

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**January 23, 2001**

**7:00 P.M.**

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MEMORANDUM

DATE: January 23, 2001  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Cox Upgrade

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Board members requested that a representative of Cox Communication appear before the Board at the January 23 meeting. Mr. Tom Ross, Operations Manager, Cox Communications, will be present to answer questions concerning the Cox upgrade and other cable issues.

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William C. Porter, Jr

WCP/gb  
cox.mem

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF DECEMBER, 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  
Leo P. Rogers, Deputy County Attorney

**B. PLEDGE OF ALLEGIANCE**

Mr. Vincent Zangardi, a Sophomore at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, advised that the Chairman of the General Assembly House of Delegates Rules Committee stated that the County can file a claim for the school repairs, and requested the County Administrator be directed to file the claim.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation, was available to answer questions from the Board.

Mr. Kennedy requested VDOT look at the posted speed limit on Forge Road near the Emergency Operations Center (EOC). There is a curve caution of 35 mph and motorists are taking the curve at an excessive speed. Mr. Kennedy requested the curve caution sign be replaced with a 35 mph speed limit.

Mr. Harrison requested directional markers on Monticello Avenue and News Road to Ironbound Road and Powhatan Plantation.

Mr. McGlennon requested that VDOT place traffic striping on Ironbound Road between Jamestown Road and Sandy Bay Road.

**E. PRESENTATION**

1. FY 2000 Audit, KPMG

Ms. Elizabeth Foster, Auditor, KPMG, stated the results of the audit on the James City County General Funds and Account Groups showed that the General Fund revenue exceeded expenses by 2.8 million dollars and that the County has a fund balance of 18.9 million dollars, most of which is reserved for designated projects.

The revenues were budgeted conservatively and as a result, the actual revenues were higher and actual expenditures were lower than expected.

This year the audit concentrated on the Information Technology aspects of the County. Based on the audit, recommendations were made concerning best practices and to improve security related to the County's technology.

The Board and Ms. Foster had a brief discussion on the results of the audit which was unqualified, showed no material weaknesses, and acceptable fiscal restraints.

**F. CONSENT CALENDAR**

Mr. Nervitt asked if a Board member wished to remove an item from the consent calendar.

Mr. Nervitt requested Item Number 7, Purchasing Card, be pulled for discussion.

Mr. Goodson made a motion to adopt 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. November 18, 2000, FY 2002 Budget Planning Retreat

b. November 28, 2000, Regular Meeting

2. Budget Adjustment – Sidewalk Construction

**RESOLUTION**

**BUDGET ADJUSTMENT**

**SIDEWALK CONSTRUCTION**

WHEREAS, the Board of Supervisors of James City County received the sum of \$8,611 from Cal Company, L.L.C., as its share of sidewalk construction costs on Pocahontas Trail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendment to the FY 2001 Budget and appropriates these funds as follows:

CAPITAL FUND

Revenues:

Cal Company, L.L.C. \$8,611

Expenditures:

Sidewalks \$8,611

3. Budget Adjustment – Fund Balance

**R E S O L U T I O N**

BUDGET ADJUSTMENT - FUND BALANCE

WHEREAS, the Board of Supervisors of James City County has previously adopted a Capital Budget in which two project balances were deferred due to lack of available funds; and

WHEREAS, funds are now available, having been identified in the undesignated fund balance as of June 30, 2000; and

WHEREAS, while principal and interest payments for Mainland Farms have been funded in the FY 2001 Debt Service Fund, funding for these payments has not previously been identified from the monies set aside for Greenspace acquisition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendments to the FY 2001 Capital Budget and appropriates \$610,000 from the June 30, 2000, General Fund Balance to amend previous appropriations:

GENERAL FUND

Revenues: Fund Balance + \$ 610,000

Expenditures: Contribution - Capital Projects + \$ 474,000  
Contribution - Debt Service + 136,000

+ \$ 610,000

CAPITAL PROJECTS FUND

Revenues: Contributions - General Fund + \$ 474,000

Expenditures: Fire Equipment + \$ 250,000  
Government Center Expansion + 360,000  
Greenspace - 136,000

+ \$ 474,000

4. Fort Magruder Heights “Watch for Children” Signs

**RESOLUTION**

**FORT MAGRUDER HEIGHTS “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 Fort Magruder Heights have requested that “Watch for Children” signs be installed on Monument Drive and Magruder Lane near their intersections with Penniman Road as illustrated on the attached drawing titled Fort Magruder Heights “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 two “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

5. Reappointment of Sanford B. Wanner to the Virginia Peninsulas Public Service Authority

**RESOLUTION**

**REAPPOINTMENT OF SANFORD B. WANNER TO**

**THE VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY**

WHEREAS, on November 26, 1996, the James City County Board of Supervisors appointed Sanford B. Wanner, County Administrator, to be a member of the Virginia Peninsulas Public Service Authority Board with a term expiration date of December 31, 2000; and

WHEREAS, as set forth in the Articles of Incorporation, a member is eligible for reappointment to a four-year term and shall hold office until a successor shall have been named.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, reappoints Sanford B. Wanner as a member of the Virginia Peninsulas Public Service Authority Board for a four-year term expiring December 31, 2004.

6. Street Name Change: Amberwood Court to “Earl Lee Cove”

**RESOLUTION**

**STREET NAME CHANGE: AMBERWOOD COURT TO “EARL LEE COVE”**

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

WHEREAS, the proposed street name change has been discussed with the Fire Department, Police Department, the Williamsburg Post Office, and Real Estate Assessments and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street, Amberwood Court to “Earl Lee Cove.” Upon approval of the street name change, the owner shall record a plat of correction to reflect the street name change to “Earl Lee Cove.”

7. Purchasing Card

Ms. Stephanie Ahrendt, Purchasing Director, gave a brief explanation of the initiative and the benefits of adopting the proposal that includes reduced paperwork, improved cash flow, and better use of staff time.

Mr. Nervitt expressed his concern about all employees being eligible for the Purchasing Card and requested clarification.

Ms. Ahrendt stated that although all employees would be eligible, not all would receive a Purchasing Card. An application must be completed and reviewed, training will be provided, and department heads will provide input on employee uses, purchase limits, and vendors.

Mr. Harrison asked for examples of staff using the card.

The Board and Ms. Ahrendt discussed position assigned cards vs. department cards vs. individual employee cards; tracking expenditures and avoiding excessive spending; and competitive bidding.

Mr. Nervitt made a motion to adopt the resolution.

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

**RESOLUTION**

**PURCHASING CARD**

WHEREAS, James City County (the “County”), a political subdivision organized under the laws of the Commonwealth of Virginia, desires to obtain financial accommodations from Bank One, NA (the “Bank”) pursuant to the use of a number of commercial card account numbers, the related accounts, and cards bearing such account numbers (collectively, the “Cards”); and

WHEREAS, the County intends to authorize its employees and agents to use such Cards for and in connection with procurement transactions on behalf of the County; and

WHEREAS, the Bank will not issue such Cards unless the County agrees to obligate itself for the prompt payment of credit extended pursuant to the use of such Cards, including credit extended pursuant to the use of a credit card for purchases.

NOW, THEREFORE, BE IT RESOLVED that the County shall apply to the Bank for the issuance of Cards in the names of such employees and agents of the County as may be designated to the Bank.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator and/or the County's Purchasing Director are hereby authorized, directed, and empowered, in the name of the County, to execute a Commercial Card Agreement in the form approved by such individual and take such actions as are contemplated thereby.

BE IT FURTHER RESOLVED that the Bank is authorized to act upon these resolutions until written notice of their revocation is delivered to the Bank.

#### **G. PUBLIC HEARINGS**

1. Case No. SUP-18-00. A Little Space Day Care and Child Development Center (continued from November 28, 2000)

Mr. Benjamin A. Thompson, Senior Planner, stated that the applicant requested withdrawal of the special use permit application and staff concurs with the request.

