

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**June 14, 2005**

**7:00 P.M.**

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**H. PUBLIC COMMENT**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. WORK SESSION**

- 1. Open Burning Ordinance

**L. ADJOURNMENT**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF MAY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

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

William C. Porter, Jr., Assistant County Administrator  
Leo P. Rogers, County Attorney

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

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

**D. PRESENTATIONS**

1. Employee and Volunteer Outstanding Service Awards

Mr. Brown and the Board members presented Outstanding Service Award plaques to the following teams: S.E.L.F.: DeVeria Gore, Lynda Poller, and Kim Hundley; *High School Referendum*: David Bush and Steve Mattheisen; *Looking to Learn, "The Beginning Years "*: Andy Jacobs, Pat Daniel, Debbie Zanca, Millie Pegrem, Carrie Armbruster, Linda Clarke, Shannon Edwards, Patricia Banks, Erin Culpepper, Denise Favors, Noreen Bernstein, Crystal Clay, Sandra Townes, Lillian Barrett, Betsy Barry, and Charlotte Wood; *Groundwater Treatment Plant*: Bruce Capps, Bernie Farmer, Michael Vergakis, and Ray Wilson; *Home Ownership Program*: Rick Hanson, Shirley Johnston, and Alex Holloway; and the SWAT Team: Michael Bauman, Alan McDowell, Christopher Belote, Patrick Murray, Billie Booth, Phyllis Nicastro, Keith Campbell, Prasit Niranont, Willie Dickson, Sterling Perry, Leon Dillard, Richard Schugeld, Sean Gormus, Gennie Smith, Stephen Humphries, Eric Springsteen, Thomas Johnson, Greg Thompson, Jerry White, Lt. Anthony Dallman, Lt. Bradley Rinehimer, Lt. Stephen Rubino, Sgt. Jeremy Barnett, Sgt. Christopher O'Neil, Sgt. Eric Peterson, Captain John Black, and Captain Thomas Ezell; to the following individuals: Rosalie Frey, Harlan Schone, Pat Groeninger, Tratisha Hayes, Seth Benton, Mike Woolson, Patrick Murray, Phyllis Nicastro, and Michelle Riordan; and Lifesaving Award to: Lieutenant Stephen, Rubino, Master Officer Stephen Humphries, Senior Police Officer Kelly Cross, Senior Police Officer Jamie Lilley, Police Officer Wendi Reed, and Fire Marshal Gregory Thompson.

2. Williamsburg Accessibility Project

Mr. Timmons Roberts, Director of the College of William & Mary's Environmental Science and Policy Program, Jess Mackow, Kelly Waldrop, Bob Jacobsen, and Melissa Angert provided an overview of the findings of a report developed by 70 students and faculty in William and Mary's Environmental Sociology class which looked at transportation accessibility and reasons for car dependency within the area, and made recommendations on how to encourage use of alternative transportation.

3. May is Bike Month

Mr. Brown accepted a Certificate of Recognition for Bike Month signed by Governor Warner from Julie Pieretti, President of the Williamsburg Area Bicyclists, and Robert Busetti, Secretary to the Williamsburg Area Bicyclists.

Mr. Brown recognized Wilford Kale, member of the Planning Commission, and Mark Rinaldi, member of the Economic Development Authority, in the audience.

**E. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on recent articles about sewer sludge use, recommended that the County purchase Carters Grove as greenspace, that with the Reverse Osmosis plant on line, we should have shut down several of our wells, that the Board should try tax indexing, and quoted Thomas Jefferson.

**F. CONSENT CALENDAR**

Mr. Bradshaw made a motion to adopt the items on the Consent Calendar including the amended April 26 minutes and the amended agreement of the Historic Triangle Wayfinding System Agreement.

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

1. Minutes

- a. April 18, 2005, Budget Work Session
- b. April 20, 2005, Budget Work Session
- c. April 26, 2005, Regular Meeting

2. May is Bike Month

**RESOLUTION**

**MAY IS BIKE MONTH**

WHEREAS, cycling is a relaxing and enjoyable mode of exercise and transportation for many men, women, and children throughout James City County; and it is a convenient and environmentally clean way for many to travel between work, school, and home; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise and it is important for children and adults to learn the basics of bicycle safety and to always wear a safety helmet while bicycle riding. Cyclists can enjoy the beautiful scenery, parks, area attractions, and historic sites of James City County from a unique vantage point;

and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bike rodeos for children.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2005 as Bike Month in James City County, Virginia, and calls this observance to the attention of its citizens.

3. Riverside Health System Certificate of Public Need

**RESOLUTION**

**RIVERSIDE HEALTH SYSTEM CERTIFICATE OF PUBLIC NEED**

WHEREAS, Riverside Health System has applied to rezone property in the City of Williamsburg, and part of this rezoning request is to allow healthcare facilities to be located on the property; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to healthcare services for its residents, and to make them available and affordable to all citizens of the County; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, staff that provides that care, and the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among healthcare providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in healthcare facilities in the greater Williamsburg area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living and convalescent care; and

WHEREAS, Riverside Health System has already received a Certificate of Public Need from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the plans of Riverside Health System to establish an acute care hospital within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby endorses the proposed Certificate of Public Need for the Doctors' Hospital of Williamsburg to be submitted by Riverside Health System in July 2005 to establish an acute care hospital on the site know as Quarterpath in the City of Williamsburg, Virginia.

4. Virginia Department of Emergency Management Grant Awards - \$79,346

**RESOLUTION**

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT GRANT AWARDS - \$79,346

WHEREAS, the Virginia Department of Emergency Management (VDEM) has approved monetary assistance to the James City County Division of Emergency Management, providing:

- \$50,000 improvement in radiological emergency response capability.
- \$17,346 for improvement of emergency plans.
- \$12,000 to assist with the continuation of our local Citizen Corps.; and

WHEREAS, no local matching funds are 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:

Transfer from the Virginia Department of Emergency Management	<u>\$79,346</u>
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Expenditures:

Radiological Emergency Response Grant (024-073-5604)	\$50,000
Local Emergency Planning Grant (024-073-5605)	17,346
Citizen Corp Grant (024-073-5607)	<u>12,000</u>
	<u>\$79,346</u>

5. Scenic Easement Encroachments at 3651 and 3751 John Tyler Highway for the Greensprings Trail

**RESOLUTION**

SCENIC EASEMENT ENCROACHMENTS AT 3651 AND 3751 JOHN TYLER HIGHWAY

FOR THE GREENSPRINGS TRAIL

WHEREAS, the James City County Board of Supervisors accepted voluntary proffers from David M. Murray dated December 19, 1986, which are recorded in the James City County Circuit Court Clerk's Office in Deed Book 334, at Pages 519 - 521, and which apply to certain parcels commonly known as 3651 and 3751 John Tyler Highway in the Berkeley District and designated as Tax Parcel No. 4610100002 and Tax Parcel No. 461010002D, respectively; and

WHEREAS, said proffers provide for the reservation of a scenic easement across the property 145 feet deep, adjacent to and parallel with the center line of State Route 5, John Tyler Highway; and

WHEREAS, certain improvements are permitted within the scenic easement such as roads, drainage structures and utilities but the proffers are silent in regard to trails; and

WHEREAS, there is a proposed Memorandum of Agreement with the Virginia Department of Game and Inland Fisheries, the Virginia Department of Transportation, James City County, the Williamsburg Land Conservancy, and the Fieldcrest Homeowner's Association ("Memorandum of Agreement"), regarding the Virginia Capitol Trail-Greensprings Phase; and

WHEREAS, the proffered scenic easement is identified in the Memorandum of Agreement as an easement burdening the development of the Virginia Capitol Trail-Greensprings Phase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby find that locating the Greensprings Trail within the 145-foot scenic easement as proposed by the Virginia Department of Transportation on Plan Sheets 3, 12 and 13, entitled "Project 0005-047-111, M-501, B-604, RW-201" dated January 26, 2005, is consistent with the goals and objectives of the proffers described above, and agrees to allow the trail to encroach within the scenic easement as shown on said plan sheets.

6. HOME and CDBG Local Business and Employment Plan

**RESOLUTION**

**HOME AND CDBG LOCAL BUSINESS AND EMPLOYMENT PLAN**

WHEREAS, James City County administers housing and community development programs funded by Community Development Block Grants and HOME funds, including the Indoor Plumbing Rehabilitation Program and the Rehabilitation Demonstration Program; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible and further requires that recipients of Community Development Block Grant and HOME funds must adopt and act in accordance with a written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia adopt the attached Local Business and Employment Plan.

7. Historic Triangle Wayfinding System Agreement

**RESOLUTION**

**HISTORIC TRIANGLE WAYFINDING SYSTEM AGREEMENT**

WHEREAS, the Historic Triangle 2007 Host Committee established the Historic Triangle Wayfinding Task Group to develop a wayfinding signage system for the Historic Triangle; and

WHEREAS, the final report of the Task Group has been completed and a sign system is expected to be installed in 2005-2006; and

WHEREAS, the Board of Supervisors wishes to establish a group to manage the maintenance and administration of the signage system once it is installed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the Historic Triangle Wayfinding System Agreement between Williamsburg, James City County, and York County, and authorizes the County Administrator to sign the agreement.

**G. PUBLIC HEARINGS**

1. Case Nos. Z-02-05/MP-03-05. Ironbound Square Redevelopment

Mr. Trey Davis stated that Rick Hanson applied to rezone approximately 6.03 acres of land along Ironbound Road from R-2, General Residential, to MU, Mixed Use, for the development of a 67-unit, age- and income-restricted apartment facility and five single-family residential lots at 150, 108, 112, and 120 Carriage Road, and 4408, 4406, 4404, and 4400 Ironbound Road, further identified as Parcel Nos. (1-64), (1-57), (1-58), (1-59), (8-3), (8-4), (8-1), and (8-5) on James City County Real Estate Tax Map No. (39-1).

Staff found the proposal, with submitted proffers, will not negatively impact surrounding property; found the proposal, as part of the overall Ironbound Square Redevelopment, consistent with surrounding land uses, the Land Use and Housing policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map Designation.

At its meeting on April 4, 2005, the Planning Commission voted 6-0 for approval of the application.

Mr. Brown opened the Public Hearing.

1. Mr. Rick Hanson, James City County Housing and Community Development Administrator, applicant, provided an overview of the proposal and requested approval of the applications.

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

Mr. Harrison made a motion to approve the resolution.

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

**RESOLUTION**

**CASE NOS. Z-02-05 AND MP-03-05. IRONBOUND SQUARE REDEVELOPMENT**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning Case No. Z-02-05 and Master Plan Case No. MP-03-05 for rezoning ±6.03 acres from R-2, General Residential, to MU, Mixed-Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case Nos. Z-02-05 and MP-03-05 by a vote of 6 to 0; and



WHEREAS, the properties are located at 150, 108, 112, and 120 Carriage Road, and 4408, 4406, 4404, and 4400 Ironbound Road, and further identified as Parcel Nos. (1-64), (1-57), (1-58), (1-59), (8-3), (8-4), (8-1), and (8-5) on James City County Real Estate Tax Map No. (39-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-02-05 and MP-03-05 and accept the voluntary proffers.

2. Case Nos. Z-3-05/SUP-6-05. Centerville Road Subdivision

Mr. Matthew D. Arcieri stated that Henry Stephens, Associated Developers, submitted an application to rezone approximately 43.43 acres located at 6001 and 6061 Centerville Road, from A-1, General Agricultural, to R-2, General Residential, with proffers to construct a 78-lot single-family subdivision. With a proposed gross density of 1.8 dwelling units per acre, the site is further identified as Parcel Nos. (1-36) and (1-33) on James City County Real Estate Tax Map No. (31-1).

Staff found that the proposal, with submitted proffers, will not negatively impact surrounding property. Staff also found the proposal consistent with surrounding land uses and the Comprehensive Plan.

At its meeting on April 4, 2005, the Planning Commission recommended approval by a vote of 4-2 with the proposed buffer reduction.

Staff recommended that the Board approve the rezoning, Special Use Permit (SUP), and accept the voluntary proffers.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, representing the applicant, provided an overview of the proposal, commented on the appropriateness of the proposed buffer reduction that was endorsed by the Planning Commission, and requested that the Board approve the proposal.

Mr. Goodson inquired if the applicant will be using local suppliers and builders for the project.

Mr. Geddy stated that local builders will be sought for part of the development.

2. Mr. Ed Oyer, 139 Indian Circle, requested that the Board take into consideration the Planning Commission vote on the proposal and the concerns of its members.

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

Mr. Bradshaw requested that a Planning Commission representative provide insight in the voting of the Planning Commission members.

Mr. Kale stated that concern about runoff to adjacent property owner from the development, and the upscale nature of the project.

Mr. McGlennon stated that he would not support the application because of the nature of the development.

Mr. Goodson made a motion to adopt the resolutions.

Mr. Goodson commented on the anticipated benefits of the development for the community, and stated that the size of the parcel would be restrictive for a mixed-use development.

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

**RESOLUTION**

**CASE NO. Z-3-05. CENTERVILLE ROAD SUBDIVISION**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning Case No. Z-3-05 for rezoning 43.429 acres from A-1, General Agricultural, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. Z-3-05, by a vote of 4 to 2; and

WHEREAS, the properties are located at 6001 and 6061 Centerville Road and further identified as Parcel Nos. (1-33) and (1-36) on James City County Real Estate Tax Map No. (31-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-05 and accepts the voluntary proffers.

**RESOLUTION**

**CASE NO. SUP-6-05. CENTERVILLE ROAD SUBDIVISION**

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, single-family detached dwellings with a maximum gross density of more than one unit per acre are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. SUP-6-05 by a 4-2 vote to permit the construction of a 78-unit, single-family subdivision with a gross density not to exceed two units per acre at 6001 and 6061 Centerville Road and further identified as Parcel Nos. (1-33) and (1-36) on James City County Real Estate Tax Map No. (31-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 6-05 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land-disturbing permit and start of land-disturbing construction activities.
2. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

3. Case Nos. Z-16-04/SUP-35-04/MP-12-04. Burlington Woods

Mr. Christopher Johnson, Senior Planner, stated that Michael Baust, Rickmond + Bury, on behalf of Michael Smith of Tidewater Partners Property & Development LLC, submitted an application to rezone 17.32 acres at 3931 Longhill Road from R-8, Rural Residential, to R-2, General Residential, with proffers. The site is further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3).

Staff found that with the submitted proffers, the proposal will not negatively impact surrounding property. Staff also found the proposal to be consistent with surrounding land uses and the Comprehensive Plan.

At its meeting on April 4, 2005, the Planning Commission recommended approval of the rezoning, special use permit, and master plan applications by a vote of 5 to 1.

Staff recommended the Board's approval of the applications and acceptance of the voluntary proffers.

The Board and staff discussed the voluntary proffers, the lift station improvements and resulting capacity level, and cash proffer levels.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, representing the applicant, provided an overview of project; requested that the Board approve the applications; commented on the credits taken for lift station improvements and other credits taken as noted in the proffers; and stated the benefits of this proposed in-fill project.

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

The Board and applicant discussed the benefits of the proposal as an in-fill development and potential concerns associated with the proposal.

The Board discussed the cash proffer levels for associated impacts on public services that would result in approval of the proposal, and the merits and concerns of the project.

Mr. Goodson requested deferral of the item to permit time for questions raised to be answered or addressed including the question about proffers and if there is a net gain associated with the proposal.

The Board commended the applicant on the affordable housing aspect of the proposal. Mr. Brown deferred action on the item until May 24, 2005.

4. Proposed Amendments to Chapter 9, Fire Protection, of the Code of James City County

Deputy Fire Marshal Joe Davis introduced Sharie Diener and Stephen McDonald, William & Mary Law Students.

Ms. Diener and Mr. McDonald presented amendments to the Chapter 9, Fire Protection, of the Code of James City County, to incorporate a prohibition on the open burning of land clearing debris waste within the Primary Service Area ("PSA") of the County.

Mr. Brown requested clarification on the comment regarding the increased number of complaints when burning is conducted over a longer time period.

Mr. McDonald stated that larger projects usually involve longer burn times resulting in more than one day of smoke fumes and ash deposits.

Mr. Goodson inquired why the PSA rather than density or some other factor was selected as the boundary.

Ms. Diener stated that the PSA was administratively easier to draw a line along and there are more developments and higher population densities.

Mr. Harrison inquired about development expansion to Ford's Colony that would be outside the PSA yet against a relatively high-density development.

The Board, Ms. Diener, Mr. McDonald, Deputy Fire Marshal Davis, and Acting Fire Chief Tal Luton, discussed various factors and situations of opening burning and alternatives to the proposal based on neighboring jurisdictions, and deferring further consideration and discussion until a Work Session.

Mr. Brown concurred with the recommendation for a deferral until a Work Session.

Mr. McGlennon stated concern about the deferral and the impacts on residents resulting from the open burning that will begin because it is the beginning of the construction season.

Mr. Brown thanked Ms. Diener and Mr. McDonald for their work and presentation of the proposal.

Mr. Brown opened the Public Hearing.

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

Mr. Brown deferred further consideration of the proposal until a future Work Session.

5. Establishment of Polling Places and Election Precincts Berkeley C and Powhatan C

Mr. Stan Gorrell, Secretary of the James City County Electoral Board, stated that in compliance with Section 24.2-307 of the Code of Virginia, the County Electoral Board met on March 21 and approved the revisions of precinct boundaries for Berkeley Precinct B and Powhatan Precinct A and the creation of polling places and election precinct boundaries for Berkeley Precinct C and Powhatan Precinct C. The Boundary revisions, creation of polling places, and addition of two precincts were a result of the November 2, 2004, Presidential Election which showed that Berkeley B had 4,345 voters and Powhatan A had 4,496 voters.

Mr. Gorrell stated that upon approval by the Board, the proposed Ordinance change will need to be reviewed and approved by the Department of Justice in accordance with the Voting Rights Acts of 1965; following which all registered voters whose polling place and election precinct has changed will be notified at least 15 days prior to the next election.

The Board and Mr. Gorrell discussed the proposed amendments, the use of Jamestown High School as a polling site for two precincts, and that there are no anticipated complications from having two precincts vote at one location.

