

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 25, 2003

7:00 P.M.

| | <u>Page</u> |
|--|-------------|
| A. ROLL CALL | |
| B. MOMENT OF SILENCE | |
| C. PLEDGE OF ALLEGIANCE – Anthony Green, a fourth-grade student at James River Elementary School | |
| D. PRESENTATION | |
| 1. Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day - April 5, 2003 | |
| E. PUBLIC COMMENT | |
| F. HIGHWAY MATTERS | |
| G. CONSENT CALENDAR | |
| 1. Minutes | |
| a. February 11, 2003, Regular Meeting | 1 |
| b. February 25, 2003, Work Session | 11 |
| c. March 11, 2003, Regular Meeting | 13 |
| 2. Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day - April 5, 2003 | 27 |
| 3. Extrinsic Structure Agreements for Governor’s Land at Two Rivers Subdivision - Golf Cart Tunnel | 29 |
| 4. Dedication of Streets | 31 |
| a. St. George’s Hundred, Section 6 | |
| b. Governor’s Land - | |
| i. Founder’s Hill | |
| ii. Wythe Hamlet and Nathaniel’s Green | |
| 5. 2004 Primary Roads Priorities | 43 |
| 6. Budget Amendment - Emergency Medical Services | 51 |
| 7. FY 04 State Aid Matching Public Transportation Application | 53 |

- CONTINUED -

H. PUBLIC HEARINGS

| | |
|--|----|
| 1. Case No. SUP-3-03. JCSA Route 5 Water Main Extension Amendment (continued from March 11, 2003) | 55 |
| 2. Amended Articles of Incorporation for James City Service Authority and 50-year Extension of Corporate Term | 65 |

I. BOARD CONSIDERATIONS

| | |
|---|----|
| 1. PDR Program - Offer to Sell A Conservation Easement | |
| a. 2511 and 2611 Forge Road | 69 |
| b. 9038 Diascund Road | 77 |
| 2. Change to Military Leave Policy - Chapter 5 of the <u>Personnel Policies</u> and <u>Procedures Manual</u> | 83 |

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF FEBRUARY, 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, Absent
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

Sanford B. Wanner, County Administrator
Greg Dohrman, Assistant County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Jack D' Huyvetters, a kindergarten student at Matthew Whaley Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Skip Morris, President of the Peninsula Housing and Builders Association, stated concern regarding staff's proposed revisions to the Chesapeake Bay Preservation Ordinance and requested the Board only adopt those revisions to the Ordinance that is required by the new State regulations.

2. Mr. Ed Oyer, 139 Indian Circle, reminded the Board of its obligation to ensure that the funding provided to the Schools is spent wisely and efficiently, stated concern about how citizens are taxed and how the tax money is spent, stated that a five- to eight-cent tax rate increase for a new high school is unacceptable when measured against community needs and weight of existing debt services.

Mr. Harrison recognized Peggy Wildman, the Planning Commission representative in the audience.

Mr. Harrison recognized Richard Bradshaw, Commissioner of the Revenue, in the audience.

E. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the Consent Calendar including the corrected minutes.

On a roll call, the vote was: AYE: McGlennon, Brown, Kennedy, Harrison (4). NAY: (0). ABSENT: Goodson (1).

1. Minutes
 - a. January 18, 2003, Retreat
 - b. January 23, 2003, VACo/VML Legislative Day
 - c. January 28, 2003, Work Session
 - d. January 28, 2003, Regular Meeting

2. 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 areas; and

WHEREAS, the Colonial Area Council on Domestic Violence has established a regional Family and Intimate Partner Violence Fatality Review Team and the Board has appointed the Chief of Police and the Director of Social Services to the Team; and

WHEREAS, the Board has been requested to appoint the Director of Colonial Community Corrections or her designee to the Team.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Director of Colonial Community Corrections or her designee be and is hereby appointed to the Colonial Area Family and Intimate Partner Violence Fatality Review Team.

3. Purchase of Development Rights (PDR) Committee Appointments

RESOLUTION

PURCHASE OF DEVELOPMENT RIGHTS (PDR) COMMITTEE APPOINTMENTS

WHEREAS, Section 16A-6 of the Code of the County of James City, Virginia, states that members of the Purchase of Development Rights (PDR) Committee shall serve at the pleasure of the Board; and

WHEREAS, the James City County-Virginia Cooperative Extension Unit Administrator is currently an ex officio member of the PDR Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reappointments to the James City County Purchase of Development Rights Committee the following citizens: Larry B. Abbott and Loretta B. Garrett, for a three-year term.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints the James City County-Virginia Cooperative Extension Unit Administrator, or her designee, as an ex officio member of the James City County Purchase of Development Rights Committee.

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 \$57,500

Expenditures:

Dry Well Replacement Program loans
and administrative expenses \$57,500

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.

F. PUBLIC HEARINGS

1. Case No. Z-5-02/HW-1-02. Longhill Grove

Mr. Christopher M. Johnson, Senior Planner, stated that Alvin Anderson, Kaufman & Canoles, has applied on behalf of Eagle Construction of Virginia to rezone approximately 15.82 acres zoned R-5, Multifamily Residential, and LB, Limited Business to R-5, Multifamily Residential, with proffers, located at the intersection of Longhill Road and Centerville Road, further identified as Parcel Nos. (1-14), (1-13), and (1-12) on James City County Real Estate Tax Map No. (31-3).

The applicant has also applied on behalf of Eagle Construction of Virginia for a height limitation waiver for the proposed three-story apartment buildings that exceed 35 feet in height.

As its meeting on January 13, 2003, the Planning Commission recommended approval of the rezoning application by a vote of 6 to 1.

The Board and staff held a brief discussion regarding monitoring the percentage of low-income renters at the site; comparison of this project to Rolling Meadows; status reports of compliance to the County; the voucher program; and relocation of voucher participants between participating apartment complexes.

Mr. Harrison opened the Public Hearing.

1. Mr. Alvin Anderson of Kaufman & Canoles, applicant, provided the Board with an overview of the project proposal, commented on a letter from Dr. Lee requesting a fence along the property line of the proposed project site, requested the Board consider the benefits of the program to the community, and requested the Board approve this application.

2. Sasha Digges, 3012 Ironbound Road, stated that townhouses and homes are more desirable as affordable housing because of the ownership the participants would have in the property.

3. Mr. Ed Oyer, 139 Indian Circle, inquired if County residents get priority in the affordable units, stated that density issues are a concern with citizens in controlling growth, and stated opposition to the proposal of additional dwellings in the County without adequately addressing the water concerns.

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

Mr. Harrison recognized Mr. Billups, a member of the Planning Commission.

Mr. McGlennon requested clarification regarding Mr. Anderson's comments regarding the letter from Dr. Lee.

Mr. Anderson stated that Dr. Lee has requested a fence be placed along the property line adjoining his land.

The Board and staff held a brief discussion regarding the adequacy of the enhanced landscaping, existing fence, and building setback.

Mr. Kennedy made a motion to adopt the resolution.

Mr. McGlennon recommended that the Board should consider a proffer policy regarding affordable housing in the County

On a roll call, the vote was: AYE: McGlennon, Brown, Kennedy, Harrison (4). NAY: (0). ABSENT: Goodson (1).

RESOLUTION

CASE NO. Z-5-02. LONGHILL GROVE

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-02 for rezoning ±8.33 acres from LB, Limited Business, to R-5, Multifamily Residential, with proffers; and rezoning ±7.49 acres from R-5, Multifamily Residential, to R-5, Multifamily Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 13, 2003, recommended approval of Case No. Z-5-02, by a vote of 6 to 1; and

WHEREAS, the properties are located at 5500 Centerville Road and 102 Burton Woods Drive and further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (31-3); Parcel No. (1-13) on James City County Real Estate Tax Map No. (31-3); and Parcel No. (1-14) on James City County Real Estate Tax Map No. (31-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-02.

RESOLUTION

CASE NO. HW-1-02. LONGHILL GROVE

WHEREAS, Alvin P. Anderson of Kaufman & Canoles, on behalf of Eagle Construction of Virginia and property owners UCP Limited Partnership, Heritage Builders, and Burton Woods Associates, has applied for a height limitation waiver to allow the construction of up to 170 apartment housing units approximately 45 feet above grade; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-1-02; and

WHEREAS, the apartment housing complex will be constructed on property currently zoned R-5, Multifamily Residential, with proffers, and identified as Parcel Nos. (1-12), (1-13), and (1-14) on James City County Real Estate Tax Map No. (31-3); and

WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 35 feet in height from grade upon finding that the requirements of Section 24-314(j) of the James City County Zoning Ordinance have been satisfied.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-02 with the following condition:

- A. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this height limitation waiver or the height limitation waiver shall become void.

2. Case No. SUP-22-02. Schmidt Landscaping

Mr. Christopher M. Johnson, Senior Planner, stated that Chris Basic, AES Consulting Engineers, applied on behalf of Timothy Schmidt, Schmidt Landscaping, to expand his landscaping business onto approximately 8.33 acres located at 2961 Jolly Pond Road, further identified as Parcel No. (1-8C) on James City County Real Estate Tax Map No. (30-3), zoned A-1, General Agricultural.

Staff found the proposal, with the proposed conditions, to be consistent with the Comprehensive Plan and the Rural Lands and Commercial Development Standard and does not create negative impacts on the surrounding area.

At its meeting on January 13, 2003, the Planning Commission recommended approval of this application by a vote of 6-0.

Staff recommended approval of the application with conditions.

Mr. Harrison opened the Public Hearing.

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

Mr. Kennedy made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Brown, Kennedy, Harrison (4). NAY: (0). ABSENT: Goodson (1).

RESOLUTION

CASE NO. SUP-22-02. SCHMIDT LANDSCAPING

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. Chris Basic of AES Consulting Engineers has applied on behalf of property owner Timothy P. Schmidt for a special use permit to allow a contractors office and warehouse located at 2961 Jolly Pond Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-8C) on James City County Real Estate Tax Map No. (30-3); and

WHEREAS, the Planning Commission, following its public hearing on January 13, 2003, voted 7-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-22-02 as described herein with the following conditions:

1. This special use permit shall be limited to the following: operation of a landscape contracting business from the existing 2,000-square foot two-story warehouse/office building, storage of vehicles and equipment directly associated with the landscaping business, mulch stockpile area, and landscape material growing area. Development of the site shall generally be in accordance with the "Preliminary Site Plan for Special Use Permit, Schmidt Landscaping" prepared by AES Consulting Engineers, dated November 25, 2002.
2. The sale of plants and related materials shall be prohibited on the property.
3. A site plan shall be submitted to and approved by the Planning Director. The site plan shall include an erosion and sediment control plan which addresses the method of containment for the mulch stockpile and landscape material growing areas.
4. A permanent certificate of occupancy for the warehouse/office building shall be obtained within one year from the issuance of a special use permit or the special use permit shall become void.
5. All entrance improvements required by the Virginia Department of Transportation along Jolly Pond Road (Route 633) shall be installed prior to issuance of a certificate of occupancy for the office/warehouse building on the site.
6. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. Such plan shall contain enhanced landscaping so that the required number of plant material equals at least 133 percent of the County's Landscape Ordinance requirements with at least 33 percent of the required number of trees being evergreen. Other than the driveway and septic field shown on the preliminary site plan, no further land disturbance shall occur within 75 feet from the Jolly Pond Road (Route 633) right-of-way.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-21-02. Jamestown Island Expansion

Mr. O. Marvin Sowers, Jr., Director of Planning, introduced Ms. Sarah Weisiger, Planner.

Ms. Weisiger stated that Jane Jacobs of Carlton Abbott and Partners applied on behalf of the Association for the Preservation of Virginia Antiquities (APVA) for a special use permit to construct a museum exhibit facility called the Archaearium and to construct a collections' research facility adjacent to the Yardley House on 22.5 acres zoned R-8, Rural Residential, and located at Jamestown Island, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2).

Staff found the proposal to be consistent with the surrounding zoning and uses and consistent with the Comprehensive Plan.

At its meeting on January 13, 2003, the Planning Commission voted 6-0 to recommend approval of the application with conditions.

Staff recommended approval of the special use permit application.

Mr. McGlennon inquired about the impact of the project on the Resource Protection Area (RPA).

Ms. Weisiger stated that the site plan would be required for the project and the applicant will need to comply with the RPA requirements.

Mr. Harrison opened the Public Hearing.

1. Mr. David Stemann, Architect for the project, stated that he would answer questions from the Board.

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

Mr. McGlennon made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Brown, Kennedy, Harrison (4). NAY: (0). ABSENT: Goodson (1).

RESOLUTION

CASE NO. SUP-21-02. JAMESTOWN ISLAND EXPANSION

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, Ms. Jane Jacobs of Carlton Abbott and Partners has applied on behalf of the Association for the Preservation of Virginia Antiquities for a special use permit to allow a building for offices and storage to be approximately 8,000 square feet on two floors located adjacent to and behind the Yeardeley House and Rediscovery Center and to allow a one-story museum exhibit facility approximately 7,500 square feet in size adjacent to and partially over an archaeological site known as the Ludwell Statehouse complex; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2); and

WHEREAS, the Planning Commission, following its public hearing on January 13, 2003, voted 6-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-21-02 as described herein with the following conditions:

1. An archaeological study, performed in accordance with County policy, shall be submitted to and approved by the Director of Planning before any land disturbing activity will be allowed to take place.
2. A site plan shall be submitted to and approved by the Planning Director.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to and approved by the James City Service Authority confirming the sanitary sewer system capacity.

