

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room, Building F

December 16, 2003

7:00 P.M.

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE - Carl Justin Stout, a Senior at Lafayette High School

D. RECOGNITIONS

1. 2003 Chairman's Award
2. Volunteer Recognition – Second Quarter, FY 04
3. Resolution of Appreciation – Crowder-Gulf, Inc. and R. Baker, Inc.
4. Staff Recognition – Hurricane Isabel

E. HIGHWAY MATTERS

F. PUBLIC COMMENT

G. CONSENT CALENDAR

1. Minutes
 - a. November 12, 2003, Regular Meeting
 - b. November 25, 2003, Work Session
 - c. November 25, 2003, Regular Meeting
2. Appropriation of Funds – COPS Homeland Security Overtime Grant
3. Appointment of Deputy Animal Control Officers
4. Resolution of Appreciation - Crowder-Gulf, Inc. and R. Baker, Inc.

H. PUBLIC HEARING

1. Approving a Voluntary Agreement to Change or Establish Common Boundary Line between the County of York, Virginia, and the County of James City, Virginia

I. BOARD CONSIDERATION

1. Acquisition of 96.658± acres for Landfill Buffer

J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. RECESS

MEMORANDUM

DATE: December 16, 2003
TO: The Board of Supervisors
FROM: Carol A. Schenk, Human Resource Specialist I
SUBJECT: Volunteer Recognition - Second Quarter, FY 04

James City County is fortunate to have outstanding volunteers who donate their time and talents to enhance our community. This quarter, staff would like to recognize Jack and Pam Massie for their assistance during Hurricane Isabel.

Immediately following the storm, the Massies provided a truck and driver from their business to distribute ice and water. Not only did they provide this needed resource, they also worked every day along side staff at each distribution site.

Their dedication to this community was evident by their tireless contribution of both time and resources to accomplish a mammoth task.

We are very honored and privileged to have the Massies as citizens in our community.

Carol A. Schenk

CONCUR:

Carol M. Luckam

CAS/gs
massie.mem

MEMORANDUM

DATE: December 16, 2003
TO: The Board of Supervisors
FROM: John T. P. Horne, Acting General Services Manager
SUBJECT: Resolution of Recognition - Crowder-Gulf, Inc. and R. Baker, Inc.

Attached is a resolution to recognize the outstanding service provided by Crowder-Gulf, Inc. and R. Baker, Inc. as the two prime contractors that have assisted the County in removing storm debris after Hurricane Isabel. Both companies have performed admirably, and the resolution is intended to recognize that work. Two representatives will be present at the Board of Supervisors meeting to receive the resolution.

Staff recommends adoption of the attached resolution.

John T. P. Horne

JTPH/gs
stormdebris.mem

Attachment

RESOLUTION OF APPRECIATION

CROWDER-GULF, INC. AND R. BAKER, INC.

WHEREAS, on September 18, 2003, Hurricane Isabel struck James City County, causing massive damage to the community; and

WHEREAS, the entire community suffered damage to trees, structures, and other vegetation that caused debris to fall on public property, roads, and private property; and

WHEREAS, Crowder-Gulf, Inc. and R. Baker, Inc. were contracted by James City County and the Virginia Peninsulas Public Service Authority to collect, process, and dispose of all debris located along roads in residential neighborhoods; and

WHEREAS, since September 24, Crowder-Gulf, Inc. and R. Baker, Inc. have worked with County staff, seven days a week, from dawn to dusk, picking up and processing storm debris, now estimated to be over 500,000 cubic yards, and have done so in an efficient and effective manner; and

WHEREAS, despite spending months away from families and home, the staff of Crowder-Gulf, Inc. and R. Baker, Inc. have conducted these operations in a responsive, professional, and effective manner, while maintaining a remarkably friendly and cooperative demeanor.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks the staff of Crowder-Gulf, Inc. and R. Baker, Inc. for outstanding service to the citizens of James City County.

BE IT FURTHER RESOLVED that this resolution be presented to Mr. Hugh Houlton and Mr. Ralton Baker as the local representatives of the companies to recognize their particular role in making this effort a success.

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 16th day of December, 2003.

debris2.res

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Adopted by the Board of Supervisors of James City County, Virginia, this 16th day of December, 2003.

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER, 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 members of the Planning Commission and Ms. Denise W. Koch, the Roberts District School Board Member elect, in the audience.

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Stuart Righter, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. RECOGNITIONS

1. Resolution of Appreciation – Dr. Lisa Curry

Mr. Harrison recognized Dr. Lisa Curry for her service to the community as a member of the Development Potential Analysis Committee, the Comprehensive Plan Community Participation Team, and the Comprehensive Plan Steering Committee; and recognized her accomplishment as the recipient of the Virginia Citizen Planner of the Year Award by the Virginia Citizen Planner's Association.

Dr. Curry thanked those that helped her during the Comprehensive Plan process.

2. Animal Control Officer of the Year – Shirley Anderson

Mr. Harrison recognized Shirley Anderson, Animal Control Supervisor, as the recipient of the 2003 Animal Control Officer of the Year Award by the Virginia Animal Control Association and recognized her accomplishments of improving the image of Animal Control, developing a brochure for citizens, and care of the animals.

