

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JULY 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. PLEDGE OF ALLEGIANCE – Cheyne Elliott, a rising sixth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, made comments in honor of Mr. Wanner.

E. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar with the amendments to the minutes.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

1. Minutes – July 13, 2010
2. Grant Award – Police Department – Department of Criminal Justice Services – \$18,950

RESOLUTION

GRANT AWARD – DEPARTMENT OF CRIMINAL JUSTICE SERVICES – \$18,950

WHEREAS, the James City County Police Department has been awarded a grant from the Virginia Department of Criminal Justice Services (DCJS) in the amount of \$18,950 (\$14,212/grant; \$4,738/local match); and

WHEREAS, the grant requires a match of \$4,738, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase an upgrade for the Department's photo/video server and a DVD duplicator.

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 amendment to the Special Projects/Grants fund:

Revenues:

DCJS – Server and DVD FY 2011	\$14,212
Special Projects/Grants fund	<u>4,738</u>
Total	<u>\$18,950</u>

Expenditure:

DCJS – Server and DVD FY 2011	<u>\$18,950</u>
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- 3. Grant Award – Police Department – Wal-Mart Import Distribution Center – \$500

RESOLUTION

GRANT AWARD – POLICE DEPARTMENT – WAL-MART IMPORT

DISTRIBUTION CENTER – \$500

WHEREAS, the James City County Police Department has been awarded a grant from Wal-Mart Import Distribution Center No. 6088 in the amount of \$500; and

WHEREAS, the grant requires no match; and

WHEREAS, the funds are to be used to purchase digital recording pens for investigators to aid in their efficiency and productivity in the taking of notes and statements.

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 amendment to the Special Projects/Grants fund:

Revenue:

Wal-Mart FY 2011	<u>\$500</u>
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Expenditure:

Wal-Mart FY 2011	<u>\$500</u>
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4. Grant Award – Fire Department – Virginia Department of Emergency Management – \$34,692

RESOLUTION

GRANT AWARD - VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT - \$34,692

WHEREAS, the Virginia Department of Emergency Management has awarded the James City County Fire Department/Emergency Management Division a grant in the amount of \$34,692; and

WHEREAS, the funds are to be used toward the enhancement of the County Emergency Management Program; and

WHEREAS, the grant requires a 100 percent in-kind match, which is met through the division's normal operating budget.

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

Revenue:

LEMPG Grant	<u>\$34,692</u>
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Expenditure:

LEMPG Grant	<u>\$34,692</u>
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5. Grant Award – Fire Department – Citizen Corps Program – \$15,600

RESOLUTION

GRANT AWARD - CITIZEN CORPS PROGRAM - \$15,600

WHEREAS, the James City County Fire Department's Division of Emergency Management has been awarded a Citizen Corps Program grant in the amount of \$15,600 from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the grant requires no match; and

WHEREAS, the grant funds will be used to increase the safety, preparedness, and resiliency of County citizens through education, training, community outreach, coordination, and enhanced participation with stakeholders.

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

Revenue:

Citizen Corps-VDEM \$15,600

Expenditure:

Citizen Corps-VDEM \$15,600

- 6. Grant Award – Fire Department – Rescue Squad Assistance Fund (RSAF) – \$34,080

RESOLUTION

GRANT AWARD – RESCUE SQUAD ASSISTANCE FUND (RSAF) – \$34,080

WHEREAS, the Virginia Department of Health (VDH) Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$34,080 (\$17,040 RSAF/\$17,040 local match); and

WHEREAS, the grant requires a 50 percent match of \$17,040, which will be funded with donations to the Fire Department held in the Donation Trust Fund; and

WHEREAS, the grant funds will be used to purchase training equipment, including demonstration Automatic External Defibrillators (AEDs) and pediatric/neonatal equipment.

