

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JANUARY, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
 Bruce C. Goodson, Vice Chairman, Roberts District
 John J. McGlennon, Jamestown District
 Michael J. Brown, Powhatan District
 James G. Kennedy, Stonehouse District

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

B. MOMENT OF SILENCE

Mr. Harrison recognized members of Boy Scout Troop 103 in attendance.

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

C. PLEDGE OF ALLEGIANCE

Elizabeth Hodges, a fifth grade student at James River Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Planning Commission Annual Report – A. Joe Poole, III

Mr. A. Joe Poole, III, Planning Commission Chairman, provided the Board with an overview of the Planning Division's Annual Report including the status of the Division's workload in relation to available staffing, cases addressed in FY 02, and the status of a variety of projects worked on in FY 02.

The Board thanked the Planning Commission and staff for their work

E. PUBLIC COMMENT

1. Mr. Richard Bradshaw, Commissioner of the Revenue, stated that the County has arranged for free tax preparation services, six days a week at six locations throughout the County from February 3 to April 5 for low- to moderate-income families and those filing Form C.

Mr. McGlennon inquired about the methods of notification to citizens that this service is available and recommended that the Cox County Channel 48 and the County web site also provide information regarding the service.

2. Mr. Ed Oyer, 139 Indian Circle, stated that he visited the General Assembly, commented on the State Budget shortfalls, and stated concern about the reallocation of Lottery funds to the General Fund as well as concern regarding the withdrawal of funds from the Transportation Trust Fund.

F. CONSENT CALENDAR

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

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

- 1. Minutes – January 14, 2003. Regular Meeting
- 2. Budget Amendment – Emergency Management

RESOLUTION

BUDGET AMENDMENT - EMERGENCY MANAGEMENT

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

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

Revenue:

Department of Emergency Management	<u>\$47,940.16</u>
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Expenditures:

Office of Emergency Management	<u>\$47,940.16</u>
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3. Strengthening Families Program

R E S O L U T I O N

STRENGTHENING FAMILIES PROGRAM

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

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

Revenues:

From Historic Triangle Substance Abuse Coalition	<u>\$3,750</u>
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Expenditures:

Office of Community Services	<u>\$3,750</u>
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4. Federal Emergency Management Agency Grant Award

R E S O L U T I O N

FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT AWARD

WHEREAS, the Federal Emergency Management Agency (FEMA) has approved an Assistance to Firefighters Grant providing \$138,000 to the Fire Department for firefighter applicants physical ability testing, firefighter wellness programs, and equipment; and

WHEREAS, local matching funds of \$13,800 are available in the Fire Programs account.

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

Revenue:

Transfer from Donation Trust Fund	\$ 13,800
Federal Emergency Management Agency (FEMA)	<u>124,200</u>
Total	<u>\$138,000</u>

Expenditures:

Fire Department Budget	<u>\$138,000</u>
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5. Budget Appropriation – Emergency Management

RESOLUTION

BUDGET APPROPRIATION - EMERGENCY MANAGEMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve the additional funding by the Virginia Department of Emergency Services to the James City County Office of Emergency Operations for annual operations and improvement in the area of radiological preparedness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2003 Operating Budget as follows:

Revenues:

VA Department of Emergency Services \$15,372

Expenditures:

Emergency Management \$15,372
(Account No. 001-073-0318)

6. Dedication of Streets in Mulberry Place

RESOLUTION

DEDICATION OF STREETS IN MULBERRY PLACE

WHEREAS, the streets described on the attached Additions Form **SR-5(A)**, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form **SR-5(A)** to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

7. Award of Contract – JC/WCC HVAC Replacement

R E S O L U T I O N

AWARD OF CONTRACT - JCNCC HVAC REPLACEMENT

WHEREAS, a request for proposals for replacement of three HVAC units at the James City-Williamsburg Community Center (JC/WCC) was publically advertised; five interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed three proposers, and selected David H. Rogers Plumbing Co., Inc., as the most qualified firm to provide the services associated with the projects; and

WHEREAS, a fee of \$190,440 was negotiated with David H. Rogers, Plumbing Co., Inc., for providing the services, with funds available in the Capital Maintenance Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the JCNCC HVAC Replacement to David H. Rogers Plumbing Co., Inc., for \$190,440.