3. Employee and Volunteer Outstanding Service Awards

Mr. Kennedy and the other Board members presented Outstanding Service Awards to the following: **Individuals:** Tracey Brown, Carole Norman, Dr. John McKnight, Michael Drewry, Noreen Bernstein, Randy Weiford, Pam Blank, Roy Jackson, and Andy Hargreaves; **Outstanding Teams:** *Comprehensive Plan Steering Committee*, Joe Poole, Peggy Wildman, George Billups, John Hagee, Joe McCleary, Michael Brown, Dr. Lisa Curry, and Jeff Barra; *Comprehensive Plan Community Participation Team*, Dr. Lisa Curry, Jeff Barra, Bob Jacobsen, Hampton Jessem Mary Jones, Bill Miller, Grant Olson, Mary Higgins, Wilford Kale, Donald Hunt, Joe Poole, Clarence Curry, Bill Pompeii, Dennis Koch, and Ron Rosenberg; *Co-Sponsorship Guidelines* Carla Brittle, John Carnifax, Nancy Ellis, Dan Smith, and Phil Mease; *Freedom Park Pedestrian Bridge* Greg Storck and Bill Storck; *Second Annual Super Turf Saturday*, Bob Winters and Debbie Green; *STRIVE Program for At-Risk Youth* Iris Street, Audra Jeppson, Howard Mason, Kelley Herbert, and Josh Gray; and the **Life Saving Award** to Kerry Blekfeld.

E. PUBLIC COMMENT

1. Ms. Gwendolyn Johnson, 104 Grove Heights Avenue, stated concern about the apparent lack of adequate notification to residents regarding a meeting concerning the Epstein Retirement Center and therefore lack of opportunity for citizens to present a petition against the proposal.

2. Mr. Rich Costello, 10020 Sycamore Landing Road, commented on Cox Communications disappointing customer service and lack of efficient restoration of service to citizens in comparison to Dominion Virginia Power.

3. Mr. Ollie Ferrera, 3196 Derby Lane, stated concern that Cox Communications is changing its programming packages resulting in higher rates for less service.

4. Ms. Karen Sublett, 1401 Westgate Circle, Williamsburg, stated concern that Cox Communications has poor customer service, apparent unjustified rate increases, inefficient technical assistance to its customers, and automatically puts its customers that telephone on hold for 1 to 1.5 hours.

5. Ms. Vivian Prescott, 1603 Westgate Circle, Williamsburg, stated that those in Cox Communications technology service are poorly informed and have a lack of technical knowledge to answer basic questions, stated concern that Cox Communications is offering new customers three months of free service in the face of rate hikes to existing customers, and stated that she does not mind paying for services if the service provided is good.

6. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated that Cox Communications did not convey to customers that reconnection of service was not automatic after Hurricane Isabel and did not provide information on how to get service reconnected, nor do they have good customer service.

7. Mr. Ed Oyer, 139 Indian Circle, stated that 155 citizens reside in the general Grove area and that adequate notification was not provided to them concerning a meeting to be held regarding the Epstein Retirement Center and stated opposition to the proposal.

F. CONSENT CALENDAR

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

Mr. Brown requested Item No. 4, Award of Contracts – Annual Engineering Services, be pulled. Mr. McGlennon made a motion to adopt the remainder of 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. October 14, 2003, Work Session
 - b. October 14, 2003, Regular Meeting
2. Resolution of Appreciation – Dr. Lisa Curry

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.

3. Award of Contract – Custodial Services, Government Complex, Building F

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.

5. Award of Contract – Renovations to Buildings A and B

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.

6. State Employee Raises

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>

4. Contract Awards – Annual Engineering Services

Mr. Brown requested a mechanism by which the Board would be notified if an annual contract amount of \$100,000 is exceeded.

Mr. John E. McDonald, Manager of Financial and Management Services, stated that staff would look into it.

Mr. Brown mad a motion to adopt the resolution.

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

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:

Group 1 - Basic Engineering
Firm Name: AES; Michael Baker, Jr., Inc.; Draper Aden & Associates;
URS Corporation; Woolpert LLP

Group 2 - Environmental Engineering
Firm Name: Kimley Horn & Associates; Natural Systems Engineering;
Williamsburg Environmental Group

Group 3 - Hydro-Geological Engineering
Firm Name: Russnow-Kane

Group 4 - Landscape Planning and Landscape Architecture
Firm Name: Clough, Harbour & Associates; Land Planning & Design Associates;
Rhodeside & Harwell, Inc.

Group 5 - Site Plan Review Engineering
Firm Name: Johnson, Mirmiran & Thompson

Group 6 - Surveying Services
Firm Name: AES; Precision Measurements, Inc.; Woolpert, LLP

Group 7 - Stormwater Infrastructure Engineering
Firm Name: Timmons Group; URS Corporation

G. PUBLIC HEARINGS

1. Case Nos. SUP-18-03 and MP-7-03. Olde Towne Timeshares

Mr. David Anderson, Planner, stated that Richard A. Costello, AES Consulting Engineers, applied on behalf of Heritage Resorts, Inc., for a special use permit (SUP) to amend a previously approved special use permit to make some changes to the layout of the Master Plan on 130.40 acres zoned R-2, General Residential District, at 9295, 5350, and 5380 Olde Towne Road, further identified as Parcel Nos. (1-26), (1-26A), (1-36), and (1-30) on James City County Real Estate Tax Map Nos. (32-4) and (33-3).

Staff found the proposal to be consistent with surrounding zoning, single-family, multifamily, and timeshare uses; and consistent with the requirements for the residential cluster zoning ordinance and consistent with the Comprehensive Plan.

At its meeting on October 6, 2003, the Planning Commission voted 4-3 to recommend approval of the application.

Staff recommended approval of the special use permit amendment with conditions.

Mr. McGlennon requested verification that the biggest changes associated with the amendment were to reduce the number of bedrooms per unit in a portion of the proposed units and to reduce the amount of impervious cover on the site.

