

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JULY, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Gabriella and Devon Wood, fourth- and fifth-grade students at Norge Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. July - Recreation and Parks Month

Mr. Brown presented a resolution to Mr. Needham S. Cheely, III, Director of Parks and Recreation, and Mr. James Dorsey, Vice-Chairman of the Parks and Recreation Advisory Commission, in recognition of July as Recreation and Parks Month

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the number of fees assessed on tourists to the Williamsburg area, and inquired how emergency vehicles were to provide service to neighborhoods when Route 60 East is closed down.

Mr. McGlennon invited citizens to comment at this time on any item listed on the Agenda under Consent Calendar or Board Considerations.

F. CONSENT CALENDAR

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

Mr. Brown requested Item No. 12, Award of Schematic Design Contract - Stadium Facility, be pulled.

Mr. Goodson pulled Item No. 5, Appropriation of Funds - U. S. Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETPP).

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

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

1. Minutes - June 22, 2004. Regular Meeting
2. July - Recreation and Parks Month

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun, recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community attractive and desirable places to live, work, play, and visit to contribute to our ongoing economic vitality; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

3. Appointment of Assistant Fire Marshal, Authorization of Fire Prevention Powers, and Authorization of Police Powers

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL, AUTHORIZATION OF FIRE PREVENTION POWERS, AND AUTHORIZATION OF POLICE POWERS

- WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local Fire Marshal to arrest, to procure, serve warrants of arrest, and to issue summonses in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances; and
- WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances, and fire bombs; and
- WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may authorize the local fire marshal to exercise the powers authorized by the Fire Prevention Code; and
- WHEREAS, Section 27-34.2:1 of the Code of Virginia, 1950, as amended, provides that James City County may appoint Assistant Fire Marshals, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and
- WHEREAS, Kendall L. Driscoll has completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Kendall L. Driscoll as a James City County Assistant Fire Marshal with all such police powers and authority as provided in the Virginia Code Sections 27.30, et. seq.

4. Title V Grant - Beyond the Bell

RESOLUTION

TITLE V GRANT -BEYOND THE BELL

- WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and
- WHEREAS, funds are needed for two staff positions to continue to operate the new middle school after-school program at the County's two community centers for referred youth-at-risk.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$56,465 grant awarded by the Virginia Department of Criminal Justice Services.

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:

Revenues:

From the Commonwealth	\$56,465
From the County General Fund	<u>17,550</u>
	<u>\$74,015</u>

Expenditure:

Title V B Grant -Beyond the Bell	\$74,015
----------------------------------	----------

6. Appropriation of Funds - U. S. Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP)

RESOLUTION

APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS),

STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP)

WHEREAS, James City County has been awarded grant funding in the amount of \$171,755.92 from the Department of Homeland Security (DHS), State Homeland Security Grant Program (SHSGP); and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant will allow for costs associated with equipment acquisitions, training, planning, and exercises; and

WHEREAS, the grant will be utilized by the Police and Fire Departments; and

WHEREAS, the grant program will be administered by the Virginia Department of Emergency Management, with the grant period being June 8,2004, through November 30,2005, thus allowing any unexpended funds as of June 30,2004, to be carried forward to James City County's next fiscal year.

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

Revenue:

VDEM-DHS and SHSGP	<u>\$171,755.92</u>
--------------------	---------------------

Expenditure:

VDEM-DHS and SHSGP	<u>\$171,755.92</u>
--------------------	---------------------

7. Citizen Corps Grant Fund Award

RESOLUTION

CITIZEN CORPS GRANT FUND AWARD

WHEREAS, the Virginia Department of Emergency Management has awarded funding in the amount of \$12,000 under the Citizen Corps Grant Program; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant period will be ~~from~~ June 8, 2004, ~~through~~ March 8, 2006, thus allowing any unexpended funds as of June 30, 2004, to be ~~carried~~ forward to James City County's next fiscal year.

