

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 24, 2000

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

D. HIGHWAY MATTERS

E. CONSENT CALENDAR

1. Minutes
 - a. October 6, 2000, Joint Meeting, Board of Supervisors and the Planning Commission
 - b. October 10, 2000, Regular Meeting
2. Installation of "Watch for Children" Signs
 - a. Hickory Sign Post Road
 - b. Selby's Lane
 - c. Racefield Drive
3. Dedication of Streets
 - a. Longhill Station, Section 1A and 1B
 - b. Villages of Westminster, Phase I–Sections 1 & 2, Phase III
4. Colonial Community Corrections Position–Substance Abuse Specialist
5. Code Violation Lien, 205 Reflection Drive
6. Code Violation Lien, 710 Lee Drive
7. Mutual Aid Contract – Virginia Statewide Mutual Aid Program
8. The Easement and Maintenance Agreement for the Rolling Woods Detention Pond

F. PUBLIC HEARINGS

1. Electrical Utility Easement for Fire Station No. 5
2. Case No. SUP-21-00. King of Glory Lutheran Church
3. Case No. SUP-23-00. Barbour Family Subdivision
4. New Courthouse Ratification of Agreement

G. BOARD CONSIDERATION

1. Chesapeake Bay Preservation Ordinance Violation and County Property Damages

H. PUBLIC COMMENT

I. REPORTS OF THE COUNTY ADMINISTRATOR

J. BOARD REQUESTS AND DIRECTIVES

AT A JOINT MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, AND THE JAMES CITY COUNTY PLANNING COMMISSION, HELD ON THE 6TH DAY OF OCTOBER, 2000, AT 9:00 A.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District, absent
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

Mr. Goodson called the meeting to order.

Members of the Planning Staff gave a presentation of the current status of the Comprehensive Plan and the proposed methodologies for the future update of the Comprehensive Plan.

Ms. McKenna, Planning Commission member, discussed the highlights of the development of the 1997 Comprehensive Plan and commented that it is a good plan and was done as a unified effort of the Planning Commission, Public, and Board of Supervisors.

Mr. Goodson called a recess at 9:43 a.m. until 11:15 a.m., in order for Board members to attend the Eula Radcliffe Memorial Highway Dedication.

The Board of Supervisors and Planning Commission were called to order at 11:15 a.m.

Several issues were discussed concerning the current Comprehensive Plan. Members of the Board of Supervisors and the Planning Commission agreed that the Comprehensive Plan did not need any major revisions. Mr. Harrison stated that youth issues needed to be addressed during the update. Board, Planning Commission, and staff discussed the need for a comprehensive citizen survey prior to the update of the Comprehensive Plan.

Mr. Goodson, with the concurrence of the Board and Planning Commission, requested staff to research costs and time associated with a comprehensive citizen survey and to bring that information back to the Board in the near future.

The Board recessed at 12:26 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF OCTOBER, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Jonathan Surles, an 8th grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that he took the opportunity to visit the new Williamsburg-James City Courthouse and the York County's Courthouse, and stated that he thought the workmanship on the York County Courthouse was better.

D. CONSENT CALENDAR

Mr. Nervitt inquired if any board member wished to remove an item from the consent calendar.

Mr. Nervitt removed item number 2, Dedication of Streets in Springhill, Phases 1 and 2.

Mr. Harrison made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes

- a. September 12, 2000, Work Session
- b. September 26, 2000, Regular Meeting
- c. September 27, 2000, Work Session

3. New Position – Clerk of the Circuit Court

RESOLUTION

NEW POSITION - CLERK OF THE CIRCUIT COURT

WHEREAS, the Board of Supervisors of James City County has received approval by the State Compensation Board for an unbudgeted additional position in the office of the Clerk of the Circuit Court for the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the creation of a new full-time Deputy Clerk position in the Office of the Clerk of the Circuit Court and authorizes the following amendments to the FY 2001 Operating Budget:

Expenditures:

Office of the Clerk of the Circuit Court

Salaries, Full-time	\$15,300
Fringe Benefits	7,125
Received from the Commonwealth	(17,900)
Received from the City of Williamsburg	(905)
Operating Contingency	(3,620)

2. Dedication of Streets in Springhill, Phases 1 and 2

Mr. Nervitt requested information as to why the original dedication of streets resolution, adopted in July of 1999 was not adequate.

Mr. John Horne, Manager of Development Management, stated that during the time Board of Supervisors passed its resolution to when the final actions were to be taken by the Virginia Department of Transportation (VDOT), the roads deteriorated. The roads have been repaired and brought up to VDOT standards. VDOT has requested a new resolution dedicating these streets.

Mr. Nervitt inquired if there is a flaw in the approval process to accept roads prematurely.

Mr. Horne stated that there are checks in the system and it is VDOT's responsibility to inspect public roads. Staff does not bring a resolution to the Board until VDOT has certified that the road is ready to be taken into the State Secondary Road System.

Mr. Nervitt made a motion to adopt the resolution.

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

RESOLUTION

DEDICATION OF STREETS IN SPRINGHILL, PHASES 1 AND 2

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 has advised this Board 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 have 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, Code of Virginia, and the Department's Subdivision Street Requirements.

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

BE IT FURTHER RESOLVED, this Board hereby rescinds the resolution adopted July 13, 1999, requesting dedication of these same streets into the State system.

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

E. PUBLIC HEARINGS

1. Case No. SUP-22-00. Baker Family Manufactured Homes

Mr. John Rogerson, Planner, stated that Ms. Patricia Baker and Mr. John Ferguson had applied for a special use permit, SUP-22-00, Baker Family Manufactured Home. Mr. Rogerson stated that the applicant is requesting permission to replace a manufactured home with a new 2001 model, on .91 acres, zoned R-8, Rural Residential, located at 3191 Chickahominy Road, further identified as Parcel No. (1-64) on James City County Real Estate Tax Map No. (22-1).