8. Appropriation of Dry Well Replacement Program Funds

R E S O L U T I O N

APPROPRIATION OF DRY WELL REPLACEMENT PROGRAM FUNDS

WHEREAS, the Commonwealth of Virginia has established the Dry Well Replacement Program to provide assistance to low- and moderate-income homeowners whose wells went dry during the drought of 2002 to secure a reliable source of water; and

WHEREAS, a letter identifying a need for assistance under the Dry Well Replacement Program within James City County and all other documentation required to enable the County to receive a grant contract have been submitted to the Virginia Department of Housing and Community Development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Community Development budget, as adopted for the fiscal year ending June 30, 2003, as follows:

Revenues:

Dry Well Replacement Program funds	<u>\$57,500</u>
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Expenditures:

Dry Well Replacement Program loans and administrative expenses	<u>\$57,500</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the Dry Well Replacement Program be designated a continuing appropriation to carry beyond FY 2003 until the activities of the Dry Well Replacement Program are completed.

9. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Stonehouse Development Company, L.L.C.

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -

CIVIL CHARGE - STONEHOUSE DEVELOPMENT COMPANY, L.L.C.

WHEREAS, Stonehouse Development Company, L.L.C., is the owner of a certain parcel of land, commonly known as Mill Pond Park, designated as Parcel No. (01-24) on James City County Real Estate Tax Map No. (4-4); hereinafter referred to as the ("Property"); and

WHEREAS, on or about November 8, 2002, understory vegetation consisting of 49 trees and shrubs were removed from the Resource Protection Area on the Property; and

WHEREAS, Stonehouse Development Company, L.L.C., agreed to a **Restoration Plan** to replant 98 trees and shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Stonehouse Development Company, L.L.C., has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Property; and

WHEREAS, Stonehouse Development Company, L.L.C., has agreed to pay \$2,500 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

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

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

G. PUBLIC HEARING

1. Lease Agreement - James City-Bruton Volunteer Fire Department

Mr. William C. Porter, Jr., Assistant County Administrator, stated that it was discovered that the public hearing advertisement had not been submitted in a timely fashion for the hearing held on January 2, 2003, by the Board of Supervisors.

Mr. Porter recommended the Board hold a Public Hearing on the Lease Agreement, following which the Board should adopt the resolution authorizing the County Administrator to execute the lease that is exactly the same as the lease presented on January 2, 2003.

Mr. Kennedy requested **confirmation** that the Lease Agreement is the same as the one presented on January 2.

Mr. Porter **confirmed** the information.

Mr. Harrison opened the Public Hearing.

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

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

LEASE AGREEMENT JAMES CITY-BRUTON VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve a lease agreement between the County of James City and the James City-Bruton Volunteer Fire Department, Inc.; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a lease agreement between James City County and the James City-Bruton Volunteer Fire Department, Inc.

H. BOARD CONSIDERATIONS

1. PDR Program – Acceptance of Offer to Sell a Conservation Easement

Mr. Michael H. Drewry, Administrator of the Purchase of Development Rights Program, introduced members of the **Purchase of Development Rights (PDR) Committee** that were in attendance.

Mr. Drewry stated that Alex **Penland** has offered to sell a conservation easement on his property located at 9229 and 9201 Diascund Road, further identified as Tax Map Nos. (9-1) (1-1) and (2-4) **(1-29)**, to the County for the appraised value of \$200,000.

The PDR Committee and staff recommended that the Board approve the resolution authorizing the County Administrator to execute all documents necessary for the completion of the acquisition of the conservation easement offered by Mr. **Penland**.

The Board members commented on the positive work the PDR Committee and staff are doing.

Mr. Kennedy made a motion to adopt the resolution.

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

R E S O L U T I O N

PDR PROGRAM - ACCEPTANCE OF OFFER TO SELL A CONSERVATION EASEMENT

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owner of the property known as 9229 and 9201 Diascund Road Tax Parcels Nos. 0240100029 and 0910100001; and

WHEREAS, the owner offered to sell a conservation easement on the property for a purchase price of Two **Hundred Thousand Dollars (\$200,000)**, subject to the conditions set forth in the proposed Deed of Easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a **conservation easement** described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

2. Purchase of Portion of 4315 John Tyler Highway

Mr. John T. P. Horne, Development Manager, stated that by Board instruction given on March 12, 2002, staff proceeded with the purchase of a parcel of land adjacent to **Powhatan** Creek, owned by Axel and Sheila **Nixon**.

