

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**September 11, 2001**

**7:00 P.M.**

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<b>A. ROLL CALL</b>	
<b>B. PLEDGE OF ALLEGIANCE</b> – Ms. Alexandra Armstead, a student at Toano Middle School	
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1. Appointment of Individuals to County Board and/or Commissions, Section 2.1-344 (A)(1) of the Code of Virginia	
a. Clean County Commission	
2. Prospective Business Where No Previous Announcement Has Been Made, Section 2.1-344 (A)(5) of the Code of Virginia	

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF AUGUST, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Mr. Andre Brooks, an eighth grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT - None**

**D. PRESENTATIONS**

1. Volunteer Recognition – International Year of Volunteers

Mr. McGlennon recognized the Olde Towne Medical Center Immunization Volunteers who work with Judy Knudson, Marsha Amory, and WAMAC staff. These 12 volunteers (Carolyn Beckhoff, Patty Clancy, Marilyn Diehl, Bobbi Fairchild, Margaret Kwiatkowski, Genevieve Mastaler, Ann O'Brien, Joan Porter, Hanni Sherman, Mary Joe Smith, Jean Taylor, and Ann Yankovich) generously donate over 1,000 hours monthly staffing a walk-in clinic every Tuesday which serves approximately 29 citizens each month issuing over 71 immunizations.

Ms. Knudson thanked the volunteers for providing a service to the citizens of the County that otherwise would be provided by a different jurisdiction.

2. NACo and NACPRO Awards

The Board of Supervisors recognized the following staff members for their innovative programs that were recently recognized by the National Association of Counties (NACo) and the National Association of County Parks and Recreation Officials (NACPRO):

Chris Gordon for the CAMPAIGN LEARN TO SWIM program that is an on-going program designed to increase the awareness of water safety among at-risk youth in James City County.

Seth Benton and Zollie Hayes for THE TEEN TOURNAMENT PROGRAM at James River Community Center that is a neighborhood-based program that serves youth at-risk and low-income populations in the Grove community.

Dan Smith for the PARK-TO-PARK program that is a special bicycle tour developed by James City County Parks and Recreation Division in cooperation with Williamsburg Area Bicyclists (WAB), York River State Park, and City of Williamsburg.

Rona Vrooman and Carole Norman for the ELECTRONIC FORM FILLER - JEFF is a tool that streamlined the New Employee Orientation process. JEFF eliminated the redundancy associated with completing forms by having employees enter information one time and then uses that information to populate several forms.

Renee Dallman for THE BLOCK BUDDIES: A NEIGHBORHOOD HEALTH PROMOTER PROGRAM that trains citizens to become health ambassadors in their communities.

Iris Street for the WOMEN OF THE FUTURE program that serves at risk girls, ages 11-17, in the Centerville area through Project: Excel.

Iris Street for THE FAMILY MEDIATION PROGRAM that serves all families involved in custody and/or visitation litigation before the Williamsburg/James City County Juvenile and Domestic Relations Court. Families are referred to an educational orientation and screening program. This approach has provided families with a less adversarial climate to settle family matters and appears to enhance settlement.

Denny Skiles for the JAMES CITY COUNTY INFORMATION MESSAGE BOARD that provides citizens with information via a video message board. Citizens can see the message board on County Government Channel 48 between scheduled programming.

## **E. HIGHWAY MATTERS**

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), was available to answer questions from the Board.

Mr. Goodson requested information regarding the status of the Route 359 project.

Mr. Elliott stated that a public hearing and comment period has been held. VDOT is compiling and reviewing the comments for possible inclusion into the final report to be submitted to the Commonwealth Transportation Board (Transportation Board).

Mr. McGlennon requested to know how citizen and the Board's comments would be used in the formal recommendation to be made by VDOT to the Transportation Board.

Mr. Elliott stated that the recommendation will be presented to the Transportation Board who will review the recommendation for approval, or may suggest other avenues or development methods for the project.

Mr. Goodson requested a status update on the Grove interchange.

Mr. Elliott stated that the deck pans on the bridge have been completed and a subcontractor is being solicited for the next phase of the bridge construction. Construction will be completed by December although communication avenues with the contractor are limited due to legal matters associated with the contractor.

Mr. Goodson requested temporary signage be placed on I-64 to route Busch Gardens traffic away from Route 60.

Mr. McGlennon requested an update on the intersection of Jamestown Road and Route 199.

Mr. Elliott stated that VDOT is reviewing the comments received from the County and City in response to the latest intersection design. VDOT anticipates being able to do a field inspection next month followed by a final design public hearing.

Mr. McGlennon requested information regarding the Route 5 sinkhole repair work near St. George's Hundred.

