

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**September 24, 2002**

**7:00 P.M.**

---

	<u>Page</u>
<b>A. ROLL CALL</b>	
<b>B. MOMENT OF SILENCE</b>	
<b>C. PLEDGE OF ALLEGIANCE</b> – Ms. Brianna Bates, a sophomore at Jamestown High School	
<b>D. PUBLIC COMMENT</b>	
<b>E. PRESENTATIONS</b>	
1. E-Man Coloring Contest Winners	
2. 2002 Development Potential Analysis Report - Joe McCleary	
3. FY 02 Strategic Management Plan Year-End Report - Rona Vrooman	
<b>F. HIGHWAY MATTERS</b>	
<b>G. CONSENT CALENDAR</b>	
1. Minutes	
a. August 13, 2002, Regular Meeting . . . . .	
b. September 10, 2002, Special Meeting . . . . .	
c. September 10, 2002, Regular Meeting . . . . .	
2. Recreation Grant-in-Aid Program Awards . . . . .	
3. Resolution of Approval for Multifamily Housing Revenue Refunding Bond Series 2002 Issue . . . . .	
4. Crop Disaster Area Declaration . . . . .	
5. Request to Congress to Appropriate Funds for the Removal of the Environmentally Hazardous James River Reserve Fleet . . . . .	
6. Award of Contract – Wexford Hills Subdivision Section 1 – Street and Stormwater Improvements . . . . .	
7. USDA Farmland Protection Program Grant – Cooperative Agreement . . . . .	
<b>H. BOARD CONSIDERATIONS</b>	
1. Real Property Tax Rate – Deferred from September 10, 2002 . . . . .	
2. Colonial Pipeline - Transportation Improvement District . . . . .	
<b>I. PUBLIC COMMENT</b>	
<b>J. REPORTS OF THE COUNTY ADMINISTRATOR</b>	

**K. BOARD REQUESTS AND DIRECTIVES**

**L. CLOSED SESSION**

1. Acquisition of a Parcel of Property for Public Use, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Board of Equalization

**M. ADJOURNMENT**

092402bs.age

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: Jody Puckett, Communications Director  
SUBJECT: E-Man Coloring Contest Winners

---

At the County Fair on August 10, 2002, we inaugurated registration and payment on line for Parks and Recreation classes. The 57 participants colored E-Man, our official mascot for E-Gov, and received a free day pass to a Community Center and their entries posted on the website. The winner in the 0-5 year old category was Isabella Gordineer, in the 6-9 year old category was Morgan Wright, and in the 10-12 year old category was Kristin Bunn. We thank the children and their parents for participating in the kickoff and would invite all of them to participate in other promotional events.

---

Jody Puckett

JP/tlc  
colorcont.mem

Attachment

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: O. Marvin Sowers, Jr., Planning Director  
SUBJECT: 2002 Development Potential Analysis

---

With the assistance of Kimley-Horn, the Development Potential Analysis Committee completed the update of the 2002 Development Potential Analysis at their meeting on September 4, 2002. At the September 9, 2002, Planning Commission Meeting, Mr. Joe McCleary, a member of the Development Potential Analysis Committee made a brief presentation summarizing the update. Mr. McCleary has also requested to make a brief presentation of the study's findings and conclusions at the September 24, 2002, Board of Supervisors meeting. At the October 7, 2002, Planning Commission meeting, Kimley-Horn will present the 2002 Development Potential Analysis in greater detail and Board members are encouraged to attend.

---

O. Marvin Sowers, Jr.

DPAC.mem  
OMW/gs

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: Rona J. Vrooman, Training and Quality Performance Coordinator  
SUBJECT: FY 02 Strategic Management Plan Year-End Report

---

On April 24, 2001, the Board approved the FY 02 Strategic Management Plan. A copy of the FY 02 Strategic Management Plan Year-End Report is provided in the Board's Reading File.

The purpose of the staff presentation is to update the Board concerning the status of the plan's objectives and to provide the Board an overview of accomplishments.

No action is requested from the Board on this presentation. Staff will be happy to answer questions.

---

Rona J. Vrooman

RJV/gb  
endrpt02.mem

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF AUGUST, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
Bruce C. Goodson, Roberts District

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

**B. MOMENT OF SILENCE**

Mr. Kennedy requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Ms. Shamekia Weakly, student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

Mr. Kennedy introduced State Senator Thomas K. Norment.

Senator Norment commented on the progress on the desalinization plant and groundwater withdrawal permit, the impacts of the recent weather conditions on the Commonwealth, stated that he has heard the community's concerns about the rate of growth impacting the supply of water, and stated that he will continue to lend support for researching alternative sources of water and the County's endeavor to obtain a groundwater withdrawal permit for the desalinization plant. He also stated he would back legislation for a statewide water policy and introduce legislation for adequate public facilities.

Mr. McGlennon stated support for the Senator's efforts in drafting proposed legislation to address growth in the Commonwealth.

1. Mr. Arthur C. Hilstrom, 3727 Brick Bat Road, stated concern regarding the ongoing water issues in the County, recommended a per-car tax at Busch Gardens' brewery and park, stated concern about the new development already in the pipelines that will draw on the public services, and stated concern regarding the use of retention pond water for irrigation.

2. Mr. Ed Oyer, 139 Indian Circle, stated that with other jurisdictions also tapping into the same aquifer, the proposed additional groundwater withdrawal by the James City Service Authority at Barnes Road will aid in depleting the aquifer serving other homes in the area, and requested that the row of trees leading to the old Massie house be protected from development.

#### **E. HIGHWAY MATTERS**

Mr. Jim Brewer, Engineer, Virginia Department of Transportation (VDOT), introduced Mr. Steven Hicks, the new VDOT Residential Engineer for Williamsburg.

Mr. Hicks offered to ride with each Board member through their district and invited members of the Board to meet with him to address points of concern the members may have regarding road developments.

Mr. Harrison requested VDOT continue to maintain the causeways near Jamestown 1607.

Mr. McGlennon thanked VDOT for the prompt attention to items brought to its attention.

#### **F. CONSENT CALENDAR**

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Goodson made a motion to adopt the items on the Consent Calendar.

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

##### 1. Minutes

a. July 23, 2002, Work Session

b. July 23, 2002, Regular Meeting

c. July 29, 2002, Meeting

##### 2. Award of Contract – Police Records Management System

### **RESOLUTION**

#### **AWARD OF CONTRACT - POLICE RECORDS MANAGEMENT SYSTEM**

WHEREAS, a request for proposals for a Police Records Management System was advertised, nine interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed three proposers, and selected Open Software Solutions, Inc., as the most qualified firm to provide the services associated with the project; and

WHEREAS, a fee of \$134,434 was negotiated with Open Software Solutions, Inc., for providing the services with funds available in the Fiscal Year 2003 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the Records Management System to Open Software Solution, Inc., for \$134,434.

3. New Position – Part-Time Permanent Convenience Center Attendant

**RESOLUTION**

**NEW POSITION - PART-TIME PERMANENT**

**CONVENIENCE CENTER ATTENDANT**

WHEREAS, there is a need for 20 hours per week of work by a Convenience Center Attendant to staff the Tewning Road and Toano Convenience Center sites; and

WHEREAS, similar County positions have part-time permanent status and receive benefits such as pro-rated leave and holidays; and

WHEREAS, upon filling this part-time permanent position, the current part-time temporary Convenience Center Attendant position will be eliminated; and

WHEREAS, money is available in the Solid Waste budget to fund the position.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a 20-hour per week part-time permanent Convenience Center Attendant position be established.

4. Carry Forward of Funds – Colonial Narcotics Task Force/Police Budget

**RESOLUTION**

**CARRY FORWARD OF FUNDS -**

**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

WHEREAS, the Colonial Narcotics Task Force will have \$2,065 in carry forward funds from FY 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2003 General Fund Budget:

Revenues:

Carry Forward Funds (001-390-0700)                      \$2,065

Expenditures:

Police Department (001-062-0395)                      \$2,065

## **G. PUBLIC HEARINGS**

### **1. Case No. Z0-1-02. Adult Day Care Center**

Ms. Jill Schmidle, Senior Planner, stated that adult day care centers are permitted in business districts only and found inconsistencies where child day care centers are permitted but adult day care centers are not. Staff found that impacts generated by adult day care centers are similar to the impacts generated by child day care centers. Staff anticipates that the demand for adult day care centers will increase with the growing retired and elderly population in the County.

Staff recommended that the Board adopt the proposed ordinance amendments that would make the use of “adult day care centers” consistent with the zoning of child day care centers.

The Planning Commission, at its August 5, 2002, meeting, voted 5-0 to approve the ordinance amendment.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the Ordinance.

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

### **2. 2002 Agricultural and Forestal District (AFD) Renewals**

Ms. Jill Schmidle, Senior Planner, stated that there are approximately 18,151 acres of land within the AFD program and that 12 Agricultural and Forestal Districts must be either continued, modified, or terminated prior to their expiration: eleven are set to expire in September and one is set to expire in October. Ms. Schmidle also stated that approximately 663 acres of land will be removed from the AFD program during this renewal period, leaving approximately 17,485 acres in the AFD program.

