

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

August 8, 2006

7:00 P.M.

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H. PUBLIC COMMENT

I. REPORT OF THE COUNTY ADMINISTRATOR

J. BOARD REQUESTS AND DIRECTIVES

K. CLOSED SESSION

1. Consideration of personnel matters, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Colonial Services Board
 - b. Williamsburg Regional Library Board of Trustees

L. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JULY 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District, Absent
James O. Icenhour, Jr., Powhatan 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 - Quayshawn Walker, a rising tenth-grade student at Lafayette High School led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Resolution of Appreciation - Cole Joyner and Brandon Lapetina

Mr. Goodson presented resolutions of appreciation and Chief Tal Luton presented awards to Messrs. Joyner and Lapetina for their courageous lifesaving actions.

Mr. Goodson recognized Williamsburg City Councilman Bobby Braxton in the audience.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Administrator, Virginia Department of Transportation (VDOT), stated one bike trail was on schedule and the other was on a revised schedule but should be completed on time. Mr. Brewer stated Richmond Road improvements in the City of Williamsburg were ahead of schedule. He commented on studies on Route 645 and Route 60.

Mr. Bradshaw asked Mr. Brewer about improvements to curve and brush gratings along the shoulder of Church Lane and requested investigation into improvements to allow for safe crossing of Route 60W for elderly citizens residing in Burnt Ordinary.

Mr. Goodson stated his appreciation for road improvements and posting a speed limit sign on Plantation Road.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on recent military action in Lebanon.

G. CONSENT CALENDAR

Mr. McGlennon made a motion to adopt the items on the consent calendar as amended.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

1. Minutes - July 11, 2006, Regular Meeting
2. Resolution of Appreciation - Cole Joyner and Brandon Lapetina

RESOLUTION OF APPRECIATION

COLE JOYNER AND BRANDON LAPETINA

WHEREAS, Cole Joyner and Brandon Lapetina are local residents and 2004 graduates of Lafayette High School; and

WHEREAS, Messrs. Joyner and Lapetina were present at the beach at College Creek in James City County on June 18, 2006; and

WHEREAS, Messrs. Joyner and Lapetina came to the aid of Miguel Avilla who was having difficulties in the water; and

WHEREAS, Messrs. Joyner and Lapetina rendered life-saving aid to Mr. Avilla; and

WHEREAS, this quick response and treatment directly resulted in the survival of Mr. Avilla.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its deep gratitude and honors Cole Joyner and Brandon Lapetina for their life-saving efforts.

3. Dedication of Streets in Powhatan Secondary, Phases 6A-C

RESOLUTION

DEDICATION OF STREETS IN POWHATAN OF

WILLIAMSBURG SECONDARY, PHASES 6A-C

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 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.

4. Chesapeake Bay Restoration Fund Grant - \$5,432

RESOLUTION

CHESAPEAKE BAY RESTORATION FUND GRANT - \$5,432

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and Standard of Learning based environmental component to the Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$5,432 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

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

Revenue:

From the Commonwealth \$5,432

Expenditure:

Parks and Recreation \$5,432

5. Appropriation of Grant Funds – Temperature Control Systems - \$5,000

RESOLUTION

APPROPRIATION OF GRANT FUNDS - TEMPERATURE CONTROL SYSTEMS - \$5,000

WHEREAS, James City County applied for and was awarded a grant in the amount of \$5,000 from the Hampton Roads Metropolitan Medical Response System (HRMMRS) via the Hampton Roads Planning District Commission (HRPDC) for the purpose of reimbursing expenses related to county government costs related to the temperature control systems on fire apparatus; and

WHEREAS, the grant requires no local matching funds.

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

Revenue:

HRPDC-HRMMRS Temperature Control Boxes - EMS \$5,000

Expenditure:

HRPDC-HRMMRS Temperature Control Boxes - EMS \$5,000

6. Overhire of Eligibility Worker

RESOLUTION

OVERHIRE OF ELIGIBILITY WORKER

WHEREAS, the Aged, Blind, and Disabled (ABD) Medicaid program Eligibility Worker will be out on military leave for one year beginning July 5, 2006; and

WHEREAS, this position is responsible for an ongoing caseload providing benefit programs to the aged, blind, and disabled residents requiring eligibility determinations and annual redetermination for continued eligibility for Medicaid, Long-Term Care, State and Local Hospitalization, and Auxiliary Grant Program applicants; and

WHEREAS, it is necessary to fill this position by July 31, 2006, in order to offer continued quality services; and

WHEREAS, the Division of Social Services will have sufficient funds in its FY 2007 budget to pay the salary and fringe benefits of the newly hired Eligibility Worker.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the overhire of the Eligibility Worker on July 25, 2006.

7. Appropriation of Grant Funds – Department of Conservation and Recreation - \$150,000

RESOLUTION

DEPARTMENT OF CONSERVATION AND RECREATION – GRANT AWARD - \$150,000

WHEREAS, the Department of Conservation and Recreation (DCR) has approved a Water Quality Improvement Fund (WQIF) Grant for the amount of \$150,000 to conduct the Community Conservation Partnership Incentive Program; and

WHEREAS, the grant will be administered by DCR with a grant period of July 1, 2006, through June 30, 2009.

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

Revenues:

DCR – WQIF	<u>\$150,000</u>
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Expenditure:

DCR – WQIF	<u>\$150,000</u>
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H. PUBLIC HEARINGS

Mr. Goodson recognized Ms. Shereen Hughes, Planning Commissioner, in the audience.

1. 2006 Agricultural and Forestal District (AFD) Renewals

- a. Case No. AFD 5-86, Barnes Swamp Renewal
- b. Case No. AFD 10-86, Christenson's Corner Renewal
- c. Case No. AFD 6-86, Cranston's Pond Renewal
- d. Case No. AFD 2-88, Croaker Renewal
- e. Case No. AFD 9-86, Gordon Creek Renewal
- f. Case No. AFD 12-86, Gospel Spreading Church Farm Renewal
- g. Case No. AFD 3-86, Hill Pleasant Farm Renewal
- h. Case No. AFD 7-86, Mill Creek Renewal
- i. Case No. AFD 11-86, Yarmouth Island Renewal

Ms. Kate Sipes, Planner, stated that nine Agricultural and Forestal Districts (AFDs) were up for renewal. Ms. Sipes stated at the time of renewal, a property owner had the right to withdraw or add property to the District. Staff stated that those property owners withdrawing from the Districts may be subject to five years of rollback taxes. Ms. Sipes stated the renewal period was set for four years and three months to synchronize with the majority of the other renewals.

Ms. Sipes indicated the following withdrawals from the Agricultural and Forestal Districts:

1. AFD-2-86. Croaker: Taskinas, LLC would like to remove Parcel No. (14-4)(1-03), consisting of 29 acres. After withdrawal, the size of the District will be approximately 1,049 acres.
2. AFD-3-86. Hill Pleasant Farm: Mr. Don Hunt would like to withdraw six acres from Tax Map No. (24-1) (1-5). After the withdrawal, the size of the District will be approximately 567.62 acres.
3. AFD-5-86. Barnes Swamp: Toano Business Center would like to remove Parcels No. (4-1)(5-1); (4-1)(5-2); (4-1)(5-3); (4-1)(5-4); and (4-1)(5-5), formerly listed as (4-1)(1-8) totaling 88.376 acres.
4. AFD-6-86. Cranston's Pond: Withdrawal requests included all six Marston properties, totaling 85.61 acres and identified as Parcel Nos. (1-90), (1-33), (1-34), (1-36), (1-37) on Tax Map (22-2); and both Heath properties, totaling 25.91 acres and identified as Parcel Nos. (22-3)(1-33) and (21-4)(1-39). In addition, the Ripley parcel, identified as Parcel No. (31-2)(1-3), was approved for a family subdivision and the two-acre subdivision was being withdrawn from the District. After the withdrawals, the size of the District would be approximately 1,786.13 acres.
5. AFD-7-86. Mill Creek: The Cowles Family Limited Partnership would like to remove Parcel No. (20-1)(1-1) consisting of 433 acres. After the withdrawal, the size of the District would be 2,913 acres.
6. AFD-9-86. Gordon Creek: W. A. Thompson and Charles Flemming would like to remove three acres from Parcel No. (36-2)(1-40). The size of the remaining parcel will be 136.96 acres. David and Stephanie Allen would like to remove 25 acres from Parcel No. (34-2)(1-2). The size of the remaining parcel will be 132.98. John Carswell would like to add 28.36 acres of land at Parcel No. (35-2)(1-10). Parcel No. (43-2)(1-3), consisting of approximately 210 acres, has been added from the Barrett's Ferry AFD. After the withdrawals and addition, the size of the District would be 3,343.804 acres.
7. AFD-10-86. Christenson's Corner: No changes were proposed.
8. AFD-11-86. Yarmouth Island: No changes were proposed.
9. AFD-12-96 Gospel Spreading Church: Mr. Lyman Hall, Jr., would like to remove Parcel Nos. (47-4)(1-13) consisting of 39.11 acres and (47-4)(1-11) consisting of 17.89 acres for a total of 57 acres. After the withdrawal, the size of the District would be 1,133.76 acres.

Ms. Sipes stated changes were made to two Districts since staff prepared the staff report: the name of one property owner in the Mill Creek AFD was corrected and a property owner requested to withdraw 183 acres from the Barnes Swamp AFD. Staff stated before the renewal period, the combined acreage of the Districts was 18,080 acres, and 938.5 were acres withdrawn, which left total remaining acreage at 17,171 acres.

At its meeting on June 27, 2006, the AFD Advisory Committee voted 8-0 to recommend approval of all the AFD renewals except Gospel Spreading Church, for which the vote was 7-0 with one abstention.

At its meeting on July 10, 2006, the Planning Commission voted 6-0 to recommend approval of all the AFD renewals except Hill Pleasant Farms, for which the vote was 5-0 with one abstention.

Staff recommended approval of the ordinances to continue the Agricultural and Forestal Districts for a period of four years and three months with attached conditions.

Mr. Bradshaw commented that neighbors in the Bush Neck Road area were concerned about several property owners withdrawing property from Cranston's Pond AFD. Mr. Bradshaw asked if property owners had the ultimate right to withdraw property.

Ms. Sipes stated that this was an entirely volunteer program and the property owner had the right to withdraw upon renewal.

Mr. Bradshaw asked if any Board had the right to compel the landowner not to withdraw property.

Ms. Sipes stated there was no action by the Board that would serve to prohibit landowners from withdrawing land.

Mr. Goodson stated that the vote by the Board was to extend the AFD and without this vote they would expire.

Ms. Sipes stated this was correct.

Mr. Bradshaw disclosed that he represents clients in several of the AFD properties and he is a trustee for one AFD, but holds no authority in the trust; however, he felt he could vote on this matter impartially and fairly.

Mr. Goodson opened the Public Hearing.

1. Ms. Viola Cowles, 145 Bush Springs Road, on behalf of Bush Springs Road Community Organization, commented on the Cranston's Pond AFD. Ms. Cowles expressed the concern of her neighbors and her community organization with development in the Bush Neck Road area due to increased traffic, crime, lack of rural atmosphere, and the threat of confiscated property from area landowners to improve Bush Springs Road.

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

Mr. Icenhour made a motion to adopt the AFD renewal ordinances as amended.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

2. Assign Contract to Purchase Property – 2945 and 2976 Forge Road

Mr. Adam Kinsman, Assistant County Attorney, stated the County has been offered an opportunity to assign the contract to purchase property at 2945 and 2976 Forge Road for a conservation easement. The property consisted of 88 acres but ultimately with the property belonging to Mr. and Mrs. Elwood Perry, the total acreage would be 98 acres, including the Branch residence. Mr. Kinsman explained the County initiated purchase of the property for \$1,910,000 with the goal of ultimately placing a conservation easement on it. Mr. Kinsman stated staff spoke with adjacent property owners, the Perry's, to take assignment on the contract for having a conservation easement on the property and began negotiations for the conservation easement to

include the Perry's property, 10 acres in addition to the original 88 acres. Mr. Kinsman stated this would increase the conservation easement to 98 acres on Forge Road, adjacent to property which the County already had purchase of development rights. Mr. Kinsman stated the conditions under which the conservation easement would fall would prohibit most commercial development and limit single-family dwellings to seven, would allow agricultural uses, and improve the view shed. Mr. Kinsman stated that the property owner would give the County the existing Branch residence, to be replaced with an agricultural structure and a caretaker residence. Mr. Kinsman stated that the development of this land was in the hands of the County and staff believed this was an excellent opportunity to preserve 98 acres on Forge Road.

Mr. Kinsman recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

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

Mr. Bradshaw disclosed he has prepared loan documents for the property owners involved, but he felt he could fairly vote on this resolution.