Mr. Elliott stated that repair work has been performed under the bridge to repair erosion damage under the bridge by Hurricane Floyd.

Mr. McGlennon requested VDOT perform maintenance on the ditches along Route 5; Jamestown Road near the Kingswood subdivision where berm and sidewalk erosion is occurring due to the problems associated with the ditches and at the intersections of Oxford and Jamestown Roads, and Spring and Jamestown Roads.

## **F. CONSENT CALENDAR**

Mr. McGlennon inquired if a Board member wished to pull an item from the consent calendar.

Mr. Kennedy requested Item Number 2, Courthouse Maintenance Fund, be pulled.

Mr. Kennedy made a motion to approve the remaining items on the consent calendar, including the amended minutes of July 24, 2001.

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

### 1. Minutes

- a. July 10, 2001, Regular Meeting
- b. July 24, 2001, Regular Meeting
- c. July 25, 2001, Work Session

3. Powhatan Polling Place – Christian Life Center Lease

**RESOLUTION**

**POWHATAN POLLING PLACE - CHRISTIAN LIFE CENTER LEASE**

WHEREAS, the James City County Electoral Board is required to conduct elections in the County of James City; and

WHEREAS, the Christian Life Center has offered to provide a polling place for the Powhatan B Precinct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a lease between James City County and the Christian Life Center for the establishment of a polling place for Powhatan B Precinct.

4. Capital Project Balances

**RESOLUTION**

**CAPITAL PROJECT BALANCES**

WHEREAS, the Board of Supervisors of James City County adopts, as components of the County's Capital Budget, funding for individual capital projects; and

WHEREAS, once these projects are completed and capitalized, there is currently no provision to easily transfer outstanding project budget balances.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to transfer remaining budget balances from capital projects that are completed to Capital Contingency.

5. Department of Criminal Justice Services Special Request Fund Grant for School Resource Officer Program

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES SPECIAL REQUEST FUND GRANT**

**FOR SCHOOL RESOURCE OFFICER PROGRAM**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the Police Department a \$5,000 Special Request Grant, with no local match required, that will fund items needed in connection with substance abuse prevention as well as other SRO Program activities; and

WHEREAS, the grant funds must be obligated by September 30, 2001, and expended by November 15, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following appropriation to the FY 2001-2002 General Fund budget:

<u>Revenue</u>	
State Revenue - School Resource Officer Grant	<u>\$5,000</u>
<u>Expenditure</u>	
Police Department	<u>\$5,000</u>

6. U. S. Bureau of Justice Assistance Block Grant

**RESOLUTION**

**U. S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT**

WHEREAS, the Bureau of Justice Assistance has approved a Block Grant providing \$19,117 to the Police Department for law enforcement equipment and technology; and

WHEREAS, local matching funds of \$2,124 are available in the Police Department Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the grant and authorizes the following appropriation to the Donation Trust Fund:

<u>Revenue</u>	
Bureau of Justice Assistance	<u>\$19,117</u>
<u>Expenditure</u>	
2001-2002 Bureau of Justice Assistance Grant	<u>\$19,117</u>

7. Extrinsic Structure Agreements for Stonehouse Subdivision – Golf Cart Tunnels

**RESOLUTION**

**EXTRINSIC STRUCTURE AGREEMENTS FOR**

**STONEHOUSE SUBDIVISION - GOLF CART TUNNELS**

WHEREAS, an agreement is required to address the legal requirement of the Virginia Department of Transportation (“VDOT”) to accept the maintenance responsibility for three extrinsic structures, specifically golf cart path tunnels under a secondary road, in the Stonehouse Subdivision; and

WHEREAS, in order to induce the County to enter into an inspection and maintenance agreement with VDOT, the Tradition Golf Club at Stonehouse, LLC, the owner of the property served by the extrinsic structures, is willing to enter into an agreement with the County to assume any maintenance liability the County may have for the extrinsic structures; and

WHEREAS, the agreement with the Tradition Golf Club at Stonehouse, LLC, protects the interest of the County concerning liability for the extrinsic structures.

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 an agreement on behalf of the County with the Tradition Golf Club at Stonehouse, LLC, for extrinsic structures, specifically golf cart path tunnels, in the Stonehouse Subdivision.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to enter into an agreement on behalf of the County with the Virginia Department of Transportation for the inspection and maintenance of extrinsic structures, golf cart path tunnels, in the Stonehouse Subdivision.

