

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

May 27, 2003

7:00 P.M.

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M. CLOSED SESSION

1. Consideration of the Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Colonial Services Board

N. ADJOURNMENT

052703bs.age

MEMORANDUM

DATE: May 27, 2003
TO: The Board of Supervisors
FROM: Jennifer Privette, Recycling/Beautification Coordinator
SUBJECT: Clean County Commission Annual Report - Felecia Manley, Chair

Felecia Manley, Chair of the James City Clean County Commission, will make a presentation regarding the Commission's accomplishments during the past year including litter control, beautification, and recycling.

Jennifer Privette

JP/gs
manley.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF APRIL, 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. Goodson requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

M. Stephens Davis, a home-school student, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. James City County Volunteer Appreciation Week – April 27 – May 3, 2003

Mr. Harrison recognized April 27–May 3, 2003, as National Volunteer Appreciation Week and presented Certificates of Appreciation to Reverend Randy Garner, Donald Greenhow, George Holsteine, and Donald Parker for their contribution to the County through volunteer work.

E. HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation, stated that the main entryway to Governor's Land has been fixed and will be overlaid, and that the staff of the County and the Virginia Department of Transportation (VDOT) are working on an agreement for the authorization of certain County staff to remove unauthorized signs from the VDOT right-of-ways.

Mr. Kennedy thanked Mr. Hicks and VDOT for working with the County on an agreement regarding the removal of unauthorized signs in VDOT right-of-ways.

Mr. Kennedy requested VDOT address the uneven pavement in front of Toano Middle School.

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), stated that the staff of the Service Authority and VDOT are working together to address the pavement issue.

Mr. Harrison thanked Mr. Hicks and VDOT staff for their responsiveness and turnaround time in addressing road concerns.

F. PUBLIC COMMENT

1. Mr. Harold Baker, 3013 Sooth Court, thanked the Board for its support with the bathhouse facility at the pool located at Eastern State Hospital.

Mr. Harrison thanked Mr. Baker and the Williamsburg Aquatic Club for the partnership opportunities.

2. Mr. John Hughes, 6 Hiawatha Court, stated that he is a candidate for the Commissioner of the Revenue and commented on recent discovery that the Short-Term Rental Tax has not been collected in twelve years and recommended the legislation needs to be cleaned up and properly administered.

3. Mr. Ed Oyer, 139 Indian Circle, requested the Board not entertain the School's request for sports facilities at the proposed third high school facility, requested the County provide temporary storage of household chemicals to alleviate the congestion during the one-day spring household chemical collection.

4. Mr. Richard Bradshaw, Commissioner of the Revenue, provided the Board with a brief overview of the Short-Term Rental Tax and the types of businesses that would be impacted by the collection of the tax, and stated that notices to businesses have been sent informing them that effective July 1, 2003, the tax will be collected and that newspaper ads will be placed to notify citizens of the tax collection.

Mr. Harrison inquired if surrounding jurisdictions collect the tax and if the anticipated revenue to be collected by the County.

Mr. Bradshaw stated that surrounding jurisdictions do collect the tax.

Mr. Goodson inquired as to why the tax was not collected previously.

Mr. Bradshaw stated that it was an oversight on his part but steps have been taken to correct the oversight.

Mr. Bradshaw reminded citizens, businesses, and manufacturers of upcoming tax filing deadlines and the deadlines for citizens to apply for the Tax Relief program.

G. CONSENT CALENDAR

Mr. Kennedy made a motion to adopt the items on the Consent Calendar.

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

1. Minutes –

- a. March 25, 2003, Work Session
- b. March 25, 2003, Regular Meeting
- c. April 8, 2003, Regular Meeting

2. James City County Volunteer Appreciation Week – April 27 – May 3, 2003

RESOLUTION

JAMES CITY COUNTY VOLUNTEER APPRECIATION WEEK - APRIL 27–MAY 3, 2003

WHEREAS, April 27-May 3, 2003, has been designated as National Volunteer Appreciation Week; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, preserve our environment, and support our families; and

WHEREAS, volunteers work in partnership with James City County staff and in 2002 contributed 69,526 hours valued at \$1,149,960; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby designates the week of April 27–May 3, 2003, as Volunteer Appreciation Week and calls its significance to all of our citizens.

3. **Chesapeake Bay Restoration Fund Grant**

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and SOL-based environmental component to the Division’s Total Rec Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$5,040 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Grant/Special Project Fund:

Revenues:

From the Commonwealth \$5,040

Expenditures:

Chesapeake Bay Restoration Grant \$5,040

4. Mental Health Month

RESOLUTION

MENTAL HEALTH MONTH

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children suffers from a diagnosable mental illness, emotional, or behavioral disorder, and one in ten has a serious disorder, which, if left untreated, can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorder are not fully understood, but the illnesses are treatable and recovery is possible if those affected receive effective treatment, advocacy, and support; and

WHEREAS, the Colonial Services Board, serving the citizens of James City County, celebrates National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illness; and

WHEREAS, community treatment is an individual's best hope to develop his or her potential.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the month of May 2003 as Mental Health Month.

