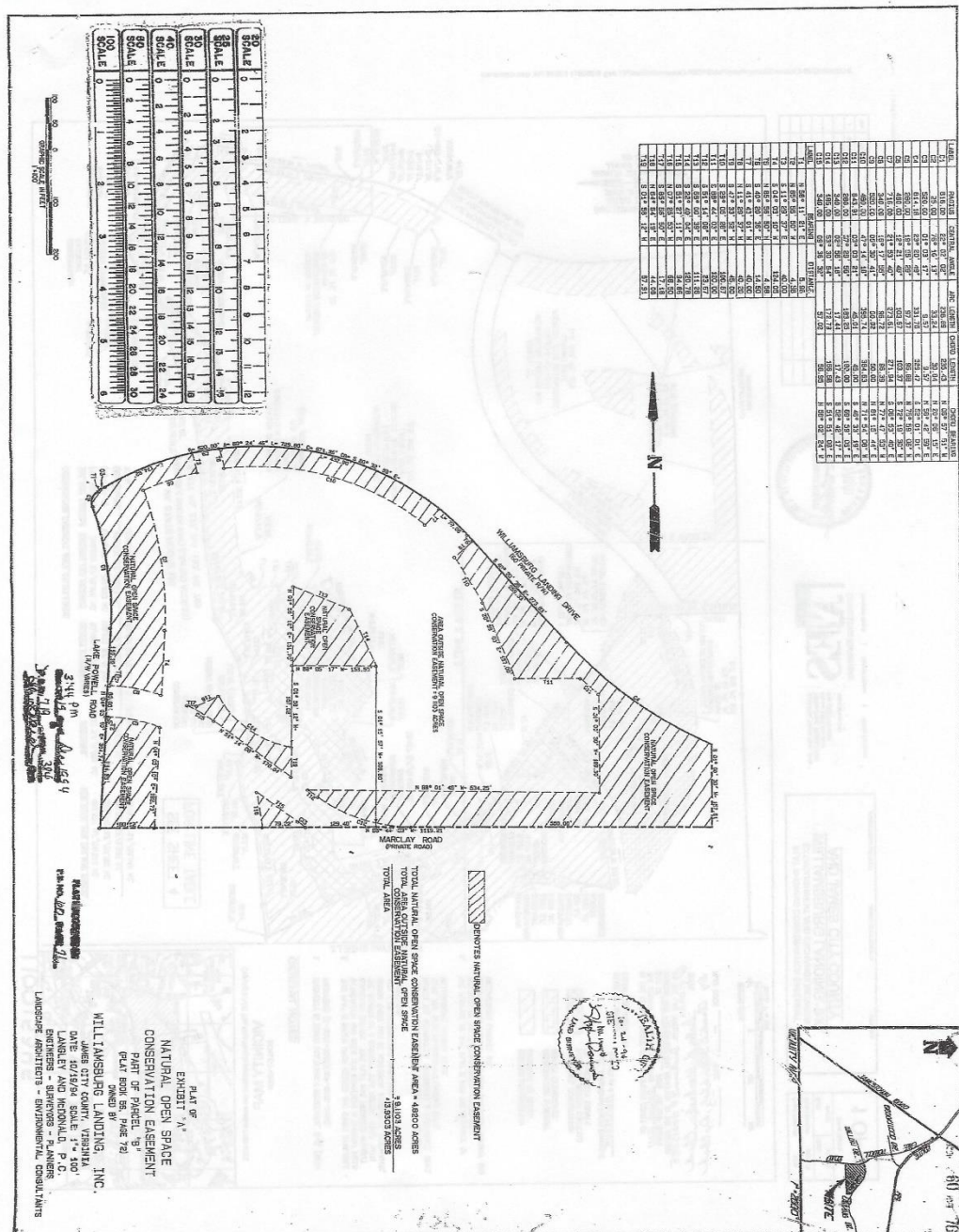
Yard Works would be virtually in the backyard of the proposed construction adjacent to 5630 and 971 ft. from the center of the Yard Works factory to the proposed construction adjacent to 5618. Ask any resident currently living with the disruption of Yard Works about their quality of life in Boatwright Circle and then question how the construction of new homes would enhance that quality of life.

Many residents came to Williamsburg Landing hoping for the security of future care in a peaceful and welcoming environment. This potential disruption caused by the building of new houses within Boatwright Circle would erode that expectation, leaving many dissatisfied residents.

Respectfully submitted,

Susan Schultz
5601 Boatwright Circle
Williamsburg, Virginia

APPENDIX A – CONSERVATION EASEMENT



APPENDIX B – SIGNATORIES TO THE OPPOSITION DOCUMENT

Roger Schultz	5601 Boatwright Circle
Susan Schultz	5601 Boatwright Circle
Dr. William Lennarz	5615 Boatwright Circle
Sheila Lennarz	5615 Boatwright Circle
Louis J. Richman	5639 Boatwright Circle
Tzina Richman	5639 Boatwright Circle
James Smith	5621 Boatwright Circle
Barbara Smith	5621 Boatwright Circle
Theodore Reinhart	5619 Boatwright Circle
Joy Reinhart	5619 Boatwright Circle
Christine Zuckerberg	5632 Boatwright Circle
Martha Copenhaver	5630 Boatwright Circle
Dr. Thornton Elmore	5602 Boatwright Circle
Alice Elmore	5602 Boatwright Circle
Herbert Spannuth	5604 Boatwright Circle
Beverly Spannuth	5604 Boatwright Circle
Robert Burgess	5612 Boatwright Circle
Martha Burgess	5612 Boatwright Circle
Gerald Hollins	5626 Boatwright Circle
Betsy Hollins	5626 Boatwright Circle
Margrit Scott	5640 Boatwright Circle
Werner Weingartner	5636 Boatwright Circle
Mary Anne Weingartner	5632 Boatwright Circle
Jerald Olson	5616 Boatwright Circle
Joyce Olson	5616 Boatwright Circle
Nancy Gabriel	5634 Boatwright Circle
Brigadier General (Ret.) Jack Nicholson	5629 Boatwright Circle
Sophie Nicholson	5629 Boatwright Circle
Dr. Carol Marshall	5620 Boatwright Circle
Mrs. Gay Reich	5622 Boatwright Circle

