

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

February 25, 2003

7:00 P.M.

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I. PUBLIC COMMENTS

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. CLOSED SESSION

1. Consideration of personnel matters, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.
 - a. Local Enterprise Zone Association (LEZA)

M. ADJOURNMENT

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Presentation of Certificate of State Accreditation - Police

At its meeting on January 30, the Virginia Law Enforcement Professional Standards Commission awarded the James City County Police Department accredited status for its success in complying with the 216 mandated standards. The Police Department joins a list of only 43 of over 400 State law-enforcement agencies that have achieved accredited status.

This award culminates the efforts that started more than two years ago when the Department decided to pursue this important certification and established an Accreditation Team to achieve this goal. The accreditation process requires police agencies to prove compliance in a multitude of areas that touch on all aspects of police work, including everything from personnel, training, equipment, criminal, and traffic arrests, to records keeping and budgeting. The final test was a four-day on-site test in which three assessors, selected by the Commission, reviewed the Department and its files.

In the final report to the Commission on January 30, it stated that it was the unanimous decision of the Assessment Team that the James City County Police Department receives accredited status.

David A. Daigneault

CONCUR:

Sanford B. Wanner

DAD/gs
accstatus.mem

Attachment

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Resolution of Remembrance - Crew of the Space Shuttle Columbia

The Space Shuttle Columbia and its crew were lost over Texas at approximately 9 a.m. on February 1, 2003, while bringing an end to their 16-day mission "in the pursuit of knowledge - knowledge that might improve the quality of life for all mankind."

One of Columbia's crew members was David Brown, a 1978 graduate of the College of William & Mary.

Staff recommends adoption of the attached resolution honoring the crew of the Space Shuttle Columbia.

William C. Porter, Jr.

WCP/gs
shuttle.mem

Attachment

RESOLUTION OF REMEMBRANCE

CREW OF THE SPACE SHUTTLE COLUMBIA

WHEREAS, at approximately 9 a.m. on February 1, 2003, the Space Shuttle Columbia and its gallant seven-member crew were lost over the skies of Texas; and

WHEREAS, the international crew of Columbia's 28th flight consisted of: Commander Rick Husband, Pilot Willie McCool, Payload Specialist Ilan Ramon, Mission Specialists Laurel Clark, Kalpana Chawla, Mike Anderson, and David Brown; and

WHEREAS, David Brown was a 1978 graduate of The College of William & Mary and attended the Eastern Virginia Medical School in Norfolk; and

WHEREAS, the Columbia crew worked diligently during their 16-day mission to conduct research experiments in the areas of advanced technology development, astronaut health and safety, and Earth and space sciences "in the pursuit of knowledge - knowledge that might improve the quality of life for all mankind."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its condolences and sympathy to the families and coworkers of the brave crew of the Columbia.

BE IT FURTHER RESOLVED that the Board does hereby thank past and future generations of explorers for their resolution and courage to seek out knowledge for the betterment of mankind.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

shuttle.res.

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Resolution of Recognition - Judith Stewart Dresser

Judith Stewart Dresser served the people of the Greater Williamsburg area as a member of the League of Women Voters, the James City County Democratic Committee, as a legislative assistant, and served the community on numerous boards.

Staff recommends adoption of the attached resolution honoring Ms. Dresser and acknowledging her role in the community as an activist.

William C. Porter, Jr.

WCP/gs
dresser.mem

Attachment

RESOLUTION OF RECOGNITION

JUDITH STEWART DRESSER

WHEREAS, Judith Stewart Dresser was a longtime member of the League of Woman Voters, the James City County Democratic Committee, and served as legislative assistant to former Delegate George W. Grayson for 12 years; and

WHEREAS, Judy served on numerous boards, including the Windsor Forest Association, Hospice, Housing Partnerships, the Williamsburg Land Conservancy, the James River Association; and

WHEREAS, Judy brought her quick wit and organizational skills as a member of the Capital Campaign Committee for Child Development Resources, as a founding member of the Williamsburg Area Women's Network, as a Council Member of the Historic Route 5 Association; and as citizen chair of the County's 1998 Neighborhoods Conference; and

WHEREAS, Judy's contributions to the people of the Greater Williamsburg area will be a lasting tribute and an inspiration for all to continue her great work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its condolences to the Dresser family on behalf of a grateful community and adds its voice to those who honor and acknowledge Judith Stewart Dresser as a true community activist.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

dresser.res

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: Keith A. Taylor, Economic Development Director
SUBJECT: Resolution of Appreciation - Jon A. Nystrom

Jon A. Nystrom served fifteen years as a Director on the Industrial Development Authority (IDA), including serving as its Chairman for eight of those years. At its September 12, 2002, meeting, the Industrial Development Authority unanimously adopted a Certificate of Appreciation in recognition of Mr. Nystrom's IDA service to the County and its citizens.

Staff recommends the adoption of the attached resolution honoring Mr. Nystrom.

Keith A. Taylor

CONCUR:

Sanford B. Wanner

KAT/gs
nystrom.mem

Attachment

RESOLUTION OF APPRECIATION

JON A. NYSTROM

WHEREAS, Jon A. Nystrom served as a member of the Industrial Development Authority (IDA) of James City County from July 1987 to September 2002, and as its Chairman from December 1990 to December 1998; and

WHEREAS, Jon A. Nystrom was nominated by the Authority for the Virginia Economic Developers Association 1996 Virginia Volunteer of the Year Award in recognition of his successful leadership; and

WHEREAS, Jon A. Nystrom has shown commitment to improving the economic vitality of the region through his service on the IDA as well as the Executive Committee of the Peninsula Alliance for Economic Development; and

WHEREAS, throughout this period of service, Jon A. Nystrom gave freely of his time, his energy, and his knowledge for the betterment of his County, as an active volunteer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Jon A. Nystrom and recognizes his distinguished service and dedication to the County and its citizenry.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

nystrom.res

M E M O R A N D U M

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: Keith A. Taylor, Economic Development Director
SUBJECT: Resolution of Appreciation - Sterling M. Nichols

Sterling M. Nichols served eight years as a Director on the Industrial Development Authority (IDA), including serving as its Vice-Chairman from January 1997 to December 1998, and as its Chairman in 2002. In addition to his service on the IDA, Mr. Nichols has contributed many years of volunteer service to the County, including serving as Chairman of the Community Participation Team for the 1997 County Comprehensive Plan Update. At its January 23, 2003, meeting, the IDA unanimously adopted a Certificate of Appreciation in recognition of Mr. Nichols' IDA service to the County and its citizens.

Staff recommends the adoption of the attached resolution honoring Mr. Nichols.

