

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**January 28, 2003**

**7:00 P.M.**

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MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: A. Joe Poole, III, Planning Commission Chair  
O. Marvin Sowers, Planning Director  
SUBJECT: Planning Commission Annual Report

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Attached is a copy of the Planning Commission's Annual Report for Fiscal Year 2002. Due to high staff turnover and the update of the Comprehensive Plan, this report is an abbreviated version. It reflects what has been one of our busiest and most productive years to date.

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A. Joe Poole, III

CONCUR:

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O. Marvin Sowers

AJP/adw  
pcanrpt.mem

Attachment

**JAMES CITY COUNTY  
PLANNING COMMISSION  
ANNUAL REPORT**

**Fiscal Year 2002**



In order to meet legal requirements set forth by the Commonwealth of Virginia, the Planning Commissions must present an annual report to the Board of Supervisors. Due to high staff turnover and our continuing efforts during the 2003 Comprehensive Plan update process, the Planning Commission Annual report for FY 02 is abbreviated. Below, we have covered some of the more notable achievements during the past year.

**Citizen Inquiries**

The Planning Division responds to thousands of citizen inquiries each year. The long-range and current planning sections of the Division handle a variety of questions. These inquiries come from attorneys, architects, contractors, engineers, developers and citizens at large. A substantial amount of staff time is dedicated to providing this service to keep the public informed and to provide an additional outlet for citizen response and comment. In FY02, staff responded to 11,670 citizen inquiries, an increase of nearly 40% from FY99. This additional work has been processed without any additional staff.

**Development Review**

Development review activities consist primarily of rezonings, special use permits, site plans, subdivisions, and conceptual plans. In addition to regular development review, the Planning Division handles a variety of other activities. Some of the major programs that Planning staff were involved in are listed later in this report.

In FY 02, the Planning Division received the following numbers of new cases. These reflect the continued rapid growth in James City County and are generally equal to or greater than numbers from previous years. In an interesting trend, staff has noted an increase in demand for information and proposals for assisted living facilities and age-restricted communities.

Recent review requirements have increased the amount of time spent per case; including New Town design review, landscaping requirements, and additional plan submittal requirements.

On-going, recurring, and special project Division responsibilities in other areas have also increased. For example, in addition to the Development Review Committee, Planning Commission and Board of Zoning Appeals, the Division provided staff assistance to the New Town Design Review Board, Development Potential Analysis Committee, Agricultural and Forestry District Advisory Committee, Redistricting Committee, Historic Triangle Bicycle Advisory Committee, Historic Commission, and the Airport Committee.

New Case Submittals	FY02
Conceptual Plans	187
Special Use Permits	30
Rezonings	8
Subdivisions	115
Site Plans	145

## Selected Major FY02 Cases

**CASE NO. SUP-16-01. JCSA: NEW TOWN WATER STORAGE FACILITY.** The James City Service Authority applied to construct a 1.0 million gallon water storage facility at 4007 Ironbound Road. The property is zoned R-8, Rural Residential, and M-1, Limited Business/Industrial.

Approved: PC – 8/6/2001  
BOS – 8/17/2001

**CASE NO. Z-3-01/SUP-19-01. NEW TOWN - SECTIONS 2 & 4.** New Town Associates, LLC, applied to rezone approximately 80 acres from MU, Mixed Use, and R-8, Rural Residential with proffers to MU, with proffers. Proposed construction includes approximately 620,000 square feet of retail space, 122,000 square feet of office/commercial space, and approximately 525 residential units. This property is located at the corner of Ironbound Road and Monticello Avenue.

Approved: PC – 11/5/2001  
BOS – 12/11/2001

**CASE NO. SUP-20-01/HW-1-01. JAMES CITY ENERGY PARK - ELECTRICAL GENERATION PLANT.** Mr. Alvin P. Anderson and Mr. Gregory R. Davis applied on behalf of James City Energy Park, LLC, for a special use permit to allow for the construction of an electrical generation plant and a petroleum storage facility. The development will be located on approximately 53.53 acres at the southern most end of Blow Flats Road. The applicants also requested a Height Limitation Waiver from the Board of Supervisors to allow for the construction of structures which exceed 60 feet in height. The property, owned by Greenmount Associates, LLC, is zoned M2, General Industrial.

Approved: PC – 11/5/2001  
BOS – 11/27/2001

**CASE NO. SUP-22-01. JCSA GROUNDWATER TREATMENT FACILITY, PRODUCTION WELLS, CONCENTRATE DISCHARGE MAIN, AND ROUTE 5 WATER MAIN EXTENSION.**

The James City Service Authority, JCC, and property owners Rosa Armistead and Axel and Shelia Nixon applied to construct a groundwater treatment facility, four primary production wells, and two backup production wells at 3123 Ironbound Road with access from 4321 John Tyler Highway. This application combined what would have been 4 SUPs into one. The proposed 5 million gallon per day treatment facility and production wells will be located behind Clara Byrd Baker School to the north of the Chanco's Grant subdivision. The properties are zoned R-8, Rural Residential, and designated Low Density Residential on the Comprehensive Plan.

The applicant also proposed the installation of approximately 13,600 feet of 12-inch non-potable concentrate discharge main. The proposed alignment would exit the treatment facility to the south and flow to the James River near the Jamestown Ferry. The properties it transverses are zoned R-8, Rural Residential, LB, Limited Business, and R-2, General Residential, and designated Low Density Residential and Moderate Density Residential on the Comprehensive Plan.

JCSA also proposed the installation of approximately 6,500 feet of 16-inch potable water main along the north side of Route 5 from the treatment facility to an existing water main at the northeast corner of Greensprings Plantation Drive and Route 5 across from Jamestown High School. The application includes the installation of a pressure reduction valve adjacent to Greensprings Plantation Drive.

Approved: PC – 6/3/2002  
BOS – 6/11/2002

**CASE NO. Z-4-00. COLONIAL HERITAGE OF WILLIAMSBURG.**

U.S. Homes Corporation applied to rezone approximately 754 acres near Norge. The applicant proposed to rezone specific parcels to a Mixed Use designation for commercial/office and residential use. This development would consist of 2,000 residential units with a commercial/office area abutting Route 60. The properties, located at 6799, 6895, 6991, and 6993 Richmond Road and 6175 Centerville Road, were previously zoned A-1, General Agriculture and M-1, Limited Business/ Industrial, and designated as Low-Density Residential, Moderate-Density Residential and Mixed Use on the Comprehensive Plan Land Use Map.

Approved: PC – 7/2/2001  
BOS – 11/27/2002

## **Selected FY02 Major Projects**

### **Purchase of Development Rights**

The Board of Supervisors set aside \$1 million to fund the first year of the program in the 2001-2002 James City County budget. The Planning Division played a lead role in developing the program and necessary ordinances. A PDR Director, Michael Drewry, was hired and began work on September 4, 2001. The County received 14 applications in FY02 representing approximately 1188 acres from property owners interested in participating in the PDR program. This is the first application period for the program.

### **Greenways Master Plan**

The Greenways Advisory Committee completed the Master Greenway Plan. The document was adopted by the Parks and Recreation Advisory Board and represents the County's continued efforts to preserve open space.

