#### AGENDA

## JAMES CITY COUNTY BOARD OF SUPERVISORS

#### **County Government Center Board Room**

## October 24, 2006

## 7:00 P.M.

A.	ROLL CALL		
В.	MOMENT OF SILENCE  PLEDGE OF ALLEGIANCE - Preston Wilson, a 10th-grade student at Jamestown High School  PRESENTATION – Valuing Diversity in James City County		
C.			
D.			
Е.	HIGHWAY MATTERS		
F.	PUBLIC COMMENT		
G.	CONSENT CALENDAR		
	<ol> <li>Minutes – October 10, 2006, Regular Meeting</li></ol>		
	7. Community Development Fund Appropriation to Support Hazard Mitigation/Disaster Recovery Project		
	8. Contract Award – Construction of Ironbound Square Revitalization Road Improvements – Phase I		
	9. Contingency Transfer – Peninsula Workforce Development Center		

#### H. PUBLIC HEARINGS

- 2. Route 5/Judith Stewart Dresser Memorial Bridge Underpass for Virginia Capital Trail......63 Supports County's Strategic Pathway 3.d invest in the capital project needs of the community
- I. PUBLIC COMMENT
- J. REPORTS OF THE COUNTY ADMINISTRATOR
- K. BOARD REQUESTS AND DIRECTIVES
- L. CLOSED SESSION
  - 1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
    - a. Economic Development Authority
    - b. Williamsburg Regional Library Board of Trustees
- M. RECESS to 8:00 a.m. on October 28, 2006, for a retreat with the Planning Commission

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## Valuing Diversity in James City County

October 24, 2006 Presented by: Alexander Holloway Human Resource Specialist

## <sup>2</sup> Accomplishments

- Diversity of applicant pools
- Effective hiring
- Development opportunities
- Work Culture of Inclusion

## 3 Diversity of Applicant Pools

■ Radio

Other sources

- Movie Theater
- Web address (www.JCCEGOV.com/**JOBS**)

## 4 Minority Recruitment Results

FY'06

- ■24% of applicants
- ■FY'07 (First Quarter)
  - 31% of applicants

#### 5 Effective Recruitment

Hired four certified Police Officers

## <sup>6</sup> Effective Hiring Processes

Identify selection criteria

- Develop interview questions
- Diverse interview panels
- Ensure timely selection

7

"I enjoyed the interview with you all. It's not often you can make that statement but your process...is very good and paints a desirable picture of the County organization."

#### Unsuccessful Applicant

## B Development Opportunities

■ Promoting Yourself within the County

Job Shadowing

- SELF (Shaping Effective Leaders for the Future)
- Succession Management Assignment

## <sup>9</sup> Employees Promoted

10

- Valuing Diversity Steering Committee
- Employee Connections Committee

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AGENDA ITEM NO. G-1
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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF OCTOBER 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

#### A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District John J. McGlennon, Vice Chairman, Jamestown District Jay T. Harrison, Sr., Berkeley District James O. Icenhour, Jr., Powhatan District M. Anderson Bradshaw, Stonehouse District

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

#### B. MOMENT OF SILENCE

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

**C. PLEDGE OF ALLEGIANCE -** Jimmy Giron, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

#### D. PRESENTATION

Ms. Charlene Talcott, Clean County Commission Chair, gave an update on the efforts initiated by the organization, including beautification, conservation, and recycling in anticipation of the events of 2007. Ms. Talcott commented on the Clean County Commission's involvement with HRClean and stated volunteers were always needed to help with these efforts.

Mr. Goodson thanked Ms. Talcott for her presentation.

Mr. Goodson recognized Mr. McGlennon's recent appointment to the Governor's Urban Policy Task Force.

#### E. PUBLIC COMMENT

1. Mr. Rudy Butler, VACo President and Supervisor from Goochland County, commented on the upcoming National Association of Counties conference to take place in 2007; commented on transportation; tax rates; growth throughout the Commonwealth of Virginia; and mentioned the upcoming Richmond Regional Planning District Metropolitan Planning Organization meeting in the City of Richmond and transportation priorities to be addressed.

Mr. Goodson thanked Supervisor Butler and commented on the benefits of VACo membership.

- 2. Mr. Robert Duckett, Peninsula Housing and Builders Association Public Affairs Director, commented on the Powhatan Creek and Yarmouth Creek Watershed Management Plan revisions, stating that the current requirement of a 100-foot buffer should be sufficient.
- 3. Ms. Bambi Walters, 5112 Shoreline Court, stated concern regarding the breach of the Lake Powell Dam and suggested the property go into a private trust rather than go to the County.
  - 4. Mr. Ed Oyer, 139 Indian Circle, commented on the economy and future spending.
- 5. Ms. Ann Hewitt, 147 Raleigh Street, representing Friends of Powhatan Creek Watershed, encouraged the Board to approve the revisions to the Powhatan Creek and Yarmouth Creek Watershed Management Plans to help improve water quality and preserve the surrounding ecosystem.

#### F. CONSENT CALENDAR

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

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

- 1. <u>Minutes September 26, 2006, Regular Meeting</u>
- 2. Temporary Appointment of Acting Zoning Administrator

#### RESOLUTION

#### TEMPORARY APPOINTMENT OF ACTING ZONING ADMINISTRATOR

- WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and
- WHEREAS, an appointment of an Acting Zoning Administrator is necessary on a temporary basis beginning November 1, 2006, and ending May 31, 2007; and
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Melissa C. Brown as Acting Zoning Administrator for the time period specified herein.

#### G. PUBLIC HEARINGS

Mr. Goodson recognized Jack Fraley, Chairman of the Planning Commission, in attendance.

#### 1. <u>Case Nos. Z-2-06/MP-3-06/SUP-19-06, Mason Park (Continued from September 12, 2006)</u>

Mr. Jose Ribeiro, Planner, stated Mr. Vernon Geddy has submitted an application, on behalf of Steven Miller of HHHunt Homes-Hampton Roads, LLC, to rezone approximately 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers. Additionally, the applicant has applied for a special use permit to allow an open space cluster development with a gross density of 1.65 dwelling units per acre. Mason Park, as the proposed subdivision will be called, consists of 15 single-family detached units with detached garages. The property is located on the south side of Jamestown Road bounded by a private residence (zoned R-8), a segment of the Landfall at Jamestown subdivision (zoned R-2) to the south and east, a large parcel of vacant land (zoned R-8) to the west, and by two multifamily subdivisions, Foxfield (zoned R-5) and Jamestown 1607 (zoned R-2) to the north and across Jamestown Road. The property, including adjacent properties to the south, east, and west, falls within an area designated as Low-Density Residential according to the 2003 Comprehensive Plan. The properties across Jamestown Road from the site are designated Moderate-Density Residential and Low-Density Residential.

The property fronts and is accessed by 4-H Club Road (State Route 680) and a frontage road that runs adjacent and parallel to Jamestown Road. Because Jamestown Road right-of-way coincides with the 4-H Club Road right-of-way, the property is considered to front a Community Character Corridor (CCC) (Jamestown Road) and therefore subject to special considerations such as additional frontage buffers and enhanced landscaping fronting the property. The property also lies within the Jamestown Island-Greensprings Road Community Character Area.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan.

At its meeting on August 7, 2006, the Planning Commission voted 7-0 to approve the application.

Staff recommended approval of the request for street width reduction for the Mason Park subdivision, the rezoning, the special use permit, and the master plan application for Mason Park with the acceptance of the voluntary proffers and approval of the special use permit conditions.

- Mr. Goodson opened the Public Hearing.
- 1. Mr. Vernon M. Geddy, III, representing the applicant, gave a brief overview of the development plans and requested approval of the application.
  - Mr. Icenhour asked what the square footage range of the houses in the development would be.
- Mr. Steven Miller, HHH Builders, stated the square footage ranged from 2,400 square feet to 3,200 square feet with a variety of floor plans.
  - Mr. Icenhour asked if the houses were all two-story.
  - Mr. Miller stated this was correct.
  - Mr. Bradshaw asked Mr. Miller to describe green building practices.
  - Mr. Miller gave a brief overview of green building practices that are currently in use, including engineered lumber, low-emission glass, and specific site-planning practices.
    - Mr. Goodson asked how a rain barrel works.

- Mr. Ted Caliber, AES Consulting Engineers, stated rainwater is collected from the roof and held in the barrel until full and then it is flushed in a normal manner and can be used to water plants.
- 2. Mr. Ray Baysley, 4060 South Riverside Drive, requested denial of the application due to the reduced street width requirement.

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

- Mr. Harrison asked staff to respond to the feedback on the reduced street width request and commented on the reduced impervious cover of this application.
- Mr. Ribeiro stated staff had contacted the James City County Fire Department and James City County Police Department and that there have been no record of any issues with this kind of request, but there was concern stated about unregulated parking but this was not specifically for subdivisions that had requested street width reductions but narrow streets in general. Mr. Ribeiro stated that the Police Department had the authority to issue parking tickets to cars parked illegally.
- Mr. Bradshaw asked staff to state which subdivisions have had public and private streets width reductions.
- Mr. Ribeiro responded according to County records, three other street width reduction requests were approved, including Greensprings West Phase 3, approved by the Board on July 11, 2000; Windham Adams, approved by the Board on July 11, 2005; and Ironbound Square Phase 1, approved by the Board on May 9, 2006.
- Mr. Bradshaw asked for confirmation that there was no history for two of those subdivisions as they had not been built, but one of the subdivisions had been built, which requested a reduction of public and private streets.
- Mr. McGlennon asked for confirmation that a reduced street width request was approved for Governor's Land
  - Mr. John Horne, Development Manager, stated that there are some private streets in Governor's Land.
- Mr. McGlennon stated this is an important issue to address, and after consultation with County emergency response staff, including the Fire and Police departments, the stated concerns were about limbs falling from trees into the narrower streets and as a result there is a proffer to make this less likely to happen. Mr. McGlennon asked Mr. Ribeiro to explain this.
- Mr. Ribeiro stated the developer has proffered that the homeowners association would trim and upkeep the vegetation along the side of the road to help prevent this risk.
- Mr. McGlennon asked for confirmation that the developer will plant vegetation that grows upward rather than outward to help reduce the risk of limbs falling.
  - Mr. Ribeiro stated this was correct.
  - Mr. Bradshaw stated this was an innovative solution.

- Mr. McGlennon stated he is satisfied with the response from the Fire and Police departments and felt comfortable that public safety would not be compromised based on the professional opinion of the emergency responders.
  - Mr. Icenhour asked how much of the property was developable.
- Mr. Ribeiro stated non-developable areas were defined as areas located in wetlands, Resource Protection Area (RPA) buffers and slope land, and the gross acreage of Mason Park was 9.11 acres, wherein 0.68 acres is considered to be non-developable area.
  - Mr. Icenhour asked if Mr. Ribeiro would show on a map where conservation areas were located.
  - Mr. Ribeiro showed the conservation areas on the map.
- Mr. Icenhour asked for confirmation that one area would have aboveground sewer and asked what length and diameter of pipeline would be used.
- Mr. Ribeiro stated the pipeline would be elevated and asked that Mr. Geddy come forward to answer the question.
- Mr. Geddy stated the sewer line would come out of the ground near the bridge and would run approximately 200 to 250 feet.
  - Mr. McGlennon made a motion to adopt the resolutions.
- Mr. Goodson stated this was an interesting example of cluster development that made exemplary strides to deal with environmental issues and stated his support.
- Mr. Icenhour stated there were significant efforts made to protect the watershed; however the Powhatan Creek Watershed Creek Plan projected a future impervious cover of 16.4 percent. He stated this plan has made a great effort to minimize impervious cover, yet impervious cover on the project was 18 percent and the result on the quality water was the ultimate assessment. Mr. Icenhour also stated concern about what could happen to an elevated sewer line in light of what recently happened in the County with an underground waterline. Mr. Icenhour stated his disappointment that there was not at least a proffer to further affordable housing efforts in the County.
- Mr. Bradshaw commented on the responsiveness of the applicant in relation to feedback on environmental and water quality, and though the County does not have the best measure of water quality, the applicant has worked very well with the County.
- Mr. Harrison stated the applicant has bent over backwards to address environmental concerns and stated there were great efforts made to work with the County, but expressed that he had hoped for some kind of provision for affordable housing and stated his concern.
- Mr. McGlennon stated his disappointment with the lack of affordable housing provision, but that the applicant has reached a standard for evaluation of proposals based on the pace of development and commented that the neighbors had their concerns about the development address. Mr. McGlennon continued that the impervious cover was an imperfect measure especially considering that the rainwater was being collected on the rooftops to mitigate the impacts. Mr. McGlennon stated something needed to be done to slow down development, and he felt this development helps to address this.