Mr. Horne stated that the owners wish to proceed with the closing and have agreed to the negotiated contract containing a purchase price of \$95,368 for 10.48 acres.

Staff recommended the Board approve the contract and authorize the County Administrator to proceed with the closing.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

PURCHASE OF PORTION OF 4315 JOHN TYLER HIGHWAY

WHEREAS, James City County currently owns a parcel of land adjacent to **Powhatan Creek** in the Berkeley District shown as Parcel No. (46-2) on the James City County Real Estate Tax Map No. (1-33); and

WHEREAS, the County desires to acquire further property along **Powhatan Creek** for open space conservation and connection to the site of the **planned** Groundwater Treatment Facility being constructed by the James City Service Authority and to the site of **Clara Byrd Baker Elementary School**, and for other public uses; and

WHEREAS, **Axel L. Nixon** and **Sheila F. Nixon** currently own a certain 10.48-acre parcel at 4315 John Tyler Highway, being a portion of that parcel shown as Parcel No. (46-2) on the James City County Real Estate Tax Map No. (1-21), that is adjacent to said Groundwater Treatment Facility site, **Powhatan Creek**, and said parcel of land owned by James City County, and said owners have signed a contract dated May 1, 2002, to sell the 10.48-acre parcel to James City County for a purchase price of \$9,100 per acre (for a total purchase price of \$95,368).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the contract with **Axel L. Nixon** and **Sheila F. Nixon** dated May 1, 2002, and authorizes and directs the County Administrator to purchase the above-described 10.48-acre parcel for a price not to exceed \$95,368 plus closing costs. Costs for the acquisition shall be deducted from the County Greenspace Fund.

I. PUBLIC COMMENT

Mr. Ed Oyer, 139 Indian Circle, stated that the recordation fees and Department of Motor Vehicle fees will be increasing, voiced concern again regarding the Transportation **Trust** Fund withdrawal, and stated concern regarding the transfer of funds by the State from agencies to the General Fund.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that on January 23 the Board and County Administration met with the County's delegation in Richmond regarding issues concerning the County and its citizens.

Mr. Wanner recommended that upon completion of the meeting, the Board adjourn until its next regular meeting at 7 p.m. on February 11.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Brown requested that the County Administrator forward the Board's concern and support for removal of the sunset clause in Senate Bill 1069. The Board concurred.

Mr. Kennedy thanked Mr. Penland for his participation in the PDR Program.

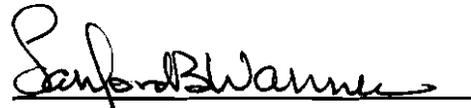
Mr. Harrison stated that there would be a memorial service for Dr. James B. Blayton on February 8 at the Kimball Theater.

J. ADJOURNMENT

Mr. Kennedy made a motion to adjourn until February 11, 2003.

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

Mr. Harrison adjourned the Board at 7:37 p.m. until February 11, 2003.


Sanford B. Wanner
Clerk to the Board

In the County of James City

By resolution of the governing body adopted January 28, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

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

Project/Subdivision

Mulberry Place

Type of Change: **Addition**

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

Reason for Change: Addition. New subdivision street

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

Route Number and/or Street Name

Bliss Armstead Court, State Route Number 1148

Description: **From:** Rt 1147, Mulberry Lane

To: End Of Culde-sac

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 06/26/2001, Plat Book 82, Pages 12-15, with a width of 50'

Mulberry Lane, State Route Number 1147

Description: **From:** Rt 614. Centerville Road

To: Rt 1148, Bliss Armstead Court

A distance of 0.16 miles.

Right of Way Record: Filed with the Land Records Office on 06/26/2001, Plat Book 82. Pages 12-15, with a width of 50'

Description: **From:** Rt 1148, Bliss Armstead Court

To: Rt 1149, Wm. Ludwell Lee

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 06/26/2001. Plat Book 82. Pages 12-15, with a width of 50'

Description: **From:** Rt 1149. Wm. Ludwell Lee

To: End Of Cul-de-sac

A distance of: 0.15 miles.