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Bradshaw stated this conservation easement was vital to the community especially those concerned with the viewshed on Forge Road. Mr. Bradshaw gave a brief history of Sunnyside Farm and the importance of the preservation of an agricultural nature of this area of the County. Mr. Bradshaw stated this was a fortunate situation wherein a seller and buyer come together, and recognized those involved in this process, including Mr. Ed Overton, PDR administrator, Mr. Wanner, Mr. Kinsman, and the Perrys. Mr. Bradshaw stated this was an example of a property owner coming forth with options and the County being flexible enough to work with the property owner.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

RESOLUTION

ASSIGN CONTRACT TO PURCHASE PROPERTY - 2945 AND 2975 FORGE ROAD

WHEREAS, on April 18, 2006, the County entered into a contract (the "Contract") to purchase 88 acres of real property located at 2945 and 2975 Forge Road, designated as Tax Parcel Nos. 1230100021 and 1230100022 (the "Property") for \$1,910,000; and

WHEREAS, protection of the Property and the pastureland thereon is vital to the County's efforts to preserve the rural and agricultural nature of the Forge Road corridor; and

WHEREAS, Elwood and Sharon Perry (the "Perrys") have indicated a desire to assume the County's interest in the Contract; and

WHEREAS, upon settlement on the Property, the Perrys have agreed to grant the County a conservation easement intended to protect the Property and the property currently owned by the Perrys located at 2875 Forge Road and designated as Tax Map No. 1230100022A (together with the Property, the "Properties") for a total of 98 acres; and

WHEREAS, the proposed conservation easement on the Properties will further the purpose of protecting the rural and agricultural nature of the Forge Road corridor and will prevent inappropriate development of the Properties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the attached assignment agreement and any other documents needed to assign the right to purchase the Property to Elwood and Sharon Perry.

I. PUBLIC COMMENT - None

J. REPORT OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board hold a James City Service Authority meeting and then go into Closed Session pursuant to Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; for the appointment of individual for Social Services Advisory Board, to discuss appointments for the Economic Development Authority, and the Williamsburg Regional Library Board of Trustees, and Section 2.2-3711 (A)(1) to consider a personnel matter involving the annual performance review of the County Administrator.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour thanked Chief Luton and the Fire Department for assistance of a citizen with a question about burn permits and the burning ban in James City County. Mr. Icenhour asked if staff could investigate extension of the burning ban to include May and September.

Chief Luton stated staff would investigate that information. Chief Luton explained for a number of years the State Department of Environmental Quality (DEQ) had issued a ban on open burning in metropolitan areas in Virginia, exempting specifically James City County, York County, and the City of Poquoson. Chief Luton explained this spring the DEQ removed that exemption but failed to inform the County. Chief Luton stated the Fire Marshal does not enforce DEQ violations, but the Fire Department cannot issue permits due to the burning ban. He stated there were four permits in effect and that staff has notified all four citizens that a burning ban was in effect until September 1.

Mr. Icenhour extended his thanks to the Peninsula Homebuilders Association for a letter, E-Mails, and phone calls. Mr. Icenhour stated the letter dealt with rural lands issues which allowed him to speak with individuals and to reassure them that the issues were being addressed and that the outcome would be beneficial to the community.

Mr. Goodson recessed the Board of Supervisors for a JCSA meeting at 7:36 p.m.

Mr. Goodson reconvened the Board of Supervisors at 7:40 p.m.

Mr. Wanner stated the only Board meeting in August will be on August 8, 2006, and will be preceded by a newly added work session at 4:00 p.m., on the Powhatan Creek Watershed.

Mr. Goodson thanked Mr. Braxton for attending.

Mr. Goodson recessed the Board for a Closed Session.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; for the appointment of individual for Social Services Advisory Board, to discuss appointments for the Economic Development Authority and the Williamsburg Regional Library Board of Trustees, and Section 2.2-3711 (A)(1) to consider a personnel matter involving the annual performance review of the County Administrator

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

At 7:42 p. m, Mr. Goodson convened the Board into Closed Session

At 9:08 p.m., Mr. Goodson reconvened into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(1) to consider a personnel matter involving the annual performance review of the County Administrator.

Mr. McGlennon made a motion to appoint Mr. John Favret to an unexpired term on the Social Services Advisory Board, term to expire July 1, 2009.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

Mr. McGlennon made a motion to approve an 8 percent increase for Mr. Wanner, in recognition of his outstanding performance and continuation of the 7.5 percent County contribution to Mr. Wanner's deferred compensation plan.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

M. ADJOURNMENT

Mr. Icenhour made a motion to recess.

On a roll call vote, the vote was AYE: Icenhour, McGlennon, Bradshaw, Goodson (4). NAY: (0).

At 9:10 p.m., Mr. Goodson recessed the Board until 4:00 p.m. on August 8, 2006.

Sanford B. Wanner
Clerk to the Board

072506bos.min

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Erosion and Sediment Control Ordinance Violation - Civil Charge – Warren E. Barnes, Sr.

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Erosion and Sediment Control Ordinance. The case involves the disturbance and grading of land, and the removal of understory trees and shrubs without a land-disturbing permit or building permit. In accordance with provisions of the Ordinance, the County issued a notice of violation and requested that work stop. The owner, Warren E. Barnes, Sr., has abated the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Warren E. Barnes, Sr., has agreed to a civil charge of \$500. Staff believes that a civil charge of \$500 is equitable given the nature of the land disturbance and the cooperation exhibited by Owner in resolving the violation.

Staff recommends adoption of the attached resolution accepting a civil charge for the erosion and sediment control violation.



Darryl E. Cook

CONCUR:

Leo P. Rogers

DEC/gb
BarnesVio.mem

Attachment

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE – WARREN E. BARNES SR.

WHEREAS, on or about March 20, 2006, Warren E. Barnes, Sr., (the “Owner”), violated or caused a violation of the County’s Erosion and Sediment Control Ordinance by disturbing land without a permit at 164 The Maine, Williamsburg, Virginia, designated as Parcel No. (2-55) on James City County Real Estate Tax Map No. (45-4) and hereinafter referred to as (the “Property”); and

WHEREAS, Warren E. Barnes, Sr., has abated the violation at the Property; and

WHEREAS, Warren E. Barnes, Sr., has agreed to pay \$500 to the County as a civil charge under the County’s Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) 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 \$500 civil charge from Warren E. Barnes, Sr., Owner, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

BarnesVio.res



**EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -
CIVIL CHARGE - WARREN E. BARNES, SR, OWNER**

200 0 200 Feet



MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors


FROM: John T. P. Horne, Development Manager

SUBJECT: Virginia Department of Transportation Project Nos. OT0615-047-169, PE101, RW201, C501, and Ironbound Road (Route 615) Widening and Improvements

On December 13, 2005, the Board of Supervisors approved by resolution the Virginia Department of Transportation (VDOT) Six-Year Program for Secondary Roads (2006/07 through 2011/12) and the Construction Priority List (2006/07). The highest-ranked item on the Construction Priority List was the Ironbound Road project that proposes road widening, installation of medians, and other improvements along Ironbound Road between Strawberry Plains Road and the Longhill Connector Road.

On June 28, 2006, the James City County Planning Division, Development Management, and Community Services staff participated in a Design Public Hearing relating specifically to the Ironbound Road project. At this meeting, VDOT presented design plans for the various road improvements being proposed and addressed questions and comments from those in attendance. There is currently a continuing dialogue between VDOT and James City County to address and resolve concerns involving various elements of the proposed project. These discussions and negotiations are moving forward in a productive fashion, and staff feels that all concerns related to the design of the project will be resolved in a satisfactory manner in the near future. In the meantime, VDOT has requested a County resolution endorsing the project and requests that the project be approved by VDOT's Chief Engineer. The resolution is necessary at this time to meet FHWA scheduling and funding requirements.

Based on these observations, staff recommends approval of the attached resolution regarding proposed design, once amended, to address the concerns of James City County for the Ironbound Road project.


John T. P. Horne

JTPH/gb
IronboundImpro.mem

Attachment

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT NOS. OT0615-047-169, PE101,

RW201, C501, AND IRONBOUND ROAD (ROUTE 615) WIDENING AND IMPROVEMENTS

- WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation (VDOT) in developing a Six-Year Secondary System Construction Program; and
- WHEREAS, the James City County Board of Supervisors had previously agreed to assist in the preparation of the Program, in accordance with VDOT policies and procedures, and participated in a public hearing on the proposed Program (2006/07 through 2011/12) as well as the Construction Priority List (2006/07) on December 13, 2005, after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and
- WHEREAS, James W. Brewer, Residency Administrator of VDOT, appeared before the Board of Supervisors and recommended approval of the Six-Year Program for Secondary Roads (2006/07 through 2011/12) and the Construction Priority List (2006/07) for James City County, and the Board of Supervisors subsequently approved the Six-Year Program for Secondary Roads (2006/07 through 2011/12) and the Construction Priority List (2006/07) for James City County on December 13, 2005; and
- WHEREAS, On June 28, 2006, a Design Public Hearing was held that related specifically to the Ironbound Road improvements portion of the Six-Year Program for Secondary Roads plan previously described, herein identified as VDOT Project Nos. 0615-047-169, PE101, RW201, C501, and Ironbound Road (Route 615) widening and improvements.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses and approves the proposed VDOT Project Nos. 0615-047-169, PE101, RW201, C501, and Ironbound Road (Route 615) widening and improvements, as presented at the Design Public Hearing in concept, and will continue to work with the VDOT to resolve outstanding design issues in a timely manner.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of
August, 2006.

IronboundImpro.res

M E M O R A N D U M

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: John E. McDonald, Manager, Financial and Management Services

SUBJECT: Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority of its School Financing Bonds (1997 Resolution) Refunding Series 2003 D, a Portion of the Proceeds of which Refunded the James City County General Obligation School Bonds, Refunding Series 1994 A; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby

The Virginia Public School Authority (VPSA) has identified a return of savings of \$516,817 from the VPSA's 2003D refunding of bond issues from 1991 and 1993.

The attached resolution, if adopted by the Board of Supervisors, authorizes the acceptance of the refunding and the return of savings. Should the Board adopt this resolution and the Continuing Disclosure Agreement and Use of Proceeds Certificate have been executed by the County Administrator, then the funds will be released to an account the County will need to establish with the State Non-Arbitrage Program (SNAP) to receive the funds.

This refinancing was done prior to State legislative changes that permit the use of the debt service credit. The main difference is that the funds received by the County in connection with the return of savings must be used for the same purposes as the proceeds of the original bonds, namely, school capital projects. In addition, once deposited in the SNAP account, the return of savings must be spent down within six months.

To that end, a separate resolution will be presented that amends the current Capital Budget by appropriating the \$516,817 in proceeds from the VPSA refinancing. The spending authority adds \$300,000 to the school site account and \$216,817 to the capital construction program for Matoaka Elementary School. A public hearing is necessary on the budget amendment because the total exceeds \$500,000.

Staff recommends approval of the attached resolution authorizing an application to VPSA for the return of savings.

John E. McDonald

JEM/nb
VPSArefund.mem

Attachment

RESOLUTION

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING
DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA
PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION)
REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE
JAMES CITY COUNTY GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES
1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE
OBJECTIVES CONTEMPLATED HEREBY**

- WHEREAS, the Virginia Public School Authority (the “Authority”) pursuant to (i) a bond resolution adopted on May 21, 1963, as amended (the “1963 Resolution”); (ii) a bond resolution adopted on August 13, 1987, as amended and supplemented (the “1987 Resolution”); and (iii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1963 Resolution Bonds”, the “1987 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia; and
- WHEREAS, the Authority used a portion of the proceeds of certain 1963 Resolution Bonds and certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the James City County, Virginia (the “County”) designated the James City County School Bonds, Series of 1987A, Series of 1988, Series 1990A, Series 1990B and 1991 Series B and the James City County General Obligation School Bond, Series 1992 Series A (“Prior Local School Bonds”); and
- WHEREAS, the Authority has issued under the 1987 Resolution two series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the “Series 1991 C Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”); and
- WHEREAS, the Authority refunded certain 1963 Resolution Bonds and certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the James City County General Obligation School Bond, Refunding Series 1994 A (the “Local School Bonds”); and
- WHEREAS, the Authority refunded its Series 1991 C Bonds and Series 1993 B Bonds (“Refunded Bonds”) with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the “Refunding Bonds”) issued pursuant to the 1997 Resolution; and

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution; and

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule"); and

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of James City County, Virginia, considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement.

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

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator, and such officer or officers as they may designate, are hereby authorized to enter into a Continuing Disclosure Agreement substantially in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator, and such officer or officers as they may designate, are hereby authorized to enter into a Use of Proceeds Certificate substantially in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees, and agents of the County are hereby authorized to take such action as they, or any one of them, may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of
August, 2006.

VPSArefund.res

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on _____, 2006, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was duly held and complied with all requirements of law.

A Copy, teste:

Clerk, Board of Supervisors of the
County of James City, Virginia

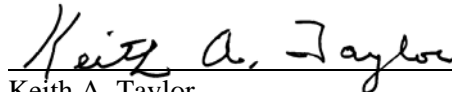
VPSArefundres.att

MEMORANDUM

DATE: August 8, 2006
TO: The Board of Supervisors
FROM: Keith Taylor, Secretary, Economic Development Authority
SUBJECT: Resolution of Inducement

At its July 20, 2006, meeting, the Economic Development Authority approved a Resolution of Inducement for the College of William & Mary Foundation for up to \$9.5 million worth of revenue bonds to finance the cost of site acquisition, construction, and equipping a three-story building referred to as "Discovery I," at New Town in James City County to house the development arm and related units of the College. Federal and State code require a concurring resolution by the Board of Supervisors.

Staff recommends approval of the attached resolution.


