

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF MARCH, 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 requested the Board and citizens observe a moment of silence

**C. PLEDGE OF ALLEGIANCE**

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

**D. PRESENTATION**

1. Volunteer Recognition – STRIVE

Mr. **Harrison** recognized Richard and Sandra Reid for their volunteer efforts as mentors to youths in James City County in the Success Through Recreation, Integrity, Vocation, and Education (STRIVE) Program.

**E. PUBLIC COMMENT**

1. Mr. Randy **O Neill**, 109 **Sheffield** Road, stated that he has opened a new business in the County called "Virginia is for Education" and stated that the business provides 20 stationary bikes in a mobile cardiovascular van to promote a life time of fitness and **wellness** in a cost effective way to school age children.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the telecommunication tax has started to be reflected in the phone bills, commented on the County's financial status and increasing real estate values.

## F. CONSENT CALENDAR

Mr. **Goodson** requested **Item Numbers 3, Street Name Change – Ford's Colony**, and 4, Dedication of Streets – Eagle Way; Stonehouse Commerce Park, be pulled.

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

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

1. Law Enforcement Mutual Aid Agreement – New Kent CountyR E S O L U T I O NLAW ENFORCEMENT MUTUAL AID AGREEMENT -NEW KENT COUNTY

WHEREAS, Virginia law authorizes local government to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement **services**; and

WHEREAS, it is beneficial to James City County to participate in a mutual aid agreement with the County of New Kent.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Law Enforcement Mutual Aid Agreement with New Kent County.

2. James City County Road Construction Revenue SharingR E S O L U T I O NJAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 03-04; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 28, 2003

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 03-04, with an amount not to exceed \$500,000.

5. Budget Transfer – Chickahominy Riverfront Park – Water System Improvements

**RESOLUTION**

**BUDGET TRANSFER - CHICKAHOMINY RIVERFRONT PARK -**

**WATER SYSTEM IMPROVEMENTS**

WHEREAS, emergency repairs are needed at **Chickahominy** Riverfront Park; and

WHEREAS, estimated cost for the repairs are \$75,000; and

WHEREAS, the necessary funds are available in Contingency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the transfer of \$75,000 from Contingency to Parks and Recreation.

6. Initiating Consideration of Fee Increases for the Subdivision and Zoning Ordinances

**RESOLUTION**

**INITIATING CONSIDERATION OF FEE INCREASES**

**FOR THE SUBDIVISION AND ZONING ORDINANCES**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2253 to initiate amendments to the Subdivision Ordinance; and

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance and changes to the zoning map; and

WHEREAS, on January 28, 1997, the Board of Supervisors adopted the Comprehensive Plan, and desires to consider the adoption of Subdivision and Zoning Ordinance amendments to increase certain fees; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of the proposed Subdivision and Zoning Ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to the James City County Subdivision and Zoning Ordinance to increase the fees charged for rezonings, special use permits, site plan reviews, sign permits, appeals to the Board of Zoning Appeals, administrative variances, and subdivision review.

7. Route 5 Transportation Improvement District Advisory Board Appointments

R E S O L U T I O N

ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT

ADVISORY BOARD – REAPPOINTMENTS

WHEREAS, the Board of Supervisors of James City County is authorized to reappoint Route 5 Transportation Improvement District Advisory Board members; and

WHEREAS, the terms of the three appointed members: Lawrence Beamer, Phil Smead, and Lewis Waltnp, expire in March, and

WHEREAS, the members have been **effective** members of the Advisory Board, will continue to have significant interest in the District, and have expressed interest in being reappointed to the Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Lawrence **Beamer**, Phil Smead, and Lewis Waltrip are hereby reappointed to the Route 5 Transportation Improvement District Advisory Board for a three-year term, term to expire on March 11, 2006.

3. & 4. Street Name Change – Ford's Colony; Dedication of Streets – Eagle Way; Stonehouse Commerce Park

Mr. **Goodson** recommended that John **Deere** Road, mentioned in Item Number 4, be considered for a Street Name Change in the future.

Mr. **Goodson** made a motion to adopt the two items

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

STREET NAME CHANGE - FORD'S COLONY

WHEREAS, Section 19-54 (B) **of the** James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and

WHEREAS, the proposed street name change has been discussed with the Fire Department, Planning Division, Police Department, Williamshurg Post **Office**, and Real Estate Assessment, and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street, "Titlochry" to "**Pitlochry**."

RESOLUTIONDEDICATION OF EAGLE WAY

- 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; and
- WHEREAS, the County guarantees the necessary surety amount of \$7,500 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 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.