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

Mr. Goodson made a motion to accept the withdrawal of the special use permit application.

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

2 & 3. AFD-8-86. Casey AFD (Digges Withdrawal) and Case No. SUP-15-00/Height Limitation Waiver 1-00. St. Bede Catholic Church

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Vernon M. Geddy, III, has applied on behalf of Sasha L. Digges and Mary Catherine Digges to withdraw approximately 45.28 acres from the existing Casey Agricultural and Forestal District, Zoned R-8, Rural Residential, located at 3686 and 3612 Ironbound Road, further identified as Parcel Nos. (1-18) and (1-22) on James City County Real Estate Tax Map No. (38-3).

Staff determined that the withdrawal request met Board policies regarding the withdrawal of lands from AFD that are inside the Primary Service Area. Staff also found the proposed withdrawal consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission both recommended approval of the withdrawal request.

Mr. Johnson stated that Douglas E. White, LandMark Design Group, on behalf of St. Bede Catholic Church and property owners Sasha and Mary Catherine Digges, has applied for a special use permit (SUP)



to allow the construction of a house of worship at 3686 Ironbound Road, zoned R-8, Rural Residential, further identified as Parcel No. (1-18) on James City County Real Estate Tax Map No. (38-3).

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Planning Commission recommended approval of the SUP with conditions by a vote of 6-0.

Mr. Harrison inquired regarding acceleration and deceleration lanes, and the letter from Greensprings Chapel concerning a second entrance into the St. Bede Catholic Church site.

Mr. Johnson stated that the second entrance is not needed, nor recommended by VDOT.

Mr. Nervitt inquired about a guarantee that the road improvements will be made.

Mr. Johnson stated that the road improvements must be completed before a Certificate of Occupancy will be issued.

Mr. Nervitt opened the public hearing.

1. Mr. Alvin Anderson, representing St. Bede Catholic Church, gave a brief historical overview of the applications, gave an overview of the site layout, and stated that a minimum buffer of 50 feet will be maintained, and any paving that occurs within 70 feet of neighboring property will have a 60 inch solid fence with landscaping maintained.

Mr. Anderson stated on September 22, 2000, legislation regulating religious land became federal law and that no local government shall impose regulations of excessive burden.

Mr. Anderson requested the members of the audience in support of the project stand and be recognized.

Mr. Nervitt asked about the maintenance and responsibility of the BMPs and runoff.

Mr. John T. P. Horne, stated that the site plan process has significantly changed to include improved reporting and inspection of the BMPs. In this case, the Church will maintain and be responsible for the BMP.

Mr. McGlennon inquired about the drainage and runoff of gravel parking areas vs future paved parking areas.

Mr. Horne stated that well packed gravel lots have similar runoff as paved lots.

Mr. Nervitt inquired about the buffers along neighboring property, and the factors behind the decision to have the parking all to one side of the site.

Mr. Norman Mason, LandMark Design Group, stated that parking on the side will allow the runoff to drain into the BMPs before going into the existing pond at the Foxes subdivision to the South of the site, the topography of the site did not permit parking on both sides, and the Church would like to use the other side for outdoor gatherings.

2. Reverend Ian Roberts, Executive Pastor of Greensprings Chapel, thanked Father Carr and his staff for involving Greensprings Chapel in the proposal, voiced overall support for the St Bede proposal. Rev. Roberts also voiced concern of traffic issues with a single driveway access to the St. Bede property immediately

opposite the Greensprings Chapel entrance, and requested the consideration of two separate driveways servicing the St. Bede site.

3. Mr. Gary Besnier, 110 Whistle Walk, voiced his concern regarding the allotted buffer between his flag lot and the Church site. Mr. Besnier requested the Church provide a larger buffer for his lot.

4. Mr. Jack Carey, 422 Hempstead Road, stated that as a member of the Church Building Committee he can say that the committee's goals were to build a quality space for worship for its members and good neighbors. Mr. Carey stated that there could not be a better plan or project than what has been proposed.

5. Ms. Jean Puckett, Chairperson of the Finance Council for St. Bede, stated that 2,500 families participate in the activities of the Church.

6. Ms. Eliza Eversole, co-chair of the Building Committee, stated that the goals of the Building Committee has been to build a house of God, and to care for the community.

Mr. Harrison asked what reservations the applicants had about adding another 25 feet of buffer on the flag lot of Mr. Besnier.

Mr. Mason stated that a 50-foot buffer is guaranteed and that the proposed BMP is situated to take advantage of the topographical situation. Mr. Mason stated that after survey work is completed and while preparing the site plan, should the topography be conducive and additional buffer space accommodated, they would increase the buffer size on Mr. Besnier's lot.

Mr. Nervitt asked if the parking comes closer than 70 feet to the property line, what type of fence does St. Bede propose to place.

Mr. Mason stated that the fence would be approved as part of the site plan and would be consistent with the conditions listed in the proposal.

Mr. McGlennon asked what would Mr. Besnier see from his property looking towards St. Bede.

Mr. Mason stated that the parking lot ends before Mr. Besnier's property and a ravine begins which provides a tree canopy in his line of site.

Mr. Johnson stated that the application addresses concerns, and the Planning Commission will review the site plan, buffer spacing on flag lots, and buffer plantings prior to approval.

Mr. Nervitt, with no one wishing to speak, closed the public hearing.

Mr. Harrison made a motion to approve the Agricultural and Forestal District withdrawal.

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

Mr. McGlennon inquired about the two driveway entrances proposed by Greensprings Chapel and the reasoning behind choosing the single driveway.

Mr. Mason stated that VDOT expressed preference for the single driveway, the logistics for constructing turning traffic patterns in such a short distance was not feasible, and Greensprings Chapel traffic would lose the right-of-way.

Mr. Kennedy inquired as to the overlapping time of services and if an arrangement could be made concerning the overlapping start and end times.

Mr. Bob Morris, Building Committee co-chair, stated that St. Bede runs on a 1.5-hour cycle and that they would work to take advantage of Greensprings Chapel's service schedule.

Mr. Nervitt inquired about the right-of-way easement for the road improvements.

Mr. Anderson stated that negotiations have been completed with the Digges to purchase adequate easements from them to accommodate any road improvements associated with St. Bede proposal.

Mr. Mason stated that the right-of-way easement would come from the St. Bede property and will accommodate road improvements.

Mr. McGlennon made a motion to approve the Special Use Permit resolution.

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

Mr. McGlennon made a motion to approve the Height Limitation Waiver resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-15-00. ST. BEDE CATHOLIC 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. Douglas E. White of The LandMark Design Group has applied on behalf of St. Bede Catholic Church and property owners Sasha L. and Mary Catherine Digges for a special use permit to allow the construction of a house of worship on 42.8 acres located at 3686 Ironbound Road; and

WHEREAS, the proposed development is shown on the Master Plan prepared by LandMark Design Group, dated May 18, 2000, and entitled "Master Plan for Special Use Permit, St. Bede Catholic Church;" and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-18) on James City County Real Estate Tax Map No. (38-3); and

WHEREAS, the Planning Commission, following its public hearing on June 5, 2000, voted 6-0 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-15-00 as described herein with the following conditions:

1. Development and land clearing of the site shall be generally in accordance with the "Master Plan for Special Use Permit, St. Bede Catholic Church" prepared by LandMark Design Group, March 21, 2000, with corrections dated May 18, 2000,

with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Structures to be built on the Property in the future which are described on the master plan shall not require a special use permit.

