

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**November 12, 2003**

**7:00 P.M.**

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**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** - Stuart Righter, an eighth-grade student at Toano Middle School

**D. RECOGNITIONS**

1. Resolution of Appreciation - Dr. Lisa Curry
2. Animal Control Officer of the Year - Shirley Anderson
3. Employee and Volunteer Outstanding Service Awards

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. Minutes
  - a. October 14, 2003, Work Session
  - b. October 28, 2003, Regular Meeting
2. Resolution of Appreciation - Dr. Lisa Curry
3. Award of Contract - Custodial Services, Government Complex, Building F
4. Award of Contracts - Annual Engineering Services
5. Award of Contract - Renovations to Buildings A and B
6. State Employee Raises

**G. PUBLIC HEARINGS**

1. Case Nos. SUP-18-03/MP-7-03. Olde Towne Timeshares
2. Amendments to the FY 2004 Special Projects/Grants Budget

**H. BOARD CONSIDERATION**

1. Road Abandonments, Additions, and Renumbering Due to Route 199 and Monticello Avenue (deferred from October 28, 2003)

**I. PRESENTATION**

1. Cox Communications

**- CONTINUED -**

**J. PUBLIC COMMENT**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. BOARD REQUESTS AND DIRECTIVES**

**M. CLOSED SESSION**

1. Consideration of the Appointment of Individuals to County Boards and/or Commissions,  
Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Colonial Services Board

**N. ADJOURNMENT**

111203bs.age

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: David A. Daigneault, Chief of Police  
SUBJECT: Animal Control Officer of the Year - Shirley Anderson

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Shirley Anderson, Animal Control Supervisor, was awarded the 2003 Animal Control Officer of the Year Award by the Virginia Animal Control Association for her hard work and dedication in the field of animal control.

Ms. Anderson takes great effort in the care of the animals. In addition, she has improved the image of Animal Control by increasing the hours of service, changing the uniforms and decaling of the vehicles, and developing a brochure for citizens.

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Dave A. Daigneault

DAD/adw  
ancontrol.mem

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: Sanford B. Wanner, County Administrator  
SUBJECT: Employee and Volunteer Outstanding Service Awards

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The Recognition Program is designed to provide meaningful recognition of exceptional achievement, performance, and improvements by employees and volunteers of James City County and the James City Service Authority.

The Recognition Review Committee has recommended the following groups to receive Outstanding Service Awards at the November 12, 2003, Board of Supervisors meeting:

- 2 teams of employees;
- 5 individual employees;
- 4 teams of volunteers;
- 4 individual volunteers; and
- 1 Lifesaving award.

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Sanford B. Wanner

SBW/gs  
svcaward03.mem

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF OCTOBER, 2003, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

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

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

**B. BOARD DISCUSSION**

1. Chesapeake Bay Preservation Ordinance Update (continued from September 22, 2003)

Mr. Darryl Cook, Environmental Director, provided the Board with an overview of the update on the Chesapeake Bay Preservation Ordinance, including the differences in methods of determining perennial flow.

The Board and staff discussed Resource Protection Areas (RPA), buffers and setbacks from RPAs, and potential for flexibility of structure setback distances from RPAs.

Mr. Mark Bennett, AES Consulting Engineers, and Mr. Mark Rinaldi, Landmark Design Group, presented a proposal for the Chesapeake Bay Preservation Ordinance Update.

The Board, Mr. Bennett, Mr. Rinaldi, and staff discussed the issue of setbacks versus separation, the main purpose of the Chesapeake Bay Preservation Ordinance, the restoration of vegetation within the RPA, and an appeal or consideration process for buffer and setback requirements near RPAs.

The Board directed staff to review the language of a setback versus a separation and ensure that a line appears on a plat either way.

Mr. Morton stated that spelling out a provision in the Ordinance in detail might have the unintended result of decreasing the flexibility staff has in assessing a landowner's ability to develop or sell a parcel of property.

**C. RECESS**

Mr. Harrison recessed the Board for a James City Service Authority Board of Directors meeting at 5:13 p.m.

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Sanford B. Wanner  
Clerk to the Board

101403bsws.min

**AGENDA ITEM NO. F-1b**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF OCTOBER, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

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

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

Mr. Harrison recognized State Senator Thomas K. Norment, Jr., and Mr. Joseph R. McCleary, Planning Commission, in the audience.

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Aurielle Green, a 7th-grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Recognizing The Williamsburg Youth League 10-Year-Old World Series All-Star Team

Mr. Harrison and Mr. McGlennon, on behalf of the Board, presented a resolution to the Williamsburg Youth League 10-Year-Old World Series All-Star Team for its accomplishments during the 2003 Cal Ripken 10-year-old World Series.

2. Recognizing The Host Committee Members of the Cal Ripken 2003 10-Year-Old World Series

Mr. Harrison and Mr. Goodson, on behalf of the Board, presented a resolution to the Host Committee Members of the Cal Ripken 2003 10-Year-Old World Series for its contribution to the success of the 2003 World Series.

Mr. Wayne Rickman, Host Committee President of the 2003 Cal Ripken 10-Year-Old World Series, and the Team presented the Board with a World Series baseball and ballcap, and thanked all the County staff,

Senator Norment, Dan Clayton, David Gosselin, the parents, and the Board for supporting the Team and the 2003 Cal Ripken World Series.

3. Weatherization Day - October 30, 2003

Mr. Harrison presented Kathy McCain, Community Action Agency's Weatherization Program Coordinator, with a resolution declaring October 30, 2003, as Weatherization Day in James City County.

4. FY 03 Strategic Management Plan Year-End Report - Rona Vrooman

Ms. Rona J. Vrooman, Training and Quality Performance Coordinator, provided the Board with an overview of the County's accomplishments described in the FY 03 Strategic Management Plan Year-End Report.

**E. PUBLIC COMMENT**

1. Mr. Bobby Sandidge, 5505 Swan Road, spoke on behalf of the Mallard Hill Homeowners Association against the debris burning at the District Park Sports Complex and the lack of advanced notice of the burning.

2. Mr. Mark Winfield, 5516 Swan Road, stated concern about the lack of advanced notification to residents and neighborhood association of the burning, stated concern about the impact of the burning on the environment and school children, inquired as to what safeguards are in place to protect neighborhoods and residents, and how long the County anticipated the burning will last.

3. Mr. Ed Oyer, 139 Indian Circle, requested that fringe benefit packages be reported as part of teacher salaries and consider the costs of additional teachers for the proposed third high school facility.

**F. CONSENT CALENDAR**

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

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

1. Minutes –

- a. September 9, 2003, Regular Meeting
- b. September 20, 2003, Special Meeting
- c. September 23, 2003, Work Session



2. Strengthening Families Program - Grant

**RESOLUTION**

**STRENGTHENING FAMILIES PROGRAM - GRANT**

WHEREAS, James City County has received a grant to implement the Strengthening Families Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Historic Triangle Substance Abuse Coalition \$4,025

Expenditure:

Office of Community Services \$4,025

3. Carry Forward Funds – Records Management System

**RESOLUTION**

**CARRY FORWARD FUNDS – RECORDS MANAGEMENT SYSTEM**

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new Records Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Police Department added an additional \$36,500 for training, travel, and equipment purchases that weren't covered by the grant; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on January 8, 2002; and

WHEREAS, the Police Department will have expended or obligated \$150,588 of any grant funds by June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$20,812 as a continuing appropriation from the FY 03 Police Department's budget (001-062-0530) to be carried forward to the FY 04 Budget for the purpose of completing the Records Management System.

4. Appropriation – FY 04 Commonwealth Mass Transit Capital Matching Grant (Williamsburg Area Transport)

**RESOLUTION**

APPROPRIATION - FY 04 COMMONWEALTH MASS TRANSIT

CAPITAL MATCHING GRANT (WILLIAMSBURG AREA TRANSPORT)

WHEREAS, the Commonwealth of Virginia has made matching capital revenues available to assist public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of Williamsburg Area Transport operations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to accept this capital award in the amount of \$85,000 for bus shelters and two operational support vehicles.

BE IT FURTHER RESOLVED that the Board of Supervisors makes the following appropriation to the FY 04 Williamsburg Area Transport Budget:

Revenues:

Federal Matching Funds	\$68,000
State Matching Funds	6,800
Local Matching Funds	<u>10,200</u>
	<u>\$85,000</u>

Expenditure:

Williamsburg Area Transport	<u>\$85,000</u>
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5. Budget Transfer – Commonwealth Attorney’s Office

**RESOLUTION**

BUDGET TRANSFER - COMMONWEALTH ATTORNEY’S OFFICE

WHEREAS, the position of Deputy Commonwealth Attorney is vacant; and

WHEREAS, an experienced prosecutor from a neighboring locality is qualified for the position; and

WHEREAS, additional funding in the amount of \$14,615 is needed to match her current salary; and

WHEREAS the necessary funds are available in Operating Contingency.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$14,615 in funds budgeted in FY 2004 Operating Contingency be transferred to the Commonwealth Attorney's Office.

6. Contingency Transfer – Peninsula Public Health District

**RESOLUTION**

**CONTINGENCY TRANSFER – PENINSULA PUBLIC HEALTH DISTRICT**

WHEREAS, the Peninsula Public Health District (District) received additional, unanticipated funds from the Commonwealth for employee pay and Virginia Retirement System (VRS) increases, each requiring additional local matching funds; and

WHEREAS, in addition, the District has experienced a surge of new activity, specifically in environmental health services for water and septic systems; and

WHEREAS, the District has requested additional funds from all five of the localities that are included within the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby increases the FY 2004 Operating Budget allotment to the District by \$24,836 and authorizes a transfer from Operating Contingency to fund that request.

