

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**March 14, 2000**

**7:00 P.M.**

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**RESOLUTION OF APPRECIATION**

**BRYANT CONSTRUCTION COMPANY**

**JACK L. MASSIE CONTRACTORS**

**GEORGE NICE AND SONS**

WHEREAS, on September 15, 1999, the Jamestown Road Bridge over Lake Powell was washed out along with a portion of the James City Service Authority water and sewer lines as a result of flooding during Hurricane Floyd; and

WHEREAS, Jamestown Road is a vital and historic transportation link between the City of Williamsburg, Jamestown, and Surry County; and

WHEREAS, under emergency conditions Bryant Construction Company, Jack L. Massie Contractors, and George Nice and Sons were contracted to replace the Jamestown Road Bridge over Lake Powell, stabilize the Jamestown Road causeway, and relocate the James City Service Authority water and sewer lines; and

WHEREAS, Bryant Construction Company, Jack L. Massie Contractors, and George Nice and Sons performed their work in such a cooperative, committed, professional, and tireless manner that one lane of the causeway and bridge was opened on January 21, 2000, and both lanes opened March 1, 2000, nine days ahead of schedule.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby express its sincere appreciation to Bryant Construction Company, Jack L. Massie Contractors, and George Nice and Sons for their cooperative and tireless efforts to complete the stabilization of the Jamestown Road causeway, replace the bridge and relocate the water and sewer lines over Lake Powell ahead of schedule.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

**RESOLUTION OF APPRECIATION**

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, on September 15, 1999, the Jamestown Road Bridge over Lake Powell was washed out along with a portion of the James City Service Authority water and sewer lines as a result of flooding during Hurricane Floyd; and

WHEREAS, Jamestown Road is a vital and historic transportation link between the City of Williamsburg, Jamestown, and Surry County; and

WHEREAS, under emergency conditions the Virginia Department of Transportation (VDOT) took immediate steps to replace the Jamestown Road Bridge over Lake Powell, stabilize the Jamestown Road causeway, work cooperatively with the James City Service Authority to relocate water and sewer lines; and

WHEREAS, the VDOT worked in such a cooperative, committed, professional, and tireless manner that one lane of the causeway and bridge was opened on January 21, 2000, and both lanes opened March 1, 2000, nine days ahead of schedule.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby express its sincere appreciation to the Virginia Department of Transportation for its cooperative and tireless efforts to complete the Jamestown Road project ahead of schedule and to keep County citizens informed of the project's progress.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

vdotapprec.res

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY, 2000, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

All were present except for Mr. Harrison who arrived at 6:30 p.m.

The Board recessed into Closed Session pursuant to Section 2.1-334 (A) (7) of the Code of Virginia to consult with legal counsel and staff members (or consultants) pertaining to actual or probable litigation.

The Board readjourned into Open Session at 6:40 p.m.

Mr. Nervitt moved to adopt the Closed Session resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (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 2.1-344.1 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 and Section 2.1-344(A)(7) to consult with legal counsel and staff members (or consultants) pertaining to actual or probable litigation.

The Board recessed at 6:41 p.m. until 7:00 p.m.

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Sanford B. Wanner  
Clerk to the Board

022200sp.min

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

The Boy Scouts of Den 1, Pack 105, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Ms. Elizabeth Deer, 1304 London Company Way, voiced her concerns about the drainage in Jamestown 1607 including drainage problems along Jamestown Road due to debris in the ditches. She stated concerns with additional construction in the area such as the proposed bike path.

2. Mr. Tony Dion, 120 Fairmont Drive, spoke of the Wellington Project.

**D. PRESENTATIONS**

1. Virginia Municipal Group Self Insurance Association (VMGSIA) Safety Performance Award

Ms. Margaret Nichols, Insurance Programs' Administrator, presented Mr. Kennedy, Chairman, Board of Directors, James City Service Authority, with the VMGSIA Safety Performance Award in recognition of the James City Service Authority's excellent safety in the workplace record for 1999.

Mr. Kennedy then presented the award to Mr. Robert Smith and Mr. George Adams of the James City Service Authority.

2. Vision Committee

Ms. Sarah Kadee, presented the Board with the Vision Committee's Vision Statement for James City County, and requested Board support and endorsement of the Committee's work.

3. Cox Cable

Mr. Tom Ross, Cox Communications Operations Manager for the Peninsula, updated the Board on the internal measurements Cox uses to gauge the level of customer service satisfaction. The Board was updated concerning the upgrade of cable service to the area. The upgrade is expected to begin as early as August and be completed by the end of 2000. The rate adjustments for the service area will begin in August as the cable service upgrade progresses through the area.

Discussion regarding the citizens' and Board's anticipation of Cox's improved customer service relations with subscribers, services to be available with the upgrade, including additional regional government channels.

**E. HIGHWAY MATTERS**

Mr. Quintin D. Elliott, Resident Engineer of the Virginia Department of Transportation (VDOT), let citizens know that one lane on the Jamestown Road Bridge at Lake Powell is now open to through traffic.

Mr. McGlennon thanked VDOT for the hard work and expediting the opening of one lane on Jamestown Road and requested the reflectors that had been removed from Jamestown Road be replaced.

Mr. Goodson thanked VDOT for the responsiveness on road repairs and trash problems in the Grove community.

Mr. Kennedy requested a speed limit sign be posted on Point O' Woods Road. He also requested the roads in the Mirror Lake subdivision be repaired, specifically, Rose Lane and Loch Haven Road where shoulders need repair work and potholes need to be filled.

Mr. Harrison requested another speed study be conducted to lower the speed limit on News Road at the Spring Hill and Ford's Colony entrances.

Mr. Nervitt thanked VDOT for getting a traffic lane open on Jamestown Road, inquired about adding more landscaping in the "living buffer" on Route 199 near Ford's Colony, and a right-turn lane for residents entering Williamsburg West.

**F. CONSENT CALENDAR**

Mr. Nervitt asked if a Board member wished to remove any item from the Consent Calendar.