2. The location of any Resource Protection Area shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. This identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
3. A minimum 50-foot wide undisturbed buffer shall be maintained along the property lines for adjoining lots in The Meadows, however, where the edge of pavement of a proposed parking area is closer than 70-feet to an adjacent residential lot, a wall or solid fence a minimum height of 60-inches and additional landscaping placed on the outside of the wall or fence shall be provided between the edge of pavement of the proposed parking area and the undisturbed buffer. The wall or solid fence and additional landscaping shall be approved by the Planning Director or his designee.
4. The applicant shall provide and construct a four-foot wide paved sidewalk along Ironbound Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation (“VDOT”) or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to ensure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
5. The applicant shall construct a five-foot wide VDOT standard shoulder bike lane along the front of the property adjacent to Ironbound Road (State Route 615). If turn lanes or other road, drainage, or utility improvements are required by VDOT along other portions of Ironbound Road (“Ironbound Road Improvements”), the applicant shall either construct additional five-foot wide VDOT standard shoulder bike lanes along the Ironbound Road Improvements, as required by the Planning Director or his designee, or construct the Ironbound Road Improvements in such a way that subsequent installation of the bike lanes shall not require relocation of the Ironbound Road Improvements. The intent of this condition is that the County will only need to add base material and pavement for the additional bike lanes that do not adjoin the front property line. The construction of the required bike lanes shall be completed prior to issuance of a Certificate of Occupancy or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to insure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
6. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare 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 the adjoining residential properties.

7. The applicant shall implement the road improvements recommended by the traffic study “St. Bede Catholic Church Traffic Impact Study, James City County, Virginia” prepared by LandMark Design Group, March 20, 2000. If additional right-of-way and/or improvements are required by the Virginia Department of Transportation, the additional right-of-way shall be acquired and dedicated prior to final site plan approval and the additional improvements shall be constructed prior to the issuance of any Certificate of Occupancy.
8. The building elevations for any structure on the site shall be approved by the Planning Director or his designee prior to final site plan approval. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with the design, materials and colors of the main structure.
9. All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
10. Free-standing signs within 50-feet of the Ironbound Road right-of-way, as may exist from time to time, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval.
12. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## RESOLUTION

### CASE NO. HW-1-00. ST. BEDE CATHOLIC CHURCH

- WHEREAS, Douglas E. White of The LandMark Design Group, on behalf of St. Bede Catholic Church and property owners Sasha L. and Mary Catherine Digges, has applied for a height limitation waiver to allow for the construction of house of worship, to include a cupola and cross, approximately 78 feet above grade; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-1-00; and
- WHEREAS, the house of worship will be erected on property currently zoned R-8, Rural Residential, and identified as Parcel No. (1-18) on the James City County Real Estate Tax Map No. (38-3); and
- WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 60 feet in height upon finding that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-00 with the following condition:

- A. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this height limitation waiver or the height limitation waiver shall become void.

Mr. Nervitt recessed the Board for a break at 8:27 p.m.

Mr. Nervitt reconvened the Board at 8:38 p.m.

4. FY 2001-2006 Six-Year Secondary Road Plan

Mr. Benjamin A. Thompson, Planner, stated that each year the Virginia Department of Transportation (VDOT) requests the County review its secondary roads and make recommendations on the priority for allocation of State funds to those roads. He briefly presented the description of County secondary road projects by priority.

In concurrence with staff, the Planning Commission, unanimously recommended approval of the FY 2001-2006 Six-Year Secondary Road Plan and funding schedule.

The Board and staff held a brief discussion concerning improvements along Ron Springs Road, the remaining State secondary unpaved roads, and the Transportation Improvement District for Alternate Route 5.

Mr. Nervitt opened the public hearing.

Mr. Nervitt 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**

**FY 2001 – 2006 SIX-YEAR SECONDARY ROAD PLAN**

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed Secondary Road Construction priorities proposed by the Virginia Department of Transportation (VDOT).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY 2001 – 2006 Secondary Roads Priority List and Plan and authorizes the County Administrator to approve VDOT budgets consistent with approved Plan.

5. Virginia Power Right-of-Way Agreement for New Underground Wires

Mr. John Horne, Development Manager, stated that Virginia Power needs a 15-foot wide easement along Jamestown Road on the County-owned Powhatan Creek Canoe Access Park to install underground wires.

Staff recommended the Board adopt the resolution authorizing the County Administrator to execute the Right-of-Way Agreement on behalf of James City County.

The Board and staff discussed additional installations of underground wires along Sandy Bay Road and along the front of Jamestown 1607 on Jamestown Road, and having a representative from Virginia Power at a Board meeting in January to discuss the replacement of power line poles along Croaker Road.

Mr. Nervitt opened the public hearing.

Mr. Nervitt 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**

### **VIRGINIA POWER RIGHT-OF-WAY AGREEMENT**

#### **FOR NEW UNDERGROUND WIRES**

WHEREAS, Virginia Power has requested an easement across County-owned land along Jamestown Road for the purpose of installing new underground wires; and

WHEREAS, these new underground wires will improve power service to County residents and businesses.

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 on behalf of James City County.

#### 6. **Lease of 2,500 Square Feet of County Property to American Tower, L. P.**

Mr. O. Marvin Sowers, Jr., Director of Planning, requested the Board defer this item to the January 23, 2001, Board meeting.

Mr. Nervitt opened the public hearing.

Mr. Nervitt continued the case until January 23, 2001.

## **H. BOARD CONSIDERATION**

### 1. **James River Commerce Center**

a. **Bonded Industrial Access Road for James River Commerce Center**

b. **Revision of 1991 Agreement Concerning Improvements at the James River Commerce Center**

Mr. Keith Taylor, Director of Economic Development, gave a background on the Bonded Industrial Access Road for James River Commerce Center and stated that the James River Commerce Center has help expand three local businesses and allowed the relocation of five companies to the site.

Mr. Leo P. Rogers, Deputy County Attorney, stated that resolutions concerning the extension of Endeavor Drive to undeveloped property at the James River Commerce Center will allow another 72 acres to be developed and marketed by using the State's bonded industrial access road funds thereby reducing or deferring a significant portion of the up-front costs.

Mr. Rogers stated that the agreement made in December 1, 1991, between the County, the City of Williamsburg, the Colonial Williamsburg Foundation and Williamsburg Developments, Inc., indicates that the Williamsburg Developments, Inc., will pay 70 percent and the County will pay 30 percent of certain road and infrastructure improvements. Since only half of the new road would serve the Industrial Development Authority's property, the County's share of the expenses for this project is only 15 percent.

Mr. Goodson made a motion to adopt the two resolutions.

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

## RESOLUTION

### BONDED INDUSTRIAL ACCESS ROAD FUNDING

#### AT JAMES RIVER COMMERCE CENTER

WHEREAS, Williamsburg Developments, Inc., and the Industrial Development Authority of James City County, Virginia, own and have agreed to cooperate in the development of property, known as James River Commerce Center, in the Roberts District of James City County (the "Property"), for the purpose of promoting economic development; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and/or manufacturing equipment which will provide new substantial employment; and

WHEREAS, Williamsburg Developments, Inc., has entered into an agreement with the County of James City to provide any necessary right-of-way for the new roadway and the installation, relocation or adjustment of utilities, to reimburse the County for eighty-five percent (85%) of the costs associated with the road improvements and provide adequate surety in the full amount of the cost of the industrial access road; and

WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the Virginia Industrial Access Road program may make funds available for qualifying projects up to \$300,000 on an unmatched basis, and up to an additional \$150,000 on a dollar per dollar matching basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to an undeveloped portion of the property.



BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman of the Board of Supervisors to execute an agreement with the Virginia Department of Transportation, an escrow or other surety agreement and such other documentation as may be necessary to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

### **RESOLUTION**

#### **AGREEMENT WITH WILLIAMSBURG DEVELOPMENTS, INC.,**

#### **FOR USE OF INDUSTRIAL ACCESS ROAD FUNDS**

WHEREAS, Williamsburg Developments, Inc., and the Industrial Development Authority of James City County, Virginia, own and have agreed to cooperate in the development of the property, commonly known as the James River Commerce Center, in the Roberts District of James City County, for the purposes of promoting economic development; and

WHEREAS, Williamsburg Developments, Inc., seeks to induce the County to adopt a resolution requesting Virginia Industrial Access Road funds to assist in providing suitable access to an undeveloped portion of the James River Commerce Center located off Route 60, Pocahontas Trail, in James City County, Virginia (the "Property"); and

WHEREAS, the County will be requesting that the Commonwealth Transportation Board allocate approximately \$307,500, actual costs to be determined at a later time, from the Industrial Access Fund to design and construct approximately 800 linear feet of road in order to provide access to an undeveloped portion of the Property (the "Project"); and

WHEREAS, the County will be required to make certain assurances, provide right-of-way for the Project, accept responsibility for certain contingencies, and post surety with the Virginia Department of Transportation ("Department") in order to induce the Commonwealth Transportation Board to approve the Project; and

WHEREAS, Williamsburg Developments, Inc., agrees to provide sufficient surety to the County, prior to the County entering into an agreement with the Department, to insure reimbursement to the County for any payment due the Department under the Industrial Access Fund for the Project's construction not justified by eligible industrial capital outlays by eligible industry or industries served by the Project; and

WHEREAS, Williamsburg Developments, Inc., agrees to pay seventy percent (70%) of the costs of the first half of the Project and one hundred percent (100%) of the costs of the second half of the Project that are not paid for by the Industrial Access Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman of the Board of Supervisors to enter into an agreement with Williamsburg Developments, Inc., to allocate the responsibilities of the parties concerning the use of Industrial Access Road funds to construct the qualifying road improvements to provide access to an undeveloped portion of the James River Commerce Center.

The Board and staff held a brief discussion concerning the relationship with Williamsburg Developments, Inc., and Colonial Williamsburg in the development of the James River Commerce Center.

Mr. Goodson made a motion to adopt the Revision of the 1991 Agreement Concerning Improvements at the James River Commerce Center resolution.

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

## **RESOLUTION**

### **REVISION OF 1991 AGREEMENT CONCERNING IMPROVEMENTS AT**

#### **THE JAMES RIVER COMMERCE CENTER**

WHEREAS, in 1991 the Colonial Williamsburg Foundation ("CWF"), Williamsburg Developments, Inc. ("WDI"), the City of Williamsburg, and the County entered into an Exchange Agreement whereby the Bruton Heights School Property was transferred to CWF and the County received 75.8 acres of land which is a portion of the James River Commerce Center; and

WHEREAS, the County transferred the 75.8 acres of land in the James River Commerce Center to the James City County Industrial Development Authority ("IDA"); and

WHEREAS, under the Exchange Agreement, the CWF, WDI, and the County agreed that the CWF/WDI would pay 70 percent and the County would pay 30 percent of the cost of extending water, sewer, and a road to the IDA Property; and

WHEREAS, the Exchange Agreement set a cumulative cap of \$1,952,000 to extend water, sewer, and a road to the IDA Property; and

WHEREAS, the CWF, WDI, and the County are willing to increase the cap to \$2,627,000, plus an annual escalator as provided in the First Amendment to Exchange Agreement; and

WHEREAS, the First Amendment to Exchange Agreement adds a traffic light, an environmental assessment, and removal of fill as additional improvements, the cost of which is to be shared by the parties, with separate caps for each, as provided in the First Amendment to Exchange Agreement; and

WHEREAS, the First Amendment to Exchange Agreement provides that the County will receive a credit of \$31,313.56 towards its share of the costs of extending water, sewer, and a road to the IDA Property and completing the additional improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the First Amendment to Exchange Agreement and such other documents as may be necessary to fulfill the terms of the First Amendment to Exchange Agreement.

**I. PUBLIC COMMENT- none**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated the 2000 Census information will be released late and recommended the Board organize a committee to assist the process of redistricting the County.

Mr. Wanner stated that the High Growth Coalition hired Sands, Anderson, Marks, Miller to act on its behalf at the 2001 General Assembly and the Coalition is requesting \$1,000 per member to pay for these services. Mr. Wanner recommended the County contribute \$500.

The Board discussed involvement of the members and the amount requested.

Mr. Goodson made a motion to approve \$500 for the initiative.

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

Mr. Wanner recommended that the following this meeting, the Board recess until 4 p.m. on January 2, 2001, for the Organizational Meeting.

**K. BOARD REQUESTS AND DIRECTIVES**

The Board wished citizens, volunteers, and staff a happy holiday.

Mr. Nervitt recessed the Board at 9:22 p.m. until January 2, 2001, 4:00 p.m.

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Sanford B. Wanner  
Clerk to the Board

**AT AN ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF JANUARY, 2001, AT 4:00 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. ORGANIZATIONAL MEETING**

Mr. Nervitt called the meeting to order and requested nominations for the 2001 Chairman.

The Board voiced expectations of the Chairman for 2001.

Mr. Kennedy nominated Mr. McGlennon for Chairman.

Mr. Harrison nominated Mr. Goodson for Chairman.

Mr. Nervitt closed the nominations.

Mr. Kennedy made a motion to elect Mr. McGlennon as Chairman for 2001.

(2). On a roll call vote, the vote was: AYE: McGlennon, Kennedy, Nervitt (3). NAY: Harrison, Goodson

Mr. McGlennon requested nominations for Vice Chairman.

Mr. Kennedy made a motion to elect Mr. Goodson as Vice Chairman.

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

The Board and staff discussed the proposed calendar for the Board of Supervisors meeting for 2001 and the start time for work sessions. The Board agreed to move the February work session to Wednesday the 21st, and the December regular meeting to Tuesday the 11th.

Mr. Goodson made a motion to adopt the Organizational Meeting of the Board of Supervisors Resolution and the Board of Supervisors calendar as amended.

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

## RESOLUTION

### ORGANIZATIONAL MEETING OF THE BOARD OF DIRECTORS

WHEREAS, the Board of Directors of the James City Service Authority, James City County, Virginia, is desirous of establishing rules for the conducting of its business for the year of 2001.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, that the following rules shall apply for the year 2001.

1. Regular meetings of the Board shall be held following the second Board of Supervisors' meetings each month. The meetings shall be held following the 7:00 p.m. Board of Supervisors' meeting.
2. The Board shall, for parliamentary purposes, follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows:
  - a. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
  - b. Motions need not be seconded.
  - c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
  - d. Informal discussion of a subject is permitted while no motion is pending.
  - e. The Chairman can speak in discussion without leaving the chair; and can make motions and votes on all questions.

Mr. McGlennon requested the Board carry out the annual organization of the James City County Transit Company Stockholders and elect its Board of Directors, President, and Secretary/Treasurer for the year 2001.

Mr. McGlennon asked for nominations for the James City County Transit Company President.

Mr. Harrison made a motion to elect Mr. Kennedy as Transit President and Mr. Conyers as Secretary.

There being no other nominations, on a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon recessed the Board of Supervisors at 4:25 p.m. to permit the James City County Transit Company to hold its organizational meeting.

Mr. McGlennon called the Board of Supervisors to order at 4:32 p.m.

The Board and staff held a discussion concerning Board member service on Boards and Commissions for 2001.