Mr. Anderson verified the information.

Mr. Harrison opened the Public Hearing.

1. Mr. Vernon Geddy, III, attorney representing the applicant, concurred with the staff report and requested the Board approve the proposal as it reduces some of the impacts to the County.

Mr. McGlennon inquired if the addition of the indoor pool would offset the water savings resulting from the reduction of the number of individuals in some of the units.

Mr. Rich Costello, AES Consulting, stated that although there would be less indoor water use in some of the units, there would not be a significant water use reduction associated with the proposal.

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

Mr. Goodson 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. 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.

2. Amendments to the FY 2004 Special Projects/Grants Budget

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that to accommodate the anticipated revenues and spending related to Hurricane Isabel, a budget amendment is needed to appropriate estimated reimbursements from Federal Emergency Management Agency (FEMA), the Commonwealth of Virginia, and insurance proceeds.

Mr. McGlennon inquired what line item the General Funds were being removed from to cover the expenditures.

Ms. Mellen stated that the funds will be from the Contributions to Capital Projects.

Mr. Harrison opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

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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H. BOARD CONSIDERATION

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

Mr. O. Marvin Sowers, Planning Director, stated that the Board deferred action on this item at its October 28, 2003, meeting to permit staff time to review the adequacy of the markings and signage along the bikepath; and stated that staff and the Virginia Department of Transportation (VDOT) agreed to minor changes to the bikeway pavement markings.

Mr. Sowers recommended the Board adopt the resolution.

Mr. McGlennon 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

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 rennumbers 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.

I. PRESENTATION

1. Cox Communications

Mr. Wanner introduced Mr. Thom Prevette, Vice President of Cox Communications, and members of the Cable Communications Advisory Committee.

Mr. Prevette provided an overview of the preparations Cox Communications took for the hurricane, the damage inflicted to the structures and services of Cox Communications, the status of the restoration of customer service, and the fiscal impact of the hurricane damage.

The Board stated its concern that the level of customer service is not adequate, that automatic functions to be performed by Cox Communications were not performed during the restoration of service to customers, and that the length of time customers spends on hold trying to reach a representative during the recovery from the hurricane and on any given day is too lengthy.

Mr. Prevette stated that Cox Communications is looking at improving its service to its customers.

The Board requested information regarding the average length of time a customer from James City County waits on hold to speak with someone with Cox Communications.

Mr. Prevette stated that in review of its emergency operations plan, Cox Communications would be improving its communication with local government and its customers.

Mr. Kennedy stated that he appreciated the willingness of Cox Communication employees to work 18 hour shifts for six to seven days a week in an effort to restore service to Cox Communication customers, and appreciated Mr. Prevette's recognition of the areas of improvement Cox needs to address.

The Board and Mr. Prevette discussed Cox Communications' efforts to comply with FCC regulations and improving its customer service.

Mr. McGlennon inquired about the justification for the programming line up changes within the tiers and the rate changes for the tiers.

Mr. Prevette stated that the cost for programming is increasing and that ESPN programming costs are increasing by 20 percent annually.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that the Richmond local television station removed earlier this year from the Cox Communications lineup provided better James City County coverage during the hurricane than the local news channels provided by Cox Communications.

2. Mr. Ollie Ferrerra, 3196 Derby Lane, stated that he understood the need to increase rates, but objected to decreasing plan options, redoing packages, and then the customers are forced to choose to remain at the same rate level for less service or move up to a higher costing tier for unwanted channels; and requested Cox Communications review its packaging options.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that Police Officer Dale Burden thanks the citizens for their outreach.

Mr. Wanner stated that staff has terminated the burning process of storm debris at the District Park Sports Complex, and that the last debris collection is expected to be completed by December 7.

Mr. Wanner provided an overview of the role the Virginia Department of Transportation has in the removal of storm debris from Interstates, Primary Roads, and Major Secondary roadways.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Brown thanked staff for identifying an alternative method to burning the debris at the District Park Sports Complex.

Mr. Harrison inquired if there would be a third debris removal by the County.

Mr. Wanner stated that a third sweep for removal of debris in subdivisions will be focused.

Mr. Harrison requested the citizens contact the County with information regarding areas still needing debris removal.

Mr. Goodson recommended the consideration of the appointment to the Colonial Services Board be done in open session.

Mr. Harrison stated that County received an honorable mention award from the Virginia Association of Counties for the partnership formed by Williamsburg Area Transport.

Mr. Harrison clarified that the Roberts District meeting regarding the Epstein Retirement Center was not a County function and that citizens would be provided an opportunity for input regarding such proposals before the Board considers action on them.

Mr. McGlennon stated that the County has little ability to influence Cox Communications, that the agreement with the cable provider does not expire until 2010, and that citizens can log a complaint against Cox Communications through the Cable Communications Advisory Committee.

Mr. Wanner stated that all the correspondence regarding Cox Communications is forwarded to the FCC.

Mr. Wanner stated that there is no local competition for Cox Communications at this time due to the expense to reproduce a system that is already in place.

Mr. Kennedy requested a work session be scheduled for the discussion of the Emergency Operations Plan and Hurricane Isabel.

The Board and staff discussed Mr. Kennedy's proposal and if the Board would have enough information at this stage for a productive review.

Mr. Wanner stated that the Governor has created a taskforce to conduct a survey which will be submitted to the State regarding issues associated with Hurricane Isabel.

Mr. Goodson made a motion to appoint Mr. John McDonald to a three-year term on the Colonial Services Board, term to expire on June 30, 2006.

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

M. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 9:04 p.m., Mr. Harrison adjourned the Board until 4 p.m. on Tuesday, November 25, 2003.