### **Citizens Survey**

Staff contracted with a consultant to conduct a telephone survey of 1,204 County citizens to gather information and opinions on a variety of topics. To relay the findings to citizens, staff wrote an article for the *FYI* newsletter, and staff and the consultant taped an interview show for Channel 48. In addition, copies of the report are available on the web, in the Planning Division, and at the libraries.

### **Development of Comprehensive Plan Methodology and Timeline**

The Board of Supervisors adopted a methodology for the update of the James City County Comprehensive Plan. Additionally, it appropriated \$137,000 to pay for additional consulting services related to the Plan's development. The 12-month update process began in July of 2002. (Attached)

### **Development Potential Analysis**

A Development Potential Analysis Oversight Committee was formed which worked with the staff and a consultant to identify and quantify the residential development potential of properties located within James City County's Primary Service Area (PSA). Six committee meetings were held and through these meetings information was shared and a consensus built regarding the methodology and resultant residential development potential. An output of this effort has been the development of a standardized process and methodology that can be replicated in the future.

### **Bikeways**

The Planning Division manages the County bikeways program. Using federal grants, a bikeway along Strawberry Plains Rd. was completed as were connections to the Colonial Parkway for the Treasure Island Road and Neck-o-Land Road.

## **Landscaping and Greenspace**

The Planning Division designed and managed landscaping projects along Route 199 and Monticello Avenue. The Division also played a key role in successful negotiations to preserve timber buffers along more than one mile of Route 5 road frontage.

pcanrpt

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JANUARY, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Jay T. Harrison, Sr., Chairman, Berkeley District  
Bruce C. Goodson, Vice Chairman, Roberts District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. MOMENT OF SILENCE**

Mr. Harrison requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Terrell Johnson, Paul Haynes, and Marcus Pulver, representatives of the Beyond the Bell Program and James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Perry Depue, President of the Williamsburg Land Conservancy, commented on the Board's task to balance continued development with conserving open space, and stated that the Williamsburg Land Conservancy is working to protect the past and preserve the future.

2. Mr. Tony Dion, 102 Fairmont Drive, stated concern about the proposed school sports complex and that school sport facilities are not available to citizens, and stated support for the Board developing the sport facilities that will be available for citizen use.

3. Mr. Richard Bradshaw, Commissioner of the Revenue, provided the Board with an overview of the tax assessments, adjustments, exemptions, and business licenses processed by the Commissioner's office and invited citizens to come in and see what services the office provides.

4. Mr. Ed Oyer, 139 Indian Circle, stated that a sports complex is not the answer to produce better students academically or socially, stated that the State is involved in the groundwater well abatement program, and invited comments from the Board to share with the General Assembly during his visit to Richmond on January 15.

5. Mr. Claude Gilmer, 112 Woodside Drive, thanked Mr. Goodson for his efforts for bus service and stated concern about the condition of the Grove neighborhood.

Mr. McGlennon requested clarification from the County Administrator on the use of School facilities by citizens.

Mr. Wanner stated that he would follow up on the inquiry and get the School's policy on use of its facilities.

**E. CONSENT CALENDAR**

Mr. Harrison asked if a member wished to pull an item from the Consent Calendar.

Mr. Harrison pulled Item No. 3, Resolution of Recognition, Dr. J. Blaine Blayton, from the Consent Calendar.

Mr. Goodson made a motion to adopt the remainder of the items on the Consent Calendar.

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

1. Minutes

a. December 10, 2002, Regular Meeting

b. January 2, 2003, Organizational Meeting

2. Contract Award – Board Room Audiovisual Equipment and Installation

**RESOLUTION**

**CONTRACT AWARD – BOARD ROOM AUDIOVISUAL EQUIPMENT AND INSTALLATION**

WHEREAS, the request for proposal has been advertised and evaluated for the board room audiovisual equipment and installation contract; and

WHEREAS, three firms submitted proposals, with The Whitlock Group being determined to be the best qualified and responsive to provide the required services; and

WHEREAS, the Capital Budget contains funding for these improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Board Room Audiovisual Equipment and Installation contract to The Whitlock Group in the amount of \$458,103.

4. Colonial Area Family and Intimate Partner Violence Fatality Review Team

**RESOLUTION**

**COLONIAL AREA FAMILY AND INTIMATE PARTNER VIOLENCE**

**FATALITY REVIEW TEAM**

WHEREAS, family and intimate partner violence has destructive consequences upon individuals and families within our area; and

WHEREAS, the General Assembly enacted Section 32.1-283.3 of the Code of Virginia, 1950, as amended, to permit localities to establish a family violence fatality review team to examine fatal family violence incidents; and

WHEREAS, the Colonial Area Council on Domestic Violence is establishing a regional Family and Intimate Partner Violence Fatality Review Team.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County joins the Colonial Area Family and Intimate Partner Violence Fatality Review Team and pursuant to Virginia Code Section 32.1-283.3, the Chief of Police and the Director of Social Services, or their designee, be and hereby are appointed to the Colonial Area Family and Intimate Partner Violence Fatality Review Team.

3. Resolution of Recognition, Dr. J. Blaine Blayton

Mr. Harrison invited citizens to attend the memorial service for Dr. Blayton to be held on February 8 in recognition of his service to the community.

Mr. Goodson made a motion to adopt the resolution.

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

**RESOLUTION OF RECOGNITION**

**DR. J. BLAINE BLAYTON**

WHEREAS, Dr. James Blaine Blayton was born in Oklahoma before it became a State and earned both undergraduate and medical degrees from Howard University; and

WHEREAS, Dr. Blayton moved his medical practice from Newport News to the Greater Williamsburg Area in the midst of the depression and was a resident of the area for more than 70 years; and

WHEREAS, Dr. Blayton was a pioneer as a physician and a civic activist throughout his distinguished career; and

WHEREAS, he established the first medical practice, medical clinic, and hospital for African-Americans in the Williamsburg area; and

WHEREAS, his community leadership helped in the establishment of Quarterpath Park and Williamsburg Community Hospital as well as helped guide the community through the integration of the public schools and other areas of community life; and

WHEREAS, Dr. Blayton was the first African-American to serve on the James City County School Board and to serve on the Virginia State Board of Medical Examiners; and

WHEREAS, his pioneering efforts had a significant impact on the quality of life of our community and resulted in the Williamsburg Community Health Foundation selecting him as one of three original Health Care Heroes; and

WHEREAS, Dr. James Blaine Blayton passed away on December 15, 2002, at the age of 97 after a lifetime of service to mankind.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its condolences to the Blayton family on behalf of a grateful community and adds its voice to those who honor and acknowledge Dr. James Blaine Blayton as a true pioneer, gentleman, and Health Care Hero.

## **H. PUBLIC HEARINGS**

### **1. Pre-Budget Public Hearing – FY 2004 Budget**

Ms. Suzanne Mellen, Director of Budget and Accounting, recommended that the Board invite comments and suggestions from citizens for the County budget for the Fiscal Year 2004 to help guide staff in making any adjustments to the adopted Fiscal Year 2004 budget and in the preparation of a budget proposal for the Board's review in April.