Thomas Wysong

From: Community Development
Sent: Friday, August 28, 2020 10:39 AM
To: Thomas Wysong
Cc: Alex Baruch; Paul Holt
Subject: FW: [External] SUP-20-0014/Z-20-0004
Attachments: Letter to Planning Commission.docx

From: Ted Reinhart [mailto:tedreinhart@aol.com]
Sent: Friday, August 28, 2020 9:04 AM
To: Community Development <community.development@jamescitycountyva.gov>
Subject: [External] SUP-20-0014/Z-20-0004

Reference: SUP-20-0014/Z-20-0004 Williamsburg Landing Boatwright Circle SUP & Proffer Amendments

Attached is a letter I would like the James City County Planning Commission to consider in reference to the above item scheduled on its September 2, 2020, meeting agenda. I have also sent the letter by mail, but I wanted to be sure it reached you in time for the meeting.

Theodore R. Reinhart
5619 Boatwright Circle
Williamsburg, Virginia 23185

Planning Commission Secretary
James City Planning Commission
P.O. Box 8784
Williamsburg, Virginia 23187

RE: SUP-20-0014/Z-20-0004, Williamsburg Landing Boatwright Circle SUP & Proffer Amendments

My wife and I are residents of Boatwright Circle and for over nine years have lived across the street from the lot on which Williamsburg Landing plans to construct two of the four houses. While we support the arguments put forth by Susan Schultz in her letter opposing the Boatwright construction, we believe that there is an additional argument against the construction of the houses at the corner lot at Lake Powell Road and old Marclay Road.

The lot at that location is on the flight path of the Williamsburg Airport. Planes approaching the airport from the west fly over that lot, at the lowest altitude over the community, to access the main runway. Throughout the day we see and hear planes overhead crossing that lot to land at the airport. In addition, when the planes use the main runway to takeoff in the direction of Boatwright Circle they bear left after leaving the ground and again cross that lot.

My wife and I were living on Boatwright Circle on April 19, 2013, when a small plane crashed in that lot. The military pilot, accompanied by his wife and a dog, was attempting to land at the airport. We heard and saw that plane come down across the street, less than fifty feet from the residence at 5618 Boatwright Circle and where the present construction is planned. Fortunately, there was no fire, but all three occupants of the plane were killed. We have attached a personal photograph of the accident taken from our front yard.

Because the proposed construction would place residences in the flight path of the Williamsburg Airport immediately in front of the main runway, we believe the Planning Commission should deny the proposal and leave the lot as a conservation easement, as the original builders intended.

Respectfully submitted,

Theodore R. Reinhart Joy B. Reinhart
5619 Boatwright Circle, Williamsburg, Virginia 23185



Thomas Wysong

From: Frank Cole <ml.frankcole@gmail.com>
Sent: Thursday, August 27, 2020 3:55 PM
To: Paul Holt; Alex Baruch; Thomas Wysong; Barbara Null; Rob Rose; Richard Krapf; Frank Polster; John Haldeman; Julia Leverenz; Tim OConnor
Cc: Greg Storer
Subject: [External] Williamsburg Landing - Addition of 4 Homes to Boatwright Circle

Dear James City County Planning Commission,

We are residents of Williamsburg Landing and Frank is a member of the Finance Committee.

We support the addition of 4 new homes to Boatwright Circle in our community. There is space for the units and it will improve the long term financial strength of Williamsburg Landing.

Mary Lou and Frank Cole

Frank Cole Sent from [Mail](#) for Windows 10

Thomas Wysong

From: fwsiegel1 <fwsiegeljr@gmail.com>
Sent: Thursday, August 27, 2020 4:22 PM
To: Paul Holt; Alex Baruch; Thomas Wysong
Subject: [External] Williamsburg Landing Boatwright Circle additional homes

To: James City County Planning Department Contacts:

I am forwarding a copy of an email I sent to Greg Storer, President/CEO of Williamsburg Landing in support of the construction of 4 units in our Boatwright Circle neighborhood. The decision to build these homes will add value to our community and assist with the control of future costs increases.

Thank you for your consideration.

Frederick & Barbara Siegel

From: fwsiegel1 <fwsiegeljr@gmail.com>
Date: August 27, 2020 at 3:29:28 PM EDT
To: Greg Storer <gstorer@williamsburglanding.com>
Subject: Boatwright Circle additional homes

Hi Greg...I wanted to advise you that Barbie and I totally support the decision to add 4 residences to the Boatwright Circle neighborhood. We agree that growth is important to the business aspects of our community. We applaud the efforts by you and the Williamsburg Landing management team to control increasing costs by growing our revenue base. Finally, we believe you have established a successful "process" for the management of our assets and appreciate your sticking with the "process"!

Thank you again for your leadership,

Fred & Barbie Siegel

Herbert and Beverly Spannuth

5604 Boatwright Circle
Williamsburg, VA 23185-3799
757-784-4318
E-mail: bevspan2@gmail.com

August 27, 2020

Planning Commission Secretary
James City Planning Commission
P.O. Box 8784
Williamsburg, Virginia 23187



RE: SUP-20-0014/Z-20-0004, Williamsburg Landing Boatwright Circle SUP & Proffer Amendments

Gentlemen:

This is in support of Susan Schultz's communication on this matter.

I would like to call special attention to Objection 4 about the Conservation Easement Area as it applies to the proposed home adjacent to 5630 Boatwright Circle. It appears this Conservation Easement Area will be the site of a proposed duplex home. The natural state of this area should be preserved as originally intended. It is an asset to the community and should not be destroyed.