7. FY 2005-2010 Six-Year Improvement Program

**RESOLUTION**

**2005 - 2010 SIX-YEAR IMPROVEMENT PROGRAM**

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- On schedule completion of the widening of the existing sections of Route 199 to four lanes;

- On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities;
- Funding the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;
- On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;
- Funding for landscaping along the Route 199 corridor;
- Proceeding with the next phases of preliminary design and environmental study for the Capital-to-Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;
- Continued support for the Greensprings Interpretive Trail project; and
- Support for the Peninsula Light Rail Project.

## **G. PUBLIC HEARINGS**

### 1. Case No. HW-1-03. Owens Brockway Glass Container, Inc., Electrostatic Precipitator and Exhaust Stack

Mr. Matt Arcieri, Planner, stated that George J. Barnett, Plant Engineer, applied on behalf of Owens Brockway Glass Container, Inc., for a height limitation waiver to construct an 83-foot-tall electrostatic precipitator and a 140-foot-tall exhaust stack on approximately 56.6 acres zoned M-2, General Industrial, at 150 Industrial Boulevard and further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (12-4).

Staff found the proposal to have minimal new negative visual impacts and found the proposal consistent with the requirements stated under Section 24-444 of the Zoning Ordinance.

Staff recommended approval of the height limitation waiver application.

Mr. McGlennon asked about reduction in air emissions.

Mr. Harrison opened the Public Hearing.

1. Mr. George J. Barnett, Plant Engineer, stated that the enhancements would reduce emissions to the atmosphere.

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

Mr. Kennedy made a motion to adopt the revised resolution.

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

**RESOLUTION**

**CASE NO. HW-1-03. OWENS BROCKWAY GLASS CONTAINER, INC.,**

**ELECTROSTATIC PRECIPITATOR AND EXHAUST STACK**

WHEREAS, George J. Barnett, Plant Engineer, on behalf of Owens Brockway Glass Container, Inc., has applied for a height limitation waiver to allow for the construction of an 83-foot-tall electrostatic precipitator and a 140-foot-tall exhaust stack; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. HW-1-03; and

WHEREAS, the electrostatic precipitator and exhaust stack will be located adjacent to the existing facility, which is on property zoned M-2, General Industrial, and is further identified as Parcel No. (1-15) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-444 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-03.

2. **Deed of Easement to Return Unneeded Drainage Easement of Jack D. Barnett, Jr.**

Mr. William C. Porter, Jr., Acting Manager, Development Management, recommended the Board return an unneeded, donated drainage easement to Jack B. Barnett, Jr., as the scope of work to repair the Norge stormwater outfall in the Yarmouth Creek Watershed had been reduced.

Mr. Harrison opened the Public Hearing.

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

Mr. Kennedy made a motion to adopt the resolution.

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

**RESOLUTION**

**DEED OF EASEMENT TO RETURN UNNEEDED DRAINAGE**

**EASEMENT TO JACK D. BARNETT, JR.**

WHEREAS, Jack B. Barnett, Jr. donated a drainage easement to the County to be used to repair part of the Norge stormwater outfall; and

WHEREAS, plans for this work subsequently changed so that this easement was not needed.

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 deed of easement and all other such documents necessary to return the drainage easement to Jack B. Barnett, Jr.

3. **Lease of 2,773 Square Feet of County Property to Alltel Communications, Inc.**

Mr. William C. Porter, Jr., Acting Manager, Development Management, recommended approval of a five-year term lease agreement with Alltel Communications, Inc., for a 2,773-square-foot tower site adjacent to the American Tower site at the James City County Government Complex.

The Board and staff discussed the rent escalator clause for the proposed Alltel Communications, Inc., lease, which is the same as the lease with American Tower, L.P.

Mr. Harrison opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the resolution.

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

**RESOLUTION**

**LEASE OF 2,773 SQUARE FEET OF COUNTY PROPERTY TO**

**ALLTEL COMMUNICATIONS, INC.**

WHEREAS, James City County owns a 60-acre site commonly known as the Government Center, 101 Mounts Bay Road, and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the "Property"); and

WHEREAS, Alltel Communication, L.P., wishes to lease 2,773 square feet of the Property; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease a portion of the Property to Alltel Communications, Inc., on the terms and conditions contained in the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the Lease Agreement between James City County and Alltel Communications, Inc., for a 2,773- square-foot portion of the Property and such other memoranda, agreements, or other documents as may be necessary to effectuate the Lease.

4. Road Abandonments, Additions, and Renumbering Due to the Route 199 and Monticello Avenue

Mr. O. Marvin Sowers, Jr., Planning Director, stated that on April 8, 2003, at the request of the Virginia Department of Transportation (VDOT), the Board of Supervisors deferred VDOT's request to abandon a portion of the right-of-way for Old Ironbound Road. The deferral provided VDOT time to prepare the necessary documents to have the Board simultaneously consider the abandonment of secondary road rights-of-way as a result of constructing the Route 199 extension and Monticello Avenue, to add relocated Ironbound Road and News Road into the Secondary Road System, and to renumber a section of Ironbound Road.

Staff recommended the Board adopt the resolution abandoning certain sections of Old Ironbound Road, News Road, and Powhatan Parkway; adding new sections of Monticello Avenue, News Road, Ironbound Road, and the cul-de-sac in front of Mount Pleasant Church into the Secondary Road System; and renumbering the portion of old Route 615/Ironbound Road between News Road and Bradshaw Drive as "Route 783."

Mr. Harrison requested clarification on the location of the VDOT easements.

Mr. Sowers provided the clarification.

Mr. Harrison opened the Public Hearing.

1. Dr. Don Cherry, 31 Whittakers Mill, stated that the County was not properly advised of abandonment by VDOT; requested the proposed bike path near Mount Pleasant Church be kept for bike safety and thereby eliminate the need for bikers to cross Monticello Avenue multiple times; and requested deferral so the County has time to negotiate with the Church through VDOT for the bike path.

The Board stated that the Church has been responsive to County inquiries regarding the bike path proposal and stated that it is its observation that biking towards town, the bike path does permit travel on Old Ironbound Road.

2. Mr. Neal Robinson, Williamsburg Area Bicyclists, requested that for the safety of bike travel, the bike path be properly marked.

3. Mr. Ronald Ellis, Pastor of Mount Pleasant Church, stated that he did not recall being asked to meet with Dr. Cherry concerning the bike path, but has met with County staff and would continue to work with staff regarding a bike path as long as it does not hamper public safety and the Church's use of the site.

4. Mr. Eric Finley, 153 Brookhaven Drive, stated that the bike path is clearly marked and open to the public.

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

Mr. McGlennon made a motion to adopt the resolution.

Mr. Goodson requested a deferral on the item.

The Board discussed the deferral request and the bike path.

Mr. McGlennon withdrew his motion and the Board deferred the item to November 12, 2003.

Mr. Brown requested staff ensure the bike path is properly marked.

## **H. BOARD CONSIDERATION**

### **1. Lease Purchase Agreement – Radio System Improvements**

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the County received three responses to a request for proposal for financing of \$14.5 million for improvements to the County's radio system and recommended the Board approve the resolution accepting the proposal presented by SunTrust Bank.

Mr. Brown made a motion to adopt the resolution.

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

### **RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF**

### **JAMES CITY, VIRGINIA, AUTHORIZING AND APPROVING THE EXECUTION AND**

### **DELIVERY OF LEASE PURCHASE AGREEMENT**

WHEREAS, the Board of Supervisors of the County of James City, Virginia (the "Board"), has determined that it is necessary and desirable to finance a portion of emergency 911 communications equipment and facilities, including a control center (the "Project") for the County of James City, Virginia (the "County"); and

WHEREAS, there has been presented to the Board a plan for the financing of the Project which would not create debt of the County for purposes of the Virginia Constitution; and

WHEREAS, the County has decided, pursuant to such financing plan, to enter into, execute, and deliver a Lease Purchase Agreement for the Project (the "Lease Purchase Agreement"), the payments under which are subject to appropriation by the Board; and

WHEREAS, the provisions of the Lease Purchase Agreement will be in conformity with the terms of a proposal from SunTrust Bank (the "Bank") dated October 6, 2003 (the "Commitment").

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

1. Authorization of Lease Purchase Agreement and Use of Proceeds. The County determines that it is advisable to accept the Commitment and execute and deliver the Lease Purchase Agreement to the Bank. The execution and delivery of the Lease Purchase Agreement are authorized and approved.