Mr. Harrison opened the Public Hearing.

1. Mr. Tony Dion, 102 Fairmont Drive, commented on the limited parking at the County's Government Building in Toano and stated concern regarding the repercussions to the County of Governor Warner's proposed budget.

2. Mr. Perry DePue, President of the Williamsburg Land Conservancy, stated that the purchase of the Warhill Tract was one of the memorable accomplishments during his term on the Board, commented on the conservation of open space, and requested that the Board continue the conservation of open space as well as funding the Purchase of Development Rights Program.

3. Mr. Daniel Shaye, 2908 Richard Buck South, stated support for the Board's effort to preserve the County's character, requested the Board provide adequate funding for greenspace, greenways and trails, and support partnerships in preserving open space.

4. Ms. Caren Schumacher, Executive Director of the Williamsburg Land Conservancy, requested the Board increase its funding to the Williamsburg Land Conservancy in FY 04 to assist the Conservancy in its ability to preserve the character of the County.

5. Ms. Julie Leverenz, President of Historic Route 5 Association, stated support for the Purchase of Development Rights (PDR) Program, the Greenspace Fund, and the undergrounding of utilities and requested the Board fund these programs at the full amounts in FY 04 and substantially increase funding for better water quality in the County.

6. Mr. John Horne, Vice President of the Board of Directors of the Housing Partnerships Inc., stated that the Housing Partnerships has been a local nonprofit for over 25 years that rehabilitates homes through volunteers and partnerships with surrounding localities and requested the Board increase its funding to the Partnership in FY 04 to help offset the increasing costs to do repairs.

7. Mr. Ed Oyer, 139 Indian Circle, stated opposition to additional fees or taxes such as the proposed Stormwater Utility, and requested the Board ration General Fund money according to citizens' needs.

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

2. Case No. SUP-20-02. Nationwide Transmission Auto Sales

Mr. David Anderson, Planner, stated that Mr. Henry Gregory applied for a special use permit (SUP) for an the sale of cars from the parking lot of his transmission business on 0.50 acres, zoned B-1, General Business, at 7211 Merrimac Trail, further identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (41-4).

Staff found the proposed use compatible with the surrounding zoning and development, and consistent with the Community Commercial designation of the Comprehensive Plan.

The Planning Commission, at its meeting on December 2, 2002, voted 7-0 for approval of the SUP.

Staff recommended approval of the SUP with conditions.

Mr. Harrison opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated that Nationwide Transmission has kept to the conditions imposed on it when the business opened and stated support for this proposal in expectation that they will conduct business in the same manner.

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

Mr. Goodon made a motion to approve the application.

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

**RESOLUTION**

**NATIONWIDE TRANSMISSION AUTO SALES (SUP-20-02)**

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. Henry Gregory, owner and operator of Nationwide Transmission, has applied for a special use permit to allow for the sale of cars from the parking lot of his transmission business located at 7211 Merrimac Trail; and

WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (41-4); and

WHEREAS, the Planning Commission, following its public hearing on December 2, 2002, recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-20-02 as described herein with the following conditions:

1. If the front of the building is to be brick faced as the applicant has proposed, the brick shall be of a natural brick color and the siding on the remainder of the building shall be of a compatible color as approved by the Planning Director.
2. The existing building face sign (under the current Nationwide Transmission building face sign) shall be removed. If the front of the building is not to be brick faced, the siding in that location shall be repaired.
3. A new fence shall be erected to replace the existing fence that screens the storage area. The new fence shall be wooden, a natural wood color, a design and height to screen the storage area from Route 143, and shall be approved by the Planning Director.
4. A landscape area, to be approved by the County Landscape Planner, shall be planted adjacent to the right-of-way and shall consist at a minimum of three deciduous shade trees and 12 shrubs.
5. Except as provided for in Condition No. 6, freestanding signage to advertise the car sales shall be limited to one pole mounted sign located on the existing freestanding sign pole below the existing sign advertising the transmission business. Any new freestanding sign to replace the existing freestanding pole sign shall be approved by the Planning Director.
6. Additional advertising for the car sales shall be limited to windshield displays in the vehicles to be sold. No banners, additional lighting, bull horns, loudspeakers, open hoods, or any additional means of advertising the cars to be sold shall be utilized.
7. With the exception of one American flag and one State of Virginia flag, not to exceed 12 square feet each, no flags shall be permitted.
8. The car sales operation shall be limited to the hours between 8 a.m. and 8 p.m., Monday through Saturday.
9. The cars for sale shall be parked in the existing paved parking area on the property.
10. A maximum of 20 cars may be displayed at a time.
11. The car sales operation shall commence within 18 months, or the permit shall become void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

**G. PUBLIC COMMENT**

1. Mr. Claude Gilmer, 112 Woodside Drive, requested that the Board fund the preservation of Grove; that there is no rubbish collection in Grove; that his property values have remained stable for the past fifteen years, and that Grove is an indicator of the future of the remainder of the County.

Mr. Harrison recommended residents of Grove attend Comprehensive Plan Steering Committee meetings.

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that citizens have further opportunities to submit comments and suggestions on the proposed FY 04 budget through Public Hearings and/or by sending them by e-mail, U.S. Mail, fax, or telephone.

Mr. Wanner stated that the deadline for applications for landowners to change their land-use designation are due January 31, and that the applications are available on the website or by contacting the Planning Division.

Mr. Wanner recommended that the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions and then recessed the Board until 9 a.m. on January 18, 2003, for a Board Retreat at the James City/Williamsburg Community Center.

**I. BOARD REQUESTS AND DIRECTIVES - None**

**J. CLOSED SESSION**

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

Mr. Harrison convened the Board into Closed Session at 8:10 p.m.

Mr. Harrison reconvened the Board into Open Session at 8:17 p.m.

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

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

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

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

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

Mr. McGlennon made a motion to recommend that Marvin Rhodes be appointed by the Circuit Court Judge to the Board of Zoning Appeals for a four-year term; to recommend the reappointment of William Miller by the Circuit Court Judge for a three-year term on the Board of Equalization; and to reappoint Donald Hunt for a four-year term on the Planning Commission, term to expire on January 31, 2007.

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

**M. ADJOURNMENT**

Mr. Kennedy made a motion to adjourn until 9 a.m. on January 18, 2003.

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

Mr. Harrison adjourned the Board at 8:21 p.m. until 9 a.m. on January 18, 2003.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: January 28, 2003  
 TO: The Board of Supervisors  
 FROM: Richard M. Miller, Fire Chief  
 SUBJECT: Budget Amendment - Emergency Management

The U.S. Department of Justice, through the Virginia Department of Emergency Management, has provided James City County three grants totaling \$47,940.16 to assist in preparing to respond to weapons of mass destruction incidents. Funds are restricted to very specific purposes such as personal protective equipment or decontamination equipment. While funds are being distributed by three separate grants, they may be combined for procurement purposes at the local level.

The total amount of funding allocated to James City County by year is shown below:

<u>Grant</u>	<u>Award Amount</u>	<u>Must be Obligated by</u>
1999	\$ 3,777.72	March 23, 2003
2000	8,041.36	July 31, 2004
2001	8,177.22	July 31, 2004
2002	<u>27,943.82</u>	July 31, 2004
Total Award	<u>\$47,940.16</u>	

These funds do not require a local match.

