

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 13, 2004

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Gabriella and Devon Wood, fourth- and fifth-grade students at Norge Elementary School

D. PRESENTATION

1. July - Recreation and Parks Month

E. PUBLIC COMMENT

F. CONSENT CALENDAR

1. Minutes - June 22, 2004, Regular Meeting
2. July - Recreation and Parks Month
3. Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers and Authorization of Police Powers
4. Title V Grant - Beyond the Bell
5. Appropriation of Funds - U.S. Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETPP)
6. Appropriation of Funds - U.S. Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP)
7. Citizen Corps Grant Fund Award
8. Dedication of Streets in Mallard Hill
9. Route 31 Limited Access Line
10. Appointment - 2004 County Fair Committee
11. Change of Name from "Industrial Development Authority" to "Economic Development Authority"
12. Award of Schematic Design Contract - Stadium Facility
13. Tower Site Lease Agreement - Hankins Industrial Park
14. Memorandum of Understanding Regarding the Greensprings Trailhead

- CONTINUED -

G. PUBLIC HEARINGS

1. Case Nos. SUP-17-03 & MP-5-03. Warhill Sports Complex Master Plan Amendment
2. Case Nos. SUP-11-04 & MP-4-04. Freedom Park Master Plan

H. BOARD CONSIDERATIONS

1. Case No. AFD-12-86. Gospel Spreading Church AFD, Subdivision Consideration
2. Case No. AFD-5-86. Barnes Swamp AFD, Subdivision Consideration
3. Purchase of Ironbound Village Office Buildings

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Clean County Commission
 - b. Colonial Community Services Board
 - c. Economic Development Authority

M. ADJOURNMENT

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JUNE, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Chairman, Berkeley District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Cameron Aadahl, a second-grade student at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Steven Hicks, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), provided a presentation on the completed enhancement project on the portion of Ironbound Road (Route 615) between Sandy Bay Road (Route 681) and Jamestown Road (Route 31).

Mr. Hicks stated that the Secondary System Six-Year Road program's budget has been significantly reduced over the next few years and more community goal projects will be applied, such as the Route 615 enhancement project, to compensate for some of the funding reduction.

Mr. McGlennon commented that the citizens appreciated VDOT working with the neighborhood during the process; and that the project's expenditures were one-sixth of the estimated cost and was completed four years early.

Mr. Brown requested Mr. Hicks pass on the Board's appreciation of great work on the road renovation project.

Mr. Brown requested a warning sign be posted near the entrance to Winter East (Route 1537) off Season's Trace (Route 1530) to warn motorists of an obscured entrance.

Mr. Bradshaw inquired if the road improvement project for Sycamore Landing Road (Route 607 North of Croaker Landing Road) would be similar to the Ironbound Road (Route 615) enhancement project.

Mr. Hicks stated that Sycamore Landing Road (Route 607 North of Croaker Landing Road) is not in the Six-Year Secondary Road Plan; however, the enhancement project is the concept for Mount Laurel Road (Route 751) and Croaker Road (Route 607). Mr. Hicks stated that the anticipated costs for the Croaker Road project continues to increase.

Mr. McGlennon stated that local tourism businesses would like visitors exiting Busch Gardens to see signs directing them to local services prior to them getting onto the Interstate.

Mr. Goodson requested an update on the traffic signage for the Brewery traffic.

Mr. Hicks stated that the “No-U-Turn” sign was posted at the wrong intersection and that it is being relocated to the correct location.

Mr. Goodson inquired about the status of Plantation Road in the Roberts District.

Mr. Hicks stated that new land disturbance seems to have occurred and that new regulations begin July 1, which will require VDOT to go through environmental review process to do minor modifications to the road.

E. PRESENTATION

Mr. Goodson presented Mr. Seth Benton, Neighborhood Liaison to Burnt Ordinary, a resolution recognizing the Burnt Ordinary Neighborhood Association as the James City County Neighborhood of the Quarter.

Mr. Bradshaw added his personal congratulations to Mr. Benton and highlighted the neighborhood’s community day in August and invited the Board members to attend the event.

F. PUBLIC COMMENT

1. Mr. David Fuss, 300 Lake Charles Way, spoke on behalf of the Friends of Powhatan Watershed and highlighted some points made to the Board members in an E-Mail regarding its position on perennial streams in the County and requested the Board consider setting the benchmark score to 24; and commended the Board on its excellent job in protecting cultural and natural character of the area.

2. Mr. Ed Oyer, 139 Indian Circle, commented on a recent news clip on CNN regarding the standards of today’s education and stated that better students are needed.

G. CONSENT CALENDAR

Mr. Bradshaw requested Item No. 3, Grant Appropriation – Clerk of the Circuit Court, be pulled.

Mr. Harrison requested Item No. 5, Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities, be pulled.

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

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

1. Minutes - April 8, 2004, Regular Meeting
2. Amending the Membership of the Colonial Services Board

RESOLUTION

AMENDING THE MEMBERSHIP OF THE COLONIAL SERVICES BOARD

WHEREAS, Chapter 10 of Title 37.1 of the Code of Virginia (1950), as amended, provides for the establishment of a community services board to deliver mental health, mental retardation, and substance abuse services; and

WHEREAS, the Board of Supervisors of James City County, with the intent of implementing provisions of Chapter 10 of Title 37.1 of the Code of Virginia, established the Colonial Services Board, hereinafter referred to as "the Board," by resolution, duly enacted on September 30, 1970; and

WHEREAS, since that date, the number of member jurisdictions has increased and the number of appointees from each jurisdiction has changed; and

WHEREAS, the original resolution enacted on September 30, 1970, was reaffirmed by the Board of Supervisors of James City County by resolution duly enacted on February 5, 1990; and

WHEREAS, since that date, the proportionate population of the member jurisdictions has changed; and

WHEREAS, Article 3, Section 2 of the Bylaws of the Colonial Services Board states:

Williamsburg, James City County, York County, and Poquoson shall be represented, as nearly as is practicable, on the Board in proportion to each jurisdiction's percentage of the overall population of the catchment area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in conjunction with the City Councils of Poquoson and Williamsburg and the Board of Supervisors of York County, desires to amend the number of board members serving on the Colonial Services Board in approximate proportion to current populations.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does hereby amend the original resolution dated September 30, 1970, to amend the membership of the Colonial Services Board to be composed of fifteen members who shall be appointed by the Board(s) of Supervisors/City Council(s) in the following manner:

Five from James City County
Six from York County
Two from Williamsburg
Two from Poquoson

4. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Burnt Ordinary

RESOLUTION

2004 THE YEAR OF THE NEIGHBORHOODS -

NEIGHBORHOOD OF THE QUARTER - BURNT ORDINARY

WHEREAS, the Burnt Ordinary Neighborhood Association has been a connected neighborhood with James City County's Neighborhood Connections since 1998 and consists of 80 apartments for families and 22 apartments for seniors; and

WHEREAS, the motto of the Burnt Ordinary Neighborhood Association is: "Working Together for a Better Community to Live In"; and

WHEREAS, the success of the Burnt Ordinary Neighborhood Association is due to its outstanding communication among members and working together through these efforts:

Monthly Newsletters;
Monthly Senior Bingo;
4-H Youth Group;
Youth-Senior Projects;
Youth Vegetable Garden; and
Burnt Ordinary Community Day.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the Burnt Ordinary Neighborhood Association the Neighborhood of the Quarter for June 2004 in connection with the celebration of the 10th Anniversary of Neighborhood Connections.

3. Grant Appropriation – Clerk of the Circuit Court

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Bradshaw commended on the Clerk's for the use of technology and indexing of documents to keep up with the flow of information in the office.

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

RESOLUTION

GRANT APPROPRIATION - CLERK OF THE CIRCUIT COURT

WHEREAS, the State Compensation Board has awarded the Clerk of the Circuit Court two technology grants totaling \$156,141; and

WHEREAS, there is no local match required.

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:

State Compensation Board Technology Grant \$156,141

Expenditure:

Clerk Technology Upgrades \$156,141

5. **Revenue Bond Financing for the Association for the Preservation of Virginia Antiquities**

Mr. Wanner stated that the Industrial Development Authority (IDA) Board of Directors has passed a Resolution of Inducement for the Association for the Preservation of Virginia Antiquities for revenue bonds to finance the cost of constructing and equipping an “Archaearium,” renovating Dale House, along with landscaping, developing mobile exhibits, and the James Fort area interpretive design.

Mr. Wanner stated that the bonds do not carry the full faith and credit of James City County or its IDA and recommended approval of the resolution supporting the financing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

REVENUE BOND FINANCING FOR THE

ASSOCIATION FOR THE PRESERVATION OF VIRGINIA ANTIQUITIES

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the “Authority”), has considered the application of the Association for the Preservation of Virginia Antiquities (the “APVA”), requesting the issuance of the Authority’s revenue bonds in a principal amount not to exceed \$6,000,000 (the “Bonds”). The proceeds of the Bonds will be used to assist the APVA in financing or refinancing: 1) the construction, equipping, and development of a 7,500-square-foot building to be called the “Archaearium”; 2) the renovation, equipping, and development of an existing building known as the “Dale House”; 3) the acquisition, construction, and equipping of mobile units for exhibit space and other improvements at Historic Jamestowne (together, the Archaearium, the Dale House, the mobile units, and the

other improvements are the “Project”); and 4) the costs of issuing the Bonds. The Archaearium will exhibit a portion of the APVA’s archeological collections, as well as certain historical exhibits that will demonstrate the life of the early settlers at the original Jamestown Settlement. The Dale House will be used for visitor support services, including food services and retail space. The Project will be located on the 22.5 acres of land owned by the APVA in the southwest portion of Jamestown Island, which is at the western end of the Colonial Parkway in the County of James City, Virginia (the “County”). The balance of the land on Jamestown Island is owned by the National Park Service. Visitors to the National Park Service property may cross onto the land owned by the APVA and may also visit APVA facilities, including the Archaearium, the Dale House, the mobile units, and participate in APVA activities. The Project will be owned by the APVA and will be used by the APVA in furtherance of its mission to preserve, interpret, and promote property relating to the history and people of Virginia; and

WHEREAS, the APVA is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”). It has its principal place of business at 204 West Franklin Street, Richmond, Virginia 23220; and

WHEREAS, Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”) provide that the highest-elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Bonds will be issued by the Authority on behalf of the County and the Project will be located in the County. The Board of Supervisors of the County of James City, Virginia (the “Board”) constitutes the highest-elected governmental unit of the County; and

WHEREAS, The Authority adopted an inducement resolution on June 15, 2004, (the “Inducement Resolution”), immediately following a Public Hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project and recommended and requested that the Board approve of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority’s Public Hearing, and the APVA’s Fiscal Impact Statement have been filed with the Board.

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

1. The recitals made in the first and second paragraphs of this resolution are hereby adopted as a part of this resolution. The Board accepts the documents submitted to it by the Authority.
2. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$6,000,000 and approves the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the APVA, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.

3. The approval of the issuance of the Bonds and the acquisition, construction, renovation, equipping, development, and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the APVA. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees, and agents, shall not be liable and hereby disclaims all liability for any damage to the APVA or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This resolution shall take effect immediately upon its adoption.

H. PUBLIC HEARINGS

1. Case Nos. Z-15-03/MP-13-03/HW-2-03. Stonehouse Station at Norge (Continued from May 25, 2004)

Mr. Goodson stated that a request has been made for deferral.

Mr. Morton stated that Counsel for the applicant requested the deferral.

Mr. Goodson opened the Public Hearing.

The Board discussed what date to defer the item to.

The Board concurred to defer to the Board meeting until July 27.

As no one wished to speak to this matter, and without objection from the Board, Mr. Goodson left the Public Hearing open and continued the item to July 27, 2004, and directed staff to re-advertise the case for a Public Hearing.

2. Amendments to the FY 2004 Special Projects/Grants Budget

Ms. Suzanne R. Mellen, Director of Budget and Accounting, presented a budget amendment to appropriate reimbursements from the Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds to cover costs associated with Hurricane Isabel.

Mr. McGlennon inquired what the total expenditure amount is associated with Hurricane Isabel.

Ms. Mellen stated that the expenditure amount is approximately \$8,250,000.

Mr. McGlennon inquired if the proposed amendment is in addition to previous allocations.

Ms. Mellen stated that this is in addition to previous reimbursement allocations.

Mr. McGlennon inquired what the total local expenditure amount is.