Keith A. Taylor

KAT/gs
DiscoveryI.mem

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF JAMES CITY COUNTY, VIRGINIA**

The Economic Development Authority of James City County, Virginia (the "Authority"), has considered the application of The College of William & Mary Foundation (formerly, The Endowment Association of the College of William and Mary in Virginia, Incorporated) (the "Foundation"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$9,500,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Foundation in financing or refinancing the acquisition, construction and equipping of a three-story building in New Town and financing the cost of relocating employees to the building (the "Project"), which building will be located across from Sullivan Square at the corner of Ironbound and Discovery Roads in James City County, Virginia (the "County"). The Project is to be owned by the Foundation or an affiliate thereof, including a real estate foundation established for the benefit of The College of William and Mary in Virginia (the "College") and/or the Foundation, and will be leased to and used by the College as an office building and may also be used by the Foundation, its affiliates and related organizations. The Project is to be at the anticipated address of 5300 Discovery Park Boulevard, situated on approximately 2.25 acres of land and comprise approximately 35,000 square feet.

The Foundation is a nonprofit Virginia nonstock corporation that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It has its principal place of business at 46 Tennis Court, Dillard Complex, College of William & Mary. The Foundation's primary charitable and educational purposes are to aid, strengthen and expand in every proper and useful way the work, usefulness and objects of the College, to develop, strengthen and utilize the ties of interest, sympathy and affection existing between the College and its alumni and friends throughout the country, to seek private funds, support and development for the College's benefit and to manage and distribute such funds to enhance the College's mission. The College is a higher educational institution constituting a public body and governmental instrumentality of the Commonwealth of Virginia and also has its principal place of business in Williamsburg.

Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Bonds will be issued by the Authority on behalf of the County, and the Project will be located in the County. The Board of Supervisors of James City County, Virginia (the "Board of Supervisors") constitutes the highest elected governmental unit of the County.

The Authority adopted an inducement resolution on July 20, 2006 (the "Inducement Resolution"), immediately following a public hearing held by the Authority on such date. In the Inducement Resolution, the Authority approved the acquisition, construction and equipping of the Project by the Foundation or an affiliate thereof, the issuance of the Bonds to assist the Foundation with the financing or refinancing of the Project, and recommended and requested that the Board of Supervisors approve of the issuance of the Bonds and the acquisition, construction, equipping, **and financing or**

refinancing of the Project. A copy of the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority's public hearing and the Foundation's Fiscal Impact Statement have been filed with the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The Board of Supervisors accepts the documents submitted to it by the Authority. The Board of Supervisors approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$9,500,000 and approves the acquisition, construction, equipping and financing or refinancing of the Project. The Bonds may be issued in one or more series and from time to time. These approvals are given for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and to permit the Authority to assist in the financing or refinancing of the Project.

2. The approval of the issuance of the Bonds and the acquisition, construction, equipping and financing or refinancing of the Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Foundation. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the County, shall be pledged thereto.

3. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaim all liability for any damage to the Foundation or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

4. This resolution shall take effect immediately upon its adoption.

John J. McGlennon
Vice Chairman, Board of Supervisors

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006

DiscoveryI.res

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of James City County, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia at a meeting duly called and held on the 8th day of August, 2006 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<i>Board Member</i>	<i>Present/Absent</i>	<i>Vote</i>
M Anderson Bradshaw	_____	_____
Bruce C. Goodson	_____	_____
Jay T. Harrison, Sr.	_____	_____
James O. Icenhour	_____	_____
John J. McGlennon	_____	_____

WITNESS, my hand and the seal of the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

Sanford B. Wanner
Clerk to the Board

(SEAL)

MEMORANDUM

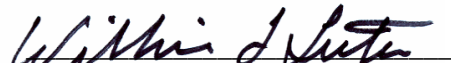
DATE: August 8, 2006
TO: The Board of Supervisors
FROM: William T. Luton, Fire Chief
SUBJECT: Adoption of the Peninsula Multi-Jurisdictional Natural Hazard Mitigation Plan

James City County recognizes the threat that natural hazards pose to citizens and property within our community. Adoption of the Peninsula Multi-Jurisdictional Natural Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre- and post-disaster mitigation grant programs.


James City County has fully participated in the FEMA-prescribed mitigation planning process to prepare the Peninsula Multi-Jurisdictional Natural Hazard Mitigation Plan. Region III officials of the Virginia Department of Emergency Management and Federal Emergency Management Agency, have reviewed the Peninsula Multi-Jurisdictional Natural Hazard Mitigation Plan and approval is contingent upon adoption by the participating governments.

This endeavor must be authorized by the Board of Supervisors. A resolution is attached that complies with all Commonwealth of Virginia requirements.

Staff recommends approval of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
HazardPlan.mem

Attachment

RESOLUTION

ADOPTION OF THE PENINSULA MULTI-JURISDICTIONAL

NATURAL HAZARD MITIGATION PLAN

WHEREAS, James City County, seeking Federal Emergency Management Agency (FEMA) approval of its Hazard Mitigation Plan, recognizing the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, James City County fully participated in the FEMA-prescribed mitigation planning process to prepare this Natural Hazard Mitigation Plan; and

WHEREAS, the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, officials have reviewed the “Peninsula Multi-Jurisdictional Hazard Mitigation Plan” and approved it contingent upon this official adoption of the participating governments and entities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the “Peninsula Multi-Jurisdictional Natural Hazard Mitigation Plan” as an official plan.

BE IT FURTHER RESOLVED, that James City County will submit this adoption resolution to the Virginia Department of Emergency Management and Federal Emergency Management Agency, Region III, officials to enable the Plan’s final approval.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

HazardPlan.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: William T. Luton, Fire Chief

SUBJECT: Authorization to Join the Peninsula Local Emergency Planning Committee

In 1986, Congress enacted the Emergency Planning Community Right-to-Know Act as Title III of the Superfund Amendments and Reauthorization Act (SARA), which required each state to appoint a State Emergency Response Commission (SERC) to oversee a Local Emergency Planning Committee (LEPC) for each district.


On the Peninsula, the following jurisdictions: City of Hampton, City of Newport News, City of Poquoson, and York County have joined together to meet this requirement through the establishment of the Peninsula Local Emergency Planning Committee (PLEPC). We believe that being part of a joint LEPC will strengthen the coordination and interface between our jurisdictions and enhance all-hazards planning, training, and response initiatives within the region.

This endeavor must be authorized by the Board of Supervisors. A resolution is attached that complies with all Commonwealth of Virginia requirements.

Staff recommends approval of the attached resolution.


William T. Luton

CONCUR:


Sanford B. Wanner

WTL/nb
JoinPLEPC.mem

Attachment

RESOLUTION

AUTHORIZATION TO JOIN THE PENINSULA LOCAL

EMERGENCY PLANNING COMMITTEE

WHEREAS, in 1986, Congress passed the Emergency Planning Community Right-to-Know Act as Title III of the Superfund Amendments and Reauthorization Act (SARA); and

WHEREAS, to implement Title III, Congress required each state to appoint a State Emergency Response Commission (SERC), which was required to divide their states into emergency planning districts and name a Local Emergency Planning Committee (LEPC) for each district; and

WHEREAS, the following jurisdictions: the City of Hampton, the City of Newport News, the City of Poquoson, and York County have joined together to meet this requirement by the establishment of the Peninsula Local Emergency Planning Committee (PLEPC); and

WHEREAS, being part of a joint LEPC will strengthen the coordination and interface between our jurisdictions and enhance all-hazards planning, training, and response initiatives within the region; and

WHEREAS, the PLEPC has agreed to admit James City County as a participant and the expenses required for participation can be met through an "in-kind" match utilizing County staff and facilities; and

WHEREAS, the citizens of James City County will benefit greatly through this joint effort.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the active membership and participation in the Peninsula Local Emergency Planning Committee (PLEPC).

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

JoinPLEPC.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: Shawn A. Gordon, Capital Projects Coordinator

SUBJECT: AUTHORIZATION TO JOIN THE PENINSULA LOCAL EMERGENCY PLANNING COMMITTEE

Seven (7) competitive bids were received on August 1, 2006, for the construction of the Freedom Park Phase II-C Site Improvements. These site improvements are necessary for the reconstruction of three 19th Century Free Black Domiciles in Freedom Park Phase II-C. The Free Black Domiciles will be representative of the 1803-1850 time period and will serve to educate citizens of the living conditions during that time period on this property in James City County. Bids were received as outlined below with the lowest responsive and responsible bidder being Curtis Contracting, Inc.

<u>Firm</u>	<u>Amount</u>
Curtis Contracting, Inc.	\$ 214,978.35
Walter C. Via Enterprises, Inc.	224,017.50
Jack L. Massie Contractors, Inc.	237,733.61
Kerrick Construction, LLC	239,278.00
Henderson, Inc.	251,687.80
Z-Corp. Design Build	273,697.00
Henry S. Branscome, LLC	300,954.65

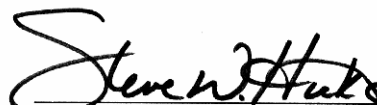
Since the bid amount of \$214,978.35 exceeded the project budget, negotiations were conducted with Curtis Contracting to obtain a contract price of \$167,706.60. Funds are available in the Capital Improvements Program budget for this award.

Staff recommends adoption of the attached resolution authorizing the award of the construction contract to Curtis Contracting, Inc. for construction of the Freedom Park – Phase II-C Site Improvements in the amount of \$167,706.60.



Shawn A. Gordon

CONCUR:



Steven W. Hicks

SAG/tlc
PhaseIIFredmPk.mem

Attachment

RESOLUTION

CONTRACT AWARD – FREEDOM PARK PHASE II-C SITE IMPROVEMENTS

WHEREAS, competitive bids were received for the Freedom Park – Phase II-C Site Improvements to be constructed in Freedom Park, at 5537 Centerville Road; and

WHEREAS, bids were received and Curtis Contracting, Inc. was the lowest responsive and responsible bidder with a bid price of \$214,978.35 which exceeded the project budget; negotiations were conducted with Curtis Contracting to obtain a contract price of \$167,706.60; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this contract bid award and construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Freedom Park – Phase II-C Site Improvements in the total amount of \$167,706.60.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

PhaseIIFredmPk.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

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

SUBJECT: Award of Contract - Design and Construction of Artificial Turf Fields, District Park Sports Complex at Warhill

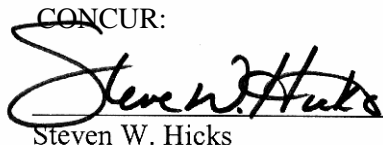
The Design and Construction of six artificial Turf Fields with associated site improvements was advertised as a "Solicited Proposal" pursuant to Virginia's Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). Proposals for the work from Landscapes Unlimited LLC, Curtis Contracting, Inc. and Henderson, Inc. were received and evaluated by staff. The Evaluation Committee found that the Curtis Contracting, Inc. and Henderson, Inc. proposals to be fully responsive to the Request for Proposals. Both of these proposers were interviewed, and subsequent negotiations occurred regarding scope, details, cost, and content of the two proposals. The Evaluation Committee consisted of representatives from General Services, the Environmental Division, Purchasing, and Parks and Recreation. After full evaluation, the Evaluation Committee selected the proposal from Curtis Contracting, Inc. as the most fully qualified and best suited to the County's needs as defined in the Request for Proposals

In developing the Warhill Site, the contractor will perform all necessary site investigation, design, permitting, grading, utility construction, artificial turf field construction, and coordination of the work. The Curtis Contracting team includes design by Clough Harbor Associates, site construction by Curtis Contracting, artificial field work by Field Turf with installation by Ballard Sports, field lighting by Musco Sports Lighting with installation by Branham Electric, and material testing by ECS.

The Evaluation Committee and Curtis Contracting, Inc. negotiated a lump sum, not-to-exceed price of \$6,679,281.88 for this project. Funds are available within the 2007 Capital Improvement Budget for this project. Exhibit A outlines the major components of this lump sum price. The attached resolution authorizes negotiation and award of a Comprehensive Agreement contract in an amount not to exceed \$6,679,281.88 to Curtis Contracting, Inc. for the Artificial Turf Field Site Improvements.

Staff recommends approval of the attached resolution.


Bernard M. Farmer, Jr.

