

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

February 22, 2005

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. MOMENT OF SILENCE	
C. PLEDGE OF ALLEGIANCE - Matthew Phillips, a first-grade student at D. J. Montague Elementary School	
D. HIGHWAY MATTERS	
E. PRESENTATION	
1. Hazard Mitigation Plan - Overview presented by Ed Copeland of AMEC	
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I. BOARD CONSIDERATION

1. Award of Contract - Design and Construction of Site Improvements and
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J. PUBLIC COMMENT

K. REPORTS OF THE COUNTY ADMINISTRATOR

L. BOARD REQUESTS AND DIRECTIVES

M. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF FEBRUARY, 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Blake Ruiz, a sixth-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

Mr. Brown recognized members in attendance from Boy Scout Troop 102 who are working towards their Citizenship in Community merit badge.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on a recent article focused on educational issues in society and requested the Board deny the placement of HUD sponsored housing in the Roberts District.

E. CONSENT CALENDAR

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

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

1. Minutes -
 - a. January 11, 2005, Regular Meeting
 - b. January 22, 2005, Retreat

- c. January 25, 2005, Work Session
 - d. January 25, 2005, Regular Meeting
2. Dedication of Streets –
- a. Stonehouse, Phase I, Section 4D
 - b. State Route 5000 (Monticello Avenue)

RESOLUTION

DEDICATION OF STONEHOUSE, PHASE 1, SECTION 4D

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

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the 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.

RESOLUTION

DEDICATION OF STATE ROUTE 5000 (MONTICELLO AVENUE)

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

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the 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.

3. Peninsula Council for Workforce Development – Designee for 2005

RESOLUTION

PENINSULA COUNCIL FOR WORKFORCE DEVELOPMENT - DESIGNEE FOR 2005

WHEREAS, the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) have merged; and

WHEREAS, the Peninsula Council for Workforce Development is the successor organization serving the Peninsula; and

WHEREAS, the bylaws of the Peninsula Council for Workforce Development authorize each Governmental Member to appoint by resolution a designee of the Member jurisdictions to cast a vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Jay T. Harrison, Sr., as its Governmental Member designee for 2005.

4. FY 06 State Aid Matching Demonstration and Intern Grant Applications

RESOLUTION

FY 06 STATE AID MATCHING DEMONSTRATION AND INTERN GRANT APPLICATIONS

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

WHEREAS, the Board of Supervisors is desirous of securing funds in support of the conversion of Williamsburg Area Transport (WAT) to an independent regional authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute and file the application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for grants of State public transportation matching assistance under Section 58.1-638(A)(4) of the Code of Virginia. The amount requested for State matching assistance is \$76,000 to assist in eligible expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as required for processing this grant application.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the 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 Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

5. FY 2006 Virginia Department of Rail and Public Transportation Grant Application

RESOLUTION

FY 2006 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 assistance under Section 58.1-638(A)(4) of the Code of Virginia. The amount requested for assistance is \$393,280 to assist in eligible project expenses. The County Administrator shall also 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 the funds shall be used in accordance with the requirements of Section 58.1-638(A)(4) of the Code of Virginia, that James City County may be subject to audit by the VDRPT and the State Auditor of Public Accounts.

F. PUBLIC HEARINGS

1. Case No. SUP-33-04. John Hogge Family Subdivision

Ms. Ellen Cook, Planner, stated that Katie L. and Kristin P. Hogge applied for a special use permit to create a family subdivision from approximately 10.01 acres zoned A-1, General Agricultural, located at 2669 Jolly Pond Road, and further identified as Parcel No. (1-11) on the James City County Real Estate Tax

Map No. (35-2). The proposal consists of lots A1 and A2 which will be 2.00 acres each and the remainder lot will total 6.01 acres.

Staff found the proposal to be consistent with the surrounding zoning and development, and to be consistent with Section 19-17 of the James City County Subdivision Ordinance.

Staff recommended approval of the application with the conditions listed in the resolution.

Mr. Brown opened the Public Hearing.

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

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-33-04. JOHN HOGGE FAMILY SUBDIVISION

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, the applicants have requested an SUP to allow for a family subdivision in an A-1, General Agricultural District, located at 2669 Jolly Pond Road, further identified as Parcel No. (35-2) on James City County Real Estate Tax Map No. (1-11).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-33-04 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of two new lots of two acres each, with one parent lot of 6.01 acres remaining generally as shown on the conceptual subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this SUP or the permit shall become void.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. **Case No. SUP-32-04. Diamond Healthcare – Williamsburg Place**

Ms. Karen Drake, Senior Planner, stated that Greg Davis and Dustin Devore of Kaufman and Canoles applied for a special use permit (SUP) to expand the existing dining room and office space, add 12 additional outpatient units to house 48 patients, and add one additional unit for non-patient guests to the Diamond Healthcare - Williamsburg Place on 9.3 acres located at 5477 and 5485 Mooretown Road, zoned M-1,

Limited Business/Industrial, and further identified as Parcel Nos. (1-11B) and (1-11C) on the James City County Real Estate Tax Map No. (33-3).

Staff found the proposed expansion to be a complementary use to the surrounding properties with minimal public impacts.

At its meeting on January 10, 2005, the Planning Commission approved the application and parking waiver reduction by a vote of 5-0.

Staff recommended the Board approve the SUP application with the conditions listed in the resolution which shall replace conditions of SUP-44-88 and SUP-22-92.

Mr. Brown opened the Public Hearing.

1. Mr. Dustin Devore of Kaufman and Canoles, representing the applicant, provided an overview of the application and requested approval of the application.

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

Mr. Harrison thanked the applicant for expansion of the facility in the County.

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-32-04. DIAMOND HEALTHCARE - WILLIAMSBURG PLACE

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. Greg Davis and Mr. Dustin DeVore of Kaufman & Canoles have applied on behalf of property owner Diamond Healthcare for an SUP to allow an expansion to Williamsburg Place, a hospital located at 5477 and 5485 Mooretown Road; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial, and can be further identified as Parcels Nos. (1-11B) and (1-11C) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on January 10, 2005, voted 5-0 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. 32-04 as described herein with the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 40-bed intermediate care substance abuse treatment facility and transitional domiciliary

facility; a 12-bed psychiatric unit; a 48-bed outpatient unit; and a 4-bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need from the Commission of Health of the Commonwealth of Virginia.

2. Construction on this project shall commence within twenty-four months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. As determined by the Planning Director, the plan of development shall be in accordance with the "Williamsburg Place Conceptual Plan" prepared by AES Consulting Engineers and dated November 18, 2004. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance, and the service entrance.
4. Prior to final site plan approval, the common property line between Parcel Nos. (1-11B) and (1-11C) on James City County Real Estate Tax Map No. (33-3) shall be extinguished to create one parcel or relocated as shown on the conceptual plan referenced in Condition No. 3.
5. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the trees within the landscape buffers shall be evergreen.
7. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
8. Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size, and design of the "Service Only" signs will be approved by the Planning Director prior to final site plan approval. The Planning Director shall approve the location of all signage prior to final site plan approval that shall be in accordance with the James City County Zoning Ordinance.

9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Abandonments of Portions of Right-of-Way for Greensprings Plantation Drive and Powhatan Secondary and Request for Discontinuance of a Portion of State Route 5, John Tyler Highway

Mr. Leo P. Rogers, County Attorney, presented a resolution abandoning a portion of the right-of-way for State Route 776, Greensprings Plantation Drive (formerly known as Legacy Drive) and abandoning a portion of the right-of-way for State Route 1480, Powhatan Secondary, near Monticello Avenue. The right-of-ways are no longer needed due to the realignment of the intersections that were constructed during the Monticello Avenue project.

Staff also recommended a discontinuance of a portion of State Route 5, John Tyler Highway. The right-of-way is near the area where John Tyler Highway intersects with Monticello Avenue and the right-of-way no longer serves public convenience, warranting its maintenance as a road. The discontinuance of the road will merely remove the road from the State's secondary road system and permit the land to be retained to serve other public purposes.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

ABANDONMENTS OF PORTIONS OF RIGHT-OF-WAY FOR GREENSPRINGS PLANTATION

DRIVE AND POWHATAN SECONDARY AND REQUEST FOR DISCONTINUANCE OF A

PORTION OF STATE ROUTE 5, JOHN TYLER HIGHWAY

WHEREAS, the Virginia Department of Transportation (VDOT) has provided this Board with a sketch dated March 13, 2002, revised August 7, 2003, depicting required changes in the Secondary System of State Highways, which sketch entitled "Changes in the Primary and Secondary Systems Due to Relocation, and Construction on Routes 5, 776, 1480 and 5000 the additions, discontinuances, abandonments and renumbering required as a result of Project 5000-047-166, C501," 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,

requests VDOT to add to the Secondary System of State Highways those portions of Route 5000, identified by the sketch as Sections 8, 9, 10, 11, 12, 13, and 14, 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 1480 identified by the sketch as Section 18, 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 776 identified by the sketch as Section 16, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT discontinue from the Primary System of State Highways the portion of Route 5 identified as Section 1, pursuant to 33.1-144 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 1480 identified as Sections 3, 4, and 5 pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 776 identified as Section 2, pursuant to 33.1-155 of the Code of Virginia.

NOW THEREFORE, BE IT FURTHER RESOLVED that this Board requests that VDOT renumber the Highways as a part of the Secondary System of State Highways those portions of Route 776 identified as Section 6 on the aforementioned sketch.

BE IT FURTHER RESOLVED that this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner advised citizens that the Government Offices will be closed on February 21 in observance of President's Day.

Mr. Wanner stated that the next scheduled meeting of the Board will be at 4 p.m. on February 22 for a Work Session to be followed by the 7 p.m. regular meeting.

Mr. Wanner recommended that at the conclusion of the Board meeting, the Board recess to 2:00 p.m. on February 9, 2005, to attend a Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council at the Quarterpath Recreation Center, 202 Quarterpath Road, Williamsburg, Virginia.

Mr. Wanner stated that the Board has a scheduled Closed Session item, consideration of appointments of citizens to County Boards/Commissions, and suggested the Board could handle the business in open session with the adoption of the resolution relating to the Board of Equalization appointments.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to adopt the resolution recommending to the Judge of the Circuit Court the appointment of Christopher E. Rouzie to a three-year term on the Board of Equalization, and the reappointments of Jean Wilder and Walter Neilson to three-year terms on the Board of Equalization.