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

#### **RESOLUTION**

#### CASE NO. Z-02-06/MP-03-06. MASON PARK

- WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-02-06/MP-03-06, with Master Plan, for rezoning 9.11 acres from R-8, Rural Residential District, to R-2, General Residential District, with proffers; and
- WHEREAS, the Planning Commission of James City County, following its Public Hearing on August 7, 2006, recommended approval by a vote of 7 to 0; and
- WHEREAS, the property is located at 1916 Jamestown Road and can be further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (46-4).
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-02-06/MP-03-06 and accepts the voluntary proffers.

#### RESOLUTION

#### CASE NO. SUP-19-06. MASON PARK

- 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 (SUP) process; and
- WHEREAS, Mr. Vernon Geddy, III, has applied for an SUP to allow an open space cluster development to construct 15 single-family detached dwelling units with an overall density of 1.65 dwelling units per acre; and
- WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (46-4); and
- WHEREAS, the Planning Commission, following its Public Hearing on August 7, 2006, voted 7 to 0 to recommend approval of this application.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 19-06 as described herein with the following conditions:
  - 1. Only one entrance shall be allowed onto 4-H Club Road, State Route 680.
  - 2. If construction has not commenced on this project within 36 months from January 1, 2008, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
  - 3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or

paragraph shall invalidate the remainder.

#### RESOLUTION

#### REDUCED STREET WIDTHS-MASON PARK

- WHEREAS, the required width of public streets located within subdivisions is set forth in the Virginia Department of Transportation's ("VDOT") Subdivision Street Design Guide (the "Guide"); and
- WHEREAS, the Guide requires that the streets in the Mason Park subdivision be 28 feet in width; and
- WHEREAS, in certain circumstances, the Guide allows for reductions in the required pavement width; and
- WHEREAS, the landscape architect/senior planner for AES Consulting Engineers, on behalf of HHHunt Homes-Hampton Roads, LLC, has requested a reduction in the required pavement width from 28 feet (curb to curb) to 22 feet (curb to curb), with an associated reduction in the right-of-way from 50 feet to 40 feet for the Mason Park subdivision internal streets; and
- WHEREAS, the landscape architect/senior planner for AES Consulting Engineers, on behalf of HHHunt Homes-Hampton Roads, LLC, has requested a waiver from Item No. 8, Intersection Trees, of the Reduced Street Width Policy adopted by the James City County Board of Supervisors on April 25, 2000; and
- WHEREAS, VDOT has agreed to the proposed reduction; and
- WHEREAS, VDOT may not approve a request for a reduction in subdivision street pavement width without a written request by the Board of Supervisors.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that VDOT approve the reduction from 28 feet to 22 feet for the Mason Park subdivision internal streets.
- BE IT FURTHER RESOLVED that the County will require off-street parking in the Mason Park subdivision in conformance with Section 24 VAC-30-91-110 of the VDOT *Subdivision Street Requirements*.

#### 2. <u>Determination of Effect of Withdrawing Land from the Gordon's Creek AFD</u>

Mr. Jason Purse, Planner, stated James City County intended to acquire land located within the Gordon's Creek AFD totaling approximately 40.285 acres as shown on the attached survey and the land will be used for the purpose of constructing the Williamsburg-James City County Public Schools' 8th elementary school.

As shown, lines have shifted slightly from what were originally intended to be used for this site. The change in boundary lines is necessary for the construction of turn lanes for the school, as well as the construction of the stormwater management facility and a portion of a playing field in the rear of the property. Even though the new land being acquired totals only a few acres, the process for the whole site is being completed again to assure that no further delays occur in the process.

As a part of that process, pursuant to State Code Section 15.2-4313, the Board of Supervisors must make a determination that the acquisition of land in the Gordon's Creek Agricultural and Forestal District (AFD) will not have an unreasonably adverse effect upon the remainder of the Gordon's Creek AFD, or have an effect on the preservation and enhancement of agricultural and forestal resources within the District. As this site went through a site selection process and was determined by the Board of Supervisors and School Board to be the best location for this project, this public hearing process is not required by State Code. However, a public hearing was advertised and is being held in order to prevent any possible delays in construction for this project. The withdrawal site is internal to the largest section of the Gordon's Creek AFD. The parcel can be withdrawn without adversely affecting any other District parcel, because no parcel will be more than a mile away from the main body of the AFD. The remaining 120.46 acres of the original parent parcel will also remain in the AFD, as it was recently renewed for a term length of four years and three months.

Given the need for additional school facilities in the County, there is a projected completion date of September 2007. There is a very small window for starting and completing work on all areas of this site.

The construction sequence for this project requires the stormwater management facility be constructed near the beginning of the process because it is necessary to adequately mitigate environmental impacts of the site as the building pad is completed. As this area of the plan was not a part of the original boundary line for the site, this intent to acquire, and subsequent to withdraw from the AFD, is necessary before construction can commence. Any undue delay of this process will force postponement of the opening of the school.

The Agricultural and Forestal Advisory Committee, the Planning Commission, and the Department of Conservation and Recreation were notified of the County's intent to acquire land and to elicit any input they might have on the possible withdrawal of land on the District. Their responses on the effects of this acquisition are attached. A copy of the Intent to Withdraw letter was also sent to all land owners in the District.

Staff recommended adoption of the resolution.

- Mr. Bradshaw asked if agricultural activity was being pursued on the property.
- Mr. Purse stated there was no agricultural activity being pursued and indicated there was only forestal activity on the parcel.
  - Mr. Bradshaw asked if there was any agricultural activity being pursued in the District.
- Mr. Purse stated that of the 29 parcels in the District, 22 consisted of solely timber, six were timber and agricultural, and one was solely agricultural.
- Mr. Bradshaw asked if this withdrawal would reduce the size of the property below the minimum requirement to qualify for inclusion in the District.
  - Mr. Purse stated it would not.
- Mr. Bradshaw asked if the withdrawal would reduce the size of the District below the minimum requirement for an AFD property.

- Mr. Purse stated it would not.
- Mr. Bradshaw asked if the withdrawal or the contemplated use of the property would prevent the remainder of the property to be used for forestal projects.
  - Mr. Purse stated they would not.
- Mr. Bradshaw asked if the withdrawal or condemnation would prevent or restrict access to the District or the remainder of the parcel or adjoining property for forestry uses, asked for confirmation that there was an easement that allows access to the remainder of the property for continued forestry uses, and asked Mr. Purse to indicate this access way on the map.
- Mr. Purse pointed to an access way with an easement for the continued use of an access road to the property
- Mr. Bradshaw asked if the contemplated use of the property would change the drainage patterns in a manner that would be detrimental to timber.
  - Mr. Purse stated it would not.
- Mr. Bradshaw asked if the contemplated use would provide water or sewer to the remainder of the property or the adjoining properties in a manner that would encourage the conversion to non-forestal uses.
  - Mr. Purse stated it would not.
  - Mr. Bradshaw asked what access to public utilities would be provided to adjoining properties.
- Mr. Purse stated that an SUP application was filed in April 2006 that allowed for an extension of water and sewer to this property and the water and sewer lines crossed one property, and each of the properties is allowed one connection to the water and sewer line, limited to one single-family unit.
- Mr. Bradshaw asked if any property owner in the District stated concerns about harm to the AFD if this property was withdrawn.
- Mr. Purse stated that one property owner stated concern about overall growth in the County and stated general concern for preserving open space.
  - Mr. Goodson opened the Public Hearing.
- 1. Mr. Henry Howell, on behalf of the Letitia Hanson Trust and Travis Armistead, stated when the first time the withdrawal was requested, the owners were not notified but the information was brought before the AFD Advisory Committee, the Planning Commission, and the Board. Mr. Howell stated this time the owners were notified; however the AFD Advisory Committee and Planning Commission were only asked for comments. Mr. Howell stated he went to the property on Friday and that 40 acres of hardwood trees were leveled and asked what the alternate sites were, commenting that the County was required to disclose the alternative sites. Mr. Howell commented on the environmental impact of removing the trees and asked what the impact statement of drainage was based on, since mud had built up from runoff of the construction site. Mr. Howell also stated the statute required 90-day notice to the owners.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

#### RESOLUTION

#### DETERMINATION OF EFFECT OF WITHDRAWING LAND FROM THE

#### GORDON'S CREEK AFD

- WHEREAS, the Williamsburg-James City County Public Schools ("Schools") need to construct an eighth elementary school in order to meet the needs of the growing community; and
- WHEREAS, the Schools and the County of James City, Virginia ("County") have determined that the 40.285 acres tract hereinafter described property is the necessary and proper location for a new elementary school; and
- WHEREAS, the Schools and the County found that new boundary lines, different from the originally acquired land, would be needed to construct the turn lanes and stormwater management facility for the project; and
- WHEREAS, although not required by State Code, a public hearing was advertised and the Department of Conservation and Recreation, the AFD Advisory Committee, and the Planning Commission were notified to provide advice on the matter.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Code Section 15.2-4313, determines that the acquisition of land in the Gordon's Creek Agricultural and Forestal District (AFD) will not have an unreasonably adverse effect upon the remainder of the Gordon's Creek AFD, or have an effect on the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the District.
- 3. Condemnation of 40.285± acres, with certain easements, of a 154± acre parcel of land, known as the "Jacksons" Tract, 4085 Centerville Road in James City County, and designated on JCC Real Estate Tax Map as parcel 3630100001, for a school site

Mr. Leo Rogers, County Attorney, stated the resolution would authorize the taking of approximately 40.285 acres off Brick Bat Road. Mr. Rogers stated that the Board adopted a resolution in December to take approximately 44 acres for a school site and in the design process, the boundary lines required additional property. Mr. Rogers explained that the County cannot arbitrarily change the Certificate of Take without the agreement of all the property owners. Mr. Rogers stated that the County has worked over the summer to acquire that consent and was unable to do so. Mr. Rogers stated that in this particular situation it was advisable to do a second condemnation, given the challenges that have been raised, to recondemn the whole property. Mr. Rogers stated the public school is no doubt a public need, but in order to prevent the delay of construction or opening of the school, the second condemnation would be necessary. Mr. Rogers recommended adoption of the resolution, which would allow for the filing of another Certificate of Take for the 40.285 acres.

- Mr. Goodson opened the Public Hearing.
- 1. Mr. Henry Howell, on behalf of the Letitia Hanson Trust and Travis Armistead, stated there was a second condemnation for the same property, not provided for in any statute, so that property owners had to fight two condemnations at the same time. Mr. Howell stated legitimate issues were presented. Mr. Howell stated the County gets power from legislature for the powers of condemnation, and silence is a negation of the power. Mr. Howell stated there is no procedure to file a condemnation a second time. Mr. Howell requested the Board take time to consider this since there was a court date pending and hardwood forests had been cut down. Mr. Howell stated this was a test of all property owners as there was no question that an elementary school was a public use.
  - 2. Mr. Ed Oyer, 139 Indian Circle, commented that he had a problem with condemnation.

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

- Mr. Goodson asked Mr. Rogers if property notification was sent to all the property owners under this particular action.
- Mr. Rogers stated that proper notification was sent to all property owners via certified mail as required by the statute and clarified that it was not required, but was something the County was committed to doing. Mr. Rogers stated that in this case staff made sure the property owners were all notified.
  - Mr. Bradshaw made a motion to adopt the resolution with the corrections.
- Mr. Harrison stated that he supports this resolution on the basis of support of schools, but since there were more schools on the horizon that the County should perform the process correctly the first time.

