

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**February 24, 2004**

**7:00 P.M.**

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**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** - Travis Owens, a fourth-grade student at Stonehouse Elementary School

**D. HIGHWAY MATTERS**

**E. PRESENTATION**

1. Annual Financial Report – KPMG LLP

**F. PUBLIC COMMENT**

**G. CONSENT CALENDAR**

1. Minutes
  - a. February 10, 2004, Regular Meeting
  - b. February 12, 2004, Retreat – VACo/VML Legislative Day
2. Dedication of Streets
  - a. Longhill Station, Section II
  - b. Jamestown Hundred
  - c. John Tyler Commercial Center and Office Park
3. Installation of “Watch for Children” Signs – The Pointe at Jamestown
4. Department of Motor Vehicles Grant
5. Citizen Corps Grant Funds Award
6. FY 2005 Virginia Department of Rail and Public Transportation Grant Application
7. Award of Contract - Boat Ramp Improvements at Chickahominy Riverfront Park

**H. BOARD CONSIDERATION**

1. Award of Contract - Construction of Columbia Way

**I. PUBLIC COMMENT**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. BOARD REQUESTS AND DIRECTIVES**

**- CONTINUED -**

**L. CLOSED SESSION**

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Historical Commission

**M. ADJOURNMENT**

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MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Suzanne R. Mellen, Director of Budget and Accounting  
SUBJECT: Annual Financial Report - KPMG LLP

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Included in your Reading File are the FY 03 Financial Statements for James City County and James City Service Authority. Elizabeth P. Foster, Partner at KPMG LLP, will present an overview to the Board.

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Suzanne R. Mellen

CONCUR:

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John E. McDonald

SRM/gb  
audit03.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF FEBRUARY, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
Michael J. Brown, Vice Chairman, Powhatan District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District  
Jay T. Harrison, Sr., Berkeley District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Chris Ford, a fifth-grade student at D. J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that the fees and taxes citizens pay are excessive, and commented on the passing of Joe Kirby, a County employee.

**E. CONSENT CALENDAR**

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

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

1. Minutes –

- a. January 24, 2004, Retreat
- b. January 27, 2004, Work Session
- c. January 27, 2004, Regular Meeting

2. Lower Skiffe’s Creek Watershed Study Grant Award and Builders for the Bay Grant Award

**RESOLUTION**

**LOWER SKIFFE’S CREEK WATERSHED STUDY GRANT AWARD AND BUILDERS FOR THE BAY GRANT AWARD**

WHEREAS, the Department of Conservation and Recreation (DCR) has approved two grants totaling \$24,300 for the Builders for the Bay - James City County and the Lower Skiffe’s Creek Watershed Management Plan project; and

WHEREAS, the grant requires a local match of \$24,300, which is available in the Capital Improvement Program (CIP) Operating Budget; and

WHEREAS, the grant will be administered by DCR with a grant period of February 10, 2004, through January 31, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County’s next fiscal year.

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

Revenues:

From the Capital Projects Fund	\$24,300
Builders for the Bay Grant Award	5,000
Lower Skiffe’s Creek Watershed Study Grant Award	<u>19,300</u>
Total	<u>\$48,600</u>

Expenditures:

Lower Skiffe’s Creek Watershed Management Plan	\$38,600
Builders for the Bay	<u>10,000</u>
Total	<u>\$48,600</u>

3. James City County Road Construction Revenue Sharing Program – FY05

**RESOLUTION**

**JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING PROGRAM - FY 05**

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2005-06; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 1, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 2005-06, with an amount not to exceed \$500,000.

**F. PUBLIC HEARINGS**

Mr. Goodson recognized Ms. Peggy Wildman, Planning Commission, in the audience.

1. Case Nos. Z-8-03/MP-9-03. Norge Neighborhood

Ms. Sarah Weisiger, Planner, stated that Mr. V. Marc Bennett, on behalf of Pete Henderson of Henderson, Inc., has submitted an application to rezone approximately 22.1 acres, zoned A-1, General Agriculture, and R-2, General Residential, at 7145 and 7147 Richmond Road, 75 Nina Lane, and 126 Rondane Place, further identified as Parcel Nos. (1-50), (1-49), (1-50C), and (1-51) on James City County Real Estate Tax Map No. (23-2).

Staff found the proposal, with proffered conditions, met the expectations outlined in the Comprehensive Plan for residential development and limited commercial development within areas designated Low-Density Residential on the Land Use Map.

At its meeting on January 12, 2004, the Planning Commission recommended approval of the rezoning and acceptance of the voluntary proffers by a vote of 6-1.

Staff recommended approval of the rezoning application with the proffered conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, provided an overview of the proposal and requested the Board's approval of the project.

2. Mr. Ed Oyer, 139 Indian Circle, requested the Board deny the application based on the increase in proposed density.

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

The Board and staff discussed the Adequate Public School Facilities Test and other policies that the Board may wish to reconsider for future applications, commented on the applicant's adherence to the established guidelines and meaningful contact with surrounding potential neighbors regarding the proposal, adequate affordable housing, and the proposed sidewalks on both sides of the street at the entrance to the project.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that during the review of the site plan, the Planning Office will review the sidewalks.

The Board discussed reviewing the financial implications of development on the County, and review of the applicability of the Adequate Public School Facilities Test.

Mr. Bradshaw made a motion to approve the resolution.

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

## RESOLUTION

### CASE NOS. Z-8-03/MP-9-03. NORGE NEIGHBORHOOD SITE

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-8-03, for rezoning approximately 22.1 acres from A-1, General Agricultural, and R-2, General Residential, to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 12, 2004, recommended approval of Case Nos. Z-8-03/MP-9-03, by a vote of 6 to 1; and

WHEREAS, the properties are located at 7145 and 7147 Richmond Road, 75 Nina Lane, and a portion of 126 Rondane Place as shown on the Master Plan MP-9-03 and further identified as Parcel Nos. (1-50), (1-49), (1-50C), and (1-51), on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-8-03/MP-9-03 and accepts the voluntary proffers.

#### 2. Case Nos. Z-13-03/MP-12-03/SUP-29-03. Michelle Point

Ms. Ellen Cook, Planner, stated that Jay Epstein of Health-E-Community Enterprises applied to rezone 38.58 acres, zoned A-1, General Agricultural, at 9001 Barhamsville Road and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-1).

Staff found the Master Plan and proffers to be consistent with surrounding development and zoning, and consistent with the Comprehensive Plan.

Staff found the proposal satisfactorily met the Zoning Ordinance criteria for granting a special use permit with regard to additional density, and the waiver request for the right-of-way buffer has been sufficiently supported by proffers.

At its meeting on January 12, 2004, the Planning Commission recommended approval of the project by a vote of 6-1, subject to the highway crossover issue being resolved, which it has now been.

Staff recommended the Board's approval of the rezoning, special use permit, and buffer waiver request.

Mr. Bradshaw inquired if the neighboring community's well water levels will be affected by the proposal.

Mr. Larry Foster, James City Service Authority (JCSA) General Manager, stated that there would not be a negative impact on the water table levels and that over time the neighborhood will see less of an impact on the well water levels.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, provided the Board with an overview of the proposal, commented on the project's benefits to the County, and requested approval of the proposal.

Mr. Bradshaw stated that at a public meeting held by Mr. Epstein, Mr. Epstein had commented that the County may offer a discount on the fees associated with water and sewer hook ups to make the housing affordable. The application does not indicate that occurred.