Sincerely yours,

Herbert A Spannuth
Beverly V. Spannuth

Thomas Wysong

From: Gary Ripple <grleopard@aol.com>
Sent: Monday, August 31, 2020 10:15 AM
To: Paul Holt; Thomas Wysong; Alex Baruch
Subject: [External] Williamsburg Landing Expansion in Boatwright Circle

Gentlemen:

Reference SUP-20-0014/Z-20-0004, Williamsburg Landing Boatwright Circle SUP & Proffer Amendments.

We wish to express our support of the proposed new construction in the Boatwright Circle parcel at the Williamsburg Landing.

We live across the street from one of the suggested new buildings and believe that the benefits of the proposed construction far outweigh the concerns that have been voiced by a few of our neighbors.

Our leadership has presented the carefully developed plans that you will consider and we support the project as a step in the right direction for our residents.

Respectfully,

Susan & Gary Ripple
G. Gary Ripple, Ph.D.
5617 Boatwright Circle
Williamsburg, VA 23185
757-672-7785

Thomas Wysong

From: Tim Wright <timwright1940@gmail.com>
Sent: Thursday, August 27, 2020 4:47 PM
To: Thomas Wysong; Alex Baruch; Paul Holt
Subject: [External] Boatwright Circle Expansion
Attachments: For Boatwright Neighbors.docx; BC Support Letter.pdf

Gentlemen,

I am the President of the Williamsburg Landing Resident Council. I am forwarding two attachments. The first is a letter from myself and Bill Kaufmann who was my predecessor as RC President. In our current roles we are also members of the WL Board of Directors. The second is an email that I sent this morning to my Boatwright Circle neighbors to enlist their support for the 4 house expansion in our neighborhood.

Thank you for your consideration in this matter.

Tim Wright

VADM Timothy W. Wright (Ret.)

5610 Boatwright Circle
Williamsburg, VA 23185

Office: (757) 227-4463
Cell: (850) 207-6320
Home: (757) 564-1112

[email: timwright1940@gmail.com](mailto:timwright1940@gmail.com)

For Boatwright Neighbors,

I thought we had a good presentation from our CEO yesterday on the plan for the additional 4 houses in Boatwright Circle.

I know that there are some misgivings and even strong feelings against this on the part of some of our neighbors. However, as the President of the Residents' Council and thus representing the entire Williamsburg Landing community, in my view the proposed addition of the additional units serves the well being of our community—especially from a fiscal point of view. If we don't continue to provide additional opportunities for new residents, especially those on our marketing waiting list, we could face not insignificant increases in our monthly fees in the future. In addition, as Greg Storer explained yesterday, while the Landing is currently in good financial condition, our debt load is greater than what we would like and we need to continue to address ways to improve that situation. These additional homes will not totally solve the problem but it is a step in the right direction.

Some are concerned about the trees that will have to be removed, and that is something we should always consider in these situations. As Greg also explained, only those required minimal number of trees will be removed and they will be replaced by a berm to be constructed and replacement trees planted to continue to mitigate the YardWork issues.

It is also worth noting that of the Landing's 137 total acres, over 57 acres are not available for development because of terrain features and protected status such as the RPA's in some cases. Lots of trees on those acres.

My predecessor as RC President, Bill Kaufmann, and I have today forwarded to the planning commission the attached letter.

Certainly we should all feel able to make our feelings known, both pro and con, in this matter. I felt it necessary to let you all know our position in this way.

Sincerely,

Tim Wright

Thomas Wysong

From: Richard Krapf
Sent: Monday, August 31, 2020 5:35 PM
To: William Kaufmann
Cc: Storer Greg; PlanComm; Thomas Wysong
Subject: Re: [External] Williamsburg Landing - Boatwright addition

Mr. Kaufmann -

Thank you for your email. I have copied the other planning commissioners on this as well as the staff planner in charge of this case.

Sincerely,

Rich Krapf

From: William Kaufmann
Sent: Monday, August 31, 2020 12:53 PM
To: Richard Krapf
Cc: Storer Greg
Subject: [External] Williamsburg Landing - Boatwright addition
September 2, 2020

To: Richard Krapf, Chairman, Planning Commission
From: Bill Kaufmann
Subj: Prior correspondence to the Planning Commission

Mr. Krapf:

I have been an active resident of James City County for over 24 years:

- President, Williamsburg Rotary Foundation for 10 years
- Adjunct Professor at William & Mary for 7 years
- Consultant to Williamsburg City Council, the Alliance (Chamber of Commerce and Convention & Business Bureau), the Hotel/Motel Association and many others
- President, Residents' Association of Williamsburg Landing for 2 years
- Board of Directors, Williamsburg Landing going on 4 years.

You recently received a letter from a resident of Williamsburg Landing, re: Boatwright Circle. I wish to clarify each point made in the letter to help you better understand some facts that might not have been presented to the "Objections" cited:

Counter to Objection #1 – All properties are landscaped well beyond conservation recommendations from

your staff. Drive through to see a landscaping model.

Counter to Objection #2 -Yard Works or its predecessor was here well before most recent residents. In fact, I believe the business was there under the Waltrip family before 2000.

Counter to Objection #3 - The Walking Trail remains totally intact. Only a small part of the **access** to the trail will be moved by a few feet.

Counter to Objection #4 - About 40% of Williamsburg Landing property is untouched and cannot be built upon. In fact, additional Nature Trails are a part of our Master Plan

Counter to Objection #5 - Untrue - These units have similar foot prints, exterior design, and square footage. One difference is a better use of interior space... more open planning

I'm sure in your capacity as Chair of the Planning Commission you've heard the old song, "I'd rather have a tree for a neighbor than a person". That philosophy is inconsistent with the values and culture of Williamsburg Landing. We would like to see more of our seniors be able to take advantage of the healthcare and secure living offered by Williamsburg Landing. To fulfill our tax-exempt purpose of providing that offering we continually have to plan for the future. This project is an important part of that plan.