8. Chesapeake Bay Preservation Ordinance Violation – Civil Charge

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE**

WHEREAS, Charles J. Bowen (“Mr. Bowen”) is the owner of a 1.68 ± acre parcel of land, commonly known as 2497 Sanctuary Drive, designated as Parcel No. (3-0019) on James City County Real Estate Tax Map No. (44-2) (the “Property”); and

WHEREAS, on or about November 20, 2000, contractors working for Mr. Bowen removed vegetation from approximately 6,500-square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Mr. Bowen agreed to a Restoration Plan to replant 28 trees, 92 shrubs, and 26 ferns on the Property in order to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. Bowen has completed the restoration of the Resource Protection Area on the property; and

WHEREAS, Mr. Bowen has agreed to pay \$3,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,000 civil charge from Charles J. Bowen as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

9. Award of Contract – Construction of Extension of Endeavor Drive

**RESOLUTION**

**AWARD OF CONTRACT -**

**CONSTRUCTION OF EXTENSION OF ENDEAVOR DRIVE**

WHEREAS, bids have been publicly advertised and received for construction of an extension of Endeavor Drive and utilities into James River Commerce Center with the lowest responsive and responsible bid in the amount of \$251,235 from Stilley Company; and

WHEREAS, State Industrial Access Road Fund Program money has been awarded to pay for all or part of the construction if a qualifying user locates along the new roadway within five years; and

WHEREAS, a cost-sharing agreement exists between the park owners, James City County, and Williamsburg Developments Inc., further reducing the County's potential costs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Stilley Company, in the amount of \$251,235, for construction of roadway and utilities extending Endeavor Drive further into James River Commerce Center.

10. Erosion and Sediment Control Ordinance Violation – Civil Charge

**RESOLUTION**

**EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - CIVIL CHARGE**

WHEREAS, on July 27, 2001, Wayne Harbin of Wayne Harbin Builder, Inc., violated the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at Lot 13 in the Mulberry Place subdivision, commonly known as 5435 William Ludwell Lee and designated as Parcel No. (13-13) on James City County Real Estate Tax Map No. (31-3) (the "Property"); and

WHEREAS, Mr. Harbin has abated the violation at the Property; and

WHEREAS, Mr. Harbin has agreed to pay \$300 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$300 civil charge from Wayne Harbin of Wayne Harbin Builder, Inc., as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

2. Courthouse Maintenance Fund

The Board and staff discussed well irrigation for the Courthouse, mediation services and security within the Court Support Building, maintenance fund expenditures, and alternative irrigation systems for the Courthouse.

Mr. Kennedy made a motion to adopt the resolution.

The Board held further discussion regarding the proposed irrigation system.

Mr. Kennedy tabled his motion.

The Board requested the County Administrator convey the Board’s concern about the proposed well irrigation system and requested reference to the irrigation and funds for the system be removed from the resolution.

Mr. Kennedy made a motion to adopt the resolution as amended.

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

**RESOLUTION**

**COURTHOUSE MAINTENANCE FUND**

WHEREAS, the Board of Supervisors of James City County has previously authorized the assessment of a courthouse maintenance fee; and

WHEREAS, the County jointly operates the courthouse in partnership with the City of Williamsburg; and

WHEREAS, funds are available in a City/County Courthouse Maintenance Fund to allow for enhancements to the courthouse and to provide equipment and furniture for court service offices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes, subject to a similar approval by the Council of the City of Williamsburg, an expenditure of up to \$137,000 from the current balance of the Courthouse Maintenance Fund for the following projects:

District Court Video Arraignment and	
Extension of Courthouse Telephone	
Switch to Court Support Building	\$102,000
Court Mediation Services Furniture/Equipment	<u>35,000</u>
	<u>\$137,000</u>

**G. PUBLIC HEARINGS**

1. Case No. Z-4-00/MP-01-01. Colonial Heritage at Williamsburg

Mr. Ben Thompson, Planner, stated that Mr. Alvin Anderson has applied to rezone five parcels of land to a Mixed Use designation to develop a 2,000 residential unit (1,200 single-family detached, 600 single-family

attached, and 200 multifamily dwellings), 18-hole golf course, gated, age-restricted community with 425,000 square feet of commercial development fronting on Richmond Road, on approximately 777 acres zoned A-1, General Agriculture, and M-1, Limited Business/Industrial, at 6175 Centerville Road, 6799, 6895, 6993, and 6991 Richmond Road, further identified as Parcels Nos. (1-21) (1-22), (1-32), (1-11), and (1-32a) on the James City County Real Estate Tax Map Nos. (23-4), (24-3), (31-1), and (24-3) respectively.

Staff found the master plan and rezoning application consistent with the Comprehensive Plan and compatible with surrounding land uses and zoning.

Mr. Thompson stated that on July 2, the Planning Commission voted 6-1 to recommend approval of this application.

Mr. Thompson stated that the applicant has requested a deferral of this item and recommended the Board grant the applicant's deferral request after opening the public hearing.