Sanford B. Wanner
Clerk to the Board

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER, 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. Financial Trends and FY 05-06 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, and Suzanne R. Mellen, Director of Budget and Accounting, provided the Board with an overview of the Revenues and Expenditures for Fiscal Year 2004 and anticipated figures for Fiscal Years 2005 and 2006.

The Board and staff discussed the figures, School funding, projected revenue growth, anticipated impacts of Hurricane Isabel on the sales tax revenues and overall budget, and utilization of fund balance to stabilize the County contributions.

The Board requested information on the number of outstanding buildable residential lots that are available in the County, the age range of the public school children in the older subdivisions, what impacts of the model reflecting the higher projected enrollment numbers will have on the potential need for an additional educational facilities and funding, and review of the utilization of educational classroom space by the Schools.

The Board and staff discussed the tax rate and guidance on spending and allocation of funding to the schools.

Mr. Brown requested a straw vote on the proposal to have staff develop a Fiscal Year 2005 Budget and a 2006 Budget plan based upon a \$.85/\$100 Real Estate tax rate for 2005 and \$.84/\$100 Real Estate tax rate for 2006, with a continued two-cent reserve contribution for a possible third high school.

The Board and staff discussed the proposal and its potential fiscal impacts.

Mr. Kennedy stated that he would abstain from the straw vote.

Mr. Harrison requested that the Greenspace Fund and the Purchase of Development Rights Fund be preserved in the upcoming Fiscal Years.

On a straw vote, the vote was: AYE: Brown, Goodson, Harrison (3). NAY: McGlennon (1). ABSTAIN: Kennedy (1).

Mr. Wanner stated that he would relay the Board's guidance to staff to prepare a Budget for Fiscal Year 2005 and Budget Plan for Fiscal Year 2006 based upon a \$.85/\$100 Real Estate tax rate in 2005 and a \$.84/\$100 Real Estate tax rate in 2006; and total revenue generation in 2005 will go up by 4.97 percent, schools by 5.52 percent, the County 3.16 percent, the Capital Improvement Projects will rise by 71.15 percent, and Debt Service will rise by 8 percent.

2. 2004 Legislative Program

Mr. Frank M. Morton, III, County Attorney, provided a brief overview of a proposed 2004 Legislative Program of items to be introduced on behalf of the County and supported by the County.

The Board and staff discussed the legislative items and the possibility for items to be approved or denied by the legislators.

Mr. Goodson requested the phrase "which would allow localities to adopt ordinances requiring adequate public facilities and impact fees" be stricken from Item 2-7, *Support of the High Growth Coalition Program*.

Mr. Goodson made a motion to adopt the 2004 Legislative Program as amended to remove the phrase "which would allow localities to adopt ordinances requiring adequate public facilities and impact fees" be stricken from Item 2-7, *Support of the High Growth Coalition Program*.

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

RESOLUTION

2004 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 2004 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the attached 2004 Legislative Program and urges its consideration and passage as appropriate.

3. Riverview Plantation Sanitary District

Mr. Larry Foster, General Manager of the James City Service Authority, presented an overview of the proposed Riverview Plantation Sanitary District ("District") and the anticipated parcels to be included in the District.

Mr. Brown requested that the fees to be paid over five years at a 5 percent interest rate over the term of the payments be reworded to state "the assessed fees plus interest to be paid over five years at 5 percent annual interest rate over the term of the payments."

The Board and staff discussed the fiscal and accounting impacts of those who do not hook up initially to the Riverview Water System.

Mr. Foster recommended that the item regarding subsequent hook ups to the system be removed and have the policy revert payments in accordance to the James City Service Authority Regulations Governing Utility Service.

The Board concurred with the suggestion.

C. RECESS

The Board broke for dinner at 6:14 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF NOVEMBER, 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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Emily Jones, a seventh-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated concern that utilization of the existing school facilities is not being addressed and building additional educational facilities is not necessary at this time.

E. HIGHWAY MATTERS

Mr. Steve Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), stated that the potholes have been fixed on Lake Powell Road (Route 618).

Mr. Hicks stated that the construction on Ironbound Road between Jamestown Road and Sandy Bay Road has been bid.

Mr. Hicks provided an overview of VDOT's role in the debris cleanup, stated that debris within the VDOT easements on primary roadways and interstates will be removed, and stated that the debris removal by VDOT does not include construction material.

Mr. McGlennon requested verification of what material will be removed by VDOT.

Mr. Hicks stated that vegetation will be removed from VDOT easements on roads maintained by VDOT.

Mr. Harrison requested that the old and new phases of The Meadows subdivision needs to be addressed as the roads are deteriorating.

Mr. McGlennon thanked VDOT for moving the Sandy Bay/Ironbound Road project.

Mr. Goodson stated that the directional road signs at the intersection of Route 199 and Jamestown Road needs to be reviewed.

Mr. Hicks stated that the east and west directional on Route 199 will be changed to north and south in 2005.

Mr. Kennedy thanked Mr. Hicks for working with the Board and for the accomplishments that have been achieved in the Stonehouse District.

Mr. Hicks provided the Board with an overview of the fiscal status of VDOT as impacted by Hurricane Isabel and what funds are available for snow removal and tunnel safety.

F. CONSENT CALENDAR

Mr. Harrison inquired if a member wished to pull an item from the Consent Calendar.

Mr. Goodson requested Item No. 6, Williamsburg Community Health Foundation Debris Removal Assistance Grant, be pulled.