Mr. Geddy stated that the JCSA did not offer discounted fees on the hookup for water or sewer.

Mr. Bradshaw and the applicant discussed the method and proffer criteria for the affordable housing units to be offered through the County's Office of Housing and Community Development for its residents and those employed in the County.

2. Mr. Ken Wolf, 202 Highfield Drive, stated concern about the proposed access road through the field located near his backyard to a trail and playground area and that those features may encourage the neighborhood residents to wander through his property; stated concern that the bend near the entrance to the development may pose as a safety hazard; and stated concern that the development does not meet the Adequate Public Schools Facility test.

3. Mr. Ed Oyer, 139 Indian Circle, requested the Board deny the application based on the increase in proposed density and concern regarding the water table levels for residential wells.

4. Mr. Jim Salvatore, 101 Worplesdon, stated concern that the new landowners in the County are not properly advised of development proposals in surrounding areas; stated concern that should the proposed development impact the wells in the surrounding neighborhoods those neighbors may have to pay a hookup fee to water and sewer; and requested clarification on the size of trees to be planted as a buffer.

Mr. Brown stated that diameter of the trees to be planted will be 2.5 inches.

5. Mr. David Obert, 103 Halfpenny Drive, stated that he opposed the development and would like to see the land remain rural, and stated concern that the proposal failed the Adequate Public School Facilities test.

6. Ms. Rose Beckmann, 207 Highfield Drive, stated concern that not all the surrounding neighbors were notified of the proposal, requested the Board defer the item until the neighbors have an opportunity to speak to the matter, inquired about the second entrance to the development and its impact on the property owners adjacent to the access road, stated concern about the runoff from the development that will not be routed to the Best Management Practice (BMP), and that neighboring residents will not have a safety barrier separating them from the playground area.

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

Mr. Brown requested the applicant address the pathway between the proposed development and Burnham Woods.

Mr. Epstein stated that as approved by the Fire Department, the pathway is for emergency use only by emergency vehicles.

Mr. McGlennon inquired how the drainage issue would be addressed.



Mr. Mark Rinaldi, LandMark Design Group, stated that drainage would be coming off Burnham Woods onto Michelle Point, and not the other way around, and at the engineering phase, the developer will be responsible for managing the drainage.

Mr. Harrison inquired if the land will be elevated or enhanced to help the drainage issue.

Mr. Rinaldi stated that an opportunity to alleviate the drainage problem would be presented.

Mr. McGlennon inquired if neighborhood wells fail, will owners be required to hookup to County water and sewer.

Mr. Morton stated that citizens outside the Primary Service Area would not be required to hook into the JCSA utilities if the wells fail.

Mr. McGlennon inquired if the opportunity would be provided if they want to connect.

Mr. Foster stated that the water system to serve the proposed Michelle Point has been designed to be expanded in the event of an emergency requiring such service.

Mr. Epstein stated that screening and fencing will be provided on the playground.

Mr. McGlennon inquired about the specific site to be fenced and the type of screening to be provided for neighbors.

Mr. Epstein and Mr. Geddy stated the fencing will be around the area for small children and that screening will be consistent with typical screening requirements.

Mr. McGlennon inquired if the new notification process within the Planning Department will contact nearby neighbors.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the notification process adheres to the Virginia State Code requirements and he would review the process.

Mr. Bradshaw made a motion to adopt the resolution approving the permit.

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

## **RESOLUTION**

### **CASE NOS. Z-13-03/MP-12-03. MICHELLE POINT**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-13-03 for rezoning 38.58 acres from A-1, General Agricultural, to R-5, Multifamily Residential, Cluster, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on January 12, 2004, recommended approval of Case Nos. Z-13-03/MP-12-03, by a vote of 6 to 1; and

WHEREAS, the proposed residential cluster is shown on the Master Plan prepared by LandMark Design Group, Inc., dated January 5, 2004, and entitled "Michelle Point: A "Green Community of Mixed Cost Housing"; and

WHEREAS, the property is located at 9001 Barhamsville Road and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (12-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-13-03/MP-12-03 and accepts the voluntary proffers.

### **RESOLUTION**

#### **CASE NO. SUP-23-03. DAVID A. NICE BUILDERS OFFICE EXPANSION**

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

WHEREAS, Mr. Mike Suerdieck has applied on behalf of the David A. Nice Builders, Inc., for a special use permit to add a second floor to an existing addition on a contractor's office located at 4575 Ware Creek Road. The proposed 797-square-foot addition will increase the size of the structure to approximately 4,415 square feet; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-15B) on James City County Real Estate Tax Map No. (14-1); and

WHEREAS, the Planning Commission, following its public hearing on January 12, 2004, voted 7-0 to recommend approval of 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. 23-03 as described herein with the following conditions:

1. If construction has not commenced on the project within twelve months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
2. The addition shall not exceed 800 square feet in size and shall be designed and constructed as a second-story addition only as shown in the attached drawings prepared by Mike Suerdieck, and entitled "Office 2nd Level Addition," Sheets T-1, A-1, and A-2, dated December 14, 2001.
3. There shall be no more than 20 persons employed on the property.
4. The building materials and colors of the addition shall match those of the existing office building. The colors and building materials for the addition shall be submitted to and approved by the Planning Director prior to final site plan approval.
5. This special use permit is not severable. The invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

Ms. Sarah Weisiger, Planner, stated that Mike Suerdieck has applied for a special use permit to construct a second floor addition to an existing contractor's office on .93 acres zoned A-1, General Agriculture, located at 4785 Ware Creek Road, and further identified as Parcel No. (1-15B) on James City County Real Estate Tax Map No. (14-1).

Staff found the unique zoning history coupled with the physical aspects of the proposed addition would mitigate the impacts of this use within an area designated Rural Lands on the Comprehensive Plan Land Use Map.

At its meeting on January 12, 2004, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended approval of the Permit with conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Mike Suerdieck, applicant, concurred with staff's report of the proposal.

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

Mr. Harrison made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-23-03. DAVID A. NICE BUILDERS OFFICE EXPANSION**

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

WHEREAS, Mr. Mike Suerdieck has applied on behalf of the David A. Nice Builders, Inc., for a special use permit to add a second floor to an existing addition on a contractor's office located at 4575 Ware Creek Road. The proposed 797-square-foot addition will increase the size of the structure to approximately 4,415 square feet; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-15B) on James City County Real Estate Tax Map No. (14-1); and

WHEREAS, the Planning Commission, following its public hearing on January 12, 2004, voted 7-0 to recommend approval of 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. 23-03 as described herein with the following conditions:

1. If construction has not commenced on the project within twelve months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.

2. The addition shall not exceed 800 square feet in size and shall be designed and constructed as a second-story addition only as shown in the attached drawings prepared by Mike Suerdieck, and entitled "Office 2nd Level Addition," Sheets T-1, A-1, and A-2, dated December 14, 2001.
3. There shall be no more than 20 persons employed on the property.
4. The building materials and colors of the addition shall match those of the existing office building. The colors and building materials for the addition shall be submitted to and approved by the Planning Director prior to final site plan approval.
5. This special use permit is not severable. The invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

4. Case No. AFD-12-86. Gospel Spreading Church AFD – 2004 Gilley Addition

Ms. Sarah Weisiger, Planner, stated that Robert E. Gilley applied to add approximately 71.33 acres, zoned R-8, Rural Residential, to the Gospel Spreading Church Agricultural and Forestal District. The parcel is located along the west side of Mill Creek from an area adjacent to 223 Gatehouse Boulevard extending approximately two miles downstream to the Colonial Parkway and can be further identified as Parcel No. (1-42) on James City County Real Estate Tax Map No. (48-3).