Ms. Schmidle provided an overview of each of the 12 AFDs:

#### **a. Case No. AFD-1-94. Wright’s Island Agricultural and Forestal District**

Ms. Schmidle stated that an application has been submitted to renew the eight-year term of Wright’s Island Agricultural and Forestal District of approximately 1,454.405 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-1), (1-3), and (1-4) on the James City County Real Estate Tax Map No. (20-3); and Parcel Nos. (1-28) and (1-27) on the James City County Real Estate Tax Map No. (20-2) after the withdrawal of 90 acres from the AFD program identified as Parcel No. (1-2) on the James City County Real Estate Tax Map No. (20-3); and provided that all land within 25 feet of the road right-of-ways of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Wright's Island Agricultural and Forestal District for a period of eight years with conditions.

b. Case No. AFD-2-86. Croaker Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Croaker Agricultural and Forestal District of approximately 1,081.824 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-44), (1-43), (1-42), (1-36), (1-2), (1-34), (1-18), (1-35) three parts, (1-19), and (1-29) on the James City County Real Estate Tax Map No. (15-3); Parcel Nos. (1-15), (1-10), (1-9), and (1-3) on the James City County Real Estate Tax Map No. (14-4); and Parcel No. (1-4) on the James City County Real Estate Tax Map No. (15-4); and Parcel No. (1-18) on the James City County Real Estate Tax Map No. (13-2); and Parcel Nos. (1-1) and (1-14) on the James City County Real Estate Tax Map No. (14-1); provided, however, that all land within 25 feet of the road right-of-ways of Riverview Road (Route 606), Fenton Mill Road (Route 602), and Moss Side Lane (Route 609) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Croaker Agricultural and Forestal District for a period of four years with the recommended conditions.

c. Case No. AFD-3-86. Hill Pleasant Farm Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Hill Pleasant Farm Agricultural and Forestal District of approximately 573.62 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-4), (1-5), and (1-15D) on the James City County Real Estate Tax Map No. (24-1) and Parcel Nos. (1-17) and (1-31B) on the James City County Real Estate Tax Map No. (24-3); provided, however, that all land within 25 feet of the road right-of-way of Rochambeau Drive (Route 755) be excluded from the District to allow for possible road improvements and/or drainage improvements.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 6-0 with two abstentions to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 4-0 with one abstention to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Hill Pleasant Farm Agricultural and Forestal District for a period of four years with the recommended conditions.

d. Case No. AFD-5-86. Barnes Swamp Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Barnes Swamp Agricultural and Forestal District of approximately 1,884.876 acres, zoned A-1, General

Agricultural, identified as Parcel Nos. (1-1), (1-2), and (1-3) on the James City County Real Estate Tax Map No. (3-1); Parcel Nos. (1-3), (1-4), and (1-6) on the James City County Real Estate Tax Map No. (3-3); Parcel Nos. (1-12) and (1-29) on the James City County Real Estate Tax Map No. (2-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (10-1); Parcel Nos. (1-1), (1-2), (1-3), (1-3A) and (1-4) on the James City County Real Estate Tax Map No. (3-2); Parcel Nos. (1-5), (1-6) and (1-8) on the James City County Real Estate Tax Map No. (4-1); Parcel Nos. (1-8), (1-20), (1-18) and (1-14) on the James City County Real Estate Tax Map No. (4-2); Parcel Nos. (1-15), (1-16), and (1-17) on the James City County Real Estate Tax Map No. (4-3); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (9-2); and Parcel No. (1-1) on the James City County Real Estate Tax Map No (4-4) after the withdrawal of 58.6 acres identified as Parcel No. (1-61) on the James City County Real Estate Tax Map No. (2-4); and provided that all land within 25 feet of the road right-of ways of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 shall be excluded from the District.

Staff found that renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Barnes Swamp Agricultural and Forestal District for a period of four years with the recommended conditions.

e. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Cranston's Pond Agricultural and Forestal District of approximately 1,073.579 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (23-3); Parcel Nos. (1-26), and (1-33) on the James City County Real Estate Tax Map No. (22-3); Parcel No. (1-1A) on the James City County Real Estate Tax Map No. (22-4); Parcel No. (1-3) on the James City County Real Estate Tax Map No. (31-2); Parcel Nos. (1-39), and (1-46) on the James City County Real Estate Tax Map No. (21-4); and Parcel Nos. (1-87), (1-89), (1-33), (1-35), (1-36), and (1-37) on the James City County Real Estate Tax Map No. (22-2); provided however that all land within 50 feet of the road right-of-ways of Chickahominy Road (Route 631) and Centerville Road (Route 614) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Cranston's Pond Agricultural and Forestal District for a period of four years with the recommended conditions.

f. Case No. AFD-7-86. Mill Creek Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Mill Creek Agricultural and Forestal District of approximately 3,100.230 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-6), (1-3), (1-1), (1-2), (1-5), (1-7), and (1-8) on the James City County Real Estate Tax Map No. (20-2); Parcel No. (1-5) on the James City County Real Estate Tax Map No. (21-1); Parcel Nos. (1-1), and (1-2) on the James City County Real Estate Tax Map No. (20-1); Parcel Nos. (1-28) and (1-28A) on the James City County Real Estate Tax Map No. (11-3); Parcel Nos. (1-6), (1-2), and (1-5) on the James City County Real Estate Tax Map No. (11-4); and Parcel Nos. (1-5), (1-6), (1-3) 2 parts, and (1-5A) on the James City County Real Estate Tax Map No. (10-4); Parcel Nos. (1-38), (1-28), and (1-7) on the James City County Real Estate Tax Map No. (10-1); Parcel Nos. (1-19), (1-3), and (1-13) on the James City County Real Estate Tax Map No. (10-3); Parcel Nos. (1-17) and (1-4) on the James City County Real Estate Tax Map No. (10-2); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (11-1); and Parcel No. (1-36) on the James City County Real Estate Tax Map No. (9-2) after the withdrawal of 24.681 acres identified as Parcel No. (1-5) on the James City County Real Estate Tax Map No. (19-2); and provided that all land within 25 feet of the road right-of-ways of Forge Road (Route 610), Little Creek Dam Road (Route 631), Menzel's Road (Route 659), North Riverside Drive (Route 715), Diascund Road (Route 603), and Richmond Road (Route 60) shall be excluded from the District.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Mill Creek Agricultural and Forestal District for a period of four years with the recommended conditions.

g. Case No. AFD-8-86. Casey Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Casey Agricultural and Forestal District of approximately 197.050 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) and Parcel No. (1-1) on the James City County Real Estate Tax Map No. (47-2).

Staff found that the minimum core district requirements were not being met by this application, and recommended that the 165.5 acres identified as Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) be transferred to the adjacent Gordon Creek Agricultural and Forestal District prior to terminating the Casey Agricultural and Forestal District.

The Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to recommend termination of the Casey Agricultural and Forestal District after.

The Planning Commission voted 5-0 to recommend termination at its meeting on August 5, 2002.

Staff recommended the Board terminate the Casey Agricultural and Forestal District after the 165-acre J. G. Warburton Estate parcel located on News Road is transferred to the Gordon Creek Agricultural and Forestal District with the exception of land within 25 feet of the road right-of-way on News Road (Route 613).

h. Case No. AFD-9-86. Gordon Creek Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Gordon Creek Agricultural and Forestal District of approximately 3,111.340 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-16), and (1-1) on the James City County Real Estate Tax Map No. (35-2); Parcel Nos. (1-1) and (1-3) on the James City County Real Estate Tax Map No. (36-3); Parcel Nos. (1-4) and (1-3) on the James City County Real Estate Tax Map No. (30-3); Parcel Nos. (1-1) and (1-9) on the James City County Real Estate Tax Map No. (35-4); Parcel Nos. (1-2) and (1-1) on the James City County Real Estate Tax Map No. (34-2); and Parcel Nos. (1-6), (1-3), and (1-4) on the James City County Real Estate Tax Map No. (36-1); Parcel Nos. (1-40) and (1-18) on the James City County Real Estate Tax Map No. (36-2); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (43-2); Parcel Nos. (1-7) and (1-8) on the James City County Real Estate Tax Map No. (36-4); Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (44-1); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (35-3); Parcel Nos. (1-3) and (1-6) on the James City County Real Estate Tax Map No. (35-1); and Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) after the withdrawal of 406.757 acres identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (30-3); Parcel No. (1-7) on the James City County Real Estate Tax Map No. (35-2); Parcel No. (1-3) on the James City County Real Estate Tax Map No. (29-4); Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (36-1); and Parcel Nos. (1-1), (1-1B), (1-2), and (1-3) on the James City County Real Estate Tax Map No. (36-2) after the transfer of 165.500 acres identified as Parcel No (1-4) on the James City County Real Estate Tax Map No. (37-3) to the Gordon Creek Agricultural and Forestal District due to the termination of the Casey Agricultural and Forestal District; and provided that all land within 25 feet of the road right-of-ways of News Road, Centerville Road, John Tyler Highway, Bush Neck Road, Jolly Pond Road, and Brick Bat Road shall be excluded from the District.