Staff recommends approval of the attached resolution.

\_\_\_\_\_  
 Richard M. Miller

RMM/gb  
 emergencymgt.mem

Attachment

**RESOLUTION**

**BUDGET AMENDMENT - EMERGENCY MANAGEMENT**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the additional funding by the Virginia Department of Emergency Management to the James City County Office of Emergency Management for preparation and response to weapons of mass destruction incidents.

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

Revenue:

Department of Emergency Management	<u>\$47,940.16</u>
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Expenditures:

Office of Emergency Management	<u>\$47,940.16</u>
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Jay T. Harrison, Sr.  
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 28th day of January, 2003.

emergencymgt.res

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Nancy Ellis, Superintendent of Recreation/Director of Youth Services  
SUBJECT: Strengthening Families Program

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James City County has received a \$3,750 grant from the Historic Triangle Substance Abuse Coalition to implement the Strengthening Families Program. This free program is for parents or caregivers and their youth ages 10 to 14 years old to help parents with their parenting skills and assist youth in developing skills in handling peer pressure.

The grant will pay for the entire cost of the program. Staff recommends approval of the attached resolution appropriating the funds for the program.

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Nancy Ellis

CONCUR:

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Anthony Conyers, Jr.

NE/adw  
strfamg.mem

Attachment

**RESOLUTION**

**STRENGTHENING FAMILIES PROGRAM**

WHEREAS, James City County has received a grant to implement the Strengthening Families Program.

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

Revenues:

From Historic Triangle Substance Abuse Coalition      \$3,750

Expenditures:

Office of Community Services      \$3,750

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

strfamg.mem

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
Suzanne R. Mellen, Director of Budget and Accounting  
SUBJECT: Federal Emergency Management Agency Grant Award

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The Federal Emergency Management Agency (FEMA) has awarded James City County a grant in the amount of \$138,800 for the implementation of a candidate physical testing program. Matching funds in the amount of \$13,800 are required and available in the Fire Programs account. The grant period ends December 31, 2003.

James City County utilizes a series of funds to account for a variety of activities. There are some situations where there are special projects and/or grants that may span multiple years which would require a continuing appropriation. It is recommended that the County create a special revenue fund to account for grants, proffers, and other special projects that are not accounted for in other special revenue funds and that would span multiple years and require continuing appropriations.

Creating a Special Projects/Grants fund would not only centralize these special projects, but also lessen budgetary swings in the general fund departments due to the uncertainty of grant awards and special projects that may occur in one year but not the next.

Staff recommends adoption of the attached resolution.

---

Richard M. Miller

---

Suzanne R. Mellen

RMM/gs  
fema.mem

Attachment

**RESOLUTION**

**FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT AWARD**

WHEREAS, the Federal Emergency Management Agency (FEMA) has approved an Assistance to Firefighters Grant providing \$138,000 to the Fire Department for firefighter applicants physical ability testing, firefighter wellness programs, and equipment; and

WHEREAS, local matching funds of \$13,800 are available in the Fire Programs account.

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

Revenue:

Transfer from Donation Trust Fund	\$ 13,800
Federal Emergency Management Agency (FEMA)	<u>124,200</u>
Total	<u>\$138,000</u>

Expenditures:

Fire Department Budget	<u>\$138,000</u>
------------------------	------------------

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

fema.res

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Budget Appropriation - Emergency Management

---

The Virginia Department of Emergency Management has provided \$15,372 in additional FY 2003 funding for the James City County Department of Emergency Management. These funds will be used for operations and improvements in the area of radiological preparedness.

Staff recommends approval of the attached resolution.

---

Richard M. Miller

RMM/gs  
EMfunds.mem

Attachment

**RESOLUTION**

**BUDGET APPROPRIATION - EMERGENCY MANAGEMENT**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the additional funding by the Virginia Department of Emergency Services to the James City County Office of Emergency Operations for annual operations and improvement in the area of radiological preparedness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2003 Operating Budget as follows:

Revenues:

VA Department of Emergency Services	<u>\$15,372</u>
-------------------------------------	-----------------

Expenditures:

Emergency Management (Account No. 001-073-0318)	<u>\$15,372</u>
--	-----------------

---

Jay T. Harrison, Sr.  
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 January, 2003.

EMfunds.res

**MEMORANDUM**

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Mulberry Place

---

Attached is a resolution requesting acceptance of certain streets in Mulberry Place into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends the Board adopt the attached resolution.

---

Darryl E. Cook

DEC/gb  
mulberry.mem

Attachment

**RESOLUTION**

**DEDICATION OF STREETS IN MULBERRY PLACE**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are 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 advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation 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 streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

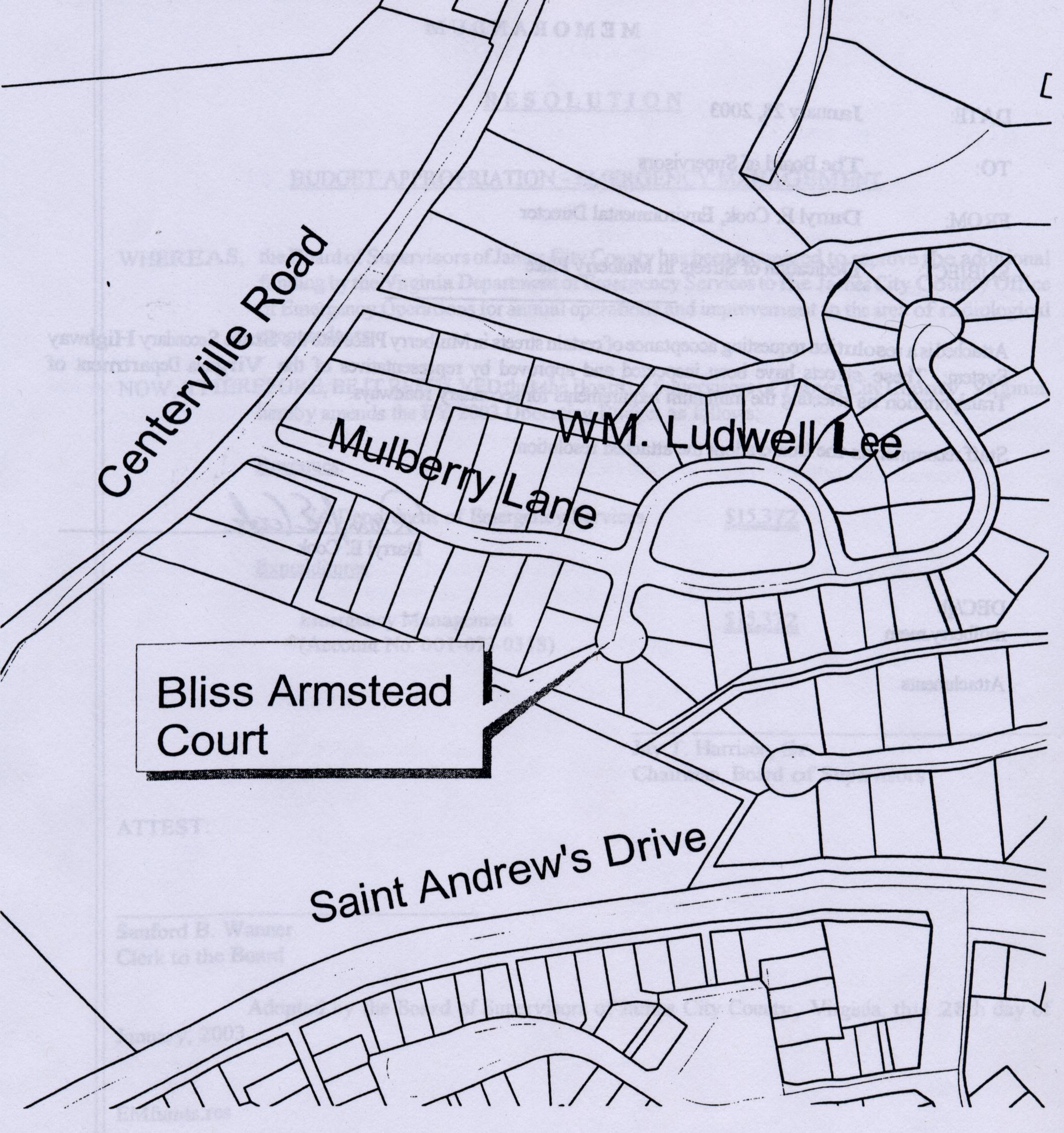
\_\_\_\_\_  
Jay T. Harrison, Sr.  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of January, 2003.