Staff found the proposed addition met the minimum area and proximity requirements for inclusion into the Agricultural and Forestal District.

At its meeting on December 16, 2003, the Agricultural and Forestal District Advisory Committee recommended approval by a vote of 5-0.

At its meeting on January 12, 2004, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended approval of the addition to the District subject to the conditions of the existing District as listed in the resolution.

Mr. Bradshaw inquired if there are structures on the site.

Ms. Weisiger stated that there are no structures on the parcel.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

ORDINANCE NO. \_\_\_\_\_

AFD-12-86. GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT

2004 GILLEY ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Gospel Spreading Church Area; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 16, 2003, recommended approval of the application by a vote of 5-0; and

WHEREAS, the Planning Commission, following its public hearing on January 12, 2004, recommended approval of the application by a vote of 7-0.

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

1. The Gospel Spreading Church Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Mr. Robert E. Gilley (48-3) (1-42) 71.33 acres

2. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
  - b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land inside the PSA and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on

AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

5. Case Nos. SUP-22-03/HW-2-03. Busch Gardens Oktoberfest Expansion

Ms. Ellen Cook, Planner, stated that Ronnie Orsborne of LandMark Design Group applied on behalf of Busch Entertainment Corporation for a special use permit to allow the construction of an approximately 40,000 square-foot pre-manufactured metal building to be located within Busch Gardens; and applied for a height limitation waiver to construct themed elements up to 80 feet tall that would be added to the exterior of the proposed building to enhance guest experience.

Staff found the proposal would have minimal impact on the surrounding areas due to its location within Busch Gardens and well below the height of existing adjacent amusement attractions.

At its meeting on January 12, 2004, the Planning Commission recommended approval of the application by a unanimous vote.

Staff recommended approval of the proposal with conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. Larry Giles, representing the applicant, concurred with staff's report.

Mr. McGlennon inquired if the 36-month time-frame is adequate for Busch Gardens to move forward with the project.

Mr. Giles stated that would be adequate.

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

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**CASE NO. SUP-22-03. BUSCH GARDENS OKTOBERFEST EXPANSION**

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

WHEREAS, Mr. Ronnie Orsborne has applied on behalf of Busch Entertainment Corporation for a special use permit to allow for the construction of an approximately 40,000-square-foot pre-manufactured metal building; and

WHEREAS, the proposed building is shown on the plan prepared by Landmark Design Group, dated November 10, 2003, and entitled "BGW Oktoberfest Expansion: Sight Lines"; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial District, and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (51-4); and

WHEREAS, the Planning Commission, following its public hearing on January 12, 2004, voted 7-0 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. 22-03 as described herein with the following conditions:

1. This special use permit shall be limited to the construction of an approximately 40,000-square-foot building, which is generally located as shown on "BGW Oktoberfest Expansion: Sight Lines" prepared by LandMark Design Group, dated November 10, 2003, with minor changes approved by the Development Review Committee (DRC).
2. A lighting plan shall be submitted to, and approved by, the Planning Director or his designee prior to the issuance of a final Certificate of Occupancy. The plan shall indicate no glare outside the property lines: "Glare" shall be defined as more than 0.1 footcandle at the Busch Gardens property line.
3. All elements of this building shall be limited to a maximum height of 80 feet above grade.
4. Construction on this project shall commence within thirty-six months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

6. **Case Nos. SUP-25-03/26-03/27-03. James City County Communications Towers**

Mr. Matthew D. Arcieri, Planner, stated that Richard M. Miller, Fire Chief, applied for special use permits to construct three communications towers at the Virginia Peninsula Regional Jail located off Merrimac Trail, Landfill off Jolly Pond Road, and the Hankins Industrial Park located at 129 Industrial Boulevard; zoning of R-8, Rural Residential, at the Virginia Peninsula Regional Jail; zoning of A-1, General

Agriculture, at the Landfill; and M-2, General Industrial, at the Hankins Industrial Park; and can be further identified as Parcel Nos. (1-11), (1-4), and (1-62A) on James City County Real Estate Tax Map Nos. (60-1), (30-1), and (12-4).

Staff found the proposals are generally consistent with the County's Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan.

At its meeting on January 12, 2004, the Planning Commission recommended approval by a vote of 7-0 for the Virginia Peninsula Regional Jail and the Landfill towers.

At its meeting on February 2, 2004, the Planning Commission recommended approval by a vote of 7-0 for the Hankins Industrial Park tower.

Staff recommended approval of the permits with conditions.

Mr. McGlennon inquired if the County's Performance Standards for Wireless Communications Facilities permitted co-location of towers at the Hankins Industrial Park site without setting a precedence for future cases.

Mr. Morton stated that staff has reviewed the location and the Policy.

Mr. Bradshaw stated that he concurred with Mr. McGlennon and that public safety is paramount and understood the necessity for the arrangement.

Mr. Bradshaw stated that the towers could accommodate two additional antennas and inquired if the towers could handle additional antennas.

Chief Miller stated that the number of antennas is dependent upon the tower's ability to handle additional weight and structure.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this item, Mr. Goodson closed the Public Hearing.

Mr. Brown made a motion to adopt the resolutions.

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

## **RESOLUTION**

### **CASE NO. SUP-25-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -**

#### **MERRIMAC TRAIL**

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

WHEREAS, communication towers over 35 feet in height are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 13, 2004, recommended approval of Case No. SUP-25-03 by a 7-0 vote to permit the construction



and operation of a 280-foot-tall communication tower as part of the James City County 800-MHz trunked radio system at the Virginia Peninsula Regional Jail on 9320 Merrimac Trail and further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (60-1).

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. 25-03 as described herein with the following conditions:

1. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 280 feet. The property shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for Existing Cellular Tower Modification at Virginia Peninsula Virginia Peninsula Regional Jail" dated December 1, 2003, with minor changes approved by the Director of Planning.
2. Existing trees on the Virginia Peninsula Regional Jail site shall be preserved to the maximum extent possible as determined by the Director of Planning.
3. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
4. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit or the permit shall become void.
5. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
6. The tower shall have a finish that is gray in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
7. No advertising material or signs shall be placed on the tower.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

**RESOLUTION**

**CASE NO. SUP-26-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -**

**JOLLY POND ROAD**

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

WHEREAS, communication towers over 35 feet in height are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 13, 2004, recommended approval of Case No. SUP-26-03 by a 7-0 vote to permit the construction and operation of a 380-foot-tall communication tower as part of the James City County 800-MHz trunked radio system at the James City County Landfill on 1204 Jolly Pond Road and further identified as Parcel No. (1-4) on James City County Real Estate Tax Map No. (30-1).

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. 26-03 as described herein with the following conditions:

- A. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 380 feet. The property shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 380' Cellular Tower James City County Landfill" dated December 1, 2003, with minor changes approved by the Director of Planning.
- B. The tower shall be located on the site in a manner that maximizes the buffering effects of the existing trees and minimizes tree clearing as determined by the Director of Planning. Access drives shall be designed in a manner that minimizes off-site view of the tower's base or related facilities as determined by the Director of Planning. A minimum existing tree buffer of 300 feet shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive, guy wires, and necessary utilities for the tower.
- C. Final building design, location, orientation and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
- D. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit or the permit shall become void.
- E. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.