RESOLUTIONDEDICATION OF STREETS IN STONEHOUSE COMMERCE PARK

- 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.

## G. PUBLIC HEARINGS

### I. Case No. SUP-25-02. Ready-Mixed Concrete Expansion

Mr. Matthew Arcieri, Planner, stated that Robert Mann of AES Consulting Engineers has applied on behalf of Colonial Ready-Mixed Concrete for a special use permit to allow the expansion of the existing Ready-Mixed Concrete facility on 3.62 acres zoned M-2, General Industrial, at 1563 and 1571 Manufacture Drive, further identified as Parcel Nos. (5-2) and (5-3) on James City County Real Estate Tax Map No. (59-2).

Staff found the proposal to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on **February** 3, 2003, the Planning **Commission** voted 5-0 to recommend approval

Staff recommended approval of the application with conditions

The Board and **staff** held a brief discussion regarding the resolution of landscaping concerns expressed by the adjacent property owner, BASF.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, representing the applicant, stated that a meeting was held with BASF last week and the parties have reached an agreement concerning the landscaping.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the proposed project will increase the traffic trips on Route 60 East.

Mr. Arcieri and Mr. Geddy stated that additional traffic trips on Route 60 East should not occur and that the application is for the expansion of the parking area to accommodate existing vehicles.

As no one else wished to speak, 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).

**RESOLUTION****CASE NO. SUP-25-02. COLONIAL READY-MIXED CONCRETE**

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

WHEREAS, the production of ready mix concrete is a specially permitted use in the M-2, General Industrial, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 3, 2003, recommended approval of Case No. SUP-25-02 by a 5-0 vote to permit the expansion of the existing Ready-Mixed Concrete facility at 1571 Manufacture Drive and further identified as Parcel No. (5-2) on James City County Real Estate Tax Map No. (59-2) in the Skiffes Creek Industrial Park onto an adjacent property located at 1563 Manufacture Drive, also within the Industrial Park and further identified as **Parcel No. (5-3)** on James City County Real Estate Tax Map No. (59-2).

NOW, THEREFORE, BE IT **RESOLVED** that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-02 as described herein with the following conditions:

1. If **construction** has not commenced on the project within twenty-four (24) months from the issuance **of the** special use permit, the permit shall become void. During this twenty-four month period, permits pertaining to construction shall be secured and all clearing and grading activities on the site shall be **completed**.
2. A Spill Prevention and Control Measure Plan shall be approved by the Director of Code Compliance prior to issuance of a Final Certificate of Occupancy for the **ready-mixed** concrete plant.
3. A dust collection system shall be utilized on the ready-mixed concrete plant. The manufacturer's specifications **for the** system shall be submitted with the site plan and shall be approved by the Director of Planning prior to final site plan approval.
4. No flags or **signage** on any silo, hopper, or any other piece of permanent equipment shall be permitted.
5. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing, and there shall be no direct visibility **of the** light source from adjacent residential property or from a public road.
6. The "reverse warning beepers" on all equipment which serves the **ready-mixed** concrete plant shall be turned down to their lowest volumes.
7. Rock, gravel, sand, cement, **and/or** similar materials **shall** be stored in bins to control **runoff** and scattering of such materials onto adjacent property. An erosion and **sediment** control and a runoff management plan shall be approved by the Environmental Director prior to final site **plan** approval.

8. A landscaping plan shall be approved by the Planning Director or his designee prior to **final** site plan approval. The landscaping plan **shall** address the screening of any stormwater management facility or material storage area on the property.
9. Prior to the issuance of preliminary approval for the site plan required for the expansion, the applicant shall receive approval of a plat to eliminate the common lot line between the two parcels currently identified as Parcels Nos. (5-2) and (5-3) on James City County Real Estate Tax Map No. (59-2).
10. Only one entrance shall be allowed onto Manufacture Drive unless otherwise permitted by the Development Review Committee.
11. This special use **permit** is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. ZO-1-03. Eight-Family Dwelling Amendment

Mr. David Anderson, Planner, stated that staff proposes an amendment to add eight-family dwellings to the R-2, General Residential, and R-5, Multifamily Residential, zoning districts with a special use permit as part of an approved residential cluster.

Staff reviewed the current Ordinance and concluded that five- to eight-family dwellings would be logical additions to both zoning districts provided they are in residential cluster developments and that the overall density does not exceed the permitted density of a previously approved master plan or the County's Comprehensive Plan.

At its Public Hearing on February 3, 2003, the Planning Commission voted 5-0 to recommend approval of the amendment.

Mr. **McGlennon** requested clarification on procedure regarding the adoption of the Ordinance.