I note that the objections letter you received did not contain any signatures, but instead only listed individuals or couples. Please know that several on that list who have confirmed that they, in fact, are either supportive of or not opposed to the project.

Sorry to make your job more complex, but I thought some clarification was needed.

Thank you for your service to the community.

Best wishes...

Bill Kaufmann, 5802 College Creek Place, Williamsburg, 23185



August 26, 2020

James City County Planning Commission
101 Mounts Bay Road, Building D
Williamsburg, Virginia 23185

**RE: Williamsburg Landing/Boatwright Circle Zoning and SUP Applications
James City County Case Nos. Z-20-0004; SUP-20-0014**

Dear Members of the Planning Commission:

We are writing to you as the two members of the Board of Directors of Williamsburg Landing who are also residents of Williamsburg Landing to request your support of the referenced zoning and SUP applications. We serve in our Board roles by virtue of our being the elected representatives of Williamsburg Landing Residents' Association, which is made up of the Independent Living residents at Williamsburg Landing. In addition, Tim Wright and his wife are residents of the Boatwright Circle neighborhood. As Board members, we have been involved in Williamsburg Landing's planning of the proposed addition of four new homes to the Boatwright Circle neighborhood.

For several decades, Williamsburg Landing has been a Life Plan Community providing quality housing and health care and its residents have made significant contributions to the local community. Williamsburg Landing has been a model of service to seniors which has become even more notable during the COVID-19 pandemic. With only one resident becoming infected with COVID since March of this year when safety protocols were put in place, many have taken note and the independent living waiting list continues to grow. During these very uncertain times, community members are looking for the support of a Life Plan Community like Williamsburg Landing. In addition to alleviating the uncertainty for some on the wait list, the installation of these four new homes will fit nicely into the Boatwright neighborhood and will not require the expense and disruption of having to put new infrastructure in place. As for possible short term disruption to the neighborhood with construction activities, we have been involved with management to make sure construction traffic will enter from Marclay Road behind the property and not through Boatwright Circle, no construction will be conducted on weekends and there will be limited time periods during which construction is to occur.

It has been comforting to us to have had a seat at the table while Williamsburg Landing has planned this project and experience firsthand the care and attention Williamsburg Landing pays to the needs of not only its current residents but also to future residents to ensure that its services will endure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Wright", written over a horizontal line.

Timothy Wright, Resident and Board Member

A handwritten signature in blue ink, appearing to read "W Kaufmann", written over a horizontal line.

William Kaufmann, Resident and Board Member

**Unapproved Minutes of the September 2 2020
Planning Commission Regular Meeting**

SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments

Mr. Haldeman stated that he would recuse himself from considering this application as he has a personal interest in the matter.

Mr. Thomas Wysong, Senior Planner, stated that Mr. Paul Gerhardt of Kaufman and Canoles, PC has applied on behalf of Williamsburg Landing Inc. to amend the existing proffers and Special Use Permit (SUP) conditions for a parcel in Williamsburg Landing to allow four additional independent living units within two new structures on Boatwright Circle. Mr. Wysong stated that the property is zoned R-5 AA, Multifamily Residential and Airport Approach Overlay District, is located within the Primary Service Area (PSA) and is designated Low-Density Residential on the Comprehensive Plan land Use Map.

Mr. Wysong stated that the Low Density Residential land use designation recommends retirement and care facilities/communities as a use, provided the development complements the residential character of the surrounding area, has traffic, noise, and lighting impacts similar to surrounding uses, is generally located on collector or arterial roads at intersections; and provides adequate screening and buffering to protect the character of nearby residential areas. Mr. Wysong stated that staff finds this portion of Williamsburg Landing meets all of these criteria and will continue to do so should this application be approved

Mr. Wysong stated that additionally, the Comprehensive Plan recommends a gross density range of 1 to 4 units per acre, provided certain benefits are provided, such as a commitment to open space design and environmental protection. Mr. Wysong further stated that the subject parcel currently has 28 independent living units, with a gross density of 1.77 units per acre. Mr. Wysong stated that if this proposal were to be approved, the subject parcel would have 32 units and a gross density of 2.03 units per acre and the gross density for the entire Williamsburg Landing development would marginally increase from 3.80 to 3.83 units per acre. Mr. Wysong stated that given the enhanced environmental protections conditioned with this SUP amendment and Williamsburg Landing's commitment to open space design, staff finds this proposal to be with consistent with the Comprehensive Plan's recommended density.

Mr. Wysong stated that staff also considered the impacts resulting from this development. Mr. Wysong noted that this proposal is not projected to generate traffic beyond a typical residential use, nor is lighting or noise a concern. Mr. Wysong further stated that since Williamsburg Landing is an age-restricted community, no schoolchildren are anticipated to be generated as a result of this proposal. Mr. Wysong stated that in order to locate the two new structures within their proposed location on this parcel, a portion of the existing conservation acreage will have to be relocated. Mr. Wysong further stated that staff has included a condition requiring approval of the deed of exchange, and easement plat prior to site plan approval, with the relocated conservation easement acreage being of equal or greater amount than that which is displaced. Mr. Wysong stated that the relocated acreage will be required to be located on one

of the Williamsburg Landing parcels. Mr. Wysong stated that in order to mitigate some of the impacts that may result from conservation easement relocation, the applicant has recommended including condition requiring for enhanced landscaping planting along Marclay Road. Mr. Wysong stated that overall, staff finds the impacts resulting from this proposal to be mitigated by the proposed conditions.

Mr. Wysong stated that staff recommends that the Planning Commission recommend approval of the proposed SUP and proffer amendment to the Board of Supervisors, subject to the draft conditions and proffers.

Mr. Polster inquired if any of the existing open space remain open space.

Mr. Wysong stated that the open space requirement in the R-5 Zoning District is that ten percent of developable land has to be conserved. Mr. Wysong further stated that, according to the information the applicant submitted, the open space remaining would exceed that requirement.