Keith A. Taylor

CONCUR:

Sanford B. Wanner

KAT/adw
nichols2.mem

Attachment

RESOLUTION OF APPRECIATION

STERLING M. NICHOLS

WHEREAS, Sterling M. Nichols served as a member of the Industrial Development Authority (IDA) of James City County from July 1994 to December 2002, as its Vice-Chairman from January 1997 to December 1998, and as its Chairman from January 2002 to December 2002; and

WHEREAS, during this period of service, Sterling M. Nichols took an active role in the process to update the IDA's strategic plan and gave freely of his time, his energy, and his knowledge for the betterment of his County as an active volunteer; and

WHEREAS, Sterling M. Nichols served as Chairman of the Community Participation Team for the 1997 County Comprehensive Plan Update; and

WHEREAS, the culmination of his long history of volunteer service to his community was his nomination for the *Daily Press* 2002 Virginia Peninsula Citizen of the Year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Sterling M. Nichols and recognizes his distinguished service and dedication to the County and its citizenry.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

nichols2.res

M E M O R A N D U M

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: Stephanie Ahrendt, Purchasing Director
SUBJECT: March - Purchasing Month

Every year governmental purchasing offices and professional purchasing associations throughout the country use Purchasing Month as an opportunity to highlight the significant role the purchasing profession plays in the efficiency and effectiveness of government.

The James City County Purchasing Office will highlight its ongoing education outreach project during Purchasing Month. The goal of the project is to better educate County staff, vendors, and the general public about the Purchasing Office's roles, responsibilities, programs, and contributions to County government.

Staff recommends approval of the attached resolution proclaiming March 2003 as Purchasing Month in James City County.

Stephanie Ahrendt

SA/gs
purchmo03.mem

Attachment

RESOLUTION

MARCH - PURCHASING MONTH

WHEREAS, the purchasing profession plays a significant role in the efficiency and effectiveness of government; and

WHEREAS, purchasing professionals, through their combined purchasing power, have a significant influence upon economic conditions throughout the world; and

WHEREAS, the James City County Purchasing Office and professional purchasing associations such as the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing engage in special efforts during the month of March to inform the public about the importance of the role of the purchasing profession in government, business, and industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims March 2003 as Purchasing Month and calls its significance to the attention of all our citizens.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

puchmo03.res

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Street in Barrett's Ferry Subdivision

Attached is a resolution requesting acceptance of a street in Barrett's Ferry Subdivision into the State Secondary Highway System. The street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

DEC/adw
barstreets.mem

Attachments

RESOLUTION

DEDICATION OF STREET IN BARRETT'S FERRY SUBDIVISION

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 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.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

barstreets.res

Riverfront Park

John Tyler Highway

Barrett's Ferry Drive

DEDICATION OF STREET IN BARRETT'S FERRY SUBDIVISION



 Street Being Dedicated

300 0 300 600 Feet



In the County of James City

By resolution of the governing body adopted February 25, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Barrett's Ferry

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Barrett's Ferry Drive, State Route Number 1134

Description: *From:* Route 5

To: End Of Cul-de-sac

A distance of: 0.20 miles.

Right of Way Record: Filed with the Land Records Office on 09/21/1996, Plat Book 65, Page 50, with a width of 50'

M E M O R A N D U M

DATE: February 25, 2003

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: VPDES Phase II Stormwater Permit and Regional Stormwater Management Program

The U.S. Environmental Protection Agency's (EPA) Phase II Stormwater Regulations require the State's Department of Environmental Quality (DEQ) to issue stormwater discharge permits to small municipal separate storm sewer systems (small MS4s) located in urbanized areas, as defined by the Census Bureau using the latest decennial census. Small MS4s include publicly owned systems owned by municipalities, Federal facilities, State facilities including the Virginia Department of Transportation (VDOT), and universities. In Virginia, 60 municipalities are located wholly or partially with Census 2000 urbanized areas. Small MS4s within those areas have been "automatically designated" for permitting by the EPA under the Phase II regulations. Jurisdictions with populations exceeding 100,000 were required to obtain permits in the early 1990s under Phase I of the program.

James City County is one of those 60 Virginia municipalities that will have to obtain a permit from DEQ. There are two maps in the Board's Reading File that show the location of the urbanized areas within the County; the permit will only apply to those areas located within the designated urbanized areas. The maps also show the watersheds involved for informational purposes only. The permits, called Virginia Pollutant Discharge Elimination System (VPDES) stormwater permits, must be applied for by the regulated small MS4s by March 10, 2003. Each community will have up to five years after DEQ issues the permit to develop and implement their stormwater management (SWM) program. The SWM program must include the following "six minimum control measures":

1. Public education and outreach on stormwater impacts;
2. Public involvement/participation;
3. Illicit discharge detection and elimination;
4. Construction site stormwater runoff;
5. Post-construction stormwater management in new development and redevelopment; and
6. Pollution prevention/good housekeeping for municipal operations.

In the Board's Reading File is the VPDES permit application that the County will be submitting to DEQ. The application contains a list of the control measures and their implementation dates that the County will be obligated to accomplish as permit conditions. The content of the SWM program was developed in a cooperative regional effort with the other affected small MS4s in the Hampton Roads Planning District Commission (HRPDC) area with overall coordination provided by the staff of the HRPDC. Fortunately, many of the control measures are already being implemented by the County such as the construction site runoff (erosion and sediment control) and the post-construction runoff management. Some of the other measures will be essentially new initiatives such as Items (1) public education, (3) illicit discharges, and (6) pollution prevention for municipal operations.

To accomplish many of these new program elements and to provide consistency among the local jurisdictions regarding many of the permit elements and reporting requirements, it is proposed to continue and formalize the regional approach by establishing a **Regional Stormwater Management Program** that will include the HRPDC area Phase I and II communities. The formation of this program will represent cost savings for the participating jurisdictions by minimizing duplication of effort and allow for increased information sharing. The resulting standardization will also help with acceptance of the County's program by DEQ.

To formalize the Regional SWM program, a Memorandum of Agreement (MOA) will need to be executed between the HRPDC and the participating localities. The MOA, which is in the Board's Reading File, documents the rationale for the regional program, outlines the responsibilities of the HRPDC and the participating local governments, and formalizes the existing funding mechanism for the program. The County has been participating financially in a less formalized regional SWM program for the past several years and as mentioned previously, we participated in the regional effort to develop a Phase II application. There are two spreadsheets in the Board's Reading File that present the funding scheme for the overall SWM program and the Phase II portion of the program. The County's share of the funding for FY 04 is \$6,338.05 for the overall program and \$20,210.60 for the Phase II portion. The funding level will be adjusted each year and it is anticipated that the separate funding for the Phase II program will decrease each year as the program development phase progresses until those additional costs are eliminated. For example, the FY 04 cost is decreased from FY 03's cost of \$28,248 which was for the development of the permit application.