The Board and staff discussed the proposed development's impact on staffing for fire and police services, comparative build-out size and density, environmental impacts, anticipated revenue, proffers, water supply for golf course irrigation, proffer for water supply to the development, status of the desalinization and brime permits, employment opportunities, fiscal impacts, adequacy of public facilities and library resources, preservation of open space, proposed public greenspace as private greenway, and plans for the commercial property development.

The Board requested staff schedule a work session to discuss water supply and development impacts.

The Board suggested a condition be added to prevent the commercial land of this proposal from being developed as a single, large building.

Mr. McGlennon opened the public hearing.

1. Mr. Greg Davis, attorney representing the applicant, provided the Board with an overview of the U. S. Home Corporation's proffers and proposed project, fiscal impacts of the project on the County during development and at build-out, and requested deferral of the applications.

The Board, staff, and Mr. Davis, held a discussion regarding the potential impacts of this planned community on existing medical services and providers; fiscal impacts proposed by the project hinging on tax rates; demographics and proffers offered vs. those offered to Prince William County; a revision of the traffic study to reflect a 2020 build-out and include construction traffic impacts during the development; golf fees; water supply for the development and irrigation; proffer contribution towards the desalinization plant; and limiting the number of traffic access points on Richmond Road.

Mr. McGlennon recessed the Board at 9:50 p.m.

Mr. McGlennon reconvened the Board at 9:55 p.m.

2. Mr. Jim Icenhour, 101 Shinnecock, stated that although superficially this project looks appealing, the basic problems have not been adequately addressed or resolved; including water supply issues, golf course irrigation needs, traffic impacts and road improvements to Richmond Road, the economic impact of low-wage employee jobs, and the resource impacts of the already constructed 18,000 residential units and 12,000 permitted residential units in the pipeline.

3. Mr. Richard Boggs, 105 Butler Place, stated residents are being encouraged to conserve water. Reports have been given that summer water demands exceed the JCSA's permitted water withdrawal, programs initiated such as "Let's Be Water Smart," yet the Board, by consistently approving more development, does not

demonstrate the need to conserve water; do citizens need not worry after all about conservation; reports are given on controlled growth in the County, but citizens see that if a developer pays enough money the development is viewed as no longer having an adverse impact; and requested the Board deny the application.

4. Mr. Berton J. Roth, 112 Winged Foot, stated that it has been his experience in making a long-term decision based on population and development projections made 20 years ago that the projections were wrong, there is a lack of supporting documentation that the water conservation numbers are accurate or that water conservation is effective; and stated concern that the wetlands downstream from the proposed development will be negatively impacted by the proposed retention ponds.

5. Mr. Curt Gaul, 11 Settlers Lane, stated concern that this proposal will be setting a precedent that will negatively impact the unique character and feel of the County, that water captured for irrigation will have a negative impact on the wetland conservation area, requested the Board not be tempted by cash proffers in light of the good rating given to the County by Moody's, stated concern that the traffic survey does not reflect the weekend or summer high-volume traffic, and that 2,000 residential votes aged 55+ will skew voter results on school issues.

6. Mr. Bert Geddy, P. O. Box 363, Toano, stated support for the proposed project, confidence in the reputation and quality builder of the contractor, support for the project's positive economic impact on the County, the landowners sold the property to a responsible company for development, that this land is a prime site for development, and that the property is for sale and the Board should consider what they want developed on it.

7. Mr. Jim Tucker, 106 Blackheath Road, stated that the County taxpayers are concerned with the rising cost of living in the County, concern for the limited resources available, stated that U. S. Home is viewed as a good corporation with resources and reputation, stated support for a residential development in the County, requested the Board approve the application, and the taxes paid by the proposed project can be used by the County to build up resources and keep County taxes on citizens low.

8. Mr. John Labanish, on behalf of the James City County Historical Commission, stated concerns regarding the proposed project, including the need to preserve the County's rich historical heritage; the rate, scale, and quality of growth in the County is not being monitored; adjacent sites will be negatively impacted by the development of this project; the project will offer a presidents that developers with money can get developments approved despite long-term impacts; requested the Board defer the case for further discussion on items such as the archaeological survey and the Historical Commission's input on the proposal.

9. Mr. Lawrence Beamer, 60 Main Street, Newport News, stated that he did not wish to see growth occur in a less than desirable manner, stated that the proposal is appropriate and of quality as a County development, and that only a national developer will be able to provide the adequate planning and development of a project of this size, that the proposal will provide positive revenue, and requested the County contact the Corps of Engineers if water is such a critical commodity and stress the need for adequate permitted water supply for the needs of current citizens and future generations.