Mr. Harrison requested the Appropriation from the Virginia Public Assistance Fund - Training Program and the Intergovernmental Cooperative Agreement for Workforce Development Service items be removed from the Consent Calendar for further discussion.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes for January 26, 2000, Regular Meeting; and February 8, 2000, Regular Meeting
2. Little Creek Reservoir Park Trail Grant

**RESOLUTION**

**LITTLE CREEK RESERVOIR PARK TRAIL GRANT**

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the National Recreation Trail Fund and the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed to construct a 155-foot boardwalk and a 4,500-foot trail with amenities at James City County's Little Creek Reservoir Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$85,485 grant awarded by the Virginia Department of Conservation and Recreation.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenues:

From the Commonwealth	<u>\$85,485</u>
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Expenditures:

Little Creek Construction Account (0130220575)	\$107,485
Greenways (0130220800)	<u>(22,000)</u>
	<u>\$ 85,485</u>

3. Recognition of March as Purchasing Month

**PROCLAMATION**

**MARCH 2000 AS PURCHASING MONTH**

WHEREAS, the purchasing and materials management profession plays a significant role in the quality, efficiency, and profitability of all business and government throughout the United States; and



WHEREAS, in addition to the simple purchase of goods and services, the purchasing and materials management profession engages in or has direct responsibility of executing, implementing and administering contracts; developing procurement strategies; supervision and/or monitoring the flow and storage of materials; and developing working relationships with suppliers and other departments within the organizational unit; and

WHEREAS, the National Institute of Governmental Purchasing and other associations around the globe are holding activities and special events to further educate and inform the general public on the role of purchasing within business, industry and government.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the month of March 2000 as Purchasing Month and encourages all citizens to join us in commemorating this observance.

4. Appropriation from Virginia Public Assistance Fund - Training Program

Mr. Doug Powell, Assistant Manager of Community Services, recommended the Board approve the resolution which appropriates \$17,500 from the General Fund Balance and \$17,500 from the Virginia Public Assistance Fund to the Office of Community Services. This appropriation is to extend Construction Training program another year and to cover expenditures during FY 99 which were not billed until FY 00.

The Board and staff discussed the finances of this program and the potential for training additional applicants.

Mr. Harrison made a motion to approve the resolution.

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

**RESOLUTION**

**APPROPRIATION FROM THE VIRGINIA PUBLIC ASSISTANCE FUND**

**TRAINING PROGRAM**

WHEREAS, James City County wishes to contract with Habitat for Humanity for a construction training program; and

WHEREAS, sufficient funding is available in the Virginia Public Assistance Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget amendments and changes in appropriations for the Fiscal Year 2000:

Revenues:

From Operating Contingency	\$17,500
From Virginia Public Assistance Fund	<u>17,500</u>
	<u>\$35,000</u>

Expenditures:

Office of Community Services	<u>\$35,000</u>
	<u>\$35,000</u>

5. Intergovernmental Cooperative Agreement for Workforce Development Service

Mr. Doug Powell informed the Board of some minor clarification adjustments made to this agreement.

The Board and staff held a brief discussion regarding this agreement.

Mr. Harrison made a motion to approve the agreement.

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

**G. PUBLIC HEARINGS**

1. Case No. SUP-2-00. Hipple Family Subdivision

Mr. Paul D. Holt, III, Senior Planner, presented a proposal for a subdivision by the Hipple family which is consistent with previous family subdivisions approved by the Board. The property is identified as a portion of Parcel No. (1-7) on the James City County Real Estate Tax Map No. (31-1).

Mr. Nervitt opened the public hearing, and as no one wished to speak, he closed it.

Mr. Nervitt made a motion to approve the special use permit.

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

**RESOLUTION**

**CASE NO. SUP-2-00. HIPPLE FAMILY SUBDIVISION**

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 for a family subdivision in an A-1, General Agricultural District, of a parcel approximately 1.28± acres in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

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-2-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for a parcel approximately 1.28 acres in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The subdivision submitted for approval shall be located immediately adjacent to, and to the south of, Parcel No. (1-78) on the James City County Real Estate Tax Map No. (31-1).
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

#### **H. BOARD CONSIDERATIONS**

1.& 2. Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from February 8, 2000) and Case No. Z-13-99. Rezoning of certain lots in Mirror Lake Estates

Mr. Paul D. Holt, III, Senior Planner, reviewed the status of the two cases. Mr. Holt stated that staff continues to believe the Proffers are invalid because they were not signed by the property owner and thus, the Proffers are not binding or enforceable. The County Attorney's Office has been working with the attorneys for the current property owner to negotiate a settlement proposal.

The Board and Staff discussed the status of a settlement proposal and deferral for these items for further negotiations.

Mr. Nervitt opened the public hearing on this item to allow citizens an opportunity to speak on this matter.

1. Mr. Tony Dion, 102 Fairmont Drive, voiced his desire for citizens to be permitted to review the results of the negotiations with County staff before the Board takes action.

2. Ms. Eve Palmer, 140 Wellington Circle, spoke regarding the signature on the proffer being accepted at time of signing and notarization and residents/citizens should be permitted to view the preliminary plan before going to final plat.

Mr. McGlennon reminded the Board that some action has to be taken in regard to the invalid proffer.

The Board and staff discussed a time frame for settlement and an opportunity for citizens to review the settlement before the Board takes further action.

Mr. Goodson made a motion for deferral until the March 14, meeting.

On a roll call, the vote was: AYE: McGlennon, Goodson, Nervitt (3). NAY: Harrison, Kennedy (2).

2. Exchange of Reciprocal Easements for the Courthouse (deferred from February 8, 2000)

Mr. Leo P. Rogers, Deputy County Attorney, presented a map as requested by the Board at the February 8, meeting. The map shows the area covered by the easements.

The Board and staff discussed the benefits of shared easements.

Mr. Harrison inquired about the traffic impact for this exchange of easements, and possible drainage impacts.

Mr. Harrison made a motion to defer this item until the March 14, meeting.

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

**I. PUBLIC COMMENT**

1. Ms. Eve Palmer, 140 Wellington Circle, informed the Board that she thought its function is the enforcement of established laws. Ms. Palmer recommended the Board get outside legal advice any time there is controversy regarding an established law and its interpretation.

As no one else wished to speak, Mr. Nervitt closed the public comments.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

1. Flood Plain Management in James City County

Mr. Sanford B. Wanner, County Administrator, introduced Mr. John T. P. Horne, Manager of Development Management, to present staff findings.

Mr. Horne described the effects of Hurricane Floyd on certain selected neighborhoods in James City County and described various policy issues related to flood plain management that were illustrated by this unique experience. The Hurricane Floyd far exceeded the 100-year storm as a rainfall event, and the effect of the hurricane was concentrated in the Powhatan Creek watershed and due largely to nontidal stormwater runoff. As new developments are approved there should not be additional occurrences of lots or units being placed in areas subject to nontidal flooding such as occurred in the Powhatan Creek watershed area.

The Board and staff discussed floodplain studies, building regulations, as well as FEMA and VDOT's possible assistance in making the bridges and roads flood compliant.