Staff found that the withdrawal, transfer, and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Gordon Creek Agricultural and Forestal District for a period of four years with the recommended conditions.

i. Case No. AFD-10-86. Christenson's Corner Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Christenson's Corner Agricultural and Forestal District of approximately 562.160 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (16-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (16-3); and Parcel No. (1-11) on the James City County Real Estate Tax Map No. (15-4) provided that all land within 25 feet of the road right-of-ways of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Christenson's Corner Agricultural and Forestal District for a period of four years with conditions.

j. Case No. AFD-11-86. Yarmouth Island Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Yarmouth Island Agricultural and Forestal District of approximately 2,031.395 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-5) and (1-2) on the James City County Real Estate Tax Map No. (29-3); Parcel Nos. (1-5) and (1-8) on the James City County Real Estate Tax Map No. (28-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (29-1); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (29-2); and Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (29-4) after the withdrawal of 52 acres identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (30-1) and Parcel No. (1-1) on the James City County Real Estate Tax Map No. (30-3); and provided that all land within 25 feet of the road right-of-way of Jolly Pond Road (Route 611) shall be excluded from the District.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Yarmouth Island Agricultural and Forestal District for a period of four years with the recommended conditions.

k. Case No. AFD-12-86. Gospel Spreading Church Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Gospel Spreading Church Agricultural and Forestal District of approximately 1,121.544 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-35) on the James City County Real Estate Tax Map No. (48-3); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (56-2); and Parcel Nos. (1-37), (1-11), (1-13), (1-42C), (1-42D), (1-42E), (1-40) and (1-41) on the James City County Real Estate Tax Map No. (47-4) after the withdrawal of 26.460 acres identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (47-4) and after the transfer of 176.064 acres identified as Parcel Nos. (1-42C), (1-42D), (1-42E), (1-40), and (1-41) on the James City County Real Estate Tax Map No. (47-4) into the Gospel Spreading Church Agricultural and Forestal District due to the termination of the Gospel Spreading Church (Gilley) Agricultural and Forestal District; and provided that all land within 25 feet of the road right-of-ways of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the District.

Staff found that the withdrawal, transfer, and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Gospel Spreading Church Agricultural and Forestal District for a period of four years with the recommended conditions.

1. Case No. AFD-13-86. Gospel Spreading Church (Gilley) Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Gospel Spreading Church (Gilley) Agricultural and Forestal District of approximately 176.064 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-42C), (1-42D), (1-42E), (1-40), and (1-41) on the James City County Real Estate Tax Map No. (47-4).

Staff found that the minimum size requirements for a district were not being met by this application, and recommended that the 176.064 acres be transferred to the Gospel Spreading Church Agricultural and Forestal District (AFD-12-86) prior to terminating the Gospel Spreading Church (Gilley) Agricultural and Forestal District.

Staff recommended the Board terminate the Gospel Spreading Church (Gilley) Agricultural and Forestal District after the transfer of parcels to the Gospel Spreading Church Agricultural and Forestal District.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the Ordinances.

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

3. Amendments to Certain Provisions of Chapter 13, Motor Vehicles and Traffic, Governing Parking Violations

Mr. Greg H. Dohrman, Assistant County Attorney, stated that the State Code sections regarding parking violations have changed and staff has met to consider appropriate revisions to the County's Ordinance regarding parking violations in the County to meet State Code requirements as well as promote effective enforcement of the Ordinance.

Staff recommended the Board adopt the Ordinance.

Mr. Brown inquired about the factors utilized in the standardization of parking fines.

Mr. Dohrman stated that the Police Department is about to reprint parking tickets and desired to have the tickets be consistent with County and State codes.

Mr. Morton stated that with the current tickets, Officers are amending the tickets as they issue them.

The Board and staff discussed payments submitted by mail, adequate notification of consequence of submitting payments after the five-day provision, and alternative methods of payment such as credit cards not currently available to citizens.

Ms. Ann Davis, Treasurer, stated that staff believes this allotted adequate time for payments submitted by mail and that individuals may submit payments by mail or in person.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

The Board and staff held a brief discussion regarding the five-day provision and holiday/weekend consideration in favor of citizens when receiving payments.

Mr. Brown made a motion to adopt the Ordinance.

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

4. Sale of Property to the James City Service Authority for Pump Station and Force Main at 3950 John Tyler Highway

Mr. Danny Poe, Chief Engineer-Wastewater, stated that staff has discussed the sale of a portion of County property to the James City Service Authority (JCSA) for the construction of a pump station and sewer force main. The property site consists of 13.549 acres and commonly known as 3950 John Tyler Highway.

Staff recommended the Board open the Public Hearing on this case and continue it to the next meeting to allow staff time to finalize the documents necessary for the sale.

Mr. Kennedy opened the Public Hearing and, as no one wished to speak to this matter, Mr. Kennedy continued the matter to the September 10, 2002.

## **H. PUBLIC COMMENT**

1. Mr. Arthur C. Hilstrom, 3727 Brick Bat Road, requested the Board limit growth within the County until the water shortage and negative traffic impacts are adequately addressed.

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

Mr. Wanner recommended the Board recess for a Transit Company meeting, following which the Board reconvene into open session to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions, and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of Parcels of Property for Public Use.

Mr. Wanner also recommended that at the completion of the Board's agenda, the Board adjourn to September 10, 2002.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy stated that Ms. Kara Urbanski will be leaving the area and a new Daily Press contact will be assigned to cover the County.

Mr. Goodson recognized the Fair Committee for its efforts in putting on the County Fair.

Mr. Harrison stated that there has been some good route changes with the conversion to the Williamsburg Area Transport.

Mr. Kennedy recessed the Board at 7:55 p.m.

Mr. Kennedy reconvened the Board at 8:04 p.m.

**K. CLOSED SESSION**

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of Parcels of Property for Public Use.

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

Mr. Kennedy convened the Board into closed session at 8:05 p.m.

At 9:05 p.m., Mr. Kennedy reconvened the Board into open session.

Mr. Brown made a motion to adopt the Closed Session resolution.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711 (A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711 (A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to reappoint Donna Garrett, Alain Outlaw, and Lisa Heuvel to the Historical Commission for three-year terms, terms to expire on August 31, 2005; to appoint Samuel T. Powell, to a three-year term on the Historical Commission, term to expire on August 31, 2005; to appoint Alvin J. Bush to an unexpired term on the Industrial Development Authority, term to expire on July 8, 2003; to appoint Betty Cutts and Roger Guernsey to the Lower James River Advisory Committee for four-year terms, terms to expire on August 12, 2006; to reappoint Anthony Conyers, Jr. to the Williamsburg Area Medical Assistance Corporation (WAMAC) to a one-year term, term to expire on August 12, 2003; and to

reappoint Bettejane Crossen and Bertram Aaron to the Williamsburg Arts Commission for three-year terms, terms to expire on August 31, 2005.

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

**L. ADJOURNMENT**

At 9:06 p.m., Mr. Kennedy adjourned the Board until September 10, 2002, 7 p.m.

---

Sanford B. Wanner  
Clerk to the Board

081302bos.min

**AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF SEPTEMBER, 2002, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
Bruce C. Goodson, Roberts District

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

**B. BOARD CONSIDERATION**

Mr. Larry Foster, General Manager of the James City Service Authority, provided a brief history of the County's drought management efforts and weather conditions during the summer, and stated that major portions of the Commonwealth continue to experience extreme drought conditions that have resulted in Executive Order 33 by the Governor on August 30, 2002.

Mr. Foster stated that as a result of Executive Order 33, a local Emergency Ordinance is necessary to implement the Governor's Order. A draft Ordinance has been provided to the Board for its consideration.

Mr. Foster provided a brief overview of the exemptions to Executive Order 33, the recommended penalties for violating the draft Emergency Ordinance, and recommended the Board adopt the Emergency Ordinance.

Mr. Morton stated that the Executive Order superceded only those restrictions of the County's local Ordinance that are less restrictive than the Executive Order.

The Board and staff held a discussion regarding the repeal of the odd/even water restrictions, offense penalties that a permanent Ordinance will be presented to the Board at its meeting on October 22, 2002; enforcement of the Ordinance and collection of the penalties; the proposal that the offense penalties to be consistent with the proposed penalties for the Cities of Williamsburg and Newport News; and enforcement of the restrictions for citizens served by private systems, private wells, and other localities such as Newport News Waterworks.

Mr. McGlennon requested additional information regarding the Chickahominy-Piney Point Aquifer, well failures requiring mitigation, and well failures outside the impact area of the James City Service Authority.

Mr. Foster provided the Board with information regarding U.S.G. S. graph showing the decline of the Chickahominy-Piney Point Aquifer at a rate of about 1-1 ½ foot per year. He stated that about 46 wells have been approved for mitigation, that well mitigation efforts are being addressed jointly with York County, and that all wells within the Chickahominy-Piney Point Aquifer qualify for consideration for well mitigation.

Mr. Kennedy requested information on the number of car washes in the County that do not recycle water.

Mr. Foster stated the all the car washes in the County recycle water.

The Board and staff considered the need for additional phrasing revisions to the proposed Ordinance prior to the Board considering a motion on the Ordinance.

The Board and staff held a discussion regarding the offense penalty amounts, guidance from the Governor's Office, the limited warnings to citizens prior to penalties being assessed, steps for processing a violation, and exemptions.

Mr. Morton briefly provided an overview of the violation notification and penalty process.

Mr. Goodson made a motion to adopt the Emergency Ordinance.

Mr. Brown made a request to amend the motion to include the reduction of the penalties to \$50 for the second offense, \$100 for the third offense, and \$250 for the fourth and subsequent offenses.

Mr. Goodson accepted the amendment into his motion.

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

The Board and staff briefly discussed the anticipated financial impacts of water sales and demands on the James City Service Authority based upon the Governor's Executive Order 33.

**C. ADJOURNMENT**

At 5:10 p.m. Mr. Kennedy and the Board took a dinner break until 7:00 p.m.

---

Sanford B. Wanner  
Clerk to the Board

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10th DAY OF SEPTEMBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
Bruce C. Goodson, Roberts District

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

**B. MOMENT OF SILENCE**

Mr. Kennedy requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Ms. Christina Weber, a student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that an agreement is being finalized between VDOT and an independent contractor for improvements to the Route 199 Jamestown Corridor that includes: Route 199 from below Route 637 (Quarterpath Road) to Route 700 (Brookwood Drive), Route 199 and Route 31 intersection, and the realignment of Route 359 in front of Jamestown Settlement.