H. BOARD CONSIDERATIONS

1. Temporary Classroom Trailers (Deferred from April 8, 2003)
 - a. Case No. SUP-5-03. Jamestown High School
 - b. Case No. SUP-6-03. Lafayette High School
 - c. Case No. SUP-7-03. Clara Byrd Baker Elementary School
 - d. Case No. SUP-8-03. Stonehouse Elementary School

Mr. Christopher Johnson, Senior Planner, stated that these four cases were deferred from the Board's meeting held on April 8, 2003, and stated that Michael E. Thornton applied on behalf of the Williamsburg-James City County Public Schools for four special use permits to allow the placement of two new temporary classroom trailers at Lafayette High School and Jamestown High School, and one new temporary classroom trailer at Clara Byrd Baker Elementary School and Stonehouse Elementary School in accordance with Section 24-109 of the Zoning Ordinance.

Staff continued to find the proposal consistent with surrounding zoning and development and consistent with the Comprehensive plan.

Staff recommended the Board approve the applications with conditions.

The Board and staff continued discussion on the use of existing and future facilities for student education, concerns about adding new programs without adequate facility space, and program vs. enrollment facility needs.

Mr. Brown stated concern regarding the schools offering on-site day care centers while there are ongoing community discussions regarding a third high school or a new educational facility.

Mr. Kennedy requested clarification regarding a comment he heard that the day care in Lafayette High School will be discontinued next year.

Mr. Michael E. Thornton, applicant, stated that he was not aware of any plans to discontinue the program next year at Lafayette High School.

Mr. Kennedy requested a retreat with the Schools to discuss the expansion of Jamestown High School and the inability of Schools to continue to add programming without running out of educational facility space.

Mr. McGlennon made a motion to adopt SUP-5-03 and SUP-6-03, the two Elementary School Temporary Classroom Trailer applications.

Mr. McGlennon made a motion to adopt SUP-7-03 and SUP-8-03, the two High School Temporary Classroom Trailer applications.

Mr. Harrison requested a roll call vote on the two High School Temporary Classroom Trailer applications.

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

RESOLUTION

CASE NO. SUP-5-03. JAMESTOWN HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two temporary classroom trailers at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

RESOLUTION

CASE NO. SUP-6-03. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two temporary classroom trailers at Lafayette High School on property owned and

developed by the applicant located at 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

Mr. Harrison requested a roll call vote on the two Elementary School Temporary Classroom Trailer applications.

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

RESOLUTION

CASE NO. SUP-7-03. CLARA BYRD BAKER ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

RESOLUTION

CASE NO. SUP-8-03. STONEHOUSE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Stonehouse Elementary School on property owned and developed by the applicant located at 3651 Rochambeau Drive and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1).

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

hereby approves the issuance of a special use permits for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

2. FY 2004 County Budget

- a. Case No. ZO-2-03/SO-1-03. Zoning and Subdivision Fee Changes
- b. Ordinance Amendment – Chapter 4, Building Regulations, to Increase Certain Fees
- c. Ordinance Amendment – Chapter 8, Erosion and Sediment Control, to Increase Certain Fees and to Add a \$25.00 Fee for Single-Family Dwellings

Ms. Suzanne Mellen, Director of Budget and Accounting, provided the Board with an overview of the proposed FY 2004 Budget, Zoning and Subdivision fee changes, ordinance changes, and the County's fiscal goals for FY 2004.

Mr. McGlennon made a motion to adopt the Ordinances for Zoning and Subdivision Fee changes.

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

Mr. McGlennon made a motion to adopt the Ordinance amendments for Chapter 4, Building Regulations, to Increase Certain Fees.

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

Mr. McGlennon made a motion to adopt the Ordinance amendments for Erosion and Sediment Control.

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

Mr. Brown made a motion to adopt the Community Action Agency portion of the proposed appropriation resolution for the FY 2004 Budget.

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

Mr. McGlennon made a motion to adopt the remainder of the proposed appropriation resolution for the FY 2004 Budget.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 2003, and ending June 30, 2004, and a five-year Capital Improvements Program; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2003, and ending June 30, 2004, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations.

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

1. The following amounts are hereby appropriated in the FY 2003-2004 General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND REVENUES

	<u>FY 2004</u>
General Property Taxes	\$ 68,751,836
Other Local Taxes	15,077,500
Licenses, Permits and Fees	6,736,750
Fines and Forfeitures	220,000
Revenue from Use of Money and Property	535,000
Revenue from the Commonwealth	18,990,236
Revenue from the Federal Government	14,000
Charges for Current Services	3,115,343
Miscellaneous Revenues	<u>69,820</u>
TOTAL REVENUES	<u>\$113,510,485</u>

GENERAL FUND EXPENDITURES

	<u>FY 2004</u>
Administrative	\$ 1,155,711
Elections	260,387
Human Resource	1,274,722
Financial Administration	3,214,440
Public Works	3,812,543
Information Resource Management	1,717,336
Development Management	3,619,326
Judicial	2,391,453
Public Safety	14,014,983
Community Services	5,165,919
Contributions - Other	1,929,039
Library and Arts Center	3,637,976
Health Services	1,106,907
Regional Jail	1,266,373
Nondepartmental	3,571,802
WJCC Schools	52,558,723
Contribution - School Debt Service	9,765,500
Contribution - Capital Projects Fund	1,190,000
Contributions - Other Funds	<u>1,857,345</u>
TOTAL EXPENDITURES	<u>\$113,510,485</u>

The appropriation for education includes \$52,540,273 as a local contribution to the Williamsburg-James City County Schools operations.