10. Mr. Ed Oyer, 139 Indian Circle, stated the increasing demand on the water resources will cause wells to go dry and how will water be supplied, requested the Board deny rezoning cases in the County, stated that citizens have voiced the desire to have development limited to one home per three acres in this portion of the County, and that he has no objection to the project, but has concerns about the adequacy of water.

11. Mr. Dave Jarman, 117 Landsdown, stated that the proposed project would impact the County, traffic conditions, recreational facilities, and the environment; stated that the water supply shortage and environmental impacts by this project have not been adequately addressed; and requested the Board defer this case until the baseline study by the Center for Watershed Management has been completed on the Yarmouth Creek Watershed because the project is too big to approve without addressing the potential impacts.

As no one else wished to speak, Mr. McGlennon requested a motion to defer until September 25, 2001.

Mr. Goodson made a motion to defer the case until September 25.

The Board and staff discussed the potential water supply from the desalinization plant, plant locations, water demand projections, land use decisions impacts on County development and resources, and the Board's desire to address these issues at a work session prior to this case coming back before the Board.

On a roll call for the motion to defer the case until September 25, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

2. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District (Ware Property Withdrawal)

Mr. Alvin Anderson has applied on behalf of L. Wallace Sink, Trustee of the Ware Estate to withdrawal 90.79 acres from the Cranston's Pond Agricultural and Forestal District, zoned A-1, General Agricultural, at 6991 Richmond Road, further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (23-4).

Staff found the proposed withdrawal consistent with the surrounding zoning and development and with the Comprehensive Plan. Staff also found the application met all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts (AFD) that are inside the Primary Service Area.

At its meeting held on April 20, 2001, the AFD Committee voted unanimously to recommend approval of the Ware Property Withdrawal from the Cranston's Pond AFD.

At its meeting held on July 2, 2001, the Planning Commission voted 6-1 to recommend approval of the withdrawal.

Mr. Thompson stated that the applicant has requested a deferral of this item and recommended the Board grant the applicant's deferral request after opening the public hearing.

Mr. McGlennon opened the public hearing.

As no one wished to speak at this time, Mr. McGlennon requested a motion to defer the case until September 25.

Mr. Kennedy made the motion to defer the case until September 25.

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

3. Case No. SUP-16-01. JCSA: New Town Water Storage Facility

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Larry Foster, General Manager of James City Service Authority, and Mr. Gil Granger, G-Square Inc., have applied for a special use permit (SUP) to construct a 1-million gallon water storage facility at the intersection of Monticello Avenue and Ironbound Road, zoned R-8, General Residential, and M-1, Limited Business/Industrial, further identified as a portion of Parcel Nos. (1-3E), (1-50), (1-2A), and (1-53) on the James City County Real Estate Tax Map No. (38-4).

Staff found the proposal, with conditions, to be compatible with surrounding zoning and uses. Staff also found the building architecture and site layout consistent with the recommendations of the Comprehensive Plan.

Mr. Holt stated that on August 6, the Planning Commission voted 5-0 to recommend approval.

Staff recommended approval of the application with the listed conditions in the resolution.

The Board and staff held a brief discussion concerning the storage tanks, visibility and landscaping of the tanks, and comparative size of the tanks to the storage tanks in Kristiansand.

Mr. McGlennon opened the public hearing.

1. Mr. Larry Foster, applicant, stated the water storage facility is necessary to isolate the eastern end of the County's water supply to accommodate the water purchased from the Newport News Water Works.

2. Mr. Chris Henderson, 427 Dogleg Drive, stated concern for the project's location and design, and stated the facility will be a visible blight at the entrance of New Town.

Mr. McGlennon closed the public hearing as no one else wished to speak.

The Board held a brief discussion concerning the aesthetics of the facility and addressing concerns of Brookhaven residents.

Mr. Kennedy made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-16-01. JCSA: NEW TOWN WATER STORAGE FACILITY**

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

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 1.0 million gallon water storage facility; and

WHEREAS, a portion of the property is currently zoned R-8, Rural Residential, with proffers, and a portion of the property is currently zoned M-1, Limited Business/Industrial; and

WHEREAS, the property is designated Mixed Use on the 1997 Comprehensive Plan Land Use Map, and

WHEREAS, the property is specifically identified as a portion of Parcel Nos. (1-3E), (1-50), (1-53), and (1-2A) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, on August 6, 2001, the Planning Commission recommended approval of the application by a vote of 5-0; and

WHEREAS, on August 6, 2001, the Planning Commission found the proposal substantially consistent with the Comprehensive Plan, as required by §15.2-2232 of the Virginia State Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-16-01 as described herein with the following conditions:

1. Start of Construction on the Water Storage Facility, as defined in the Zoning Ordinance, shall commence within 24 months of approval of this special use permit, or the permit shall become void.
2. Prior to final site plan approval, a lighting plan shall be submitted to the Director of Planning for review and approval. All luminaries used shall be of the type with recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
3. Landscaping for the Water Storage Facility shall be in accordance with Article II, Division 4 of the James City County Zoning Ordinance and shall be consistent, as determined by the Director of Planning, with the plan labeled as "Street View - Front Elevation" submitted with the SUP application and included with the staff report.
4. The architecture, materials, and colors for the Water Storage Facility shall be consistent, as determined by the Director of Planning, with the rendering titled "Street Elevation" submitted with the SUP application and included with the staff report.
5. Any necessary re-subdivision of the property in order to accommodate the Water Storage Facility shall be approved and recorded prior to the issuance of preliminary site plan approval.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

**H. PUBLIC COMMENT - None**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

The Board and staff discussed dates for a work session on water issues and land use impacts.

The Board requested a work session be scheduled for September 12 at 4 p.m.

Mr. Wanner recommended that the Board consider the appointments of individuals to County Boards and Commissions during the Board Requests and Directives.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that the staff presentation at the Local Governmental Officials Conference on Neighborhood Connections was well received and commended staff.

Mr. Harrison stated that many citizens along Route 5 lost power during the recent storms and requested a meeting with Dominion Virginia Power representatives to address frequent outage concerns.

Mr. Kennedy commended staff and volunteers for their work at the County Fair.

Mr. McGlennon requested the Board provide direction to the County Administrator concerning an independent study for an assessment on the community's medical needs.

The Board directed the County Administrator to prepare a memorandum to the Board with the estimated cost of having an independent assessment performed on the community's medical needs.

Mr. McGlennon requested the Board act on the appointments of citizens to County Boards and Commissions.

Mr. Harrison made a motion to reappoint Evelyn Curd, Julie Leverenz, and Rita Davis to the Cable Television Advisory Committee for a four-year term, terms to expire on September 1, 2005; to reappoint William Poggione, David Daigneault, and Jonathan Weiss to the Colonial Criminal Justice Board for a three-year term, terms to expire on August 14, 2004; and to reappoint John Labanish, James Dorsey, and David Beals to the Historical Commission for a three-year term, terms to expire on August 31, 2004.

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

Mr. Kennedy made a motion to adjourn at 11:28 p.m.

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Sanford B. Wanner  
Clerk to the Board

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

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: Richard Drumwright, Transit Administrator  
SUBJECT: Transit Appreciation Week – September 9–15, 2001

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The second week of September is National Transit Appreciation Week. The American Public Transit Association (APTA) and the Federal Transit Administration (FTA) generally issue proclamations recognizing the week and efforts of transit employees supporting this vital industry.

During Transit Appreciation Week, James City County Transit will sponsor activities in recognition of the services by its staff in making over 2,000,000 passenger trips in serving citizens as we approach James City County Transit's 25th anniversary—May 2002.

Staff requests the Board recognize the importance of the work done by James City County Transit by approving the attached resolution proclaiming the week of September 9–15, 2001, as Transit Appreciation Week.

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Richard Drumwright

CONCUR:

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Anthony Conyers, Jr.

RD/adw  
transappr.mem

Attachment

**RESOLUTION**

**TRANSIT APPRECIATION WEEK – SEPTEMBER 9–15, 2001**

WHEREAS, public transportation is vital to the quality of life and economic well-being of the citizens of James City County and the region; and

WHEREAS, tourists, employees, children, senior citizens, people with disabilities, and those not having access to automobiles use public transportation to gain access to jobs, shopping, schools, medical facilities, and social services; and

WHEREAS, the James City County Transit Company, American Public Transit Association, and the Federal Transit Administration have declared September 9–15, 2001, as Transit Appreciation Week.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims the week of September 9–15, 2001, as Transit Appreciation Week and calls upon County citizens to observe this week with appropriate programs, ceremonies, and activities.

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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 11th day of September, 2001.

transappr.res

MEMORANDUM

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: John Rogerson, Zoning Officer  
SUBJECT: Code Violation Lien - 710 Lee Drive

---

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

Owners: Robert P. Brown  
6703 W. Roxbury Place  
Littleton, CO 80128-4558

Description: 710 Lee Drive  
Williamsburg, VA 23185-5316

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

Filing Fee: \$ 5

Total Amount Due: \$300

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

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John Rogerson

CONCUR:

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John T. P. Horne

JR/gs  
2001B.brown.mem

Attachment

**RESOLUTION**

**CODE VIOLATION LIEN - 710 LEE DRIVE**

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

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

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

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

ACCOUNT:	Robert P. Brown 6703 W. Roxbury Place Littleton, CO 80128-4558
DESCRIPTION:	710 Lee Drive Williamsburg, VA 23185-5316
TAX MAP NO.:	(41-3) (04-0-0012) James City County, Virginia
FILING FEE:	\$ 5
TOTAL AMOUNT DUE:	\$300

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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 11th day of September, 2001.