2. Details of Lease Purchase Agreement. The Lease Purchase Agreement shall be executed and delivered upon the terms and conditions set forth therein and in the Commitment and shall be dated the date of its execution and delivery. The interest components of the rental payments thereunder shall be determined based upon the rate of interest per annum of 4.77%, and the principal components of the rental payments thereunder shall be determined based upon a fifteen-year amortization, with the rental payment schedule resulting in approximately annual level debt service. The interest component of the rental payments will be made semiannually on March 1 and September 1 of each year commencing March 1, 2004, and ending March 1, 2019, and the principal component of the rental payments will be made annually on each March 1 commencing March 1, 2005, and ending March 1, 2019. The amounts of each principal and interest component of the rental payments shall be as set forth in the Lease Purchase Agreement. The purchase price of the Project being financed through the Lease Purchase Agreement shall not exceed \$14,500,000. Payments due under the Lease Purchase Agreement may be prepaid at any time (i) on or after the ninth anniversary date of the execution and delivery of the Lease Purchase Agreement at a prepayment price equal to 102% of the amount of the principal component being prepaid plus interest to the prepayment date, (ii) on or after the tenth anniversary date of the execution and delivery of the Lease Purchase Agreement at a prepayment price equal to 101% of the amount of the principal component being prepaid plus interest to the prepayment date and (iii) on or after the eleventh anniversary date of the execution and delivery of the Lease Purchase Agreement at a prepayment price equal to 100% of the amount of the principal component being prepaid plus interest to the prepayment date.
3. Form of Lease Purchase Agreement. The Lease Purchase Agreement shall be in substantially the form on file with the County Administrator, with such variations, insertions, or deletions as may be approved by the Chairman or the Vice Chairman of the Board. All payments under the Lease Purchase Agreement are subject to appropriation by the Board, and the Board is not, under any circumstances, obligated to make such appropriations.
4. Execution and Delivery of Lease Purchase Agreement and Deed of Trust. The Chairman and the Vice Chairman of the Board, either of whom may act, are each authorized and directed to execute the Lease Purchase Agreement. The Chairman and the Vice Chairman of the Board, either of whom may act, are also each authorized and directed to execute any Deed of Trust, to be dated its date of execution and delivery (the "Deed of Trust"), that may be required by the Bank in connection with the placing of a lien on any real property being financed. The Clerk of the Board is authorized and directed to affix the seal of the County to the executed Lease Purchase Agreement and the Deed of Trust (if required) and to attest the same and then to deliver the Lease Purchase Agreement and the Deed of Trust to the Bank.
5. Further Actions. The Chairman and the Vice Chairman of the Board and such officers and agents of the County, including the County Administrator, as may be designated by either of them are authorized and directed to take such further actions as they deem necessary regarding the execution and delivery of the Lease Purchase Agreement including, without limitation, the execution and delivery of closing documents and certificates including the Form 8038-G, a Non-Arbitrage Certificate, and a Tax Certificate. All such actions previously taken by the Chairman, Vice Chairman, or such officers and agents are hereby approved, ratified, and confirmed.
6. Selection of Bond Counsel. The County hereby consents to Troutman Sanders LLP, serving as Bond Counsel to the County in connection with the execution and delivery of the Lease Purchase Agreement.

7. Essentiality of Project. The Project is hereby declared to be essential to the efficient operation of the County, and the Board anticipates that the Project will continue to be essential to the operation of the County during the term of the Lease Purchase Agreement. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Purchase Agreement and hereby recommends that future Boards do likewise during the term of the Lease Purchase Agreement.
8. Submission of Appropriation Request. The County Administrator is hereby directed to submit for each fiscal year a request to the Board for an appropriation in an amount equal to the payments becoming due on the Lease Purchase Agreement in the next fiscal year. Nothing in this Resolution shall obligate the Board to make such appropriation or shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.
9. Fees and Costs. All expenses incurred by the Bank, the County, and legal counsel in connection with the execution and delivery of the Lease Purchase Agreement shall be paid by the County, regardless of whether the Lease Purchase Agreement is executed and delivered.
10. Limitation of Liability of Officials of the County. No covenant, condition, agreement, or obligation contained herein shall be deemed to be a covenant, condition, agreement, or obligation of an officer, employee, or agent of the County in his or her individual capacity, and no officer of the County executing the Lease Purchase Agreement shall be liable personally on the Lease Purchase Agreement or be subject to any personal liability or accountability by reason of the execution and delivery thereof. No officer, employee, or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.
11. Contract with Bank. The provisions of this Resolution shall constitute a contract between the County and the Bank for so long as the Lease Purchase Agreement is outstanding. This Resolution may not be amended by the County in any manner without the consent of the Bank, except to cure any defect, error, omission, or ambiguity herein.
12. Effective Date. This Resolution shall take effect immediately.

**I. PUBLIC COMMENT - None**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Doug Powell, Acting Assistant County Administrator, presented the Board with the 2003 Virginia Municipal League (VML) President's Award which recognized the County's process used to update the Comprehensive Plan, *Vision for Our Future*.

Mr. Powell announced that on October 29, 2003, at 7 p.m. at the James City/Williamsburg Community Center, the County would host a Hurricane Isabel Citizen Information Meeting where citizens can get information on available services and resources.

Mr. Wanner stated that Olde Towne Medical Center has celebrated its 10th year anniversary and commended all the Boards of Supervisors that supported the Center.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon requested the County Administrator respond to requests for alternatives to burning at the District Park Sports Complex.

Mr. Wanner stated that notification was made that burning was going to begin but stated that it could have been more timely, and that alternative methods for burning are being considered.

Mr. Richard Miller, Fire Chief, stated that staff has visited other jurisdictions regarding alternative burning methods.

Mr. Wanner stated that if better technology exists for burning, the County would pursue it.

Mr. McGlennon inquired about the length of time the burning will continue.

Chief Miller stated that the length of burning is uncertain at this time as it depends upon the debris pickup and volume of debris collected.

Mr. Brown stated that when he observed the burn site, the amount of smoke at that particular time was not great. However, Mallard Hill was impacted by the odor emitted by the burning at that time.

Mr. Goodson requested nominations for voting credentials for the Annual Business Meeting of the Virginia Association of Counties, to be held on November 11, 2003.

Mr. McGlennon made a motion to designate Mr. Harrison as the voting delegate and Mr. Goodson as the alternate voting delegate.

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

Mr. Kennedy requested that staff look at the County's debris pickup methodology.

Mr. Kennedy requested staff address the political signage on public property.

**L. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn until 7 p.m. on Wednesday, November 12, 2003.

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

At 8:23 p.m., Mr. Harrison adjourned the Board until 7 p.m. on Wednesday, November 12, 2003.

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Sanford B. Wanner  
Clerk to the Board

102803bs.min

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: O. Marvin Sowers, Jr., Planning Director  
SUBJECT: Resolution of Appreciation - Dr. Lisa Curry

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Over the last eighteen months, Dr. Lisa Curry has served as a member of the Development Potential Analysis Committee, the Comprehensive Plan Community Participation Team, and on the Comprehensive Plan Steering Committee. In recognition of her service and commitment to planning in James City County, she has been awarded a Virginia Citizen Planner of the Year award by the Virginia Citizen Planners' Association.

Staff recommends approval of the attached resolution.

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O. Marvin Sowers, Jr.

OMS/tlc  
curry.mem

Attachment

**RESOLUTION OF APPRECIATION**

**DR. LISA CURRY**

WHEREAS, Dr. Lisa Curry has served the citizens of James City County as a member of its Development Potential Analysis Committee in 2001-2002; and

WHEREAS, Dr. Curry also served on James City County's 2003 Comprehensive Plan Community Participation Team; and

WHEREAS, she was elected by the Community Participation Team to serve as its representative on the 2003 Comprehensive Plan Steering Committee; and

WHEREAS, the Comprehensive Plan Steering Committee received the 2003 Virginia Municipal League President's Award and the Community Participation Team received the Virginia Chapter of the American Planning Association's Public Education Award; and

WHEREAS, Dr. Curry's contributions to James City County has been recognized by the Virginia Citizen Planners' Association by awarding her the Citizen Planner of the Year award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its sincere appreciation and every good wish for continued success to

**DR. LISA CURRY**

BE IT FURTHER RESOLVED that this resolution be spread upon the November 12, 2003, minutes of this Board and a suitable copy be presented to Dr. Lisa Curry.

\_\_\_\_\_  
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 12th day of November, 2003.

curry.res

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: Stephanie Ahrendt, Purchasing Director  
SUBJECT: Award of Contract - Custodial Services, Government Complex, Building F

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A Request for Proposal (RFP) was solicited from qualified and experienced firms to provide custodial services for the new Building F in the James City County Government Complex. The contractor shall provide their own equipment and cleaning supplies.

Nine firms responded to this RFP describing their interest, qualifications, project approach, proposed price schedule, and experience in performing similar work. Three firms were interviewed. A panel of staff members from Facilities Management, Purchasing, and County Administration selected Red Coats, Inc., as the most qualified firm. After selection, a price of \$25,043.76 (\$2,086.98 monthly) was negotiated to provide the complete scope of services as described in the RFP for the initial one-year term. The contract has four additional one year renewal periods available to the County. Staff requests Board approval for this award because the total dollar value of this contract, including renewals, will likely exceed \$100,000. The Purchasing Policy requires Board approval of all contracts over \$100,000.

The Operating Budget contains funds for these services.

Staff recommends that the Board approve the attached resolution awarding a contract to Red Coats, Inc., in the amount of \$25,043.76.

---

Stephanie Ahrendt

CONCUR:

---

John E. McDonald

SA/adw  
custbuildf.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT - CUSTODIAL SERVICES.**

**GOVERNMENT COMPLEX, BUILDING F**

WHEREAS, the Request for Proposals has been advertised and evaluated for custodial services for the new Building F in the James City County Government Complex; and

WHEREAS, nine firms submitted proposals, with Red Coats, Inc., being determined to be the best qualified to provide the required services; and

WHEREAS, the operating budget contains funding for these services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for custodial services for Building F in the James City County Government Complex to Red Coats, Inc., in the amount of \$25,043.76.

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

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2003.

custbuildf.res



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

DATE: November 12, 2003

TO: The Board of Supervisors

FROM: Stephanie Ahrendt, Purchasing Director

SUBJECT: Contract Awards - Annual Engineering Services

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A Request for Proposal (RFP) was solicited from qualified engineering firms to establish contracts for professional engineering services. The required engineering services were organized into seven groups as listed below with the number of proposals received listed after each group name:

- Group 1-Basic Engineering (24 proposals)
- Group 2-Environmental Engineering (7 proposals)
- Group 3-Hydro-Geological Engineering (2 proposals)
- Group 4-Landscape Planning and Landscape Architecture (6 proposals)
- Group 5-Site Plan Review (5 proposals)
- Group 6-Surveying (7 proposals)
- Group 7-Stormwater Infrastructure Engineering (12 proposals)

Interested firms responded to the RFP by describing their interest, qualifications, project approach, and experience in performing similar work. Panels of staff members representing Development Management, Environmental, Planning, Capital Projects, Parks and Recreation, James City Service Authority, and Purchasing evaluated the proposals, conducted interviews, and selected the most qualified firms in each group. Rate schedules were negotiated with the selected firms. These schedules will be used to calculate the cost for individual projects performed under these annual contracts. County departments can use these annual engineering contracts to complete individual design projects with budgets up to \$100,000.