4. Prior to preliminary site plan approval, the Resource Protection Area and Buffer in the vicinity of the Pole Shed and proposed BMP Easement 2 (as shown in the drawing: Proposed NPS Easements at APVA Property, in the Conceptual Stormwater Management Plan for the James City County Special Use Permit application) shall have existing equipment and debris removed, as approved by the County Environmental Director. This area shall be restored with vegetation, as approved by the County Environmental Director.
5. Grid pavers or other pervious paving surfaces shall be used in place of impervious surfaces for the construction or relocation of access roadways or paths within the 50-foot Resource Protection Area buffer, as approved by the County Environmental Director.
6. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on news articles regarding the impacts of lower revenues from the failure of the referendum in Oregon, stated concern regarding the State's allocation of ABC tax money into the General Fund, and stated that political entities have responsibility for the quality of education.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that it is budget time, invited input from citizens regarding the Fiscal Year 2004 Budget, and stated that comments can be directed to the County Administrator.

Mr. Wanner recommended that upon completion of the meeting, the Board adjourn until its work session at 4 p.m. on February 25.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon commented on Mr. Oyer's remarks by stating that the Mayor of New York appointed individuals to the schools, that Oregon has cut police department funding and is closing schools early.

Mr. McGlennon advised the citizens that at 6:30 p.m. on February 13, VDOT representatives and the contractors for the Private/Public Partnership will hold a meeting at Rawls Byrd Elementary School regarding the widening of Route 199.

Mr. McGlennon requested formal recognition of the passing of Judy Dresser.

Mr. McGlennon thanked the community, staff, and Board for their expressions of sympathy in the passing of his mother.

Mr. Kennedy stated that Oregon also cut funding for the disabled.

Mr. Kennedy thanked the honorable Delegate Barlow for work in the General Assembly on behalf of the County.

Mr. Harrison echoed Mr. McGlennon's request for a resolution of recognition on behalf of Judy Dresser and also requested recognition for the crew of Columbia.

Mr. Harrison stated that on February 25 from 11 a.m. to 2 p.m. at the James City/Williamsburg Community Center, there will be a program in observance of Black History.

J. ADJOURNMENT

Mr. Kennedy made a motion to adjourn until February 25, 2003.

On a roll call, the vote was: AYE: McGlennon, Brown, Kennedy, Harrison (4). NAY: (0). ABSENT: Goodson (1).

At 8:30 p.m. Mr. Harrison adjourned the Board until 4 p.m. on February 25, 2003.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF FEBRUARY, 2003, AT 4:00 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. BOARD DISCUSSION

1. Progress Report on the Comprehensive Plan Update

Mr. Joseph McCleary, Chairman of the Comprehensive Plan Steering Committee, provided the Board with an overview of the Community Participation Team's efforts to get citizen input and share information with citizens regarding the update of the Comprehensive Plan, and review of the land-use change applications for land-use mapping.

Mr. Harrison thanked those involved in the update process to build the County's vision for the future.

Mr. McGlennon requested information regarding citizen input in the process.

Mr. McCleary stated that input has been received from citizens via E-Mail, listening stations, and at the Steering Committee meetings.

Mr. Kennedy inquired if listening stations could be placed at area businesses for additional input.

Mr. McCleary stated that the Committee would look into the recommendation.

Mr. Goodson inquired if the Committee will be making specific recommendations on each of the land-use change applications.

Mr. McCleary stated that the Committee would make specific recommendations on each application and independent recommendations would be made to the Steering Committee by staff and Milton Hard, Planning Consultant.

Mr. Kennedy inquired about how active the consultant has been in the process.

Mr. McCleary stated that the consultant has been very active and provided input in the process.

2. Financial Trends and Five-Year Forecast

Ms. Suzanne R. Mellen, Director of Budget and Accounting, introduced Mr. Courtney Rogers of Davenport and Company.

Mr. Rogers provided the Board with an overview of the County's fiscal goals and objective, its current financial status, and effect of long-range capital financing.

Mr. Brown inquired if the County is the smallest of the AA-rated Counties in the Commonwealth.

Mr. Rogers stated that is correct.

Mr. Goodson inquired if the Commonwealth is still rated AAA.

Mr. Rogers stated that the Commonwealth is still rated AAA; however, it is subject to review after the budget process ends.

Mr. Brown inquired about the difference in the amortization for the projects.

Mr. Rogers reviewed the amortization of the projects listed, anticipated upfront principal, the estimated payoff time frame, interest paid based on anticipated upfront principal, and the flat interest rates.

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the groundwater treatment plant is not included in this financial presentation on County projects because James City Service Authority projects will be paid from the user fees and are expected to be self-supporting.

Mr. Rogers stated that another presentation would be provided to the Board at a meeting in March.

C. ADJOURNMENT

At 5:15 p.m., Mr. Harrison and the Board broke for supper.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF MARCH, 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

Casey Bartlett, an eighth-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Volunteer Recognition – STRIVE

Mr. Harrison recognized Richard and Sandra Reid for their volunteer efforts as mentors to youths in James City County in the Success Through Recreation, Integrity, Vocation, and Education (STRIVE) Program.

E. PUBLIC COMMENT

1. Mr. Randy O’Neill, 109 Sheffield Road, stated that he has opened a new business in the County called “Virginia is for Education” and stated that the business provides 20 stationary bikes in a mobile cardiovascular van to promote a lifetime of fitness and wellness in a cost-effective way to school-age children.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the telecommunication tax has started to be reflected in the phone bills, commented on the County’s financial status, and increasing real estate values.

F. CONSENT CALENDAR

Mr. Goodson requested Item Numbers 3, Street Name Change – Ford’s Colony, and 4, Dedication of Streets – Eagle Way; Stonehouse Commerce Park, be pulled.

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

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

1. Law Enforcement Mutual Aid Agreement – New Kent County

RESOLUTION

LAW ENFORCEMENT MUTUAL AID AGREEMENT - NEW KENT COUNTY

WHEREAS, Virginia law authorizes local government to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, it is beneficial to James City County to participate in a mutual aid agreement with the County of New Kent.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Law Enforcement Mutual Aid Agreement with New Kent County.

2. James City County Road Construction Revenue Sharing

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 03-04; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 28, 2003.

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 03-04, with an amount not to exceed \$500,000.

5. Budget Transfer – Chickahominy Riverfront Park – Water System Improvements

RESOLUTION

**BUDGET TRANSFER - CHICKAHOMINY RIVERFRONT PARK -
WATER SYSTEM IMPROVEMENTS**

WHEREAS, emergency repairs are needed at Chickahominy Riverfront Park; and

WHEREAS, estimated cost for the repairs are \$75,000; and

WHEREAS, the necessary funds are available in Contingency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the transfer of \$75,000 from Contingency to Parks and Recreation.

6. Initiating Consideration of Fee Increases for the Subdivision and Zoning Ordinances

RESOLUTION

**INITIATING CONSIDERATION OF FEE INCREASES
FOR THE SUBDIVISION AND ZONING ORDINANCES**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2253 to initiate amendments to the Subdivision Ordinance; and

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

WHEREAS, on January 28, 1997, the Board of Supervisors adopted the Comprehensive Plan, and desires to consider the adoption of Subdivision and Zoning Ordinance amendments to increase certain fees; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of the proposed Subdivision and Zoning Ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to the James City County Subdivision and Zoning Ordinance to increase the fees charged for rezonings, special use permits, site plan reviews, sign permits, appeals to the Board of Zoning Appeals, administrative variances, and subdivision review.

7. Route 5 Transportation Improvement District Advisory Board Appointments

RESOLUTION

ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT

ADVISORY BOARD – REAPPOINTMENTS

WHEREAS, the Board of Supervisors of James City County is authorized to reappoint Route 5 Transportation Improvement District Advisory Board members; and

WHEREAS, the terms of the three appointed members: Lawrence Beamer, Phil Smead, and Lewis Waltrip, expire in March; and

WHEREAS, the members have been effective members of the Advisory Board, will continue to have significant interest in the District, and have expressed interest in being reappointed to the Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Lawrence Beamer, Phil Smead, and Lewis Waltrip are hereby reappointed to the Route 5 Transportation Improvement District Advisory Board for a three-year term, term to expire on March 11, 2006.

3. & 4. Street Name Change – Ford’s Colony; Dedication of Streets – Eagle Way; Stonehouse Commerce Park

Mr. Goodson recommended that John Deere Road, mentioned in Item Number 4, be considered for a Street Name Change in the future.

Mr. Goodson made a motion to adopt the two items.

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

RESOLUTION

STREET NAME CHANGE - FORD’S COLONY

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, Planning Division, Police Department, Williamsburg Post Office, and Real Estate Assessment, 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, "Titlochry" to "Pitlochry."

RESOLUTION

DEDICATION OF EAGLE WAY

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 advised the Board that 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 entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

WHEREAS, the County guarantees the necessary surety amount of \$7,500 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

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, 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.

RESOLUTION

DEDICATION OF STREETS IN STONEHOUSE COMMERCE PARK

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.

G. PUBLIC HEARINGS

1. Case No. SUP-25-02. Ready-Mixed Concrete Expansion

Mr. Matthew Arcieri, Planner, stated that Robert Mann of AES Consulting Engineers has applied on behalf of Colonial Ready-Mixed Concrete for a special use permit to allow the expansion of the existing Ready-Mixed Concrete facility on 3.62 acres zoned M-2, General Industrial, at 1563 and 1571 Manufacture Drive, further identified as Parcel Nos. (5-2) and (5-3) on James City County Real Estate Tax Map No. (59-2).

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

At its meeting on February 3, 2003, the Planning Commission voted 5-0 to recommend approval.

Staff recommended approval of the application with conditions.

The Board and staff held a brief discussion regarding the resolution of landscaping concerns expressed by the adjacent property owner, BASF.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, representing the applicant, stated that a meeting was held with BASF last week and the parties have reached an agreement concerning the landscaping.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the proposed project will increase the traffic trips on Route 60 East.

Mr. Arcieri and Mr. Geddy stated that additional traffic trips on Route 60 East should not occur and that the application is for the expansion of the parking area to accommodate existing vehicles.

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

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

CASE NO. SUP-25-02. COLONIAL READY-MIXED CONCRETE

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the production of ready mix concrete is a specially permitted use in the M-2, General Industrial, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 3, 2003, recommended approval of Case No. SUP-25-02 by a 5-0 vote to permit the expansion of the existing Ready-Mixed Concrete facility at 1571 Manufacture Drive and further identified as Parcel No. (5-2) on James City County Real Estate Tax Map No. (59-2) in the Skiffes Creek Industrial Park onto an adjacent property located at 1563 Manufacture Drive, also within the Industrial Park and further identified as Parcel No. (5-3) on James City County Real Estate Tax Map No. (59-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-02 as described herein with the following conditions:

1. If construction has not commenced on the project within twenty-four (24) months from the issuance of the special use permit, the permit shall become void. During this twenty-four month period, permits pertaining to construction shall be secured and all clearing and grading activities on the site shall be completed.
2. A Spill Prevention and Control Measure Plan shall be approved by the Director of Code Compliance prior to issuance of a Final Certificate of Occupancy for the ready- mixed concrete plant.
3. A dust collection system shall be utilized on the ready-mixed concrete plant. The manufacturer's specifications for the system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.
4. No flags or signage on any silo, hopper, or any other piece of permanent equipment shall be permitted.
5. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing, and there shall be no direct visibility of the light source from adjacent residential property or from a public road.
6. The "reverse warning beepers" on all equipment which serves the ready-mixed concrete plant shall be turned down to their lowest volumes.
7. Rock, gravel, sand, cement, and/or similar materials shall be stored in bins to control runoff and scattering of such materials onto adjacent property. An erosion and sediment control and a runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
8. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall address the screening of any stormwater management facility or material storage area on the property.

9. Prior to the issuance of preliminary approval for the site plan required for the expansion, the applicant shall receive approval of a plat to eliminate the common lot line between the two parcels currently identified as Parcels Nos. (5-2) and (5-3) on James City County Real Estate Tax Map No. (59-2).
10. Only one entrance shall be allowed onto Manufacture Drive unless otherwise permitted by the Development Review Committee.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. ZO-1-03. Eight-Family Dwelling Amendment

Mr. David Anderson, Planner, stated that staff proposes an amendment to add eight-family dwellings to the R-2, General Residential, and R-5, Multifamily Residential, zoning districts with a special use permit as part of an approved residential cluster.

Staff reviewed the current Ordinance and concluded that five- to eight-family dwellings would be logical additions to both zoning districts provided they are in residential cluster developments and that the overall density does not exceed the permitted density of a previously approved master plan or the County's Comprehensive Plan.

At its Public Hearing on February 3, 2003, the Planning Commission voted 5-0 to recommend approval of the amendment.

Mr. McGlennon requested clarification on procedure regarding the adoption of the Ordinance.

Mr. Morton stated that upon adoption, the Ordinance takes immediate effect.

Mr. Harrison opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, requested that the addition of eight-family dwellings to R-2, General Residential, be conditioned with special use permits, and not by-right.

Mr. Brown requested Mr. Costello address Mr. Oyer's concern.

Mr. Richard Costello, AES Consulting Engineers, stated that the amendment to add eight-family dwellings to the R-2 and R-5 zoning districts requires a special use permit as part of a residential cluster.

Mr. O. Marvin Sowers, Director of Planning, stated that the Ordinance amendment applies to zoned cluster developments only.