Mr. McGlennon inquired why Lafayette High School has not been selected as a suitable site for polling.

Mr. Gorrell stated that Lafayette High School has been surveyed as a potential site for establishing a polling place and that it may be used in the future; however currently there are crowding and traffic concerns that make it unsuitable at this time.

Mr. Brown opened the Public Hearing.

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

Mr. Harrison thanked the Electoral Board for the work and made a motion to adopt the Ordinance.

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

## **H. BOARD CONSIDERATIONS**

### **1. Housing Rehabilitation Demonstration Program Appropriation**

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that the County's Office of Housing and Community Development (OHCD) is one of 19 Commonwealth organizations selected to receive an award of Federal HOME grant funds available through the Rural Virginia Housing Rehabilitation Demonstration Program (HRDP). Households assisted through the HRDP will be provided loans with repayment amount based on ability to pay and will be forgivable after ten years.

Mr. Hanson requested that the Board approve the resolution authorizing the appropriation of funds to operate the HRDP and designate the allowable uses for future program income from the HRDP as well as the Indoor Plumbing Rehabilitation Program which is also funded with Federal HOME funds.

Mr. Goodson made a motion to adopt the resolution.

The Board thanked staff for its efforts and stated support for the proposal.

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

## **RESOLUTION**

### **HOUSING REHABILITATION DEMONSTRATION PROGRAM APPROPRIATION**

WHEREAS, the Commonwealth of Virginia has established the Rural Virginia Housing Rehabilitation Demonstration Program with funding from the Federal HOME Program to provide assistance to low- and moderate-income homeowners with housing rehabilitation needs which cannot be addressed by current assistance programs; and

WHEREAS, James City County submitted an application to participate in the Rural Virginia Housing Rehabilitation Demonstration Program and was awarded a grant of \$200,000; and

WHEREAS, local matching funds of \$40,000 are required to supplement the grant funds; and

WHEREAS, program income is anticipated to be earned from loan repayments from the Housing Rehabilitation Demonstration Program and the Indoor Plumbing Rehabilitation Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Community Development Fund Budget, as adopted for the fiscal year ending June 30, 2005, as follows:

Revenues:

Housing Rehabilitation Demonstration Program Funds	\$200,000
Community Development Fund Balance	<u>40,000</u>

Total	<u>\$240,000</u>
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Expenditure:

Housing Rehabilitation and Administration	<u>\$240,000</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the Housing Rehabilitation Demonstration Program be designated a continuing appropriation, to carry beyond FY 2005 until the activities of the Rural Virginia Housing Rehabilitation Demonstration Program are completed.

BE IT FURTHER RESOLVED that Housing Rehabilitation Demonstration and Indoor Plumbing Rehabilitation Program income shall be used for additional housing rehabilitation, substantial reconstruction, replacement housing, or homeownership assistance and administrative expenses in accordance with HOME program regulations and requirements of the Virginia Department of Housing and Community Development.

2. The Issuance and Sale of General Obligation Public Improvement Bonds

Mr. John E. McDonald, Manager of Financial and Management Services, introduced Mr. David Rose of Davenport & Company LLC, the County's financial advisory.

Mr. Rose provided an overview of the results of the bond rating agencies which were: Moody's upgraded the County from Aa3 to Aa2; Fitch has rated the County at AA+; and S&P has rated the County as a mid-range AA rating.

Mr. Rose stated on November 2, 2004, the County voters approved financing up to \$39,830,000 for the construction of a third high school which will be financed through the issuance on sale of General Obligation Public Improvement Bonds that are expected to be sold on or about May 24.

Mr. Rose stated that the payout ratio is above average and commended the County for planning ahead and continuing to plan ahead in its fiscal matters.

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

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

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF**  
**GENERAL OBLIGATION SCHOOL BONDS, SERIES 2005,**  
**OF THE COUNTY OF JAMES CITY, VIRGINIA,**

**AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the issuance of general obligation bonds by the County of James City, Virginia (the "County"), in the maximum principal amount of \$39,820,000 was approved by the qualified voters of the County in a referendum at a special election held on November 2, 2004, to finance a new high school (the "Project"); and

WHEREAS, the County's Board of Supervisors (the "Board") determines that it may now be in the best interests of the County to issue and sell general obligation school bonds to finance the Project. The Board determines that it would be advantageous to the County to sell such bonds in a competitive sale.

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

**Section 1.**           **Authorization, Issuance and Sale.** There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), general obligation school bonds of the County in the principal amount not to exceed \$39,820,000 to finance the costs of the Project and to pay the costs incurred in connection with issuing such bonds. The Board hereby elects to issue such bonds under the provisions of the Act.

**Section 2.**           **Bond Details.** Such bonds shall be designated "General Obligation School Bonds, Series 2005" (the "Bonds"), shall be dated the date of their issuance, shall be in registered form, in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 4 and Section 9, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each December 15 ending no later than the year 2036. Subject to Section 9, interest on the Bonds shall be payable on December 15, 2005, and semiannually thereafter on each June 15 and December 15 (each, an "Interest Payment Date"), and shall be calculated on the basis of a year of 360 days with twelve 30-day months. The Board authorizes the issuance and sale of the Bonds on such terms as shall be satisfactory to the County Administrator or the Chairman of the Board; *provided*, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed 5.50% per year, taking into account any original issue discount or premium; (b) shall be sold to the successful bidder at a price not less than 98% nor more than 108% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than twenty-five (25) years; (d) shall be issued in an aggregate amount not to exceed \$39,820,000; and (e) shall be subject to optional redemption, so long as the Bonds may be optionally redeemed after eleven years (or such shorter period as deemed advisable in the sale of the Bonds in accordance with Section 4(e)), with a redemption premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed.

Principal and premium, if any, on the Bonds shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined in Section 8 below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month in which each Interest Payment Date occurs. In case the date of maturity or redemption of the principal of any Bond or an Interest Payment Date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or Interest Payment Date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless such Bond is (a) authenticated before December 15, 2005, in which case it will bear interest from its dated date, or (b) authenticated upon an Interest Payment Date or after the record date with respect thereto, in which case it will bear interest from such Interest Payment Date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

**Section 3.**

**Book-Entry System.** Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The County has entered into or will enter into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the County, including the Bonds. As used herein, the term “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar or the County, or (b) the County in its sole discretion determines (i) to select a new Securities Depository or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the County Administrator shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository’s participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the County Administrator shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository’s participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.



So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

**Section 4. Redemption Provisions.**

- (a) Optional Redemption. Subject to the provisions of Section 2 above and subsection (e) below, the Bonds may be subject to optional redemption prior to their respective stated dates of maturity as determined by the County Administrator or the Chairman of the Board.
- (b) Mandatory Sinking Fund Redemption. Any term bonds may be subject to mandatory sinking fund redemption as determined by the County Administrator or the Chairman of the Board. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the County may apply as a credit against the County's mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the County and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, as selected by the County Administrator or the Chairman of the Board.
- (c) Bonds Selected for Redemption. If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the County Administrator or the Chairman of the Board in such manner as he may determine to be in the best interest of the County. If less than all the Bonds of any

maturity are called for redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

- (d) Notice of Redemption. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to the Securities Depository as the registered owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.
- (e) Determination of Final Redemption Provisions. The Board authorizes the County Administrator or the Chairman of the Board, in collaboration with Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), (1) to determine the dates on which and redemption prices at which the Bonds may be optionally redeemed, and (2) to determine whether the issuance of any term bonds would be beneficial to the County.

**Section 5.** Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board and the Board's seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board; *provided*, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon. Upon execution and authentication, the Bonds shall be delivered to or on behalf of the successful bidder upon payment for the Bonds.

**Section 6.** Bond Form. The Bonds shall be in substantially the form set forth in Exhibit A attached hereto, with such changes, insertions, completions or omissions to reflect the final terms of the Bonds.

**Section 7.** Pledge of Full Faith and Credit. The full faith and credit of the County are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

**Section 8.**            **Registration, Transfer and Owners of Bonds.** SunTrust Bank, Richmond, Virginia, is appointed paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month in which each Interest Payment Date occurs.

**Section 9.**            **Sale of Bonds.** The Board approves the following terms of the sale of the Bonds. The Bonds will be sold by competitive bid. The County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest true or "Canadian" interest cost, all subject to the limitations set forth in Section 2. The Board further authorizes the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations and other limitations set forth in Section 2, and (c) establish the redemption provisions for the Bonds, subject to the limitations set forth in Section 2 and Section 4(e). In connection with the sale of the Bonds, the County Administrator or the Chairman of the Board, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and delivery of the Bonds. The actions of the County Administrator or the Chairman of the Board in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board.

**Section 10.**          **Official Statement.** The form of the Preliminary Official Statement of the County, to be dated the date of its mailing (the "Preliminary Official Statement"), has been made available to the Board prior to the adoption of this Resolution. The use and distribution of the Preliminary Official Statement, in substantially the form made available to the Board, including the use and distribution of an Appendix to the Preliminary Official Statement describing the County, are hereby authorized and approved. The

Preliminary Official Statement, including such Appendix, may be completed and “deemed final” by the County Administrator or the Chairman of the Board as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the County Administrator or the Chairman of the Board, except for the omission of such pricing and other information.

The County Administrator or the Chairman of the Board shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the “Official Statement”). The use and distribution of the Official Statement are hereby authorized and approved. The County Administrator or the Chairman of the Board shall arrange for the delivery to the successful bidder of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the successful bidder initially sells Bonds.

The County Administrator or the Chairman of the Board is authorized, on behalf of the County, to deem the Official Statement to be final as of its date within the meaning of the Rule. The County Administrator or the Chairman of the Board is authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final.

**Section 11.**

**Continuing Disclosure.** A substantially final form of the Continuing Disclosure Agreement to be given by the County (the “Continuing Disclosure Agreement”), evidencing conformity with certain provisions of the Rule, has been made available to the Board prior to the adoption of this Resolution. The Continuing Disclosure Agreement is hereby approved in substantially the form made available to the Board. There may, however, be changes, insertions, completions or omissions to the form of the Continuing Disclosure Agreement to reflect the final terms of the Bonds, the completion of the Official Statement or other commercially reasonable provisions. All of such changes, insertions, completions or omissions will be approved by the County Administrator or the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Continuing Disclosure Agreement. The Board hereby authorizes the County Administrator or the Chairman of the Board to execute and deliver the Continuing Disclosure Agreement on behalf of the County.

The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure of the County to comply with the Continuing Disclosure Agreement shall not be considered a default under this Resolution or the Bonds; *provided*, that any holder of the Bonds, including owners of beneficial interests in the Bonds, may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the County to comply with its obligations under this Section 11 and the Continuing Disclosure Agreement.

**Section 12.** **Sale Documents.** The use and distribution of the Notice of Bond Sale, the Summary Notice of Bond Sale, and the Official Bid Form, pursuant to which the Bonds will be offered for sale, are hereby authorized and approved.

**Section 13.** **Arbitrage Covenants.**

(a) No Composite Issue. The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”).

(b) No Arbitrage Bonds. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

**Section 14.** **Non-Arbitrage Certificate and Elections.** Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County. The County shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

**Section 15. Limitation on Private Use; No Federal Guaranty.** The County covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141(b) of the Code, (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

The County represents and agrees that the Bonds are not and will not be “federally guaranteed,” as such term is used in Section 149(b) of the Code. No portion of the payment of principal of or interest on the Bonds is or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

**Section 16. Discharge upon Payment of Bonds.** The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the County or the Registrar from its obligations hereunder to register and transfer the Bonds or release the County from its obligations to pay the principal of, premium, if any, and interest on the Bonds as contemplated herein until the date the Bonds are paid in full, unless otherwise provided in the Act. In addition, such defeasance shall not terminate the obligations of the County under Sections 13 and 15 until the date the Bonds are paid in full.

**Section 17. Other Actions.** All other actions of the members of the Board, officers, staff, and agents of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers and staff of the County are authorized and directed to execute and deliver all certificates and instruments, including Internal Revenue Service Form 8038-G and a Blanket Issuer Letter of Representations to the Securities Depository, and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**Section 18. Limitation of Liability of Officials of the County.** No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a member of the Board, officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing any Bond shall be liable personally on such Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the Board, officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

**Section 19.**        **Contract with Registered Owner.** The provisions of this Resolution shall constitute a contract between the County and the registered owner of the Bonds for so long as the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the County in any manner that does not, in the opinion of the County, materially adversely affect the registered owner of the Bonds.

**Section 20.**        **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

**Section 21.**        **Effective Date.** This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the Board are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the City of Williamsburg and County of James City.

**I.        PUBLIC COMMENT - None**

**J.        REPORTS OF THE ASSISTANT COUNTY ADMINISTRATOR**

Mr. Porter recommended that the Board go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition/disposition of a parcel/parcels of property for public use.

**K.        BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson reminded citizens that on May 11 at 4:30 p.m. at the James River Elementary School, a Public Hearing will be held on the proposed realignment on Route 60 East by the Virginia Department of Transportation.

Mr. Bradshaw thanked the citizens, merchants, other jurisdictions, the Williamsburg Area Transport Company, and emergency crews that responded to the dormitory fire at the College of William & Mary.

Mr. Porter thanked the staff of Financial and Management Services and the Office of Economic Development who took the rating agencies on tours.

**L.        CLOSED SESSION**

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition/disposition of a parcel/parcels of property for public use.

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

Mr. Brown adjourned the Board into Closed Session at 9:16 p.m.

Mr. Brown reconvened the Board into Open Session at 10:19 p.m.

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

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

## **RESOLUTION**

### **CERTIFICATION OF CLOSED MEETING**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3), to consider acquisition/disposition of a parcel/parcels of property for public use.

### **M. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

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

At 10:20 p.m., Mr. Brown adjourned the Board until 4 p.m. on May 24, 2005.

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Sanford B. Wanner  
Secretary to the Board



**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF MAY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

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

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Christiana Cintron, an eleventh-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, stated that landscape planting will be taking place in the County in the next 30 to 60 days; stated that the intersection improvements at Lightfoot Road (Route 646) and Mooretown Road (Route 603) involving the installation of traffic signals will be completed by August 15; stated that the Williamsburg Area headquarters for VDOT has reopened and additional staff are being hired; stated that VDOT has put out open bids for interstate maintenance work, which will free up VDOT staff to address primary, secondary, and subdivision road roadwork; and stated that repair work on Interstate 64 is underway.

Mr. Brewer, stated that on May 20 the third right-turn lane on Route 199 had been opened and the intersection of Route 199 and Jamestown Road (Route 31) is fully open; stated that the pedestrian-crossing signalization is being reviewed and may be adjusted; stated that a presentation on the proposed improvements to Croaker Road (Route 607) is being developed and will be shared with property owners along the road to get permission to perform the roadway improvement work; stated that the speed study results have not been reported yet and additional sites have been added for speed studies; stated that the traffic signalization to be installed near Williamsburg West and the Regency at Longhill apartments is halted while VDOT works with County staff and the landowners to establish an easement to permit the location of a traffic signalization light pole on the property; and stated that a drainage watch list has been presented to the Board and the list continues to grow.

Mr. Harrison inquired if an overlay of the entire Frond Lane (Route 1467) will be performed.

Mr. Brewer stated that it is anticipated that Frond Lane will be repaved; however, it will not occur this year.

Mr. Goodson requested that VDOT look at the signalization for traffic exiting Quarterpath Road and Mounts Bay Road (Route 639) at the intersection with Route 199 to eliminate confusion as to who has the right-of-way for turning onto or crossing Route 199.

Mr. McGlennon thanked VDOT for the Route 199 and Jamestown Road (Route 31) intersection work that has resulted in smoother traffic flow.

Mr. Bradshaw thanked Mr. Brewer for visiting the site of erosion problems on Richmond Road (Route 60) and requested that VDOT look at the drainage problem at the bottom of the curve on Diascund Reservoir Road (Route 603) just after the intersection of Richmond Road (Route 60) where standing water develops after it rains.

Mr. Brown thanked VDOT for the responses to pothole concerns and requested that VDOT look at the east-bound lane on the curve of Longhill Road (Route 612) where the pavement is deteriorating and the deterioration is now encroaching into the traffic travel lanes.

## **E. PRESENTATION**

### **1. Middle Peninsula Juvenile Detention Commission - Merrimac Center - Annual Report**

Ms. Joanne Smith, Director for the Merrimac Center, provided an overview of the Center's annual report, the membership of the Commission, and the services offered; commented that the County usage has diminished from being a leading user to fourth place in usage of the Center, and it is anticipated that County usage will diminish next year as well.

Mr. Bradshaw requested information about the GED program service at the Center.

Ms. Smith stated that six individuals graduated from the GED program this year.

Mr. Bradshaw requested information about video conferencing for after-hours intake officers.

Ms. Smith stated that the pilot program to reduce the amount of overtime hours for intake officers and to expedite processing of youths has been introduced in the form of video conferencing. Video conferencing permits law enforcement officers, while they are on the road, to get the intake paperwork done. The law enforcement officer, through video conferencing, can have the youth and his/her parents or guardian make a statement to the intake officer at the Merrimac Center and the intake officer reaches a decision on whether to detain or not. This allows the officer to be on the road in a matter of minutes.

Mr. McGlennon stated he is impressed with the services and programs which are geared towards getting the youth back on track.

Ms. Smith stated that the Center would be happy to have tours of youth groups, clubs, organizations, or citizens in their facility.

**F. PUBLIC COMMENT**

1. Mr. Orvil Methen, 113 Thorpe's Parish, stated concern that payment was made in connection with grinder pump installations that covered the fee to provide sewage treatment and he now reads in the newspaper that the James City Service Authority (JCSA) will be taxing the next owner of the property without representation and will raise that fee without hearing the voice from future owners; and stated that sewage should be treated the same across the board and the JCSA should not penalize grinder pump owners.

2. Mr. Ed Oyer, 139 Indian Circle, stated that during the Route 60 relocation project, a side discussion was held by citizens regarding military retirement benefits, the associated fees with military retirement, and out-of-service providers; and emphasized the need for the County to index the real estate tax.

**G. CONSENT CALENDAR**

Mr. Goodson made a motion to adopt the items on the consent calendar including the amended resolution for the Hurricane Isabel Disaster Recovery Project - Community Development Block Grant Application.