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.87
Tangible Personal Property on each \$100 assessed value	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Transportation Improvement District Real Estate on each \$100 assessed value Budget	\$0.00

CAPITAL PROJECTS BUDGET

General Fund

Fund Balance	\$1,178,076
Contribution to Capital Projects Budget	\$1,178,076

Capital Projects Fund

Revenues and Other Fund Sources:

Estimated Prior Year General Fund Balance	\$1,178,076
Contribution - General Fund	1,190,000
Proffers	100,000
Grants:	
VA Recreation Trails Fund	150,000
Land/Water Conservation	125,000
State Ambulance Grants	<u>60,000</u>
	<u>\$2,803,076</u>

Expenditures:

Community Development	\$1,035,000
Parks and Recreation	740,000
Community Services	849,076
Public Safety	<u>179,000</u>
	<u>\$2,803,076</u>

DEBT SERVICE BUDGET

From General Fund - Schools	\$ 8,605,000
From General Fund - Other	1,753,000
State School Literary Fund	162,000
2-Cent Real Estate Tax Investment	<u>1,160,000</u>
Total Debt Service Fund Revenues	<u>\$11,680,000</u>
Current Year Expenditures	\$10,654,851
To Fund Balance - Capital Reserve	<u>1,025,149</u>
Debt Service Fund Disbursements	<u>\$11,680,000</u>

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the Federal Government/Commonwealth	\$ 3,450,297
From the General Fund	1,257,441
Comprehensive Services Act	174,050
Revenue Maximization	256,170
Other	<u>325,652</u>
Total Virginia Public Assistance Fund Revenues	<u>\$ 5,463,610</u>

Expenditures:

Administration and Assistance	\$ 5,267,246
Revenue Maximization	<u>196,364</u>
Total Virginia Public Assistance Fund Expenditures	<u>\$ 5,463,610</u>

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund	\$ 433,741
Grants	1,491,584
Generated Program Income	75,000
Fund Balance	<u>310,000</u>
Total Community Development Fund Revenues & Fund Balance	<u>\$ 2,310,325</u>

Expenditures:

Administration and Programs	<u>\$ 2,310,325</u>
Total Community Development Fund Expenditures	<u>\$ 2,310,325</u>

SPECIAL PROJECTS/GRANTS FUND

Revenues:

Colonial Drug Task Force	\$ 27,000
Transfer from CIP Road Access	114,650
Transfer from General Fund	8,934
Revenues from the Commonwealth	<u>388,350</u>
	<u>\$ 538,934</u>

Expenditures:

Colonial Drug Task Force	\$ 27,000
Litter Control Grant	8,700
Records Processing Grant	13,000
James River Industrial Road Access Grant	454,500
Victim of Crimes Grant	<u>35,734</u>
	<u>\$ 538,934</u>

3. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
4. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase based on either the employee's salary or the midpoint of the pay range with variable increases based on performance and funded at an average of 3.5 percent, granted to employees in FY 2004.
5. The County Administrator be authorized to transfer funds to and from the Personnel Contingency account and divisional personnel line items in order to capture turnover savings at a divisional level.
6. All outstanding encumbrances in all County funds at June 30, 2003, shall be an amendment to the FY 2004 budget, and appropriated to the FY 2004 budget to the same department and account for which they were encumbered in the previous year.
7. The County Administrator be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.

The Board thanked the County Administrator and staff for following the Board's guidance in developing the FY 2004 Budget.

3. To Authorize the Acquisition, by Voluntary Conveyance or Condemnation, of a Certain Easements Across, 1321 Jamestown Road, James City County, Virginia, Owned by Sarah H. Armstead, Trustee, and Letitia Hanson, for Public Purposes, To Whit: Easements Related to a Public Water Supply System

Mr. Larry Foster, General Manager of the JCSA, stated that in order to assure that the discharge line will be in place to dispose of the by-product of the Groundwater Treatment Facility, an easement must be acquired over 1321 Jamestown Road in the near future. Staff has been working with the property owners and their agent for an extended period of time but they have not been successful in reaching an agreement. Staff recommended the Board approve the resolution authorizing the County to pursue the easement's acquisition of the property through its right of condemnation.

Mr. Morton stated that staff has distributed an amended resolution and plat for the acquisition and also stated that currently there are no negotiations.

Mr. Kennedy made a motion to approve the resolution.

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

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY
VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN
EASEMENTS ACROSS PROPERTY AT 1321 JAMESTOWN ROAD,
JAMES CITY COUNTY, VIRGINIA, OWNED BY SARAH H. ARMISTEAD,
TRUSTEE, AND LETITIA HANSON, FOR PUBLIC PURPOSES,
TO WIT: EASEMENTS RELATED TO A PUBLIC WATER SUPPLY SYSTEM

WHEREAS, the James City Service Authority is constructing a desalinization plant which will require a concentrate discharge line; and

WHEREAS, the concentrate discharge line needs to cross certain real property commonly known as 1321 Jamestown Road and designated as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2) (the "Property"); and

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of easements across the Property for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and utility services related to a public water supply system, for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereinafter described property for water supply system purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.