Mr. McGlennon asked Mr. Wanner to read the Board appointment to Boards and Commissions for 2001:

Community Action Agency Board of Directors	Ronald A. Nervitt/Anthony Conyers, Jr., Alternate Bruce C. Goodson/George Drummond, Alternate Jay T. Harrison, Sr./Walter Taylor, Alternate James G. Kennedy/John Filichko, Alternate
Community Services Coalition Board of Directors	Jay T. Harrison, Sr.
Courthouse Committee	VACANT
Farmers Advisory Committee	James G. Kennedy
Hampton Roads Planning District Commission	John J. McGlennon Sanford B. Wanner to the Executive Committee
Industrial Development Authority Liaison	Ronald A. Nervitt
Library Committee	VACANT
Local Emergency Preparedness	Jay T. Harrison, Sr.
Parks and Recreation Advisory Commission	VACANT
Peninsula Alliance for Economic Development Board of Directors and Executive Committee	Ronald A. Nervitt
Peninsula Chamber of Commerce	Bruce C. Goodson
Regional Issues Committee	Bruce C. Goodson
Safe and Drug-Free Schools and Communities Committee	Jay T. Harrison, Sr.
School Liaison Subcommittee	John J. McGlennon and Jay T. Harrison, Sr.
Virginia Peninsula Regional Jail Authority	Bruce C. Goodson
Williamsburg Area Chamber of Commerce	Bruce C. Goodson
Williamsburg Area Civic and Cultural Center, Inc.	Ronald A. Nervitt
Williamsburg Area Medical Assistance Corp.	James G. Kennedy
Williamsburg Land Conservancy	Jay T. Harrison
Workforce Investment	Bruce C. Goodson
Agricultural and Forestal District Advisory Committee	James G. Kennedy
Transportation Improvement District Commission	Jay T. Harrison James G. Kennedy Ronald A. Nervitt Bruce C. Goodson John J. McGlennon
Joint Sanitary District 1	Bruce C. Goodson John J. McGlennon

Mr. Harrison made a motion to approve the appointments of Board members to Boards and Commissions as read.

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

**C. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner requested input from the Board concerning topics for the 2001 work sessions by January 9, 2001.

**D. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy thanked former Chairman, Ronald A. Nervitt for his service.

Mr. Nervitt wished Chairman McGlennon best of luck.

Mr. McGlennon expressed condolences to Mr. Kennedy on the passing of his father.

Mr. Harrison made a motion to adjourn.

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

The Board adjourned at 4:51 p.m.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: January 23, 2001  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Heron Run

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Attached is a resolution requesting acceptance of certain streets in Heron Run 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 resolution.

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Darryl E. Cook

DEC/alc  
heronrun.mem

Attachments



**RESOLUTION**

**DEDICATION OF STREETS IN HERON RUN**

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.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January, 2001.

heronrun.res

## M E M O R A N D U M

DATE: January 23, 2001

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Agreements for Curbside Recycling Project and Drop-Off Recycling Project

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James City and York counties along with the cities of Williamsburg, Poquoson, and Hampton contract with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside recycling services. James City along with the counties of York, Essex, King and Queen, King William, Mathews, and Middlesex contract with VPPSA for drop-off recycling services. James City and York counties are the only jurisdictions that have both drop-off and curbside recycling. VPPSA contracts out the collection and disposition of recyclables.

VPPSA's recycling agreement with Waste Management of Hampton Roads expires November 1, 2001. VPPSA has bid out recycling services for the period of November 1, 2001, to June 30, 2007, with one five-year renewal or five one-year renewals. The lowest responsive bidder for curbside recycling was Tidewater Fibre Corporation. Drop-off recycling collection will be carried out through VPPSA. In order for VPPSA to enter a recycling collection services agreement with Tidewater Fibre, VPPSA must first enter recycling agreements with member jurisdictions. One of the primary variables between the present Agreement with Waste Management of Hampton Roads and the proposed agreement with Tidewater Fibre Corporation is the City of Hampton's decision to do curbside recycling collection in-house.

Under the proposed agreement for curbside recycling, the price will increase from \$1.52 per household per month to \$1.69 per household per month. This price increase is the result of both the market for recyclables and the loss of Hampton. The proposed agreement calls for a three percent annual increase in curbside recycling costs. James City County has approximately 14,500 households being served by curbside recycling.

Under the proposed special Project Agreement, there will be no change in the curbside recycling pickup times; however, as new subdivisions are added recycling pickup days may be changed. There will be a change in the types of items to be recycled. Aerosol cans, paint cans, and envelopes with plastic windows will not be recyclable under the new contract.

James City County operates recycling drop-off centers at Tewning Road, Emergency Operating Center (EOC) in Toano, and Jolly Pond Road. The collection of recyclables from these locations will be done by VPPSA. Under the present contract, the rental for the recycling containers is \$50 per month and \$169 per collection. Under the proposed contract with VPPSA, container rental will be \$54 per month and \$151 per collection.

To ensure little disruption prior to the November 1 contract change, VPPSA will conduct a public information campaign to ensure that County residents are informed that there will be a new contractor picking up their recyclables and the minimal changes that will occur with the new contract.

The County Attorney's office has reviewed the proposed agreements and concurs with the legal form and content.

Staff recommends the adoption of the attached resolution authorizing the County Administrator to enter an agreement with the Virginia Peninsula Public Service Authority for curbside recycling services and drop-off recycling services.

---

William C. Porter

WCP/gb  
recycling.mem

Attachment

**RESOLUTION**

**AGREEMENTS FOR CURBSIDE RECYCLING PROJECT AND**

**DROP-OFF RECYCLING PROJECT**

WHEREAS, James City County is a member of and contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside recycling and drop-off recycling projects; and

WHEREAS, VPPSA has bid recycling services for the period of November 1, 2001, to June 30, 2007; and

WHEREAS, James City County wishes to continue contracting its curbside recycling project and drop-off recycling project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute Agreements with the Virginia Peninsulas Public Service Authority for curbside recycling services and drop-off recycling services.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January, 2001.

recycling.res

MEMORANDUM

DATE: January 23, 2001  
TO: The Board of Supervisors  
FROM: Caroline M. Rhodes, Volunteer Services Coordinator  
SUBJECT: International Year of Volunteers

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2001 has been designated as International Year of Volunteers by the United Nations. We are requesting that the Board of Supervisors declare 2001 as International Year of Volunteers in James City County.

An average of 600 volunteers generously contributed 65,000 hours of their time to the County in the year 2000. Some of the services provided would not be possible without this vital volunteer support.

Staff recommends adoption of the attached resolution declaring 2001 as the International Year of Volunteers.

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Caroline M. Rhodes

CONCUR:

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Carol M. Luckam

CMR/tlc  
volyear .mem

Attachment

**RESOLUTION**

**INTERNATIONAL YEAR OF VOLUNTEERS**

WHEREAS, 2001 has been proclaimed International Year of Volunteers by the United Nations General Assembly to highlight the achievements of volunteers worldwide and to encourage more people to volunteer; and

WHEREAS, a year designed to enhance the recognition, facilitation, networking, and promotion of volunteer service with particular emphasis upon activity at the local level would make a significant contribution to generating increased awareness of the achievements and further potential of volunteer service; and

WHEREAS, 600 James City County volunteers made a significant contribution to meet the needs of James City County's most vulnerable populations during FY 2000, contributing 65,000 hours valued at \$1,156,350.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the year 2001 as the International Year of Volunteers and celebrates the impact of volunteerism in our community.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January, 2001.

volyear.res

**SPECIAL USE PERMIT-26-00. James City County District Park, Hotwater-Cole Tract  
Staff Report for the January 23, 2001, Board of Supervisors Public Hearing**

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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.

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**PUBLIC HEARINGS**

Building C Board Room; County Government Complex  
Planning Commission: January 8, 2001, 7:00 p.m.  
Board of Supervisors: January 23, 2001, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Bernard M. Farmer, Capital Projects Administrator  
Land Owner: James City County, Division of Parks and Recreation

Proposed Use: District Park

Location: 5535 Centerville Road; Powhatan District

Tax Map and Parcel No.: (30-1)(1-9)

Primary Service Area: Outside

Parcel Size: ±747 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Park, Public, or Semipublic Open Space

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural

Staff Contact: Christopher M. Johnson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff recommends approval of this application. Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On January 8, 2001, the Planning Commission unanimously recommended approval of this application, with conditions.