Staff determined that while this application represents a continuation of a nonconforming use with respect to multiple dwellings on a single property, this replacement proposal is consistent with Section 24-634(d) of Article VII, Nonconformities, of the Zoning Ordinance.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

The Board and staff held a brief discussion concerning the acceptable standards by the State Health Department concerning the septic system and drainage on this site.

Mr. Nervitt opened the public hearing and, as no one wished to speak, closed the public hearing.

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-22-00. BAKER FAMILY MANUFACTURED HOME

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Patrice Baker

Real Estate Tax Map ID: (22-1)

Parcel No.: (1-64)

Address: 3191 Chickahominy Road

District: Stonehouse

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the 2001 Timberlake Series Model No. 4563-B doublewide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the special use permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The existing manufactured home shall be removed within thirty (30) days of placement of the new manufactured home.
 4. The existing vegetation between Chickahominy Road and the manufactured home shall remain undisturbed except for removal of windfalls and deadfalls, and any future utility connections as approved by the Director of Planning.

5. This special use permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. Z-7-99/SUP-24-99. Griesenauer Residential Cluster

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Joseph S. Terrell, Sr., on behalf of Mr. Paul Griesenauer, has requested a deferral of this case until October 24 in order to revise the voluntary proffers.

Staff concurs with this request.

The Board and staff held a brief discussion concerning the possible need for the Planning Commission to review the revised proffers; the Planning Commission's position on the case; the affordable housing as ; and traffic impacts.

Mr. Morton recommended the Board defer the case until the first meeting in November.

Mr. Nervitt requested that when this case comes back to the Board, the issue of how the Transportation Improvement District (TID) may be factored into this case be considered since the homeowners will directly benefit from the TID.

Mr. Nervitt opened the public hearing, and as no one wished to speak at this time, continued the public hearing until November 14, 2000.

3. Case No. SUP-19-00. Wellspring United Methodist Church

Mr. Christopher M. Johnson, stated that Mr. William F. Hinson, Jr., on behalf of Wellspring United Methodist Church Building Committee has applied for a special use permit, SUP-19-00, Wellspring United Methodist Church. Mr. Johnson stated that the owners wish to construct approximately 2,745 square feet of additions to the existing Wellspring United Methodist Church on six acres, zoned R-2, General Residential, located at 4781 Longhill Road, further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (32-4).

Staff found the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive plan.

The Planning Commission unanimously recommended approval of this application with conditions.

Staff recommended the Board approve the application with the conditions listed in the resolution.

Mr. Nervitt opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-19-00. WELLSRING UNITED METHODIST CHURCH

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, houses of worship are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 6, 2000, recommended approval of Case No. SUP-19-00 by a vote of 7 to 0 to permit the construction of approximately 3,745 square feet of additions to the existing Wellspring United Methodist Church located at 4871 Longhill Road and further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (32-4).

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-19-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty-six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, scale, and colors of the addition shall be compatible with that of the existing structure. The colors and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-18-00. A Little Space Day Care and Child Development Center

Mr. Benjamin A. Thompson, Planner, stated that the applicant has requested a deferral of this case until November 28 to settle issues with the property owner.

Staff concurs with this request.

Mr. Nervitt opened the public hearing, and as no one wished to speak at this time, continued the case until November 28, 2000.

5. Case No. SUP-8-00. Sanifill Borrow Pit
Case No. SUP-9-00. Branscome Enterprises, LLC, Borrow Pit

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Vernon Geddy, III, on behalf of Branscome Enterprises, LLC, and Sanifill of Virginia, Inc., applied for special use permits, SUP-8-00, Sanifill Borrow Pit, and SUP-9-00, Branscome Enterprises, LLC. Mr. Holt stated that the owners wish to continue the

operation of a borrow pit, on approximately 420 acres, zoned M-2, General Industrial, located approximately 1.2 miles southeast of the terminus of Blow Flat Road, further identified as Parcel Nos. (1-3) and (1-2) on James City County Real Estate Tax Map No. (60-3).

Staff found the proposal consistent with the Comprehensive Plan Land Use Designation and compatible with surrounding properties and zoning. The Planning Commission recommended approval of the applications by a vote of 5-1 with a five-year limitation on the permits.

Staff recommends approval of the special use permits with the conditions listed in the permits.

The Board and staff discussed the effect of timbering on the endangered species located on the property; the need for proper storm-water and erosion control to protect the endangered species; and prior permit violations.

Mr. Nervitt opened the public hearing.

1. Mr. Vernon Geddy, representing Branscome Enterprises, LLC, stated the site remains rural and is ideal for burrow operations, the land use is consistent with the Comprehensive Plan, the use of the land for industrial development after the burrow pits are closed is viable, this land use does not hinder development of adjacent property for industrial use, and requested the Board approve the SUP without a time limit.

The Board, staff, and Mr. Geddy discussed the lack of harm to the businesses with a time limitation on the SUP and use of clay from the burrow pits for off-site landfills.

2. Mr. Alvin Anderson, representing the Greenmount Associates, stated that the adjacent property owners are opposed to an open-ended time for the SUP due to increased commercial traffic as the business continues to grow, other types of companies would benefit the County greater, the burrow pit operations discourage industrial expansion in the vicinity, and developers would rather build on virgin land than over a site filled with broken concrete.

The Board and Mr. Anderson discussed the Greenmount Associates' opinions concerning the borrow pits including the access road to the borrow pits bisecting the Greenmount parcel, truck traffic through Greenmount, and the possibility of an alternate access road to the borrow pits.

3. Mr. Ed Oyer, 139 Indian Circle, stated that he was a member of the first citizen group to conduct the Skiff's Creek environmental impact study. Mr. Oyer stated that during the last SUP review there was concern about truck traffic rolling through stop signs, this seems to have stopped and he feels this is a responsible business.

Mr. Nervitt closed the public hearing.