Mr. Wanner announced the Board agenda packets and the Planning Commission's packets are available on the web by visiting [www.james-city.va.us](http://www.james-city.va.us) and at both libraries the Friday preceding the Board meetings.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson announced the Regional Issues Committee will meet at the Hampton Roads Planning District Commission's Office in April and will focus on corridor beautification.

Mr. Kennedy made a motion to adjourn until February 23, at 4:00 p.m. for the Work Session.

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

The Board recessed at 9:52 p.m.

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Sanford B. Wanner  
Clerk to the Board

022200bs.min

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF FEBRUARY, 2000, AT 4:01 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District (Absent)  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

All were present except for Mr. McGlennon who arrived at 4:03 p.m.

1. New County Office Building

Mr. William C. Porter, Jr., Assistant County Administrator, and Mr. Bernard M. Farmer, Capital Projects Administrator, updated the Board on the new County Office Building.

2. 800 MHz Radio System

Richard M. Miller, Fire Chief, presented information regarding the proposed County-wide radio system in the Capital Improvement Plan.

A 1997 communications study concluded the existing radio system was inadequate for the current communication needs and could not be expanded to meet future needs.

After collecting data, viewing the current and projected radio system workloads and funding, a trunk radio system license was applied for in 1999 that would allow for a leased temporary radio system.

Funds were approved in the FY 2000-2004 CIP budget for implementation of a replacement radio system by 2001.

The Board adjourned at 5:50 p.m. until March 14, 2000, at 7:00 p.m. for its regular meeting.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: March 14, 2000  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Engineer  
SUBJECT: Dedication of Street in Hankins Industrial Park

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Attached is a resolution requesting acceptance of a certain street in Hankins Industrial Park into the State Secondary Highway System. The street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

We recommend the Board adopt the attached resolution.

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Darryl E. Cook

CONCUR:

---

John T. P. Horne

DEC/alc  
hankins .mem

Attachment

**RESOLUTION**

**DEDICATION OF STREET IN HANKINS INDUSTRIAL PARK**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, 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 the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this 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 Resident Engineer for the Virginia Department of Transportation.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

hankins .mem



MEMORANDUM

DATE: March 14, 2000  
TO: The Board of Supervisors  
FROM: Jim Breitbeil, Planning Technician  
SUBJECT: Street Name Change: Meadowview Circle to "John Deere Road"

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Section 19-54(B) of the James City County Subdivision Ordinance requires street name changes be reviewed and approved by the Board of Supervisors. The John Deere Vehicle Group (JDVH) has requested to change the name of Meadowview Circle to John Deere Road.

The Fire Department, Police Department, Williamsburg Post Office, and Real Estate Assessments have been contacted and there are no objections to the request.

JDVH plans to have people move into their new facility as early as April 2000 and would like to have the name change to coincide with the move-in. The Barre Company, whose ingress/egress is on Meadowview Circle and Stonehouse, Inc., have been contacted concerning the request and neither objects to the name change.

RECOMMENDATION:

Staff recommends approval of the attached resolution that renames Meadowview Circle to "John Deere Road."

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Jim Breitbeil

CONCUR:

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O. Marvin Sowers, Jr.

JB/tlc  
johndeered.mem

Attachment:

1. Location Map
2. Resolution

**RESOLUTION**

**STREET NAME CHANGE: MEADOWVIEW CIRCLE TO JOHN DEERE ROAD**

WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Police Department, the Williamsburg Post Office, and Real Estate Assessments and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street, Meadowview Circle to "John Deere Road."

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

johndeerer.d.res

MEMORANDUM

DATE: March 14, 2000  
 TO: The Board of Supervisors  
 FROM: William C. Porter, Jr., Assistant County Administrator  
 SUBJECT: Award of Bid - Buildings B, C, and D Roof Replacement

The roofs of Buildings B, C, and D are now 20 to 22 years old and have begun to exhibit signs of deterioration including recurring leaks. A project for replacement of the roofs has been advertised and competitively bid. The following eight firms submitted bids on the project:

<u>Firm</u>	<u>Amount</u>
J. D. Miles and Sons, Inc.	\$57,400
National Roofing Corp.	61,535
Thomas Roofing and Supply Co.	62,275
Shaddeau Roofing and Construction Corp.	64,253
Westar Roofing Corp.	66,700
Pyramid Roofing	73,931
Monoj K. Shaw, Inc.	81,945
A and G Painting Contractors	94,400

The amount budgeted for reroofing two buildings was \$55,000. Due to the conditions of roofs on Buildings B, C, and D, staff bid the three roofs as a package. Funds were not available in FY 98 to include a complete reroofing as part of the Building D renovation. Funds are available in the FY 00 Capital Improvement Budget to cover additional \$2,400 needed to replace the roofs on all three buildings.

Staff recommends that the Board approve the attached resolution awarding the roof replacement of Buildings B, C, and D to J. D. Miles and Sons in the amount of \$57,400.

\_\_\_\_\_  
 William C. Porter, Jr.

CONCUR:

\_\_\_\_\_  
 Sanford B. Wanner

WCP/SBW/alc  
 replaceroof.mem

Attachment

**RESOLUTION**

**AWARD OF BID - BUILDINGS B, C, AND D ROOF REPLACEMENT**

WHEREAS, the roofs of Buildings B, C, and D are 20 to 22 years old and are beginning to deteriorate;  
and

WHEREAS, the Board of Supervisors previously budgeted for the replacement of these roofs; and

WHEREAS, the lowest responsive and responsible bid for the roof replacements was received from J. D. Miles and Sons, Inc., in the amount of \$57,400.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Buildings B, C, and D roof replacement contract to J. D. Miles and Sons, Inc., in the amount of \$57,400 and authorizes the County Administrator to execute the contract.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March,  
2000.

replaceroof.res

MEMORANDUM

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Conversion of Two Part-Time Permanent Custodial Positions to Two Full-Time Custodial Positions at the James City-Williamsburg Community Center

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As a result of patron comments concerning custodial services at the James City-Williamsburg Community Center, staff conducted a custodial study using industry staffing standards and a detailed listing of all required cleaning operations. The two methods supported a need for between 2.4 and 3.25 additional full-time equivalent (FTE) staff. The study further highlighted the impact of high turnover (75 percent) among the current part-time (PT) staff as a result of individuals resigning for the higher pay and better benefits of full-time positions. During FY 98 and 99, eighteen different individuals held the six PT positions at the Center.

