

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF FEBRUARY, 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, Jarnestown District
Michael J. Brown, Powhatan District
James G. Kennedy, Stonehouse District

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Russell Blair, a third-grade student at Stonehouse Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Remembrance – Crew of the Space Shuttle Columbia

Mr. McGlennon and Mr. Harrison presented a Resolution of Remembrance to Cliff Gauthier who accepted on behalf of the family members of the crew of the Space Shuttle Columbia.

Mr. Gauthier encouraged citizens to pursue their dreams.

2. Resolution of Recognition – Judith Stewart Dresser

Mr. McGlennon and Mr. Harrison presented Paul Dresser and Amanda Gada with a Resolution of Recognition for Judith Dresser for her years of service to the Greater Williamsburg Area.

Mr. Dresser commented on Judith's service to the Community and thanked the Board for its recognition of her accomplishments.

3. Resolution of Appreciation – Jon A. Nystrom

Mr. Brown and Mr. **Harrison** presented Mr. Nystrom with a resolution of appreciation for his service to the County through the Industrial Development Authority.

Mr. Nystrom accepted the resolution and stated that he enjoyed serving the County.

4 Resolution of Appreciation – Sterling M. Nichols

Mr. Brown and Mr. Harrison read Mr. Nichols' resolution of appreciation for his service to the County through volunteer work and with the Industrial Development Authority.

Mr. Brown accepted the resolution on behalf of Mr. Nichols.

5. Presentation of Certificate of State Accreditation - Police

Mr. Erin **O'Boyle**, Virginia Law Enforcement Professional Standards Commission, presented the County Police **Department** with its certificate of accreditation.

Chief **Daigneault** commented on the Police Department's professional standards and thanked staff for its support.

6. Peninsula Light Rail Transit Alternative Analysis Study

Mr. O. Marvin Sowers, Director of Planning, introduced Kenneth Mowll, Parsons Associates, Inc., and **Jayne Whitney**, **Hampton** Roads Transit.

Mr. Mowll provided the Board with an **overview** of the history of the Peninsula Light Rail Transit proposal, the alternatives analysis study findings, locally preferred alternatives, and the next steps.

Mr. **Goodson** inquired if the plan addresses local finding.

Mr. Mowll stated that the full report outlines some alternatives for funding but the report is not detailed.

Ms. Jane **Whitney** stated that once the first phase is in place, then a more detailed funding report would be provided.

Mr. **McGlennon** inquired if overhead lines would be part of the light rail equipment.

Mr. Mowll stated that an alternative to overhead lines is diesel fuel

Mr. **McGlennon** inquired if the alignment would impact the location of Route 60E.

Mr. Mowll stated that the light rail could exist within the existing easement but a relocation of Route 60E into the **easement** might pose as a problem.

7. Hampton Roads Planning District Commission – Regional Stormwater Proeram

Mr. John M. **Carlock**, Hampton Roads Planning District, provided the Board with an overview of the Regional Stormwater Management Program's history, goals, progress, the local government's role in participating and supporting the Program, and terms of the Memorandum of Agreement.

E. PUBLIC COMMENT

1. Mr. Ed **Oyer**, 139 Indian Circle, recommended the School Board reconsider its proposed Budget to be more cost effective; stated concern regarding uneven pay increases within the School Division, and the increasing per-student costs of education.

F. HIGHWAY MATTERS

Mr. **Steven Hicks**, Resident Engineer, Virginia Department of Transportation (VDOT) commented on the VDOT's efforts to patch potholes in the County.

Mr. **McGlennon** thanked Mr. Hicks for his participation in a meeting at **Rawls Byrd** Elementary School where the PPTA widening project of Route 199 and Jamestown Road was discussed and for providing information to those in attendance.

Mr. **Goodson** requested the exit ramp from Route 199 onto I-64 be repaired

G. CONSENT CALENDAR

Mr. **Harrison** inquired if a Board member wished to pull an item from the Consent Calendar for discussion.

Mr. Brown requested that Item Number 7, VPDES Phase II Stormwater Permit and Regional Stormwater Management Program, be pulled.

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

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

1. Resolution of Remembrance – Crew of the Space Shuttle Columbia

RESOLUTION OF REMEMBRANCE

CREW OF THE SPACE SHUTTLE COLUMBIA

WHEREAS, at approximately 9 a.m. on February 1, 2003, the Space Shuttle Columbia and its gallant seven-member crew were lost over the skies of Texas; and

WHEREAS, the international crew of Columbia's 28th flight consisted of Commander Rick Husband, Pilot Willie McCool, Payload Specialist Ilan Ramon, Mission Specialists Laurel Clark, Kalpana Chawla, Mike Anderson, and David Brown; and

WHEREAS, David Brown was a 1978 graduate of The College of William & Mary and attended the Eastern Virginia Medical School in Norfolk; and

WHEREAS, the Columbia crew worked diligently during their 16-day mission to conduct research experiments in the areas of advanced technology development, astronaut health and safety, and Earth and space sciences "in the pursuit of knowledge - knowledge that might improve the quality of life for all mankind."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its condolences and sympathy to the families and coworkers of the brave crew of the Columbia.

