

# **A G E N D A**

## **JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**September 9, 2003**

**7:00 P.M.**

---

**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Hannah Bolash, a Junior attending Jamestown High School

**D. PRESENTATION**

1. 2003 County Fair Report – Loretta Garrett

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. Minutes –
  - a. August 12, 2003, Work Session
  - b. August 12, 2003, Regular Meeting
2. Appointment of Alternate to the Virginia Peninsulas Public Service Authority Board
3. Dedication of Streets –
  - a. Wexford Hills
  - b. Red Oak Landing Road and Raleigh Street
  - c. Temple Hall Estates
4. Office of Emergency Medical Services Grant Award
5. Award of Contract - Ambulance Replacement
6. Appropriation of Funds – Department of Criminal Justice Services, One Time Special Request Fund Grant
7. Appropriation of Funds – U. S. Bureau of Justice Assistance Block Grant
8. Chesapeake Bay Gateways Network Grant
9. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - G. Baxter Stanton, Barry L. Hale, Richard F. Scott, and David R. Baldwin
10. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Denton and Elsie Woodward
11. Underground Utility Agreement - Dominion Virginia Power
12. Code Violation Lien - 136 Magruder Avenue

**G. PUBLIC HEARINGS**

1. Case No. SUP-15-03. Custom Culinary Connections: Barnes Road
2. Tax Increase - Real Property

**- Continued -**

**H. BOARD CONSIDERATION**

1. Yarmouth Creek Watershed Management Plan

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**L. CLOSED SESSION**

1. Consideration of Personnel Matters, the Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Williamsburg Area Arts Commission
  - b. Williamsburg Area Performing Arts Center

**M. ADJOURNMENT**

090903bos2.age

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF AUGUST, 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**

Mr. John T. P. Horne, Development Manager, stated that staff has reviewed the E-mails sent by the Board members and revised the errata sheet accordingly.

Mr. Brown requested that in the Draft on page 116, Rural Lands, of the Draft 2003 Comprehensive Plan (Draft) the word "large" be added to the first full paragraph on page 116 and just prior to the word "concentrations."

Mr. Brown requested that in the Draft on page 117, Neighborhood Commercial, that the word "normally" be added prior to the 40,000 square foot in the first paragraph of that page.

Mr. Horne suggested the word "generally."

Mr. Brown accepted the suggestion.

Mr. Brown requested that in the Draft on page 118, Neighborhood Commercial, the word "unacceptable" be replaced with softer wording.

Mr. Horne stated that the zoning LB, Limited Business, was changed to exclude the uses mentioned in the paragraph per the Board.

The Board and staff discussed the proposal and concurred that the designation of zonings will permit or disallow such uses and the Board and applicants have the option to consider Special Use Permits.

Mr. Brown inquired if the phrase "binding master plan" could be simply "master plan."

Mr. Horne stated the language is assistance to staff, the Board, the Community, and the applicant in being able to rely on a representation of a project.

The Board and staff discussed the purpose of master plans.

Mr. Morton stated that historically, the County looked at the development potential of the interchanges to maximize their potentials and set the expectations for conformity.

The Board and staff continued to discuss the potential impacts and benefits of "binding" master plans.

Mr. Brown requested discussion regarding Draft page 137, Action 14 and if it applies to by-right uses.

Mr. Horne stated that it is not intended to apply to by-right uses and recommended clarification language in the Action.

The Board concurred with the suggested language change to Action 14.

Mr. McGlennon requested clarification on the language in the errata sheet regarding the Treyburn Drive extension for the County's control over the development and construction of the extension.

The Board and staff discussed the design of the extension, the funding for the project, the possible use of Treyburn Drive as a traffic short-cut if the intersection of Ironbound Road and Monticello Avenue is not completed first, and the partnership with the City of Williamsburg in developing the language included in the Draft.

Mr. McGlennon inquired about the proposed removal of the words "where appropriate" on the Errata Sheet Number 14, Page 30.

The Board concurred with the request to leave in "where appropriate."

Mr. McGlennon requested confirmation regarding the language about Number 1, Page 31 on the Errata Sheet.

The Board and staff concurred on the interpretation of the language.

Mr. McGlennon requested that the figure of 650 units be amended to an accurate figure in Number 26, Page 107 in the Errata Sheet.

The Board asked staff to revalidate the numbers used in the Plan and use a shorter time span in the average in Number 26, Page 107 of the Errata Sheet.

Mr. Brown requested a procedural clarification regarding the August 5 letter regarding Chambrel.

Staff stated that a Chambrel representative will be in attendance at the Public Hearing on the Plan and that a clean sheet Errata Sheet will be provided to the Board when it considers the 2003 Comprehensive Plan.

## **C. RECESS**

At 5:37 p.m., Mr. Harrison and the Board broke for supper until 7 p.m.

---

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 12TH DAY OF AUGUST, 2003, AT 7:00 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**

Briana Sutton, a third-grade student at Matthew Whaley School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATION**

1. Family Day – September 22, 2003

Mr. Harrison presented Jill Russett, Executive Director for the Historic Triangle Substance Abuse Coalition, with a resolution proclaiming September 22, 2003, as Family Day in James City County.

**E. HIGHWAY MATTERS**

Mr. Steve Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that the intersection at the entrance to Monticello Marketplace off Monticello Avenue (Route 321) has been improved for smoother traffic flow.

Mr. Harrison thanked Mr. Hicks for the innovative resolution to the intersection at the Monticello Marketplace.

Mr. Kennedy thanked Mr. Hicks for accompanying him on a drive through Stonehouse to review street concerns.

Mr. Kennedy stated concern that weather conditions are similar to those in 1999 when Hurricane Floyd came, requested VDOT be diligent in maintaining storm drains and drainage ditches, and suggested stocking sandbags.

Mr. Goodson stated that water is not draining properly at the intersection of Grove Heights Avenue (Route 675) and Pocahontas Trail (Route 60) and requested VDOT take a look at the drainage ditches.

Mr. McGlennon thanked Mr. Hicks for the quick and effective attention to the entryway at Settler's Mill.

## **F. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated concern that VDOT is not properly maintaining Indian Circle (Route 1302), stated that there is a blocked culvert at 128 Indian Circle that needs to be cleared, and that the fees and taxes have increased car rental rates at certain airports up by 71 percent.

2. Mr. Richard Bradshaw, Commissioner of the Revenue, thanked all the participants of the County Fair and encouraged citizens to thank the volunteer tax preparation groups, AARP, and Vita that served 2,500 citizens in preparing State and Federal tax forms.

## **G. CONSENT CALENDAR**

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

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

### 1. Minutes –

- a. June 24, 2003, Regular Meeting – Amended
- b. July 22, 2003, Joint Work Session, Board of Supervisors and the Planning Commission
- c. July 22, 2003, Regular Meeting

### 2. Family Day – September 22, 2003

## **RESOLUTION**

### **FAMILY DAY - SEPTEMBER 22, 2003**

WHEREAS, strong families are the basis of neighborhoods and communities throughout the nation and are the foundation of our just and peaceful society, and every child across James City County, the Commonwealth, and the nation needs and expects parental love and guidance; and

WHEREAS, Colonial Court Appointed Special Advocate (CASA) conducted teen surveys in 1998, 1999, and 2000 that found teens who ate dinner with their parents six or seven times a week were 20 percent to 30 percent less likely to smoke cigarettes, use illegal drugs, and consume alcohol; and

WHEREAS, eating dinner as a family enhances family unity, involvement, communication, and support, and children from families that regularly eat dinner together are dramatically less likely to use tobacco, alcohol, or illegal drugs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim Monday, September 22, 2003, Family Day and encourages all citizens to eat dinner with their families.

3. Dedication of Streets in Wexford Hills

**RESOLUTION**

**DEDICATION OF STREETS IN WEXFORD HILLS**

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.

4. Reappointment of the Assistant County Administrator to the Colonial Community Corrections Criminal Justice Board

5. Courthouse Bioretention Facility Project

**RESOLUTION**

**COURTHOUSE BIORETENTION FACILITY PROJECT**

WHEREAS, the James City County Board of Supervisors desires to protect sensitive streams within the Powhatan Creek Watershed and the Chesapeake Bay; and

WHEREAS, a bioretention basin has been designed for the Williamsburg-James City County Courthouse to demonstrate such protection; and

WHEREAS, a matching grant of \$ 25,000 has been awarded to James City County for construction of the bioretention basin.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to request \$30,000 in courthouse maintenance funds and to accept a grant of \$25,000 from the National Fish and Wildlife Foundation for the construction of a demonstration project at the Williamsburg-James City County Courthouse.

BE IT FURTHER RESOLVED, that the Board of Supervisors authorizes and appropriates the following budget amendments:

Capital Budget Revenues:

Courthouse Maintenance Fund	\$30,000
Grant - National Fish & Wildlife	<u>25,000</u>
	<u>\$55,000</u>

Capital Budget Expenditures:

Water Quality Improvements	<u>\$55,000</u>
----------------------------	-----------------

6. Revisions to the Law Enforcement Mutual Aid Agreement – Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, James City County, Williamsburg, York County, and the Town of Smithfield



**RESOLUTION**

**REVISIONS TO THE LAW ENFORCEMENT MUTUAL AID AGREEMENT - CHESAPEAKE,**

**HAMPTON, NEWPORT NEWS, NORFOLK, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH,**

**JAMES CITY COUNTY, WILLIAMSBURG, YORK COUNTY,**

**AND THE TOWN OF SMITHFIELD**

WHEREAS, the County of James City entered into a regional law enforcement Mutual Aid Agreement in 1990 with the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Suffolk; and

WHEREAS, the City of Williamsburg and County of York entered into the agreement in 1997; and

WHEREAS, the members of the Hampton Roads Chiefs Association met in the winter of 2002 and recommended that the agreement be updated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the revised Law Enforcement Mutual Aid Agreement.

7. Budget Amendment – Emergency Management/Fire

**RESOLUTION**

**BUDGET AMENDMENT - EMERGENCY MANAGEMENT/FIRE**

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

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

Revenue:

Department of Emergency Management	\$199,834
Department of Fire Programs	<u>2,800</u>
	<u>\$202,634</u>

Expenditures:

Office of Emergency Management	\$199,834
Fire Department	<u>2,800</u>
	<u>\$202,634</u>

8. Carry Forward of Funds – Bulletproof Vest Partnership Grant

**RESOLUTION**

**CARRY FORWARD FUNDS - BULLETPROOF VEST PARTNERSHIP GRANT**

WHEREAS, the Police Department applied for and received a grant from the Bulletproof Vest Partnership in the amount of \$6,930 in Fiscal Year 2003; and

WHEREAS, the Board of Supervisors approved a resolution for acceptance of the grant and the necessary matching funds on July 9, 2002; and

WHEREAS, the Police Department did not expend all grant funds by June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the remaining \$4,719.88 into the Special Projects/Grants Fund for the purpose of purchasing additional bulletproof vests for police officers.

9. Appropriation of Funds – Bulletproof Vest Partnership Grant

**RESOLUTION OF APPROPRIATION**

**BULLETPROOF VEST PARTNERSHIP GRANT**

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership program in the amount of \$4,357.07; and

WHEREAS, the grant is administered from October 1 through September 30.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund

Revenues:

From Federal Government \$4,357.07

Expenditures:

Bulletproof Vest Partnership – FY 04 \$4,357.07

10. Appropriation of Funds – Department of Motor Vehicles Mini-Grant

**RESOLUTION OF APPROPRIATION**

**DEPARTMENT OF MOTOR VEHICLES MINI-GRANTS**

WHEREAS, James City County has received four mini-grants from the Virginia Department of Motor Vehicles (DMV) in the amount of \$1,500 each for a total of \$6,000; and

WHEREAS, the mini-grants will provide overtime funds for DUI checkpoints and speed enforcement, as well as the purchase of bicycle safety equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grants and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

From Virginia Department of Motor Vehicles \$6,000

Expenditures:

Special Projects/Grants Fund \$6,000

11. Appropriation of Funds – Equipment Program Competitive Cooperative Sub-Grant

**RESOLUTION OF APPROPRIATION**

**EQUIPMENT PROGRAM COMPETITIVE COOPERATIVE SUB-GRANT**

WHEREAS, James City County has received a cooperative sub-grant from the Virginia Department of Emergency Management in the amount of \$249,998; and

WHEREAS, the cooperative grant will allow for the purchase of detection, monitoring, personal protection, and decontamination equipment for use in homeland defense activities; and

WHEREAS, the cooperative grant is for the Police and Fire Departments of the City of Williamsburg and the County of James City; and

WHEREAS, the cooperative grant will be coordinated by the James City County Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

From VA Dept. of Emergency Management                    \$249,998

Expenditures:

Special Projects/Grants Fund                                    \$249,998

12.     Budget Transfer – Beyond the Bell Program

**RESOLUTION**

**BUDGET TRANSFER - BEYOND THE BELL PROGRAM**

WHEREAS, the Board of Supervisors appropriated \$56,465 received in grant funds for the Beyond the Bell program; and

WHEREAS, a one-third local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the FY 04 Special Projects/Grants Fund:

Revenues:

Transfer from General Fund                    \$8,100

Expenditures:

Parks and Recreation                                    \$8,100

13.     Briarwood Park Easement and Maintenance Agreement

**RESOLUTION**

**BRIARWOOD PARK EASEMENT AND MAINTENANCE AGREEMENT**

WHEREAS, the Briarwood stormwater management pond has failed; and

WHEREAS, the Yarmouth Creek Watershed Management Plan recommends repair of this facility; and

WHEREAS, the County’s water quality program makes this type of stormwater-related repair in older developments; and

WHEREAS, the Briarwood Park Condominium Owner’s Association has executed the required agreement.

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

authorizes and directs the County Administrator to execute the attached easement and maintenance agreement on behalf of the County.

Mr. Harrison recognized Joe McCleary, Comprehensive Plan Steering Committee Chair, Peggy Wildman, Vice-Chair of the Comprehensive Plan Steering Committee, and Jack Tuttle, Williamsburg City Manager, in the audience.

## **H. PUBLIC HEARINGS**

### 1. *Vision for Our Future 2003 Comprehensive Plan*

Mr. Harrison commented that the process for the 2003 Comprehensive Plan was open and inclusive in receiving input from anyone and any group that wished to provide comments.

Mr. Joe McCleary, 2003 Comprehensive Plan Steering Committee Chair, stated that the opportunity to be heard on the update of the Comprehensive Plan was provided to everyone and taken advantage of by many; thanked staff for their efforts and assistance in the update of the Plan; and recommended the Board adopt the 2003 Comprehensive Plan.

Mr. Harrison opened the Public Hearing.

1. Mr. Jack Tuttle, Williamsburg City Manager, provided an update on VDOT's status of the Treyburn Drive extension, commented on the proposed language in the Plan regarding the Treyburn Drive extension, and stated that the City of Williamsburg is aware of concerns of the Chambrel residents and will work closely to ensure the project is user-friendly to Chambrel residents.