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

Revenue:

VDEM - EST Citizen Corps	<u>\$12,000</u>
--------------------------	-----------------

Expenditure:

VDEM - EST Citizens Corps	<u>\$12,000</u>
---------------------------	-----------------

8. Dedication of Streets in Mallard Hill

RESOLUTION

DEDICATION OF STREETS IN MALLARD HILL

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

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

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

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

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

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

9. Route 31 Limited Access Line

RESOLUTION

ROUTE 31 LIMITED ACCESS LINE

WHEREAS, the Jamestown-Yorktown Foundation and the Virginia Department of Transportation (VDOT) are working to transfer a portion of right-of-way along Route 31 between Route 359 and the James River; and

WHEREAS, prior to the transfer of the right-of-way, the limited access line must be moved westward; and

WHEREAS, moving the limited access line **requires** the approval of the Board of Supervisors of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the movement of the limited access line along Route 31 between the intersection of Route 359 and the James River from Line AA to Line BB as shown on the plat entitled "Dedication Plat Showing a Portion of Jamestown Road - Route 31 to be Conveyed to the Jamestown-Yorktown Foundation" dated June 18,2003.

10. Appointment - 2004 County Fair Committee

RESOLUTION

APPOINTMENT - 2004 COUNTY FAIR COMMITTEE

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2004 County Fair will be held Friday, August 13, and Saturday, August 14.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2004 James City County Fair Committee for the term of August 13,2004, through August 14,2004.

11. Change of Name from "Industrial Development Authority" to "Economic Development Authority"

RESOLUTION

CHANGE OF NAME FROM "INDUSTRIAL DEVELOPMENT AUTHORITY" TO

"ECONOMIC DEVELOPMENT AUTHORITY"

- WHEREAS, the Industrial Development Authority of the County of James City, Virginia, desires to change its name to Economic Development Authority of James City County; and
- WHEREAS, Section 15.2-4903 (C) of the Code of Virginia provides that the Board of Supervisors may change the name of the Authority to the Economic Development Authority of James City County, Virginia.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County Virginia, that the Industrial Development Authority of the County of James City, Virginia, shall be **known** from this point forward as the Economic Development Authority of James City County, Virginia.

12. Tower Site Lease Agreement - Hankins Industrial Park

RESOLUTION

TOWER SITE LEASE AGREEMENT - HANKINS INDUSTRIAL PARK

- WHEREAS, James City County and York County are constructing a joint 800-MHz **trunked** radio system; and
- WHEREAS, the radio system requires a tower to be located in the Stonehouse district in compliance with all applicable zoning requirements; and
- WHEREAS, the Planning Commission and the Board of Supervisors have approved a special use permit for the construction of a tower at this location; and
- WHEREAS, staff negotiated a 25-year land lease agreement with the property owner at 129 **Industrial** Boulevard for the location of the 800-MHz **trunked** radio system tower on that property.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a 25-year lease with the property owner to locate a radio system at 129 Industrial Boulevard, James City County, Virginia.

13. Memorandum of Understanding Regarding the Greensprings Trailhead

RESOLUTION

MEMORANDUM OF UNDERSTANDING REGARDING THE GREENSPRINGS TRAILHEAD

WHEREAS, the Greensprings Trail has had an increase in citizen usage during school hours but does not have any public parking to accommodate usage; and

WHEREAS, the Parks and Recreation Advisory Commission, County staff, and citizens recognize the need to construct a parking area for users of the Greensprings Trail; and

WHEREAS, County and School Division staff have developed operational procedures and a memorandum of understanding that supports the construction and operation of the Greensprings Trailhead on Jamestown High School property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute the Memorandum of Understanding between the Williamsburg-James City County Public Schools and James City County regarding the Greensprings Trailhead.

5. Appropriation of Funds - U.S. Department of Homeland Security (DHS), Law Enforcement Prevention Program

Mr. Wanner stated that it is now a Federal requirement for the Board to designate the "applicant agent" by resolution in order for the Board to accept funding under this program.

Mr. Wanner recommended the Board adopt the two resolutions

Mr. Goodson inquired how the funds will be utilized.

Mr. Stan Stout, Police Major, stated that the funds will be used to purchase equipment for officer protection and training for anti-terrorism.

Mr. Brown made a motion to adopt the resolutions.

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

RESOLUTION

APPROPRIATION OF FUNDS - U.S. DEPARTMENT OF HOMELAND SECURITY (DHS).

LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETTP)

WHEREAS, the James City County Police Department has been awarded grant funding in the amount of \$157,057 from the Department of Homeland Security (DHS), Law Enforcement Terrorism Prevention Program (LETTP); and

WHEREAS, the grant will allow for cost associated with equipment acquisitions, training, planning, exercises, and organizational activities; and

WHEREAS, the grant requires no local matching funds; and

WHEREAS, the grant program will be administered by the Virginia Department of Criminal Justice Services with the grant period being May 28, 2004, through November 27, 2005, thus allowing any unexpended funds as of June 30, 2004, to be carried forward to James City County's next fiscal year.

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

Revenue:

DCJS - DHS and LETPP	<u>\$157,057</u>
----------------------	------------------

Expenditure:

DCJS - DHS and LETPP	<u>\$157,057</u>
----------------------	------------------

12. Award of Schematic **Design** Contract – Stadium Facility

Mr. Brown requested staff provide the status of the project.

Mr. Bemard M. **Farmer**, Capital Projects Administrator, stated that the stadium facility has been part of the County's Capital Improvement Projects (**CIP**) and allocation of funds has been made by the Board for the project; provided an overview of the design; and stated that the facility is a community facility that may be used for interscholastic activities and will be operated by the County for community-wide activities.

Mr. Farmer stated that **the** contract is for the schematic phase of the project, which will include meetings for the public to provide input on the stadium's design.

Mr. Farmer stated that staff expects to work on the schematic design phase this fall and winter, and have a completed stadium schematic design by spring of 2005.

Mr. Wanner commented on the briefing of the financial advisors; stated that the number of seats in the stadium will be contingent upon cost and constraints such as parking; and stated that staff anticipates the community stadium facility will be open in 2007.

Mr. Brown made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, **McGlennon**, **Goodson** (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

AWARD OF SCHEMATIC DESIGN CONTRACT - STADIUM FACILITY

WHEREAS, competitive proposal requests were advertised and received for the design of the James City County stadium facility to be located at **Warhill** Sports Complex; and

WHEREAS, two proposals were received and evaluated, with the best qualified proposer being Clough, Harbour & Associates LLP; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are available to fund this portion of the design contract.

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 schematic design of the stadium facility at the Warhill Sports Complex in the total amount of \$137,470.

G. PUBLIC HEARINGS

1. Case Nos. SUP-17-03 & MP-5-03. Warhill Sports Complex Master Plan

Mr. Christopher Johnson, Senior Planner, stated that Mr. **Needham** Cheely has applied on behalf of the James City County Division of Parks and Recreation for a Master Plan amendment for the Warhill Sports Complex and to amend and restate the existing special use permit conditions for the park at 5700 Warhill Trail on approximately 406 acres zoned R-8, Rural Residential, and further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1).

Staff found the proposed development consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the applications.

Staff believes that the amended conditions will sufficiently mitigate the impacts created by the proposed development and recommended approval of the applications.

Mr. Bradshaw inquired if the applicant will be held to the same perennial stream evaluations as private enterprises.

Mr. Johnson stated that they would be.

Mr. Brown inquired where the secondary park access to Centerville Road is located.

Mr. Johnson identified the secondary park access as potential use of the power line right-of-way and stated that it is preliminary and is recommended only as an option should the park be expanded.

Mr. **Goodson** opened the Public Hearing.

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

Mr. Brown made a motion to adoption of the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, **McGlennon**, **Goodson** (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NOS. SUP-17-03 & MP-5-03. WARHILL SPORTS COMPLEX MASTER PLAN

- WHEREAS, the Board of **Supervisors** of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, public recreation facilities are a specially permitted use in the R-8, Rural Residential, zoning district; and
- WHEREAS, the property is identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and
- WHEREAS, in accordance with § 15.2-2204 of the Code of **Virginia** and Section 24-15 of the James City County Zoning Ordinance, a Public Hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case Nos. SUP-17-03 and MP-5-03; and
- WHEREAS, the Planning Commission of James City County, following its Public Hearing on June 7, 2004, recommended approval of Case Nos. SUP-17-03 and MP-5-03 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan 5-03 and the issuance of Special Use Permit No. 17-03 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the **Warhill Sports Complex Master Plan** dated April 2004 with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Prior to issuance of a land-disturbing permit for any portion of the site, the applicant shall provide written evidence to the County which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director or his designee.
3. A minimum 150-foot buffer shall be maintained along all property lines of the park site. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking and hiking trails, and other uses specifically approved by the Development Review **Committee**.
4. All road improvements recommended by a traffic study approved by both the Planning Director and the Virginia Department of Transportation (**VDOT**) shall be constructed prior to the facilities requiring the improvements being utilized.
5. A lighting plan shall be reviewed and approved by the Planning Director for any lighting proposed adjacent to any athletic fields. This plan shall indicate that no glare, as determined by the Planning Director or his designee, is cast onto adjacent properties. For all parking lot luminaries and building mounted luminaries, mounted recessed fixtures shall be used with no lens, bulb, or globe extending below the casing or otherwise unshielded by the case so that the light is visible from the side of the fixture. This condition shall not apply to streetlights.

6. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
7. The applicant shall submit a traffic impact study to the County within three years of the date of approval of this application, unless a study is required by VDOT prior to that date. VDOT shall have the authority to delay requiring the traffic study to be submitted beyond the three-year time period if construction of the proposed facilities at Warhill Sports Complex occurs at a slower pace than expected.
8. The applicant shall conduct a perennial stream evaluation and receive approval from the Environmental Director prior to preliminary site plan approval being granted for any of the following uses proposed for the site: B-Softball complex; D-Stadium complex; E-Sports Field complex; F-Multipurpose fields; H/I-Picnic Areas; or P-Maintenance Area. If perennial streams are present on the site, a 100-foot buffer will be required around them and any wetlands contiguous and connected by surface flow to the stream.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

2. Case Nos. SUP-I1-04 & MP-3-04. Freedom Park Master Plan

Mr. Christopher Johnson, Senior Planner, stated that Mr. **Needham** Cheely has applied on behalf of the James City County Division of **Parks** and Recreation to amend the existing Master Plan for Freedom Park and **amend and** restate the existing special use permit conditions for the 690-acre park located at 5535, 5537, and 5981 **Centerville** Road, zoned A-I, General Agricultural, and LB, Limited Business, and further identified as Parcel Nos. (1-6), (1-9), and (1-10) on James City County Real Estate Tax Map No. (31-3).

Staff found the proposed use to be consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

At its meeting on June 7, 2004, the Planning Commission voted 7-0 to recommend approval of the applications.

Staff stated that the amended conditions will sufficiently mitigate the impacts created by the proposed development and recommended approval of the applications.

Mr. **Goodson** opened the Public Hearing

1. Mr. **George M. Eckle**, 2608 **Sir Thomas** Way, stated support for the development of **Freedom** Park and requested the Board consider a golf course in the Park.

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

Mr. **Goodson** inquired about the consideration of a golf course at the Park.

Mr. **Wanner** stated that the County issued a Request for Proposal (RFP) for a development of a golf course and because the private developers wished the County to fully back the financial obligations of the course, the County rejected the construction of a golf course at the Park.

Mr. Wanner stated that the void for public-owned golf courses is being filled by the development of a public golf course in York County.

Mr. **Goodson** stated that Mr. Harrison has requested deferral of this item to July 27 so he can participate in the vote.

Without an objection from the Board, Mr. **Goodson** deferred action on the item to July 27, 2004.

H. BOARD CONSIDERATIONS

1. Case No. AFD-12-86. Gospel Spreading Church AFD, Subdivision Consideration

Ms. Sarah Weisiger, Planner, stated that Mr. Robert E. **Gilley** has requested Board consideration of a subdivision of less than **25** acres on property currently included in the Gospel Spreading Church Agricultural and Forestal District (AFD) to create a two-acre parcel for his daughter at the end of Gatehouse Boulevard and further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4).

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of **5** to **0**.

Staff recommended approval of the subdivision.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Bradshaw noted a correction to the resolution with the removal of the word "each" from the final paragraph of the body of the resolution.

Mr. McGlennon amended his motion to include the amendment.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, McGlennon, **Goodson** (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AFD.

SUBDIVISION CONSIDERATION

WHEREAS, the owners of property located at 318 and 320 Neck O'Land Road and further identified as Parcel Nos. (1-40) and (1-41) on James City County Real Estate Tax Map No. (47-4) have requested Board consideration of a subdivision of less than **25** acres; and

WHEREAS, the property is in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of **Supervisors** has adopted conditions for all properties in the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Gospel Spreading Church Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owner's immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 5 to 0 with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of one lot of approximately two acres to be conveyed to immediate family members of the owners as described herein.

