

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 28, 2000

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. PLEDGE OF ALLEGIANCE - Ms. Rebecca Riggleman	
C. PUBLIC COMMENT	
D. HIGHWAY MATTERS	
E. PRESENTATION	
1. National Volunteer Week - April 9-15, 2000	
F. CONSENT CALENDAR	
1. Minutes of March 14, 2000, Regular Meeting	1
2. National Volunteer Week - April 9-15, 2000	13
3. Convention Center Feasibility Study	15
4. Burton Woods - Powhatan Elderly Housing Development - Community Development Block Grant	17
G. PUBLIC HEARING	
1. Resolution to Authorize the Transfer of an Easement to the James City Service Authority for the Construction and Maintenance of a Gravity Sewer Line on the District Park Sports Complex.	21
H. BOARD CONSIDERATION	
1. Resolution to Settle Litigation - Wellington L.L.C.	27
2. Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from March 14, 2000) and Case No. Z-13-99. Rezoning of Certain Lots in Mirror Lake Estates (deferred from March 14, 2000).	
I. PUBLIC COMMENT	
J. REPORTS OF THE COUNTY ADMINISTRATOR	
K. BOARD REQUESTS AND DIRECTIVES	
L. CLOSED SESSION	
1. Appointment of individuals to County Boards and/or Commissions	29
a. Board of Zoning Appeals	
2. Acquisition/disposition of a parcel/parcels of property for public use.	

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF MARCH, 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
James G. Kennedy, Stonehouse District
Bruce C. Goodson, Berkeley District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Ms. Danielle Whiteley and Ms. Morgan Whiteley led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Donna Dittman Hale, 99 Castle Lane, voiced her concerns about chronic drainage problems in St. George's Hundred and along Route 5 at Powhatan Creek. Ms. Hale also stated concerns with the additional drainage problems that might arise with the development of property in the Powhatan Creek watershed.

2. Ms. Niki Lunsford, 3402 London Company Way, thanked the staff of James City Service Authority for the recent repair of a leaking waterline in Jamestown 1607. Ms. Lunsford voiced her concerns regarding the lack of routine maintenance of the drainage ways and pipes in, around, and adjacent to Jamestown 1607; the need for repairs to State-owned roads in Jamestown 1607; and the need for debris removal from the Pointe of Jamestown buffer adjacent to Jamestown 1607.

3. Ms. Mary Stuart Coffman, 2201 London Company Way, voiced her support for the items presented by Ms. Lunsford and added her concerns regarding the Pointe of Jamestown retention pond adjacent to Jamestown 1607. She stated that the retention pond poses as a health concern; the pond needs to be treated for mosquitos, the retention area needs to be landscaped, and the fence around the pond is not attractive.

D. PRESENTATIONS

1. Resolution of Appreciation – Bryant Construction, Jack L. Massie, and George Nice and Sons

Mr. McGlennon presented Bryant Construction Company, Jack L. Massie Contractors, and George Nice and Sons with a resolution of appreciation in recognition of the outstanding service provided in the reconstruction of the Jamestown Road Bridge over Lake Powell as a result of flooding during Hurricane Floyd.

2. Resolution of Appreciation – Virginia Department of Transportation

Mr. McGlennon presented Mr. Jim Brewer, on behalf of the Virginia Department of Transportation, with a resolution of appreciation in recognition of the outstanding service provided in the reconstruction of the Jamestown Road Bridge over Lake Powell as a result of flooding during Hurricane Floyd.

E. CONSENT CALENDAR

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

Mr. McGlennon requested that Item 5, Conversion of Custodial Positions, James City/Williamsburg Community Center, be removed from the Consent Calendar.

Mr. Goodson 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 February 22, 2000, Special Meeting; February 22, 2000, Regular Meeting; and February 23, 2000, Work Session
2. Street Dedication – Hankins Industrial Park

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.

3. Street Name Change: Meadowview Circle to John Deere Road

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."

4. Award of Bid – Buildings B, C and D Roof Replacement

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.