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

1. Advance Hiring of FY 2006 Police Recruits

**RESOLUTION**

**ADVANCE HIRING OF FY 2006 POLICE RECRUITS**

WHEREAS, the James City County Board of Supervisors adopted the FY 2006 County Budget on April 26, 2005, that provides for four new Police Recruits; and

WHEREAS, the police training at the Hampton Roads Criminal Justice Training Academy begins immediately after the start of FY 2006 on July 5, 2005; and

WHEREAS, it is necessary for the Police Recruits to receive several days of training provided by the Police and Human Resource Departments prior to the start of the academy; and

WHEREAS, the hiring of the new Police Recruits is needed in advance of the start of FY 2006; and

WHEREAS, the Police Department will have sufficient funds in its FY 2005 budget to pay the salaries and fringe benefits of the four Police Recruits for a period of two weeks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the advance hiring of four new Police Recruits on June 16, 2005.

2. Award of Construction Contract - Louise Lane-south

**RESOLUTION**

**AWARD OF CONSTRUCTION CONTRACT - LOUISE LANE-SOUTH**

WHEREAS, Louise Lane-south is currently a dirt street; and

WHEREAS, bids have been received for construction of Louise Lane-south; and

WHEREAS, staff reviewed all bids and determined that Toano Contractors, Inc., is the lowest responsive and responsible bidder and qualified to complete the project; and

WHEREAS, funds are available to construct Louise Lane-south to the Virginia Department of Transportation (VDOT) standards for inclusion in the VDOT Secondary Road System.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Toano Contractors, Inc., for this work in the amount of \$175,205.

3. Hurricane Isabel Disaster Recovery Project - Community Development Block Grant Application

**RESOLUTION**

**HURRICANE ISABEL DISASTER RECOVERY PROJECT -**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG), 2005 Disaster Recovery Fund; and

WHEREAS, a press release has been published and a public meeting has been held regarding this application in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$341,000 in VCDBG funds to be used to provide assistance to individuals whose homes incurred major damage as a result of Hurricane Isabel; and

WHEREAS, \$34,100 in local funds are allocated to the project; and

WHEREAS, the project is anticipated to benefit eleven households, six of which will be low- and moderate-income households by providing housing restoration, rehabilitation, replacement, and hazard mitigation assistance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

4. Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

**RESOLUTION**

**REVISED ADMINISTRATIVE PLAN FOR THE  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM**

WHEREAS, the James City County Office of Housing and Community Development is the designated Public Housing Agency (PHA) authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, there have been substantial changes in Federal policies and regulations related to operation and funding of the Housing Choice Voucher Program since the initial Administrative Plan was adopted by the Board of Supervisors on June 25, 2002; and

WHEREAS, the Office of Housing and Community Development has prepared a revised Administrative Plan and reviewed significant changes in local policies in the revised Administrative Plan with its Housing Choice Voucher Participant Advisory Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the revised Administrative Plan for the Section 8 Housing Choice Voucher Program effective July 1, 2005.

5. Appointment of Secretary/Treasurer for Williamsburg Area Transport Company

**RESOLUTION**

**APPOINTMENT OF SECRETARY/TREASURER FOR  
WILLIAMSBURG AREA TRANSPORT COMPANY**

WHEREAS, the office of Secretary/Treasurer for the Williamsburg Area Transport (WAT) Company is vacant.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appoints Mr. Doug Powell as Secretary/Treasurer for the Williamsburg Area Transport Company for the remainder of 2005.

6. Thomas Nelson Community College Board

**RESOLUTION**

**THOMAS NELSON COMMUNITY COLLEGE BOARD**

WHEREAS, Thomas Nelson Community College (TNCC) was established in 1967 to serve the cities of Hampton, Newport News, Williamsburg, and Poquoson, and the counties of James City and York; and

WHEREAS, a local college board was established, with members appointed by each of the localities to serve in an advisory capacity to the State Board of Community Colleges and the Community College's President; and

WHEREAS, the population growth over the last 15 years has changed the demographic distribution of the TNCC service area and the County has requested an expansion of the TNCC Board with an increase in representation by James City County and York County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mr. Joe A. Gutierrez, County Representative on the TNCC Board, to serve as James City County's representative on the ad hoc committee to review the TNCC Board's composition and allocation of the members among the member localities.

7. Hampton Roads Economic Development Alliance - Designee for 2005

**RESOLUTION**

**PENINSULA COUNCIL FOR WORKFORCE DEVELOPMENT - DESIGNEE FOR 2005**

WHEREAS, the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) have merged; and

WHEREAS, the Peninsula Council for Workforce Development is the successor organization serving the Peninsula; and

WHEREAS, the bylaws of the Peninsula Council for Workforce Development authorize each Governmental Member to appoint by resolution a designee of the Member jurisdictions to cast a vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Jay T. Harrison, Sr., as its Governmental Member designee for 2005.

**H. BOARD CONSIDERATIONS**

1. Case Nos. Z-16-04/SUP-35-04/MP-12-04. Burlington Woods (deferred from May 10, 2005)

Mr. Christopher Johnson, Senior Planner, stated that Michael Baust of Rickmond + Bury, on behalf of Michael Smith of Tidewater Partners Property & Development LLC, submitted an application to rezone 17.32

acres at 3931 Longhill Road from R-8, Rural Residential, to R-2, General Residential, with proffers. The site is further identified as Parcel No. 1-20 on James City County Real Estate Tax Map No. (33-3).

Staff found that with the submitted proffers, the proposal will not negatively impact surrounding property. Staff also found the proposal to be consistent with surrounding land uses and the Comprehensive Plan.

At its meeting on April 4, 2005, the Planning Commission recommended approval of the rezoning, special use permit, and master plan applications by a vote of 5 to 1.

Staff recommended the Board's approval of the applications and acceptance of the amended voluntary proffers that removed Item No. 12 referring to pump station improvements.

Mr. Bradshaw inquired if any revisions or changes have been made to the economic impact analysis and school expenses report.

Mr. Johnson stated that a revised fiscal impact study has not been submitted.

Mr. Goodson made a motion to adopt the application resolutions with the amended page 10 of the voluntary proffers.

The Board members briefly stated their support or opposition to the proposal and the benefits and concerns associated with the proposal including adequacy of the cash proffers to offset the impact to public services.

On as roll call vote, the vote was: AYE: Harrison, Goodson, Brown (3). NAY: McGlennon, Bradshaw (2).

## **RESOLUTION**

### **CASE NO. SUP-35-04. BURLINGTON WOODS**

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

WHEREAS, Mr. Michael Baust of Rickmond + Bury has applied on behalf of Tidewater Partners Property & Development, LLC for a special use permit to allow a single-family subdivision with a maximum gross density of 1.5 units per acre in accordance with the provisions of Section 24-254 (c) of the Zoning Ordinance; and

WHEREAS, the property is identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS the Planning Commission of James City County, following its Public Hearing on April 4, 2005, recommended approval of Case No. SUP-35-04 by a vote of 5 to 1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 35-04 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining a land-disturbing permit and start of land-disturbing construction activities for the project.
2. A landscaping plan shall be approved by the Planning Director or his designee prior to final approval of any subdivision plat for the development. The owner shall provide enhanced landscaping for the area along the property frontage on Longhill Road and adjacent to any residential dwellings. Enhanced landscaping shall be defined as 133 percent of Zoning Ordinance landscape requirements.
3. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **RESOLUTION**

### **CASE NOS. Z-16-04 AND MP-12-04. BURLINGTON WOODS**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners were notified, and a hearing was scheduled on Zoning and Master Plan Case Nos. Z-16-04 and MP-12-04 for rezoning approximately 17.32 acres from R-8, Rural Residential, to R-2, General Residential, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public Hearing on April 4, 2005, recommended approval of Case Nos. Z-16-04 and MP-12-04, by a vote of 5 to 1; and

WHEREAS, the property is identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (33-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-16-04 and MP-12-04 and accepts the voluntary proffers.

#### 2. Crossroads Community Youth Home

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that the Colonial Group Home Commission staffs and administers a variety of juvenile justice programs in the region and one of the core services is the Crossroads Community Youth Home. The structure the Crossroads Community Youth Home occupies was never intended to be a group home and is poorly designed for such purposes, and the facility is aged and has been deteriorating drastically, requiring continuous and expensive repairs.

The Commission has worked for several years to replace this facility with an appropriately designed and sized structure, and requested the Board adopt the resolution permitting the Commission and the Commission Administrator to proceed with details of a commitment to sell the existing facility, the interim financing, and the provisions of a land lease.

Mr. Harrison inquired if the proposed Crossroads Community Youth Home will be coed.

Ms. Mellen stated that it will be coed.

Mr. McGlennon made a motion to adopt the resolution.



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

## **RESOLUTION**

### **CROSSROADS COMMUNITY YOUTH HOME**

WHEREAS, the localities of York, James City, and Gloucester Counties and the City of Williamsburg have collaborated on programs for juvenile offenders in the 9th District since the early 1970s and formed the currently named Colonial Group Home Commission in 1986 and collectively fund a complete continuum of programs and services in partnership with the Commonwealth; and

WHEREAS, Crossroads Community Youth Home is a 12-bed residential facility for males ages 14-18 owned by the member jurisdictions of the Colonial Group Home Commission as tenants-in-common consisting of a small compound including a three-floor residence and small auxiliary buildings that provide office space and food service storage; and

WHEREAS, the facility was formerly a private residence and accordingly the design makes it very difficult to operate given the nature and challenges accompanying placement of today's youth and in addition to the facility design issues, the half-century-old structure requires constant, significant maintenance and repair, making it imperative that a replacement facility be constructed; and

WHEREAS, the General Assembly has excepted Crossroads specifically by name from the existing moratorium on construction of group homes and other residential structures for juveniles in order to facilitate the funding and construction of a new Crossroads Community Youth Home; and

WHEREAS, in order for the replacement project to proceed, in particular, in regard to the details of interim financing of a long-term land lease agreement and provisions for the sale of the existing facility, it is necessary for the member localities to authorize the Commission and the Commission Administrator to take the necessary steps.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Colonial Group Home Commission and the Commission Administrator to take all steps necessary to arrange for the sale of the existing Crossroads Community Youth Home, the details of a long-term land lease as a site for a new facility, and for the necessary financing to construct that facility.

BE IT FURTHER RESOLVED that documents affecting the final sale of the property and the execution of the land lease must be approved by the James City County Board of Supervisors.

#### **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, inquired where the proceeds from the sale of the existing Crossroads Community Youth Home will go and inquired if the funds will be coming back to the jurisdictions or will it be used towards the costs associated with the new facility.

Ms. Mellen stated that the proceeds from the sale will be used to offset the cost of the new facility and reduce funding request to participants.

2. Ms. Amanda Howard, 3436 Old Stage Road, requested the Board's support to have the Old Stage Road speed limit reduced to 35 mph and to have "Watch for Children" signs installed along the road, and presented a petition from residents of and near Old Stage Road supporting the speed limit reduction.

Mr. Wanner stated that VDOT is conducting the necessary speed study on Old Stage Road.

3. Mr. Troy Howard, 3436 Old Stage Road, understands VDOT is conducting a speed limit study as is the County Police; however, the residents want the speed limit reduced to 35 mph, not just studied and request the County's assistance to get it done.

Mr. John T. P. Horne, Manager of Development Management, stated that secondary roads are controlled by VDOT and while local government and citizens petition for roadway review and revision, the County does not have the authority to reduce speed limits on State owned/maintained road.

4. Ms. Susan Back, 3373 Old Stage Road, stated that she is the mother of Isabel, the child who lost her life to traffic on Old Stage Road; requested the Board take into consideration the citizens' request to reduce the speed limit on Old Stage Road; stated that there are three housing developments that have youth near Old Stage Road; and requested that the County support its citizens' request to protect the children of the community and get the speed limit reduced and signs up on Old Stage Road.

Mr. Brown and the members of Board stated that they appreciate the situation and will give the request due consideration.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that County citizens who subscribe to Cox Cable will receive a County TV-48 programming survey regarding the programming on Channel 48 with their next bill and requested that citizens return the survey that is self-addressed and postage paid.

Mr. Wanner recommended that the Board recess briefly for a JCSA Board of Directors meeting; then reconvene to go into Closed Session pursuant to Section 2.2-3711(A)(1) for the consideration of appointments to Boards and Commissions, and Section 2.2-3711(A)(1) to consider a personnel matter, and the evaluation of the County Attorney at the conclusion of the Board's meeting. The Board adjourned until 7 p.m. on June 14.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested additional information regarding a proposed by-right development that will construct water facilities that will be shared, and requested the alternatives available to the Board, the flexibility or restraints within the current regulations; and then the Board can provide options or voice satisfaction with the current regulations to staff for guidance through the development review.

Mr. Brown requested additional information from staff regarding the unintended consequences of saying yes to such a development proposal.

Mr. Brown recessed the Board at 7:58 p.m. for a meeting of the JCSA Board of Directors.

Mr. Brown reconvened the Board at 8:17 p.m.

**L. CLOSED SESSION**

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

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

Mr. Brown adjourned the Board into Closed Session at 8:18 p.m.

Mr. Brown reconvened the Board into Open Session at 8:45 p.m.

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (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; Section 2.2-3711(A)(1), to consider a personnel matter, the evaluation of the County Attorney; and Section 2.2-3711(A)(7), to consult with legal counsel and staff members (or consultant) pertaining to actual or probable litigation.

Mr. McGlennon made a motion to appoint Mr. Tom Tingle to a four-year term on the Economic Development Authority, term to expire on May 31, 2009; to reappoint Mr. Mark Rinaldi to a four-year term on the Economic Development Authority, term to expire May 31, 2009; to reappoint Ms. Katherine Preston to a three-year term on the Historic Triangle Bicycle Advisory Committee, term to expire on June 30, 2009; and to reappoint Mr. Tom Belden, Mr. Richard Jones, Ms. Louise Menges, Ms. Margaret Mondul, and Ms. Charlene Talcott to a three-year term on the Water Conservation Committee, terms to expire May 31, 2008.

**M. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

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

At 8:50 p.m., Mr. Brown adjourned the Board until 7 p.m. on June 14, 2005.

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Sanford B. Wanner  
Secretary to the Board

052405bos.min


MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Nancy Ellis, Superintendent of Recreation/Director of Youth Services, Parks and Recreation  
SUBJECT: Strengthening Families Program - Historic Triangle Substance Abuse Coalition Grant

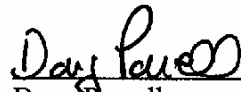
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James City County has received a \$2,395 grant from the Historic Triangle Substance Abuse Coalition to implement the Strengthening Families Program. This free Program is for parents or caregivers and their youth, ages 10 to 14-years old. The purpose of the Program is to help parents with their parenting skills and assist youth in developing skills in handling peer pressure. The funds fully cover the cost of operating supplies, child care, and family meals.

Staff recommends approval of the attached resolution appropriating the funds for the Program.

  
\_\_\_\_\_  
Nancy Ellis

CONCUR:

  
\_\_\_\_\_  
Doug Powell

NE/gs  
SFP05.mem

Attachment

**RESOLUTION**

**STRENGTHENING FAMILIES PROGRAM -**

**HISTORIC TRIANGLE SUBSTANCE ABUSE COALITION GRANT**

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

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

Revenue:

Historic Triangle Substance Abuse Coalition	<u>\$2,395</u>
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Expenditure:

Strengthening Families Program	<u>\$2,395</u>
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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

SFP05.res

MEMORANDUM

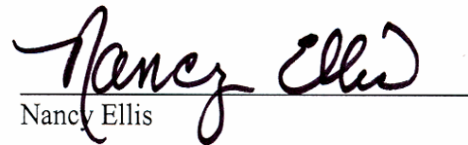
DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Nancy Ellis, Recreation Center Administrator  
SUBJECT: Virginia Department of Health - Tobacco Use Control Grant

---

James City County's Division of Parks and Recreation has been awarded a \$2,250 Tobacco Use Control Grant from the Virginia Department of Health.

The purpose of the non-matching grant is to introduce a health component to the Division's upcoming thirteen summer sports camps. Funds will be used to purchase each child a tee-shirt promoting the camp and a tobacco free life-style, and a tobacco free wristband. To foster a healthy environment for the camps, the participants, instructors, spectators, volunteers and parents will also be asked to refrain from the use of all tobacco products while participating in or attending the camp programs.

Staff recommends approval of the attached resolution to accept the \$2,250 grant for sports camp enhancement, and to appropriate the funds as described in the attached resolution.

  
Nancy Ellis

CONCUR:

  
Needham S. Cheely, III

NE/nb  
smoke.memo

Attachment

**RESOLUTION**

**VIRGINIA DEPARTMENT OF HEALTH - TOBACCO USE CONTROL GRANT**

WHEREAS, the Virginia Department of Health has made funds available to educate youth that tobacco use is the leading cause of preventable death in Virginia; and

WHEREAS, funds are needed to add a health component to the Division's summer sports camps.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$2,250 grant awarded by the Virginia Department of Health to help with the additions to the summer camp program.

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

**REVENUES:**

From the Commonwealth	<u>\$2,250</u>
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**EXPENDITURES:**

Virginia Department of Health Tobacco Use Control Project	<u>\$2,250</u>
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\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

smoke.res



MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: Award of Contract – Employee Medical and Dental Insurance

---

Employee medical and dental insurance was put out for competitive bids in January 2005. Bids were received from seven organizations offering to cover our employees under various plan designs, networks and funding arrangements.

After careful review of the proposals, Anthem Blue Cross Blue Shield, Optima Health Plan and Delta Dental of Virginia are being recommended. The recommendations are based on plan cost, plan design, provider networks, cost containment features and customer service. The Anthem Plan and Optima plan are fully insured and the Delta Dental plan has both a fully insured and self-insured portion.

Staff recommends adoption of the attached resolution.