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

RESOLUTION

APPOINTMENTS TO THE BOARD OF EQUALIZATION

WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board of Supervisors to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the terms of Jean Wilder and Walter Neilson expired on December 31, 2004, and the Board of Supervisors of James City County seeks to reappoint them for three-year terms; and

WHEREAS, Jean Wilder and Walter Neilson are qualified freeholders of the County; and

WHEREAS, the term of Andy Piplico expired on December 31, 2004, and the current term limits do not permit his reappointment; and

WHEREAS, the Board of Supervisors seek to fill the expired seat with Christopher E. Rouzie, a qualified freeholder of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the reappointment to the James City County Board of Equalization the following qualified freeholders, Jean Wilder and Walter Neilson, for three-year terms; and the appointment of Christopher E. Rouzie, a qualified freeholder, for a three-year term.

J. RECESS

Mr. Goodson made a motion to recess to 2:00 p.m. on February 9, 2005, to attend the Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council.

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

At 7:26 p.m. Mr. Brown recessed the Board until 2:00 p.m. on February 9, 2005, to attend a Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council at the Quarterpath Recreation Center, 202 Quarterpath Road, Williamsburg, Virginia.

Sanford B. Wanner
Clerk to the Board

020805bos.min

MEMORANDUM

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: James City County Road Construction Revenue Sharing Program - FY 06

Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program. That program will match local dollars on a one-to-one basis not to exceed \$500,000. In the current fiscal year, James City County participated in the amount of \$500,000 which was allocated to the PPTA projects on Route 199, beautification on Rt. 199, and underground utilities at the Monticello/Ironbound intersection. For FY 2006, staff recommends that the County participate up to \$500,000. The funds would be allocated as follows:

- \$250,000 - PPTA, Route 199;
- \$75,000 - Landscaping/Beautification, PPTA Segment 1 and 2; and
- \$25,000 - Greensprings Trail construction (if costs exceed budget);
- \$150,000 - Watford Lane Reconstruction.

VDOT requires that the County notify them of our intent to participate by March 1, 2005. County funding is to be included in the FY05 budget, to be approved later by the Board. If that budget is approved at a lower amount, we can notify VDOT prior to its final allocation process.

Staff recommends approval of the attached resolution.

John T. P. Horne

JTPH/gs
revshare06.mem

Attachment

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING PROGRAM - FY 2006

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2006-07; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 1, 2005.

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 intent to participate in the Revenue Sharing Program for FY 2006-07, with an amount not to exceed \$500,000.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of
February, 2005.

revshare06.res

MEMORANDUM

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Agreement - Household Chemical Collection Services

The Virginia Peninsulas Public Service Authority (VPPSA) bid out the household chemical collection services for its member jurisdictions. Two proposals were received. The current contractor, Clean Harbors Environmental Services, submitted the lowest responsive and responsible bid. Given the changes in cost, we expect the program cost to be slightly less than the previous agreement.

VPPSA will enter an agreement with Clean Harbors Environmental Services for household chemical collection services. The County would then enter an agreement with VPPSA to provide these services to the citizens of James City County. The Household Chemical Collection Program is a popular program and the County has the largest number of participants among the VPPSA member jurisdictions.

Under the terms of the agreement, household chemical collections in James City County would take place on the second Saturday of February, April, June, August, and October from 9 a.m. to 1 p.m. at the James City Service Authority (JCSA) Employee Parking Lot on Tewning Road.

The County Attorney's Office has reviewed and approved the Agreement. Staff recommends adoption of the attached resolution authorizing the County Administrator to enter into an agreement with VPPSA for the provision of household chemical collection services in James City County.

William C. Porter, Jr.

WCP/gb
housechemagr.mem

Attachment

RESOLUTION

AGREEMENT - HOUSEHOLD CHEMICAL COLLECTION SERVICES

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) solicited bids for household chemical collection services for its member jurisdictions; and

WHEREAS, VPPSA has entered into an agreement with the company that submitted the lowest responsive and responsible bid for household chemical collection services; and

WHEREAS, the household chemical collection program is necessary for the proper disposal of household hazardous waste generated in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary Agreement with VPPSA for the provision of household chemical collection services in James City County.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

housechemagr.res

MEMORANDUM

DATE: February 22, 2005

TO: The Board of Supervisors

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

SUBJECT: Award of Bid - Ironbound Village Office Buildings Construction and Renovation

Five competitive bids were received on February 14, 2005, for the renovation and construction of improvements to the Ironbound Village Office Buildings. Bids were received as outlined below with the low bidder being D.K. Nunnally Company.

<u>Firm</u>	<u>Amount</u>
D.K. Nunnally Company	\$526,103
The Mid-Atlantic Group	587,198
Sun Bay Contracting	606,000
Viteri Constructing Management	662,263
The Phoenix Corp	666,400

The bid amount of \$526,103 is higher than the expected bid based upon very preliminary estimates made nearly a year ago when the Ironbound Village building procurement was underway. Staff recommends that an additional amount of \$70,000 be transferred from Capital Contingency to the project budget for award of this bid. The attached resolution has been drafted authorizing this transfer of funds.

Investigations by staff show the low bidder, D.K. Nunnally Company, to be a responsible registered contractor with sufficient financial resources to complete a project of this size. D.K. Nunnally Company has been awarded bids by James City County on similar projects. Accordingly, D.K. Nunnally Company is recommended for award of the bid for Ironbound Village Office Buildings.

Staff recommends adoption of the attached resolution authorizing the award of the construction bid to D.K. Nunnally Company for Ironbound Village Office Buildings construction and renovation in the amount of \$526,103, and transfer of \$70,000 from Capital Contingency to the project account for funding of this project.

Bernard M. Farmer, Jr.

CONCUR:



Steven W. Hicks

BMF/nb
ironbndvillage.mem

Attachment

RESOLUTION

AWARD OF BID – IRONBOUND VILLAGE OFFICE BUILDINGS

CONSTRUCTION AND RENOVATION

WHEREAS, competitive bids were advertised for the James City County Ironbound Village Office Buildings construction and renovations on Ironbound Road, vicinity of Palmer Lane; and

WHEREAS, bids were received with the low bidder being D.K. Nunnally Company with a bid of \$526,103; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are not currently available to fund this contract bid award and construction; and

WHEREAS, funds in the amount of \$70,000 are needed to fund this bid award and are available from the Capital Contingency account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to transfer \$70,000 from Capital Contingency to the appropriate CIP project account and execute the necessary contract documents for the Ironbound Village Office Buildings Construction and Renovations in the total amount of \$526,103.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

Irnbdvillage.res

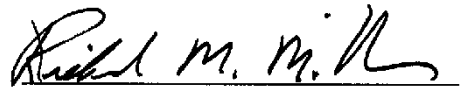
MEMORANDUM

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: National Incident Management System

The President directed the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together to prevent, respond, and recover from domestic incidents. This includes natural and man-made disasters.

The State of Virginia Department of Emergency Management has endorsed this concept and is encouraging local governments to comply with the program by establishing this as a part of future grant awards and training requirements. A requirement of the program is that local governments adopt a resolution endorsing the concept to serve as a foundation of its emergency planning and response efforts.

Staff recommends adoption of the attached resolution establishing the NIMS as the James City County standard for incident management.


Richard M. Miller

RMM/gb
incident.mem

Attachment

RESOLUTION

NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the President in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the County's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of James City County's incident management activities, including current emergency management training programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the NIMS as the standard for incident management.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

incident.res

MEMORANDUM

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director
Leo P. Rogers, County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Nice Associates

Attached is a resolution for consideration involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized filling and grading of the Resource Protection Area (RPA).

In accordance with provisions of the Ordinance, the removal of fill, replanting of vegetation, and a civil charge are proposed to remedy the RPA violation. The property owners and Nice Associates have entered into a Chesapeake Bay Restoration Agreement with the County, submitted landscape plans, and provided surety to guarantee the implementation of the approved restoration plan to restore the impacted areas on the property.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$10,000 as offered by the property owner. Staff and Nice Associates have agreed to the recommended civil charge of \$3,000 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy adopted by the Board in August 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact and the violation intent have been assessed as moderate by staff.

Staff recommends the Board adopt the attached resolution establishing a civil charge for the RPA violation presented.

Darryl E. Cook

Leo P. Rogers

DEC/LPR/gs
niceviol.mem

Attachments

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

NICE ASSOCIATES

- WHEREAS, Robert D. and Tamara L. McPherson are the owners of a certain parcel of land commonly known as 8412 Attleborough Way, designated as Parcel No.(0-73) on James City Real Estate Tax Map (13-3), herein referred to as the (“Property”); and
- WHEREAS, Nice Associates is the builder of the Property; and
- WHEREAS, on or about September 10, 2004, Nice Associates filled and graded approximately 1,600 square feet of the Resource Protection Area (RPA) on the Property; and
- WHEREAS, Nice Associates has agreed to pay \$3,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,000 civil charge from Nice Associates as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

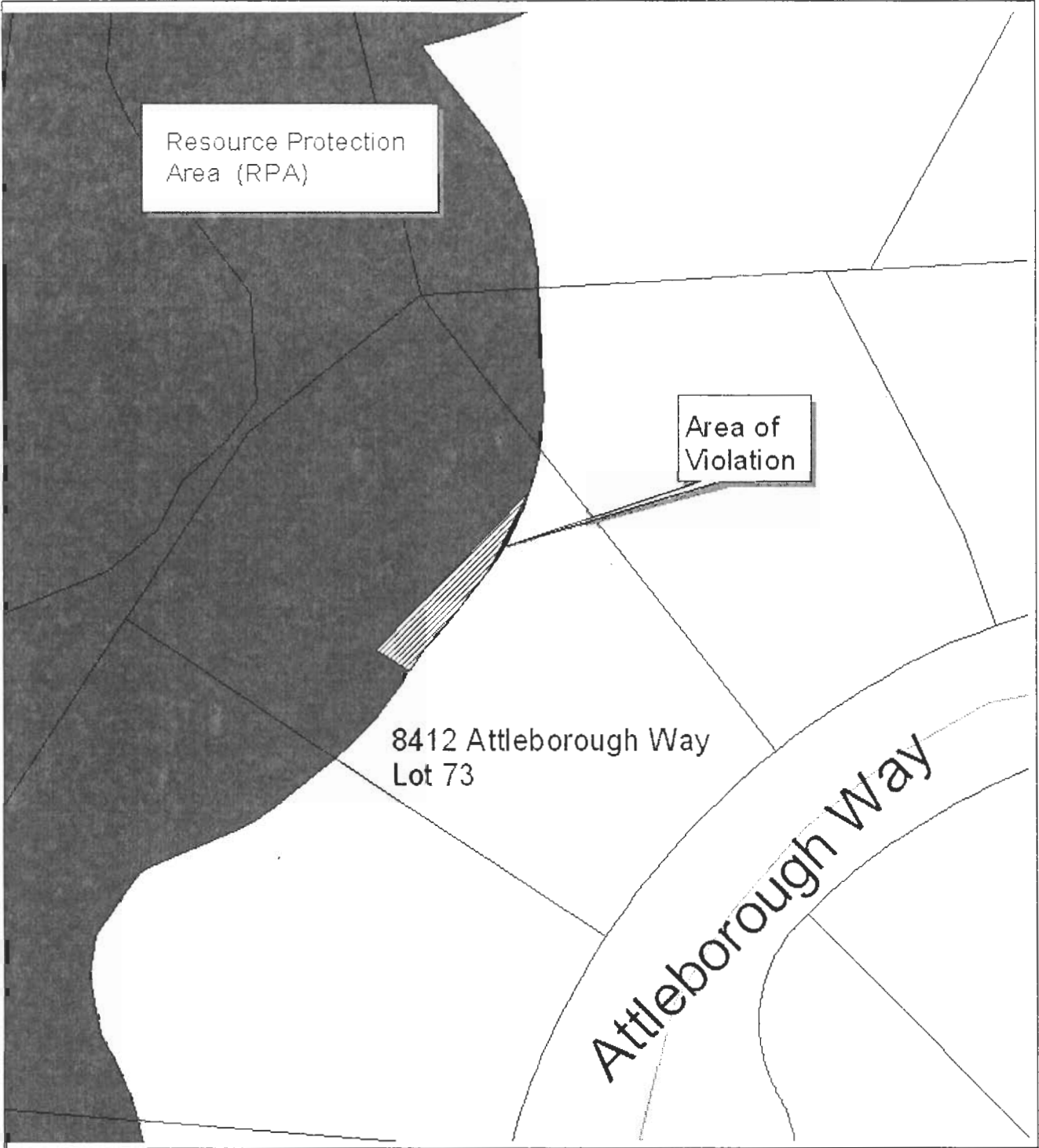
Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