BE IT FURTHER RESOLVED that the Board does hereby thank past and future generations of explorers for their resolution and courage to seek out knowledge for the betterment of mankind.

2. Resolution of Recognition – Judith Stewart Dresser

RESOLUTION OF RECOGNITION

JUDITH STEWART DRESSER

WHEREAS, Judith Stewart Dresser was a longtime member of the League of Woman Voters, the James City County Democratic Committee, and served as legislative assistant to former Delegate George W. Grayson for 12 years; and

WHEREAS, Judy served on numerous boards, including the Windsor Forest Association, Hospice, Housing Partnerships, the Williamsburg Land Conservancy, the James River Association; and

WHEREAS, Judy brought her quick wit and organizational skills as a member of the Capital Campaign Committee for Child Development Resources, as a founding member of the Williamsburg Area Women's Network, as a Council Member of the Historic Route 5 Association; and as citizen chair of the County's 1998 Neighborhoods Conference; and

WHEREAS, Judy's contributions to the people of the Greater Williamsburg area will be a lasting tribute and an inspiration for all to continue her great work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its condolences to the Dresser family on behalf of a grateful community and adds its voice to those who honor and acknowledge Judith Stewart Dresser as a true community activist.

3. Resolution of Appreciation – Jon A. Nystrom

RESOLUTION OF APPRECIATION

JON A. NYSTROM

WHEREAS, Jon A. Nystrom served as a member of the Industrial Development Authority (IDA) of James City County from July 1987 to September 2002, and as its Chairman from December 1990 to December 1998; and

WHEREAS, Jon A. Nystrom ~~was~~ nominated by the Authority for the Virginia Economic Developers Association 1996 Virginia Volunteer of the Year Award in recognition of his successful leadership; and

WHEREAS, Jon A. Nystrom ~~has~~ shown commitment to improving the economic vitality of the region through his ~~service~~ on the IDA as well as the Executive Committee of the Peninsula Alliance for Economic Development; and

WHEREAS, throughout this period of service, Jon A. Nystrom gave freely of his time, his energy, and his knowledge for the betterment of his County, as an active volunteer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Jon A. Nystrom and recognizes his distinguished service and dedication to the County and its citizenry.

4. Resolution of Appreciation – Sterling M. Nichols

RESOLUTION OF APPRECIATION

STERLING M. NICHOLS

WHEREAS, Sterling M. Nichols served as a member of the Industrial Development Authority (IDA) of James City County from July 1994 to December 2002, as its Vice-Chairman from January 1997 to December 1998, and as its Chairman from January 2002 to December 2002; and

WHEREAS, ~~during~~ this period of service, ~~Sterling~~ M. Nichols took an active role in the process to update the ~~IDA's~~ strategic plan and gave freely of his time, his energy, and his knowledge for the betterment of his County as an active volunteer; and

WHEREAS, Sterling M. Nichols served as Chairman of the Community Participation Team for the 1997 County Comprehensive Plan Update; and

WHEREAS, the culmination of his long history of volunteer service to his community was his nomination for the *Daily Press* 2002 Virginia Peninsula Citizen of the Year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Sterling M. Nichols and recognizes his distinguished service and dedication to the County and its citizenry.

5. March – Purchasing Month**RESOLUTION****MARCH - PURCHASING MONTH**

WHEREAS, the purchasing profession plays a significant role in the efficiency and effectiveness of government; and

WHEREAS, purchasing professionals, **through their combined purchasing power**, have a significant influence upon economic conditions throughout the world; and

WHEREAS, the James City County Purchasing Office and professional purchasing associations such as the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing engage in special efforts during the month of March to inform the public about the importance of the role of the purchasing profession in government, business, and industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims March 2003 as Purchasing Month and calls its significance to the attention of all our citizens.

6. Dedication of Street in Barren's Ferry Subdivision**RESOLUTION****DEDICATION OF STREET IN BARRETT'S FERRY SUBDIVISION**

WHEREAS, the street described on the attached Additions Form **SR-5(A)**, fully incorporated herein by reference, is 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 street **meets the** requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

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

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 street described on the attached Additions Form **SR-5(A)** to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

8. Peninsula Light Rail Transit Alternatives Analysis Study

RESOLUTION

PENINSULA LIGHT RAIL TRANSIT ALTERNATIVES ANALYSIS STUDY

WHEREAS, the CSX Major Investment Study investigated potential transportation improvements in the travel comdor generally along the CSX rail right-of-way linking the City of **Williamsburg**, James City County, York County, City of **Newport News**, and City of Hampton with a "Locally Preferred Alternative" of expanded bus service and furthering the study of light rail; and