Ms. Mellen stated approximately \$630,000 is the local expenditure amount.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AMENDMENTS TO THE FY 2004 SPECIAL PROJECTS/GRANTS BUDGET

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Special Projects/Grants Budget to accommodate the anticipated revenues and spending related to Hurricane Isabel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Special Projects/Grants Budget with the following appropriation:

Revenues:

| | |
|-----------------------|---------------------------|
| Federal Government | \$1,950,000 |
| State Government | 475,000 |
| Insurance Proceeds | (50,000) |
| From the General Fund | <u>150,000</u> |
| Total: | <u><u>\$2,525,000</u></u> |

Expenditure:

| | |
|-------------|---------------------------|
| Storm Costs | <u><u>\$2,525,000</u></u> |
|-------------|---------------------------|

3. Ordinance to Amend and Reordain Chapter 1, General Provisions; Section 1-13, Courthouse Maintenance; Court Security and Jail Processing Fees

Mr. Leo P. Rogers, Deputy County Attorney, presented an ordinance to delete the July 1, 2004, expiration date of the courthouse maintenance, court security, and jail processing fees to modify the County Code to match the State Code amendment.

Staff recommended the Board adopt the proposed ordinance amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

4. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic; Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

Mr. Leo P. Rogers, Deputy County Attorney, presented an ordinance amendment to incorporate by reference into the County Code, the 2004 amendments by the General Assembly to the Driving While Intoxicated (D.W.I.) and traffic laws enforced by County police. Mr. Rogers also stated the proposed amendment adds Section 13-7 (b), which expresses the Board's intent to incorporate new changes to the State Code without formal amendment, although staff will still bring annual updates to the Board.

Staff recommended adoption of the amendments.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the amended ordinance.

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

Mr. Morton stated that staff will continue to bring forward the changes to the State Code for inclusion in the County Code as there is still much debate as to whether a jurisdiction has the power to incorporate by reference.

5. Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General; Section 20-4, Assessment of New Buildings and Computation of Tax Thereon; When Penalty Accrues for Nonpayment

Mr. John E. McDonald, Manager of Financial and Management Services, presented an ordinance amendment to modify the dates of the existing ordinance to correspond to the months of the fiscal year, July 1 to June 30.

Staff recommended the Board adopt the amendment.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the amended ordinance.

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

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the County has received a National Association of Counties award for the County's Purchase of Development Rights Program and for the Beyond the Bell program.

Mr. Wanner stated that the County's Purchase of Development Rights Program will be the model used by the State for its guidance in the development of its Program.

Mr. Wanner recommended the Board recess briefly for the James City Service Authority Board of Directors meeting, then reconvene to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards and/or Commissions, and Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter in the Office of the County Attorney.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that on June 30 at 6:30 p.m. in the Rawls Byrd Elementary School gym, a public meeting will be held with the VDOT and the Jamestown 2007 Corridor Constructors for an update on the completion of the Route 199 and Jamestown Road intersection project.

Mr. McGlennon introduced Ms. Natalie Ford in the audience, who is working on a pre-assignment for his class.

Mr. Goodson recessed the Board at 7:44 p.m.

Mr. Goodson reconvened the Board at 7:47 p.m.

L. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards and/or Commissions, and Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter in the Office of the County Attorney.

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

Mr. Goodson adjourned the Board into Closed Session at 7:47 p.m.

Mr. Goodson reconvened the Board into Open Session at 8:08 p.m.

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

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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; and Section 2.2-3711(A)(1), to consider a personnel matter involving the Office of the County Attorney.

Mr. Bradshaw made a motion to reappoint Stephen Murphy to a four-year term on the Cable Communications Advisory Committee, term to expire on June 30, 2008; to appoint Nancy Shackelford to a four-year term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2008; and to reappoint Victoria B. Gussman to the Williamsburg Regional Library System Board of Trustees, term to expire on June 30, 2008.

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

Mr. Harrison made a motion to appoint himself, Joseph McCleary, Kay Thorington, Gerald Johnson, David Fuss, Hampton Jessie, Tom Tingle, Jon Nystrom, and Henry Branscome, II, to the Five Forks Area Study Committee.

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

Mr. McGlennon made a motion to appoint Leo P. Rogers as the Acting County Attorney.

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

M. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 8:11 p.m. Mr. Goodson adjourned the Board until 7 p.m. on July 13, 2004.

Sanford B. Wanner
Clerk to the Board

062204bs.min

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: July - Recreation and Parks Month

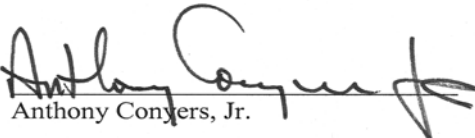
The National Recreation and Parks Association has designated July as Recreation and Parks Month. Events highlighting the benefits of parks and recreation will be scheduled throughout the month.

The Parks and Recreation Advisory Commission adopted the attached resolution at its June 16 meeting. Staff recommends adoption of the attached resolution.



Needham S. Cheely, III

CONCUR:



Anthony Conyers, Jr.

NSC/gb
JulyR&PMo.mem

Attachment

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun, recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

JulyR&PMo.res

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: July - Recreation and Parks Month

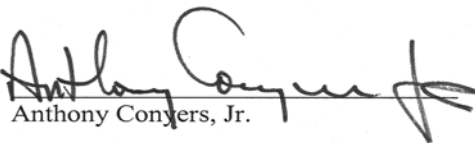
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The Parks and Recreation Advisory Commission adopted the attached resolution at its June 16 meeting. Staff recommends adoption of the attached resolution.



Needham S. Cheely, III

CONCUR:



Anthony Conyers, Jr.

NSC/gb
JulyR&PMo.mem

Attachment

MEMORANDUM

DATE: July 13, 2004

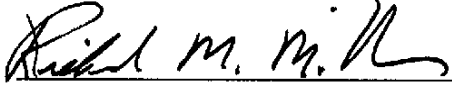
TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief

SUBJECT: Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers, and Authorization of Police Powers

Kendall L. Driscoll has completed all the necessary training and certification requirements to be appointed Assistant Fire Marshal in accordance with the Commonwealth of Virginia Code Section 27-30, et. seq. The Assistant Fire Marshal is responsible for fire prevention, code enforcement, and fire investigation. This function will be in addition to his regular firefighters' duties. The appointment has no effect on his salary or grade. This appointment must be authorized by the Board of Supervisors.

Staff recommends approval of the attached resolution that complies with all Commonwealth of Virginia requirements.


Richard M. Miller

RMM/gs
driscoll.mem

Attachment

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE

PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure, serve warrants of arrest, and to issue summonses in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Kendall L. Driscoll has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Kendall L. Driscoll as a James City County Assistant Fire Marshal with all such police powers and authority as provided in the Virginia Code Sections 27.30, et. seq.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July,
2004.

driscoll.res

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Title V Grant - Beyond the Bell

The Virginia Department of Criminal Justice Services has awarded James City County's Division of Parks and Recreation a \$56,465 Title V Delinquency Prevention Incentive Matching Grant.

The purpose of the grant is to assist with costs for the after-school program at the County's two community centers for referred middle school students. The program, Beyond the Bell, provides at-risk youth with a safe, supervised program that addresses the risk factors of academic failure, substance abuse, lack of social ties, and lack of parental involvement. The grant funds will be used towards the salary and benefits of two full-time Senior Recreation Leaders to conduct the program. The County will match the grant with two part-time Recreation Leaders (one at each site) that are currently in the budget, and with \$17,550 that needs to be appropriated from the General Fund Grant Match account for supplies, snacks, quarterly dinners, and merit increases.

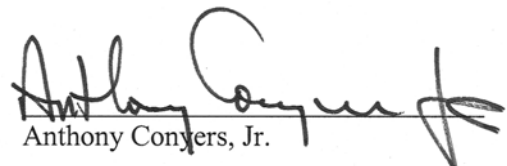
The County has received this grant for the Beyond the Bell for three years. After FY 2005, the program is no longer eligible for this grant.

The development of free youth activities directly supports the County's new Youth Strategic Plan, in addition to supporting the County's goal of balancing service demands with available resources.

Staff recommends approval of the attached resolution to accept the \$56,465 grant for the Beyond the Bell program, and to appropriate the funds into the Special Projects/Grants fund as described above.


Needham S. Cheely, III

CONCUR:


Anthony Conyers, Jr.

NSC/adw
grantv_04_v2.mem

Attachment

RESOLUTION

TITLE V GRANT - BEYOND THE BELL

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS, funds are needed for two staff positions to continue to operate the new middle school after-school program at the County's two community centers for referred youth-at-risk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$56,465 grant awarded by the Virginia Department of Criminal Justice Services.

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

Revenues:

| | |
|------------------------------|-----------------|
| From the Commonwealth | \$56,465 |
| From the County General Fund | <u>17,550</u> |
| | <u>\$74,015</u> |

Expenditure:

| | |
|-----------------------------------|-----------------|
| Title V B Grant - Beyond the Bell | <u>\$74,015</u> |
|-----------------------------------|-----------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

MEMORANDUM

DATE: July 13, 2004


TO: The Board of Supervisors

FROM: David A. Daigneault, Chief of Police

SUBJECT: Appropriation of Funds - U.S. Department of Homeland Security (DHS), Law Enforcement
Terrorism Prevention Program (LETPP)

The Virginia Department of Criminal Justice Services has announced that James City County Police Department has been awarded grant funding in the amount of \$157,057. This grant requires no matching funds. The grant program is to assist in developing capabilities for detecting, deterring, disrupting, and preventing acts of terrorism.

Staff recommends approval of the attached resolution.


David A. Daigneault

DAD/gb
fundsappro.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS),

LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP)

WHEREAS, the James City County Police Department has been awarded grant funding in the amount of \$157,057 from the Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETPP); and

WHEREAS, the grant will allow for cost associated with equipment acquisitions, training, planning, exercises, and organizational activities; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant program will be administered by the Virginia Department of Criminal Justice Services with the grant period being May 28, 2004, through November 27, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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:

| | |
|----------------------|------------------|
| DCJS - DHS and LETPP | <u>\$157,057</u> |
|----------------------|------------------|

Expenditure:

| | |
|----------------------|------------------|
| DCJS - DHS and LETPP | <u>\$157,057</u> |
|----------------------|------------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

fundappro.res

MEMORANDUM

DATE: July 13, 2004

TO: The Board of Supervisors

FROM: Richard M. Miller, Fire Chief

SUBJECT: Appropriation of Funds - U.S. Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP)

The Virginia Department of Emergency Management has announced that James City County has been awarded grant funding in the amount of \$171,755.92. This grant requires no matching funds. The grant program is to provide equipment, training, planning, and exercises for first responders to develop better preparedness to prevent, respond, and recover from potential acts of terrorism.

Staff recommends approval of the attached resolution.


Richard M. Miller

RMM/gs
DHSgrant.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS).

STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP)

WHEREAS, James City County has been awarded grant funding in the amount of \$171,755.92 from the Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP); and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant will allow for costs associated with equipment acquisitions, training, planning, and exercises; and

WHEREAS, the grant will be utilized by the Police and Fire Departments; and

WHEREAS, the grant program will be administered by the Virginia Department of Emergency Management, with the grant period being June 8, 2004, through November 30, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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:

| | |
|--------------------|---------------------|
| VDEM-DHS and SHSGP | <u>\$171,755.92</u> |
|--------------------|---------------------|

Expenditure:

| | |
|--------------------|---------------------|
| VDEM-DHS and SHSGP | <u>\$171,755.92</u> |
|--------------------|---------------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

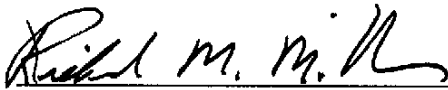
DHSgrant.res

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Citizen Corps Grant Fund Award

The Virginia Department of Emergency Management has awarded Fiscal Year 2004 funding in the amount of \$12,000 to the James City County Emergency Management Department. This grant requires no local matching funds. The funding will be used for enhancements and operations of the established Citizens Corps Council.

Staff recommends approval of the attached resolution.