Mr. Hicks also stated that an update on the schedule for the Route 199 Jamestown Corridor improvements would be provided to the Board at its next meeting on September 24.

Mr. McGlennon stated that three local firms will undertake the Route 199 Jamestown Corridor improvements on behalf of VDOT and inquired about the process for the improvements.

Mr. Hicks stated that the work will be completed in four segments and that the second segment will include a parallel bridge along Route 199 over College Creek, as well as the realignment of Route 359 in front of Jamestown Settlement.

Mr. Harrison inquired if the Jamestown 1607 causeway will be apart of the corridor improvements.

Mr. Hicks stated that it was not included as part of the proposed agreement.

Mr. Goodson requested VDOT study the intersection of Route 199 and Route 637 (Quarterpath Road) to alleviate traffic confusion at the intersection from vehicles exiting Route 637.

Mr. Kennedy recognized members of Boy Scout Troops 414 and 180 in the audience as well as George Billups, the Planning Commission representative.

2. Mr. Tony Dion, 102 Fairmont Drive, stated that he had sent two e-mails to the Board earlier this week regarding the Governor's Executive Order 33 and the proposed third high school, and requested the Board initiate an independent consultancy on the proposal of a third high school to include a report to the public with justification for the proposed third high school and other alternatives.

3. Ms. Elaine Arczynski, 505 Fairfax Way, stated concern regarding an unsecured access way between the James River Community Center and James River Elementary School as well as the glass window permitting strangers the opportunity to observe children, and requested the County arrange continued police presence at the site for the protection of children.

Mr. Ed Oyer, 139 Indian Circle, stated that Calpine stock prices have dropped and the County should not count on any tax revenues from the company, stated that the local Government Channel has been airing inappropriate music, commented on nearby jurisdictions' school enhancement costs vs. the County's proposal for a third high school, and stated concern about the shortage of bus drivers in an area that needs additional routes.

Mr. Wanner stated that the energy company the County is dealing with is Standish Energy and not Calpine.

## **E. PRESENTATIONS**

### 1. Resolution of Remembrance, September 11, 2002

Mr. Kennedy and Mr. Brown presented Resolutions of Remembrance for September 11, 2001, to the James City County Fire and Police chiefs.

### 2. Family Day – September 23, 2002

Mr. Harrison presented Ms. Jill Russett, the Historic Triangle Substance Abuse Coalition Coordinator, with a resolution designating September 23, 2002, as Family Day in James City County.

### 3. Recognition of the Williamsburg Youth League 11 Year Old All-Stars

Mr. McGlennon and Mr. Goodson presented the Williamsburg Youth League 11 Year Old All-Stars with a resolution to honor its success in its Southeast Regional Finals.

Ron Montgomery introduced the members of the team.

4. Pre-School Taskforce

Ms. Corinne Garland, member of the Pre-School Taskforce, presented the Board with the Community of Excellence Award from the Federal Interagency Coordinating Council and “Communities Can!” for the County’s efforts in blending early childhood services.

Ms. Garland also introduced members of the Taskforce.

**F. CONSENT CALENDAR**

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Brown requested Item number 10, Appropriation of funds – Operating Equipment, Grounds Maintenance, be pulled.

Mr. McGlennon requested Item number 13, Chesapeake Bay Preservation Ordinance Violation – Civil Charges – Boyd Corporation, be pulled.

Mr. Harrison requested Item number 11, School Resource Officer Program, be pulled.

Mr. Goodson made a motion to adopt the remaining items on the Consent Calendar.

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

1. Resolution of Remembrance, September 11, 2001

**RESOLUTION**

**REMEMBRANCE OF SEPTEMBER 11, 2001**

WHEREAS, one year ago, tomorrow, Tuesday, September 11, 2001, there were sudden, unprovoked attacks by terrorists on the United States of America; and

WHEREAS, over 3,000 innocent individuals were killed or injured as a result of these attacks, including the passengers and crew of four civilian aircraft, workers in the World Trade Center and in the Pentagon, fire fighters, law enforcement officers, and other emergency personnel and bystanders; and

WHEREAS, these attacks were the deadliest ever launched against the United States and were clearly intended to intimidate and weaken our national resolve; and

WHEREAS, it is important that we always remember September 11, 2001, to take time to recall the tragic events of that day, the loss of life, and those who continue to fight terrorism throughout the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby call on all citizens to remember the tragic events of September 11, 2001, and to honor all those who were killed or injured as well as the families of those parties and all those who defend America in the War on Terrorism by:

- Observing a moment of silence at 8:46 a.m., Wednesday, September 11, 2002; and

- Participating in community service projects, as they deem appropriate.

2. Family Day – September 23, 2002

**RESOLUTION**

**FAMILY DAY - SEPTEMBER 23, 2002**

WHEREAS, strong families are the basis of neighborhoods and communities throughout the nation and are the foundation of our just and peaceful society, and every child across James City County, the Commonwealth, and the nation needs and expects parental love and guidance; and

WHEREAS, Colonial Court Appointed Special Advocate (CASA) conducted teen surveys in 1998, 1999, and 2000 that found teens who ate dinner with their parents six or seven times a week were 20 percent to 30 percent less likely to smoke cigarettes, use illegal drugs, and consume alcohol; and

WHEREAS, eating dinner as a family enhances family unity, involvement, communication, and support, and children from families that regularly eat dinner together are dramatically less likely to use tobacco, alcohol, or illegal drugs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim Monday, September 23, Family Day and encourages all citizens to eat dinner with their families.

3. Recognition of the Williamsburg Youth League 11 Year Old All-Stars

**RESOLUTION**

**RECOGNIZING THE WILLIAMSBURG YOUTH**

**LEAGUE 11 YEAR OLD ALL-STARS**

WHEREAS, in 2000, the Williamsburg Youth League Baseball, co-sponsored by the James City County Parks and Recreation, joined Cal Ripken Baseball, a division of Babe Ruth Baseball for ages 5-12, which currently has over 500,000 participants; and

WHEREAS, in June and July 2002, the 11 year old Williamsburg Baseball All-Star Team finished second in the Virginia State Cal Ripken Division Tournament; and

WHEREAS, the Williamsburg All-Star Team competed in the Southeast Regional Finals, held at the District Park Sports Complex, the farthest a team can advance; and

WHEREAS, during the Southeast Regional Finals the Williamsburg All-Stars defeated State champions from five states coming in second out of ten State champions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby congratulate the Williamsburg Youth League 11 Year Old All-Stars for its accomplishments during the 2002 season and recognizes the honors it has brought to the

Williamsburg Youth League and the community.

4. Dedication of Street at Stonehouse Elementary School

**RESOLUTION**

**DEDICATION OF STREET AT STONEHOUSE ELEMENTARY SCHOOL**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is 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 advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on May 28, 2002, for the crossing of a dam which applies to this request for addition; and

WHEREAS, the County and the Virginia Department of Transportation 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 street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the 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.

5. Housing Development Agreement Amendment

**RESOLUTION**

**HOUSING DEVELOPMENT AGREEMENT AMENDMENT**

WHEREAS, Housing Partnerships, Inc., and Stonehouse, Inc., entered into a Real Estate Purchase Agreement dated November 1, 1991, for the purchase of land or the payment of \$187,500 for affordable housing; and

WHEREAS, in 1996 and 1997 Housing Partnerships, Inc., received \$187,500 from Stonehouse, Inc., under the Real Estate Purchase Agreement; and

WHEREAS, the County and Housing Partnerships, Inc., entered into a Development Agreement dated November 1, 1991, to determine how to use the land or cash to provide affordable housing in James City County; and

WHEREAS, the County and Housing Partnerships, Inc., wish to disburse the principal and interest from the proceeds to promote affordable housing in James City County and settle all obligations between the parties.

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 First Amendment to Development Agreement with Housing Partnerships, Inc.

6. Appointment of Deputy and Assistant Fire Marshals – Authorization of Fire Prevention Powers and Authorization of Police Powers

**RESOLUTION**

**APPOINTMENT OF DEPUTY AND ASSISTANT FIRE MARSHAL:**

**AUTHORIZATION OF FIRE PREVENTION POWERS AND**

**AUTHORIZATION OF POLICE POWERS**

WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and

WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to have the same law enforcement powers as a Police Officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacturing of explosive devices, substances, and fire bombs; and

WHEREAS, Section 27-34.3 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and

WHEREAS, Section 27-36 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and

WHEREAS, Mark H. Hill, Brian R. Harriss, Gregory M. Thompson, and Melvin H. Tomes, III, have completed all applicable minimum training and certification requirements of the Department of Criminal Justice and the Department of Fire Programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Mark H. Hill as a James City County Deputy Fire Marshal with all such powers as authorized in Virginia Code Sections 27-34.2 and 27-34.3; Melvin H. Tomes, III, as an Assistant Fire Marshal as authorized in Virginia Code Sections 27-34.2, 27-34.2:1, and 27-34.3; Brian R. Harriss as an Assistant Fire Marshal as authorized in Virginia Code Sections 27-34.2 and 27-34.2:1; and Gregory M. Thompson as an Assistant Fire Marshal as authorized in Virginia Code Sections 27-34.2 and 27-34.2:1.