Attached for consideration are two resolutions: one authorizing the County Administrator to sign the VPDES permit application and the other authorizing him to sign the MOA with the HRPDC formalizing the regional SWM program.

Staff recommends that the Board adopt both resolutions.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gs
VPDES-SWM.mem

Attachments

RESOLUTION

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT REGISTRATION AUTHORIZATION

WHEREAS, pursuant to the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has promulgated implementing regulations, 40 Code of Federal Regulations Part 122, which established the National Pollutant Discharge Elimination System Permits for Municipal Separate Storm Sewer System Discharges; and

WHEREAS, pursuant to the State Water Control Law, the State Water Control Board of the Department of Environmental Quality (DEQ) has promulgated implementing regulations, 9 VAC 25-750 for Phase II of the Federal Regulations, which established the Virginia Pollutant Discharge Elimination System (VPDES) requirements that localities obtain such permits for their Municipal Separate Storm Sewer System Discharges; and

WHEREAS, James City County contains U.S. Census Bureau designated Urbanized Areas, and as a consequence, has been automatically designated by the Federal Regulations as a community that will have to have a permit to discharge stormwater under Phase II of the Regulations; and

WHEREAS, James City County will have to make an application for coverage under the State's VPDES program by March 10, 2003; and

WHEREAS, a permit application has been completed by the County's Environmental Division.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the *General Permit Registration Statement for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems* as prepared by the Environmental Division.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

RESOLUTION

MEMORANDUM OF AGREEMENT FOR PARTICIPATION IN THE

HAMPTON ROADS REGIONAL STORMWATER MANAGEMENT PROGRAM

- WHEREAS, the Hampton Roads Planning District Commission (HRPDC) has been requested and has undertaken various studies to support local government stormwater management programs, including compliance with the Virginia Pollutant Discharge Elimination System (VPDES) permits; and
- WHEREAS, pursuant to the State Water Control Law, the State Water Control Board of the Department of Environmental Quality (DEQ) has promulgated implementing regulations, 9 VAC 25-750 for Phase II of the Federal Regulations, which established the VPDES requirements that localities obtain such permits for their Municipal Separate Storm Sewer System Discharges; and
- WHEREAS, James City County has been automatically designated by Federal regulation as a community that will have to have a permit to discharge stormwater under Phase II of the Regulations; and
- WHEREAS, James City County will be required by its VPDES permit to conduct certain activities, including implementation of public education and information programs, pollution prevention/good housekeeping for municipal operations, and annual reporting on those and other stormwater activities; and
- WHEREAS, the Chesapeake Bay Preservation Act, the Virginia Stormwater Management Act, and the Virginia Erosion and Sediment Control Law and implementing regulations also establish stormwater management requirements that apply to James City County; and
- WHEREAS, working in cooperation with other local governments to accomplish some of the requirements of the various stormwater management laws and regulations will result in cost efficiencies, increased information sharing, and program consistency which will increase the acceptance of the County's program at the State level; and
- WHEREAS, it has been proposed that a regional stormwater management program be established that will be administered and coordinated by the HRPDC, and that the program will be established as presented in a Memorandum of Agreement between the HRPDC and the participating local governments.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that James City County support and participate in a regional stormwater management program as presented in the Memorandum of Agreement with the HRPDC entitled "Establishing the Hampton Roads Regional Stormwater Management Program."

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrator to sign the Regional Stormwater Management Memorandum of Agreement to formalize the County's participation in the program.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

SWM.res

M E M O R A N D U M

DATE: February 25, 2003

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Peninsula Light Rail Transit Alternatives Analysis Study

Staffs of the affected localities participated with Hampton Roads Transit (HRT) in the Peninsula Light Rail Transit Alternatives Analysis Study. This recently completed study builds upon the 1998 Major Investment Study for the Interstate 64 corridor on the Peninsula. One of the recommendations of the I-64 study was to pursue the implementation of improved passenger rail. On July 14, 1998, the Board of Supervisors adopted a resolution supporting improved passenger rail. Because of increasing congestion in the I-64 corridor, the Hampton Roads Planning District Commission's Metropolitan Planning Organization (MPO) decided to accelerate the evaluation of light rail on the Peninsula. The light rail study recommends a Locally Preferred Alternative (LPA) for approval by the affected localities. The HRT Commission is seeking the approval of the LPA by the affected localities, and will seek approval of the LPA by the MPO on March 19, 2003.

Thus far, the Cities of Hampton, Newport News, and Williamsburg have approved the Locally Preferred Alternative. York County is scheduled to consider the project on March 4, 2003.

Project Overview:

Improved passenger rail service for the Peninsula has been under consideration for several years. Both light rail and high-speed rail are under consideration, and the existing CSX rail corridor linking the Williamsburg area to Hampton and Newport News has been a primary focus for both services. If implemented, high-speed rail would serve not only the Peninsula, but also provide service to Richmond and beyond. Station locations would be much further apart than those for light rail, and equipment would be much heavier and faster. Light rail, the subject of this memorandum, would serve Peninsula destinations. Its primary purpose would be to provide an alternative to travelers on the Peninsula, particularly commuters, in a 25-mile-long corridor most likely within the existing CSX right-of-way. Equipment would be more akin to a trolley. Light rail and high-speed rail offer distinctly different potential benefits to James City County.

The light rail study performed an initial screening of ten alternative alignments. This screening selected five alternatives for further study. These five alternative alignments were then subjected to a more detailed evaluation, and a recommended alternative was identified. This alternative has become known as the "Locally Preferred Alternative." The Locally Preferred Alternative and all of the other alignments studied come into the Williamsburg area via the CSX right-of-way, with the western terminus at the Williamsburg Transportation Center. Other conceptual light rail station locations for the Williamsburg area, in addition to the Transportation Center, include the York Street/Quarterpath Road area and the Route 199/143/60 intersection area.

During the course of the light rail study, County staff have been generally supportive of the project, but have voiced several concerns. These concerns have included the following:

- Potential impacts of overhead wires;
- Potential impacts of any widening to the existing CSX right-of-way;
- Accommodation of commuter parking;

- Necessary enhancements to local bus service, including Williamsburg Area Transport (WAT);
- Potential conflicts with existing freight rail service and Amtrak passenger service; and
- Ability to accommodate future high-speed rail service to the Peninsula.