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

Mr. McGlennon made a motion to adopt the Ordinance.

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

3. Case No. SUP-1-03. Williamsburg Plantation Section 10
Case No. MP-1-03. Williamsburg Plantation Master Plan Amendment

Mr. David Anderson, Planner, stated that Mr. Richard Costello, AES Consulting Engineers, applied on behalf of Williamsburg Plantation, Inc., to permit the construction of two eight-family dwellings on 1.72 acres on property internal to the Williamsburg Plantation development zoned R-2, General Residential District, Cluster, at 4870 Longhill Road, further identified as Parcel No. (1-26C) on James City County Real Estate Tax Map No. (32-4).

Staff found the proposal consistent with the surrounding residential zoning since the total number of approved units will remain unchanged and found the proposal consistent with the Low-Density Residential designation of the Comprehensive Plan.

The Planning Commission, at its meeting on February 3, 2003, voted 5-0 to recommend approval of the application.

Staff recommended approval of the application with conditions.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, representative of the applicant, stated that he was available to answer questions from the Board regarding the applications.

Mr. McGlennon inquired about what changed to have Williamsburg Plantation, Inc., request such an adjustment.

Mr. Geddy stated that the market demands for smaller units influenced the change in building designs.

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

Mr. Brown made a motion to adopt the applications.

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

RESOLUTION

WILLIAMSBURG PLANTATION SECTION 10 (SUP-1-03)

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. Richard Costello of AES Consulting Engineers has applied on behalf of Williamsburg Plantation, Inc., for a special use permit and master plan amendment to permit the construction of two eight-family dwellings in the Williamsburg Plantation development located at 4870 Longhill Road; and

WHEREAS, the property is located on land zoned R-2, General Residential District, Cluster, and can be further identified as Parcel No. (1-26C) on James City County Real Estate Tax Map No. (32-4); and

WHEREAS, the Planning Commission, following its public hearing on February 3, 2003, 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-1-03 as described herein with the following conditions:

1. The special use permit shall apply only to the 1.72-acre area as outlined on the "Supplemental Exhibit For Special Use Permit of Williamsburg Plantation" submitted with this special use permit, dated January 2003, prepared by AES Consulting Engineers, and drawn by CMB/AWT.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the buildings. Such buildings shall be reasonably consistent, as determined by the Director of Planning, with the architectural elevations titled "Supplemental Exhibit For Special Use Permit of Williamsburg Plantation" submitted with this special use permit, dated January 2003, prepared by AES Consulting Engineers, and drawn by DLD.
3. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within twenty-four months of this special use permit approval, or the permit shall become void.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

RESOLUTION

WILLIAMSBURG PLANTATION MASTER PLAN AMENDMENT (MP-1-03)

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. MP-1-03 for the master plan amendment of Williamsburg Plantation; and

WHEREAS, on February 3, 2003, the Planning Commission recommended approval of this application by unanimous vote; and

WHEREAS, the master plan amendment is more particularly shown on the plan entitled "Amended Overall Plan of Development: Williamsburg Plantation," prepared by AES Consulting Engineers and dated November 1993, with a revision date of January 24, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. MP-1-03.

4. Case No. SUP-3-03. JCSA Route 5 Water Main Extension Amendment

Mr. David Anderson, Planner, stated that Larry Foster, General Manager of the James City Service Authority has applied for a special use permit to amend the conditions of Case No SUP-22-01 to change the limits of clearing for a portion of the water main extension and change the location of approximately 350 linear feet of 16-inch potable water main from the north side of Route 5 to the south side of Route 5 on approximately 20.66 acres, zoned R-8, Rural Residential at 3123 Ironbound Road and further identified as Parcel Nos. (1-34) and (1-38) on James City County Real Estate Tax Map No. (46-2).

The Planning Commission, at its meeting on March 3, 2003, voted 7-0 to recommend approval of the application.

The applicant requested a deferral of this case until the Board's meeting on March 25, 2003, to resolve issues on a related portion of the Groundwater Treatment Facility Project.

Staff recommended deferral of the application.

Mr. Harrison opened the Public Hearing.

As no one wished to speak to this matter at this time, Mr. Harrison continued the Public Hearing until March 25, 2003.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, inquired as to why the Public Hearing notice regarding the James City Service Authority's request to increase groundwater withdrawal was not posted in the Legal Section of the paper, and stated opposition to any additional groundwater withdrawal.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner thanked citizens on behalf of the Planning Division, Development Management Department, staff, and the Planning Commission for participation in the Community Conversations on the Comprehensive Plan.

Mr. Wanner recommended the Board go into Closed Session to consider the acquisition of a parcel of property for greenspace or greenways, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, following which the Board should adjourn until 4 p.m. on March 25.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy responded to Mr. Oyer's comments by stating that the tax on cell phones is revenue neutral, that the County's financial outlook on all levels is improving, and that the County took an opportunity to refinance twice for lower interest rates.

Mr. Kennedy requested the Board consider, at the next Board meeting, a policy to extend benefits to employees called to active military duty by continuing medical benefits to the employee and family members, continuing leave accrual rates for the employee, and compensating the employee the difference between military pay and County pay if the employee's military pay is less than County pay.

Mr. Harrison requested that Carol Luckam, Director of Human Resources, advise the Board of the current policy for active-duty employees.

Ms. Luckam stated that health benefits are extended to the employee and family members during employee's status as active duty; that currently seven employees have been called to active duty and approximately fifteen total could be called to active duty; that of the fifteen that could be called to active duty, the fiscal impact of compensating employees for the difference in pay may range from about \$5,000 to \$20,000 for twelve months; and that staff can bring forward a policy to the Board on March 25 regarding active-duty benefits.

The Board and staff held a discussion regarding the military's benefits for active-duty personnel and the County's benefits to employees on active duty; keeping employees informed of County activities; and providing County benefit options to active-duty employees based on qualifications.

Mr. McGlennon stated that he attended the ceremony on Saturday, March 8, that recognized the St. Thomas Hundred and St. George's Hundred homeowners associations with a commemorative neighborhood sign along with the special designation of being an official PRIDE community for efforts taken to improve the BMP (Best Management Practice) pond.

Mr. McGlennon commended Lisa Meddin and Development Management for a new interactive web site project designed to make it easy for interested residents to check on the "health" of hundreds of BMPs throughout the County.

Mr. Brown commended the Environmental Division for its inspection process of BMPs, and commended citizens and Homeowner Associations for the overall quality of BMPs in the County.

K. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the acquisition of a parcel of property for public use, specifically greenways or greenspace.

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

Mr. Harrison adjourned the Board into Closed Session at 7:49 p.m.

Mr. Harrison reconvened the Board into Open Session at 7:52 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)(3) to consider the acquisition of a parcel of property for public use.

L. ADJOURNMENT

Mr. McGlennon made a motion to adjourn until March 25, 2003.

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

At 7:53 p.m., Mr. Harrison adjourned the Board until 4 p.m. on February 25, 2003.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day, April 5

April is "Alcohol Awareness" month and the Historic Triangle Substance Abuse Coalition is participating in the national campaign by sponsoring Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day. The event will take place on Saturday, April 5, 2003, and is designed to be a community collaborated initiative that will provide a day filled with fun and information for families in the area to attend.

The Historical Triangle Substance Abuse Coalition (HTSAC) was formed in 1999 as the result of the Historic Triangle Funders Forum. This Coalition was charged with developing an optimum approach to an effective system of services related to substance abuse. The mission of the HTSAC is for members to collaborate to build, integrate, and sustain a comprehensive system to eliminate substance abuse. A coordinated plan of action has been developed to address the existing problem. The membership base exceeds 30 different organizations throughout the City of Williamsburg and the Counties of James City and York.

The HTSAC is requesting Board support in its efforts to bring the community together to promote alcohol awareness and positive activities. Staff recommends the adoption of the attached Family P.A.R.T.Y. Day resolution.

William C. Porter, Jr.

WCP/gb
familyparty03.mem

Attachment

RESOLUTION

FAMILY PROMOTING ALCOHOL RESPONSIBILITY THROUGH YOU DAY

WHEREAS, about 7.9 million Americans between ages 12-20 consume five or more drinks on the same occasion; and

WHEREAS, people who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at 21; and

WHEREAS, locally approximately 64 percent of 6th graders, 39 percent of 8th graders, 43 percent of 9th graders, and 31 percent of 12th graders have chosen to abstain from the use of alcohol; and

WHEREAS, increased alcohol awareness and knowledge of community resources can lead to prevention and early intervention of alcohol abuse; and

WHEREAS, community involvement has been shown to decrease illegal alcohol use and other drug activity.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim April 5, 2003, as Family Promoting Alcohol Responsibility Through You (P.A.R.T.Y.) Day in James City County and calls upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, and schools in James City County to support efforts that will prevent underage drinking throughout our community.

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 25th day of March, 2003.

familyparty03.res

M E M O R A N D U M

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney
SUBJECT: Extrinsic Structure Agreements for Governor's Land at Two Rivers Subdivision - Golf Cart Tunnel

Attached is a resolution authorizing the County Administrator to enter into two agreements on behalf of the County for inspection and maintenance of an extrinsic structure, specifically a golf cart path tunnel, in the Governor's Land at Two Rivers subdivision. The agreement with the Virginia Department of Transportation (VDOT) provides that VDOT will be responsible for the inspection and maintenance, and the County will be responsible for paying the cost for such inspection and maintenance. The agreement with the Two Rivers Club at the Governor's Land ("Golf Club") transfers any costs the County may have under the VDOT agreement to the Golf Club. An extrinsic structure agreement is required by VDOT before it will accept the remaining roads in Governor's Land at Two Rivers into the State Secondary Road System.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

Leo P. Rogers

DEC/adw
tworiv.mem
Attachment

RESOLUTION

EXTRINSIC STRUCTURE AGREEMENTS FOR

GOVERNOR'S LAND AT TWO RIVERS SUBDIVISION - GOLF CART TUNNEL

WHEREAS, an agreement is required to address the legal requirement of the Virginia Department of Transportation (VDOT) to accept the maintenance responsibility for one extrinsic structure, specifically a golf cart path tunnel under a secondary road, in the Governor's Land at Two Rivers subdivision; and

WHEREAS, in order to induce the County to enter into an inspection and maintenance agreement with VDOT, the Two Rivers Club at Governor's Land ("Club"), the owner of the property served by the extrinsic structure, is willing to enter into an agreement with the County to assume any maintenance liability the County may have for the extrinsic structure; and

WHEREAS, the agreement with the Club protects the interest of the County concerning liability for the extrinsic structure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute an agreement on behalf of the County with the Club for an extrinsic structure, specifically a golf cart path tunnel, in the Governor's Land at Two Rivers subdivision.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to enter into an agreement on behalf of the County with the Virginia Department of Transportation for the inspection and maintenance of an extrinsic structure, a golf cart path tunnel, in the Governor's Land at Two Rivers subdivision.

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 25th day of March, 2003.

tworiv.res

MEMORANDUM

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in St. George's Hundred - Section 6; and Governor's Land - Founder's Hill, Wythe Hamlet, and Nathaniel's Green

Attached is a resolution requesting acceptance of certain streets in St. George's Hundred - Section 6; and Governor's Land - Founder's Hill, Wythe Hamlet and Nathaniel's Green 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 adoption of the attached resolutions.

Darryl E. Cook

DEC/gs
stgeorge.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN SAINT GEORGE'S HUNDRED - SECTION 6

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.

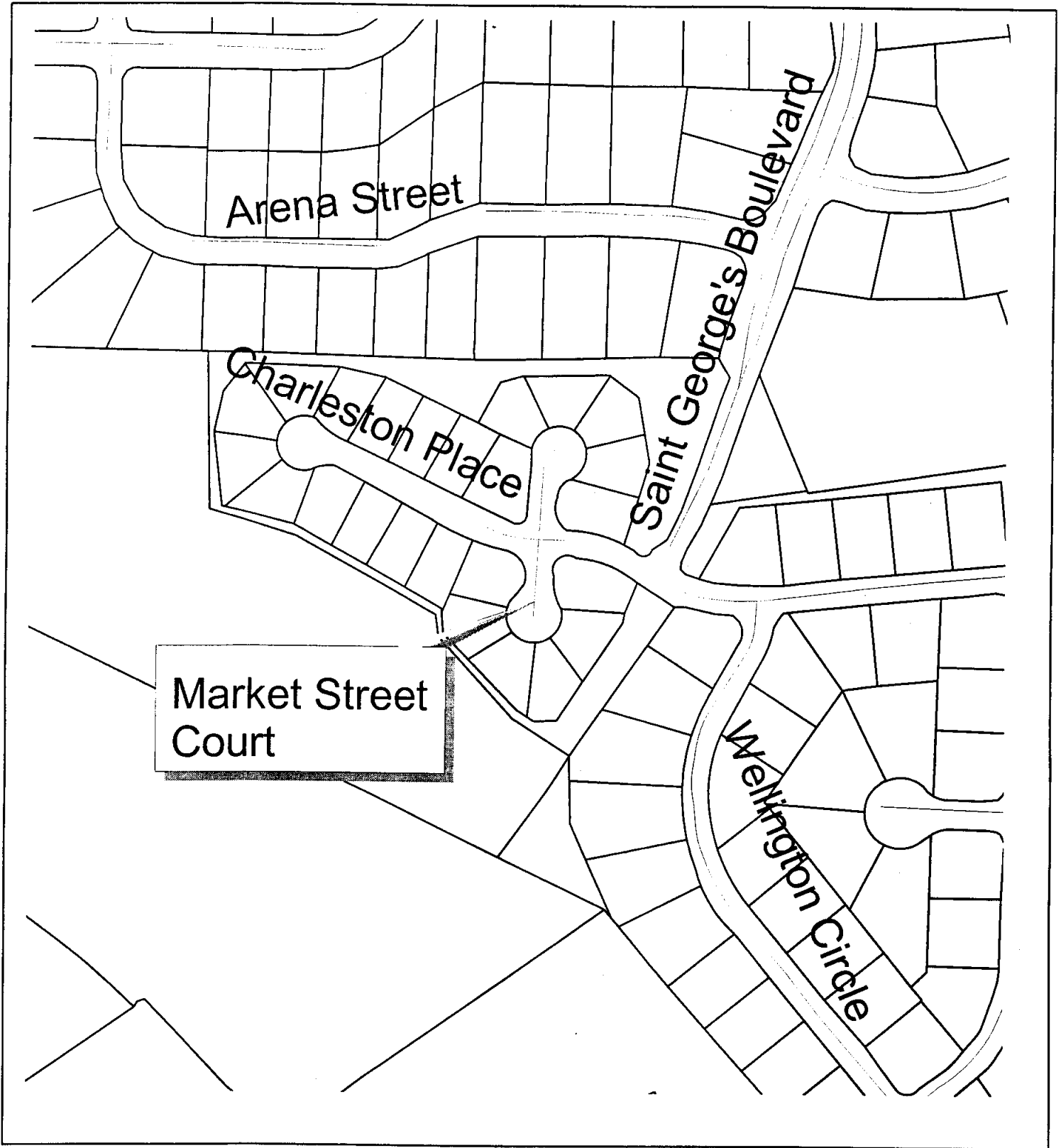
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