Mr. Morton stated that upon adoption, the Ordinance takes immediate effect.

Mr. Harrison opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, **requested that** the addition of eight-family dwellings to R-2, General Residential, be conditioned with special use permits, and not by-right.

Mr. Brown requested Mr. **Costello** address Mr. Oyer's concern.

Mr. Richard **Costello**, AES Consulting Engineers, stated that the amendment to add eight-family dwellings to the R-2 and R-5 zoning districts requires a special use **permit** as part of a **residential** cluster.

Mr. **O.** Marvin Sowers, Director of Planning, stated that the Ordinance amendment applies to zoned cluster developments **only**.

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

Mr. **McGlennon** made a motion to adopt the Ordinance

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

3. Case No. SUP-1-03. Williamsburg Plantation Section 10  
Case No. MP-1-03. Williamsburg Plantation Master Plan Amendment

Mr. David Anderson, Planner, stated that Mr. Richard **Costello**, AES Consulting Engineers, applied on behalf of Williamsburg Plantation, Inc., to permit the construction of two eight-family dwellings on 1.72 acres on property internal to the Williamsburg Plantation development zoned R-2, General Residential District, Cluster, at 4870 **Longhill** Road, further identified as Parcel No. (1-26C) on James City County Real Estate Tax Map No. (32-4).

Staff found the proposal consistent with the surrounding residential zoning since the total number of approved units will remain unchanged and found the proposal consistent with the Low-Density Residential designation of the Comprehensive Plan.

The Planning Commission, at its meeting on February 3, 2003, voted 5-0 to recommend approval of the application.

Staff recommended approval of the application with conditions.

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

1. Mr. Vernon Geddy, representative of the applicant, stated that he was available to answer questions **from** the Board regarding the applications.

Mr. McGlennon inquired about what changed to have Williamsburg Plantation, Inc., request such an adjustment.

Mr. Geddy stated that the market demands for smaller units influenced the change in building designs.

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

Mr. Brown made a motion to adopt the applications.

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

## RESOLUTION

### WILLIAMSBURG PLANTATION SECTION 10 (SUP-1-03)

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

WHEREAS, Mr. Richard **Costello** of AES Consulting Engineers has applied on behalf of Williamsburg Plantation, **Inc.**, for a special use permit and master plan amendment to permit the construction of two eight-family dwellings in the Williamsburg Plantation development located at 4870 **Longhill** Road; and

WHEREAS, the property is located on land zoned R-2, General Residential District, Cluster, and can be further identified as Parcel No. (1-26C) on James City County Real Estate Tax Map No. (32-4); and

WHEREAS, the Planning Commission, following its public hearing on February 3, 2003, recommended approval of the 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. SUP-1-03 as described herein with the following conditions:

1. The special use permit shall apply only to the 1.72-acre area as outlined on the "Supplemental Exhibit For Special Use Permit of Williamsburg Plantation" submitted with this special use permit, dated January 2003, prepared by AES Consulting Engineers, and drawn by CMB/AWT.
2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the buildings. Such buildings shall be reasonably consistent, as determined by the Director of Planning, with the architectural elevations titled "Supplemental Exhibit For Special Use Permit of Williamsburg Plantation" submitted with this special use permit, dated January 2003, prepared by AES Consulting Engineers, and drawn by DLD.
3. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within twenty-four months of this special use permit approval, or the permit shall become void.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

### RESOLUTION

#### WILLIAMSBURG PLANTATION MASTER PLAN AMENDMENT (MP-1-03)

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. MP-1-03 for the master plan amendment of Williamsburg Plantation; and

WHEREAS, on February 3, 2003, the Planning Commission recommended approval of this application by unanimous vote; and

WHEREAS, the master plan amendment is more particularly shown on the plan entitled "Amended Overall Plan of Development: Williamsburg Plantation," prepared by AES Consulting Engineers and dated November 1993, with a revision date of January 24, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. MP-1-03.

4. Case No. SUP-3-03. JCSA Route 5 Water Main Extension Amendment

Mr. David Anderson, Planner, stated that Larry Foster, General Manager of the James City Service Authority has applied for a special use permit to amend the conditions of Case No SUP-22-01 to change the limits of clearing for a portion of the water main extension and change the location of approximately 350 linear feet of 16-inch potable water main from the north side of Route 5 to the south side of Route 5 on approximately 20.66 acres, **zoned R-8**, Rural Residential at 3123 Ironbound Road and further identified as **Parcel Nos.** (1-34) and (1-38) on James City County Real Estate **Tax** Map No. (46-2).