niceviol.res



**CHESAPEAKE BAY ORDINANCE VIOLATION
NICE ASSOCIATES**

900 0 900 Feet

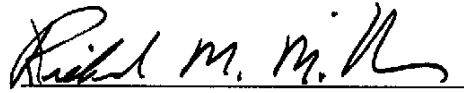


MEMORANDUM

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Budget Amendment - Department of Homeland Security Fire Grant - \$264,000

The Department of Homeland Security has authorized James City County to receive reimbursement in the amount of \$264,000 for the purchase of mobile and portable radios as part of a matching Fire Grant. The attached resolution authorizes the appropriation of the grant revenue to the Capital Improvement Program Budget.

Staff recommends approval of the attached resolution.


Richard M. Miller

RMM/gs
firegrant.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - DEPARTMENT OF HOMELAND SECURITY

FIRE GRANT - \$264,000

WHEREAS, the United States Government Department of Homeland Security has approved a Fire Grant (EMW-2004-FG-00373) providing \$264,000 to the Fire Department for the purchase of mobile and portable 800-MHz radios in FY 2005; and

WHEREAS, local matching funds of \$66,000 are available in the Capital Improvement Program Budget for FY 2005.

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

Revenue:

Fire Department	<u>\$264,000</u>
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Expenditure:

Capital Improvement Program for Match Funds	<u>\$264,000</u>
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Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

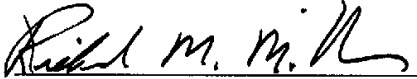
firegrant.res

MEMORANDUM

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Budget Amendment – Office of Emergency Medical Services Grant - \$45,885

The Virginia Office of Emergency Medical Services has authorized James City County to receive reimbursement in the amount of \$45,885 for the purchase of a replacement ambulance as part of a matching Rescue Squad Assistance Grant. The attached resolution authorizes the appropriation of the grant revenue to the Capital Improvement Program Budget.

Staff recommends approval of the attached resolution.


Richard M. Miller

RMM/gs
EMSambul.mem

Attachment

RESOLUTION

BUDGET AMENDMENT – OFFICE OF EMERGENCY MEDICAL SERVICES GRANT - \$45,885

WHEREAS, the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services has approved a Rescue Squad Assistance Grant (VP-C02/12-04) providing reimbursement of \$45,885 to the Fire Department for the purchase of a replacement ambulance in FY 2005; and

WHEREAS, local matching funds of \$45,885 are available in the Capital Improvement Program Budget for FY 2005.

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

Revenue:

Office of Emergency Medical Services	<u>\$45,885</u>
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Expenditure:

Capital Improvement Program for Match Funds	<u>\$45,885</u>
---	-----------------

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

EMSambul.res

M E M O R A N D U M

DATE: February 22, 2005
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Creation of Hazard Mitigation Planning Committee

The Peninsula region received a Virginia Department of Emergency Management regional planning grant to conduct a hazard mitigation planning activity. The localities of James City County, York County, Newport News, and the City of Williamsburg agreed to form and participate in a regional hazard mitigation planning process with the City of Newport News serving as the lead agency. This grant tasks the localities with identifying the risks, assessing the communities vulnerability to the hazards identified, and evaluating programs, policies, and strategies in place to reduce the effect of those risks. The grant requires public input and participation in the development of data and planning documents.

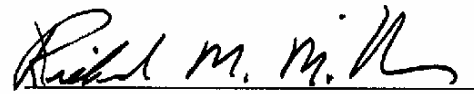
The planning grant provides for consulting services to assist the localities through this comprehensive self-evaluation process as well as the production of a Hazard Mitigation Plan for submittal to the governing bodies by August 2005. Newport News, with concurrence by all participating jurisdictions, contracted with AMEC of Norfolk to serve as the consultant to the project. AMEC will direct and coordinate the region through all the tasks and public meetings in order to develop a Hazard Mitigation Plan for adoption by each local governing body in the required time frames. The grant further requires each locality to authorize the creation of the Hazard Mitigation Planning Committee to meet all plan requirements and to develop strategies to reduce the effects of a natural or manmade disaster. Completion of a Hazard Mitigation Plan is a Federal requirement for future mitigation grant awards such as we are administering in Chickahominy Haven at this time.

The Committee adopted by the Board would authorize the County Administrator to appoint selected County staff to the Committee to complete all required tasks and duties. Representatives from the following County departments would serve on the Committee:

Fire Department
Community Services
Development Management
JCSA
Financial Management Services
Police Department

The attached resolution authorizes the creation of the Hazard Mitigation Planning Committee.

Staff recommends approval of the attached resolution.


Richard M. Miller

RMM/gs
hazardcmte.mem

Attachment

RESOLUTION

CREATION OF THE HAZARD MITIGATION PLANNING COMMITTEE

WHEREAS, residential and commercial property, businesses, and infrastructure are at risk from a variety of natural hazards, including floods, hurricanes, and tornadoes; and

WHEREAS, a Hazard Mitigation Planning Committee creates an operational framework for reducing losses from these hazards in a cost-effective, environmentally-sound manner; and

WHEREAS, a Hazard Mitigation Planning process must be undertaken in order to maintain eligibility for multiple sources of Federal mitigation funding programs that support loss-reduction activities; and

WHEREAS, a Hazard Mitigation Planning Committee will analyze the hazards that threaten our community, determine our vulnerability to those hazards, and evaluate alternatives to minimize or eliminate their impact; and

WHEREAS, as a benefit of being enrolled in the Community Rating System within the National Flood Insurance Program, formally establishing our Hazard Mitigation Planning Committee contributes towards lowering the cost of flood insurance across the entire community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the creation of a Hazard Mitigation Planning Committee to develop an integrated hazard mitigation strategy and to periodically implement, evaluate, and update the strategy as required.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

hazardcmte.res

M E M O R A N D U M

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Reaffirmation of the Ironbound Square Redevelopment Plan

On February 26, 2002, the Board of Supervisors adopted a resolution to approve the Ironbound Square Redevelopment Plan and authorized the County Administrator to enter into a contract with a Hampton Roads Area Housing and Redevelopment Authority to implement the Plan. In July 2002 a contract was entered into with the Williamsburg Redevelopment and Housing Authority. Substantial progress has occurred since then towards meeting the seven objectives of the Plan including:

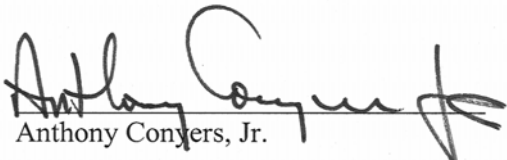
1. *Eliminate existing blight and deterioration in the area.* To date, 10 properties with blighted structures have been cleared.
2. *Strengthen the area as a residential neighborhood by removing and preventing incompatible non-residential intrusions.* To date, 21 parcels (approximately half the property designated for acquisition) have been purchased, and five homes within the redevelopment area have been rehabilitated.
3. *Develop sites for additional housing for families and senior citizens.* The Master Plan for the proposed development of a 67-unit senior citizen apartment building and up to 45 new single-family homes has been prepared. Studies and plans to support the rezoning of the redevelopment area to enable development of the proposed new housing have been undertaken. Financing for the senior citizen housing has been secured and low-interest rate mortgage funds and down payment assistance have been reserved for homebuyers. To date local business and civic volunteer labor and donations have been utilized by Habitat for Humanity and Housing Partnerships to construct four new affordable homes for existing neighborhood residents.
4. *Assure through the provision of relocation assistance that families relocated from blighted areas obtain decent, safe, and sanitary housing.* Relocation and replacement housing assistance has been used to finance construction of three new homes for redevelopment area residents. Three families have been assisted to relocate to rental housing in the County. Housing Office staff is currently working with four additional households to locate housing and provide relocation assistance.
5. *Provide improved streets, pedestrian walkways, improve transit service to aid circulation and access for the redevelopment area and surrounding Ironbound Square community.* The Redevelopment Master Plan specifies street improvements, sidewalks, and walkways within the redevelopment area as well as coordination with the plans for reconstruction and widening of Ironbound Road including landscaping and installation of a multi-use path. Funding for improvements to Watford Road is proposed in the plan for FY 2006 Virginia Department of Transportation (VDOT) Road Construction Revenue Sharing program.
6. *Provide for maintenance of environmentally sensitive areas within and adjacent to the redevelopment area.* This objective is being addressed by plans for a stormwater management basin which will serve the senior citizen housing and new single-family development within the redevelopment area as well as the reconstruction by VDOT of Ironbound Road.

7. *Maintain an ongoing process of citizen participation to ensure active community involvement and effective citizen-County cooperation in the planning process and project implementation.* Multiple means of communication with Ironbound Square residents have been undertaken to assure citizen participation. These include a three-day interactive design workshop in September 2002 which informed the development of Master Plan and design concept for the senior citizen apartments. Subsequent community meetings have been held in advance of major project actions, such as the meetings last month focusing on proposed rezoning, subdivision, and new housing construction. Periodic newsletters have been distributed to residents and property owners providing updated information related to revitalization of the Ironbound Square neighborhood.