- F. The tower shall have a finish that is gray in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
- G. No advertising material or signs shall be placed on the tower.
- H. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **RESOLUTION**

### **CASE NO. SUP-27-03. JAMES CITY COUNTY COMMUNICATIONS TOWER -**

#### **INDUSTRIAL BOULEVARD**

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

WHEREAS, antennas and towers in excess of 60 feet in height are a specially permitted use in the M-2, General Industrial, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 2, 2004, recommended approval of Case No. SUP-27-03 by a 7-0 vote to permit the construction and operation of a 380-foot-tall communication tower as part of the James City County 800-MHz trunked radio system on 129 Industrial Boulevard and further identified as Parcel No. (1-62A) on James City County Real Estate Tax Map No. (12-4).

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. 27-03 as described herein with the following conditions:

1. This special use permit shall be valid for a total of one tower. The maximum height of the tower shall not be greater than 380 feet. The property shall be developed generally in accordance with the site layout titled "Special Use Permit Plan for 380' Cellular Tower on the Nice Commercial Properties LLC" dated December 1, 2003, with minor changes approved by the Director of Planning.
2. Final building design, location, orientation, and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements

and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.

5. The tower shall have a finish that is gray in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

#### **G. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that the Board approved two cases for development and increased density despite the Board's ability to limit growth as granted by the State Code, and requested the Board not make comments about its inability to limit growth.

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

Mr. Wanner commented that on February 11, 2004, at the Croaker Library, the FEMA Hazard Mitigation meeting will be held with the affected property owners in Chickahominy Haven.

Mr. Powell stated that the meeting begins at 6:00 p.m. with a staff presentation at 6:30 p.m. for the meeting on February 11, 2004.

#### **I. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon made a motion to reappoint David B. Powell, Jr., and Thomas Belden to the Purchase of Development Rights (PDR) Committee for three-year terms, terms to expire on February 12, 2007; and to appoint Richard H. Jones to the Water Conservation Committee to an unexpired term on the Water Conservation Committee, term to expire on June 24, 2005.

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

#### **J. RECESS**

Mr. Harrison made a motion to recess until 12:00 p.m. on February 12, 2004.

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

At 9:00 p.m., Mr. Goodson recessed the Board until 12:00 p.m. on February 12, 2004, for the Board to attend the Virginia Association of Counties/Virginia Municipal League Legislative Day to be held at the Omni Hotel in Richmond, Virginia.

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Sanford B. Wanner  
Clerk to the Board

021004bs.min

**AT THE VACo/VML LEGISLATIVE DAY OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF FEBRUARY, 2004, AT 12:00 P.M.  
IN RICHMOND, VIRGINIA.**

**A. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
Michael J. Brown, Vice Chairman, Powhatan District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District, Absent  
Jay T. Harrison, Sr., Berkeley District, Absent

Sanford B. Wanner, County Administrator

**B. VACo/VML LEGISLATIVE DAY**

Board members convened at the Omni Richmond Hotel, at 100 South 12th Street, Richmond, VA 23219 where the VACo/VML Legislative Day Program was held.

The Board participated in the Program and visited members of the County's General Assembly delegation.

**C. RECESS**

Mr. Goodson recessed the Board at 1:20 p.m. until 4 p.m. on February 24, 2004.

---

Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Longhill Station, Section II

---

Attached is a resolution requesting acceptance of certain streets in Longhill Station, Section II, into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

DEC/adw  
longdedst.res

Attachments

**RESOLUTION**

**DEDICATION OF STREETS IN LONGHILL STATION, SECTION II**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

longdedst.res





# DEDICATION OF STREETS IN LONGHILL STATION, SECTION II



**Streets Being  
Dedicated**



N



# In the County of James City

By resolution of the governing body adopted February 24, 2004

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

*A Copy Testee Signed (County Official):* \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

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

Project/Subdivision

**Longhill Station, Section II**

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

### Route Number and/or Street Name

#### **Allegheny Road, State Route Number 1711**

*Description: From:* Rt 1715 (Shenandoah Drive)

*To:* Loop To Connect With Rt 1711 (Allegheny Road)

A distance of: 0.26 miles.

*Right of Way Record:* Filed with the Land Records Office on 2/26/1999, Plat Book 72, Pages 17-18, with a width of 50'

#### **Meriwether Court, State Route Number 1716**

*Description: From:* Rt 1715 (Shenandoah Drive)

*To:* End of cul-de-sac

A distance of: 0.08 miles.

*Right of Way Record:* Filed with the Land Records Office on 2/26/1999, Plat Book 72, Pages 17-18, with a width of 50'

#### **Shenandoah Drive, State Route Number 1715**

*Description: From:* Rt 1711 (Allegheny Road)

*To:* Rt 1716 (Meriwether Court)

A distance of: 0.09 miles.

*Right of Way Record:* Filed with the Land Records Office on 2/26/1999, Plat Book 72, Pg 17-18, with a width of 50'

*Description: From:* Rt 1716 (Meriwether Court)

*To:* Rt 1711 (Allegheny Road)

A distance of: 0.07 miles.

*Right of Way Record:* Filed with the Land Records Office on 2/26/1999, Plat Book 72, Pg 17-18, with a width of 50'

MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of Streets in Jamestown Hundred

---

Attached is a resolution requesting acceptance of certain streets in Jamestown Hundred into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