The Planning Commission, at its meeting on March 3, 2003, voted 7-0 to recommend approval **of the application.**

The applicant requested a deferral of this case until the Board's meeting on March 25, 2003, to resolve issues on a related portion of the Groundwater Treatment Facility Project.

Staff recommended deferral of the application

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

As no one wished to speak to this matter at this time, Mr. **Harrison** continued the Public Hearing until March 25, 2003.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, inquired as to why the Public Hearing notice regarding the James City **Service** Authority's request to increase groundwater withdrawal was not posted in the Legal Section of the paper, and stated opposition to any additional groundwater withdrawal.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner thanked citizens on behalf of the Planning Division, Development Management Department, staff, and the Planning Commission for participation in the Community Conversations on the Comprehensive Plan.

Mr. Wanner recommended the Board go into Closed Session to consider the acquisition of a parcel of property for greenspace or greenways, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, following which the Board should adjourn until 4 p.m. on March 25.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy responded to Mr. Oyer's comments by stating that the tax on cell phones is revenue neutral, that the County's financial outlook on all levels is improving, and that the County took an opportunity to **refinance** twice for lower interest rates.

Mr. Kennedy requested the Board consider, at the next Board meeting, a policy to extend benefits to employees called to active military duty by continuing medical benefits to the employee and family members, continuing leave accrual rates for the employee, and compensating the employee the difference between military pay and County pay if the employee's military pay is less than County pay.

Mr. Harrison requested that Carol **Luckam**, Director of Human Resources, advise the Board of the current policy for active-duty employees.

Ms. **Luckam** stated that health benefits are extended to the employee and family members during employee's status as active duty; that currently seven employees have been called to active duty and approximately **fifteen** total could be called to active duty; that of the **fifteen that** could be called to active duty, the fiscal impact of compensating employees for the difference in pay may range from about \$5,000 to \$20,000 for twelve months; and that staff can bring forward a policy to the Board on March 25 regarding active-duty benefits.

The Board and staff held a discussion regarding the military's benefits for active-duty personnel and the County's benefits to employees on active duty; keeping employees informed of County activities; and providing County benefit options to active-duty employees based on qualifications.

Mr. **McGlennon** stated that he attended the ceremony on Saturday, March 8, that recognized the St. Thomas Hundred and St. George's Hundred homeowners associations with a commemorative neighborhood sign along with the special designation of being an official PRIDE community for efforts taken to improve the BMP (Best Management Practice) pond.

Mr. **McGlennon** commended Lisa Meddin and Development Management for a new interactive web site project designed to make it easy for interested residents to check on the "health" of hundreds of BMPs **throughout** the County.

Mr. Brown commended the Environmental Division for its inspection process of BMPs, and commended citizens and Homeowner Associations for the overall quality of BMPs in the County.

## **K. CLOSED SESSION**

Mr. **McGlennon** made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the acquisition of a parcel of property for public use, specifically greenways or greenspace.

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

Mr. Harrison adjourned the Board into Closed Session at 7:49 p.m.

Mr. Harrison reconvened the Board into Open Session at 7:52 p.m.

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

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

RESOLUTIONCERTIFICATION OF CLOSED MEETING

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

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

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

**L. ADJOURNMENT**

Mr. **McGlennon** made a motion to adjourn until March 25, 2003

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

At 7:53 p.m., Mr. Harrison adjourned the Board until 4 p.m. on March 25, 2003



**Sanford B. Wanner**  
Clerk to the Board

## LAW ENFORCEMENT MUTUAL AID AGREEMENT

THIS AGREEMENT, made this 18<sup>th</sup> day of March, 2003 by and between the COUNTY OF NEW KENT, a county of the Commonwealth of Virginia, hereinafter sometimes referred to as "New Kent" and the COUNTY OF JAMES CITY, a county of the Commonwealth of Virginia, hereinafter, sometimes referred to as "James City".

WHEREAS, Virginia law authorizes local governments to enter into reciprocal agreements for cooperation in the furnishing of law enforcement services; and

WHEREAS, the two local governments have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to both NEW KENT and JAMES CITY, to enter into an agreement concerning mutual aid with regard to law enforcement; and

**WHEREAS**, the parties desire that the terms and conditions of any such Law Enforcement Mutual Aid Agreement be established; NOW THEREFORE,

WITNESSETH:

That for and in consideration of the mutual benefits to be derived by **NEW KENT** and **JAMES CITY** from this Law Enforcement Mutual Aid Agreement, NEW KENT and JAMES CITY hereby covenant and agree, each with the other, as follows:

1. The counties of NEW KENT and JAMES CITY will endeavor to provide law enforcement support to the jurisdictions, which are parties to this Agreement within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement

support when the law enforcement personnel of the jurisdiction to whom the request is made are in the opinion of the requested jurisdiction, needed or are being used within the boundaries of that jurisdiction to continue to provide law enforcement support in another jurisdiction when its law enforcement personnel or equipment, in the opinion of the requested jurisdiction, are needed for other duties within the boundaries of its jurisdiction.