As indicated, implementation of the Ironbound Square Redevelopment Plan is actively being pursued and the Code of Virginia Section 36-51 states that no later than thirty-six months following the date of approval of a redevelopment plan, the locality shall review and determine by resolution whether to reaffirm the redevelopment plan. Staff, therefore, recommends adoption of the attached resolution to reaffirm the Redevelopment Plan.


Richard B. Hanson

CONCUR:


Anthony Conyers, Jr.

RBH/nb
ironbndsquredevpln.mem

Attachment

RESOLUTION

REAFFIRMATION OF THE IRONBOUND SQUARE REDEVELOPMENT PLAN

WHEREAS, the Board of Supervisors, on February 26, 2002, adopted the Ironbound Square Redevelopment Plan to reduce or eliminate various blighted, unsanitary, unsafe, and substandard housing conditions within Ironbound Square Redevelopment Area; and

WHEREAS, the Code of Virginia Section 36-51 states that no later than thirty-six months following the date of approval of a Redevelopment Plan, the locality shall review and determine by resolution whether to reaffirm the Redevelopment Plan; and

WHEREAS, the property acquisition, relocation, disposition, and related activities are being conducted in accordance with the February 26, 2002, Resolution Ironbound Square Redevelopment Plan and Implementation Agreement with Housing Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, reaffirms its approval of the Ironbound Square Redevelopment Plan and approves continuation of the Implementation Agreement with the Williamsburg Redevelopment and Housing Authority and completion of the activities authorized in the Redevelopment Plan.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

reaffIBS.res

M E M O R A N D U M

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: Christopher Johnson, Senior Planner

SUBJECT: Case No. ZO-1-05. Chapter 24 Zoning Ordinance Amendment - Rural Residential Height Limits

Following a comprehensive review by a committee comprised of Planning Commissioners, members of the development community, and County citizens, the R-1, Limited Residential, and R-2, General Residential, zoning districts were amended by the Board of Supervisors on May 25, 1999. Revisions were made to the list of permitted and specially permitted uses, area and setback requirements, height limits, open space, and buffer requirements.

The height limits for the R-1 and R-2 zoning districts, Sections 24-240 and 24-261, restrict the height of structures to two stories and 35 feet. Provisions are included that allow a dwelling height to be increased to three stories and 45 feet upon meeting certain conditions. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television and radio antennae, and wireless communications facilities may be erected to a total height of 60 feet from grade. The Board may grant a height limitation waiver for these structures to exceed 60 feet but not to exceed 100 feet from grade.

When the R-1 and R-2 zoning districts were amended in 1999, the following provision was added to Sections 24-240 and 24-261:

- (2) *A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.*

The Board adopted a series of amendments to the R-8, Rural Residential, zoning district on December 21, 1999. The minutes for Board of Supervisors and Planning Commission public hearings and the Residential Zoning Ordinance Update Committee meetings focusing on the R-8 zoning district do not reference any discussion of height limits or consideration of the language which had been added to the R-1 and R-2 zoning districts earlier in the year.

During this same review process, schools, houses of worship and libraries were moved from the list of permitted uses in the R-1, R-2, and R-8 zoning districts to the list of uses permitted only with the issuance of a special use permit by the Board of Supervisors. Given the Board's ability to grant approval subject to the imposition of special requirements or conditions in addition to those expressly stipulated in the zoning ordinance, it was determined that there was no need to require a height waiver for structures such as schools, churches, and libraries under 60 feet in height. Church spires, belfries, and cupolas over 60 feet continue to require the issuance of a height limitation waiver from the Board of Supervisors.

Staff Recommendation

1. Staff recommends that Section 24-354 of the Zoning Ordinance be amended to permit public or semipublic buildings such as schools, churches, or libraries to be erected to a height of 60 feet from grade, provided that the required front, side, and rear yards are increased one foot for each foot in height over 35 feet.
2. At the January 31, 2005, Planning Commission Policy Committee meeting, the Policy Committee recommended approval of the proposed ordinance amendment to the Planning Commission.
3. At the February 7, 2005, Planning Commission meeting, the Planning Commission recommended approval of the proposed ordinance amendment by a vote of 7 to 0.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gb
heightlimits.mem

Attachments:

1. Unapproved Planning Commission Minutes
2. Draft Ordinance

**UNAPPROVED MINUTES OF THE PLANNING COMMISSION'S
FEBRUARY 7, 2005 MEETING**

CASE NO. ZO-01-05 Rural Residential Height Limitations

Mr. Johnson presented the staff report. Staff prepared an ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article V, Districts, Division 8, Rural Residential, R-8, Section 24-354, Height Limits, to allow public or semi-public buildings such as schools, churches or libraries to be erected to a height of 60 feet from grade, provided that the required front, side and rear yards are increased one foot for each foot in height over 35 feet.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy motioned approval.

Mrs. Blanton seconded the motion.

The Planning Commission recommended approval with a 7-0 vote: AYE (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO (0).

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-354, HEIGHT LIMITS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-354, Height limits.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Section 24-354. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

(1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.

(2) A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.

~~(2)~~ (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to

farming operations and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:

- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and served from the standpoint of safety, and the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be contrary to the public health, safety and general welfare.

~~(3)~~ (4) No accessory building which is within 15 feet of any lot line shall be more than one story high. All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in

height; except that silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 45 feet in height.

(4) (5) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

heightlimit.ord

**SPECIAL USE PERMIT 27-04. Williamsburg Community Chapel Expansion
Staff Report for the February 22, 2005, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

	Building F Board Room; County Government Center
Planning Commission:	December 6, 2004, 7 p.m.
Board of Supervisors:	January 11, 2005, 7 p.m (Deferred) February 22, 2005, 7 p.m.

SUMMARY FACTS

Applicant:	John A. Rhebergen of Gossen Livingston Associates, Inc.
Land Owner:	Williamsburg Community Chapel
Proposed Use:	Expansion of the House of Worship
Location:	3899 John Tyler Highway; Berkeley District
Primary Service Area:	Inside
Tax Map/Parcel No.:	(46-1)(1-2A)
Parcel Size:	±15 acre site
Zoning:	R-8, Rural Residential
Comprehensive Plan:	Low-Density Residential

STAFF RECOMMENDATION

The Board deferred this application at the January 11, 2005, meeting to allow time for staff to initiate consideration of a Zoning Ordinance amendment to allow certain public or semipublic buildings to be erected to a height of 60 feet from grade. The Zoning Ordinance amendment for Rural Residential Height Limits is associated with the church's proposal. Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff believes that the proposed conditions will sufficiently mitigate the impacts created by the proposed development. Staff recommends that the Board of Supervisors approve this special use permit with the attached conditions.

Staff Contact:	Christopher Johnson	Phone: 253-6685
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PLANNING COMMISSION RECOMMENDATION

On December 6, 2004, the Planning Commission recommended approval of this special use permit application by a vote of 6 to 0.

Changes Made to the Proposal Since Planning Commission Consideration: Staff has removed the condition which restricted kindergarten through senior high school programs on the property. Both day care centers and schools are specially permitted uses in the R-8, Rural Residential Zoning District. Staff has added a new Condition No. 8, which restricts the height of the proposed structure to 53 feet from finished grade.

PROJECT DESCRIPTION

Mr. John Rhebergen of Gossen Livingston Associates, Inc., on behalf of Williamsburg Community Chapel, has applied for a special use permit to allow an expansion to the existing house of worship at 3899 John Tyler Highway. The expansion would add approximately 58,000 square feet of building footprint and approximately 48,000 square feet of second-floor space. The expanded main sanctuary will seat approximately 1,650 attendees and choir members. Concurrent services will be held for Student Ministries in the current sanctuary, plus a series of Sunday School and counseling sessions are anticipated for approximately 400 people. The total campus attendance is expected to be about 2,750 persons. An additional 511 parking spaces will be added to the rear of the site. A house of worship is a specially permitted use in the R-8, Rural Residential, zoning district. An expansion of a specially permitted use requires the issuance of a special use permit. The 15-acre site is located east of Jamestown High School and north of the Jamestown Hundred subdivision and can be further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (46-1).

HISTORY

The existing church building contains 31,524 square feet, seats 700 people, and the site contains 175 parking spots split between two parking bays on either side of the church building. In August 2003, the Board of Supervisors approved the release of a County conservation easement on the adjacent parcel to the church site where a second entrance will be constructed. The church conveyed a conservation easement of equal quantity and value to the County at the rear of the site and in Powhatan Secondary. Earlier this year, the church received approval of a rezoning request for a portion of the church property for the development of three infill single-family residential lots in the Jamestown Hundred subdivision. The church will exchange the area for the additional lots for land currently in open space on an adjacent parcel to provide the access to the church site from Eagle Way.

PUBLIC IMPACTS

Environmental Impacts:

- , **Watershed:** Powhatan Creek
- , **Environmental Comments:** Compliance with the County's stormwater management requirements, for both quality and quantity control, will be a major challenge for this site given the amount of proposed impervious cover. Several of the items proposed for demolition on the site were designed to bring the site into conformance with the Chesapeake Bay Preservation Ordinance as part of previously approved site plans in 1994 and 1996. Areas previously platted as Natural Open Space will be conveyed to Hampton Roads Development as part of the agreed-upon exchange of land. In order for the proposed site improvements to be able to comply with the County stormwater management regulations, it must be demonstrated that appropriate methods to obtain the required BMP water quality points are proposed in acceptable areas and that the required points will be obtained for the entire site, including the proposed access to Eagle Way.
- , **Staff Comment:** Staff believes that the largely graded and maintained fields to the rear of the church site that are proposed for development will pose significant engineering challenges for the applicant. Staff is confident that these issues can be addressed during development plan review for this project.

Archaeological Impacts:

- , **Staff Comment:** The church conducted a Phase 1 archaeological assessment of the entire 15-acre site in 1994. The absence of cultural specimens, coupled with regional settlement models which suggest a low probability for either prehistoric or historic occupation, indicate that no archaeological sites are present within the project area. No further archaeological investigation of the church site is necessary. The Virginia Department of Historic Resources concurred with the conclusions of the assessment.

Public Impacts:

- , **Utilities:** The site is served by public water and sewer.

JCSA Comment: The applicant shall be responsible for developing water conservation standards for this development. The applicant shall also confirm that the existing JCSA water system will provide adequate fire flow volume and duration as specified by the James City County Fire Department. The proposed on-site water system extension and fire main shall be private. The applicant shall confirm that the existing sanitary force main and pump station serving the existing on-site facilities has adequate capacity to serve the proposed expansion and/or make necessary improvements to the sanitary sewer system.

