

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

William C. Porter, Jr., Deputy Clerk
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

Sungmin Song, an eleventh-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. David Steele, Acting Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated Section I of the Jamestown 2007 Corridor project has been completed ahead of schedule and all lanes of traffic are open on Route 199 between Route 60 East and the Parkway overpass.

Mr. Steele stated that Section III, the improvement of **turn** lanes at the Jamestown Road and Route 199 intersection, is underway and it is anticipated that segment will be completed six to eight weeks early. Mr. Steele stated that in consideration of the anticipated heavy traffic, the construction work will be suspended during the Thanksgiving holiday and the eastbound and westbound lanes of traffic will be open including the turning lanes.

The Board thanked VDOT and the contractors for the work, inquired about an overlay on the eastbound lanes of Route 199 from the Parkway overpass to Route 60 East, and the status of the left-turn lane onto Route 31 from Route 199.

Mr. Steele stated that the overlay is scheduled for next year and the **turn** lane will have to be **repaved** to bring the lane up to grade.

E. PRESENTATIONS

1. Thomas Nelson Community College – Presentation to the Board of Supervisors

Dr. Charles Taylor, President, **Thomas Nelson** Community College, introduced Joseph A. Guitierrez, Jr., James City County College Board Representative, and William C. Monroe, Chair of the College Board.

Mr. Monroe and Mr. **Guitierrez** presented a resolution of the Thomas Nelson Community College Local College Board to Mr. **Goodson**, who accepted on behalf of the Board of Supervisors, for the County's diligent efforts and commitment to the community and higher education.

2. Annual Financial Report – KPMG LLP

Ms. Elizabeth P. Foster, Partner at KPMG LLP, provided the Board with an overview of **KPMG's** independent audit results of the County's financial statements for the year ended June **30,2004**, and stated that the results of the operations and cash flows of the County's proprietary fund types for the year ended in conformity with generally accepted accounting principals. Ms. Foster stated that this year's audit was a clean and unqualified audit, the highest you can get.

Ms. Foster stated that the Federal Emergency Management Agency Awards were audited and reported that there were no findings in that area and that of the audits that she was in charge of, James City County was the only locality that had no findings in this area.

The Board and Ms. Foster discussed the reported findings and the various reporting formats for land and easement assets.

Mr. **Goodson** thanked Ms. Foster for the report,

3. Annual Report of the Planning Commission

Joe Poole, Chairman of the Planning Commission, presented the annual report of the Planning Commission, stated that Peggy **Wildman** has resigned from the Commission, and that he is resigning after ten years of service.

The Board expressed its appreciation to the Commission members for their service to the County, for the annual report, and to Mr. Poole for his service.

F. PUBLIC COMMENT

1. Mr. Richard Bradshaw, Commissioner of the Revenue, reminded citizens that Personal Property Tax payments are due on December **6** and encouraged citizens to make payments early due to the limited number of walk-up windows at the temporary relocation site of the Commissioner of the Revenue and Treasurers' offices in Building A.

2. Mr. Bill Christensen, 117 Congressional, stated support for the proposed Regional Dog Park and requested the Board approve the resolution.

3. Mr. Ed Oyer, 139 Indian Circle, thanked Joe **Poole** for his service to the community as a member of the Planning Commission and commented on a recent newspaper article regarding the traffic flow in the Hampton Roads Bridge Tunnel.

G. CONSENT CALENDAR

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

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

1. Minutes – November 9, 2004, Regular Meeting
2. Dedication of a Street in Temple Hall Estates

RESOLUTION

DEDICATION OF A STREET IN TEMPLE HALL ESTATES

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

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

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

WHEREAS, the County guarantees the necessary surety amount of \$3,750 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street **and/or** related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the **Virginia Department of Transportation** to add the street described on the attached Additions **Form SR-5(A)** to the secondary system of State highways, pursuant to 533.1-229, **of the** Code of Virginia, and the Department's Subdivision Street Reaquirements.

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, this Board hereby rescinds the resolution adopted September 14, 2004, requesting dedication of this same street into the Secondary System of State Highways.