Mr. McGlennon made a motion to adopt the remainder of 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 – October 28, 2003, Work Session
2. 2003 Police Officer of the Year – Richard A. Schugeld

RESOLUTION OF APPRECIATION

2003 POLICE OFFICER OF THE YEAR - RICHARD A. SCHUGELD

WHEREAS, Senior Officer Richard A. Schugeld has demonstrated his talents and expertise in the exemplary work he has accomplished and through his assistance and help to fellow officers; and

WHEREAS, Officer Schugeld has worked as a patrol officer and field training officer, providing training to three new police recruits and several auxiliary officers since May 2002; and

WHEREAS, he has served as a member of the SWAT Team, undergoing over 200 hours of tactical and specialized weapons training, as well as participated in over ten SWAT operations; and

WHEREAS, he has coordinated the Police Explorer Program, providing over 100 hours of training and activities for the involved youths; and

WHEREAS, Richard Schugeld's excellent attitude and work ethic represent the best in the law enforcement community.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby commend the outstanding public service of

Richard A. Schugeld

and presents him with this resolution of appreciation from a grateful community.

3. Metropolitan Medical Response System

RESOLUTION

METROPOLITAN MEDICAL RESPONSE SYSTEM

WHEREAS, James City County has been participating in regional planning for emergency medical response to catastrophic events or terrorist events; and

WHEREAS, the Hampton Roads Planning District Commission endorses the regional response concept for such emergencies requiring multiple disciplines and specialized capability.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Mutual Aid Agreement and Memorandum of Understanding to provide and receive services within the Metropolitan Medical Response System.

4. Appropriation – Establishment of a Full-Time Limited-Term Bus Driver Position for Williamsburg Area Transport

RESOLUTION

APPROPRIATION - ESTABLISHMENT OF A FULL-TIME LIMITED-TERM BUS DRIVER

POSITION FOR WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented transportation services in support of the College of William and Mary students for which the County is reimbursed by the College.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a full-time limited-term bus driver position to provide service to the College of William and Mary and authorizes the following appropriation in the FY 2004 WAT Budget:

Revenue:

From the College of William and Mary \$19,500

Expenditure:

One Full-Time Limited-Term Bus Driver \$19,500

5. Installation of “Watch for Children” Signs – Bradshaw Ordinary and Sycamore Landing

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - BRADSHAW ORDINARY

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Bradshaw Ordinary community have requested that a “Watch for Children” sign be installed on Bradshaw Drive as illustrated on the attached drawing titled “Bradshaw Ordinary ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN - SYCAMORE LANDING

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of the Sycamore Landing community have requested that a “Watch for Children” sign be installed on Sycamore Landing Road as illustrated on the attached drawing titled “Sycamore Landing ‘Watch for Children Sign’.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

6. Williamsburg Community Health Foundation Debris Removal Assistance Grant

Mr. Anthony Conyers, Jr., Community Services Manager, stated that the County received a Debris Removal Assistance Grant from the Williamsburg Community Health Foundation for low-income citizens.

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

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION

DEBRIS REMOVAL ASSISTANCE GRANT

WHEREAS, the Williamsburg Community Health Foundation has awarded James City County a grant for Debris Removal Assistance for low-income citizens; and

WHEREAS, the Department of Community Services will oversee the project and work in cooperation with the Division of Social Services to determine eligibility and contract with the Williamsburg-James City County Community Action Agency to perform the work for a period of one year beginning September 18, 2003.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the \$25,000 grant awarded by the Williamsburg Community Health Foundation to assist low-income citizens with debris removal.

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

Revenue:

From the Williamsburg Community Health Foundation	<u>\$25,000</u>
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Expenditure:

Debris Removal	<u>\$25,000</u>
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G. PUBLIC HEARING

1. Chesapeake Bay Preservation Ordinance

Mr. Darryl E. Cook, Environmental Director, presented an amended Chesapeake Bay Preservation Ordinance that complies with the State Chesapeake Bay Preservation Area Designation and Management Regulations and recommended the Board adopt the Ordinance.

2.d. Mr. Brown requested an amendment for the addition of “or State” to the fourth line of Section 23-10

Mr. Cook stated that the Ordinance could be amended to include that language.

Mr. Harrison opened the Public Hearing.

1. Mr. J. Timmons Roberts, 128 Chanco Road, stated support for the revisions to the Ordinance and inquired if buffers could be created along intermittent streams.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the stream flow included Skiffe's Creek and if the standard will apply to existing Resource Protection Areas (RPA).

Mr. Cook stated that it would.

Mr. Brown inquired if the exiting 100-foot RPA buffer would be impacted by the Ordinance.

Mr. Cook stated that the RPAs have been in existence for several years and the requirements for RPAs have not changed.

3. Mr. Rich Costello, 10020 Sycamore Landing Road, stated that if the non-conforming structures require waivers, the conditions have changed and will impact existing single-dwelling structures.

Mr. Cook stated that language similar to this has been included in other documents and expansion of structures can be achieved through mitigations and preexisting lots do not have to go through a rigorous buffer test.

Mr. Brown inquired if relief from the buffer requirements on preexisting lots can be appealed.

Mr. Cook stated that appeal avenues exist, and that an appeal for an expansion has not previously gone to the Wetlands Board.

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

Mr. McGlennon made a motion to adopt the Ordinance as amended.

The Board thanked staff and citizens for their work regarding the Ordinance.

Mr. Brown requested that when the policy for the Ordinance is developed, that a presentation be made to the Board.

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

H. BOARD CONSIDERATION

1. Chesapeake Bay Preservation Ordinance Transition – Amendments and Grandfathering/Vesting Rules

Mr. Darryl E. Cook, Environmental Director, provided an overview of a resolution outlining grandfathering/vesting rules for the revised Chesapeake Bay Preservation Ordinance and requested adoption of the resolution.