These contracts have an initial term of one year with two additional one year options available to the County. Staff requests Board approval for these awards because the total dollar value of each of these contracts including renewals will likely exceed \$100,000. The Purchasing Policy requires Board approval of all contracts over \$100,000. Firms selected for contract award are listed below by group.

Group 1-Basic Engineering

AES; Michael Baker, Jr., Inc.; Draper Aden & Associates; URS Corporation; Woolpert LLP

Group 2-Environmental Engineering

Kimley Horn & Associates; Natural Systems Engineering; Williamsburg Environmental Group

Group 3-Hydro-Geological Engineering

Russnow-Kane

Group 4-Landscape Planning and Landscape Architecture

Clough, Harbour & Associates; Land Planning & Design Associates; Rhodeside & Harwell, Inc.

Group 5-Site Plan Review

Johnson, Mirmiran & Thompson

Group 6-Surveying Services

Contract Awards - Annual Engineering Services  
November 12, 2003  
Page 2

AES; Precision Measurement, Inc.; Woolpert, LLP

Group 7-Stormwater Infrastructure Engineering  
Timmons Group; URS Corporation

Staff recommends that the Board approve the attached resolution awarding the contract to the firms listed above.

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Stephanie Ahrendt

CONCUR:

---

John E. McDonald

SA/gs  
engrgsvcs.mem

Attachment

**RESOLUTION**

**CONTRACT AWARDS - ANNUAL ENGINEERING SERVICES**

WHEREAS, the Request for Proposal has been advertised and evaluated for annual engineering services; and

WHEREAS, the firms listed below to this resolution were determined to be the best qualified to provide the required engineering services in their respective groups.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual engineering services to the firms listed as follows:

- Firm Name:            Group 1 - Basic Engineering  
AES; Michael Baker, Jr., Inc.; Draper Aden & Associates;  
URS Corporation; Woolpert LLP
- Firm Name:            Group 2 - Environmental Engineering  
Kimley Horn & Associates; Natural Systems Engineering;  
Williamsburg Environmental Group
- Firm Name:            Group 3 - Hydro-Geological Engineering  
Russnow-Kane
- Firm Name:            Group 4 - Landscape Planning and Landscape Architecture  
Clough, Harbour & Associates; Land Planning & Design Associates;  
Rhodeside & Harwell, Inc.
- Firm Name:            Group 5 - Site Plan Review Engineering  
Johnson, Mirmiran & Thompson
- Firm Name:            Group 6 - Surveying Services  
AES; Precision Measurements, Inc.; Woolpert, LLP
- Firm Name:            Group 7 - Stormwater Infrastructure Engineering  
Timmons Group; URS Corporation

\_\_\_\_\_  
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 12th day of November, 2003.

MEMORANDUM

DATE: November 12, 2003  
 TO: The Board of Supervisors  
 FROM: Stuart M. Hale, Facilities Management Administrator  
 SUBJECT: Award of Contract – Renovations to Buildings A and B

Plans and specifications for renovations to Buildings A and B at the County Government Center Complex were publicly advertised and competitively bid. The renovations are required to upgrade the HVAC system of Building B, bring restroom facilities of both buildings into total compliance with the Americans with Disabilities Act, and better accommodate the offices of Commissioner of the Revenue, County Treasurer, and Voter Registrar, in Building B; and the Division of Planning in Building A. Five firms submitted bids, ranging from \$539,200 to \$666,313. The results of the bids are as follows:


<u>Firm Name</u>	<u>Bid Amount</u>
SEVAC	\$539,200
The Phoenix Corporation	552,600
Metrotec Associates, Inc.	590,000
David A. Nice Builders, Inc.	614,800
D. K. Nunnally Company	666,313

The low bid submitted by SEVAC is within appropriations available within the Capital Improvement Program Budget. A review of references indicates that the firm is the lowest responsive and responsible bidder and is capable of performing the work required by the project.

Staff recommends that the Board approve the attached resolution awarding a contract to SEVAC, in the amount of \$539,200.

\_\_\_\_\_  
 Stuart M. Hale

CONCUR:

\_\_\_\_\_  
  
 John T. P. Horne

SMH/tlc  
 ABRenov.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT – RENOVATIONS TO BUILDINGS A AND B**

WHEREAS, the plans and specifications have been advertised and competitively bid for renovations to Buildings A and B; and

WHEREAS, five firms submitted bids, with SEVAC submitting the lowest responsive and responsible bid of \$539,200; and

WHEREAS, the bid is within budgeted amounts, funds are available, and SEVAC has been determined to be capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to SEVAC, in the amount of \$539,200.

\_\_\_\_\_  
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 12th day of November, 2003.

ABRenov.res

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Director of Budget and Accounting  
SUBJECT: State Employee Raises

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During the FY 2003-FY 2004 budget process, the State of Virginia indicated that they would award State employees an increase of 2.25 percent effective December 1, 2003, if certain revenue projections were met. Additionally, the Board of Supervisors agreed to provide the Sheriff's Department an additional 1.25 percent increase if the State raises were approved. Due to this uncertainty, the County did not include the increases in the adopted budget. After the James City County budget was adopted, the State removed the revenue projection stipulation and adopted the increases as part of their budget. The attached resolution appropriates the amount of salary increases for the remaining seven months of FY 2004 for the affected departments. The County share of these increases is provided through the contingency account.

Staff recommends approval of the attached resolution.

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Suzanne R. Mellen

CONCUR:

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John E. McDonald

SRM/tlc  
compbdraise.mem

Attachment

**RESOLUTION**

**STATE EMPLOYEE RAISES**

WHEREAS, the State of Virginia has awarded State employees an increase of 2.25 percent effective December 1,2003; and

WHEREAS, the Board of Supervisors agreed to provide the Sheriff's Department an additional 1.25 percent increase if the State raises were approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates \$18,982 in State Revenue and transfers \$11,811 from the Operating Contingency account to fund the raises of the State employees.

**REVENUES:**

From the Commonwealth:	
Registrar	\$ 583
Commonwealth Attorney	4,386
Clerk of Circuit Court	4,561
Treasurer	1,788
Commissioner of Revenue	1,518
Sheriff	<u>6,146</u>
Total	<u>\$18,982</u>

**EXPENDITURES:**

Registrar's Office	\$ 686
Electoral Board	119
Extension Office	498
Commonwealth Attorney	6,837
Clerk of Circuit Court	6,389
Treasurer	1,222
Commissioner of Revenue	1,051
Sheriff	13,991
Contingency	<u>(11,811)</u>
Total	<u>\$18,982</u>

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

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2003.

compbdrise.res

**SPECIAL USE PERMIT-18-03/Master Plan-7-03. Olde Towne Timeshares  
Staff Report for November 12, 2003, Board of Supervisors Public Hearing**

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

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**PUBLIC HEARINGS**

Building C Board Room; County Government Complex  
Planning Commission: October 6, 2003, 7:00 p.m.  
Board of Supervisors: November 12, 2003, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Richard A. Costello, AES Consulting Engineers

Land Owner: Heritage Resorts, Inc.

Proposed Use: Amendment to a previously approved special use permit (JCC Case No. SUP-18-99) allowing 365 timeshare units within a residential cluster

Location: 5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District

Tax Maps and Parcel Nos.: (32-4)(1-26); (32-4)(1-26A); (32-4)(1-36); (33-3)(1-30)

Primary Service Area: Inside

Parcel Size: 130.40 acres

Existing Zoning: R-2, General Residential District

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North, West: R-2, General Residential  
South: R-5, Multifamily Residential (The Mews)  
East (JCC): R-2; R-5 (Chisel Run)  
East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates)

Staff Contact: David Anderson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multifamily, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan.



Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends the Board of Supervisors approve the proposed special use permit amendment with the attached conditions. At the October 6, 2003, Public Hearing, the Planning Commission voted 4-3 to recommend approval of the application.

### **Project Description**

Mr. Richard A. Costello of AES Consulting Engineers, has applied on behalf of Heritage Resorts, Inc., for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Road Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the Master Plan, which require a SUP amendment. It should be noted that the previously approved SUP remains valid until July 10, 2004.

This report will focus on the changes proposed for the development rather than revisiting the larger land use issue of permitting timeshares on this site. Staff believes the larger land use issue was decided along with the previously approved SUP and, since that SUP still remains valid, denial of this case would not prohibit the timeshare development from being constructed as previously approved. Therefore, staff's recommendation is based on an assessment of whether or not this amendment is a positive change over the previously approved SUP.

### **Summary of Changes**

1. Unit Types - Approximately 25 percent of the proposed units have been changed from 4-bedroom townhouse-style units to 2-bedroom condominium-style units.

*Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation.*

2. Indoor Pool - An indoor pool has been added to the clubhouse.

*In association with this addition the outdoor pool has been moved further from adjacent residential uses, which will better protect adjacent residences from noise and lighting from the outdoor pool.*

3. Parking and Roads - The major change to the layout is based on a central collector road (with no units fronting on it) that terminates at the clubhouse building. Clusters of units represent the 13 original colonies. Parking for the new clubhouse is designed to accommodate the expanded facilities.