3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.
4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be and they are hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§ 33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are:
Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead and Letitia Hanson.
6. A substantial description of the property is:

(1) a 20'-wide easement in perpetuity for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and related utility services, and (2) two adjacent 10'-wide temporary construction easements to provide access to the permanent easement area during construction that will expire upon completion of construction, (3) two adjacent 40'-wide temporary construction easements to provide construction staging of equipment during construction that will expire upon completion of construction over, upon, across, and under the following described property, to-wit:

All those certain pieces or portions of land lying and situate in Berkeley Magisterial District, James City County, Virginia, shown and designated as "20' PERMANENT UTILITY EASEMENT FOR THE EXCLUSIVE USE OF J.C.S.A." and "10' TEMP. CONSTRUCTION EASEMENTS" and "40' TEMP. CONST. ESMTS." on that certain plat entitled "PLAT OF EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY FROM THE ROSA ARMISTEAD ESTATE" dated January 9, 2003 and revised April 16, 2003, prepared by AES Consulting Engineers, of Williamsburg, Virginia; said plat being attached hereto, for a more complete description of the easements herein conveyed.

The Grantors shall retain the right to place one or more roads, constructed to meet or exceed applicable Virginia Department of Transportation standards, across the easements granted herein, provided that the top of any pipeline placed by the Grantee therein remains at least 36 inches below the surface of any such road and further provided that any such road shall cross the easement at an approximate right angle (90°).

7. Just compensation is estimated to be \$6,700.00 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of § 15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist and this resolution shall be effect from the date of its passage.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board recess while the JCSA Board of Directors holds a brief meeting, and then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

Mr. Wanner stated that the Williamsburg Aquatic Club has requested an additional \$60,000 for locker room improvements at the pool located at Eastern State Hospital and recommended the Board approve a resolution appropriating the \$60,000 from the Capital Contingency Fund.

Mr. McGlennon made a motion to approve the appropriation resolution.

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

RESOLUTION

BUDGET TRANSFER - EASTERN STATE HOSPITAL POOL

WHEREAS, the James City County Board of Supervisors has been asked by representatives of the Williamsburg Aquatics Club (WAC) to provide an additional \$60,000, in addition to \$150,000 previously appropriated, towards the costs of locker rooms at the pool at Eastern State Hospital; and

WHEREAS, the major beneficiaries of this additional investment will be the swim teams at Jamestown and Lafayette High Schools who, with appropriate locker, shower and rest room facilities, could begin to use the Eastern State Hospital pool for both practices and meets.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$60,000 in funds currently in the Capital Budget Contingency be added to previously appropriated funds for locker rooms at the Eastern State Hospital pool.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated concern that a 72-hour notification of timbering is not sufficient time to mitigate possible impacts to Resource Protection Areas.

Mr. Morton stated that the General Assembly denied the request for longer time frames for timbering notifications.

Mr. Harrison inquired about the status of the house that burnt down on Route 5.

Mr. Horne stated that there is no Code violation associated with the site and staff is pursuing the option of cleaning up the site through the Blight Abatement Program.

Mr. Harrison recessed the Board for the JCSA Board of Directors meeting at 8:03 p.m.

Mr. Harrison reconvened the Board at 8:08 p.m.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

Mr. Harrison noted that the Regional Issues Committee met and voted to meet more frequently in an effort to address more regional issues.

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

Mr. Harrison convened the Board into Closed Session at 8:09 p.m.

At 8:55 p.m. Mr. Harrison reconvened the Board into Open Session.

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; and Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Lynn Bagli to the unexpired term on the Colonial Group Home Commission, term to expire on February 28, 2006; and to appoint Rosalind Dodd to the Social Service Advisory Board effective July 1, 2003, term to expire on June 30, 2007.

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

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 9:04 p.m. Mr. Harrison adjourned the Board until 7 p.m. on May 13, 2003.

Sanford B. Wanner
Clerk to the Board

042203bos.min

MEMORANDUM

DATE: May 27, 2003
TO: The Board of Supervisors
FROM: Diana Hutchens, Director of Social Services Division
SUBJECT: Additional Allocations - Social Services Division

The State Department of Social Services awarded the following supplemental allocations to the James City County Division of Social Services for the remainder of Fiscal Year 2003:

Head Start Child Day Care - \$13,000. This is a subsidy fee program that pays for additional hours beyond those provided by Head Start in order to provide full-day/full-year (wrap-around) child care services for Head Start enrolled children. Head Start Transition to Work Child Care services remain mandated and Head Start families must be fully served. There is no local match required.

VIEW JOBS Working/Transitional Child Day Care - \$32,335. This program is related to the purchase of child care services for all the Temporary Assistance to Needy Families (TANF) clients who are enrolled in the VIEW program. For the transitional benefits, parents may receive up to 12 consecutive months of child day care submitted to support employment if they have received TANF (former VIEW case), the TANF case is closed, and they are found to be income eligible. A ten percent local match is required and is in the existing local budget.