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

Revenues:

RSAF-Training Equip-FY 2011	\$17,040
Transfer from Donation Trust Fund	<u>17,040</u>
Total	<u>\$34,080</u>

Expenditure:

RSAF-Training Equip-FY 2011 \$34,080

7. Grant Award – Fire Department – Wal-Mart Import Distribution Center – \$1,000

RESOLUTION

GRANT AWARD – FIRE DEPARTMENT – WAL-MART IMPORT

DISTRIBUTION CENTER – \$1,000

WHEREAS, Wal-Mart Import Distribution Center 6088 has awarded the James City County Fire Department a community grant in the amount of \$1,000; and

WHEREAS, the grant funds will be used to purchase firefighting tools for an engine housed in Fire Station 2, which serves residents and visitors at the lower end of the County; and

WHEREAS, the grant does not require matching funds.

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

Revenue:

Wal-Mart Distribution Center 6088 \$1,000

Expenditure:

Wal-Mart Distribution Center 6088 \$1,000

8. Contract Award – Replacement Pumper Truck – \$592,951

RESOLUTION

CONTRACT AWARD – REPLACEMENT PUMPER TRUCK – \$592,951

WHEREAS, funds are available in the FY 2011 Capital Improvement Program (CIP) budget for the purchase of a replacement pumper truck; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the Houston-Galveston Area Council issued a cooperative purchasing contract to Pierce Manufacturing as a result of a competitive sealed Invitation to Bid; and

WHEREAS, Fire Department, Fleet, and Purchasing staff determined the contract specifications meet the County’s performance requirements for a pumper truck and negotiated a price of \$592,951 with Pierce Manufacturing for a Pierce Velocity Pump Under Cab (PUC) Pumper Truck.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Pierce Manufacturing for a Pierce Velocity Pump Under Cab (PUC) Pumper Truck in the amount of \$592,951.

9. Establishment of a Full-Time Regular Groundskeeper I Position and Transfer of Funds

RESOLUTION

ESTABLISHMENT OF FULL-TIME REGULAR GROUNDSKEEPER I POSITION

AND TRANSFER OF FUNDS

WHEREAS, the Board of Supervisors desires to continue to foster good maintenance of public school and public facility grounds in James City County; and

WHEREAS, an agreement between James City County and Williamsburg-James City County (WJCC) Public Schools allows for the establishment of County positions to replace WJCC grounds positions when WJCC positions become vacant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time regular Groundskeeper I position, effective August 1, 2010. The Board also approves the transfer of \$40,554 from Operating Contingency to 001-142-0110.

10. Revisions to the Personnel Policies and Procedures Manual, Chapter 5, Section 5.7B.2 – VRS Service Retirement

RESOLUTION

REVISION TO PERSONNEL POLICIES AND PROCEDURES MANUAL,

CHAPTER 5, SECTION 5.7.B.2 – VIRGINIA RETIREMENT SYSTEM (VRS)

SERVICE RETIREMENT

WHEREAS, effective July 1, 2010, certain retirement provisions have changed for some employees hired after that date; and

WHEREAS, the current policy language does not reflect the July 1, 2010, changes; and

WHEREAS, the revised policy would be correct for all employees, regardless of hire date.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual.

11. Revisions to the Personnel Policies and Procedures Manual, Chapter 4, Section 16.A – Standby Pay

RESOLUTION

**REVISION TO SECTION 4.16.A OF THE PERSONNEL POLICIES AND
PROCEDURES MANUAL – STANDBY PAY**

WHEREAS, the County is aligning its Standby Pay policy with its current practices; and

WHEREAS, the revised policy will more accurately reflect Standby Pay eligibility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Section 4.16.A of the James City County Personnel Policies and Procedures Manual.

12. Optional Long-Term Care Insurance

RESOLUTION

OPTIONAL LONG-TERM CARE INSURANCE

WHEREAS, the Virginia Retirement System (VRS) is allowing local governments to participate in their optional long-term care insurance; and

WHEREAS, long-term care insurance may be beneficial to employees to protect their assets if they need long-term care in a nursing home, assisted living facility, or at home; and

WHEREAS, employees will be able to take advantage of group rates, payroll deduction, and guaranteed issue; and

WHEREAS, the benefit is 100-percent employee paid and revocable after three years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to enter into an agreement with VRS to offer Long-Term Care Insurance.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 5, Employee Benefits, of the James City County Personnel Policies and Procedures Manual.