2. Case No. AFD-5-86. Barnes **Swamp** AFD. Subdivision Consideration

Mr. Christopher Johnson, Senior Planner, stated that Mr. Dustin **DeVore** of Kaufman & Canoles, on behalf of property owners Dennis Leonituk, Sr., and Anna H. Hockaday, requested Board consideration of a subdivision of less than 25 acres on property currently included in the Barnes Swamp Agricultural and Forestal District (AFD) to create two 10-acre parcels to be conveyed to their children at 338 Racefield Drive and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1).

On June 9, 2004, the Agricultural and Forestal District Advisory Committee recommended approval of the proposed subdivision request by a vote of 6 to 0.

Staff recommended approval of the subdivision.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, **McGlennon**, **Goodson** (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NO. AFD-5-86. BARNES SWAMP AFD. SUBDIVISION CONSIDERATION

WHEREAS, the owners of property located at 338 Racefield Drive and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (3-1) have requested Board consideration of the subdivision of less than 25 acres; and

WHEREAS, the property is in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, pursuant to the Virginia Code, Sections **15.2-4312** and **15.2-4313**, as amended, the Board of **Supervisors** requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intense use without prior approval of the Board; and

WHEREAS, the Board of **Supervisors** has adopted conditions for all properties in the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the adopted conditions for the Barnes Swamp Agricultural and Forestal District limit the subdivision of land to 25 acres or more, except where the Board of Supervisors authorizes lots to be created for residential use by members of the owners' immediate family, as defined by the James City County Subdivision Ordinance; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its meeting on June 9, 2004, recommended approval of the application by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the subdivision of two lots of approximately ten acres each to be conveyed to immediate family members of the owners as described herein.

3. Purchase of Ironbound Village Office Buildings

Mr. Wanner presented a resolution authorizing the acquisition of 1.39 acres and three 4,800-square-foot office buildings in Ironbound Village for the relocation of several administrative divisions from the Human Services Building and to create a new business incubator.

Mr. Wanner stated that the necessary rezoning application will be presented to the Planning Commission and commented that the office buildings met both BOCA and ADA requirements regarding accessibility.

Mr. Wanner requested the Board adopt the resolution,

Members of the Board stated support for the proposal.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

IRONBOUND VILLAGE PURCHASE

WHEREAS, Cutting Edge Development, L.L.C. ("Cutting Edge") currently owns real property and two office buildings located at 5300, 5320, 5324, and 5340 Palmer Lane in the Berkeley District designated as Tax Parcel Nos. 3911300001A, 3911300003, 3911300002B, and 3911300004; and

WHEREAS, George S. **Hankins, Jr.**, and Howard B. **Hankins** ("Hankins") currently own real property and one office building located at 5304 Palmer Lane in the Berkeley District designated as Tax Parcel No. 3911300001B; and

WHEREAS, Cutting Edge and **Hankins** have offered to sell the above-referenced properties and office buildings ("Properties") to James City County for a combined price of \$1.32 million; and

WHEREAS, the Board of Supervisors is aware of several County administrative divisions in need of additional office space and is of the opinion that the County should purchase the Properties at the offered price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the purchase agreements dated July 6, 2004, for the Properties and directs the County Administrator to execute all documents needed to purchase the Properties from Cutting Edge and **Hankins** for the sum of \$1.32 million.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, inquired about the vacated office spaces with the construction of Building F, stated opposition to the expenditure of funds for additional office space and the removal of structures from the **tax** rolls; and commented on a recent article indicating that eminent domain by localities are not being supported at the court levels.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that a public informational meeting was held on June 30 regarding the progress of the Route 199 and Jamestown Road intersection improvement project and stated that signalization at the intersection will be able to detect bicycles and cycle them into the traffic pattern.

Mr. Bradshaw commented on Mr. Gulden's successful farming and participation in the Agricultural and Forestal District, commented on the typical summer weather the County is experiencing, and emphasized the need for the County to have a stormwater management program.

Mr. Bradshaw commented on the recent opening of three brand-name stores at the Williamsburg Outlet stores.

L. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

On a roll call vote, the vote was: AYE: Bradshaw, Brown, McGlennon, **Goodson** (4). NAY: (0). ABSENT: Harrison.