The Board and staff discussed an example of a situation where grandfathering would impact the Ordinance requirements.

Mr. Harrison 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

CHESAPEAKE BAY PRESERVATION ORDINANCE TRANSITION -

AMENDMENTS AND GRANDFATHERING/VESTING RULES

WHEREAS, the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 23, Chesapeake Bay Preservation, of the Code of the County of James City, Virginia; and

WHEREAS, the orderly transition from the existing Chesapeake Bay Ordinance to the revised Ordinance requires transition rules to affect the changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the grandfathering/vesting rules for the revised Chesapeake Bay Preservation Ordinance, which has an effective date of January 1, 2004, as set forth below:

All site and subdivision plans (conceptual or preliminary) must comply with the revised Ordinance unless the plans fall under one or more of the following criteria:

1. Final Site and Subdivision Plans. Approved final plans that are still valid in accordance with Chapter 19 and Chapter 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact an established Resource Protection Area (RPA) (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.
2. Preliminary Site and Subdivision Plans. Approved preliminary plans that are still valid in accordance with Chapter 19 and Chapter 24 of the County Code will not be subject to the revised Ordinance. However, revisions to such approved plans that impact an established RPA (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.
3. Site and Subdivision Plans in the Review Process. Plans already in the development review process and those accepted for review prior to the effective date of the Ordinance will not be subject to the revised Ordinance. However, "accepted" shall mean that the plan contains all the information required in the Zoning and Subdivision Ordinances at the time of submission. Any plan determined to be deficient will need to be resubmitted, and if submitted after the effective date, it will have to comply with the revised Ordinance. However, revisions to such plans after submission that impact an established RPA (RPA based on the original USGS solid blue line streams) will have to comply with the provisions of the revised Ordinance relating to the exception process. These plans will not be subject to a review of the RPA delineation involving on-site determination of water bodies with perennial flow.

4. Conceptual Plans. Conceptual plans approved prior to the effective date of the Ordinance will not be grandfathered nor will they grandfather any subsequent site or subdivision plans.
5. Rezoning and Special Use Permits. Approved rezoning and special use permits will have to comply with the provisions of the revised Ordinance unless the property cannot legally be developed to the proffered density, use, or square footage because of the new rules, or there is a specific feature (such as a house or other structure; a road, storm drain, or some other facility) shown on the proffered zoning plan that is located within the RPA, in which case the landowner may develop to the proffered density, use, or square footage minimizing any intrusions into RPA to the extent possible. The specific feature must be built consistent with all other applicable zoning and subdivision requirements. Once the specific feature is developed as shown on the proffered zoning plan, the provisions of the Ordinance RPA applies in full to any future development.

I. PUBLIC COMMENT

1. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, stated concern that VDOT will not be collecting construction debris.
2. Mr. Ed Oyer, 139 Indian Circle, wished everyone a safe holiday.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner presented a resolution to change the December Board meeting to December 16, 2003, and into the new Board room.

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

CHANGE OF DATE AND PLACE FOR

BOARD OF SUPERVISORS DECEMBER MEETING

WHEREAS, the regularly scheduled December meeting of the Board of Supervisors is December 9, 2003, at 7:00 p.m., in Building C; and

WHEREAS, the Board desires to change the date and place of the Board meeting to December 16, 2003, and meet in the new Board Room in Building F.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Board of Supervisors meeting schedule to change the scheduled meeting to December 16, 2003, in Building F, located at 101-F Mounts Bay Road, James City County, with a work session at 4:00 p.m. and the regular meeting at 7:00 p.m.

Mr. Wanner stated that if the County picks up construction debris not collected by VDOT, the County would be able to collect the debris and be reimbursed for the removal.

Mr. Wanner recommended at the conclusion of the Board meeting, the Board recess to 4 p.m. on December 16 in the new Board room in Building F.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon recommended the Board consider amendment of its contract for the collection of construction debris.

Mr. McGlennon made the motion to amend the agreement.

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

Mr. McGlennon made a motion to authorize the County Administrator to give the day after Christmas and the day after New Year's off to staff in recognition for staff's work during the hurricane.

Mr. Kennedy stated concern regarding the motion given the number of holidays the County observes, the amount of annual and sick leave that employees receive, and the number of days that offices have been closed due to bad weather.

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

L. ADJOURNMENT

Mr. McGlennon made a motion to adjourn.

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

At 8:04 p.m., Mr. Harrison adjourned the Board until 4 p.m. on Tuesday, December 16, 2003, in the new Board meeting room in Building F.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: December 16, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - COPS Homeland Security Overtime Grant

The United States Department of Justice Office of Community Oriented Policing Services (COPS) has advised that James City County's application for the Homeland Security Overtime Grant in the amount of \$48,230 has been approved (\$36,173 Federal share and \$12,057 in matching funds). The funds will be used to pay overtime for officers to participate in homeland security training and to perform homeland security functions, such as directed patrols and security site assessments. The required matching funds of \$12,057 are available in the Police Department budget.

Staff recommends adoption of the attached resolution to accept the grant and appropriate funds to the Special Projects/Grants Fund.