2. Mr. John Brenza, resident of Chambrel, voiced concerns regarding the proposed Treyburn Drive extension and desire to preserve the community character of Chambrel; requested the intersection of Ironbound Road and Monticello Avenue be addressed prior to the extension of Treyburn Drive, aesthetically pleasing barrier for Chambrel from Treyburn Drive, speed limit of 25 miles per hour on Treyburn Drive extension with sidewalks and lighting on either side; and requested the address of 3800 Treyburn Drive be preserved for Chambrel.

3. Mr. R. M. Hazelwood, Jr., 301 Old Stage Road, stated opposition to the zoning of land at Anderson's Corner as Low-Density Residential; and requested that the Primary Service Area boundary be amended to follow Leisure Road to include the three parcels of land that is currently just outside the PSA and that the three parcels be rezoned commercial, not agricultural, forestall, or residential.

4. Ms. Carolyn Lowe, 50 Summer East, stated support for the Planning Commission's vote to recommend adoption of the Plan that attempts to address growth and community development and recommended the Board adopt the Plan as it maintains the boundary of the Primary Service Area, encourages infill, and takes steps to protect the watersheds.

5. Ms. Caren Schumacher, Executive Director of the Williamsburg Land Conservancy, thanked the Board for opportunities throughout the update and reviews of the Comprehensive Plan to comment on the Plan and requested the Board approve the Plan.

6. Ms. Julie Leverenz, Historic Route 5 Association, requested the Board adopt the proposed Plan, stated support for the Vision Statement, preservation of the Primary Service Area, and solid infrastructure

that will keep the Plan moving forward.

7. Mr. Ed Oyer, 139 Indian Circle, stated opposition for rezonings to increase density, and opposition to increased development, which will add stress to the water supply.

8. Mr. Tony Dion, 102 Fairmount Drive, stated that he attended four of the Comprehensive Plan meetings, that residents voiced issues, encouraged the Board to adopt the Plan, and commented that he views the Plan, once adopted, as a binding document on County officials and staff.

9. Mr. Michael Kirby, 2712 Wingfield Close, ad hoc Vision Committee member, requested the Board adopt the Plan.

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

Mr. Harrison made a motion to adopt the Plan.

The Board commented on the appropriateness of the inclusion of citizen input during the update of the Plan, encouragement of citizens to remain involved, the value of community input, the Primary Service Area boundary not being expanded at this time although it could be expanded in the future, and that the County will work with the City of Williamsburg regarding the extension of Treyburn Drive.

Mr. Goodson made a motion to adopt the Plan and the amended Errata Sheet.

Mr. Goodson withdrew his motion.

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

## **RESOLUTION**

### **ADOPTION OF THE COMPREHENSIVE PLAN**

WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.2-2231 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and

WHEREAS, the James City County Planning Commission has reviewed the original Comprehensive Plan and determined it advisable to amend that plan; and

WHEREAS, amendments have been proposed for incorporation in the 2003 James City County Comprehensive Plan; and

WHEREAS, the James City County Planning Commission held a public hearing and recommended approval of the 2003 Comprehensive Plan on July 14, 2003; and

WHEREAS, a public hearing on the 2003 James City County Comprehensive Plan was held on August 12, 2003, by the Board of Supervisors; and

WHEREAS, the Board of Supervisors held four work sessions to discuss the Comprehensive Plan and Land Use Map.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the 2003 Comprehensive Plan and Land Use Map for James City County.

Mr. Harrison recessed the Board for a break at 8:12 p.m.

Mr. Harrison reconvened the Board at 8:21 p.m.

2. Case No. SUP-13-03. Old Capital Lodge

Ms. Karen Drake, Senior Planner, stated that Terry White applied on behalf of the Trustees of Old Capital Lodge No. 629 to amend the existing special use permit (SUP) to allow for a 2,400-square-foot, second-story expansion to the Old Capital Lodge, on approximately 2.72 acres, zoned R-8, Rural Residential, at 105 and 107 Howard Drive, further identified as Parcel Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).

Staff found the proposal compatible with the surrounding zoning and Comprehensive Plan Land Use Designation.

The Planning Commission voted 6-0 to approve the application at its meeting on July 14, 2003.

Staff recommended approval of the application with conditions.

Mr. Harrison opened the Public Hearing.

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

Mr. Harrison recognized Wilford Kale of the Planning Commission, in the audience.

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-13-03. OLD CAPITAL LODGE**

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, lodges, civic clubs, and fraternal organizations are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 14, 2003, recommended approval of Case No. SUP-13-03 by a vote of 6 to 0 to amend the existing special use permit conditions to allow the construction and expansion of the existing Old Capital Lodge No. 629 at 105 and 107 Howard Drive in Grove, further identified as Parcel Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).

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-13-03 as described herein with the following conditions:

1. The size of the of proposed expansion shall be limited to a two-story, 5,000-square-foot addition to the existing Old Capital Lodge that is approximately 2,562 square feet in size. The Development Review Committee shall approve any development plans for minor alternations to the site that do not require additional parking spaces.
2. If construction has not commenced on the property within 24 months of the issuance of the special use permit it shall become void. Construction shall be defined as the obtaining of any permits required for building construction of the two-story expansion.
3. An approved site plan is required for the proposed expansion of the Old Capital Lodge. Prior to final approval of the site plan for expansion, a subdivision plat shall be approved and recorded that extinguishes the property line between Parcels Nos. (1-43) and (1-44) on James City County Real Estate Tax Map No. (52-3).
4. All exterior light fixtures on the property shall be recessed fixture with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall occur outside the property lines.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. Z-3-03. Pocahontas Square

Ms. Sarah Weisiger, Planner, stated that Vernon M. Geddy, III, applied on behalf of the RML III Corporation of Virginia Beach to rezone approximately 14 acres located at 8814, 8838, and 8844 Pocahontas Trail, further identified as Parcel Nos. (1-4), (1-5A), and (1-5) on James City County Real Estate Tax Map No. (59-2) from a combination of LB, Limited Business, and R-8, Rural Residential, to R-5, Multifamily Residential with proffers.

Staff found the proposal to have a residential density consistent with the surrounding area and it would not negatively impact surrounding property, which is consistent with the housing policies of the Comprehensive Plan.

At its meeting on July 14, 2003, the Planning Commission voted 6-0 to recommend approval with the understanding that the applicant would change the proffer for a pedestrian trail from a soft surface to a paved surface trail (Proffer No. 11) and would address a discrepancy between a proffer and a note on the Master Plan regarding the timing of the removal of the underground storage tanks (Proffer No. 8).

Staff recommended approval of the rezoning and acceptance of the voluntary proffers.



Mr. Harrison opened the Public Hearing.

1. Mr. John Rogers, 8956 Pocahontas Trail, stated concern for the proposal without the extension of the turn lane as trucks will be coming downhill towards the blind spot entrance.

2. Mr. Vernon M. Geddy, III, Applicant, concurred with staff's recommendation and requested the Board approve the resolution.

Mr. McGlennon inquired about the anticipated costs of the Homeowners Association dues and assessments.

Mr. Geddy stated that it is too early to put a cost figure on the dues and maintenance fees.

Mr. McGlennon requested additional information regarding the blind spot at the entrance to the site.

Mr. Geddy stated that the Virginia Department of Transportation (VDOT) conducted a traffic study and the proffers are in accordance with VDOT's recommendations.

3. Mr. Ed Oyer, 139 Indian Circle, stated opposition to rezoning in the Roberts District again, requested the Board not compound an existing traffic problem, and consider the rezoning after Route 60 East is relocated.

As no one else wished to speak to this matter, 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. Z-3-03. POCAHONTAS SQUARE**

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-3-03, for rezoning 14 acres from LB, Limited Business, and R-8, Rural Residential, to R-5, Multifamily Residential; and

WHEREAS, the Planning Commission of James City County, following its public hearing on July 14, 2003, recommended approval of Case No. Z-3-03, by a vote of 6 to 0; and

WHEREAS, the properties are located at 8814, 8838, and 8844 Pocahontas Trail and further identified as Parcel Nos. (1-4), (1-5), and (1-5A) 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 Case No. Z-3-03 and accept the voluntary proffers.

4. Case No. Z-4-03. Minichiello Rezoning - 3840 Ironbound Road

Mr. David Anderson, Planner, stated that Vernon M. Geddy, III, applied on behalf of VMF2, L.L.C., to rezone 2.63 acres at 3840 Ironbound Road, further identified as Parcel No. (1-23) on James City County Real Estate Tax Map No. (38-3) from R-8, Rural Residential, to R-2, General Residential, with proffers.

Staff found the proposed zoning designation, density, and use to be consistent with the surrounding Meadows II subdivision.

At its meeting on July 14, 2003, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended approval of the application with proffers.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, Applicant, provided an overview of the application and requested the Board approve the application.

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

Mr. Harrison made a motion to approve the application.

Mr. Kennedy stated that although the Commonwealth's Attorney deemed no conflict of interest in his participation in a vote on this matter, to avoid an appearance of a conflict of interest, he would abstain from voting on this matter.

Mr. Goodson stated support for the proposal and its benefit for future use.

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

## **RESOLUTION**

### **CASE NO. Z-4-03. MINICHELLO REZONING - 3840 IRONBOUND ROAD**

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-4-03 for rezoning 2.63 acres from R-8, Rural Residential, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on July 14, 2003, recommended approval of Case No. Z-4-03, by a vote of 7 to 0; and

WHEREAS, the property is located at 3840 Ironbound Road and further identified as Parcel No. (1-23) on James City County Real Estate Tax Map No. (38-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-4-03 and accept the voluntary proffers.

5. Conveyance of Easement to the James City Service Authority

Mr. Larry M. Foster, General Manager of the James City Service Authority, stated that to minimize

the construction impacts of the concentrate line for the Groundwater Treatment Facility, directional drilling methods will be used. The concentrate line will cross two parcels of property owned by James City County and a transfer of easements to the James City Service Authority is recommended for the concentrate line.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon 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**

### **CONVEYANCE OF EASEMENT TO THE JAMES CITY SERVICE AUTHORITY**

WHEREAS, James City County owns two parcels of land near Powhatan Creek designated as Parcel Nos. (1-21) and (1-33) on James City County Real Estate Tax Map No. (46-2), (the "Properties"); and

WHEREAS, the James City Service Authority (JCSA) needs a twenty-foot permanent and other temporary construction easements across the Properties in order to construct a concentrate discharge line as part of the groundwater treatment plant project; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey permanent and temporary construction easements to the JCSA for the concentrate discharge line.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deeds or other documents necessary to convey permanent and temporary construction easements across the above-referenced Properties to the JCSA, without consideration.

#### 6. Case No. SUP-14-03. JCSA Five Forks Water Treatment Facility Concentrate Main

Mr. Christopher Johnson, Senior Planner, stated that Larry Foster, General Manager of the James City Service Authority, submitted an application to amend the conditions of Case No. SUP-3-03 to eliminate the greenway trail condition.

At its meeting on July 14, 2003, the Planning Commission voted 6-0 to approve the application.

Staff recommended approval of the application.

Mr. Harrison opened the Public Hearing.

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

Mr. Kennedy 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-14-03. JAMES CITY SERVICE AUTHORITY FIVE FORKS WATER**

**TREATMENT FACILITY CONCENTRATE MAIN**

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-3-03 by deleting the greenway trail condition; and

WHEREAS, the property is located at 1821 Jamestown Road, zoned R-8, Rural Residential District, and LB, Limited Business, and further identified as Parcel No. (1-24) 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 July 14, 2003, voted 6 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-14-03 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.
14. 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.

15. 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.
16. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
17. Construction Time. 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.
18. Vehicle and Equipment Storage. 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.
19. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

7. Conveyance of Utility Easement – Dominion Virginia Power

Mr. Larry M. Foster, General Manager of the James City Service Authority, stated that the James City Service Authority is in the process of building a new sewerage pumping station and that since the pumping station is larger than the existing station, Virginia Dominion Power has requested an easement to install the new electrical service for the station.

Staff recommended the Board approve the resolution authorizing the County Administrator to sign the appropriate documents to transfer the easement to Dominion Virginia Power.

Mr. Harrison opened the Public Hearing.

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

Mr. Brown 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**

**CONVEYANCE OF UTILITY EASEMENT - DOMINION VIRGINIA POWER**

WHEREAS, James City County owns 13.072± acres of land commonly known as 3950 John Tyler Highway (the “Property”) and designated as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the James City Service Authority is constructing a new sewer pump station on adjacent property and needs upgraded electrical service from Dominion Virginia Power; and

WHEREAS, Dominion Virginia Power needs a utility easement across the County-owned property in order

to provide electrical service to the new pump station; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a 15-foot-wide utility easement across the Property to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents necessary to convey a 15-foot-wide utility easement to Dominion Virginia Power, without consideration.

8. Deed of Exchange for Williamsburg Community Chapel

Ms. Tamara A. M. Rosario, Senior Planner, stated that Craig Covey has requested, on behalf of Williamsburg Community Chapel, that James City County release the County's conservation easement on a portion of adjacent property so the Chapel can construct a private drive to alleviate traffic concerns. In exchange, the Chapel proposes to convey conservation easements of greater quantity and equivalent value in Powhatan Secondary and at the rear of the Chapel site. It will also reconfigure the entrance at Route 5 to a right in/right out only.

Staff stated support for the proposal due to the public benefit, and the improved traffic flow and safety.

Staff recommended the Board adopt the resolution.

Mr. McGlennon inquired about the width of the roadway.

Ms. Rosario stated that the roadway width is 26 feet, including two lanes and a sidewalk.

Mr. Harrison opened the Public Hearing.

1. Mr. Craig Covey, Applicant, requested approval of the proposed project.

Mr. McGlennon inquired if the site being donated by the Chapel is for other use.

Mr. Covey stated that the site is being donated as open space, but not as a conservation easement.

Mr. McGlennon inquired about enhanced buffers.

Mr. Covey stated that enhanced buffers are part of the proposal.

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

Mr. McGlennon made a motion to pass the resolution.

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

**RESOLUTION**

**EXCHANGE OF NATURAL OPEN SPACE EASEMENT**

**WITH THE WILLIAMSBURG COMMUNITY CHAPEL**

WHEREAS, James City County owns a natural open space easement over 19.375± acres of land commonly known as 3851 John Tyler Highway and designated as Parcel No. (1-2c) on James City County Real Estate Tax Map (46-1) (“Existing Easement”); and

WHEREAS, the Williamsburg Community Chapel wants to construct an access road to improve traffic flow across a 50-foot wide strip of the County’s Existing Easement; and

WHEREAS, the County is willing to exchange 0.651± acres of the Existing Easement for 7.3134± acres of Natural Open Space Easement over land along Monticello Avenue and designated as Parcel Nos. (1-2) and (1-8) on James City County Real Estate Tax Map No. (37-4) and Parcel No. (1-9) on James City County Real Estate Tax Map No. (38-3) (“New Easement”); and

WHEREAS, upon construction of the new road across the Existing Easement, the Williamsburg Community Chapel will change its existing entrance on John Tyler Highway to a right-in/right-out entrance; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to exchange 0.651± acres of the Existing Easement for 7.3134± acres of the New Easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute such agreement, deed, and other documents necessary to exchange 0.651± acres of the Existing Easement for 7.3134± acres of the New Easement under the terms and conditions identified herein.