Right of Way Record: Filed with the Land Records Office on 06/26/2001. Plat Book 82. Pages 12-15, with a width of 50'

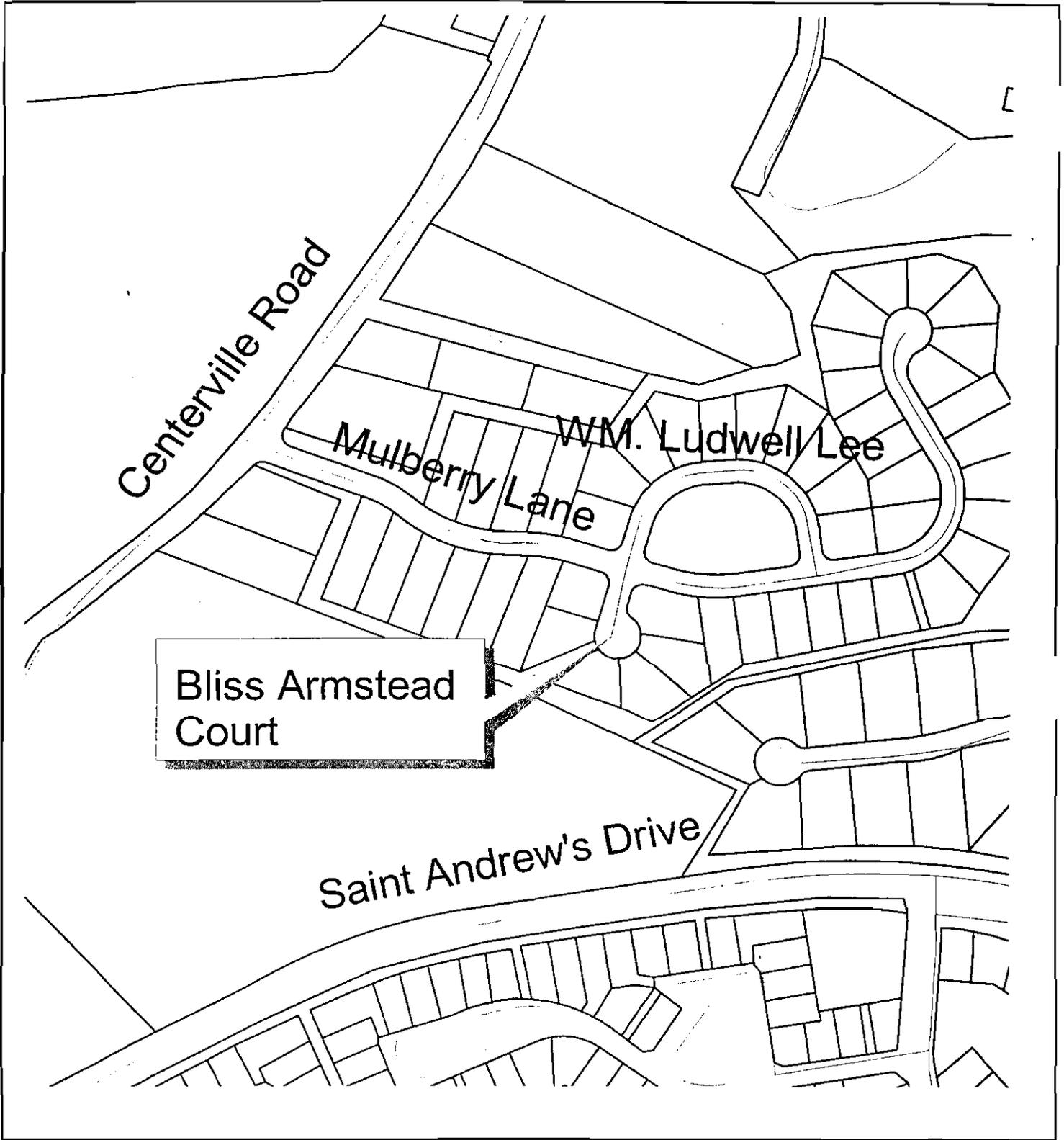
Wm Ludwell Lee, State Route Number 1149

Description: **From:** Rt 1147, Mulberry Lane At Rt 1148, Bliss Armstead Court

To: Rt 1147, Mulberry Lane

A distance of: 0.13 miles.

Right of Way Record: Filed with the Land Records Office on 06/26/2001, Plat Book 82. Pages 12-15. with a width of 50'



DEDICATION OF STREETS IN MULBERRY PLACE



Streets Being Dedicated