  
Carol M. Luckam

CONCUR:

  
Sanford B. Wanner

CML/nb  
empmedldntl.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT – EMPLOYEE MEDICAL AND DENTAL INSURANCE**

WHEREAS, bids have been received for the County’s Employee Medical and Dental Insurance; and

WHEREAS, the Board of Supervisors desires to offer County employees Medical and Dental coverage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute an initial 12-month contract with options to renew for four additional years, one year at a time, with Anthem Blue Cross and Blue Shield, Optima Health Plan and Delta Dental of Virginia to provide medical and dental insurance to County and other employees, as approved from time to time, or required by law.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

empmedldntl.res

MEMORANDUM

DATE: June 14, 2005

TO: The Board of Supervisors

FROM: Judith N. Knudson, Executive Director, Olde Towne Medical Center

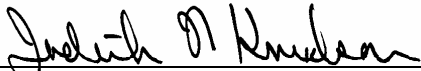
SUBJECT: Williamsburg Area Medical Assistance Corporation (WAMAC) Medical Director - Conversion to Full-Time Position

---

Olde Towne Medical Center currently has two individuals who share the job of Medical Director, one as a part-time volunteer and the other in a part-time paid position. The volunteer Medical Director is retiring effective August 1, 2005, and the paid Director is able to assume the position full-time.

The Board of Directors of Williamsburg Area Medical Assistance Corporation (WAMAC) has therefore approved a resolution requesting that the Board of Supervisors create a full-time Other Medical Director position. Creation of the full-time Medical Director position would then allow the elimination of the part-time Medical Director position. Since James City County serves as the fiscal agent for WAMAC, the Board of Supervisors must approve this action.

Staff recommends adoption of the attached resolution.

  
\_\_\_\_\_  
Judith N. Knudson

JNK/tlc  
MedDirFT.mem

Attachment

**RESOLUTION**

**WILLIAMSBURG AREA MEDICAL ASSISTANCE CORPORATION (WAMAC)**

**MEDICAL DIRECTOR - CONVERSION TO FULL-TIME POSITION**

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to have a full-time Medical Director for Olde Towne Medical Center; and

WHEREAS, James City County serves as the fiscal agent for WAMAC; and

WHEREAS, the Board of Directors of WAMAC has approved a resolution requesting that the Board of Supervisors create the position of full-time Medical Director.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby creates the position of full-time Other Medical Director for Olde Towne Medical Center effective August 1, 2005.

BE IT FURTHER RESOLVED that the position of part-time Medical Director is eliminated.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

MedDirFT.res

MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Richard Drumwright, Transit Director  
SUBJECT: Establishment of Positions and On-Call Hours for Mooretown Road Corridor for Williamsburg Area Transport


---

Williamsburg Area Transport secured \$83,000 in Congestion Mitigation Air Quality (CMAQ) Program Federal and State grant revenues that are included in our approved FY 2006 Budget for a demonstration service supporting major commercial and medical development along the Mooretown Road corridor. To begin this service July 2005, two full-time limited-term bus drivers; two part-time limited-term bus drivers for 416 hours each per year to drive on Saturdays; 201 part-time temporary hours to cover peak hours during the summer; and 520 on-call hours to cover absences are required to provide service six days a week with hours compatible with our existing service.

Staff recommends approval of the attached resolution that creates these positions and on-call hours.

  
Richard Drumwright

CONCUR:

  
Doug Powell

RD/gs  
MTdriver.mem

Attachment

**RESOLUTION**

**ESTABLISHMENT OF POSITIONS AND ON-CALL HOURS FOR**

**MOORETOWN ROAD CORRIDOR FOR WILLIAMSBURG AREA TRANSPORT**

WHEREAS, Williamsburg Area Transport plans to implement fixed-route service in support of commercial and medical development along the Mooretown Road corridor.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes two full-time limited-term bus driver positions; two part-time limited-term bus drivers for 416 hours each per year to drive on Saturdays; 201 part-time temporary hours to cover peak hours during the summer; and 520 on-call hours to cover absences to provide this demonstration service.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

MTdriver.res

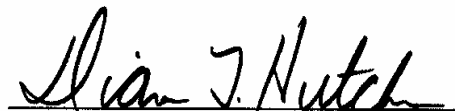
## M E M O R A N D U M

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Diana F. Hutchens, Social Services Director  
SUBJECT: Advance Hiring of Social Services Chief of Eligibility

---

The Chief of Eligibility will be retiring effective September 1, 2005, and will be on leave until that time. This position is responsible for the overall administration of all of the benefit programs in the Division of Social Services. It is necessary to fill this position as soon as possible after July 1, 2005, in order to offer continued quality services to the citizens we serve. Sufficient funds are available in the Social Services' FY 2006 Budget to pay the salary and fringe benefits of the newly hired Chief of Eligibility. It is requested that permission be granted to hire the Chief of Eligibility, effective July 1, 2005.

Staff recommends approval of the attached resolution to provide for the advance hiring of the Chief of Eligibility.

  
\_\_\_\_\_  
Diana F. Hutchens

CONCUR:

  
\_\_\_\_\_  
Doug Powell

DFH/gs  
elighire.mem

Attachment

**RESOLUTION**

**ADVANCE HIRING OF SOCIAL SERVICES CHIEF OF ELIGIBILITY**

WHEREAS, the Chief of Eligibility will be retiring effective September 1, 2005, and will be on leave until that time; and

WHEREAS, this position is responsible for the overall administration of all of the benefit programs in the Division of Social Services; and

WHEREAS, it is necessary to fill this position as soon as possible after July 1, 2005, in order to offer continued quality services; and

WHEREAS, the Division of Social Services will have sufficient funds in its FY 2006 Budget to pay the salary and fringe benefits of the newly hired Chief of Eligibility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the advance hiring of the Chief of Eligibility effective July 1, 2005.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

elighire.res



MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: William T. Luton, Acting Fire Chief  
SUBJECT: Award of Contract–Ambulance Replacement

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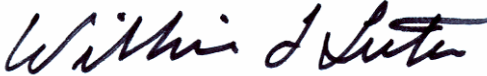
Funds are available in the FY 2005 Capital Improvement Program budget and from a Rescue Squad Assistance Grant from the Commonwealth of Virginia for purchase of a replacement ambulance.

Fire Department and Purchasing staff determined the most efficient procurement method for this purchase was to use a cooperative purchasing contract issued by the City of Newport News to Performance Specialty Vehicles, LLC as a result of a competitive sealed Request for Proposals that was conducted earlier this fiscal year. This cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act.

By participating in the cooperative procurement action, staff believes that the County will increase efficiency, reduce administrative expenses and benefit from an accelerated delivery process. The Fire Department currently uses ambulances delivered from this vendor and has been satisfied with design, construction, delivery schedule and the field performance of these units.

Staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$174,023 for a Freightliner M2/American LaFrance medium-duty ambulance unit.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
William T. Luton

WTL/tlc  
AmbReplace.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT-AMBULANCE REPLACEMENT**

WHEREAS, funds are available in the Capital Improvement Program budget and from a Rescue Squad Assistance Grant from the Commonwealth of Virginia for purchase of a replacement ambulance; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act and the City of Newport News issued a cooperative purchasing contract to Performance Specialty Vehicles, LLC as a result of a competitive sealed Request for Proposals; and

WHEREAS, Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$174,023 with Performance Specialty Vehicles, LLC for a Freightliner M2/American LaFrance medium-duty ambulance unit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract between James City County and Performance Specialty Vehicles, LLC, in the amount of \$174,023.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

AmbReplace.res

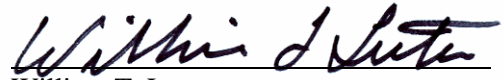
MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: William T. Luton, Acting Fire Chief  
SUBJECT: 2005 State Homeland Security Program (SHSP) Grant - Designation of Applicant's Agent

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The James City County Fire Department is applying for the 2005 State Homeland Security Program (SHSP) Grant. This grant is an allocation from the Virginia Department of Emergency Management received from the Department of Homeland Security. The application process requires that a Designation of Applicants Agent Resolution be signed by the Governing Body of James City County. The attached resolution is in the format required by the Virginia Department of Emergency Management.

Staff recommends adoption of the attached resolution for SHSP Grant application purposes.

  
William T. Luton

WTL/tlc  
DesignApp.mem

Attachment

**RESOLUTION**

**DESIGNATION OF APPLICANTS AGENT**

BE IT RESOLVED BY OF Board of Supervisors of James City County  
(Governing Body) (Public Entity)  
THAT Sanford B. Wanner, County Administrator  
(Name of Incumbent) (Official Position)

Is hereby authorized to execute for and in behalf of  
James City County, a public entity established under the laws of the State of Virginia this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

That, James City County a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

Passed and approved this 14th day of June, 2005

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name and Title)

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_ of  
(Name) (Title)  
\_\_\_\_\_, do hereby certify that the above is a true and correct of a  
(Entity)  
Resolution passed and approved by the \_\_\_\_\_ of \_\_\_\_\_  
(Governing Body) (Public Entity)

On the 14th Day of June, 2005.

Date: \_\_\_\_\_ Chairman \_\_\_\_\_  
(Official Position)

**REZONING-15-04/MASTER PLAN-11-04/SPECIAL USE PERMIT-34-04. Villas at Jamestown  
Staff Report for the June 14, 2005, Board of Supervisors Public Hearing**

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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.

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**PUBLIC HEARINGS**

**Building F Board Room; County Government Complex**

Planning Commission: February 7, 2005, 7:00 p.m. (deferred)  
March 7, 2005, 7:00 p.m. (deferred)  
April 4, 2005, 7:00 p.m. (deferred)  
May 2, 2005, 7:00 p.m.  
Board of Supervisors: June 14, 2005, 7:00 p.m. (deferred)  
June 28, 2005, 7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant: Mr. Gregory R. Davis and Mr. Timothy O. Trant, II, Kaufman and Canoles, P.C.  
Land Owner: Mr. Cowles M. Spencer  
Proposal: 92 single-family attached residential units  
Location: 248, 238, 230, and 226 Ingram Road  
Tax Map/Parcel Nos.: (46-2)(1-15), (46-2)(1-11), (46-2)(1-10), (47-1)(1-19)  
Parcel Size: 30.36 acres  
Proposed Zoning: R-2, General Residential District, Cluster, with Proffers  
Existing Zoning: R-8, Rural Residential District  
Comprehensive Plan: Low-Density Residential and Mixed Use  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

The applicant has requested that the Board of Supervisors defer this case until the June 28, 2005, Board of Supervisors meeting in order to allow more time to resolve outstanding issues that the Planning Commission recommended be addressed prior to the Board meeting. Staff concurs with the request.

Staff Contact: Ellen Cook Phone: 253-6685

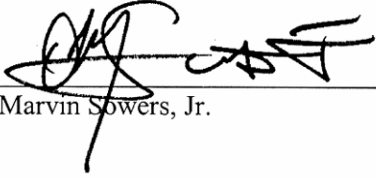
**PLANNING COMMISSION RECOMMENDATION**

On May 2, 2005, the Planning Commission recommended approval by a vote of 7-0. The Commission recommended that the applicant address several issues including setbacks, stream restoration, and stormwater management options prior to the Board of Supervisors meeting.

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Ellen Cook

CONCUR:



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O. Marvin Sowers, Jr.

EC/gb

Z-15-04MP-11-04SUP-34-04

Attachments:

1. Deferral Request Letter
2. Planning Commission Minutes from May 2, 2005

# KAUFMAN & CANOLES

— | A Professional Corporation | —  
**Attorneys and Counselors at Law**

Timothy O. Trant, II  
757 / 259-3823  
totrant@kaufcan.com

757 / 259-3800  
fax: 757 / 259-3838

*Mailing Address:*  
P.O. Box 6000  
Williamsburg, VA 23188  
  
4801 Courthouse Street  
Suite 300  
Williamsburg, VA 23188

June 1, 2005

## Via Hand Delivery & Email

Ellen G. Cook  
Planner  
James City County  
101-A Mounts Bay Road  
Williamsburg, VA 23185

Re: *Villa Development, LLC*  
*Villas at Five Forks*  
*James City County Case No's. Z-15-04, MP-11-04, & SUP-34-04*  
*Our Matter No. 84455*

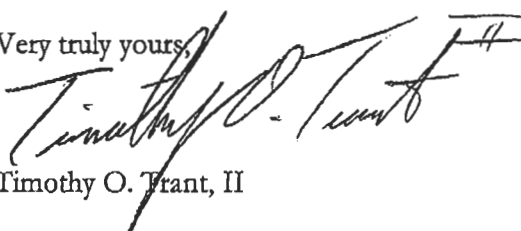
Dear Ms. Cook:

The above-referenced case is scheduled to be presented to the James City County Board of Supervisors at its meeting on June 14, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form.

The applicant is not likely to have prepared materials for resubmission in time for the Staff to present the application at the June 14, 2005 Board of Supervisors meeting. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Board of Supervisors regarding the case at the June 14, 2005 meeting. Therefore, the applicant requests that any action on the case by the Board of Supervisors be deferred until the June 28, 2005 Board of Supervisors meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy O. Trant, II

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

Ellen G. Cook  
Planner  
June 1, 2005  
Page 2

TOT/sr

xc:	Cowles M. Spencer	(via U.S. Mail)
	Sheila Byers	(via facsimile 757-659-0188)
	Alvin P. Anderson, Esq.	(via hand delivery)
	Gregory R. Davis, Esq.	(via hand delivery)
	Richard A. Costello	(via facsimile 757-220-8994)
	William J. Cashman	(via facsimile 757-473-8214)
	Julie C. Steele	(via facsimile 757-599-7509)
	Theodore J. Figura	(via facsimile 757-877-5708)
	J. David Fuss	(via U.S. mail)
	Gerald H. Johnson	(via U.S. mail)
	Judith C. Fuss	(via U.S. mail)

#6070412v1



**APPROVED MINUTES OF THE PLANNING COMMISSIONS May 2, 2005  
MEETING**

Z-15-04/MP-11-04 Villas at Jamestown

Ms. Ellen Cook presented the staff report. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have applied to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). Staff recommended approval.

Mr. Billups asked for the cost and square footage of the units.

Ms. Cook answered that the units would be approximately 1,700 – 1,800 square feet. She deferred to the applicant for the cost.

Ms. Blanton asked for Staff's projections on fiscal impacts.

Ms. Cook said the Financial Management Services department estimated approximately \$92,000 per year in positive impacts.

Mr. Hunt opened the public hearing.

Mr. Greg Davis, Kaufman and Canoles, represented the applicant. Mr. Davis made a presentation outlining the proposed development.

Ms. Blanton asked for the location of the Low Impact Development (LID) aspects of the proposal.

Mr. Davis stated that the Storm Water Management Plan was a part of the Master Plan.

Ms. Blanton wanted to know what alternatives were being considered should the LID not be feasible.

Mr. Davis answered that the site design and storm water control principles in the County Ordinance would govern and that the applicant would be held to those standards.

Ms. Jones asked how much of the storm water run-off would be captured.

Mr. Davis said 100%.

Ms. Jones inquired about the four different price ranges.

Mr. Davis stated that there were four different models each with different square footage.

Mr. Kennedy wanted to know if data existed on the number of ambulance trips required for a similar project in York County. He stated his concern that the amount proffered for emergency services might not be adequate.

Mr. Davis did not have that data.

Mr. Hunt asked if the existing project in York County was age restricted.

Mr. Davis answered no. He stated that the concept was usually more appealing to older adults.

Mr. Kale stated his preference in funding emergency medical services rather than the costs associated with school age children. He also said he was glad the proposal followed the Five Fork Principles. Mr. Kale talked about the benefits of containing storm water run-off.

Mr. Fraley commended the applicant on the proposal. He also asked the applicant to consider removing the curb and gutters proposed in the application.

Mr. Davis stated that the curb and gutters were proffered based on the applicant's interpretation of the County's requirement. He also stated the applicant would be willing to remove them if possible.

Mr. Kale asked Mr. Sowers the procedure for removing the curb and gutter requirement.

Mr. Sowers said the Ordinance allows the DRC to make a special waiver at the development stage. Mr. Sowers also said the proffers could be amended before the Board meeting if the Commissioners wanted to act on the matter immediately.

Mr. Drewry suggested the Planning Commission make a comment concerning their recommendation on the removal of the curb and gutters and allow staff to research the procedure.

Mr. Kale agreed with Mr. Fraley concerning the curb and gutters. He stated that the Windsor Forest community benefited during recent heavy rainfall due to the absence of curb and gutters in that neighborhood.

Mr. Mark Kaisand of STAT Services, 2510 Manion Drive, discussed the possibility of a regional Best Management Pond (BMP) in this area instead of separate BMPs for his property and the subject parcel.

Mr. Hunt asked for the location of the BMP Mr. Kaisand was required to construct.

Mr. Kaisand indicated the location on the overhead map.

Mr. Kale asked Mr. Kaisand who he had talked to regarding the BMP.

Mr. Kaisand said Cornerstone Design, his Engineer, submitted plans to the County a few weeks ago and had been in contact with the developer for this proposal.

Mr. Gerald Johnson, 4513 Wimbledon Way, represented the Historic Route 5 Association. He stated that traffic continues to be a concern in the Five Forks area and expressed concerns about site access. He also stated his agreement for removal of the curb and gutters.

Mr. Ed Esposito, 4749 Bristol Circle, said that he was looking forward to the project. He recommended the Commission approve the project.

Mr. David Fuss, 3008 Chelsford Way, represented The Friends of the Powhatan Creek Watershed. He stated his preference that the parcel be developed according to its current by-right density. Mr. Fuss discussed different methods of minimizing impacts to the surrounding watershed which were not part of the proposal, including a setback from the buffer, stream stabilization and nutrient management.

Mr. Fraley informed Mr. Fuss of the provisions for public comment at the DRC meetings.

Ms. Jones asked Mr. Sowers if a process existed for coordinating the BMPs.

Mr. Sowers said Planning and Environmental Staff would work on the issue.

Ms. Jones wanted to know if the lower BMP encroached on the Resource Protection Area (RPA) buffer.

Mr. Davis said the drawing was only preliminary. He said that if the BMP needed to be in the buffer a permit and approval would be necessary.

Mr. Fraley asked Mr. Davis if the applicant would consider a buffer setback exception for building number 16 only.

Mr. Davis stated the applicant felt the Master Plan was adequate. He also stated that the applicant would be very cautious about proffering a comment for the buffer setback.

Mr. Fraley stated his frustration that the ordinances sometimes act mutually exclusive of one another and hinder innovative and creative plans.