3. No party to this Agreement shall be liable to any other party hereto for any loss, damage, personal injury or death to law enforcement personnel or equipment resulting from the performance of this Agreement, whether such occur within or without the jurisdictional boundaries of the respective parties hereto.
4. There shall be no liability to any of the parties hereto for reimbursement for injuries to law enforcement, equipment or **personnel** occasioned by a response or law enforcement action, or for injuries to such equipment or personnel incurred when going to or returning from another jurisdiction. Neither shall the parties be liable to each other for any other costs associated with or arising out of the rendering of assistance pursuant to this Agreement.
5. Request for assistance pursuant to the terms and conditions of this Agreement shall be made by the Sheriff of NEW KENT, or his designee; to an officer having the rank of Chief of Police, or his designee; or the County Administrator of NEW KENT or County Administrator or Manager of JAMES CITY.
6. The requesting jurisdiction shall be responsible for establishing a radio communication system for use by the requested jurisdiction. Each jurisdiction shall create and maintain a mutual aid implementation plan as part of their communications standard operation procedure manual. In the event of plan implementation, the exchanging of portable radio units between the requesting

and responding agencies, in an effort to allow direct communications between the jurisdictions, shall constitute fulfillment of this requirement.

7. The personnel of the requested jurisdiction shall render such assistance under the direction of the Sheriff of NEW KENT, or the Chief of Police of JAMES CITY, as the case may be, designated by the requesting jurisdiction; provided, however, that the ultimate control of the personnel of any party rendering assistance shall rest with the officers or supervisors of such personnel.
8. The **services** performed and expenditures made under this Agreement shall be deemed for public and governmental purposes and all immunities from liability enjoyed by the local government within its boundaries shall extend to its participation in rendering assistance outside its boundaries. It is understood that for the purpose of this Agreement, the responding party is rendering aid once it has entered the jurisdiction boundaries of the party receiving assistance.
9. All pension, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said employees shall extend to the services they perform under this Agreement outside their respective jurisdictions.
10. All deputies, police officers, law enforcement agents, and other employees of the parties to this agreement shall have the same powers, rights, benefits, privileges, and immunities in every jurisdiction subscribing to this Agreement, including the authority to make arrests in **every** such jurisdiction subscribing to this Agreement.
11. The parties of this Agreement recognize that they are each fully capable of independently providing services to adequately serve their respective political subdivisions. The governing bodies of the parties to this Agreement each agree that this Agreement shall neither be used against the counties or cities in any future annexation proceedings. This cooperative Agreement is entered into in

furtherance of the policies set forth in VA. CODE ANN. § 15.2-1726 and 15.2-1730.1 and shall be without prejudice to the counties.

12. Law enforcement support provided by the County of New Kent pursuant to this Agreement shall include, but not be limited to the following resources:

**Manpower Support** – to include uniformed deputies, canine officer with a patrol and narcotic detecting canine, and plainclothes officers;

**Forensic Support** – to include one Crime Scene Unit with equipment;

**Marine Support** – to include one law enforcement watercraft;

**Communications Support** – mobile and other radio equipment equipped with SIRS, the main operating frequencies and other frequencies utilized by and available to NKSO;

And any other related law enforcement equipment.

Law enforcement support provided by James City County pursuant to this Agreement shall include, but not be limited to, the following resources:

**Manpower Support** – to include uniformed, plainclothes officers, & tactical team.

**Forensic Support** – to include one Crime Scene Unit with equipment;

**Communications Support** – mobile and other radio equipment equipped with JCCPD main operating frequencies, and other frequencies utilized by and available to JCCPD;

And any other related law enforcement equipment.

13. Subject to the terms of this Agreement, NEW KENT and JAMES CITY agree to provide assistance to the requesting jurisdiction in situations requiring the mass processing of arrestees, and transportation of arrestees.

14. **Officers** responding to this Agreement shall be granted authority to enforce the

laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with VA. CODE ANN. §§ 15.2-1724, 15.2-1726, 15.2-1727, 15.2-1730 and 15.2-1730.1.