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

A RESOLUTION, FOLLOWING A PUBLIC HEARING, TO AUTHORIZE THE ACQUISITION, BY

VOLUNTARY CONVEYANCE OR CONDEMNATION, OF A 40.285-ACRE TRACT OF LAND,

TOGETHER WITH CERTAIN EASEMENTS BEING A PORTION OF THE 164 ± ACRES OF REAL

PROPERTY COMMONLY KNOWN AS THE "JACKSONS" TRACT, 4085 CENTERVILLE ROAD

IN JAMES CITY COUNTY, OWNED BY SALLIE ARMISTEAD WILSON, INDIVIDUALLY AND

AS SUCCESSOR TRUSTEE UNDER THE DEED AND TRUST AGREEMENT MADE BY ROBERT

T. ARMISTEAD AND SARAH H. ARMISTEAD DATED DECEMBER 27, 1970; MARY

ARMISTEAD HOGGE, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE UNDER THE DEED

AND TRUST AGREEMENT MADE BY ROBERT T. ARMISTEAD AND SARAH H. ARMISTEAD

DATED DECEMBER 27, 1970; R. TRAVIS ARMISTEAD, JR., INDIVIDUALLY AND AS

SUCCESSOR TRUSTEE UNDER THE DEED AND TRUST AGREEMENT MADE BY ROBERT T.

ARMISTEAD AND SARAH H. ARMISTEAD DATED DECEMBER 27, 1970; LETITIA A. HANSON,

TRUSTEE UNDER THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST; MICHAEL J.

CAVANAUGH, TRUSTEE UNDER THE LETITIA ARMISTEAD HANSON REVOCABLE TRUST

AND JAMES CITY COUNTY, VIRGINIA, FOR PUBLIC PURPOSES, AND FURTHER TO

AUTHORIZE ENTRY UPON SUCH PARCEL PRIOR TO COMPLETION OF CONDEMNATION

PROCEEDINGS AND TO WIT:

#### CONSTRUCTION OF AN ELEMENTARY SCHOOL

- WHEREAS, the Williamsburg-James City County Public Schools ("Schools") need to construct an eighth elementary school in order to meet the needs of the growing community; and
- WHEREAS, the Schools and the County of James City, Virginia ("County") have determined that the 40.285 acre tract hereinafter described is the necessary and proper location for a new elementary school; and
- WHEREAS, on December 13, 2005, the Board of Supervisors of James City County adopted a Resolution authorizing the acquisition of a 44-acre tract of land which in large part is the same as the 40.285 acres hereinafter described, however, due to the refinement of the plans, the boundary is now different in certain regards and certain easements not described in the December 13, 2005, resolution are now necessary; and
- WHEREAS, the December 13, 2005, resolution identified the owners of the herein described Property as Sarah H. Armistead, Trustee/Executor, Letitia A. Hanson and Michael J. Cavanaugh, Trustees under the Letitia Armistead Hanson Revocable Trust and further stated that the County may proceed against any successors in title; and
- WHEREAS, the County, prior to filing the Certificate of Take, learned that the ownership of this property was uncertain, and probably includes, in whole or in part, Sallie Armistead Wilson, Mary Armistead Hogge and Robert T. Armistead, as individuals and/or Trustees, of the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970, and each was given proper notice prior to filing the Certificate of Take; and
- WHEREAS, counsel for one or more of the owners who was provided notice of the pre-Resolution and post-Resolution offers and the filing of the Certificate of Take, complained that, despite the savings clause, all property owners were not specifically referenced in the December 13, 2005 Resolution; and
- WHEREAS, the County adopted a second Resolution on April 25, 2006, correcting the names of the owners, but identifying the same land as identified in the December 13, 2005 Resolution; and
- WHEREAS, the County and the Schools have moved forward with the acquisition of the property described in the aforesaid prior Resolutions by filing the Certificate of Take and a petition in condemnation and by entering upon the property for the design and engineering of the new

- elementary school; and
- WHEREAS, the County believes that the original Certificate is valid, but it needs certain additional land and easements not described in the initial Certificate; and
- WHEREAS, certain of the landowners, by counsel, have objected to the efficacy of the first Certificate and have moved to dismiss the pending condemnation proceeding and the matter has been set down for hearing; and
- WHEREAS, despite the County's confidence that the original Certificate is valid, the critical nature of this public school project is such that the County cannot accept any risk that the project be delayed in any way and it further being necessary to add certain land and easements and to subtract certain other land; and
- WHEREAS, the County has exhausted all reasonable efforts to settle and resolve preliminary challenges to the first Certificate; and
- WHEREAS, after holding a public hearing the Board of Supervisors determined that the removal of the hereinafter described 40.285± acres of land from the Gordon's Creek Agricultural and Forestal District will not have an unreasonable adverse effect on state or local policy or the remaining land in the Gordon's Creek Agricultural and Forestal District; and
- WHEREAS, after holding a public hearing, the Board of Supervisors of James City County is of the opinion that a public necessity exists for the acquisition of the hereinafter described property for the construction and operation of a new elementary school in order to provide an adequate public education system and for such public purposes as to provide for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of the County and that public necessity requires entry onto the property prior to the completion of condemnation proceedings.

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

- 1. The acquisition of the hereinafter described property for a public school is declared to be a public necessity pursuant to Section 15.2-1903, Code of Virginia (1950), as amended, and to constitute an authorized public undertaking pursuant to Section 15.2-1901.1, Code of Virginia (1950), as amended, and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by Section 15.2-1900, Code of Virginia (1950), as amended, and that said public use is approved pursuant to Section 15.2-1903 and it is directed that the County and/or the law firm of Randolph, Boyd, Cherry and Vaughan acquire the property for said use by voluntary transfer or condemnation if necessary.
- 2. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described hereinabove prior to or during the condemnation proceedings and the County declares its intent pursuant to Section 15.2-1905 C, Code of Virginia (1950), as amended, to so enter and take the property under the power granted the County by Chapter 3 of Title 25.1, Code of Virginia (1950), as amended (Section 25.1-300, et seq.).

- 3. Prior to the initiation of condemnation proceedings the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan is directed to make a bona fide effort to purchase the property by compliance with Section 25.1-204 Code of Virginia (1950), as amended. The offer shall be based upon the revised, approved appraisal in the amount of \$508,601 by Michael Simerlein which includes \$449,888 for the fair market value of the land and easements acquired and \$58,713 for damages to the residue.
- 4. The names of the present owners of the property to be acquired, if the current Certificate is invalidated, are: Sallie Armistead Wilson, individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; Mary Armistead Hogge, individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; R. Travis Armistead, Jr., individually and as Successor Trustee under the Deed and Trust Agreement made by Robert T. Armistead and Sarah H. Armistead dated December 27, 1970; Letitia A. Hanson, Co-Trustee under the Letitia Armistead Hanson Revocable Trust; Michael J. Cavanaugh, Co-Trustee under the Letitia Armistead Hanson Revocable Trust and James City County, Virginia, as their respective interests may appear.
- 5. A substantial description of the property is:

40.285 acres in fee simple located on the north side of Route 613, Brick Bat Road and more particularly described on a plat of survey titled "Plat Showing 40.285 acres of Land and Various Easements Lying on the North Line of Brick Bat Road (State Rte 613)" by Paul N. Huber, land surveyor of Timmons Group, dated June 8, 2006 a copy of which (3 pages) is attached hereto and recorded herewith.

Reserving unto the owners a variable width access easement comprising 31,107 square feet, more or less, to run with the land, as described in the "Note" appearing on the aforesaid plat and running partial along the western boundary of the aforesaid property as shown on said plat.

Together with the following easements as shown on the aforesaid plat: Permanent Slope Easement, Variable ("Var.") Width JCSA Utility easement for conveyance to the James City Service Authority comprising 2,377 square feet, more or less.

BEING apart of the same property as that conveyed to Rosa L. Armistead by deed of W.A. Bozarth, et als. dated June 7, 1920, recorded April 11, 1921 in James City Deed Book 19, page 241, the said Rosa L. Armistead having died seized and possessed of the said property at her death on August 11, 1956 and by her will dated September 20, 1953, and recorded in James City County Will Book 6, at page 195, she devised the said property to R. T. Armistead and Letitia Hanson; and

BEING a part of the same property a partial interest in which was conveyed to THE LETITIA ARMISTEAD HANSON REVOCABLE

TRUST, Letitia Armistead Hanson and Michael J. Cavanaugh, Trustees, from Letitia Armistead Hanson, by Deed of Gift dated December 5, 2003 and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County, Virginia as Document No. 030038497; a portion of such property being subject to the Certificate of Take recorded as Instrument No. 060000510 on January 9, 2006 in the Clerk's office of the Circuit Court of Williamsburg and James City County.

- 6. In the event that the original Certificate is held valid the County Attorney and/or firm of Randolph, Boyd, Cherry and Vaughan is directed to move to amend any Certificate filed pursuant to this Resolution to delete therefrom any land not needed and to adjust the compensation offered and the new Certificate shall remain valid only as to new land acquired in fee and the easements taken and reserved.
- 7. In the event the landowners elect to withdraw the funds under this Certificate, the prior Certificate, identified in paragraph 5 above, shall with leave of the Court be invalidated and the funds thereunder refunded to the County.
- 8. In the event any of the property described in paragraph 5 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan is authorized and directed to institute proceedings against the successors in title.
- 9. An emergency is declared to exist and this resolution shall be in effect from the date of its passage.

#### 4. Case No. HW-4-06- Dominion Virginia Power Cellular Antenna Colocation - Height Waiver

Ms. Ellen Cook, Planner, stated Nathan Holland of T-Mobile has requested a height limitation waiver on property zoned R-8. Accessory and non-accessory wireless communications facilities that utilize alternative mounting structures may be erected to a total height of 60 feet from grade, or, with approval of a height limitation waiver by the Board, may exceed 60 feet in height but not to exceed 120 feet. The applicant has specifically requested that a height limitation waiver be granted to allow for the placement of a cellular antenna mounted at 104 feet, with a total antenna height of 107 feet on an existing 100-foot-tall Dominion Virginia Power Pole. A utility transmission structure such as the Dominion Power Pole qualifies as an alternative mounting structure as defined under the Zoning Ordinance. The Dominion Pole is an existing pole within the Dominion Virginia Power easement that runs through Country Village Mobile Home Park.

Ms. Cook stated placement of an antenna on the pole would also involve installation of support equipment at the base of the pole. A site plan for the antenna and support equipment would be required if the height waiver were approved. The Wireless Communications Facilities Section of the Zoning Ordinance specifies certain requirements that a site plan would need to address, including provisions for screening of support equipment, submission of documentation that the antennas will not interfere with radio/T.V. broadcasts or with public safety communications, and documentation that the non-ionizing electromagnetic radiation emitted by the antennas will fall within Federal Communications Commission guidelines.

Staff found the proposal consistent with the requirements stated under Section 24-354 of the Zoning Ordinance.

Staff recommended approval of the application.

- Mr. Bradshaw asked if this was relatively new technology to collocate on power poles.
- Ms. Cook stated this was the first instance in the County, but there are others in surrounding jurisdictions.
  - Mr. Goodson stated that he had seen cases of cellular tower on a power pole five or six years ago.
- Mr. Wanner stated power transmission antennas were being used when cellular companies were weary of dealing with local government for location of cellular towers.
- Mr. Bradshaw stated that it made sense to mask the tower so as not to be seen or to put the tower on something that was already tall and conspicuous.
- Mr. Goodson commented on a technical article several years ago that addressed locating cellular towers on power poles.
  - Mr. Goodson opened the Public Hearing.
- 1. Mr. Ed Oyer, 139 Indian Circle, asked if this was the tower that was requested to be located in Kingsmill.
  - Mr. Goodson stated that it was not.
  - Mr. Oyer asked if the tower would be on a wooden pole or a steel stanchion.
  - Staff responded the tower would be on a steel stanchion.
- Mr. Oyer stated there was no balloon test for this tower and commented that he would see the tower from his house.
  - Mr. Goodson asked for confirmation that balloon tests were not done for tower extensions.
- Ms. Cook stated that in the event an SUP were amended to allow for the colocation, then a balloon test would be required; however, since this was solely a height waiver, a balloon test was not required by the ordinance.
- Mr. McGlennon stated the balloon test would be performed to see what the added impact of the structure would be, but as the structure was already present, the balloon test would not add any particular information to the evaluation of the impact.
  - Mr. Goodson stated flying a balloon would not be practical in that area.
- Mr. Bradshaw asked for confirmation that seven feet were being added to the structure and the pole itself was already 100 feet tall.
  - Ms. Cook stated this was correct and that 107 feet would be the maximum height of the tower.
  - Mr. Goodson asked if she could display the picture of the sample off Richmond Road.
  - Mr. Goodson commented that the structure was already there, but only the tower would be added.