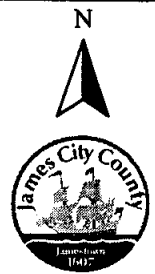
Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2003.

stgeorge.res



DEDICATION OF STREET IN ST. GEORGES HUNDRED, SECT 6

 Street Being Dedicated



In the County of James City

By resolution of the governing body adopted March 25, 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

Saint George's Hundred, Sect 6

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

Charleston Place, State Route Number 1437

Description: From: Rt 1438, Saint George's Boulevard

To: Rt 1504, Market Street Court

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 09/01/1988, Plat Book 49, Pg 39, and Plat Book 67, Pg 92, 11/18/1997, with a width of 50'

Description: From: Rt 1504, Market Street Court

To: End of cul-de-sac

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 11/18/1997, Plat Book 67, Pg 92, with a width of 50'

Market Street (North), State Route Number 1504

Description: From: Rt 1437, Charleston Place

To: End of cul-de-sac

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 11/18/1997, Plat Book 67, Pg 92, with a width of 50'

Market Street (South), State Route Number 1504

Description: From: Rt 1437, Charleston Place

To: End of cul-de Sac

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 11/18/1997, Plat Book 67, Pg 92, with a width of 50'

RESOLUTION

DEDICATION OF STREETS IN GOVERNOR'S LAND -

FOUNDER'S HILL, WYTHE HAMLET, AND NATHANIEL'S GREEN

WHEREAS, the streets described on the attached Additions Forms SR-5A's, 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; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on March 11, 2003, for the crossing of one extrinsic structure, 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 Forms SR-5A's 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.

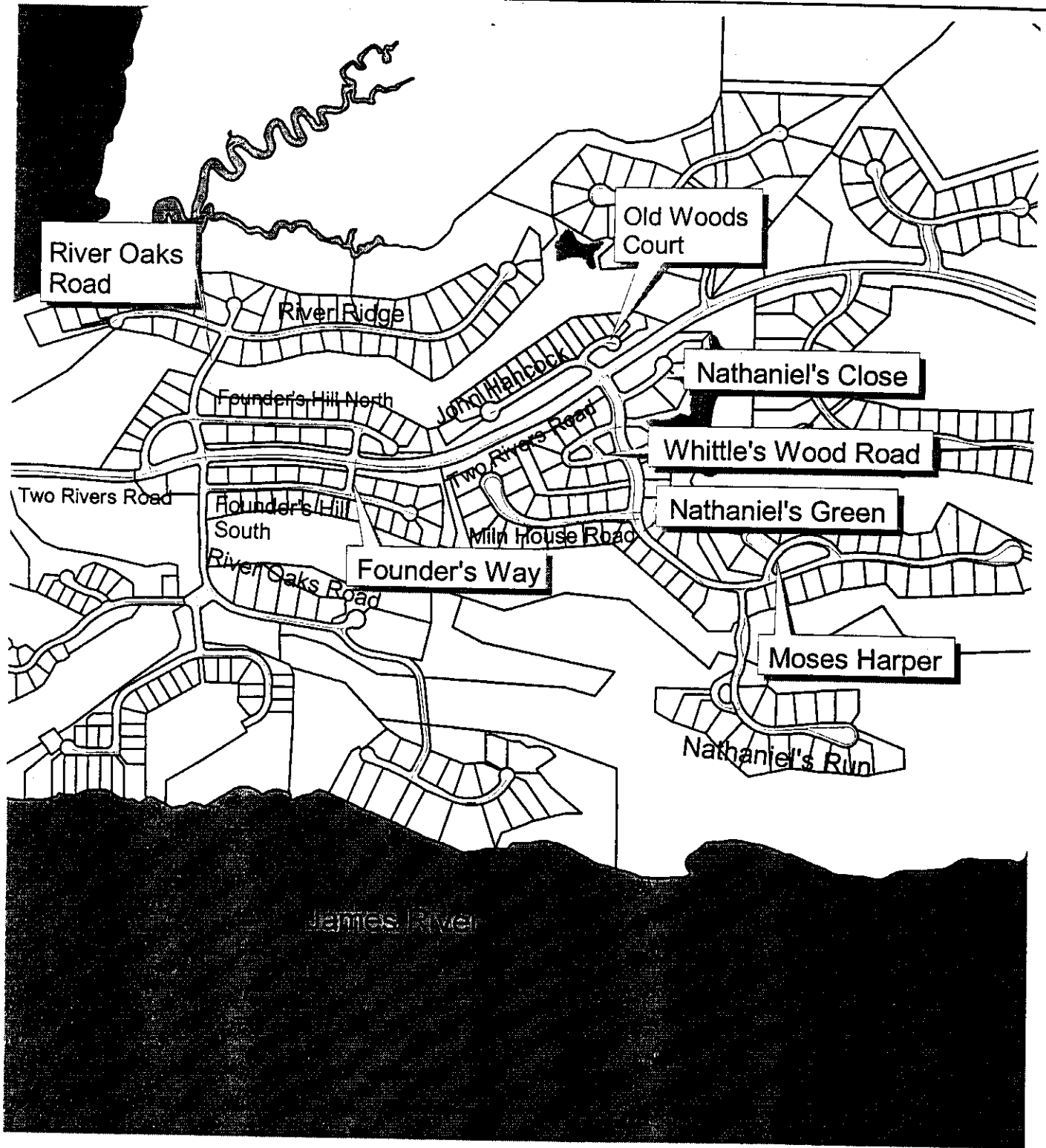
Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2003.

govlandstr.res



DEDICATION OF STREETS IN GOVERNOR'S LAND

 Street Being Dedicated



In the County of James City

By resolution of the governing body adopted March 25, 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

Governor's Land - Wythe Hamlet

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

John Hancock, State Route Number 1730

Description: **From:** Rt 1350, Two Rivers Road

To: Rt 1731, Old Woods Court

A distance of: 0.01 miles.

Right of Way Record: Filed with the Land Records Office on 09/08/1998, Plat Book 70, Pages 50-52, with a width of 50'

Description: **From:** Rt 1731, Old Woods Court

To: End of cul-de-sac

A distance of: 0.13 miles.

Right of Way Record: Filed with the Land Records Office on 09/08/1998, Plat Book 70, Pages 50-52, with a width of 50'

Miln House Road, State Route Number 1397

Description: **From:** Rt 1388, Nathaniel's Green

To: End of cul-de-sac

A distance of: 0.20 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'-150'

Moses Harper, State Route Number 1396

Description: **From:** Rt 1388, Nathaniel's Green

To: Rt 1388, Nathaniel's Green

A distance of: 0.13 miles.

Right of Way Record: Filed with the Land Records Office on 10/19/1993, Plat Book 58, Pages 38-41, with a width of 50'

Nathaniel's Close, State Route Number 1389

Description: **From:** Rt 1388, Nathaniel's Green

To: End of cul-de-sac

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'

Report of Changes in the Secondary System of State Highways

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

Nathaniel's Green, State Route Number 1388

Description: **From:** Rt 1350, Two Rivers Road
To: Rt 1389, Nathaniel's Close
A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 90'

Description: **From:** Rt 1389, Nathaniel's Close
To: Rt 1398, Whittle's Wood Road (North End)
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 90'

Description: **From:** Rt 1398, Whittle's Wood Road (North End)
To: Rt 1398, Whittle's Wood Road (South End)
A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 90'

Description: **From:** Rt 1398, Whittle's Wood Road (South End)
To: Rt 1397, Miln House Road
A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 90'

Description: **From:** Rt 1397, Miln House Road
To: Rt 1395, Nathaniel's Run
A distance of: 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 11/30/1992, Plat Book 56, Pages 55- 57, with a width of 90'

Description: **From:** Rt 1395, Nathaniel's Run
To: Rt 1396, Moses Harper (West End)
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 10/19/1993, Plat Book 58, Page 40, with a width of 50'

Description: **From:** Rt 1396, Moses Harper (West End)
To: Rt 1396, Moses Harper (East End)
A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 10/19/1993, Plat Book 58, Page 40, with a width of 50'

Description: **From:** Rt 1396, Moses Harper (East End)
To: End of cul-de-sac
A distance of: 0.22 miles.

Right of Way Record: Filed with the Land Records Office on 10/19/1993, Plat Book 58, Pages 40-41, with a width of 50'-90'

Nathaniel's Run, State Route Number 1395

Description: **From:** Rt 1388, Nathaniel's Green
To: End of cul-de-sac
A distance of: 0.31 miles.

Right of Way Record: Filed with the Land Records Office on 11/30/1992, Plat Book 56, Pages 58-61, with a width of 50'

Old Woods Court, State Route Number 1731

Description: **From:** Rt 1730, John Hancock
To: End of cul-de-sac
A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 09/08/1998, Plat Book 70, Pages 50-52, with a width of 50'

Report of Changes in the Secondary System of State Highways

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

Two Rivers Road, State Route Number 1350

Description: **From:** Rt 1365, Fowler's Lake Road
To: Rt 1388, Nathaniel's Green
A distance of: 0.16 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 80'

Whittle's Wood Road (Alignment A), State Route Number 1398

Description: **From:** Rt 1388, Nathaniel's Green
To: Whittle's Wood Road (Alignment B, North End)
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'

Description: **From:** Whittle's Wood Road (Alignment B, North End)
To: Whittle's Wood Road (Alignment B, South End)
A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'

Description: **From:** Whittle's Wood Road (Alignment B, South End)
To: Rt 1388, Nathaniel's Green
A distance of: 0.02 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'

Whittle's Wood Road (Alignment B), State Route Number 1398

Description: **From:** Rt 1398, Whittle's Wood Road (Alignment A, North Side)
To: Rt 1398, Whittle's Wood Road (Alignment A, South Side)
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 07/17/1992, Plat Book 56, Pages 6-9, with a width of 50'

In the County of James City

By resolution of the governing body adopted March 25, 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

Governor's Land - Founder's Hill

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

Founder's Hill North, State Route Number 1733

Description: **From:** Rt 1732, Founder's Way

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Description: **From:** Rt 1732, Founder's Way

To: Rt 1735, River Oaks Road

A distance of: 0.20 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Description: **From:** Rt 1735, River Oaks Road

To: Rt 1350, Two Rivers Road

A distance of: 0.11 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Founder's Hill South, State Route Number 1734

Description: **From:** Rt 1732, Founder's Way

To: End of cul-de-sac

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Description: **From:** Rt 1732, Founder's Way

To: Rt 1735, River Oaks

A distance of: 0.18 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Founder's Way North, State Route Number 1732

Description: **From:** Rt 1350, Two Rivers Road

To: Rt 1733, Founder's Hill North

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

Report of Changes in the Secondary System of State Highways

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

Founder's Way South, State Route Number 1732

Description: **From:** Rt 1350, Two Rivers Road
To: Rt 1734, Founder's Hill South
A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 50'

River Oaks Road (North), State Route Number 1735

Description: **From:** Rt 1350, Two Rivers Road
To: Rt 1733, Founder's Hill North
A distance of: 0.05 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Page 18, with a width of 50'

Description: **From:** Rt 1733, Founder's Hill North
To: Rt 1736, River Ridge
A distance of: 0.12 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Page 18, with a width of 50'

Description: **From:** Rt 1736, River Ridge
To: End of cul-de-sac
A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 10/22/1996, Plat Book 65, Pg 34-38, with a width of 50'

River Oaks Road (South), State Route Number 1735

Description: **From:** Rt 1350, Two Rivers Road
To: Rt 1734, Founder's Hill South
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Page 18, with a width of 50'

Description: **From:** Rt 1734, Founder's Hill South
To: End of cul-de-sac
A distance of: 0.31 miles.