DEC/adw  
jnststrt.mem

Attachments

**RESOLUTION**

**DEDICATION OF STREETS IN JAMESTOWN HUNDRED**

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

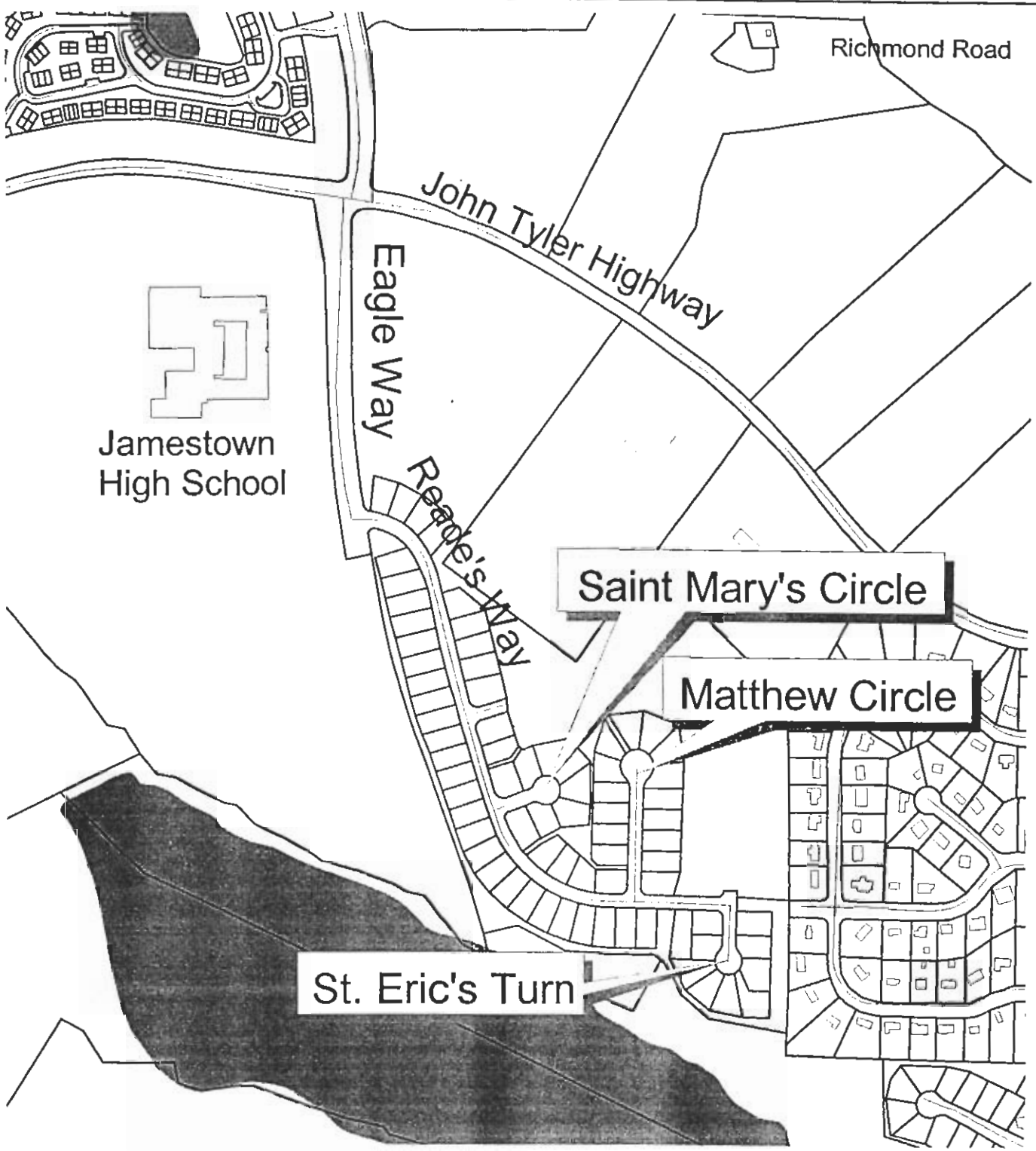
\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

jmststrt.res



# DEDICATION OF STREETS IN JAMESTOWN HUNDRED



# In the County of James City

By resolution of the governing body adopted February 24, 2004

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

A Copy Testee Signed (County Official): \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

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

### Project/Subdivision

### Jamestown Hundred

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

### Route Number and/or Street Name

#### Matthew Circle, State Route Number 1752

Description: **From:** Rt 1750 (Reade's Way)

**To:** End of cul-de-sac

A distance of: 0.09 miles.

Right of Way Record: Filed with the Land Records Office on 5/31/2002, Document #020012703, with a width of 50'

#### Reade's Way, State Route Number 1750

Description: **From:** Rt 776 (Eagle Way)

**To:** 0.07 Mi N of St. Mary's Circle

A distance of: 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 2/4/2000, Document # 000002335, with a width of 55'

Description: **From:** 0.07 Mi N of St. Mary's Circle

**To:** Rt 1751 (St Mary's Circle)

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 2/4/2000, Document # 000002335, with a width of 50'

Description: **From:** Rt 1751 (St Mary's Circle)

**To:** Rt 1752 (Matthew Circle)

A distance of: 0.13 miles.

Right of Way Record: Filed with the Land Records Office on 5/31/2002, Document # 020012703, with a width of 50'

Description: **From:** Rt 1752 (Matthew Circle)

**To:** Rt 1753 (St. Eric's Turn)

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 5/31/2002, Document # 020012703, with a width of 50'

#### St. Eric's Turn, State Route Number 1753

Description: **From:** Rt 1750 (Reade's Way)

**To:** End of cul-de-sac

A distance of: 0.04 miles.

Right of Way Record: Filed with the Land Records Office on 5/31/2002, Document #020012703, with a width of 50'

# Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

## **St. Mary's Circle, State Route Number 1751**

*Description: From:* Rt 1750 (Reade's Way)

*To:* End of cul-de-sac

A distance of: 0.04 miles.

*Right of Way Record:* Filed with the Land Records Office on 2/4/2000, Document #000002335, with a width of 50'

MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Dedication of a Street in John Tyler Commercial Center and Office Park

---

Attached is a resolution requesting acceptance of a certain street in John Tyler Commercial Center and Office Park into the State Secondary Highway System. This street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

DEC/adw  
johnstrt.mem

Attachments



**RESOLUTION**

**DEDICATION OF A STREET IN JOHN TYLER**

**COMMERCIAL CENTER AND OFFICE PARK**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that this street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

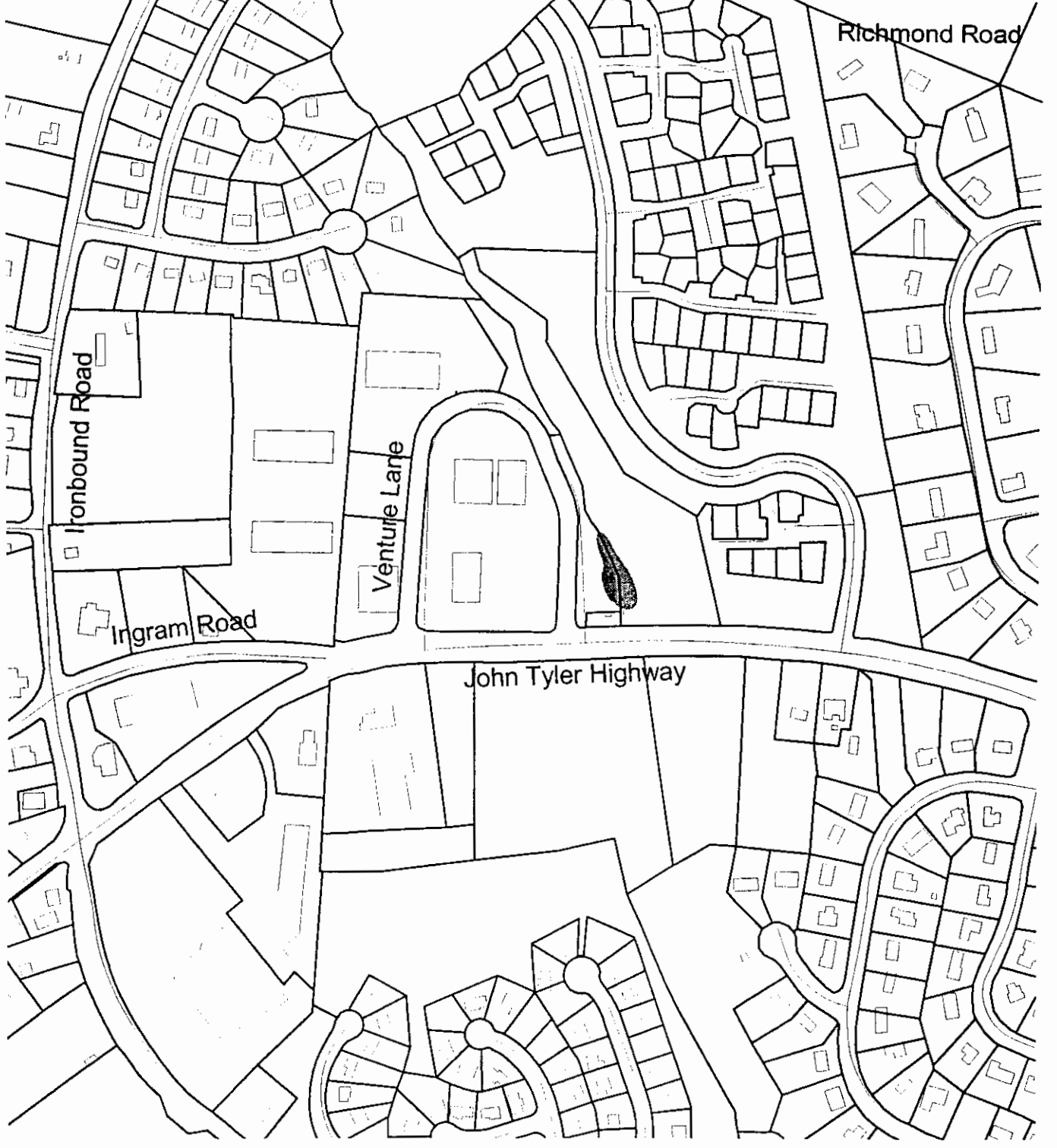
\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