13. Operating Contingency Transfer for Business and Technology Incubator

RESOLUTION

**OPERATING CONTINGENCY TRANSFER FOR BUSINESS AND
TECHNOLOGY INCUBATOR**

WHEREAS, James City County established a Business and Technology Incubator; and

WHEREAS, the County and its Economic Development Authority (EDA) entered into an agreement for the College of William and Mary's Technology and Business Center (CWM-TBC) to manage the Incubator; and

WHEREAS, the County agreed to bear responsibility for expenses related to the facility, to include utility expenses; and

WHEREAS, all fees collected from Incubator clients for services and rent will be payable to the County; and

WHEREAS, the Office of Economic Development (OED) shall pay for expenses related to the Incubator from its operating budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a budget transfer of \$10,000 from the County's General Fund to the OED in order for OED to directly pay utility expenses for the Incubator.

14. Bank Resolution Amendment

RESOLUTION

BANK RESOLUTION AMENDMENT

BE IT RESOLVED that James City County (JCC) has multiple financial institutions designated as depositories for the JCC funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors; and

BE IT FURTHER RESOLVED that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

Robert C. Middaugh, Jr.	OR	County Administrator
M. Ann Davis	OR	Treasurer
Barbara S. Miller		Assistant Treasurer

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by M. Ann Davis, Treasurer, or Barbara S. Miller, Assistant Treasurer. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

F. PUBLIC HEARINGS

Mr. Wanner recognized Planning Commissioner Joe Poole in attendance.

1. Case No. SUP-0016-2010. La Tienda – Virginia Packing

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Jonathan Harris of Virginia Packing, LLC has applied for a Special Use Permit (SUP) to allow for development of a food processing operation in the Toano Business Center. The proposed facility would be located in existing units in the Toano Business Center on Richmond Road. Initially, the facility would operate out of two units (approximately 4,000 square feet) with the intention to expand into a third unit for a total of approximately 6,000 square feet. It would include slicing and packaging of meats (mainly ham and sausage), production of artisan sausages, and repackaging of gourmet food from Spain primarily to serve the needs of Tienda, Inc., which currently has three properties located in James City County and has been in operation in the County for over 15 years. There will not be a retail component to this facility.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on July 7, 2010, the Planning Commission recommended approval of the SUP application by a vote of 6-0.

Staff recommended approval of the resolution.

Mr. Goodson commented that he did not understand why the SUP was needed in this case since the mitigation of impacts was not the purview of the tenant. He stated that the Zoning Ordinance should be evaluated in this respect since it created a difficulty for a small business.

Ms. Reidenbach stated that this was easier in this case since there was an existing building, but the SUP allowed greater review. She stated these uses would be explored during the Zoning Ordinance update.

Mr. Icenhour asked if the SUP was needed since there was processing and packaging of foods.

Ms. Reidenbach stated that was correct.

Mr. Icenhour stated he believed it should be streamlined for a small business owner, but he appreciated that the impacts would be mitigated through the SUP.

Mr. Wanner opened the Public Hearing.

1. Mr. Jonathan Harris, 109 Argall Town Lane, on behalf of Virginia Packing, thanked the Board for consideration.

As no one else wished to speak to this matter, Mr. Wanner closed the Public Hearing.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0016-2010. LA TIENDA – VIRGINIA PACKING

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

WHEREAS, Mr. Jonathan Harris of Virginia Packing, LLC has applied for an SUP to allow a facility for the manufacture, compounding, processing, and/or packaging of food and food products, but not the slaughter of animals, on a parcel of land zoned M-1, Limited Business/Industrial; and

WHEREAS, the facility would be located in Units 101, 102, and 103 of property located at 8105 Richmond Road and can be further identified as James City County Real Estate Tax Map Nos. 1240600101, 1240600102, and 1240600103; and

WHEREAS, the Board of Supervisors approved rezoning the property to M-1 with proffers on July 22, 1997, and manufacture and processing of food or food products was left as a specially permitted use; and

WHEREAS, following its public hearing on July 7, 2010, the Planning Commission voted 6-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-0016-2010 as described herein with the following conditions:

1. Use and Master Plan. This SUP shall be valid for the operation of an approximately 6,000 square foot facility that manufactures, processes, and packages food or food products, but

does not include the slaughter of animals, in units 101, 102, and 103 of the Toano Business Center (the "Property"). The Property shall be developed generally as shown on the conceptual master plan entitled "La Tienda-Virginia Packing" and dated June 21, 2010 (the "Master Plan").

