

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF DECEMBER, 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**

Carl Justin Stout, a Senior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

**D. RECOGNITIONS**

1. 2003 Chairman's Awards

Mr. Harrison presented the 2003 Chairman's Awards to the Five Forks Ruritans and the STRIVE Unit for outstanding public service to the County and its citizens.

2. Resolution of Appreciation – Crowder-Golf. Inc. and R. Baker. Inc.

Mr. Harrison and Mr. Kennedy, on behalf of the Board, presented Mr. Hugh Houlton, Crowder-Gulf, Inc., and Mr. Ralton Baker, R. Baker, Inc., with resolutions of appreciation for their outstanding service to the citizens through the picking up and processing of storm debris after Hurricane Isabel.

3. Volunteer Recognition – Second Quarter. FY04

Mr. Harrison and Mr. McGlennon, on behalf of the Board, presented Steve and Pam Massie with a token of appreciation for their assistance to the citizens during Hurricane Isabel.

4. Staff Recognition – Hurricane Isabel

Mr. Harrison and members of the Board recognized each department and staff members for the service provided to the community before, during, and in the aftermath of Hurricane Isabel.

**E. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, thanked Mr. Kennedy for his service to the County as the Stonehouse District representative, commented on the proposed third high school referendum, commented on the funding set aside for the Freedom Park, the low volume of visitors to the Skate Park, recommended a front- and side-setback requirements for dwellings, commented that availability of groundwater is still a problem, and commented on campaign contributions.

**F. CONSENT CALENDAR**

Mr. Kennedy made a motion to adopt the items on the Consent Calendar including the amended minutes for the November 25, 2003, Regular Meeting.

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

1. Minutes –
  - a. November 12, 2003, Regular Meeting
  - b. November 25, 2003, Work Session
  - c. November 25, 2003, Regular Meeting
2. Appropriation of Funds – COPS Homeland Security Overtime Grant

**RESOLUTION**

**APPROPRIATION OF FUNDS – COPS HOMELAND SECURITY OVERTIME GRANT**

WHEREAS, James City County has received a Homeland Security Overtime Grant from the United States Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$36,173; and

WHEREAS, the grant will allow for officers to receive valuable homeland security training and to conduct homeland security assessments and directed patrols; and

WHEREAS, local matching funds of \$12,057 are required to implement the grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

COPS Homeland Security Overtime Grant	\$36,173
JCC Police Department Budget	<u>12,057</u>
	<u>\$48,230</u>

Expenditure:

COPS Homeland Security Overtime Grant	<u>\$48,230</u>
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3. Appointment of Deputy Animal Control Officers

R E S O L U T I O N

APPOINTMENT OF DEPUTY ANIMAL CONTROL OFFICERS

WHEREAS, the Board of Supervisors of James City County is authorized, pursuant to Virginia Code Section 3.1-796.104, to appoint an Animal Control Officer and one or more Deputy Animal Control Officers to enforce the animal laws; and

WHEREAS, Shirley Anderson was appointed Animal Control Officer on January 8, 2002; and

WHEREAS, Brigette Michelle Dugan and Kimberly Ann MacLean assist Officer Anderson in enforcing the animal control laws in James City County and the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoint Brigette Michelle Dugan and Kimberly Ann MacLean as Deputy Animal Control Officers for James City County, Virginia.

4. Resolution of Recognition – Crowder-Gulf, Inc. and R. Baker, Inc.

RESOLUTION OF APPRECIATION

CROWDER-GULF, INC. AND R. BAKER, INC.

WHEREAS, on September 18, 2003, Hurricane Isabel struck James City County, causing massive damage to the community; and

WHEREAS, the entire community suffered damage to trees, structures, and other vegetation that caused debris to fall on public property, roads, and private property; and

WHEREAS, Crowder-Gulf, Inc. and R. Baker, Inc. were contracted by James City County and the Virginia Peninsulas Public Service Authority to collect, process, and dispose of all debris located along roads in residential neighborhoods; and

WHEREAS, since September 24. Crowder-Gulf, Inc. and R. Baker, Inc. have worked with County staff, seven days a week, from dawn to dusk, picking up and processing storm debris, now estimated to be over 500,000 cubic yards, and have done so in an efficient and effective manner; and

WHEREAS, despite spending months away from families and home, the staff of Crowder-Gulf, Inc. and R. Baker, Inc. have conducted these operations in a responsive, professional, and effective manner, while maintaining a remarkably friendly and cooperative demeanor.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks the staff of Crowder-Gulf, Inc. and R. Baker, Inc. for outstanding service to the citizens of James City County.

BE IT FURTHER RESOLVED that this resolution be presented to Mr. Hugh Houlton and Mr. Ralton Baker as the local representatives of the companies to recognize their particular role in making this effort a success.