Mr. **Goodson** adjourned the Board into Closed Session at **7:56 p.m.**

Mr. **Goodson** reconvened the Board into Open Session at **8:06 p.m.**

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

On a roll call vote, the vote was: AYE: Bradshaw, Brown, McGlennon, **Goodson** (4). NAY: (0). ABSENT: Harrison.

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.

Mr. McGlennon made a motion to reappoint Ms. Peggy **Boarman** to the Clean County Commission, term to expire on July 31, 2007; to reappoint Ms. **Madelynn** Herman and Ms. June **Hagee** to the Colonial Community Services Board, terms to expire on June 30, 2007; and to reappoint Ms. Virginia **Hartmann** to the Economic Development Authority, term to expire July 31, 2008.

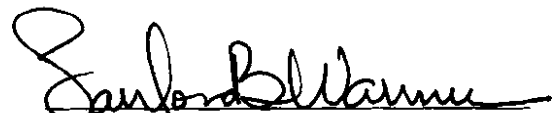
On a roll call vote, the vote was: AYE: Bradshaw, Brown, McGlennon, **Goodson** (4). NAY: (0). ABSENT: Harrison.

M. AJOURNMENT

Mr. McGlennon made a motion to adjourn

On a roll call vote, the vote was: AYE: Bradshaw, Brown, McGlennon, **Goodson** (4). NAY: (0). ABSENT: Harrison.

At 8:07 p.m. Mr. **Goodson** adjourned the Board until 4 p.m. on July 27, 2004.


Sanford B. Wanner
Clerk to the Board

DESIGNATION OF APPLICANTS AGENT RESOLUTION

BE IT RESOLVED BY OF

Board of Supervisors of James City County
(Governing Body) (Public Entity)

THAT

Sanford B. Wanner County Administrator
(Name of Incumbent) (Official Position)

Is hereby authorized to execute for and in behalf of a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance hinder the OJP, National Domestic Preparedness Office Grant Program(s). administered by the Commonwealth of Virginia.

That, a public entity established wider the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

Passed and approved this 13th day of July, 2004

Michael J Brown, Vice Chairman
(Name and Tie)

M. Anderson Bradshaw Wember
(Name and Tie)

John J McGlennon, Member
(Name and Tie)