- 14.1 It is specifically agreed that the Sheriff and his deputies of New Kent and the Chief and his officers of James City shall have full **arrest** powers in both counties.
15. This Agreement repeals and supersedes all previous written agreements or oral understandings relating to the provision of mutual aid of law enforcement services. With the exception of those portions of other agreements and documents referred to herein, this Agreement represents the sole document regulating the provision of mutual law enforcement services.
16. This Agreement may be terminated at any time by any party giving thirty (30) days written notice to that effect to the other parties hereto.

COUNTY OF NEW KENT

By: James L. Howard, 2nd  
Sheriff, County of New Kent

Date: 3-19-, 2003

Subscribed and Sworn to before me,  
John Joseph McLaughlin

A Notary Public for the Commonwealth of Virginia on this  
17 Day of MARCH, 2003

My Commission Expires: 7-31-06

Approved As To Form:  
[Signature]  
Attorney for the County of New Kent  
Date: 3/24/03, 2003

By: [Signature]  
Administrator of County of New Kent  
Date: 3-25-, 2003

COUNTY OF JAMES CITY

By: David D. Reynolds  
Chief of Police, County of James City

Date: 3/18, 2003

Subscribed and Sworn to before me,  
Jennifer A. Barker

A Notary Public for the Commonwealth of Virginia on this  
18<sup>th</sup> Day of March, 2003

My Commission Expires: January 31, 2006

Approved As To Form  
[Signature]  
County or Commonwealth Attorney  
Date: March 18, 2003

By: [Signature]  
County Administrator or Manager  
Date: 3/18, 2003

County of New Kent  
Commonwealth of Virginia

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I certify this to be a complete, full, and exact reproduction of the original document. Certified this 31th day of March, 2003.

My Commission expires: 9/30/05 [Signature]

In the County of James City

By resolution of the governing body adopted March 11, 2003

The following Form SR-SA 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): [Signature]