*These changes increase the impervious cover by .35 acres. The Environmental Division does not object to the increase in impervious cover and will address the stormwater management issues associated with this increase at the site plan level. Additionally, the applicant is requesting a waiver to reduce the parking requirement for the townhouse-style units from 2.5 spaces/unit to 2.0 spaces/unit, which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.*

4. Stormwater Management Ponds - A two level pond system was implemented considering topographical and wetland conditions. Water will be aerated by falling from the upper to the lower pond and will then be pumped back to the upper pond as required. These ponds will also be used for irrigation.

*The Environmental Division has reviewed the two-level pond system and has recommended that the upper pond be an excavated pond, one that does not contain a dam structure, and that both ponds have a dam*

*break analysis performed to ensure that no flooding of the adjacent residences will occur. This concern has been incorporated into a new condition.*

5. Waste Management - A centralized operation consisting of residential-type trash cans at the end of each cluster of buildings will be installed. Trash is collected from these locations and placed in a compactor by the clubhouse.

*Staff expressed initial concern to the applicant about the proximity of the compactor to adjacent residences. The applicant has revised the location of the compactor, moving it closer to the clubhouse and further from adjacent residences. Staff has also included a condition requiring additional berming and landscaping to screen the compactor from adjacent residences.*

6. Modification of Buffer Adjacent to Route 199 - The applicant has requested a 20-foot reduction of the buffer from 150 feet to 130 feet where it is adjacent to the existing and planned berm along Route 199.

*Staff believes the large berm adjacent to Route 199 provides good screening of the proposed development from Route 199 and can largely compensate for the 20-foot reduction of the buffer. In order to ensure the reduced buffer's adequacy, staff has added a condition requiring the buffer include the total number of trees required for a 150-foot buffer, despite its reduced width, and that the buffer be designed in a manner that provides the appearance of a natural forested area.*

## **Recommendation**

Staff finds the proposed special use permit amendment consistent with surrounding zoning, single-family, multifamily, and timeshare uses. Staff also finds the proposed amendment consistent with the requirements of the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes from the previously approved special use permit are generally positive in nature and recommends the Board of Supervisors approve the proposed special use permit amendment with the attached conditions. At the October 6, 2003, Public Hearing, the Planning Commission voted 4-3 to recommend approval of the application.

The conditions are largely unchanged from the previously approved conditions, which are included on the cover of the revised Master Plan. Substantial changes include the following: 1) original Condition No. 5 has been deleted because it has been completed; 2) additional language has been added to Condition No. 7 (original Condition No. 8) addressing landscaping within the buffer adjacent to Route 199; 3) Condition No. 15 was added to address the Environmental Division's concerns about stormwater management; and 4) Condition No. 16 was added to help mitigate any negative impacts to adjacent residences of the compactor operation. Generally any time limitations placed on the previously approved conditions have been renewed.

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the "Master Plan Amendment for The Colonies at Williamsburg" prepared by AES Consulting Engineers, revised September 29, 2003, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be no more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.

4. The applicant shall implement the road improvements recommended by the traffic study “Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road” prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style, and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County’s Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. The applicant has requested a 20-foot reduction in the width of the buffer adjacent to Route 199 from 150 feet to 130 feet in order to allow development of this property as shown on the Master Plan. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer, despite its reduced width, effectively increasing the buffer’s density. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director, indicating the fixture type and that no glare will occur outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 footcandles is permitted) or adjoining residentially designated property.
10. An eight-foot-wide paved public use path with four-foot-wide mulched shoulders and a six-foot-wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a Certificate of Occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet from the nearest residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.
11. The applicant shall work out an arrangement with the Virginia Department of Transportation (VDOT) to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as “Protected and Preserved Natural Area, RMA Wetlands, and Buffers,” in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA

water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.

14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The proposed stormwater management upper pond shall be an excavated pond; that is one that doesn't contain a dam structure that could fail and flood adjacent residences, and both ponds shall have a dam break analysis performed to ensure that no flooding of the adjacent residences will occur.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Dave Anderson

CONCUR:

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O. Marvin Sowers, Jr.

DA/gs  
sup18-03\_MP-7-03

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Master Plan "under separate cover"
4. Resolution

## RESOLUTION

### CASE NO. SUP-18-03/MP-7-03. OLDE TOWNE TIMESHARES

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 (SUP) process; and

WHEREAS, Mr. Richard Costello has applied on behalf of Heritage Resorts, Inc., for a special use permit to amend a previously approved special use permit allowing 365 timeshares in a residential cluster; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by AES Consulting Engineers, dated August 25, 2003, and entitled "Master Plan Amendment for The Colonies at Williamsburg"; and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on October 6, 2003, voted 4-3 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-03/MP-7-03 as described herein with the following conditions:

1. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Construction does not include land preparation, such as clearing, grading, or filling.
2. The Master Plan of development required under Section 24-554 of the Zoning Ordinance shall be generally consistent with the "Master Plan Amendment for The Colonies at Williamsburg" prepared by AES Consulting Engineers, revised September 29, 2003, as determined by the Director of Planning. Development of the site shall be generally in accordance with the Master Plan, with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. The property shall be developed as a timeshare project. There shall be no more than 365 timeshare units in addition to associated recreation facilities on the property and one single-family residential lot, its location identified on the Master Plan.

4. The applicant shall implement the road improvements recommended by the traffic study "Traffic Analysis for Olde Towne Road Timeshares on Olde Towne Road" prepared by DRW Consultants, Inc., September 9, 1998, prior to issuance of the first Certificate of Occupancy for any structure on the site.
5. All dumpsters and heating and cooling units shall be screened by landscaping or fencing approved by the Planning Director prior to final site plan approval.
6. Free-standing signs shall be ground-mounted, monument style and shall be approved by the Planning Director prior to final site plan approval.
7. The landscape plan shall be approved by the Planning Director prior to final site plan approval for any section or phase of this project and shall include enhanced landscaping around the perimeter of each timeshare building, so that the required number of plants equals at least 133 percent of the County's Landscaping Ordinance requirements with a minimum of 33 percent of the required number of trees being evergreen. The landscape plan shall also contain landscape screening and berms with a minimum eight-foot height along the Olde Towne Road and Route 199 frontage, at the location shown on the Master Plan. Additionally, the landscape plan shall address the landscaping along the Route 199 right-of-way berm. The applicant has requested a 20-foot reduction in the width of the buffer adjacent to Route 199 from 150 feet to 130 feet in order to allow development of this property as shown on the Master Plan. In order to ensure the adequacy of the reduced buffer, the landscaping shall include the total number of trees required for a 150-foot buffer, despite its reduced width, effectively increasing the buffer's density. Landscaping should also be designed in a manner that provides the appearance of a natural forested area.
8. Four-foot paved shoulder bikeways shall be provided on both sides of Olde Towne Road at the location shown on the Master Plan prior to the issuance of the first Certificate of Occupancy for any structure on this site. A four-foot sidewalk shall be provided at the location shown on the Master Plan on the eastern side of Olde Towne Road prior to the issuance of the first Certificate of Occupancy for any structure on this site.
9. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director indicating the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street (except at street connections where up to 2.0 footcandles is permitted) or adjoining residentially designated property.
10. An eight-foot-wide paved public-use path with four-foot-wide mulched shoulders and a six-foot wide mulched path as shown generally on the Master Plan shall be constructed prior to the issuance of a Certificate of Occupancy for no more than 200 timeshare units if the Board of Supervisors has approved the construction of this path and requested it in writing. If the Board of Supervisors has not approved construction of this path and requested it in writing within seven years of the approval of this Special Use Permit, the applicant and/or its successors shall have no obligation to construct this path. The path shall be located no closer than 80 feet

from the nearest residential property line. The applicant shall fully maintain the paths and bridge during the period of time the developer is constructing the timeshare units.

11. The applicant shall work out an arrangement with the Virginia Department of Transportation to address traffic issues and safety concerns on Olde Towne Road. The applicant shall provide documentation of the agreed upon arrangement prior to final site plan approval.
12. The applicant shall dedicate to the County, by conservation easement for the purpose of providing public access to the public-use paths, 44.94 acres of the Chisel Run Swamp, identified on the Master Plan as "Protected and Preserved Natural Area, RMA Wetlands, and Buffers," in a form approved by the County Attorney prior to final site plan approval for any structure on the site.
13. If the applicant desires to have outdoor watering, they shall provide water for irrigation utilizing surface water collection from the surface water impoundments as shown on the Master Plan and shall not use JCSA water or well water for irrigation purposes. This irrigation system shall be included with the site plan for the project and shall be approved by the JCSA General Manager. This requirement prohibiting the use of well water may be waived by the JCSA General Manager if the applicant demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the applicant may apply for a waiver for a shallow (less than 100 feet) well only.
14. In order to mitigate the impact of the road improvements on Olde Towne Road caused in part by this project, for a period of 15 years from the issuance of this special use permit, the area shown on the Master Plan as "Reserved Lot" may be used as one residential lot if needed by the County or VDOT to relocate a family displaced due to the Olde Towne Road improvements. In the event the "Reserved Lot" is not used for the purpose allowed in this paragraph, the "Reserved Lot" shall remain open space.
15. The proposed stormwater management upper pond shall be an excavated pond; that is one that doesn't contain a dam structure that could fail and flood adjacent residences, and both ponds shall have a dam break analysis performed to ensure that no flooding of the adjacent residences will occur.
16. Additional berming and landscaping shall be provided between the compactor and the adjacent residential property to mitigate any noise impacts produced by the compactor operation. A landscape plan showing the additional berming and landscaping shall be included with the site plan for the phase of the project containing the compactor and shall be approved by the Planning Director prior to final site plan approval.
17. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