9. Abandonment of a Portion of the Right-of-Way for Six Mount Zion Road

Mr. Leo P. Rogers, Deputy County Attorney, stated that a new alignment of Six Mount Zion Road has been constructed to eliminate a sharp curve and will serve the same citizens as the old road. The old right-of-way for Six Mount Zion Road is no longer needed for the traveling public and recommended the Board adopt the resolution abandoning the old right-of-way.

Mr. Harrison opened the Public Hearing.

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

Mr. Kennedy 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**

**ADDITIONS AND ABANDONMENT FOR STATE ROUTE 600, SIX MOUNT ZION ROAD**

WHEREAS, Figure 1 attached, and incorporated fully herein depicts changes to the secondary system of State highways as a result of reconstruction and relocation of a portion of State Route 600, Six Mount Zion Road, north and south of Interstate Route 64, done in conjunction with the



Stonehouse Development and accomplished pursuant to a land-use permit issued by the Virginia Department of Transportation (VDOT).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby orders Segment AB of the old alignment of State Route 600 abandoned pursuant to §33.1-155, Code of Virginia, a length of 0.72 miles, the points of which are located as follows:

- Point A: 0.40 miles north of the intersection of Route 600 with Route 746.
- Point B: 0.86 miles south of the intersection of Route 600 with Route 606.

BE IT FURTHER RESOLVED, this Board requests VDOT to accept for maintenance the corresponding new portions of roadway as part of the secondary system of State highways, identified as Segment BC, a length of 0.63 miles and Segment CA, a length of 0.06 miles, the end points of which are located as follows:

- Point A: 0.40 miles north of the intersection of Route 600 with Route 746.
- Point B: 0.86 miles south of the intersection of Route 600 with Route 606.
- Point C: 1.49 miles south of the intersection of Route 600 with Route 606.

BE IT FURTHER RESOLVED that the Board hereby requests the Virginia Department of Transportation to abandon and 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, this Board hereby guarantees all that right -of-way associated with this new road not already owned by VDOT to be clear and unencumbered, including any necessary easements for cuts, fills, and drainage, which right-of-way is depicted in the County's land records in Plat Book 90, pages 16 through 19, Document No. 030010861 and recorded April 10, 2003.

## **I. BOARD CONSIDERATION**

### **1. Award of Contract – 800-MHz Trunked Radio System**

Mr. Richard Miller, Fire Chief, and Mr. Wanner introduced staff in attendance from York County and James City County.

Chief Miller provided the Board with an overview of the proposed 800-MHz trunked radio system and the regional benefits, and requested the Board approve the resolution authorizing the County Administrator to enter into a contract with Motorola and York County for the design and implementation of a regional 800-MHz trunked radio system.

The Board and staff discussed the anticipated lifetime of the proposed radio system, the ability of the system to be updated with new technology, anticipated completion date, the status of the proposed tower sites, anticipated costs for equipment and technology adaptations, funding sources, compatibility with jurisdictions not yet participating in the 800-MHz system, flexibility for surrounding jurisdictions to take advantage of system and upgrade.

Mr. Harrison 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**

**AWARD OF CONTRACT - 800-MHZ TRUNKED RADIO SYSTEM**

WHEREAS, the Board of Supervisors of James City County has authorized participation in a regional 800-MHz radio system with York County; and

WHEREAS, the Board of Supervisors of James City County has directed the radio system be compatible with surrounding Hampton Roads jurisdictions and be compatible with future 700-MHz radio systems; and

WHEREAS, James City County and York County jointly sought qualified vendors to submit proposals for competitive negotiation for the purchase, construction, and implementation of a regional 800-MHz radio system; and

WHEREAS, one of two qualified vendors submitted a proposal for competitive negotiation with the Joint County Negotiation Team.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with Motorola Corporation and York County in the amount of \$11,265,793 for James City County's share of the total radio system contract.

**J. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated concern that Economic Development is advertising low wages in the County which may discourage industries from locating here, and commented on a recent Letter to the Editor in the Daily Press regarding the Hampton Roads Bridge Tunnel.

**K. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended that the Board recess while the James City Service Authority Board of Directors held a brief meeting, and then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider personnel matters, the appointments of individuals to County Boards and/or Commissions.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated that the 2003 Cal Ripken Baseball World Series was successful and commended the staff for keeping the field operating despite the weather conditions, the organizers and supporters of the event, and the kids that played.

Mr. Harrison commended all involved in the Cal Ripken event and stated that there was a lot of positive feedback on the County's attractions.

Mr. Goodson stated that the County Fair was soggy, yet enjoyable, and thanked those that participated.

Mr. Kennedy thanked the volunteers of the County Fair for their work.

Mr. Kennedy stated that on August 26 at 7 p.m., there would be a town meeting regarding the paving of Racefield Drive and on August 21 there would be Kristiansand town meeting.

Mr. McGlennon stated that the participants and attendees of the Cal Ripken event had a good time and the grounds crew did an incredible job at keeping the fields playable despite the weather conditions, and that others also commented on the facilities.

Mr. William C. Porter, Assistant County Administrator, thanked the staff that performed double-duty in working at the County Fair and the Cal Ripken event.

The Board recessed at 9:42 p.m. for a meeting of the James City Service Authority Board of Directors.

At 9:44 p.m. Mr. Harrison called the Board back into session.

#### **M. CLOSED SESSION**

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

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

At 9:44 p.m. Mr. Harrison convened the Board into Closed Session.

At 9:57 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)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. Goodson made a motion to appoint Dr. Steven Murphy to an unexpired term on the Cable Communications Advisory Committee, term to expire on June 13, 2004; to appoint Johnny Shackley and David Dingell to three-year terms on the Clean County Commission, terms to expire on August 31, 2006; to reappoint G. Curtis Gaul, David Kent, Frances Hamilton, Carol Mathews, and Martha Hamilton-Phillips to four-year terms on the Historical Commission, terms to expire on August 31, 2007; to reappoint Robert Dunn to a three-year term on the Peninsula Agency on Aging, term to expire on September 30, 2006; to reappoint Anthony Conyers, Jr. to a one-year term on the Williamsburg Area Medical Assistance Corporation (WAMAC), term to expire on August 31, 2004; and to appoint Rebecca Cristol to a three-year term on the Williamsburg Arts Commission, term to expire on August 31, 2006.

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

**N. ADJOURNMENT**

Mr. Harrison made a motion to adjourn until September 9, 2003.

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

At 10:58 p.m. Mr. Harrison adjourned the Board.

---

Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Appointment of Alternate to Virginia Peninsula Public Service Authority Board

---

The County Administrator is appointed as the County's representative on the Virginia Peninsula Public Service Authority (VPPSA) Board of Directors and it is permissible to have an alternate in the event the representative is unable to attend the VPPSA meetings.

I recommend the Board adopt the attached resolution appointing John T. P. Horne as the alternate to the VPPSA Board.

---

Sanford B. Wanner

SBW/gs  
VPPSAappt.mem

Attachment

**RESOLUTION**

**APPOINTMENT OF ALTERNATE TO VIRGINIA PENINSULA**

**PUBLIC SERVICE AUTHORITY BOARD**

WHEREAS, the County Administrator is appointed as the County's representative on the Virginia Peninsula Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, there are occasions that the representative is unable to attend VPPSA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that John T. P. Horne is appointed as the County's alternate to the VPPSA Board.

---

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 9th day of September, 2003.

VPPSA03.res

## MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Wexford Hills

---

On August 12, 2003, the Board adopted a resolution dedicating the streets in Wexford Hills subdivision to the Virginia Department of Transportation (VDOT) for acceptance into the State Secondary Road System. Upon receipt of the resolution, VDOT stated that a one-year performance guarantee must be provided by the County before the road can be accepted into the system. Normally, this guarantee is given by the private sector developer who constructed the road. However, in this instance, the roads were completed by the County utilizing the developer's performance surety.

The attached resolution contains the required performance guarantee from the County for the streets in Wexford Hills in the amount of \$16,500. The surety amount is computed by VDOT based on the length of the roads. It is not required that the County actually post a surety instrument; the statement in the resolution is sufficient to allow for the dedication to proceed. The \$16,500 amount represents the extent of the County's obligation in this matter in the event that repairs are necessary at the end of the one-year warranty period.

Staff recommends the Board adopt the attached resolution.

---

Darryl E. Cook

DEC/gb  
wexfordhills.mem

Attachment

**RESOLUTION**

**DEDICATION OF STREETS IN WEXFORD HILLS**

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.

WHEREAS, the County guarantees the necessary surety amount of \$16,500 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the streets and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the streets are 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 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, this Board hereby rescinds the resolution adopted August 12, 2003, requesting dedication of these same streets into the Secondary System of State Highways.

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

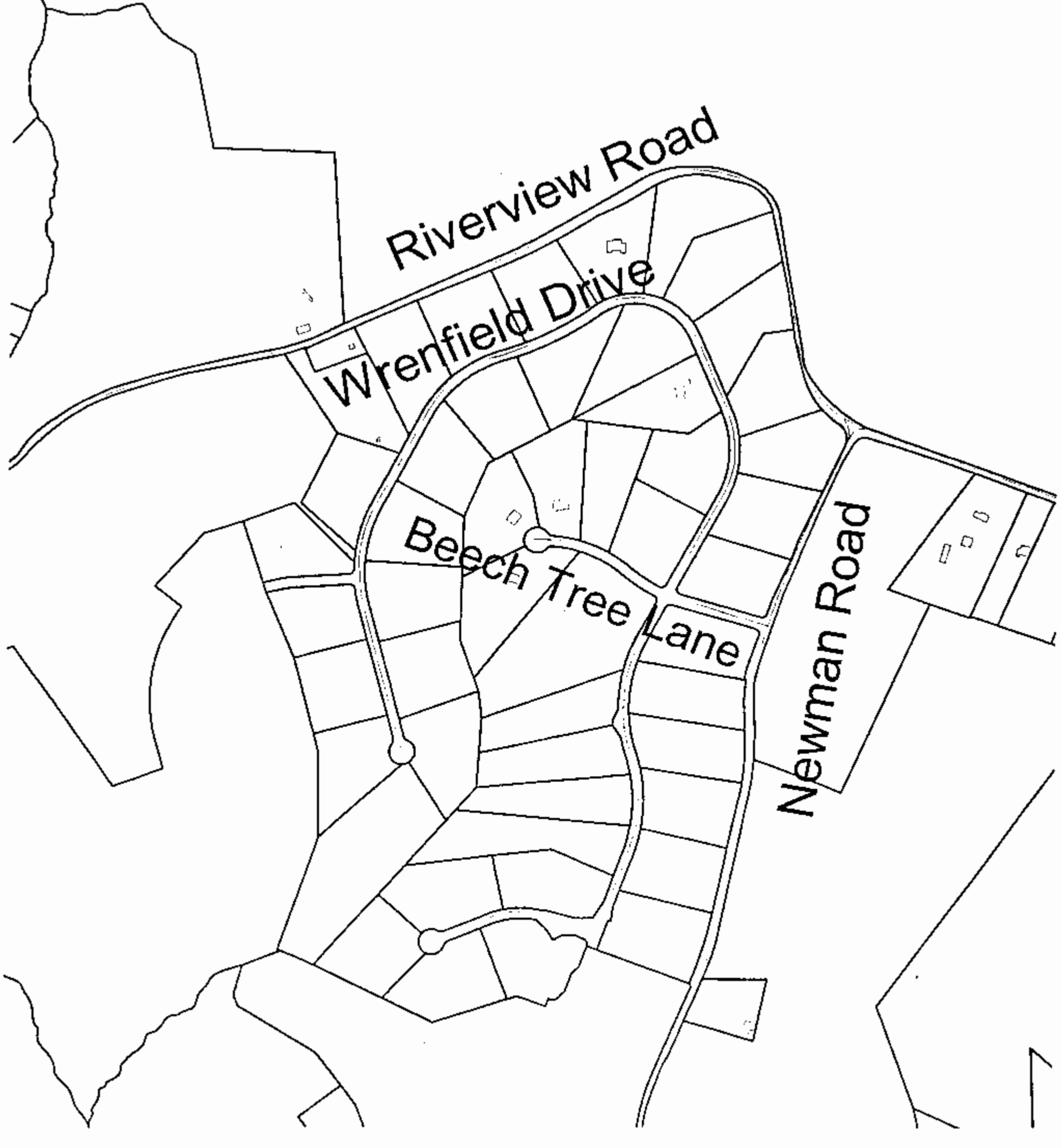
ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

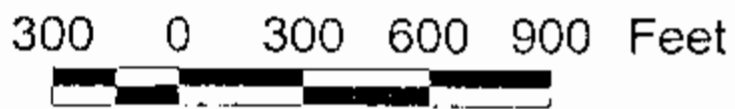
wexfordhills.res





# DEDICATION OF STREETS IN WEXFORD HILLS

 Streets Being Dedicated



# In the County of James City

By resolution of the governing body adopted September 9, 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

**Wexford Hills**

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

#### **Beech Tree Lane, State Route Number 1671**

*Description: From:* Rt 646, Newman Road

*To:* Rt 1672, Wrenfield Drive

A distance of: 0.09 miles.

*Right of Way Record:* Filed with the Land Records Office on 7/19/1993, Plat Book 57, Page 91, with a width of 60'  
And Plat Book 63, page 39, 12/18/95

*Description: From:* Rt 1672, Wrenfield Drive

*To:* End of cul-de-sac

A distance of: 0.11 miles.

*Right of Way Record:* Filed with the Land Records Office on 7/19/1993, Plat Book 57, Page 91, with a width of 50'  
And Plat Book 63, page 39, 12/18/95

#### **Wrenfield Drive, State Route Number 1672**

*Description: From:* Rt 1671, Beech Tree Lane

*To:* End of cul-de-sac

A distance of: 0.86 miles.

*Right of Way Record:* Filed with the Land Records Office on 12/18/1995, Plat Book 63, Page 39, with a width of 50'  
And Plat Book 61, page 39, 4/3/9

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Red Oak Landing Road and Raleigh Street

---

Attached is a resolution requesting acceptance of Red Oak Landing Road and Raleigh Street into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

A one-year performance guarantee must be provided before the roads can be accepted into the system. Normally, this guarantee is given by the private sector developer who constructed the roads. However, in this instance, the roads were completed by the County using Road Improvement CIP funds.

The attached resolution contains the required performance guarantee from the County for the two streets in the amount of \$3,750. The surety amount is computed by VDOT based on the length of the roads. It is not required that the County actually post a surety instrument; the statement in the resolution is sufficient to allow for the dedication to proceed. The \$3,750 amount represents the extent of the County's obligation in this matter in the event that repairs are necessary at the end of the one-year warranty period.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

DEC/gb  
redoaklanding.mem

Attachment

**RESOLUTION**

**DEDICATION OF RED OAK LANDING ROAD AND RALEIGH STREET**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on a plat 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 guarantees the necessary surety amount of \$3,750 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the streets and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the streets are 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 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.