Right of Way Record: Filed with the Land Records Office on 05/26/1995, Plat Book 61, Page 84, with a width of 50'

River Ridge, State Route Number 1736

Description: **From:** Rt 1735, River Oaks (North)
To: End of cul-de-sac
A distance of: 0.38 miles.

Right of Way Record: Filed with the Land Records Office on 10/22/1996, Plat Book 65, Pg 34-38, with a width of 50'

Report of Changes in the Secondary System of State Highways

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

Two Rivers Road, State Route Number 1350

Description: **From:** Rt 1388, Nathaniel's Green

To: Rt 1732, Founder's Way

A distance of: 0.30 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 80'

Description: **From:** Rt 1732, Founder's Way

To: Rt 1735, River Oaks Road

A distance of: 0.19 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 80'

Description: **From:** Rt 1735, River Oaks Road

To: Rt 1733, Founder's Hill North

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 07/20/1995, Plat Book 62, Pages 16-19, with a width of 80'

M E M O R A N D U M

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: 2004 Primary Road Priorities

There are two funding processes available for funding County road improvements: 1) the Secondary Roads Plan; and 2) the Primary Roads Preallocation Hearing Priorities. The Board of Supervisors adopted the first component, the Six-Year Secondary Roads Plan, in February. The Six-Year Secondary Roads Plan is a priority funding plan for the improvement and construction of secondary roads (those roads with route numbers of 600 or greater). The Board has considerable control over funding and project timing for the secondary road system because the County receives an annual allocation to be used only in the County. The Virginia Department of Transportation (VDOT) works directly with the County to determine how to spend that money.

The second component, the Primary Roads Priorities, outlines the County's priority funding requests for primary roads (those roads with route numbers of less than 600, including interstate improvements). In this case there is no regular annual County allocation, and the County's projects compete with projects from all of the other Hampton Roads (Hampton Roads District) communities. In this process, all Virginia localities are given an opportunity to advise VDOT of their transportation priorities prior to VDOT's Commonwealth Transportation Board (CTB) making its allocation decisions.

Attached for consideration is a report outlining the County's priority primary and interstate highway construction projects for which the County is requesting funding in 2004 and beyond. The attached report, once endorsed by the Board of Supervisors, will be forwarded to VDOT. In the coming months, VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

VDOT will conduct a preallocation hearing on March 27, 2003. Unless the Board specifically wishes to attend the meeting, staff intends to submit our comments in writing. Please see the attached letter.

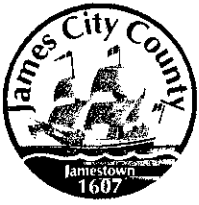
Staff recommends approval of the attached resolution and endorsement of the attached report outlining the County's priority primary and interstate highway projects.

John T. P. Horne

JTPH/gs
priorities04.mem

Attachments:

1. 2004 Requests for Primary and Interstate Highway Construction Projects
2. Letter to H. Charles Rasnick, Virginia Department of Transportation
3. Resolution - 2004 Primary Road Priorities



COUNTY ADMINISTRATION

101-C MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784
(757) 253-6605

E-MAIL: cadm@james-city.va.us
Fax: (757) 253-6833

March 25, 2003

Mr. H. Charles Rasnick
Programing Director
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Mr. Rasnick:

In view of the upcoming VDOT preallocation hearings, I am taking this opportunity to address the highest priority primary road improvements in James City County. These are outlined in the attached Board of Supervisors resolution. However, several of these are especially critical and warrant further emphasis.

The timely expansion of Route 199 to four lanes remains of crucial importance to our community. The need for this improvement is best evidenced by the current burden on the existing two-lane sections and by the expected additional traffic congestion from the Jamestown 2007 Celebration. The Commonwealth has committed to having both phases completed and in operation prior to the fall of 2006. We are encouraged that the approved PPTA project seems to anticipate meeting this schedule. The County and the region continue to show a deep commitment to this project by contributing County revenue sharing funds and RSTP funds to accelerate the improvements. We urge your continued support for this project in order to ensure the health, safety, and general welfare of our residents and visitors.

As with the Route 199 four-lane project, traffic signal and intersection improvements to the Route 199/ Route 31 intersection are critical to the successful celebration of Jamestown 2007. The Williamsburg and James City County communities have invested significant resources into the design of the Jamestown Road/Route 199 intersection. In addition, the region continues to place high importance on these improvements, providing all of the \$3.5 million in funds for this project through RSTP and CMAQ money. We request your continued support for the intersection improvements.

We also seek the Board's consideration at the earliest date possible for the relocation of Route 60 East, which will improve access to the Grove interchange from developing commercial and industrial areas in James City County and the City of Newport News. **To help accelerate this project, James City County is now requesting that this project be phased, with priority given to the section between Route 60 and the Fort Eustis interchange.** The Commonwealth's and the County's success in attracting the Wal-Mart Import Distribution Center to the GreenMount Industrial Park underscored the importance of this project. The Wal-Mart project brings great benefits to the Commonwealth, but will now need significant support to put in place the appropriate transportation infrastructure. The Hampton Roads MPO has shown a significant regional commitment to the Route 60 project by allocating previous RSTP funds and approving new funds for the relocation. Only with this improved access will the full value of the Grove interchange be realized.

Mr. H. Charles Rasnick

March 25, 2003

Page 2

On a final note, the County is aware of preliminary engineering plans to widen the Interstate 64 corridor throughout James City County. Keeping in mind the historic value and continued tourist interest in this area, we urge the Commonwealth to preserve the wooded medians throughout this corridor. The County continues to work with VDOT and the Hampton Roads MPO to identify existing and new priority projects that can be funded under TEA 21.

With this strong regional support for these projects, we believe VDOT priority funding is warranted. Thank you for providing James City County with the opportunity to provide input regarding these transportation improvements.

Sincerely,

Sanford B. Wanner
County Administrator

rasnickVDOT.ltr
SWB/gs

Enclosures:

cc: James City County Board of Supervisors
Philip Schucet
The Honorable Melanie Rapp
The Honorable William K. Barlow
The Honorable Tommy K. Norment
Harry T. Lester, CTB
Jane S. Wimbush
Steven Hicks, VDOT Resident Engineer

James City County

2004 Requests for Primary and Interstate Transportation Construction Projects

Introduction

James City County respectfully submits its priority primary transportation construction projects. The project list consists of our community's highest priority projects.

Background

James City County and its environs continue to grow rapidly. According to a March 2001 publication produced by the Weldon Cooper Center for Public Service at the University of Virginia, James City County ranked eighth in the Commonwealth for localities with the highest population growth since 1990. In regard to traffic generation, the 60,000 residents of the Williamsburg area and the local work force form only part of the picture. During the peak tourist season, an additional 30,000 visitors travel our highways daily. In addition to these challenges, the upcoming Jamestown 2007 celebration will place even greater demands on the local transportation system. To accommodate this national event, many transportation improvements are necessary. Our present highway system is not adequate to accommodate our future growth, to preserve the quiet charm of Colonial Williamsburg, and to provide safe, convenient access for our many visitors to Busch Gardens and other area attractions. James City County continues to focus on projects that will make great strides toward solving present problems and improving the adequacy of our transportation system for years into the future.

Summary of Projects

The County thanks the Virginia Department of Transportation (VDOT) for the completed extension of Route 199. This project has greatly relieved traffic on adjacent roadways and improved access to various parts of the County. The County also appreciates VDOT's recent opening of one of our priority projects, the Grove Interchange.

The County asks that VDOT expeditiously complete or accelerate projects that have received partial or full funding. These include the **four-lane improvement to the existing two-lane sections of Route 199, the Route 60 East relocation, and the improvements to Route 199/Route 31 intersection**. James City County is also requesting the Commonwealth's support for two other non-highway projects. The first project involves **corridor landscaping improvements for Route 199**. The second project is the **Capital to Capital Bikeway** in the Route 5 corridor from Richmond to Williamsburg.

Highway Projects

Route 199 - Parallel Lane (Four-Lane Improvement of Existing Two-Lane Sections)

The design, construction, and completion of Route 199 from Interstate 64 at Lightfoot to John Tyler Highway (Route 5) as a full four-lane facility was the County's first priority for 16 years. With the extension now completed, Route 199 forms a loop around the City of Williamsburg, helping to buffer Colonial Williamsburg from the impacts of significant traffic congestion. The extension has removed local traffic from increasingly congested sections of Richmond Road (Route 60), Ironbound Road (Route 615), Strawberry Plains Road,

(Route 616), and Longhill Road (Route 612). However, traffic volumes on Route 199 continue to be burdensome on the existing two-lane sections. The traffic counts for Route 199 show traffic volumes of more than 27,000 vehicle trips per day--exceeding reasonable levels for undivided two-lane roads.

The four-lane improvement throughout the entire existing two-lane sections remains the County's number one priority. We are encouraged by the approved PPTA (Public Private Transportation Act) project that seems to meet the needed schedule to have these projects complete prior to 2007. We request close monitoring of the work by VDOT to ensure that the schedule is met.

Route 199/Route 31 Intersection

These intersection improvements are also part of the PPTA project and are critical improvements. While the roadway portion of the project is moving forward, it recently was discovered that necessary pedestrian facilities were not included in the PPTA contract. These pedestrian facilities are a very important part of the project approved by the County and the City of Williamsburg. **We request that adequate pedestrian facilities be funded and constructed with this project.**

The County strongly urges continued Commonwealth support for both phases of the Route 199 improvements.

Route 60 East Relocation

The construction of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser-Busch access road and the Newport News City limits is a priority project. This project will serve developing commercial and industrial areas in James City County and the City of Newport News. Total vehicular traffic in this area as indicated by VDOT's average daily traffic volumes exhibited an increase from 1,650 ADT to 12,686 ADT between 1980 and 1998.

The present configuration of Pocahontas Trail produces traffic tie-ups, promotes traffic accidents, and impedes ingress and egress to residents and businesses. Ball Metal (240 employees), Anheuser-Busch Brewery (1,100 employees), Busch Gardens (4,000 employees during peak season), and the Wal-Mart Distribution Center (250 employees) generate high commuter and truck traffic volume in this area. Also, the newly opened James River Commerce Center (220 acres) is dependent upon good access to attract and retain industrial prospects. The Commerce Center contains the Ball Metal warehouse expansion (180,000 square feet) and Service Metal Fabricators, a business with 95 employees. Although recent improvements at the BASF entrance and several other intersections provide some relief, Pocahontas Trail continues to be a dangerous corridor for both residents and businesses.

In James City County, almost 1,000 acres of industrial land is being actively marketed in this area. The Commonwealth has designated approximately 3,500 acres in the Grove area as an Enterprise Zone. The Enterprise Zone seeks to create an improved climate for private sector investment, development, and expansion, thereby improving the overall physical and social conditions within the zone. A new alternate alignment of Route 60 would dramatically improve access to this area and will allow the County and Commonwealth to realize the full benefit of the investments made in the Grove area. Recently the City of Newport News and James City County have recommended that the project be divided into two sections. This should facilitate more rapid progress on the first section.

James City County requests prompt funding for construction of this roadway in two sections: The first section extends from Route 60 in James City County to the Fort Eustis Interchange. It is suggested that the section be constructed in advance of the remaining section. To facilitate more rapid progress, the MPO has recognized the regional significance of the Route 60 East relocation project and has approved \$6.5 million (including money for the portion in Newport News) in RSTP funds for FY 00 through FY 03. There

is also \$1.3 million of previously approved RSTP funding for Newport News and James City County available for this project. This money would be used for preliminary engineering, right-of-way acquisition, and some construction in both James City County and Newport News.

Non-Highway Projects

Route 199 Landscaping

The County requests that any new Route 199 widening project contain funding for landscaping. Route 199 serves as one of the main entrance corridors for James City County, the City of Williamsburg, and Colonial Williamsburg. It is important that this heavily traveled tourist corridor be well landscaped to preserve the charm of this historic area. The upcoming Jamestown 2007 event, an event of national significance, makes this landscaping even more important. Due to the narrow time frame in which the improvements to Route 199 will be made in relation to the celebration, it is imperative that the landscaping be folded into the widening project. The County believes these landscaping improvements will help to enhance the County's scenic beauty which is critical in the effort to ensure the historic triangle continues to be one of the nation's top tourist destinations.

Capital to Capital Bikeway Project

The County requests continued Commonwealth support for the Capital to Capital Bikeway project.

The Capital to Capital project proposes a combination bikeway and pedestrian facility in the Route 5 corridor from Richmond to the City of Williamsburg. The separate multiuse path in James City County would serve the broadest range of users and provide both State and local benefits, including promotion of tourism; interconnection of neighborhoods; safety for motorists, bicyclists, and pedestrians; and environmental sensitivity. The feasibility study was completed and preliminary engineering work is ready to be undertaken.