The above concerns will be evaluated and addressed during the next phase of the project.

Once the Locally Preferred Alternative has been endorsed by the affected localities and the MPO, HRT intends to undertake detailed evaluations of project phasing and environmental impacts and preliminary engineering. This next phase is expected to take at least 18 months. While this next evaluation phase of the LPA would be Federally funded, construction may require financial participation by the affected localities. The Federal share for construction would be 50 percent with the balance from other sources. Estimated project costs are very preliminary at this stage, but are estimated to be about \$1 billion. Completion is not expected until at least 2010.

Recommendation:

Staff recommends that the Board of Supervisors approve the attached resolution endorsing the Locally Preferred Alternative for further detailed environmental, phasing, and engineering evaluation, with a specific statement that light rail not compromise existing freight and passenger rail service nor foreclose the option for high-speed rail service. The resolution also reiterates the Board's previous support to pursue high-speed rail. Please note that the resolution does not commit the County to provide funding for this next study phase of the project.

O. Marvin Sowers, Jr.

OMS/gs
ltrail.mem

Attachments:

1. Light Rail Transit Study (provided to Board of Supervisors under separate cover)
2. Resolution

RESOLUTION

PENINSULA LIGHT RAIL TRANSIT ALTERNATIVES ANALYSIS STUDY

WHEREAS, the CSX Major Investment Study investigated potential transportation improvements in the travel corridor generally along the CSX rail right-of-way linking the City of Williamsburg, James City County, York County, City of Newport News, and City of Hampton with a “Locally Preferred Alternative” of expanded bus service and furthering the study of light rail; and

WHEREAS, as congestion continues to increase, the Peninsula Mayors and Chairs requested the Hampton Roads Planning District Commission to reconsider the 1998 Major Investment Study locally preferred alternative so as to advance the evaluation of light rail with complementary bus service, and said request was approved by the Hampton Roads Metropolitan Planning Organization in July 2000; and

WHEREAS, the transportation system’s capacity will be exceeded unless additional investments are made to mitigate the congested highway network in this corridor; and

WHEREAS, attention must be given to ensure a modern, well-functioning multimodal transportation network, including consideration of both light rail and expanded intercity passenger rail and high-speed rail that will foster economic growth and vitality in the region by providing increased mobility and regional connectivity as well as provide for sound land use, air quality, and energy policies; and

WHEREAS, Hampton Roads Transit, in cooperation with the Federal Transit Administration, local jurisdictions, the business community, and the general public, has completed an alternative analysis that evaluated a number of potential light rail alignments to serve this travel corridor and is hereby recommending a preferred alignment known as the “Locally Preferred Alternative” to carry into further detailed analysis and environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby support the following:

1. The pursuit of improved public transportation services on the Peninsula as presented in the CSX Corridor Major Investment Study and the Peninsula Rail Transit Project Alternatives Analysis, which include the provision for dual-track high-speed rail and light rail in the CSX corridor.
2. The selection of the Locally Preferred Alternative for further detailed phasing, environmental, and engineering evaluation of the corridor between Williamsburg and Downtown Newport News generally along the CSX railroad right-of-way, including and connecting with a corridor generally along Hampton Roads Center Parkway to Downtown Hampton.
3. The inclusion of the Locally Preferred Alternative in the Hampton Roads Regional Long Range Plan.

BE IT FURTHER RESOLVED that endorsement of the Locally Preferred Alternative for a light rail system shall not be construed to compromise or supercede the ability to expand existing passenger rail service and its upgrade to high-speed rail or compromise freight rail service in the CSX corridor from Richmond to Newport News.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

ltrail.res

M E M O R A N D U M

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: FY 2003-2008 Six-Year Secondary Road Plan

On January 28, the Board of Supervisors conducted a work session with County staff and staff of the Virginia Department of Transportation (VDOT). At the work session, the status of projects currently included in the Six-Year Secondary Road Plan was discussed, and direction was given by the Board of Supervisors. Based on that direction, two resolutions are attached. The first resolution would adopt the Six-Year Secondary Road Plan based on the attached plan document prepared by VDOT staff. The second resolution would authorize the use of Rural Rustic Design Standards for the improvements to Racefield Drive. County staff has reviewed the document produced by VDOT and has verified that it is consistent with the direction given to VDOT staff at the January 28 work session. The status of the projects in the Plan is summarized below:

Project Status:1. Ironbound Road - Longhill Connector Road to Strawberry Plains Road

This project continues to be shown as the number one priority for the Six-Year Plan. Construction cost is currently estimated at \$9.3 million and the proposed construction date is July 2008.

2. Longhill Connector Road

This segment has been removed from the Plan as approved by the Board of Supervisors.

3. Croaker Road - Route 607

As approved by the Board, this project will go forward with a reduced scope of construction that will largely use the existing alignment and improve shoulders, ditches, and travel lanes within the existing right-of-way. Construction costs have been significantly reduced from the previously approved scope of work and construction is estimated to begin in 2007.

4. Ironbound Road - from Sandy Bay Road to Jamestown Road

Due to the drastically reduced scope of work for this project, and previous funding that was placed on the project through revenue sharing in FY 2001, this project is anticipated to go to construction during FY 2004. VDOT will accomplish this task as a budget item instead of through a project item such as Croaker Road. This will accomplish the work very cost-effectively in a much shorter period of time.

5. Barnes Road and Mount Laurel Road

These projects are shown for minor funding to accomplish scoping only which will define the more specific nature of the work to be accomplished.

6. Olde Towne Road - Route 658

Due to the lack of funding, this project has been removed from the Six-Year Plan.

7. Racefield Drive - Route 622

The paving of this roadway is proposed to be done through the use of Rural Rustic Design Standards. The Board must approve the attached resolution requesting the use of those standards. If approved, VDOT staff anticipates paving this roadway in the summer of 2003.

As described to the Board in the work session memorandum, Monticello Avenue is shown in the Plan simply to complete funding in FY 2003-04. Bikeways have been removed as project listings in the Six-Year Plan document and should proceed in a timely manner consistent with the regional bikeways plan. A minor project is included for the improvement of the railroad crossing at Diascund Road.

Staff recommends adoption of the two resolutions attached, approving the Six-Year Secondary Road Plan, and approving the use of the Rural Rustic Design Standards for the paving of Racefield Drive.