Mr. McGlennon made a motion to approve the SUP with a five-year time limit.

The Board held a brief discussion on the time limit. Mr. Nervitt spoke in favor of a three-year limit.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy (4). NAY: Nervitt (1).

RESOLUTION

CASE NO. SUP-8-00. SANIFILL BORROW PIT

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 applicant has requested to amend existing Special Use Permit SUP-31-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-3) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-8-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").

5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.
6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.

11. Only “inert material” shall be used as fill during the reclamation of the property. For the purposes of this special use permit, “inert material” shall be defined as “clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe.” Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.
12. No land disturbing shall occur within the “Environmentally Sensitive Area,” as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the “Environmentally Sensitive Area”).
13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
 - A. The extent, and depth, of the area mined over the previous calendar year.
 - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
 - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder’s-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
 - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
 - E. A certification as to the amount of disturbed acreage on site.
 - F. A certification that all fill used after the date of issuance of this permit is “inert material,” as defined above.
 - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

RESOLUTION

CASE NO. SUP-9-00. BRANSCOME ENTERPRISES, LLC, BORROW PIT

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 applicant has requested to amend existing Special Use Permit SUP-30-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-2) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.
6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and

titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").

8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.
11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe." Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.
12. No land disturbing shall occur within the "Environmentally Sensitive Area," as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the "Environmentally Sensitive Area").

13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
 - A. The extent, and depth, of the area mined over the previous calendar year.
 - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
 - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder's-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
 - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
 - E. A certification as to the amount of disturbed acreage on site.
 - F. A certification that all fill used after the date of issuance of this permit is "inert material," as defined above.
 - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

6. Olde Towne Medical Center Lease

Mr. Doug Powell, Assistant Community Services Manager, stated that County will provide approximately 6,245 square feet of space in the Human Services Building to the Williamsburg Area Medical Assistance Corporation ("WAMAC") under the terms of a five-year lease. The annual rent is \$52,000 for the first year and increases at the rate of four percent each year of the lease term.

Mr. Kennedy stated that he would like to review options for reducing or eliminating WAMAC rent and would like to see the City of Williamsburg and York County support more of the funding for WAMAC.

Mr. McGlennon inquired about the general adequacy of the facility for WAMAC, and the breakout of client services and funding.

Ms. Judy Knudson, WAMAC Executive Director, stated that they have an average of 1,200 visits per month and the facility is adequate to meet these needs. The three jurisdictions provide 30 percent of the funding, patients provide 19 percent, and the remainder of the funding is from the State and community. James City County clients to WAMAC makes up 56 percent of the total client services, the City of Williamsburg makes up 20 percent and York 15 percent.

Mr. Nervitt opened the public hearing and as no one wished to speak, closed the public hearing.

Mr. McGlennon made a motion to adopt the resolution authorizing the County Administrator to execute the lease agreement.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: Kennedy (1).

RESOLUTION

OLDE TOWNE MEDICAL CENTER LEASE

WHEREAS, the Olde Towne Medical Center is providing primary and preventative health care to residents of James City County; and

WHEREAS, the lease of a portion of the Human Services Building will assist the Olde Towne Medical Center in providing medical care to James City County residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Sanford B. Wanner, County Administrator, is authorized and directed to execute the lease between James City County and the Williamsburg Area Medical Assistance Corporation for the operation of the Olde Towne Medical Center.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that a pharmaceutical company had turned down the Greenount site because it has special water needs. Although Greenmount is an important industrial site, there are other sites with water and sewer infrastructure that would be more appealing to industry.

G. REPORTS OF THE COUNTY ADMINISTRATOR

1. Mainland Farm

Mr. Wanner introduced John Horne, Manager of Development Management, to give a report on the status of the Mainland Farm negotiations.

Mr. Horne stated that there are three County objectives associated with Mainland Farm: 1) permanently preserve 215 acres as farm and greenspace, 2) retain some flexibility for the property to accommodate other land uses that either support the farm/greenspace uses or are temporary in nature and support other public needs, and 3) minimize the financial impact on the Greenspace Fund, to preserve its assets for other greenspace purchases.

The Industrial Development Authority purchased, on behalf of the County, Mainland Farms at \$2.2 million.

There are five options available to the County:

- 1) 215 acre fee simple purchase by the Williamsburg Land Conservancy at \$2.2 million
- 2) 215 acre Conservation Easement purchase by Williamsburg Land Conservancy at \$400,000
- 3) 215 acre Conservation Easement donation to the Williamsburg Land Conservancy
- 4) 40 acre fee simple purchase by the Williamsburg Land Conservancy
- 5) No deal with the Williamsburg Land Conservancy

Staff endorsed Option 2 as the best long-term solution for the preservation of Mainland Farm by the Williamsburg Land Conservancy or other Land Trusts.

The Board and staff discussed the desire to recoup the citizen's tax dollars that went to purchase this land for preservation; to preserve the land from development; desire to sell the land at real value, not at cost; and the desire to preserve all land purchase by the County as greenspace.

The Board directed staff to pursue Option 4 with the Williamsburg Land Conservancy and to provide an update.

2. Annual Business Meeting Voting Procedures for the Virginia Association of Counties and Virginia Municipal League

Mr. Wanner stated that James City County is a member of both the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). Each conducts an annual business meeting as a part of their annual conference and each has established voting procedures for the business meeting. The Chairman will be attending both VACo and VML. VACo requires notification of who is authorized to cast the County's vote if the Chairman does not attend.

Mr. Wanner requested permission from the Board to notify VACo and VML of the Voting Credentials for the County: Mr. Nervitt will be the primary delegate, Mr. Goodson will be the Alternate delegate at VACo; and Mr. Nervitt will be the Urban Section Delegate, Mr. Wanner will be the Staff Assistant at VML.

The Board authorized Mr. Wanner to supply the credentials.