Richard M. Miller

RMM/gs
citizencorp.mem

Attachment

RESOLUTION

CITIZEN CORPS GRANT FUND AWARD

WHEREAS, the Virginia Department of Emergency Management has awarded funding in the amount of \$12,000 under the Citizen Corps Grant Program; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant period will be from June 8, 2004, through March 8, 2006, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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:

| | |
|--------------------------|-----------------|
| VDEM - EST Citizen Corps | <u>\$12,000</u> |
|--------------------------|-----------------|

Expenditure:

| | |
|---------------------------|-----------------|
| VDEM - EST Citizens Corps | <u>\$12,000</u> |
|---------------------------|-----------------|

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

citizencorp.res

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Mallard Hill

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

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
mallarhill.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN MALLARD HILL

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 July 1, 1994, 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.

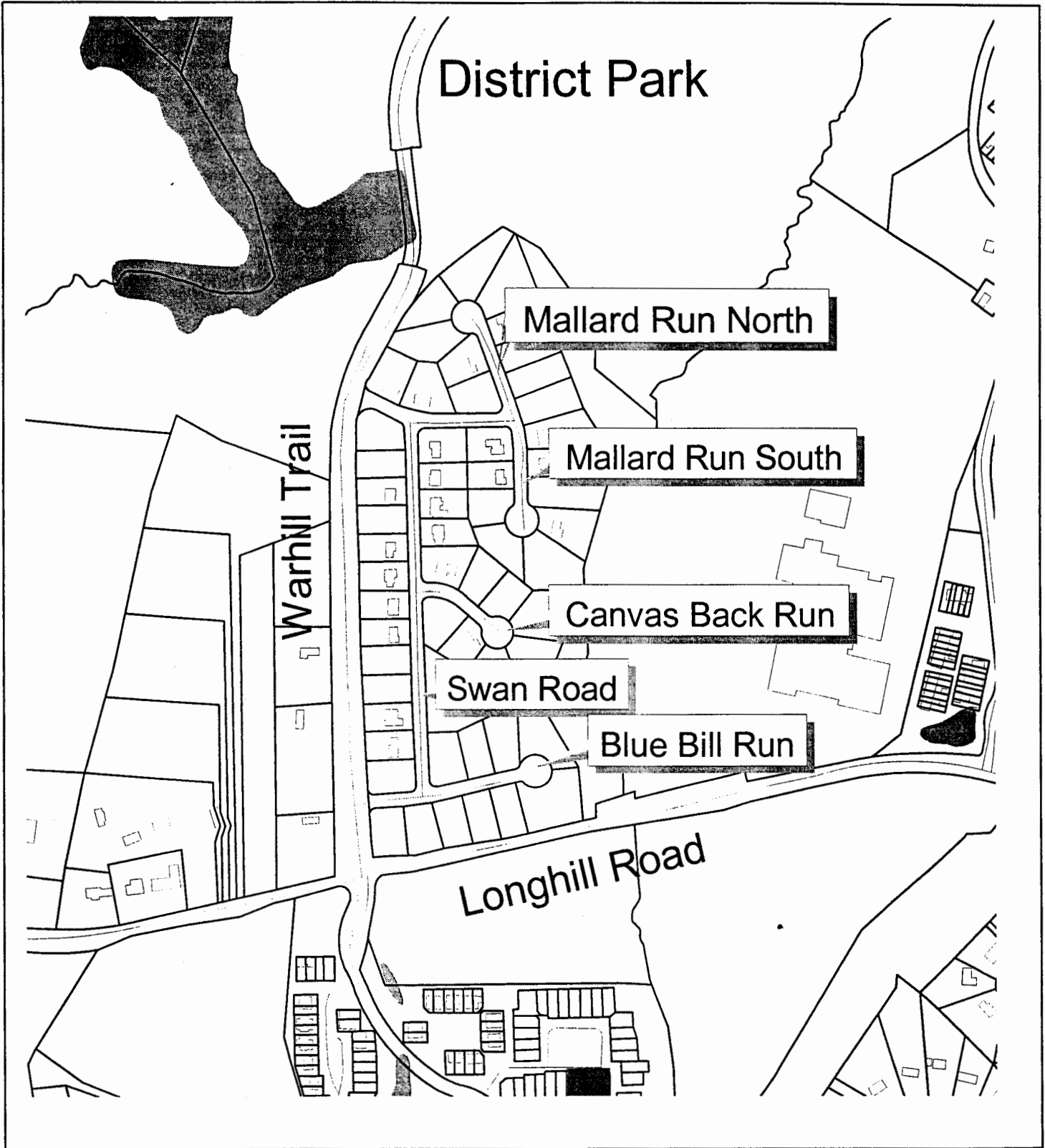
Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

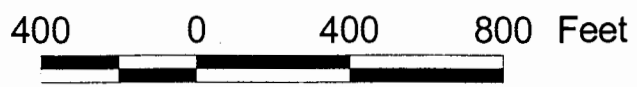
Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

mallarhill.res



DEDICATION OF STREETS IN MALLARD HILL (formerly WARHILL) SUBDIVISION

 Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted July 13, 2004

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

Mallard Hill

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Beaver Run East, State Route Number 1668

Description: **From:** Rt 1666, Swan Road

To: Rt 830, Warhill Trail

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Description: **From:** Rt 1666, Swan Road

To: Rt 1669, South/ North Mallard Run

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Blue Bill Run, State Route Number 1665

Description: **From:** Rt 830, Warhill Trail

To: Rt. 1666, Swan Road

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Description: **From:** Rt. 1666, Swan Road

To: End of cul-de-sac

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Canvas Back Run, State Route Number 1667

Description: **From:** Rt 1666, Swan Road

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Report of Changes in the Secondary System of State Highways

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

North Mallard Run, State Route Number 1668

Description: From: Rt 1668, Beaver Run East

To: End of cul-de-sac
A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

South Mallard Run, State Route Number 1668

Description: From: Rt 1668, Beaver Run East

To: End of cul-de-sac
A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Swan Road, State Route Number 1666

Description: From: Rt 1665, Blue Bill Run

To: Rt 1667, Canvas Back Run
A distance of: 0.13 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Description: From: Rt 1667, Canvas Back Run

To: Rt 1668, Beaver Run East
A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: O. Marvin Sowers, Jr., Planning Director
SUBJECT: Route 31 Limited Access Line

The Jamestown-Yorktown Foundation and the Virginia Department of Transportation (VDOT) are working to transfer a portion of right-of-way along Route 31 between Route 359 and the James River. The Foundation wants to acquire the portions of the right-of-way for which VDOT has no future need. Although the Foundation has a permit to build on this right-of-way, ownership of this land would allow the building of the future parking lot, Shipwright's building, and Powhatan Indian boardwalk to take place on Foundation land rather than VDOT right-of-way. The land to be acquired is limited such that VDOT retains a sufficient amount of right-of-way to widen Route 31 to four lanes at a future date if traffic conditions dictate such a widening.

Prior to the transfer of right-of-way, the Board of Supervisors must approve the movement of the limited access line. As shown on the attached plat entitled "Dedication Plat Showing a Portion of Jamestown Road - Route 31 to be conveyed to the Jamestown-Yorktown Foundation" dated June 18, 2003, the limited access line is proposed to move west towards Route 31 from the line marked "AA" to the line marked "BB."

Staff does not believe the movement of the limited access line, nor the associated transfer of right-of-way, will have a negative impact on Route 31 or surrounding property since the ability is retained to widen Route 31 if future traffic conditions deem it necessary.

Staff recommends the Board of Supervisors approve the attached resolution permitting the movement of the limited access line to the location indicated on the attached plat.

O. Marvin Sowers, Jr.

OMS/gs
J-YFrte31.mem

Attachments:

1. Letter from Jamestown-Yorktown Foundation
2. Dedication Plat
3. Resolution - Route 31 Limited Access Line



Jamestown-Yorktown Foundation

P.O. Box 1607, Williamsburg, Virginia 23187-1607
(757) 253-4838 (757) 253-5299 Fax (757) 253-5110 TDD www.historyisfun.org



June 16, 2004



An Agency of the Commonwealth of Virginia

Accredited by the American Association of Museums

V. Earl Dickinson
Co-Chairman

Thomas K. Norment, Jr.
Co-Chairman

Vincent F. Callahan, Jr.
Vice Chairman

H. Benson Dendy, III
Treasurer

Philip G. Emerson
Executive Director

Mr. Sanford B. Wanner
County Administrator
James City County
P. O. Box 8784
Williamsburg, VA 23187-8784

Dear Sandy:

Re: Route 31 Limited Access Line

The Jamestown-Yorktown Foundation and VDOT are working to transfer a portion of right-of-way along Route 31 between Route 359 and the James River. While the Foundation has a permit to build on this right-of-way, we want to acquire portions of the land for which VDOT has no future need. The land to be acquired is limited such that VDOT retains enough property to four lane Route 31 at a future date. Therefore, this request does not impede the ability to double the traffic capacity of Route 31. Enclosed are plats showing the areas to be transferred. The current limited access line is marked as "AA"; the revised one as "BB."

Recently, we were advised that an intermediate step in this process is to move the limited access demarcation westward. We understand that this process requires the approval of the Board of Supervisors. We have prepared the enclosed resolution for your consideration and ask that this be placed on the Board of Supervisors agenda.

Should you have any questions or concerns on this matter, please give Jeff Lunsford or me a call at 253-4840. In advance, thank you for your assistance in this matter.

Sincerely,

Philip G. Emerson

PGE:JLL/lmo

cc: The Honorable Thomas K. Norment, Jr.
Mr. Steven W. Hicks
Mr. J. Jeffrey Lunsford

Enclosures

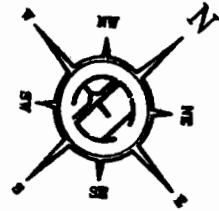
educating • interpreting • preserving • commemorating

An Equal Opportunity Employer/
Affirmative Action Organization



www.Jamestown2007.org

PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID HOWNL.
) NOT INVESTIGATE THE EXISTENCE OR NON-EXISTENCE OF ANY TERIALS OR ENVIRONMENTAL ISSUES THAT MAY AFFECT SAID HOWNL.
 YES NOT INTEND TO SHOW ANY PHYSICAL IMPROVEMENTS.
 IS BASED ON JAMES CITY COUNTY CONTROL MONUMENTS (NAD 83)



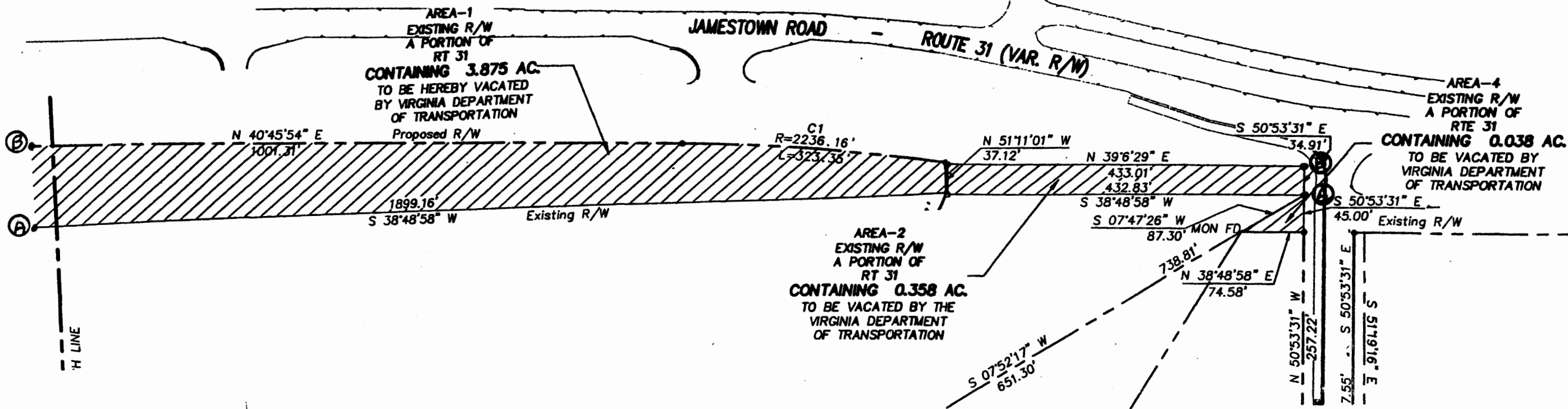
DEDICATION PLAT
 SHOWING
 A PORTION OF
JAMESTOWN ROAD - ROUTE 31
 TO BE CONVEYED TO THE
JAMESTOWN-YORKTOWN FOUNDATION
 JAMES CITY COUNTY, VIRGINIA
 JUNE 18, 2003
 JAMESTOWN DISTRICT
 SCALE 1" = 100'

STATE OF VIRGINIA,
 JAMES CITY COUNTY:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR JAMES CITY COUNTY, VA,
 THE MAP SHOWN HEREON WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW
 DIRECTS.