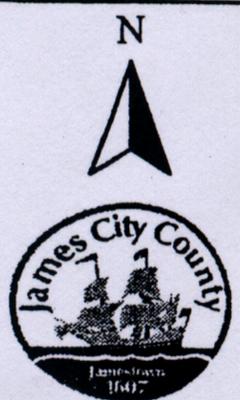
mulberry.res



# DEDICATION OF STREETS IN MULBERRY PLACE

 Streets Being Dedicated

200 0 200 400 600 Feet



# In the County of James City

By resolution of the governing body adopted January 28, 2003

*The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

*A Copy Testee Signed (County Official):* \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

Form SR-5A  
Secondary Roads Division 5/1/99

Project/Subdivision  
**Mulberry Place**

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street  
Pursuant to Code of Virginia Statute: §33.1-229

### Route Number and/or Street Name

#### **Bliss Armstead Court, State Route Number 1148**

Description: *From:* Rt 1147, Mulberry Lane  
*To:* End Of Cul-de-sac  
A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

#### **Mulberry Lane, State Route Number 1147**

Description: *From:* Rt 614, Centerville Road  
*To:* Rt 1148, Bliss Armstead Court  
A distance of: 0.16 miles.

*Right of Way Record:* Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

Description: *From:* Rt 1148, Bliss Armstead Court  
*To:* Rt 1149, Wm. Ludwell Lee  
A distance of: 0.08 miles.

*Right of Way Record:* Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

Description: *From:* Rt 1149, Wm. Ludwell Lee  
*To:* End Of Cul-de-sac  
A distance of: 0.15 miles.

*Right of Way Record:* Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

#### **Wm Ludwell Lee, State Route Number 1149**

Description: *From:* Rt 1147, Mulberry Lane At Rt 1148, Bliss Armstead Court  
*To:* Rt 1147, Mulberry Lane  
A distance of: 0.13 miles.

*Right of Way Record:* Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

**MEMORANDUM**

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Award of Contract - JC/WCC HVAC Replacement

---

The Capital Maintenance Budget contains funds for the replacement of a 35-ton, a 15-ton, and a 10-ton, 16-year-old Heating, Ventilating, and Air conditioning (HVAC) units at the James City/Williamsburg Community Center (JC/WCC). Staff has been experiencing maintenance problems with all three units. This has been especially true of the 35-ton unit.

Five qualified firms responded to the Request for Proposal (RFP) describing their interest, qualifications, product specifications, proposed price schedule, and experience in performing similar work. Three firms were interviewed. A panel of staff members from Facilities Management, under the direction of a representative from Purchasing, selected David H. Rogers Plumbing Co., Inc., as the most qualified firm. After selection, a price of \$190,440 was negotiated to provide the complete removal and replacement of the three units as described in the RFP.

Replacement of the three units will be done by mid-May due to the 10- to 12-week lead time needed for some of the equipment.

Staff recommends that the Board approve the attached resolution awarding a contract to David H. Rogers Plumbing Co., Inc., in the amount of \$190,440.

---

William C. Porter, Jr.

WCP/gs  
hvacrp.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT - JC/WCC HVAC REPLACEMENT**

WHEREAS, a request for proposals for replacement of three HVAC units at the James City-Williamsburg Community Center (JC/WCC) was publically advertised; five interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed three proposers, and selected David H. Rogers Plumbing Co., Inc., as the most qualified firm to provide the services associated with the projects; and

WHEREAS, a fee of \$190,440 was negotiated with David H. Rogers, Plumbing Co., Inc., for providing the services, with funds available in the Capital Maintenance Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the JC/WCC HVAC Replacement to David H. Rogers Plumbing Co., Inc., for \$190,440.

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

hvacrp.res

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Richard B. Hanson, Housing and Community Development Administrator  
SUBJECT: Appropriation of Dry Well Replacement Program Funds

---

James City County Office of Housing and Community Development (OHCD) has been designated as an eligible administrator of the Dry Well Replacement Program (DWRP). This new program, announced by Governor Warner in November, is designed to assist low- and moderate-income homeowners whose wells failed due to last year's drought conditions. Forgivable loans to eligible households of up to \$5,000 may be provided to drill new replacement wells or to install water lines to connect to public water, but not to pay connection fees. The initial funding for this program is from Federal Community Development Block Grant funds allocated to the Commonwealth. OHCD conducted the first of two required public hearings on December 18, 2002, and has completed and submitted the necessary documentation to obtain a grant contract and to begin drawing grant funds. The DWRP program also provides the administrator up to \$750 per assisted household for administrative, legal, and other related non-construction expenses.

We have taken applications from seven County families who meet the DWRP eligibility criteria. We expect to assist five of these families with the DWRP program. The other two current applicants qualify and are interested in housing rehabilitation assistance and therefore will be assisted under the Virginia Indoor Plumbing Rehabilitation Program also administered by OHCD.

DWRP funds are generally available to administrators on a first-come first-served basis with a maximum of five active projects allowed to be reserved at one time. In order to accommodate possible additional applications from eligible County residents, we recommend the Board of Supervisors approve the attached resolution which appropriates up to \$57,500 of Dry Well Replacement funds to be provided by the Commonwealth.

---

Richard B. Hanson

CONCUR:

---

Anthony Conyers, Jr.