CONCUR:

Steven W. Hicks

BMF/gs
Turfcontract.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - DESIGN AND CONSTRUCTION OF ARTIFICIAL TURF FIELDS

DISTRICT PARK SPORTS COMPLEX AT WARHILL

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 Sports Complex was advertised; three interested firms submitted proposals; and

WHEREAS, staff reviewed the proposals, interviewed Curtis Contracting, Inc. and Henderson, Inc., and selected Curtis Contracting, Inc. as the most fully qualified and best suited to the County's needs as defined in the Request for Proposals; and

WHEREAS, upon Board approval, staff is prepared to negotiate and execute a Comprehensive Agreement contract with Curtis Contracting, Inc. for complete design and construction of recreational facilities including six artificial turf fields at the Warhill Sports Complex in an amount not to exceed \$6,679,281.88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the negotiation and execution of the Comprehensive Agreement contract in an amount not to exceed \$6,679,281.88 with Curtis Contracting, Inc. for the Design and Construction of Recreational Facilities at the Warhill Sports Complex.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

Turfcontract.res

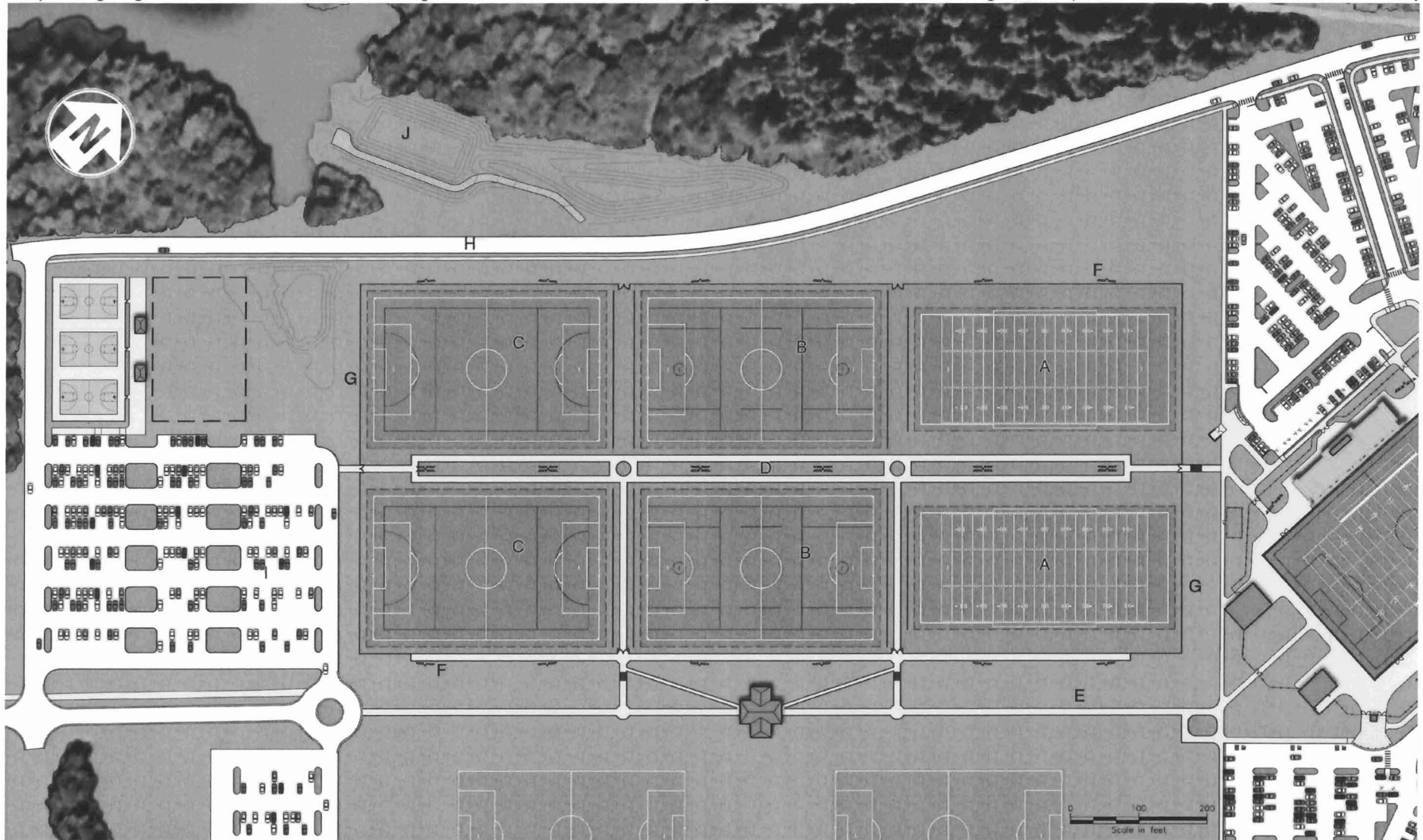
A. Synthetic Turf Football
F. Sports Lighting

B. Synthetic Turf Soccer / Lacrosse
G. Perimeter Fencing

C. Synthetic Turf Soccer / Field Hockey
H. Outer Roadway Extension

D. Pedestrian Boulevard
I. Parking +/- 350 spaces

E. Elevated Spline / Walk
J. Stormwater Forebay



Warhill Sports Complex Recreational Facility

James City County, Virginia

2 June 06



MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: William C. Porter, Jr., Assistant County Administrator

SUBJECT: Williamsburg Regional Library 4th Amended and Restated Contract

The Williamsburg Regional Library Board of Trustees (Trustees) along with the County Administrator and City of Williamsburg Manager have drafted an amended and restated contract between James City County and the City of Williamsburg for the Williamsburg Regional Library (WRL). Staff is requesting that the Board of Supervisors authorize the County Administrator to execute the draft contract.

The Library was created in May 1977. Since that time, the contract has been amended three times. This will be the fourth set of amendments. The draft contract includes minor clarifying word changes and several substantive changes. The substantive changes are:

- Includes the Trustees as a party to the contract
- Expands the Board of Trustees from seven members to nine members (five from the County and four from the City serving staggered terms)
- Establishes the Williamsburg Library as the administrative center for the system
- Allows for the adjustment of the WRL hours of operation with the mutual consent of the parties to the contract and allows the Trustees to determine the holiday closing schedule
- Requires the Trustees to annually report on unspent funds at fiscal year-end and permits the unspent funds from all sources to be retained for purposes deemed appropriate by the Trustees in the interest of WRL
- Clarifies that the WRL staff are employees of WRL that are covered under the James City County Personnel Policies and Procedures Manual (WRL employees will be paid by the County and the County will maintain leave records)
- The term of the Contract is five years with an automatic annual renewal unless either the County and/or the City want a change in the contract.

The most substantial change in the draft contract is the increased roles and responsibilities of the Trustees in the planning and operation of WRL.

The Trustees approved the draft contract on July 20, 2006, and the City of Williamsburg will consider the draft contract at the August 3, 2006, City Council Meeting.

Staff recommends that the Board adopt the attached resolution authorizing the County Administrator to sign the draft contract.

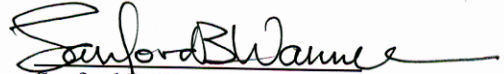
Williamsburg Regional Library 4th Amended and Restated Contract

August 8, 2006

Page 2

William C. Porter, Jr.

CONCUR:



Sanford B. Wanner

WCP/gb

WRL4thContr.mem

Attachment

RESOLUTION

WILLIAMSBURG REGIONAL LIBRARY 4TH AMENDED AND RESTATED CONTRACT

WHEREAS, the Williamsburg Regional Library Board of Trustees, the County Administrator, and Williamsburg City Manager have drafted an amended and restated contract for the Williamsburg Regional Library; and

WHEREAS, the Williamsburg Regional Library Board of Trustees approved the draft contract on July 20, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to sign the Williamsburg Regional Library's 4th Amended and Restated Contract.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

WRL4thContr.res

**SPECIAL USE PERMIT-20-06. Wythe-Will Commercial Expansion
Staff Report for the August 8, 2006, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

July 10, 2006, 7:00 p.m.
August 8, 2006, 7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. William LaVancher
Land Owner:	KTP, LLC
Proposal:	25,298 square feet of skateboard park; 16,828 square feet of office; 69,278 square feet of mini-storage; and 3,590 square feet of retail candy store (existing use)
Location:	6623 Richmond Road
Tax Map/Parcel Nos.:	(24-3)(1-35A)
Parcel Size:	11.09
Zoning:	A-1, General Agricultural and B-1, General Business
Comprehensive Plan:	Mixed Use
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Board approve this application with the attached conditions.

Staff Contact: Ellen Cook

Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

The Planning Commission, following its public hearing on July 10, 2006, voted 6-0 to approve this application.

Proposed Changes Made Since Planning Commission Meeting

None.

PROJECT DESCRIPTION

This redevelopment proposal proposes no new buildings, only changes in use to the existing structure. The existing structure had formerly been used entirely by the Wythe-Will Company which moved its production facilities to Stonehouse Commerce Park in the early 2000's, leaving behind the retail portion at the front of the structure. The current Special Use Permit (SUP) is being triggered by the commercial SUP provisions in the zoning ordinance. The Skateboard Park (Skatepark) facility removes the building from the exemption provided in Section 24-11 of the ordinance for "buildings predominantly used for warehouse, distribution center, office, or for other industrial or manufacturing purposes...for the purposes of this exemption, the term predominantly shall mean 85 percent of the total square feet of building area or more." Prior to triggering this commercial SUP, the owner had submitted, and received approval of, several site plans for improvements to the site including restriping the existing asphalt loading area for parking; an addition of the front parking area; and an addition of a "canopy" to the front façade of the building, which will substantially change the building's appearance (a copy of which is attached to this staff report).

Initial plans are to provide access to the office component of the structure, and potentially the Skatepark retail store, via entrances in the front of the building. The main entrance to the Skatepark would be via a rear entrance, and patrons using this entrance would park in the rear. The Skatepark facility will be entirely within the existing structure and will offer a supervised environment with set programs, such as summer camps. The applicant has projected that the site will host 5-6 events a year (primarily on Saturdays) that would feature, at most, 160 spectators and participants. With all parking spaces shown on the Master Plan, the site would have a total of 190 spaces, while 158 spaces are projected to be required. Based the Master Plan, the only uncertainty is the future number of the mini-storage units; 14 spaces have been allocated (of the 158), and at only one space required per 100 mini-storage units. Staff believes that the number of spaces proposed will meet and exceed requirements.

PUBLIC IMPACTS

Environmental

Watershed: Yarmouth Creek

Conditions:

- Condition No. 2: Upgrading the existing detention pond (YC-014) to meet current standards.

Staff Comment: The front portion of the site has been treated as redevelopment when reviewing plans for conformance with regulations. As part of this SUP, staff has recommended that the existing detention pond be upgraded. Upgrading this detention pond is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

Public Utilities

This site is served by public water and sewer.

Staff Comment: JCSA staff had no comments on this application as proposed.

Transportation

The parcel is located on Richmond Road and has three entrances into the site, although the entrance furthest east is located on the adjacent property. The closest crossovers are at the Pottery entrance traffic signal (approximately 450 feet) and Noland Boulevard (approximately 225 feet). Since the entrances are eastbound right-in, right-out only, the major implication for Richmond Road is increased use of the left-turn lanes at these two crossovers for U-turns, both of which have left-turn lanes. Creation of a connection between this parcel and the Noland parcel would reduce the number of left turns at the Pottery crossover by providing westbound traffic an entrance at Noland Boulevard. This parcel is on the Williamsburg Area Transport Blue and Purple lines, and is connected by existing or proposed (site plans currently under review) sidewalk to the Centerville/Richmond Road intersection area.

Proposed Traffic: The development as a whole is projected to generate 98 peak-hour trips.

2005 Traffic Counts: Approximately 18,770 vehicles per day in this area of Richmond Road.

2026 Volume Projected: 33,500 vehicles per day on a four-lane divided road. This segment is indicted as being in the "Watch" category.

Road Improvements: Turn lane analysis indicates that a right-turn taper is warranted.

Conditions:

- Condition No. 3: Installation of a right-turn taper into the western entrance to the property.
- Condition No. 4: Reservation of future road connection areas.

VDOT Comment: The projected trip generation for this development falls below the threshold for a traffic study. Turn lane analysis indicates that a right-turn taper is warranted.

Staff Comment: To the east of the proposed use is the Noland Property which was rezoned in 2004. The traffic proffer for that parcel states that a traffic study must be done prior to certain development triggers being met, and that this traffic study should include an analysis of the need for a traffic signal at the intersection of Noland Boulevard (the closest cross-over to the east) and Richmond Road. If a traffic signal is warranted, the proffer obligates the owner to install one. The proffer also states that if the “future connection” is made to the adjoining parcel, that the Owners can reach an agreement on cost sharing for the new signal. To the west of the proposed use is Colonial Heritage, which has proffered a series of traffic improvements, including one additional crossover and two additional traffic signals. These improvements are all beyond the closest (Pottery entrance) crossover. Due to the trip generation numbers being below the threshold, a traffic study was not required for this development.

COMPREHENSIVE PLAN

Land Use Map Designation

Mixed Use, Lightfoot Area (Page 127): The key elements of the Comprehensive Plan description are the principle suggested uses, the discouragement of strip commercial development, consistent treatment of landscaping and architecture, and measures to mitigate traffic congestion.

Staff Comment: Staff finds that the uses proposed by this SUP fit within the range of suggested uses, and that re-use of the existing structure does not contribute to creation of strip commercial development. Staff finds that with the conditions for landscaping (No. 8) and provisions for future connections to adjacent parcels to help with congestion (No. 4) that this proposal is generally in accordance with the Comprehensive Plan Land Use Designation.

Youth

Action No. 11 (Page 12): Encourage businesses to offer youth-oriented opportunities to include goods, services, and employment.

Staff Comment: Staff believes that the Skatepark portion of this proposal will address this Action, as the proposed use would provide a service to area youth.

Environment

Natural Resources Protection and Management, Yarmouth Creek Watershed Management Plan (Page 47) and Action No. 18 (Page 67): Fully implement the watershed protection and restoration goals and priorities identified watershed management plans. The Yarmouth Creek Watershed Management Plan was adopted in October 2003.

Staff Comment: Since this proposal reuses an existing structure, it has limited environmental impact. However, upgrading the detention pond (Condition No. 2) is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

Transportation

Roadway Components of County Transportation Planning, Richmond Road (Page 77): Richmond Road’s role in inter-County travel will become more important as I-64 becomes more congested; therefore, a high degree of mobility should be maintained. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.

Action No. 7 (Page 81): Encourage efficient use of existing and future roads by limiting driveway access points and providing joint entrances, side street access, and frontage roads.