7. Appointment of Assistant Fire Marshal Rescinded

**RESOLUTION**

**APPOINTMENT OF ASSISTANT FIRE MARSHAL RESCINDED**

WHEREAS, Miles B. Pettengell has been reassigned to an operational assignment and no longer serves as an Assistant Fire Marshal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds the appointment of Miles B. Pettengell as an Assistant Fire Marshal, as provided in Virginia Code Section 27.30 et. seq.

8. Authorization for Erosion and Sediment Control Program Deputy Administrator

**RESOLUTION**

**AUTHORIZATION FOR EROSION AND SEDIMENT CONTROL PROGRAM**

**DEPUTY ADMINISTRATOR**

WHEREAS, Article 4, Erosion and Sediment Control Law of Chapter 5, Soil and Water Conservation of Title 10.1, Conservation of the Code of Virginia authorizes the appointment of a Deputy Administrator of the Erosion and Sediment Control program; and

WHEREAS, having a Deputy Administrator of the Erosion and Sediment Control program will assist in the administration, enforcement, and prosecution of violations of the erosion and sediment laws.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appointment of two Deputy Administrators of the Erosion and Sediment Control program for all purposes necessary to administer, enforce, and prosecute violations of the erosion and sediment control laws.

9. Award of Contract – Ambulance Replacement

**RESOLUTION**

**AWARD OF CONTRACT - AMBULANCE REPLACEMENT**

WHEREAS, funds are available in the Capital Improvement Program budget for purchase of a replacement ambulance; and

WHEREAS, bids for purchase of the ambulance was received on April 15, 2002, with Performance Speciality Vehicles, LLC, submitting a responsive bid of \$119,461; and

WHEREAS, the bid included a contract extension provision for future purchases.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Performance Speciality Vehicles, LLC, in the amount of \$119,461.

12. Peninsula Disability Services Board Grant

**RESOLUTION**

**PENINSULA DISABILITY SERVICES BOARD GRANT**

WHEREAS, the Peninsula Disability Services Board, which is funded through the Commonwealth of Virginia Department of Rehabilitative Services, has made funds available for the purchase of adaptive equipment; and

WHEREAS, funds are needed to provide more accessible fitness equipment for patrons of the James City/Williamsburg Community Center who have special needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$7,299 grant awarded by the Peninsula Disability Services Board to help with the purchase of identified equipment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation:

Revenues:

From the Commonwealth            \$7,299

Expenditures:

Operating Equipment                \$7,299  
(001-155-0420)

14. Contribution to the Williamsburg Youth League

**RESOLUTION**

**CONTRIBUTION TO THE WILLIAMSBURG YOUTH LEAGUE**

WHEREAS, the Williamsburg Youth League (WRL) has taken the initiative to contract for certain improvements to Baseball Field No.4 at the County’s District Sports Park Complex (DSPC) in preparation for the “Cal Ripkin 2003 10 years and under World Series” next August; and

WHEREAS, the fund-raising efforts of the WRL are not yet mature enough to fully fund the needed improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to negotiate an agreement with the WRL with a contribution of up to \$45,000 to assist the WRL in making the needed improvements at the District Sports Park Complex and authorizes the following budget transfer to fund that agreement:

Capital Projects Fund Expenditures:

From: Little Creek Reservoir Improvements	<u>\$45,000</u>
To: Contribution to Williamsburg Youth League (District Sports Park Improvements)	<u>\$45,000</u>

10. Appropriation of funds – Operating Equipment, Grounds Maintenance

Mr. William Porter, Assistant County Administrator, stated that the Board entered into an agreement with the Williamsburg-James City County Public Schools for the maintenance of School grounds and staff is requesting \$80,00 be moved from the FY03 Operating Contingency to the Grounds Maintenance budget for the purchase of vehicles and equipment that were included in the FY 03 Operating Budget.

Mr. Brown requested clarification on the line-item source for the \$80,000 transfer.

Mr. Porter stated that the funding was placed in a subline of the Operating Contingency with the expectation of it being transferred to the Grounds Maintenance budget upon entering into an agreement.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**APPROPRIATION OF FUNDS - OPERATING EQUIPMENT, MAINTENANCE GROUNDS**

WHEREAS, the Board of Supervisors has entered into an Agreement with the Williamsburg - James City County School Board to provide grounds maintenance services; and

WHEREAS, \$80,000 was budgeted in the FY 2003 Budget to provide for the purchase of operating equipment and vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,

hereby authorizes the following appropriation amendment:

Transfer to:

Ground Operating Equipment                      \$80,000

Transfer from:

Operating Contingency                              \$80,000

11.     School Resource Officer Program

Mr. Harrison inquired if the City is providing School Resource Officers.

Mr. McGlennon stated that the agreement between the partners is that the County will provide one full-time officer each at the Lafayette and Jamestown High Schools, and one part-time officer at Berkeley Middle School and one part-time officer at Toano Middle School and the City will provide a part-time officer to James Blair.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**SCHOOL RESOURCE OFFICER PROGRAM**

WHEREAS, during the fiscal year 1996 budget process, the Board of Supervisors of James City County approved a School Resource Officer (SRO) Program partnership between James City County and the Williamsburg-James City County Public Schools; and

WHEREAS, the most recent agreement between James City County and the Williamsburg-James City Public Schools governing operation of the SRO Program expired June 30, 2002, and must be renewed for the 2002/2003 school year; and

WHEREAS, the agreement for 2002/2003 contains changes from the previous year in that it now includes the City of Williamsburg, as a partner, and the use of part-time SRO positions in the middle schools.

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 City of Williamsburg and the Williamsburg-James City County Public Schools.

13. Chesapeake Bay Preservation Ordinance Violation – Civil Charge – Boyd Corporation

Mr. McGlennon requested an explanation of the Ordinance violation and penalty.

Mr. Cook stated that this case involves the unauthorized removal of vegetation from the Resource Protection Area (RPA) and that the property owners and staff agreed to the recommended civil charge of \$3,000 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION -**

**CIVIL CHARGE - BOYD CORPORATION**

WHEREAS, Boyd Corporation is the owner of certain parcels of land, commonly known as 2804 Durfey’s Mill Road, designated as Parcel No. (10-7) on James City County Real Estate Tax Map No. (47-4); and 2808 Durfey’s Mill Road, designated as Parcel No. (10-6) on James City County Real Estate Tax Map No. (47-4); hereinafter referred to as the (“Properties”); and

WHEREAS, on or about June 5, 2002, understory vegetation consisting of 40 trees and shrubs were removed from the Resource Protection Area on the Properties; and

WHEREAS, Boyd Corporation agreed to a Restoration Plan to replant 80 trees and shrubs, on the Properties in order to remedy the violation under the County’s Chesapeake Bay Preservation Ordinance and Boyd Corporation has provided surety to the County to guarantee the completion of the restoration for the Resource Protection Area on the Properties; and

WHEREAS, Boyd Corporation 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 of the impacted areas 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 Boyd Corporation as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

## **G. PUBLIC HEARINGS**

### **1. Tax Increase – Real Property**

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the real estate land book has been completed and property owners have been notified where a change in assessment has occurred.

Mr. McDonald stated that at the Board's meeting on May 14, 2002, the Board adopted a resolution of intent to revisit the tax rate, and indicated the intent to reduce the tax rate if "incremental additional revenues" are expected.

Staff recommended that in light of the State Budget cuts and that staff cannot confirm that the budget will realize "incremental additional revenues," the Board affirm the adopted tax rate of \$0.87 per \$100 of assessed value.

The Board and staff held a brief discussion comparing and contrasting the adopted FY 2003 Budget and the actual FY 2003 Budget and the impact of the County's growth on the numbers.

Mr. Kennedy opened the Public Hearing.

1. Mr. Tony Dion, 102 Fairmount Drive, stated that the property tax rate has only increased by an average of 3.7 percent. However, over the last three years, his assessment has increased by 14 percent, and he stated concern that although the tax rate is steady with the increasing reassessments, the amount of tax a citizen is paying increases each year.

2. Mr. Mike Halpin, 1203 Penniman Road, President, Williamsburg/James City County PTA Council, stated that it would not be prudent for the Board to reduce the tax rate from \$0.87 per \$100 of assessed value to \$0.85 per \$100 of assessed value.

3. Mr. Robert Dunn, 3318 Running Cedar Way, stated that since 1995 the total assessed value of his property has increased by 26.6 percent, the quality of life in the County has improved also, and requested the Board defer action on this consideration until after the Governor's budget report is received.

4. Mr. Ed Oyer, 139 Indian Circle, stated that the Wall Street Journal reported that the rate of foreclosure is increasing and the housing market is taking a hit, stated that Board members supported reducing the tax rate during their campaigns, and requested the Board keep a positive cash flow by reducing the tax rate and reducing spending.

5. Mr. Ralph Bresler, 3028 John Vaughan Road, stated that the school situation needs to be addressed and that there is no rush for the Board to act on a tax cut.

6. Mr. John Agler, 102 Sunningdale, stated that his reassessment increased 7.4 percent last year and 7.6 percent this year; stated that the County has not outlined where and increase need for services justifies the increasing assessments; and recommended the Board not spend money it does not have in hand first.

7. Ms. Mary Conning, 103 London Company Way, inquired as to why taxes have increased for citizens, why the County is not attracting new industry rather than promoting new housing developments; stated that the County has an unsure water situation and water bills are high; and requested the County stop expanding and taking citizen's money through increasing taxes.