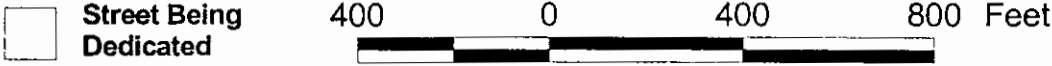
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

johnstrt.res



# DEDICATION OF STREET IN JOHN TYLER COMMERCIAL CENTER



# In the County of James City

By resolution of the governing body adopted February 24, 2004

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

*A Copy Testee Signed (County Official):* \_\_\_\_\_

## Report of Changes in the Secondary System of State Highways

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

### Project/Subdivision

### John Tyler Commercial Center And Office Park

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

### Route Number and/or Street Name

#### Venture Lane, State Route Number 1250

*Description: From:* Rt 5 (John Tyler Highway)

*To:* Loop To Rt 5 (John Tyler Highway)

A distance of: 0.27 miles.

*Right of Way Record:* Filed with the Land Records Office on 6/15/1988, Plat Book 48, Pg 91, with a width of 50'

MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Darryl E. Cook, Environmental Director  
SUBJECT: Installation of “Watch for Children” Signs - The Pointe at Jamestown

---

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain “Watch for Children” signs. The law requires that a Board of Supervisors resolution be submitted to VDOT authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of The Pointe at Jamestown community have requested the Board of Supervisors have “Watch for Children” signs installed at the neighborhood entrance and at the community recreation area at the locations shown on the attached drawings.

The attached resolution requests VDOT install and maintain three “Watch for Children” signs at The Pointe of Jamestown subdivision.

Staff recommends adoption of the attached resolution.

---

Darryl E. Cook

CONCUR:

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William C. Porter, Jr.

DEC/gs  
signs022404.mem

Attachments

**RESOLUTION**

**INSTALLATION OF “WATCH FOR CHILDREN” SIGNS - THE POINTE AT JAMESTOWN**

WHEREAS, Section 3.3.1-210.2 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, the residents of The Pointe at Jamestown have requested that “Watch for Children” signs be installed on Sir Thomas Way as illustrated on the attached drawing titled The Pointe at Jamestown “Watch for Children Signs.”

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 three “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

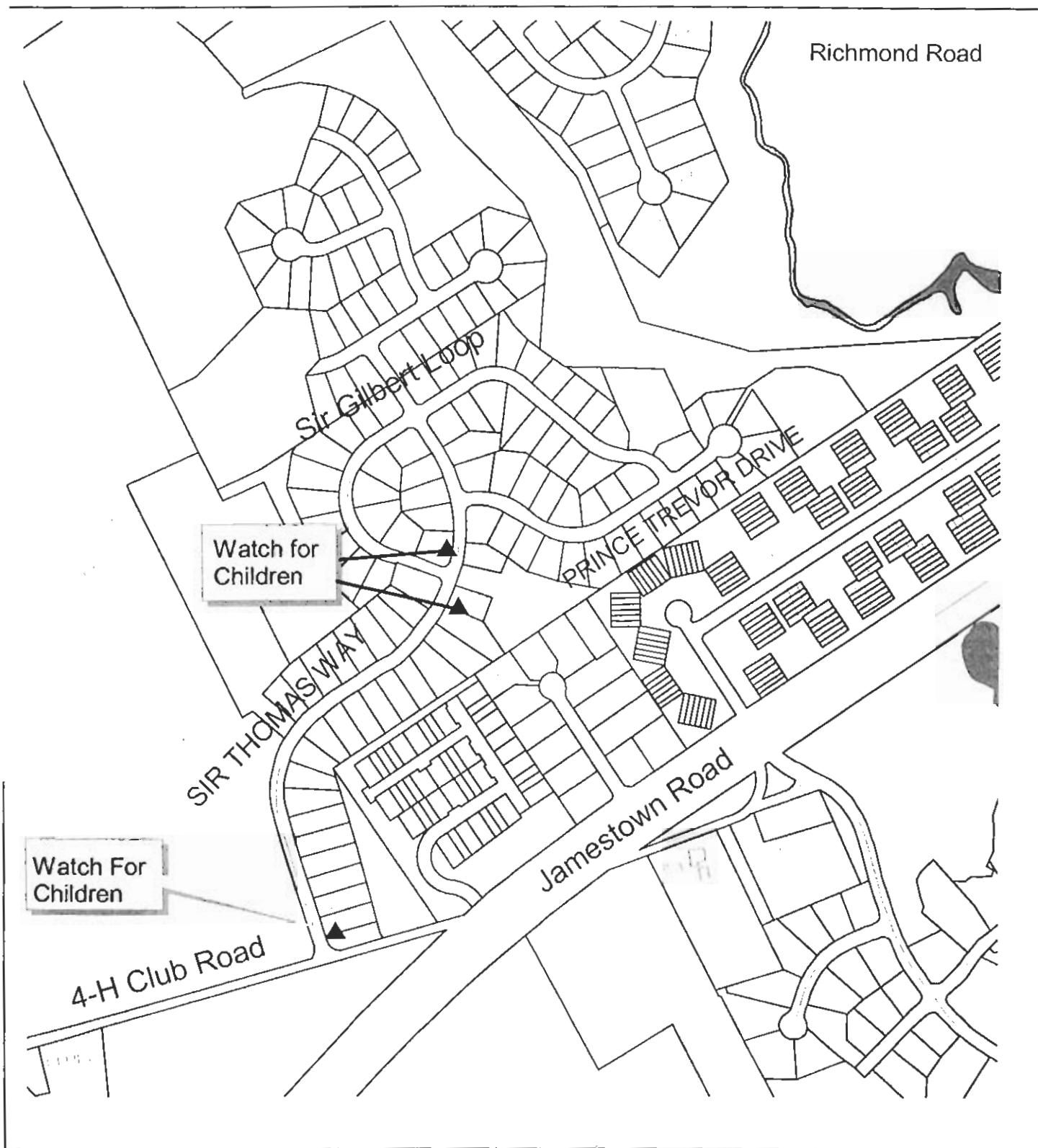
\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

signs022404.res



# THE POINTE AT JAMESTOWN "WATCH FOR CHILDREN" SIGNS

400 0 400 800 Feet



MEMORANDUM

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Emmett Harmon, Deputy Chief of Police  
SUBJECT: Department of Motor Vehicles Grant

---

The Department of Motor Vehicles (DMV) has approved a grant in the amount of \$10,000 to the Police Department to address traffic problems to include: Driving Under the Influence (DUI), Speed, and Occupancy Restraint Usage. The funds will provide overtime hours for officers and equipment needed for traffic enforcement.