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

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.

7. Resolution of Appreciation – Bryant Construction, Jack L. Massie, and George Nice and Sons

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.

8. Resolution of Appreciation – Virginia Department of Transportation

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.

5. Revisions to the Personnel Policies and Procedures Manual, Chapter 6, Employee Development

Mr. McGlennon requested to know if the additional custodial positions identified in the study were being requested in the FY 01 Budget. Mr. William Porter, Assistant County Administrator stated they were.

The Board and staff held a brief discussion regarding custodial staffing at the Community Center.

Mr. McGlennon made a motion to approve the resolution.

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

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.

F. PUBLIC HEARINGS

1. Case No. Z-6-99 and SUP-27-99. Williamsburg Commons at Williamsburg Crossing (deferred from February 8, 2000)

Mr. Paul Holt, Planning, informed the Board of the applicant's request for a deferral until the April 11, 2000, meeting. The deferral would allow time for the applicant to submit a signed original proffer in accordance with the Board's Proffer Policy.

Mr. Morton recommended the Board honor the request for deferral which allows the Board to vote on a complete proposal.

The Board and staff discussed the possible proffer revisions and since staff did not believe there would be any substantial changes to the proffers, the case would come back to the Board.

Mr. Nervitt opened the Public Hearing. No one wished to speak. Mr. Nervitt left the Public Hearing open until the April 11, 2000, Regular Meeting of the Board.

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

Mr. John McDonald, Manager of Management and Financial Services, stated that the proposed Ordinance amendment would change the assessment and reassessment cycle of real property from an annual program to a biennial one and that staff did not recommend the change in the assessment cycle.

Board and staff discussion followed concerning the frequency of neighborhood assessments and reassessment; number of physical inspections; easement of newly constructed homes in older neighborhoods and how they affect real estate value; and the increase in the taxes when reassessment increases the value.

Mr. Nervitt opened the public hearing.

1. Mr. Carlyle Ford, 319 Farmville Lane, gave a brief history of the County's Real Estate Assessment process and recommended the Board not change that process.

2. Mr. Ed Oyer, 139 Indian Circle, voiced his opinion that biennial reassessment would not affect the taxpayers all that much, and the neighboring counties do not do an annual assessment.

3. Mr. Jay Everson, 103 Branscome Boulevard, voiced his concern that over time the compound value of money will look very different in a biennial assessment compared to an annual assessment. Mr. Everson encouraged the Board to take more accountability with the Budget.

The Board held a discussion regarding the assessment proposal and requested the amendment be brought back to the Board in October.

3. Case No. SUP-30-99. Wellington Pump Station

Staff recommended to the Board to a defer action until after consideration of Case Nos. Z-12-99 and Z-13-99.

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

The case was then moved to Board Consideration to follow Case Nos. Z-12-99 and Z-13-99.

G. BOARD CONSIDERATIONS

1. Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from February 22, 2000) and Case No. Z-13-99. Rezoning of Certain Lots in Mirror Lake Estates (deferred from February 22, 2000)

Mr. Alvin Anderson, representing Wellington, LLC, presented for the Board's consideration a Resolution to Accept Real Property and to Settle Litigation. Mr. Anderson read a drafted resolution to the Board.

The Board, staff, and the representative discussed sidewalk locations, water conservation, and bike lane locations.

Mr. Nervitt opened the floor to the public to speak to this item.

1. Mr. Tony Dion, 102 Fairmount Drive, gave a brief history of the meetings regarding these cases and asked who would be paying for the sidewalks/bike paths to be built on adjacent property in Mirror Lake Estates. Mr. Dion requested a Fiscal Impact Statement on Wellington, LLC.

2. Ms. Eve Palmer, 104 Wellington Circle, spoke about the sidewalk provisions, the need for Impact Statements, and the need to honor the existing zoning for the property.

The Board discussed the proposed settlement, road conditions, and the initial issue of invalid proffers.

Mr. McGlennon made a motion to approve Case Nos. Z-12-99 and Z-13-99.