Fee System Child Day Care - \$36,000. This program provides funding to enhance the quality, affordability, and supply of child care available to families. The subsidies are for income-eligible customers who are employed in approved education/training activities, or in need of protective services. There is a ten percent local match required which is in the existing budget.

Staff recommends approval of the attached resolution which will appropriate the additional funding as outlined above.

Diana Hutchens

CONCUR:

Anthony Conyers, Jr.

DH/gs
SSalloc03.mem

Attachment

RESOLUTION

ADDITIONAL ALLOCATIONS - SOCIAL SERVICES DIVISION

WHEREAS, the State Department of Social Services has provided additional funding for Head Start Child Day Care, VIEW Job Working/Transitional Child Day Care, and Fee System Child Day Care; and

WHEREAS, sufficient matching funds have been previously appropriated in the Social Services budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

From the Commonwealth	<u>\$81,335</u>
-----------------------	-----------------

Expenditures:

Head Start Child Day Care	\$13,000
VIEW JOBS Working/Trans Child Day Care	35,928
Fee System Child Day Care Fee	40,000
Fringe Benefits (Local Funding)	<u>(7,593)</u>
-	<u>\$81,335</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 27th day of May, 2003.

SSalloc03.res

MEMORANDUM

DATE: May 27, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney
SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Daniel Waltrip

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

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

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

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

Darryl E. Cook

Leo P. Rogers

DEC/LPR/gs
waltripviol.mem

Attachments

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - DANIEL WALTRIP

WHEREAS, Daniel Waltrip is the owner of a certain parcel of land, commonly known as 157 Saw Mill Road, designated as Parcel No. (1-22B) on James City County Real Estate Tax Map No. (36-3); hereinafter referred to as the ("Property"); and

WHEREAS, on or about April 4, 2002, it was determined by County staff that vegetation was removed from approximately 3,000 square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Daniel Waltrip agreed to a Restoration Plan to replant 30 trees or 90 shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Daniel Waltrip has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Property; and

WHEREAS, Daniel Waltrip has agreed to pay \$2,500 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

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

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

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

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of May, 2003.

waltripviol.res



CHESAPEAKE BAY VIOLATION 157 SAW MILL ROAD



MEMORANDUM

DATE: May 27, 2003

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Concerning the Issuance of Refunding Revenue Bonds Series 2003 by the Virginia Peninsula Regional Jail Authority

As a result of the favorable tax-exempt market place that presently exists, the Virginia Peninsula Regional Jail Authority is in the process of restructuring its outstanding debt incurred in 1995 for the construction of the Regional Jail. The restructuring involves the issuance of refunding bonds by the Authority to retire a portion of the debt and the retirement of the balance of the debt by applying the lump sum payment the Authority received from the Commonwealth as prepayment of the Commonwealth's reimbursement obligation for its share of the construction and financing costs of the Regional Jail.

As a requirement of the municipal bond insurer for the issuance of the refunding bonds, the member jurisdictions of the Authority are being asked to consider the attached resolution which provides for the annual filing of the member's financial information and operating data and the commitment of each member's moral obligation on a proportionate basis to the payment of the Authority's bonds. These are essentially the same requirements that the members agreed to in connection with the issuance of the Authority's initial series of Bonds in 1995.

The one change from the original agreement is that the moral obligation is to be based on each member's actual utilization percentage of the Regional Jail rather than the estimated usage percentage established in 1995 when the Authority was formed and before operations started. Closing for the bond financing is scheduled for June 18. The Authority needs to have the resolution adopted before the closing date to satisfy the requirement of the bond insurer.

I recommend approval of the attached resolution.

Sanford B. Wanner

SBW/gs
jailrevbond.mem

Attachment

RESOLUTION OF THE COUNTY OF JAMES CITY

CONCERNING THE ISSUANCE OF REFUNDING REVENUE BONDS SERIES 2003

BY THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

- WHEREAS, the County of James City is a member of the Virginia Peninsula Regional Jail Authority (the "Authority") created by the County of James City, the City of Poquoson, the City of Williamsburg, and the County of York (collectively, the "Member Jurisdictions") pursuant to Article 3.1, Chapter 3, Title 53.1 of the Code of Virginia of 1950, as amended (the "Act"); and
- WHEREAS, the Authority and the Member Jurisdictions entered in a Cooperative Service Agreement dated as of November 14, 1994, as superseded by an Amended and Restated Cooperative Service Agreement dated as of August 1, 1995 (the "Service Agreement") which provided, among other things, for the planning, development, and operation of the Authority's regional jail facility (the "Regional Jail"), and provided for the financing of the Regional Jail through the issuance of the Authority's revenue bonds; and
- WHEREAS, in furtherance of the provisions of the Service Agreement and the Act, the Authority issued its Regional Jail Facility Revenue Bonds, Series 1995, in the aggregate principal amount of \$36,340,000 (the "1995 Bonds"); and
- WHEREAS, in connection with the issuance of the Authority's 1995 Bonds, each of the Member Jurisdictions agreed in the Service Agreement, subject to the appropriation of funds for such purposes, to provide funding makeup support on a proportionate basis for: (i) the payment of debt service on the 1995 Bonds and (ii) to cure any deficiency in the debt service reserve fund established by the Authority for the 1995 Bonds in the event the Authority lacked sufficient funds to make such payment or to cure such deficiency (the "Debt Service and Reserve Makeup Undertaking"); and
- WHEREAS, in connection with the issuance of the 1995 Bonds by the Authority, the Member Jurisdictions further agreed to provide annually for as long as the 1995 Bonds remained outstanding to each nationally recognized municipal securities information repository certain financial information and operating data as more particularly described in the Continuing Disclosure Agreement dated September 15, 1995, (the "Continuing Disclosure Agreement") among the Authority, the Member Jurisdictions, and Crestar Bank, now SunTrust Bank, as dissemination agent (the "Continuing Disclosure Undertaking"); and
- WHEREAS, in order to achieve debt service savings and to restructure debt service payments, the Authority proposes to issue a series of refunding bonds in the aggregate principal amount of approximately \$21,655,000 (the "Refunding Bonds") to refund a portion of the 1995 Bonds and to apply the prepaid reimbursement payment received from the Commonwealth of Virginia for the Commonwealth's share of the construction and financing costs of the Regional Jail to defease and redeem the balance of the 1995 Bonds; and