Conclusion

James City County respectfully submits its most critical road improvement projects. The County feels strongly that all these projects are crucial to the development of our community. All are supported by the Peninsula Area Transportation Study and the James City County Comprehensive Plan. The County appreciates the Department's difficult task of trying to make too few dollars cover so many needed construction projects, and requests the Department recognize and fund the solutions to problems of state significance:

- **On schedule completion of the widening of the existing sections of Route 199 to four lanes;**
- **On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities;**
- **Funding for design and construction of Route 60 relocation with priority given to the section between Route 60 in the County to the Fort Eustis Interchange;**
- **Funding for landscaping along the Route 199 corridor; and**
- **Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.**

MEMORANDUM

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Budget Amendment - Emergency Medical Services

The Virginia Office of Emergency Medical Services has authorized James City County to receive a grant in the amount of \$7,540 for the purchase of radio alert pagers as part of a matching Rescue Squad Assistance Grant. The attached resolution authorizes the appropriation of the grant revenue to the Emergency Medical Services FY 2003 Budget and the expenditure of \$15,080 to purchase the radio alert pagers. The matching funds of \$7,540 are available in the Emergency Medical Services Budget.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gs
emsgrant.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - EMERGENCY MEDICAL SERVICES

WHEREAS, the Commonwealth of Virginia Office of Emergency Medical Services has approved a Rescue Squad Assistance Grant providing \$7,540 to the Fire Department for Emergency Alert Radio Pagers; and

WHEREAS, local matching funds of \$7,540 are available in the Emergency Medical Services budget.

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

Revenue:

| | |
|------------------------------------|----------------|
| Department of Emergency Management | <u>\$7,540</u> |
|------------------------------------|----------------|

Expenditures:

| | |
|----------------------------|----------------|
| Emergency Medical Services | <u>\$7,540</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 25th day of March, 2003.

emsgrant.res

M E M O R A N D U M

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: Richard Drumwright, Transit Director
SUBJECT: FY 04 State Aid Matching Public Transportation Application

Funding for the James City County Transit Company is provided by the State under provisions of Section 58.1-638.A.4 of the Code of Virginia. These State revenues support public transportation to help offset the local contribution. Our FY 04 annual application requests \$232,000 in State revenues.

Staff recommends adoption of the attached resolution which authorizes the electronic submission of a State aid grant application.

Richard Drumwright

CONCUR:

Anthony Conyers, Jr.

RD/adw
fy04grant.mem

Attachment

RESOLUTION

FY 04 STATE AID MATCHING PUBLIC TRANSPORTATION APPLICATION

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit Company's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file the application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of State public transportation matching assistance under Section 58.1-638.A.4 of the Code of Virginia. The amount requested for State assistance is \$232,000 to assist in eligible expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia Program and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

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 25th day of March, 2003.

FY04state.res

**SPECIAL USE PERMIT-3-03. JCSA Route 5 Water Main Extension Amendment
Staff Report for the March 25, 2003, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: March 3, 2003, 7:00 p.m.
Board of Supervisors: March 11, 2003, 7:00 p.m. (Deferred)
March 25, 2003, 7:00 p.m.

SUMMARY FACTS

Applicant: Larry Foster, General Manager, James City Service Authority
Land Owner: James City Service Authority
Proposed Use: Amend the conditions of Case No. SUP-22-01 to change the limits of clearing for a portion of the water main extension and change the location of approximately 350 linear feet of 16-inch potable water main from the north side of Route 5 to the south side of Route 5.
Location: 3123 Ironbound Road with access from 4321 John Tyler Highway; Berkeley District
Tax Map and Parcel No.: (46-2)(1-34) and (46-2)(1-38)
Primary Service Area: Inside
Parcel Size: ± 20.66 acres
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Low-Density Residential
Surrounding Zoning: East: Clara Byrd Baker Elementary School (R-8)
West: St. George's Hundred (R-1); single-family residences (R-8)
North: Day Care Center (R-8); undeveloped land (R-8)
South: Chanco's Grant (R-8)
Staff Contact: Christopher Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

On March 11, 2003, the Board of Supervisors deferred this application in order to allow the applicant to resolve issues on a related portion of the Five Forks Water Treatment Facility project. Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions listed in the staff report. On March 3, 2003, the Planning Commission recommended approval of this application by a vote of 7 to 0.

On June 11, 2002, the Board of Supervisors adopted a resolution to permit the construction of a 13,000-square foot water treatment facility, six production wells, approximately 13,600 feet of 12-inch concentrate discharge main and approximately 6,500 feet of 16-inch potable water main. The James City Service Authority (JCSA) provided staff with a preliminary alignment for the water main showing the main extending north from the treatment facility, along the entrance road to the facility, crossing under Route 5, then continuing west along the north side of Route 5 within VDOT right-of-way before terminating at a connection to an existing 12-inch water main at Greensprings Plantation Drive across from Jamestown High School. Site plans for the treatment facility and production wells have been approved and construction work has begun on the site.

Following approval of the special use permit by the Board of Supervisors, the JCSA conducted additional engineering analysis of the water main alignment. The results indicated that an approximately 350-foot portion of the water main would need to be relocated to the south side of Route 5 within an existing JCSA easement before crossing under Route 5 and extending west to Greensprings Plantation Drive. The VDOT right-of-way along the north side of Route 5 across from the treatment facility property contains relatively steep slopes and a marshy bog which would make construction of the water main considerably more difficult and expensive. The adopted special use permit conditions require a 250-foot undisturbed wooded buffer along Route 5 with the exception of the clearing necessary for the entrance driveway to the site and further limit the placement of utilities to within ten feet from the edge of pavement. After analyzing the results of the study, the JCSA submitted an application to amend the conditions of SUP-22-01 to allow an alternative alignment for a portion of the water main. The existing JCSA easement is cleared every five years in order to facilitate maintenance of the JCSA water system. The proposed changes to the limits of clearing will not impact the wooded buffer between the treatment facility and Route 5. The changes will allow the JCSA to locate a portion of the water main within their existing easement.

With the exception of Conditions 11 and 12, there are no other changes proposed to the adopted conditions of SUP-22-01.

Recommendation:

Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On March 3, 2003, the Planning Commission recommended approval of this application by a vote of 7 to 0. Staff recommends the Board of Supervisors approve this application with the following conditions:

1. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

6. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement or within VDOT right-of-way.
12. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main and greenway trail.
14. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated May 21, 2002, prepared by Buchart Horn, Inc., and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trail shall be subject to the approval of the Planning Director.
15. The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.

16. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. All construction activity adjacent to existing development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Construction vehicles shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
sup-3-03(032503).wpd

Attachments:

1. Unapproved Minutes of the March 3, 2003, Planning Commission public hearing
2. Location Map
3. Resolution

RESOLUTION

CASE NO. SUP-3-03. JAMES CITY SERVICE AUTHORITY

ROUTE 5 WATER MAIN EXTENSION AMENDMENT

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, water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District; and

WHEREAS, Mr. Larry Foster, General Manager of the James City Service Authority, has applied for a special use permit to amend the conditions of Case No. SUP-22-01 to change the limits of clearing for a portion of the water main extension and change the location of approximately 350 linear feet of 16-inch potable water main from the north side of Route 5 to the south side of Route 5; and

WHEREAS, the properties are located at 3123 Ironbound Road and 4321 John Tyler Highway, zoned R-8, Rural Residential District, and further identified as Parcel Nos. (1-34) and (1-38) on James City County Real Estate Tax Map No. (46-2); and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 3, 2003, voted 7 to 0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-3-03 as described herein with the following conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.

5. Development Plan. Development and land clearing of the site shall be generally in accordance with the “Preliminary Plan, Brackish Groundwater Desalinization Facility” prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. Utilities. The water main shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway, the existing JCSA easement or within VDOT right-of-way.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site and any portion of the existing JCSA utility easement along John Tyler Highway. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.

13. Chanco's Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main and greenway trail.
14. Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated May 21, 2002, prepared by Buchart Horn, Inc., and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trial shall be subject to the approval of the Planning Director.
15. Community Character. The applicant shall avoid removing trees, bushes, and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time. All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Vehicle and Equipment Storage. Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

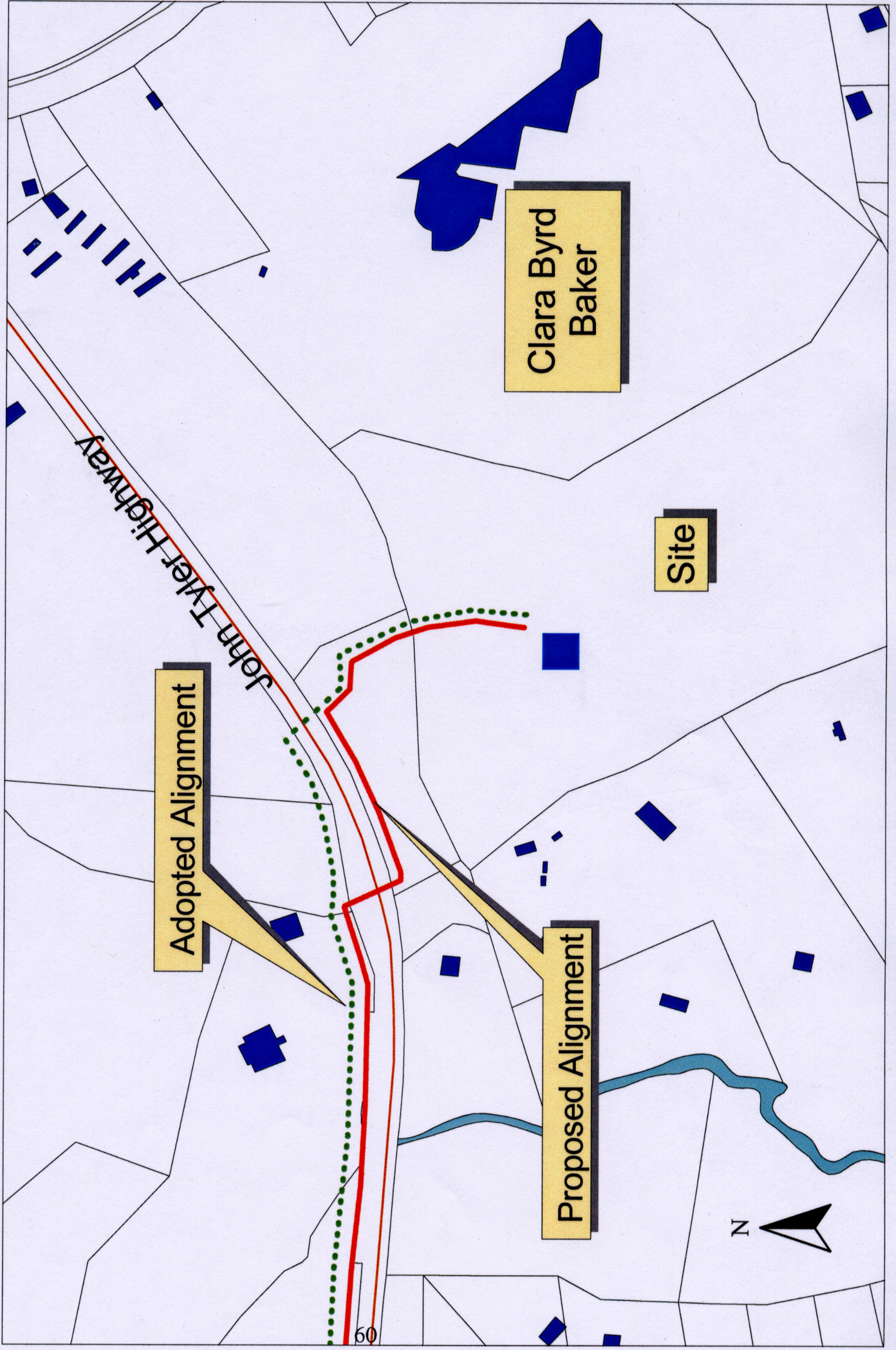
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of
March, 2003.

sup-3-03(032503).res

SUP-03-03; JCSA Route 5 Water Main Extension Amendment



UNAPPROVED MINUTES TO THE MARCH 3, 2003, PLANNING COMMISSION MEETING

CASE NO. SUP-3-03 JCSA Route 5 Water Main Extension Amendment.

Mr. Christopher Johnson presented the staff report. Following approval of the SUP-22-01 by the Board of Supervisors on June 11, 2002, the JCSA conducted additional engineering analysis which indicated that approximately 350 feet of water main would need to be relocated to the south side of Route 5 within an existing JCSA easement before crossing under Route 5 and extending west to Greensprings Plantation Drive. The adopted Special Use Permit conditions require a 250-foot undisturbed wooded buffer along Route 5 with the exception of the clearing necessary for the entrance driveway to the site and further limit the placement of utilities to within ten feet from the edge of pavement. The JCSA has submitted an application to amend the conditions of SUP-22-01 to allow an alternative alignment for a portion of the water main. The changes will allow the JCSA to locate a portion of the water main within their existing easement. With the exception of Conditions 11 and 12, there are no other changes proposed to the adopted conditions of SUP-22-01. Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report.

Mr. Joe Poole, III, opened up the public hearing.

Mr. Larry Foster, Director of James City Service Authority and applicant, thanked staff for all of their help in getting this case moved so quickly. When asked by Mr. Joe Poole, III if the extension affected the wooded buffer on Route 5, he replied "No, it does not."

There being no further questions, Mr. Joe Poole, III closed the public hearing.

Mr. Joe McCleary made a motion to approve.

Mr. Wilford Kale seconded the motion.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

MEMORANDUM

DATE: March 25, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Frank M. Morton, III, County Attorney

SUBJECT: Amended Articles of Incorporation for James City Service Authority and 50-year Extension of Corporate Term

Attached for your consideration is a resolution amending the Articles of Incorporation for the James City Service Authority (JCSA). The current Articles of Incorporation were drawn in 1969 and are in need of updating. The amendments accomplish the following:

- Extends the life of the JCSA for 50 years, until March 25, 2053;
- Identifies the principal office of the JCSA as 101-E Mounts Bay Road;
- States that the terms of the JCSA's Board of Directors shall be coterminous with the respective term of the elected or appointed member of the Board of Supervisors;
- Identifies the County Attorney as the registered agent for the James City Service Authority; and
- Ratifies and confirms the prior actions of the JCSA Board of Directors.