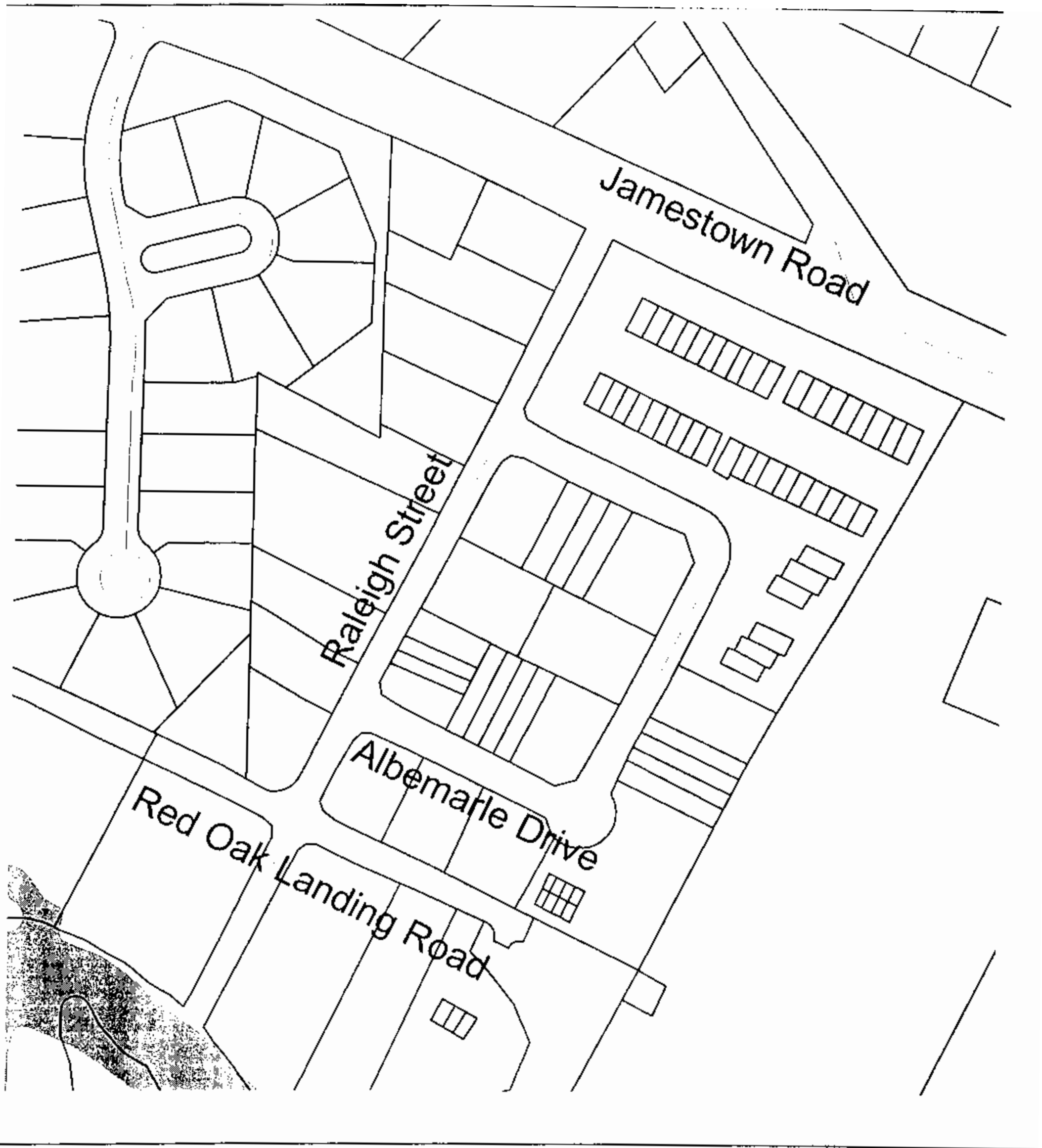
\_\_\_\_\_  
Jay T. Harrison, Sr.  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

redoaklanding.res



# DEDICATION OF RED OAK LANDING ROAD AND RALEIGH STREET

Streets Being Dedicated



# In the County of James City

By resolution of the governing body adopted September 09, 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

**Red Oak Landing**

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

#### **Raleigh Street, State Route Number 728**

*Description: From:* Rt 729, Albermarle Drive

*To:* Rt 1686, Red Oak Landing Road

A distance of: 0.03 miles.

*Right of Way Record:* Filed with the Land Records Office on 7/8/2003, Plat Book 91, Pg 28, with a width of 40'

#### **Red Oak Landing Road (East), State Route Number 1686**

*Description: From:* Rt 728, Raleigh Street

*To:* Turn Around

A distance of: 0.07 miles.

*Right of Way Record:* Filed with the Land Records Office on 7/8/2003, Plat Book 91, Pg 28, with a width of 40'

#### **Red Oak Landing Road (West), State Route Number 1686**

*Description: From:* Rt 728, Raleigh Street

*To:* Turn Around

A distance of: 0.05 miles.

*Right of Way Record:* Filed with the Land Records Office on 7/8/2003, Plat Book 91, Pg 28, with a width of 40'

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of a Street in Temple Hall Estates

---

Attached is a resolution requesting acceptance of a certain street in Temple Hall Estates into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

A one-year performance guarantee must be provided before the road can be accepted into the system. Normally, this guarantee is given by the private sector developer who constructed the road. However, in this instance, the road was completed by the County using Road Improvement CIP funds.

The attached resolution contains the required performance guarantee from the County for Joanne Court in the amount of \$3,750. The surety amount is computed by VDOT based on the length of the road. It is not required that the County actually post a surety instrument; the statement in the resolution is sufficient to allow for the dedication to proceed. The \$3,750 amount represents the extent of the County's obligation in this matter in the event that repairs are necessary at the end of the one-year warranty period.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

DEC/gb  
dedofstrtemple.mem

Attachment

**RESOLUTION**

**DEDICATION OF A STREET IN TEMPLE HALL ESTATES**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on a plat 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 \$3,750 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 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.

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

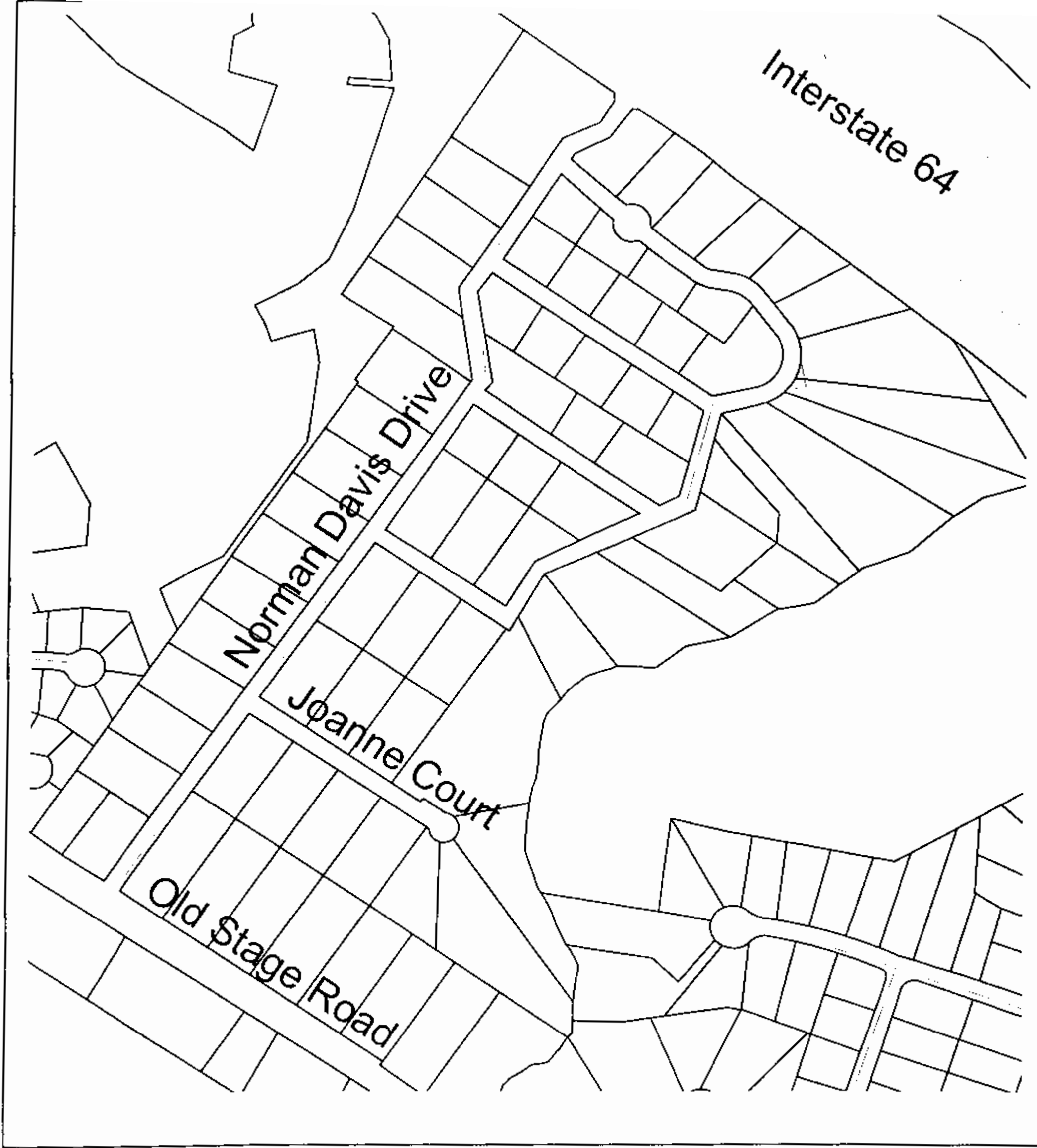
ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

dedofstrtemple.res





# DEDICATION OF STREET IN TEMPLE HALL ESTATES

Street Being  
Dedicated

200 0 200 400 600 Feet



# In the County of James City

By resolution of the governing body adopted September 9, 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

**Joanne Court**

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

**Joanne Court, State Route Number 1579**

*Description:* **From:** Rt 756, Norman Davis Drive

**To:** End of cul-de-sac

A distance of: 0.11 miles.

*Right of Way Record:* Filed with the Land Records Office on 4/2/2003, Plat Book 90, Page 5, with a width of 50'

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Office of Emergency Medical Services Grant Award

---

James City County has been awarded a grant from the Virginia Office of Emergency Medical Services to upgrade equipment to provide for the temperature control of medical fluids.

Matching funds in the amount of \$3,000 are required for the grants and are available in the Donation Trust Fund.

Staff recommends adoption of the attached resolution.

---

Richard M. Miller

RMM/gs  
EMSambul.mem

Attachment

**RESOLUTION**

**OFFICE OF EMERGENCY MEDICAL SERVICES GRANT AWARD**

WHEREAS, the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services has approved a Rescue Squad Assistance Grant providing \$3,000 to the Fire Department for medical fluid temperature control equipment for fire apparatus; and

WHEREAS, local matching funds of \$3,000 are available in the Donation Trust Fund.

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

Revenue:

Transfer from Donation Trust Fund	\$3,000
Office of Emergency Medical Services	<u>3,000</u>
Total	<u>\$6,000</u>

Expenditure:

EMS Medical Equipment - FY 04	<u>\$6,000</u>
-------------------------------	----------------

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

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

EMSambul.res

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Award of Contract - Ambulance Replacement

---

The FY 2004 Capital Improvement Budget for the purchase of a replacement ambulance was approved by the Board of Supervisors in the amount of \$125,000. The Fire Department will be exercising a provision of a bid awarded by the Board of Supervisors in May 2002 to Performance Speciality Vehicles, LLC, that included a contract extension provision to provide for the future purchase of ambulances through year 2006.

The Fire Department and Purchasing staff reviewed the contract extension offer and determined Performance Speciality Vehicles, LLC, continues to meet our performance requirements.

Staff recommends approval of the attached resolution.

---

Richard M. Miller

RMM/gs  
ambulcontr.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT - AMBULANCE REPLACEMENT**

WHEREAS, funds are available in the Capital Improvement Program budget for the purchase of a replacement ambulance; and

WHEREAS, bids for the purchase of the ambulance were received on April 15, 2002, with Performance Specialty Vehicles, LLC, submitting a responsive bid of \$119,461; and

WHEREAS, the bid included a contract extension provision for future purchases through calendar year 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Performance Specialty Vehicles, LLC, in the amount of \$124,355.14.

\_\_\_\_\_  
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 9th day of September, 2003.

ambulcontr.mem

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: David A. Daigneault, Chief of Police  
SUBJECT: Appropriation of Funds - Department of Criminal Justice Services, One Time Special Request Fund Grant

---

The Department of Criminal Justice Services has advised that James City County's application for the One Time Special Request Fund Grant of \$1,870 has been approved. The funds will be used to acquire hitched bike racks for the Community Services Officers. The required matching funds of \$467 are available in the Police Department budget.

Staff recommends the attached resolution to accept the grant and appropriate funds to the Special Projects/Grant Fund be adopted.

---

David A. Daigneault

DAD/gs  
CJSgrant.mem

Attachment

**RESOLUTION**

**APPROPRIATION OF FUNDS - DEPARTMENT OF CRIMINAL JUSTICE SERVICES,**

**ONE TIME SPECIAL REQUEST FUND GRANT**

WHEREAS, James City County has received a One Time Special Request Fund Grant from the Department of Criminal Justice Services in the amount of \$1,870; and

WHEREAS, the grant will allow for the purchase of hitched bike racks for the Community Services Unit Bike Patrol Officers; and

WHEREAS, local matching funds of \$467 are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

**Revenues:**

Department of Criminal Justice Services	\$1,403
Police Department Budget	<u>467</u>
	<u>\$1,870</u>

**Expenditure:**

Department of Criminal Justice Services	
One Time Special Request Fund Grant	<u>\$1,870</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 9th day of September, 2003.

CJSgrant.res



MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: David A. Daigneault, Chief of Police  
SUBJECT: Appropriation of Funds - U.S. Bureau of Justice Assistance Block Grant

---

The Bureau of Justice Assistance has advised that James City County's application for the 2003 Local Law Enforcement Block Grant in the amount of \$14,529 has been approved. The funds will be used to acquire law enforcement equipment, technology, and training. The required matching funds of \$1,614 are available in the Police Department budget.

Staff recommends the attached resolution to accept the grant and appropriate funds to the Special Projects/Grants Fund be adopted.

---

David A. Daigneault

DAD/gs  
BJAgrant.mem

Attachment

**RESOLUTION**

**APPROPRIATION OF FUNDS - U.S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT**

WHEREAS, James City County has received a Local Law Enforcement Block Grant from the Bureau of Justice Assistance in the amount of \$14,529; and

WHEREAS, the grant will allow for purchase of law enforcement training, technology, and equipment; and

WHEREAS, local matching funds of \$1,614 are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

Bureau of Justice Assistance	\$14,529
Police Department Budget	<u>1,614</u>
	<u>\$16,143</u>

Expenditure:

Bureau of Justice Assistance	
Local Law Enforcement Block Grant	<u>\$16,143</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 9th day of September, 2003.