Mr. Wanner recommended the Board convene for a closed session pursuant to Section 2.1-344 (A) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions following which the Board would recess until October 18, 2000, at 4:00 p.m. for a work session on the Reassessment Cycle.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that there will be a Fish Fry at the Toano Volunteer Fire Station on Saturday, October 14.

Mr. Harrison stated that October is Domestic Violence Awareness Month.

K. CLOSED SESSION

Mr. Nervitt made a motion to convened into closed session as recommended by the County Administrator at 9:25 p.m.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0). Mr. Nervitt reconvened the Board into open session at 9:35 p.m.

Mr. Nervitt made a motion to approve the closed session resolution.

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

RESOLUTION

CERTIFICATION 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 2.1-344.1 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 and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. Kennedy made a motion to appoint Mr. John Filichko as the alternate for Mr. Kennedy on the Community Action Agency Board of Directors for a one-year term, expiring on January 11, 2001.

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

Mr. Nervitt recessed the Board until 4:00 p.m. on Wednesday, October 18, 2000, at 9:36 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: October 24, 2000
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Installation of "Watch for Children" Signs

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to VDOT, authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents along Hickory Sign Post Road, Selby's Lane, and Racefield Drive have requested that signs be installed in their neighborhoods at the locations shown on the attached drawings.

The attached resolutions request the Board authorize VDOT to install and maintain "Watch for Children" signs on Hickory Sign Post Road, Selby's Lane, and Racefield Drive.

Staff recommends adoption of the attached resolutions.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gb
signs.mem

Attachments

RESOLUTION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Hickory Sign Post Road have requested that two "Watch for Children" signs be installed on Hickory Sign Post Road near its intersections with Ironbound Road and John Tyler Highway, as illustrated on the attached drawing titled Hickory Sign Post Road "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

RESOLUTION

SELBY'S LANE "WATCH FOR CHILDREN" SIGN

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Selby's Lane has requested that a "Watch for Children" sign be installed on Selby's Lane near its intersection with Government Road, as illustrated on the attached drawing titled Selby's Lane "Watch for Children Sign."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain a "Watch for Children" sign as requested, with funds from the County's secondary road system maintenance allocation.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

RESOLUTION

RACEFIELD DRIVE "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Racefield Subdivision has requested that two "Watch for Children" signs be installed on Racefield Drive near 118 and 191 Racefield Drive, as illustrated on the attached drawing titled Racefield Drive "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

MEMORANDUM

DATE: October 24, 2000
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Streets in Longhill Station Sections 1A and 1B; Villages of Westminster, Phase I - Sections 1 and 2 and Phase III

Attached are two resolutions requesting acceptance of certain streets in Longhill Station, Sections 1A and 1B; Villages of Westminster, Phase I - Sections 1 and 2 and Phase III into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolutions.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gb
dedistreeets.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN LONGHILL STATION, SECTIONS 1A AND 1B

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 has advised this Board 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 have 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, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this 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.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

RESOLUTION

DEDICATION OF STREETS IN VILLAGES OF WESTMINSTER

PHASE I - SECTIONS 1 AND 2 AND PHASE III

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 has advised this Board 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 have 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, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this 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.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

MEMORANDUM

DATE: October 24, 2000
TO: The Board of Supervisors
FROM: Katie W. Green, Colonial Community Corrections Administrator
SUBJECT: Colonial Community Corrections Position – Substance Abuse Specialist

Colonial Community Corrections (CCC) has received additional funding from the Department of Criminal Justice Services to establish a full-time, limited-term Substance Abuse Specialist position. The primary responsibility of this position will be to provide substance abuse treatment-related services to locally responsible offenders under probation supervision.

Since James City County is the fiscal agent for CCC, the Board of Supervisors must authorize the position. Staff recommends approval of the attached resolution authorizing the creation of this full-time, limited-term position.

Katie W. Green

CONCUR:

Anthony Conyers, Jr.

KWG/gb
positionCCC.mem

Attachment

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS POSITION –

SUBSTANCE ABUSE SPECIALIST

WHEREAS, Colonial Community Corrections has received additional funding from the Department of Criminal Justice Services to hire a Substance Abuse Specialist; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes a full-time, limited-term position of Substance Abuse Specialist.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

positionCCC.res

MEMORANDUM

DATE: October 24, 2000
TO: The Board of Supervisors
FROM: Scott Denny, Code Compliance Officer
SUBJECT: Code Violation Lien - 205 Reflection Drive

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owners. Following failure of the property owners to take corrective action, the County contracted to have the property cleaned. Owners were sent notification of payment due. They failed to pay.

Owners: Gladys S. and Wayne D. Williams
3950 Maidens Road
Powhatan, VA 23139

Description: 205 Reflection Drive

Tax Map No.: (13-4) Parcel (05-0-0002)

Amount Due: \$250

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

Scott Denny

CONCUR:

John T. P. Horne

SD/alc
williamslien.mem

Attachment

RESOLUTION

CODE VIOLATION LIEN - 205 REFLECTION DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Gladys S. and Wayne D. Williams
3950 Maidens Road
Powhatan, VA 23139

DESCRIPTION: 205 Reflection Drive

TAX MAP NO.: (13-4) Parcel (05-0-0002)
James City County, Virginia

AMOUNT DUE: \$250

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

MEMORANDUM

DATE: October 24, 2000

TO: The Board of Supervisors

FROM: Scott Denny, Code Compliance Officer

SUBJECT: Code Violation Lien - 710 Lee Drive

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owners. Following failure of the property owners to take corrective action, the County contracted to have the property cleaned. Owners were sent notification of payment due. They failed to pay.