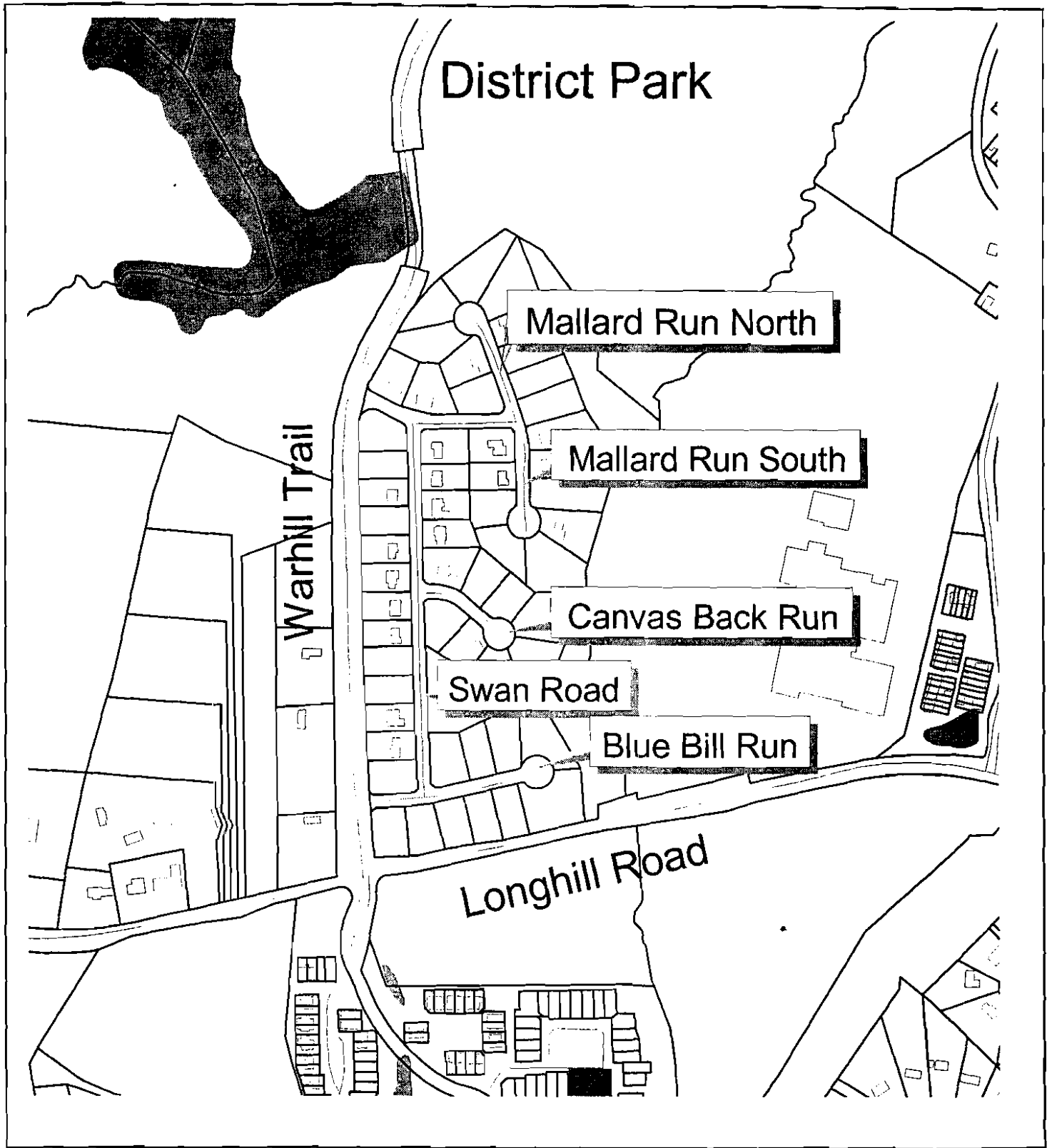
CERTIFICATION

I, Bruce C Goodson, duly appointed and Chairman, Board of Supervisors, James City
(name) (Title) (entity) County

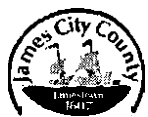
do hereby certify- that the above is a true and correct copy of a Resolution passed and
approved by the Board of Supervisor of James City County
(Governing Body) (Public Entity)

On the Day of 13th of July 2004

Chairman
(Official Position)
[Signature]
(signature)



DEDICATION OF STREETS IN MALLARD HILL (formerly WARHILL) SUBDIVISION



Streets Being Dedicated



In the County of James City

By resolution of the governing body adopted July 13, 2004

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

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

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

Project/Subdivision

Mallard Hill

Type of Change: **Addition**

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

Reason for Change: Addition, New subdivision street

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

Route Number and/or Street Name

Beaver Run East, State Route Number 1668

Description: **From:** Rt 1666, Swan Road

To: Rt 830, Warhill Trail

A distance of: 0.04 miles.

Right of **Way Record:** Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Description: **From** Rt 1666, Swan Road

To: Rt 1669, South North Mallard Run

A distance of: 0.06 miles.

Right of **Way Record:** Filed with the Land Records Office on 1/14/1991. Plat Book 53. Pg 52-53. with a width of 50'

Blue Bill Run, State Route Number 1665

Description: **From:** Rt 830, Warhill Trail

To: Rt. 1666, Swan Road

A distance of: 0.04 miles.

Right of **Way Record:** Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Description: **From:** Rt. 1666, Swan Road

To: End of cul-de-sac

A distance of: 0.07 miles.

Right of **Way Record:** Filed with the Land Records Office on 1/14/1991, Plat Book 53, Pg 52-53, with a width of 50'

Canvas Back Run, State Route Number 1667

Description: **From:** Rt 1666, Swan Road

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of **Way Record:** Filed with the Land Records Office on 1/14/1991, Plat Book 53. Pg 52-53. with a width of 50'

Report of Changes in the Secondary System of State Highways

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

North Mallard Run, State Route Number 1669

Description: **From:** Rt 1668, Beaver Run East

To: End of cul-de-sac

A distance of: 0.07 miles.