Staff Comment: These issues will be addressed at the development plan stage. Staff has included a condition which requires the development of Water Conservation Standards for the proposed development.

Traffic Impacts:

Proposed Traffic: 638 vehicle trips per weekday with 50 and 46 vehicle trips per hour entering and exiting the site during the AM and PM peak hours, respectively; on Sundays, 2,564 vehicles per day with 665 vehicles per hour entering and exiting the site during the AM peak hour.

2003 Traffic Counts: 10,821 vehicle trips per day - included in the "Watch" category.

2026 Volume Projections: 12,000 vehicle trips per day.

Road Capacity: A two-lane collector has a capacity of 13,000 vehicle trips per day.

VDOT Comments: VDOT concurs with the traffic impact study and its recommendations.

Staff Comments: All existing traffic to the church site utilizes a single entrance on John Tyler Highway (Route 5). A police officer currently manages traffic flow during Sunday church services. VDOT concluded several years ago that the church would need to construct a left-turn lane from Route 5 into the site to accommodate its existing Sunday morning traffic generation. A previous traffic study supported VDOT's conclusion and stated that road widening to accommodate a left-turn lane with a 200-foot taper and 200 feet of storage would cause significant disturbance to the Route 5 buffer and tree canopy, which was a particular concern for staff.

By constructing the alternate access into the site through a private drive from Eagle Way, the church hopes to divert the majority of vehicle movements through the intersection at Route 5 and Eagle Way. The church will reconstruct the existing entrance on Route 5 to a right-in, right-out only configuration which will bring the levels of service on Route 5 within an acceptable range. Additionally, VDOT will no longer require a left-turn lane as left-turn movements off and onto Route 5 would be restricted.

Staff believes that traffic issues will be addressed adequately with the addition of the second entrance and reconfiguration of the existing entrance to the church site on Route 5.

COMPREHENSIVE PLAN

The site is located on John Tyler Highway (Route 5), a suburban Community Character Corridor (CCC).

A suburban CCC is characterized as an area that has moderate- to high-traffic volumes, moderate to high levels of existing or planned commercial, or moderate- to high-density residential uses, and may contain some wooded buffer along roads. The objective of these CCCs is to ensure that James City County retains a unique character and does not become simply another example of standard development. The predominant visual characteristic of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. The scale and placement of buildings in relation to each other, the street, and parking areas should be compatible with the character.

Staff Comments: With the proposed conditions, staff believes that the proposed church expansion is consistent with the CCC guidelines. The existing 120-foot CCC buffer will be maintained and supplemented with additional plantings in the areas that will be disturbed during construction. Additional

parking will be located at the rear of the site.

The property is designated Low-Density Residential.

Low-Density Residential areas are residential developments or land suitable for such developments with gross densities up to one unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Schools, churches, and community-oriented facilities should generally be located at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

Staff Comment: With the proposed conditions, staff believes that the proposed use is consistent with the Low-Density Residential designation.

CONCLUSIONS AND CONDITIONS

The United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the “Act”). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff’s opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

On December 6, 2004, the Planning Commission recommended approval of this special use permit application by a vote of 6 to 0.

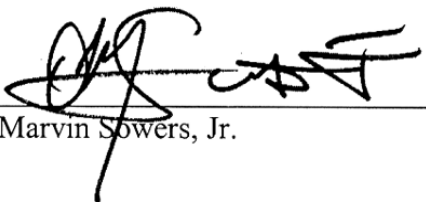
Staff finds the proposed use consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve the requested height limitation waiver and approve this special use permit application with the following conditions:

1. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the surrounding properties.
3. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. A minimum of fifty percent of the plantings within the Community Character Corridor buffer and perimeter buffers adjacent to residential lots shall be evergreen.

4. The plan of development shall be in accordance with the "Special Use Permit Plan, Williamsburg Community Chapel" dated October 14, 2004, and prepared by AES Consulting Engineers with such minor changes as determined by the Development Review Committee that does not change the basic concept or character of the development.
5. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the expansion of the existing church building. Such approval shall ensure that the design, building materials, colors, and scale of the building expansion are compatible with the surrounding residential developments and scenic characteristics of Route 5.
6. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
7. The applicant shall implement all road improvements recommended by the traffic study "Traffic Impact Study, Proposed Expansion of Williamsburg Community Chapel, James City County, Virginia" prepared by Wilbur Smith Associates, April 26, 2002. All traffic improvements, including the reconstruction of the existing entrance for right-in, right-out traffic shall be constructed prior to the issuance of any Certificate of Occupancy for the expansion.
8. The height of the proposed structure shall not exceed 53 feet from finished grade. Church spires, belfries, cupolas, and monuments would still be permitted to be erected to a total height of 60 feet from grade in accordance with the provisions of the Zoning Ordinance.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:



O. Marvin Sowers, Jr.

CJ/gs
sup-27-04_022205

ATTACHMENTS:

1. Minutes of the December 6, 2004, Planning Commission Public Hearing
2. Location Map
3. Special Use Permit Plan (previously transmitted)
4. Building Elevations (previously transmitted)
5. Special Use Permit Resolution

**APPROVED MINUTES OF THE JAMES CITY COUNTY PLANNING
COMMISSION'S DECEMBER 6, 2004 MEETING**

E. CASE NO. SUP-27-04 Williamsburg Community Chapel Expansion

Mr. Johnson presented the staff report. Mr. John A. Rhebergen of Gossen Livingston Associates, Inc., applied for a special use permit to expand the church currently located at 3899 John Tyler Highway. The parcel is further identified as parcel (1-2A) on James City County Tax Map (46-1). Staff recommended approval of the case.

Mr. McCleary recommended that the DRC not receive the site plan due to their previous review of the first site plan.

Mr. Poole asked Mr. Johnson as to how the expansion would affect the surrounding land uses.

Mr. Johnson deferred to the applicant on the matter.

Mr. Kale remarked that the traffic plan presented would present a unique problem to drivers and requested a way to clarify traffic flow at the "right in right out" parking lot.

Mr. Johnson stated that the issue would be best addressed during the site plan process but that there were many ways to make left turns prohibitive from a site design standpoint.

Mr. McCleary added that safety and environment were the two main issues concerning the DRC.

Mr. Poole opened the public hearing.

Mr. David Otey of the Williamsburg Community Chapel stated that the church would hold Sunday school classes but that there would not be a functioning school on site, in compliance with condition seven.

Mr. Ken Sobsilurgen showed the intended configuration of the parking lot. He also showed sketches of the intended buildings and stated that the major entrance to the facility would be in the rear of the property.

Mr. Poole asked how the design of the building related to the surrounding residential uses.

Mr. Campbell, administrator for the church, stated that the church enjoyed a good relationship with adjacent property owners and that he did not see any evidence that the expansion would adversely impact surrounding uses.

Mr. McCleary added that the side access routes between the church and the school had been added to provide for potential school evacuations.

Mr. Kale moved approval of the application and stated his support for the application.

Mr. McCleary seconded the motion and also stated his support for the application.

Mr. Poole stated that he appreciated the conditions and stated his support for the case.

The Planning Commission recommended approval of the application by a vote of 6-0. AYE: (6) Poole, McCleary, Fraley, Hunt, Kale, Billups. NO: (0).

SUP-27-04; Williamsburg Community Chapel Expansion



RESOLUTION

CASE NO. SUP-27-04. WILLIAMSBURG COMMUNITY CHAPEL 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. John E. Rhebergen of Gossen Livingston Associates, Inc., has applied on behalf of Williamsburg Community Chapel for a special use permit to allow an expansion to the existing house of worship located at 3899 John Tyler Highway; and

WHEREAS, the proposed expansion is shown on a plan prepared by AES Consulting Engineers, dated October 14, 2004, and entitled "Special Use Permit Plan for the Williamsburg Community Chapel, Route 5, James City County, Virginia"; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission, following its public hearing on December 6, 2004, voted 6-0 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. SUP-27-04 as described herein with the following conditions:

1. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. All exterior lighting on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the surrounding properties.
3. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. A minimum of fifty percent of the plantings within the Community Character Corridor buffer and perimeter buffers adjacent to residential lots shall be evergreen.
4. The plan of development shall be in accordance with the "Special Use Permit Plan, Williamsburg Community Chapel" dated October 14, 2004, and prepared by AES Consulting Engineers with such minor changes as determined by the Development Review Committee that does not change the basic concept or character of the development.
5. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the expansion of the existing

church building. Such approval shall ensure that the design, building materials, colors and scale of the building expansion are compatible with the surrounding residential developments and scenic characteristics of Route 5.

6. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
7. The applicant shall implement all road improvements recommended by the traffic study "Traffic Impact Study, Proposed Expansion of Williamsburg Community Chapel, James City County, Virginia" prepared by Wilbur Smith Associates, April 26, 2002. All traffic improvements, including the reconstruction of the existing entrance for right-in, right-out traffic shall be constructed prior to the issuance of any Certificate of Occupancy for the expansion.
8. The height of the proposed sanctuary building shall not exceed fifty-three feet from finished grade. Church spires, belfries, cupolas, and monuments would still be permitted to be erected to a total height of 60 feet from grade in accordance with the provisions of the Zoning Ordinance.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

sup-27-04.res

M E M O R A N D U M

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: FY 2005-2011 Six-Year Secondary Road System Construction Program

On January 25, 2005, the Board of Supervisors held a work session to discuss the Six-Year Secondary Road Plan and candidate projects with staff and the Virginia Department of Transportation (VDOT) staff. A ranked list of the main projects on the Six-Year Plan reflecting the outcome of the work session is listed below.

Secondary System Construction Program1. Ironbound Road

The segment of Ironbound Road between Strawberry Plains Road and the entrance to Eastern State Hospital will be widened from two to four lanes. The widening will include medians and multiuse paths along the right-of-way. The ad date for this project is July 8, 2008.

2. Croaker Road

Spot improvements will be made to the shoulders and ditches along a 1.87 mile stretch of Croaker Road extending south from Croaker Landing Road towards Interstate 64. This shoulder strengthening will be made as needed to meet minimum design standards. The ad date for this project is March 30, 2006.

3. Mount Laurel Road

A minimum plan project or a no-plan project would be undertaken to improve curves along an approximately .45-mile segment of the road beginning about .3 miles from the intersection with Ware Creek Road. Costs listed assume a minimum plan, but the scope will be revisited prior to construction. The ad date for this project is April 1, 2006.

4. Barnes Road

State Environmental Review Process (SERP) and scoping would be undertaken to improve curves along an approximately .35-mile segment of the road beginning between .5 and .85 miles east of the intersection with Route 60. The ad date for this project is July 1, 2010.