## **Project Description**

Mr. Bernard M. Farmer, Capital Projects Administrator for James City County, has applied for a special use permit to operate a public community recreation facility otherwise known as the James City County District Park ("District Park"). Proposed facilities for the park are shown on the attached District Park Master Plan. The proposed District Park would include over five miles of trails and walking paths, an outdoor environmental education center, playgrounds, picnic shelters, canoeing and paddle boat facilities, a climbing and ropes course, off street parking and a park maintenance facility. A condition has been added which would allow the Development Review Committee to determine whether changes to the Master Plan are consistent with the basic concept or character of the development. The entire site, located east of Jolly Pond Road (Route 611) and west of the intersection of Centerville Road (Route 614) and Longhill Road (Route 612), is approximately 747 acres in size and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (30-1).

## **History**

In March 1994, voters were asked to authorize use of general revenue bonds for financing several initiatives. Among the initiatives was 3.1 million dollars earmarked for the purchase of a large parcel to be used for a future district park. The referendum was approved and initial acquisition of the majority of the Hotwater-Cole Tract for use as a District Park was completed in April 1994. Funds for master planning and design of the park facility have been approved in subsequent Capital budgets. Master planning of the site for both passive and active recreation uses began and was nearly complete when the County agreed to buy the Warhill Tract in 1996. The acquisition of the Warhill Tract was not anticipated when the Hotwater-Cole District Park site was acquired or planned. In that the Warhill Tract terrain was better suited to active sports fields than was the Hotwater-Cole Tract, revised master plans were prepared that moved the active sports components of a district park to the Warhill Tract, splitting the district park into two distinct sites. The more passive and less land intensive components of a district park remained at the Hotwater-Cole Tract.

## **Surrounding Zoning and Development**

The site is surrounded by land zoned A-1, General Agricultural. Several small residential lots border the district park site along the western side of Centerville Road. The southeast corner of the intersection at Longhill and Centerville is owned by the Exxon Corporation and is zoned LB, Limited Business. The Forest Glen subdivision, zoned R-2, General Residential, is located on the northeast corner of this intersection. The majority of the A-1 zoned land surrounding the park site to the south, west, and north is undeveloped.

## **Physical Features and Environmental Considerations**

The densely wooded site shows evidence of historic disturbance over the majority of the property. Most of the ridge lines and slopes on the site show evidence of having been logged and either replanted with loblolly pine or allowed to regenerate into a hardwood-pine mixture. The canopy vegetation is primarily American beech, southern red oak, white oak, American holly, sweet gum, ironwood, and scattered loblolly pine. The understory is very dense with American holly, pawpaw, dogwood, and huckleberry. Wetlands on the property are associated with the headwater drainageways of the Colby Swamp located within the Chickahominy River drainage basin.

Environmental impacts, to the greatest extent possible, will be minimized through the implementation of a strict erosion and sediment control plan that will include immediate soil and slope stabilization, temporary sediment basins, silt fencing, diversion dikes, and sediment forebays. This project will not impact any public water supply, shellfish harvesting area or spawning grounds. The entire project is located outside the 100-year floodplain as depicted on the Federal Emergency Management Agency Flood Insurance Rate map for James City County dated February 6, 1991.

Of the numerous threatened and endangered wildlife species known to occur in Virginia, no Federally listed threatened or endangered species have been reported in the area of the Hotwater-Cole Tract. Williamsburg Environmental Group, Inc., conducted a survey for small whorled pogonia in June 1999. No small whorled pogonia were found on the property during this review.

The roadway alignment for Phase 1 was revised on three separate occasions in an effort to reduce wetlands encroachment and avoid cultural resources located on the interior of the site. The resulting alignment of the entrance road represents the least environmentally damaging practicable alternative for the project.

## **Transportation**

### *Access*

The District Park entrance would be located to align with Longhill Road (Route 612) at its intersection with Centerville Road (Route 614) to form a four leg intersection. A small parcel zoned LB, Limited Business, connects the district park site to the intersection and would be used as the area for the entrance to the site. The entrance road is being designed so that it will be eligible to be accepted into the State Secondary Road System. The entrance road will be approximately one mile in length with a turnaround and approximately 25 parking spaces at its terminus. The entrance is proposed as a full access driveway with one lane entering and two lanes exiting (left/thru and a right-turn lane).

### *Traffic Impacts*

A traffic study was prepared for the District Park by Buchart Horn, Inc., in January 2000. Existing traffic at the intersection of Longhill Road and Centerville Road warrants a southbound left-turn lane at Longhill Road and a full width right-turn lane northbound on Centerville Road during the p.m. peak hours without the park. Capacity analyses were performed under existing conditions for the weekday a.m. and p.m. peak hours. Under the existing conditions, the westbound approach (Longhill Road), operates at Level of Service (LOS) "C" during the a.m. peak and LOS "B" during the p.m. peak. On Centerville Road, the southbound left-turn movement operates at a LOS "A" during the a.m. and p.m. peak hours. At the proposed park entrance, when exiting the park, the eastbound left/thru lane would operate at a LOS "C" during the a.m. and p.m. peak hours and a LOS "A" for the right-turn lane during both peak periods. The remaining approaches would continue to operate at the same levels of service without the park entrance.

VDOT has reviewed the traffic study and concurs with the results. The addition of the park entrance at the Centerville Road/Longhill Road intersection does not appreciably effect the LOS at the intersection. The LOS for all movements was found to be "C" or better for all turning movements. Given the less intensive uses planned for the proposed park, neither staff or VDOT anticipates a significant effect on the LOS of the intersection. No intersection improvements are recommended at this time. As additional funding is approved for the site, additional facilities will be added. VDOT has agreed to allow the traffic improvements recommended in the traffic study to be constructed in phases as uses at the park warrant their construction. As the usage of this site changes, the adequacy of the existing roadway shall be reevaluated.

## **Public Utilities**

The site is located outside the Primary Service Area (PSA). An application for evaluation of soils for design of a septic system and well location has been submitted to the Health Department for review. The plans for Phase One at the District Park propose an area for an on-site soil absorption system.



## Comprehensive Plan

### *Land Use Designation*

The Comprehensive Plan Land Use Map designates the Hotwater-Cole Tract as Park, Public, or Semipublic Open Space. Large undeveloped areas owned by institutions or the public and used for recreation or open space are included in this category. These areas serve as buffers to historic sites, as educational resources, and as areas for recreation and enjoyment.

A specific strategy of the Parks and Recreation element of the Comprehensive Plan is to develop a large district park with a focus on County, school, and regional needs. The Hotwater-Cole Tract is identified in the Plan and the conceptual park plans were reviewed by the Board of Supervisors during the adoption of the Plan. Because the District Park will serve the County and region as a whole and it will be a public facility, staff feels that the proposal is consistent with the Comprehensive Plan Land Use designation.

### *Historical and Archaeological Impacts*

Archaeologists with Cultural Resources, Inc., of Williamsburg, Virginia, conducted a Phase 1 archaeological resources investigation in February 1997 which was designed to provide an inventory of prehistoric and historic archaeological sites for approximately 240 acres on the Hotwater-Cole Tract. All improvements permitted under this SUP would be constructed within this study area. Twenty-seven sites and seven isolated finds were recorded during the Phase 1 survey. Of the 27 sites recorded, six sites are attributed to Native American occupation; two sites are multi-component sites to the Late Woodland and seventeenth century; 15 sites date from the mid to late eighteenth century to the early to mid nineteenth century; and four sites date to the early twentieth century.