Staff recommends adoption of the attached resolution to appropriate funds.

---

Emmett Harmon

CONCUR:

---

David A. Daigneault

EH/adw  
dmvgrant3.mem

Attachment

**RESOLUTION**

**DEPARTMENT OF MOTOR VEHICLES GRANT**

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$10,000 to the Police Department for traffic enforcement, overtime, and related equipment; and

WHEREAS, the grant only requires in-kind local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the DMV according to the Federal Government Fiscal Year which runs from October 1 through September 30.

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

Revenue:

DMV - FY 04 Highway Safety	<u>\$10,000</u>
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Expenditure:

DMV - FY 04 Highway Safety	<u>\$10,000</u>
----------------------------	-----------------

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

dmggrant3.res



**MEMORANDUM**

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Richard M. Miller, Fire Chief  
SUBJECT: Citizen Corps Grant Funds Award

---

James City County has received Virginia Department of Emergency Management grant funding in the amount of \$6,900 for Citizens Emergency Response Team (CERT) training. This continues our efforts to provide emergency training to our citizens to assist in meeting community needs during a disaster.

No local match funds are required.

Staff recommends approval of the attached resolution.

---

Richard M. Miller

RMM/adw  
citcorps.mem

Attachment

**RESOLUTION**

**CITIZEN CORPS GRANT FUNDS AWARD**

WHEREAS, Citizen Corps Funds have been approved for a grant in the amount of \$6,900 in support of Citizens Emergency Response Team (CERT) efforts; and

WHEREAS, the grant requires no local match; and

WHEREAS, the grant will be administered by the Commonwealth of Virginia Department of Emergency Management (VDEM), with a grant period of January 15, 2004, through November 25, 2004.

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:

VDEM – FY 04 Citizen Emergency Response Team	<u>\$6,900</u>
--	----------------

Expenditure:

VDEM – FY 04 Citizen Emergency Response Team	<u>\$6,900</u>
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Bruce C. Goodson  
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 24th day of February, 2004.

citcorps.res

**MEMORANDUM**

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Richard Drumwright, Transit Director  
SUBJECT: FY 2005 Virginia Department of Rail and Public Transportation Grant Application

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Federal and State funding for the Williamsburg Area Transport Company (WAT) are provided annually through the Virginia Department of Rail and Public Transportation (VDRPT) grant application program. These revenues help transit systems implement projects and help offset local contribution.

WAT's FY 2005 annual VDRPT grant application contains the following: Federal non-urban revenues; technical assistance to conduct an organizational development study; capital revenues to occupy a regional garage with the Colonial Williamsburg Foundation; and formula assistance to help offset operations.

Staff recommends the approval of the attached resolution, which authorizes the submission of this application and for staff to apply for Federal and State matching funds.

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Richard Drumwright

CONCUR:

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Anthony Conyers, Jr.

RD/gs  
VDRPTgrant.mem

Attachment

**RESOLUTION**

**FY 2005 VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION**

**GRANT APPLICATION**

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file the application to the Virginia Department of Rail and Public Transportation (VDRPT) of the Commonwealth of Virginia for a grant of State public transportation matching assistance under Section 58.1-638.A.4 of the Code of Virginia. The amount requested for State assistance is \$435,000 to assist in eligible project expenses. The County Administrator shall be authorized to accept grant funds awarded and to have furnished the VDRPT documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that funds shall be used in accordance with the requirements of Section 58.1-638(A)(4) of the Code of Virginia and that James City County may be subject to audit by the VDRPT and by the State auditor of public accounts.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

VDRPTgrant.res

MEMORANDUM

DATE: February 24, 2004  
 TO: The Board of Supervisors  
 FROM: Needham S. Cheely, III, CPRP, Director of Parks and Recreation  
 SUBJECT: Award of Contract - Boat Ramp Improvements at Chickahominy Riverfront Park

Bids for the construction and renovation of the existing boat ramp at Chickahominy Riverfront Park were received on Wednesday, February 11, 2004. The low bid of \$117,684 was submitted by David A. Nice, Inc. The bid amount is within the present Capital Improvement Budget allocated to the Division of Parks and Recreation.

The following contractors submitted bids for the boat ramp project at the Chickahominy Riverfront Park:

<u>Bidder</u>	<u>Amount</u>
David A. Nice Builders, Inc.	\$117,684
Crofton Diving	157,355
Early Marine	343,333

Staff recommends that the Board of Supervisors approve the attached resolution authorizing the County Administrator to execute contract documents with David A. Nice Builders, Inc., the lowest responsive bidder.

\_\_\_\_\_  
 Needham S. Cheely, III

CONCUR:

\_\_\_\_\_  
 Anthony Conyers, Jr.

NSC/gs  
 chickramp.mem

Attachment

**RESOLUTION**

**AWARD OF CONTRACT - BOAT RAMP IMPROVEMENTS AT**

**CHICKAHOMINY RIVERFRONT PARK**

WHEREAS, bids have been received for improvements to the existing boat ramp at Chickahominy Riverfront Park; and

WHEREAS, staff has reviewed all bids and determined that David A. Nice Builders, Inc., is the low bidder and qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget allocated to the Division of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to David A. Nice Builders, Inc., the lowest responsive and responsible bidder, in the amount of \$117,684.

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Bruce C. Goodson  
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 24th day of February, 2004.

chickramp.res

**MEMORANDUM**

DATE: February 24, 2004  
 TO: The Board of Supervisors  
 FROM: Bernard M. Farmer, Jr., Capital Projects Administrator  
 SUBJECT: Award of Contract – Construction of Columbia Way

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Attached is a resolution authorizing the County Administrator to execute a contract with George Nice Brothers, the lowest responsive and responsible bidder for the construction of a roadway and utilities for Columbia Way in the James River Commerce Center. The Commonwealth Transportation Board awarded James City County a State Industrial Access Road Fund grant in June 2002, in the amount of \$339,850. The grant is for construction of approximately 1,200 feet of industrial access road in the James River Commerce Center to open additional acreage for business development. Specifically, this infrastructure will provide access and utilities to the Industrial Development Authority’s property in the Park in the area where the second shell building is planned. A sewer line is also to be installed in conjunction with the road construction. Negotiations with a third party to construct the waterline at a reduced cost will be concluded soon. However, construction of a waterline serving the area opened by the road will be done either as a separate project or as a change to this project should the negotiations be unsuccessful.

The following responsive bids to construct the roadway and install utilities were received on February 23, 2004:

<u>Firm</u>	<u>Amount</u>
George Nice Brothers	\$472,185.00
E.V. Williams	\$547,900.00
Basic	\$576,921.04

Staff estimated the total project cost to be \$454,500. The State Industrial Access Road Fund Program offers the possibility of having all or part of the cost of the road forgiven if a qualifying industry locates along it within five years (by June 20, 2007). Funds are available in the Capital Improvements Project (CIP) Budget for the project.