5. Scott's Pond Drainage Repair

Inadequately sized drainage pipes were installed in the Scott's Pond subdivision and have now been accepted into the public system. Some flooding of roads and yards has occurred. This project would replace four pipes and repair paved driveways after construction.

Staff recommends approval of the attached resolution for the FY 2005-2011 Six-Year Secondary Road System Construction Program Budget.

John T. P. Horne

JTPH/gb
construction05_11.mem

Attachments:

1. VDOT Secondary Road System Construction Program Estimate Allocations
2. Project Location Maps
3. Resolution

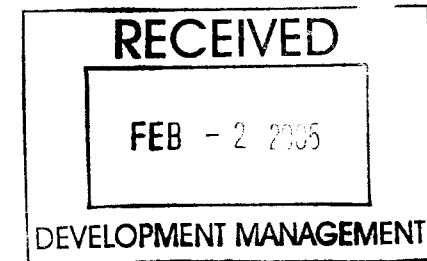
Secondary System

County: James City

Construction Program

Estimated Allocations

Fiscal Year	Incidental Construction	Regular Construction	Unpaved Construction	Total
2005-06	\$105,000	\$1,240,954	\$14,632	\$1,360,586
2006-07	\$105,000	\$1,221,937	\$14,110	\$1,341,047
2007-08	\$105,000	\$1,120,425	\$12,528	\$1,237,953
2008-09	\$105,000	\$1,127,488	\$12,531	\$1,245,019
2009-10	\$105,000	\$886,462	\$8,796	\$1,000,258
2010-11	\$105,000	\$886,462	\$8,796	\$1,000,258
Totals	\$630,000	\$6,483,728	\$71,393	\$7,185,121



Board Approval Date::

David Steele, PE

VDOT Resident Engineer

Date

Sanford B Wanner

Chairman, Clerk, Co. Administrator

Date

District: Suffolk

County: James City

Board Approval Date::

SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)

2005-06 through 2010-11

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count AD Date:	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2005-06	2006-07	2007-08	2008-09	2009-10	2010-11		
Rt. 8000 ID: CWI State Forces STATE County-Wide Incidental Pri #: 0	Total County-Wide Allocation CWI	PE \$0 RW \$0 CON \$1,049,458 Total \$1,049,458	PE \$0 RW \$0 CON \$419,458 Total \$419,458		\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Rt. 5000 ID: 18202 Contract STATE Deficit Pri #: 0	Alternate Rte 5 5000-047-166, C501 Rte 5 Monticello Ave. 2.1 13000	PE \$750,000 RW \$500,000 CON \$11,197,129 Total \$12,447,129	PE \$750,000 RW \$500,000 CON \$11,197,129 Total \$12,447,129		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$325,396.18 Deficit Deficit Payed in full with Previous Funds from ID3089 \$8,306,838 Funded Revenue Sharing and Tax District Money shown in
Rt. 0615 ID: 50057 Contract STATE Regular Pri #: 1	IRONBOUND ROAD 0615-047-169, PE, C501 0.05 M S Int Rte 616 0.25 M N Int Rte 322 1.24 17511	PE \$889,000 RW \$1,618,900 CON \$7,402,000 Total \$9,909,900 7/8/2008	PE \$889,000 RW \$1,438,706 CON \$2,000,000 Total \$4,327,706		\$0	\$0	\$0	\$0	\$0	\$0	\$0	4 Lanes w/ wide median, multi trails STP funds (\$3M) is included in previous funding [\$1M for R/W and \$2M for Construction from FY 02-03 & FY 04-05]
Rt. 0607 ID: 3089 Contract STATE Regular Pri #: 2	CROAKER ROAD 0607-047-113, N502 0.05 MI. S. RT. 601 0.06 MI. N. RT. 605 1.87 MILES 1267	PE \$340,000 RW \$0 CON \$1,045,000 Total \$1,385,000 3/30/2006	PE \$340,000 RW \$0 CON \$922,796 Total \$1,262,796		\$0	\$0	\$0	\$0	\$0	\$0	\$0	Improve shoulders & ditch 15003 Use existing H/V alignment for improvements. Make spot improvements as needed with min design standards. \$200K of R/S (FY 01-02) shown in previous funding for construction
Rt. 1567 ID: SAAP STATE Regular Pri #: 3	SCOTT'S POND 1567-047-XXX, N-501 Int Ginger Ct. .1 M S Int Ginger Ct 0.1 Miles	PE \$2,000 RW \$0 CON \$43,000 Total \$45,000	PE \$0 RW \$0 CON \$0 Total \$0		\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	Drainage Improvements
Rt. 0608 ID: 52081 Contract STATE Regular Pri #: 4	MT LAUREL ROAD 0608-047-181, N501 0.2 M E Int Rte 606 0.8 M W Int Rte 606 1.0 Mile 0	PE \$50,000 RW \$50,000 CON \$455,000 Total \$555,000 4/1/2006	PE \$5,000 RW \$0 CON \$0 Total \$5,000		\$45,000	\$0	\$0	\$0	\$0	\$0	\$0	Spot improvements-Min Plan Proj Improvements to consist of tree clearing, grading, and laying slopes back to improve site distance. No Proj. Expend. Until Final Scope of Work is Determined

District: Suffolk

County: James City

Board Approval Date::

SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)

2005-06 through 2010-11

Route PPMS ID Accomplishment Type of Funds: Type of Project Priority #	Road Name Project # FROM TO Length Traffic Count AD Date:	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	Scope of Work FHWA # Comments
					2005-06	2006-07	2007-08	2008-09	2009-10	2010-11		
Rt. 0601 ID: 52080 Contract STATE Regular Pri #: 5	BARNES ROAD 0601-047-171, C501 0.50 Mile E Rte 60 0.85 Mile E Rte 60 0.35 MILES 325	PE \$5,000 RW \$0 CON \$184,330 Total \$189,330	PE \$5,000 RW \$0 CON \$0 Total \$5,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	SERP/scoping only- improve curve SERP/scoping only- improve curve. County would like to use SYP funds for SERP.
				\$184,330	\$0	\$0	\$0	\$0	\$13,165	\$171,165	\$0	
Rt. 0622 ID: 67134 State Forces STATE Unpaved Pri #: 6	RACEFIELD ROAD 0622-047-P76, N501 0.56 MI W. Rte 1040 1.00 MI W. Rte 1040 0.5 Miles	PE \$0 RW \$0 CON \$150,000 Total \$150,000	PE \$0 RW \$0 CON \$33,010 Total \$33,010		\$0	\$0	\$0	\$0	\$0	\$0	\$0	Use Rural Rustic Standards Use Rural Rustic Standards. BOS agrees with the Rural Rustic Concept.
				\$116,990	\$14,632	\$14,110	\$12,528	\$12,531	\$8,796	\$8,796	\$45,597	
Rt. 0603 ID: 65146 Railroad RRP Special Program Pri #: 9999	Diascund Road 0603-047-S77, FS704 0.49 MI. S Route 601 0.49 MI. S Route 601	PE \$0 RW \$0 CON \$6,000 Total \$6,000	PE \$0 RW \$0 CON \$6,000 Total \$6,000		\$0	\$0	\$0	\$0	\$0	\$0	\$0	Upgrade Railroad Crossing 10% match for RR project
				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

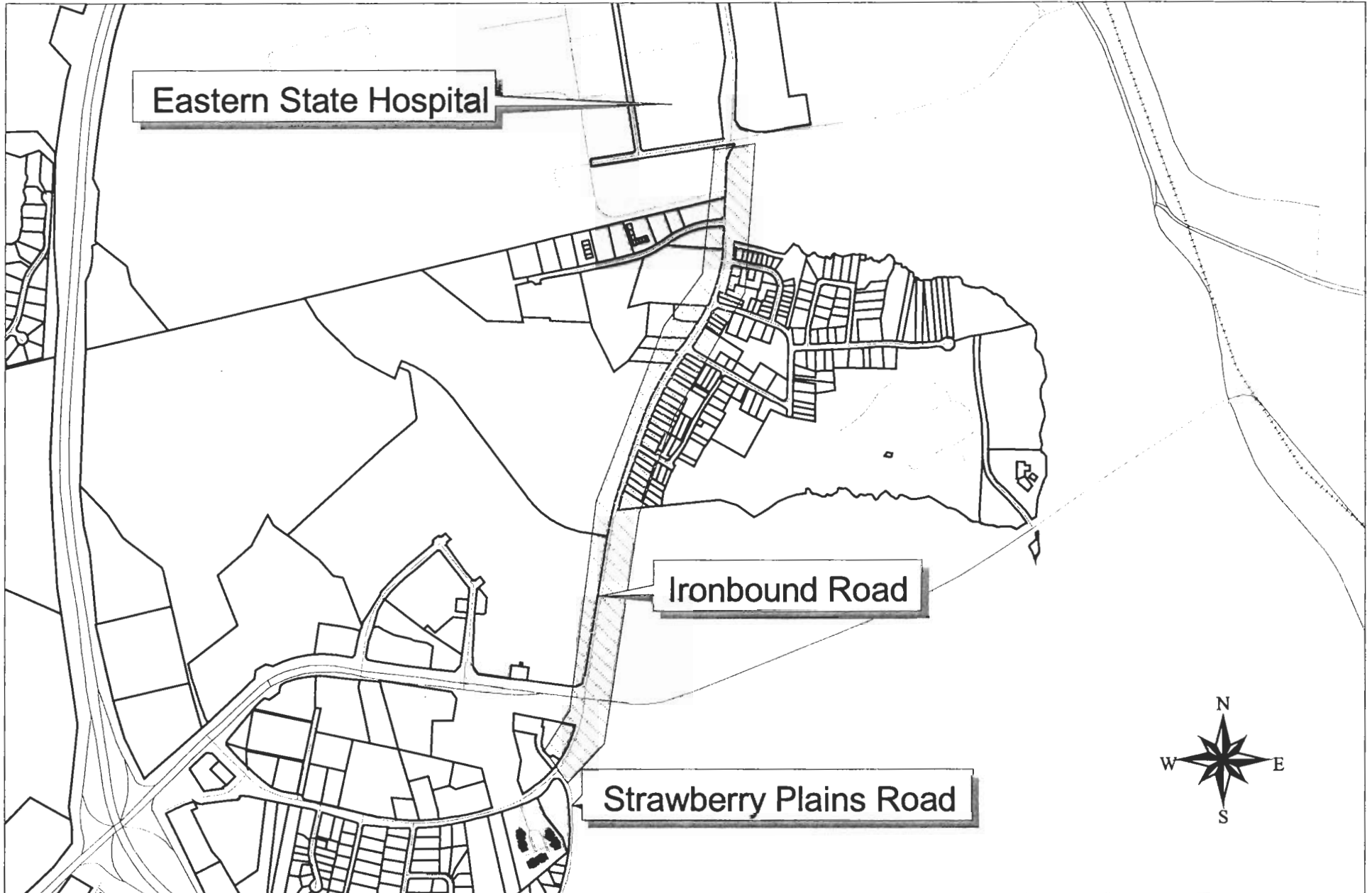
SECONDARY SYSTEM CONSTRUCTION PROGRAM

(in dollars)