8. Mr. Roger MacGillivray, 166 The Main, requested justification of increased expenditures in the Budget for proposed increase cost to citizens, endorsed proposal for deferral of this item until after the

Commonwealth makes its financial report, and inquired as to what services could be cut to offset reassessments.

9. Mr. Bruce Schoch , 114 Discovery Lane, stated concern that the County turns away industry and then asks its citizens to pay for its misjudgments in economic development.

Mr. Kennedy stated that the Wal-Mart retail store did not apply for any permits in the County for development.

10. Mr. Thomas Mahone , 103 North Point Drive, stated that revenues have changed and requested the Board act accordingly; stated concern that assessment values have increased 370 percent on his property in the past 20 years and this year it increased 8-9 percent; and stated that this is a substantial increase for citizens.

Mr. Mahone also requested better barriers between the James River Community Center and the James River Elementary School; requested that since the citizens have to subsidize the County's growth, the Board limit growth; and requested the Board reduce the tax rate to \$0.85 per \$100 of assessed value.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

The Board and staff held a discussion regarding the impact to staff and citizens if the Board chose to defer action on this until after the State budget cuts are known; requested the staff provide information about changing the tax rate after the land book is issued; and discussed the impact on the County if the Board is asked to cover the anticipated funding shortages of the Commonwealth contributions to local programs.

Without objection, Mr. Kennedy deferred this item to the Board's Work Session to be held at 4 p.m. on September 24, 2002.

2. Case No. SUP-18-01. Waltrip Communications Tower – deferred from June 11, 2002

Mr. Paul Holt, Senior Planner, stated that the applicants have requested a deferral of Case No. SUP-18-01 to allow the applicant to review the construction of a 133-foot-tall communications tower on Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2).

Staff recommends the Board defer and remand the case back to the Planning Commission in light of the proposed change in the application for moving the tower by over 700 feet on the site.

Mr. Brown inquired as to when the case would appear before the Board again if remanded to the Planning Commission.

Mr. Holt stated that if directed by the Board, staff could presented it again at the Board's meeting on October 22 through pre-advertisements.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, stated that he would answer questions from the Board.

Mr. Goodson inquired about staff's offer to pre-advertise the case for October 22.

Mr. Morton stated that it is staff's opinion that an entirely new application may be required based upon the applicant's changes and that the Board does not need to pre-advertise a case that may not exist.

2. Mr. Tim Murphy, Kingspoint Neighborhood Association, stated that the applicant has taken three opportunities to present three variations on the proposal and that the proposal has been ongoing for about 406 days; stated that when the application was presented for the first time to the Planning Commission, the Planning Commission requested documentation that is yet to be provided by the applicant; stated that this case is a burden to the citizens who have been attentive to this proposal over the last 406 days and now finds out that the case may have to start the process all over again; and requested that the Board direct the applicant to meet several informational requirements before it comes back before the Board in this form or as a new case.

3. Mr. Thomas Mahone, 103 North Point Drive, stated that the applicant has made changes to the application to mitigate impacts to the community and stated support for the application.

4. Mr. Lee Schmidt, 2412 Pates Creek, stated support for a communications tower for service coverage, and stated concern for this particular application in the handling of the case.

5. Mr. Ken Bradley, 127 North Point Drive, stated opposition for the proposal as it would have negative impacts on the visual appeals of the surrounding environment and would impact the property values, and stated concern that a second tower would be permitted by-right through the adoption of this application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

The Board and staff held discussions concerning the outstanding information requested by the Planning Commission to the applicant; the performance standards test that the second tower would have to meet before approval for construction on the site; concern regarding the visual impact; comments regarding the balloon tests; and the County's performance standards.

Mr. Harrison made a motion to remand the case back to the Planning Commission.

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

3. Case No. SUP-15-02. Jamestown 4-H Educational Center Preschool

Mr. David Anderson, Planner, stated that Charles Burr has applied on behalf of Jamestown 4-H for a special user permit for the Jamestown 4-H Educational Center for the leasing of an existing building to the Williamsburg School, Inc., for the operation of a Preschool/Kindergarten on 15.96 acres zoned R-8, Rural Residential, at 3751 4-H Club Road, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-3).

Mr. Anderson stated that staff found the proposal to be consistent with the surrounding residential zoning and development and the Comprehensive Plan.

The Planning commission voted 5-0 to recommend approval of the permit at its meeting on August 5, 2002.

Staff recommends the Board approve the permit with conditions.

Mr. Kennedy opened the Public Hearing.

Charles Burr, 706 Capitol Landing Road, stated that this application will address some of the community's existing needs and would permit addressing other needs of the community in the future; and stated that this application requires no new development or construction.

Mr. McGlennon inquired about the expansion options of this application.

Mr. Burr stated that it is the ambition of the program to become a K-8 school, but would like to do so by growing into an existing facility.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

## RESOLUTION

### CASE NO. SUP-15-02. JAMESTOWN 4-H EDUCATIONAL CENTER PRESCHOOL

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. Charles Burr has applied on behalf of Jamestown 4-H for a special use permit for the Jamestown 4-H Educational Center to permit the operation of a Preschool/Kindergarten; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-3); and

WHEREAS, the Planning Commission, following its public hearing on August 5, 2002, recommended approval of the 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.15-02 as described herein with the following conditions:

1. The school's operating hours shall be limited to half day, Monday through Friday, during the normal academic year, September through June.
  2. School population shall not exceed 20 students and two teachers.
  3. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this special use permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
  4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
4. Sale of Property to James City Service Authority for Pump Station and Force Main at 3950 John Tyler Highway – Continued from August 13, 2002

Mr. Larry Foster, General Manager of the James City Service Authority, stated that a Public Hearing on August 13, 2002, regarding the proposed sale and at that time staff requested the Board defer action on the case until staff had time to evaluate additional information regarding the property value.

Staff has evaluated the information and recommends that the Board adopt the resolution authorizing the sale of the parcel to the James City Service Authority for \$14,700.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

## RESOLUTION

### SALE OF PROPERTY TO THE JAMES CITY SERVICE AUTHORITY FOR PUMP STATION AND FORCE MAIN AT 3950 JOHN TYLER HIGHWAY

WHEREAS, James City County owns 13.549 acres commonly known 3950 John Tyler Highway and designated as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the James City Service Authority wishes to purchase 0.478± acres of land in fee simple for construction of a pump station and 0.224± acres of permanent easement and 0.301± acres for temporary construction easement to install a force main; and

WHEREAS, the James City Service Authority has offered to pay \$14,700, an amount determined by the County's Office of Real Estate Assessment, to acquire the property from the County; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to sell the property to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents as may be necessary to sell the above-referenced property to the James City Service Authority for \$14,700.

#### 5. Erosion and Sediment Control – Civil Penalties

Mr. Darryl E. Cook, Environmental Director, stated that to mitigate erosion or sediment damage to waterways and adjacent properties, staff has drafted an amendment to the Ordinance to allow for the issuance of a summons by the Erosion and Sediment Control Administrator or his deputy as provided for in Virginia Code Section 10.1-569(B).

Staff anticipated that this change will allow the issuance of a summons in a more timely manner than presently permitted and ensure a high degree of accountability, for the ability to issue a summons is being limited to supervisory personnel in the Environmental Division.

The Board and staff held a discussion regarding the anticipated amount of time save in issuing a summons through this proposal, and the process involved if a violation is observed.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Brown stated concern regarding the amendments to the Ordinance and requested deferral.

Without objection, Mr. Kennedy deferred the item until the Board's Work Session to be held at 4 p.m. on September 24, 2002.

6. Transfer of 0.01 Acres of Easement Area to the Colonial Pipeline Company

Mr. John T. P. Horne, Development Manager, stated that an easement area was needed by Colonial Pipeline Company for location of its utility pipeline in connection with the Monticello Avenue construction project.

Staff has prepared a resolution authorizing the transfer of 0.01 acres of easement area to Colonial Pipeline Company.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**TRANSFER OF 0.01 ACRES OF EASEMENT AREA TO**

**THE COLONIAL PIPELINE COMPANY**

WHEREAS, James City County acquired 0.01 acres of easement area, being a portion of Parcel No. (45-1) on James City County Real Estate Tax Map No. (1-19), from Torsion Inc., as part of acquiring the right-of-way for Monticello Avenue project; and

WHEREAS, the Colonial Pipeline Company needs the easement area for the location of its utility pipeline; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey 0.01 acres of easement area to the Colonial Pipeline Company.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed of easement and other documents necessary to convey the above-referenced property to the Colonial Pipeline Company for no consideration.

**H. PUBLIC COMMENT**

1. Ms. Penny Pulley, 20 Mile Course, spoke on behalf of the Williamsburg/James City Education Coalition to state concerns regarding the proposed bond referendum to finance the building of a third high school; stated that enrollment projections do not justify the proposed third high school, the proposal does not include cost estimates for the proposed programs to be held in the school; and requested the Board invest in an independent assessment of the need of a third high school.

2. Ms. Cecilia Firstenberg, 16 Ensigne Spence, requested that the County address citizen concerns regarding the easy access of citizens into the James River Elementary School through the James River

Community Center; requested the Board invest in an independent assessment of the need for a third high school; and requested that the independent assessment for the third high school involve community discussion and alternatives available.

3. Ms. Denise Koch, stated support for Ms. Pulley's comments and requested the Board invest in an independent study for the proposed third high school as well as obtain citizen input on the subject matter.

4. Mr. Ed Oyer, 139 Indian Circle, stated he received the requested information regarding the water table levels of the Chickahominy-Piney Point Aquifer.

