

RESOLUTION

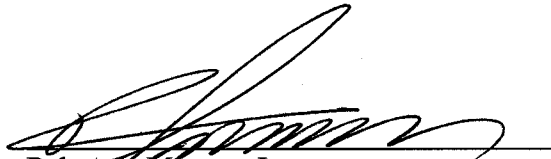
GROVE HOUSING SITE DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

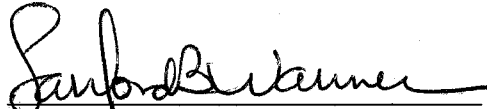
- WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and
- WHEREAS, two public hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and
- WHEREAS, James City County wishes to apply for \$500,000 in VCDBG funds to be used in undertaking the Grove Housing Site Development Project; and
- WHEREAS, \$674,000 in local funds are allocated to the project and will be expended on this project; and
- WHEREAS, the project is anticipated to benefit 60 households of which 42 will be low- and moderate-income households by providing sites for affordable housing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

BE IT FURTHER RESOLVED that the County Administrator be authorized to accept a grant award for the Grove Housing Site.


Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March, 1997.

RESOLUTION

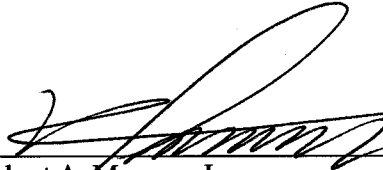
CASE NO. SUP-33-96. SHARON DENNIS DAY CARE CENTER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County Planning Commission following its public hearing on February 3, 1997, vote 7-0 to approve SUP-33-96 to permit the operation of a child day care center.


NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does permit the issuance of SUP-33-96 as described herein with the conditions listed below:

1. The proposed use shall have no more than thirty children at this facility at any one time. Additional children above the number of 30 will require an additional special use permit. Any physical expansion of the proposed facility will require an additional site plan amendment to SP-93-94.
2. The proposed use shall take occupancy of the facility within one year of the date of issuance of the special use permit or the special use permit shall become void.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March, 1997.

SUP-33-96.res

RESOLUTION

CASE NO. SUP-19-96. VIRGINIA METRONET/360° COMMUNICATIONS

(CENTERVILLE ROAD)

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 Planning Commission following its public hearing on October 7, 1996, voted to recommend the Board defer the request until the completion of a revised ordinance or master plan for the placement of personal wireless communication facilities in the County; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 250-foot communications tower and related equipment at the Massie Mineral Reserve Recovery Area, on property further identified as Parcel No. (1-84) on James City County Real Estate Tax Map No. (31-1).

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-19-96 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least four (4) users and shall be certified to that effect by an engineering report prior to the site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval. Where the tower meets the structural criteria outlined above, the minimum side and rear yard setback may be consistent with the corresponding zoning district requirement. In the event the tower does not meet the above requirements, then the minimum setback requirement from the base of the tower to any property line shall be equal to one hundred and ten (110) percent of the height of the tower. Additionally, no tower shall be located closer than two hundred (200) feet from an existing residential structure, regardless of the district in which the structure is located. However, in no case, shall setbacks or tower design be such that a collapsed tower will fall outside a property line as documented in the aforementioned report and all setbacks shall be a minimum of 110 percent of the collapse radius documented in that report. The tower shall also be setback from any existing public or planned street right-of-way a minimum distance equal to one-half the height of the structure, including any accessory structures or attachments.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or serving the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.


4. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
5. Towers shall be located on the site in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of a sufficient depth to provide this buffer, an enhanced buffer shall be provided that is as wide as is practicable. A screening plan for the enhanced buffer shall be provided for approval by the Planning Director or his Designee.
6. The applicant shall allow other users to locate on the tower and site and shall provide the County upon request verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
7. The tower shall have a finish that is grey in color.
8. Maximum height of all towers shall not exceed 250 feet.
9. Lighting, beacons and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
10. No advertising material or signs shall be placed on the tower.
11. Prior to the installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by, the Planning Director or his designee, indicating that no interference with County operated emergency communications equipment will take place.
12. If the use of the tower or portions of the tower above the level of the uppermost equipment ceases and the tower or said portion remains unused as a wireless communication facility or unused as a facility that supports public safety antenna for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.

- 13. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
- 14. A Permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
- 15. The tower shall be freestanding and shall not use guylines for support.
- 16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single family residence and shall be approved by the Planning Director. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
- 17. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° Communications - Ford's Colony Site," dated June 7, 1996. Such lease area shall remain free of all structures until such time a second tower is constructed and the additional tower shall be subject to an administrative approval only.
- 18. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March, 1997.

sup19-96.res

RESOLUTION

PENINSULA PUBLIC SPORTS FACILITY AUTHORITY

WHEREAS, it is the intention of the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York to form the Peninsula Public Sports Facility Authority.