- Ms. Cook stated this was correct.
- 2. Mr. Steven Waller, representing T-Mobile, clarified that as a rule, balloon tests are not conducted around electrical lines and the electrical line in this area prevented performing a balloon test. Mr. Waller stated the photograph of a similar tower was a good representation.
  - Mr. Bradshaw asked the applicant if the color of the tower would be obtrusive.
  - Mr. Waller stated the towers are usually painted to match the pole.
  - As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.
  - Mr. Bradshaw made a motion to adopt the resolution.

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

#### RESOLUTION

#### CASE NO. HW-4-06. DOMINION VIRGINIA POWER CELLULAR ANTENNA CO-LOCATION

- WHEREAS, Mr. Nathan Holland of T-Mobile Northeast has applied for a height limitation waiver to allow for the placement of a cellular antenna array on an existing Dominion Power Pole with a maximum antenna height of 107 feet; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-4-06; and
- WHEREAS, the proposed antenna array will be located on property zoned R-8, Rural Residential, and is further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (59-2); and
- WHEREAS, after a public hearing the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied, in order to grant a 47-foot waiver to the height limitation requirements to allow for the erection of a wireless communications facility that utilizes an alternative mounting structure in excess of 60 feet in height.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-4-06, granting the Applicant a 47-foot height limitation waiver to allow for the placement of a wireless communications facility that utilizes an alternative mounting structure.

#### H. BOARD CONSIDERATION

- 1. Revisions and Readoptions of Watershed Management Plans
  - a. Powhatan Creek
  - b. Yarmouth Creek

- Mr. Mike Woolson, Senior Watershed Planner, stated the two resolutions were brought forward to revise and readopt current watershed management plans for the Powhatan Creek and Yarmouth Creek Watersheds. Mr. Woolson stated the revisions were based on two work sessions with the Board and comments from the Planning Commission meeting on September 11, 2006. Mr. Woolson stated staff took these comments and formulated proposed changes as outlined in the September 26, 2006, Reading File memorandum. Mr. Woolson stated staff was proposing recommended changes in the two resolutions and recommended approval.
  - Mr. Bradshaw asked Mr. Woolson how the new plan applies to BMP credits.
- Mr. Woolson stated the BMP point credit would be allowable under the stormwater ordinances, but the language was not included in the resolutions for clarity purposes.
- Mr. Bradshaw asked about changes for the Zones 2 and 3 buffers and stated the language in the resolution indicated the requirements were based on site characteristics and inquired about examples of these characteristics.
- Mr. Woolson stated there would be internal and external characteristics that would be considered, such as a ridgeline or an area of steep slopes, and a buffer requirement may be extended beyond the regulatory 100-foot buffer, for instance, to protect the slopes from erosion. Mr. Woolson stated that an external characteristic would be an inland property that had already been built up, and the regulatory 100-foot Chesapeake Bay buffer could be modified or expanded for some reason, or may include buffers on either side of the property. However this evaluation was based on a characteristic in isolation and the process was more complex in specific cases, with the Planning Commission and Board being the ultimate arbitrators.
- Mr. Bradshaw asked if the evaluation procedure assumed a 100-foot regulatory buffer to begin with or if the buffer requirement began at zero and was built up according to the characteristics of the property.
- Mr. Woolson stated in discussions with engineers, it was assumed that the evaluation would begin with a full buffer and the developer would show where the buffer could be reduced, but he was unsure how the process would work at this point.
  - Mr. Bradshaw asked what assumptions staff would start with in evaluation of properties.
- Mr. Woolson stated that developers are required to take an environmental inventory that outlines all the wetlands, steep slopes, and other characteristics on the site, and this document would be evaluated to determine what would be reasonable.
- Mr. Bradshaw questioned the language of limiting impervious cover "to the maximum extent possible" and asked Mr. Woolson to explain to the citizens.
- Mr. Woolson stated it was not the intent to limit the development on the parcel, but to ensure that the percentage of impervious cover is the lowest necessary for the proposed use.
  - Mr. Bradshaw stated the phrase "to the maximum extent possible" was historically used.
- Mr. Woolson stated this was correct; that phrase was used structurally in the Chesapeake Bay Ordinance.

- Mr. Goodson stated his support for the increased protection of Powhatan Creek, but he did not understand how to quantify a property characteristic to qualify for a certain size buffer.
- Mr. Woolson stated one of the other qualifiers would be the specific parcel size, in that if a lot would be useless with a specific buffer size, the buffer would be reduced.
- Mr. Goodson stated the public sector and private sector engineers are coming forward with different opinions and that a detailed ordinance would need to be written.
- Mr. McGlennon stated these revisions were in reference to a variable-width buffer and ultimately the judgment would be placed on the Board to determine the proper size and that he did not know how to address this concern in this particular resolution.
  - Mr. Goodson stated that the ordinance needed to be revised to include more detailed information.
- Mr. Horne stated this was the first step of a two-step process, which would express the policy of the Board in legislative cases, such as a rezoning or special use permit. Mr. Horne stated the second phase would include ordinance-related modifications. Mr. Horne stated that a property owner had the right to come before the Planning Commission and the Board to evaluate the fairness of the staff recommendation for a parcel. Mr. Horne stated these policies tend to stabilize over time and clarified that this was not an ordinance, but a clarification of the Board's intent in a legislative case.
  - Mr. Goodson stated this was the beginning of a process.
- Mr. Horne stated that no ordinance would come forward for legislative cases and the second phase which modifies the ordinance would come forward in the event the Board wished to modify requirements for existing properties but this resolution would merely establish policy in regard to legislative cases.
- Mr. Harrison stated steering committee meetings have occurred and stated this Board has taken action to formally adopt what has developed in committees. Mr. Harrison stated the Board was allowing for citizen input and enabling the Board to have the judgment when a case came forward.
- Mr. Icenhour thanked staff for the effort they have put into this issue and requested that the policy not be applied arbitrarily, but with a good rationale. Mr. Icenhour stated he was pleased with the language regarding impervious cover in the resolution, as he believed impervious cover should be evaluated on a case-by-case basis. Mr. Icenhour stated his concern for undeveloped properties and that he would like to reevaluate the existing ordinance.
  - Mr. Icenhour made a motion to adopt the resolutions.
- Mr. Bradshaw commented on the importance of stormwater management in light of the recent rainstorms and who should be involved in the reduction of stormwater runoff and stated at a Soil and Conservation District presented information on levels of nitrogen runoff at a conference he attended on Saturday which reported that agriculture is responsible for less than 10 percent, point sources and sewage runoff accounted for less than 40 percent, and individual homeowners are responsible for more than 50 percent of stormwater runoff. Mr. Bradshaw stated research needs to be done to reduce existing properties and the runoff being contributed by homeowners currently.

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

#### RESOLUTION

#### REVISION AND RE-ADOPTION OF THE

#### POWHATAN CREEK WATERSHED MANAGEMENT PLAN

- WHEREAS, James City County employed the Center for Watershed Protection to prepare a Watershed Management Plan to protect the Powhatan Creek Watershed; and
- WHEREAS, the Watershed stakeholders identified eight goals; and
- WHEREAS, the draft plan contains 24 priorities/tools for protecting the Powhatan Creek Watershed; and
- WHEREAS, the James City County Board of Supervisors adopted, in concept, the Powhatan Creek Watershed Management Plan on February 26, 2002.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, formally adopts the Powhatan Creek Watershed Management Plan.
- BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 2 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 2 shall be entitled "Riparian Buffers" and include the following:

- 2a. Implement the RPA requirements per current County Chesapeake Bay Preservation Ordinance.
- 2b. Implement a 50-foot intermittent stream buffer and a 50-foot non-RPA wetland buffer in legislative cases.
- 2c. Implement a three-zone riparian buffer in the tidal mainstem and non-tidal mainstem of Powhatan Creek. The first zone (Zone 1) is the regulatory, 100-foot RPA buffer. The second zone (Zone 2) is a variable width buffer, up to 175 feet, based upon site characteristics. The third zone (Zone 3) is a 25-foot buffer. Zone 1 restrictions are outlined in the Chesapeake Bay Preservation Ordinance. Zone 2 restrictions are similar to Zone 1, with the exception that stormwater management facilities and passive recreation facilities may be located within this zone. Zone 3 restrictions are no impervious cover (primary residence, decks, patios, garages, sidewalks, driveways, pools, sheds, gazebos, etc.) and no septic systems or fields. Zone 1 and Zone 2 must have a Natural Open Space Easement recorded for those areas prior to plan approval. This is to be applied in legislative cases.
- 2d. Implement buffer management criteria per the current County Chesapeake Bay Preservation Ordinance.
- 2e. Directing required open space or natural areas derived from clustered development to riparian buffer areas.
- 2f. Continue watershed education on buffer management.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 3 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 3 – All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration to lessen the effects of new impervious cover within the watershed.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 4 of the Powhatan Creek Watershed Management Plan as originally worded.

Priority No. 4 – Cluster down. The ability to reduce lot sizes in low-density zoning areas to create additional open space.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 11 of the Powhatan Creek Watershed Management Plan as amended and restated below.

Priority No. 11 – All new land development should consider the amount and effect of proposed impervious cover and include measures to limit impervious cover to the maximum extent possible. On-site and/or off-site measures should be developed that protect sensitive wetland and stream ecosystems, such as infiltration of stormwater and stream restoration, to lessen the effects of new impervious cover within the watershed.

#### RESOLUTION

#### REVISION AND RE-ADOPTION OF THE

#### YARMOUTH CREEK WATERSHED MANAGEMENT PLAN

- WHEREAS, the Yarmouth Creek Watershed is a resource of local and national significance; and
- WHEREAS, the Board authorized staff to prepare a Management Plan to help the County and landowners protect the watershed and its natural resources; and
- WHEREAS, stakeholders, staff, and consultants have met over a period of 12 months to share information, set goals, and develop the Watershed Management Plan; and
- WHEREAS, by resolution dated October 14, 2003, the Board adopted the Yarmouth Creek Watershed Management Plan dated July 14, 2003, with the exception of Priority No. 3, Special Stormwater Criteria; and
- WHEREAS, by resolution dated December 14, 2004, the Board adopted the Special Stormwater Criteria.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts Priority No. 3 of the Yarmouth Creek Watershed Management Plan dated July 14, 2003.

BE IT FURTHER RESOLVED that the Board hereby adopts Priority No. 14 of the Yarmouth Creek Watershed Management Plan as amended and restated below.

Priority No. 14 shall be entitled "Riparian Buffers" and include the following:

- 14a. Implement the RPA requirements per current County Chesapeake Bay Preservation Ordinance.
- 14b. Implement a 50-foot intermittent stream buffer and a 50-foot non-RPA wetland buffer in legislative cases.
- 14c. Implement a three-zone riparian buffer in the tidal mainstem and non-tidal mainstem of Yarmouth Creek. The first zone (Zone 1) is the regulatory, 100-foot RPA buffer. The second zone (Zone 2) is a variable width buffer, up to 175 feet, based upon site characteristics. The third zone (Zone 3) is a 25-foot buffer. Zone 1 restrictions are outlined in the Chesapeake Bay Preservation Ordinance. Zone 2 restrictions are similar to Zone 1, with the exception that stormwater management facilities and passive recreation facilities may be located within this zone. Zone 3 restrictions are no impervious cover (primary residence, decks, patios, garages, sidewalks, driveways, pools, sheds, gazebos, etc.) and no septic systems or fields. Zone 1 and Zone 2 must have a Natural Open Space Easement recorded for those areas prior to plan approval. This is to be applied in legislative cases.
- 14d. Implement buffer management criteria per the current County Chesapeake Bay Preservation Ordinance.
- 14e. Directing required open space or natural areas derived from clustered development to riparian buffer areas.
- 14f. Continue watershed education on buffer management.