RBH/gb  
drwellrp.mem

Attachment

**RESOLUTION**

**APPROPRIATION OF DRY WELL REPLACEMENT PROGRAM FUNDS**

WHEREAS, the Commonwealth of Virginia has established the Dry Well Replacement Program to provide assistance to low- and moderate-income homeowners whose wells went dry during the drought of 2002 to secure a reliable source of water; and

WHEREAS, a letter identifying a need for assistance under the Dry Well Replacement Program within James City County and all other documentation required to enable the County to receive a grant contract have been submitted to the Virginia Department of Housing and Community Development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Community Development budget, as adopted for the fiscal year ending June 30, 2003, as follows:

Revenues:

Dry Well Replacement Program funds	<u>\$57,500</u>
------------------------------------	-----------------

Expenditures:

Dry Well Replacement Program loans and administrative expenses	<u>\$57,500</u>
---	-----------------

BE IT FURTHER RESOLVED that the appropriation of funds for the Dry Well Replacement Program be designated a continuing appropriation to carry beyond FY 2003 until the activities of the Dry Well Replacement Program are completed.

---

Jay T. Harrison, Sr.  
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  
January, 2003.

drwellrp.res

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

DATE: January 28, 2003

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director  
Leo P. Rogers, Deputy County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Stonehouse Development Company, L.L.C.

---

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from the Resource Protection Area (RPA).

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owner has entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved landscape plan to restore the impacted areas on their own property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and the property owners agreed to the recommended civil charge of \$2,500 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact was considered minor, and the property owners have been cooperative in working with staff to restore the impacted areas.

Staff recommends the Board adopt the attached resolution establishing a civil charge for the RPA violation presented.

---

Darryl E. Cook

---

Leo P. Rogers

DEC/gb  
stonehoucharge.mem

Attachments

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -**

**CIVIL CHARGE - STONEHOUSE DEVELOPMENT COMPANY, L.L.C.**

WHEREAS, Stonehouse Development Company, L.L.C., is the owner of a certain parcel of land, commonly known as Mill Pond Park, designated as Parcel No. (01-24) on James City County Real Estate Tax Map No. (4-4); hereinafter referred to as the ("Property"); and

WHEREAS, on or about November 8, 2002, understory vegetation consisting of 49 trees and shrubs were removed from the Resource Protection Area on the Property; and

WHEREAS, Stonehouse Development Company, L.L.C., agreed to a Restoration Plan to replant 98 trees and shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Stonehouse Development Company, L.L.C., has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Property; and

WHEREAS, Stonehouse Development Company, L.L.C., has agreed to pay \$2,500 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,500 civil charge from Stonehouse Development Company, L.L.C., as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

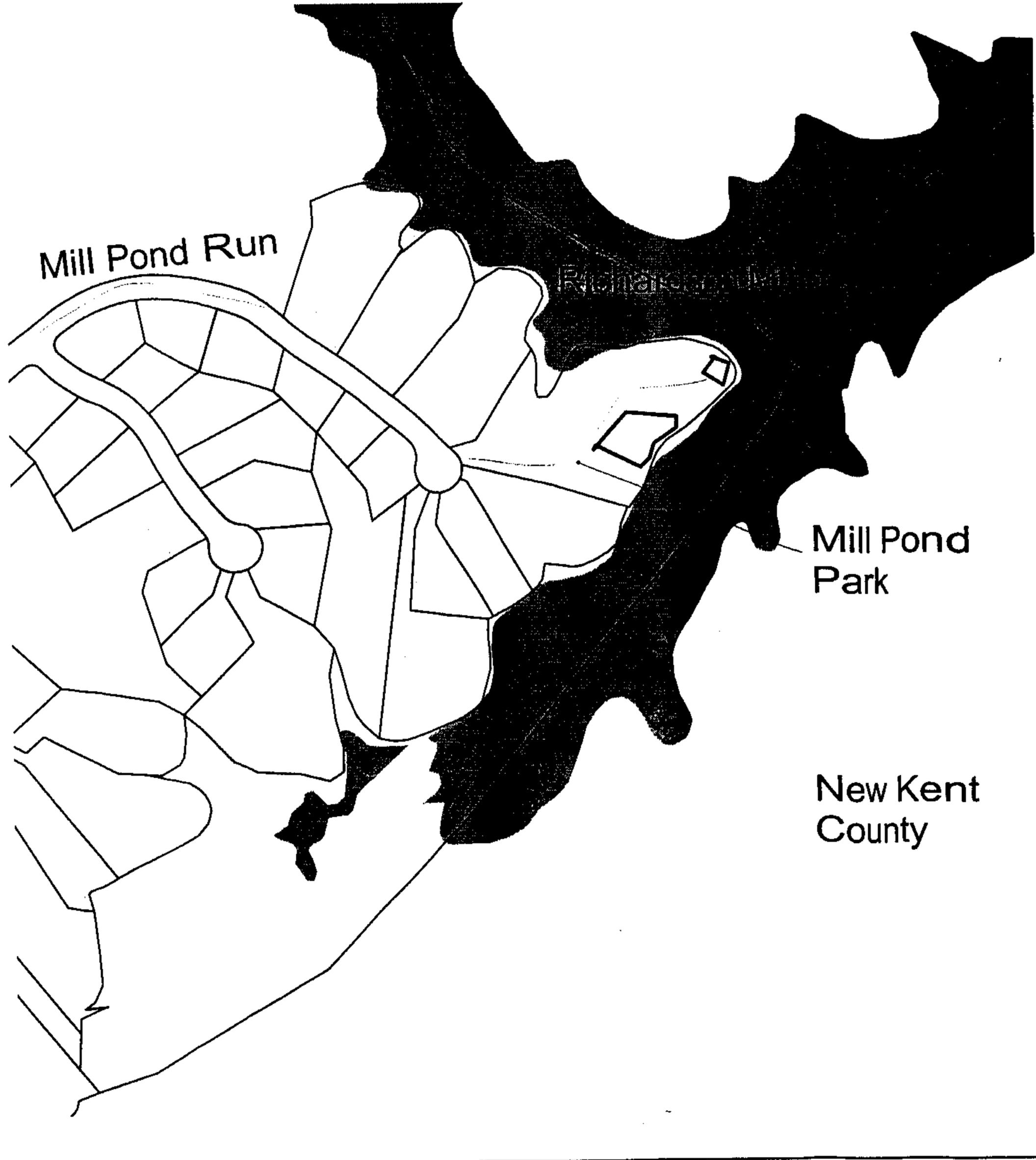
\_\_\_\_\_  
Jay T. Harrison, Sr.  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of January, 2003.

stonehoucharge.res



Mill Pond Run

Rich Creek

Mill Pond Park

New Kent County

# CHESAPEAKE BAY ORDINANCE VIOLATION STONEHOUSE DEVELOPMENT CO. LLC

 Areas of Violation



MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Lease Agreement James City-Bruton Volunteer Fire Department

---

The Board had this matter before it on January 2, 2003. It was discovered that due to the holidays and/or vacation, the public hearing advertisement had not been submitted in a timely fashion.

The lease is exactly the same as was presented on January 2, 2003.

Staff recommends that following the public hearing, the Board adopt the attached resolution authorizing the County Administrator to execute the lease.

---

William C. Porter, Jr.