WHEREAS, as congestion continues to increase, the Peninsula Mayors and Chairs requested the Hampton Roads Planning District Commission to reconsider the 1998 Major Investment Study locally preferred alternative so as to advance the evaluation of light rail with complementary bus service, and said request was approved by the Hampton Roads Metropolitan Planning Organization in July 2000; and

WHEREAS, the transportation system's capacity will be exceeded unless additional investments are made to mitigate the congested highway network in this comdor; and

WHEREAS, attention must be given to ensure a modem, well-functioning multimodal transportation network, including consideration of both light rail and expanded intercity passenger rail and high-speed rail that will foster economic growth and vitality in the region by providing increased mobility and regional connectivity as well as provide for sound land use, air quality, and energy policies; and

WHEREAS, Hampton Roads Transit, in cooperation with the **Federal** Transit Administration, local jurisdictions, the business community, and the general public, has completed an alternative analysis that evaluated a number of potential light rail alignments to serve this travel corridor and is hereby recommending a **preferred** alignment **known as** the "Locally Preferred Alternative" to carry into further detailed analysis and environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, does hereby support the following:

1. The pursuit of improved public transportation **services** on the Peninsula as presented in the CSX Corridor Major Investment Study **and** the Peninsula Rail Transit Project Alternatives Analysis, which include the provision for dual-track high-speed rail and light rail in the CSX corridor.

2. The selection of the Locally Preferred Alternative for further detailed phasing, environmental, and engineering evaluation of the corridor between Williamsburg and Downtown **Newport News** generally along the CSX railroad right-of-way, including and connecting with a corridor generally along Hampton Roads Center Parkway to Downtown Hampton.
3. The inclusion of the Locally Preferred Alternative in the Hampton Roads Regional Long Range Plan.

BE IT FURTHER RESOLVED that endorsement of the Locally Preferred Alternative for a light rail system shall not be construed to compromise or supercede the ability to expand existing passenger rail service and its upgrade to high-speed rail or compromise freight rail service in the CSX corridor from Richmond to **Newport News**.

7. VPDES Phase II Stormwater Permit and **Regional Stormwater Management Program**

Mr. **Darryl E. Cook**, Environmental Director, stated that the State's Department of Environmental Quality (DEQ) issues stormwater discharge permits to small municipal storm sewer systems (small **MS4s**) located in urbanized areas in accordance with the U. S. Environmental Protection Agency's (EPA) Phase II Stormwater Regulations. Mr. Cook stated that the County would have five years **after** the DEQ issues the permit to develop and implement the stormwater management program.

Mr. Cook stated that in order to accomplish many of the new program elements and to provide consistency among the local jurisdictions, it is proposed to continue and formalize the regional approach by establishing a Regional Stormwater Management Program, that will include the Hampton Roads Planning District Commission (HRPDC) area Phase I and II communities, through a Memorandum of Agreement (**MOA**) between the HRPDC and the participating localities.

Mr. **Cook recommended** the Board **adopt** the two resolutions, one authorizing the County Administrator to sign the Virginia Pollutant Discharge Elimination System stormwater permit application and the other authorizing the County Administrator to sign the MOA.

Mr. Brown stated that constituents have inquired **about** the County's stormwater project, and requested the **information** regarding the County's cost share.

Mr. **McGlennon** inquired about County's cost for participating in the upcoming year in the HRPDC.

Mr. Cook stated that cost for participating in the HRPDC larger stormwater program is about \$6,000.

Mr. Brown made a motion to adopt the resolutions

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

RESOLUTIONVIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEMGENERAL PERMIT REGISTRATION AUTHORIZATION

WHEREAS, pursuant to the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has promulgated implementing regulations, 40 Code of Federal Regulations Part 122, which established the **National Pollutant Discharge Elimination System Permits for Municipal Separate Storm Sewer System Discharges**; and

WHEREAS, pursuant to the State Water Control Law, the State Water Control Board of the Department of Environmental Quality (DEQ) has promulgated implementing regulations, 9 VAC 25-750 for Phase II of the Federal Regulations, which established the Virginia Pollutant Discharge Elimination System (VPDES) requirements that localities obtain such permits for their Municipal Separate Storm Sewer System Discharges; and

WHEREAS, James City County contains U.S. Census Bureau designated Urbanized Areas, and as a consequence, has been automatically designated by the Federal Regulations as a community that will have to have a permit to discharge **stormwater** under Phase II of the Regulations; and

WHEREAS, James City County will have to make an application for coverage under the State's VPDES program by March 10, 2003; and

WHEREAS, a permit application has been completed by the County's Environmental Division.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby authorizes the County Administrator to sign the **General Permit Registration Statement for Storm Wafer Discharges from Small Municipal Separate Storm Sewer Systems** as prepared by the Environmental Division.