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

3. Award of Bid – Trunked Radio System - Furniture

RESOLUTION

AWARD OF BID - TRUNKED RADIO SYSTEM - FURNITURE

WHEREAS, James City County and York County are constructing a joint 800-MHz **trunked** radio system; and

WHEREAS, the radio system requires installation of **radio/telephone** console furniture in the 911 Center; and

WHEREAS, York County advertised for and awarded a contract to Watson Furniture Group with permission for James City County to purchase from the same contract; and

WHEREAS, James City County finds the furniture installed in York County acceptable for use with our operations and building design.

NOW, **THEREFORE**, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with Watson Furniture Group to purchase the console furniture in the amount of \$123,352.

4. Award of Bid – Enhanced 911 Telephone Equipment

RESOLUTION

AWARD OF BID - ENHANCED 911 TELEPHONE EQUIPMENT

WHEREAS, James City County and York County are constructing a joint 800-MHz trunked radio system; and

WHEREAS, the radio system requires an upgrade in Customer Premise Equipment (CPE) to receive and process 911 calls; and

WHEREAS, York County and James City County jointly reviewed all proposals received; and

WHEREAS, York and James City County staff negotiated a **lease/purchase** agreement with Motorola for the procurement and installation of CPE to provide Enhanced 911.

NOW, **THEREFORE**, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a contract with York County and Motorola to **lease/purchase** the Customer Premise Equipment in the amount of \$922,453.65.

H. BOARD CONSIDERATION

1. Regional Dog Park

Mr. **Needham S. Cheely, III**, CLP, Director of Parks and Recreation, presented a resolution to the Board to endorse the concept of a regional dog park at Waller Mill Park and to authorize the County Administrator to execute a Letter of Agreement with the City of Williamsburg for the project.

The Board and staff briefly discussed the anticipated \$50,000 cost and six-month completion date for the proposal.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

REGIONAL DOG PARK

WHEREAS, the citizens of James City County have expressed the need for a "dog **park**" in order to provide a safe and clean environment for dogs and other park users; and

WHEREAS, staff has met with interested citizens in order to determine the appropriate design requirements and operating procedures for such a local "dog park"; and

WHEREAS, the City of Williamsburg also has a need to develop a dog park; County and City Parks and Recreation staffs recommend a jointly funded "dog **park**" to be constructed at Waller Mill Park; and

WHEREAS, it is in the mutual best interest of James City County, the City of Williamsburg, and their citizens to jointly fund and construct this facility; and

WHEREAS, on November 12, 2004, the Williamsburg City Council did approve the attached Joint Recommendation and directed the City Manager of the City of Williamsburg to work with the County Administrator of James City County to execute a Letter of Agreement needed to implement the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the concept of a regional dog park at Waller Mill Park and authorizes the County Administrator of James City County to execute a Letter of Agreement with the City of Williamsburg needed to implement the project.

BE IT FURTHER RESOLVED that the Board authorizes the expenditure of \$25,000 from the Miscellaneous Grants account in the FY 05 General Fund budget.

I. PUBLIC HEARING

1. Petition for Review of Zoning Administrator's Enforcement Action – Fernbrook Scenic Easement

Mr. Allen J. Murphy, Jr., Zoning Administrator, stated **that Patrick and Josephine Garcia and Edward and Laura Lansford** have petitioned to appeal the Zoning Administrator's enforcement action related to two properties located at **2784** and **2792** Jonas Profit Trail.

Mr. Murphy stated that the Fernbrook Homeowners Association (Association) brought to the attention of staff that several of the properties in the subdivision have fences built into the scenic easement along Greensprings Road and some of the natural vegetation has been cleared.

It is staffs opinion that the clearing of natural vegetation **and/or** placement of fences or other structures in the scenic easement that belongs to the County is a violation of the proffers associated with Fernbrook. The provision of the proffered scenic easement as a greenbelt buffer was an important factor in determining the consistency of the Fernbrook development with the Comprehensive Plan as part of the original rezoning. The County has attempted to protect the Greensprings Road Community Character Corridor as the natural tree canopy has great historical significance and aesthetic value for residents in the area and throughout the County.