TESTE _____ DATE _____

PLAT BOOK _____ PAGE _____



RESOLUTION

ROUTE 31 LIMITED ACCESS LINE

WHEREAS, the Jamestown-Yorktown Foundation and the Virginia Department of Transportation (VDOT) are working to transfer a portion of right-of-way along Route 31 between Route 359 and the James River; and

WHEREAS, prior to the transfer of the right-of-way, the limited access line must be moved westward; and

WHEREAS, moving the limited access line requires the approval of the Board of Supervisors of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the movement of the limited access line along Route 31 between the intersection of Route 359 and the James River from Line AA to Line BB as shown on the plat entitled "Dedication Plat Showing a Portion of Jamestown Road - Route 31 to be Conveyed to the Jamestown-Yorktown Foundation" dated June 18, 2003.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

J-Yrte31.res

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Appointment - 2004 County Fair Committee

For insurance purposes, the Board of Supervisors annually appoints the James City County Fair Committee. The term of the appointments is the length of the County Fair. This year the Fair will be held on Friday, August 13, and Saturday, August 14. Attached is a resolution and a list of the volunteers that make up the 2004 James City County Fair Committee.

Staff recommends adoption of the attached resolution appointing the 2004 Fair Committee.

William C. Porter, Jr.

WCP/gb
faircom04.mem

Attachments

RESOLUTION

APPOINTMENT - 2004 COUNTY FAIR COMMITTEE

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2004 County Fair will be held Friday, August 13, and Saturday, August 14.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2004 James City County Fair Committee for the term of August 13, 2004, through August 14, 2004.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July,
2004.

faircom04.res

2004 James City County Fair Committee Volunteers

Beamon, Dwight
Bradshaw, Andy
Bradshaw, Nancy
Bradshaw, Richard
Bradsher, Jim
Danuser, Norman
Davis, Ann
Dubois Leanne
Garrett, Loretta
Hazelwood, Sylvia
Heath, Doris
Jacovelli, Ken
Johnson, Greg
Jones, Katie
Magnant, David
McMichael, William
Miller, Lynn

Overton, Ed
Perkins, Diana
Porter, Bill
Powell, Ellen
Ramirez, Tara
Rinehimer, Brad
Rupe, Charlie
Rupe, Mary
Sims, Angie
Steward, Edith
Townsend, J.D.
Webster, Shirley
Wolven, Alene E.

MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Keith A. Taylor, Industrial Development Authority Secretary
SUBJECT: Change of Name from "Industrial Development Authority" to "Economic Development Authority"

Attached for your consideration is a resolution authorizing the Industrial Development Authority name change to Economic Development Authority. In 2004, the General Assembly authorized the County to make this name change.

This name change is appropriate because it better describes the existing functions of the Industrial Development Authority.

Staff recommends adoption of the attached resolution.

Keith A. Taylor

KAT/gs
IDA-EDA.mem

Attachment

RESOLUTION

CHANGE OF NAME FROM “INDUSTRIAL DEVELOPMENT AUTHORITY” TO

“ECONOMIC DEVELOPMENT AUTHORITY”

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, desires to change its name to Economic Development Authority of James City County; and

WHEREAS, Section 15.2-4903 (C) of the Code of Virginia provides that the Board of Supervisors may change the name of the Authority to the Economic Development Authority of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County Virginia, that the Industrial Development Authority of the County of James City, Virginia, shall be known from this point forward as the Economic Development Authority of James City County, Virginia.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

IDA-EDA.res

MEMORANDUM

DATE: July 13, 2004

TO: The Board of Supervisors

FROM: Doug Powell, Assistant Community Services Manager
Bernard M. Farmer, Jr., Capital Projects Administrator

SUBJECT: Award of Schematic Design Contract - Stadium Facility

In previous budgets the Board of Supervisors allocated funding for partial design of a stadium facility to be located at the Warhill Sports Complex. This stadium facility is to be used for certain community public events as well as certain designated varsity high school athletic events. This spring, staff prepared and advertised publicly a request for proposals to do the necessary design effort for this facility. Two proposals were received: one from The Timmons Group and the other from Clough, Harbour & Associates LLP.

After careful consideration of the qualifications and experience of the two principal consultants and their design teams, the staff committee selected Clough, Harbour & Associates LLP as the best qualified firm for the stadium facility design. Clough, Harbour & Associates LLP has teamed with Magoon & Associates, Hopke & Associates, Williamsburg Environmental Group, Kimley-Horn and Associates, Inc., and Paige Design Group to form their design team. Subsequent negotiations between staff and Clough, Harbour & Associates LLP representatives resulted in an acceptable scope of services and fee structure for the initial design efforts. Since funds presently allocated are not sufficient to do the entire design, it is staff's intent to propose a contract with Clough, Harbour & Associates LLP that only covers the design work through the schematic design phase, and then negotiate further work effort and fees as money becomes available in future capital budgets. A fee of \$137,470 was negotiated for the initial design effort, which will include items such as surveying wetland, delineating, and stakeholder meeting.

Staff has determined the schematic design fee to be reasonable and appropriate for the work efforts required.

Staff recommends adoption of the attached resolution authorizing the award of the contract for schematic design of the stadium facility to Clough, Harbour & Associates LLP in the amount of \$137,470.



Doug Powell

Bernard M. Farmer, Jr.

CONCUR:

William C. Porter, Jr.

DP/BMF/gs
stadium.mem

Attachment

RESOLUTION

AWARD OF SCHEMATIC DESIGN CONTRACT - STADIUM FACILITY

WHEREAS, competitive proposal requests were advertised and received for the design of the James City County stadium facility to be located at Warhill Sports Complex; and

WHEREAS, two proposals were received and evaluated, with the best qualified proposer being Clough, Harbour & Associates LLP; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this portion of the design contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the schematic design of the stadium facility at the Warhill Sports Complex in the total amount of \$137,470.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July,
2004.

stadium.res

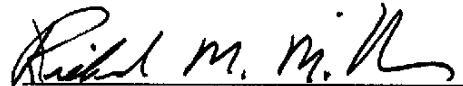
MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Tower Site Lease Agreement - Hankins Industrial Park

Attached for your consideration is a resolution to authorize a lease of a 2,500-square-foot area at 129 Industrial Boulevard in the Hankins Industrial Park for a radio system tower. The lease provides for initial rental payments of \$1,500 per month and an initial term of 25 years, with an option to renew for an additional 25 years. Sufficient funds for the lease exist in the FY 2005 Budget.

Staff is expediting construction of a tower on this site to have it ready for implementation of the 800-MHz radio system. A special use permit and site plan have been approved. A building permit for construction of the tower has also been approved.

Staff recommends adoption of the attached resolution.


Richard M. Miller

RAM/adw
radiosys2mem

Attachments

RESOLUTION

TOWER SITE LEASE AGREEMENT - HANKINS INDUSTRIAL PARK

WHEREAS, James City County and York County are constructing a joint 800-MHz trunked radio system; and

WHEREAS, the radio system requires a tower to be located in the Stonehouse district in compliance with all applicable zoning requirements; and

WHEREAS, the Planning Commission and the Board of Supervisors have approved a special use permit for the construction of a tower at this location; and

WHEREAS, staff negotiated a 25-year land lease agreement with the property owner at 129 Industrial Boulevard for the location of the 800-MHz trunked radio system tower on that property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a 25-year lease with the property owner to locate a radio system at 129 Industrial Boulevard, James City County, Virginia.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

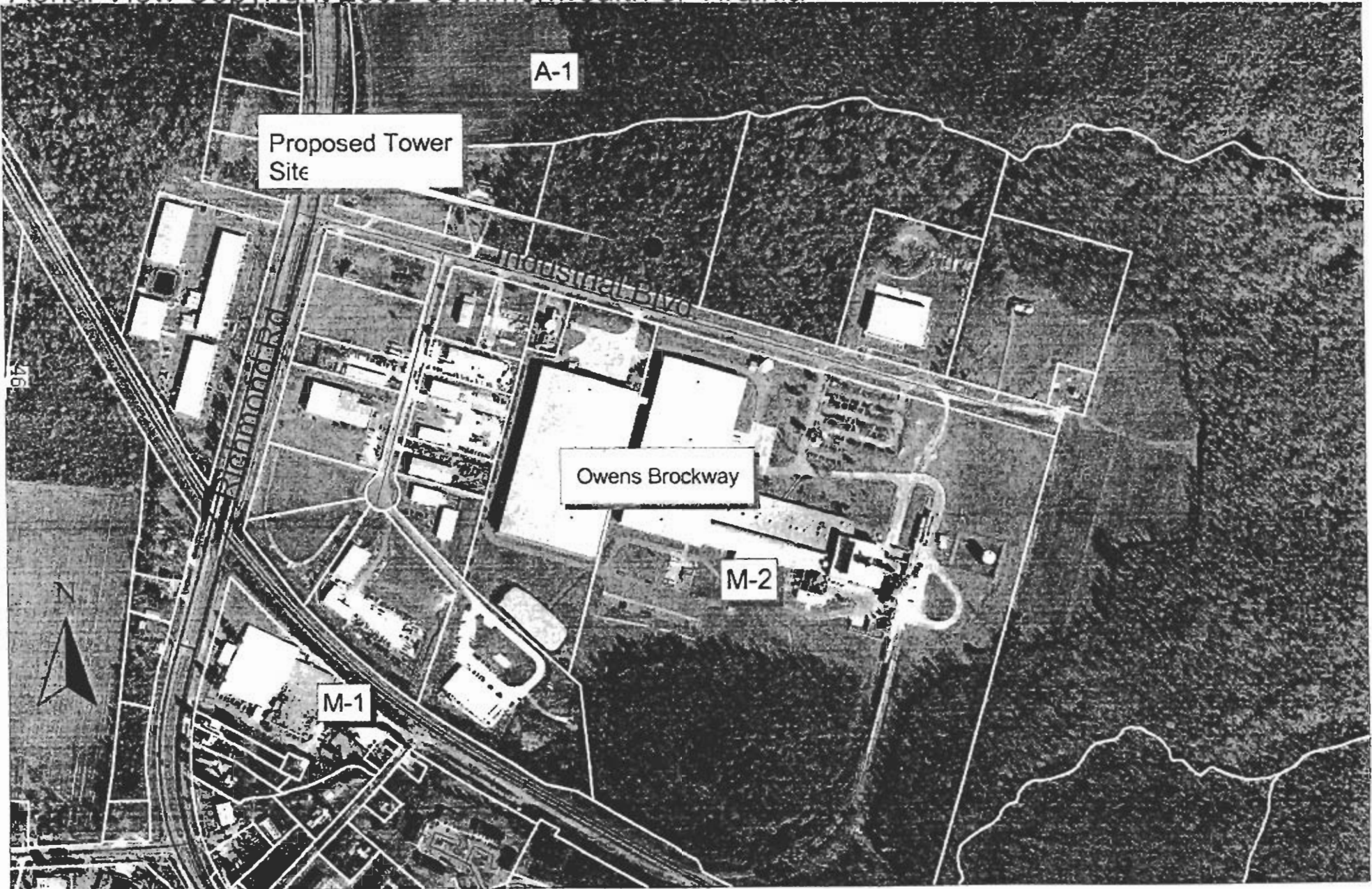
Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

radiosys2.res

JCC Communication Tower Hankins Industrial Park (Industrial Blvd.)



Aerial View Copyright 2002 Commonwealth of Virginia



MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CPRP, Director of Parks and Recreation
SUBJECT: Memorandum of Understanding regarding the Greensprings Trailhead

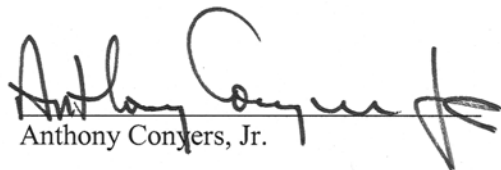
The Greensprings Trail (Trail) located behind Jamestown High School has become a popular soft surface trail for a variety of recreational activities. Many County residents and high school students use the trail to walk, enjoy nature, watch birds, and exercise. Since the Trail opened in 1999, the Trail has only been opened to the public during non-school hours because of the lack of a parking area for trail users. A trailhead facility and parking area have always been planned for the site and funding for construction is available in the Greenways and Trails Account. Phase I has an estimated cost of \$100,000 and will include an entrance road, gate, and parking for 28 vehicles.