#### I. PUBLIC COMMENT

- 1. Ms. Bambi Walters, 5112 Shoreline Court, asked if the 300-foot buffer footage would begin from the RPA streamward boundary landward in the event of shoreline delineation.
- Mr. Bradshaw stated the buffer was along the mainstems of the two creeks and beyond that, the resolutions do not clarify.
- Ms. Walters asked if the buffer was measured from the creek itself or from a feature such as a wetland.
- Mr. Darryl Cook, Environmental, stated the buffer has been defined with a maximum of 300 feet, with the first 100 feet of the buffer to fulfill the State regulation and then the 175-foot and 25-foot dimensions are an expansion of that.
  - Ms. Walters asked for confirmation that the buffer could end at the feature such as the wetland.
  - Mr. Cook stated this was correct.

- Mr. Goodson reminded the public that this is for legislative actions such as rezonings, and changes have not been adopted that apply to current property owners.
  - Mr. Bradshaw clarified that this applies to the mainstems of the creeks.
- Ms. Walters stated that she would like to clarify that the buffer would be more than 300 feet with the addition of property features such as a wetland or slope.
  - Mr. Cook stated that it could be greater than 300 feet.
- Mr. Goodson reminded Ms. Walters that the Public Comment period was not the proper forum for questions, and encouraged her to contact staff directly.

#### J. REPORTS OF THE COUNTY ADMINISTRATOR

- Mr. Wanner stated the Parks and Recreation Division was currently updating the Parks and Recreation Master Plan and that/ citizens were encouraged to participate in the process through public meetings which will be announced in advertisements in County buildings and on the County website.
- Mr. Wanner continued that Mr. McGlennon has requested information about how citizens receive information during emergency or crisis and stated that there was a new link on the James City County website to a survey that allows citizens to provide input.
- Mr. Wanner stated that roads in James City County are State roads and for road closure information, you may access the Virginia Department of Transportation webpage at www.virginiadot.org and the County's website for emergency road closure information.
- Mr. Wanner stated when the Board concluded its business, it would adjourn until 4 p.m. on October 24, 2006, for a work session on the elimination of the County decal and the Legislative Agenda. Mr. Wanner recommended the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Economic Development Authority and the Williamsburg Regional Library Board of Trustees; pursuant to Section 2.2-3711(A)(7) of the Code of Virginia for the consultation of legal counsel and staff members pertaining to actual litigation; and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the consideration of the acquisition of real properties for public use.

#### K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison asked staff to go to St. George's Hundred to evaluate sinkholes and stormwater damage in the area.

Mr. Bradshaw stated he attended the Community Conservation Partnership Kickoff, a partnership of the Colonial Soil and Water Conservation District, James City County, with funding from the Virginia Cooperative Extension Service, which has a grant program wherein neighborhoods may apply for money to make environmental improvements such as nutrient management, tree planting, BMP management, and others with State funding. Mr. Bradshaw stated community members can get more information from Beth Davis, Environmental Education Coordinator with the James City Service Authority; Tressell Carter, Neighborhood Connections; or Leanne Dubois from the Virginia Cooperative Extension Service.

- Mr. McGlennon commented that the Board would be talking about the situation regarding Lake Powell.
- Mr. Harrison commented on having the online survey available in public places such as the community centers.
  - Mr. Harrison made a motion to go into Closed Session.
- On a roll call vote, the vote was AYE: Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5). NAY: (0).
  - Mr. Goodson recessed the Board into closed session at 9:15 p.m.

#### L. CLOSED SESSION

- Mr. Goodson reconvened the Board into Open Session at 10:27 p.m.
- Mr. McGlennon made a motion to adopt the Closed Session resolution.
- On a roll call vote, the vote was AYE: Harrison, Icenhour, McGlennon, Bradshaw, Goodson (5). NAY: (0).

#### **RESOLUTION**

#### CERTIFICATION OF CLOSED MEETING

- WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and
- WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(I), to consider personnel matters, the appointment of individuals to County boards and/or commissions; Section 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel pertaining to actual litigation; and Section 2.2-3711 (A)(3), to consider acquisition of parcel(s) of property for public use.

No action was taken in Closed Session.

#### M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 10:28 p.m., Mr. Goodson adjourned the Board until 4 p.m. on October 24, 2006.

Sanford B. Wanner Clerk to the Board

101006bos.min

#### MEMORANDUM

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Dedication of a Street Known as Louise Lane South Extension

On September 12, 2006, the Board adopted a resolution dedicating Louise Lane South Extension to the Virginia Department of Transportation (VDOT) for acceptance into the State Secondary Highway System. Upon receipt of the resolution, VDOT noted that it did not provide the required one-year performance guarantee. Normally this guarantee is given by the private sector developer who constructed the road; however, in this instance, the road was completed by the County using Road Improvement CIP funds. In these situations, the County needs to provide the guarantee.

Therefore, the attached resolution contains the required performance guarantee from the County for Louise Lane in the amount of \$4,000. The surety amount is computed by VDOT based on the length of the road. It is not required that the County actually post a surety instrument; the statement in the resolution is sufficient to allow for the dedication to proceed. The \$4,000 amount represents the extent of the County's obligation in the event that repairs are necessary at the end of the one-year warranty period.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/cc LouiseSExt.mem

Attachments

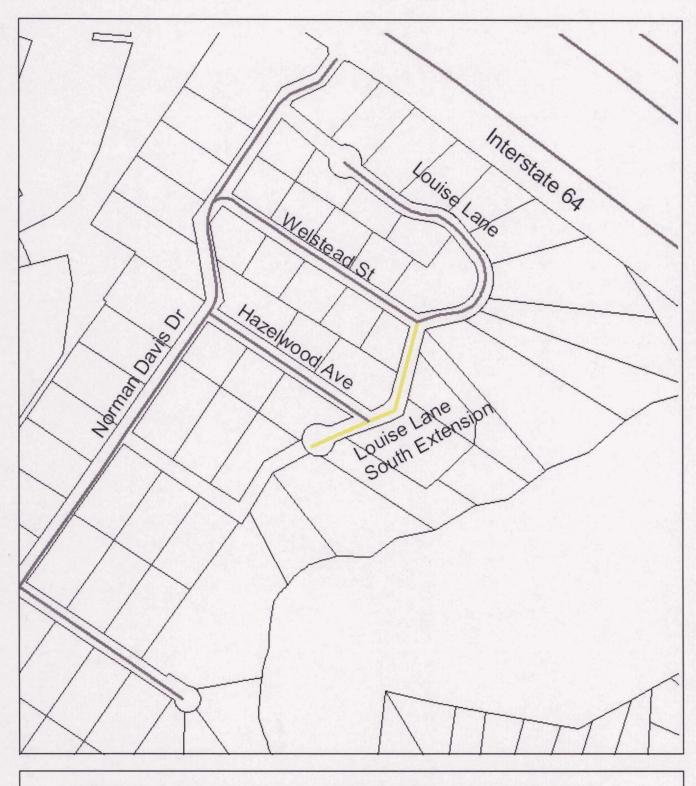
#### RESOLUTION

#### DEDICATION OF A STREET KNOWN AS LOUISE LANE SOUTH EXTENSION

- WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and
- WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation; and
- WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 2004, for comprehensive stormwater detention which applies to this request for addition.
- WHEREAS, the County guarantees the necessary surety amount of \$4,000 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's <u>Subdivision Street</u> Requirements.
- BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.
- BE IT FURTHER RESOLVED, this Board hereby rescinds the resolution adopted September 12, 2006, requesting dedication of this same street into the Secondary System of State Highways.
- BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	
Clerk to the Board	
Adopted by the Board of Super	visors of James City County, Virginia, this 24th day of
October, 2006.	

LouiseSExt.res



# DEDICATION OF STREET KNOWN AS LOUISE LANE SOUTH EXTENSION

Street Being Dedicated 200 0 200 400 Feet



## In the County of James City

By resolution of the governing body adopted October 24, 2006

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):

Form AM-4.3 (11/28/2005) Asset Management Division

## Report of Changes in the Secondary System of State Highways

#### Project/Subdivision

#### **Louise Lane South Extension**

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or

provisions cited,

are hereby requested, the right of way for which, including additional easements for drainage as required, is

guaranteed:

Reason for Change: Addition, Secondary System, New subdivision street

Pursuant to Code of Virginia §33.1-229

#### **Route Number and/or Street Name**

#### Louise Lane, State Route Number 1638

Description: From: Route 1624, Welstead Lane

**To:** End of cul de sac A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 5/7/1963, Pb 20, Pg 47, with a width of 50',

and on August 5, 2004, Document # 040020099, with a width of 50'.

#### MEMORANDUM

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Dedication of Streets in Powhatan Woods, Phases 1 and 2

Attached is a resolution requesting acceptance of certain streets in Powhatan Woods, Phases 1 and 2 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/cc

PowWdPhs1\_2.mem

Attachments

#### RESOLUTION

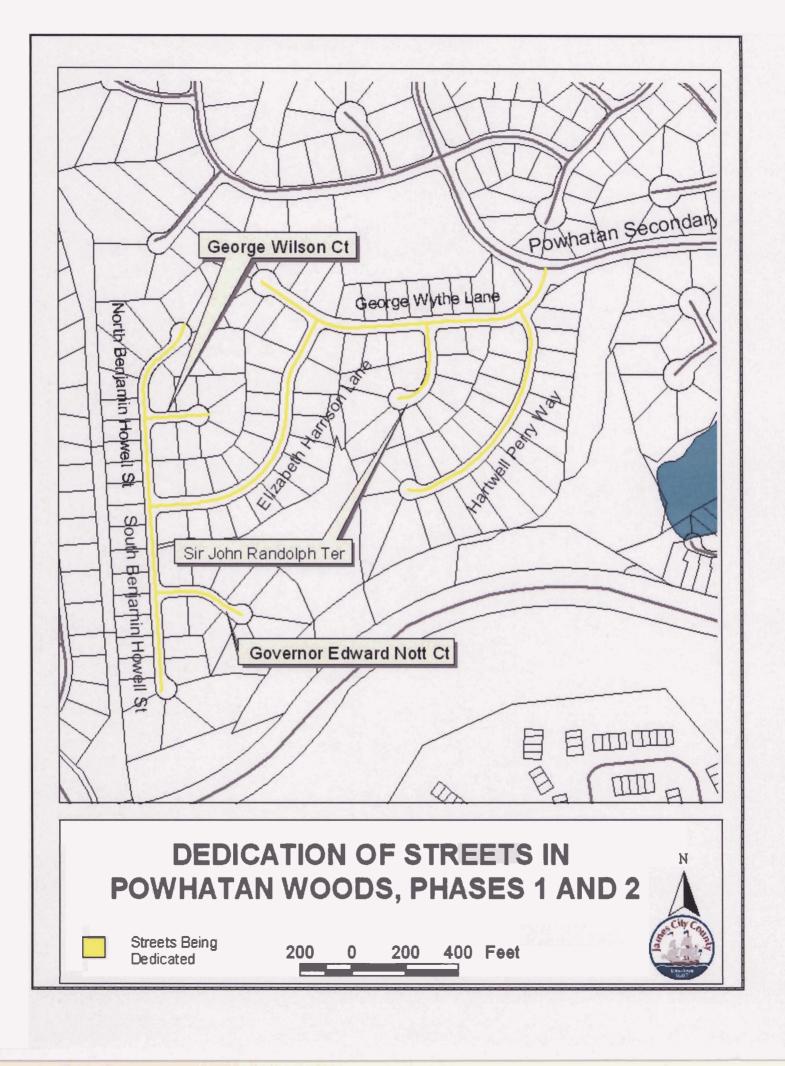
#### DEDICATION OF STREETS IN POWHATAN WOODS, PHASES 1 AND 2

- WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and
- WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation; and
- WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's <u>Subdivision Street Requirements</u>.
- BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.
- BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	<u> </u>
Clerk to the Board	

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2006.