Additional archaeological work was performed on seven sites within the proposed park by Archaeological & Cultural Solutions, Inc., of Williamsburg, Virginia, in September 1999. Four of the seven archaeological sites (44JC865; 44JC867; 44JC855; 44JC873) were completely avoided by the current entrance road design. Two of the sites, 44JC856 and 44JC853, will be monitored by an archaeologist during the preparation of the nature trail that will run through them. The final site, 44JC852, called for a Phase 2 evaluation to clearly define site boundaries and site integrity since it will be cut for the construction of the entry road. A Phase 2 evaluation of this site has been completed and no further study is recommended. This site will also be monitored by an archaeologist during construction of the entrance road. A condition is included to ensure that the recommendations of the on-site archaeologist are implemented in a manner consistent with the County's archaeological policy.

### *Finding of Consistency*

Section 15.2-2232 of the Virginia State Code states, in part, that no public park facility shall be allowed unless the Planning Commission finds the location of the park "substantially" in accordance with the adopted Comprehensive Plan. The Comprehensive Plan designates the Hotwater-Cole Tract as park, Public, or Semipublic Open Space and staff finds this proposal consistent with the Comprehensive Plan. On December 4, 2000, the Planning Commission found that the Phase 1 entrance road proposal was substantially in accordance with the Comprehensive Plan.

### **RECOMMENDATION:**

Staff recommends approval of this application. Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On January 8, 2001, the Planning Commission unanimously recommended approval of this application, with the following conditions:

1. Development of the site shall be generally in accordance with the District Park Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. A land disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. Prior to issuance of a land disturbing permit, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director.
4. A minimum 150-foot buffer shall be maintained along the property lines of the park site bordering Centerville Road and those properties with frontage along Centerville Road. The buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.
5. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with the phased development plan approved by the Virginia Department of Transportation.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Christopher M. Johnson

CONCUR:

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O. Marvin Sowers, Jr.

CMJ/gb  
sup-26-00.wpd

Attachments:

1. Unapproved Planning Commission Minutes from January 8, 2001
2. Location Map
3. Master Plan
4. Resolution

## RESOLUTION

### CASE NO. SUP-26-00. JAMES CITY COUNTY DISTRICT PARK, HOTWATER-COLE TRACT

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. Bernard M. Farmer, on behalf of the James City County Division of Parks and Recreation, has applied for a special use permit to operate a public community recreation facility located at 5535 Centerville Road; and

WHEREAS, the proposed development is shown on the Master Plan dated November 7, 2000, and entitled "District Park Master Plan; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2001, voted unanimously 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-26-00 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the District Park Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. A land disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. Prior to issuance of a land disturbing permit, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director.
4. A minimum 150-foot buffer shall be maintained along the property lines of the park site bordering Centerville Road and those properties with frontage along Centerville Road. The buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.
5. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with the phased development plan approved by the Virginia Department of Transportation.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January,  
2001.

sup-26-00.res

MEMORANDUM

DATE: January 23, 2001

TO: The Board of Supervisors

FROM: Frank M. Morton, III, County Attorney  
John T. P. Horne, Manager of Development Management

SUBJECT: 2001 Redistricting Standards and Criteria and Procedural Guidelines

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The purpose of this memorandum is threefold:

1. To provide the Board with background and a schedule of events for the upcoming redistricting.
2. To advise the Board of the most important of the legal parameters within which the redistricting must be accomplished.
3. To adopt standards and criteria, procedural guidelines, and a proposed calendar to guide the staff, Redistricting Advisory Committee, and the Board as the redistricting process unfolds.

1. BACKGROUND

The County will need to be redistricted this year. While the local census data has been promised for early March, the Federal statute gives the U.S. Department of Justice 60 days in which to accomplish their review. Therefore, given the necessary review times, notification of voters whose voting district or polling places have been changed, it is absolutely necessary that the redistricting package be submitted no later than mid-May.

This presents a challenging time line for staff, the soon-to-be appointed Redistricting Advisory Committee, and the Board of Supervisors. A suggested redistricting calendar has been attached to this memorandum. While it is aggressive, please note that it is premised on receipt of the census data in early March. Should that not occur, changes will be necessitated compressing the schedule even further.

In addition, advances in computer technology have the potential for significant impact on the calendar. The County has GIS software designed specifically for the redistricting process. The earlier the County receives the electronic database of information from the U. S. Census Bureau, the more time staff will have to look at different scenarios by adjusting precinct boundaries, reviewing statistics and creating maps for review at the Advisory Committee meetings.

Another factor is that there is more data to consider and changes to the data for the 2000 Census. For example, the County has substantially more census blocks for the 2000 Census than in 1990 and the census block group numbers have all be renumbered for the 2000 Census.

This will be the first redistricting process the County has undertaken since elected school boards have been established. The districts from which the School Board members are elected are the same as the Supervisors. The standards and criteria set forth later in this document will recognize the elected school board members by attempting, within reasonable efforts, to keep them located in their existing districts.

## 2. LEGAL PARAMETERS

In discussing the legal implications of redistricting, I will be quoting liberally from the Guide to Local Redistricting for 2001 distributed by the Division of Legislative Services.

### Districts

Section 24.2-304.1B repeats the constitutional requirements that local redistricting be done in 2001 and that the districts shall “give as nearly practicable representation in proportion to the population of the district” (the old “one person-one vote” principle)... and that the district must “be composed of contiguous and compact territory.” In addition, the Board should be aware of the following requirements:

- Local election district boundaries must follow “clearly defined and clearly observable” lines. §24.2-305. This requirement also applies to precincts.

The following would constitute clearly observable boundaries:

- (a) any named road or street;
  - (b) any road or highway part of the Federal, State, or primary or secondary road system;
  - (c) any river, stream, or drainage feature 40 feet or more in width; or
  - (d) any other natural or constructed or erected permanent physical feature which is shown on the official County map issued by VDOT or on a U.S. Geological Survey Topographical Map. A property line or a subdivision boundary may not be used unless it appears as a block boundary on the census maps.
- Localities are authorized to expend local funds to accomplish redistricting. §24.2-304.2.
  - Redistricting plans must be adopted by ordinance, include a description of the district boundaries and map, and be included in the minutes of the governing body. §24.2-304.3.
  - Copies of the ordinance, description, and map must be sent to the: 1) Local electoral board; 2) Secretary of the Commonwealth; 3) State Board of Elections; and 4) Division of Legislative Services. §24.2-304.3.
  - As provided in the Constitution, any citizen of a locality may bring suit to compel redistricting or to challenge a redistricting plan for violating equal population requirements. §24.2-304.4.
  - Localities must notify the Attorney General’s office of any civil action filed to challenge election district boundaries or redistricting plans. §24.2-304.5. See, also, §2.1-121.1.
  - Changes in local election districts and precincts must be enacted 60 or more days before a general election. Notice must be published for two successive weeks prior to enactment of the change. Notice of any election district or polling place change must be mailed to voters at least 15 days before the next general, special, or primary election. §24.2-306.

### Precincts

It is necessary to review not only the election districts, but also the precincts to determine whether they may have grown too large. Section 24.2-307 provides that County precincts can be established with no more than 5,000 registered voters and no fewer than 100 registered voters. Each precinct must be wholly

contained in one election district, and thus the redrawing of a district line will necessitate an adjustment of a precinct line.

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#### Polling Places

The requirements for polling places are spelled out in §§24.2-310 and 24.2-310.1. There must be one polling place for each precinct. The polling place for a county precinct must (i) be located in the precinct or within 1,500 yards of the precinct boundary, (ii) meet accessibility requirements, and (iii) be located in a public building whenever practicable. It is important to consider the availability of appropriate polling place facilities in drawing local election district and precinct boundaries.