Mr. Drewry said the applicant would be held to the Master Plan although it's not quite as strong as a proffer. He also stated that adequate legal phrasing could be added in a proffer statement.

Mr. Davis requested the Planning Commission approve the application with a comment concerning the setback allowing the applicant and Staff to provide appropriate legal language before the Board of Supervisors meeting.

Mr. Kale asked for clarification regarding the buffer setback issue.

Mr. Billups asked Mr. Davis if the applicant would be willing to work with Stat Services on Storm Water Management.

Mr. Davis stated that it was an Engineering issue that could be resolved.

Mr. Billups commented about the role of the Planning Commission in determining if a proposal is in compliance with the Comprehensive Plan and Ordinances and then forwarding a recommendation to the Board of Supervisors. He also stated his support of the project.

Hearing no other requests to speak, the public hearing was closed.

Ms. Blanton stated that her approval of the application would include an understanding that the LID aspects and the expanded buffer setbacks are integral to the Master Plan.

Ms. Jones stated her appreciation of the application. She also stated her preference for proposals that offered housing to individuals and families of all ages. Ms Jones said she supported the application.

Mr. Kale moved to approve the application along with the inclusion of comments regarding the elimination of curb and gutters and a clear statement concerning the buffer setback.

Mr. Fraley seconded the motion.

Mr. Kennedy said he liked many aspects of the proposal. He stated that although he had concerns about the proposal he would support it.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Fraley, Kennedy, Blanton, Jones, Hunt, Kale (7); NAY (0).

**SPECIAL USE PERMIT-36-04. Farm Fresh Gas Pumps  
Staff Report for the June 14, 2005, Board of Supervisors Public Hearing**

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

**PUBLIC HEARINGS**

**Building F Board Room; County Government Complex**

Planning Commission: February 7, 2005, 7:00 p.m. (deferred)  
March 7, 2005, 7:00 p.m. (deferred)  
April 4, 2005, 7:00 p.m. (deferred)  
May 2, 2005, 7:00 p.m.  
Board of Supervisors: June 14, 2005, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Thomas C. Kleine, Troutman Sanders, LLP  
Land Owner: Norge Plaza, Incorporated  
Proposal: To place four gasoline pumps and a canopy in the existing Farm Fresh parking lot.  
Location: 115 Norge Lane  
Tax Map/Parcel No.: (23-2)(1-71F)  
Parcel Size: 6.27 acres  
Existing Zoning: B-1, General Business, with proffers  
Comprehensive Plan: Community Commercial  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

With the attached conditions, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution.

Staff Contact: Trey Davis, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On May 2, 2005, the Planning Commission recommended approval of this case by a vote of 6-0 with one abstention.

## **PROJECT DESCRIPTION**

Mr. Thomas C. Kleine of Troutman Sanders, LLP, has applied on behalf of Farm Fresh, Inc., for a special use permit to allow for the placement of four gas pumps (eight fuel service positions) and a canopy in the parking lot of the Farm Fresh in the Norge Plaza. This property is located at 115 Norge Lane and it zoned B-1, General Business, with proffers. It is designated as Community Commercial on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2). The fueling area would provide discount gas for Farm Fresh customers, and would also be available for use by the general public.

The canopy would be constructed to compliment the character of the Norge community. Other conditions of the special use permit would limit the type of lighting and signage and would provide for enhanced landscaping along Norge Lane.

## **SURROUNDING ZONING AND DEVELOPMENT**

The site is surrounded by commercial property zoned B-1, General Business, to the north, south, and west. The property to the east across Norge Lane is zoned A-1, Agricultural, and the nearest adjacent residence is approximately 475 feet southeast of the proposed gas pumps. Staff believes that the proposed use is consistent with surrounding zoning and development.

## **PUBLIC IMPACTS**

### **Environmental Impacts:**

- ◆ **Watershed:** Yarmouth Creek
- ◆ **Environmental Staff Conclusions:** The Environmental staff has noted that the existing stormwater management facilities for the shopping center are infiltration BMPs. Per Appendix F of the County BMP Manual, vehicle fueling stations are considered to be “hot spot” activities and infiltration BMPs may not be used to control runoff from “hot spot” activities. An alternate BMP or filtration system must be included to accept drainage from the fueling area. A special use permit condition has been proposed which would ensure compliance.

The Environmental staff suggested that the proposed additional parking spaces shown on the first submittal of the master plan would unnecessarily increase the impervious area. The additional parking is not required by the Zoning Ordinance and has been deleted on the subsequent master plan submittal. Currently, there are 206 spaces in the parking lot. This proposal would delete 32 of those spaces, leaving 174. The Ordinance requires 168 parking spaces for a store of this size in a shopping center.

As suggested by the Planning Commissioners, the applicant has provided a parking study which shows parking counts for the store’s peak times on seven different days. The highest usage recorded during any one period was 114 vehicles. Staff concurs that current parking levels do not warrant an expansion of the parking lot at this time.

### **Public Utilities**

- ◆ The site is located within the Primary Service Area and is served by public water and sewer.
- ◆ **JSCA Staff Conclusions:** The proposed site would be adjacent to existing water and sewer mains which serve the Norge Plaza. These lines run along the internal access road which is parallel to Richmond Road and a water line underneath the proposed location of the pumps connects to the fire hydrants which serve the Farm Fresh store. A minimum horizontal separation of 100 feet must be maintained between all water and sewer piping, the underground storage tanks and all associated piping.

The applicant has met with representatives from the James City Service Authority and the Fire Department and has revised the master plan to relocate the pumps, the water main serving the Farm Fresh store, and one fire hydrant so that the 100-foot horizontal separation is met. A special use permit condition has been proposed which would ensure compliance.

**Traffic:**

- ◆ The applicant submitted a traffic impact assessment prepared by Bryant B. Goodloe, P.C. The eight fuel service positions would generate 97 a.m. peak hour trips and 111 p.m. peak hour trips. The assessment found that there will be minimal traffic impacts and that no traffic improvements would be needed for Richmond Road or Norge Lane as a result of this project.
- ◆ **VDOT Conclusions:** VDOT Traffic Engineering has reviewed the Traffic Impact Study and has found that the existing roadway improvements are sufficient to accommodate the proposed pumps. There will be no significant adverse impacts on the signalized intersection on Richmond Road or the right-in/right-out entrance on Richmond Road with regards to level of service. No improvements are needed in association with this special use request at this time.
- ◆ **Staff Conclusions:** Staff agrees with the applicant’s traffic impact assessment and VDOT’s finding that no traffic improvements would be needed for this project.

**COMPREHENSIVE PLAN**

The property is designated Community Commercial on the Comprehensive Plan Land Use Map. The property is also adjacent to the Richmond Road Community Character Corridor (CCC). The Community Character sections of the 2003 Comprehensive Plan reads in part:

The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a higher level of protection. Additional sections of Richmond Road (Route 60 West) have been added to the list of CCCs to include the segment from Anderson’s Corner to the City of Williamsburg line to assist in regional beautification efforts.

- ◆ **Staff Conclusions:** The proposed gas pumps are consistent with the Community Commercial designation for this area. With the attached conditions, staff finds the proposal to be appropriate for this Community Character Corridor. Special use permit conditions are included which give the Planning Director control over the architectural features of the canopy and limit the amount of signage.

**RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution.

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Trey Davis

CONCUR:

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O. Marvin Sowers, Jr.

TD/nb  
SUP-36-04.wpd

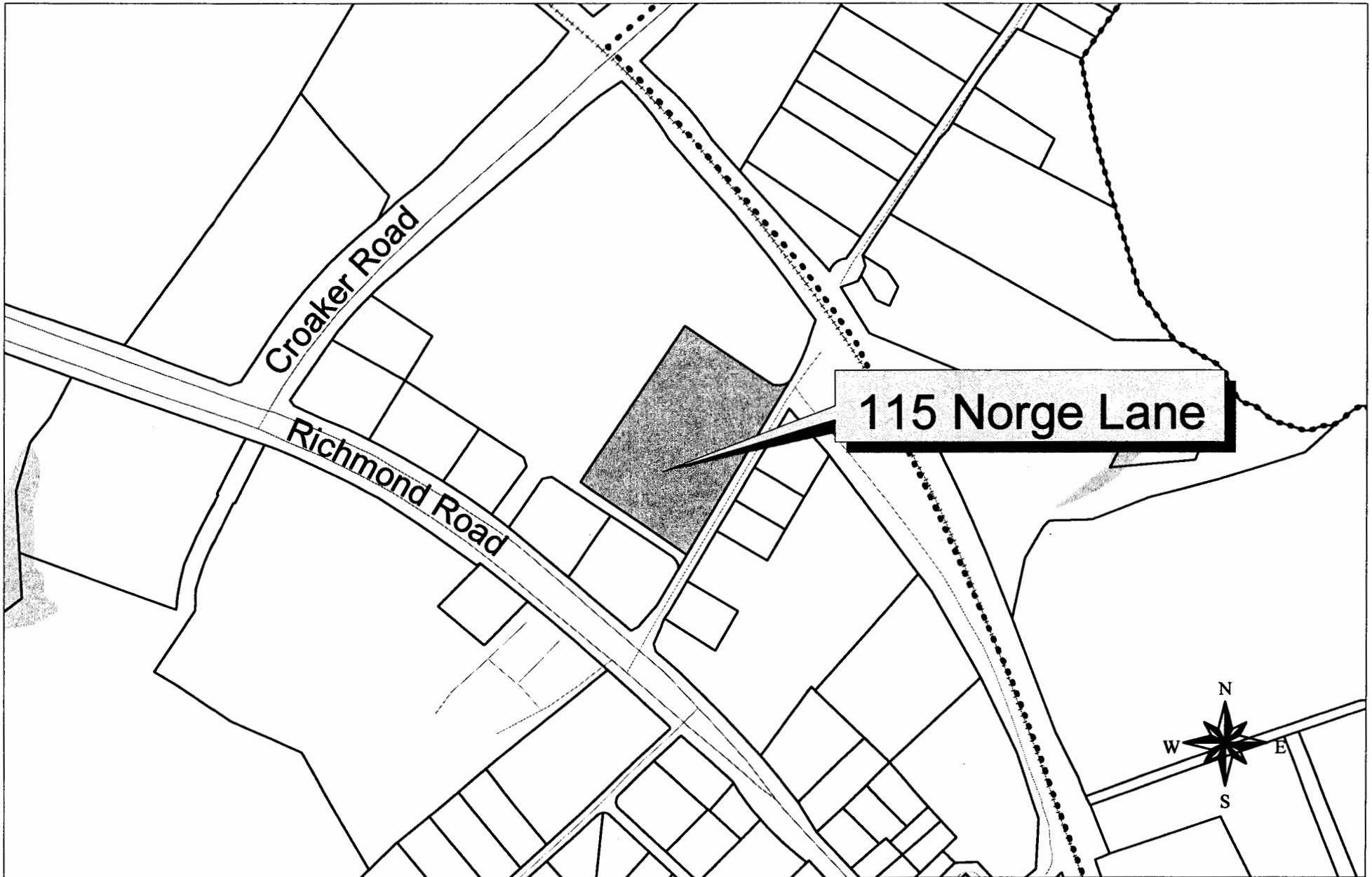
ATTACHMENTS:

1. Location Map
2. Parking Count
3. Planning Commission Minutes
4. Master Plan (under separate cover)
5. Resolution



# SUP-36-04

## Farm Fresh Gas Pumps



# **335 Car Count**

**\*\*\* please do a car count during the dictated times and dates- remit to Mike Griffith and Bob Stemann on Monday, April 25th**

**15-Apr      16-Apr      17-Apr  
**Friday      Saturday      Sunday****

<b>1030am-1230pm</b>	<b>98</b>	<b>99</b>	<b>88</b>
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<b>330pm-530pm</b>	<b>114</b>	<b>102</b>	<b>86</b>
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**21-Apr      22-Apr      23-Apr      24-Apr  
**Thursday      Friday      Saturday      Sunday****

<b>1030am-1230pm</b>	<b>65</b>	<b>98</b>	<b>94</b>	<b>82</b>
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<b>330pm-530pm</b>	<b>78</b>	<b>113</b>	<b>88</b>	<b>94</b>
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**APPROVED MINUTES OF THE PLANNING COMMISSIONS May 2, 2005  
MEETING**

SUP-36-04 Farm Fresh Gas Pumps

Ms. Jones recused herself stating that a family member worked for the firm representing the applicant.

Mr. Trey Davis presented the staff report. Mr. Thomas C. Kleine of Troutman and Sanders has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval.

Ms. Blanton wanted to know the final outcome on the number of parking spaces.

Mr. Davis stated that the number of parking spaces would be reduced by thirty-two for a total of 176 spaces.

Mr. Kennedy wanted to know if school buses would continue to be allowed to park at the store. He also asked for enforcement of the fire lanes including proper signage.

Mr. Davis referred questions regarding school bus parking to the applicant. He said he would inform the Fire Department of the issues with the fire lanes.

Mr. Billups asked for clarification of the recommendations listed in item #7 regarding the outside display and sale of merchandise.

Mr. Davis stated that the second sentence specified some of the items that the applicant would not be allowed to display for sale.

Mr. Kale said that he also thought the language was confusing.

Mr. Davis stated that new language could be drafted to clarify the intent of the recommendation.

Mr. Hunt opened the public hearing.

Mr. R.J. Nutter, Troutman and Sanders, represented the applicant. Mr. Nutter stated that Farm Fresh customers would receive discounted gas purchases based upon the amount of in-store purchases. He also stated that Farm Fresh was in the process of

adding this feature to most of its stores in the Southeast. He said the application proposed no new curb cuts and offered enhanced landscaping.

Mr. Kennedy asked the applicant to work to enforce the fire lanes and inquired about the affect of school bus parking.

Mr. Nutter stated that during peak hours about 50 spaces remained empty so that school buses should not be a problem. Mr. Nutter agreed to work with Staff during site plan review to address the fire lanes.

Mr. Rich Krapf, 2404 Forge Road, represented Friends of Forge Road and Toano. Mr. Krape stated that the application was not consistent with the James City County 2006 Budget statement or the County's Comprehensive Plan. He also recommended denial of the application.

Hearing no requests to speak, the public hearing was closed.

Mr. Billups stated that he was in favor of the application. He said the gas pumps would offer a convenience to Farm Fresh customers. Mr. Billups also stated that the greenway would be protected by the additional landscaping.

Mr. Kennedy stated his appreciation of Mr. Krape's statement. He also said the competition would be good. Mr. Kennedy stated that he was in favor of the application.

Ms. Blanton said the proposal did not have a lot of negative impacts. She said she would support the application.

Mr. Fraley said he would support the project. He stated that the proposal would provide lower cost gasoline for customers in the area.

Mr. Hunt stated his interest in hearing that discounts would be offered to Farm Fresh customers. He also said the impacts to Route 60 would be low.

Mr. Kennedy motioned to approve the application.

Mr. Billups seconded the motion.

In a roll call vote the application was approved 6:0. AYE: Billups, Kale, Blanton, Kennedy, Fraley, Hunt (6); NAY:(0). Jones abstained.

## RESOLUTION

### CASE NO. SUP-36-04. FARM FRESH GAS PUMPS

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

WHEREAS, the applicant has requested a special use permit to allow four gasoline pumps and a canopy in a B-1, General Business District, with proffers, located at 115 Norge Lane, further identified as a Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 36-04 as described herein with the following conditions:

1. The architecture of the canopy shall be generally compatible with that of the Farm Fresh Store and contain architectural features, colors, and materials that reflect the surrounding character of the Norge community as determined by the Planning Director. The architectural design, color, and materials for the canopy shall be approved by the Planning Director prior to final site plan approval.
2. There shall be no more than four gas pumps (a total of eight vehicle fueling stations) permitted on the property. The pumps shall be arranged in a configuration generally consistent with the attached conceptual site layout titled "Exhibit for Special Use Permit", prepared by MSA, P.C. and dated 03/24/2005, herein after referred to as the "master plan".
3. A minimum horizontal separation of 100 feet shall be maintained between all water and sewer piping, the underground storage tanks, and all associated petroleum piping. Water lines and fire hydrants shall be relocated by the applicant at no cost to the James City Service Authority or the County as shown on the attached master plan prior to the issuance of a Certificate of Occupancy. The applicant shall dedicate new utility easements for the relocated lines to the James City Service Authority prior to the issuance of a Certificate of Occupancy. A Certificate to Construct Water and Sewer Facilities shall be obtained prior to construction of the relocated utilities once final site plan approval has been granted.
4. No more than two signs shall be allowed on the canopy unless otherwise mentioned herein. Gas pricing signs may be allowed on a monument type sign in the parking area or the columns of the canopy. Signage shall be consistent with current zoning and sign regulations.
5. An enhanced landscaping plan shall be provided for the landscaped area along Norge Lane. Unless reduced or waived by the Planning Director, the enhanced landscaping to be included with the site plan shall include a quantity of planting materials that is a minimum of 133 percent of the minimum ordinance requirements. A minimum of 50 percent of all trees and 50 percent of all shrubs shall be evergreen.

6. The lighting for the site, to include canopy lighting, shall be reviewed and approved by the Planning Director prior to final site plan approval. There shall be no glare outside the boundaries of the additional parking area and fueling facility. All lights, including any canopy lighting, shall have recessed fixtures with no bulb, lens, or globe extending below the casing or canopy ceiling.
7. No outside display, sale, or storage of merchandise shall be permitted at the fueling facility. As used for this condition, the term "merchandise" shall include but not be limited to ice, soda, candy, and/or snack machines.
8. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.
9. The area beneath the fuel area canopy shall not drain directly into the existing infiltration BMPs for the shopping center. An alternate BMP or a separation system to accept drainage from this project shall be shown on the site plan and shall be approved by the Environmental Division prior to final site plan approval.
10. If construction has not begun on the project within thirty-six months of the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
11. The applicant shall design access ways, drive aisles, curbing, pavement markings and landscape islands in such a way as to provide for the safe flow of traffic in and around the fueling facility as determined by the Planning Director.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael C. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

**SPECIAL USE PERMIT-16-05. Treleaven Warehouse and Nursery  
Staff Report for the June 14, 2005, Board of Supervisors Public Hearing**

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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.