Staff Comment: The Wythe-Will site has three existing entrances, with one of the entrances located on the adjacent Chesapeake Bank parcel. Staff has encouraged the applicant to discuss closing this entrance with the adjacent property owners. In addition, staff has placed a condition on the SUP reserving room on the property for future road connections to adjacent parcels. Without the connection to the Noland Property, however, the site as currently configured will impact Richmond Road by adding additional

traffic to the left-turn lanes at the Noland Boulevard and Pottery crossovers. It should be noted, however, that traffic previously generated by the Wythe-Will production facility would have also had an effect. Action No.8 (Page 81): Encourage...transit-dependent uses and users to locate in areas currently served by Transit.

Staff Comment: The Skatepark portion of the building will likely attract younger users that may not be able to reach the facility in their own vehicle. Sidewalks and public transit are available to provide access.

Community Character

Community Character Corridors (CCC) (Page 83): Richmond Road is designated as a CCC.

Staff Comment: The existing building has parking in front of the structure and has a minimal amount of landscaping in what would constitute the Commercial CCC (see also Page 145). Several SUP conditions will take steps towards addressing deficiencies by providing for review of landscaping, screening, and signage. However, even with these conditions, the site will remain noncompliant with current standards which would typically be applied to new development along CCC.

Summary: Comprehensive Plan Staff Comments

Overall, staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The Skatepark portion of the structure will offer services to youth within the County as encouraged by the Comprehensive Plan. A condition on the SUP provides for upgrading the detention pond which fits in with the goals of the Yarmouth Creek Watershed Management Plan, and environmental impact is reduced through reuse of an existing structure. While additional traffic generation on Richmond Road is a concern, as indicated by the “Watch” designation in the Comprehensive Plan, the proposal does not alter the existing exit/entrance situation, and provides for the potential for improvement by reserving areas for future connections to adjacent parcels. Finally, staff finds that even though the proposal would not be judged compliant with current standards for landscaping and site design along a CCC, various improvements advanced by the applicant (such as the façade) and by the SUP conditions will make the site more compliant than it is currently. Please note that in a separate process from this application, the Property Owner has signed an agreement to remove the billboard on the property. This agreement has been reviewed and approved by the County Attorney’s Office.

RECOMMENDATION

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believes the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Board approve this application with the following conditions:

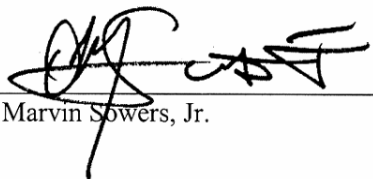
1. This SUP shall be valid for mini-storage, office, Skatepark and retail uses as shown on the Master Plan entitled “Anti-Gravity Skateboard Park Expansion” prepared by LandTech Resources, Inc. and dated June 1, 2006. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. The existing detention pond (YC-014) shall be upgraded to meet the James City County guidelines for design and construction of stormwater management BMPs as determined by the Environmental Director, including resizing of the dewatering orifice to provide the required 24-hour attenuation of the one-year, 24-hour runoff volume. Such upgrade shall either be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark.
3. A right-turn taper shall be installed on eastbound Richmond Road into the western entrance to the property. The right-turn taper shall be designed and constructed in accordance with VDOT standards, and shall be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500-square-foot portion of the Skatepark.
4. Owner shall reserve the areas shown on the Master Plan as “Possible Future Connections to Adjacent Parcel” for a possible future road connection to the adjacent parcels to the north [Tax Map Nos. (24-3)(1-34)] and to the south [Tax Map Nos. (24-3)(1-35)] of the property. Such connections shall be shown on

all development plans associated with the property and shall remain free of structures. Prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the skatepark, Owner shall either construct their portion of the road connection to Tax Map Nos. (24-3)(1-35) or, if an agreement on connection cannot be reached, shall furnish a letter which describes all efforts made to reach agreement with Owners of such adjacent parcel to the Planning Director.

5. All existing signage shall be brought into conformance, with Article II, Division 3, of the Zoning Ordinance prior to any new sign permits being issued for the property.
6. Existing dumpster pads and heating, cooling, and electrical equipment shall be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to issuance of a Certificate of Occupancy for the 10,500- square-foot portion of the Skatepark. Such improvements must be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500-square-foot portion of the Skatepark. All future dumpster pads and heating, cooling, and electrical equipment shall also be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to any final site plan approvals.
7. Landscaping shall be installed in the northern corner of the property which complies with requirements for CCC found in Section 24-96 of the Zoning Ordinance. This requirement shall only apply to the northern corner of the property where there is enough room to have a 50-foot-wide landscape area. In addition, landscaping shall be installed to screen the front parking lot from Route 60. Such landscaping shall consist, at a minimum, of a row of three-foot-high shrubs and either ornamental or shade trees along the back of the fence in the middle island. A landscape plan shall be submitted to the Planning Division and approved by the Planning Director, and all landscaping shall be installed or bonded prior to issuance of a Certificate of Occupancy for the 10,500-square-foot portion of the Skatepark.
8. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ellen Cook

CONCUR:



O. Marvin Sowers, Jr.

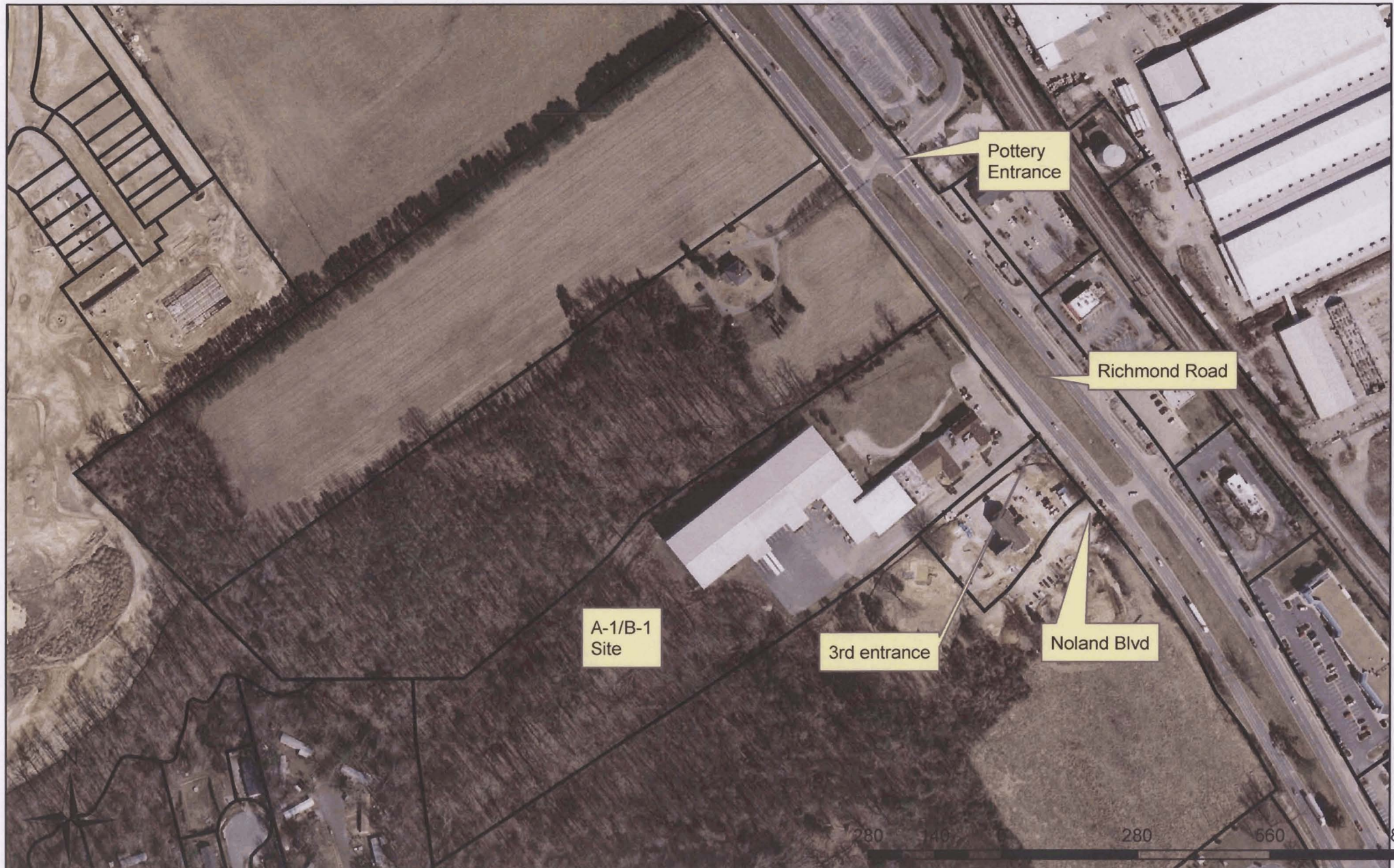
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ATTACHMENTS:

1. Location Map
2. Unapproved Planning Commission Minutes from July 10, 2006
3. Master Plan Façade Illustration (Under Separate Cover)
4. Resolution

JCC-SUP-20-06

Wythe-Will Commercial Expansion



**UNAPPROVED MINUTES OF THE JULY 10, 2006
MEETING OF THE PLANNING COMMISSION**

SUP-20-06 Wythe-Will Commercial Expansion

Ms. Ellen Cook presented the staff report stating that Mr. Bill LaVancher has applied to change the uses in the existing Wythe Will Candy Company structure to office, skateboard park and mini-storage; no new building square footage is proposed. The site is currently split zoned B-1, General Business, and A-1, General Agricultural, with the structure entirely within the B-1 designation. The current special use permit (SUP) is being triggered by the commercial SUP provisions in the Zoning Ordinance. Prior to triggering this commercial SUP, the owner had submitted, and received approval of, several site plans for improvements to the site.

This parcel is located in the Yarmouth Creek Watershed. As part of this SUP, staff has recommended that the existing detention pond be upgraded. Upgrading this detention pond is consistent with the goals of the Yarmouth Creek Watershed Master Plan.

Staff feels that this application, as proposed, is generally in compliance with the Comprehensive Plan. The uses proposed fit within those suggested for the Lightfoot Mixed Use area. The skateboard park portion of the structure will offer services to youth within the County as encouraged by the Comprehensive Plan. A condition on the SUP provides for upgrading the detention pond which fits in with the goals of the Yarmouth Creek Watershed Management Plan. While additional traffic generation on Richmond Road is a concern, as indicated by the "Watch" designation in the Comprehensive Plan, the proposal does not alter the existing exit/entrance situation and provides for the potential for improvement by reserving areas for future connections to adjacent parcels. Finally, staff finds that even though the proposal would not be judged compliant with current standards for landscaping and site design along a Community Character Corridor, various improvements advanced by the applicant (such as the façade) and by the SUP conditions will make the site more compliant than it is currently.

Staff also noted that since the staff report was distributed, the property owner has worked with the County Attorney's office to sign an agreement to remove the billboard on this property. This action will significantly benefit the Richmond Road Community Character Corridor and is supported by Action 26 of the Community Character Corridor section of the Comprehensive Plan. Note that this action by the property owner is entirely voluntary and is not contingent upon the SUP.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff believed the attached conditions would adequately mitigate impacts from this development. Staff recommended that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the attached conditions.

Mr. Hunt asked about the location of the retention pond and then stated that he was aware that there is a high volume of water that runs through that area.

Mr. Obadal asked what types of additional controls would be installed to control water runoff from this site.

Ms. Cook stated that an additional evaluation of the pond in back is needed. The Noland property, which is currently being developed, is putting in various controls on their site which will likely reduce drainage to their property. It is possible that the current pond will meet current standards. However, if the evaluation shows that the pond is not handling to current standards, there possibly will be a change in the orifice or enlarging the BMP to some extent.

Mr. Obadal asked what was meant by the project being generally in compliance with the Comprehensive Plan.

Ms. Cook stated that because this project is an existing site it does not meet some of the current standards (i.e. buffer) normally seen on a new plan of development. However, there are many areas where this project is in compliance with the Comprehensive Plan.

Mr. Obadal asked what was currently under construction around the site.

Ms. Cook pointed out Colonial Heritage and the Noland property.

Mr. Obadal asked whether there were any conditions requiring the applicant to screen the site from the adjacent property.

Ms. Cook stated the owners have already striped the parking lot and planted some landscaping in the rear of the property as part of a site plan prior to SUP application. She also noted that the Noland property has a required buffer as part of their master plan.

Mr. Obadal asked if they were going to place additional plantings between the two properties.

Ms. Cook stated there was currently no SUP condition concerning additional plantings between the two properties; however, she would defer the question to the applicant.

Mr. Obadal asked where the skateboard park area was located.

Ms. Cook stated the skateboard park would be entirely within the structure with the mini-storage further to the rear.

Mr. Obadal asked if the mini-storage entrance would also be located in the rear of the building.

Ms. Cook replied yes.

Mr. Obadal asked how staff determined the necessary parking on this site and if there was a provision in the Zoning Ordinance that states one parking space is needed for every so many square feet for a skateboard park.

Ms. Cook stated there was not a specific provision in the Zoning Ordinance and it falls under the Planning Director's determination. The determination was based on two skateboarders per car and the maximum occupancy for the skateboard park which is 50 skateboarders.

Mr. Obadal asked if staff drew any parallels to other types of uses in the parking section of the Ordinance.

Ms. Cook stated staff questioned whether there were any other similar facilities that the applicant could do a comparison with; however, there were not many facilities available within the County other than an outdoor skateboard park. She added that staff felt that the parking determination was a reasonable measure which fell under the Planning Direction's determination.

Mr. Sowers stated that staff generally looks and tries to find comparable uses in the area with assistance from the applicant. Not being able to find a similar facility, staff would refer to similar uses as well as the maximum occupancy and national standards.