Based on the findings of the study and the high turnover rate, staff requests that two, existing six-hour PT positions be converted to Full-Time. This has the multiple benefits of: 1) adding four hours to custodial availability; 2) reducing vacancies due to turnover; and 3) allowing scheduling flexibility (working until later hours after Center closing) since these individuals will not be working second jobs.

Funds are available in the current year budget due to vacancies from turnover. Staff recommends approval of the attached resolution.

---

William C. Porter, Jr.

WCP/alc  
turnover.mem

Attachment

**RESOLUTION**

**CONVERSION OF TWO PART-TIME PERMANENT CUSTODIAL POSITIONS**

**TO TWO FULL-TIME PERMANENT POSITIONS**

WHEREAS, a study of the custodial service for the James City/Williamsburg Community Center (JCWCC) has demonstrated the need for additional custodial staff; and

WHEREAS, the high turnover rate in part-time custodians is costly and severely hampers productivity; and

WHEREAS, funds are available within the existing Facilities Management budget to convert the two part-time positions to two full-time positions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby change two part-time permanent custodian positions at the JCWCC to two full-time permanent custodian positions.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

custpos.res

MEMORANDUM

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resources Manager

SUBJECT: Revisions to the Personnel Policies and Procedures Manual, Chapter 6, Employee Development

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Attached is a resolution to revise Chapter 6, Employee Development, of the Personnel Policies and Procedures Manual. The changes are designed to support and encourage employees to develop their knowledge and skills to perform their jobs as well as to meet other organizational needs.

The most significant change is that employees in part-time permanent and limited-term positions are eligible for tuition assistance. The reasons for this are:

- a. Employees in part-time positions perform many important jobs in the County and are eligible for all other development activities.
- b. Turnover is high in part-time positions and tuition assistance can be used as an attraction and retention tool.

Based on departments' anticipated use of tuition assistance by part-time employees, it is estimated that less than \$6,000 will be spent in the next fiscal year on tuition assistance for part-time employees. This will be absorbed in departmental budgets.

I recommend adoption of the attached resolution.

---

Carol M. Luckam

CML/alc  
ptimetuition.mem

Attachment

**RESOLUTION**

**REVISIONS TO CHAPTER 6, EMPLOYEE DEVELOPMENT,**

**OF THE JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, James City County, in its Strategic Management Plan, values “providing opportunities for broad involvement, learning, and information sharing;” and

WHEREAS, James City County wishes to have in place policies and procedures that encourage employees to meet County and personal goals; and

WHEREAS, James City County wishes to attract and retain employees with high achievement potential.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached revision of Chapter 6, Employee Development, of the James City County Personnel Policies and Procedures Manual.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

ptimetuition.res



**Rezoning/SUP Z-6-99, SUP-27-99. Williamsburg Commons at Williamsburg Crossing  
Staff Report for the March 14, 2000, Board of Supervisors Public Hearing**

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.

**PUBLIC HEARINGS**

Building C Board Room; County Government Complex  
 Planning Commission: November 1, 1999, 7:00 p.m.  
 Board of Supervisors: February 8, 2000, (deferred); March 14, 2000, 7:00 p.m.

**SUMMARY FACTS**

Applicant: John Tarley on behalf of University Square Associates

Proposed Use: 170 Townhouse Units. This requires a rezoning and an amendment to the approved Master Plan (SUP-2-93) for Williamsburg Crossing. SUP-2-93 limits the total number of residential units to 198. The proposed Master Plan has a total of 330 residential units. The proposed Master Plan would include 484,640 square feet of commercial/office, 51,025 square feet less than is proposed in the existing Master Plan.

Location: The residential community is located on 11.7 acres behind the existing retail stores at Williamsburg Crossing Shopping Center and adjacent to the Winston Terrace subdivision. The site is located within the Williamsburg Crossing site and would be accessed via Kings Way Drive and the new access road behind the shopping center.

Tax Map and Parcel No.: (48-1) (22-20)

Existing Zoning: General Business (B-1)

Proposed Zoning: Mixed Use

Comprehensive Plan: Mixed Use

Surrounding Zoning: General Residential (R-2) and General Business (B-1)

Staff Contact: Christopher Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

The applicant requested deferral of this case at the February 8, 2000, Board meeting in order to allow more time to work with staff on resolving outstanding issues regarding the provision of adequate pedestrian facilities. Discussions between staff and the applicant are ongoing. The applicant has not submitted signed original proffers which incorporate the proposed proffer changes and staff must review the revised proffers before a recommendation is forwarded to the Board. The applicant expects to submit revised proffers in time for the case to be presented to the Board at its April 11, 2000, meeting. Under the current Board proffer statement policy, revised proffers must be submitted twenty-one days in advance of the Board meeting. Staff recommends that the Board of Supervisors defer this case to the April 11, 2000, meeting.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/OMS/gb  
sup2799.wpd

**RESOLUTION**

**CASE NO. Z-6-99. WILLIAMSBURG COMMONS AT WILLIAMSBURG CROSSING**

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-6-99 for rezoning approximately 12 acres from B-1, General Business, to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended denial of Z-6-99, by a vote of 6 to 1; and

WHEREAS, the property rezoned is identified as Parcel No. (22-20) on James City County Real Estate Tax Map No. (48-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Z-6-99.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

Z-6-99(1.25).res

## RESOLUTION

### CASE NO. SUP-27-99. WILLIAMSBURG COMMONS AT WILLIAMSBURG CROSSING

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 Planning Commission of James City County, following its public hearing on November 1, 1999, recommended denial of SUP-27-99, by a vote of 6 to 1, to permit the construction of 170 townhouse units in accordance with the MU, Mixed Use provisions of the James City County Zoning Ordinance, further identified as Parcel No. (22-20) on James City County Real Estate Tax Map No. (48-1).

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-27-99 as described herein with the following conditions:

1. No more than 484,000 square feet of commercial and/or office square footage, including existing development and 330 multifamily residential units, shall be constructed on-site.
2. A minimum 65-foot undisturbed buffer shall be provided along the common property line of the Winston Terrace subdivision. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. Upon approval from the Development Review Committee, utilities and drainage structures may be placed in the buffer if no other practical alternative locations exist. This buffer may be reduced to a width of 50-feet if enhanced landscaping approved by the Development Review Committee is provided. Enhanced landscaping shall be defined as a quantity of landscaping that meets or exceeds 133 percent of the Zoning Ordinance requirements and effectively screens the adjacent property.
3. A minimum 50-foot undisturbed landscape buffer, free of structures and paving, shall be provided along the Route 199 right-of-way. The buffer shall be landscaped, at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance and such landscaping shall be approved by the Planning Director. The landscaping shall be installed concurrently with the development of each of the parcels along Route 199.
4. All lighting, including the building lighting for the residential units, shall be directed so as not to produce glare on any adjacent property or public right-of-way. All lighting for the Williamsburg Crossing site, except for ground-mounted pedestrian lighting, shall be luminaries mounted horizontally and shall have recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and

light source in a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this section may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.