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

May 2, 2005, 7:00 p.m.  
June 14, 2005, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Stanley Treleaven, T&S Associates, Inc.

Land Owner: VA/NC Laborer's District Council

Proposal: To use the existing 6,500-square-foot building as a contractor's warehouse and nursery. (Nurseries are permitted by-right in the A-1 district).

Location: 4191 Rochambeau Drive

Tax Map/Parcel No.: (13-4)(1-9B)

Parcel Size: 4.74 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

**STAFF RECOMMENDATION**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution.

Staff Contact: Trey Davis, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On May 2, 2005, the Planning Commission recommended approval of this case by a vote of 7-0.

**PROJECT DESCRIPTION**

Mr. Stanley Treleaven of T&S Associates, Inc., has applied for a special use permit to allow for a contractors warehouse, in addition to a nursery, in an existing building. This property is located at 4191 Rochambeau Drive and is zoned A-1, General Agriculture. It is designated as Rural Lands on the 2003 Comprehensive Plan Land Use Map and can be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

The structure is currently used as a training facility by Virginia/North Carolina Laborer's District Council. Portions of the structure and site would be converted for use as a nursery, which is permitted by-right in the A-1 Zoning District. A special use permit to allow for a contractors warehouse would enable the applicant to rent the remainder of the space for this use.

## **SURROUNDING ZONING AND DEVELOPMENT**

The site is bordered by undeveloped rural land to the south and west and Faith Baptist Church to the northwest. The property to the east includes a residence and other rural land. All surrounding properties are zoned A-1, General Agricultural. The site is bordered by the Primary Service Area on the east and the property on that side is designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

The Laborers Training Center is considered an existing, non-conforming use in the A-1 district. It currently houses offices which are open five days a week and a warehouse area. Training at the site includes masonry work, hazardous material handling, general construction, and other OSHA-related training.

While the applicant does not yet have a specific tenant prepared to use the space as a contractors warehouse, staff feels comfortable that the attached conditions will sufficiently limit the impacts of the proposed use. The conditions of the special use permit would increase its compatibility with surrounding land uses. Staff believes that the proposed use, in general, is consistent with surrounding zoning and development and would be as acceptable as the current use of the site.

## **PUBLIC IMPACTS**

### **Environmental Impacts:**

- ◆ **Watershed:** Ware Creek
- ◆ **Environmental Staff Conclusions:** The Environmental staff has noted that any expansion of the site which includes new impervious cover (building, parking, etc.) may trigger the need for stormwater management facilities which meet current County requirements. No expansion of the building or parking areas is proposed at this time.

### **Public Utilities:**

The site is located outside the Primary Service Area and is served by a private well and septic system.

- ◆ **JSCA Staff Conclusions:** The applicant will be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing those standards. The applicant will need to submit all development plans to the Fire Department when a specific user is known for review and approval of the proposed fire protection methods. The applicant will also need to work with JCSA to determine the appropriate backflow prevention needed based on the type of use.

### **Traffic Impacts:**

A traffic impact statement is not required for this project as the ITE trip generation rates are below 100 trips per day.

- ◆ **Virginia Department of Transportation (VDOT) Conclusions:** VDOT Traffic Engineering has reviewed the proposal and has found that the existing roadway is sufficient to accommodate the proposed change in use. ITE trip generation for the contractor's warehouse would be 51 daily trips. There will be no adverse impacts on the existing roadway network with regards to level of service. A standard stop sign at the entrance to Rochambeau Drive shall be included on the site plan, in addition to information regarding the site distances based on speed limit at the entrance. No additional improvements are needed in association with this special use request at this time, but a sight distance waiver may be required prior to final approval of any site plans.
- ◆ **Staff Conclusions:** Staff agrees with VDOT's finding that no traffic improvements beyond the required



stop sign would be needed for this project.

### **COMPREHENSIVE PLAN**

The property is designated Rural Lands on the Comprehensive Plan Land Use Map. Appropriate primary uses for Rural Lands include “agricultural and forestal activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings”. The Rural Lands section of the 2003 Comprehensive Plan also states that retail and commercial uses serving rural lands are encouraged to be placed at planned commercial locations on major thoroughfares. The Comprehensive Plan also states:

“However, a few of the smaller direct agricultural or forestal support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan.”

- ◆ **Staff Conclusions:** The proposed contractors warehouse, with the attached conditions, would be consistent with the existing use of the site and the character of the Rural Lands Designation. This would be a re-use of an existing commercial building and would not increase the commercial nature of the site. The proposed conditions prohibit any outdoor storage of materials for the contractors warehouse in order to preserve a more rural setting. Conditions have also been included which limit the hours of operation of the warehouse, the types of machinery operated, and the sound from any outdoor speaker systems.

### **RECOMMENDATION:**

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the special use permit application with the conditions listed in the attached resolution.

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Trey Davis

CONCUR:

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O. Marvin Sowers, Jr.

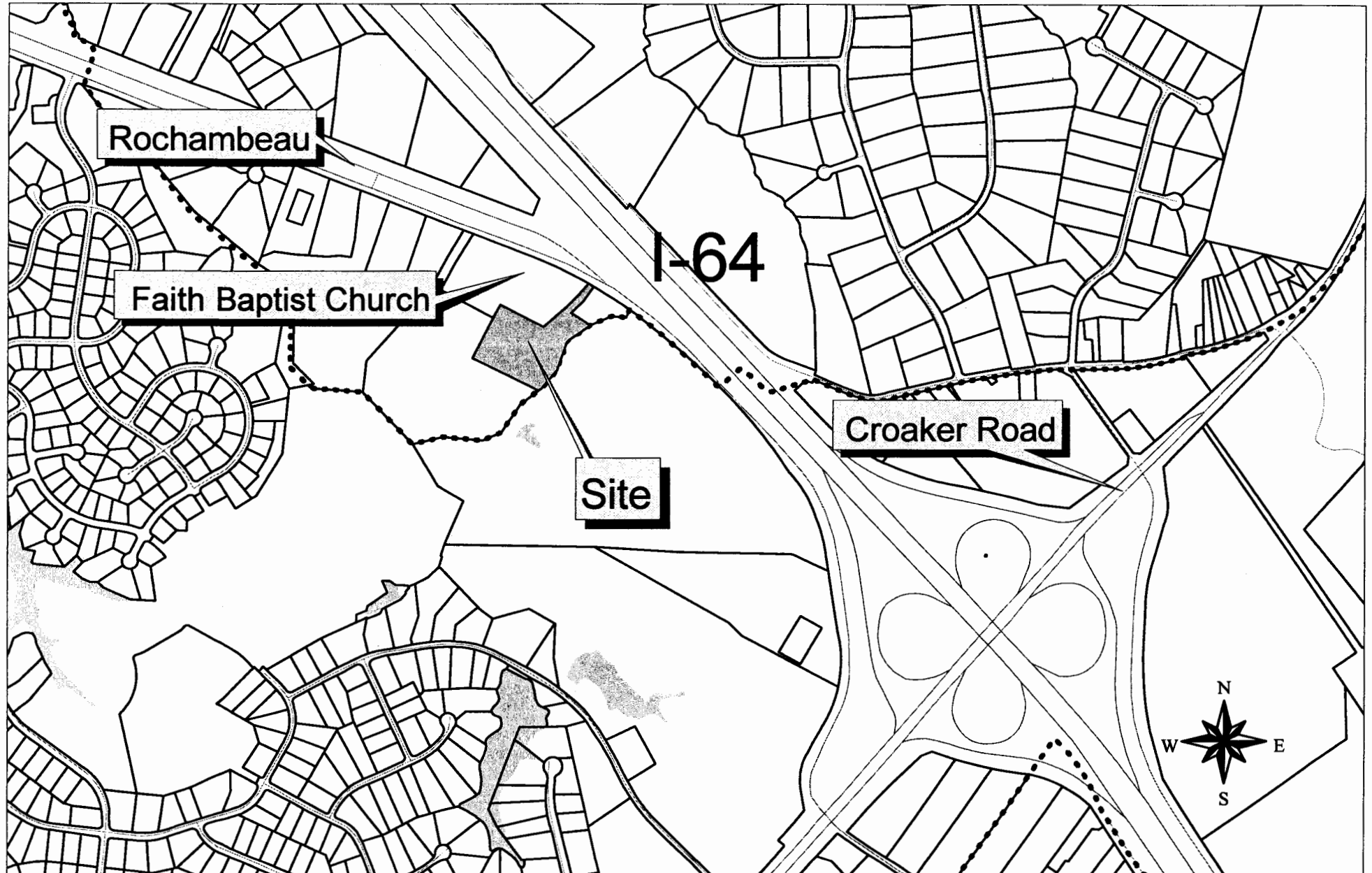
TD/nb  
SUP-16-05.wpd

### **ATTACHMENTS:**

1. Location Map
2. Planning Commission Minutes
3. Resolution

# SUP-16-05

## Treleaven Warehouse and Nursery



**APPROVED MINUTES OF THE PLANNING COMMISSIONS May 2, 2005  
MEETING**

SUP-16-05 Treleaven Warehouse and Nursery

Mr. Trey Davis presented the staff report. Mr. Stanley B. Treleaven of T&S Associates, Inc. has applied for a special use permit to allow for an existing structure to be used as a contractor's warehouse. The property, located at 4191 Rochambeau Drive, is currently zoned A-1, General Agricultural, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

Staff recommended approval.

Mr. Fraley asked for more information regarding the sight distance waiver that may be required prior to final Site Plan approval.

Mr. Davis explained that the Virginia Department of Transportation (VDOT) asked that the sight distance be reviewed at the site plan stage. If it is determined that there is not enough sight distance the property owner will be required to submit a deed for recordation stating awareness of the condition.

Mr. Kale verified that the driveway currently exists.

Mr. Billups asked if distinct differences existed between the current and the proposed uses.

Mr. Davis stated that the existing use is considered non-conforming. He further stated that although both uses pertain to the construction trade and that traffic and car trips would be similar; the SUP process allows the County to add some conditions to the site.

Mr. Kale inquired as to whether the SUP would apply to the nursery only or the entire site.

Mr. Davis answered that the SUP would apply to the contractor's warehouse only. He said the nursery is allowed by right.

Mr. Hunt opened the public hearing.

Ms. Jones asked whether the applicant was comfortable with the conditions.

Mr. Treleaven, the applicant, answered yes.

Hearing no requests to speak, the public hearing was closed.

Mr. Kennedy motioned to approve the application.

Ms. Blanton seconded the motioned.

In a unanimous roll call vote the application was approved 7-0. AYE: Billups, Kale, Fraley, Blanton, Jones, Kennedy, Hunt (7); NAY: (0).

## RESOLUTION

### CASE NO. SUP-16-05. TRELEAVEN WAREHOUSE AND NURSERY

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

WHEREAS, the applicant has requested a special use permit to allow for a contractors warehouse in an A-1, General Agricultural District, located at 4191 Rochambeau Drive, further identified as a Parcel No. (1-9B) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 16-05 as described herein with the following conditions:

1. The contractor's warehouse shall be limited to the storage of lumber, drywall, plumbing fixtures, pipes, insulation, flooring, glass, concrete, fasteners, wires, and electrical fixtures or other construction materials as approved by the Planning Director. There shall be no outdoor storage of any of these materials.
2. There shall be no outdoor operation of machinery in connection with the contractor's warehouse other than forklifts and delivery vehicles at the site.
3. Hours of operation for the contractor's warehouse shall be limited to the time between 6 a.m. and 9 p.m.
4. A site plan shall be submitted by the applicant in accordance with the requirements of the Zoning Ordinance.
5. The applicant shall provide one handicap-accessible parking space on the site.
6. Any outdoor storage of material for the nursery shall be shown on the site plan and shall be screened from adjacent properties and public roads by landscaping and/or fencing in a manner acceptable to the Planning Director.
7. The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The applicant shall be responsible for enforcing these standards.
8. The applicant shall submit the site plan to the Williamsburg Area Environmental Health office for review and approval to verify that the existing well, septic tank and drainfield are adequate to serve the intended use of the building prior to final site plan approval.
9. The installation of a stop sign at the entrance onto Rochambeau Drive shall be included on the site plan.
10. Intercom and other speaker systems shall operate in such a manner that they shall not be audible from adjacent properties.

11. If final site plan approval is not obtained within thirty-six months of the issuance of the special use permit, it shall become void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

SUP-16-05.res

**MEMORANDUM**

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Matthew D. Arcieri, Senior Planner  
SUBJECT: Case No. ZO-3-05, Zoning Fee Change

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Attached for consideration is a proposed ordinance to increase the acreage fee for rezonings from \$50 to \$100 per acre, remove the \$15,000 cap on rezoning fees and to increase the fee for residential site review from \$60 to \$70 per unit. The changes are estimated to generate the \$30,000 in additional revenue included in the FY06 budget adopted by the Board of Supervisors to support Planning Division operations. A more detailed explanation of the fee increases, including a cost comparison for the rezoning fee change, is attached.

Staff recommends approval of the proposed fee change. On June 6, 2005, the Planning Commission recommended denial by a vote of 7-0.

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Matthew D. Arcieri

CONCUR:

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O. Marvin Sowers, Jr.

MDA/tlc  
ZO305.mem

Attachments:

1. Revised Ordinance
2. Alternate Fee Proposal Details

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-7, ADMINISTRATIVE FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-7, Administrative fees.

Chapter 24. Zoning

Article I. In General

**Sec. 24-7. Administrative fees.**

Fees shall be charged at the time of application to offset the cost of making inspections, issuing permits, advertising notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto. The following fees shall be charged and collected at the time of application:

<u>Procedure</u>	<u>Fee</u>
(1) Rezoning.....	\$1,200.00 plus <del>\$50.00</del> <u>100.00</u> per acre, <del>not to exceed \$15,000.00</del>
(2) Applications for special use permits:	
a. Generally (General special use permits processed with ..... a rezoning shall pay a rezoning fee only).....	\$1,000.00 plus \$30.00 per acre, not to exceed \$5,000.00
b. Manufactured home on an individual lot.....	100.00
c. Family subdivision under section 24-214.....	100.00
d. Amendment to a special use permit.....	400.00
e. Wireless communications facilities under division 6.....	1,500.00



- (3) Master plan review:
  - a. Initial review of any Residential Cluster, R-4, Mixed Use or a PUD with less than 400 acres (PUD's with 400 acres or more shall pay a rezoning fee only) ..... 200.00
  - b. Revision of approved plan:
    - 1. Residential Cluster ..... 75.00
    - 2. R-4, PUD, Mixed Use ..... 150.00
- (4) Site Plan Review:
  - a. Administrative review:
    - 1. Residential structures or improvements, \$600.00, plus ~~\$60.00~~ **\$70.00** per residential unit.
    - 2. Nonresidential structures or improvements, \$600.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$600.00, plus ~~\$60.00~~ **\$70.00** per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - b. Planning commission review:
    - 1. Residential structures or improvements, \$1,800.00, plus ~~\$60.00~~ **\$70.00** per residential unit.
    - 2. Nonresidential structures or improvements, \$1,800.00, plus \$0.024 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$1,800.00, plus ~~\$60.00~~ **\$70.00** per residential unit plus \$0.024 per sq. ft. of nonresidential building area.
  - c. Amendment to an approved plan:
    - 1. Residential structures or improvements, \$100.00, plus \$10.00 per residential unit.
    - 2. Nonresidential structures or improvements, \$100.00, plus \$0.004 per sq. ft. of building area.
    - 3. Mixed Use structures or improvements, \$100.00, plus \$10.00 per residential unit plus \$0.004 per sq. ft. of nonresidential building area.
    - 4. Residential or nonresidential structures or improvements where the number of dwelling units or area of building area, pavement, or open space is not changed more than 15 percent, \$100.00.
  - d. Zoning administrator and fire department review only, \$20.00.
- (5) Sign permits, \$5.00 per square foot of gross sign area.
- (6) Appeals to the board of zoning appeals, \$250.00

- (7) Application for a height limitation waiver to the board of supervisors, \$200.00
- (8) Application for administrative variance, \$100.00

*State law reference - Code of Va. § 15.2-2886(6).*

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June,  
2005.

feord2.ord

## Alternate Proposal

A) Increase rezoning acreage fee from \$50 to \$100.

- Yields \$25,000 in additional revenue
- Based on rezoning of 500 acres in FY04
- Eliminates \$15,000 cap on rezonings

### Rezoning: Current and Proposed Fee with Comparison to other Jurisdictions

Base	Acreage		10 acre rezoning	50 acre rezoning	150 acre rezoning
\$1,200	\$50	JCC	\$1,700	\$3,700	\$8,700
\$1,200	\$100	<i>Proposed JCC</i>	\$2,200	\$6,200	\$16,200
Flat Fee		Albemarle	\$1,020	\$1,570	\$1,570
\$2,800	\$95	Chesterfield	\$3,750	\$7,550	\$17,050
\$650	\$100	Hampton	\$1,650	\$5,650	\$15,650
\$1,200	\$45	Hanover	\$1,650	\$3,450	\$7,950
\$800	\$50	Henrico	\$1,300	\$3,300	\$8,300
\$200	\$150	Newport News	\$1,700	\$7,700	\$22,700
\$8,000	\$100	Stafford	\$9,000	\$13,000	\$23,000
\$500	\$20	Williamsburg	\$700	\$1,500	\$3,500
\$450	\$5	York	\$500	\$700	\$1,200

Current JCC fee: \$1200 + \$50/acre

Proposed fee: \$1200 + \$100/acre

B) Increase SP fee for residential units from \$60 to \$70.

- Yields \$5,000 in additional revenue
- Based on review of 500 units in FY04
- JCC currently charges \$70 per lot for subdivisions.

MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Development Manager  
SUBJECT: Easement and Right-of-Way Dedication, Monticello Avenue/Ironbound Road Intersection

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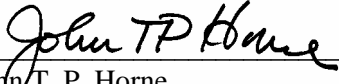
Staff has been working with the Virginia Department of Transportation (VDOT), New Town Associates, the College of William & Mary, and the City of Williamsburg for a number of months to design the improvement of the intersection of Monticello Avenue and Ironbound Road. The intersection is to be reconstructed to add turn lanes and medians on all approaches. Due to changes in the alignment of lanes at the intersection itself, over 1,000 feet of Ironbound Road north of Monticello Avenue will also be reconstructed.