Ms. Cook added that the site appears to have more than 30 additional parking spaces than what is required.

Mr. Obadal asked for clarity concerning parking determinations as it pertains to the other uses on the site.

Ms. Cook stated the site has 190 parking spaces and staff determined that 158 parking spaces are needed with all uses fully occupied.

Ms. Hughes asked if there was also going to be an outdoor skateboard park adjacent to the front parking lot.

Ms. Cook stated no and that area was a BMP in conjunction with the front parking area which will be landscaped.

Mr. Fraley asked if it would be accurate to state that this project is non-compliant with the current standards for Community Character.

Ms. Cook stated yes in terms of the buffer requirement recommended by the Comprehensive Plan.

Mr. Fraley asked Ms. Cook to comment on the beautification of this project that was expected.

Ms. Cook stated there were several items: (1) removal of the existing billboard which is not part of the SUP; (2) a condition of the SUP stated that this site will be landscaped in accordance with the Ordinance; and (3) ornamental bushes or shade trees are required to be planted in the middle landscape island.

Mr. Fraley commented that the applicant for the Prime Outlets case requested relief from landscape requirements which was not granted and wants to insure staff is consistent in how these items are approached and that the same kind of landscaping anticipated is similar to what Prime Outlets was required to install.

Mr. Sowers stated that the condition before the Commission allows staff to go beyond the Zoning Ordinance with the Planning Director's approval.

Mr. Hunt commented that the original Massie property and Pottery property are open fields and the transition to an intensely landscaped frontage is not typical in that area.

Mr. Fraley asked staff to point out where the mini-storage units were to be located and confirmed that the amount of storage units was unknown at this time.

Mr. Sowers stated that this building was over the square footage threshold and the DRC would review the site plan. He also noted that the parking ordinance would also limit the amount of units created.

Mr. Fraley asked if it was common for a plan to be reviewed without the number of the mini-storage units specified.

Mr. Sowers stated that the number of units is necessary during the site plan stage so that the parking requirements can be established.

Mr. Fraley noted that B-1 was the only zoning district which did not include a screening requirement from adjacent properties.

Mr. Sowers stated it could be an oversight when the Ordinance was written.

Mr. Fraley stated his concern about screening and neglected uses within the warehouse.

Mr. Obadal discussed his safety concerns with the skateboard park sharing the same parking lot with the mini-storage. His concerns included the amount of traffic and children standing and playing in the same parking lot.

Ms. Hughes commented that one of the conditions was to remove the entrance on the eastern portion of the property which looks like the most convenient entrance for any moving vehicles to get back to the mini-storage space.

Ms. Cook stated that the entrance was on an adjacent property and it is not likely to be closed. Staff suggested the closure because it could be a potential area to put landscaping if it were filled in.

Ms. Jones asked if the parking of the mini-storage was separate for the parking of the skateboard park.

Ms. Cook stated a good portion of the skateboard park parking will be in the rear adjacent to the mini-storage and there might be an entrance to the retail portion of the skateboard park from the front of the property.

Mr. Fraley opened the public hearing.

Mr. Bill LaVancher, 3091 North Riverside Drive, stated that he was the lessee of the facility and could answer some of the concerns of the skateboard park. He stated he has an approved site plan and has already done some landscaping that relates to the parking area and believes LandTech has calculated and incorporated parking spaces for the actual storage unit based on the criteria given by the owner. Included in the plan, there is an extensive landscaping plan and façade renovations which will show improvements to the front of the building. The rear entrance will serve as the entrance to the skateboard park and the front entrance will serve the retail portion of the business. He added that parking that will actually occur is quite minimal with the relationship to the actual number of kids that will be skating due to parents dropping their kids off at the skateboard park. Future plans include expanding the area to include various sports activities.

Mr. Obadal stated that he thought it was very worthwhile to have the type of facility that is being described, but is concerned not only with adequate parking but about the safety of the children from the traffic coming to and from the mini-storage area.

Mr. LaVancher stated that most skateboard parks are exterior and children do skate all over the parking lot and various other places; however, their operation plan includes session times so that a child can come and skate for a designated period of time. There will be staff monitoring the parking lot and the inside skateboard park. He added that total control is nearly impossible but the intent is to place as much restriction on the issue as possible with constant monitoring and good education.

Mr. LaVancher also stated that customers will be encouraged to use Noland Avenue to access the facility once the link between the properties develops.

Mr. Obadal asked if speed bumps could be installed to slow traffic down.

Mr. Kennedy stated that speed bumps would be a bigger draw to skateboarders and they will utilize anything with a bump, speed bumps, stairwells, etc. He questioned how much the County can enforce when it comes to combined uses. We have to start hoping that our children will have common sense not to play in the street.

Mr. Obadal stated he would rather see a speed bump used as a ramp than to see a fast pick-up truck speed through the parking lot.

Mr. Kennedy stated that he thought it was too much and we need to put faith in people to know between right and wrong.

Mr. Hunt stated that his experience with mini-storage is that there is hardly anyone there at any given time and they do not generate much traffic.

Ms. Jones asked if the mini-storage was a definite part of the plan.

Mr. Vernon Geddy III, representing the owner, stated that this is a vacant building with no productive use. This plan will bring it back into productive use with a number of improvements described in the staff report. He added that the mini-storage units will be entirely within the existing warehouse building and the mini-storage use is a very low traffic generator. The owner is very excited about the skateboard park and if it is successful, it may expand into that area. The plan is to partition the warehouse into storage units, but it would be easy to remove the partitions should the skateboard park expand.

Mr. Fraley stated that he thought that the two uses were not compatible and would be more enthused if the project had a youth based usage theme.

Mr. Geddy stated that this is not a new development but someone is trying to take an existing building and make it economically productive.

Mr. Obadal asked if there were any architectural plans for the left side of the building where the existing bay doors are located.

Mr. LaVancher stated that he understood that the bay doors would remain for people accessing the storage units.

Hearing no other requests, the public hearing was closed.

Ms. Jones motioned to approve the application.

Mr. Kennedy seconded the motion.

In a unanimous roll call vote the applications and attached conditions were recommended for approval (6-0). AYE: Jones, Hughes, Kennedy, Hunt, Obadal, Fraley (6); NAY (0). (Billups absent)

RESOLUTION

CASE NO. SUP-20-06. WYTHE-WILL COMMERCIAL 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 (SUP) process; and

WHEREAS, Mr. William LaVancher has applied for an SUP to allow 25,298 square feet of skateboard park ("Skatepark"); 16,828 square feet of office; 69,278 square feet of mini-storage; and 3,590 square feet of retail; and

WHEREAS, the building and uses are shown on the plan prepared by LandTech Resources, Inc., dated June 1, 2006, and entitled "Anti-Gravity Skateboard Park Expansion;" and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and B-1, General Business, and can be further identified as Parcel No. (1-35A), on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its Public Hearing on July 10, 2006, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-20-06 as described herein, with the following conditions:

1. This SUP shall be valid for mini-storage, office, Skatepark and retail uses as shown on the Master Plan entitled "Anti-Gravity Skateboard Park Expansion" prepared by LandTech Resources, Inc. and dated June 1, 2006. Development of the site shall be generally in accordance with the above-referenced master plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. The existing detention pond (YC-014) shall be upgraded to meet the James City County guidelines for design and construction of stormwater management BMPs, as determined by the Environmental Director, including resizing of the dewatering orifice to provide the required 24-hour attenuation of the one-year, 24-hour runoff volume. Such upgrade shall either be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark.
3. A right-turn taper shall be installed on eastbound Richmond Road into the western entrance to the property. The right-turn taper shall be designed and constructed in accordance with VDOT standards, and shall be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark.
4. Owner shall reserve the areas shown on the Master Plan as "Possible Future Connections to Adjacent Parcel" for a possible future road connection to the adjacent parcels to the north [Tax Map (24-3)(1-34)] and to the south [Tax Map (24-3)(1-35)] of the property. Such connections shall be shown on all development plans associated with

the property and shall remain free of structures. Prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark, Owner shall either construct their portion of the road connection to [Tax Map (24-3)(1-35)] or, if an agreement on connection cannot be reached, shall furnish a letter which describes all efforts made to reach an agreement with Owners of such adjacent parcel to the Planning Director.

5. All existing signage shall be brought into conformance, with Article II, Division 3, of the Zoning Ordinance prior to any new sign permits being issued for the property.
6. Existing dumpster pads and heating, cooling, and electrical equipment shall be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to issuance of a Certificate of Occupancy for the 10,500-square-foot portion of the Skatepark. Such improvements must be completed or bonded prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark. All future dumpster pads and heating, cooling, and electrical equipment shall also be screened by fencing and landscaping as shown on a plan approved by the Planning Director prior to any final site plan approvals.
7. Landscaping shall be installed in the northern corner of the property which complies with requirements for Community Character Corridors found in Section 24-96 of the Zoning Ordinance. This requirement shall only apply to the northern corner of the property where there is enough room to have a 50-foot-wide landscape area. In addition, landscaping shall be installed to screen the front parking lot from Route 60. Such landscaping shall consist, at a minimum, of a row of three-foot-high shrubs and either ornamental or shade trees along the back of the fence in the middle island. A landscape plan shall be submitted to the Planning Division and approved by the Planning Director, and all landscaping shall be installed or bonded prior to issuance of a Certificate of Occupancy for the 10,500 square foot portion of the Skatepark.
8. This SUP is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

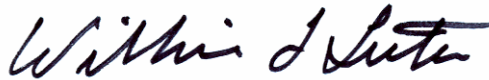
FROM: William T. Luton, Fire Chief
Jennifer C. Lyttle, Assistant County Attorney

SUBJECT: Lease of 240 Square Feet of James City County Property to Cingular Wireless, LLC

Cingular Wireless, LLC has applied to lease approximately 240 square feet of tower space on a County tower located at 129 Industrial Boulevard.

The lease as proposed has been reviewed by the County Attorney's Office and is acceptable. The initial lease term is for a five-year term with an option to renew for three additional five-year terms. Cingular Wireless proposes to indemnify and hold the County harmless and will provide insurance as required. The initial annual rent is \$25,000, with a three percent annual increase.

Staff recommends approval of the attached resolution authorizing the County Administrator to execute the lease agreement between James City County and Cingular Wireless, LLC.



William T. Luton

Jennifer C. Lyttle

WTL/gs
CingularAgr.mem

Attachment

RESOLUTION

LEASE OF 240 SQUARE FEET OF JAMES CITY COUNTY PROPERTY TO

CINGULAR WIRELESS, LLC

WHEREAS, James City County owns a 380-foot tower ("Tower") located on James City County Tax Map Parcel No. 1240100062A and more commonly known as 129 Industrial Boulevard, Toano, Virginia; and

WHEREAS, Cingular Wireless, LLC wishes to lease 240 square feet on the Tower; and

WHEREAS, after a public hearing the Board of Supervisors is of the opinion that the County should lease a portion of the Tower to Cingular Wireless, LLC on the terms and conditions contained in the lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the lease agreement between James City County and Cingular Wireless, LLC for 240 square feet of Tower space and such other memoranda, agreements, or other documents as may be necessary to effectuate the lease.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

CingularAgr.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: John E. McDonald, Manager, Financial and Management Services

SUBJECT: Philanthropic Research, Inc. (GuideStar) Exemption from County Real and Personal Property Taxes

Philanthropic Research, Inc., "GuideStar" recently relocated to James City County from the City of Williamsburg. GuideStar owns no real property in the County but is currently being assessed and billed for approximately \$15,000 in taxes for business personal property, mostly information technology equipment valued at approximately \$375,000.

Current State law, specifically 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, allows any locality to exempt, by ordinance, the real and/or personal property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. In accordance with State law, before adopting any such ordinance, the governing body shall consider the following questions and facts:

1. Whether the organization is exempt from taxation pursuant to Section 501c of the Internal Revenue Code of 1954.

GuideStar is exempt.

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization for use on such property.

GuideStar does not.

3. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, State or Federal grants.

In GuideStar's case no individual benefits. Revenues primarily consist of donations from charitable foundations and service fees.

4. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation, or whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

That does not appear to be the case.

5. The revenue impact to the locality and its taxpayers of exempting the property.

The tax impact is approximately \$15,000 a year.

6. Any other criteria, facts, and circumstances that the governing body deems pertinent to the adoption of such ordinance.

State law specifically prohibits a tax exemption for any organization that unlawfully discriminates.

In July 2004 the Board of Supervisors approved an exemption for Hospice Support Care of Williamsburg and in December 2005 exemptions were approved for the recreation associations of Greater First Colony, Windsor Forest, and Indigo Park.

Two of the issues the Board must consider under State law give staff pause:

The first is whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders. Submittals with the application show the salaries of seven of the 15 employees. Two are paid in excess of \$200,000 and the other five in a salary range of between \$88,125 and \$90,752. Additionally, GuideStar provides payments to a deferred compensation program for these seven employees. The organization has responded to this issue – indicating, and rightfully so, that “reasonable compensation” should be that which is ordinarily paid for like services by like organizations. The organization follows compensation guidelines set out by the IRS and recruits nationally. The only question raised by staff about the compensation of officers and key employees is one of comparability with other governmental and nonprofit organizations in the Greater Williamsburg area. The State Code indicates that this is one of the issues that must be considered.