In October **2004** staff cited the property owners Patrick and Josephine Garcia of **2792** Jonas Profit Trail and Edward and Laura Lansford of **2784** Jonas Profit Trail for a violation of the proffers and gave them a time frame within which to abate the violation. The two cited owners filed an appeal in accordance with Section **24-19** (a) of the James City County Code.

Staff recommends the enforcement of the proffers as written as the best and simplest way to ensure the perpetual integrity of the buffer in this corridor, and stated that allowing the fences or to reduce the depth of the easement will encourage the further conversion of lot space within the easement to actual yard space by these or future owners as well as create questions of maintenance in perpetuity, architectural style and color, and landscaping, etc.

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

1. Ms. Josephine Garcia, **2792** Jonas Profit Trail, stated that they have complied with James City County and the Association by amending the floor plan of the home and by not clear cutting the property, by submitting an application for the fence to the Association which was then approved; referenced a letter containing signature of **30** neighbors who have no objection to the fences located at **2784** and **2792** Jonas Profit Trail; stated that they would be willing to provide additional landscaping to minimize the impact of the fence; stated concern that there is no tax break on the portion of land the County has an easement over; and requested the Board endorse a modification to the Zoning Administrator's decision.

2. Ms. Laura Lansford, **2784** Jonas Profit Trail, cited safety concerns for children and requested the proffers be amended to permit wooden fences in the easement.

3. Mr. Robert Gott, **2788** Jonas Profit Trail, stated that he does not object to the fences and inquired if there was a compromise to permit fences with landscaping to keep the area scenic.

4. Mr. Richard Foley, **2780** Jonas Profit Trail, requested specific justification for the preservation easement; inquired why it appears that only the Fernbrook portion of Greensprings Road has the easement and development limitations; stated objection limitations on land **use/development** when taxes

are being paid; and stated that the easement is not very effective and the homes can be seen clearly from the road.

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

Mr. Harrison inquired why staff did not include additional landscaping as part of an option for mitigation.

Mr. Murphy stated that the proffered easement offers the greatest protection, that fences naturally encourage clearing of land within its boundaries, and recommended enforcement of the proffers as written.

Mr. Bradshaw requested confirmation from the County Attorney that the proffers are properly recorded and indexed in the County so landowners have constructive notice of the easement.

Mr. Rogers stated that the easement and proffer is in the chain of title, the subdivision plat shows the easement, and it is recorded in the deeds of the property owners.

Mr. Harrison inquired **if there** is proposed legislation in Richmond for tax relief for easements over parcels of property.

Mr. Rogers stated that a similar issue has been raised in Richmond, however in this case the effect of the publicly owned easement over the property is reflected in the value or assessed value of the property for Property Taxes purposes.

Mr. Bradshaw made a motion to uphold the enforcement action of the Zoning Administrator in regard to 2784 and 2792 Jonas Profit Trail.

The Board held a brief discussion on the understanding of the property owners, however proper notification was given regarding the easement, and the easement is in place not just for the neighborhood but rather for the preservation of the integrity of the community character of this corridor.

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

J. PUBLIC COMMENT

1. Mr. Richard Foley, 2780 Jonas Profit Trail, inquired why the easement is applied only to this half-mile of Greensprings Road; suggested that if landowners cannot use it despite paying taxes on it the County should condemn it; stated the preservation efforts should apply to the length of the road; and stated objection to the easement based upon principle.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Porter recommended that at the conclusion of the Board meeting, the Board of Supervisors adjourn to 7 p.m. on December 14, 2004.