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

Mr. Wanner recommended the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to the Historical Commission and Wetlands Board, and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

Mr. Wanner read a portion of the proclamation by the President of the United States of America dated September 4, 2002 regarding Patriot Day, 2002.

Mr. Wanner stated that the Governor has directed that the Flag be flown at half-staff and that citizens observe a moment of silence at 8:46 a.m. on September 11.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Harrison thanked the local emergency service personnel for keeping citizens safe.

Mr. McGlennon recognized the passing of Mr. T. R. Vermillion

Mr. Kennedy recognized the passing of Mr. Joe Cottrell of Lombardy Farms.

**K. CLOSED SESSION**

Mr. Harrison made a motion to go into Closed Session at 10:06 p.m. pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider the appointment of individuals to the Historical Commission and the Wetlands Board, and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

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

Mr. Kennedy reconvened the Board into Open Session at 10:16 p.m.

Mr. Goodson made a motion to adopt the Closed Session Resolution.

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

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition of parcels of property for public use.

Mr. Goodson made a motion to appoint Bernice Dorman to a three-year term on the Historical Commission, term to expire on August 31, 2005; and to reappoint David Gussman to a five-term on the Wetlands Board, term to expire on September 9, 2007.

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

Mr. Harrison made a motion to adopt the resolution authorizing the acquisition of a 25-year scenic easement for public use.

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

**RESOLUTION**

PURCHASE OF 25-YEAR SCENIC EASEMENT

ALONG THE SOUTH SIDE ROUTE 5 NEAR BRICK BAT ROAD

WHEREAS, James City County has designated Route 5 as a Community Character Corridor and desires to protect the scenic quality thereof; and

WHEREAS, Chuck Hollow, Inc., owns two parcels of land on the south side of and adjacent to Route 5 near Brick Bat Road and has sold the right to timber said parcels to Southern Resources Management, who assigned the rights to CHIP, Inc.; and

WHEREAS, the Williamsburg Land Conservancy and homeowners in the Governor's Land subdivision have agreed to participate with the County in the acquisition of a scenic easement to protect approximately a 100-foot wide stand of trees along Route 5 and to purchase the current timbering rights for such area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to purchase a 25-year scenic easement with terms acceptable to him for the above-described area within the parcels located on the south side of Route 5 near Brick Bat Road from Chuck Hollow, Inc., for a price not to exceed \$35,000 plus closing costs. The Board of Supervisors of James City County, Virginia, further authorizes and directs Sanford B. Wanner, County Administrator, to contribute no more than \$10,000 to the purchase of the current timbering rights for such area.

**L. ADJOURNMENT**

Mr. Kennedy requested a motion to adjourn until 4 p.m. on September 24, 2002.

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 10:17 p.m.

---

James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of September, 2002.

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: Needham S. Cheely, III, Director of Parks and Recreation  
SUBJECT: Recreation Grant-in-Aid Program Awards

---

During the FY 2002 budget process, the Board of Supervisors approved \$25,000 for the Grant-in-Aid Program administered by the Division of Parks and Recreation. This 50/50 matching program was designed to help nonprofit organizations in James City County acquire parks and recreation equipment for citizen use. Qualifying organizations are eligible to apply for funds to pay for playground equipment, fields, services, buildings, and materials as part of a recreation project. These facilities or programs, once funded by the Division, are then open for the citizens of James City County. Organizations can also acquire a match to money that is donated to the Division for a specific project to be located in a County park.

As a result of the fourth application process, it is recommended that the following three projects be funded. The Williamsburg Youth Football League has requested assistance with a \$3,000 equipment purchase to keep pace with the needs of the growing club. The organization provides all the necessary equipment for football and cheerleading ensuring that every child, regardless of ability to pay, can participate in the League. Clara Byrd Baker PTA is recommended for \$4,000 for assistance with a fitness trail around the school. The finished trail with 13 workout stations will be available for all citizens to use. A grant of \$175 is also recommended for the Williamsburg Area Bicyclists to assist with a bike rack to be placed in a prominent commerce center to encourage cycling for personal fitness.

Staff recommends approval of the attached resolution and appropriation of the funds as described above

---

Needham S. Cheely

CONCUR:

---

Anthony Conyers, Jr.

NSC/adw  
granaid.mem

Attachment

**RESOLUTION**

**RECREATION GRANT-IN-AID PROGRAM AWARDS**

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-Aid Program in FY 2002 for community park projects and programs; and

WHEREAS, three organizations, to include Williamsburg Youth Football League, Clara Byrd Baker PTA, and the Williamsburg Area Bicyclists, have applied for funds that support recreation projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the matching grant awards to the above mentioned organizations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following expenditures:

**EXPENDITURES:**

Grant-in-Aid Account (0130220900)

Williamsburg Youth Football League	\$3,000
Clara Byrd Baker PTA	\$4,000
Williamsburg Area Bicyclists	<u>\$ 175</u>
Total	<u>\$7,175</u>

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

granaid.res

MEMORANDUM

DATE: September 24, 2002

TO: The Board of Supervisors

FROM: Keith A. Taylor, Secretary, Industrial Development Authority

SUBJECT: Resolution of Approval for Multifamily Housing Revenue Refunding Bond Series 2002 Issue for Chambrel at Williamsburg Project

---

At the September 12, 2002, regular meeting of the Industrial Development Authority (IDA) of the County of James City, Virginia, the IDA Directors passed a resolution authorizing the issuance of up to \$25,000,000 worth of revenue refunding bonds for CMCP-Williamsburg, LLC. A copy of that resolution, a fiscal impact statement prepared by CMCP-Williamsburg, LLC and executed by the IDA Chairman, and a summary of statements made at the IDA's duly advertised public hearing on this matter are attached. The bonds do not carry the full-faith and credit of James City County or its IDA. The bonds are for the purpose of refunding all of the Authority's currently outstanding \$13,707,550 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Project) 1996 Series A and \$11,292,450 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Project) 1996 Series B, the proceeds of which were used to refund the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) issued in 1985, the proceeds of which were used to finance the acquisition, construction and equipping of a 256-unit elderly residential rental project commonly known as Chambrel at Williamsburg and located at 3800 Treyburn Drive, James City County, Virginia.

State and Federal statutes require that the governing body of the jurisdiction in which such financing activity is to occur adopt a resolution of approval in support of the IDA's action. Counsel has prepared such a resolution.

Staff recommends approval of the attached resolution.

---

Keith A. Taylor

CONCUR:

---

Sanford B. Wanner

KAT/gs  
chambrel.mem

Attachments

## RESOLUTION

### APPROVAL FOR MULTIFAMILY HOUSING REVENUE REFUNDING BOND

#### SERIES 2002 ISSUE FOR CHAMBREL AT WILLIAMSBURG PROJECT

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority") has considered the application of CMCP-Williamsburg, LLC, a Delaware limited liability company (the "Owner") for the issuance of the Authority's Variable Rate Demand Multifamily Housing Revenue Refunding Bonds in an amount not to exceed \$25,000,000 (the "Bonds") to refund all or a portion of the Authority's \$13,707,550 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series A and \$11,292,450 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series B (collectively the "1996 Bonds"), the proceeds of which were used to refund the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to make a loan to Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Original Owner") to finance the acquisition, construction, and equipping by the Original Owner of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at 3800 Treyburn Drive, Williamsburg, Virginia (the "Project"), twenty percent (20%) of the units of which are to be occupied by individuals of low or moderate income, and has held a public hearing thereon on September 12, 2002; and

WHEREAS, the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1996 Bonds and issuance of the Bonds by the Authority to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, a record of the public hearing held on the issuance of the Bonds has been filed with the Clerk of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The holding of a public hearing with respect to the refunding of the 1996 Bonds and the Project by the Authority at 1:30 p.m. on September 12, 2002, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Code, and Section 15.2-4906 of the Code of Virginia, is hereby ratified.
2. The Board approves the refunding of the 1996 Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Owner, to the extent of and as required by Section 147(f)(2) of the Code, and Section 15.2-4906 of the Code of Virginia, to permit the Authority to assist in the refunding of the 1996 Bonds.

3. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code and by Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Bonds or the credit worthiness of the Owner, and the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, nor the Authority shall be pledged thereto.
4. All acts of the officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects, satisfied, approved and confirmed.
5. This resolution shall take effect immediately upon its adoption.

---

James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

chambrel.res

MEMORANDUM

DATE: September 24, 2002  
 TO: The Board of Supervisors  
 FROM: William C. Porter, Jr., Assistant County Administrator  
 SUBJECT: Crop Disaster Area Declaration

---

James City County, along with most of the Commonwealth of Virginia, is experiencing an extreme drought. Based on information from the Virginia Cooperative Extension Service, drought conditions have seriously impacted James City County's 2002 crop yields as demonstrated below:

<u>Crop</u>	<u>Acres Planted</u>	<u>Normal Yield</u>	<u>Disaster Yield</u>
Wheat	927	57 bu/acre	50 bu/acre
Corn	1,637	106	45
Soybeans	2,185	29	12
Hay	2,000	3.0 tons/acre	1.5 tons/acre

As a result of these extreme conditions, the Board of Supervisors has been advised to recommend to the Governor that James City County be declared a disaster area for the agricultural industry and to make available all possible assistance to farmers.

Staff recommends the adoption of the attached resolution requesting the Governor to declare James City County a disaster area for the agricultural industry.

---

William C. Porter, Jr.