I recommend adoption of the attached resolution authorizing the County Administrator to execute contract documents with George Nice Brothers, the lowest responsive and responsible bidder.

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Bernard M. Farmer, Jr.

CONCUR:

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Keith A. Taylor

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Sanford B. Wanner

BMF/gs  
columbiaway.mem

Attachments



**MEMORANDUM**

DATE: February 24, 2004  
TO: The Board of Supervisors  
FROM: Doug Powell, Acting Assistant County Administrator  
SUBJECT: Award of Contract – Columbia Way

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Item H-1 on your agenda is the award of a contract for Columbia Way. The bid for this project will not be opened until Monday, February 23 and, therefore, the memorandum and resolution in your agenda packet are incomplete. Staff's intent is to provide you with an updated memorandum and resolution after the bids are opened on Monday, February 23.

If you have any questions, please let me know.

---

Doug Powell

DP/gb  
contractaward.mem

**MEMORANDUM**

DATE: February 24, 2004

TO: The Board of Supervisors

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

SUBJECT: Award of Contract – Construction of Columbia Way

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Attached is a resolution authorizing the County Administrator to execute a contract with \_\_\_\_\_, the lowest responsive and responsible bidder for the construction of a roadway and utilities for Columbia Way in the James River Commerce Center. The Commonwealth Transportation Board awarded James City County a State Industrial Access Road Fund grant in June 2002, in the amount of \$339,850. The grant is for construction of approximately 1,200 feet of industrial access road in the James River Commerce Center to open additional acreage for business development. Specifically, this infrastructure will provide access and utilities to the Industrial Development Authority’s property in the Park in the area where the second shell building is planned. A sewer line is also to be installed in conjunction with the road construction. Negotiations with a third party to construct the waterline at a reduced cost will be concluded soon. However, construction of a waterline serving the area opened by the road will be done either as a separate project or as a change to this project should the negotiations be unsuccessful.

The following responsive bids to construct the roadway and install utilities were received on February 23, 2004:

<u>Firm</u>	<u>Amount</u>
_____	\$
_____	\$
_____	\$

Staff estimated the total project cost to be \$454,500. The State Industrial Access Road Fund Program offers the possibility of having all or part of the cost of the road forgiven if a qualifying industry locates along it within five years (by June 20, 2007). Funds are available in the Capital Improvements Project (CIP) Budget for the project.

I recommend adoption of the attached resolution authorizing the County Administrator to execute contract documents with \_\_\_\_\_, the lowest responsive and responsible bidder.

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Bernard M. Farmer, Jr.

CONCUR:

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Keith A. Taylor

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Sanford B. Wanner

BMF/gs  
columbiaway.mem

Attachments

**RESOLUTION**

**AWARD OF CONTRACT – CONSTRUCTION OF COLUMBIA WAY**

WHEREAS, bids have been received for construction of an extension of Columbia Way into James River Commerce Center and the concurrent installation of utilities; and

WHEREAS, State Industrial Access Road Fund Program money has been awarded for the road construction and may potentially be forgiven in all or part if a qualifying user locates along the new roadway by June 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive and responsible bidder, George Nice Brothers in the amount of \$472,185 for construction of roadway and utilities for Columbia Way in the James River Commerce Center.

\_\_\_\_\_  
Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

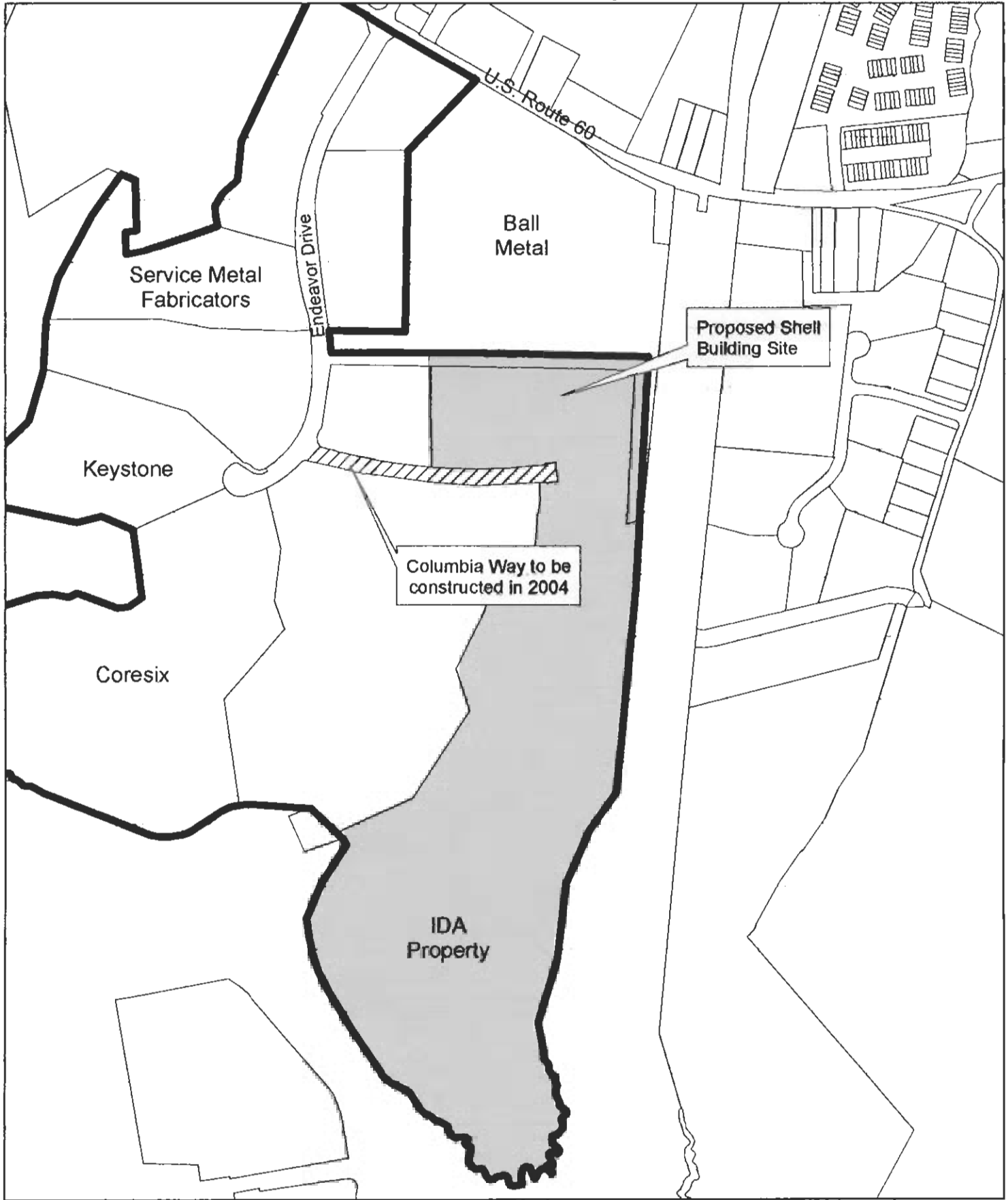
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of February, 2004.

columbiadr.res



# James River Commerce Center Columbia Way



0 0.1 0.2 Miles

1 inch equals 600 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 for content that may be. If discrepancies are found, please contact the Office of Real Estate Assessments of James City County, Mapping/GIS Section.