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#### Census Numbers

The Census Bureau has indicated its intent to release two sets of numbers; first, the actual count and second, if they believe them to be more accurate, a set of statistically modified numbers. The 2000 General Assembly enacted legislation (Chapter 884) requiring the General Assembly and localities to use the actual numbers. Litigation continues on this issue, but will not impact the immediate redistricting effort.

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#### Compliance with Voting Rights Act ("VRA")

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##### Section 2 VRA

All states and localities are subject to §2 of the Voting Rights Act as amended in 1982. 42 U.S.C. §1973 (a) and (b)(1982). Section 2 prohibits any state or locality from imposing a voting qualification or procedure that results in the denial or abridgment of the right to vote on account of race, color or status as a member of a language minority group. The plaintiff in a §2 case may show a violation of §2:

"...if, based on the totality of circumstance, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens...in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

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##### Section 5 VRA - Preclearance

As the Board is aware, the County cannot implement any redistricting plan until it is "precleared" by U.S. Department of Justice. The standard applied is "retrogression," i. e., whether the plan or change will result in denying or abridging a person's right to vote on account of race or color.

The U.S. Supreme Court stated that...the purpose of §5 has always been to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise. 425 U.S. 130, 141 (1976).

With respect to acceptable deviations, the law now accepts plans that contain a total deviation under 10 percent, i.e., plus or minus 5 percent.

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Traditional Redistricting Criteria

It is still important to consider the “traditional criteria” such as:

- Population equality;
- Compactness;
- Contiguity;
- Avoiding splits of political subdivisions and precincts;
- Preserving communities of interest;
- Preserving the basic shape of existing districts;
- Protecting incumbents and avoiding the pairing of incumbents;
- Political fairness or competitiveness; and
- Voter convenience and effective administration of elections.

Finally, we note that in the 1991 redistricting racial demographics were perhaps the most important single factor to be addressed in the process. While racial demographics remain extremely important, they can be considered only as one aspect of the process.

3. STANDARDS AND CRITERIA AND PROCEDURAL GUIDELINES

With the appointment of the Redistricting Advisory Committee, it is our judgment that the standards and criteria set forth herein will help to focus the Committee’s attention on those matters the Board feels are important. In addition, the submittal procedures will aid in documenting our submittal to Justice. Therefore to meet the challenge of the 2001 redistricting requirements, we recommend that the Board consider the following steps:

1. Adopt standards and criteria to be used to evaluate each redistricting plan considered; and
2. Adopt procedural guidelines to be followed for the submittal and review of redistricting plans.

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Standards and Criteria

Basic standards and factors important to the Board should be clearly stated. These standards and factors should be used to evaluate each redistricting plan considered. The following are suggested:

All the criteria, with the exception of 7, are mandated by Federal, State, or the County’s Charter.

1. Five election districts shall be maintained. (James City County Charter)
2. Each election district shall be as nearly of equal population as practicable. The deviation from district to district shall be less than 10 percent (plus or minus 5 percent deviation). (VA Code Section 24.2- 304.1B)
3. Each election district and each precinct shall be composed as nearly as practicable of compact and contiguous territory. (VA Code Section 24.2-304.1B)
4. Each election district and precinct shall have clearly defined and clearly observable boundaries. Historic lines which appear as a block boundary in the United States Bureau of the Census map for the 1990 Census may be considered as an appropriate boundary. (VA Code Section 24.2-305)



5. The redistricting shall not dilute the voting opportunities of any racial or language minority group. Voting Rights Act Section 2
6. Known communities of interest shall not be divided into separate election districts if reasonably possible. (See Guide to Local Redistricting for 2001, Page 27)
7. If reasonably possible given the goal of equal population between districts and the Voting Rights Act, incumbent members of the Board of Supervisors and the James City County members of the Williamsburg/James City County School Board shall remain located in separate election districts as they are currently aligned. (See Guide to Local Redistricting for 2001, Page 39)

Procedure for Submittal and Review of Plans

The Department of Justice has requested that the preclearance submittal include:

- (a) all plans submitted to the Board of Supervisors;
- (b) all plans considered by the Board of Supervisors;
- (c) the action taken by the Board of Supervisors on each plan specifying the reason for rejecting or approving the plans; and
- (d) transcripts or minutes of all meetings considering the plans.

To meet this submittal objective, we recommend:

- 1) All plans shall be submitted to the County Administrator.
- 2) Each plan shall consider and include the entire County.
- 3) The County Administrator shall assign a number to each plan for purposes of record keeping.
- 4) Any plans initiated by Board members shall be prepared with staff assistance so that they can be drawn on appropriate maps.
- 5) A clear deadline for the submittal of plans should be established to allow the Board reasonable time to consider plans in advance of the deadline for adoption.
- 6) Each plan received by the County Administrator for Board consideration shall be available for public inspection.
- 7) The Board shall consider each plan and specify the reasons for rejecting or approving the plans.
- 8) The Board, at a public meeting, may adjust, amend, or modify any plan before it or create a new plan. Such plan shall be assigned a number and shall be considered by the Board as a separate plan for purposes of review, approval, or denial.

RECOMMENDATION

Attached are two resolutions adopting the redistricting standards and criteria and procedural guidelines set forth herein and a suggested redistricting calendar. Staff recommends adoption of both resolutions.

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Frank M. Morton, III

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John T. P. Horne

FMM/JTPH/alc  
redistricting.mem

Attachments

**RESOLUTION**

**2001 REDISTRICTING STANDARDS AND CRITERIA**

**AND PROCEDURAL GUIDELINES**

WHEREAS, the Board of Supervisors feels it would be appropriate to express its position on the adoption of standards and criteria to evaluate redistricting plans and adopt procedural guidelines to be followed for submittals of redistricting plans.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the standards and criteria to evaluate redistricting plans and adopts the procedural guidelines for submittal of such plans as set forth in a memorandum to the Board from the County Attorney and the Manager of Development Management dated January 23, 2001, a copy of which is attached hereto.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January, 2001.

redistricting.res

**RESOLUTION**

**REDISTRICTING CALENDAR**

WHEREAS, the Board of Supervisors of James City County, Virginia, deems it appropriate to adopt a calendar setting forth a redistricting schedule; and

WHEREAS, the calendar reflects a schedule based on receipt from the Census Bureau of the census data in early March 2001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following calendar setting forth a redistricting schedule.

January 23, 2001	Citizen Redistricting Committee appointed by Board
March 27, 2001	Deadline for Redistricting Advisory Committee to report its finding to Board and receive any additional assignments
April 10, 2001	Public hearing to receive comment prior to consideration of redistricting plan by the Board (7:00 p.m. regular Board meeting)
April 13, 2001	Deadline for redistricting plans to be submitted to the County Administrator for consideration by the Board
April 16, 2001	Board Redistricting Work Session (4:00 p.m. special redistricting meeting preceding 7:00 p.m. Board Budget Work Session)
April 19, 2001	7:00 p.m. public hearing for Redistricting Ordinance preceding Budget Work Session
April 24, 2001	Adoption of Redistricting Ordinance (7:00 p.m. regular Board meeting)
May 17, 2001	Deadline for submitting preclearance to the Department of Justice

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of January, 2001.

MEMORANDUM

DATE: January 23, 2001  
TO: The Board of Supervisors  
FROM: Paul D. Holt, III, Senior Planner  
SUBJECT: Lease of 2,500-Square Feet of County Property to American Tower, L.P.

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On December 19, 2000, the Board deferred this case so staff could continue to work with American Tower to finalize the location of the proposed "flag pole" tower and equipment hut.

Discussions with American Tower are still on-going and staff requests the Board defer this case until the February 27, 2001, meeting.

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Paul D. Holt, III

CONCUR:

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O. Marvin Sowers, Jr.

PDH/gb  
amertower.mem