BJAgrant.res

MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: Needham S. Cheely, III, CLP, Director of Parks and Recreation  
SUBJECT: Chesapeake Bay Gateways Network Grant

---

The National Park Service Chesapeake Bay Program Office has awarded James City County's Division of Parks and Recreation a \$51,200 Chesapeake Bay Gateways Network Grant.

The purpose of the 50/50 matching grant is to assist with the cost of site improvements and interpretive materials for the Chickahominy Riverfront Park. The Park was accepted into the Gateways Network program in May due to the significance that the Park and its surrounding waters have to the Chesapeake Bay. The grant work will include the refurbishing of an existing boat ramp complemented with a new drainage system and vegetative plantings, a new floating pier, and an interpretive kiosk and signs at various points of interest in the Park. Funds awarded will be matched with monies from the Chickahominy Riverfront Park's CIP account for the project that has an estimated cost of \$108,000.

When the project is complete, the County will receive a \$51,200 reimbursement from the Chesapeake Bay Gateways Network.

Staff recommends approval of the attached resolution to accept the \$51,200 grant for the Chickahominy Riverfront Park and to appropriate the funds as described above.

---

Needham S. Cheely, III, CLP

CONCUR:

---

Anthony Conyers, Jr.

NSC/gs  
chickgrant.mem

Attachment

**RESOLUTION**

**CHESAPEAKE BAY GATEWAYS NETWORK GRANT**

WHEREAS, the Chesapeake Bay Gateways Network, in cooperation with the National Park Service's Chesapeake Bay Program Office, has made 50/50 matching funds available for the development of gateway sites; and

WHEREAS, funds are needed to make site improvements to include refurbishing an existing boat ramp, regrading and adding vegetative plantings, constructing a floating pier, and creating a kiosk and interpretive signs at James City County's Chickahominy Riverfront Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$51,200 grant awarded by the Chesapeake Bay Gateways Network as funded by the National Park Service to help with the improvements at the Chickahominy Riverfront Park.

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

Revenues:

Chesapeake Bay Gateways Grant - CRFP	<u>\$51,200</u>
--------------------------------------	-----------------

Expenditures:

Chickahominy Riverfront Park	<u>\$51,200</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 9th day of September, 2003.

chickgrant.res

## MEMORANDUM

DATE: September 9 , 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 - G. Baxter Stanton, Barry L. Hale, Richard F. Scott, and David R. Baldwin

---

Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves the removal of trees and other vegetation from areas identified as a Resource Protection Area (RPA). The unauthorized removal of vegetation from within RPA components occurred during the harvesting of timber (silvicultural activities) on the property. The overall plan for the harvesting of timber on this property was initially authorized by the Department of Forestry. Following the discovery of the unauthorized removal of vegetation within the RPA buffer, the Department of Forestry referred this matter to the County for enforcement under the County's Chesapeake Bay Preservation Ordinance.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted a restoration plan, and have agreed to a three-year monitoring plan to ensure the successful restoration of the impacted areas on their property. The owners have also provided surety to guarantee the implementation and success of the approved restoration plan.

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 \$5,000 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/gb  
civilcharge.mem

Attachment

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

**G. BAXTER STANTON, BARRY L. HALE, RICHARD F. SCOTT, AND DAVID R. BALDWIN**

WHEREAS, G. Baxter Stanton, Barry L. Hale, Richard F. Scott, and David R. Baldwin are the owners (“Owners”) of a certain parcel of land, commonly known as 278 Ivy Hill Road, designated as Parcel No. (1-13) on James City County Real Estate Tax Map No. (11-3), hereinafter referred to as the (“Property”); and

WHEREAS, on or about April 24, 2003, trees and understory vegetation were removed from the Resource Protection Area (RPA) on the Property; and

WHEREAS, the Owners agreed to a Restoration Plan to replant 600 seedlings per acre on the Property, within areas of the RPA buffer impacted by the silvicultural activities, in order to remedy the violation under the County’s Chesapeake Bay Preservation Ordinance and the Owners have provided surety to the County to guarantee the completion of the restoration for the RPA on the Property; and

WHEREAS, the Owners have agreed to pay \$5,000 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 \$5,000 civil charge from the Owners as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

---

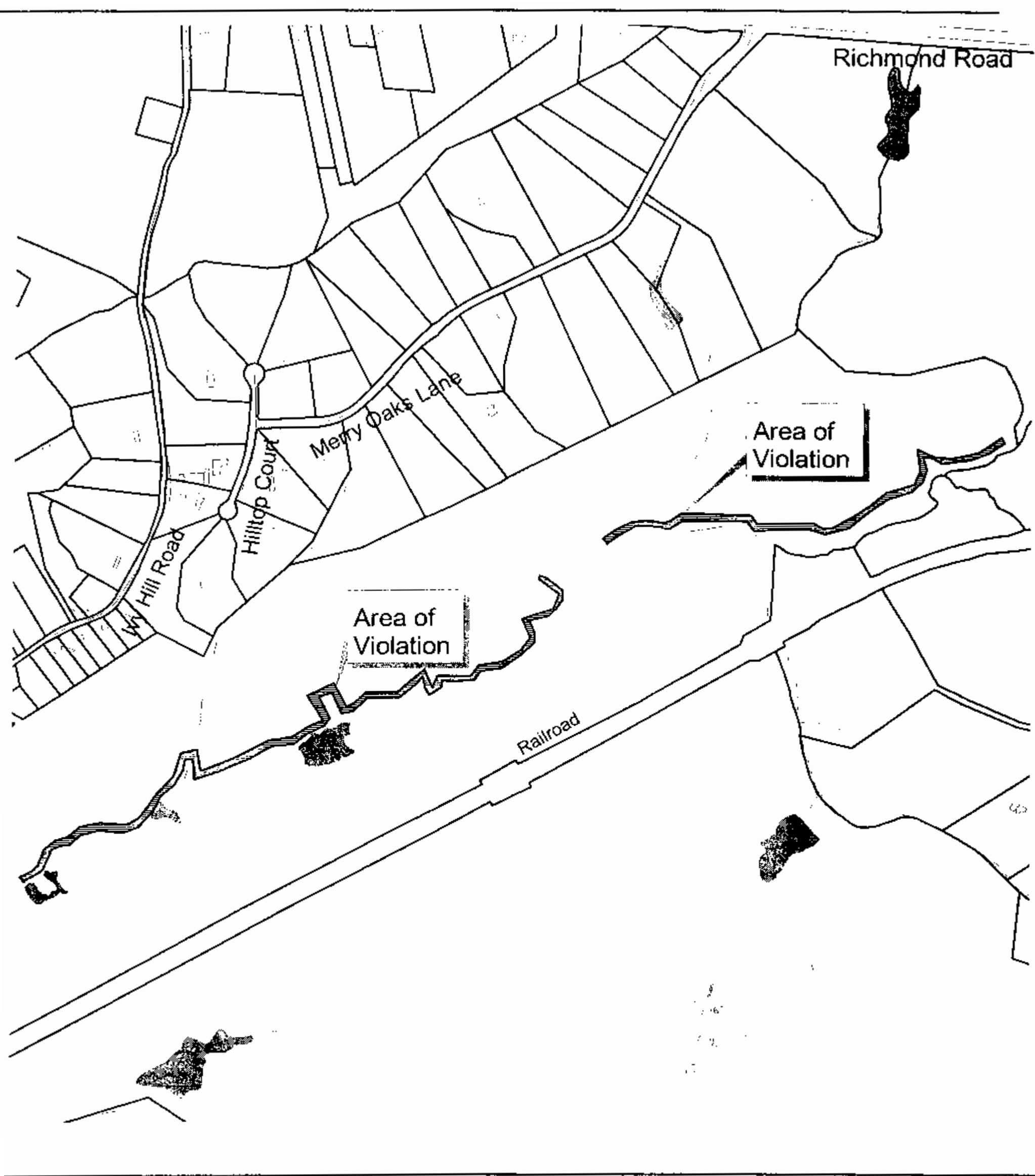
Jay T. Harrison, Sr.  
Chairman, Board of Supervisors

ATTEST:

---

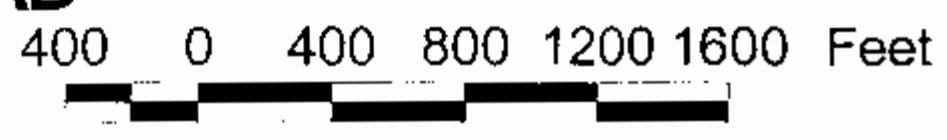
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.



# CHESAPEAKE BAY ORDINANCE VIOLATION

## 278 IVY HILL ROAD



MEMORANDUM

DATE: September 9, 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 - Denton and Elsie Woodward

---

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 owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and have guaranteed the implementation of the approved landscape plan to restore the impacted areas on their property through the building permit and certificate of occupancy issuance process.

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 owners. Staff and the property owners agreed to the recommended civil charge of \$3,000 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/adw  
woodward.mem

Attachment



**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -**

**CIVIL CHARGE - DENTON AND ELSIE WOODWARD**

- WHEREAS, Denton and Elsie Woodward are the owners of a certain parcel of land, commonly known as 5224 Ivey Lane, designated as Parcel No. (2-5) on James City County Real Estate Tax Map No. (8-30); hereinafter referred to as the ("Property"); and
- WHEREAS, on or about May 30, 2003, understory vegetation consisting of 63 trees and shrubs were removed from the Resource Protection Area on the Property; and
- WHEREAS, Denton and Elsie Woodward agreed to a Restoration Plan to replant 140 trees and shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Denton and Elsie Woodward have agreed to pay \$3,000 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 \$3,000 civil charge from Denton and Elsie Woodward 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

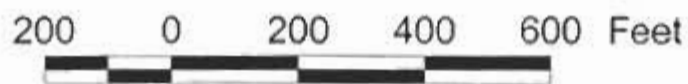
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

woodward.res



# CHESAPEAKE BAY ORDINANCE VIOLATION

## 5224 IVEY LANE



MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Acting General Services Manager  
SUBJECT: Underground Utility Agreement - Dominion Virginia Power

---

Staff is continuing to work with local utility providers to place overhead utilities underground in a number of locations in the County. Locations where this process has been completed are Route 5 in front of Jamestown High School and the Sandy Bay area of Jamestown Road. Dominion Virginia Power has completed its design on an additional project, which would include the Route 5 frontage adjacent to Williamsburg Crossing Shopping Center. Staff has reviewed the cost estimate and the proposed plan by Dominion Virginia Power and finds that the proposed construction charge is within the estimates previously developed by staff. The attached resolution authorizes the County Administrator to sign an agreement with Dominion Virginia Power in an amount not to exceed \$194,543.25 for the construction of the project described. Funding for this project is provided by the Board in the Capital Budget.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the agreement with Dominion Virginia Power.

---

John T. P. Horne

JTPH/adw  
underut.mem

Attachment

**RESOLUTION**

**UNDERGROUND UTILITY AGREEMENT - DOMINION VIRGINIA POWER**

WHEREAS, the James City County Board of Supervisors determined that placing certain overhead utilities underground would enhance the scenic beauty of James City County; and

WHEREAS, staff has worked with Dominion Virginia Power to accomplish this work at several locations in the County; and

WHEREAS, Dominion Virginia Power has completed design and is ready to move ahead with construction of the project on Route 5 in the vicinity of Williamsburg Crossing Shopping Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into an agreement with Dominion Virginia Power in the amount of \$194,543.25.

\_\_\_\_\_  
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 9th day of September, 2003.

underut.res

MEMORANDUM

DATE: September 9, 2003

TO: The Board of Supervisors

FROM: Christy Parrish, Zoning Officer

SUBJECT: Code Violation Lien - 136 Magruder Avenue

---

The Zoning Administrator certifies that, having received a complaint, the Zoning Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owner. Following failure of the property owner to take corrective action, the County contracted to have the properties cleaned. The Owner was sent notification of payment due. He failed to pay.

Owner:	Ronnie Dean Carter 136 Magruder Avenue Williamsburg, VA 23185
Description:	136 Magruder Avenue
Tax Map No.:	(59-1)(02-0-0013-)
Filing Fee:	\$ 5.00
Total Amount Due:	\$3,840.00

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

---

Christy Parrish

CONCUR:

---

William C. Porter

CP/adw  
carter200w.mem

Attachment

**RESOLUTION**

**CODE VIOLATION LIEN - 136 MAGRUDER AVENUE**

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Properties to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Ronnie Dean Carter 136 Magruder Avenue Williamsburg, VA 23185
DESCRIPTION:	136 Magruder Avenue
TAX MAP NO.:	(59-1)(02-0-0013-)
FILING FEE:	\$ 5.00
TOTAL AMOUNT DUE:	\$3,840.00

---

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 9th day of September, 2003.

**SPECIAL USE PERMIT-15-03. Custom Culinary Connections: Barnes Road  
Staff Report for September 9, 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: August 4, 2003, 7:00 p.m.  
 Board of Supervisors: September 9, 2003, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Jeffrey and Christy Aczel

Land Owner: Same

Proposed Use: Construct and operate a catering kitchen

Location: 8757 Barnes Road, Stonehouse District

Tax Map and Parcel No.: (10-1)(1-22C)

Primary Service Area: Outside

Parcel Size: 2 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site completely surrounded by land zoned A-1, General Agricultural

Staff Contact: Matthew Arcieri - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the Rural Lands Development Standards of the 1997 Comprehensive Plan. The proposal is also consistent with the 2003 Comprehensive Plan. Staff, therefore, recommends approval of this application with the attached conditions. On August 4, 2003, the Planning Commission voted 5-0 to recommend approval.

## **Project Description**

Jeffrey and Christy Aczel have applied for a special use permit (SUP) to construct and operate a catering kitchen adjacent to their existing residence on 8757 Barnes Road. The site is located approximately 0.3 miles south of Richmond Road. The property is zoned A-1, General Agricultural. In the A-1 zoning, district food processing and storage (defined as the processing of food for eventual human consumption, but not consumed on the premises) is a specially permitted use. Approval of this case would allow the applicant to construct a 25-foot by 50-foot single-story commercial kitchen. All orders for the catering operation would be placed via the internet, phone, or fax, and delivered by the company to the client - no customers would visit the property. The new kitchen would be constructed to match the existing single-family residence. Other conditions of the SUP would limit lighting, signs, and tree clearing in order to further mitigate the impacts of the new structure.

## **Surrounding Zoning and Development**

The property is entirely surrounded by land zoned A-1, General Agricultural. Property along the west side of Barnes Road contains single-family dwellings, including the adjacent properties on both sides of the proposed kitchen. Land on the east side of Barnes Road is wooded and undeveloped. Conditions are proposed to retain the residential character and use of the property.

## **Physical Features & Environmental Considerations**

Approximately half of the site has been cleared, including the location of the existing single-family residence. The front of the property is heavily wooded. The new kitchen has been located to avoid clearing of these woods. In addition, the SUP would require a 75-foot undisturbed wooded buffer along Barnes Road as a condition to further protect the existing tree buffer and minimize the appearance of the kitchen from Barnes Road.