5. A pedestrian access shall be provided to the vacant R-1 zoned parcel located to the west of the site. The location of such access shall be approved by the Development Review Committee.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

sup27-99.1.res

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

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Ordinance to Amend Chapter 20, Taxation, Article VI, Real Estate Assessment, Sections 20-27 and 20-27.1 of the James City County Code

The attached Ordinance amendment would change the assessment and reassessment cycle for real property taxes in James City County from an annual program to a biennial one. If adopted, then changes in real property assessments for the purposes of taxation will be made, based on an estimated market value as of July 1, only in every even-number year. The current process provides for changes in assessment every year.

This amendment is only for changes in estimated market value. New construction or property subdivisions that change the estimated market value of property will still be added to the land book on an on-going basis.

The County is authorized under State law to assess property on either an annual or biennial system and has had an annual assessment process in place since the early 1970s. Both York County and the City of Poquoson assess on a biennial schedule. Newport News, Hampton, and Williamsburg have an annual assessment.

The annual assessment has several advantages. It is more flexible in responding to changing market conditions, it produces smaller incremental changes in assessments for County taxpayers and is better suited to maintain equity in assessments. However, it does require more time in a two-year period than a biennial cycle does and results in fewer physical inspections of property.

The biennial cycle offers a broader look at market conditions and allows more time to be spent on physical inspections. Processing assessment appeals, which is time-consuming, would no longer occur every year. When they do occur, assessment increases will be larger and more properties will be impacted.

The major disadvantage of the biennial system is the impact on County revenues, and the resulting challenges to balancing annual budgets. Assuming a seven percent annual growth in the land book, the additional revenues resulting from the reassessment of property are estimated in the chart below:

	<u>Annual Assessment</u>	<u>Biennial Assessment</u>
FY 2001	\$ 450,000	\$ 450,000
FY 2002	481,000	0
FY 2003	515,000	996,000
FY 2004	551,000	0

The major complaint about a biennial system, particularly in periods of modest new development, is the “sawtooth” effect on revenues, and the possibility that it might also have a similar effect on real property tax rates. The more frequent, but smaller, changes in assessments and the value of stabilizing the tax revenue tend to favor an annual cycle.

Ordinance to Amend Chapter 20, Taxation, Article VI, Real Estate Assessment, Sections 20-27 and 20-27.1 of the James City County Code

March 14, 2000

Page 2

Responding, however, to recent suggestions, the attached ordinance would change the current annual assessment to a biennial one. It also includes a housekeeping change on the payment dates, clarifying that the first installment of a semiannual tax payment is in December, the second in June.

We do not recommend the change in the assessment cycle as proposed in the attached Ordinance, although we are fully prepared to implement it, if the Board so chooses. I would be pleased to respond to either questions or comments.

---

John E. McDonald

JEM/tlc  
tax ord. mem

Attachment

**SPECIAL USE PERMIT 30-99. Wellington Pump Station**

Staff Report for the March 14, 2000, Board of Supervisors Meeting

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

**PUBLIC HEARINGS** 7:00 p.m., Building C Board Room; County Government Complex  
Planning Commission: January 5, 2000; February 7, 2000  
Board of Supervisors: March 14, 2000

**SUMMARY FACTS**

Applicant Mr. Chuck Glisan  
Land Owner: American Eastern, Inc.

Proposal: A sewer pump station would be constructed in conjunction with the proposed Wellington subdivision. The proposed pump station would also be designed as a regional facility to serve surrounding future developments. Large sewer lines would also be located at the sites periphery. Water and sewer facilities, public or private, other than a private connection to an existing main designed to serve an individual user, are specially permitted uses in R-1.

Location: East of Anderson’s corner and just off Rochambeau Drive (Route 30)

Tax Map and Parcel No: (13-3)(1-12)

Primary Service Area: Inside

Parcel Size: The site is approximately 68.2 acres

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: A-1, vacant land and scattered single-family dwellings  
South: Vacant, R-1 zoned property, Mirror Lakes subdivision  
East: A-1, vacant land and scattered single-family dwellings  
West: A-1, vacant land

Staff Contact: Paul D. Holt, III - Phone: 253-6685

**STAFF RECOMMENDATION:**

While the public hearing for this case must be opened, staff recommends the Board defer consideration of this case until Case Nos. Z-12-99 and Z-13-99 have been discussed. Should the Board *not* change the zoning on the land in such a way as to significantly affect the current development proposal, then staff recommends approval of this application subject to the attached conditions. Should the Board change the zoning of the land in such a way as to change the current development proposal, staff recommends this SUP not be approved. On January 5, 2000, the Planning Commission deferred action on this case pending zoning discussions that were on-going with the Board. On February 7, 2000, the Planning Commission concurred with staff’s recommendation listed



above, and voted unanimously to recommend approval of this project subject to the Board's decision on the zoning of the land.

## **Description of Project**

Mr. Chuck Glisan, representing American Eastern, Inc., has applied for a special use permit to allow for the construction of a sewer pump station that would be built in conjunction with the proposed Wellington subdivision. The proposed subdivision would contain 48 lots in Phase I. The location of the property, as well as the location of the proposed pump station are indicated on the attached vicinity map. The pump station would also be designed as a regional facility to serve surrounding future developments. The proposed service area for the pump station (Pump Station No. 9-7) is shown on the attached map. The service area includes the existing Mirror Lakes subdivision, the existing Sand Hill subdivision, the 7th elementary school site, and other vacant lands that front on Rochambeau Drive and Route 60. In order for existing developed areas to use the proposed pump station, however, substantial infrastructure would need to be installed (the existing subdivisions are currently served by individual septic tanks). The proposed pump station would be approximately 2,500 feet from the Sand Hill subdivision and approximately 4,000 feet from Mirror Lakes. All property within the proposed pump station service area is within the Primary Service Area (PSA) and is designated Low-Density Residential on the Comprehensive Plan. Flows from development would reach the pump station through gravity sewer. After reaching the pump station, sewer flows would be pumped under pressure to an existing 20-inch Hampton Roads Sanitation District (HRSD) force main currently located within the Rochambeau (Route 30) right-of-way. The pump station will be built by the developer to JC SA standards. Upon completion of the pump station, the facility will be dedicated over to the JC SA for operation, maintenance, and ownership.