WCP/gb  
leaseagree2.mem

Attachment

**RESOLUTION**

**LEASE AGREEMENT JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Board of Supervisors of James City County has been requested to approve a lease agreement between the County of James City and the James City-Bruton Volunteer Fire Department, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a lease agreement between James City County and the James City-Bruton Volunteer Fire Department, Inc.

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

leaseagree2.res

THIS CONTRACT OF LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2003, between the **COUNTY OF JAMES CITY, VIRGINIA**, (herein known as the Lessor) and the **JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT, INC.** (herein known as the Lessee).

WITNESSETH: That for the consideration of \$20.00 paid to the Lessor by the Lessee, the Lessor agrees to lease and demise to the Lessees for the term of twenty (20) years from the date of this Lease the following described property, to-wit:

All that certain piece of parcel of land, situated in Stonehouse District, James City County, Virginia, containing 2.33 acres, more or less, and lying on the southerly side of Route #610, fronting on said Route #610 the distance of 225 feet, more or less, and running back from said Route #610 between parallel lines, 210 feet apart, said easterly parallel line being a distance of 10 feet from the easterly side of the fire station (Fire Station 1) and running parallel with said fire station, said parallel line being 510 feet, more or less.

This lease shall be automatically renewable for an additional 20-year period provided that both parties agree to such renewal and further provided that the Lessee attests to the Lessor, within ninety (90) days of the end of the lease term or any renewal period, that Lessee remains an active and productive organization able to provide fire and rescue services to the County.

WITNESS the following signatures and seals:

**COUNTY OF JAMES CITY, VIRGINIA**

By: \_\_\_\_\_  
Sanford B. Wanner  
County Administrator

**JAMES CITY-BRUTON VOLUNTEER  
FIRE DEPARTMENT, INC.**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program  
SUBJECT: PDR Program - Acceptance of Offer to Sell a Conservation Easement

---

Alex L. Penland, landowner of Purchase of Development Rights (PDR) Program Ranking No. 2, has accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on his property located at 9229 and 9201 Diascund Road. The appraisal report prepared by Rist Research & Appraisal concludes that the conservation easement value is \$200,000 or \$3,484 per acre. Please refer to the memorandum of January 14, 2003, that is attached.

In accordance with the PDR Ordinance, the County Administrator invited the landowner to sell to the County a conservation easement on his property. The landowner signed and returned an offer letter to the PDR Administrator on January 14, 2003. The letter offers to sell a conservation easement to the County for the appraised value of \$200,000 on the parcels identified as Tax Map Nos. (9-1)(1-1) and (2-4)(1-29), subject to the terms and conditions set forth in the proposed Deed of Easement.

The PDR Ordinance states in Section 16A-12(e) that “an offer to sell a conservation easement shall be accepted by the board in writing, following an action by the board authorizing acceptance.” If the Board accepts the offer, final closing documents, including the Deed of Easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the attached resolution accepting the offer by Alex L. Penland to sell a conservation easement for the appraised value of \$200,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

---

Michael H. Drewry

CONCUR:

---

Anthony Conyers, Jr.

MHD/AC/gs  
pdrdiascund.mem

Attachment

**RESOLUTION**

**PDR PROGRAM - ACCEPTANCE OF OFFER TO SELL A CONSERVATION EASEMENT**

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as 9229 and 9201 Diascund Road, Tax Parcels Nos. 0240100029 and 0910100001; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of Two Hundred Thousand Dollars (\$200,000), subject to the conditions set forth in the proposed Deed of Easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

pdrduascund.res

MEMORANDUM

DATE: January 28, 2003  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Development Manager  
SUBJECT: Purchase of Portion of 4315 John Tyler Highway

---

The Board instructed staff on March 12, 2002, to proceed with purchasing a parcel of land adjacent to Powhatan Creek currently owned by Axel and Sheila Nixon.

Preparations for adjustment of the boundary line of the property are now complete and the owners wish to proceed with closing. Staff has negotiated a contract containing a purchase price of \$9,100 per acre that is contingent upon approval of this transaction by the Board. The final acreage has been determined to be 10.48 acres, making the final purchase price \$95,368. A proposed resolution authorizing the acquisition is attached.

Staff recommends that the Board approve the contract and authorize the County Administrator to proceed with closing as outlined therein.

---

John T. P. Horne

CONCUR:

---

Sanford B. Wanner

JTPH/gs  
nixon.mem

Attachments

**RESOLUTION**

**PURCHASE OF PORTION OF 4315 JOHN TYLER HIGHWAY**

WHEREAS, James City County currently owns a parcel of land adjacent to Powhatan Creek in the Berkeley District shown as Parcel No. (46-2) on the James City County Real Estate Tax Map No. (1-33); and

WHEREAS, the County desires to acquire further property along Powhatan Creek for open space conservation and connection to the site of the planned Groundwater Treatment Facility being constructed by the James City Service Authority and to the site of Clara Byrd Baker Elementary School, and for other public uses; and

WHEREAS, Axel L. Nixon and Sheila F. Nixon currently own a certain 10.48-acre parcel at 4315 John Tyler Highway, being a portion of that parcel shown as Parcel No. (46-2) on the James City County Real Estate Tax Map No. (1-21), that is adjacent to said Groundwater Treatment Facility site, Powhatan Creek, and said parcel of land owned by James City County, and said owners have signed a contract dated May 1, 2002, to sell the 10.48-acre parcel to James City County for a purchase price of \$9,100 per acre (for a total purchase price of \$95,368).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the contract with Axel L. Nixon and Sheila F. Nixon dated May 1, 2002, and authorizes and directs the County Administrator to purchase the above-described 10.48-acre parcel for a price not to exceed \$95,368 plus closing costs. Costs for the acquisition shall be deducted from the County Greenspace Fund.

\_\_\_\_\_  
Jay T. Harrison, Sr.  
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 January, 2003.

nixon.res

BY  
ED  
CLERK

BY  
D  
OK

**AREA TABULATION**

FORMER AREA PARCEL A = 572,758 S.F.± OR 13.15 ACRES±  
 AREA TO PARCEL B = 116,246 S.F.± OR 2.67 ACRES±  
 NEW AREA PARCEL A = 456,512 S.F.± OR 10.48 ACRES±

FORMER AREA PARCEL B = 448,232 S.F.± OR 10.29 ACRES±  
 AREA FROM PARCEL A = 116,246 S.F.± OR 2.67 ACRES±  
 NEW AREA PARCEL B = 564,478 S.F.± OR 12.96 ACRES±

NOTE:  
 "WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN  
 IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED  
 BY SECTION 23-9(C)(1) OF THE JAMES CITY COUNTY CODE."