RESOLUTIONMEMORANDUM OF AGREEMENT FOR PARTICIPATION IN THEHAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM

WHEREAS, the **Hampton** Roads Planning District Commission (**HRPDC**) has been requested and has undertaken various studies to support local government stormwater management programs, including compliance with the Virginia Pollutant Discharge Elimination System (VPDES) permits; and

WHEREAS, pursuant to the State Water Control Law, the State Water Control Board of the Department of Environmental Quality (DEQ) has promulgated implementing regulations, 9 VAC 25-750 for Phase II of the Federal Regulations, which established the VPDES requirements that localities obtain such permits for their Municipal Separate Storm Sewer **System** Discharges; and

WHEREAS, James City County has been automatically designated by Federal regulation as **a community that** will have to have a permit to discharge stormwater under Phase II of the Regulations; and

WHEREAS, James City County will be required by its VPDES permit to conduct certain activities, including implementation of public education and information programs, pollution **prevention/good** housekeeping for municipal operations, and annual reporting on those and other stormwater activities; and

WHEREAS, the Chesapeake Bay Preservation Act, the Virginia Stormwater Management Act, and the Virginia Erosion and Sediment Control Law and implementing regulations also establish stormwater management requirements that apply to James City County; and

WHEREAS, working in cooperation with other local governments to accomplish some of the requirements of the various stormwater management laws and regulations will result in cost efficiencies, increased information sharing, and program consistency which will increase the acceptance of the County's program at the State level; and

WHEREAS, it has been proposed that a regional stormwater management program be established that will be administered and coordinated by the HRPDC, and that the program will be established as presented in a Memorandum of Agreement between the **HRDPC** and the participating local governments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County support and participate in a regional stormwater management program as presented in the Memorandum of Agreement with the HRPDC entitled "Establishing the Hampton Roads Regional Stormwater Management Program."

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the Regional **Stormwater** Management Memorandum of Agreement to formalize the County's participation in the program.

H. PUBLIC HEARINGS

1. FY 2003-2008 Six-Year **Secondary Road Plan**

John T. P. Home, Development Manager, stated that staff has prepared a resolution outlining the County's secondary road projects priorities for FY 2003-2008 for presentation to the Virginia Department of Transportation (**VDOT**), as well as a resolution authorizing the use of Rural Rustic Design Standards for improvements to Racefield Drive.

Staff recommended the Board approve the resolutions.

Mr. Harrison opened the Public Hearing,

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

Mr. Brown made a motion to approve the resolutions.

- 11 -

Mr. **McGlennon** clarified that local road improvement funding is inadequate over the next few years and not to expect any progress on the County's Six-Year Secondary Road projects and that the Rural Rustic Design Standards is a tool being utilized to uniquely move **forward** needed road improvements.

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

RESOLUTION

FY 2003-2008 SIX-YEAR SECONDARY ROAD PLAN

WHEREAS, the Board of Supervisors of James City County, Virginia, has consulted with the Virginia Department of Transportation (VDOT) Resident Engineer to set priorities for road improvements on the County's secondary roads; and

WHEREAS, VDOT has produced a Six-Year Secondary Road Plan consistent with the Board's priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby approves the EY-2003-2008 Six-Year Secondary Road Plan as presented on February 25, 2003, and authorizes the County Administrator to sign the Plan on behalf of the Board.

RESOLUTION

RURAL RUSTIC DESIGN STANDARDS

RACEFIELD DRIVE

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise **§33.1-70.1 of the** Code of Virginia to allow for the improvement and hard-surfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, the Virginia Department of Transportation (VDOT) has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program and to be evaluated by VDOT with regard to safety, resident **concerns**, and environmental issues; and

WHEREAS, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

WHEREAS, this Board is unaware of any pending development that will affect the existing **traffic** on the road; and

WHEREAS, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

WHEREAS, this Board believes Route 622, Racefield Drive, should be designated a **Rural Rustic Road** from Route 601 to Route 621 owing to its **qualifying** characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its **secondary** system of state highways.

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests **VDOT's** Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard-surfaced and, to the fullest extent **prudent**, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and **rural** rustic character along the road in their current state.

BE IT FURTHER RESOLVED, this Board pledges to discourage more development on **this** road.

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

2. Outdoor Water Use Ordinance

Mr. Larry Foster, General Manager of the James City **Service** Authority, provided the Board with an overview of the Ordinance that will regulate the day and times that customer of the James City Service Authority are allowed to use water outdoors. Mr. Foster stated that the Ordinance would also comply with the requirements of the approved Groundwater Withdrawal Permit.

Mr. **Harrison** requested verification that pools could still be refilled under the provisions of the Ordinance.

Mr. Foster stated that pools could be refilled.

Mr. Kennedy inquired about the use of power washers on houses.

Mr. Foster stated that the power washers for houses are covered under the Ordinance's exemptions because of the automatic cut-off on the hose.