Right of Way **Record:** Filed with the Land Records Office on 111411991. Plat Book 53, Pg 52-53, with a width of 50'

South Mallard Run, State Route Number 1669

Description: **From:** Rt 1668, Beaver Run East

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of **Way** Record. Filed with the Land Records Office on 111411991, Plat Book 53, Pg 52-53. with a width of 50'

Swan Road, State Route Number 1666

Description: **From:** Rt 1665, Blue Bill Run

To: Rt 1667, Canvas Back Run

A distance of: 0.13 miles

Right of **Way** Record: Filed with the Land Records Office on 111411991. Plat Book 53. Pg 52-53, with a width of 50'

Description: **From:** Rt 1667. Canvas Back Run

To: Rt 1668, Beaver Run East

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 111411991. Plat Book 53, Pg 52-53, with a width of 50'

MEMORANDUM OF UNDERSTANDING
between the
WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOLS
and
JAMES CITY COUNTY

GREENSPRINGS TRAILHEAD

The Williamsburg-James City County Public Schools ("School") and James City County ("County") mutually agree to construct and operate a parking lot and trailhead facility ("lot and Facility") on the Jamestown High School property in accordance with this Memorandum of Understanding ("Memorandum"). The Lot and Facility will be utilized by the County to serve the Greensprings Trail ("Trail") and other potential trails that may connect to the Trail in the future.

A. RESPONSIBILITIES OF THE COUNTY:

1. The County shall provide all funding for construction, maintenance and operation of the Lot and Facility.
2. The County shall be responsible for opening and closing the entrance gate, supervision, inspection, and parking enforcement of the Lot and Facility. The entrance gate will be opened daily from 8:00 a.m. until dusk.
3. The County shall provide a sign describing the management of the Lot and Facility. The sign shall be mutually approved by the County and the School.
4. To the extent allowed by law, the County shall indemnify and hold harmless School from any and all liability or claims, including the obligations or expense of legal consultation and defense, arising from or related to the Lot and Facility or this Memorandum; provided, however, that such indemnity shall not be required for any claims arising from actions or inaction with the sole control of School.

B. RESPONSIBILITIES OF THE SCHOOL:

5. The School shall provide adequate real property ("Property") at Jamestown High School, as generally depicted on the attached Preliminary Site Plan, for construction and future public use of the Lot and Facility. The Property shall be provided to the County at no cost.
6. The School shall reimburse the County for initial Lot and Facility construction costs and future capital improvement expenditures, at replacement cost less depreciation, if Lot and Facility use is discontinued by request of the School for any reason. The reimbursement value shall be calculated utilizing a 30 year life, straight-line depreciation method. The School shall not request the Lot and

Facility use be discontinued within 10 years of the effective date of the Memorandum unless by mutual agreement of the County. If either party of this Memorandum requests the use of the Lot and Facility be discontinued, the requesting party shall give the other party 18 months notice, unless mutually agreed otherwise, before the use is discontinued.

C. IT IS FURTHER UNDERSTOOD THAT:

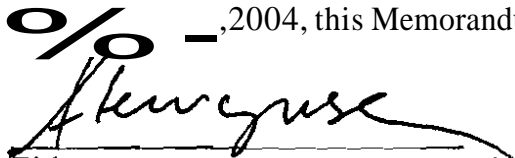
7. The Lot and Facility shall be constructed in accordance with an approved master site plan approved by the Superintendent of the Williamsburg-James City County Public Schools ("Superintendent"). **Any** modifications to the approved master site plan shall also be approved by the Superintendent. **A** Preliminary Site Plan is attached to this document.
8. This Memorandum is contingent upon the County appropriating the initial and annual monies necessary for the County to perform in accordance with this Memorandum. If the appropriate, either initial or any annual monies, is not made, then School may, after sixty (60) days written notice to the County, elect to terminate this Memorandum and assume all operational control of the Lot and Facility, including using the Lot and Facility for School only purposes. In such circumstances School shall not be required to replay any amounts under Paragraph 6 above.
9. This Memorandum will be effective when signed by the County and the School. The Memorandum may be modified at any time by mutual written consent.

This Memorandum is approved, and pursuant to Resolution of the Board of Supervisors of James City County, Virginia, executed on the 13th day of July, 2004, this Memorandum is hereby accepted on behalf of the County.


County Administrator
James City County

7/23/04
Date

This Memorandum is approved, and pursuant to Resolution of the Board of the Williamsburg-James City County Public Schools, executed on the 13 day of July, 2004, this Memorandum is hereby accepted on behalf of the Board.


Title: Chairman of School Board
Williamsburg-James City County Public Schools

7.15.04
Date

ATTACHMENT
(Preliminary Site Plan)