WHEREAS, such refunding, defeasance, and redemption of the 1995 Bonds by the Authority will cause the Debt Service and Reserve Makeup Undertaking and the Continuing Disclosure Undertaking of the Member Jurisdictions with respect to the 1995 Bonds to terminate; and

WHEREAS, to facilitate the sale of the Refunding Bonds, the insurer for the Refunding Bonds has required that the Authority request that each Member Jurisdiction agree to extend its Continuing Disclosure Undertaking and agree to extend its Debt Service and Reserve Makeup Undertaking to the Authority for the Refunding Bonds.

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

1. Approval of Continuing Disclosure Agreement. The Continuing Disclosure Undertaking in connection with the issuance of the Authority's Refunding Bonds is hereby approved, such undertaking being on substantially the same terms and conditions as are set forth in the Continuing Disclosure Agreement for the Authority's 1995 Bonds, the form of which is on file with the County, which is hereby approved in substantially such form.
2. Approval of Debt Service and Reserve Makeup Undertaking. The Debt Service and Reserve Makeup Undertaking for the Authority's Refunding Bonds is hereby approved on substantially the same terms and conditions as such undertaking is contained in the Service Agreement, including the requirement that such undertaking is subject to the appropriation of funds for such purpose, provided, however, the percentage on which such undertaking shall be based for each Member Jurisdiction in any given fiscal year in which payment may be required shall be derived from the percentage of each Member Jurisdiction's utilization of the Regional Jail for the immediately preceding fiscal year.
3. Approval and Execution of Documents. The Chairman or the Vice Chairman are each authorized to execute and deliver on behalf of the Authority, and, if required, the Secretary or any Assistant Secretary of the Authority is authorized to affix and attest the seal of the Authority to, the Continuing Disclosure Agreement in substantially the form on file with such changes, insertions, or omissions, as may be approved by the Chairman or Vice Chairman, and to any amendment to the Service Agreement which may be necessary or desirable to reflect the changes to the Debt Service and Reserve Makeup percentage herein authorized, whose approval will be evidenced conclusively by the execution and delivery of such documents. Each officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents, or certificates, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized by this Resolution and all of the foregoing, previously done or performed by such officers, are in all respects approved, ratified, and confirmed.
4. This resolution shall take effect immediately.

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 27th day of
May, 2003.

jailrevbond.res

MEMORANDUM

DATE: May 27, 2003
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Contribution to Conferences Inc.

The Virginia Association of Counties (VACo) will be hosting the NACo annual conference in July 2007 in Richmond. VACo has created, along with the host jurisdictions and other organizations, a nonprofit corporation, Conferences Inc., to raise funds and carry out duties in support of that hosting.

VACo has requested that each County contribute a minimum of \$1,000 to Conferences Inc.

I recommend approval of the attached resolution appropriating \$1,000 to Conferences Inc., from FY 03 Board Professional Services.

Sanford B. Wanner

SBW/tlc
nacoconf.mem

Attachment

RESOLUTION

CONTRIBUTION TO CONFERENCES, INC.

WHEREAS, the Virginia Association of Counties (VACo) will be hosting the National Association of Counties (NACo) annual conference in July 2007; and

WHEREAS, VACo has created a nonprofit corporation (Conferences, Inc.) to raise funds; and

WHEREAS, VACo has requested each Virginia county to contribute a minimum of \$1,000 to Conferences Inc., in order to assist VACo to carry out its responsibilities and duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes \$1,000 to be paid to Conferences Inc., from FY 03 Board Professional Services.

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 27th day of May, 2003.

nacoconf.res

MEMORANDUM

DATE: May 27, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Public Hearing to Authorize the Acquisition by Voluntary Conveyance or Condemnation of Certain Easements Across Property at 1321 Jamestown Road, James City County, Virginia, Owned by Sarah A. Armistead, Trustee, and Letitia Hanson, for Public Purposes, To Wit: Easements Related to a Public Water Supply

At the April 22, 2003, meeting, the Board adopted a resolution for the acquisition of the easement for a discharge line on the Armistead property in order to dispose of the by-product of the Groundwater Treatment Plant. Richmond counsel provided the resolution the Board adopted, but now informs us that the process we are following requires a public hearing.