New Town Associates has paid for the design. Funds for the construction have been allocated by the Hampton Roads Metropolitan Planning Organization (MPO) from regional transportation funds. The County is funding the placement of overhead utilities underground along Ironbound Road.

All rights-of-way and easements are to be donated from the College of William & Mary, New Town Associates, the City of Williamsburg, and James City County. The City and County jointly own the site of the Williamsburg-James City County Courthouse. VDOT needs an additional right-of-way from the site and Dominion Virginia Power needs a new easement from the site.

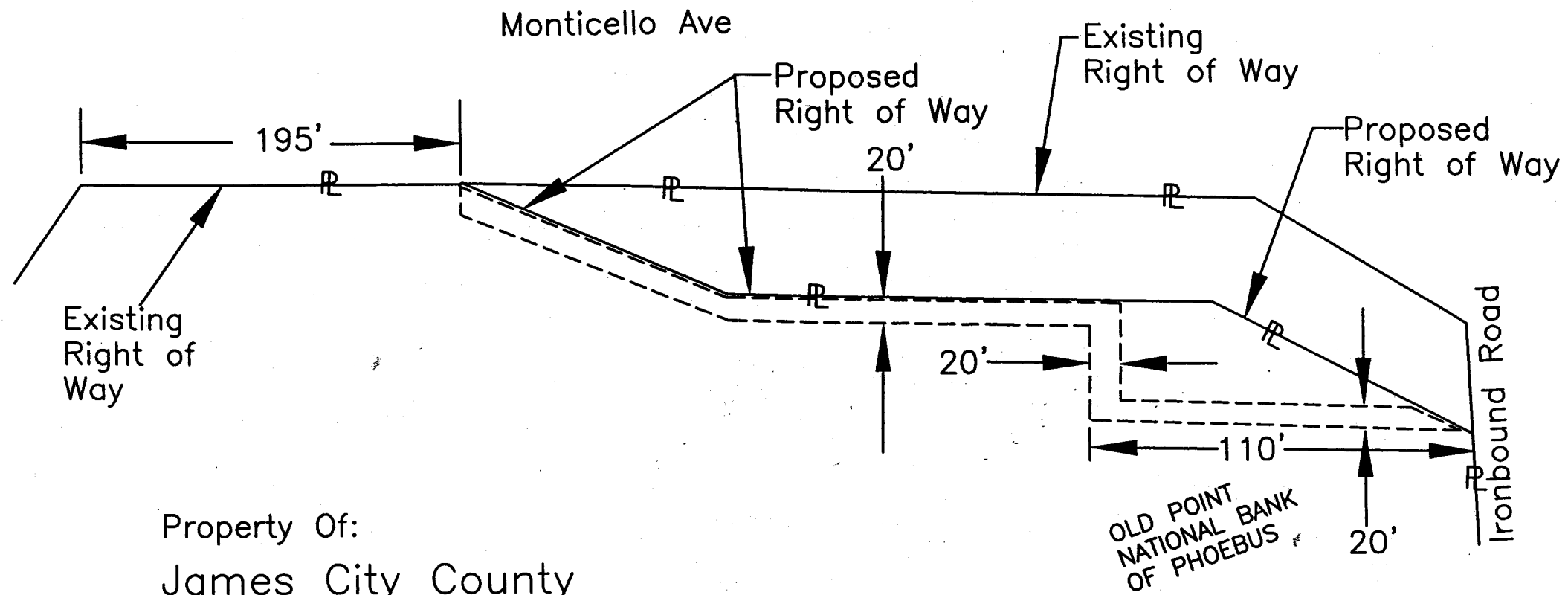
Attached are two resolutions. The first resolution authorizes the transfer of .152 acres of permanent utility easement to Dominion Virginia Power. This new easement area would allow the relocation of current underground power lines further south outside of the new roadway right-of-way. The second resolution authorizes the transfer of .764 acres of right-of-way to VDOT for the roadway construction. Also attached are maps showing the easement and right-of-way.

Staff recommends approval of the attached resolutions.

  
\_\_\_\_\_  
John T. P. Horne

JTPH/gs  
M\_Intersect.mem

Attachments



Property Of:  
 James City County  
 and  
 City of Williamsburg  
 WMBG Parcel Id #460-01-00-002

*Plat to Accompany  
 Right-of-Way Agreement*

VIRGINIA ELECTRIC AND POWER COMPANY doing business as	
<b>Dominion Virginia Power</b>	UG ONLY
District	
<b>WILLIAMSBURG</b>	
District-Township-Borough	County-City State
Office	
<b>WILLIAMSBURG VA</b>	
Plat Number	
PORT TECH CNTR	
Estimate Number	28-04-0110
Grid Number	
05959269	
Date	M1837
5-19-05	By J. STEPHENSON

**Legend**

- Location of Boundary Lines of Right of Way TWENTY (20') FEET
- —— Indicates Property Line is Right-of-Way Boundary TWENTY (20') FEET

**RESOLUTION**

**EASEMENT AND RIGHT-OF-WAY DEDICATION,**

**MONTICELLO AVENUE/IRONBOUND ROAD INTERSECTION**

WHEREAS, James City County has requested the Virginia Department of Transportation (VDOT) to improve the intersection of Monticello Avenue and Ironbound Road; and

WHEREAS, in order to complete that improvement, approximately .764 acres of additional right-of-way is necessary from the site of the Williamsburg-James City County Courthouse, which is jointly owned by the City of Williamsburg and James City County.

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey right-of-way to VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a deed and such other documents necessary to transfer approximately .764 acres of right-of-way to VDOT as shown on Sheet Nos. 3 and 4 of the plans for Project 0321-047-103, R/W-201.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

M\_Iintersect.res1

**RESOLUTION**

**EASEMENT AND RIGHT-OF-WAY DEDICATION,**

**MONTICELLO AVENUE/IRONBOUND ROAD INTERSECTION**

WHEREAS, James City County has requested the Virginia Department of Transportation to improve the intersection of Monticello Avenue and Ironbound Road; and

WHEREAS, Dominion Virginia Power has existing underground power lines within the area that will be affected by the roadway improvements; and

WHEREAS, it is necessary to move the existing power lines to a new easement area outside of the new road right-of-way onto the site of the Williamsburg-James City County Courthouse, which is jointly owned by the City of Williamsburg and James City County.

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Powers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Right-of-Way Agreement and such other documents necessary to transfer approximately .152 acres of permanent utility easement to Dominion Virginia Power as shown on a Plat to Accompany Right-of-Way Agreement prepared by Dominion Virginia Power dated May 19, 2005.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

M\_Intersect.res2

MEMORANDUM

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: Bernard M. Farmer, Jr., Capital Projects Administrator  
SUBJECT: Award of Contract Change - Phase II - Design of Community Sports Facility

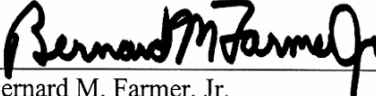
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Last July the Board of Supervisors approved award of a contract for design services for the Community Sports Facility to Clough Harbor and Associates. The initial phase of the contract in the amount of \$137,470 provided services through the programming and preliminary design phases.


The preliminary design phase is nearing completion as a provided in the contract. Clough Harbor and Associates has provided staff with its proposal for further design efforts through final construction. Staff has reviewed this proposal and negotiated desired services with Clough Harbor and Associates, who has provided fees that are consistent with the planned facility design and budget. This proposal provides for work to be complete by the fall of 2007. The fees outlined below are for full design services through construction of the facility. Staff has reviewed the accompanying proposal and believes the work effort used for developing the fee proposal is consistent with the work required for a facility of this scope, and that the fees as represented are appropriate.

<u>Task</u>	<u>Fee Amount</u>
Permitting	\$ 8,700
Basic Design Services	310,400
Bidding	15,600
Construction Administration	<u>66,200</u>
Total:	<u>\$400,900</u>

Staff recommends adoption of the attached resolution authorizing the award of the Contract change for full design of the Community Sports Facility to Clough Harbor and Associates in the amount of \$400,900.

  
Bernard M. Farmer, Jr.

CONCUR:

  
Steven W. Hicks

BMF/nb  
communsptsfac.mem

Attachment



**RESOLUTION**

**AWARD OF CONTRACT CHANGE - PHASE II -**

**DESIGN OF COMMUNITY SPORTS FACILITY**

WHEREAS, the preliminary design services for the Community Sports Facility are nearing completion and staff has negotiated a satisfactory Phase II scope of services and fees that are appropriate to complete the final design work and final construction; and

WHEREAS, authorized Capital Improvements Program (CIP) budgeted funds are now available to fund this portion 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 change documents for the full design of the James City County Community Sports Facility at the Warhill Sports Complex in the total amount of \$400,900.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

communsptsfac.res

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

DATE: June 14, 2005

TO: The Board of Supervisors

FROM: Matthew D. Arcieri, Senior Planner  
Trey Davis, Planner

SUBJECT: Stonehouse (2J Investments LLC) Request for Private Streets

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Mr. V. Marc Bennett of AES Consulting Engineers has submitted a request for approval of private streets for two projects in the Stonehouse Master Planned Community. The Stonehouse Master Planned Community is zoned PUD, Planned Unit Development. Section 24-497(d) of the Code of James City County states that "Private streets may be permitted upon approval of the Board of Supervisors." Private street issues are typically handled at the rezoning level; however, the current Stonehouse master plan and proffers do not include provisions for private streets in multifamily portions of the development.

The two projects under review are the Fairways (Case No. SP-6-05), a 16-unit condominium project, and Clubhouse Point (Case No. SP-7-05), an 18-unit condominium project. Layouts for both projects are included as attachments. Both of these site plans represent by-right uses and are subject only to administrative review. The Zoning Ordinance does not provide for Board approval of any other elements of these cases aside from the consideration of private versus public streets.

The primary public concern with private streets is ensuring that they are properly constructed so as to not create a long-term maintenance issue for the homeowners and that adequate maintenance provisions are established. The County has adopted Private Street Construction Standards administered by the County Engineer, and the Zoning Ordinance requires that construction of private streets be guaranteed in a form approved by the Environmental Division and County Attorney prior to issuance of any certificate of occupancy for the projects. Regarding maintenance, the Stonehouse proffers require the establishment of a property owner's association for each development to be responsible for permanent care and maintenance of association-owned property and facilities. These documents will be approved by the County Attorney's Office prior to development plan approval. Staff believes that the ordinance and Stonehouse proffers provide the necessary authority to ensure that the private streets are properly built and maintained.

This request for private streets does not require a public hearing and there are no requirements for property owner notification. However, given recent interest by residents of Stonehouse in these cases, staff did notify adjacent property owners and the homeowners association in writing of these requests.

Staff recommends approval of the attached resolution permitting private streets in the two Stonehouse projects.

Stonehouse Request for Private Streets

June 14, 2005

Page 2

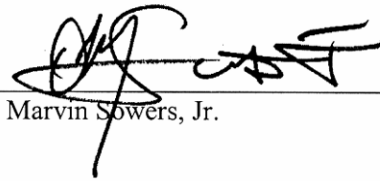
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Matthew Arcieri

---

Trey Davis

CONCUR:

A handwritten signature in black ink, appearing to read "O. Marvin Sowers, Jr.", written over a horizontal line.

O. Marvin Sowers, Jr.

MDA/TD/gb  
PrivateSts.mem

Attachment:

1. Letters from V. Marc Bennett dated May 5, 2005
2. Layouts for The Fairways and Clubhouse Point
3. Notice to Adjacent Property Owners
4. Resolution

May 5, 2005

Mr. O. Marvin Sowers, Jr. AICP  
James City County Development Management  
101-A Mounts Bay Road  
Williamsburg, VA 23187-8784



**RE: Stonehouse – The Fairways  
JCC Case No. SP-006-05  
AES Project No. 9028-22**

Mr. Sowers:

As with the Clubhouse Point Project, and as suggested by your correspondence dated April 22, 2005, representing the property owner and site developer, Futura, L.L.C., AES Consulting Engineers is requesting the James City County Board of Supervisors entertain the proposal to allow “private streets” for the development of “The Fairways”. “The Fairways” is a 16-unit condominium project location along Mill Pond Run, within Phase 1 of the Stonehouse community.

The Stonehouse community project is zoned PUD, Planned Unit Development. Reading from the Code of James City County, Chapter 24, Article V – Districts, Division 14 – Planned Unit Development, Section 24-497, Paragraph (d), which states “*Street*. All streets shall meet the requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. Such streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director. **Private streets may be permitted upon approval of the board of supervisors.**” (Bold added for emphasis.) It is upon this referenced section of the code the request is being made.

For the consideration by the Board of Supervisors, we offer the following information:

- The Fairways project is a “fixed” traffic generation project of 16 residential units (4 building of 4 units each), without the ability to extend roadways. Adjacent properties are currently developed.
- The Fairways project is a condominium project. Repair and maintenance for the access ways serving the residential units, as well as surrounding common area grounds, will be the responsibility of the condominium association. Funding for these maintenance needs will be provided through special assessments by the condominium association.

Mr. O.M. Sowers  
May 5, 2005  
Page 2 of 2

Again, Mr. Sowers, AES Consulting Engineers would appreciate your coordination efforts to forward the request to the Board of Supervisors for consideration. If there are any additional needs in the processing of this request, we would welcome the opportunity to provide the information.

Sincerely,

AES Consulting Engineers

A handwritten signature in black ink, appearing to read "V. Marc Bennett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

V. Marc Bennett, P.E.  
Senior Project Manager

S:\Jobs\9028\22-The Fairway\Wordproc\Document\902822L04-vmb.doc

May 5, 2005

Mr. O. Marvin Sowers, Jr. AICP  
James City County Development Management  
101-A Mounts Bay Road  
Williamsburg, VA 23187-8784



**RE: Stonehouse – Clubhouse Point**  
**JCC Case No. SP-007-05**  
**AES Project No. 8851-1**

Mr. Sowers:

As suggested by your correspondence dated April 22, 2005, representing the property owner and site developer, Futura, L.L.C., AES Consulting Engineers is requesting the James City County Board of Supervisors entertain the proposal to allow “private streets” for the development of Clubhouse Point, an 18-unit condominium project location along Mill Pond Run, within Phase 1 of the Stonehouse community.

The Stonehouse community project is zoned PUD, Planned Unit Development. Reading from the Code of James City County, Chapter 24, Article V – Districts, Division 14 – Planned Unit Development, Section 24-497, Paragraph (d), which states “*Street*. All streets shall meet the requirements of the Virginia Department of Transportation or the requirements of the county subdivision regulations, whichever is greater. Such streets shall be coordinated with the major transportation network shown in the county Comprehensive Plan. The construction of streets, whether public or private, shall be guaranteed by appropriate surety, letter of credit, cash escrow or other form of guarantee approved by the county attorney and environmental director. **Private streets may be permitted upon approval of the board of supervisors.**” (Bold added for emphasis.) It is upon this referenced section of the code the request is being made.

For the consideration by the Board of Supervisors, we offer the following information:

- The Clubhouse Point project is a “fixed” traffic generation project of 18 residential units, without the ability to extend roadways to other adjacent, undeveloped properties.
- The Clubhouse Point project is a condominium project. Repair and maintenance for the access ways serving the individual condominiums, as well as surrounding common area grounds, will be the responsibility of the condominium association. Funding for these maintenance needs will be provided through special assessments by the condominium association.

Mr. O.M. Sowers

May 5, 2005

Page 2 of 2

Mr. Sowers, AES Consulting Engineers would appreciate your coordination efforts to forward the request to the Board of Supervisors for consideration. If there are any additional needs in the processing of this request, we would welcome the opportunity to provide the information.

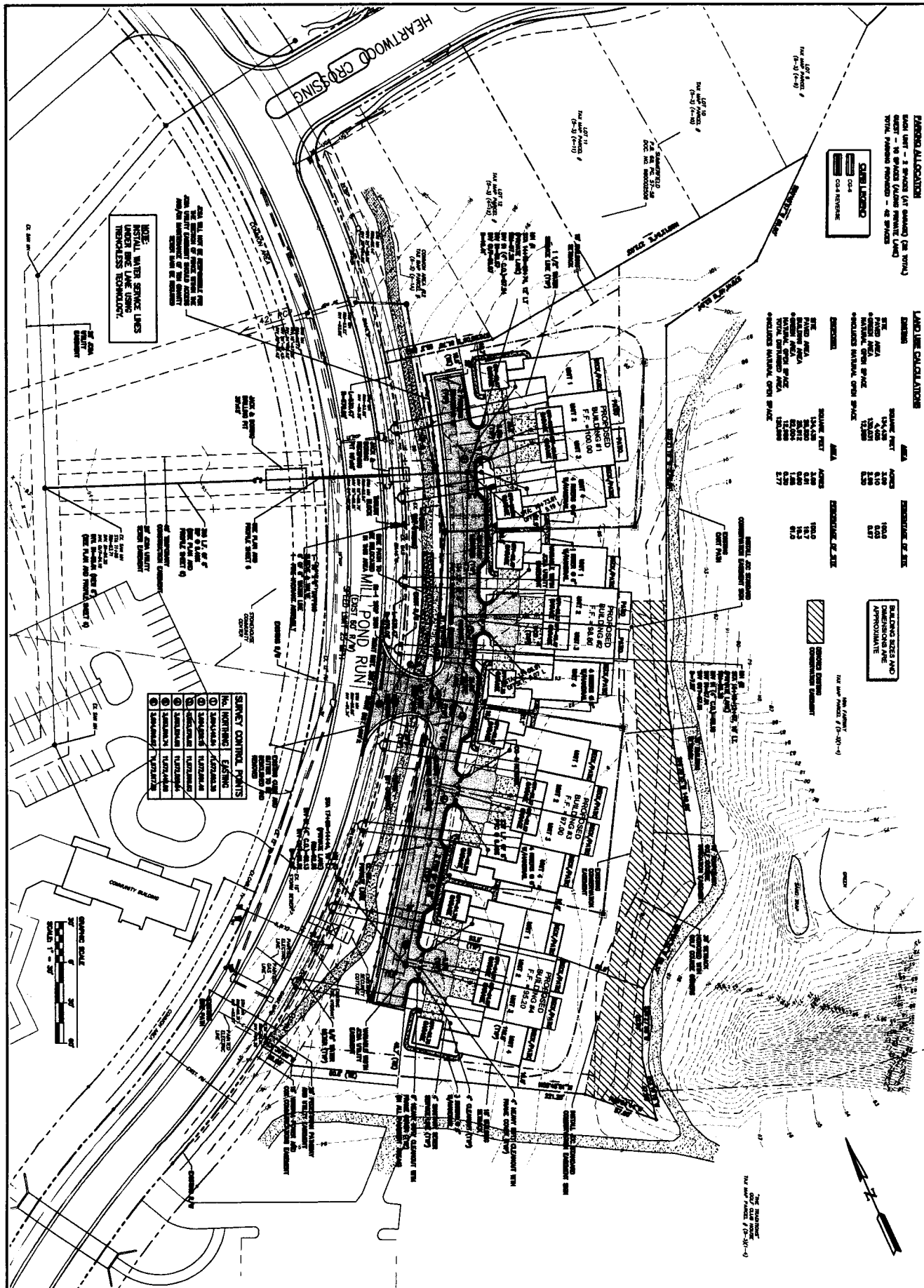
Sincerely,

AES Consulting Engineers

A handwritten signature in black ink, appearing to read "V. Marc Bennett". The signature is fluid and cursive, with a large, sweeping flourish at the end.