The proposed kitchen is located approximately 500 feet from a 19th century archaeological site described as the remnants of a farm. However, due to the small size of the project, the fact that much of the site has already been disturbed and the property is not located in a “high sensitivity” area of the County, an archaeological study was not required.

## **Transportation/Access**

Since the proposed conditions prohibit retail sales on the premise, the proposed kitchen is expected to generate few additional vehicle trips. In addition, the applicant will deliver directly to clients, eliminating any need for customers to visit the proposed kitchen. Staff finds that traffic impacts to Barnes Road will be minimal.

The proposed catering kitchen would utilize the gravel driveway serving the existing single-family residence and the SUP includes a condition to prohibit additional entrances onto Barnes Road. The Virginia Department of Transportation (VDOT) has expressed concerns that sight distance is not suitable for a commercial entrance at this location on Barnes Road. Because the kitchen is a commercial use, VDOT will require improvements during the site plan process to bring the existing driveway up to commercial standards. Given that the proposal will generate little additional traffic, commercial entrance improvements should address potential safety issues caused by sight distances on Barnes Road.



## **Utilities**

This site is located outside the Primary Service Area and is serviced by private well and septic system. The Health Department has reviewed the proposal and recommends that a separate septic system be installed for the catering kitchen. Based on sewage flows at other local catering kitchens, the proposed kitchen will be limited to sewage flows of 450 gallons per day. Soil testing indicates that the property can accommodate a second system. The existing well produces 35 gallons per minute, which is more than sufficient to accommodate the new kitchen.

## **Comprehensive Plan Considerations**

The 1997 James City County Comprehensive Plan designated this property as rural lands. The Plan states that small commercial uses may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them.

The Rural Lands Development Standards of the Comprehensive Plan state:

1. Preserve the natural, wooded, and rural character of the County. Particular attention should be given to locating structures and uses outside of sensitive areas; maintaining existing topography, vegetation, trees, and tree lines to the maximum extent possible, especially along roads and between uses; discouraging development on farmland; encouraging enhanced landscaping of developments located in open fields using a natural appearance or one that resembles traditional hedgerows and windbreaks; locating new roads so that they follow existing contours and old roadway corridors whenever feasible; limiting the height of structures to an elevation below the height of surrounding mature trees whenever possible; minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments; and utilizing lighting only where necessary and in a manner that eliminates glare and brightness.
2. Site non-agricultural/non-forestal uses in areas designated "Rural Lands" so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources. Sufficiently screen the non-agricultural/non-forestal uses to preserve open spaces and minimize visual impact from public roads. Encourage the preservation of existing agricultural structures such as barns and silos.

The small scale of the proposed catering option as well as the restriction of retail sales on the site will minimize traffic and other impacts on the site. The proposal satisfies the development standards of the Comprehensive Plan by utilizing the existing entrance onto Barnes Road, by preserving the tree buffer along Barnes Road and by minimizing visual impacts through signage, lighting, and architectural conditions in the SUP. Staff finds that, with the proposed conditions, the proposal is consistent with the Rural Lands Development Standards of the Comprehensive Plan. The proposal is also consistent with the 2003 Comprehensive Plan.

## **Recommendation**

Staff finds the proposal to be consistent with the surrounding zoning and development and, with the proposed conditions, consistent with the 1997 Rural Lands Development Standards of the Comprehensive Plan. The proposal is also consistent with the 2003 Comprehensive Plan. On August 4, 2003, the Planning Commission voted 5-0 to recommend approval. Staff recommends approval of this application with the attached conditions:

1. This SUP shall be valid for the operation of a detached catering kitchen of up to 2,000 square feet and accessory uses thereto. No articles shall be displayed or otherwise offered for sale upon the premises. The existing residence shall continue to be used primarily as a single-family dwelling with any exterior modifications approved by the Planning Director.
2. The property shall be developed generally in accordance with the master plan submitted with the application, with minor changes, including the location, design and landscaping of the driveway and parking in order to effectively screen it from Barnes Road, approved by the Planning Director.
3. Only one entrance shall be allowed onto Barnes Road.
4. A minimum 75-foot undisturbed buffer, free of structures and paving, shall be provided along Barnes Road with the exception of clearing necessary for improvements to the existing driveway. Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the catering kitchen and related driveway, entrance improvements and facilities as determined by the Planning Director.
5. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Planning Director 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 with existing structures in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.
6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
7. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of 16 square feet or a height of six feet and approved by the Planning Director. The sign shall not be illuminated.
8. Construction on this project shall commence within twenty-four months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

Matthew D. Arcieri

CONCUR:

---

O. Marvin Sowers, Jr.

MDA/gs  
sup15-03.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Proposed Site Layout
4. E-mail from Jennifer Quarles dated July 24, 2003
5. E-mail from Robert and Linda Gallant dated July 29, 2003
6. E-mail from Michael and Caroline Noble dated August 4, 2003
7. Resolution

## RESOLUTION

### CASE NO. SUP-15-03. CUSTOM CULINARY CONNECTIONS: BARNES ROAD

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, food processing and storage is a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on August 4, 2003, recommended approval of Case No. SUP-15-03 by a 5-0 vote to permit the construction and operation of a catering kitchen adjacent to the existing residence at 8757 Barnes Road and further identified as Parcel No. (1-22C) on James City County Real Estate Tax Map No. (10-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-03 as described herein with the following conditions:

1. This Special Use Permit shall be valid for the operation of a detached catering kitchen of up to 2,000 square feet and accessory uses thereto. No articles shall be displayed or otherwise offered for sale upon the premises. The existing residence shall continue to be used primarily as a single-family dwelling with any exterior modifications approved by the Planning Director.
2. The property shall be developed generally in accordance with the master plan submitted with the application, with minor changes, including the location, design, and landscaping of the driveway and parking in order to effectively screen it from Barnes Road, approved by the Planning Director.
3. Only one entrance shall be allowed onto Barnes Road.
4. A minimum 75-foot undisturbed buffer, free of structures and paving, shall be provided along Barnes Road with the exception of clearing necessary for improvements to the existing driveway. Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the catering kitchen and related driveway, entrance improvements, and facilities as determined by the Planning Director.
5. 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 with existing structures in terms of design, materials, and colors, have a residential appearance, and are designed for minimal visual impact.

6. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
7. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of 16 square feet or a height of six feet and approved by the Planning Director. The sign shall not be illuminated.
8. Construction on this project shall commence within twenty-four months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
9. 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:

---

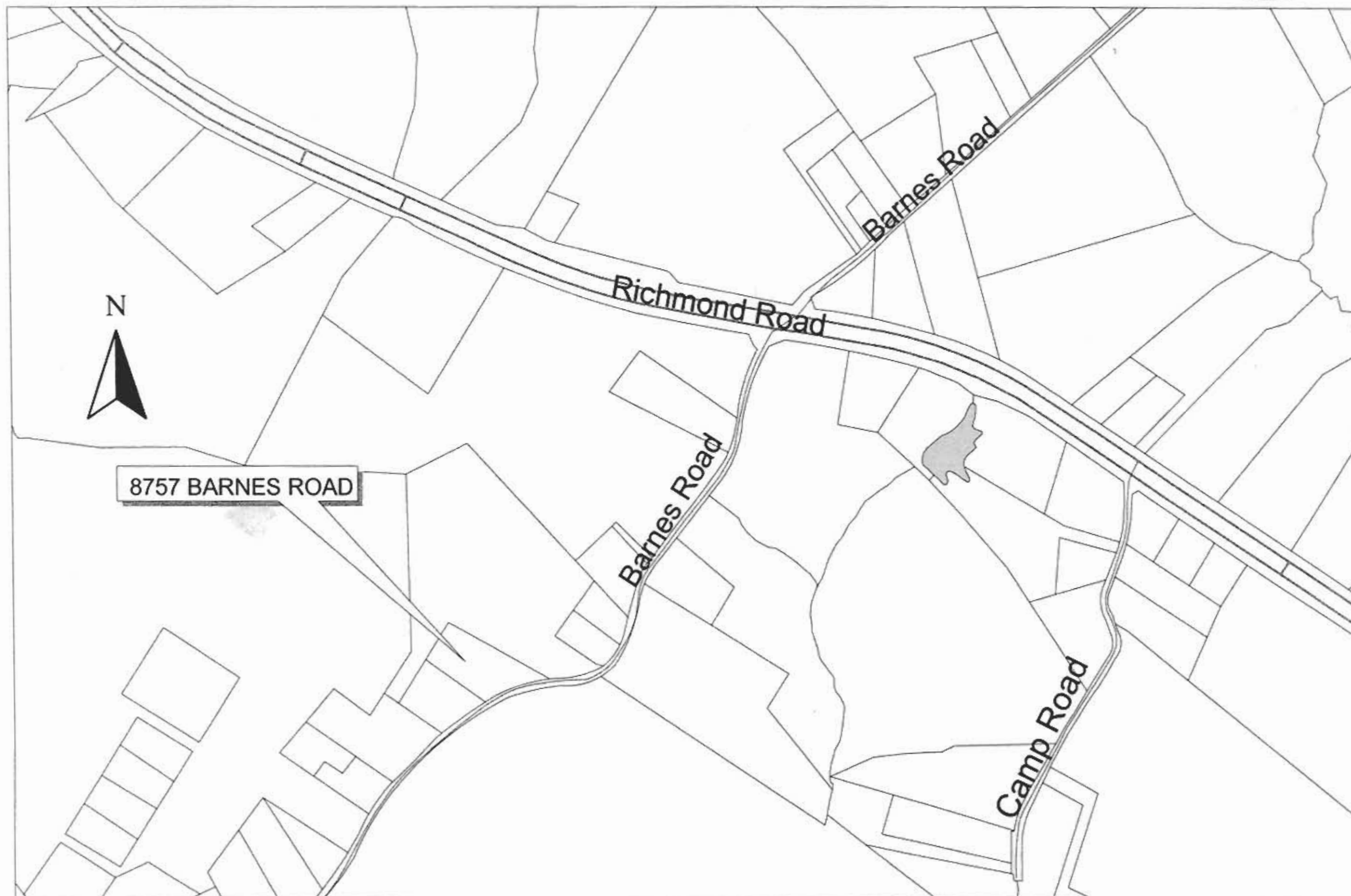
Sanford B. Wanner  
Clerk to the Board

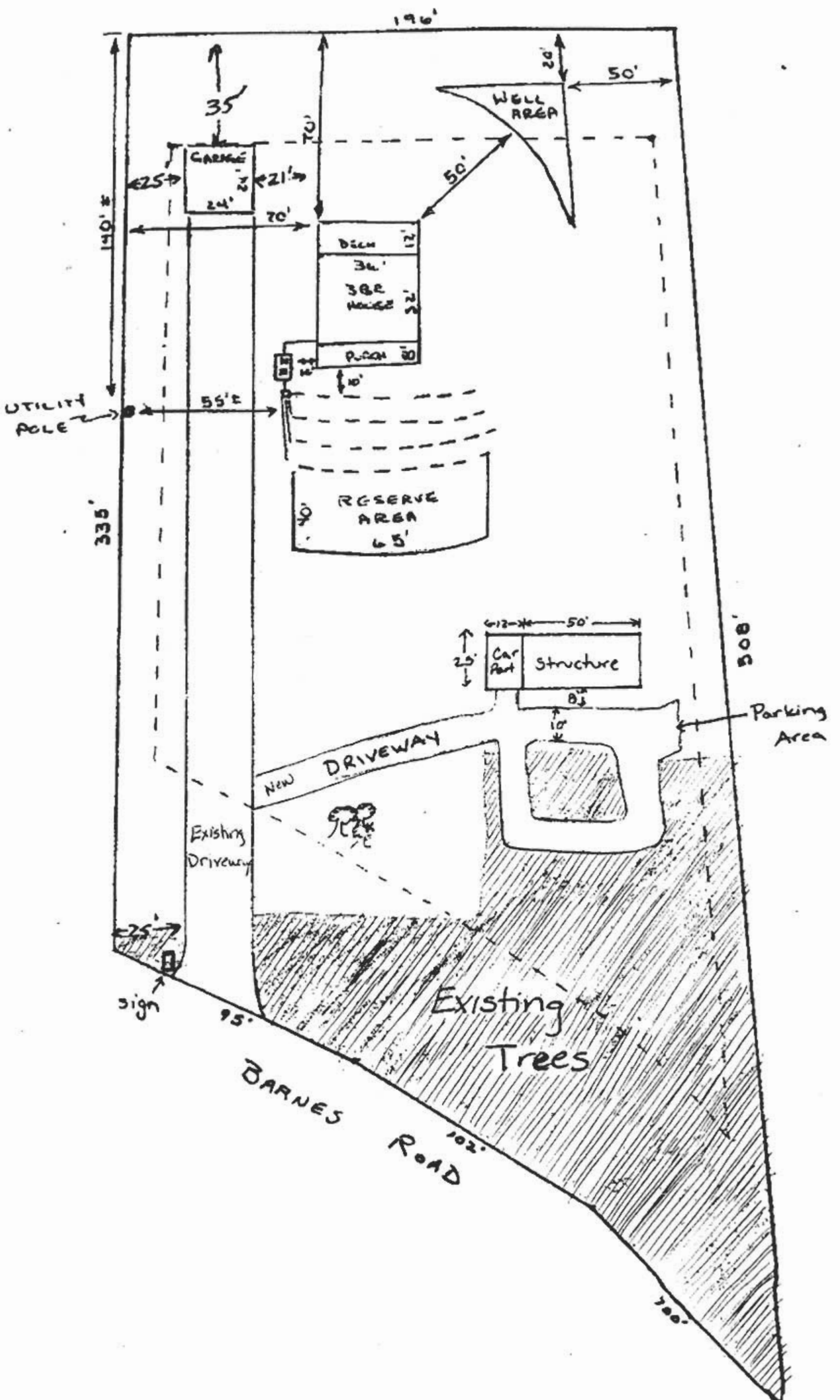
Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of September, 2003.

sup-15-03.res

# SUP-15-03

## Custom Culinary Connections: Barnes Road





Received via email July 24, 2003

Dear Mr. O. Marvin Sowers, Jr.,

I am writing to express my support for the Custom Culinary Connection business. I have known the Aczel family for three years. Jeff and Christy are both fabulous chefs and their business would be a wonderful addition to our community. From the onset of our friendship Christy has shown much interest and desire in running a catering business and is dedicated to this lifelong dream.

Sincerely,  
Jennifer Quarles  
116 Chandler Court  
Williamsburg, VA 23185  
229-8381



Received via email July 29, 2003

Attention: Marvin Sowers & Matthew Arcieri

We are writing in support of the proposed building and commercial use of the home at 8757 Barnes Road. We are the owners of the adjacent property 8737 Barnes Road. We live next door to Jeff & Christy Aczel and fully encourage and support their business venture. We hope there will be no difficulty in obtaining the special use they are requesting. If we can be of any help in this matter please feel free to contact us at (757) 566-2577 or email us at [gallantry@aol.com](mailto:gallantry@aol.com).