Mr. Goodson made a motion to defer.

On a roll call, the vote to defer was: AYE: Harrison, Goodson, Kennedy, Nervitt (4). NAY: McGlennon (1).

Mr. Kennedy made a motion to approve the Resolution to Settle Litigation.

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

RESOLUTION

RESOLUTION TO SETTLE LITIGATION

WHEREAS, James City County ("County") and Wellington, LLC (the "Owner"), the owner of certain property described in Case No. Z-12-99 (the "Property"), have been at issue over the validity of certain proffers affecting the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, having accepted the settlement proposal of Owner at its meeting, March 14, 2000, the Board, in the implementation of said settlement, acknowledges the following:

1. The Wellington Subdivision Declaration of Covenants, Conditions and Restrictions dated February 28, 2000, were recorded in the Circuit Court Clerk's Office for the City of Williamsburg and County of James City (the "Clerk's Office") on March 21, 2000.
2. A deed and Deed of Release conveying 15 acres from the Owner to the County was recorded in the Clerk's Office on March 21, 2000.
3. The County and the Owner have executed consent orders dismissing, with prejudice, Chancery Case Nos. 13055 and 13057.
4. The validity of the R-1, Limited Residential zoning of the Property, as enacted by Z-20-86 is hereby affirmed.
5. That the above actions having been accomplished, any and all obligations relating to the proffers associated with Case No. Z-20-86 have been fully met and satisfied.

BE IT FURTHER RESOLVED that Case Nos. Z-12-99 and Z-13-99 are hereby struck from the Board of Supervisors' docket.

Mr. Morton informed the Board he would have the resolution to settle the cases at the March 28, 2000, Regular Meeting of the Board.

Mr. Harrison made a motion to approve the Wellington Pump Station resolution.

A brief Board discussion followed.

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

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.

2. 2000 Primary Road Priorities

Mr. John T. P. Horne, Development Manager, provided the Board with information regarding the County's priority funding requests for primary roads with a report which, once endorsed by the Board, would be forwarded to Commonwealth Transportation Board.

Board and staff held a brief discussion regarding the road priorities.

Mr. Kennedy made a motion to approve and endorse the County's 2000 Primary Road priorities.

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

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:

1. full funding for the widening of the existing sections of **Route 199 to four lanes** in those areas where only two lanes exist;
2. funding for design and construction of **Route 60 Relocation**;

3. 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;**
4. funding for **landscaping along the Route 199 corridor;** and
5. 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.

3. James City County Road Construction Revenue Sharing FY 01

Mr. Horne presented the Board with a letter of notification that the Virginia Department of Transportation (VDOT) must receive by March 24, 2000, notifying VDOT of the County's intentions to participate in the Revenue Sharing Program, not to exceed \$500,000.

Mr. Goodson made a motion to adopt the resolution and endorsement of the letter.

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

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.

4. Exchange of Reciprocal Easements Agreement (deferred from February 22, 2000)

Mr. Leo P. Rogers, Deputy County Attorney, presented the Board with a copy of a drawing showing the layout of the Courthouse and Trimax properties. Staff recommends approval of the resolution authorizing the exchange of reciprocal easements.

The Board and staff had a brief discussion regarding the traffic impact of the agreement on Ironbound Road.

Mr. Harrison made a motion to adopt the resolution.

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

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.

H. PUBLIC COMMENT

Mr. Ed Oyer, 139 Indian Circle, voiced his concerns regarding the proposed school budget; use of private towing services by the schools when County towing services are available; and school make-up days on Saturdays.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner encouraged citizens to complete and return the Census 2000 forms.

Mr. Wanner suggested the Board go into a closed session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon inquired about the follow-up on the significant number of students living in County rental properties and if they have completed their Census 2000 forms.

Mr. Kennedy requested a timeline for the Courthouse and the school’s construction.

Mr. Kennedy made a motion to move to Closed Session.

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

The Board convened into Close Session at 10:03 p.m.