2. Water Conservation Guidelines. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems; the use of approved landscaping materials including the use of drought-tolerant plants where appropriate; and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. Commencement of Use. If any Certificate of Occupancy has not been issued on this project within 36 months from the issuance of an SUP, the SUP shall become void.
4. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. AFD-1-94. Wright's Island 2010 Renewal

Ms. Kate Sipes, Senior Planner, stated there were currently 14 Agricultural and Forestal Districts (AFDs) in the County, one has an eight-year term, one has a six-year term, and the others have four-year terms. She stated that the Wright's Island AFD has an eight-year term and is up for renewal after a public hearing as required by law. Ms. Sipes stated the Wright's Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994, and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district. In August 2002, the District was renewed for another eight-year term. As part of the 2002 renewal a 90-acre parcel was withdrawn from the district. One parcel, (20-2)(1-28), is being withdrawn at the property owners' request. The parcel is approximately 75 acres in size. After the withdrawal the district will total approximately 1379.65 acres.

Staff found the AFD consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan.

On June 28, 2010, the AFD Advisory Committee recommended renewal of this district by a vote of 6-0.

At its meeting on July 7, 2010, by a vote of 6-0, the Planning Commission recommended renewal of the Wright's Island AFD.

Staff recommends renewing the Wright's Island AFD for a period of eight years and two months.

Mr. Wanner opened the Public Hearing.

As no one wished to speak to this matter, Mr. Wanner closed the Public Hearing.

Mr. Kennedy made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

3. Ordinance Amendment to Chapter 20, Taxation, Adding Section 20-13.10, Exemption for Pollution Control Equipment

Mr. Wanner stated that the ordinance would exempt from State and local taxation certified pollution control equipment and facilities. He stated that the land would not be exempt from taxation. He quoted the ordinance, "Certified pollution control equipment and facilities shall mean any property, including real or personal property equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the State certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination."

Mr. Wanner recommended adoption of the ordinance.

Mr. McGlennon asked if this exemption applied to new equipment and would not reduce current tax revenues collected by the County.

Mr. Wanner stated that was correct.

Mr. McGlennon asked if there would be a State law in the next year to exempt the equipment and facilities.

Mr. Wanner stated that was correct and that in upcoming legislation, local taxing authority would be withdrawn.

Mr. McGlennon stated it was important to determine whether adjustments needed to be made when revenues were being reduced or if these reductions were being imposed from an outside source.

Mr. Wanner opened the Public Hearing.

As no wished to speak to this matter, Mr. Wanner closed the Public Hearing.

Mr. Goodson made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

G. BOARD CONSIDERATIONS

1. James City County Green Building Design Roundtable Recommendations

Mr. Steven Hicks, Development Manager, stated that Mr. Kennedy and Mr. McGlennon asked the County to review best practices for Green Building Design and a committee was formed to develop recommendations. He stated that the committee met for 18 months and gathered input from various stakeholders in the community. He noted that the main areas of focus were Finance, Housing, Design and Construction, Communication, and Research and Development. Staff recommended adoption of the resolution

expressing Board support of the general recommendations in the report and seeks any guidance the Board may have in moving forward with the recommendations.

Mr. McGlennon thanked Mr. Kennedy and Mr. Hicks for their leadership in moving this project forward and those individuals who participated on the committee as well as the Finance Sub-committee. He stated he hoped to go beyond encouraging green building practice and felt these recommendations would help move the County forward as a leader in green building.

Mr. Kennedy expressed his appreciation for Mr. Hicks's leadership and the participants in this group. He stated that he hoped to move forward and implement these recommendations.

Mr. Icenhour asked about other localities' establishment of green building requirements for private development.

Mr. Hicks stated that the City of Alexandria, Arlington County, Fairfax County, and other high-growth communities require some Leadership in Energy and Environmental Design (LEED) certification for buildings over 10,000 square feet. He stated there were also incentives provided such as expedited review for developments with green building components. He stated that other localities are already doing some of these strategies, but he believed that the recommendations would help green building policies move forward.