Sincerely,  
Robert & Linda Gallant  
8737 Barnes Road

Received via email August 4, 2003

Dear Mr. O. Marvin Sowers, Jr.,

I support Jeffrey and Christy Aczel's Custom Culinary Connections. They will share with our community - both commercial and residential - a unique and delicious brand of food service. Their desire is to make life more convenient to those who will choose to use their services. As a 20-year resident of Williamsburg and friends of the Aczel's, unless you choose to pay an arm and a leg for good food AND good service, you just don't see it...even at the high-end establishments does not guarantee a good experience. I can assure you that the Aczel's will provide not only delicious meals, but a pleasant and friendly conversation as well.

Michael and Caroline Noble  
Williamsburg, VA

# **UNAPPROVED MINUTES TO THE AUGUST 4, 2003, PLANNING COMMISSION MEETING**

## CASE NO. SUP-15-03 Custom Culinary Connection – Barnes Road

Mr. Matthew Arcieri presented the staff report, stating Jeff and Christy Aczel have applied for a Special Use Permit to construct and operate a catering kitchen adjacent their existing residence at 8757 Barnes Road. All orders for the catering operation would be placed via the internet, phone, or fax and delivered by the company to the client. No customers would visit the site. Food processing and storage is a specially permitted use in A-1, General Agricultural where the property is located. A new kitchen would be constructed to match the existing single family residence.

Traffic impacts will be minimal; however, the Virginia Department of Transportation (VDOT) will require the driveway to be brought to commercial standards. The site is located outside the Primary Service Area (PSA) and is serviced by private well and septic system. The Health Department recommends a separate septic system for the catering kitchen. Testing shows that the property can accommodate a second system.

Staff finds that with proposed conditions the application is consistent with surrounding zoning and development and the Comprehensive Plan Rural Lands Development Standards. Staff recommends approval.

Mr. Billups asked for the name of another catering establishment located outside the PSA that was used in comparison.

Mr. Arcieri clarified that the Health Department looked at other catering kitchens in the local area; not necessarily outside the PSA or within the County to determine sewage flows.

Mr. Billups asked why there was a need for driveway improvements since clients would not visit the site.

Mr. Arcieri stated that the establishment is considered a commercial use and VDOT would require a commercial entrance especially because of occasional visits by delivery trucks.

Mr. McCleary asked if the discrepancy between the structure size permitted in SUP conditions (2,000 square feet) and the size shown on the conceptual master plan was to allow for future expansion.

Mr. Arcieri said this was correct. Future expansion would not require the applicants to go back through the legislative process.

Mr. Joseph McCleary opened the public hearing.

Mr. Aczel, applicant, thanked the Planning Commission for the opportunity to present their case. He stated that he has had a great experience with the County and in particular Mr. Arcieri. Both he and his wife are graduates of the Culinary Institute and have been in the business a long time. Mr. Aczel feels that offering an attractive, restaurant quality, home cooked meal opens an opportunity that has not been available in the area.

Mr. Hunt asked if the property was served by well water.

Mr. Aczel said yes, but that his research through the Health Department of 'By George Catering' and 'Virginia Culinary Company' confirmed an adequate water supply.

Mr. McCleary asked if the main business will be catering of large groups or delivery to individual households.

Mr. Aczel stated they will supply low cost, quality food to individuals for lunch as well as delivery service for consumption at home.

Ms. Nancy McNelly, 203 Riverview Plantation Drive, thanked the Chairman and Commission for the opportunity to speak. Ms. McNelly said the catering kitchen will be a benefit to businesses and residents in Upper James City County by diversifying meal choices. She supports approval of the Special Use Permits.

Mr. Jeff Catell, of Lanexa, commended the applicants' desire to build a business on their own property in order to spend more time with their children. He agreed with Ms. McNelly on the need for a good, restaurant style meal at home. Mr. Catell recognized others in the audience who came out in support of the applicants.

Mr. McCleary noted the favorable letters included in the staff report and asked the applicant if he is in agreement with the conditions included in the report.

Mr. Aczel acknowledged his agreement.

Hearing no other requests to speak, Mr. Joseph McCleary, closed the public hearing.

Ms. Wildman supported the application stating she thinks it is a wonderful idea that is needed in the upper part of the County.

Ms. Wildman moved to approve the application.

Mr. Hagee echoed Ms. Wildman's comments stating he thinks it a novel business the community can appreciate and seconded the motion.

Mr. McCleary congratulated the applicants on such a great idea. He said that he is aware that graduating from the Culinary Institute of America is no easy task.

In a roll call vote, motion passed (5-0). AYE: Hagee, Wildman, Hunt, McCleary, Billups (5); NAY: (0).

MEMORANDUM

DATE: September 9, 2003  
 TO: The Board of Supervisors  
 FROM: Suzanne R. Mellen, Director of Budget and Accounting  
 SUBJECT: Tax Increase - Real Property

The Real Estate Land Book, as of July 1, 2003, has been completed and, as of August 29, 2003, notices have been mailed to all James City County property owners where a change in assessment has occurred.

The total valuation slightly exceeds by \$158,760, the assumptions built into the FY 2004 Budget and adopted by the Board in April. The following chart illustrates that comparison:

	<u>FY 2004 Budget</u>	<u>FY 2004 Actual</u>
July 1, 2003, Land Book, Taxable Property	\$5,976,729,000	\$6,038,251,600
Expected FY 2004 Supplements	75,000,000	75,000,000
Land Use - Deferred	<u>(54,000,000)</u>	<u>(96,709,934)</u>
FY 2004 Billable Taxable Property	<u>\$5,997,729,000</u>	<u>\$6,016,541,666</u>
Percent Increase over FY 2003	8.1%	8.5%
Real Estate Taxes Billed at .0087	\$ 52,180,243	\$ 52,343,912
FY 2004 Collections - 97 percent	\$ 50,614,836	\$ 50,773,595

The actual numbers shown are prior to any reductions that might occur based on appeals of individual assessments.

The dramatic increase in the amount of value deferred due to Land Use is due to a combination of two factors. First, the market value of acreage parcels has experienced substantial increases in value. Second, the use value rates issued by the State have been reduced based on the three-year average of yields of agricultural, timber, and horticultural use property. The reduction in use values range from 9 percent to 20 percent depending on the type of use.

Included in the reassessment percentage are the market value adjustments of these acreage parcels, in addition to reassessments of 198 residential neighborhoods. The residential market has been extremely active and many of the neighborhoods that were increased last year have again been increased due to falling assessment/sales ratios as indicated by current sales. In comparison to the residential market, commercial activity has been relatively slow. Value of commercial properties as indicated by income and expense surveys needed only minor adjustments.

To completely offset the impact of the increases due to reassessments, the Board would have to reduce real estate taxes to \$0.825 and would have to eliminate \$2,624,689 from the FY 2004 Adopted Budget.

The following chart shows a comparison of actual land book figures in FY 2003 and FY 2004:

Tax Increase - Real Property  
 September 9, 2003  
 Page 2

	<u>FY 2003 Actual</u>	<u>FY 2004 Actual</u>	<u>Increase</u>	<u>Percent</u>
July 1 Land Book Taxable	\$5,525,967,800	\$6,038,251,600	\$512,283,800	9.3%
Reassessments			311,019,000	5.6%
Growth			201,264,800	3.7%
Expected Supplement	75,000,000	75,000,000		
Land-Use Deferred	<u>(54,000,000)</u>	<u>(96,709,934)</u>		
Billable Taxable Property	\$5,546,967,800	\$6,016,541,666	\$469,573,866	8.5%
Reassessments (Net of Land Use)			268,309,066	4.8%
Growth			201,264,800	3.7%
Tax Collections @ 97% of billing	\$ 46,810,861	\$ 50,773,595	\$ 3,962,734	8.5%
One Penny on Tax Rate	\$ 538,056	\$ 583,605	\$ 45,549	8.5%

Staff recommends that the Board of Supervisors adopt the attached resolution affirming the tax rate of \$0.87 per \$100 of assessed value as adopted in the FY 2004 Budget.

---

Suzanne R. Mellen

CONCUR:

---

John E. McDonald

SRM/gs  
 taxincr.mem

Attachment

**RESOLUTION**

**TAX INCREASE – REAL PROPERTY**

WHEREAS, the Board of Supervisors has adopted a budget for the Fiscal Year 2004 and appropriated funds based on a real estate tax rate of 87 cents per \$100 of assessed value; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2003, shows total billable, taxable property assessments increased by \$469,574,000 (8.5 percent) and 57 percent of that increase resulted from changes in the reassessment of property values; and

WHEREAS, the increases due to reassessment constitute a tax increase despite the fact that the current tax rate has not changed; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2003, is expected to generate estimated real property tax revenues that are consistent with the estimates contained within the adopted FY 2004 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby affirms the real property tax rate of 87 cents per \$100 of assessed value established in the FY 2004 adopted budget.

\_\_\_\_\_  
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 9th day of September, 2003.

taxincrease.res



MEMORANDUM

DATE: September 9, 2003  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Acting General Services Manager  
SUBJECT: Yarmouth Creek Watershed Management Plan

---

For over a year, staff, with the assistance of the Center for Watershed Protection and the James River Association, has been working to prepare a Yarmouth Creek Watershed Management Plan. The Plan that is before the Board tonight reflects the opinions of a wide variety of watershed stakeholders and landowners and was developed after three separate stakeholder meetings in the watershed. Prior to each stakeholder meeting, every property owner in the entire Yarmouth Creek Watershed received notice and an invitation to the meeting.

Attached is an executive summary of the Plan and the process whereby the Plan was developed. On page 2 of the executive summary are the six watershed goals that are identified by the stakeholders. Flowing directly out of those goals are the 14 priorities listed on pages 6-8. Great emphasis is placed in this watershed management plan on fostering continued discussion among stakeholders and landowners in the watershed to address a wide variety of issues. Three issues identified directly by landowners as important areas of emphasis are the salinity issues in the lower portion of Little Creek, boat activities in the Yarmouth Creek, and the meaningful reduction of littering within the watershed.

The only specific priority listed in the Yarmouth Creek Plan that was originally identified within the Powhatan Creek Plan is the possible adoption of Special Stormwater Criteria. These criteria are now being considered with the assistance of a committee appointed by the Board of Supervisors. The results of the recommendations of that committee will be brought to the Board for consideration at a later date and are not subject to adoption in the attached resolution. While other techniques such as stormwater retrofits and stream restoration activities by James City County are common to the Plans, those activities are accomplished with public resources and involve no additional restrictions on landowners.

The attached resolution adopts the proposed Yarmouth Creek Watershed Management Plan and priorities, with the exception of Priority No. 3, which will be brought to the Board at a later date for consideration.

Staff recommends adoption of the attached resolution.

---

John T. P. Horne

JTPH/gs  
YCWPadopt.mem

Attachments

**RESOLUTION**

**YARMOUTH CREEK WATERSHED MANAGEMENT PLAN**

WHEREAS, the Yarmouth Creek Watershed is a resource of local and national significance; and

WHEREAS, the Board authorized staff to prepare a Management Plan to help the County and landowners protect the watershed and its natural resources; and

WHEREAS, stakeholders, staff, and consultants have met over a period of 12 months to share information, set goals, and develop the Watershed Management Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the Yarmouth Creek Watershed Management Plan dated July 14, 2003, with the exception of Priority No. 3, Special Stormwater Criteria.

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

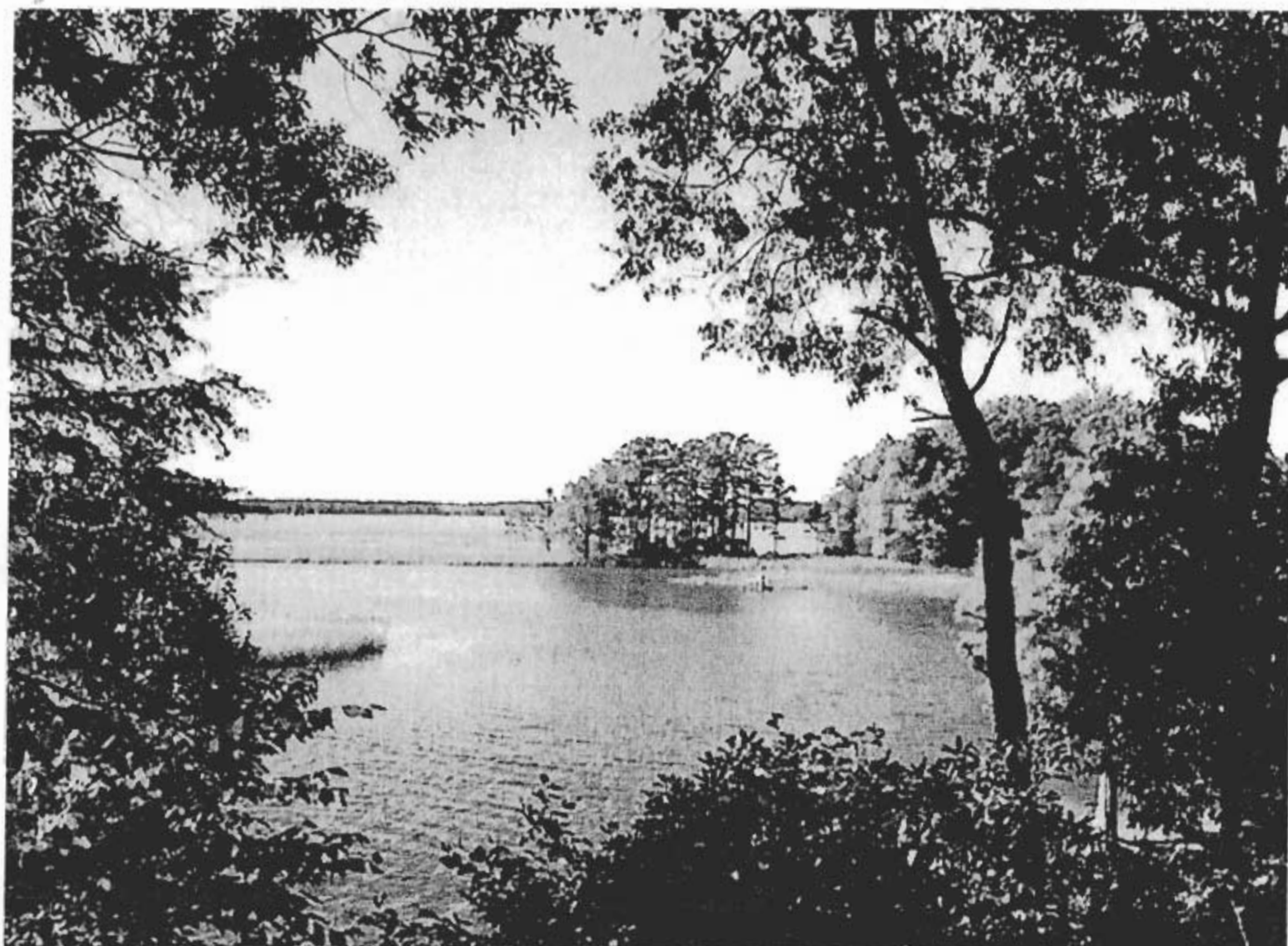
ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of  
September, 2003.