Mr. Polster inquired about the area that the applicant intends to supplement.

Mr. Wysong stated that the intent of that condition is for the applicant to provide additional plantings within the perimeter buffer. Mr. Wysong stated that he would defer to the applicant regarding the effect of the platted easement.

Mr. Rose inquired about the acreage of the existing conservation easement and the acreage of the portion being relocated.

Mr. Wysong stated that the amount of open space currently on the Boatwright parcel is approximately 4.58 acres. Mr. Wysong further stated that after the proposed units are installed there will be 3.93 acres.

Mr. Rose inquired if the term open space referred to the conservation easement.

Mr. Wysong stated that he would defer to the applicant; however, it was his understanding that open space does refer to the conservation area.

Mr. Krapf inquired if there was any special consideration of this application because of the Airport Approach Overlay District.

Mr. Wysong stated that no concerns were raised over the height of the structures; however, one of the SUP conditions requires all prospective owners of the new units to be formally notified that these units are in close proximity to the Airport Approach Overlay District.

Mr. Krapf inquired if the Federal Aviation Administration (FAA) had raised any concerns about the project.

Mr. Wysong stated that no concerns had been noted. Mr. Wysong further stated that there would be further review at the Site Plan stage.

Mr. Krapf called for disclosures from the Commission.

Mr. Krapf stated that he had a discussion with the applicant regarding the landscape buffer.

There were no disclosures from the other Commissioners.

Mr. Krapf opened the Public Hearing.

Mr. Paul Gerhardt, Kaufman & Canoles, PC, 4801 Courthouse Street, stated that he represents Williamsburg Landing. Mr. Gerhardt stated that also present were Mr. Greg Storer, CEO of Williamsburg Landing, Mr. Ryan Stephenson, AES Consulting Engineers, and Brad Sipes with GuernseyTingle.

Mr. Gerhardt stated that the applicant has reviewed the SUP conditions and concurs with them. Mr. Gerhardt further stated that the applicant has also provided a Proffer Amendment to mitigate impacts.

Mr. Gerhardt stated that as a 501 (c) (3) Not for Profit, under the category of providing housing for older persons, Williamsburg Landing has the responsibility to effectively manage its funds, yet responsive to the market and successive generations of new residents. Mr. Gerhardt stated that the Marclay Road expansion of the facilities is still several years out due to the need for extensive infrastructure and substantial financing. Mr. Gerhardt noted that the Board looked at this as an opportunity to provide more units in an area where infrastructure is already in place and where there would be little disruption to the residents. Mr. Gerhardt further noted that a meeting was held with Boatwright Circle residents and the main concerns were disruptions to the buffer and walking trails, as well as the presence of the Yardworks facility in close proximity to the affected buffer.

Mr. Gerhardt stated that in response to resident concerns, the applicant has revised its plans for buffering and determined that an enhanced landscape with additional trees and shrubs would shield the neighborhood from activities along Marclay road. Mr. Gerhardt noted that Williamsburg landing intends to work closely with the County to meet conservation area requirements. Mr. Gerhardt stated that the walking trail would be moved slightly and some improvements would be made. Mr. Gerhardt stated that the end result would be that the trail would continue to serve residents as it does now.

Mr. Gerhardt stated that this project has been thoughtfully designed and requested that the Commission support the application.

Mr. Polster if the current conservation easement along Marclay Road will remain a conservation easement under the proposed SUP condition.

Mr. Ryan Stephenson, AES Consulting Engineers, 5248 Olde Towne Road, stated that the 40-foot buffer would remain a conservation easement, and would be supplemented with additional plantings. Mr. Stephenson stated that the 6.5 acres of conservation easement where the building will be constructed, will be re-designated elsewhere on the property.

Mr. Polster inquired about the plan to restore the two temporary construction entrances.

Mr. Stephenson stated that the area would be revegetated in compliance with County requirements.

Mr. Polster stated that his concern is the impact on the VDOT easement.

Mr. Gerhardt stated that the intention is to ensure that the entire area is restored to existing conditions.

Mr. Polster noted that the area of the walking trail along Marclay Road would be ideal for a conservation easement which would be a great benefit to Williamsburg Landing as well as the adjacent community.

Mr. Polster inquired about the language providing for future utility crossings through the buffer.

Mr. Gerhardt stated that staff would oversee and advise any use of the conservation easement.

Mr. Rose inquired if the relocated conservation easement would be added to an existing conservation easement to create a larger area or if it would be located separately.

Mr. Stephenson stated that the acreage would be located adjacent to other existing conservation easements.

Mr. Krapf inquired if the area designated as the conservation easement would be planted.

Mr. Stephenson stated that it would be wooded as it currently exists.

Mr. Krapf asked Mr. Gerhardt to confirm that the plan is to landscape the area around the new buildings and add plantings to the forty-foot buffer.

Mr. Gerhardt confirmed.

Mr. Holt stated that staff received three call in comments which would be played for the Commission.

Ms. Martha Copenhaver, 5630 Boatwright Circle, addressed the Commission in opposition to the proposal.

Ms. Christine Zuckerberg, 5632 Boatwright Circle, addressed the Commission in opposition to the proposal.

Mr. John Nicholson, 5628 Boatwright Circle, addressed the Commission in support of the proposal.

Mr. Alex Baruch, Acting Principal Planner, stated that he would now coordinate the live public comment.

Mr. Tim Wright, 5610 Boatwright Circle, addressed the Commission in support of the application.

Ms. Judy Knudson, 5638 Boatwright Circle, addressed the Commission in support of the application.

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

Mr. Polster stated that he understands the desire to expand the facility which is vital to the Community. Mr. Polster stated that he has been concerned about the preservation of open space and buffering; however, he is satisfied with the proposal to improve the buffer area, protect the area, and mitigate impacts. Mr. Polster noted that he would like to see the portion of the walking trail along Marclay Road be enhanced with plantings and included as a conservation area. Mr. Polster stated that he would support the application.