John T. P. Horne

JTPH/gs
secrdplan.mem

Attachments

RESOLUTION

FY 2003-2008 SIX-YEAR SECONDARY ROAD PLAN

WHEREAS, the Board of Supervisors of James City County, Virginia, has consulted with the Virginia Department of Transportation (VDOT) Resident Engineer to set priorities for road improvements on the County's secondary roads; and

WHEREAS, VDOT has produced a Six-Year Secondary Road Plan consistent with the Board's priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY-2003-2008 Six-Year Secondary Road Plan as presented on February 25, 2003, and authorizes the County Administrator to sign the Plan on behalf of the Board.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

sec.rdplan.res

RESOLUTION

RURAL RUSTIC DESIGN STANDARDS

RACEFIELD DRIVE

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia to allow for the improvement and hard-surfacing of certain roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, the Virginia Department of Transportation (VDOT) has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program and to be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and

WHEREAS, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

WHEREAS, this Board is unaware of any pending development that will affect the existing traffic on the road; and

WHEREAS, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and

WHEREAS, this Board believes Route 622, Racefield Drive, should be designated a Rural Rustic Road from Route 601 to Route 621 owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, this Board pledges to discourage more development on this road.

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

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of
February, 2003.

racefield.res

Secondary System

County: James City

Construction Program

Estimated Allocations

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2003-04	\$105,000	\$1,509,552	\$18,154	\$1,632,706
2004-05	\$105,000	\$1,450,235	\$16,976	\$1,572,211
2005-06	\$105,000	\$1,433,512	\$16,610	\$1,555,122
2006-07	\$105,000	\$1,438,901	\$16,585	\$1,560,486
2007-08	\$105,000	\$1,440,123	\$16,461	\$1,561,584
2008-09	\$105,000	\$1,440,123	\$16,461	\$1,561,584
Totals	\$630,000	\$8,712,446	\$101,247	\$9,443,693

32

Board Approval Date:: 2/25/2003

 Steven W Hicks
 VDOT Resident Engineer Date

 Sanford B Wanner
 Chairman, Clerk, Co. Administrator Date

District: Suffolk

County: James City

Board Approval Date:: 2/25/2003

SECONDARY SYSTEM CONSTRUCTION PROGRAM
(in dollars)

2003-04 through 2008-09

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count AD Date:	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2003-04	2004-05	2005-06	2006-07	2007-08	2008-09		
Rt. 5000 ID: 18202 Contract STATE Deficit Pri #: 0	ALTERNATE RTE 5 5000-047-166,C501 RT 5 MONTICELLO AVE 2.1 13000	PE \$750,000 RW \$500,000 CON \$10,065,426 Total \$11,315,426	PE \$750,000 RW \$500,000 CON \$702,522 Total \$1,952,522	\$9,362,904	\$0 \$0 \$1,056,066	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$8,306,838	Construction Completed \$8,306,838 Funded Revenue Sharing and Tax District.
Rt. 8000 ID: CWI State Forces STATE County-Wide Incidental Pri #: 0	Total County-Wide Allocation CWI 0	PE \$0 RW \$0 CON \$839,458 Total \$839,458	PE \$0 RW \$0 CON \$209,458 Total \$209,458	\$830,000	\$0 \$0 \$105,000	\$0 \$0 \$105,000	\$0 \$0 \$105,000	\$0 \$0 \$105,000	\$0 \$0 \$105,000	\$0 \$0 \$105,000	\$0	
Rt. 0615 ID: 1771 Contract S/Rev/Sh Budget Item Pri #: 0	IRONBOUND ROAD 0615-047-126,C501 ROUTE 681 ROUTE 31 0.46 MILES	PE \$0 RW \$0 CON \$500,000 Total \$500,000	PE \$0 RW \$0 CON \$0 Total \$0	\$500,000	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$500,000	Overlay Road County would like to overlay road and rehabilitate shoulders and ditches within existing R/W or "right of entry". Balance to be funded \$500K by R/S FY 01-02 for rehabilitation.
Rt. 0615 ID: 50057 Contract STATE Regular Pri #: 1	IRONBOUND ROAD 0615-047-169,PE,C501 ROUTE 747 0.28 MI E RTE 816 1.15 17511 7/30/2008	PE \$800,000 RW \$0 CON \$7,000,000 Total \$7,800,000	PE \$209,003 RW \$0 CON \$0 Total \$209,003	\$7,590,997	\$283,486 \$0 \$0	\$307,511 \$0 \$742,724	\$0 \$0 \$983,512	\$0 \$0 \$1,038,901	\$0 \$0 \$1,240,123	\$0 \$0 \$1,240,123	\$1,754,817	4 Lane, median w/bike&multi trails RSTP funds (\$1.5M) for R/W and Constr FY 02-03
Rt. 0615 ID: 50057 Contract STP Regular Pri #: 1	IRONBOUND ROAD 0615-047-169,RW,C501 ROUTE 747 0.26 MI E ROUTE 816 1.15 MILES 17511 7/30/2008	PE \$0 RW \$1,000,000 CON \$500,000 Total \$1,500,000	PE \$0 RW \$0 CON \$0 Total \$0	\$1,500,000	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$1,500,000	4 Lane, median w/bike&multi trails Balance to be funded by RSTP funds (\$1.5M) for R/W and Constr FY 02-03.
Rt. 0607 ID: 3089 Contract STATE Regular Pri #: 2	CROAKER ROAD 0607-047-113,C502 0.05 MI. S. RT. 601 0.06 MI. N. RT. 605 1.87 MILES 1287 3/30/2007	PE \$150,000 RW \$800,000 CON \$2,000,000 Total \$2,950,000	PE \$150,000 RW \$882,419 CON \$0 Total \$832,419	\$2,117,581	\$0 \$117,581 \$52,419	\$0 \$0 \$400,000	\$0 \$0 \$450,000	\$0 \$0 \$400,000	\$0 \$0 \$200,000	\$0 \$0 \$200,000	\$297,581	Improve shoulders & ditch 15003 Use existing H/V alignment for improvements. Make spot improvements as needed with min design standards..