Staff recommends adoption of the attached resolution.

Larry M. Foster

Frank M. Morton, III

LMF/adw
2053jcsa.mem

Attachment

RESOLUTION

AMENDED ARTICLES OF INCORPORATION FOR JAMES CITY SERVICE AUTHORITY

AND 50-YEAR EXTENSION OF CORPORATE TERM

- WHEREAS, the James City County Board of Supervisors created the James City Service Authority by resolution adopted on June 30, 1969; and
- WHEREAS, the State Corporation Commission issued a certificate of incorporation to the James City Service Authority dated July 9, 1969; and
- WHEREAS, the James City County Board of Supervisors amended the Articles of Incorporation by resolution adopted on August 12, 1980, in order expand the area in which the James City Service Authority may operate; and
- WHEREAS, James City Service Authority's recorded Articles of Incorporation do not provide for the term for each member of its Board of Directors to run coterminously with the term of the appointing member of the Board of Supervisors; and
- WHEREAS, the James City Service Authority's recorded Articles of Incorporation do not provide for a street address for a principal office; and
- WHEREAS, the Board of Supervisors desires to extend the corporate life of the James City Service Authority for 50 years as provided in Virginia Code Section 15.2-5114; and
- WHEREAS, a public hearing to consider a change to the James City Service Authority's Articles of Incorporation was held by the Board of Supervisors on March 25, 2003, more than thirty days after a descriptive notice of the proposed action was published in The Daily Press and The Virginia Gazette, newspapers of general circulation in James City County, Virginia.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the creation of the James City Service Authority is hereby reaffirmed and that the Articles of Incorporation of the James City Service Authority shall be amended and restated as follows:

ARTICLES OF INCORPORATION OF THE JAMES CITY SERVICE AUTHORITY

Pursuant to the authority of the Virginia Water and Waste Authorities Act (Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended) the Board of Supervisors of James City County, Virginia adopted a Resolution on March 25, 2003, reaffirming the creation of an authority which shall be a public body corporate and politic.

Article 1. The authority is formed under the Virginia Water and Waste Authorities Act, as amended, and its name shall be:

“JAMES CITY SERVICE AUTHORITY”

and the address of its principal office shall be 101-E Mounts Bay Road, Williamsburg, Virginia.

Article 2. The name of the incorporating political subdivision is:

COUNTY OF JAMES CITY, VIRGINIA

Article 3. The purpose of the James City Service authority is to carry out any such projects in all areas of James City County, Virginia, as are or may hereafter be authorized by the Code of Virginia, 1950, as amended. Given the ongoing projects and services currently performed by the James City Service Authority and the engineering studies and estimates needed for proposed and potential projects, it is not practicable to set forth herein preliminary estimates of capital costs and initial rates for such proposed and potential projects.

Article 4. The following citizens of James City County, Virginia, are hereby appointed as members of the Board of Directors of the James City Service Authority, each of whom shall continue in office for the term expiring after the period set opposite his name and until his successor shall be duly qualified:

| <u>Name</u> | <u>Address</u> | <u>Electoral District</u> | <u>Expiration of Initial Term</u> |
|----------------------|-------------------------|---------------------------|-----------------------------------|
| Michael J. Brown | 160 Devon Road | Powhatan | 12/31/05 |
| John J. McGlennon | 2817 Mockingbird Lane | Jamestown | 12/31/05 |
| Bruce C. Goodson | 15 Mile Course | Roberts | 12/31/03 |
| Jay T. Harrison, Sr. | 4821 John Tyler Highway | Berkeley | 12/31/03 |
| James G. Kennedy | 7681 Thacher Drive | Stonehouse | 12/31/03 |

The successor for each member shall be the duly elected or appointed member of the James City County Board of Supervisors for the respective electoral district and the term for each member shall run coterminously with the term of the elected or appointed member of the James City County Board of Supervisors for the respective electoral district. Each member of the Board of Directors shall serve for such compensation as may be set from time to time by the James City County Board of Supervisors and shall be reimbursed for such expenses necessarily incurred in the performance of his duties.

Article 5. The registered agent for the James City Service Authority shall be the duly appointed County Attorney for James City County, Virginia.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia, that in

accordance with Virginia Code Section 15.2-5114 the term of the James City Service Authority is hereby extended for a period of fifty (50) years from the date of this resolution.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia, that Jay T. Harrison, Sr., Chairman of the Board of Supervisors, is hereby authorized and directed to execute the Articles of Incorporation for the James City Service Authority, in substantially the form set forth in this Resolution and the official seal of the County of James City, Virginia, shall be affixed thereto and that the Articles of Incorporation be attested to by Sanford B. Wanner, Clerk to the Board, and said officers are hereby authorized, empowered, and directed to do all things necessary and appropriate, including the execution of additional documents, to amend the Articles of Incorporation and reaffirm the creation of the James City Service Authority pursuant to the Virginia Water and Waste Authorities Act.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia, that the changes to the amended Articles of Incorporation for the James City Service Authority shall be effective immediately and all prior actions of the James City Service Authority Board of Directors are hereby ratified and confirmed.

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 25th day of March, 2003.

jcsaart03.res

MEMORANDUM

DATE: March 25, 2003

TO: The Board of Supervisors

FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program

SUBJECT: PDR Program - Offer to Sell a Conservation Easement 2511 and 2611 Forge Road

Lyle G. Hall, Jr., and Maria Hall Temple, landowners of Purchase of Development Rights (PDR) Ranking No. 1, have accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on their property located at 2511 and 2611 Forge Road. The appraisal report prepared by Simerlein Appraisals, Ltd., concludes that the conservation easement value is \$576,000 or \$4,800 per acre.

The property consists of two adjoining parcels located on Forge Road, known as Tax Parcel Nos. (11-4)(1-9) and (11-4)(1-10). It contains approximately 123 acres with a majority of the acreage in active cropland. The property is located outside the Primary Service Area (PSA), contiguous with Little Creek Reservoir and Forge Road, a Community Character Corridor. A location map and an aerial map of the parcels are attached.

The proposed deed of easement is written in accordance with the Virginia Open-Space Land Act and the James City County PDR Ordinance. The deed will be perpetual and prohibit the construction of additional dwellings, commercial uses, signs, earth removal, and accumulation of waste material. The deed of easement is subject to final approval by the County Attorney.

In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator. The letter offers to sell a conservation easement to the County for the appraised value of \$576,000 on the parcels identified as Tax Map Nos. (11-4)(1-9) and (11-4)(1-10), subject to the terms and conditions set forth in the proposed deed of easement.

The PDR Ordinance states in Sec. 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 Lyle G. Hall, Jr., and Maria Hall Temple to sell a conservation easement for the appraised value of \$576,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Michael H. Drewry

CONCUR:

Anthony Conyers, Jr.

MHD/adw
pdracpt.mem

Attachments:

1. Location map
2. Aerial map of parcel
3. Offer to sell
4. Resolution

RESOLUTION

PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT

2511 AND 2611 FORGE ROAD

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 2511 and 2611 Forge Road, Tax Parcel Nos. (11-4)(1-9) and (11-4)(1-10); and

WHEREAS, the owners offered to sell a conservation easement on the property for a purchase price of Five Hundred Seventy-Six Thousand and 00/100 Dollars (\$576,000.00), subject to the conditions set forth in the proposed deed of easement.

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 owners of the property identified herein.

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

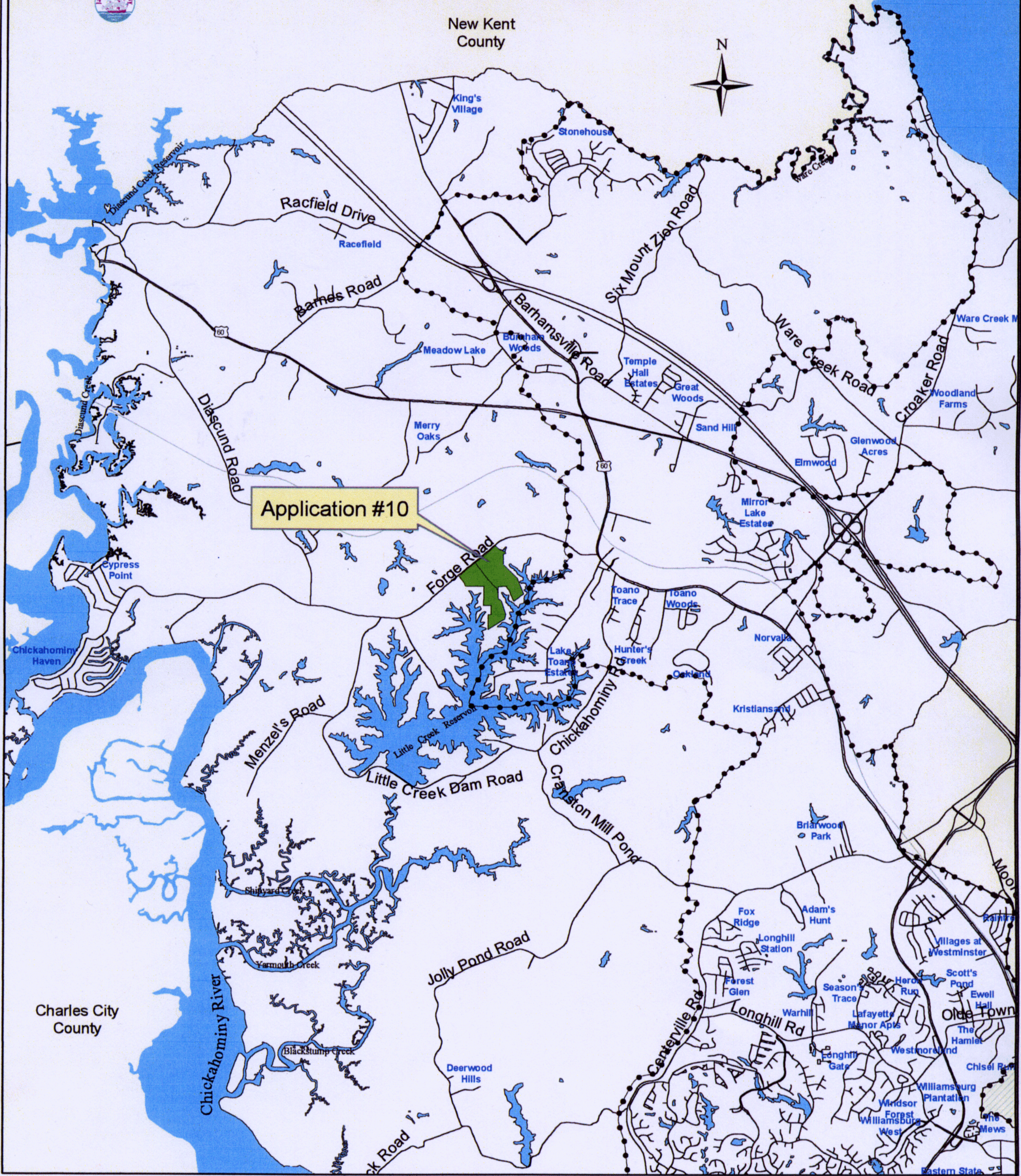
Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2003.

pdracpt.res

James City County

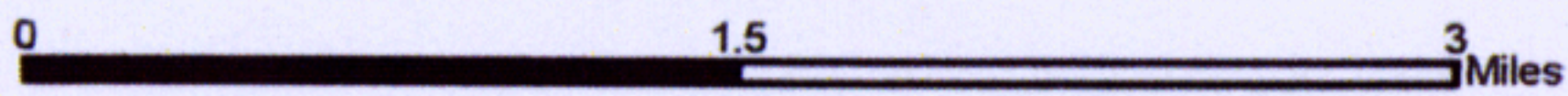


New Kent County



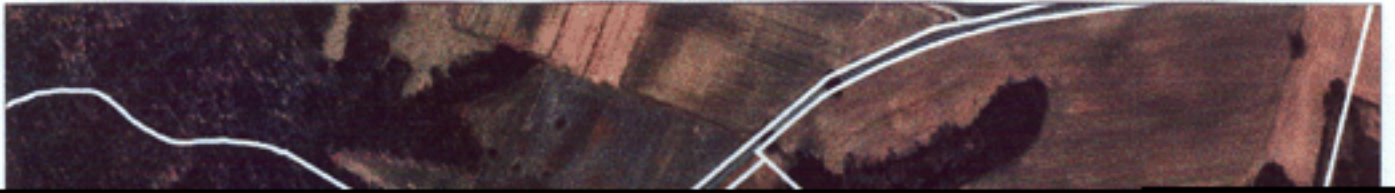
Application #10

2511 & 2611 Forge Road



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

James City County



**Maria Hall Temple
114 Jordan Road
Keene, New Hampshire 03431**

James City County
Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

Dear Mr. Drewry:

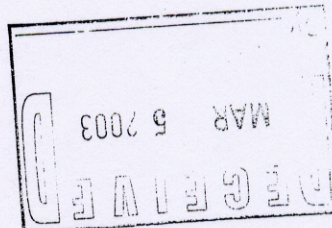
I offer to sell a conservation easement to the County of James City, Virginia for the sum of Five Hundred Seventy-Six Thousand and 00/100 Dollars (\$576,000.00) on the parcels identified as Tax Map #1140100009 and Tax Map #1140100010, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,

Maria Hall Temple

Maria Hall Temple

Date: 3/3/2003



Lyle G. Hall *Jr*
4114 Park Avenue
Richmond, Virginia 23221

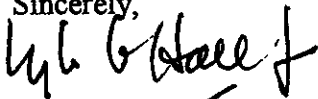
James City County
Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

Dear Mr. Drewry:

I offer to sell a conservation easement to the County of James City, Virginia for the sum of Five Hundred Seventy-Six Thousand and 00/100 Dollars (\$576,000.00) on the parcels identified as Tax Map #1140100009 and Tax Map #1140100010, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,



Lyle G. Hall, *Jr*

Date:

MEMORANDUM

DATE: March 25, 2003

TO: The Board of Supervisors

FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program

SUBJECT: PDR Program - Offer to Sell a Conservation Easement 9038 Diascund Road

Randall C. Davis, landowner of Purchase of Development Rights (PDR) Ranking No. 8, has accepted the conservation easement appraisal value and agreed upon terms of a conservation easement on his property located at 9038 Diascund Road. The appraisal report prepared by Simerlein Appraisals, Ltd., concludes that the conservation easement value is \$76,000 or \$4,021 per acre.