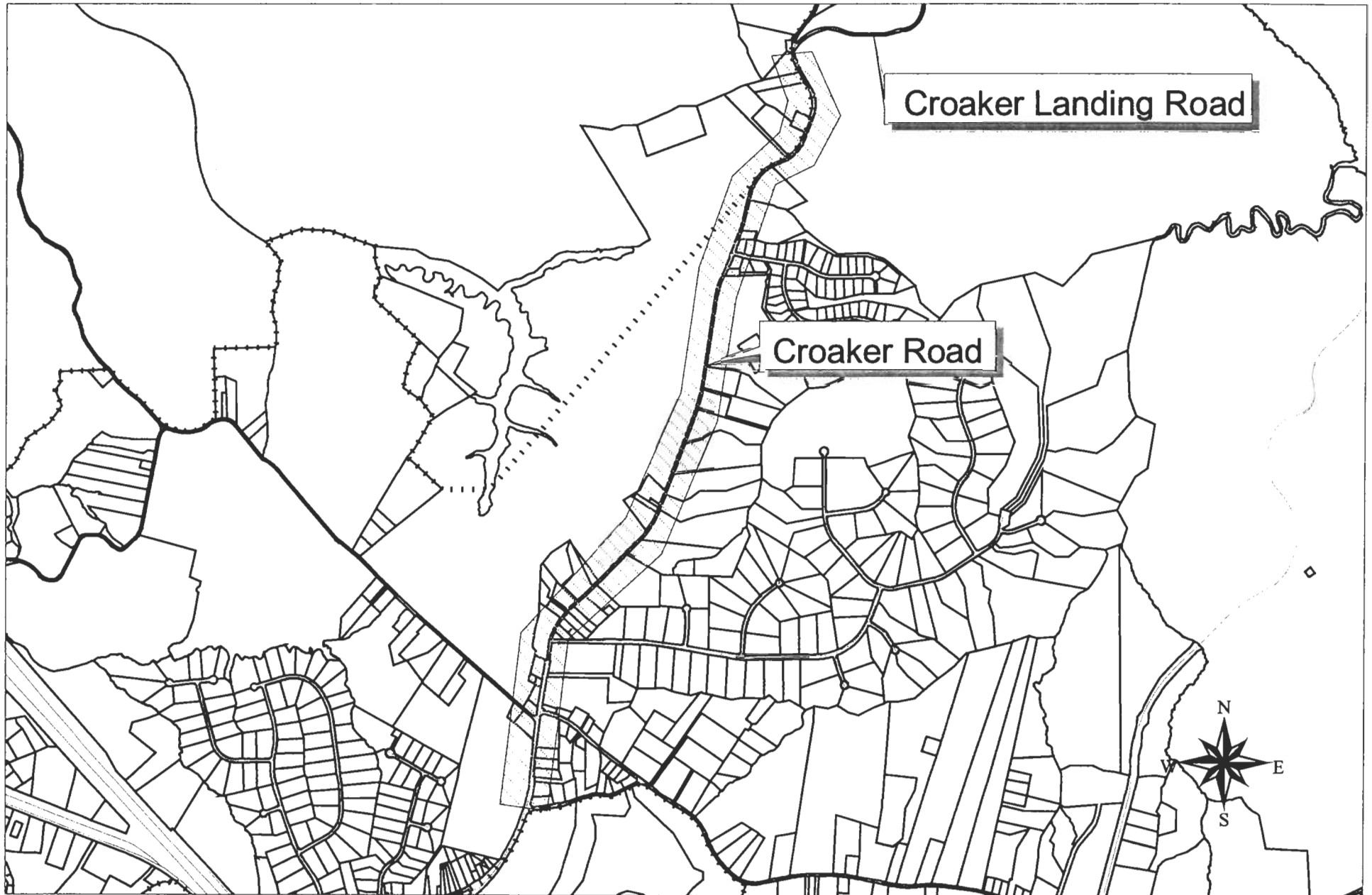
2005-06 through 2010-11

	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to Complete	
				2005-06	2006-07	2007-08	2008-09	2009-10	2010-11		
County Totals	Program Allocation:			\$1,360,586	\$1,341,047	\$1,237,953	\$1,245,019	\$1,000,258	\$1,000,258		
Report Totals	PE	\$2,036,000	\$1,989,000	\$47,000	\$47,000	\$0	\$0	\$0	\$0	\$0	\$0
	RW	\$2,168,900	\$1,938,706	\$230,194	\$230,194	\$0	\$0	\$0	\$0	\$0	\$0
	CON	\$21,531,917	\$14,578,393	\$6,953,524	\$1,083,392	\$1,341,047	\$1,237,953	\$1,245,019	\$1,000,258	\$1,000,258	\$45,597
	Phase Allocation Total:	\$25,736,817	\$18,506,099	\$7,230,718	\$1,360,586	\$1,341,047	\$1,237,953	\$1,245,019	\$1,000,258	\$1,000,258	\$45,597
	Balance				\$0	\$0	\$0	\$0	\$0	\$0	

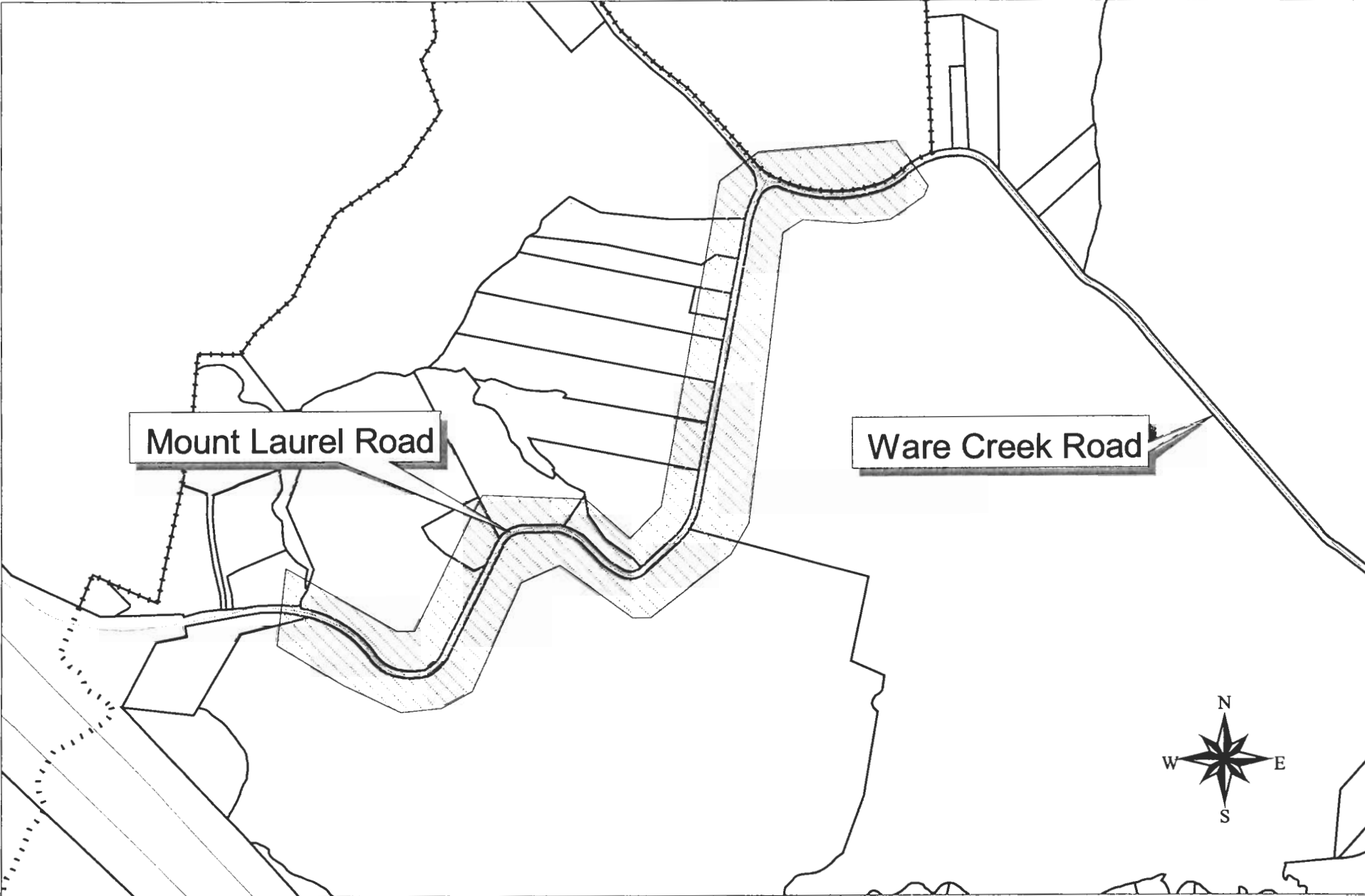
Ironbound Road



Croaker Road



Mount Laurel Road



Barnes Road



RESOLUTION

FY 2005-2011 SIX-YEAR SECONDARY ROAD SYSTEM CONSTRUCTION PROGRAM

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

WHEREAS, VDOT has produced a Six-Year Secondary System Construction Program Budget consistent with the Board's priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the FY 2005-2011 Six-Year Secondary Road System Construction Program Budget.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

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MEMORANDUM

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: Karen Drake, Senior Planner

SUBJECT: Case No. ZO-5-04. Chapter 24 Zoning Ordinance Amendment - Public Water Storage Facilities

The James City Service Authority (JCSA) currently has three working elevated water storage facilities or tanks within its system. The three tanks are as follows:

1. ES-1. Toano Water Storage Tank was built prior to 1974 and is approximately 125-feet tall with no antennas.
2. ES-2. Season's Trace Water Storage Tank located behind the Winter Park subdivision within Season's Trace was built around 1973. The tallest of the three tanks, it is approximately 140-feet tall and with antennas to 160 feet.
3. ES-3. Eastern State Water Storage Tank was built around 1949. The tank is approximately 130-feet tall with antennas mounted around the tank on hand rails instead of on top of the tank.

All three of the tanks were designed independently of each other to serve the needs of the immediate surrounding area. Since JCSA's charter on July 9, 1969, the three tanks were dedicated at different times to JCSA and incorporated into the present day water system.