David A. Daigneault

DAD/gs
COPSgrant.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS – COPS HOMELAND SECURITY OVERTIME GRANT

WHEREAS, James City County has received a Homeland Security Overtime Grant from the United States Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$36,173; and

WHEREAS, the grant will allow for officers to receive valuable homeland security training and to conduct homeland security assessments and directed patrols; and

WHEREAS, local matching funds of \$12,057 are required to implement the grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenues:

COPS Homeland Security Overtime Grant	\$36,173
JCC Police Department Budget	<u>12,057</u>
	<u>\$48,230</u>

Expenditure:

COPS Homeland Security Overtime Grant	<u>\$48,230</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 16th day of December, 2003.

COPSgrant.res

MEMORANDUM

DATE: December 16, 2003
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appointment of Deputy Animal Control Officers

Attached for consideration is a resolution appointing Brigette Michelle Dugan and Kimberly Ann MacLean as Deputy Animal Control Officers for James City County. The Animal Control Officers enforce the animal laws within the County. Under an agreement with the City of Williamsburg, James City County Animal Control Officers are authorized to enforce animal laws within the jurisdictional boundaries of the City. Board appointment is necessary in order for Brigette Michelle Dugan and Kimberly Ann MacLean to enforce the State and local animal control laws.

Staff recommends approval of the attached resolution.

David A. Daigneault

DAD/gb
officersappt.mem

Attachment

RESOLUTION

APPOINTMENT OF DEPUTY ANIMAL CONTROL OFFICERS

WHEREAS, the Board of Supervisors of James City County is authorized, pursuant to Virginia Code Section 3.1-796.104, to appoint an Animal Control Officer and one or more Deputy Animal Control Officers to enforce the animal laws; and

WHEREAS, Shirley Anderson was appointed Animal Control Officer on January 8, 2002; and

WHEREAS, Brigitte Michelle Dugan and Kimberly Ann MacLean assist Officer Anderson in enforcing the animal control laws in James City County and the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoint Brigitte Michelle Dugan and Kimberly Ann MacLean as Deputy Animal Control Officers for James City County, Virginia.

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 16th day of December 2003.

officersappt.res

MEMORANDUM

DATE: December 16, 2003
TO: The Board of Supervisors
FROM: John T. P. Horne, Acting General Services Manager
SUBJECT: Resolution of Recognition - Crowder-Gulf, Inc. and R. Baker, Inc.

Attached is a resolution to recognize the outstanding service provided by Crowder-Gulf, Inc. and R. Baker, Inc. as the two prime contractors that have assisted the County in removing storm debris after Hurricane Isabel. Both companies have performed admirably, and the resolution is intended to recognize that work. Two representatives will be present at the Board of Supervisors meeting to receive the resolution.

Staff recommends adoption of the attached resolution.

John T. P. Horne

JTPH/gs
stormdebris.mem

Attachment

RESOLUTION OF APPRECIATION

CROWDER-GULF, INC. AND R. BAKER, INC.

WHEREAS, on September 18, 2003, Hurricane Isabel struck James City County, causing massive damage to the community; and

WHEREAS, the entire community suffered damage to trees, structures, and other vegetation that caused debris to fall on public property, roads, and private property; and

WHEREAS, Crowder-Gulf, Inc. and R. Baker, Inc. were contracted by James City County and the Virginia Peninsula's Public Service Authority to collect, process, and dispose of all debris located along roads in residential neighborhoods; and

WHEREAS, since September 24, Crowder-Gulf, Inc. and R. Baker, Inc. have worked with County staff, seven days a week, from dawn to dusk, picking up and processing storm debris, now estimated to be over 500,000 cubic yards, and have done so in an efficient and effective manner; and

WHEREAS, despite spending months away from families and home, the staff of Crowder-Gulf, Inc. and R. Baker, Inc. have conducted these operations in a responsive, professional, and effective manner, while maintaining a remarkably friendly and cooperative demeanor.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks the staff of Crowder-Gulf, Inc. and R. Baker, Inc. for outstanding service to the citizens of James City County.

BE IT FURTHER RESOLVED that this resolution be presented to Mr. Hugh Houlton and Mr. Ralton Baker as the local representatives of the companies to recognize their particular role in making this effort a success.

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 16th day of December, 2003.

debris2.res

M E M O R A N D U M

DATE: December 16, 2003

TO: The Board of Supervisors

FROM: Leo P. Rogers, County Attorney

SUBJECT: Resolution Approving Voluntary Agreement to Change or Establish Common Boundary Line between the County of York, Virginia, and the County of James City, Virginia

Attached for consideration is a resolution authorizing the County Administrator to execute an agreement and such other documents as may be necessary to prospectively establish the common boundary line between York County and James City County near Newman Road and Skimino Creek. The Agreement confirms that the jurisdictional boundary line between the localities is the existing centerline for Skimino Creek. If approved, the Agreement would not change the boundary line currently used by the localities. The Agreement becomes effective when it is approved by each of the localities and is confirmed by the Circuit Court for one of the localities. York County will be considering the Agreement at its Board of Supervisors meeting on December 16, 2003.

The common boundary line between York County and James City County was questioned in a dispute over the ownership of real property between the Laurel Lakes Waterfront Property Owners Association (“Laurel Lakes POA”) and Gary and Donna Fouts and Scimmino Recreation, Inc., trading as Williamsburg KOA (“KOA”). One lawsuit between the parties was recently dismissed in York County Circuit Court and another lawsuit is currently pending in the Williamsburg/James City County Circuit Court. The historical boundary line between the counties is in dispute because the Laurel Lakes POA claims to own a small area of lakefront property if it is located in York County, and the KOA claims to own the same property if it is located in James City County.