Mr. Icenhour stated that he felt some requirement of green building techniques should be considered.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

JAMES CITY COUNTY GREEN BUILDING DESIGN ROUNDTABLE RECOMMENDATIONS

WHEREAS, the James City County Green Building Design Roundtable Forum met from March 2009 to June 2010; and

WHEREAS, the Green Building Design Roundtable Forum compiled a report and a set of green building recommendations; and

WHEREAS, the Green Building Design Roundtable Forum members included a diverse group of individuals from the public and private sectors, and with a range of expertise in engineering, design, and construction; and

WHEREAS, the Board of Supervisors wishes to demonstrate to the community the County's leadership in sustainable and green building design.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports implementation of the general recommendations found within the James City County Green Building Design Roundtable Report dated June 2010.

2. James City County Twinning Agreement with the Town of St. George, Bermuda

Mr. Wanner stated that James City County is proud of its historic heritage and noted that Bermuda was vital to the settlement of the first permanent English colony at Jamestown. He stated that the Town of St. George, Bermuda, has proposed a Twinning Agreement with James City County to commemorate the contributions that helped to preserve the colony at Jamestown. He stated that representatives from Bermuda have visited James City County and were very enthusiastic about this agreement as a show of solidarity between the two localities. Mr. Wanner recommended adoption of the resolution.

Mr. Goodson stated that his children were descended from Sir Thomas Gates, captain of the *Sea Venture*, which was stranded in Bermuda.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

**JAMES CITY COUNTY TWINNING AGREEMENT WITH THE TOWN OF
ST. GEORGE, BERMUDA**

WHEREAS, the first permanent English colony at Jamestown is a critical historical site in the history of the County, the State, and the Nation; and

WHEREAS, the *Sea Venture*, flagship of a fleet en route to Jamestown as part of the third supply of colonists, shipwrecked in Bermuda on July 28, 1609; and

WHEREAS, the 150 passengers of *Sea Venture* came ashore and were able to construct new ships, *Deliverance* and *Patience*, to continue their journey to Jamestown; and

WHEREAS, Admiral Sir George Somers, the “founding father” of Bermuda, played a critical role in providing meat and fish for the Virginia colonists, helping the colony to survive in its critical early years; and

WHEREAS, the colonists on *Sea Venture* as well as those at Jamestown would likely have perished without the bounty provided by Bermuda; and

WHEREAS, the Town of St. George officially unveiled its 400th Anniversary monument on July 28, 2010.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the vital contributions of what has become the Town of St. George, Bermuda, in the survival of the first permanent English colony at Jamestown; and

BE IT FURTHER RESOLVED that the Board of Supervisors will strive to maintain a mutually-beneficial twinning agreement with the Town of St. George and to collaborate with the town to celebrate and augment historical events in commemoration of its contributions to the endurance of Jamestown.

H. PUBLIC COMMENT

1. Mr. Mark Taylor, 4784 Regents Park, commented that he was from St. George, Bermuda, and he appreciated the County adopting the resolution for the Twinning Agreement.

2. Mr. Ed Oyer, 139 Indian Circle, commented on traffic on Route 60 East; unkempt and derelict property at 101 Indian Circle; and the intensity of a public hearing in California.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the National Association of County Information Officers awarded the Communications Division an award for the 2009 Progress Report. He stated that when the Board completed its business, it would adjourn to 4 p.m. on August 10, 2010, for a joint work session with the Planning Commission. He stated that after Board Requests and Directives, there should be a meeting of the James City Service Authority (JCSA) followed by a Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission and the Regional Issues Committee.

Mr. Wanner stated this week concludes 14 years of service as County Administrator of James City County and 25 years of service to James City County and the JCSA. He thanked the Board, citizens, and staff. He recognized his wife, Judy Wanner, for her support during his tenure at the County, particularly during the past year when he extended his service to the County due to the declining economic conditions. He stated his hope that his service would leave the County a better place for its citizens.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy read a resolution of recognition for Mr. Wanner.