Owners: Robert P. and Veronica Brown
 710 Lee Drive
 Williamsburg, VA 23185-5316

Description: 710 Lee Drive

Tax Map No.: (41-3) Parcel (04-0-0012)

Amount Due: \$250

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

Scott Denny

CONCUR:

John T. P. Horne

SD/alc
 brownlien.mem

Attachment

RESOLUTION

CODE VIOLATION LIEN - 710 LEE DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Robert P. and Veronica Brown
 710 Lee Drive
 Williamsburg, VA 23185-5316

DESCRIPTION: 710 Lee Drive

TAX MAP NO.: (41-3) Parcel (04-0-0012)
 James City County, Virginia

AMOUNT DUE: \$250

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

MEMORANDUM

DATE: October 24, 2000
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Mutual Aid Contract – Virginia Statewide Mutual Aid Program

The 2000 Virginia General Assembly approved a Virginia Statewide Mutual Aid Program to encourage and permit localities across Virginia to assist each other during natural or man-made disasters. The program is supplemental to, and does not affect, existing day-to-day mutual aid agreements between adjacent localities.

To be included in the program, each locality must adopt an “authorizing resolution.” After that event, specific contracts can easily be completed between the locality requesting assistance and the locality providing assistance.

Staff recommends the Board of Supervisors approve the attached resolution authorizing James City County’s participation in the Virginia Statewide Mutual Aid Program.

Richard M. Miller

RMM/gb
mutualaid.mem

Attachments

RESOLUTION

MUTUAL AID CONTRACT – VIRGINIA STATE WIDE MUTUAL AID PROGRAM

WHEREAS, the Commonwealth of Virginia authorizes the Commonwealth and its political subdivisions to provide emergency aid and assistance in the event of a major disaster; and

WHEREAS, the Statutes also authorize the State Emergency Operations Center to coordinate the provision of any equipment, services, or facilities owned or organized by the Commonwealth or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this resolution authorizes the request, provision, and receipt of interjurisdictional mutual aid in accordance with Title 44, Chapter 3.2 of the Code of Virginia among political subdivisions, other authorized entities, and officers within the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County to enter into the Statewide Mutual Aid Program in accordance with all terms and conditions set forth in the Statewide Mutual Aid Program Implementation Guidebook.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

mutualaid.res

M E M O R A N D U M

DATE: October 24, 2000

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: The Easement and Maintenance Agreement for the Rolling Woods Detention Ponds

Attached for your consideration is a resolution authorizing the County Administrator to execute an agreement with the Rolling Woods Homeowners' Association of Williamsburg, Inc., ("Association") for shared maintenance of stormwater detention basins. A copy of the Agreement is attached.

The detention basins in Rolling Woods were built in the 1980s as required by County ordinance. At that time, the County did not require a maintenance agreement for the detention ponds. In addition, the owner of the ponds is a bankrupt company and therefore the ponds had not been maintained for several years. Recently, the remaining developer's surety and some Capital Improvements Project funds were used to perform necessary maintenance.

It is proposed that the Association assume ownership of the ponds and enter into a shared maintenance agreement with the County to ensure proper long-term performance. Under the Agreement, the Association would assume responsibility for all routine maintenance involved with the detention ponds. The County would assume, subject to appropriations by future Board of Supervisors, responsibility for non-routine maintenance. Non-routine maintenance is defined in the Agreement as:

1. Dredging and cleaning of the stormwater detention basins to maintain an appropriate depth for stormwater management purposes.
2. Conducting periodic checks of the stormwater detention basin depths, as appropriate.
3. Making all necessary structural repairs to the dam embankment and associated dams and spillways, other than mowing and seeding.
4. Replacing pipe spillways when damaged to the extent that their function is impaired.
5. Providing emergency repairs to the stormwater detention basins, dams, spillways, pipes, and embankments, to include dam embankment failures.

In order to ensure the long-term maintenance of these ponds, staff recommends that the Board approve the attached resolution.

Darryl E. Cook

Leo P. Rogers

DEC/LPR/gb
rollingwoods.mem

Attachments

RESOLUTION

THE EASEMENT AND MAINTENANCE AGREEMENT FOR

THE ROLLING WOODS DETENTION PONDS

WHEREAS, there currently exists three detention ponds in the Rolling Woods subdivision for which there is no long-term maintenance agreement; and

WHEREAS, the Rolling Woods Homeowners' Association of Williamsburg, Inc., is willing to perform all routine maintenance and the County is willing, subject to appropriations, to provide all non-routine maintenance of the detention ponds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into the Easement and Maintenance Agreement with the Rolling Woods Homeowners' Association of Williamsburg, Inc., for the detention ponds in the Rolling Woods subdivision.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

MEMORANDUM

DATE: October 24, 2000

TO: The Board of Supervisors

FROM: Bernard M. Farmer, Jr., Capital Projects Administrator
Leo P. Rogers, Deputy County Attorney

SUBJECT: Electrical Utility Easement for Fire Station No. 5

Attached for your consideration is a resolution authorizing the County Administrator to execute a Right-of-Way Agreement with Virginia Power. The Agreement will convey a 15-foot underground utility easement in order to provide electrical service to Fire Station No. 5.

Staff recommends approval of the attached resolution.

Bernard M. Farmer, Jr.

CONCUR:

Leo P. Rogers

BMF/tlc
firestat5.mem

Attachment

RESOLUTION

ELECTRICAL UTILITY EASEMENT FOR FIRE STATION NO. 5

WHEREAS, James City County owns 3.6± acres commonly known as Fire Station No. 5, 3201 Monticello Avenue, and designated as Parcel No. (01-23) on James City County Real Estate Tax Map No. (36-3); and

WHEREAS, Virginia Power requires a 15-foot utility easement in order to provide electrical service to Fire Station No. 5; 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 Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents as may be necessary to convey a 15-foot utility easement to Virginia Power.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

fires tat 5.res

Description of Project

Mr. Matt Burton, on behalf of King of Glory Lutheran Church, has applied for a special use permit to allow the construction of approximately 16,059 square feet of additions to the existing King of Glory Lutheran Church located at 4897 Longhill Road. The proposed additions will include a 10,843-square foot fellowship hall and a 5,216-square foot classroom addition. The existing church structure was built in 1995, and is 7,698 square feet. At the time it was originally constructed, a house of worship was a permitted use in the R-2, General Residential, zoning district. Currently, a house of worship requires an SUP in the R-2 district. An expansion of a specially permitted use also requires an SUP.