At 10:47 p.m. the Board reconvened into Open Session.

Mr. Harrison made a motion to appoint the following individuals to Boards/Commission/Committees: Mr. Hugh Gouldman to a four-year term on the Cable Television Advisory Committee; Mr. Robert Haas to a three-year term on the Historical Commission; Mr. Mark Rinaldi to the unexpired term of Mr. Greenwood on the Industrial Development Authority. Mr. Rinaldi's term would expire on July 8, 2001; Mr. Philip Duffy to a five-year term on the Wetlands Board; and Ms. Sarah Kadec, Mr. Tom Brain, Mr. Rich Costello, and Mr. Skip Morris to the Water Conservation Committee.

Mr. Nervitt made a motion to adopt the Closed Session Resolution.

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

Mr. Harrison made a motion to adjourn until the next regular meeting to be held on April 11, 2000, at 7:00 p.m.

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

The Board adjourned at 10:48 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: March 28, 2000
TO: The Board of Supervisors
FROM: Caroline M. Rhodes, Volunteer Services Coordinator
SUBJECT: National Volunteer Week - April 9-15, 2000

April 9-15, 2000, has been designated as National Volunteer Appreciation Week. We are requesting that the Board of Supervisors declare that same week Volunteer Appreciation Week in James City County.

Volunteers in 22 County divisions added value to the organization by volunteering over 56,000 hours in a variety of different jobs.

We recommend adoption of the attached resolution, designating April 9-15, 2000, as Volunteer Recognition Week.

Caroline M. Rhodes

CONCUR:

Carol M. Luckam

CMR/CML/alc
volunweek.mem

Attachment

RESOLUTION

NATIONAL VOLUNTEER RECOGNITION WEEK APRIL 9-15, 2000

WHEREAS, James City County was founded upon the spirit of voluntary action and civic duty, and throughout its history, citizens have volunteered their time, talent, and energies to make their communities better; and

WHEREAS, volunteerism offers opportunities to every citizen to participate in their government in order to meet community needs; and

WHEREAS, volunteers are a valuable resource to James City County departments and in 1999 contributed 56,070 hours valued at \$831,518; and

WHEREAS, these citizen volunteers are a valuable resource that enhance our quality of life, promote community involvement, generate civic pride, and restore our neighborhoods and families.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that it hereby designates April 9-15, 2000, as

VOLUNTEER APPRECIATION WEEK

and urges all citizens to recognize and appreciate efforts of volunteers.

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 28th day of March, 2000.

volunweek.res

MEMORANDUM

DATE: March 28, 2000
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Convention Center Feasibility Study

The Williamsburg Area Convention and Visitors Bureau, along with the Williamsburg Hotel-Motel Association, the City of Williamsburg, and the Counties of James City and York have agreed to participate in a study of the feasibility of increasing visitor spending in the City of Williamsburg, James City County, and York County through construction and operation of a convention center. Proposals were being sought from qualified firms with the purpose of entering into a contract through competitive negotiations for the professional services of an expert and highly qualified research firm with experience in convention center feasibility studies.

This study is a private/public partnership and the expense of the study, \$75,000, will be borne 50/50 between Convention and the Visitors Bureau, the Hotel-Motel Association and other hotel properties, and the local jurisdictions. The County's share of the study is \$12,500. York County and the City have appropriated their share.

I recommend that the Board of Supervisors appropriate \$12,500 from Operating Contingency to the Williamsburg Area Convention and Visitors Bureau for the purpose of funding a convention center feasibility study. I recommend approval of the attached resolution.

Sanford B. Wanner

SBW/alc
convenstudy.mem

Attachment

RESOLUTION

CONVENTION CENTER FEASIBILITY STUDY

WHEREAS, it has been determined by the Williamsburg Area Convention and Business Bureau and the City of Williamsburg, York County, and James City County that a study is needed regarding the feasibility of increasing visitor spending in the historic triangle through construction and operation of a convention center; and

WHEREAS, this is a public/private partnership.