PowWdPhs1\_2.res



## In the County of James City

By resolution of the governing body adopted October 24, 2006

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee	Signed	(County Official):	
11 Copy 1 corec	Digitua	(Country Official).	

Form AM-4.3 (11/28/2005) Asset Management Division

## **Report of Changes in the Secondary System of State Highways**

#### Project/Subdivision

## 047 Powhatan Woods, Phases 1 and 2

Type of Change: Addition

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

Reason for Change: Addition, Secondary System, New subdivision street

Pursuant to Code of Virginia §33.1-229

#### **Route Number and/or Street Name**

#### George Wythe Lane, State Route Number 1767

Description: From: Powhatan Secondary (Route 1480)

To: Hartwell Perry Way (Rt. 1768)

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 60 feet.

## George Wythe Lane, State Route Number 1767

Description: From: Hartwell Perry Way (Rt. 1768)

*To:* Sir John Randolph Terrace (Rt. 1769)

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 50 feet.

## George Wythe Lane, State Route Number 1767

Description: From: Sir John Randolph Terrace (Rt. 1769)

To: Elizabeth Harrison Lane (Rt. 1770)

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 50 feet.

#### George Wythe Lane, State Route Number 1767

Description: From: Elizabeth Harrison Lane (Rt. 1770)

**To:** Cul-de-sac A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 50 feet.

## Hartwell Perry Way, State Route Number 1768

Description: From: George Wythe Lane (Rt. 1767)

**To:** Cul-de-sac A distance of: 0.18 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 40 feet.

## Report of Changes in the Secondary System of State Highways

## Sir John Randolph Terrace, State Route Number 1769

Description: From: George Wythe Lane (Rt. 1767)

**To:** Cul-de-sac A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 6/11/1999, Document #990012434, with a width of 40 feet.

#### Elizabeth Harrison Lane, State Route Number 1770

Description: From: George Wythe Lane (Rt. 1667)

To: Benjamin Howell Street (Rt. 1771)

A distance of: 0.20 miles.

Right of Way Record: Filed with the Land Records Office on 4/18/2001, Document #010006850, with a width of 50 feet.

## N. Benjamin Howell Street, State Route Number 1771

Description: From: Elizabeth Harrison Lane (Rt. 1770)

**To:** George Wilson Court (Rt. 1772)

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 4/18/2001, Document #010006850, with a width of 50 feet.

## N. Benjamin Howell Street, State Route Number 1771

Description: From: George Wilson Court (Rt. 1772)

To: Cul-de-sac
A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 4/18/2001, Document #010006850, with a width of 50 feet.

#### S. Benjamin Howell Street, State Route Number 1771

Description: From: Elizabeth Harrison Lane (Rt. 1770)

**To:** Governor Edward Nott Court (Rt. 1773)

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 10/2/2002, Document #020022695, with a width of 50 feet.

## S. Benjamin Howell Street, State Route Number 1771

Description: From: Governor Edward Nott Court (Rt. 1773)

**To:** Cul-de-sac A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 10/2/2002, Document #020022695, with a width of 50 feet.

#### **Governor Edward Nott Court, State Route Number 1773**

Description: From: S. Benjamin Howell Street (Rt. 1771)

**To:** Cul-de-sac A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 10/2/2002, Document #020022695, with a width of 40 feet.

#### George Wilson Court, State Route Number 1772

Description: From: N. Benjamin Howell Street (Rt. 1771)

**To:** Cul-de-sac A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 4/18/2001, Document #010006850, with a width of 40 feet.

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Comprehensive Plan Regional Coordination

The Regional Issues Committee (RIC) has requested that the City of Williamsburg, York County, and James City County consider the attached recommendations regarding coordination of their respective Comprehensive Plans. In accordance with this request, the staff of each locality is forwarding RIC's recommendations to both their Planning Commission and elected body.

The James City County Planning Commission unanimously endorsed RIC's recommendations on September 11, 2006. On September 20, 2006, and October 12, 2006, respectively, Williamsburg's Planning Commission and City Council endorsed the Committee's recommendations. York County's Planning Commission endorsed the recommendations on October 11, 2006. Its Board of Supervisors is scheduled to consider RIC's recommendations on November 21, 2006.

The recommendations involve three general areas: timing, public discussion, and data collection. Details are provided in the attachment; however, the following is an overview of the recommendations:

- 1. <u>Timing</u>. After the completion of the County's 2008 Comprehensive Plan update, RIC recommends that the three localities undertake a simultaneous review in 2010.
- 2. <u>Public Discussions</u>. RIC recommends that the jurisdictions sponsor a discussion forum among the three Planning Commissions in 2007 and again in conjunction with the 2010 simultaneous update.
- 3. <u>Data Collection</u>. RIC recommends that the three jurisdictions coordinate data collection for baseline studies such as transportation, population, and economy.

Staff recommends that the Board of Supervisors approve the attached resolution endorsing the recommendations of the RIC. If the Board concurs, staff will incorporate RIC's recommendations into a draft methodology for the County's 2008 Comprehensive Plan update for consideration by the Board and into a subsequent methodology for the 2010 update.

). Marvin Sowers, Jr.

CONCUR

OMS/nb CompPlnRegnl.mem

#### Attachments

- 1. August 23, 2006, Regional Issues Committee Report
- 2. Resolution

#### COMPREHENSIVE PLAN REGIONAL COORDINATION

- WHEREAS, the Code of Virginia requires that all jurisdictions prepare and adopt a Comprehensive Plan addressing physical development within their jurisdictional limits for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of its inhabitants; and
- WHEREAS, the Code also requires that such Plans be reviewed every five years and updated if necessary; and
- WHEREAS, James City County, York County, and the City of Williamsburg have adopted Comprehensive Plans and each has established procedures for compliance with the five-year review requirement; and
- WHEREAS, the Regional Issues Committee (RIC), which is composed of representatives from James City County, York County, and the City of Williamsburg, among others, and serves as a forum for discussion of land use, transportation, infrastructure, and development issues that affect and influence the Greater Williamsburg area, has noted that the five-year Comprehensive Plan review cycles currently occur at different times in each jurisdiction; and
- WHEREAS, in the interest of promoting closer coordination and communication concerning Comprehensive Plan issues that cross jurisdictional boundaries, the RIC has recommended that James City County, York County, and the City of Williamsburg adjust their five-year review cycles so that each can consider its next review and update in 2010 and then every five years thereafter; and
- WHEREAS, to promote inter-jurisdictional discussion of Comprehensive Plan related matters, RIC has recommended that the five-year review cycles include three joint meetings of the respective Planning Commissions, with one of those meetings being a public forum format to allow citizen comments: and
- WHEREAS, as an additional measure to promote full understanding and integration of regional data, RIC has recommended that the three jurisdictions explore opportunities for jointly conducted baseline studies and analyses of such things as demographics, transportation, and the economy; and
- WHEREAS, these recommendations were reviewed and endorsed by the James City County Planning Commission on September 11, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the recommendations of RIC concerning Comprehensive Plan review cycle coordination, as referenced herein and as set forth in the report from RIC, dated August 23, 2006, be supported, endorsed, and approved as a procedural framework that will be followed by James City County for its 2010 Comprehensive Plan review cycle.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	
Clerk to the Board	
Adopted by the Board of	Supervisors of James City County, Virginia, this 24th day of
October, 2006.	

CompPlnRegnl.res

DATE: August 23, 2006

TO: York County Planning Commission

York County Board of Supervisors

James City County Planning Commission James City County Board of Supervisors Williamsburg Planning Commission

Williamsburg City Council

FROM: Regional Issues Committee

SUBJECT: Comprehensive Plan Coordination

Staff of the three jurisdictions, including the City Manager and County Administrators, have been discussing actions that could be undertaken to further coordinate the comprehensive planning in Williamsburg, James City County, and York County. For many years the comprehensive planning update cycles in each jurisdiction have been undertaken at different times, and there has been a perception in the community that this has hampered overall coordination between the three jurisdictions. During the preparation of the Comprehensive Plan, each jurisdiction typically has communication between the staff about areas of common interest, but this has been at the staff level and could benefit from a more formal coordination structure. The Regional Issues Committee, at its July 25, 2006 meeting, discussed the following actions and recommends that each jurisdiction incorporate them into the upcoming comprehensive plan preparation cycles.

#### **♦** Comprehensive Plan Update Timing

One issue has been the differing cycles for the update process in each jurisdiction. In December 2005, York County completed their most recent Comprehensive Plan update. The City of Williamsburg is near the end of their cycle and anticipates adoption in October, 2006. James City County adopted their most recent Comprehensive Plan in 2003, and will begin a new cycle of review of the Plan in 2007, with an anticipated adoption date in late 2008. After the completion of the 2008 James City County Comprehension Plan review, the Regional Issues Committee recommends that all three jurisdictions undertake a simultaneous Comprehensive Plan review in 2010. In order to accomplish this, Williamsburg would accelerate its cycle by one year. York County would remain on a 2010 cycle, which would require no change. James City County would accelerate their Comprehensive Plan review from 2013 to 2010. The scope of the review for each jurisdiction may require some adjustment from what has been the pattern in the past, depending on the schedule changes. This is particularly likely to apply to James City County, who will be undertaking a Comprehensive Plan review three years earlier than normal.

## **♦** Additional Coordination Recommendations

The RIC also recommends that additional actions be taken to broaden discussions at the Planning Commission level during upcoming Comprehensive Plan reviews. The Planning Commissions are the bodies charged by State law and by local governing bodies to prepare the initial Comprehensive Plan recommendations, which is an extensive and complex process. Since James City County will be undertaking the next cycle of Comprehensive Plan review in 2007 – 2008, the RIC recommends that in mid 2007, the jurisdictions sponsor discussion forums among the three planning commissions. In general, the RIC recommends a three meeting cycle of discussion forums among the planning commissions, with one meeting being a public forum that would be advertised and open to the

general public for comments. The purpose of the meetings would be to fully air any areas that require coordination and potentially joint decision making. The RIC further recommends that in mid 2009, in preparation for the 2010 updates by all jurisdictions, a repeat of the planning commission discussion forums be held.

In addition to these discussions, the RIC recommends that staff of the three jurisdictions attempt to coordinate a data collection for base-line studies, so as to more fully integrate the base-line study content of each comprehensive plan. Examples of this could be in the transportation, population, and economy portions of the Comprehensive Plan.

It should be noted that none of the above suggestions are intended to supersede the authority of the respective planning commissions or governing bodies to make the final land use and policy decisions within their jurisdictional boundaries.

If there are any questions, staff of the Regional Issues Committee or Committee members are available to discuss the recommendations. The Committee requests that each jurisdiction consider the recommendations and report back to the Committee as to their decision.

JTPH/RN/MC/nb CompPlnRegnl.att

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: FY 2008-2013 Six-Year Improvement Program Priorities

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

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

In the attached resolution is a list of proposed primary road projects the Board has already endorsed that have not been funded or are insufficiently funded. The Board should re-endorse these items to receive continued consideration from the State in its FY 2008-2013 improvement program. In the coming months, VDOT staff will evaluate the region's priority projects and determine appropriate funding levels for each.

VDOT will conduct a pre-allocation hearing on November 2, 2006, at the VDOT Hampton Roads Planning District Office. Unless the Board specifically wishes to attend the meeting, staff intends to submit our comments in writing.

Staff recommends approval of the attached resolution and endorsement of the report outlining the County's priority Six-Year Improvement Program projects.

D. Marvin Sowers, Jr.

CONCUR

Mn/Γ. P. Horne

OMS/cc FY08\_13ImpPrg.mem

Attachment

#### FY 2008-2013 SIX-YEAR IMPROVEMENT PROGRAM PRIORITIES

- WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and the State; and
- WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and
- WHEREAS, there exists a pressing need to implement the projects below to relieve traffic congestion, which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area; and
- WHEREAS, James City County strives to maintain aesthetic enhancements along high visibility corridors in order to protect the historic and scenic values of the County.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest-priority primary highway projects in James City County:
  - Funding the construction of Route 60 relocation;
  - On-schedule completion of the widening of Ironbound Road;
  - Funding for landscaping along the Route 199 corridor; and
  - Support for the Peninsula Light Rail Project.