District: Suffolk

County: James City

Board Approval Date:: 2/25/2003

SECONDARY SYSTEM CONSTRUCTION PROGRAM
(In dollars)

2003-04 through 2008-09

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count AD Date:	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2003-04	2004-05	2005-06	2006-07	2007-08	2008-09		
Rt. 0607 ID: 3089 Contract S/RevSh Regular Pri #: 2	CROAKER ROAD 0607-047-113,PE 0.05 MI. S. RT. 601 0.06 MI S. RT. 605 1.87 MI 1267 3/30/2007	PE \$200,000 RW \$0 CON \$0 Total \$200,000	PE \$0 RW \$0 CON \$0 Total \$0	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	Improve shoulders & ditch Balance to be funded \$200K by R/S FY 01-02 (0622 funds transferred from unpaved project with BOS resolution.). Improve shoulders & ditch w/min standards
Rt. 0601 ID: 52080 Contract STATE Regular Pri #: 3	34 BARNES ROAD 0601-047-171,C501 0.50 E RTE 60 .85 MI,E RTE.60 0.35 MILES 325	PE \$5,000 RW \$0 CON \$0 Total \$5,000	PE \$0 RW \$0 CON \$0 Total \$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000	SERP/scoping only- improve curve SERP/scoping only- improve curve. County would like to use SYP funds for SERP.
Rt. 0608 ID: 52081 Contract STATE Regular Pri #: 4	MOUNT LAUREL ROAD 0608-047- C501 .30 MI. E. RTE606 ROUTE 606 .45 MI 0	PE \$5,000 RW \$0 CON \$0 Total \$5,000	PE \$0 RW \$0 CON \$0 Total \$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000	SERP/scoping only- improve curve SERP/scoping only- improve curve. County would like to use SYP funds for SERP.
Rt. 0622 ID: 11264 Contract STATE Unpaved Pri #: 1	RACEFIELD ROAD 0622-047-P46,M501 0.56 MI. W. RT 1040 ROUTE 1040 0.56 MILES 364 6/30/2003	PE \$75,000 RW \$7,468 CON \$195,000 Total \$277,468	PE \$75,000 RW \$7,468 CON \$195,000 Total \$277,468	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Use Rural Rustic Standards Use Rural Rustic Standards. BOS passed Rural Rustic Resolution. FY 01-02 RS \$200,000 was transferred to Proj 0607 per BOS Resolution.
Rt. 0622 ID: Contract STATE Unpaved Pri #: 2	RACEFIELD ROAD 0622-047-P46 0.56 MI W. Rte 1040 1.00 MI W. Rte 1040 0.5 Miles	PE \$0 RW \$0 CON \$150,000 Total \$150,000	PE \$0 RW \$0 CON \$0 Total \$0	\$150,000	\$18,154	\$16,976	\$16,610	\$16,585	\$16,461	\$16,461	\$48,753	Use Rural Rustic Standards Use Rural Rustic Standards. BOS passed Rural Rustic Resolution.
Rt. 0603 ID: 65146 Railroad RRP Special Program Pri #: 9999	Diascund Road 0603-047-S FS 0.49 MI. S Route 601 0.49 MI. S Route 601	PE \$0 RW \$0 CON \$6,000 Total \$6,000	PE \$0 RW \$0 CON \$0 Total \$0	\$6,000	\$0	\$0	\$0	\$0	\$0	\$0	\$6,000	Upgrade Railroad Crossing 10% match for RR project

District: Suffolk
 County: James City

SECONDARY SYSTEM CONSTRUCTION PROGRAM
 (in dollars)
 2003-04 through 2008-09

	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	
				2003-04	2004-05	2005-06	2006-07	2007-08	2008-09		
County Totals	Program Allocation:			\$1,632,706	\$1,572,211	\$1,555,122	\$1,560,486	\$1,561,584	\$1,561,584		
Report Totals	PE	\$1,985,000	\$1,184,003	\$800,997	\$283,486	\$307,511	\$0	\$0	\$0	\$0	\$210,000
	RW	\$2,307,468	\$1,189,887	\$1,117,581	\$117,581	\$0	\$0	\$0	\$0	\$0	\$1,000,000
	CON	\$21,255,884	\$1,106,980	\$20,148,904	\$1,231,639	\$1,264,700	\$1,555,122	\$1,560,486	\$1,561,584	\$1,561,584	\$11,413,789
	Phase Allocation Total:	\$25,548,352	\$3,480,870	\$22,067,482	\$1,632,706	\$1,572,211	\$1,555,122	\$1,560,486	\$1,561,584	\$1,561,584	\$12,623,789
	Balance				\$0	\$0	\$0	\$0	\$0	\$0	

MEMORANDUM

DATE: February 25, 2003

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority
Leo P. Rogers, Deputy County Attorney

SUBJECT: Outdoor Water Use Ordinance

This meeting has been advertised as a public hearing on an Ordinance that will regulate the day and times that customers of the James City Service Authority are allowed to use water outdoors. The recently approved Groundwater Withdrawal Permit includes a condition that requires that James City County have this Ordinance.

The general provisions of the Ordinance include:

- Structures with an odd-numbered street address can use water outdoors on Wednesday, Friday, and Sunday.
- Structures with an even-numbered street address can use water outdoors on Tuesday, Thursday, and Saturday.
- No outdoor water use is allowed between the hours of 9 a.m. and 5 p.m. on any day.
- Provisions of the Ordinance will apply between May 1 and September 31 of each year.

The Ordinance allows the following exceptions:

- 60 consecutive days for a new lawn or turf for homes with a pending Certificate of Occupancy or by application.
- Watering of plants with a hand-held container.
- Washing of automobiles at facilities with a water recycling system.
- Washing of driveways, exteriors of buildings, etc., by a licensed business to perform such activities.
- Outdoor water use by means of a hand-held hose with an automatic shutoff nozzle.

Violations:

- Constitute a misdemeanor punishable by a fine of up to \$2,500.

These provisions were included in the Ordinance that was in place during the summer of 2002. The Water Conservation Committee has reviewed, offered input, and endorsed the proposed Ordinance.

Outdoor Water Use Ordinance

February 25, 2003

Page 2

While it is difficult to determine the amount of water conserved as a result of the provisions of the Ordinance, staff feels that the Ordinance was effective in conserving water. The Ordinance also established predictable periods/cycles of water demand that allowed for the maximization of available water supply. After opening the public hearing and receiving public comment, staff recommends that the Board approve the attached Ordinance.

Larry M. Foster

Leo P. Rogers

LPR/gs
wateruseord.mem

Attachments

THIS VERSION FOR COMPARISON TO PROPOSED ORDINANCE

ARTICLE VII. OUTDOOR WATER USE

Sec. 11-65. Restrictions on outdoor water use.