The attached Memorandum of Understanding (MOU) has been developed for your consideration by County and School staff. Staff recommends that the Board of Supervisors approve the attached MOU authorizing the County Administrator to execute this Memorandum of Understanding.



Needham S. Cheely, III

CONCUR:



Anthony Conyers, Jr.

NSC/adw
greentrail.mem

Attachments

RESOLUTION

MEMORANDUM OF UNDERSTANDING REGARDING THE GREENSPRINGS TRAILHEAD

WHEREAS, the Greensprings Trail has had an increase in citizen usage during school hours but does not have any public parking to accommodate usage; and

WHEREAS, the Parks and Recreation Advisory Commission, County staff, and citizens recognize the need to construct a parking area for users of the Greensprings Trail; and

WHEREAS, County and School Division staff have developed operational procedures and a memorandum of understanding that supports the construction and operation of the Greensprings Trailhead on Jamestown High School property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the Memorandum of Understanding between the Williamsburg-James City County Public Schools and James City County regarding the Greensprings Trailhead.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

trailagr.res

MEMORANDUM OF UNDERSTANDING
between the
WILLIAMSBURG - JAMES CITY COUNTY PUBLIC SCHOOLS
and
JAMES CITY COUNTY

GREENSPRINGS TRAILHEAD

The Williamsburg-James City County Public Schools (“School”) and James City County (“County”) mutually agree to construct and operate a parking lot and trailhead facility (“Lot and Facility”) on the Jamestown High School property in accordance with this Memorandum of Understanding (“Memorandum”). The Lot and Facility will be utilized by the County to serve the Greensprings Trail (“Trail”) and other potential trails that may connect to the Trail in the future.

A. RESPONSIBILITIES OF THE COUNTY:

1. The County shall provide all funding for construction, maintenance, and operation of the Lot and Facility.
2. The County shall be responsible for opening and closing the entrance gate, supervision, inspection, and parking enforcement of the Lot and Facility. The entrance gate will be opened daily from 8:00 a.m. until dusk.
3. The County shall provide a sign describing the management of the Lot and Facility. The sign shall be mutually approved by the County and the School.
4. To the extent allowed by law, the County shall indemnify and hold harmless School from any and all liability or claims, including the obligation or expense of legal consultation and defense, arising from or related to the Lot and Facility or this Memorandum; provided, however, that such indemnity shall not be required for any claims arising from actions or inaction within the sole control of School.

B. RESPONSIBILITIES OF THE SCHOOL:

5. The School shall provide adequate real property (“Property”) at Jamestown High School, as generally depicted on the attached Preliminary Site Plan, for construction and future public use of the Lot and Facility. The Property shall be provided to the County at no cost.
6. The School shall reimburse the County for initial Lot and Facility construction costs and future capital improvement expenditures, at replacement cost less depreciation, if Lot and Facility use is discontinued by request of the School for any reason. The reimbursement value shall be calculated utilizing a 30-year life, straight-line depreciation method. The School shall not request the Lot and Facility use be discontinued within 10 years of the effective date of the Memorandum unless by mutual agreement of the County. If either party of this Memorandum requests the use of the Lot and Facility be discontinued, the requesting party shall give the other party 18 months notice, unless mutually agreed otherwise, before the use is discontinued.

C. IT IS FURTHER UNDERSTOOD THAT:

7. The Lot and Facility shall be constructed in accordance with an approved master site plan approved by the Superintendent of the Williamsburg-James City County Public Schools ("Superintendent"). Any modifications to the approved master site plan shall also be approved by the Superintendent. A Preliminary Site Plan is attached to this document.
8. This Memorandum is contingent upon the County appropriating the initial and annual monies necessary for the County to perform in accordance with this Memorandum. If the appropriation, either initial or any annual monies, is not made, then School may, after sixty (60) days written notice to the County, elect to terminate this Memorandum and assume all operational control of the Lot and Facility, including using the Lot and Facility for School-only purposes. In such circumstances School shall not be required to repay any amounts under Paragraph 6 above.
9. This Memorandum will be effective when signed by the County and the School. The Memorandum may be modified at any time by mutual written consent.

This Memorandum is approved, and pursuant to Resolution of the Board of Supervisors of James City County, Virginia, executed on the ____ day of _____, 2004, this Memorandum is hereby accepted on behalf of the County.

Sanford B. Wanner
County Administrator
James City County

Date

This Memorandum is approved, and pursuant to Resolution of the Board of the Williamsburg-James City County Public Schools, executed on the ____ day of _____, 2004, this Memorandum is hereby accepted on behalf of the Board.

Board:
Williamsburg-James City County Public Schools

Date

greentrail.att

ATTACHMENT
(Preliminary Site Plan)

GREENSPRINGS TRAILHEAD SITE PLAN

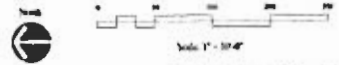
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MAY BE SUBJECT TO CHANGE IN SOUND
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| STATE | LOCALITY | PROJECT | DATE | SCALE | NO. |
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0005-047-111
PE-101, M-501

1 of 2

DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: [Scale]



| DATE | PROJECT | NO. | SCALE |
|---------|-------------------------------|-----|--------|
| 0108-03 | 0005-047-111 PE-101, M-501 | | 1 of 2 |

**SPECIAL USE PERMIT CASE NO. 17-03 & MASTER PLAN 5-03. Warhill Sports
Complex Master Plan
Staff Report for the July 13, 2004, Board of Supervisors Meeting**

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

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Center

June 7, 2004, 7:00 p.m.

July 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant:

James City County, Division of Parks and Recreation

Land Owner:

James City County

Proposed Use:

District Park

Location:

5700 Warhill Trail; Powhatan District

Tax Map/Parcel No.:

(32-1)(1-12)

Parcel Size:

406± acres out of 521.7 total acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Park, Public, or Semi-Public Open Space

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve these applications. Staff finds the proposed development consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development. On June 7, 2004, the Planning Commission recommended approval of these applications by a vote of 7 to 0.

Staff Contact:

Christopher Johnson, Senior Planner Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

Mr. Ned Cheely, on behalf of the James City County Division of Parks and Recreation, proposes to amend the existing master plan for Warhill Sports Complex (formerly District Park Sports Complex) and amend and restate the existing special use permit conditions for the park. Public or private community recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district. The 406-acre park is generally located north of Longhill Road (Route 612), east of Centerville Road (Route 614), and west of Route 199, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1).

The amended master plan for Warhill Sports Complex proposes the addition of a multipurpose field complex, an indoor sports facility, picnic areas, greenway access to Centerville Road, paved multiuse trails, a controlled secondary park access to Centerville Road, a BMX park, and un-programmed open space. The area where these facilities would be located are generally located on the west side of Warhill Trail and are labeled as areas E, F, G2, H, I, J, K2, L, M, O, and Q on the master plan.

HISTORY

In July 1987, Mr. W.J. Scruggs applied on behalf of Virginia International Finance and Development, Inc., to rezone approximately 616 acres of the Warhill Tract from A-2, Limited Agricultural, to R-4, Residential Planned Community; M-1, Limited Industrial; and B-1, General Business. That rezoning proposal, which was approved by the Board of Supervisors, would have allowed 475 single-family dwelling units and 493 multifamily dwelling units on the portion of the site zoned R-4 (484 acres); 210,000 square feet of development on the M-1 portion of the site (94 acres); and 300,000 square feet of commercial development on the B-1 portion of the site (38 acres). Portions of the M-1 and B-1 property have subsequently been rezoned to other industrial and business districts and a small handful of homes were developed on the R-4 property (59 approved lots in Mallard Hill).

The district park concept, originally approved by voter referendum in 1994, was originally intended for the Hotwater-Cole Tract located west of the intersection of Longhill Road and Centerville Road. The Warhill site was purchased by the County in 1996. Due primarily to site development costs, the Board subsequently approved the transfer of the athletic program facilities from Hotwater-Cole (Freedom Park) to Warhill. Since the adoption of the original master plan and approval of the special use permit for the park (Case No. SUP-4-98), a baseball complex, soccer complex, concession stands, parking facilities, the indoor soccer complex (WISC), and entrance road (Warhill Trail) have been completed.

PUBLIC IMPACTS

Environmental Impacts

- , **Watershed:** Powhatan Creek
- , **Environmental Staff Comments:** Environmental impacts will be minimized through the implementation of a strict erosion and sediment control plan that will include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. The entire project will be developed in accordance with the guiding principles of the Powhatan Creek Watershed Management Plan. A perennial stream evaluation will be required so that the Resource Protection Area (RPA) can be determined. This allows for more cost-effective future site planning once the site constraints are known. Some of the proposed facilities (B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; and P-Maintenance Area) have the potential to be affected by the RPA determination. If perennial streams are present, a 100-foot buffer will be required

around them and any wetlands contiguous and connected by surface flow to the stream. Staff has added a condition which requires that a perennial stream evaluation be approved by the Environmental Director prior to preliminary approval being granted for any site plan involving the potentially affected facilities mentioned above.

Public Impacts

- , **Utilities:** The site is served by public water and sewer.
- , **JCSA Staff Comments:** With the exception of concession stands and bathroom facilities, the extension of public utilities within the site will be minimal.

Traffic Impacts

- , **2003 Traffic Counts:** 9,361 vehicle trips per day on Longhill Road from Centerville Road to Route 1530 (entrance to Season's Trace); 16,937 vehicle trips per day on Longhill Road from Route 1530 to Olde Towne Road.
- , **Road Capacity:** A two-lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day; a four-lane road with turn lanes has a capacity of 30,000 vehicle trips per day.
- , **VDOT Staff Comments:** A traffic impact study will be required in the future to determine necessary roadway improvements. Some low traffic generating facilities may be allowed prior to the submission of an updated traffic impact study and/or construction of required roadway improvements. This determination will be at the sole discretion of the Virginia Department of Transportation (VDOT).
- , **Staff Comments:** Staff and VDOT recognize that development of the proposed facilities at Warhill Sports Complex is entirely dependant on funding through future Capital budgets. Because of this fact, full build-out of the sports complex may take many years. Because a current traffic study would not be valid at the time development is begun and since recreational facilities normally generate traffic on evenings and on weekends, staff is proposing a condition which will require a traffic study within three years from the date the application is approved, unless required by VDOT prior to that date. The condition will allow VDOT the authority to delay requiring the traffic study beyond the three-year time period if construction of the proposed facilities occurs at a slower pace than expected. The master plan identifies two options for providing for a secondary park access to Centerville Road for park expansion, stadium, and future high school development. Vehicular control is needed to prevent cut-through traffic to Centerville Road but can be opened for secondary emergency access and special events in accordance with an agreement with VDOT.

COMPREHENSIVE PLAN

- , The site is located north of Longhill Road and east of Centerville Road. Both Longhill Road and Centerville Road are listed as suburban Community Character Corridors (CCC) in the 2003 Comprehensive Plan.

The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas, clearly a secondary component of the streetscape. The CCC designation will help preserve the existing wooded buffer and enable staff to recommend desirable design elements to help compliment and enhance the visual quality of the corridor.

The property is designated Park, Public, and Semi-Public Open Space.

Large, undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.

Staff Comments: With the amended conditions, staff believes that the proposed future development at the Warhill Sports Complex is consistent with the Park, Public, or Semi-Public Open Space designation.

CONCLUSIONS AND CONDITIONS

Staff finds the proposed development consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On June 7, 2004, the Planning Commission recommended approval of these applications by a vote of 7 to 0. Staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

NOTE: Condition Nos. 1, 3, 4, and 5 are existing conditions which have been modified to reflect the current application. Condition Nos. 2 and 6 are existing conditions with no changes. Condition Nos. 7, 8, and 9 are new conditions.

1. Development of the site shall be generally in accordance with the Warhill Sports Complex Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land-disturbing permit for any portion of the site, the applicant shall provide written evidence to the County, which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study approved by both the Planning Director and VDOT shall be constructed prior to the facilities requiring the improvements being utilized.
5. A lighting plan shall be reviewed and approved by the Planning Director for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.
6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority

to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.