Following the public hearing, staff recommends the adoption of the attached resolution authorizing the County to pursue the acquisition of the easement either on a voluntary basis or by condemnation.

Larry M. Foster

CONCUR:

Frank M. Morton, III

LMF/adw
propacq.mem

Attachment

A RESOLUTION TO AUTHORIZE THE ACQUISITION, BY
VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN
EASEMENTS ACROSS PROPERTY AT 1321 JAMESTOWN ROAD,
JAMES CITY COUNTY, VIRGINIA, OWNED BY SARAH H. ARMISTEAD,
TRUSTEE, AND LETITIA HANSON, FOR PUBLIC PURPOSES,
TO WIT: EASEMENTS RELATED TO A PUBLIC WATER SUPPLY SYSTEM

WHEREAS, the James City Service Authority is constructing a desalinization plant which will require a concentrate discharge line; and

WHEREAS, the concentrate discharge line needs to cross certain real property commonly known as 1321 Jamestown Road and designated as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2) (the "Property"); and

WHEREAS, after holding a public hearing, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of easements across the Property for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and utility services related to a public water supply system, for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereinafter described property for water supply system purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 33.1-119 through 33.1-132, as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent to so enter and take the property under those powers granted the Commonwealth Transportation Commissioner pursuant to §§ 33.1-119 through 33.1-132, Code of Virginia (1950), as amended.

4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be and they are hereby authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Article 7 (§ 33.1-89 *et seq.*), Code of Virginia (1950), as amended, the hereinafter described property.
5. The names of the present owners of the property to be acquired are:
Sarah H. Armistead, Trustee with the Power of Sale Under the Will of Robert T. Armistead and Letitia Hanson.
6. A substantial description of the property is:

(1) a 20'-wide easement in perpetuity for the installation, operation, maintenance and/or removal of an underground liquid transmission pipeline and related utility services, and (2) two adjacent 10'-wide temporary construction easements to provide access to the permanent easement area during construction that will expire upon completion of construction, (3) two adjacent 40'-wide temporary construction easements to provide construction staging of equipment during construction that will expire upon completion of construction over, upon, across, and under the following described property, to-wit:

All those certain pieces or portions of land lying and situate in Berkeley Magisterial District, James City County, Virginia, shown and designated as "20' PERMANENT UTILITY EASEMENT FOR THE EXCLUSIVE USE OF J.C.S.A." and "10' TEMP. CONSTRUCTION EASEMENTS" and "40' TEMP. CONST. ESMTS." on that certain plat entitled "PLAT OF EASEMENT FOR CONVEYANCE TO JAMES CITY SERVICE AUTHORITY FROM THE ROSA ARMISTEAD ESTATE" dated January 9, 2003 and revised April 16, 2003, prepared by AES Consulting Engineers, of Williamsburg, Virginia; said plat being attached hereto, for a more complete description of the easements herein conveyed.

The Grantors shall retain the right to place one or more roads, constructed to meet or exceed applicable Virginia Department of Transportation standards, across the easements granted herein, provided that the top of any pipeline placed by the Grantee therein remains at least 36 inches below the surface of any such road and further provided that any such road shall cross the easement at an approximate right angle (90°).

7. Just compensation is estimated to be \$6,700.00 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of § 15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.

10. That an emergency is declared to exist and this resolution shall be effect from the date of its passage.

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 27th day of
May, 2003.

jmstwnr.res

MEMORANDUM

DATE: May 27, 2003
TO: The Board of Supervisors
FROM: Edward T. Overton, Jr., Administrator, Purchase of Development Rights Program
SUBJECT: PDR Program - Offer to Sell a Conservation Easement, Tax Parcel No. 2230100026

Mr. Bert E. Geddy, Jr., landowner of Purchase of Development Rights (PDR) Ranking No. 9, has accepted, in writing, the conservation easement appraisal value and agreed upon terms of a conservation easement on his property located off Friendship Drive and Chickahominy Road. The appraisal report prepared by Rist Research & Appraisal concludes that the conservation easement value is \$235,000 or \$1,402.98 per acre.

The property consists of one parcel of approximately 167.50 acres with prescriptive easement access from Friendship Drive. The majority of the acreage is wooded. The property is located outside the Primary Service Area, is contiguous to the western shore of Cranston's Pond, and is located in the Yarmouth Creek Watershed. 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, except as allowed, will prohibit the construction of commercial uses, signs, earth removal, and accumulation of waste material. The Deed of Easement is subject to approval by the County Attorney.

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 Bert E. Geddy, Jr., to sell a conservation easement for the appraised value of \$235,000, and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Edward T. Overton, Jr.

CONCUR:

Anthony Conyers, Jr.

ETO/gs
geddyease.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.