#### **G. PUBLIC HEARING**

##### **1. Approving Voluntary Ameenent to Change or Establish Common Boundary Line between the County of York, Virginia, and the County of James City, Virginia**

Mr. Leo P. Rogers, Deputy County Attorney, recommended the Board approve a resolution authorizing the County Administrator to execute an agreement to prospectively establish the common boundary line between York and James City near Newman Road and Skimino Creek, specifically the existing centerline for Skimino Creek.

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.

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

### **RESOLUTION**

#### **APPROVING A VOLUNTARY AGREEMENT**

#### **TO CHANGE OR ESTABLISH COMMON BOUNDARY LINE**

#### **BETWEEN THE COUNTY OF YORK, VIRGINIA,**

#### **AND THE COUNTY OF JAMES CITY, VIRGINIA**

WHEREAS, there exists uncertainty about the location of the common boundary line between the County of York ("York") and the County of James City ("James City") in the vicinity of Newman Road and Skimino Creek; and

WHEREAS, York and James City have historically considered the common boundary line between the jurisdiction to be the existing centerline of Skimino Creek as it now exists; and

WHEREAS, the centerline for Skimino Creek may have moved from the time the common boundary line was established: and

WHEREAS, following a public hearing, the Board of Supervisors of James City County is of the opinion that the public interest will be served by establishing prospectively the common boundary line between York and James City as being the existing centerline of Skimino Creek as shown on a plat of survey entitled "Plat Showing Existing Skimino Creek Centerline Prepared for York County and James City County" dated February 14, 2003, and prepared by AES Consulting Engineers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Virginia Code Sections 15.2-3100 et. seq., authorizes and directs the County Administrator to execute the Voluntary Agreement to Change or Establish Common Boundary Line and such other documents as may be necessary to effectuate the purposes of the Agreement and this Resolution.

#### **H. BOARD CONSIDERATION**

##### 1. Acquisition of 96.658 +/- acres for Landfill Buffer

Mr. Leo P. Rogers, Deputy County Attorney, requested the Board's approval of a resolution authorizing the County Administrator to execute an Agreement in Lieu of Condemnation with Gray Associates and VMI Foundation, Inc., for the easement over 96.658 acres adjacent to the County Landfill. The Agreement establishes a process by which the County will receive title to the property and dispose of the escrow funds.

The Board and staff discussed the terms of the escrow fund.

Mr. Kennedy 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**

#### **ACQUISITION OF 96.658± ACRES FOR LANDFILL BUFFER**

WHEREAS, the County is interested in acquiring 96.658± acres of land designated as a portion of Parcel No. (1-2) on James City County Real Estate Tax Map No. (30-3), (the "Property"), owned by Gray Associates, a Virginia general partnership, and VMI Foundation, Incorporated, a Virginia nonprofit corporation ("Owners"); and

WHEREAS, the County and the Owners have agreed to a purchase price of \$2,500 per acre; and

WHEREAS, the Owners are willing to convey an easement to the County and enter into a contract to sell the Property to the County in exchange for the County escrowing the purchase price so that the Owners would receive the escrowed funds plus interest if the density and open space credits are not used by the Owners prior to March 1, 2021, otherwise the County would receive the escrowed funds plus interest; and

WHEREAS, the Property would serve to buffer the County Landfill which was closed in 1993

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the Agreement in Lieu of Condemnation with the Owners of the Property, to establish an escrow account in the amount of \$244,141.84 and to execute such other documents as may be necessary to effectuate the Agreement

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

1. Mr. Ed Oyer, 139 Indian Circle, wished the Board happy holidays.

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

Mr. Wanner, on behalf of staff, thanked the Board for the recognition of County employees' service to the community in response to Hurricane Isabel.

Mr. Wanner, on behalf of staff, thanked the Board for the additional Christmas and New Year's holidays.

Mr. Wanner recommended that at the end of the Board's meeting, the Board recess to 4 p.m. on January 5, 2004.

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

Mr. McGlennon requested that a resolution be drafted for the Board's consideration regarding the Hampton Roads Clean City Coalition's efforts to increase use of alternative fuel vehicles.

The Board thanked Mr. Kennedy for his service to the County as the Stonehouse District representative over the past four years and thanked Mr. Harrison for being the Chairman in 2003.

Mr. Kennedy thanked the citizens for the opportunity to serve the County and provided an overview of the Board's accomplishments during the past four years.

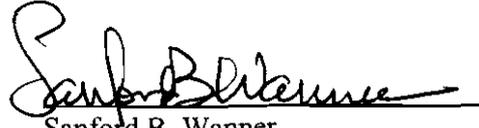
Mr. Harrison thanked staff and the Board for supporting him as the Chairman in 2003, recommended the Council of Chairs continue into 2004, and wished everyone a happy holiday.

#### **L. RECESS**

Mr. Kennedy made a motion to recess until 4 p.m. on January 5, 2004.

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

At 8:03 p.m. Mr. Harrison recessed the Board until 4 p.m. on January 5, 2004

A handwritten signature in black ink, appearing to read "Sanford B. Wanner", written over a horizontal line.