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

Revenue:

Operating Contingency	<u>\$12,500</u>
-----------------------	-----------------

Expenditure:

Williamsburg Area Convention and Tourism Bureau	<u>\$12,500</u>
---	-----------------

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 28th day of March, 2000.

convenstudy.res

M E M O R A N D U M

DATE: March 28, 2000

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Burton Woods-Powhatan Elderly Housing Development - Community Development Block Grant

Attached for your consideration is a resolution authorizing the County Administrator to submit an application for a \$439,000 Community Development Block Grant (CDBG) to assist in financing the development of a 75-unit apartment project to provide affordable rental housing for low- and moderate-income elderly households. CDBG funds are proposed to be used to demolish the existing 60-unit Burton Woods I apartment project and for site development expense for a new elderly apartment development to be constructed on this site.

Current Project Area Conditions

Burton Woods Apartments were constructed in two phases in the mid-1970s as subsidized housing for low-income households. Burton Woods I, which fronts on Longhill Road, consists of 60 townhouse style units. Due to the dilapidated condition of the development, approximately half of the 60 units are vacant. The roofs, floors, and appliances are failing. A recent detailed inspection by USDA Rural Development, which holds the mortgage on both Burton Woods I and II, verified that Burton Woods I is neither structurally nor economically feasible to be rehabilitated.

Burton Woods II consists of 48 garden apartment units located on a parcel behind Burton Woods I. Although Burton Woods II is also in poor condition, the development is structurally and economically feasible to rehabilitate. TM Associates which recently took over management of Burton Woods I and II submitted an application earlier this month for Federal Low-Income Housing Tax Credits to enable it to purchase and renovate Burton Woods II. TM Associates proposes to spend \$1.1 million to completely renovate Burton Woods II. TM Associates will know by this summer whether its application for tax credits will be funded in 2000. If the financing is approved, rehabilitation on Burton Woods II is expected to begin in January 2001. Rents are expected to be maintained below \$350 for these renovated units.

Adjacent to the Burton Woods Apartments at the corner of Longhill and Centerville Roads is a vacant parcel that has been proposed for development for commercial and office uses by Trammel Crow. Across Centerville Road from that parcel is the entrance to the planned District Park. Revitalization of Burton Woods will have a positive impact on these new developments as well as neighborhood improvement activities in the adjacent Forest Glen neighborhood.

Powhatan Elderly Housing Development Proposal

TM Associates, an experienced low-and moderate-income multifamily housing development firm, has developed a proposal for a three-story elderly apartment project on the current site of Burton Woods I. The total development cost of this project is projected to be \$5.8 million. USDA Rural Development has agreed to write off a portion of its existing debt on Burton Woods I to enable TM Associates to purchase the property and to construct the proposed new housing. TM Associates also has access to a Year 2000 reservation of VHDA bond funds and Low-Income Housing Tax Credits, which can be used for this new development. Additional financing for this development will be obtained from sale of the tax credits as well as a proposed

March 28, 2000

Page 2

Federal Home Loan Bank Affordable Housing Program loan. An additional low interest loan is needed to complete the financing package. The proposed CDBG, which will be used for demolition and site development expenses, will provide this crucial low interest loan. Rents for the new elderly apartments are proposed to be \$500 for the 55 one-bedroom units and \$550 for the 20 two-bedroom units. Burton Wood's current allocation of 70 units of rental subsidy will be available to reduce rents for low-income residents to 30 percent of monthly income, with existing residents of Burton Woods I and II having priority to receive rent subsidy.

We recommend approval of the attached resolution to authorize the submission of a Community Development Block Grant application for the Burton Woods-Powhatan Elderly Housing Development Project.

Richard B. Hanson

CONCUR:

Anthony Conyers, Jr.