RESOLUTION OF APPRECIATION

SANFORD B. WANNER

WHEREAS, Sanford B. "Sandy" Wanner has, with the support of the Board of Supervisors, faithfully served James City County for 25 years as General Manager of the James City Service Authority from 1985 - 1990, Assistant County Administrator from 1990 - 1996, and County Administrator from 1996 - 2010; and

WHEREAS, Sandy has overseen the development of innovative programs and initiatives such as the Succession Management Program, the Purchase of Development Rights (PDR) Program, the redevelopment of Ironbound Square, and successful bond referendums for schools, parks and recreation, and PDR/greenspace; and

WHEREAS, Sandy oversaw the development of capital projects which will have a lasting impact on the community and our quality of life, such as the James City/Williamsburg Community Center, the James City County Library, the Williamsburg-James City County Courthouse, the Virginia Peninsula Regional Jail, Freedom Park, Chickahominy Riverfront Park, and the Groundwater Treatment Plant; and

WHEREAS, Sandy's leadership in acquiring and developing the Warhill tract is especially notable as he was the driving force behind the development of the Thomas Nelson Community College, the Public Safety Building, the Warhill Sports Complex, the public-private partnership with Williamsburg Indoor Sports Complex, the James City County Stadium, and Warhill High School; and

WHEREAS, Sandy's support for economic development resulted in important business successes including the James River Enterprise Zone designation, the development of James River Commerce Center, and the opening of new businesses including the Wal-Mart Import Distribution Center, Avid Medical, Coresix, Nicewood Enterprises, Haynes, and Caterpillar; and

WHEREAS, Sandy improved the County's emergency management practices, led the transition to a new 800-MHz radio system and a new Emergency Operations Center, and his steady leadership guided the County through several natural disasters including the ice storm and Hurricanes Floyd and Isabel; and

WHEREAS, Sandy was instrumental in providing support for many of the 2007 events and programs commemorating the 400th Anniversary of the founding of America, including the construction of 2007 Legacy Hall, the creation of Anniversary Park, and has continued the County's support of regional tourism partnerships; and

WHEREAS, James City County received an upgraded bond rating of AAA and maintained responsible fiscal management during Sandy's tenure; and

WHEREAS, Sandy has been honored numerous times for his contributions to the community, most notably receiving the Silver Beaver Award for his dedication to the Boy Scouts of America, and the Roll of the Drum Award from the Greater Williamsburg Chamber and Tourism Alliance; and

WHEREAS, Sandy is an International City/County Management Association Credentialed Manager and is a past President of the Virginia Local Government Management Association; and

WHEREAS, James City County, the Hampton Roads region, the Commonwealth of Virginia, and the United States of America have benefitted from the creativity, insight, and dedication of Sandy in leadership positions, on various boards and committees, and through his service in the U.S. Marine Corps; and

WHEREAS, Sandy has served as a mentor to many and his impact on the staff and community leaves a long lasting legacy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Sanford B. Wanner for his 25 years of service to the citizens of James City County, Virginia.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby renames James City County Stadium to Sanford B. Wanner Stadium in recognition of his legacy of outstanding leadership and service.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its best wishes to Sandy in his future endeavors.

Mr. McGlennon stated his appreciation for Mr. Wanner and his service to the Board and the County. He complimented Mr. Wanner's leadership, professionalism, compassion, and dedication to the community. He stated his appreciation for the way Mr. Wanner values his family and personal connection to the County.

Mr. Goodson thanked Mr. Wanner for his service.

Mr. Icenhour thanked Mr. Wanner for his service. He expressed his admiration and respect for Mr. Wanner.

Ms. Jones thanked Mr. Wanner for his service. She thanked him for extending his service to help the County in turbulent economic times.

Mr. Kennedy stated it was an honor to work with Mr. Wanner and to receive his advice and insight. He thanked him for extending his service to the County due to his love for the community. He thanked Mr. Wanner for his service.

At 7:55 p.m. Mr. Wanner recessed the Board for a meeting of the JCSA.

At 8:13 p.m. Mr. Wanner reconvened the Board.