The property is located on Diascund Road and is known as Tax Parcel No. (9-2)(1-9). It consists of approximately 18.9 acres and contains farmland, a U-pick blackberry orchard, timberland, and one dwelling. The property is located outside the Primary Service Area (PSA). A location map and an aerial map of the parcel are attached.

The proposed deed of easement is written in accordance with the Virginia Open-Space Land Act and the James City County PDR Ordinance. The deed will be perpetual and prohibit the construction of additional dwellings, commercial uses, signs, earth removal, and accumulation of waste material. The landowner has voluntarily agreed to manage the timberland in accordance with a forest management plan and to maintain a forested buffer of at least 100 feet along the banks of the stream located on his property. The deed of easement is subject to final approval by the County Attorney.

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. The letter offers to sell a conservation easement to the County for the appraised value of \$76,000 on the parcel identified as Tax Map No. (9-2)(1-9), subject to the terms and conditions set forth in the proposed deed of easement.

The PDR Ordinance states in Sec. 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 Randall C. Davis to sell a conservation easement for the appraised value of \$76,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Michael H. Drewry

CONCUR:

Anthony Conyers, Jr.

MHD/adw
davispr.mem

Attachments:

1. Location Map
2. Aerial map of parcel
3. Offer to Sell
4. Resolution

RESOLUTION

PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT

9038 DIASCUND ROAD

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 9038 Diascund Road, Tax Parcel No. (9-2)(1-9); and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of Seventy-Six Thousand and 00/100 Dollars (\$76,000.00), subject to the conditions set forth in the proposed deed of easement.

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

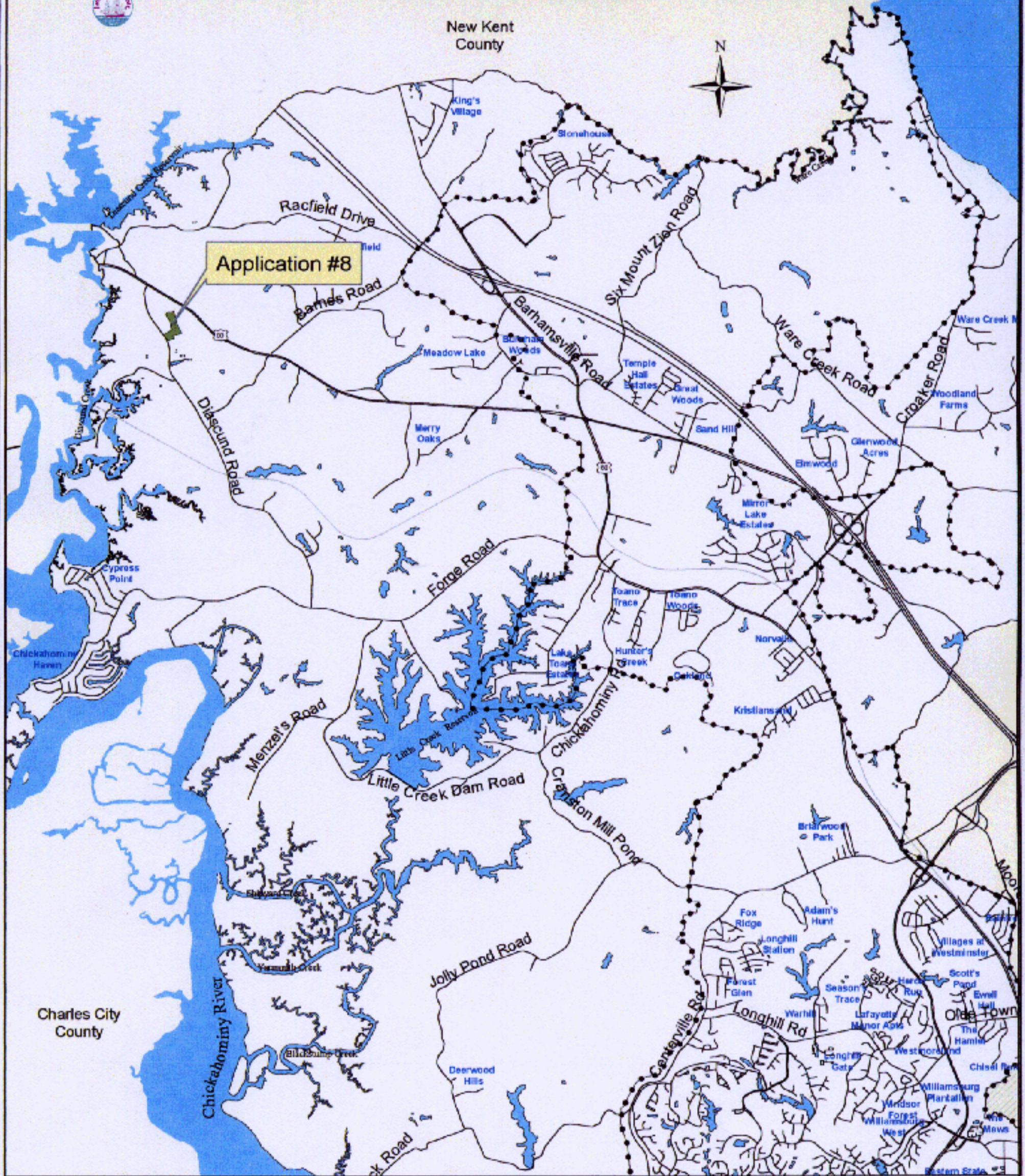
Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of March, 2003.

davispdr.res

James City County

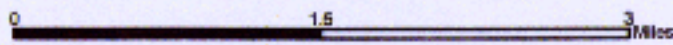


New Kent County



Application #8

9038 Diascund Road



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information depicted is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or for any errors it may be. If you require more detail, please contact the Office of Real Estate Assessments of James City County, Mapping/Information Services.

James City County



0920100009

Application #8
9038 Diascund Road
Total Acres = 18.90



80

300

0

300 Feet

This Drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources. James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessment of James City County, Mapping/GIS Section.

**Randall C. Davis
9038 Diascund Road
Lanexa, Virginia 23089**

James City County
Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

Dear Mr. Drewry:

I offer to sell a conservation easement to the County of James City, Virginia for the sum of Seventy-Six Thousand and 00/100 Dollars (\$76,000.00) on the parcel identified as Tax Map #0920100009, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,



Randall C. Davis

Date: 3-12-03

MEMORANDUM

DATE: March 25, 2003
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Change to Military Leave Policy - Chapter 5 of the Personnel Policies and Procedures Manual

Attached is a resolution to revise Section 5.4 E.5, Military Leave, of the James City County Personnel Policies and Procedures Manual to implement the Board's desire to provide a military pay differential to our employees who are involuntarily called to active duty, and to provide them with leave upon their return. The revisions include:

Military Pay Differential

Purpose:

- A. To minimize financial hardship of employees who have been called to help defend our country and of their families if their military pay is less than their County pay.
- B. To demonstrate commitment to our employees who have served the County for many years, or who have just begun careers with the County, and who we hope will choose to return to County employment after their military duty.

Amount:

- A. The County will pay the difference between the military base pay plus basic allowances for housing and subsistence, and County base pay. This approach is a compromise between paying the difference in just the two base pays and paying the difference between the County base pay plus total military pay and allowances.
- B. Employees whose military base pay plus basic allowances for housing and subsistence is higher than their County base pay will not receive the differential.

Duration:

- A. The policy is effective, retroactive to July 1, 2002, in acknowledgment of the serious situation our country is facing.
- B. The resolution authorizes the policy through June 30, 2004.
- C. The policy may be extended at that time, if necessary, by Board resolution.

Leave Benefits

Purpose:

- A. To allow employees, who return to employment with the County after helping defend our country, paid time off to spend with family and to take care of personal matters.
- B. To give employees, who may have exhausted their accrued leave at the beginning of their deployment, paid leave to use for personal matters.

Amount:

- A. A maximum of up to one year's accrual of sick and annual leave. This approach attempts to meet the needs of the employee for paid time off as well as of the County to have the employee return to the work group. Language is included, however, for the County Administrator to grant exceptions if circumstances warrant it.
- B. The leave will be credited to eligible employees whether or not they qualify for a military pay differential.
- C. The leave will be credited to employees 30 days after they return to employment.

The annualized cost of the differential for those currently deployed can vary from a high of about \$36,000 to a low of about \$10,000 depending on how many of the employees receive a housing allowance. We won't know that until we ask the employees for their military Leave and Earnings Statement. The annualized cost could rise to a high of about \$80,000, once again dependent on housing allowances, if the remaining employees in the reserves are called to active duty.

I recommend adoption of the attached resolution.

Carol M. Luckam

CONCUR:

Sanford B. Wanner

CML/adw
milleave.mem

Attachment

RESOLUTION

CHANGE TO MILITARY LEAVE POLICY - CHAPTER FIVE OF THE PERSONNEL

POLICIES AND PROCEDURES MANUAL

WHEREAS, reserve members of the uniformed services are being called up for active duty for an extended period of time; and

WHEREAS, many such reserve members and their families are experiencing a reduction in income through lower military pay while defending the United States of America; and

WHEREAS, the Board of Supervisors does not believe that our employees who are reservists called to active duty with the armed forces and their families should sacrifice a salary reduction while defending our country.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Section 5.4 E.5, Military Leave, of the James City County Personnel Policies and Procedures Manual. Without a resolution to extend it, the policy shall cease on June 30, 2004.

Effective date: July 1, 2002.

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 25th day of March, 2003.

milleave.res

balance at the rate of one hour's pay for every four hours of accrued sick leave or \$1,000, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department manager.

- d. Sick Leave Bank - Employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be administered by employees, supported by employees, and shall cease to exist should there be insufficient employee interest.
3. Personal Leave - may be used by an employee to provide paid absences upon the death of a member of an employee's immediate family or upon the life-threatening illness of a member of an employee's immediate family which requires the employee's attendance.
 - a. Amount of Leave - Personal leave, if requested by the employee, shall be granted by the supervisor for up to three (3) days per death or life-threatening illness which requires the attendance of the employee. Exceptions may be granted by the department manager.
 4. Civil Leave - may be used by an employee to provide paid absences while serving on a jury, or attending court as a witness under subpoena.
 - a. Compensation - An employee compensated for civil duties, as by jury or witness fees, shall either take annual or compensatory leave, or turn over compensation received to the County.
 - b. Exclusion - In those circumstances where a County employee is acting as an expert witness in a court proceeding which is not directly related to his duties for the County, the employee shall be charged annual or compensatory leave or leave without pay.
 5. Military Leave - may be used by an employee who is a member of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia to provide paid absences of up to fifteen days per Federal fiscal year during which he is engaged in annual active duty for training, or when called forth by the Governor during a disaster.
 - a. Special Circumstances - *Employees who are members of the forces listed above and are involuntarily called to Federally funded military active duty:*
 - 1) *A Military Pay Differential shall be in the amount of the difference between the employee's military base pay plus basic*

allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.

2) Up to one year's accrual of sick and annual leave credited to an employee 30 days after return to employment. Exceptions may be granted by the County Administrator.

6. School Leave - may be used by an employee to provide paid absences to perform volunteer work in a school, to meet with a teacher or administrator concerning the employee's children, step-children, or children over whom the employee has custody, or to attend a school function in which such a child is participating. School leave may be used for these purposes in a public or private elementary, middle, or high school.

a. Amount of Leave

- 1) Employees in full-time permanent and limited-term positions may take up to eight (8) hours of School Leave per fiscal year.
- 2) Employees in part-time permanent and limited-term positions may take up to the number of hours of their monthly sick leave accrual rate per fiscal year.

7. Leave Without Pay - may be used by an employee to provide unpaid absences for a variety of reasons outlined below including any mutually agreeable reason.

a. Purpose - An employee shall be on leave without pay under the following circumstances:

- 1) Approved absence for which the employee has insufficient accrued leave, or for which the employee elects, with the concurrence of the department manager, not to use accrued leave.
- 2) Absences authorized as a condition of employment; or
- 3) Unapproved absence from the job during a scheduled work period;

b. Other Benefits and Conditions of Employment

- 1) Sick and annual leave shall not be earned for any pay period during which an employee takes leave without pay that is not approved prior to use or which exceeds one full work day.
- 2) An employee's performance increase date shall be deferred one calendar month for each period of thirty (30) consecutive