In order to protect the public health, safety and welfare and insure the integrity of the James City Service Authority water system, during the period beginning May 1 and ending September 30 of each year, outdoor use of James City Service Authority water is prohibited, except that properties with even-numbered street addresses can use water outdoors on Tuesdays, Thursdays and Saturdays and properties with odd-numbered street addresses can use water outdoors on Wednesdays, Fridays and Sundays provided that outdoor water use occurs between the hours of midnight and 9:00 a.m. and 5:00 p.m. and midnight. No outdoor water use shall occur on Mondays except as provided below in subparagraph (d). For the purpose of this section, the last whole number of a property address shall be used to determine whether the property address is odd or even. All street addresses on a lot or parcel which has one or more structures with both odd and even street addresses shall be deemed to be even, regardless of such units actual street address. Open or common areas shall be deemed to have an odd street address regardless of whether such areas have a designated street address. Open or common areas shall consist of land in a multi-lot development, either commercial or residential, which is owned by a corporation or association for the beneficial use of the owners or tenants of land in the development. Outdoor water use shall include, but is not limited to, the following:

(a) The watering of shrubbery, trees, lawns, grass, plants or other vegetation, except that the following shall be exempted from the prohibition on outdoor watering:

- (1) the watering of a new lawn or turf for a period of 60 *consecutive* days after installation provided the owner or tenant of a lot, piece or parcel of real property receives the one-time exception provided herein. In order to be eligible for this one-time exception, the property owner or tenant shall provide prior written notice to the general manager of the James City Service Authority identifying the property address and the date of lawn or turf installation. No notice shall be required for watering a new lawn or turf installed on property that has a certificate of occupancy pending for a structure;
- (2) the watering of plants from a ~~bucket or other container not exceeding three gallons in capacity;~~
- (3) the watering of nursery stock or plant material ~~performed by a nursery business on property where it grows, cultivates or sells nursery stock or plants material and has a business license to perform such activities.~~

(b) The washing of automobiles, trucks, trailers, boat, motor bikes, airplanes or other motor vehicles, except this prohibition on washing vehicles shall not apply to any facilities operating a water recycling system approved by the general manager of the James City Service Authority, provided that such a facility prominently displays for public view a notice stating that such a water recycling system is in operation.

(c) The washing of streets, driveways, parking lots, sidewalks, service station aprons, the exterior of homes, apartments, office building or commercial establishments, or other outdoor surfaces, except that such activities may be performed by businesses which are regularly engaged in these activities as a service for hire and have a business license to perform such activities.

(d) Exempt is *all* outdoor water use by means of a hose with an automatic shutoff nozzle which is continuously attended.

(e) In the event the county administrator declares a water shortage, the provisions of this section shall be superceded by Article VI, Drought Management, of Chapter 11, Health and Sanitation.

Sec. 11-66. Violations of article.

A violation of any provision of this article shall constitute a misdemeanor punishable by a fine of up to \$2,500.00, each day that a violation exists shall constitute a separate offense.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VII, OUTDOOR WATER USE, SECTION 11-65, RESTRICTIONS ON OUTDOOR WATER USE; AND SECTION 11-66, VIOLATIONS OF ARTICLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by adding Article VII, Outdoor Water Use, Section 11-65, Restrictions on outdoor water use; and Section 11-66, Violations of article.

Chapter 11. Health and Sanitation

Article VII. Outdoor Water Use

Sec. 11-65. Restrictions on outdoor water use.

In order to protect the public health, safety and welfare and insure the integrity of the James City Service Authority water system, during the period beginning May 1 and ending September 30 of each year, outdoor use of James City Service Authority water is prohibited, except that properties with even-numbered street addresses can use water outdoors on Tuesdays, Thursdays and Saturdays and properties with odd-numbered street addresses can use water outdoors on Wednesdays, Fridays and Sundays provided that outdoor water use occurs between the hours of midnight and 9:00 a.m. and 5:00 p.m. and midnight. No outdoor water use shall occur on Mondays except as provided below in subparagraph (d). For the purpose of this section, the last whole number of a property address shall be used to determine whether the property address is odd or

even. All street addresses on a lot or parcel which has one or more structures with both odd and even street addresses shall be deemed to be even, regardless of such units actual street address. Open or common areas shall be deemed to have an odd street address regardless of whether such areas have a designated street address. Open or common areas shall consist of land in a multi-lot development, either commercial or residential, which is owned by a corporation or association for the beneficial use of the owners or tenants of land in the development. Outdoor water use shall include, but is not limited to, the following:

(a) The watering of shrubbery, trees, lawns, grass, plants or other vegetation, except that the following shall be exempted from the prohibition on outdoor watering:

(1) the watering of a new lawn or turf for a period of 60 consecutive days after installation provided the owner or tenant of a lot, piece or parcel of real property receives the one-time exception provided herein. In order to be eligible for this one-time exception, the property owner or tenant shall provide prior written notice to the general manager of the James City Service Authority identifying the property address and the date of lawn or turf installation. No notice shall be required for watering a new lawn or turf installed on property that has a certificate of occupancy pending for a structure;

(2) the watering of plants from a hand-held container;

(3) the watering of nursery stock or plant material on property where it is grown, produced or held for sale.

(b) The washing of automobiles, trucks, trailers, boat, motor bikes, airplanes or other motor vehicles, except this prohibition on washing vehicles shall not apply to any facilities operating a water recycling

system approved by the general manager of the James City Service Authority, provided that such a facility prominently displays for public view a notice stating that such a water recycling system is in operation.

(c) The washing of streets, driveways, parking lots, sidewalks, service station aprons, the exterior of homes, apartments, office building or commercial establishments, or other outdoor surfaces, except that such activities may be performed by businesses which are regularly engaged in these activities as a service for hire and have a business license to perform such activities.

(d) Exempt is all outdoor water use by means of a hose with an automatic shutoff nozzle which is continuously attended.

(e) In the event the county administrator declares a water shortage, the provisions of this section shall be superceded by Article VI, Drought Management, of Chapter 11, Health and Sanitation.

Sec. 11-66. Violations of article

A violation of any provision of this article shall constitute a misdemeanor by a fine of up to \$2,500.00, each day that a violation exists shall constitute a separate offense.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Ordinance to Amend and Reordain
Chapter 11. Health and Sanitation
Page 4

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of
February, 2003.

wtruse2_03.ord

MEMORANDUM

DATE: February 25, 2003

TO: The Board of Supervisors

FROM: Bernard M. Farmer, Jr., Capital Projects Administrator

SUBJECT: Conveyance of Wetlands Easement to the Williamsburg Land Conservancy - District Park Sports Complex

As part of the design of Phase III, District Park Sports Complex on the Warhill Tract, a minor area of wetlands filling, was required to be permitted by the Corps of Engineers. The County suggested a mitigation plan that involved creation of a protective easement over approximately 8.5 acres of existing forested wetlands. At the suggestion of the Williamsburg Environmental Group, our environmental consultants, the Corps of Engineers, and staff approached the Williamsburg Land Conservancy about being a recipient of the easement.