8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
sup-17-03_MP-5-03

ATTACHMENTS:

1. Unapproved Minutes of the June 7, 2004, Planning Commission Public Hearing
2. Location Map
3. Master Plan (separate attachment)
4. Resolution

RESOLUTION

CASE NOS. SUP-17-03 & MP-5-03. WARHILL SPORTS COMPLEX MASTER PLAN

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, public recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the property is identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

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, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-17-03 and MP-5-03; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case Nos. SUP-17-03 and MP-5-03 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan 5-03 and the issuance of Special Use Permit No. 17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Warhill Sports Complex Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land-disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study approved by both the Planning Director and the Virginia Department of Transportation (VDOT) shall be constructed prior to the facilities requiring the improvements being utilized.
5. A lighting plan shall be reviewed and approved by the Planning Director for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no

glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.

6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.
8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

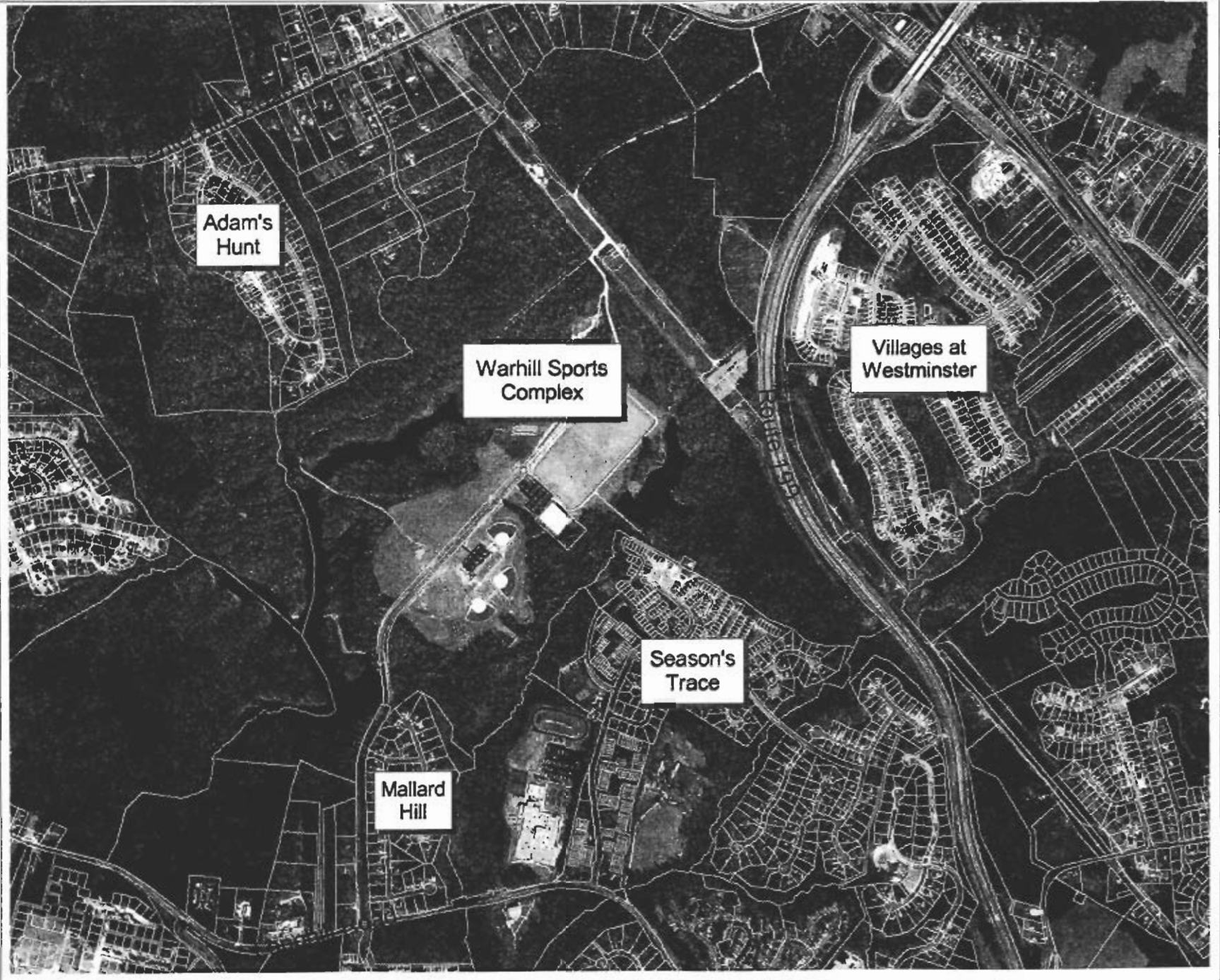
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

sup-17-03_MP-5-03.res

Case Nos. Z-17-03 & MP-5-03. Warhill Sports Complex Master Plan

Photo Copyright 2002 State of Virginia



**SPECIAL USE PERMIT 11-04 & MASTER PLAN 3-04. Freedom Park Master Plan
Staff Report for the July 13, 2004, Board of Supervisors Meeting**

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

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Center

June 7, 2004, 7:00 p.m.

July 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant:

James City County Division of Parks and Recreation

Land Owner:

James City County

Proposed Use:

District Park

Location:

5535, 5537, and 5981 Centerville Road; Powhatan District

Tax Map/Parcel No.:

(31-3)(1-6); (31-3)(1-9); and (31-3)(1-10)

Parcel Size:

± 689.71 acre site

Zoning:

A-1, General Agricultural and LB, Limited Business

Comprehensive Plan:

Park, Public, or Semi-Public Open Space

Primary Service Area:

Outside (A small portion of the site bordering Centerville Road is located inside the PSA.)

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve these applications. Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development. On June 7, 2004, the Planning Commission recommended approval of these applications by a vote of 7 to 0.

Staff Contact:

Christopher Johnson, Senior Planner Phone: 253-6685

PROJECT DESCRIPTION

Mr. Ned Cheely, on behalf of the James City County Division of Parks and Recreation, proposes to amend the existing master plan for Freedom Park and amend and restate the existing special use permit conditions for the park. Public or private community recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district. The 690-acre park is generally located west of the intersection of Centerville Road (Route 614) and Longhill Road (Route 612) and east of Jolly Pond Road (Route 611) and can be further identified as Parcel Nos. (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (38-3).

The amended master plan for Freedom Park is the result of a series of public meetings, which were scheduled to solicit feedback from County citizens and civic groups to help guide the development of the park. These public meetings demonstrated the importance of the site from a historical perspective and highlighted the need to develop historic interpretive areas to create educational opportunities within the park. Development of Freedom Park is planned to occur in five phases. Phase One saw the construction of the entrance road, 33 parking spaces, landscaping, hiking trails, and mountain bike trails. Phase Two will develop the core park facilities, continue archaeological work in proposed development areas, and prepare a water feasibility study to assess water features within the park. Phase Three will develop passive recreational facilities and several picnic areas with shelters and additional parking areas. Phase Four will develop active recreation facilities including basketball, tennis, and volleyball courts, an open meadow for special events, an amphitheater and an aquatic facility. The final phase of construction will focus on water-based recreation facilities pending approval of the lake by permitting agencies. Other park facilities such as an environmental education center and a dog park may be built through public/private partnerships, grants, and/or donations. Staff has amended existing condition No. 1 to refer to the amended Freedom Park Master Plan dated April 2004.

HISTORY

In March 1994, voters authorized general revenue bonds for financing several initiatives. Among the initiatives was \$3,100,000 earmarked for the purchase of a large parcel to be used for a future district park. The acquisition of the Hotwater-Cole Tract for use as a district park was completed in April 1994. Master planning and design of the park facility was approved in subsequent Capital budgets. Master planning of the Hotwater-Cole tract for both passive and active uses was nearly complete when the County agreed to purchase the Warhill Tract in 1996. The acquisition of the Warhill Tract was not anticipated when the Hotwater-Cole site was acquired or planned. The Warhill Tract terrain was better suited than Hotwater-Cole for active sports facilities so revised master plans were prepared that moved the active sports components to Warhill. The passive and less land intrusive components for a district park remained planned for the Hotwater-Cole tract in the future. On January 23, 2001, the Board of Supervisors adopted a resolution for the development of a district park on the Hotwater-Cole Tract (Case No. SUP-26-00). The initial phase of development at Freedom Park was completed in August 2002. Archaeological assessments conducted within the site during the initial phase of development revealed the presence of twenty-seven sites. Phase Two archaeological assessments are ongoing in several of these significant sites at the present time.

PUBLIC IMPACTS

Environmental Impacts

- , **Watershed:** Gordon Creek
- , **Environmental Staff Comments:** Environmental impacts will be minimized through the implementation of a strict erosion and sediment control plan that will include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. The entire project is located outside the 100-year floodplain. A perennial stream evaluation will be required so that the Resource Protection Area (RPA) can be determined. This allows for more cost effective future site planning once the site

constraints are known. Some of the proposed facilities (Historical areas 1, 2, and 3; Active recreation area; “Hotwater Lake” as shown; and the Environmental Education Center) have the potential to be affected by the RPA determination. If perennial streams are present, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream. Staff has added a condition which requires that a perennial stream evaluation be approved by the Environmental Director prior to preliminary approval being granted for any site plan involving the potentially affected facilities mentioned above.

Public Impacts

Utilities:

The vast majority of the site is located outside the PSA and will not be served by public water or sewer.

JCSA Staff Comments:

Any unused wells on the site shall be abandoned in accordance with State Private Well Regulations and the James City County Code. Water and sanitary sewer service connections and/or extensions to JCSA infrastructure will be limited to those areas within the PSA (i.e.: aquatic recreation area adjacent to Centerville Road).

Traffic Impacts

2003 Traffic Counts:

5,073 vehicle trips per day on Centerville Road from Longhill Road to News Road; 8,281 vehicle trips per day on Centerville Road from Jolly Pond Road to Longhill Road.

Road Capacity:

A two-lane collector road with turn lanes has a capacity of 14,000 vehicle trips per day; a four-lane road with turn lanes has a capacity of 30,000 vehicle trips per day.

VDOT Staff Comments:

A traffic impact study will be required in the future to determine necessary roadway improvements to Centerville Road and when a traffic signal will be triggered. Some low traffic generating facilities may be allowed prior to the submission of an updated traffic impact study and/or construction of required roadway improvements. This determination will be at the sole discretion of the Virginia Department of Transportation (VDOT).

Staff Comments:

A traffic impact study was submitted with the previous special use permit application (SUP-26-00) and subsequently reviewed by VDOT, which concurred with the results. Staff and VDOT recognize that Freedom Park will develop only as quickly as funding becomes available in future Capital budgets. The applicant will continue to engage VDOT in their planning for the facilities proposed on the amended master plan. An existing condition (Condition No. 4) requires the applicant to construct all road improvements required by the 2000 traffic study. Condition No. 5 has been added to require the applicant to submit an updated traffic impact study within three years of the approval of the special use permit, unless required by VDOT prior to that date and grants VDOT the authority to delay requiring the traffic study beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.

COMPREHENSIVE PLAN

The site is located west of the intersection of Centerville Road and Longhill Road. Both Centerville Road and Longhill Road are listed as suburban Community Character Corridors (CCC) in the 2003 Comprehensive Plan.

The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. The CCC designation will help preserve the existing wooded buffer and enable staff to recommend desirable design elements to help compliment and enhance the visual quality of the corridor.

Staff Comments:

With the amended conditions, staff believes that development of facilities adjacent to Centerville Road will be adequately screened and buffered from adjacent residences and will be consistent with the Community Character Corridor guidelines. Condition No. 3 has been amended so that development of facilities along Jolly Pond Road will be screened and buffered from adjacent development and residences. Previously, this condition only required a 150-foot buffer along the property lines bordering Centerville Road and those properties with frontage along Centerville Road.

The property is designated Park, Public, and Semi-Public Open Space.

Large, undeveloped areas owned by institutions or the public and used for recreation or open space. These areas serve as buffers to historic sites, as educational resources, and as areas for public recreation and enjoyment.

Staff Comments:

With the amended conditions, staff believes that the proposed future development of Freedom Park is consistent with the Park, Public, or Semi-Public Open Space designation.

CONCLUSIONS AND CONDITIONS

Staff finds the proposed development consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On June 7, 2004, the Planning Commission recommended approval of these applications by a vote of 7 to 0. Staff recommends the Board of Supervisors approval this special use permit application with the following conditions:

NOTE: Condition Nos. 1 and 3 are existing conditions which have been modified to reflect the current application. Condition Nos. 2 and 4 are existing conditions with no changes. Condition Nos. 5, 6, and 7 are new conditions.