MEMORANDUM

DATE: September 11, 2001

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Revisions to Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual

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Attached is a resolution to revise Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual. The changes are of a housekeeping nature to reflect changes in the Code of Virginia regarding overtime compensation for fire protection employees, a change to the salary structure approved in the FY 02 Budget, and to make the Chapter easier to read.

The most significant changes are:

1. The addition of language in Section 4.11, Item E.3., resulting from a change in the Code of Virginia. This change requires the payment of time and 1/2 overtime for certain hours worked in a 21-day cycle even if the employee has taken paid time off during the work cycle. Previously, if an employee took paid time off during the work cycle, these particular hours were compensated at straight time, rather than time and 1/2.
2. The elimination of language in Section 4.1, Item C., thus providing that all salary ranges in the salary structure are treated in the same manner in relation to the labor market.

Staff recommends adoption of the attached resolution.

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Carol M. Luckam

CML/adw  
changes.mem

Attachments

**RESOLUTION**

**REVISIONS TO CHAPTER 4, COMPENSATION PLAN, OF THE JAMES CITY COUNTY**

**PERSONNEL POLICES AND PROCEDURES MANUAL**

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WHEREAS, the current Compensation Plan must be revised to comply with changes in the Code of Virginia, Sections 2.1-116.9:7 through 2.1-116.9:13 regarding overtime compensation for fire protection employees; and

WHEREAS, the current Compensation Plan must be revised to reflect changes to the salary structure which was approved in the FY 02 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revisions to Chapter 4, Compensation Plan, of the James City County Personnel Policies and Procedures Manual.

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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 11th day of September, 2001.

changes.res

MEMORANDUM

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: David A. Daigneault, Chief of Police  
SUBJECT: School Resource Officer Program Agreement

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The School Resource Officer (SRO) Program, a partnership of James City County and the Williamsburg-James City County (WJC) Schools, is now in its seventh year of operation. Program activity is governed by an agreement between the County and the WJC Schools that must be renewed each school year. The 2001-2002 school year agreement, which contains no material changes from the one signed for the last school year, bears the signatures of the School Board Chairman and the Superintendent of Schools. The attached resolution would authorize the Chairman to execute the SRO Program agreement on behalf of the Board of Supervisors. The County Attorney has reviewed and approved the agreement as to legal form and content.

Staff recommends adoption of the attached resolution.

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David A. Daigneault

DAD/gs  
schofcr.mem

Attachment

**RESOLUTION**

**SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT**

WHEREAS, the Board of Supervisors of James City County has previously approved a School Resource Officer (SRO) Program partnership between James City County and the Williamsburg-James City County (WJC) Public Schools; and

WHEREAS, the most recent agreement between James City County and the WJC Public Schools governing the operation of the SRO Program expired June 30, 2001, and must be renewed for the 2001-2002 school year; and

WHEREAS, the agreement for 2001-2002 contains no material changes from the one signed last school year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to execute, on its behalf, a new agreement with the WJC Public Schools.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of  
September, 2001.

schofcr.res

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

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: Veronica Nowak, Communications and Neighborhood Connections Administrator  
SUBJECT: Award of Contract - Video Center Equipment

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The County Community Video Center (CVC) must replace aging video equipment currently used for studio production. The new equipment will improve the quality of production and will have the capability to be operated remotely to accommodate a small production crew. In addition, the new equipment will enable the County to broadcast the live call-in programs directly from the CVC.

The County solicited proposals from several firms. The Whitlock Group was the only vendor which submitted a proposal. The Whitlock Group has a well-established track record in the broadcast industry and has supplied video equipment to the County for several years. Staff recommends adoption of the attached resolution awarding the contract to the Whitlock Group in the amount of \$156,204.24.

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Veronica Nowak

CONCUR:

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Carol M. Luckam

VN/tlc  
videoequip.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT – VIDEO CENTER EQUIPMENT**

WHEREAS, Purchasing advertised and issued bids and one bid was received to design, furnish, and install fully functional remote controlled studio equipment at the Community Video Center; and

WHEREAS, staff has reviewed the bid and determined that the Whitlock Group submitted a responsive bid and determined the Whitlock Group to be qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget allocated for the Community Video Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the Whitlock Group in the amount of \$156,204.24.