TAX PARCEL NO. 2230100026

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 Tax Parcel No. 2230100026, located off of Friendship Drive; and

WHEREAS, the owner, Bert E. Geddy, Jr., offered to sell a conservation easement on the property for a purchase price of Two Hundred Thirty-Five Thousand Dollars (\$235,000), 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

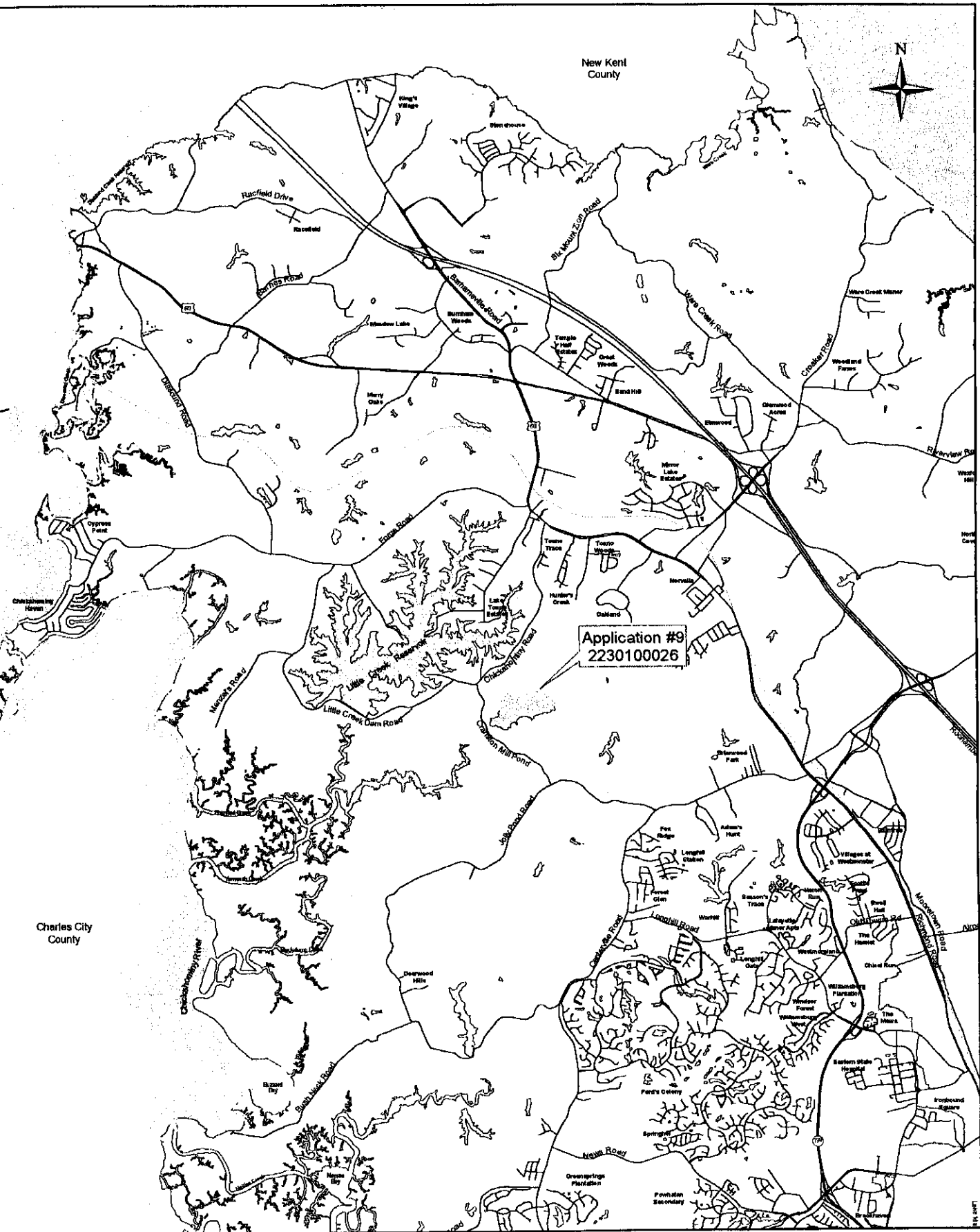
ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of May, 2003.

geddyease.res

James City County



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



Application #9
2230100026

Aerial Imagery Copyright 2002 Commonwealth of Virginia.

0 0.025 0.05 0.1 Miles

1 inch equals 400 feet

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Bert E. Geddy, Jr.
P.O. Box 363
Toano, Virginia 23168

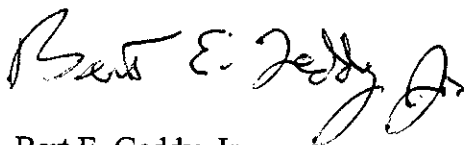
Edward T. Overton, Jr.
James City County
Department of Community Services
Purchase of Development Rights Program
5249-A Olde Towne Road
Williamsburg, Virginia 23188

Re: PDR Program
Offer to sell a conservation easement

Dear Mr. Overton:

I offer to sell a conservation easement to the County of James City, Virginia for the sum of Two Hundred Thirty Five Thousand and 00/100 Dollars (\$235,000.00) on the parcel identified as Tax Map # (22-3)(1-26), located off Friendship Drive in the Stonehouse Election District, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,



Bert E. Geddy, Jr.

Date:

5-17-03