The second is whether the organization provides services for the common good of the public. In a review of past applications and local tax exemptions, previous Boards have exempted organizations that provide services to targeted groups of County residents. It could also be argued that these organizations provide a governmental service related to the general health and safety of County residents. GuideStar does not follow that standard; it targets a national base.

GuideStar’s president, Mr. Robert G. Ottenhoff, addresses each of these two issues in a letter dated July 5, 2006, and that letter is attached for your review.

With its successful business model, GuideStar is the largest source of information on the 1.5 million nonprofit organizations operating in the United States and is nationally recognized for its work. The benefits to the County are similar to those of other successful and reputable businesses and County residents can take advantage of the services offered. In the opinion of staff, however, there are no services that could be described as targeting County residents and that focus on local public service needs.

The Code of Virginia provides a framework for the Board and lists issues that must be considered but in delegating the authority to the localities. The General Assembly has also directed that local decisions must be made in the framework of local policies and practices.

Previous Boards have agreed to consider each application on its own merits. Staff does not recommend that GuideStar be exempted from local property taxes, based on actions of past Boards and the implicit policies used in those deliberations. However, a resolution exempting GuideStar is attached and should the Board chooses, would exempt GuideStar from real and personal property taxes, effective January 1, 2006.

August 8, 2006

Page 3

John E. McDonald

CONCUR:



Sanford B. Wanner

JEM/gs

Guidestarexempt.mem

Attachments

ORDINANCE NO. _____

PHILANTHROPIC RESEARCH, INC. (GUIDESTAR)

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties, to be eligible for exemption, be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution; and

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning Philanthropic Research, Inc. (GuideStar):

1. GuideStar is a tax-exempt nonprofit organization under Section 501c of the Internal Revenue Code of 1954 and is the largest source of information on the 1.5 million nonprofit corporations operating in the United States.
2. GuideStar does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages.
3. GuideStar submits that each director, officer, or employee is provided reasonable compensation – namely the amount ordinarily paid for like services, by like enterprises (whether taxable or tax-exempt) under like circumstances. Salaries and contributions on behalf of the employee paid to deferred compensation programs for the seven most highly paid employees have been submitted by GuideStar as part of the application.
4. No net earnings of GuideStar inure to the benefit of any individual.
5. GuideStar receives most of its funds from fees for services and contributions from charitable foundations.
6. GuideStar does not engage in propaganda, attempt to influence legislation or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. GuideStar owns real and personal property in James City County as identified below:

8. GuideStar is an equal opportunity employer and service provider. GuideStar does not have any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Philanthropic Research, Inc. (GuideStar) shall be exempt from real and personal property taxes as a benevolent use, effective January 1, 2006, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

GuidestarExempt.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: John E. McDonald, Manager, Financial and Management Services

SUBJECT: Colonial Court Appointed Special Advocate Program, Inc. (CASA) Exemption from County Real and Personal Property Taxes

Colonial Court Appointed Special Advocate Program, Inc. (CASA) owns real property in the County at 1311 Jamestown Road, Suite 201, assessed as of July 1, 2005, at \$152,000 and pays approximately \$1,200 in taxes.

Current State law, specifically 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, allows any locality to exempt, by ordinance, the real and/or personal property owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. In accordance with State law, before adopting any such ordinance, the governing body shall consider the following questions and facts:

1. Whether the organization is exempt from taxation pursuant to Section 501c of the Internal Revenue Code of 1954.

CASA qualifies.

2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization for use on such property.

No annual alcohol beverage license exists.

3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders.

There are three employees with combined salaries of less than \$100,000. The Board of Directors is uncompensated as are the over 50 volunteers appointed by the Juvenile Judge.

4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, State, or Federal grants.

Donations and State and local government grants provide most of the revenue. Receipts are used for program expenses and net earnings are reserved for future program spending.

5. Whether the organization provides services for the common good of the public.

CASA manages and trains volunteers to be advocates for abused and/or neglected children in matters before the Williamsburg-James City County Juvenile and Domestic Relations Court.

6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or

Colonial Court Appointed Special Advocate Program, Inc. (CASA) Exemption from County Real and Personal Property Taxes

August 8, 2006

Page 2

otherwise attempting to influence legislation, or whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

CASA does not.

7. The revenue impact to the locality and its taxpayers of exempting the property.

Current annual tax payments are approximately \$1,200.

8. Any other criteria, facts, and circumstances that the governing body deems pertinent to the adoption of such ordinance?

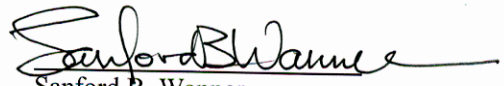
State law specifically prohibits a tax exemption for any organization that unlawfully discriminates.

In July 2004 the Board of Supervisors approved an exemption for Hospice Support Care of Williamsburg and in December 2005 exemptions were approved for the recreation associations of Greater First Colony, Windsor Forest, and Indigo Park.

Staff recommends approval of the attached ordinance exempting CASA from real and personal property taxes, effective January 1, 2006.

John E. McDonald

CONCUR:



Sanford B. Wanner

JEM/gs
CASA.mem

Attachment

ORDINANCE NO. _____

COLONIAL COURT APPOINTED SPECIAL ADVOCATE PROGRAM, INC.

EXEMPTION FROM COUNTY REAL AND PERSONAL PROPERTY TAXES

WHEREAS, pursuant to Subsection 6(a)(6) of Article X of the Constitution of Virginia and Section 58.1-3651 of the Code of Virginia, the Board of Supervisors is authorized to exempt, by classification or designation, real and/or personal property from taxation; and

WHEREAS, the Board of Supervisors must make a determination that properties, to be eligible for exemption, be determined to be religious, charitable, patriotic, historical, benevolent, cultural, or a public park or playground; and

WHEREAS, the Board of Supervisors must also determine certain facts, as enumerated in this resolution; and

WHEREAS, following a public hearing where citizens had an opportunity to be heard, the Board of Supervisors makes the following findings concerning Colonial Court Appointed Special Advocate Program, Inc. (CASA):

1. CASA is a tax-exempt nonprofit organization under Section 501c of the Internal Revenue Code of 1954 and advocates in Juvenile Court for abused and neglected children with a volunteer, uncompensated Board of Directors, a staff of three, and more than 50 trained volunteers appointed by the Judge. The City of Williamsburg acts as fiscal agent for CASA.
2. CASA does not have a current annual license from the Virginia Alcoholic Beverage Control Board to serve or sell alcoholic beverages.
3. CASA submits that each director, officer, or employee is provided reasonable compensation – namely the amount ordinarily paid for like services, by like enterprises (whether taxable or tax-exempt) under like circumstances. Salaries of the three employees of CASA have been submitted as part of the application.
4. No net earnings of CASA inure to the benefit of any individual.
5. CASA receives most of its funds from contributions, fund-raising activities, and grants from the State and local governments.
6. CASA does not engage in propaganda, attempt to influence legislation or participate in, or intervene in, any political campaign on behalf of any candidate for public office; and
7. CASA owns real property in James City County at 1311 Jamestown Road, Suite 201 in the Williamsburg Office Park and also owns business personal property.

8. CASA is an equal opportunity employer and service provider. CASA does not have any rule, regulation, policy or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex or national origin; and
9. CASA offers and manages a program that focuses on area children who have become part of a domestic dispute. Often these children are abused and/or neglected.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Colonial Court Appointed Special Advocate Program, Inc. (CASA) shall be exempt from real and personal property taxes as a benevolent use, effective January 1, 2006, and shall remain in effect unless terminated by the Board of Supervisors or the benevolent uses of such real or personal property change.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

CASA.res



Colonial CASA

Giving Children a Voice

James City County Board of
Supervisors, August 8, 2007



CASA

Court Appointed Special Advocates
FOR CHILDREN

COLONIAL CASA
WILLIAMSBURG AND JAMES CITY COUNTY



CASA Speaks for Children

CASA stands for Court Appointed Special Advocates. It is a national organization with over 930 programs throughout the U.S.

CASA volunteers are members of the community who complete an application process, a 36 hour training course, and are sworn-into service by the court.

Judges appoint CASA advocates to investigate child abuse and neglect cases and provide the court with an unbiased and factual report focusing solely on the child's best interest.



Colonial CASA believes that all children deserve to live in a safe and permanent home. While under the court's supervision, Colonial CASA works tirelessly to ensure abused and neglected children are safe, receiving the necessary services in a timely manner, and ultimately will live in a safe and permanent home.

Colonial CASA advocates for abused and neglected children by way of well trained community volunteers. These trained advocates provide a vital service to the children they serve and the community at large; they speak for them. Through its child advocacy services, Colonial CASA aims to give children back their hope, their dreams, their voice.



CASA Is Invaluable

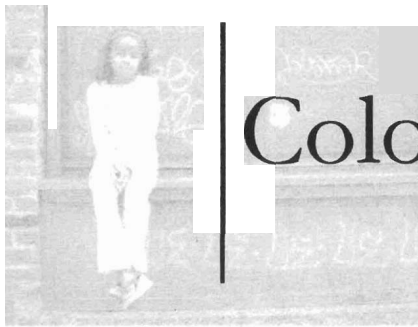
- Each year, 5.5 million children are referred to Child Protective Services agencies in the U.S. for alleged abuse or neglect. CASA advocates help keep a child's dream of living in a safe and permanent home alive.
- Colonial CASA serves the abused and neglected children of Williamsburg and James City County. Since its 1995 opening, 138 volunteer advocates have given a voice to 578 children in court.
- By working the same case until it is resolved -- where the child is placed in a safe, secure home -- CASA advocates help children find a sense of stability and security. Often, a child's CASA is the only stable and constant figure.
- Volunteers may serve no more than three cases at a time, ensuring that no CASA child slips through the cracks due to an overworked advocate.



CASA volunteers are everyday citizens from all walks of life, with a variety of personal, educational and ethnic backgrounds. They want to give back. They want to make a difference. They want to speak for those without a voice.

Colonial CASA needs caring volunteers to stand up for our children.

*Give hope to our kids. Join the Colonial CASA team.
Be an advocate, be on our board, be the difference.*



Colonial CASA, the Community

Community Costs

- Child abuse and neglect have large costs to society.
- Direct costs on child welfare services, the judicial system, law enforcement, health professionals, and mental health services.
- Indirect costs on special education requirements, substance abuse, and domestic violence

Colonial CASA Saves Costs

- With the current hourly rate for volunteer service, \$21.72 per hour, CASA advocates save the Commonwealth of Virginia significant sums of money. With over 15,000 hours of volunteer service, CASA advocates have saved the Commonwealth \$340,113.48!



Community Support for Colonial CASA

Community Funding for 2006-2007:

• Victims of Crime Act	\$ 30,000
• Department of Criminal Justice	\$ 40,554
• James City County	\$ 19,000
• City of Williamsburg	\$ 7,000
• Other community sources	<u>\$ 65,394</u>
Total	<u>\$161,948</u>

16% of Colonial CASA's funding is from James City County and the City of Williamsburg local governments. 44% is from state grants.

A young girl with dark hair is standing in front of a chalkboard. The chalkboard has several drawings on it, including a heart, a star, and some cursive writing that appears to say "LOVE" and "HAPPY". The girl is looking directly at the camera.

Be The Difference...

support Colonial CASA

Call Today
757.229.3306
www.colonialcasa.org



MEMORANDUM

DATE: August 8, 2006
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Budget Amendment - FY 2007 Capital Budget


The Virginia Public School Authority (VPSA) has identified a return of savings of \$516,817 from the VPSA's 2003D refunding of bond issues from 1991 and 1993. This return of savings program predates the legislative changes permitting the use of the debt service credit and, therefore, differs in terms of both procedure and substance from what the Board did earlier this year with the savings from another VPSA refunding.

The Board has previously considered the application to VPSA for the return of savings. The attached resolution amends the current Capital Budget by appropriating the \$516,817 in proceeds from the VPSA refinancing. The spending authority adds \$300,000 to the school site account and \$216,817 to the capital construction program for Matoaka Elementary School. A public hearing is necessary on the budget amendment because the total exceeds \$500,000.

Staff recommends approval of the attached resolution following the public hearing.

John E. McDonald

CONCUR:


Sanford B. Wanner

JEM/gs
07BudgVPSA.mem

Attachment

RESOLUTION

BUDGET AMENDMENT - FY 2007 CAPITAL BUDGET

WHEREAS, the Board of Supervisors of James City County has been notified that the Virginia Public School Authority (VPSA) has refinanced bonds issued in 1991 and 1993 and that the refinancing has produced savings in the amount of \$516,817; and

WHEREAS, one of the requirements of VPSA is that these savings shall be invested in School capital projects within six months of the receipt of the funds; and

WHEREAS, State Code requires that any budget amendment exceeding \$500,000 be advertised and adopted only after a public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following amendment to the budget for the year ending June 30, 2007, and appropriates these funds as follows:

Revenue:

Capital Budget	<u>\$516,817</u>
(Proceeds from the VPSA Refinancing)	

Expenditures:

Matoaka Elementary School	\$216,817
School Site Acquisition	<u>300,000</u>
	<u>\$516,817</u>

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: Needham S. Cheely, III, Director of Parks and Recreation
Leo P. Rogers, County Attorney

SUBJECT: Conveyance of Right-of-Way and Easements to the Virginia Department of Transportation and Easement to Verizon Virginia, Inc., for \$38,700

Attached for Board consideration is a resolution authorizing the County Administrator to convey the following portions of the Chickahominy Riverfront Park to VDOT: 1.061± acres of right-of-way; 0.117± acres of permanent easement; and 0.215± acres of temporary easement.