The focus of this dispute is the centerline for Skimino Creek. York County and James City County have historically used the existing centerline of Skimino Creek as their common jurisdictional boundary. The KOA alleges that the centerline for Skimino Creek has changed since it was identified as common boundary line in the 1600s. If the KOA’s allegations are correct, approximately 2.14± acres of land would be in James City County that both York County and James City County currently designate as being in York County. The 2.14± acres in question are generally low lying swamp land of little value to either jurisdiction. Attached is a drawing which depicts the land that could be in James City County if the KOA’s allegation of the historical boundary line is correct.

Confirming the current boundary line between the localities should not affect the litigation between parties. York and James City County are merely confirming their common jurisdictional boundary line and such action does not affect the ownership of property. The confirmed boundary line would only operate prospectively. The KOA and Laurel Lakes POA would still need to convince a court that they owned such property based on the legal description in their deeds and the historical boundary line between York County and James City County.

This matter is being considered by York County and James City County for two reasons. First, the York County Circuit Court Judge agreed to dismiss the lawsuit in York County Circuit Court, in part, to give the localities an opportunity to reestablish or confirm their common boundary line. The Judge’s decision was made despite the fact both York County and James City County represented to the Court that there was no dispute between the localities as to where the common boundary line was believed to be. The second reason for addressing this issue is that, due to the perceived uncertainty about the location of the common boundary line, public safety and regulatory agencies for each locality have been called to resolve disputes. Examples of such disputes include the erection of barriers, calls to law enforcement, and identification of environmental problems. Although the

Resolution Approving Voluntary Agreement to Change or Establish Common Boundary Line between
the County of York, Virginia, and the County of James City, Virginia

December 16, 2003

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proposed action does not change the current common boundary line, it should resolve any dispute as to which
county has jurisdiction over the contested area.

I recommend adoption of the attached resolution.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/adw
boundary.mem

Attachments

RESOLUTION

APPROVING A VOLUNTARY AGREEMENT

TO CHANGE OR ESTABLISH COMMON BOUNDARY LINE

BETWEEN THE COUNTY OF YORK, VIRGINIA,

AND THE COUNTY OF JAMES CITY, VIRGINIA

WHEREAS, there exists uncertainty about the location of the common boundary line between the County of York (“York”) and the County of James City (“James City”) in the vicinity of Newman Road and Skimino Creek; and

WHEREAS, York and James City have historically considered the common boundary line between the jurisdiction to be the existing centerline of Skimino Creek as it now exists; and

WHEREAS, the centerline for Skimino Creek may have moved from the time the common boundary line was established; and

WHEREAS, following a public hearing, the Board of Supervisors of James City County is of the opinion that the public interest will be served by establishing prospectively the common boundary line between York and James City as being the existing centerline of Skimino Creek as shown on a plat of survey entitled “Plat Showing Existing Skimino Creek Centerline Prepared for York County and James City County” dated February 14, 2003, and prepared by AES Consulting Engineers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to Virginia Code Sections 15.2-3100 et. seq., authorizes and directs the County Administrator to execute the Voluntary Agreement to Change or Establish Common Boundary Line and such other documents as may be necessary to effectuate the purposes of the Agreement and this Resolution.

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 16th day of December, 2003.

boundary.res

James City County



JCC Line

2.15 acres



0 0.1 0.2 Miles
1 inch equals 500 feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.

MEMORANDUM

DATE: December 16, 2003

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney
William C. Porter, Jr., Assistant County Administrator

SUBJECT: Acquisition of 96.658± acres for Landfill Buffer

Attached is a resolution authorizing the County Administrator to execute an Agreement in Lieu of Condemnation with Gray Associates and VMI Foundation, Incorporated. The Agreement provides that the County will receive an easement over the 96.658 acres adjacent to the County Landfill and establishes a process by which the County will receive title to the property. Upon execution of the Agreement, the County will establish an escrow fund in the amount of \$241,645. This amount is equal to \$2,500 per acre plus the present value of a portion of the taxes on the property until 2021. If the property owners use the property for density or open space credits prior to March 1, 2021, then title to the land and the escrowed funds plus interest shall belong to the County. If the property owners do not use the density or open space credits prior to March 1, 2021, then ownership of the land shall belong to the County and the property owners shall receive the escrow funds plus interest.

This property is needed to provide a buffer to the County Landfill. The County and the Virginia Department of Environmental Quality have an agreement in principle on a plan to control pollution migration from the closed landfill. Establishing buffers around the County Landfill is a part of that plan.

Staff recommends approval of the attached resolution authorizing the Agreement.

Leo P. Rogers

William C. Porter, Jr.

LPR/DP/gb
buffer.mem

Attachment

RESOLUTION

ACQUISITION OF 96.658± ACRES FOR LANDFILL BUFFER

WHEREAS, the County is interested in acquiring 96.658± acres of land designated as a portion of Parcel No. (1-2) on James City County Real Estate Tax Map No. (30-3), (the "Property"), owned by Gray Associates, a Virginia general partnership, and VMI Foundation, Incorporated, a Virginia nonprofit corporation ("Owners"); and

WHEREAS, the County and the Owners have agreed to a purchase price of \$2,500 per acre; and

WHEREAS, the Owners are willing to convey an easement to the County and enter into a contract to sell the Property to the County in exchange for the County escrowing the purchase price so that the Owners would receive the escrowed funds plus interest if the density and open space credits are not used by the Owners prior to March 1, 2021, otherwise the County would receive the escrowed funds plus interest; and

WHEREAS, the Property would serve to buffer the County Landfill which was closed in 1993.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute the Agreement in Lieu of Condemnation with the Owners of the Property, to establish an escrow account in the amount of \$241,645 and to execute such other documents as may be necessary to effectuate the Agreement

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 16th day of December, 2003.

buffer.res