V. Marc Bennett, P.E.  
Senior Project Manager

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**GENERAL ALLOCATION**  
 Total Area = 2.67 acres (113,000 sq ft)  
 Total Building Area = 1,100,000 sq ft  
 Total Parking Area = 1,100,000 sq ft  
 Total Open Space = 1,100,000 sq ft

**LAND USE CALCULATIONS**

LAND USE	AREA (SQ FT)	PERCENTAGE
RESIDENTIAL	1,100,000	41.2%
PARKING	1,100,000	41.2%
OPEN SPACE	1,100,000	41.2%
TOTAL	2,670,000	100%

**BUILDING SIZES AND APPROXIMATE**

- SURVEY CONTROL POINTS**
- 1. NORTHING
  - 2. EASTING
  - 3. ELEVATION
  - 4. DISTANCE
  - 5. BEARING
  - 6. AREA
  - 7. VOLUME
  - 8. PERIMETER
  - 9. CENTER OF GRAVITY
  - 10. MOMENT OF INERTIA
  - 11. SURFACE AREA
  - 12. SURFACE VOLUME
  - 13. SURFACE PERIMETER
  - 14. SURFACE CENTER OF GRAVITY
  - 15. SURFACE MOMENT OF INERTIA

**NOTE: WATER SERVICE LINES**  
 UNDER PAVEMENT USING  
 TRENCHLESS TECHNOLOGY.



**SITE AND UTILITY PLAN**  
 THE FAIRWAYS

**STONEHOUSE**

STONEHOUSE DISTRICT    JAMES CITY COUNTY    VIRGINIA

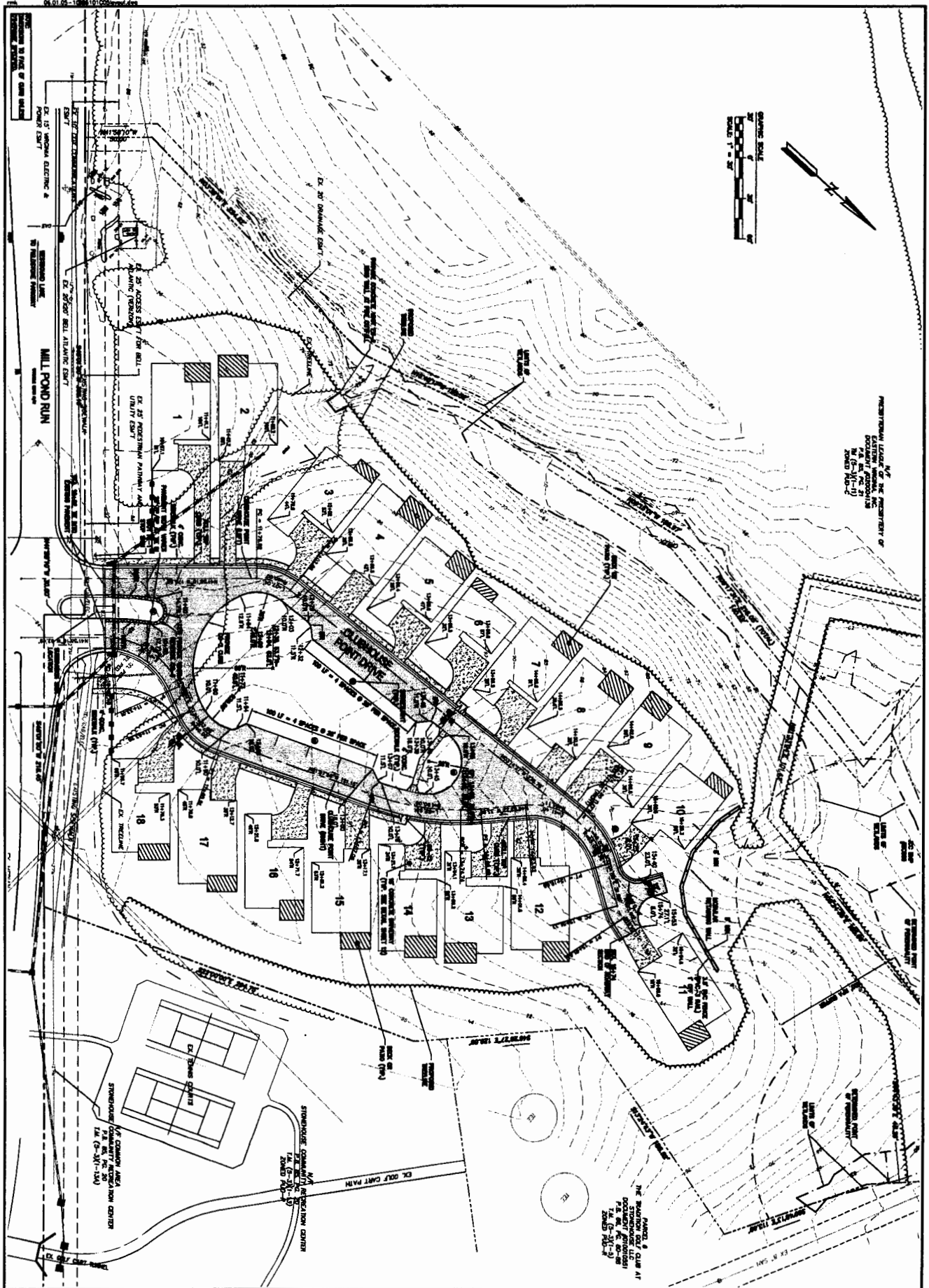
**AES**  
 CONSULTING ENGINEERS  
 WILLIAMSBURG • RICHMOND

5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 (757) 253-0040  
 Fax (757) 220-8994



NO.	DATE	REVISION / COMMENT / NOTE	BY	CHKD
1	5/1/05	REVISED FOR COUNTY COMMENTS	WAS	WAS





**SITE LAYOUT PLAN**  
**PARCEL 24 'CLIBHOUSE POINT'**  
**STONEHOUSE**  
 STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

**AES**  
 CONSULTING ENGINEERS  
 WILLIAMSBURG • RICHMOND

5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23186  
 (757) 253-0040  
 Fax (757) 220-8994



NO.	DATE	REVISION / COMMENT / NOTE	BY



## DEVELOPMENT MANAGEMENT

101-A MOUNTS BAY ROAD, P.O. BOX 8784, WILLIAMSBURG, VIRGINIA 23187-8784  
(757) 253-6671 Fax: (757) 253-6822 E-MAIL: devman@james-city.va.us

ENVIRONMENTAL DIVISION  
(757) 253-6670  
envirod@james-city.va.us

PLANNING  
(757) 253-6685  
planning@james-city.va.us

COUNTY ENGINEER  
(757) 253-6678

INTEGRATED PEST MANAGEMENT  
(757) 259-4116

May 23, 2005

Dear Adjacent Property Owner:

Mr. Marc Bennett of AES Consulting Engineers has asked that the Board of Supervisors consider requests to allow for private streets in the development of the Fairways (Case No. SP-006-05) and Clubhouse Point (Case No. SP-007-05) in Stonehouse.

The Stonehouse community is zoned PUD, Planned Unit Development. Per section 24-497 (d) of the James City County Zoning Ordinance, private streets may be allowed in this zoning district with the approval of the Board of Supervisors. The maintenance of these streets would be funded by the condominium associations which the private streets serve.

This is not a public hearing case and there are no requirements for property owner notification. However, given the interest of some residents in the review of these two cases thus far, staff feels it is appropriate to make you aware of these requests.

Both of these site plans represent by-right uses and are subject only to administrative review. The Board does not approve any other elements of these cases aside from the consideration of private versus public streets.

This matter will be considered by the Board of Supervisors at its June 14, 2005 meeting. Although this is not a public hearing case, the meeting is open to the public. There is a public comment period at the beginning and end of the meeting where citizens may comment on non-public hearing items. The meeting will be held at 7PM in the boardroom of the County complex, located at 101-F Mounts Bay Road.

Sincerely,

O. Marvin Sowers, Jr.  
Planning Director

**RESOLUTION**

**STONEHOUSE (2J INVESTMENTS LLC) PRIVATE STREETS**

WHEREAS, Section 24-497(d) of the James City County Zoning Ordinance states that private streets may be permitted upon the approval of the Board of Supervisors in the PUD, Planned Unit Development District; and

WHEREAS, AES Consulting Engineers has requested approval of private streets for two developments in the Stonehouse Master Planned Community; and

WHEREAS, the developments are located at 9681 and 9720 Mill Pond Run and further identified as Parcel Nos. (1-12) and (1-16) on James City County Real Estate Tax Map No. (5-3); and

WHEREAS, private streets shall be constructed and certified in accordance with *Administrative Guidelines For Certification of Private Street Construction* prepared by the County Engineer and guaranteed in accordance with Section 24-497(d) of the James City County Zoning Ordinance; and

WHEREAS, the Owner of each development shall organize a neighborhood association to be responsible for maintenance of their private streets in accordance with Condition 1, Community Association of the Proffers, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve private streets in the above-referenced developments.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.

PrivateSts.res

**MEMORANDUM**

DATE: June 14, 2005  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Acquisition of Property, Toano Convenience Center

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With the expansion of the Emergency Communication Center and installation of the new County radio system, the Toano Convenience Center needed to be relocated. In April 2004, staff identified 185 Industrial Boulevard as the site for the relocated Toano Convenience Center. Staff has completed negotiations for a 1.15-acre portion of a 6.86-acre parcel owned by Crown Castle GT Company LLC, which contains a cell tower and related buildings. Staff and Crown Castle GT Company LLC have reached an agreed-upon price of \$65,066 for the 1.15 acres. The appraised value is \$65,000.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute all necessary documents for the purchase of the property.

---

William C. Porter, Jr.

WCP/gs  
parcelacquire.mem2

Attachment

**RESOLUTION**

**ACQUISITION OF PROPERTY, TOANO CONVENIENCE CENTER**

WHEREAS, Crown Castle GT Company LLC, a Delaware limited liability company, currently owns a certain parcel located at 185 Industrial Boulevard in James City County, designated as Tax Parcel No. 1240100013E (the "Site"); and

WHEREAS, there is a proposed real estate purchase agreement to convey to James City County a tract of land on the Site, shown as 1.15 acres (the "Property") on that certain plat entitled "James City County, Toano Convenience Center," dated September 17, 2004; and

WHEREAS, the Property was appraised at \$65,000 by Simerlein Appraisals, Ltd. on November 30, 2004, and the proposed purchase price of the Property is \$65,066; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Property for the purpose of establishing a Toano Convenience Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the Property located on the Site, Tax Parcel No. 1240100013E, and more commonly known as 185 Industrial Boulevard, for the purpose of establishing a Toano Convenience Center.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the proposed real estate purchase agreement and any other documents needed to acquire the Property shown as "Proposed Parcel 50,094 S.F. or 1.15 ACRES" on that certain plat entitled "James City County, Toano Convenience Center," dated September 17, 2004, located at 185 Industrial Boulevard.

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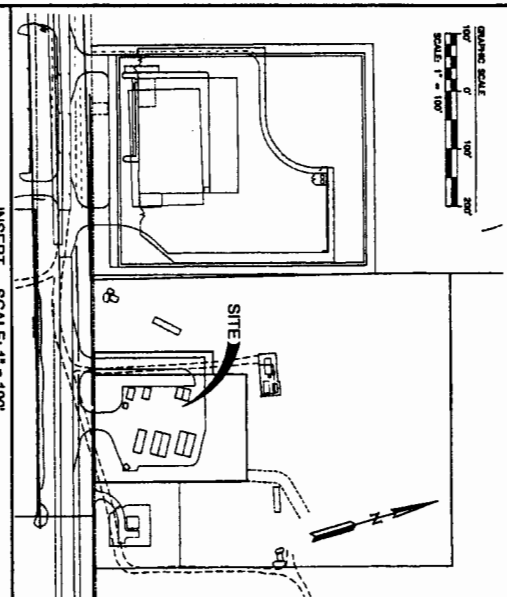
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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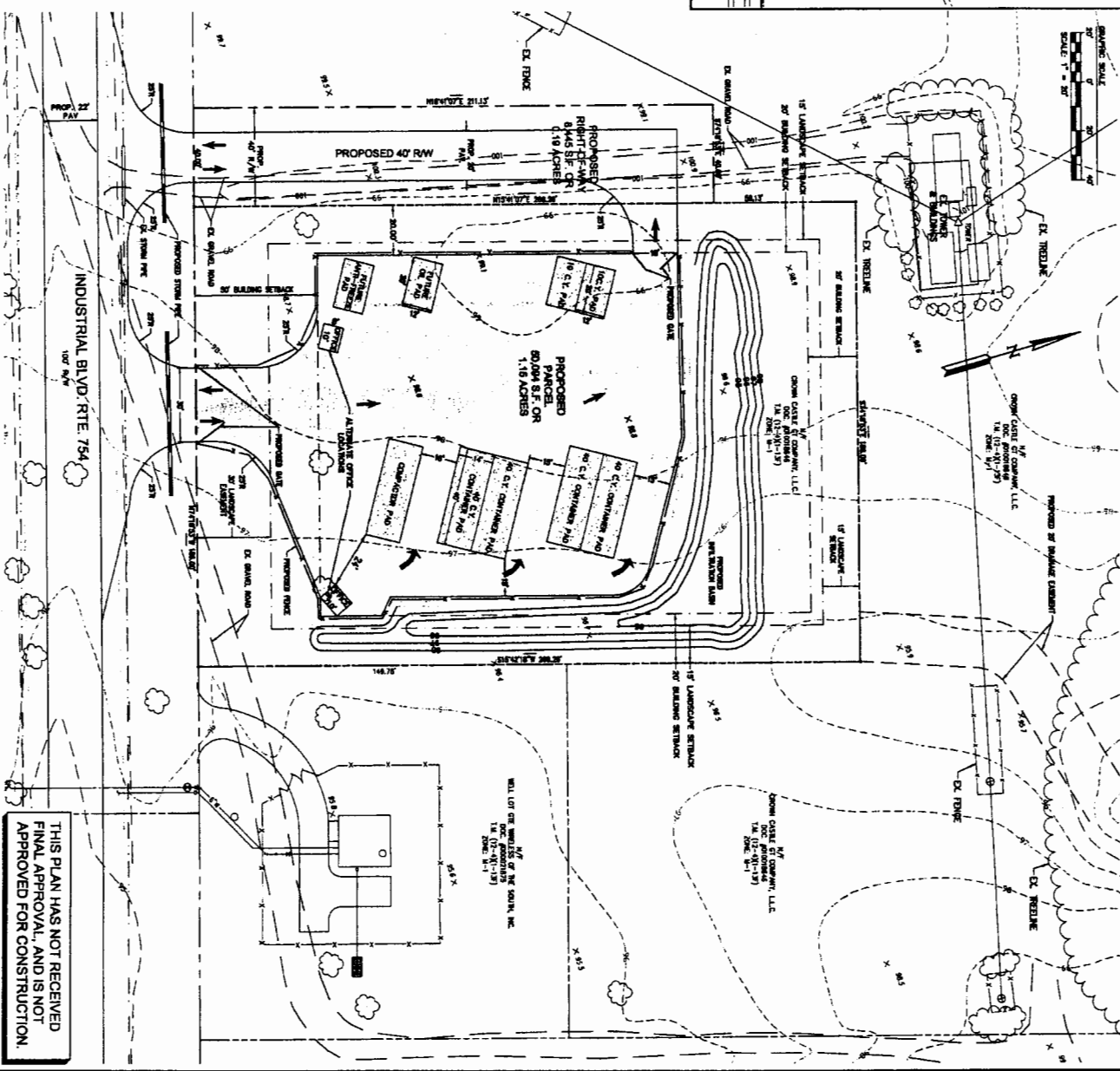
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2005.



INSERT - SCALE: 1" = 100'

- GENERAL NOTES
1. THIS SITE PLAN IS CLASSIFIED AS (TYPE) BOUNDARY/GENERAL (TYPE SURVEY) UNDER THE 2001 AS-BUILT REQUIREMENT. ANY ALTERATION TO THE PLAN SHALL BE AT THE CLIENT'S RISK.
  2. THE PROPERTY AS SHOWN USES A 2001 "X" ZONE. ALL AREAS SHOWN TO BE OUTSIDE THE 2001 ZONE SHALL BE SUBJECT TO THE LOCAL ZONING BOARD'S DETERMINATION.



THIS PLAN HAS NOT RECEIVED FINAL APPROVAL, AND IS NOT APPROVED FOR CONSTRUCTION.

PRELIMINARY LAYOUT	
JAMES CITY COUNTY	
TOANO CONVENIENCE CENTER	
STONEHOUSE DISTRICT	JAMES CITY COUNTY
VIRGINIA	



5248 Old Towne Road, Suite 1  
 Williamsburg, Virginia 23186  
 (757) 253-0040  
 Fax (757) 220-8994



NO.	DATE	REVISION / COMMENT / NOTE	BY