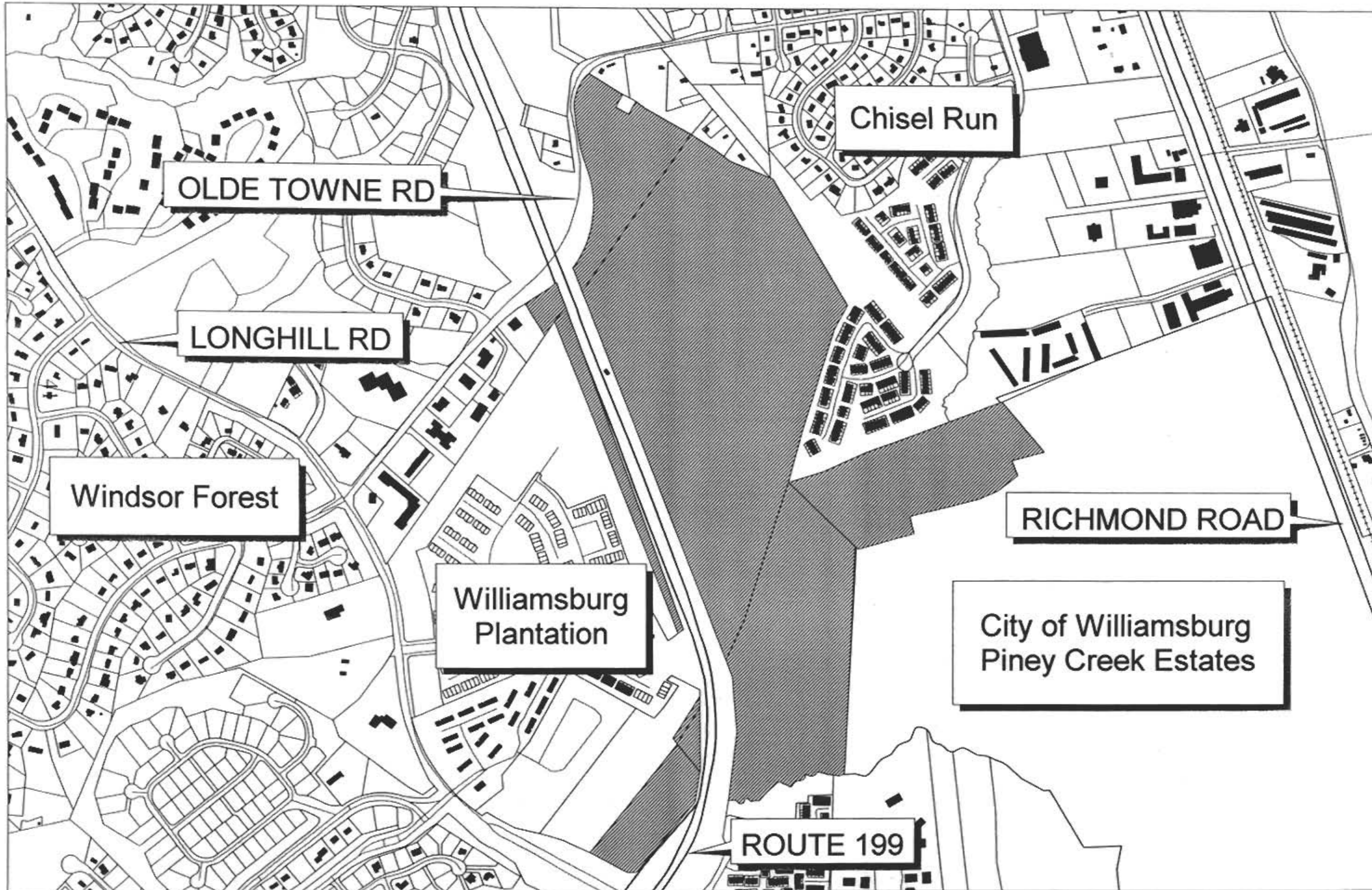
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of  
November, 2003.

sup-18-03\_MP-7-03.res



# Case No. SUP-18-03/MP-7-03

## Olde Towne Timeshares



## APPROVED MINUTES TO THE OCTOBER 6, 2003, PLANNING COMMISSION MEETING

### SUP-19-03 & MP-07-03 – Olde Towne Timeshares

Mr. David Anderson stated that Mr. Richard Costello, on behalf of Heritage Resorts, Inc., has applied for a special use permit to amend a previously approved special use permit (JCC Case No. SUP-18-99, Olde Towne Timeshares). The original SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the Master Plan which require an SUP amendment. It should be noted that the previously approved special use permit is valid until July 10, 2004.

The property is comprised of 130 acres located on Olde Towne Road adjacent to Route 199. The property is zoned R-2, General Residential District and designated low density residential on the Comprehensive Plan land use map. Approximately 25% of the proposed units have been changed from four bedroom townhouse style units to two bedroom condominium style units. Staff supports this change because it results in a reduction in water usage, parking spaces, and traffic generation. The Commission approved an identical proposal for two buildings at Williamsburg Plantation in February.

An indoor pool has been added to the clubhouse and the outdoor pool has been moved further away from adjacent residential uses which will better protect adjacent residences from noise and lighting. The major change to the layout is based on a central collector road with no units fronting on it that terminates at the clubhouse building which has been expanded to accommodate the indoor pool. Parking to the new clubhouse has also been expanded to accommodate the new facilities.

Additionally the applicant is requesting a waiver to reduce the parking requirement for the townhouse units from 2½ spaces per unit to 2 spaces per unit which has proven adequate at Williamsburg Plantation. Staff supports the reduction in the parking space requirement because it helps mitigate the increase in impervious cover caused by the collector road and clubhouse parking.

Staff finds the proposal consistent with surrounding zoning and land use. Staff also finds the proposal consistent with the residential cluster zoning ordinance and consistent with the Comprehensive Plan. Staff believes the changes to the previously approved SUP are generally positive in nature and recommended approval.

Mr. McCleary asked if construction on the project has begun and if the berm is already in existence along Route 199.

Mr. Anderson answered that construction has not begun and that only part of the berm is existing. It will be extended further towards Olde Towne Road.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Vernon Geddy, III represented the applicant. Mr. Geddy agreed with the staff report. This case is similar to the Williamsburg Plantation case previously approved

by the Commission.

Mr. Kale asked if the left corner of the property where the curb begins on Olde Towne will be of concern with regards to highway expansion given the proximity of the new clubhouse. Mr. Kale noted that in the earlier project there was land set aside for the Virginia Department of Transportation (VDOT) to cut through if it was necessary.

Mr. Richard Costello stated that the same agreement still exists with VDOT. He stated the new clubhouse is in the same location where the tennis courts were in the previously approved case.

Mr. Kale asked if the responsibility for shielding the noise from the highway will fall on the applicant or VDOT.

Mr. Costello stated that it will be the applicant's responsibility. He also stated that between the berm and the buffer there will be adequate shielding from the noise.

Mr. Kale asked if the location of the larger units have been identified or if they will be scattered within the community.

Mr. Costello said they have been identified and will be scattered throughout the property.

Mr. Billups asked about item 14 on the Master Plan regarding irrigation and the irrigation pond. The Plan noted that the project will not use James City Service Authority (JCSA) water for irrigation, but also noted that a waiver may be granted if the applicant can show a need for a well.

Mr. Costello said that if the need arose then a well would be dug in the shallow water aquifer that is not utilized by the JCSA. This will only be a temporary measure until the pond rose to an adequate level.

Mr. Poole inquired about the traffic patterns relative to this project. He asked about the pre and post development levels of service.

Mr. Costello stated that the level of service has gone from Level D to Level C. This proposal should reduce overall traffic for this project in the 7-10% range.

Mr. Sowers stated that traffic counts on Olde Towne Road have shown that the traffic flow has decreased.

Mr. Poole said that the density of this project compared to what is allowed by right is still significant although there may have been some improvement.

Mr. John Hanrahan, 434 Alderwood Drive City of Williamsburg, expressed concern that this will be the tenth timeshare unit in the James City, York, Williamsburg area. He asked if any statistics were available about the success of these projects. He questioned the possibility of them being converted to apartments if the developers became insolvent and asked if the County had investigated these issues.

Mr. Sowers stated that the staff does not monitor the health of such developments

but that past research indicates that failures are remote on a nationwide level.

Mr. Geddy stated that historically they are not usually converted to apartments but are purchased and continued in the same operation.

Mr. McCleary stated that timeshares provide significant tax revenue for the County. In a previous case, Williamsburg Plantation, the developers saw problems in its marketing and re-scoped ahead of time in order to better fit the market. Also, in the Hiden Property case the developer decided not to market the property as a timeshare but to re-scope it has an age appropriate community.

Mr. Hanrahan also agreed with Paul Tubach's suggestion for relocation of the proposed trail.

Hearing no other requests to speak, Mr. A. Joe Poole, III closed the public hearing.

Ms. Wildman moved to approve the application based on Mr. Anderson's statements regarding consistency with the surrounding area.

Mr. McCleary seconded the motion with staff conditions added.

Mr. Poole stated that he will not support the application. He is concerned about the density of property that is zoned R-2 and off-site vehicular impacts on a road that is different from Longhill Road. He is not happy with this level of service and does not feel this location lends itself to this density.

In a roll call vote the case was approved 4:3 AYE (4) Wildman, McCleary, Hagee, Hunt, NAY (3) Poole, Kale, Billups

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Director of Budget and Accounting  
SUBJECT: Amendments to the FY 2004 Special Projects/Grants Budget

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The State Code requires a public hearing prior to any budget amendment exceeding \$500,000.

The attached budget amendment appropriates estimated reimbursements from Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds totaling \$5,700,000 to cover estimated eligible costs associated with Hurricane Isabel, in addition to James City County's share of costs.