L. BOARD REQUESTS AND DIRECTIVES -None

M. ADJOURNMENT

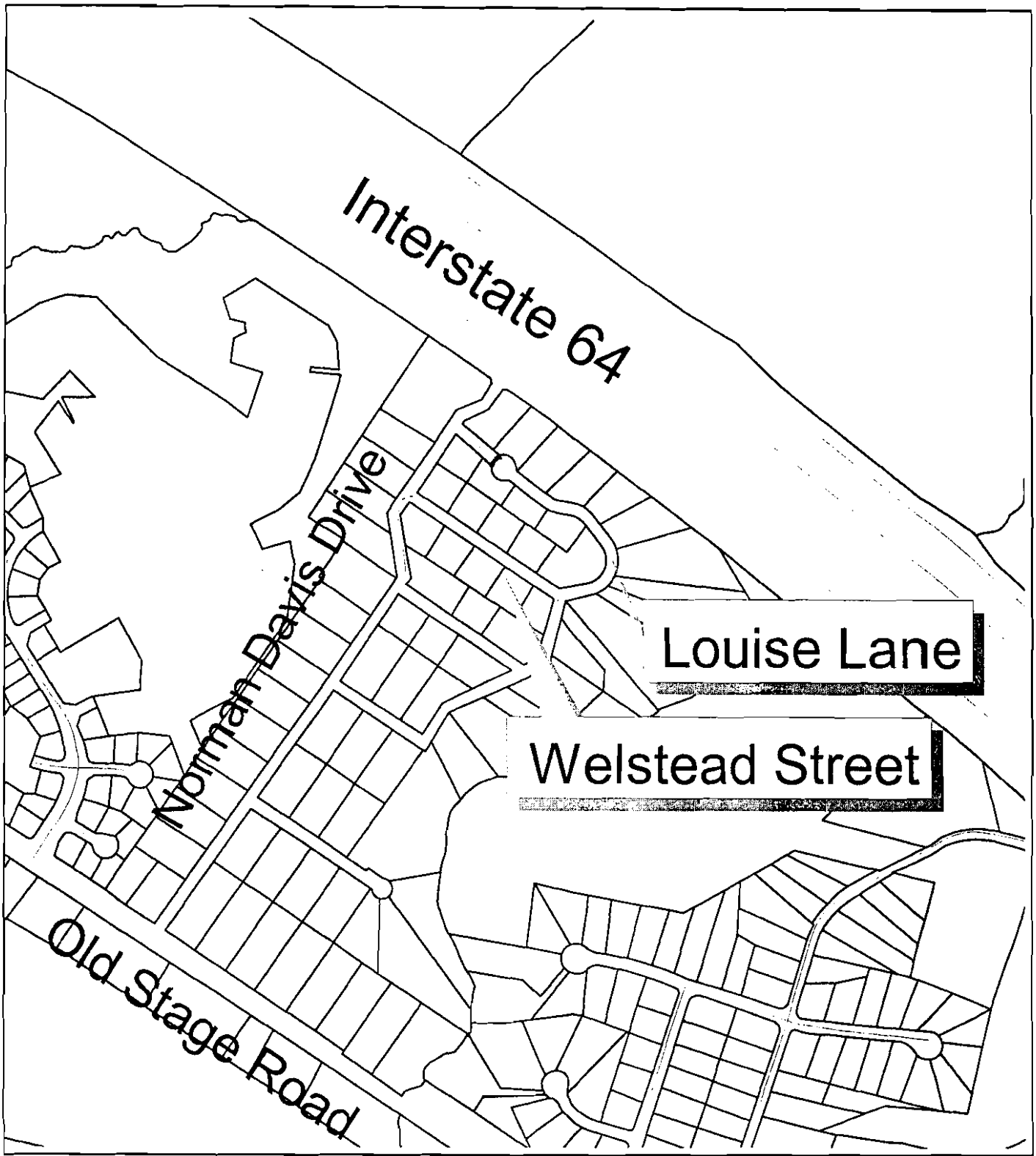
Mr. Harrison made a made a motion to adjourn.

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


At 8:10 p.m. Mr. **Goodson** adjourned **the** Board until **7** p.m. on December 14,2004.