N/F  
 DENNIS B. & MARGARET C.  
 HONEYCUTT  
 D.B. 678, PG. 124  
 T.M. (46-2)(1-36)

N/F  
 THE ST. GEORGE'S HUNDRED  
 ASSOCIATION, LTD.  
 INSTR. #000000414  
 P.B. 51, PG. 55  
 T.M. (46-2)(12-1A)

N/F  
 COUNTY OF JAMES CITY  
 INSTR. #010007170  
 P.B. 44, PG. 41  
 T.M. (46-2)(1-33)

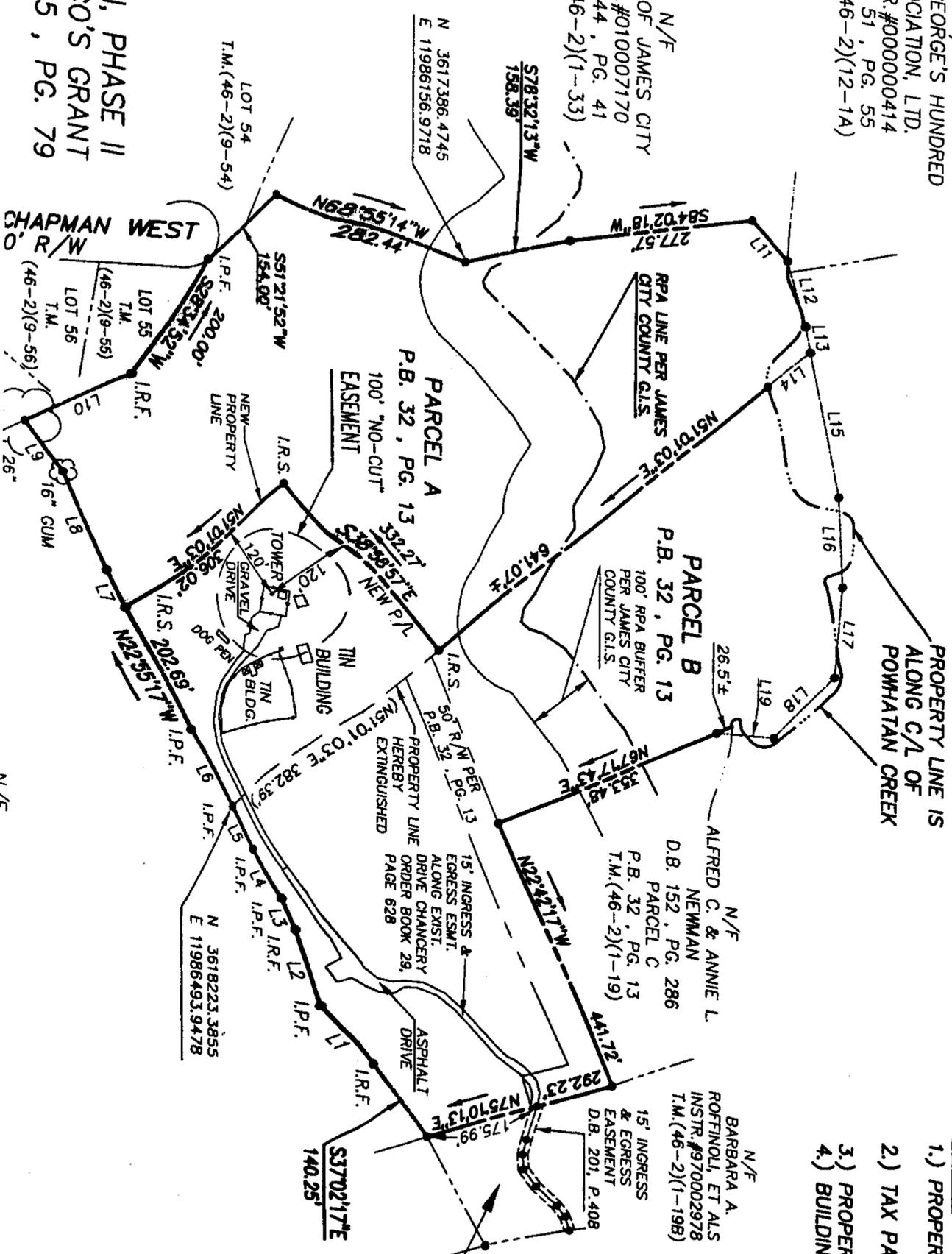
TO-WT:

FOR THE CITY/  
 ABOVE PERSONS/  
 KNOWLEDGE THE

2002.

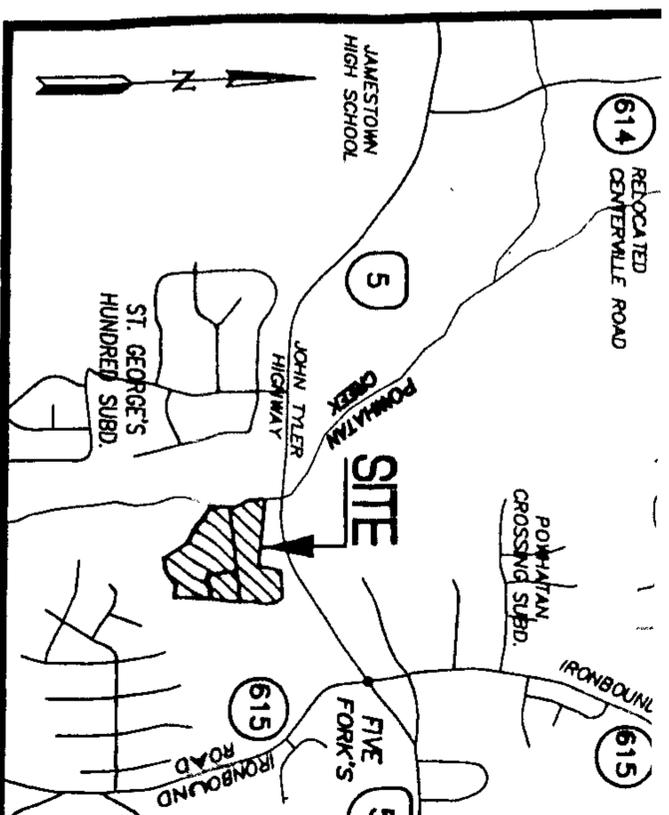
SIGNED  
 MAY BE

SEC. II, PHASE II  
 CHANCO'S GRANT  
 P.B. 45, PG. 79



GEODETIC CONTROL MERIDIAN

VICINITY MAP



- NOTES:
- 1.) PROPERTY ADDRESS--PARCEL A--44315 JOHN TYLER HIGHWAY  
 PARCEL B--44311 JOHN TYLER HIGHWAY
  - 2.) TAX PARCEL NUMBERS--PARCEL A--(46-2)(1-21)  
 PARCEL B--(46-2)(1-20)
  - 3.) PROPERTY IS ZONES R--B.
  - 4.) BUILDING SETBACKS: 35'-FRONT  
 35'-REAR  
 15'-SIDE

LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S34°19'17"E	110.22'
L2	S15°00'17"E	120.90'
L3	S21°29'17"E	50.69'
L4	S31°17'02"E	87.87'
L5	S30°35'06"E	77.71'
L6	S30°35'06"E	138.98'
L7	S22°55'17"E	61.98'
L8	S21°52'27"E	164.71'
L9	S35°49'27"E	97.37'
L10	S64°27'30"W	165.82'
L11	N42°46'42"W	84.00'
L12	N14°55'51"W	103.65'
L13	N10°41'04"W	40.51'
L14	N51°01'03"E	82.29'
L15	N10°41'04"W	226.70'
L16	N02°53'24"W	140.49'
L17	N04°30'55"E	138.69'
L18	N43°31'14"E	126.95'
L19	S85°12'22"E	90.88'