**With the proposed construction of the pump station and sewer infrastructure *internal* to the proposed subdivision, additional sewer lines would be located along the stream tributaries that exist on both the east and west property lines of the project. The proposed sewer infrastructure is identified on the attached plan.**

## **Surrounding Zoning and Development**

North and east of the site are scattered single-family dwellings on A-1, General Agricultural zoned land. South of the pump station site is vacant R-1 zoned land and the Mirror Lakes subdivision. Vacant land which is zoned A-1 is located to the west of the site. Staff believes the proposed pump station and sewer lines are compatible with the surrounding zoning and development.

## **Physical Features and Environmental Considerations**

With the exception of a dirt access road, the area in the immediate vicinity of the proposed pump station is wooded and in an undisturbed natural state. The site is bounded on the east and west by stream tributaries of Ware Creek. It is along these tributaries that the gravity sewer pipes will be laid.

The James City County Archaeological Assessment states that the terraces immediately adjacent to streams of the Powhatan and Ware creek drainages are known to support numerous prehistoric sites dating from the Woodland stage (i.e., 3200-400 years before the present). To mitigate any potential impact, staff will propose that an archaeological study be performed prior to any land disturbance or construction in these areas.

Chesapeake Bay Preservation Resource Protection Area (RPA) buffers also exist along portions of these streams. Because of the nature of the gravity system, the sewer must be located within the RPA buffer. To mitigate impacts and reduce land disturbance, most of the sewer construction will not cross any slopes. To help

further mitigate impacts, staff will propose a condition whereby should it be necessary that the sewer cross a slope; the RPA buffer must be increased to provide a 100-foot undisturbed buffer upslope of the construction.

## **Comprehensive Plan Considerations**

The pump station and sewer lines are to be located on property within the Primary Service Area (PSA) and which are designated Low-Density Residential on the Land Use Map. Staff believes the proposed facilities are consistent with the Comprehensive Plan as the provision of public utilities is a key tool in steering growth to areas within the PSA.

### **RECOMMENDATION:**

Should the Board *not* change the zoning on the land in such a way as to significantly affect the current development proposal, then staff recommends approval of this application subject to the attached conditions. Should the Board change the zoning of the land in such a way as to change the current development proposal, staff recommends this SUP not be approved. On January 5, 2000, the Planning Commission deferred action on this case pending zoning discussions that were on-going with the Board. On February 7, 2000, the Planning Commission concurred with staff's recommendation listed above, and voted unanimously to recommend approval of this project subject to the Board's decision on the zoning of the land.

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Paul D. Holt, III

CONCUR:

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O. Marvin Sowers, Jr.

PDH/alc  
sup30-99.wpd

#### Attachments:

1. Minutes from the January 5, 2000, Planning Commission
2. Minutes from the February 7, 2000, Planning Commission
3. Vicinity Map
4. Pump Station Service Area Map
5. Location of Map with Topo, Water, and RPA Buffer Lines
6. Proposed Wellington Subdivision Plan, Pump Station and Sewer Main Location Map (this proposed subdivision plan is an older plan that was submitted with the pump station SUP—not the current Master Plan presented as part of Z-12-99 and Z-13-99).
7. Resolution of Approval

## RESOLUTION

### CASE NO. SUP-30-99. WELLINGTON PUMP STATION

- 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, Mr. Chuck Glisan, representing American Eastern, Inc., has applied for a special use permit to allow for the construction of a sewer pump station that would be built in conjunction with the proposed Wellington subdivision; and
- WHEREAS, the proposed pump station would also be designed as a regional facility to serve surrounding future developments; and
- WHEREAS, the location of the proposed pump station and sewer lines are shown on a plan entitled "Wellington Cross Country Sewer Main American Eastern, Inc. James City County, Virginia," prepared by AES Consulting Engineers, and dated October 14, 1999; and
- WHEREAS, the property is located on land currently zoned R-1, Limited Residential, and can be further identified as Parcel No. (1-12) on the James City County Real Estate Tax Map No. (13-3); and
- WHEREAS, the Planning Commission, following its public hearing on February 7, 2000, voted unanimously to recommend approval of this application subject to the Board of Supervisors not changing the zoning of the proposed site for the Wellington subdivision in such a way as to significantly affect the development proposal (cross referenced as James City County Case Nos. Z-12-99 and Z-13-99).
- 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-30-99 as described herein with the following conditions:
1. Construction, operation, and maintenance of the sewer and pump station shall comply with all local, State, and Federal requirements.
  2. The project shall comply with all State Erosion and Sediment Control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
  3. All required permits and easements shall be acquired prior to the commencement of construction.
  4. If construction on the pump station has not commenced within twenty-four (24) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the construction of the sewage pump station.
  5. In areas of the construction easement for the sewer lines that have been cleared, but do not need to remain clear for service and maintenance purposes, seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall

be shown on a reforestation plan to be approved by the Planning Director within one year of clearing the easement or at a later date agreed to by the Planning Director. The reforestation of this easement shall be completed as approved by the Planning Director within two years of clearing the easement or at a later date agreed to by the Planning Director.

6. Archaeological studies shall be performed in accordance with the James City archaeological policy for all areas disturbed within the resource protection areas.
7. Should any portion of sewer construction that is located within the Resource Protection Area cross slopes, the RPA buffer shall be increased to provide a 100-foot undisturbed buffer upslope of the construction.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

sup30-99.res

MEMORANDUM

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Case No. Z-12-99. Rezoning by voiding James City County Case No. Z-20-86  
Case No. Z-13-99. Rezoning of certain lots in Mirror Lake Estates

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These cases were deferred on January 25, 2000, February 8, 2000, and February 22, 2000. On January 25, 2000, the Board deferred these cases in order for staff to address issues raised by the Board. On February 8, 2000, the Board deferred these cases again following a request by the developer of Wellington. On February 22, 2000, the Board deferred these cases pending negotiations between the applicant and the County Attorney's office.

Staff continues to believe the Proffers are invalid because they were not signed by the affected property owner, and thus, the Proffers are not binding or enforceable. Staff also believes that the Proffers were an integral part of both the Planning Commissions' recommendation and the Board of Supervisors' decision on Case No. Z-20-86; the minutes of both organizations confirm this belief. Staff believes that the invalidity of the Proffers is a material mistake of fact that would allow the Board of Supervisors to rezone the property back to its zoning designation prior to Case No. Z-20-86.