Surrounding Zoning and Development

Crossroads Youth Home and Wellspring United Methodist Church, both zoned R-2, General Residential, are located to the north of the site. An undeveloped portion of Ford's Colony, zoned R-4, Residential Planned Community, is located to the west of the site. South of the site is Bazzle's Apartments, zoned R-2. Williamsburg Plantation, zoned R-2, and Regency at Longhill Apartments, zoned R-5, Multifamily Residential, are located across Longhill Road east of the site. Staff finds that the proposed additions are compatible with the surrounding zoning and development.

Topography and Physical Characteristics

The site is relatively flat and open, with wooded buffers along the northern, western and southern perimeter of the property. A planted berm, which was installed at the time of the existing church's construction, exists along the Longhill Road frontage. The natural wooded on-site buffers which surround the majority of the site protect nearby residential uses and the character of the surrounding area.

Utilities

The property is served by public water and sewer. At the time of site plan submittal, the James City Service Authority (JCSA) will require updated water demand projections to verify that the existing water meter is adequate to meet the increased demands or a larger meter may be required. JCSA will also require updated sewer design calculations to verify that the existing grinder pump is adequate to meet the increased demands or it may be necessary to replace the existing connection to the force main. Staff has added a condition requiring the submittal of these items prior to preliminary site plan approval.

Access

The property fronts on Longhill Road (Route 612) and the existing entrance would continue to be utilized. The development plan shows the Crossroads Youth Home access road used as a service entrance to the King of Glory site. The Crossroads Youth Home access road is partially located on King of Glory property. Staff has added a condition that requires King of Glory and Crossroads to provide a joint access agreement prior to final site plan approval to ensure that both parties agree on the terms for using the access road.

The Virginia Department of Transportation has recommended a warrant analysis for the right turn into the site. Since this is a major expansion, staff believes there is a strong possibility that a right turn lane will be required to provide adequate access to the site. Staff has added a condition requiring this analysis be provided prior to site plan approval, and installation of turn lane or taper if necessary. Regarding parking, the site currently contains approximately 38 parking spaces and proposes to add 141 for a total of 179 spaces, although 107 spaces are required. Longhill Road is a Community Character Corridor

(CCC). As stated previously, King of Glory installed a berm with plantings along the Longhill Road frontage to screen the existing parking lot. The proposed expansion would not impact the existing buffer. The applicant has stated that the church's intention is to continue to provide appropriate screening, including along the expanded parking area.

When the original site plan was approved in 1995, the required landscape buffer along Longhill Road was 30 feet. With the revised landscape ordinance in 1999, the requirement for a landscape buffer along Community Character Corridors was increased to 50 feet, although an applicant may obtain a modification from this section from the Planning Director. The applicant has provided a 30-foot buffer on the conceptual development plan, and intends to apply for a modification prior to site plan approval. To further screen the parking areas, staff recommends installing in the 30-foot buffer the amount of landscaping required for a 50-foot buffer. Staff has added a condition requiring additional landscaping along the Longhill Road frontage to ensure that the visual impacts of an expanded parking lot will be sufficiently mitigated. Staff finds this condition will provide appropriate parking lot screening, as is the intent of the CCC designation.

Comprehensive Plan

The property is designated as Low-Density Residential on the Comprehensive Plan Land Use Map. Examples of acceptable land uses within this designation include single-family homes, recreation areas, community oriented public facilities, schools, churches and very limited commercial establishments. Longhill Road is identified as a Community Character Corridor in the Comprehensive Plan. The proposed additions will not disturb any of the natural wooded buffer which surrounds the site and protects nearby residential uses and the character of the surrounding area. Staff finds the proposal consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On October 2, 2000, the Planning Commission voted 5-0 to approve the case. Staff recommends Board of Supervisors approval of this case with the conditions listed in the staff report. Please note that the applicant requested this case be scheduled for the October 24, 2000, Board of Supervisors meeting in order to guarantee a contract with a religious-affiliated construction crew from out of town. Failure to receive approval of the special use permit by early November will result in a minimum 12-month construction delay. Staff recommends Board of Supervisors approval of SUP-21-00 with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to, and approved by, the James City Service Authority (JCSA) confirming water meter capacity and grinder pump capacity, and necessary upgrades, if required by JCSA, shall be provided prior to final site plan approval.

4. The applicant shall provide to the Virginia Department of Transportation a turn lane warrant analysis for the Longhill Road entrance and receive VDOT approval prior to final site plan approval. The applicant shall implement the requirements of the turn lane analysis prior to issuance of a certificate of occupancy for any structure on the site.
5. The applicant shall provide evidence of a joint access agreement between King of Glory Lutheran Church and Crossroads Youth Home in order to utilize the service access shown on the development plan, "King of Glory Lutheran Church," prepared by DJG Inc., dated August 1, 2000. The joint access agreement shall be reviewed and approved by the County Attorney prior to final site plan approval.
6. The landscape plan shall be approved by the Planning Director prior to final site plan approval and shall include along the Longhill Road frontage the quantity of landscaping required for a 50-foot wide buffer, as specified in Section 24-94, General Landscape Area Standards, of the Zoning Ordinance with a minimum of 50 percent of trees evergreen.
7. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
sup-21-00.wpd

Attachments:

1. Planning Commission minutes
2. Location Map
3. Development plans (separate attachment)
4. Resolution

RESOLUTION

CASE NO. SUP-21-00. KING OF GLORY LUTHERAN CHURCH

- 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. Matt Burton of DJG, Inc., has applied on behalf of King of Glory Lutheran Church for a special use permit to allow a House of Worship expansion for a fellowship hall, classroom, and parking additions at the existing King of Glory Lutheran Church located at 4897 Longhill Road; and
- WHEREAS, the proposed expansion plans are shown on the development plan prepared by DJG, Inc., dated August 1, 2000, entitled "King of Glory Lutheran Church Community Center and Education Expansion;" and
- WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (32-4); and
- WHEREAS, the Planning Commission, following its public hearing on October 2, 2000, voted 5-0 to recommend approval of this 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 -24-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to, and approved by, the James City Service Authority (JCSA) confirming water meter capacity and grinder pump capacity, and necessary upgrades, if required by JCSA, shall be provided prior to final site plan approval.
4. The applicant shall provide to the Virginia Department of Transportation (VDOT) a turn lane warrant analysis for the Longhill Road entrance and receive VDOT approval prior to final site plan approval. The applicant shall implement the requirements of the turn lane analysis prior to issuance of a certificate of occupancy for any structure on the site.

5. The applicant shall provide evidence of a joint access agreement between King of Glory Lutheran Church and Crossroads Youth Home in order to utilize the service access shown on the development plan, "King of Glory Lutheran Church," prepared by DJG Inc., dated August 1, 2000. The joint access agreement shall be reviewed and approved by the County Attorney prior to final site plan approval.
6. The landscape plan shall be approved by the Planning Director prior to final site plan approval and shall include along the Longhill Road frontage the quantity of landscaping required for a 50-foot wide buffer, as specified in Section 24-94, General Landscape Area Standards, of the Zoning Ordinance with a minimum of 50 percent of trees evergreen.
7. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
8. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

**SPECIAL USE PERMIT-23-00. Barbour Family Subdivision
Staff Report for the October 24, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: N/A
 Board of Supervisors: October 24, 2000, (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Nancy Barbour
 Land Owner: Milton and Peggy Barbour

 Proposed Use: Family Subdivision

 Location: 8832 Barnes Road

 Tax Map and Parcel No.: (10-1) (1-18A)

 Primary Service Area: Outside

 Existing Zoning: A-1, General Agricultural

 Comprehensive Plan: Rural Lands

 Surrounding Zoning: The property is surrounded by other A-1 zoned land

 Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the Comprehensive Plan and compatible with surrounding uses and zoning. In addition, the proposal is consistent with previous family subdivisions approved by the Board of Supervisors. Staff recommends the Board approve this special use permit.

Proposal

Milton and Peggy Barbour have requested that the Board approve a family subdivision on land zoned A-1, General Agricultural, for their daughter, Nancy Barbour. On A-1 zoned property, while the minimum lot size for residential dwelling units is three acres, lots of less than three acres are allowed for family members with an approved special use permit (SUP). The Zoning Ordinance requires Board of Supervisors review and approval of this type of SUP. The property is ± 9.7 acres and would be subdivided into two parcels (± 1.7 acres and ± 7.9 acres). The property is located at 8832 Barnes Road and is further identified as Parcel No. (10-1) on James City County Real Estate Tax Map No. (18-A).

Utilities

Public water and sewer are currently not available to this site. The new lot will be served by a septic system and well which must be approved by the Health Department prior to any construction. Furthermore, the Subdivision Ordinance states that locations for both a well and septic system must be approved by the Health Department prior to final subdivision approval.

Access

The site is located on Barnes Road, just west of Route 60. Access to the proposed lot will be from an existing gravel drive. The drive meets the criteria for access as stated in Section 19-17 of the James City County Subdivision Ordinance, Special Provisions for Family Subdivisions.

Comprehensive Plan and Surrounding Use

The site is located outside the Primary Service Area and the Land Use Map designates the property as Rural Lands. The surrounding area is zoned A-1, General Agricultural and consists of other residential homes scattered along Barnes Road. Staff believes the proposal is consistent with the Comprehensive Plan and compatible with surrounding zoning and uses.

RECOMMENDATION:

Staff believes the subdivision is compatible with the surrounding zoning, development and Comprehensive Plan designation. The proposal is also consistent with previous Family Subdivisions approved by the Board of Supervisors. For these reasons, staff recommends that the Board approve this Special Use Permit with the conditions listed on the attached resolution.

Karen L. Drake

O. Marvin Sowers, Jr.

KLD/gb
sup-23-00.wpd

Attachments:

1. Location Map
2. Conceptual Subdivision Plan
3. Resolution

RESOLUTION

CASE NO. SUP 23-00. BARBOUR FAMILY SUBDIVISION

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

WHEREAS, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally ± 9.7 acres that would be subdivided into two parcels, ± 1.7 acres and ± 7.9 acres located at 8832 Barnes Road and is further identified as Parcel No. (1-18A) on James City County Real Estate Tax Map No. (10-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a Special Use Permit No. SUP-23-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally ± 1.7 acres in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

sup-23-00.res

MEMORANDUM

DATE: October 24, 2000

TO: The Board of Supervisors

FROM: Frank M. Morton, III, County Attorney

SUBJECT: New Courthouse - Adoption of a Resolution Ratifying the 1996 Agreement Between the City of Williamsburg and the County of James City, Approving a Plat and Execution of a Deed.

Under the terms of a 1996 Agreement between the County of James City ("County") and the City of Williamsburg ("City"), the new Courthouse was, upon completion, to be relocated into the corporate limits of the City. The attached resolution begins that process and accomplishes the following:

1. Ratification of an Agreement dated December 12, 1996, between the County and the City that provided for the acquisition, funding and construction of the new Courthouse; one of the provisions being to relocate the new Courthouse and the site upon which it is located into the City by virtue of a voluntary boundary line adjustment under Section 15.2-3107 of the Code of Virginia, (1950), as amended.
2. Approval of a plat entitled "Plat Showing Relocation of Williamsburg Corporate Limits to Include Property Jointly Owned by City of Williamsburg and James City County."
3. Authorization for the Chairman of the Board to sign a deed conveying the courthouse site from the County to the County and the City as joint tenants.