	Bruce C. Goodson 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 24th day of October, 2006.

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Williamsburg Community Health Foundation Grant Award - \$71,000

The Williamsburg Community Health Foundation has awarded the James City County Fire Department a grant in the amount of \$71,000 for the purchase of a WebEOC.

WebEOC is a web-based task management and tracking software. Staff using WebEOC during critical incidents will have immediate, real-time access to incident information, requests for assistance, assignment of tasks, resources available, etc. Core functions of the WebEOC include communication and intelligence; command and control; coordination and documentation; automated response and recovery checklists for incident command; alert notifications with message sorting and distribution capability; and media management. The WebEOC is set up to control and direct coordination and collaboration with precision and ease to users and incident commanders. The system also integrates and communicates with the Virginia Department of Emergency Management's WebEOC at all times (not just during critical incidents) and has the ability to share information between other Emergency Operation Centers that also use WebEOC.

Staff recommends adoption of the attached resolution, appropriating \$71,000 to the Special Projects/Grants Fund.

William T. Luton

WTL/nb WCHlthFndtnGrnt.mem

Attachment

#### WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT AWARD - \$71,000

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant in the amount of \$71,000 to the James City County Department of Emergency Management for the purchase of a WebEOC; and WHEREAS, the grant requires no local match; and WHEREAS, the grant expires on October 9, 2007, thus allowing any unspent funds as of June 30, 2007, to be carried forward to James City County's next fiscal year. NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund: Revenue: WCHF - WebEOC \$71,000 Expenditure: WCHF - WebEOC \$71,000 Bruce C. Goodson Chairman, Board of Supervisors ATTEST:

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2006.

WCHlthFndtnGrnt.res

Sanford B. Wanner Clerk to the Board

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Community Development Fund Appropriation to Support Hazard Mitigation/Disaster

Recovery Project

A funding plan has been developed to provide additional funds to supplement available grant funds to finance elevation and rehabilitation of homes located in Chickahominy Haven. The County was awarded a Community Development Block Grant (CDBG) by the Virginia Department of Housing and Community Development (VDHCD) of \$355,960 to assist 11 homeowners in the Chickahominy Haven neighborhood to elevate and rehabilitate homes which sustained substantial damage during Hurricane Isabel. The County was also awarded Federal and State funding of \$153,998 by the Virginia Department of Emergency Management to elevate three homes in Chickahominy Haven. Required local matching funds for these two grants totaling \$43,648 are being provided through staff time, fee waivers, and funding from the Community Development Fund.

Elevation and rehabilitation are complete or underway on three homes funded through the CDBG grant. Engineering, design, and bid specifications have been completed for all of the remaining elevations and rehabilitations and bids have been received for five of the nine remaining projects. VDHCD has agreed to several grant contract revisions including increase of the maximum individual grant and reduction of the number of beneficiaries to ten homeowners. VDHCD has also agreed to permit the County to use the Indoor Plumbing Rehabilitation (IPR) program income to provide loans to low- and moderate-income participants in the Disaster Recovery/Hazard Mitigation Project. Required repayments from the IPR program income will be based on the borrower's calculated ability to repay. Those households who are not eligible for IPR program income loans are proposed to be assisted with loans at three percent interest from the Housing Rehabilitation Revolving Loan Fund.

Staff recommends adoption of the attached resolution to appropriate available IPR program income funds and Housing Rehabilitation Revolving Loan funds to provide supplementary financing to enable the Disaster Recovery/Hazard Mitigation Project to be completed.

CONCUR:

Doug Powell

RBH/gb CDRecPro.mem

Attachment

#### COMMUNITY DEVELOPMENT FUND APPROPRIATION TO SUPPORT

#### HAZARD MITIGATION/DISASTER RECOVERY PROJECT

- WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County a Community Development Block Grant in the amount of \$355,960 to assist homeowners to elevate and rehabilitate homes which sustained substantial damage during Hurricane Isabel: and
- WHEREAS, the Virginia Department of Emergency Management has awarded James City County Federal and State grant funds in the amount of \$153,998 through the Hazard Mitigation Grant Program to assist designated homeowners to elevate homes which sustained substantial damage during Hurricane Isabel; and
- WHEREAS, designs and specifications have been prepared for work necessary to elevate and rehabilitate the designated homes and contractor bids have been obtained to perform this work; and
- WHEREAS, the cost of the elevation, foundation construction, and rehabilitation for the designated homes exceeds the available grant funds; and
- WHEREAS, the Board of Supervisors has previously authorized establishment of the Housing Rehabilitation Revolving Loan Fund and the use of the Indoor Plumbing Rehabilitation Program Income for housing rehabilitation loans.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes loans to be provided from the Housing Rehabilitation Loan Fund and from the Indoor Plumbing Rehabilitation Program Income to supplement Federal and State grant funds provided to elevate and rehabilitate homes which have sustained substantial damage from storms and flooding.
- BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget and appropriates the funds, as adopted for the fiscal year ending June 30, 2006, as follows;

#### Revenue:

Community Development Fund Balance \$152,000

#### Expenditure:

Disaster Recovery/Hazard Mitigation Loans \$152,000

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	
Clerk to the Board	
Adopted by the Board of Sup	ervisors of James City County, Virginia, this 24th day of
October, 2006.	

CDRecPro.res

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Contract Award – Construction of Ironbound Square Revitalization Road Improvements -

Phase I

Three competitive bids were received on August 16, 2006, for construction of Ironbound Square Revitalization Road Improvements - Phase I ["Phase I"]. The road, storm drainage, and associated improvements included in this bid are shown on the attached map. The improvements are required prior to construction of the 67-unit Parker View Elderly Housing Development and the new single-family homes within the Ironbound Square Redevelopment Area. The following bids were received with the lowest responsive and responsible bidder being Henry S. Branscome, LLC.

<u>Firm</u>	<u>Amount</u>
Henry S. Branscome, LLC	\$783,180.61
Curtis Contracting, Inc.	833,141.57
Jack L. Massie Contractors, Inc.	971,497.48

Because the bid amount exceeded the project budget, negotiations were conducted with Henry S. Branscome, LLC to obtain a contract price of \$765,627.46.

Funding has been obtained from a Community Development Block Grant provided by the Virginia Department of Housing and Community Development, the Virginia Department of Transportation's Revenue Sharing Program, and local funds previously appropriated by the Board of Supervisors. A summary of the sources of funds is attached.

An additional appropriation of \$18,989 from the General Fund Contingency is hereby requested to pay, on behalf of Bay Aging, for installation of waterline, sewer line, and fire hydrants. These items could be installed later under Bay Aging's general construction contract for the Parker View Apartments; however, that would necessitate duplicative costs and re-excavation of newly paved roads Although Housing and Urban Development regulations prohibit Bay Aging from incurring construction expenses prior to the grant closing, Bay Aging can incur building permit and inspection fees. Therefore, although eligible for waiver of permit and inspection fees, Bay Aging will indirectly reimburse the County by paying these fees. The fees approximately equal the County's cost to install waterline, sewer line, and fire hydrants under the Phase 1 contract.

Staff recommends adoption of the attached resolution transferring \$18,989 from the General Fund contingency to the Community Development Fund and authorizing the award of the construction contract to Henry S. Branscome, LLC for the Ironbound Square Revitalization Road Improvements - Phase I in the amount of \$765,627.46.

Contract Award – Construction of Ironbound Square Revitalization Road Improvements - Phase I October 24, 2006 Page 2

CONCUR:

Doug Powell

RBH/gb ConAwdIronboundPh1.mem

Attachments

## CONTRACT AWARD - CONSTRUCTION OF IRONBOUND SQUARE

#### REVITALIZATION ROAD IMPROVEMENTS - PHASE I

- WHEREAS, in February 2002 the James City County Board of Supervisors adopted the Ironbound Square Redevelopment Plan (the "Redevelopment Plan") and reaffirmed the "Redevelopment Plan" in February 2005 in accordance with the Virginia State Code;; and
- WHEREAS, the "Redevelopment Plan" includes among its objectives "develop sites for additional housing for families and senior citizens" and includes among its authorized undertakings "clearance of areas acquired and installation, construction, or reconstruction of streets, utilities, and site improvements essential to the preparation of sites for use in accordance with the Redevelopment Plan; and
- WHEREAS, the US Department of Housing and Urban Development has awarded a Section 202 Supportive Housing for the Elderly Program Grant to Bay Aging to develop the Parker View Apartments, a 67-unit elderly housing development within the Redevelopment Area; and
- WHEREAS, Bay Aging agrees to pay building permit and inspection fees which are eligible for waiver in accordance with County Code in exchange for construction of waterline, sewer line, and fire hydrants valued at \$18,989 in the Construction of Ironbound Square Revitalization Road Improvements-Phase I contract (the "Construction Contract"); and
- WHEREAS, the Virginia Department of Housing and Community Development awarded James City County a Community Development Block Grant to support the development of housing for low- and moderate-income elderly and family households in Ironbound Square including \$255,424 for construction of a storm sewer system and storm water detention basin which is required to permit the development of the Parker View Apartments and which is included in the "Construction Contract"; and
- WHEREAS, the Virginia Department of Transportation (VDOT) has approved road improvement work included within the Construction Contract as an authorized project under the VDOT Revenue Sharing Program and allocated \$97,460 of VDOT grant funds which has been matched with \$97,460 of Capital Improvements Program funds for this project; and
- WHEREAS, appropriated funding of \$296,294.46 is available in the Community Development Fund to pay for work included in the "Construction Contract."
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby transfers \$18,989 from the General Fund Contingency to the Community Development Fund and appropriates \$18,989 in the Community Development Fund for the Construction Contract.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Construction Contract to Henry S. Branscome, LLC in the amount of \$765,627.46.

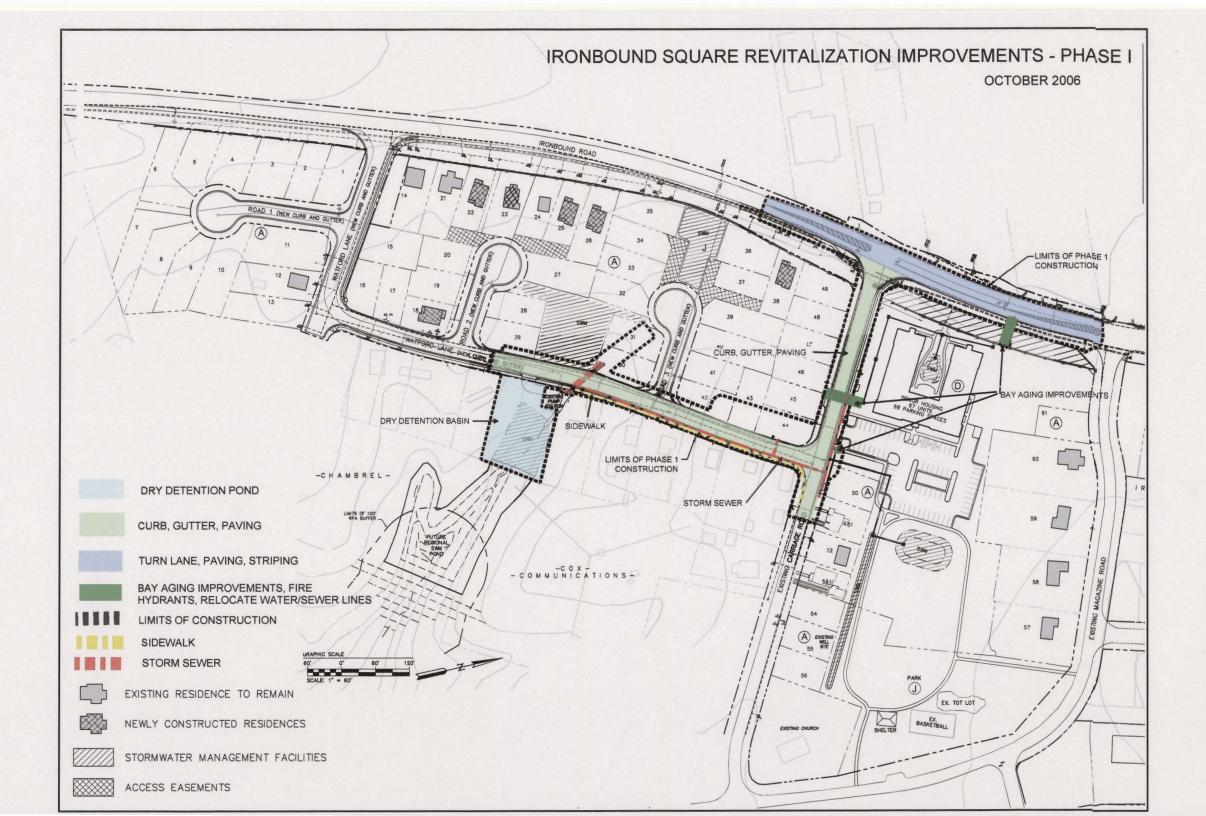
	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	
Clerk to the Board	
Adopted by the Board of Supervisors	of James City County, Virginia, this 24th day of
October, 2006.	