RBH/AC/al
elderly.mem

Attachment

RESOLUTION

BURTON WOODS-POWHATAN ELDERLY HOUSING DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

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

WHEREAS, two public hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$439,000 in VCDBG funds to be used in undertaking the Burton Woods-Powhatan Elderly Housing Development Project; and

WHEREAS, \$3,888,000 in State and Federal and \$1,495,937 in private funds will be expended on this project; and

WHEREAS, the project is anticipated to benefit 75 households of whom 75 will be low- and moderate-income households by providing affordable rental housing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

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 28th day of March, 2000.

elderly.res

MEMORANDUM

DATE: March 28, 2000

TO: The Board of Supervisors

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

SUBJECT: Dedication of Easement to James City Service Authority, District Park Sports Complex

The James City Service Authority (JCSA) has requested that the County convey to it a 20-foot permanent and a 10-foot temporary easement for a gravity sewer line over property located in the District Park Sports Complex. The Board approved a special use permit for the project at its January 11, 2000, meeting. Attached is a copy of a map depicting the general location of the easement.

Parks and Recreation staff members were consulted to assist in defining the location of the easement to assure that there are no conflicts with future plans for the District Park Sports Complex.

Following the public hearing, approval of the attached resolution authorizing the County Administrator to sign the easement agreement is recommended.

William C. Porter, Jr.

WCP/alc
easement2.mem

Attachments

RESOLUTION

DEDICATION OF EASEMENT TO JAMES CITY SERVICE AUTHORITY

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County owns property on the north side of Longhill Road known as "District Park Sports Complex;" and

WHEREAS, the James City Service Authority desires to construct a gravity sewer line across the District Park Sports Complex site and has petitioned the County for 1,650± linear feet of 20-foot wide permanent and 10-foot wide construction easement as defined in an easement plat dated November 23, 1999, prepared by PHR & A, PC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting a public hearing, has determined that a public interest exists and authorizes the County Administrator to sign the easement agreement, as identified on the above-referenced plat, to the James City Service Authority.

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 28th day of March, 2000.

easement 1.res

MEMORANDUM

DATE: March 28, 2000
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Resolution to Settle Litigation - Wellington, LLC

Attached please find a Resolution that completes the process of accepting the settlement proposal described in full at your last meeting.

This Resolution acknowledges the following:

1. Recordation of the Covenants, Conditions, and Restrictions.
2. Recordation of the 15-acre public use parcel.
3. The execution by both parties of a consent order dismissing their respective law suits.
4. The R-1, Limited Residential zoning, as enacted by Z-20-86 is affirmed.
5. The proffers associated with Z-20-86 have been fully satisfied.

Finally, the adoption of the Resolution serves to strike Case Nos. Z-12-99 and Z-13-99 from your docket.

I recommend adoption of the attached Resolution.

Frank M. Morton, III

FMM/gb
litigation.mem

Attachment

RESOLUTION

RESOLUTION TO SETTLE LITIGATION

WHEREAS, James City County (“County”) and Wellington, LLC (the “Owner”), the owner of certain property described in Case No. Z-12-99 (the “Property”), have been at issue over the validity of certain proffers affecting the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, having accepted the settlement proposal of Owner at its meeting, March 14, 2000, the Board, in the implementation of said settlement, acknowledges the following:

1. The Wellington Subdivision Declaration of Covenants, Conditions and Restrictions dated February 28, 2000, were recorded in the Circuit Court Clerk’s Office for the City of Williamsburg and County of James City (the “Clerk’s Office”) on March 21, 2000.
2. A deed and Deed of Release conveying 15 acres from the Owner to the County was recorded in the Clerk’s Office on March 21, 2000.
3. The County and the Owner have executed consent orders dismissing, with prejudice, Chancery Case Nos. 13055 and 13057.
4. The validity of the R-1, Limited Residential zoning of the Property, as enacted by Z-20-86 is hereby affirmed.
5. That the above actions having been accomplished, any and all obligations relating to the proffers associated with Case No. Z-20-86 have been fully met and satisfied.

BE IT FURTHER RESOLVED that Case Nos. Z-12-99 and Z-13-99 are hereby struck from the Board of Supervisors’ docket.

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 28th day of March, 2000.