Staff recommends approval of the attached resolution.

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Suzanne R. Mellen

SRM/gb  
grants04.mem

Attachment

**RESOLUTION**

**AMENDMENTS TO THE FY 2004 SPECIAL PROJECTS/GRANTS BUDGET**

WHEREAS, the Board of Supervisors of James City County has adopted a budget for the year ending June 30, 2004 (FY 2004), and has been requested to amend the Special Projects/Grants Budget to accommodate the anticipated revenues and spending related to Hurricane Isabel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2004 Special Projects/Grants Budget with the following appropriation:

Revenues:

Federal Government	\$4,250,000
State Government	900,000
Insurance Proceeds	70,000
From the General Fund	<u>480,000</u>
Total:	<u>\$5,700,000</u>

Expenditure:

Storm Costs	<u>\$5,700,000</u>
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\_\_\_\_\_  
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 12th day of November, 2003.

grants04.res

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

DATE: November 12, 2003

TO: The Board of Supervisors

FROM: O. Marvin Sowers, Jr., Planning Director  
Leo P. Rogers, Deputy County Attorney

SUBJECT: Road Abandonments, Additions, and Renumbering Due to Route 199 and Monticello Avenue

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On October 28, 2003, the Board of Supervisors deferred the Virginia Department of Transportation's (VDOT) request to abandon and renumber certain roads and to take certain roads into the Secondary Road System. The requests were due to construction of the Route 199 and Monticello Avenue extensions. VDOT's request was deferred to allow Board members to visit the sites and to allow VDOT and staff to determine whether existing bikeway pavement markings and signage along Monticello Avenue needed improvement.

VDOT Requests:

VDOT is requesting the Board take the following actions:

1. Abandoning the rights-of-way of certain sections of Old Ironbound Road, News Road, and Powhatan Parkway; and
2. Adding new sections of Monticello Avenue, News Road, Ironbound Road, and the cul-de-sac in front of Mount Pleasant Church into the Secondary Road System, all of which were constructed as part of the Route 199 and Monticello Avenue projects; and
3. Renumbering the portion of old Route 615/Ironbound Road between News Road and Bradshaw Drive as "Route 783."

Attached is a resolution describing the above actions in detail as well as maps depicting the above actions.

Bikeway Pavement Markings and Signage

County and VDOT staff conducted a joint field inspection of the existing bikeway facilities and their pavement marking and signage on the south side of Monticello Avenue between News Road and Ironbound Road. An existing bikelane for eastbound cyclists extends from News Road to just east of Route 199. At that point, the bikelane transitions to a separate bike path located between the Monticello Avenue curb and right-of-way fence. The bike path terminates at the intersection of Monticello Avenue and Ironbound Road. Cyclists have the option of either walking their bike across Monticello Avenue to reach the separate bike path on the north side of Monticello Avenue, or staying on the separate bike path as it makes a right turn and then transitions into a wide paved shoulder on Ironbound Road. Appropriate pavement and curb transitions are provided on both Monticello and Ironbound to accommodate both options. Signage and pavement markings guide cyclists through the entire section. However, both staffs agreed that the present pavement markings and signage could be improved. Following are improvements that VDOT and County staff agreed on pursuing:

1. Adding bicyclist logo pavement markings on the separate bike path.

2. Repainting the worn pavement markings on the Monticello Avenue bike lanes.
3. Adding a directional arrow on the bikeway sign at the intersection of Monticello and Ironbound close to where the separate path terminates indicating that eastbound cyclists should either turn right and continue along Ironbound Road, or dismount and walk their bike across Monticello Avenue to the bike path on the north side of Monticello.

VDOT's Williamsburg Residency staff will advise the County on the whether it will be able to make the above improvements. In the meantime, County staff recommends that the Board act on VDOT's request. Both County and VDOT staff concurred that the existing bikeway facilities provide clear, easy access to Ironbound Road for eastbound cyclists.

Recommendation:

Staff recommends the Board of Supervisors adopt the attached resolution abandoning certain sections of Old Ironbound Road, News Road, and Powhatan Parkway; adding new sections of Monticello Avenue, News Road, Ironbound Road, and the cul-de-sac in front of Mount Pleasant Church into the Secondary Road System; and renumbering the portion of old Route 615/Ironbound Road between News Road and Bradshaw Drive as "Route 783."

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O. Marvin Sowers, Jr.

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Leo P. Rogers

OMS/adw  
ironabandon111203.mem

Attachments:

1. Location Map
2. VDOT Sketches Dated September 13, 2003
3. Photos of Bike Paths
4. Resolution



## RESOLUTION

ADDITIONS AND ABANDONMENTS TO ROUTE 613 (NEWS ROAD),

615 (IRONBOUND ROAD), 783 (IRONBOUND ROAD), 784 (UN-NAMED ROAD),

5000 (MONTICELLO AVENUE), AND 1470 (POWHATAN PARKWAY)

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 13, 2003, depicting required changes in the Secondary System of State Highways, which sketch is entitled "Changes in the Primary and Secondary Systems Due to **Relocation and Construction on Route 199, Project: 0199-047-F03, C503,**" and which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve as a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, abandons from the Secondary System of State Highways those portions of Route 615 identified as Sections 3 and 5, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Route 1470 identified as Section 6, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board abandons from the Secondary System of State Highways the portion of Old Route 613 identified as Section 7, pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 5000 identified by the sketch as Sections 8, 9, and 18, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests the Virginia Department of Transportation to add to the secondary system of State highways those portions of Route 613 identified by the sketch as Sections 12 and 13 pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 784 identified by the sketch as Sections 14 and 15, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board requests to add to the secondary system of State highways those portions of Route 615 identified by the sketch as Sections 16 and 17, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED, that this Board renumbers Old Route 615 as Route 783, identified as

Sections 1 and 2 on the aforementioned sketch.

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

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

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

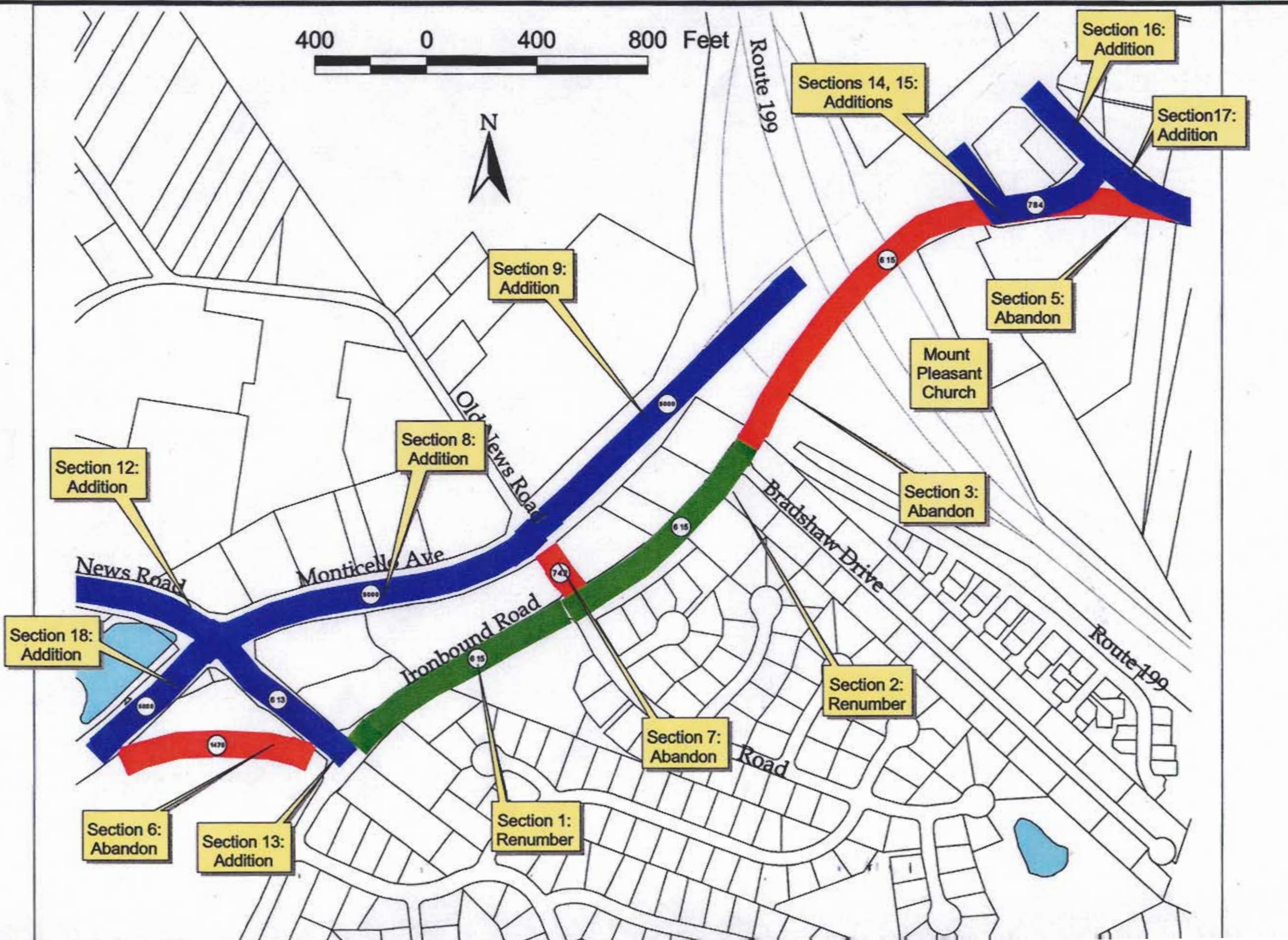
Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2003.