WCP/gb  
 drought.mem

Attachment

**RESOLUTION**

**CROP DISASTER AREA DECLARATION**

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the marketplace.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that a state of emergency is declared to exist in the County and hereby requests The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

drought.res

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

DATE: September 24, 2002

TO: The Board of Supervisors

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

SUBJECT: Request to Congress to Appropriate Funds for the Removal of the Environmentally Hazardous James River Reserve Fleet

---

At its August 13 meeting, Newport News City Council adopted the attached resolution urging Congress to appropriate the necessary funds to remove the obsolete and environmentally hazardous vessels of the James River Reserve Fleet. In the adopting of the resolution, City Council urged all jurisdictions in the Hampton Roads Planning District Commission (HRPDC) approximate to the James River, to adopt resolutions in support of the removal of the Reserve Fleet.

Staff recommends adoption of the attached resolution requesting the United States Congress to appropriate the funds necessary for the removal of the Reserve Fleet.

---

William C. Porter, Jr.

WCP/gs  
fleet.mem

Attachment

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

DATE: September 24, 2002

TO: The Board of Supervisors

FROM: Wayland N. Bass, County Engineer

SUBJECT: Award of Contract - Wexford Hills Subdivision Section 1 - Street and Stormwater Improvements

---

The developer of Wexford Hills started Section 1 about 1992. The streets and stormwater facilities have remained incomplete for several years and do not meet Virginia Department of Transportation (VDOT) requirements for acceptance into the State Secondary Highway System.

In 2002, staff, with Board approval, cashed the developers Subdivision Bond and prepared plans and specifications for upgrading Section 1 for VDOT acceptance of the streets and stormwater facilities. The work was advertised, but there was little contractor interest and only two bids were received:

<u>Bidder</u>	<u>Amount</u>
Toano Contractors, Inc.	\$122,827
Stilley Company, Inc.	152,987

In a more competitive scenario, staff would expect somewhat lower bids. Proceeds from the developers Subdivision Bond will cover the cost of the low bid by Toano Contractors, Inc. To minimize further homeowner inconvenience, staff recommends proceeding with the project.

Staff recommends that the Board adopt the attached resolution awarding the contract to Toano Contractors, Inc.

---

Wayland N. Bass

CONCUR:

---

John T. P. Horne

WB/gs  
weximprove.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT - WEXFORD HILLS SUBDIVISION**

**SECTION 1 - STREET AND STORMWATER IMPROVEMENTS**

WHEREAS, the developer of Wexford Hills Subdivision, Section 1, has not completed streets and stormwater facilities acceptable to the Virginia Department of Transportation (VDOT); and

WHEREAS, the County has cashed the developers Subdivision Bond providing sufficient funds to award the work to Toano Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Toano Contractors, Inc., for this work in the amount of \$122,827.

---

James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

weximprove.res

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: Michael H. Drewry, Administrator, Purchase of Development Rights Program  
SUBJECT: USDA Farmland Protection Program Grant - Cooperative Agreement

---

The James City County Purchase of Development Rights (PDR) Program submitted an application and is seeking \$371,559 for a United States Department of Agriculture (USDA)/Natural Resources Conservation Service (NRCS) Farmland Protection Program (FPP) Grant. In order to continue seeking the grant, the USDA requests a Cooperative Agreement be signed before September 30, 2002.

The purpose of the Grant is to assist with the purchase of conservation easements on parcels identified during the initial PDR application period that closed on May 31, 2002. The Cooperative Agreement is the authorizing document that obligates USDA funds to acquire conservation easements. The USDA is required to obligate the funds by September 30, 2002. The USDA's contribution cannot be more than 50 percent of the appraised market value of the conservation easement. Before any grant funds are utilized, the Board of Supervisors will be asked to allocate the grant funds to supplement existing James City County funds allocated in FY 2002 and 2003 for the PDR Program.

Staff recommends approval of the attached resolution allowing the Cooperative Agreement for the Farmland Protection Program to be signed by the County Administrator before September 30, 2002.

---

Michael H. Drewry

CONCUR:

---

Anthony Conyers, Jr.

MHD/adw  
usdafarm.mem

Attachment

**RESOLUTION**

**USDA FARMLAND PROTECTION PROGRAM GRANT - COOPERATIVE AGREEMENT**

WHEREAS, funds are needed to assist with the purchase of conservation easements on parcels identified during the initial Purchase of Development Rights (PDR) application period that closed on May 31, 2002; and

WHEREAS, the United States Department of Agriculture may fund the purchase of conservation easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Cooperative Agreement between the United States of America and Commodity Credit Corporation for the Farmland Protection Program, and to accept any grant funds awarded.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the Cooperative Agreement for the Farmland Protection Program.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

usdafarm.res

MEMORANDUM

DATE: September 24, 2002  
TO: The Board of Supervisors  
FROM: John E. McDonald, Manager of Financial and Management Services  
SUBJECT: Real Property Tax Rate

---

The attached resolution sets the tax rate on real property for FY 2003 at \$0.87 per \$100 of assessed value. This is the tax rate set out in the budget adopted by the Board of Supervisors for FY 2003.

The Commissioner of the Revenue, in attempting to respond to a question from Mr. Brown, has determined that the Board of Supervisors does have the legal authority to change the tax rate after the land book has been issued. It is important to point out that should the Board change the tax rate after the land book has been issued, there could be significant administrative, practical, and cost issues that would need to be addressed. These include the costs of programming changes, temporary employees, additional mailings, and public education efforts. These additional costs could be minimized if the Board made a change in the rate effective with billings mailed after January 1, 2003, as long as that change can be made before March 31, 2003.

Presently, staff recommends approval of the attached resolution, which retains the current tax rate.

---

John E. McDonald

JEM/adw  
proptax.mem

Attachment

**RESOLUTION**

**REAL PROPERTY TAX RATE**

WHEREAS, the Board of Supervisors has, in accordance with the requirements of Section 58.1-3321 of the Code of Virginia, held a public hearing on the increase in real property taxes caused by a reassessment of property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes \$0.87 per \$100 of assessed value as the real property tax rate for the fiscal year ending June 30, 2003.

---

James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

proptax.res

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

DATE: September 24, 2002

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services  
John T. P. Horne, Development Manager

SUBJECT: Colonial Pipeline - Transportation Improvement District

---

Staff has been working on a process to settle all outstanding financial issues for the Route 5 Transportation Improvement District (TID). The TID has successfully met all of its financial obligations, with three exceptions:

1. Virginia Department of Transportation (VDOT) Advance - The TID is still obligated to the repayment of a \$1 million advance from the VDOT. The original agreement set out an eight-year payment term, \$125,000 each year, and three of those payments have already been made. The remaining \$625,000 is expected to be paid to VDOT, in accordance with the original repayment plan from the County's Debt Service Fund. These funds will be deposited into the County's Secondary Road Fund.
2. VDOT Construction Costs - Staff has reached a tentative agreement with VDOT on a settlement of the final, actual construction costs of the road. With the expected payments by the Hampton Roads Sanitation District and the James City Service Authority for costs incurred by VDOT in the construction and upgrade of water and sewer lines, the total construction costs are completely funded. Approximately \$2.4 million will be paid by the County's Secondary Road Fund in FY 2003 and FY 2004 to fully finance construction, but that money will be replaced in County Secondary Road Project balances by Federal RSTP funds. This funding arrangement is consistent with the original construction budget approved in 1996.
3. Colonial Pipeline - The TID has been presented with a bill for \$288,687.41 to reimburse the Colonial Pipeline Company for the costs the company incurred in relocating a gas line to allow for the construction of the extension of Monticello Avenue. Mr. Wayland Bass, County Engineer, has reviewed the invoice and the detail supporting the billing and has determined that the invoice is reasonable and supported by documented expenditures. With the attached resolution authorizing payment, this obligation can be paid. There are developer proffers that have been received that have not yet been appropriated, and with the appropriation of \$78,787 of those proffers and the transfer of \$209,901 set aside for the TID in the Debt Service Fund, there are sufficient funds to pay the Colonial Pipeline billing.

A combination of cash balances in the TID account and part of the funds set aside for the TID in the Debt Service Fund have been used to complete the payment of the cash advance from the developers of Governors Land. That advance is now fully repaid.

The Board should anticipate both a final VDOT settlement, described in broad terms in Paragraph 2 above and an amended Six-Year Secondary Road Plan for its scrutiny and approval later this year.

Staff recommends approval of the attached resolution appropriating \$78,787 in developer proffers for road improvements and the transfer of \$209,901 from the Debt Service Fund to the TID to allow the payment of the Colonial Pipeline bill.

---

John E. McDonald

CONCUR:

---

John T. P. Horne

JEM/gs  
pipeline/TID.mem

Attachment

**RESOLUTION**

**COLONIAL PIPELINE - TRANSPORTATION IMPROVEMENT DISTRICT**

WHEREAS, the Board of Supervisors has agreed to fund the outstanding financial obligations of the Route 5 Transportation Improvement District (TID); and

WHEREAS, Colonial Pipeline has relocated its pipeline to allow the construction of an extension of Monticello Avenue, a project initiated and financed by the TID; and

WHEREAS, funds sufficient to pay the bill include expected proffers dedicated to the extension of Monticello Avenue, as well as funds previously appropriated by the County on behalf of the TID.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the expenditure of \$288,687.41 in payment to the Colonial Pipeline Company for an obligation incurred by the Route 5 Transportation Improvement District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia appropriates \$78,787 in proffers from developers to the TID and authorizes the transfer of \$209,901 from the Debt Service Fund to the TID to fully fund the payment of this obligation.

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2002.

pipeline/TID.res