RECOMMENDATION

The County Attorney's Office has been working with the attorneys for the current property owner to negotiate a settlement proposal. Matters of settlement are for the Board of Supervisors to accept or reject in its sound discretion. Should the Board elect to accept any proposed settlement, then staff recommends that these cases be deferred in order to prepare documentation necessary to effectuate the settlement. Staff believes that should the Board wish to defer these cases, then the current property owner must request a deferral, in writing, of the pending subdivision plan.

In the event the Board decides not to accept a proposed settlement, then staff recommends that the Board of Supervisors approve the two attached resolutions.

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Paul D. Holt, III

CONCUR:

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O. Marvin Sowers, Jr.

PDH/tlc  
mlakes.mem

Attachments:

1. Resolution of approval for Z-12-99
2. Resolution of approval for Z-13-99

**RESOLUTION**

**CASE NO. Z-12-99. A REZONING BY**

**VOIDING CASE NO. Z-20-86 DUE TO INVALID PROFFERS**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance and changes to the Zoning Map; and

WHEREAS, on January 5, 1987, the Board of Supervisors voted to rezone 375± acres from A-2, Limited Agriculture, to R-1, Limited Residential, as part of Case No. Z-20-86, Mirror Lake Estates; and

WHEREAS, the Board of Supervisors accepted voluntary proffers as part of Case No. Z-20-86; and

WHEREAS, the voluntary proffers were not signed by Nice Properties, Inc., the property owner; and

WHEREAS, the voluntary proffers are not valid, binding, or enforceable; and

WHEREAS, acceptance of the voluntary proffers was an essential element to the approval of Case No. Z-20-86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby rezone to R-8, Rural Residential, (formerly A-2, Limited Agriculture) all of the 375± acres of land rezoned as part of Case No. Z-20-86, Mirror Lake Estates.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

z-12-99.res

**RESOLUTION**

**CASE NO. Z-13-99. A REZONING OF**

**CERTAIN LOTS IN MIRROR LAKE ESTATES**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance and changes to the Zoning Map; and

WHEREAS, on January 5, 1987, the Board of Supervisors voted to rezone 375± acres from A-2, Limited Agriculture, to R-1, Limited Residential, as part of Case No. Z-20-86, Mirror Lake Estates; and

WHEREAS, the Board of Supervisors accepted voluntary proffers as part of Case No. Z-20-86; and

WHEREAS, the voluntary proffers were not signed by Nice Properties, Inc., the property owner; and

WHEREAS, the voluntary proffers are not valid, binding, or enforceable unless they are signed by the property owner; and

WHEREAS, the Board of Supervisors, under James City County Case No. Z-12-99, voided the rezoning of the 375± acres due to the invalid proffers; and

WHEREAS, in reliance on the rezoning of Case No. Z-20-86, the County approved the subdivision into lots and development of the following parcels on Tax Map No. (13-3):

(01-0-0014- ), (05-0-0001- ), (05-0-0001-A), (05-0-0002- ), (05-0-0003- ), (05-0-0004- ), (05-0-0005- ), (05-0-0006), (05-0-0007 ), (05-0-0008- ), (05-0-0009), (05-0-0010), (05-0-0011), (05-0-0014- ), (05-0-0015-A), (05-0-0015-B), (05-0-0016- ), (05-0-0017- ), (05-0-0018- ), (05-0-0019- ), (05-0-0020- ), (05-0-0021- ), (05-0-0022- ), (05-0-0023- ), (05-0-0024 ), (05-0-0025- ), (05-0-0026), (05-0-0027), (05-0-0028), (05-0-0029), (05-0-0030- ), (05-0-0031), (05-0-0032), (05-0-0033), (05-0-0034), (05-0-0035), (05-0-0036- ), (05-0-0037- ), (05-0-0038- ), (05-0-0039- ), (05-0-0040- ), (05-0-0041), (05-0-0042), (05-0-0043), (05-0-0044), (05-0-0045), (05-0-0046- ), (05-0-0047- ), (05-0-0048- ), (05-0-0049- ), (05-0-0050- ), (06-0-0002- ), (06-0-0003- ), (06-0-0004- ), (06-0-0005- ), (06-0-0006- ), (06-0-0007), (06-0-0008), (06-0-0009 ), (06-0-0010- ), (06-0-0011- ), (06-0-0012- ), (06-0-0013- ), (06-0-0014- ), (07-0-0001- ), (07-0-0002- ), (05-0-0012- ), (05-0-0013- )

and the following parcels on Tax Map No. (13-4):

(01-0-0037), (08-0-0001- ), (09-0-0001- ), (09-0-0001-A), (09-0-0001-B), (09-0-0002- ), (09-0-0003- ), (09-0-0004- ), (09-0-0005- ), (09-0-0006- ), (09-0-0007- ), (09-0-0008- ), (09-0-0009- ), (09-0-0010- ), (09-0-0011- ), (09-0-0012- ), and a portion of Parcel (01-0-0013- ) on the southwest side of Point-O-Woods Road; and

WHEREAS, in reliance on the rezoning of Case No. Z-20-86, the County accepts the dedication of all rights-of way and easements contained on the subdivision plats for Sections 3C, 5, 5A, 5B, 6, and 6A of Mirror Lake Estates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby rezone the above-described properties, rights-of-way, and easements to R-1, Limited Residential.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

z-13-99.res



**RESOLUTION**

**SETTLEMENT OF LITIGATION WITH**

**WELLINGTON L.L.C. AND 217 ASSOCIATES, LTD.**

WHEREAS, Wellington L.L.C. and 217 Associates, Ltd., owners and developers of certain real property adjacent to Mirror Lake Estates (“Developers”) filed a Bill of Equity against the Board of Supervisors pertaining to property rights and recovering status of the Developers’ property; and

WHEREAS, the County filed a Declaratory Judgment action against Wellington L.L.C. to determine the validity of certain proffers submitted with Case No. Z-20-86; and

WHEREAS, Wellington L.L.C. has offered to provide the 15 acres required under the proffers and provide for certain development improvement in a declaration of covenants which is enforceable by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County accepts Wellington L.L.C.’s proposal to convey 15 acres to the County, record the declaration of covenants and dismiss both lawsuits prejudice.

BE IT FURTHER RESOLVED, that as part of this settlement the Board of Supervisors hereby accepts the 15 acres offered by Wellington L.L.C. and directs the County Attorney to record the deed immediately after the recordation of the declaration of covenants.