Report of Changes in the Secondary System of State Highways

Form SR-5A Secondary Roads Division 511199

Project/Subdivision

Eagle Way

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

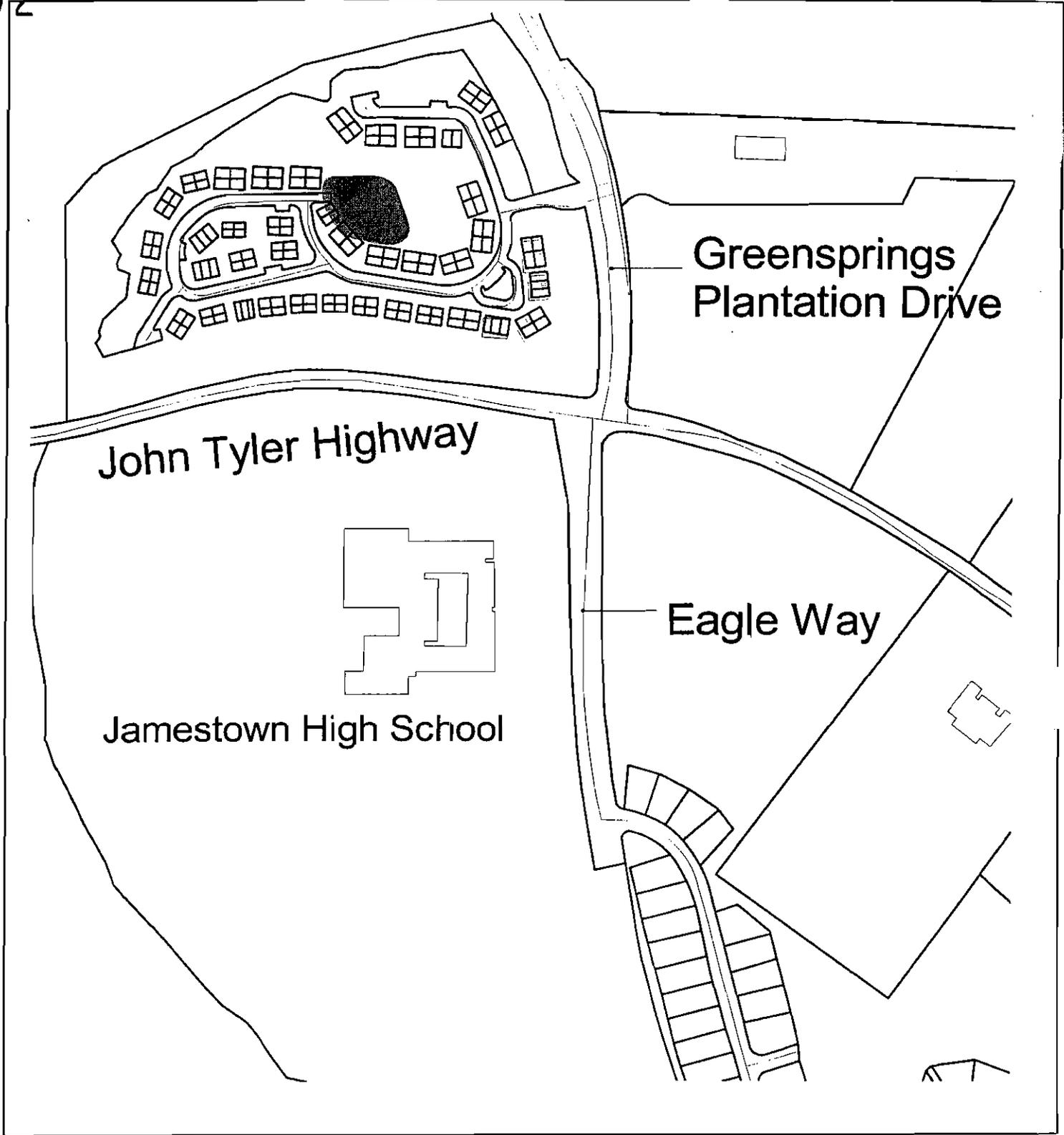
Eagle Way, State Route Number 1190

Description: From: Rt 5, John Tyler Highway
To: Reades Way
A distance of: 0.21 miles.

Right of Way Record: Filed with the Land Records Office on 0512312002. Plat Book 86. Page 29, with a width of 90'

Description: From: Reades Way
To: T-turn Around
A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 05/23/2002, Plat Book 86, Page 29. with a width of 90'



# DEDICATION OF EAGLE WAY

□ Street Being Dedicated

300 0 300 600 Feet



## In the County of James City

By resolution of the governing body adopted March 11, 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**

**Stonehouse Commerce Park**

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**

**John Deere Road, State Route Number 1047**

Description: From Rt 1046, Westmont Drive

To End of **cul-de-sac**

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Rewrds Office on **02/26/1998**, Plat Book **68**, Pg **60-61**, with a width of 60'

**La Grange Parkway, State Route Number 1045**

Description: From: Rt 30, **Barhamsville** Road

To **Rt 1046**, Westmont Drive

A distance of: 0.15 miles.

**Right** of Way Record: Filed with the Land Records Office on **10/12/1995**, Plat Book 62, Pg 94-96, with a width of 100'

Description: From: Rt 1046, Westmont Drive

To Second median

A distance of: 0.15 miles.

Right of Way **Record**: Filed with the Land Rewrds Office on **10/12/1995**, Plat Book **62**, Pg 94-96, with a width of 100'