NOW, THEREFORE, BE IT RESOLVED by the Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Boards of Supervisors of the Counties of James City and York:

1. That the County of James City, Virginia, has found and determined and does hereby declare that the County together with the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the County of York desire to establish a public recreational facility authority pursuant to the provisions of the Virginia Public Recreational Facilities Authorities Act, being Chapter 29, Title 15.1, Code of Virginia, as amended, in the manner and for the purposes set forth therein.
2. That the articles of incorporation for the Peninsula Public Sports Facility Authority shall be as follows:

ARTICLES OF INCORPORATION OF PENINSULA PUBLIC SPORTS FACILITY AUTHORITY

The Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg, and the Boards of Supervisors of the Counties of James City and York, having signified their intention to create an authority pursuant to the Virginia Public Recreational Facilities Authorities Act, Chapter 29, Title 15.1, Code of Virginia, as amended (the Act), which shall be a public body politic incorporate, hereby certify:

- (a) The name of the authority shall be "Peninsula Public Sports Facility Authority" and the address of its principal office shall be c/o County Administrator, Post Office Box 532, 224 Ballard Street, Yorktown, Virginia 23690.
- (b) The names of the incorporating political subdivisions are the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York.
- (c) The powers of the authority shall be exercised by a board consisting of six (6) members, one from each of the incorporating political subdivisions. The names and addresses of the first members, the alternates, the names of the appointing political subdivisions, and the year of expiration of the terms of the first members are as follows:

- (d) The purposes for which the Authority are to be formed are to acquire, purchase, lease, construct, reconstruct, improve, extend, finance, operate and maintain projects, as the term is defined in the Act, and to exercise those powers given such an Authority by the Act.
- (e) Specific projects will be identified by the Authority and implemented through agreements with and among the member jurisdictions. Each member jurisdiction shall have the option of participating in a particular project of the Authority, as defined by § 15.1-1272(g) of the Code of Virginia, as amended, and only the jurisdictions participating in such project shall be obligated to fund it, and the non-participating jurisdictions shall not incur any financial obligation therefrom.
- (f) The Authority shall cause an annual audit of its books and records to be made by an independent certified public accountant at the end of each fiscal year and a certified copy thereof to be filed promptly with the governing body of each of the incorporating political subdivisions.
- (g) Unless the member jurisdictions agree otherwise, the general administrative costs of the Authority that are not allocated to specific projects shall be shared on a per capita basis; an annual minimum of \$0.05 per capita shall be contributed by each member jurisdiction. General administrative costs shall include general operating costs such as salaries, rent, automobiles, supplies, attorney's fees, audit and accounting costs and the cost of any general studies undertaken by the Authority.
- (h) This Authority is created under the Public Recreational Facilities Authorities Act, Chapter 29, Title 15.1, of the Code of Virginia.

IN WITNESS WHEREOF, the Councils of the Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Boards of Supervisors of the Counties of James City and York have caused these articles of incorporation to be executed on their behalf by their presiding officers and their seals to be affixed and attested by their Clerks, this ____ day of _____, 1997.

- 3. That in accordance with the requirements of § 15.1-1273 of the Code of Virginia, 1950, as amended, this resolution has been published in a newspaper of general circulation in the incorporating political subdivisions, and a duly constituted public hearing has been held thereon.
- 4. That this resolution shall take effect from the date of its adoption.

Public hearings on the adoption of the proposed resolution will be held by each of the respective jurisdictions at the times, dates and the locations stated below:

City of Hampton
Time: 7:30 p.m.
Date: March 12, 1997
Location: City Council Chambers
Hampton City Hall

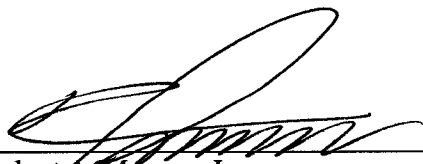
City of Newport News
Time: 7:30 p.m.
Date: March 11, 1997
Location: City Council Chambers,
Newport News City Hall

City of Poquoson
Time: 7:00 p.m.
Date: March 10, 1997
Location: Auditorium, Poquoson High School
51 Odd Street
Poquoson, Virginia

City of Williamsburg
Time: 2:00 p.m.
Date: March 13, 1997
Location: Council Chambers
Williamsburg/James City County Courthouse


County of James City
Time: 7:00 p.m.
Date: March 11, 1997
Location: James City County Supervisors Board Room
101-C Mounts Bay Road

County of York
Time: 7:00 p.m.
Date: March 5, 1997
Location: Courts and Board Room
District Courts Building
120 Alexander Hamilton Boulevard
Yorktown



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March,
1997.

RESOLUTION

1997 PRIMARY ROAD PRIORITIES

- WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County and the region; and
- WHEREAS, the James City County Comprehensive Plan and/or Regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and
- WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area; and
- WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed in 1979 and again in 1986, and the access point for the Grove Interchange on Interstate 64 was approved in 1979; and
- WHEREAS, the Commonwealth Transportation Board has included funding for the Grove Interchange in the Six-Year Improvement Program in recognition of the need for improved traffic circulation in the vicinity of Busch Gardens and the need to provide improved access to major developing industrial and commercial areas in James City County and Newport News; and
- WHEREAS, the adopted Comprehensive Plan of James City County designates new roadway construction bypassing hazardous portions of Pocahontas Trail (Route 60 East) and providing access to a major future industrial area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County.

- o funding for design and construction of **Route 60 Relocation**;
- o full funding for the widening of the **existing sections of Route 199 to four lanes** in those areas where only two lanes presently exist;
- o Commitment to sufficient funds for the design, construction, and **completion of Route 199** from Interstate 64 West to John Tyler Highway (Route 5) as a full four-lane facility over the next six-year period.
- o full funding for the design and construction of the **Grove Interchange** on Interstate 64 as programmed in the adopted in the Six-year Improvement Program;
- o funding for design and construction of **turn lanes** at six intersections as interim improvements to **Pocahontas Trail (Route 60 East)**.
- o construction of a left hand **turn lane on Route 5** at Greensprings Road.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of March,
1997.

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