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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 11th day of September, 2001.

videoequip.res

MEMORANDUM

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Development Manager  
SUBJECT: Underground Utility Agreements - Cox Communications and Dominion Virginia Power

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The staff has worked with local utility providers to place overhead utilities underground in a number of locations in the County. In May, staff briefed the Board on the locations along Jamestown Road and Route 5 where the work will take place.

Staff requests the Board approve the agreements with two providers, Cox Communications and Dominion Virginia Power. The Cox Communications agreement will cover four locations, three on Route 5 and one on Jamestown Road, not to exceed \$223,800. The Dominion Virginia Power agreement will cover one location at this time (Route 5 at Jamestown High School), not to exceed \$162,000. Dominion Virginia Power work at other locations will be subject to additional agreements. Funding for these projects was provided by the Board in the Capital Improvements Program.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign agreements with Dominion Virginia Power and Cox Communications for the underlaying of overhead utilities.

---

John T. P. Horne

JTPH/tlc  
utilities.mem

Attachment

**RESOLUTION**

**UNDERGROUND UTILITY AGREEMENTS -**

**COX COMMUNICATIONS AND DOMINION VIRGINIA POWER**

WHEREAS, the James City County Board of Supervisors has determined that placing certain overhead utilities underground would enhance the scenic beauty of James City County; and

WHEREAS, County staff has worked with Dominion Virginia Power and Cox Communications to accomplish this work at several locations in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into the following agreements to place existing overhead utilities underground:

- # Dominion Virginia Power - \$162,000; and
- # Cox Communications - \$223,800.

\_\_\_\_\_  
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 11th day of  
September, 2001.

utilities.res

MEMORANDUM

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: Frank M. Morton, III, County Attorney  
SUBJECT: Virginia Electric and Power Company Agreement

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Attached for your consideration is a resolution authorizing the County Administrator to execute an agreement with Virginia Electric and Power Company (“Dominion Virginia Power”) to supply electrical energy to the County. The Agreement was negotiated by representatives of the Virginia Municipal League, the Virginia Association of Counties, and Dominion Virginia Power. Under the Agreement, Dominion Virginia Power will supply electricity to the County at municipal rates retroactive from July 1, 2000, and running through June 30, 2007. The previous agreement expired on June 30, 2000. The County and Dominion Virginia Power have been operating under the terms of the old agreement, except that lower rates were implemented on January 1, 2001, to reflect utility tax changes effective on that date.

I recommend adoption of the attached resolution.

---

Frank M. Morton, III

FMM/adw  
power.mem  
Attachment

**RESOLUTION**

**VIRGINIA ELECTRIC AND POWER COMPANY AGREEMENT**

WHEREAS, the Virginia Municipal League and the Virginia Association of Counties have negotiated an agreement for the provision of electrical services to localities located in the Commonwealth; and

WHEREAS, execution of this Agreement will enable James City County to obtain electrical services for the period from July 1, 2000 to June 30, 2007 at the rates available to municipalities and counties.

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 Agreement for the Provision of Electric Service to the Municipalities and Counties of the Commonwealth of Virginia from the Virginia Electric and Power Company.

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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 11th day of September, 2001.

power.res

MEMORANDUM

DATE: September 11, 2001  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Colonial Narcotics Task Force Grant/Police Budget

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James City County acts as fiscal agent for the regional Colonial Narcotics Task Force and spending is included in the Police Department budget. The Task Force received \$10,000 in additional grant funds for FY 2002 and has \$2,294 in carry forward funds from FY 2001. In addition, staff asks the Board to transfer \$830 from contingency to the Police Department in order to adjust for a computer purchase that should have been encumbered in FY 2001. The attached resolution will appropriate those funds.

Staff recommends approval of the attached resolution.

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John E. McDonald

JEM/gs  
narcotics2.mem

Attachment

**RESOLUTION**

**COLONIAL NARCOTICS TASK FORCE GRANT/POLICE BUDGET**

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force and the Task Force received \$28,000 instead of the \$18,000 budgeted and previously appropriated; and

WHEREAS, the Colonial Narcotics Task Force will have \$2,294 in carry forward funds from FY 2001; and

WHEREAS, the Police Department budget needs to be adjusted for a purchase that was not encumbered to FY 2001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2002 General Fund Budget:

Revenues:

_____ Colonial Narcotics Task Force	\$10,000
Carry Forward Funds	<u>2,294</u>
	<u><u>\$12,294</u></u>

Expenditures:

Police Department	\$13,124
Contingency	<u>(830)</u>
	<u><u>\$12,294</u></u>

\_\_\_\_\_  
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 11th day of September, 2001.