Now, JCSA is proposing the construction of two elevated water tanks that would be designed to meet future water demands and enhance water pressure throughout the entire JCSA system. One tank is proposed within the Stonehouse Commerce Park and the other behind the existing Season's Trace water tank on County property. Once these two elevated water tanks are constructed and operational, JCSA plans to dismantle the three existing water tanks.

Water storage facilities and the associated transmission lines are a specially permitted use in the majority of zoning districts. The SUP applications for the two proposed tanks and associated transmission mains are scheduled for the March 7 Planning Commission meeting with balloon tests prior to the meeting.

However, in the majority of the zoning districts, there is a height restriction of 100 feet for water storage facilities and other structures with an approved height waiver. While the final design of the tanks has not been completed, for the two tanks to function efficiently within the JCSA system from an engineering perspective, the tanks would need to be between 150-feet and 175-feet tall. The attached table details all the zoning districts, whether a special use permit (SUP) is required for a water tank and the current height restriction.

Staff Recommendations:

Staff recommends the following amendments be made to the Zoning Ordinance to consistently make all public water storage facilities a specially permitted use in all zoning districts and to eliminate a maximum height of public water storage tanks that can be permitted with a height waiver approved by the Board of Supervisors. The proposed changes are as follows:

1. In R-4, Residential Planned Community Districts, there is not a special use permit ordinance section similar to other zoning districts nor are water facilities listed as a permitted use. To make this zoning district consistent with other sections, staff proposes adding the following language found in other zoning districts to Section 24-289:

d. *Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:*

1. *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*
2. *Distribution lines and local facilities within a development; including pump stations.*

2. In PUD, Planned Unit Development zoning districts, there is not a special use permit ordinance section nor are water facilities listed as a permitted use. To make this zoning district consistent with other sections, staff proposes adding the following language found in other zoning districts to Section 24-499(c):

(2) *Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:*

- a. *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*
- b. *Distribution lines and local facilities within a development; including pump stations.*

3. Regarding the height restriction of 100 feet for water storage tanks found in many zoning sections, staff proposes amending Section 24-200. Public Utilities, to supercede the height restriction listed in individual zoning districts for public water storage facilities so long as the height waiver restrictions are adhered to. For example as listed in the attached table, in R-8, Rural Residential zoning district, a water storage facility can be up to 60 feet in height with a SUP or up to 100 feet with a SUP and an approved height waiver from the Board of Supervisors. The intent of this amendment is to still require a SUP for public water storage facilities up to 60 feet in height or a SUP and approved height waiver from the Board of Supervisors for any public water tanks of any height over 61 feet. The proposed amendment is as follows:

Section 24-200. Public utilities.

(a) Except where a public utility requires a special use permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage **tanks facilities**, pumping or regular stations.

(b) *The height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance of a special use permit and a height waiver by the Board of Supervisors. The height waiver shall meet the requirements for a height waiver of the zoning district in which the public water storage facility is located.*

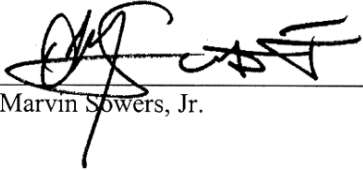
(b) (c) The location of all utilities and utility easements shall be shown on the site plans, or subdivisions plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, outdoor lighting poles and meter and service connections to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the planning commission may waive requirements for underground utilities upon a favorable recommendation

from the development review committee. Waivers in subdivisions must comply with section 19-18 of the subdivision ordinance.

On January 31, the Planning Commission Policy Committee recommended approval of the proposed Zoning Ordinance amendments. On February 7, the Planning Commission voted 7 - 0 to recommend approval of the proposed Zoning Ordinance amendments. Staff recommends the Board of Supervisors approve the Zoning Ordinance amendments.

Karen Drake

CONCUR:



O. Marvin Sowers, Jr.

KD/nb
pubwtrstfac.mem

Attachments:

1. Unapproved Planning Commission Minutes, February 7, 2005
2. Table 1. Public Water Storage Facility Zoning Ordinance Requirements
3. Ordinance

**UNAPPROVED MINUTES OF THE PLANNING COMMISSION'S
FEBRUARY 7, 2005 MEETING**

CASE NO. ZO-05-04 Zoning Ordinance Amendment – Public Water Storage
Facilities

Mr. Kale reported that the Policy Committee had met to discuss this case and the succeeding case, Z0-01-05 Rural Residential Height Limits. Mr. Kale asked Ms. Drake to outline the particulars of the case. The Policy Committee had recommended approval of both amendments.

Ms. Drake delivered the report. Staff has brought forward to amend the James City County Code by amending Section 24-200, Public Utilities to allow public water storage facilities to exceed the height limits specified by each zoning district with an approved height waiver and the issuance of a special use permit; and to amend Section 24-289, Utilities in R-4, Residential Planned Community Districts and Section 24-499, Permitted Uses in Planned Unit Developments to make water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions as specially permitted uses.

Ms. Blanton asked for confirmation of the actual constructed height of the towers proposed in the vicinity of Stonehouse Commerce Park and Season's Trace/Warhill, respectively.

Ms. Drake responded that the current engineered height of these structures would be 165 feet.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, asked for the Planning Commission to approve the amendment.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kale moved the approval of the Policy Committee minutes and recommendation.

Mr. Billups seconded the motion.

The Planning Commission recommended approval with a 7-0 vote: AYE (7) Hunt, Jones, Fraley, Blanton, Kennedy, Kale, Billups. NO (0).

Table 1. PUBLIC WATER STORAGE FACILITY ZONING ORDINANCE REQUIREMENTS

Zoning District		Water Tanks: Permitted or SUP	Height Restrictions
A-1	General Agriculture	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-1	Limited Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-2	General Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-4	Residential Planned Community	Public Utilities are a Permitted Use but water storage facilities are not referenced.	SUP to 60' or up to 100' with Height Waiver that meets requirements.
R-5	Multi Family	SUP	SUP to 35' or no restriction with Height Waiver that meets requirements
R-6	Low-Density Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
R-8	Rural Residential	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
LB	Limited Business	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
B-1	General Business	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements
M-1	Limited Business/Industrial	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
M-2	General Industrial	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
RT	Research & Technology	SUP	SUP to 60' or no restriction with Height Waiver that meets requirements
PUD	Planned Unit Development	Public Utilities are a Permitted Use but water storage facilities are not referenced.	SUP to 60' or up to 100' with Height Waiver that meets requirements
MU	Mixed Use	SUP	SUP to 60' or up to 100' with Height Waiver that meets requirements

KD/nb
ordamnd_att.wpd

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 1, GENERALLY, SECTION 24-200, PUBLIC UTILITIES; DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-289, UTILITIES; AND DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-499, PERMITTED USES.

BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-200, Public utilities; Section 24-289 Utilities; and Section 24-499, Permitted uses.

Chapter 24. Zoning

Article V. Districts

Division 1. Generally

Section 24-200. Public utilities.

(a) Except where a public utility requires a special use permit, public utilities shall be allowed as a permitted use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage ~~tanks~~ *facilities*, pumping or regular stations.

(b) The height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance of a special use permit and a height waiver by the board of supervisors.

The height waiver shall meet the requirements for a height waiver of the zoning district in which the public water storage facility is located.

~~(b.)~~ (c) The location of all utilities and utility easements shall be shown on the site plans, or subdivisions plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the planning commission may waive requirements for underground utilities upon a favorable recommendation of the development review committee. Waivers in subdivisions must comply with section 19-18 of the subdivision ordinance.

Division 5. Residential Planned Community District, R-4

Section 24-289. Utilities.

(d) Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit:

(1) *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*

(2) *Distribution lines and local facilities within a development; including pump stations.*

Division 14. Planned Unit Development Districts

Section 24-499. Permitted uses.

(c) In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.

(1) Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.

(2) *Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:*

a. *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*

b. *Distribution lines and local facilities within a development; including pump stations.*

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February,
2005.

watertank.ord

MEMORANDUM

DATE: February 22, 2005

TO: The Board of Supervisors

FROM: Stephanie Ahrendt, Purchasing Director

SUBJECT: Award of Contract - Design and Construction of Site Improvements and Roadways at the Warhill Site

The Design and Construction of Site Improvements and Roadways at the Warhill Site Request for Proposals 05-0056 was issued as a "Solicited Proposal" pursuant to Virginia's Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The Board of Supervisors adopted the County's PPEA Procedures on June 24, 2003.

In developing the Warhill Site, the contractor will perform all necessary site investigation, design, permitting, acquiring right-of-ways, relocating utilities and coordination of new utility service and installation, geo-technical investigation, site work, and roadway construction.

Curtis Contracting, Inc., Henderson, Inc., and Jack L. Massie Contractor, Inc., submitted proposals describing interest, experience, qualifications, project approach, proposed schedule and cost estimate. A panel of staff members including representatives from General Services, Capital Projects, Development Management, Financial Management Services, Purchasing, Information Resources Management, Administration, the County Attorney's Office, and the James City Service Authority reviewed the proposals, interviewed all three firms and selected Curtis Contracting, Inc., as the firm with the best proposal.

The contract will be negotiated and awarded in three stages. Stage 1 consists of preliminary engineering and permitting. Stage 2 consists of right-of-way acquisition and utility relocation. Stage 3 consists of construction and certification. Curtis Contracting, Inc., proposed a cost of \$441,286 for Stage 1. The final cost, detailed schedule, and terms and conditions for the Stage 1 work will be negotiated with Curtis Contracting, Inc.

The attached resolution authorizes negotiation and award of a Comprehensive Agreement contract to Curtis Contracting, Inc., for Stage 1 of the Warhill Site Improvements.

Staff recommends approval of the attached resolution.

Stephanie Ahrendt

CONCUR:

John E. McDonald

SA/nb
roadwysatwarhill.mem

Attachment

RESOLUTION

AWARD OF COMPREHENSIVE AGREEMENT CONTRACT FOR DESIGN AND

CONSTRUCTION OF SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE

WHEREAS, a Public Private Education and Facilities and Infrastructure Act of 2002 (PPEA) request for proposals for Design and Construction of Site Improvements and Roadways at the Warhill Site was advertised, three interested firms submitted proposals, and

WHEREAS, staff reviewed all proposals, interviewed all three firms and selected Curtis Contracting, Inc., as the firm with the best proposal to provide the services associated with the project; and

WHEREAS, upon Board approval, staff is prepared to negotiate and execute a Comprehensive Agreement contract with Curtis Contracting, Inc. for Stage 1 of the Warhill Site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes negotiations and award a Comprehensive Agreement contract for Site Improvements at the Warhill Site to Curtis Contracting, Inc.

Michael J. Brown
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

Warhillsite.res