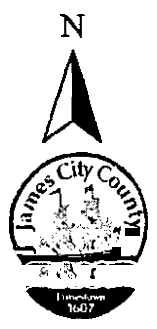

William C. Porter, Jr.
Deputy Clerk

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DEDICATION OF STREET IN TEMPLE HALL ESTATES

 Street Being Dedicated



In the County of James City

By resolution of the governing body adopted November 23, 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): Saul B. Warner

Report of Changes in the Secondary System of State Highways

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

Project/Subdivision

Louise Lane

Type of Change: Addition

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

Reason for Change: Addition. New subdivision street

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

Route Number and/or Street Name

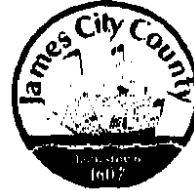
Louise Lane, State Route Number 1638

Description: **From:** Rt 1624, Weistead Street

To: End of cul-de-sac

A distance of: 0.17 miles.

Right of Way Record: Filed with the Land Records Office on 12/18/2002, Document #020030407, with a width of 50'



TO: **Williamsburg City Council**
James City County Board of **Supervisors**

DATE: November 4, 2004

SUBJECT: Joint **Recommendation** on Regional Dog Park

For the past few months, staffs of James City County and the City of Williamsburg have discussed a potential for a joint venture to develop a regional dog park.

The dog park contemplated would **consist** of a fenced area, partly wooded **and** partly open, of approximately 1.5 acres where owners can allow their dogs to run freely, similar to the Sandy Bottom Bark Park in Hampton (see photo). The dog park would include the following amenities:

- Separate fenced areas, one for smaller dogs and one for larger dogs.
- Split rail with wire mesh fencing.
- Double gated **entry/exit**
- Drinking water for people and dogs.
- Seating areas.
- Nearby parking.
- Signs acknowledging the partnership and posting dog park rules.

Waller Mill Park, located in **York** County on Airport Road and owned by the City of Williamsburg, has been identified as a good location for the following reasons:

The park has good access via Route 60 or Rochambeau Drive.

- Waller Mill offers a beautiful wooded setting with views of the Reservoir.

The park has ancillary amenities such as restrooms, vending machines, picnic tables and pavilions.

- The park is attended with City Parks and Recreation **staff**.

The park has adequate parking, and land area for more parking if needed.

- Owners are required to cleanup after their dogs thereby protecting water quality of the reservoir.

The staff supports a modest membership fee, to be determined by the operating entity, of \$10.00 per year. In addition to annual memberships, a provision for short term guests can be made. The fee would be used to:

- Offset the ongoing operating costs, and renewal and replacement costs, of the dog park.

Support upkeep of ancillary facilities such as parking and restrooms.

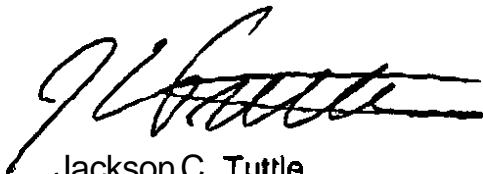
- Foster in dog park "members" a sense of ownership for the care and cleanliness of the park.

Preliminary discussions with York County have indicated that there may be an interest in York **County joining** the partnership. We suggest that Williamsburg and James City proceed with the **joint** venture, inviting York to participate on an equitable **basis**.

Initial start up and capital **costs** of developing the dog park - including land clearing and preparation, 1300 feet of fencing and running potable water to the site, benches, signs and water fountains - are estimated at approximately \$50,000, including the cost of some in kind construction by city crews. The proposal is that James City County would make a one time contribution to the City of \$25,000. The City would complete the improvements and operate the dog park. Should York County choose to come as a **partner**, they would be asked to provide an initial start up contribution as the parties may agree.

With the approval of the **governing** bodies as to the concept, a letter of agreement would be executed as outlined above. We anticipate that construction on the dog park can be **completed** within six months of receipt of capital funds.

Recommendation: That the Board of Supervisors of James City County **and** the City Council of City of Williamsburg endorse the concept of a regional dog park **at Waller Mill Park** and direct the **staffs** to implement the project.



Jackson C. Tuttle
City Manager
City of Williamsburg



Sanford B. Wanner
County Administrator
James City County