Mr. **McGlennon** requested clarification regarding the use of hand-held hose with an automatic shutoff nozzles use.

Mr. Foster stated that a hand-held hose with an automatic shutoff nozzle could be used any day at any time under the provisions of the proposed Ordinance.

Mr. **Harrison** opened the Public **Hearing**.

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

Mr. **Goodson** stated that the provision regarding the hand-held hose with and automatic shutoff nozzle is customer friendly and moved for the adoption of the Ordinance.

Mr. **McGlennon** stated concern regarding the ability for customers to utilize hand-held hoses with automatic shutoff nozzles at anytime for anything.

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

3. Conveance of Wetlands Easement to the **Williamsburg** Land Conservancy – District Park **Sports Complex**

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, stated that a minor wetlands filling was required as part of the design of Phase **III** of the District Park Sports Complex. The County submitted a mitigation plan to create a protective easement over approximately 8.5 acres of existing forested wetlands and to convey the easement to the **Williamsburg** Land Conservancy (Conservancy). The Conservancy agreed to accept the easement and the Corps of Engineers found the proposal acceptable.

Staff recommended the Board grant the protective easement to the Conservancy

Mr. **Harrison** opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

R E S O L U T I O N

CONVEYANCE OF WETLANDS EASEMENT TO

THE WILLIAMSBURG LAND CONSERVANCY -

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County must satisfy obligations to the Corps of Engineers **regarding** mitigation of wetlands to be destroyed during construction **of the** District Park Sports Complex Phase III; and

WHEREAS, the Corps of Engineers is agreeable to creation of a protective easement and buffer over a portion of existing wetlands as part of the required mitigation; and

WHEREAS, The Williamsburg Land Conservancy is agreeable to being the recipient of the protective easement for the wetlands.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary documents for granting the protective easement at the **Warhill** Tract, District Park Sports Complex, Phase **III**.

4. Conveyance of a Utility Easement to Dominion Virginia Power - James City County Government Center

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, requested that the Board approve a resolution authorizing the County Administrator to execute a Right-of-way Agreement with Dominion Virginia Power for the conveyance of a 15-foot underground utility easement to provide electrical service to the site.

Mr. Harrison opened the Public Hearing

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

Mr. **Goodson** made a motion to adopt the resolution.

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

R E S O L U T I O N

CONVEYANCE OF A UTILITY EASEMENT TO DOMINION VIRGINIA POWER -

JAMES CITY COUNTY GOVERNMENT CENTER

WHEREAS, James City County owns ~~±~~**55** acres commonly known as the James City County Government Center and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1); and

WHEREAS, Dominion Virginia Power requires a 15-foot utility easement in order to provide electrical service to the office **building** presently under construction and to the parking lot lighting; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Right-of-way Agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 **Indian** Circle, commented on the proposed FY 2004 School Budget that supports his position that the enrollment numbers are dropping.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner requested that Mr. William C. Porter, Jr., Assistant County Administrator, join him at the podium.

Mr. Wanner presented Mr. Porter with a Virginia Local **Government** Management Association's Virginia Institute of Government 2003 Special Merit Award for his **outstanding** support of the Institute's e-mail broadcast information system.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Hanison invited citizens to attend and participate in the Neighborhood Conference to be held on Saturday, March 1 at the **Lafayette** High School.

Mr. **Harrison** stated that on March 5 at **8:30** a.m. in the Community Room at **Ukrop's** will be the meeting of the Council of Chairs.

Mr. **Goodson** recommended that, if without objection from the Board, that the Board consider the appointments for the Local Enterprise Zone Association (LEZA).

Mr. **Harrison** made a motion to reappoint Dennis Lutz, Roland Wallace, and Vincent A. "Skip" **Campana** to the Local Enterprise Zone Association as well as to appoint Bruce C. **Goodson** to the Local Enterprise Zone Association; terms to expire on February 25, 2007.

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

Mr. Kennedy stated that on March 8 at **6 p.m.** at the **Toano** Middle School the Chickahominy Community Improvement Association will have its Annual Banquet and invited citizens to attend.

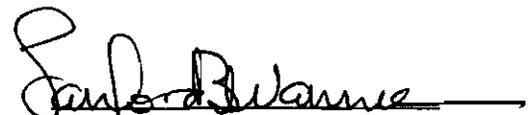
Mr. McGlennon stated that enrollment at the schools has been increasing annually and the projections for next year indicate a continuation in that trend.

L. ADJOURNMENT

Mr. McGlennon made a motion to adjourn

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

Mr. **Harrison** adjourned the Board at **8:37** p.m. until March 11, 2003.


Sanford B. Wanner
Clerk to the Board

In the County of James City

By resolution of the governing body adopted February 25, 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

Barrett's Ferry

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

Barrett's Ferry Drive, State Route Number 1134

Description: **From:** Route 5
To: End Of Cul-de-sac
A distance of: **0.20** miles.