ConAwdIronboundPh1.res

## Sources of Funding – Construction of Ironbound Square Revitalization Road Improvements - Phase I

Community Development Block Grant	\$ 255,424.00
VDOT Revenue Sharing – VDOT grant	\$ 97,460.00
VDOT Revenue Sharing – CIP match	\$ 97,460.00
Community Development Fund	\$ 296,294.46
General Fund Transfer to Community Development Fund	<u>\$ 18,989.00</u>
Total	\$ 765,627.46

ConAwdIronboundPh1.att



AGENDA ITEM NO.	G-9
SMP NO.	2.b

DATE:	October 24, 2006
TO:	The Board of Supervisors
FROM:	John E. McDonald, Manager, Financial and Management Services
SUBJECT:	Contingency Transfer - Peninsula Workforce Development Center
budget figure the Peninsula Work both FY2006 and confirmed, after based on popular Center.  The resolution and fully fund the and supplies the peninsular supplies the peninsu	Community College (TNCC) has advised the County that it has mistakenly requested a lower han what was originally calculated and needed as the County's annual contribution to the cforce Development Center (the "Center"). What should have been requested was \$21,000 for nd FY2007, rather than the \$10,500 requested and budgeted in both years. County staff has r a review of the documents provided by TNCC, that the budget request that was agreed to, ation, should have been \$21,000. These funds go toward lease and operating payments for the accompanying this memorandum transfers \$21,000 from Operating Contingency to TNCC to additional billing.
Staff recommen	nds approval of the attached resolution.
	John E. McDonald

JEM/gb ContTransf.mem

Attachment

#### CONTINGENCY TRANSFER - PENINSULA WORKFORCE DEVELOPMENT CENTER

- WHEREAS, the Board of Supervisors of James City County has been requested by Thomas Nelson Community College (TNCC) to provide an additional \$21,000 in support of the Peninsula Workforce Development Center (the "Center"); and
- WHEREAS, this additional funding would restore an annual contribution of \$21,000 for the Center lease that was mistakenly reduced by TNCC to \$10,500 for the 2006 and 2007 fiscal years.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes an amendment to the budget for the year ending June 30, 2007, and transfers \$21,000 from Operating Contingency to the budget of Thomas Nelson Community College to increase previously budgeted funding for the Peninsula Workforce Development Center.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	<u> </u>
Clerk to the Board	

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2006.

ContTransf.res

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: Norge Train Depot Restoration – Phase III

The James City County Historical Commission is applying for a Transportation Enhancement Program grant through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) to complete Phase III of the restoration of the Norge Train Depot. Phase III will include the employment of a restoration architect as a consultant for the project and restoration of the interior at the Depot's new location at the James City County Library site on Croaker Road.

The Historical Commission is seeking funding through TEA-21, which would cover up to 80 percent of the cost. The total project cost is estimated to be \$425,000. James City County, on behalf of the Historical Commission, would be responsible for 20 percent or \$85,000 of the project cost and currently is seeking funds and in-kind contributions to cover the 20 percent.

To be considered for review, the grant application requires a resolution by the local jurisdiction. The Board of Supervisors endorsed the application for Phase II on October 25, 2005. The Phase II grant was approved for funding and scheduled to start restoration to the new location at the James City County Library site in Spring of 2007.

Staff recommends approval of the attached resolution.

Shawn A. Gordon

CONCUR:

Steven W. Hicks

SAG/cec NorgeDepIII.mem

Attachments

## NORGE TRAIN DEPOT RESTORATION - PHASE III

- WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order for the Virginia Department of Transportation (VDOT) to fund a transportation enhancement project in James City County.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Commonwealth Transportation Board to establish a project in 2007 for the Norge Train Depot Phase III for the employment of a restoration architect as a consultant, and restoration of the interior at its new location at the James City County Library site on Croaker Road.
- BE IT FURTHER RESOLVED that the James City County hereby agrees to pay a minimum of 20 percent of the total cost of \$425,000 for Phase III of this project and that if the James City County subsequently elects to cancel this project, the James City County hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation.

	Bruce C. Goodson Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner Clerk to the Board	

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of

NorgeDepIII.res

October, 2006.

DATE: October 24, 2006

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Director of Planning

SUBJECT: Route 5/Judith Stewart Dresser Memorial Bridge Underpass for Virginia Capital Trail

The James City County Planning Division is proposing to apply for a Transportation Enhancement Program grant through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) to construct a grade-separated crossing at the eastern end of Judith Stewart Dresser Memorial Bridge on Route 5. The project will include preliminary engineering, acquisition of right-of-way, and construction. The costs of the project are estimated to be \$200,000 for preliminary engineering, \$300,000 for the purchase of the right-of-way, and \$1,300,000 for construction, yielding a total estimated cost of \$1,800,000. The Virginia Department of Transportation (VDOT) is currently constructing the trail with an at-grade crossing on Route 5 near the Barrett's Ferry subdivision. The grant would allow the replacement of this crossing with a safer grade-separated trail under the soon-to-be-constructed replacement bridge over the Chickahominy River. The trail underpass would be constructed after completion of the bridge sometime in 2010.

The Planning Division is seeking funding through TEA-21 to cover 80 percent of the cost, or \$1,440,000, for this project. James City County would assume responsibility for the remaining 20 percent, or \$360,000. The local match would be funded by the County's Capital Improvements Program (CIP) Greenways account or through other sources to be identified later.

To be considered for review, the grant application requires a resolution by the local jurisdiction. The Planning Division respectfully requests approval from the Board to continue the application process.

Staff recommends approval of the attached resolution.

O. Marvin Sowers, Jr

CONCUR:

oh**h** T. P. Horn

OMS/cec VaCapTrl.mem

#### Attachments:

- 1. Location Map
- 2. Resolution

#### ROUTE 5/JUDITH STEWART DRESSER MEMORIAL BRIDGE

#### UNDERPASS FOR VIRGINIA CAPITAL TRAIL

- WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order for the Virginia Department of Transportation (VDOT) Enhancement Program to fund a transportation improvement project in James City County; and
- WHEREAS, a grade-separated crossing for the Virginia Capital Trail under Route 5 is deemed to be safer and more accessible than an at-grade crossing, and is hereby recommended to VDOT.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Commonwealth Transportation Board to establish this project in 2008 for the planning, right-of-way acquisition, and construction of a grade-separated crossing at the eastern end of Judith Stewart Dresser Memorial Bridge along Route 5.
- BE IT FURTHER RESOLVED that James City County hereby agrees to pay 20 percent of the total cost of \$1,800,000 of this project and that if James City County subsequently elects to cancel this project, James City County hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	
Clerk to the Board	

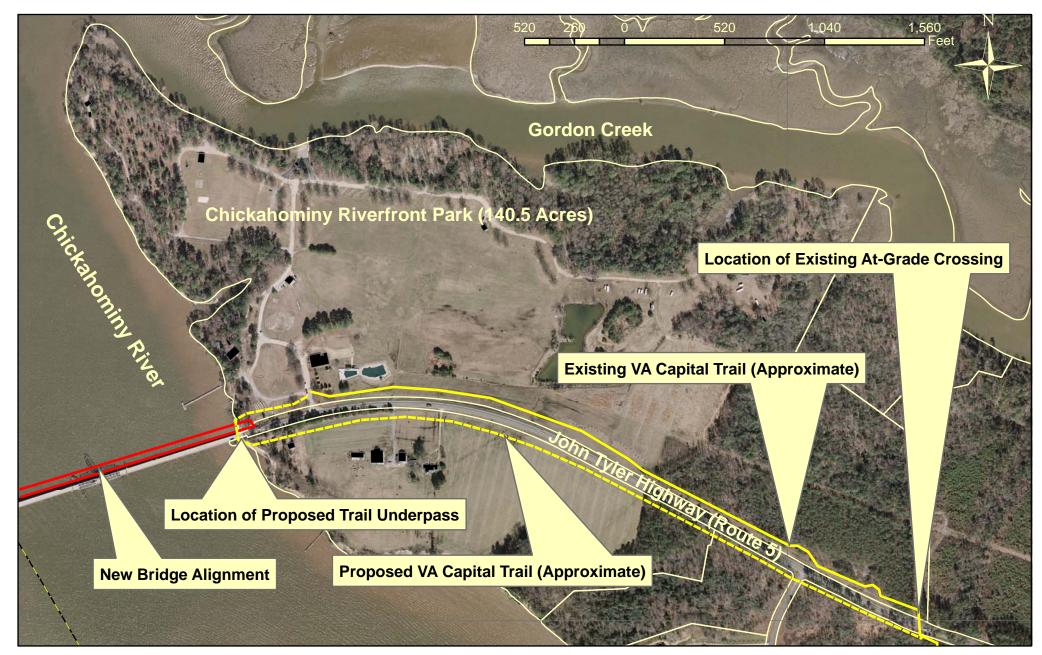
Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of

VaCapTrl.res

October, 2006.

# Virginia Capital Trail Underpass at Judith Stewart Dresser Memorial Bridge (VDOT Enhancement Grant Application)





DATE: October 24, 2006

TO: The Board of Supervisors

FROM: Steven W. Hicks, General Services Manager

SUBJECT: Norge Depot Relocation and Restoration (Phase II) Administration Agreement

The County has received the Transportation Enhancement Program Amendment to Project Development and Administration Agreement for the Norge Depot Relocation and Restoration (Phase II) project by the Virginia Department of Transportation (VDOT). This amendment addresses the \$80,000 allocation received in July 2006 by the Commonwealth Transportation Board.

To administer the project, VDOT requires that the official signing this agreement have the authorization from the Board of Supervisors.

Staff recommends that the Board of Supervisors adopt the attached resolution authorizing the County Administrator to execute the Norge Deport Relocation and Restoration (Phase II) Administration Agreement.

Steven W. Hicks

CONCUR:

Sanford B. Wanner

SWH/cec

TransAmdtoNorgeII.mem

Attachment

#### TRANSPORTAION ENHANCEMENT PROGRAM AMENDMENT TO PROJECT

## DEVELOPMENT AND ADMINISTRATION AGREEMENT FOR THE NORGE DEPOT

#### RELOCATION AND RESTORATION (EN01-047-120,P101,R201,C501, UPC 59767)

- WHEREAS, James City County, Virginia, has expressed its desire to administer the work of the Norge Depot Relocation and Restoration Phase II (EN01-047-120,P101,R201,C501, UPC 59767) project in Stonehouse District; and
- WHEREAS, the Virginia Department of Transportation requires the official signing for James City County to have authority from the Board of Supervisors to execute the agreement.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Norge Depot Relocation and Restoration Phase II Project Administration Agreement.

	Bruce C. Goodson
	Chairman, Board of Supervisors
ATTEST:	
Sanford B. Wanner	_
Clerk to the Board	

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2006.

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