The easement language and drawing have been reviewed by and are acceptable to the Corps of Engineers. Additionally, the Williamsburg Land Conservancy Executive Committee has agreed to accept the easement, and action is pending by its full Board at its next regular meeting. Staff has forwarded this item for action by the Board of Supervisors understanding that the easement will not be executed until formal action by the Williamsburg Land Conservancy.

Staff recommends that the Board grant the protective easement to the Williamsburg Land Conservancy and approve the attached resolution which authorizes the County Administrator to sign the appropriate documents.

Bernard M. Farmer, Jr.

CONCUR:

William C. Porter, Jr.

BMF/gs
WLCease.mem

Attachment

RESOLUTION

CONVEYANCE OF WETLANDS EASEMENT TO

THE WILLIAMSBURG LAND CONSERVANCY -

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County must satisfy obligations to the Corps of Engineers regarding mitigation of wetlands to be destroyed during construction of the District Park Sports Complex Phase III; and

WHEREAS, the Corps of Engineers is agreeable to creation of a protective easement and buffer over a portion of existing wetlands as part of the required mitigation; and

WHEREAS, The Williamsburg Land Conservancy is agreeable to being the recipient of the protective easement for the wetlands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary documents for granting the protective easement at the Warhill Tract, District Park Sports Complex, Phase III.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

WLCease.res

MEMORANDUM

DATE: February 25, 2003
TO: The Board of Supervisors
FROM: Bernard M. Farmer, Jr., Capital Projects Administrator
SUBJECT: Conveyance of a Utility Easement to Dominion Virginia Power – James City County Government Center

Attached for consideration is a resolution authorizing the County Administrator to execute a Right-of-Way Agreement with Dominion Virginia Power. The Agreement will convey a 15-foot underground utility easement in order to provide electrical service to the office building presently under construction and service to the parking lot lighting.

Staff recommends approval of the attached resolution.

Bernard M. Farmer, Jr.

CONCUR:

William C. Porter, Jr.

BMF/gb
vepcoeasement.mem

Attachment

RESOLUTION

CONVEYANCE OF A UTILITY EASEMENT TO DOMINION VIRGINIA POWER -

JAMES CITY COUNTY GOVERNMENT CENTER

WHEREAS, James City County owns ±55 acres commonly known as the James City County Government Center and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1); and

WHEREAS, Dominion Virginia Power requires a 15-foot utility easement in order to provide electrical service to the office building presently under construction and to the parking lot lighting; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Right-of-Way Agreements and such other documents necessary to convey a utility easement to Dominion Virginia Power.

Jay T. Harrison, Sr.
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2003.

vepcoeasement.res



Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this _____ day of _____, by and between

JAMES CITY COUNTY, a political subdivision of
the Commonwealth of Virginia

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own telephone, television and other communication purposes; for lighting purposes; and for the attachment of the wires and facilities of any other public service company, including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection

Initials: _____

This Document Prepared by Virginia Electric and Power Company and should be returned to:
Dominion Virginia Power, 1601 Hamilton Avenue Portsmouth VA 23707.

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DVPIDNo(s). 28-02-0125
Tax Map No.

Form No. 728493A1(Mar 2001)
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therewith; the width of said easement shall extend fifteen (15) feet in width across the lands of **GRANTOR**; and,

1.2 to construct, operate and maintain a pole line including, without limitation, all wires, poles, attachments, ground connections one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time deem advisable, equipment, accessories and appurtenances desirable in connection therewith, including the right to increase or decrease the number of wires; the width of said easement shall extend NA (NA) feet in width across the lands of **GRANTOR**.

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in James City County, Virginia, as more fully described on Plat(s) Numbered 28-02-0125, attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

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6. **GRANTEE** shall repair damage to roads, fences or other improvements outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.
7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences and below ground obstructions as long as said fences and below ground obstructions do not interfere with **GRANTEE**'s exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE**'s exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the costs thereof and convey to **GRANTEE** an equivalent easement at the new site.
8. **GRANTEE** shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.
9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.
10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

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11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that **GRANTOR** is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, **GRANTOR** has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: James City County

By: _____

Sanford B. Wanner

Its: County Administrator

State of Virginia

City/County of James City

The foregoing instrument was acknowledged before me this ___ day of _____,

by Sanford B. Wanner

(Name of officer or agent)

County Administrator

(Title of officer or agent)

of James City County

(Name of corporation)

, a Virginia

(State of incorporation)

corporation, on behalf of the corporation.

Notary Public

My commission expires: _____

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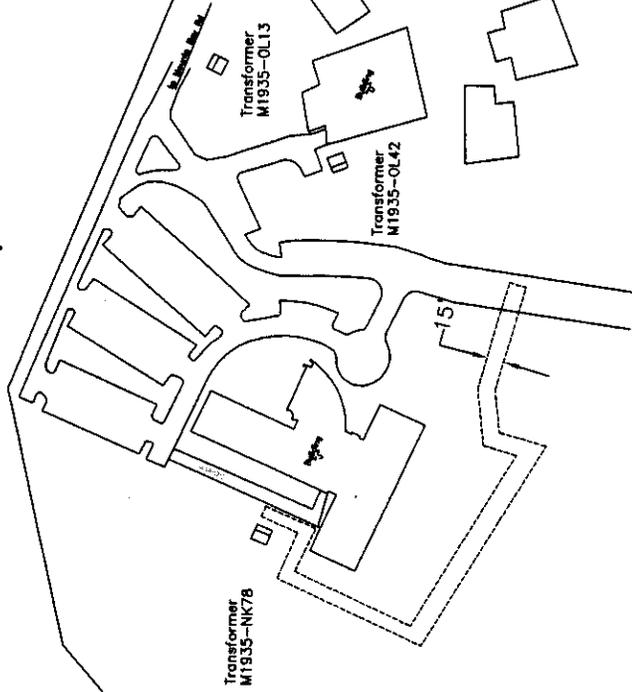
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Portion of:
 PIN# 5010100009
 +/- 60 Acres

Owner:
 James City County

Owner's Initials



**Plat to Accompany
 Right-of-Way Agreement**

VIRGINIA ELECTRIC AND POWER COMPANY
 doing business as
 Dominion Virginia Power
 District UG

Eastern Region
 District-Township-Borough County-City State

Roberts
 Office James City Co,VA
 Plat Number

Williamsburg
 Estimate Number 28-02-0125
 Grid Number

2805016132
 Date M1935
 By

NOTE: Location of the facilities
 as installed determine the centerline
 of the right of way herein
 granted on the property of owners.

Legend

- Location of Boundary Lines of Right of Way
 15'
- == Indicates Property Line is Right-of-Way
 Boundary