YCWP.res.

# YARMOUTH CREEK WATERSHED PLAN



*Prepared for:*  
James City County, Virginia

Prepared by:  
Center for Watershed Protection  
8391 Main Street  
Ellicott City, MD 21043  
[www.cwp.org](http://www.cwp.org)



July 14, 2003

### Foreword

The Yarmouth Creek Watershed Plan is the culmination of a two year process led by the Center for Watershed Protection that began in the summer of 2001 with initial mapping and existing data collection. That work was followed in the fall by fieldwork that included a stream assessment, a conservation area assessment and a brief stormwater survey. The *Baseline Assessment* was completed in January 2002, followed by a stakeholder meeting coordinated with the James River Association and James City County on the initial findings in early February. The *Conservation Area Report for Yarmouth Creek* was completed in June 2002 and the *Technical Memo on the Reduced Freshwater Flow in Yarmouth Creek* was produced in July 2002. A second stakeholder meeting occurred in September in which stakeholders helped craft goals for the overall plan. This initial draft for the final watershed plan was completed in January 2003 and finalized after the final stakeholder meeting in June 2003.

Critical to the success of the plan was the input of local stakeholders, who helped identify vital issues and set goals for the watershed. This well attended stakeholder process was led by the James River Association and James City County who both facilitated an open process and supported the creation of the plan.

## TABLE OF CONTENTS

	<b>Page</b>
List of Tables	iii
List of Figures	iv
Executive Summary	1
Section 1: Introduction to Yarmouth Creek	9
Section 2: Watershed Goals	18
Section 3: Watershed Recommendations	20
Section 4: Implementation Schedule	33
Section 5: Subwatershed Management Plans	35
References	58
Appendices	60

## LIST OF TABLES

	Page
<b>Table E-1</b> Subwatershed Goals	5
<b>Table E-2</b> Priorities and Costs for Watershed Protection and Restoration in Yarmouth Creek	6
<b>Table 1-1</b> Impervious Cover and Stream Conditions in Yarmouth Creek Subwatersheds	11
<b>Table 1-2</b> Retrofit Opportunities in Yarmouth Creek Watershed	13
<b>Table 1-3</b> Potential Stream Restoration/ Channel Stabilization Sites in Yarmouth Creek	14
<b>Table 1-4</b> Yarmouth Creek Priority Conservation Areas	15
<b>Table 3-1</b> Stakeholder concerns and potential roles of a watershed group	26
<b>Table 4-1</b> Implementation schedule for the Yarmouth Creek Watershed Plan	33

## LIST OF FIGURES

	<b>Page</b>
<b>Figure E-1</b> Yarmouth Creek Subwatershed Map	4
<b>Figure 1-1</b> Conservation Areas in Yarmouth Creek	17
<b>Figure 3-1</b> Schematic of the use of a coir fiber log for site 103-S1	28
<b>Figure 3-2</b> Cross section view of a coir fiber log practice for site 103-S1	29
<b>Figure 3-3</b> Log vein structure concept for site 104-S1	29
<b>Figure 3-4</b> Plan view of rock vane and j-hook illustrating the technique for placement of a log vane	30
<b>Figure 3-5</b> Shoreline erosion along Wright's Island	31

## SUBWATERSHED MAPS

<b>Subwatershed 102</b>	36
<b>Subwatershed 103</b>	38
<b>Subwatershed 104</b>	40
<b>Subwatershed 105</b>	43
<b>Little Creek Reservoir</b>	46
<b>Subwatershed 101, 106, Tidal Mainstem and Non-tidal Mainstem</b>	49

## APPENDICES

- Appendix A. Economic benefits of watershed protection
- Appendix B. Barriers and recommendations for BSD in James City County
- Appendix C. Overview of the Proposed Special Stormwater Criteria for Stream Protection Areas
- Appendix D. Technical Memo on the Reduced Freshwater Flow in Yarmouth Creek.

## EXECUTIVE SUMMARY

This watershed management plan provides a summary of the stakeholder process conducted by the Center for Watershed Protection (CWP), James River Association (JRA) and James City County (JCC) and the reports produced over the past year and a half as part of the Yarmouth Creek planning process. The reports included; the *Yarmouth Creek Baseline Assessment*, *Conservation Area Report for Yarmouth Creek*, and a *Technical Memo on the Reduced Freshwater Flow in Yarmouth Creek*. A watershed management plan and associated maps have been drafted for the nine subwatersheds in Yarmouth Creek based on the eight tools of watershed protection (CWP, 1998). These subwatershed management plans and associated maps serve as blueprints for the protection and restoration of Yarmouth Creek. They may also be used as planning maps for the implementation of the watershed management plan and as an important tool during the development review process.

The sixteen square mile Yarmouth Creek watershed is truly a state treasure. A recent natural areas inventory, conducted by the Virginia Department of Conservation and Recreation, Division of Natural Heritage (VDCR), classified portions of the watershed as highly significant to biodiversity in the state (Clampitt, 1991). Along the remarkably undisturbed shoreline of mainstem Yarmouth Creek are extensive complexes of forested uplands, bald cypress swamps, and rare types of tidal freshwater marsh. These tidal wetlands are considered by VDCR to be one of the two largest relatively undisturbed wetlands on the lower peninsula of Virginia. Yarmouth Creek and its 1523 acres of wetlands provide habitat for a diversity of fish, waterfowl, and wildlife, which collectively contribute to the area's exceptional recreational value for hunting, fishing, bird watching and nature enjoyment. Additionally, these areas are home to at least one known heron rookery, a number of historic bald eagle nesting sites, and several globally rare or threatened plant species including the sensitive joint vetch, and narrow-leaved spatterdock.

Presently, the Yarmouth Creek watershed is lightly developed, but it is coming under greater development pressures, particularly in its northern headwaters. The majority of the watershed is zoned agricultural-forestal, but pressure to re-zone for residential development has become a recent issue. Developments within the upper portion of the watershed rely on public sewer, while most of the existing developments in the lower watershed rely on septic systems for wastewater disposal. The upper watershed is a mix of agricultural, residential and commercial land-uses. The lower watershed, dominated by tracts of forest, provides for forest related activities such as timber harvesting and organized hunting. The Yarmouth Creek Watershed Plan represents an excellent opportunity to protect and preserve the unique environmental resources, while allowing for development that does not destroy the natural conditions of the Creek.

Rapid development without adequate protection will most likely lead to a degradation of pristine natural resources in the watershed. The amount of impervious cover is often a good indicator of the extent land development. Research from around the country has



shown that stream and wetland quality begins to decline when the amount of impervious cover in a watershed exceeds approximately 10% (Schueler, 1994).

The principal effects of impervious cover in Yarmouth Creek include:

- Changes in the hydrology of streams, wetlands and floodplains
- Increased pollutant loads delivered in urban stormwater (bacteria, sediment, nutrients)
- Channel erosion in headwater streams
- Water level fluctuations that degrade wetlands
- Favors the establishment of invasive plant species
- Fragmentation of contiguous forests
- Increased flooding
- Reduction of baseflow of streams

Based on the Center's stream impervious cover model, all nine subwatersheds were classified as sensitive (CWP, 1998). If we consider future growth, four of these subwatersheds are expected to move into the impacted category. However, future growth in the watershed remains uncertain as areas can be re-zoned.

Watershed residents and other stakeholders including representatives from local businesses, developers and agencies played a vital role in the creation of this watershed management plan. Stakeholder involvement is a key ingredient in a watershed plan as stakeholders must live with the decisions that are made. They also bring issues to the table that are important to them and participation gives them a stake in the outcome and helps to ensure plan implementation. It was their insight into the problems within the watershed that led to two additional studies: a field assessment of the Little Creek reservoir subwatershed and a memo investigating the increase in salinity in the Yarmouth Creek watershed. The stakeholder process involvement in the Yarmouth Creek plan consisted of three public meetings; the first covered the baseline assessment and fieldwork performed by the Center; and the second engaged participants in the process of setting goals and the third will cover the recommendations in the final plan. The six overall watershed protection and restoration goals identified for the plan by the stakeholders are:

1. Prevent further degradation of water quality in Yarmouth Creek and maintain the outstanding quality of tidal and nontidal mainstem wetlands.
2. Respect the rights of landowners in the watershed plan recommendations and ensure that the cost of conservation is shared by the entire community, not just individual landowners.
3. Develop in a manner that is consistent with the protection of the high quality natural resources in Yarmouth Creek.
4. Work toward the formation of a citizen group to facilitate future participation and protection of Yarmouth Creek. Suggestions included:
  - Educate people about watershed awareness including litter and boat wakes). Promote active stewardship among residents, community associations, businesses, and seasonal visitors.
  - Work with neighbors to develop a vision for individual properties
  - Work with the county on shared goals

## Yarmouth Final Watershed Plan

---

5. Minimize the local practices that increase salinity concentrations in the freshwater ecosystem of Yarmouth Creek and further investigate a minimum flow rate for Little Creek Reservoir.
6. Enhance stewardship of Yarmouth Creek by specifically addressing the litter issue and shoreline erosion due to boat wakes.

### **Process**

The 16 square mile Yarmouth Creek watershed was divided into nine subwatersheds ranging from one to four square miles in area to create individual planning units (Figure E-1). Land use and impervious cover were analyzed for each subwatershed to provide preliminary expectations for current and future water quality and habitat conditions. Field conditions and conservation areas were evaluated to check expectations developed in the land use and impervious cover analysis. Together with the results of our conservation area work and the stream habitat assessment, draft goals were created for subwatersheds based on scientific assessment and existing and potential future land use. It was determined that Yarmouth Creek includes a mix of relatively high quality subwatersheds with considerable biodiversity and a number of subwatersheds that exhibit localized degradation of stream conditions especially in the upper portion of the watershed near Richmond Road. (Rt. 60).

Table E-1. provides a summary of the subwatershed goals as well as both the current and future impervious cover for each subwatershed based on the current zoning. These goals represent some of the responses that were echoed at the stakeholder meetings about how to manage individual subwatersheds. General agreement was reached for responsible development in the upper watershed and perhaps more conservation and protection in the lower tidal portion of the watershed. However, it was also clear that imposing conservation on individual property owners was not a favorable approach for the landowners. At the same time, there was a goal of preventing further degradation in the entire watershed by using stormwater retrofits, effective stormwater management, stream restoration and watershed education programs.

<b>Table E-1. Subwatershed Goals</b>			
<b>Subwatersheds</b>	<b>Current/ Future Status</b>	<b>Watershed Goals</b>	<b>Tools</b>
101, Mainstem tidal, Mainstem non-tidal, 106, Little Creek Reservoir	Sensitive / Sensitive  <i>less than 10% impervious cover</i>	Preserve the important mainstem tidal portion of the creek (conservation areas, sensitive streams and contiguous forest) without impeding private property rights	<ul style="list-style-type: none"> <li>➤ Voluntary conservation and acquisition programs</li> <li>➤ Close work with the Landowner watershed group</li> <li>➤ Protect open space, when development does occur and attempt to minimize the impacts</li> </ul>
102, 103, 104, 105	Sensitive / Impacted  <i>10-25% impervious cover</i>	Restore degraded streams and protect streams from further degradation	<ul style="list-style-type: none"> <li>➤ Implement watershed education and stewardship programs</li> <li>➤ Stormwater retrofits</li> <li>➤ Stormwater practices</li> <li>➤ Stream restoration</li> </ul>

**Recommendations**

Prioritized implementation recommendations for the Yarmouth Creek watershed are summarized in Table E-2. These recommendations are prioritized based on how well they achieve stakeholder watershed goals and their importance to successful watershed management as gauged by CWP and JCC technical staff. Preliminary cost estimates and potential responsible parties have been identified so that financial resources can be allocated and staff roles can be defined. Real watershed protection requires a multi-faceted approach that combines land use and preservation decisions with on-the-ground implementation, education and protection of watershed functions. This approach strives for permanent protection, and attempts to minimize long-term costs by implementing proactive, preventative solutions. An estimated \$160,000 a year over four years is our planning level estimate of the funding needed to implement the recommendations. This

number would increase considerably with a larger purchase of development rights program or conservation easement program that would need to be funded at one million dollars a year for at least four years to be relatively successful. Long-term protection of water quality, fisheries, forest and biodiversity have quantifiable community benefits including increased property values and enhanced quality of life, which compound over time. More details on the economic benefits of watershed protection can be found in Appendix A. Detail for each of the priorities in Table E-2 can be found in Section 3 Watershed Recommendations.

**Table E-2. Priorities and Costs for Watershed Protection and Restoration in Yarmouth Creek**

Priority	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsibility
1	1,3,6	Use of subwatershed maps to ensure local staff and stakeholder awareness of existing locations for restoration and potential conservation areas	Watershed wide	Small	JCC Planning, Development Management, Environmental Division
2	1,2,4	Foster development of a watershed group for Yarmouth Creek led by the landowners/ stakeholders in the Creek	Watershed wide	Small Consider initial seed money	Stakeholders, JCC Planning, Development Management, Environmental Division
3	1,2,3,5	Adopt Special Stormwater Criteria (SSC) in the Watershed to increase groundwater recharge in the development process	Sub-watersheds in PSA and re-zonings watershed wide	Small Criteria should be the same as Powhatan	Environmental Division
4	1,5	Establish a working group to address salinity issues and consider min flow from Little Creek	Tidal Yarmouth Creek	Small 0.1 FTE	Stakeholders, Development Management, Environmental Division
5	1,2	Work with stakeholder watershed group to conserve land through purchase development rights/ easements in sensitive areas	Watershed wide	Expensive 1million a year for 4 years	PDR Program, Development Management

**Table E-2. Priorities and Costs for Watershed Protection and Restoration in Yarmouth Creek**

Priority	Goals Achieved	Protection Tool or Evaluation Measure	Where	Costs to JCC and Action	Responsibility
6	1,2	Perform 4 stormwater retrofits	Sub-watersheds 102, 103, 104, 105	Expensive \$50k a year for 4 years	Environmental Division, Development Management
7	1,2	Perform stream restoration and channel stabilization projects	Sub-watersheds 103, 104	Expensive \$100k** a year for 4 years	Environmental Division, Development Management
8	1,2,3	Maintain priority of Purchase of Development Rights (PDR) program for special resource areas including buffers and conservation areas	Watershed wide	Small	PDR Program, Development Management
9	1,6	Meaningfully address trash issues in the watershed Arrange cleanups and work with stakeholder group to change behavior	Watershed wide	Small 0.1 FTE \$500 year for roll off dumpster rental	Environmental Division, Solid Waste Division
10	1,2,3,4	Encourage Better Site Design across the watershed and the county by improving code language and having a roundtable – a series of meetings with developers, VDOT, JCC staff and other stakeholders	Watershed wide	Moderate 0.5 FTE for a planner	Stakeholders, Developers, JCC Planning, Development Management, Environmental Division
11	1,4,5	Monitor salinity in Yarmouth Creek in cooperation with the stakeholder watershed group	Tidal Yarmouth Creek	Small \$100 in equipment	Stakeholder watershed group