Mr. Krapf stated that he finds that the applicant has made efforts to mitigate impacts to the Conservation Easement and the buffer. Mr. Krapf noted that the application does address in small part the need for additional housing for older citizens. Mr. Krapf stated that he would support the application.

Ms. Leverenz stated that she appreciates all of the residents who took time to provide thoughts and opinions on the application. Ms. Leverenz stated that the disruptions would be temporary and within a year or so, the area would be improved. Ms. Leverenz stated that she would support the application.

Mr. Polster made a motion to recommend approval of the application with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant.

On a roll call vote, the Commission voted to recommend approval of SUP-20-0014/Z-20-0004. Williamsburg Landing Boatwright Circle Amendments with the SUP conditions recommended by staff and the new SUP condition suggested by the applicant. (6-0-1)

ITEM SUMMARY

DATE: 10/13/2020

TO: Board of Supervisors

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

SUBJECT: Contract Award - Toano West Stream Restoration - \$343,486

ATTACHMENTS:

	Description	Type
☐	Cover Memo	Cover Memo
☐	Resolution	Resolution
☐	Exhibit	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Small, Toni	Approved	9/25/2020 - 3:26 PM
General Services	Boone, Grace	Approved	9/25/2020 - 4:01 PM
Publication Management	Daniel, Martha	Approved	9/25/2020 - 4:07 PM
Legal Review	Kinsman, Adam	Approved	9/25/2020 - 4:09 PM
Board Secretary	Fellows, Teresa	Approved	9/30/2020 - 9:10 AM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:31 AM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

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

SUBJECT: Contract Award - Toano West Stream Restoration - \$343,486

The Toano West Stream Restoration will repair drainage infrastructure and protect property by stabilizing erosion in an area of the County which has highly erodible soils and uncontrolled runoff from upstream development that was primarily created prior to stormwater management regulations. The project begins at the end of the culvert that drains Richmond Road near its intersection with Forge Road, continues downstream under Depot Street, and ends at the CSX Railroad tracks (see attached location map). The Toano West Stream Restoration is located in the Ware Creek/York River Watershed. The project includes restoration of approximately 695 linear feet of eroded stream channel and replacement of the existing undersized culvert under Depot Street. The goal of the design is to create a channel with a stable pattern, profile and dimension, and stabilize actively eroding banks helping to prepare the channel to serve as the receiving channel for the Toano Revenue Sharing transportation project. Natural channel design principles were utilized to develop the limits for the design. Streambank stabilization structures will be employed in the stream restoration. Invasive plants will be removed and replaced with native trees, shrubs, and herbaceous vegetation. All necessary permits and/or approvals have been obtained for this project.

A two-step Invitation for Bids was publicly advertised. Step 1 required the submittal of a Technical Bid Form primarily to demonstrate the bidder has completed a minimum of three projects of similar size and type. Step 2 was to open the Bid Form if the technical bid requirements were met.

The following three qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
HGS, LLC, a Resource Environmental Solutions, LLC Company	\$343,486
Environmental Quality Resources, LLC	\$413,200
Henry S. Branscome, LLC	\$642,900

HGS, LLC, a Resource Environmental Solutions, LLC Company, has performed satisfactory work for James City County in the past and was determined to be the lowest qualified, responsive, and responsible bidder. This project is part of the approved Capital Improvements Program budget and Stormwater Local Assistance Fund grant funds are also available to fund 50 percent of the construction costs for this project.

Staff recommends approval of the attached resolution authorizing the contract award to HGS, LLC, a Resource Environmental Solutions, LLC Company.

DEC/md
CA-ToanoWest-mem

Attachments

RESOLUTION

CONTRACT AWARD - TOANO WEST STREAM RESTORATION - \$343,486

WHEREAS, the James City County General Services Division received competitive bids for the Toano West Stream Restoration; and

WHEREAS, three bids were considered for award and HGS, LLC, a Resource Environmental Solutions, LLC Company, was the lowest qualified, responsive, and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds and Stormwater Local Assistance Funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$343,486 to HGS, LLC, a Resource Environmental Solutions, LLC Company, for the Toano West Stream Restoration project.

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

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October 13, 2020.

CA-ToanoWest-res

Toano West Stream Restoration Vicinity Map and Existing Conditions



Vicinity Map



Beginning of Upper Reach with Broken Concrete Stabilization



Upper Reach Channel Blockage with Riprap and Excessive Sedimentation



Debris Blockage at Depot St. Culvert - Subterranean Stream Flows



Conditions in Lower Reach of Stream



End of Project at the CSX Railroad Culvert

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Sharon Day, Director of Financial and Management Services

SUBJECT: School Year-End Spending Plan Appropriation - \$769,827

ATTACHMENTS:

	Description	Type
☐	Memo - Fiscal Year 2020 School Year-End Spending Plan Appropriation - \$769,827	Cover Memo
☐	Resolution - Fiscal Year 2020 School Year-End Spending Plan Appropriation - \$769,827	Resolution
☐	WJCC Spending Plan Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:35 PM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:41 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:44 PM
Publication Management	Daniel, Martha	Approved	10/5/2020 - 1:49 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 10:39 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 4:03 PM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 4:08 PM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 4:10 PM

MEMORANDUM

DATE: October 13, 2020

TO: The Board of Supervisors

FROM: Sharon B. Day, Director, Financial and Management Services

SUBJECT: Fiscal Year 2020 School Year-End Spending Plan Appropriation - \$769,827

At a meeting on September 15, 2020, the Williamsburg-James City County School (WJCC) Board adopted a spending plan for the Fiscal Year (FY) 2020 year-end funds totaling \$850,450. These funds represent underspending for the fiscal year that ended on June 30, 2020. The School Division estimates that the total year-end surplus is \$5,773,462. As part of the FY 2021 budget process, James City County and the City of Williamsburg allocated \$2,000,000 of this surplus to support the School Division's FY 2021 operating budget. The remaining \$2,923,012 of the surplus would be returned to the funding localities.