BE IT FURTHER RESOLVED, that the Board of Supervisors directs staff to prepare a resolution for the March 28, 2000, Board of Supervisors meeting which denies the rezonings of Case Nos. Z-12-99 and Z-13-99 and confirms the R-1, Limited Residential Zoning, for the affected properties.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

wellington.res

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

DATE: March 14, 2000  
TO: The Board of Supervisors  
FROM: John T. P. Home, Development Manager  
SUBJECT: 2000 Primary Road Priorities

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There are two funding processes available for funding County road improvements: 1) the Secondary Roads Plan; and 2) the Primary Roads Preallocation Hearing Priorities. The Board of Supervisors adopted the first component, the Six-Year Secondary Roads Plan, in December 1999. The Six-Year Secondary Roads Plan is a priority funding plan for the improvement and construction of secondary roads (those roads with route numbers of 600 or greater). The Board has considerable control over funding and project timing for the secondary road system because the County receives an annual allocation to be used only in the County. The Virginia Department of Transportation (VDOT) works directly with the County to determine how to spend that money. The second component, the Primary Roads Priorities, which is the subject of this memorandum and report, outlines the County's priority funding requests for primary roads (those roads with route numbers of less than 600, including interstate improvements). In this case there is no regular annual County allocation, and the County's projects compete with projects from all of the other Hampton Roads (Suffolk District) communities. In this process, all Virginia localities are given an opportunity to advise VDOT of their transportation priorities prior to VDOT's Commonwealth Transportation Board (CTB) making its allocation decisions.

Attached for your consideration is a report outlining the County's priority primary and interstate transportation construction projects for which the County is requesting funding in 2000. The attached report, once endorsed by the Board of Supervisors, will be forwarded to VDOT. In the coming months, VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

VDOT will conduct a preallocation hearing on April 7, 2000. If the Board wishes to attend the hearing, staff will provide assistance. It is very important that we have unanimous Board support for the County's priority list in order to win the CTB's support for the County's projects. Due to the number of high profile road improvements in this year's plan requiring the CTB's support, such as the Route 60 relocation and the Route 199 widening in the Mounts Bay Road area, the County may also need to enlist the assistance of Delegate Thomas Norment or Delegate George Grayson at the hearing.

RECOMMENDATION:

Staff recommends approval of the attached resolution and endorsement of the attached report outlining the County's priority primary and interstate transportation projects.

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John T. P. Home

JTPH/gb  
primrd00.mem

Attachments:

1. 2000 Requests for Primary and Interstate transportation Construction Projects
2. Resolution - Primary and Interstate Road Priorities

## RESOLUTION

### 2000 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County and the region; and

WHEREAS, the James City County Comprehensive Plan and/or Regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- full funding for the widening of the existing sections of **Route 199 to four lanes** in those areas where only two lanes exist;
- funding for design and construction of **Route 60 Relocation**;
- full funding for **traffic signal coordination improvements for the Route 199 corridor between Brookwood Drive and Route 5 and improvements to the Route 199 - Jamestown Road intersection**;
- funding for **landscaping along the Route 199 corridor**; and
- proceeding with the next phases of preliminary design and environmental study for the **Capital to Capital Bikeway project** consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

primrd00.res

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

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: John T. P. Home, Manager, Development Manager

SUBJECT: James City County Road Construction Revenue Sharing - FY 00-01

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The County has been informed by the Virginia Department of Transportation (VDOT) that VDOT must receive a letter of notification by March 24, 2000, notifying VDOT of the County's intentions in relation to participation in the Revenue Sharing Program. In the past several years, the County has participated in the program with its participation in the current fiscal year being \$521,940. The Board had originally requested \$550,000. The final amount was reduced by VDOT because total State requests exceeded funding. Funding for this program appears as a line item in the Capital Improvements Program. For the past two fiscal years, however, funding for the local match has come from private sources as part of the funding plan for Monticello Avenue. For FY 01 a credit of \$427,603 remains in the Monticello Avenue project funding, which will be used as Revenue Sharing Match on that project. The County must apply to VDOT for revenue sharing funds on an annual basis. The purpose of this memorandum is to request Board authorization to participate in the Revenue Sharing Program to an amount not to exceed \$500,000. Only \$72,397 of new funding is requested. Attached is a detailed sheet showing Monticello Avenue as the project to be funded.

In the past, the State has had to reduce final allocations to this program on a pro rata basis due to over subscription.

Attached for the Board of Supervisors information is a draft letter that would need to be submitted to the State Secondary Roads Engineer. Staff recommends adoption of the attached resolution which authorizes the Chairman of the Board of Supervisors to sign such a letter indicating the intention of James City County to participate in the Revenue Sharing Program in an amount not to exceed \$500,000.

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John T. P. Home

JTPH/alc  
consrev.mem

Attachments

**RESOLUTION**

**JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING**

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 00-01; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 24, 2000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 00-01, in an amount not to exceed \$500,000.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

consrev.mem

MEMORANDUM

DATE: March 14, 2000

TO: The Board of Supervisors

FROM: Bernard M. Farmer, Jr., Capital Projects Administrator  
Leo P. Rogers, Deputy County Attorney

SUBJECT: Exchange of Reciprocal Easements for Courthouse

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This matter was deferred at the last Board meeting to allow staff an opportunity to address Mr. Harrison's questions. Staff and Larry McCardle, developer of the property along Ironbound Road, met with Mr. Harrison. Questions pertaining to traffic impacts, traffic flow, parking areas, and drainage were addressed.

Attached is a copy of a drawing which shows the layout of the courthouse and Trimax properties. Staff continues to recommend approval of the attached resolution authorizing the exchange of reciprocal easements.

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Leo P. Rogers

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Bernard M. Farmer, Jr.

LPR/BMF/gb  
courthouse.mem

Attachment

**RESOLUTION**

**EXCHANGE OF RECIPROCAL EASEMENTS FOR COURTHOUSE**

WHEREAS, James City County owns 11.406± acres of land commonly known as the courthouse site at 5201 Monticello Avenue and designated as Parcel No. (1-47) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, Trimax, L.L.C., a Virginia Limited Liability Company (“Trimax”), wishes to exchange certain access and utility easements to benefit both the courthouse site and the adjacent site owned by Trimax; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to exchange certain utility and access easements with Trimax.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed, agreement, or other documents necessary to exchange access and utility easements over and for the above-referenced property with Trimax, L.L.C.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of March, 2000.

easement.res