In addition, the attached resolution authorizes the conveyance of 0.215± acres of permanent easement to Verizon Virginia, Inc. In exchange for these conveyances, James City County will receive \$38,700. The Director of Real Estate confirmed that the purchase price is reasonable.

The conveyances of right-of-way and easements are needed for the construction of the new Judith Dresser Memorial Bridge. The attached drawing depicts the right-of-way and easements to be conveyed by the County.

Staff recommends adoption of the attached resolution.


Needham S. Cheely, III

Leo P. Rogers

JC/LPR/gb
ConveyEasements.mem

Attachments

RESOLUTION

CONVEYANCE OF RIGHT-OF-WAY AND EASEMENTS TO THE

VIRGINIA DEPARTMENT OF TRANSPORTATION AND

EASEMENT TO VERIZON VIRGINIA, INC., FOR \$38,700

WHEREAS, James City County owns 140± acres of land commonly known as 1350 John Tyler Highway, designated as Tax Parcel No. 34-30100002, and operated as the Chickahominy Riverfront Park; and

WHEREAS, the Virginia Department of Transportation (“VDOT”), requires as part of the construction of the new Judith Dresser Memorial Bridge the following conveyances:

To VDOT:

- 1.061± acres of right-of-way;
- 0.117± acres of permanent easement; and
- 0.215± acres of temporary easement.

To Verizon Virginia, Inc.:

- 0.215± acres of permanent easement; and

WHEREAS, VDOT is willing to pay the County \$38,700 for the conveyances; and

WHEREAS, after holding a public hearing, the Board of Supervisors agree to convey the right-of-way and easements needed for the new Judith Dresser Memorial Bridge for \$38,700.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the right-of-way agreements, deeds, and other documents necessary to convey the above-referenced property to the Virginia Department of Transportation and Verizon Virginia, Inc.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

ConveyEasements.res



MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Assistant County Attorney
Emmett H. Harmon, Chief of Police

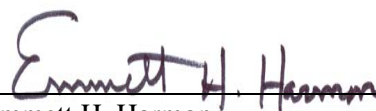
SUBJECT: Ordinance Amendment - Designation of Police Department to Enforcement Trespass Violations

Attached for your consideration is a revision to the County Code that will allow property owners to grant the James City County Police Department a limited power of attorney as the "person lawfully in charge of the property" for the purposes of enforcing trespassing violations. Currently, if a property owner wishes to have a person charged with trespassing, the property owner must see the trespass taking place, call the police department, and request that the police charge that person with trespassing. Likewise, if a police officer sees a suspicious person on private property, the officer cannot charge the suspicious person with trespassing until the property owner verifies that the suspicious person has been banned from the property. This process is particularly cumbersome with large commercial and residential developments where the property owner is often off-site or otherwise difficult to contact.

The Code of Virginia was recently amended to help address this difficulty by allowing property owners, lessees, custodians, or persons lawfully in charge of the property to voluntarily name the police department as a "person lawfully in charge of the property." Such a designation will allow a police officer to ban a person trespassing on a specified property from returning to the property and to arrest that person if he or she is found to be in violation of the ban. Additionally, the police officer will be able to testify in court on behalf of the actual property owner. The designation may be rescinded by the property owner at any time and the police department retains the complete discretion to cancel or refuse to accept any such designation.

This change will be particularly beneficial to property owners of commercial properties and apartment complexes where it is difficult for the owner to monitor the property day and night for any illegal activity. Additionally, this will relieve the property owner from the burden of appearing in court to testify in certain trespassing hearings. Staff recommends approval of the attached ordinance.

Adam R. Kinsman


Emmett H. Harmon

ARK/EHH/nb
PDTrespssVio.mem

Attachment

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF JAMES CITY COUNTY, VIRGINIA, BY ADDING SECTION 15-25.1, DESIGNATION OF POLICE TO ENFORCE TRESPASS VIOLATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended and reordained by adding Section 15-25.1, Designation of police to enforce trespass violations.

Chapter 15. Offenses-Miscellaneous

Section 15-25.1. Designation of police to enforce trespass violations.

(a) The owner, lessee, custodian, or person lawfully in charge of any real property may designate the James City County Police Department as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner, lessee, custodian, or person lawfully in charge as specified in the designation. This designation shall be valid only upon the execution of a limited power of attorney in a form provided by the James City County Police Department or in a form otherwise approved by the county attorney. The limited power of attorney shall appoint the James City County Police Department, and its officers, as true and lawful attorneys-in-fact for the owner, lessee, custodian, or person lawfully in charge with the following specific powers:

(1) To determine if a person has the owner's, lessee's, custodian's, or person lawfully in charge's permission to go or remain upon such property,

(2) *To issue written "notice forbidding trespass" to person(s) without such permission provided they are engaged in illegal activity,*

(3) *To arrest person(s) found to be in violation of such notice, and*

(4) *To testify in court on behalf of the owner, lessee, custodian, or person lawfully in charge to enforce the notice forbidding trespass and the trespass laws.*

(b) *In all cases, the actual owner of said real property will have the right to change the officer's determination of "lack of permission" and the owner may revoke such notice forbidding trespass, in writing, at any time after providing written notice of such change to the chief of police. The owner may revoke his limited power of attorney, at any time, after providing written notice of such revocation to the chief of police. The chief of police may terminate the agreement to act as agents of the owner, lessee, custodian, or person lawfully in charge for any given property at any time, after providing written notice of such termination to the owner, lessee, custodian, or person lawfully in charge.*

(c) *Copies of such limited power of attorney will be kept on file with the James City County Police Department.*

State law reference - Code of Va., § 15.2-1717.1

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8h day of August,
2006.

JccTreaAgr.ord

MEMORANDUM

DATE: August 8, 2006
TO: The Board of Supervisors
FROM: Jennifer C. Lyttle, Assistant County Attorney
SUBJECT: Olde Towne Medical Center Lease

A lease for space between the County and the Williamsburg Area Medical Assistance Corporation (“WAMAC”) needs to be renewed. Under the terms of the lease, the County will provide space in the Human Services Building to WAMAC for the Olde Towne Medical Center. The lease term is five years. WAMAC will occupy approximately 10,000 square feet. The annual rent is \$65,797 for the first year and increases at the rate of four percent each year of the lease term.

Attached is a resolution authorizing the County Administrator to execute the lease agreement. Staff recommends adoption of the resolution.

Jennifer C. Lyttle

CONCUR:

Leo P. Rogers

JCL/gb
OTMCLease.mem

Attachments

RESOLUTION

OLDE TOWNE MEDICAL CENTER LEASE

WHEREAS, the Olde Towne Medical Center is providing primary and preventative health care to residents of James City County; and

WHEREAS, the lease of a portion of the Human Services Building will assist the Olde Towne Medical Center in providing medical care to James City County residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized and directed to execute the lease between James City County and the Williamsburg Area Medical Assistance Corporation for the operation of the Olde Towne Medical Center.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

OTMCLease.res

MEMORANDUM

DATE: August 8, 2006
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: Matoaka Elementary School

On August 1, 2006, the Williamsburg-James City County School Board voted, conditionally, to award a construction contract for Matoaka Elementary School. The project was bid twice, and the projected opening date has now been delayed until September 18, 2007. The award is subject to funding approval from both the City and County. City Council will consider the contract at a meeting scheduled later this week.

The construction contract totals \$22,847,400. With other project costs, such as architectural and design work, furniture and equipment, off-site improvements to Brick Bat and Centerville Roads, the previous site work already approved and project contingency, the total project costs are \$28,837,740.

Currently budgeted funds, including funds appropriated in both FY 2006 and FY 2007, total \$22,081,007, approximately \$1.2 million in cash with the remaining \$21 million budgeted in the form of proceeds from a County borrowing. This is more than enough to cover the County share of the construction contract. It is not enough to cover the County's share of the total project budget; however, an additional \$4 million will need to be added to the budget, and the proposed borrowing, to fully fund the project.

The attached resolution endorses the School Board's decision to award a contract and sets the next scheduled Board meeting to September 12, 2006, as a public hearing date on the needed budget amendment of \$4 million.

Staff recommends approval of the attached resolution.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gs
Matoakabudg.mem

Attachment

RESOLUTION

MATOAKA ELEMENTARY SCHOOL

WHEREAS, the Board of Supervisors of James City County has previously budgeted funds for the construction of Matoaka Elementary School; and

WHEREAS, despite rebidding the contract, the construction contract for Matoaka Elementary School exceeded budget estimates by \$4 million; and

WHEREAS, the Williamsburg-James City County School Board seeks additional funds to award the contract and fund elated project costs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the contract award for the construction of Matoaka Elementary School and agrees to hold a public hearing on September 12, 2006, on an amendment to the previously adopted Capital Budget for the year ending June 30, 2007.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

matoakabudg.res

MEMORANDUM

DATE: August 8, 2006

TO: The Board of Supervisors

FROM: Tamara Mayer Rosario

SUBJECT: Acquisition of Conservation Easements - Tax Parcel No. 1220100008

Mr. Bert E. Geddy, Jr., has agreed upon the terms and value of conservation easements on his property located at 3200 Rochambeau Drive near Anderson's Corner. Also known as the Whitehall Tavern property, the parcel can be further identified as Tax Parcel No. 1220100008. The property fronts both Rochambeau Drive and Old Stage Road and has significant scenic and historic value to the community.

Conservation of this parcel as a farm or rural land, as opposed to intense residential development, will have significant scenic benefits to the Anderson's Corner area. Preservation of the rural landscape immediately surrounding the Whitehall Tavern will contribute to the historic setting most appropriate for the Tavern. This acquisition, in combination with the Colonial Williamsburg parcel and appropriate design of nearby developments, will help maintain the character of the Anderson's Corner area.

As shown on the attached map, two conservation easements will protect 31.64 acres of the 41.42-acre parent parcel. The first conservation easement, labeled "James City County Conservation Easement," is located on 10.967 acres at the northeast corner of the property. Its proposed deed of easement is written in accordance with the Virginia Open-Space Land Act and generally prohibits the construction of residential and commercial uses, signs, earth removal, and accumulation of waste material. The second conservation easement, labeled "FRPP Easement" is located on 20.673 acres and includes the existing historic residence known as Whitehall Tavern and its surrounding buildings. Its proposed deed of easement is written in accordance with the requirements of the Virginia Open-Space Land Act, the United States Department of Agriculture's Farm and Ranch Lands Protection Program (FRPP), and the Virginia Department of Historic Resources. In addition to the general conditions noted above, this deed restricts the location of new buildings and roads, adds historic preservation protections for the Whitehall Tavern and certain surrounding historic buildings, and further limits impervious area. In consideration of the property's future use as a farm, it makes allowances for an apartment-type dwelling contained within agricultural structure and for certain rural enterprises such as a bed and breakfast or commercial horse riding facility. James City County will administer both easements with the expectation that the Virginia Department of Historic Resources will assist or directly administer the historic preservation provisions. The deeds of easement will be subject to approval by the County Attorney.

Mr. Geddy intends to subdivide three home sites for himself and his children with the remaining 9.78 acres of the 41.42-acre parent parcel. As part of the terms of the sale, he has agreed to deed restrictions on the lots which will further protect the scenic values of the Whitehall Tavern property. They include right-of-first-refusal on the lots, variable-width scenic easements, and County approval of the house locations.

The Board of Supervisors previously approved the financial terms of the sale based upon an appraisal of the easement value provided by Simerlein Appraisals, Ltd. The agreed price was \$1,090,000 minus the value of the land in lots and a five-year phased payment schedule. Based upon these terms, the price of the conservation easements will be \$760,072. Because a portion of the property is subject to a FRPP easement, James City County will be eligible to receive \$250,000 towards this purchase.

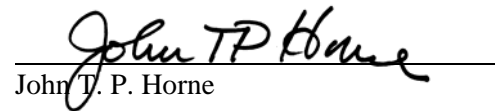
August 8, 2006

Page 2

Staff recommends approval of the attached resolution accepting the offer by Mr. Bert E. Geddy, Jr., to sell conservation easements for the appraised value of \$760,072 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.


Tammy Mayer Rosario

CONCUR:


John T. P. Horne

TMR/gs

Taxparcel_1220100008.mem

Attachments:

1. Location Map
2. Resolution

FRPP and James City County Easement Boundaries

Geddy/Whitehall Property (1220100008)



RESOLUTION

ACQUISITION OF CONSERVATION EASEMENT – TAX PARCEL NO. 1220100008

WHEREAS, Bertrand E. Geddy, Jr., owns a certain parcel located at 3200 Rochambeau Drive in James City County, designated as Tax Parcel No. 1220100008 (the “Property”); and

WHEREAS, Bertrand E. Geddy, Jr., has offered to sell the County two conservation easements (the “Easements”) on the Property which will protect 31.64 acres of the Property; and

WHEREAS, the County’s acquisition of the Easements will preserve the rural landscape of the Property, the historical Whitehall Tavern located on the Property, as well as help maintain the character of Anderson’s Corner; and

WHEREAS, the total purchase price of the Easements shall be \$760,072; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Easements to preserve the rural, scenic and historical values of the Property while maintaining the character of Anderson’s Corner.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the Easements on the Property and to execute any and all documents as may be necessary to acquire the Easements.

John J. McGlennon
Vice Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of August, 2006.

Taxparcel_1220100008.res