Sanford B. Wanner  
Clerk to the Board

121603bs.min

VOLUNTARY AGREEMENT TO CHANGE OR ESTABLISH A COMMON  
BOUNDARY LINE BETWEEN THE COUNTY OF YORK, VIRGINIA, AND  
THE COUNTY OF JAMES CITY, VIRGINIA

THIS VOLUNTARY AGREEMENT TO CHANGE OR ESTABLISH A COMMON BOUNDARY LINE is made as of the 16th day of December, 2003, by and between the COUNTY OF YORK, VIRGINIA ("York"), and THE COUNTY OF JAMES CITY, VIRGINIA ("James City"), pursuant to § 15.2-3106, *et seq.* of the Code of Virginia (1950, as amended) for the relocation **and/or** establishment of a portion of the common boundary line between the two jurisdictions.

WHEREAS, York and James City have determined that there exists a need to clarify for the public the boundary line between the two jurisdictions along a portion of present-day **Skimino** Creek, and that the public interest would be served by a voluntary establishment of the common boundary line whereby the boundary line between the two jurisdictions is the center line of a portion of the present course of **Skimino** Creek.

NOW, THEREFORE, be it hereby resolved by York and James City, each by virtue of the actions of their respective governing bodies, that the boundary line between York and James City in the area of **Newman** Road and **Skimino** Creek is as follows:

1. Relocation of Boundary Line: York and James City agree that the common boundary line between the two jurisdictions shall be modified **and/or** established as shown on a plat attached hereto as Exhibit A and entitled "Plat

Showing Existing **Skimino** Creek Centerline Prepared for County of York and James City County," dated February 14,2003, consisting of a single sheet.

2. Public Utilities: York and James City acknowledge that, to the best of their knowledge, there exist no public utilities or other improvements belonging to either of them located within any of the areas effected by this Agreement.

3. Good Faith: Each party hereto agrees to make a good faith effort to effectuate the intent of this Voluntary Agreement and to execute and deliver to the other such documents or other instruments as may appear appropriate or desirable to clarify or carry out the provisions hereof.

4. Petition to Circuit Court: York and James City agree jointly to petition either the Circuit Court for York County or James City County ("the Court") as required by § 15.2-3108 of the Code of Virginia to obtain affirmation of this Voluntary Agreement.

5. Action by Court: York and James City agree that if the Court does not affirm this Voluntary Agreement without modification, this Voluntary Agreement shall immediately terminate. However, the parties may waive termination by mutually agreeing to the recommended modifications.

6. Voting Rights Act Preclearance: York and James City agree to comply with the provisions of the Voting Rights Act of 1965 with respect to the necessary pre-clearance by the United States Department of Justice. Submission of an application for approval with the Justice Department shall be made no later than

fifteen (15) days after the date of execution of this Voluntary Agreement and shall be expeditiously pursued by both York and James City.

7. Effective Date: This Voluntary Agreement shall become effective as of the date of approval by the Court.

8. Binding Effect: This Voluntary Agreement when affirmed by the Court shall be binding: (i) upon York and James City, (ii) upon the future governing bodies of York and Jams City, (iii) upon their assigns and, upon any successors of the York **and/or** James City, and (iv) have full force and effect, all as provided pursuant to Chapter 30 of Title 15.2 of the Code of Virginia.

9. No Actions in Derogation of Agreement: Neither party will move to vacate, suspend or modify, or will appeal any order of the Court approving this Agreement.

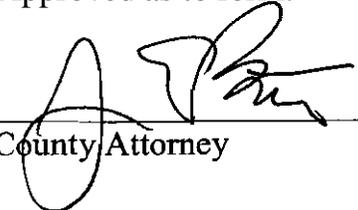
10. Effect on Existing Agreements: York and James City agree that this Voluntary Agreement shall not be construed as amending or revoking any other agreements which may exist between York and James City, including without limitation, agreements for the provision of water or other utilities, or for mutual aid for law enforcement, emergency medical services or fire suppression, and that all such agreements shall remain in full force and effect in accordance with their tenns.

11. Prospective Application Only: This Voluntary Agreement shall operate prospectively only.

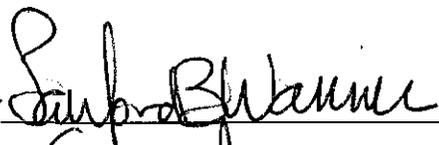
COUNTY OF YORK, VIRGINIA

By  (SEAL)  
Title County Administrator

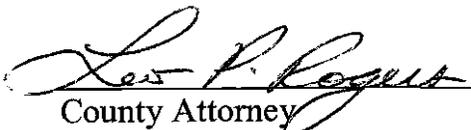
Approved as to form:

  
County Attorney

COUNTY OF JAMES CITY, VIRGINIA

By  (SEAL)  
Title COUNTY ADMINISTRATOR

Approved as to form:

  
County Attorney