K. CLOSED SESSION

Mr. Icenhour made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Planning Commission, and the Regional Issues Committee.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

At 8:14 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 8:27 p.m. Mr. Kennedy reconvened the Board.

Mr. Kennedy made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, to consider a personnel matter, the appointment of individuals to County boards and/or commissions.

L. ADJOURNMENT to 4:00 p.m. on August 10, 2010

Mr. Icenhour made a motion to adjourn.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Icenhour, Jones, Kennedy (5). NAY: (0).

At 8:28 p.m. Mr. Wanner adjourned the Board until 4 p.m. on August 10, 2010.


Robert C. Middaugh
Clerk to the Board

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JUL 27 2010

ORDINANCE NO. 163A-4BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICT -1-94WRIGHT'S ISLAND 2010 RENEWAL

WHEREAS, James City County has completed a review of the Wright's Island Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Wright's Island Agricultural and Forestal District; and

WHEREAS, Brian M. Menzel et. al. has requested the withdrawal of 74.75 acres, identified as James City County Real Estate Tax Map No. (20-2) (1-28); and

WHEREAS, the Agricultural and Forestal District (AFD) Advisory Committee, at its meeting on June 28, 2010, voted 6-0 to approve the application; and

WHEREAS, the Planning Commission, following its public hearing on July 7, 2010, concurred with the recommendation of staff and the AFD Advisory Committee and voted 6-0 to renew this district with the conditions listed below.

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

1. The Wright's Island AFD is hereby continued from its current date of expiration (August 13, 2010) for a period of eight years, two months and 18 days to October 31, 2018, in accordance with the provisions of the Virginia AFD Act, Virginia Code Section 15.2-4300 et. seq.
2. The District shall include the following parcels:


<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
Wright's Island Game Association	(20-3) (1-1)	1,320.48
Old Shipyard Landing, LLC	(20-3) (1-3)	4.90
Old Shipyard Landing, LLC	(20-3) (1-4)	4.90
Manuel and Isabell Queijo Revocable Living Trust	(20-2) (1-27)	<u>49.37</u>
	Total	<u>1,379.65</u>

Provided, however, that all land within 25 feet of the road right-of-way of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

3. Pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Wright's Island AFD 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 Communication Facilities (WCF), 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 (PSA) and within the AFD may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land outside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs outside the PSA, adopted September 24, 1996, as amended. Land inside the PSA, and within the AFD, may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from AFDs within the PSA, adopted September 24, 1996, as amended.
- c. No Special Use Permit (SUP) shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue SUPs for WCF on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



James G. Kennedy
 Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 2010.

ADOPTED

JUL 27 2010

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 107A-59

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, PERSONAL PROPERTY TAX, BY ADDING SECTION 20-13.10, EXEMPTION FOR POLLUTION CONTROL EQUIPMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Taxation, is hereby amended by adding Section 20-13.10, Exemption for pollution control equipment.

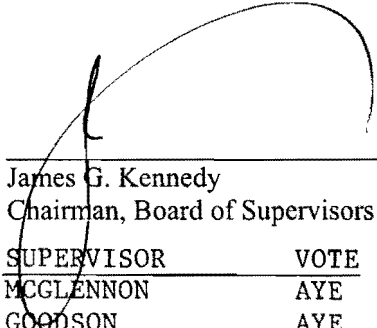
Chapter 20. Taxation

Article III. Personal Property Tax

Sec. 20-13.10. Exemption for pollution control equipment.

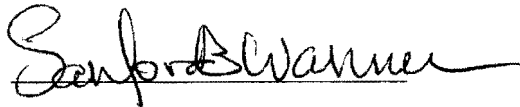
Certified pollution control equipment and facilities, as defined by the Code of Virginia section 58.1-3660, 1950, as amended, shall constitute a separate class of personal property and shall be exempt from local taxation as tangible personal property or machinery and tools, if the owner of the equipment and facilities provides, to the commissioner of the revenue, written verification of certification from the state certifying authority, as defined by section 58.1-3660, that the equipment or facilities have met all requirements qualifying the equipment or facilities for exemption from taxation.

State law reference-Code of Va. § 58.1-3660.



James G. Kennedy
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July,
2010.

PollutionCtl_ord