1. Development of the site shall be generally in accordance with the Freedom Park Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Development Review Committee.

4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with development plans approved by VDOT.
5. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.
6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2, and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
sup11-04_MP3-04

ATTACHMENTS:

1. Unapproved Minutes of the June 7, 2004, Planning Commission Public Hearing
2. Location Map
3. Master Plan (separate attachment)
4. Resolution

RESOLUTION

CASE NOS. SUP-11-04 & MASTER PLAN 3-04. FREEDOM PARK MASTER PLAN

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, public recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the properties are identified as Parcel Nos. (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (31-3); and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-11-04 and MP-3-04; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 7, 2004, recommended approval of Case Nos. SUP-11-04 and MP-3-04 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan No. 3-04 and the issuance of Special Use Permit No. SUP-17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the Freedom Park Master Plan dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Development Review Committee.
4. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with development plans approved by the Virginia Department of Transportation (VDOT).
5. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Freedom Park occurs at a slower pace than expected.

6. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: Historical areas 1, 2 and 3; Active recreation area; "Hotwater Lake" as shown; and the Environmental Education Center. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

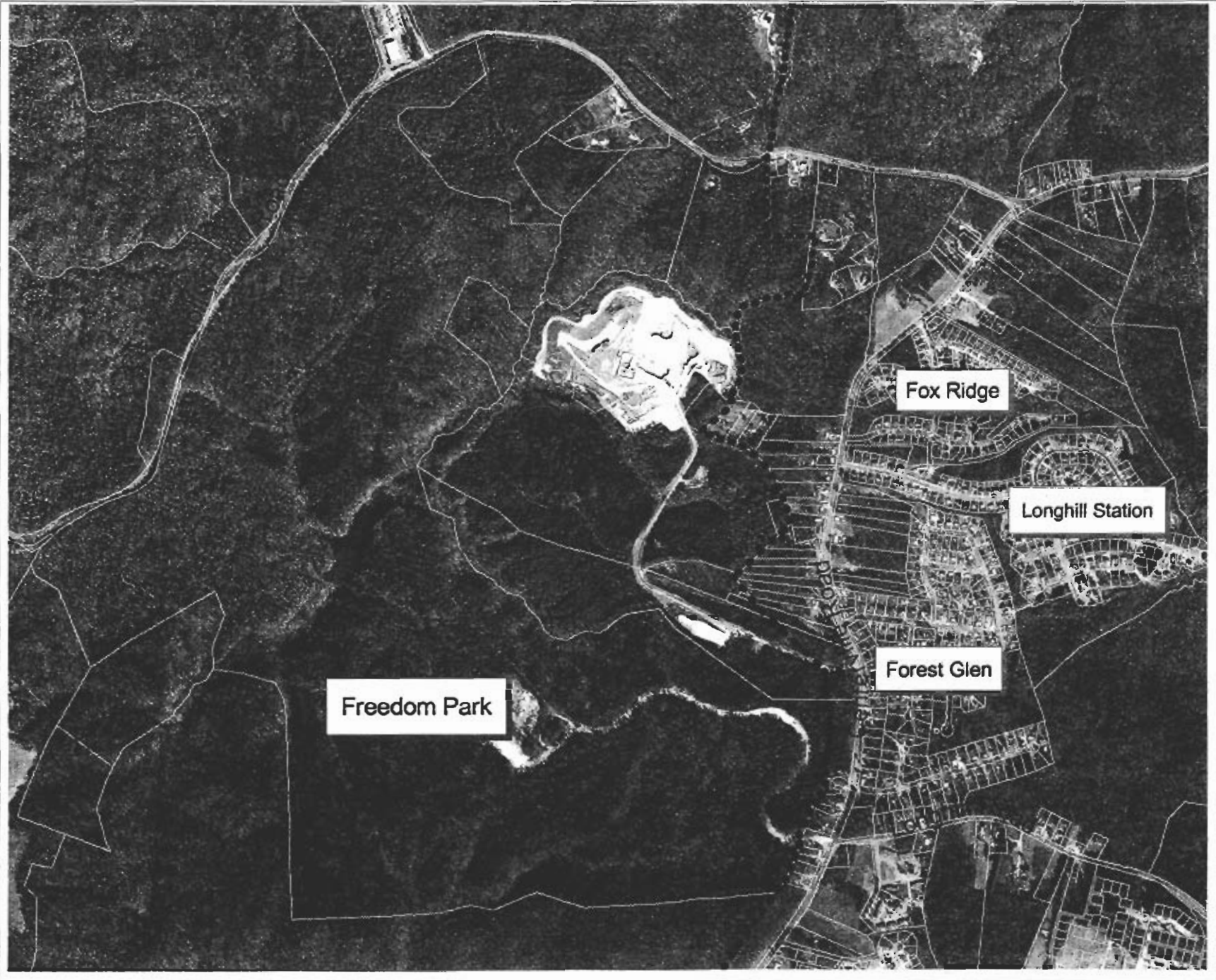
Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

sup11-04_MP3-04.res

Case Nos. SUP-11-04 & MP-3-04 Freedom Park Master Plan

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68



MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Sarah Weisiger, Planner
SUBJECT: Case No. AFD-12-86. Gospel Spreading Church AFD, Subdivision Consideration

Mr. Robert E. Gilley has requested Board consideration of a subdivision of less than 25 acres on property which is currently included in the Gospel Spreading Church AFD. The proposed subdivision would create a two-acre parcel for Mr. Gilley's daughter, Leigh Ann Gilley. The proposed lot would be located at the end of Gate House Boulevard including parts of two parcels located at 318 and 320 Neck O'Land Road and can be further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4). The two existing parcels consist of a total of approximately 153.0 acres and are located within the Primary Service Area. All of the properties would remain in the Gospel Spreading Church AFD.

Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board. The following condition is placed on properties in the Gospel Spreading Church AFD:

"The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres and b) The subdivision does not result in a remnant parcel of less than 25 acres."

In accordance with the above condition, the applicant would be required to record a family subdivision agreement, in a form approved by the County Attorney, in the Circuit Court Clerk's Office when the subdivision plat creating the two-acre parcel is recorded.

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of 5 to 0 with Mr. Gilley abstaining.

Staff recommends adoption of the attached resolution.

Sarah Weisiger

CONCUR:

O. Marvin Sowers, Jr.

SW/adw
afd12-86.mem

Attachments:

1. Minutes of the June 9, 2004, AFD Advisory Committee meeting
2. Location Map
3. Resolution

RESOLUTION

CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AFD.

SUBDIVISION CONSIDERATION

WHEREAS, the owners of property located at 318 and 320 Neck O'Land Road and further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4) have requested Board consideration of a subdivision of less than 25 acres; and

WHEREAS, the property is in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Gospel Spreading Church Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owner's immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 5 to 0 with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of one lot of approximately two acres each to be conveyed to immediate family members of the owners as described herein.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

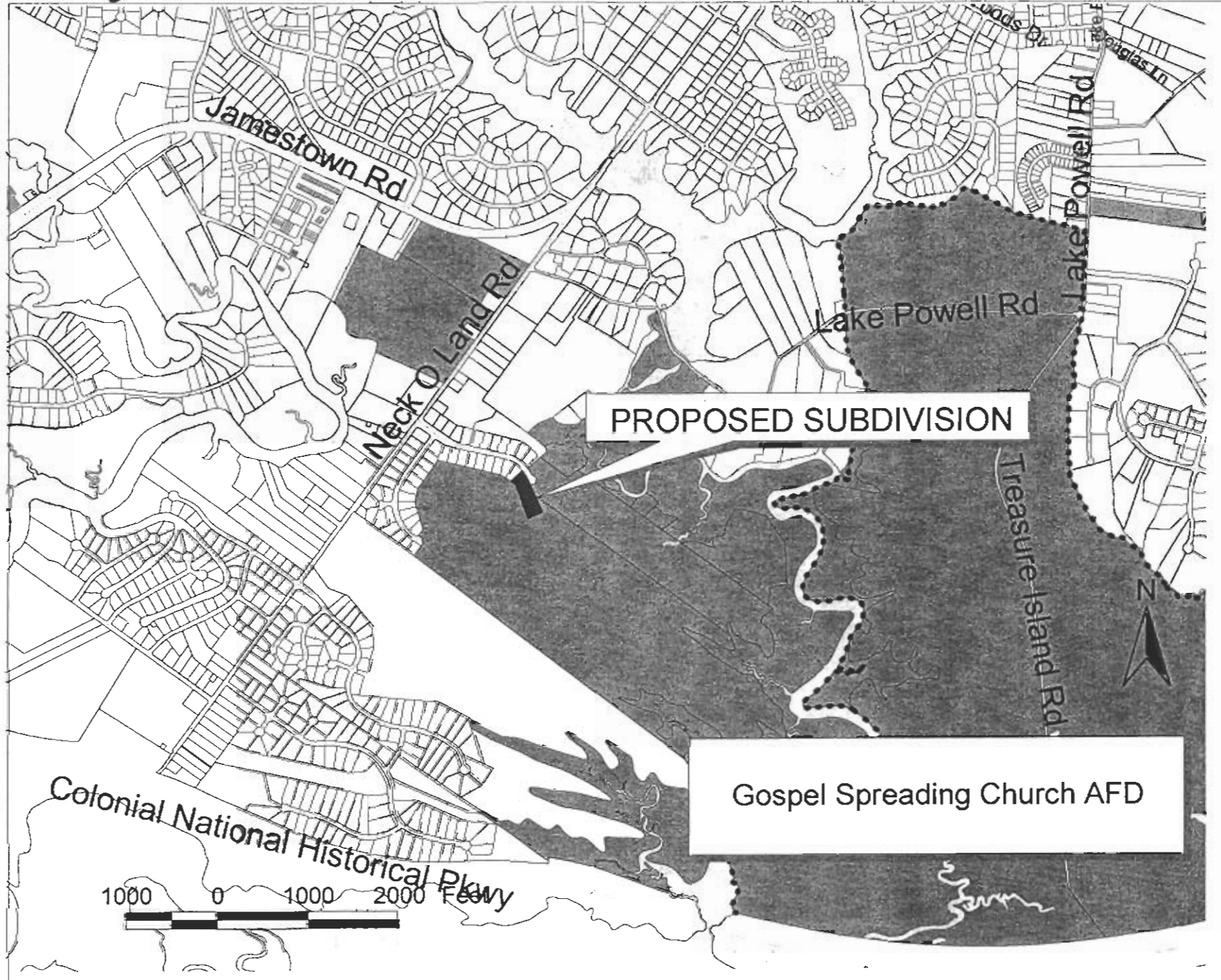
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UNAPPROVED MINUTES OF THE JUNE 9, 2004, AGRICULTURAL AND FORESTAL ADVISORY COMMITTEE

CASE NO. AFD-12-86. Gospel Spreading Church AFD, Subdivision Consideration

Ms. Weisiger presented the staff report and recommended approval of a subdivision of less than 25 acres. Mr. Andy Bradshaw asked if a family subdivision agreement would also be required for the subdivision. Ms. Weisiger stated that such an agreement would be required. Mr. Richard Bradshaw stated that prior to the meeting, he had been unable to find land use applications for the parcels subject to the proposed subdivision. After a brief discussion, it was determined that the Committee could vote on the recommendation because the parcels were in an Agricultural and Forestal District, and the question of land use applications could be resolved at a later time. Mr. Andy Bradshaw asked if there was a time limit on when the parcel should be developed. Ms. Weisiger stated that there was not. Mr. Gilley anticipated that his daughter would build immediately upon receiving the land after January 1, 2005. There being no further discussion, and following a motion by Mr. Hunt and second by Ms. Garrett, the Committee recommended approval of the consideration on a roll call vote of 5 to 0 with an abstention by Mr. Gilley.

Case No. AFD-12-86. Gospel Spreading Church AFD-Gilley Subdivision Consideration



MEMORANDUM

DATE: July 13, 2004
TO: The Board of Supervisors
FROM: Christopher Johnson, Senior Planner
SUBJECT: Case No. AFD-5-86. Barnes Swamp AFD, Subdivision Consideration

Mr. Dustin DeVore of Kaufman & Canoles, on behalf of property owners Dennis Leonituk, Sr. and Anna H. Hockaday, has requested Board consideration of the subdivision of less than 25 acres on property which is currently included in the Barnes Swamp AFD. The 128.7-acre parcel is located at 338 Racefield Drive and can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1). The proposed subdivision would create two 10-acre parcels to be conveyed to their children, Shelly (Leonituk) Latoski and Dennis Leonituk, Jr. One of the proposed 10-acre lots would surround the existing single-family dwelling and outbuildings located on the property and the other 10-acre lot would be located at the rear of the property adjacent to the Diascund Creek Reservoir. The applicant has stated that a single-family dwelling would be constructed on the lot overlooking the reservoir. The entire 128.7-acre property would remain in the Barnes Swamp AFD.

Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp AFD be developed to a more intensive use without prior approval of the Board. The following condition is placed on properties in the Barnes Swamp AFD:

“The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres and b) The subdivision does not result in a remnant parcel of less than 25 acres.”

In accordance with the above condition, the applicant would be required to record a family subdivision agreement, in a form approved by the County Attorney, in the Circuit Court Clerk’s Office when the subdivision plat creating the two 10-acre parcels is recorded.

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of 6 to 0.

Staff recommends adoption of the attached resolution.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gb
afd-5-86.mem

Attachments:

1. Minutes of the June 9, 2004, AFD Advisory Committee meeting
2. Location Map
3. Resolution

RESOLUTION

CASE NO. AFD-5-86. BARNES SWAMP AFD, SUBDIVISION CONSIDERATION

WHEREAS, the owners of property located at 338 Racefield Drive and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1) have requested Board consideration of the subdivision of less than 25 acres; and

WHEREAS, the property is in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of Supervisors has adopted conditions for all properties in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Barnes Swamp Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owners' immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of two lots of approximately ten acres each to be conveyed to immediate family members of the owners as described herein.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

afd-5-86.res

UNAPPROVED MINUTES OF THE JUNE 9, 2004, AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE

CASE NO. AFD-5-86. Barnes Swamp AFD, Subdivision Consideration

Mr. Johnson presented the staff report and recommended that the AFD Advisory Committee recommend approval of the proposed subdivision of less than 25 acres.

Ms. Garrett asked how long a family member was required to own the property following a conveyance from the property owner.

Mr. Johnson stated that a family subdivision agreement would be required to be recorded with the subdivision plat and ownership of any lot created under such an agreement is for a period of no less than three years.

Ms. Garrett asked if there is any restriction placed on the ownership of a lot created under a family subdivision agreement beyond three years.

Mr. Johnson stated that property can be transferred or sold without restriction following the required three year period.

Mr. Richard Bradshaw stated that once a property that is included in the Land Use Valuation Program is conveyed to another person, the property must meet minimum acreage requirements to continue to qualify for the program. For forested land, the minimum acreage requirement is twenty acres.

Ms. Garrett stated that she wanted to make certain that the applicant was aware of the roll back taxes that would be due on the property. Mr. Dustin DeVore of Kaufman & Canoles, representing the property owner, stated that his client was aware of the roll back tax.

Mr. DeVore added that there would only be one new residential dwelling constructed as part of this application.

Ms. Garrett asked if the proposed subdivision is consistent with zoning ordinance requirements.

Mr. Johnson stated that minimum acreage requirements for residential lots in the A-1, General Agricultural, zoning district is three acres so the proposed 10 acre lots that would be created are consistent with the ordinance.

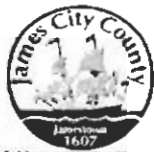
Ms. Garrett asked Mr. Andy Bradshaw whether the Board of Supervisors would likely have any issue with this application.

Mr. Andy Bradshaw stated that the adopted conditions for the AFD allow for this type of request to convey property to a family member and could not foresee the Board finding fault with the proposal.

There being no further discussion, and following a motion by Mr. Hunt and a roll call vote, the Committee recommended approval of the proposed subdivision, by a vote of 6-0.

AFD-5-86. Barnes Swamp AFD Subdivision Consideration

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New Kent
County

Diascund Creek Reservoir

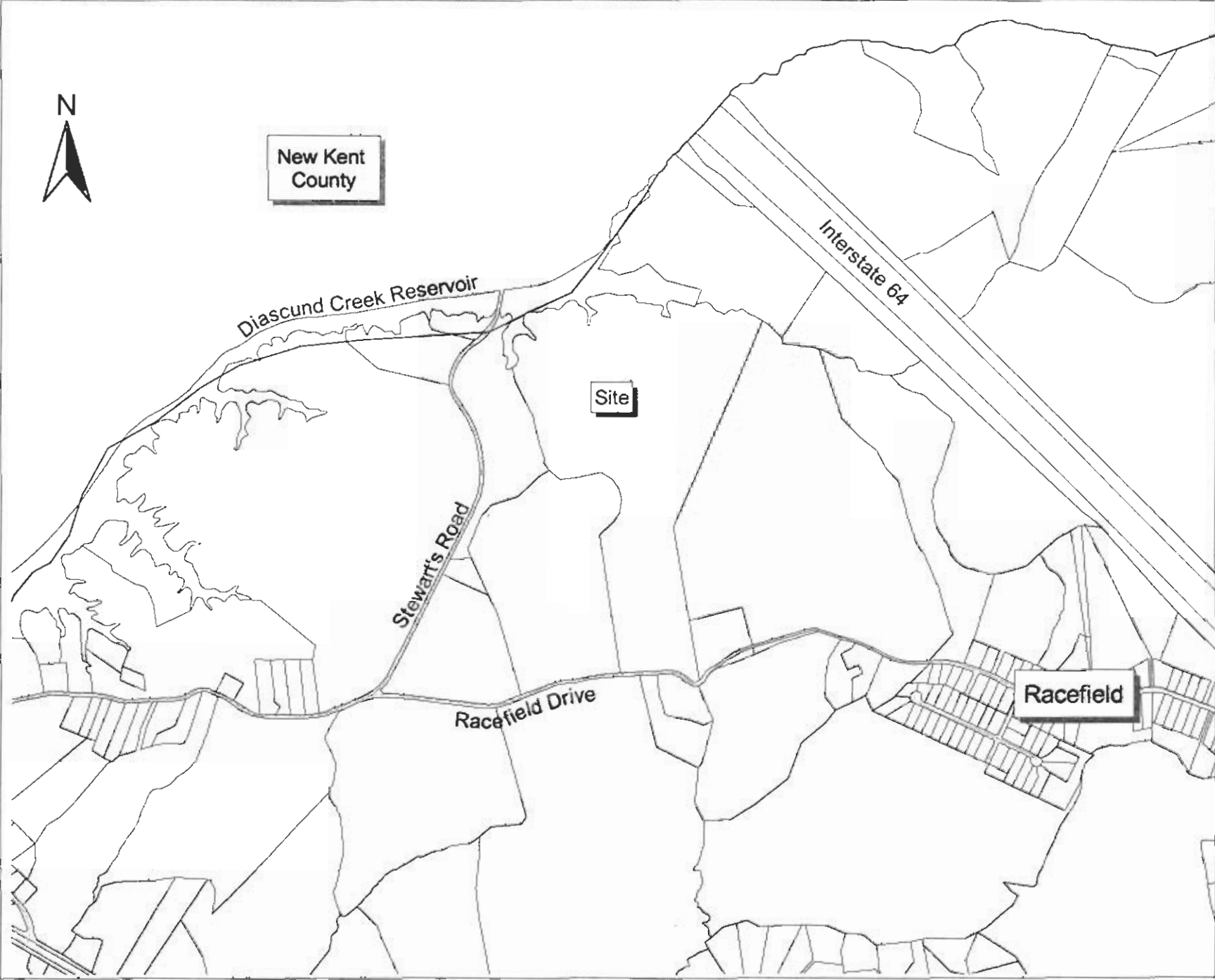
Interstate 64

Site

Stewart's Road

Racefield Drive

Racefield



MEMORANDUM

DATE: July 13, 2004

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Purchase of Ironbound Village Office Buildings

Attached for your consideration is a resolution authorizing the acquisition of 1.39 acres and three 4,800-square-foot office buildings in Ironbound Village, located on Palmer Land in the Berkeley District. County staff negotiated a purchase price of \$1.32 million with George S. Hankins, Jr., and Howard B. Hankins principals of the property owner Cutting Edge Development, LLC. The County Office of Real Estate Assessment confirmed that the purchase price is lower than the partial assessed valuation for the property. The purchase price plus an estimated \$623,000 to finish the building is also less than the \$3.5 million that would be needed for new construction on the property adjacent to the Human Services Building.

The acquisition cost of \$1.32 million will be funded by moneys previously set aside by the Board for the expansion of the Human Services Building and the Economic Development capital funds.

Several administrative divisions will be relocated from the Human Services Building. The new office space will also be used to create a new business incubator, which was recommended by an IDA consultant study completed last year. The three new buildings will provide office space for approximately 60 employees.

The Ironbound Village buildings will house some Community Services offices, including Parks & Recreation Administration, Recreation Programs, and Youth Services, which will move from the Human Services Building. Williamsburg Area Transport (WAT) administration will relocate from Tewning Road. In addition, Neighborhood Connections and Housing & Community Development will move from leased offices on Olde Towne Road. The rent payments avoided by moving these offices from leased space is nearly \$58,000 annually and should be sufficient to handle the additional custodial, maintenance, and utility costs of these three buildings. The projected move-in date for occupying the offices is January 1, 2005.

Two of the Ironbound Village buildings are nearly complete except for the interior work, while the third building is framed. It is estimated that it will cost approximately \$623,000 for electrical, plumbing, furnishings and equipment, and other interior work, such as tying into the County's fiber network for phone and data. Most furniture and office equipment will be relocated from existing space, but some will need to be acquired new. The funds for all the expenses above will come from moneys previously set aside for the Human Services building expansion, from departmental operating budgets, and from Economic Development capital accounts.

The space for a fourth building originally proposed by the developer is planned for additional parking spaces for County employees and customers. Allocated residential parking places will not be affected.

Ironbound Village is a mixed-use project that includes affordable housing. There are 23 single-family homes; seven townhouses are expected to begin construction in the near future. The nearby Ironbound Square community is undergoing a \$3.2 million revitalization under the Ironbound Square Residential Revitalization Program.

Purchase of Ironbound Village Office Buildings

July 13, 2004

Page 2

I recommend approval of the attached resolution approving the purchase of the Ironbound Village office buildings for \$1.32 million and authorizing the County Administrator to execute all documents necessary for completing the acquisition.

Sanford B. Wanner

RR/gs
ironvlg.mem

Attachment

RESOLUTION

IRONBOUND VILLAGE PURCHASE

WHEREAS, Cutting Edge Development, L.L.C. (“Cutting Edge”) currently owns real property and two office buildings located at 5300, 5320, 5324, and 5340 Palmer Lane in the Berkeley District designated as Tax Parcel Nos. 3911300001A, 3911300003, 3911300002B, and 3911300004; and

WHEREAS, George S. Hankins, Jr., and Howard B. Hankins (“Hankins”) currently own real property and one office building located at 5304 Palmer Lane in the Berkeley District designated as Tax Parcel No. 3911300001B; and

WHEREAS, Cutting Edge and Hankins have offered to sell the above-referenced properties and office buildings (“Properties”) to James City County for a combined price of \$1.32 million; and

WHEREAS, the Board of Supervisors is aware of several County administrative divisions in need of additional office space and is of the opinion that the County should purchase the Properties at the offered price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the purchase agreements dated July 6, 2004, for the Properties and directs the County Administrator to execute all documents needed to purchase the Properties from Cutting Edge and Hankins for the sum of \$1.32 million.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of July, 2004.

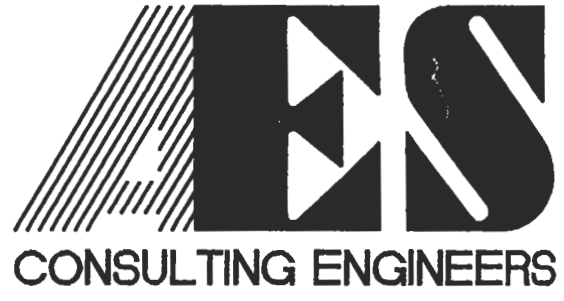
ironvlg.res

MASTER PLAN REVISION
7.75 ± AC
IRONBOUND VILLAGE
ZONING MIXED USE

BERKELEY DISTRICT

JAMES CITY COUNTY

VIRGINIA



| | |
|------------------------|-----------------|
| Designed AES | Drawn AES |
| Scale 1"=50' | Date 5/29/04 |
| Project No. 9322-07 | |
| Drawing No. 1 | |