The City/County School Contract, most recently revised in April 2017, includes the following provision:

Based on Section 22.1-100 of the Code of Virginia, local school funds unexpended in any year shall become part of the appropriated funds of the City and County for the School Board for the following year. However, based on a spending plan submitted by the School Board, unexpended local funds at year-end may be appropriated by the City and County for school purposes beyond those previously funded.

The County share of the total local funding for FY 2020 was 90.52% and, as a result, \$2,645,910 would be returned to the County. The spending plan adopted by WJCC includes the following County funds of \$769,827:

Instruction - Digital Curriculum Development	\$452,600
Health/Safety Mitigation - Air Filtration/Air Purifier	136,187
Health/Safety Mitigation - Protective Learning Shields	90,520
Childcare Assistance	<u>90,520</u>
	<u>\$769,827</u>

Attached is additional documentation provided by the School Division regarding the request. The attached resolution, if adopted, approves the School Board's requested spending plan and appropriates the funding in the County's Special Projects/Grants Fund in order to keep the FY 2021 operational base at the original County approved amount.

SBD/nb
SchYrEndSpd2020-mem

Attachment

RESOLUTION

FISCAL YEAR 2020 SCHOOL YEAR-END SPENDING PLAN APPROPRIATION - \$769,827

WHEREAS, the Williamsburg-James City County School Board (WJCC) adopted a spending plan for the Fiscal Year (FY) 2020 year-end funds totaling \$850,450 with the County share representing \$769,827; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the FY 2021 Special Projects/Grants Fund for the following purposes:

Revenue:

Fund Balance	\$ <u>769,827</u>
--------------	-------------------

Expenditures:

Instruction - Digital Curriculum Development	\$452,600
Health/Safety Mitigation - Air Filtration/Air Purifier	136,187
Health/Safety Mitigation - Protective Learning Shields	90,520
Childcare Assistance	<u>90,520</u>
	<u>\$769,827</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>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2020.

SchYrEndSpd2020-res



Williamsburg-James City County Public Schools School Board & Central Office

P.O. Box 8783 • Williamsburg, VA 23187
Phone: (757) 603-6400 | wjccschools.org

WJCC School Board

Lisa Ownby, M.S.W.
Chair
Powhatan District

Julie Y. Hummel, M.Ed.
Vice Chair
City of Williamsburg

Jim Kelly, PE
Parliamentarian
Jamestown District

James W. Beers, Ph.D.
Roberts District

Kyra Cook
City of Williamsburg

D. Greg Dowell, Jr., M.A.P.P.
Stonehouse District

Sandra S. Young, M.S.Ed.
Berkeley District

Superintendent
Olwen E. Herron, Ed.D.

September 23, 2020

Mr. Jim Icenhour
Chair, Board of Supervisors
James City County
101 Mounts Bay Road, Building D
Williamsburg, VA 23185

Dear Mr. Icenhour:

On behalf of the School Board of Williamsburg-James City County Schools, I am pleased to share the school division's year-end spending plan, which addresses the impact of COVID-19 and our ability to safely and effectively deliver instruction to students.

The 2020 fiscal year surplus is approximately \$5,773,462 or **4.08%** of the school division's total operating budget. This amount includes \$262,271 in revenue received more than the budget appropriation and \$5,511,191 saved through extremely cautious spending and planning after the onset of the COVID-19 pandemic. We are grateful that \$2.0 million of this surplus is allocated to support our fiscal year 2021 operating budget. Given the continued unknowns due to the pandemic, we request that the remaining surplus funds also be earmarked to support education in the upcoming budget cycle.

As you know, the Code of Virginia, § 22.1-100, states that school divisions may not carry over funds from one fiscal year to the next. In keeping with the law and established practices, the school division provides our funding partners with a request for the reallocation of unspent funds and an outline of how those funds will be spent.

Recognizing the division must continue to be extremely cautious with spending, the attached year-end spending plan identifies items that are critical in the face of COVID-19 and the challenges to address instruction because of it. The digital curriculum is necessary to meet the instructional needs of 3,000 students who have chosen to attend the division's Virtual Academy year-long and those who will move along the continuum of Paths 1 through 4. To ensure the health of the students and staff who are already back in their classrooms as well as for those soon to come, it is essential to purchase air filtration/air purifiers to address air quality. Additional protective learning shields are also imperative for the health and safety of staff and students.

Lastly, the school division would like to follow the County's lead by offering childcare support to employees until we are fully on Path 4 of our Return to Learn plan. As you might imagine, it is a hurdle for some teachers to return to their classrooms while their school-aged children are participating in remote learning at home. The County's plan to offer childcare stipends to their employees is a model we hope to replicate as we progress through the paths.

Mr. Jim Icenhour
Page Two
September 23, 2020

A copy of the WJCC Schools year-end spending plan is also being provided to the City and County finance departments for review. We appreciate your careful consideration of this request and the reallocation of funds.

Thank you for your continued partnership and commitment to providing all students with a high-quality education in safe places where they may learn and grow.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Ownby".

Lisa Ownby
Chair, Williamsburg-James City County School Board

Attachment



Williamsburg – James City County Public Schools FY20 Year-End Status & Proposed Year-End Spending Plan

9-15-2020

Commitment to Responsible Fiscal Practices

The Leadership of Williamsburg-James City County Schools is committed to sound fiscal management and upholding our responsibility to be good stewards of the taxpayers' money. The school division must strike a balance between meeting the instructional needs of students and sound spending practices. In doing so, the division mustn't operate with a deficit. As one might expect, financially conservative budgeting should thus result in a surplus at the end of a fiscal year

By State code Section 22.1-100, WJCC Schools cannot carry-over funds from one fiscal year to the next. The contract by which WJCC Schools operates requires the approval of a year-end spending plan by both city and county governing bodies. Any non-allocated funds must be returned to those governing bodies.