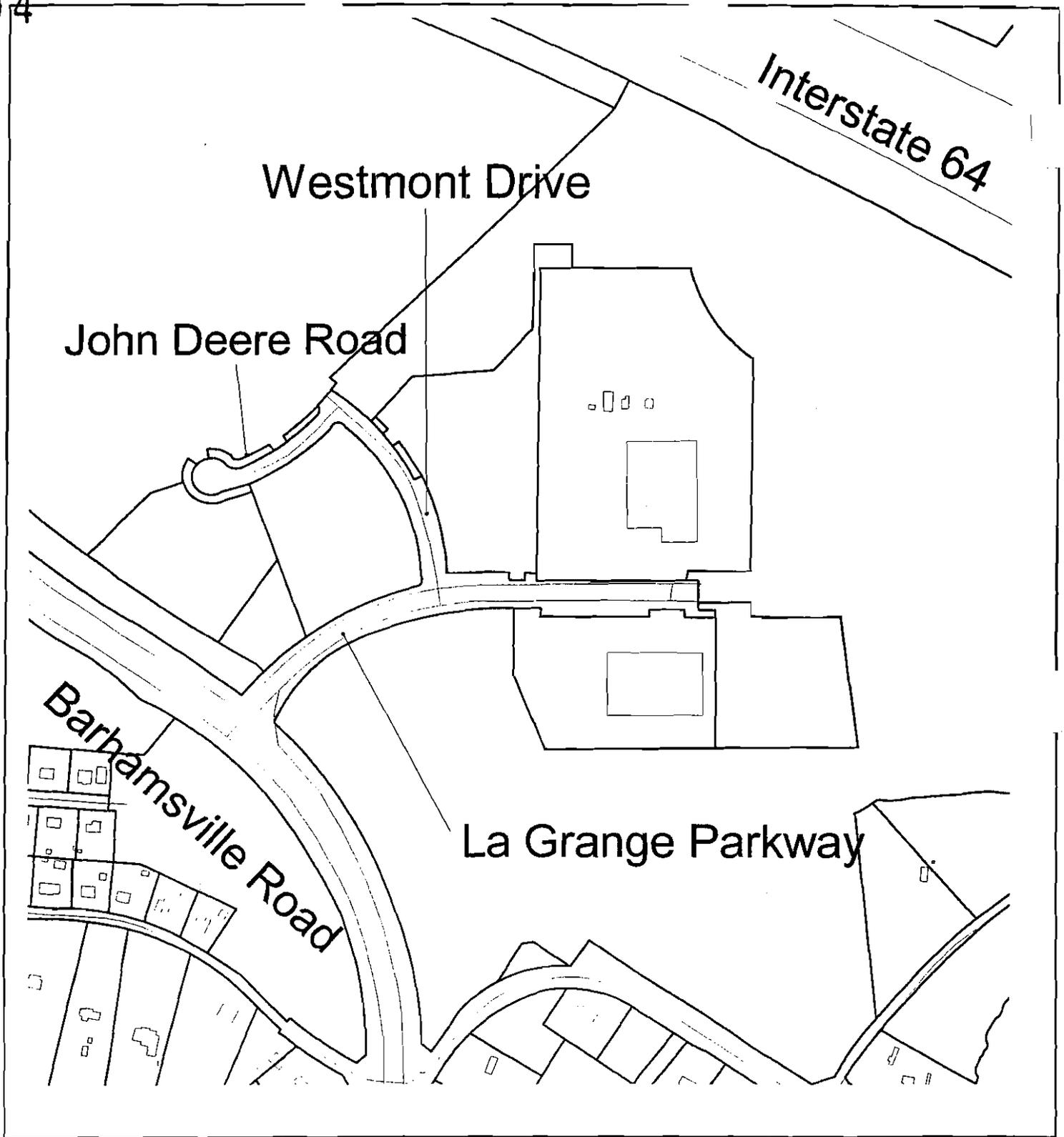
**Westmont Drive, State Route Number 1046**

Description: From: Rt 1045, La Grange Parkway

To **Terminus**

A distance of: 0.14 miles.

Right of Way **Record**: Filed with the Land Records Office on **02/26/1998**, Plat Book 68, Pg **60-61**, with a width of 60'



# DEDICATION OF STREETS IN STONEHOUSE COMMERCE PARK



Street Being  
Dedicated

300 0 300 600 Feet



MAR 11 2003

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAORDINANCE NO 31A-211

AN ORDINANCE TO AMEND AND **REORDAIN** CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DMSION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-253, USES **PERMITTED** BY SPECIAL USE PERMIT ONLY, DMSION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5, SECTION 24-306, USES **PERMITTED** BY SPECIAL USE PERMIT ONLY

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and **reordained** by amending Article V, Districts, Division 4, General Residential District, R-2, Section 24-253, Uses permitted by special use permit only; and Division 6, Multifamily Residential District, R-5, Section 24-306, Uses permitted by special use permit only.

Chapter 24. Zoning

Article V. Districts

Division 4. General Residential District, R-2

**Sec. 24-253.** Uses permitted by special **use permit** only.

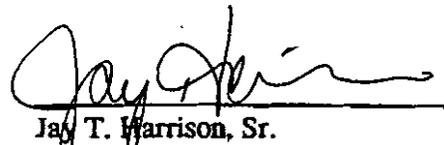
In the General Residential District, R-2, **buildings** to be erected or land to be used for the following or similar uses shall be **permitted** only **after** issuance of a special use permit by the board of supervisors:

*Five to eight-family dwellings contained within a residential cluster development with a maximum gross density of more than one unit per acre in accordance with article VI, division 1 of this chapter provided that the overall density does not exceed the permrfteddenszty in the previously approved master plan or the James City County Comprehensive Plan.*

Sec. 24-306. Uses permitted by special use permit only.

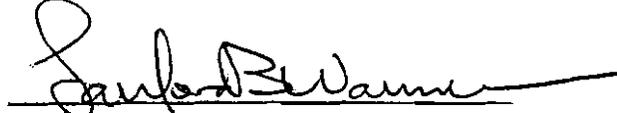
In the Multifamily Residential District, R-5, buildings to be erected on land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

~~Five to eight family dwellings contained within a residential cluster development provided that the overall density does not exceed the permitted density in the previously approved master plan of the James City County Comprehensive Plan.~~



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

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR                      VOTE

MCLENNON	AYE
BROWN	AYE
GOODSON	AYE
KENNEDY	AYE
HARRISON	AYE.

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March, 2003.

multifamily.ord