Right of Way **Record:** Filed with the Land Records Office on **09/21/1996**. Plat Book **65**, Page **50**, with a width of 50'

Riverfront Park

John Tyler Highway

Barrett's Ferry Drive

Chickahominy River

DEDICATION OF STREET IN BARRETT'S FERRY SUBDIVISION

 Street Being Dedicated

300 0 300 600 Feet



Secondary System

County: James City

Construction Program

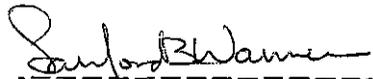
Estimated Allocations

264

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2003-04	\$105,000	\$1,509,552	\$18,154	\$1,632,706
2004-05	\$105,000	\$1,450,235	\$16,976	\$1,572,211
2005-06	\$105,000	\$1,433,512	\$16,610	\$1,555,122
2006-07	\$105,000	\$1,438,901	\$16,585	\$1,560,486
2007-08	\$105,000	\$1,440,123	\$16,461	\$1,561,584
2008-09	\$105,000	\$1,440,123	\$16,461	\$1,561,584
Totals	\$830,000	\$8,712,446	\$101,247	\$9,443,693

Board Approval Date: 2/25/2003

Steven W Hicks
VDOT Resident Engineer Date

 2/25/03

Sanford B Wanner
Chairman, Clerk, Co. Administrator Date

SECONDARY SYSTEM CONSTRUCTION PROGRAM

County: James
Board Approval [

212512003

20((Years)
gh 2008-09

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count	Estimated Cast AD Date:	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2003-04	2004-05	2005-06	2006-07	2007-08	2008-09		
Rt M00 ID: 18202 Contract STATE Deficit Pri # 0	ALTERNATE RTE 5 5000-047-166,C501 RT 5 MONTICELLOAVE 2.1 13000	PE \$750,000 RW \$500,000 CON \$10,065,426 Total \$11,315,426	PE \$750,000 RW \$500,000 CON \$702,522 Total \$1,952,522		W \$0 \$1,056,066 \$9,362,904	\$0 \$0 \$0 \$0	\$0 W \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$8,306,838	Construction Completed \$8,306,838 Funded Revenue Sharing and Tax District.
Rt. 8090 ID: CWI State Forces STATE County-Wide Incidental Pri #. 0	Total county-wide Allocation CWI	PE W RW \$0 CON \$839,458 Total \$839,458	PE W RW \$0 CON \$209,458 Total \$209,458		W \$0 \$105,000 \$830,000	\$0 \$0 \$105,000 \$105,000	\$0 W \$0 \$105,000	W \$0 \$105,000 \$105,000	\$0 \$0 \$105,000 \$105,000	\$0 \$0 \$105,000 \$105,000	\$0	
Rt. 0615 ID: 1771 Contract S/RevSh Budget Item Pri #: 0	IRONBOUND ROAD 0615-047-126,C501 ROUTE 681 ROUTE 31 0.45 MILES	PE \$0 RW \$0 CON \$500,000 Total \$500,000	PE W RW \$0 CON \$0 Total \$0		\$0 \$0 \$0 \$500,000	\$0 \$0 W \$0	W \$0 \$0 W	\$0 \$0 \$0 W	\$0 \$0 \$0 W	\$0 \$0 \$0 W	\$500,000	Overlay Road County would like to overlay road and rehabilitate shoulders and ditches within existing R/W or "right of entry". Balance to be funded \$500K by R/S FY 01-02 for rehabilitation.
Rt 0615 ID 50057 Contract STATE Regular Pri #: 1	IRONBOUND ROPD 0615-047-169,PE,C501 ROUTE 747 0.26 MIE RTE 616 1.15 17511	PE \$800,000 RW \$0 CON \$7,000,000 Total \$7,800,000 7/30/2008	PE \$209,003 RW \$0 CON W Total \$209,003		\$283,486 \$283,486	\$307,511 \$0 \$742,724 \$1,050,235	\$0 \$0 \$983,512 \$983,512	W \$0 \$0 \$1,038,901	\$0 \$0 \$1,240,123 \$1,240,123	W \$0 \$0 \$1,240,123	\$1,240,123	4 Lane, median w/bike&multi trails RSTP funds (\$1.5M) for R/W and Constr FY 02-03
Rt. 0615 ID: 50057 Contract STP Regular Pri #: 1	IRONBOUND ROAD 0615-047-169,RW,C501 ROUTE 747 0.26 MIE ROUTE 616 1.15 MILES 17511	PE \$0 RW \$1,000,000 CON \$500,000 Total \$1,500,000 7/30/2008	PE \$0 RW \$0 CON \$0 Total \$0		\$0 \$0 W \$1,500,000	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 W \$0 \$0	\$0 W \$0 \$0	\$0 \$0 \$0 \$0	\$1,500,000	4 Lane, median w/bike&multi trails Balance to be funded by RSTP funds (\$1.5M) for R/W and Constr FY 02-03
Rt. 0607 ID 3089 Contract STATE Regular Pri # 2	CROAKER ROAD 0607-047-113,C502 0.05 M I S. RT. 601 0.06 MI. N. RT.605 1.87 MILES 1267	PE \$150,000 RW \$800,000 CON \$2,000,000 Total \$2,950,000 3/30/2007	PE \$150,000 RW \$682,419 CON W Total \$832,419		\$0 \$117,581 \$52,419 \$2,117,581	\$0 \$0 \$400,000 \$400,000	\$0 \$0 \$450,000 \$450,000	\$0 \$0 \$400,000 \$400,000	W \$0 \$200,000 \$200,000	\$0 \$0 \$200,000 \$200,000	\$297,581	Improve shoulders & ditch 15003 Use existing H/V alignment for improvements. Make spot improvements as needed with min design standards..