Year-end Remaining Funds Estimate

The FY20 year-end remaining funds estimate is just under \$5.8 million. The amount is made up of \$262,271 of revenue received in excess of the budget appropriation and expenditures \$5,511,191 less than the budget appropriation.

Description	Amount	% of Total	% of Budget
Revenue in Excess of Appropriation	\$ 262,271	4.5%	0.2%
Expenditures Less than Appropriation	5,511,191	95.5%	3.9%
Total year-end surplus estimate	\$ 5,773,462	100.0%	4.1%
Amount allocated to support FY21 Operating Budget	2,000,000		
Total funds available for Spending Plan request	\$ 3,773,462		

The expenditure savings are a result of the cost saving measures that we implemented in March 2020 in response to the COVID-19 pandemic that closed schools for the remainder of the year. Energy savings were recognized from schools being unoccupied and buses sitting idle (\$950K), staff development and travel funds were left unspent (\$200K), all purchases were limited to essential items only, and savings were realized from suspending academic stipends, not utilizing substitute teachers, tutors, athletic coaches and other temporary employees for approximately 12 weeks (\$850K).

Attrition

Attrition occurs annually with the natural employment cycle of most organizations. Often, when WJCC employees retire or resign, a new employee will be hired with a lower total cost to the division. This natural transition occurs each year across the division in all job titles and cost centers. As with fuel costs, attrition savings can vary widely, especially when outside forces impact employees (e.g. recession, health care costs, cost of living, etc.)



Williamsburg – James City County Public Schools FY20 Year-End Status & Proposed Year-End Spending Plan

9-15-2020

In fiscal year 20, approximately \$1.6 million in attrition savings was realized which includes savings from unfilled or “frozen” positions. For fiscal year 21, estimated attrition savings of \$675,000 was utilized to balance the division’s Operating Budget

As part of the FY21 budget process, James City County and the City of Williamsburg reallocated \$2.0 million of the school division’s estimated FY20 surplus to support the FY21 operating budget. This leaves just under \$3.8 million available for a spending plan request.

After considering the proposed spending plan request of \$850,450, the amount of \$2,923,012, or 2.05% of the division’s total operating budget, would be returned to James City County and the City of Williamsburg.

Year-End Spending Plan

WJCC School’s administration has proposed a spending plan that includes funding for digital curriculum development and health/safety mitigation items to address the impact of COVID-19.

Instruction – Digital Curriculum Development

WJCC teachers from grades K-12 and specialty areas are collaboratively developing digital curriculum. This includes writing lessons, identifying resources and creating assessments to support virtual and or remote teaching and learning. All developed resources/lessons/materials will be uploaded into our learning management system, Canvas, for use by teachers and students. This requested funding will allow completion of quarter 3 and quarter 4 development of curriculum. Quarter 1 and 2 digital curriculum and assessment resources were developed in July and August 2020 using Cares Act Funds provided directly to WJCC Schools.

The estimated cost is \$500,000

Health/Safety Mitigation – Air filtration/Air purifier

We have a plan to upgrade HVAC systems with higher particulate filtration filters that will improve the air quality of classrooms and in buildings and reduce the number of bacteria and particles in the air. The MERV 11 & 13 filters block particulates including most bacteria, mold and spores that could complicate underlying respiratory issues that make occupants more vulnerable to COVID-19. In rooms where use of the new filters is not possible, we plan to use HEPA air purifiers. These stand-alone units help filter the air in classrooms. The recommendation is to purchase 300 air purifiers and 7500 MERV 11 & 13 filters across the division. This is a vital piece of the WJCC Schools health mitigation plan for 2020-21.

The estimated cost is \$150,450



Health/Safety Mitigation – Protective Learning Shields

Protective learning shields are recommended to provide instructional staff with a physical shield when providing small group instruction, providing feedback, completing assessments, or working with individual students. City of Williamsburg CARES Act funding has been used for a partial purchase of 458 Plexiglass tri-fold shields for identified staff at secondary and teachers responsible for small group instruction at the elementary level. This request will allow the purchase of 672 additional tri-fold shields: 472 for the secondary level and 200 additional for elementary centers teachers and content specialists who work directly with students.

The estimated cost is \$100,000

Childcare Assistance

Based on the model established by James City County, this funding will afford employees the opportunity to apply for \$50 per week to assist in childcare costs for school-aged children while WJCC is operating in Path 1, 2, or 3.

The estimated cost is \$100,000

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:38 PM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:38 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:43 PM
Publication Management	Daniel, Martha	Approved	10/5/2020 - 1:47 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:46 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:49 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:52 AM

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator Williamsburg Regional Library

SUBJECT: Williamsburg Regional Library Board

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:39 PM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:42 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:43 PM
Publication Management	Daniel, Martha	Approved	10/5/2020 - 2:02 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:48 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:51 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:52 AM

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator

SUBJECT: Williamsburg Area Transit Authority

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:39 PM
Board Secretary	Purse, Jason	Approved	10/5/2020 - 1:41 PM
Board Secretary	Fellows, Teresa	Approved	10/5/2020 - 1:43 PM
Publication Management	Daniel, Martha	Approved	10/5/2020 - 1:50 PM
Legal Review	Kinsman, Adam	Approved	10/6/2020 - 9:28 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:46 AM
Board Secretary	Purse, Jason	Approved	10/6/2020 - 9:51 AM
Board Secretary	Fellows, Teresa	Approved	10/6/2020 - 9:52 AM

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code section 2.2-3711(A) (3).

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/12/2020 - 4:12 PM

ITEM SUMMARY

DATE: 10/13/2020

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Adjourn until 4 p.m. on October 27, 2020 for the Work Session

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	10/7/2020 - 11:31 AM