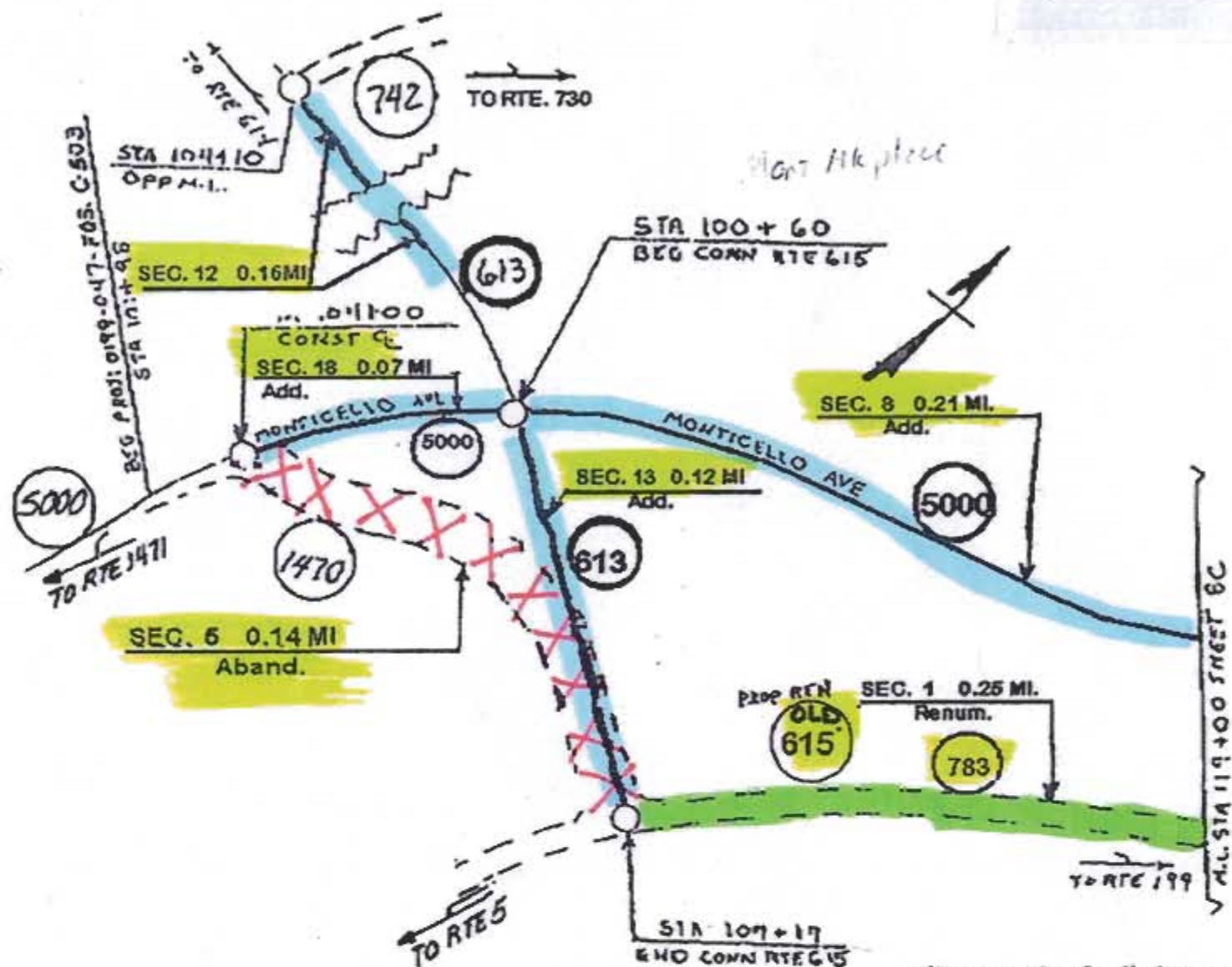
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# Proposed Right-of-Way Changes







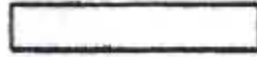


-  Section to be Added to Secondary System
-  Section to be Renumbered
-  Section to be Abandoned





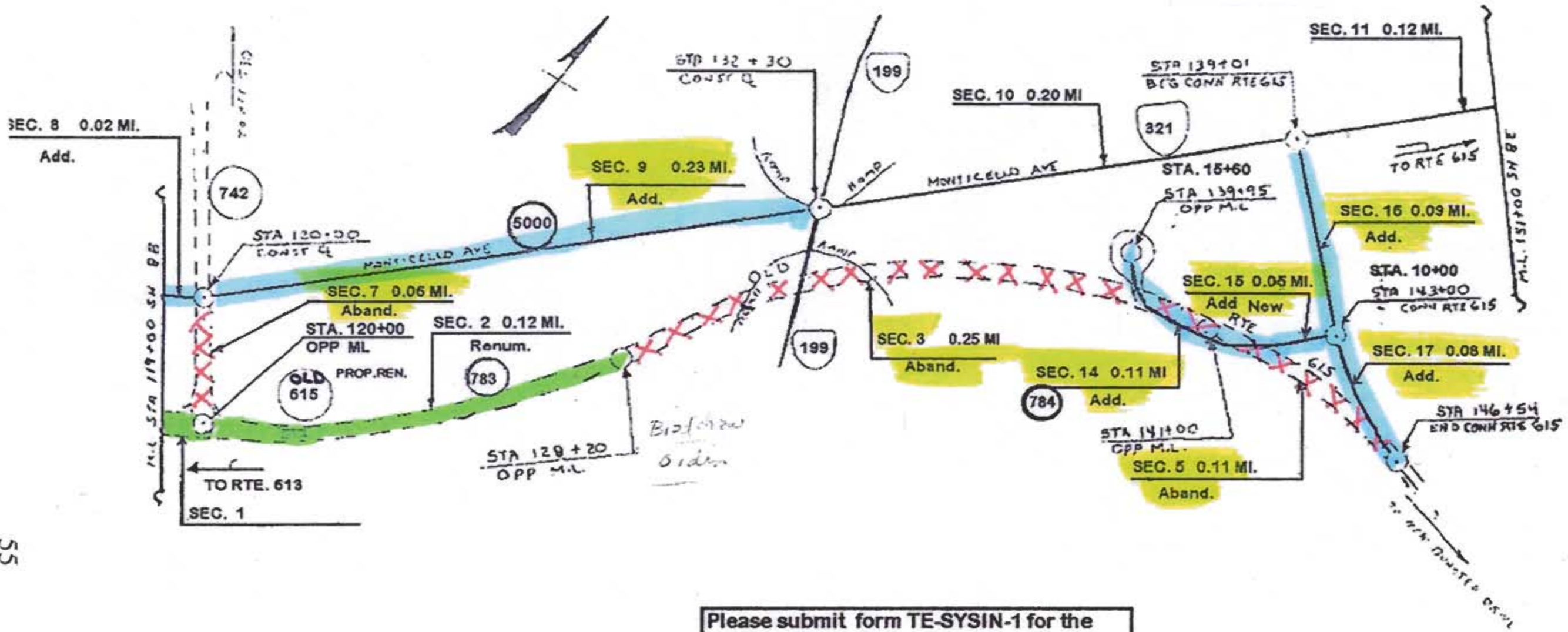
Legend  
James City County

Changes in the Primary and Secondary Systems due to relocation and construction on Route 199, Project : 0199-047-F03, C-503

-  Section of Primary Road location to be abandoned (§ 33.1-148)
-  Section of Primary Road location to be discontinued (§ 33.1-144)
-  Section of Primary Road Location to be transferred to the Secondary System (§ 33.1-35)
-  Section of Secondary Road location to be abandoned (§ 33.1-155)
-  Section of Secondary Road location to be discontinued (§ 33.1-150)
-  Section of new location to be added to the Secondary System (§ 33.1-229)
-  Section of old location to be renumbered

Please submit form TE-SYSINV-1 for the entire project. Give a breakdown of the mileage and the pavement types, reflecting post-construction conditions for all routes within the project limits.





Please submit form TE-SYSIN-1 for the entire project. Give a breakdown of the mileage and the pavement types reflecting post-construction conditions for all routes within the project limits.

Legend  
James City County



Changes in the Primary and Secondary Systems due to relocation and construction on Route 199, Project : 0199-047-F03, C-503

- Section of Primary Road location to be abandoned (§ 33.1-148)
- Section of Primary Road location to be discontinued (§ 33.1-144)
- Section of Primary Road Location to be transferred to the Secondary System (§ 33.1-35)
- Section of Secondary Road location to be abandoned (§ 33.1-155)
- Section of Secondary Road location to be discontinued (§ 33.1-150)
- Section of new location to be added to the Secondary System (§ 33.1-229)
- Section of old location to be renumbered

# Bikepaths along the Ironbound/Monticello Area



Eastbound bikepath and sidewalk along Monticello Avenue just east of Rt. 199. (Note the need for bikeway pavement marking.)



Eastbound bikepath along Monticello Avenue at the intersection of Ironbound Road. Cyclists can turn left and cross Monticello between the white lines or turn right and continue on Ironbound Road. (Note need for directional arrows on the sign and bikeway pavement marking.)



Eastbound bikepath along Monticello Avenue transitions into paved shoulder on Ironbound Road. (Note need for bikeway pavement marking.)

MEMORANDUM

DATE: November 12, 2003  
TO: The Board of Supervisors  
FROM: Doug Powell, Acting Assistant County Administrator  
SUBJECT: Presentation by Cox Communications

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Representatives from Cox Communications will be present at the November 12 meeting to discuss their response to Hurricane Isabel. They will focus their remarks on recovery from the storm and customer service.

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Doug Powell

DP/gs  
cox\_isabel.mem