SECONDARY SYSTEM CONSTRUCTION PROGRAM
 (in dollars)
 2003-04 through 2008-09

266

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count	Estimated Cost AD Date:	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2003-04	2004-05	2005-06	2006-07	2007-08	2008-09		
Rt 0607 ID: 3089 Contract S/RevSh Regular Pri #: 2	CROAKER ROAD 0607-047-113, PE 0.05 MI. S. RT. 601 0.06 MI. S. RT. 605 1.87 MI 1267	PE \$200,000 RW \$0 CON ID \$0 Total \$200,000 3/30/2007	PE \$0 RW \$0 CON \$0 Total \$0	\$200,000	\$0 \$0 \$0 W	\$0 \$0 W	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$200,000	Improve shoulders & ditch Balance to be funded \$200K by R/S FY 01-02 (0622 funds transferred from unpaved project with BOS resolution.) Improve shoulders & ditch w/in standards
Rt 0601 ID: 52080 Contract STATE Regular Pri #: 3	BARNES ROAD 0601-047-171, C501 0.50 E RTE 60 0.35 MILES 325	PE \$5,000 RW \$0 CON \$0 Total \$5,000	PE \$0 RW \$0 CON \$0 Total \$0	\$5,000	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$5,000	SERP/scoping only- improve curve SERP/scoping only- improve curve. County would like to use SYP funds for SERP.
Rt 0608 ID: 52081 Contract STATE Regular Pri #: 4	MOUNT LAUREL ROAD 0608-047- ,C501 3.0 MI. E. RTE606 ROUTE 606 0.45 MI 0	PE \$5,000 RW \$0 CON \$0 Total \$5,000	PE \$0 RW \$0 CON \$0 Total \$0	\$5,000	\$0 \$0 \$0 \$0	\$0 W \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$5,000	SERP/scoping only- improve curve SERP/scoping only- improve curve. County would like to use SYP funds for SERP.
Rt 0622 ID 11264 Contract STATE Unpaved Pri # 1	RACEFIELD ROAD 0622-047-P46, M501 0.56 MI. W. RT 1040 ROUTE 1040 0.56 MILES 364	PE \$75,000 RW \$7,468 CON \$195,000 Total \$277,468 6/30/2003	PE \$75,000 RW \$7,468 CON \$195,000 Total \$277,468	W	\$0 \$0 W \$0	\$0 \$0 W \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0	Use Rural Rustic Standards Use Rural Rustic Standards. BOS passed Rural Rustic Resolution. FY 01-02 RS \$200,000 was transferred to Proj 0607 per BOS Resolution.
Rt 0622 ID Contract STATE Unpaved Pri # 2	RACEFIELD ROAD 0622-047-P46 0.56 MI W Rte 1040 1.00 MI W. Rte 1040 0.5 Miles	PE \$0 RW \$0 CON \$150,000 Total \$150,000	PE \$0 RW \$0 CON \$0 Total \$0	\$150,000	\$0 \$0 \$18,154 \$18,154	\$0 \$0 \$16,976 \$16,976	\$0 \$0 \$16,610 \$16,610	\$0 \$0 \$16,585 \$16,585	\$0 \$0 \$16,481 \$16,481	\$0 \$0 \$16,461 \$16,461	\$48,753	Use Rural Rustic Standards Use Rural Rustic Standards. BOS passed Rural Rustic Resolution.
Rt 0603 ID 65146 Railroad RRP Special Program Pri # 9999	Diascund Road 0603-047-S ,FS 0.49 MI S Route 601 0.49 MI S Route 601	PE \$0 RW \$0 CON \$6,000 Total \$6,000	PE \$0 RW \$0 CON \$0 Total \$0	\$6,000	\$0 \$0 \$0 \$0	W \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$6,000	Upgrade Railroad Crossing 10% match for RR project

SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)
2003-04 through 2008-09

	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete
				2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	
County Totals Program Allocation:				\$1,632,706	\$1,572,211	\$1,555,122	\$1,560,486	\$1,561,584	\$1,561,584	
Report Totals PE	\$1,985,000	\$1,184,003	\$800,997	\$283,486	\$307,511	W	\$0	\$0	\$0	s210,000
RW	\$2,307,468	\$1,189,887	\$1,117,581	\$117,581	W	\$0	\$0	\$0	W	\$1,000,000
CON	\$21,255,884	\$1,106,980	\$20,148,904	\$1,231,639	\$1,264,700	\$1,555,122	\$1,560,486	\$1,561,584	\$1,561,584	\$11,413,789
Phase Allocation Total:	\$25,548,352	\$3,480,870	\$22,067,482	\$1,632,706	\$1,572,211	\$1,555,122	\$1,560,486	\$1,561,581	\$1,561,584	\$12,623,789
Balance				\$0	\$0	\$0	\$0	\$0	W	

FEB 25 2003

ORDINANCE NO. 116A-34BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VII, OUTDOOR WATER USE, SECTION 11-65, RESTRICTIONS ON OUTDOOR WATER USE; AND SECTION 11-66, VIOLATIONS OF ARTICLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by adding Article VII, Outdoor Water Use, Section 11-65, Restrictions on outdoor water use; and Section 11-66, Violations of article.

Chapter 11. Health and Sanitation

Article VII. Outdoor Water Use

Sec. 11-65. Restrictions on outdoor water use.

In order to protect the public health, safety and welfare and insure the integrity of the James City Service Authority water system, during the period beginning May 1 and ending September 30 of each year, outdoor use of James City Service Authority water is prohibited, except that properties with even-numbered street addresses can use water outdoors on Tuesdays, Thursdays and Saturdays and properties with odd-numbered street addresses can use water outdoors on Wednesdays, Fridays and Sundays provided that outdoor water use occurs between the hours of midnight and 9 00 a m and 5 00 p m and midnight. No outdoor water use shall occur on Mondays except as provided below in subparagraph (d). For the purpose of this section, the

Ordinance to Amend and Reordain
Chapter 11. Health and Sanitation
Page 2

last whole number of a property address shall be used to determine whether the property address is odd or even. All street addresses on a lot or parcel which has one or more structures with both odd and even street addresses shall be deemed to be even, regardless of such units actual street address. Open or common areas shall be deemed to have an odd street address regardless of whether such areas have a designated street address. Open or common areas shall consist of land in a multi-lot development, either commercial or residential, which is owned by a corporation or association for the beneficial use of the owners or tenants of land in the development. Outdoor water use shall include, but is not limited to, the following:

(a) The watering of shrubbery, trees, lawns, grass, plants or other vegetation, except that the following shall be exempted from the prohibition on outdoor watering:

- (1) the watering of a new lawn or turf for a period of 60 consecutive days after installation provided the owner or tenant of a lot, piece or parcel of real property receives the one-time exception provided herein. In order to be eligible for this one-time exception, the property owner or tenant shall provide prior written notice to the general manager of the James City Service Authority identifying the property address and the date of lawn or turf installation. No notice shall be required for watering a new lawn or turf installed on property that has a certificate of occupancy pending for a structure;*
- (2) the watering of plants from a hand-held container;*
- (3) the watering of nursery stock or plant material on property where it is grown, produced or held for sale.*

Ordinance to Amend and Reordain
Chapter 11. Health and Sanitation
Page 3

(b) *The washing of automobiles, trucks, trailers, boat, motor bikes, airplanes or other motor vehicles, except this prohibition on washing vehicles shall not apply to any facilities operating a water recycling system approved by the general manager of the James City Service Authority, provided that such a facility prominently displays for public view a notice stating that such a water recycling system is in operation.*

(c) *The washing of streets, driveways, parking lots, sidewalks, service station aprons, the exterior of homes, apartments, office building or commercial establishments, or other outdoor surfaces, except that such activities may be performed by businesses which are regularly engaged in these activities as a service far hire and have a business license to perform such activities.*

(d) *Exempt is all outdoor water use by means of a hose with an automatic shutoff nozzle which is continuously attended.*

(e) *In the event the county administrator declares a water shortage, the provisions of this section shall be superceded by Article VI, Drought Management, of Chapter 11, Health and Sanitation.*

Sec. 11-66. Violations of article

A violation of any provision of this article shall constitute a misdemeanor by a fine of up to \$2,500 00, each day that a violation exists shall constitute a separate offense.

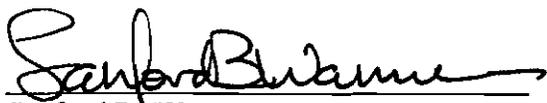
Ordinance to Amend and Reordain
 Chapter 11. Health and Sanitation
 Page 4



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

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	NAY
BROWN	AYE
GOODSON	AYE
KENNEDY	AYE
HARRISON	AYE

ATTEST:



Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

wtruse2_03.ord