The outcome of these actions, once approved, will be to commence the process for the boundary line adjustment. That process entails the filing of a petition with the Circuit Court. I would not envision any judicial problems, but the order from the court will not be entered until such time as the Department of Justice approves the boundary adjustment under the Voting Rights Act of 1965.

I recommend adoption of the resolution and I would be pleased to answer any questions.

Frank M. Morton, III

FMM/tlc
newcourt2.mem

Attachment

RESOLUTION

RATIFICATION OF AGREEMENT BETWEEN CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY REGARDING RELOCATION OF THE CORPORATE LIMITS OF THE CITY OF WILLIAMSBURG TO INCLUDE THE NEW COURTHOUSE; APPROVAL OF A PLAT ENTITLED "PLAT SHOWING RELOCATION OF WILLIAMSBURG CORPORATE LIMITS TO INCLUDE PROPERTY JOINTLY OWNED BY CITY OF WILLIAMSBURG AND JAMES CITY COUNTY"; AND AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN A DEED CONVEYING THE COURTHOUSE SITE FROM JAMES CITY COUNTY TO JAMES CITY COUNTY AND THE CITY OF WILLIAMSBURG AS JOINT TENANTS

WHEREAS, the City of Williamsburg ("City") and the County of James City ("County") entered into an agreement dated December 12, 1996, providing for the acquisition of a site and the construction of a new courthouse; and

WHEREAS, under the terms of that Agreement, the City and the County agreed that the new courthouse would be moved into the City limits under a voluntary boundary line adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby agrees to the following: the ratification of a certain Agreement dated December 12, 1996, between the City of Williamsburg and the County of James City which provides for the relocation of the corporate limits of the City of Williamsburg, in accordance with Section 15.2-3107 of the Code of Virginia, (1950), as amended, to include the new Williamsburg-James City County Courthouse and its grounds within the corporate limits of the City of Williamsburg; the approval of a plat entitled "Plat Showing Relocation of Williamsburg Corporate Limits to Include Property Jointly Owned by City of Williamsburg and James City County," dated April 13, 2000, drawn by Mitchell-Wilson Associates, P.C.; the authorization by the Chairman of the Board of Supervisors to sign a deed dated September 12, 2000, conveying 11.41 acres (the Courthouse site) from James City County to James City County and the City of Williamsburg as joint tenants.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

M E M O R A N D U M

DATE: October 24, 2000

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation and County Property Damages

On July 13, 2000, the Environmental Division cited Mr. Robert Rausenberger of 109 Elizabeth Merrweather for cutting trees in the Resource Protection Area (RPA) on his property as well as on the adjacent property, which is owned by James City County. The RPA was established in accordance with the County's Chesapeake Bay Preservation Ordinance. The citation was issued after representatives of the Division visited the property on July 11, in response to a complaint regarding the tree cutting. During the visit, it was documented that nine trees on private property and 33 trees on County property within the RPA were cut down.

In accordance with the provisions of the Ordinance, replanting of the trees as well as a civil charge are proposed to remedy the RPA violation and additional funds are sought to remedy the trespass issue and damage to County property. The replanting plan for restoring the RPA involves 68 trees, 18 on the Rausenberger property and 50 on the County's property. Under the provision of the Ordinance, the Board is responsible for establishing the civil charge. The recommended amount of the civil charge is \$4,000. This amount was calculated based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted in August 1999. Based on the factors evaluating water quality impact and the degree of noncompliance, a range of \$3,000 to \$4,500 was considered appropriate. It should be noted that Mr. Rausenberger was cited for a previous violation of the RPA in 1991.

The remedy for the trespass and damage issue is recommended to be a payment of \$3,262 to the County. This amount was determined to be the value of the trees cut based on information supplied by the Department of Forestry. It was determined by County staff that the planting of more than 50 trees on the County property where the violation occurred is not a viable option. Mr. Rausenberger has agreed to the replanting plan, the \$4,000 civil charge, and the payment of \$3,262 as damages to the County's property.

It is recommended that the Board approve as a remedy for the violations a total payment of \$7,262 to the County, and that 68 trees be planted at Mr. Rausenberger's expense to restore the RPA and its buffer in accordance with a landscape plan approved by the Environmental Division.

Darryl E. Cook

Leo P. Rogers

CONCUR:

John T. P. Horne

DEC/LPR/alc
chesviol.mem

Attachments

RESOLUTION

ACCEPTING CIVIL CHARGE, RESTORATION PLAN, AND COMPENSATION FOR TRESPASS

- WHEREAS, Robert B. Rausenberger (“Mr. Rausenberger”) is the owner of a 1.33± acre parcel of land, commonly known as 109 Elizabeth Meriwether, designated as Parcel No. (2-164) on James City County Real Estate Tax Map No. (49-2) (the “Rausenberger Property”); and
- WHEREAS, the County of James City, Virginia, is the owner of a 60± acre parcel of land designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the “County Property”); and
- WHEREAS, on or about July 11, 2000, Mr. Rausenberger cleared 9 trees in the Resource Protection Area on the Rausenberger Property and 33 trees on the County Property in the Resource Protection Area and/or the Wetlands; and
- WHEREAS, Mr. Rausenberger has agreed to the Restoration Plan to replant 18 trees on the Rausenberger Property and 50 trees on the County Property in order to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Mr. Rausenberger has offered to pay \$4,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Mr. Rausenberger has offered to pay \$3,262 which is the estimated value of the trees removed from the County Property; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan, the civil charge, and the payment for damages to the County Property in full settlement of the Chesapeake Bay Preservation Ordinance violation and damages for the trespass on the County Property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into a settlement agreement with Robert B. Rausenberger accepting the Restoration Plan, the \$4,000 civil charge, and the \$3,262 payment for damages to the County Property.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of October, 2000.

trespass.res