

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF APRIL 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Sanford B. Wanner, County Administrator
Michael Drewry, Assistant County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Sonny Watson, an eighth-grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Carol Schenk, Human Resource Specialist I, Volunteer Coordinator, presented a resolution designating April 17 – 23, 2005, as Volunteer Appreciation Week in James City County and stated that in 2004, volunteers contributed more than 70,391 hours of service to the County, which represents an added value of \$1,203,783.

2. Mr. Ray Basley, 4060 South Riverside Drive, recommended the next Comprehensive Plan update address the safety issues of all seven railroad crossings in the County including the ~~Diascund~~ railroad crossing by creating traffic flyover or underpasses, and suggested it is time the County implement County-wide garbage pickup.

3. Mr. Ed Oyer, 139 Indian Circle, commented that this is the 300th Board of Supervisors meeting that he has attended; commented on an article in the paper regarding cutting school costs and the costs for the third high school facility; and commented on an article in Wall Street Journal that 65-percent of money for education should go to instruction with 35 percent or less going to administration.

Mr. Harrison stepped out of the room at 7:10 p.m.

E. CONSENT CALENDAR

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

On a roll call vote, the vote was: AYE: Goodson, McGlennon, Bradshaw, Brown (4). NAY: (0). ABSENT: Harrison (1).

1. Minutes -
 - a. March 22,2005. Work Session
 - b. March 22,2005, Regular Meeting
2. National Volunteer Recognition Week – April 17 – 23, 2005

RESOLUTION

NATIONAL VOLUNTEER RECOGNITION WEEK APRIL 17-23.2005

WHEREAS, James City County was founded upon the spirit of voluntary action and civic duty and throughout history, citizens have volunteered their time, talent, and energies to make their communities better; and

WHEREAS, **volunteerism** offers opportunities to every citizen to participate in his or her government in order to meet community needs; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, and restore o w neighborhoods and families; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment **and** hard work to make a real difference in the lives of their fellow citizens; and

WHEREAS, volunteers are a valuable resource to James City County departments and in 2005 **contributed** 70,391 hours valued at \$1,203,783.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 17- 23, 2005, as Volunteer Appreciation Week and calls its significance to all of our citizens.

3. Budget Amendment – Satellite **Services**' DMV Select Office - \$4,400

RESOLUTION

BUDGET AMENDMENT – SATELLITE SERVICES' DMV SELECT OFFICE • \$4.400

WHEREAS, Satellite Service Office in Toano applied for and has been designated by the Virginia Department of Motor Vehicles (DMV) as a "DMV Select Office"; and

WHEREAS, the set up of the DMV Select Office required the purchase of two printers and one credit card processor in the amount of \$4,400; and

WHEREAS, James City County will earn 3.5 percent on all transactions made by the office; and

WHEREAS, reimbursement of said funds will be made through the revenue generated by the DMV Select Office.

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

Revenue:

| | |
|--|----------------|
| Virginia Department of Motor Vehicles Select Office | <u>\$4,400</u> |
|--|----------------|

Expenditure:

| | |
|--------------------|----------------|
| Satellite Services | <u>\$4,400</u> |
|--------------------|----------------|

4. Appropriation of Funds – Police Department – DMV Mini-Grants - \$3,000

RESOLUTION

APPROPRIATION OF FUNDS - POLICE DEPARTMENT - DMV MINI-GRANTS - \$3,000

WHEREAS, the Virginia Department of Motor Vehicles (DMV) has approved two mini-grants in the amount of \$1,500 each to the James City Police Department for the Bicycle Safety Program and Checkpoint **Strikeforce** initiative to enforce Driving Under the Influence laws; and

WHEREAS, the grants only require a in-kind local match, thus eliminating any additional spending by the Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grants are administered by the DMV according to the Federal Government fiscal year, which runs from October 1 through September 30.

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

Revenues:

| | |
|------------------------------|----------------|
| DMV -Checkpoint Strikeforce | \$1,500 |
| DMV - Bicycle Safety Program | <u>1,500</u> |
| | <u>\$3,000</u> |

Expenditures:

| | |
|------------------------------|----------------|
| DMV - Checkpoint Strikeforce | \$1,500 |
| DMV - Bicycle Safety Program | <u>1,500</u> |
| | <u>\$3,000</u> |

5. Green Springs Trail Project Funding Obligation

RESOLUTION

GREEN SPRING TRAIL PROJECT FUNDING OBLIGATION

WHEREAS, the Board of Supervisors of James City County, Virginia, identified the Green Spring Trail Project as one of its priority transportation projects on September 14, 2004; and

WHEREAS, the Virginia Department of Transportation (VDOT) has projected that available State and Federal funds may leave a deficit in construction funding for the Project; and

WHEREAS, on March 23, 2004, the Board of Supervisors agreed to commit up to \$450,000 to fund the possible deficit by use of a combination of funds from the County's future Six-Year Secondary System Construction Program allocation and Revenue Sharing Funds should the actual cost of **construction** exceed available State and Federal funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that if actual construction costs for the Green Spring Trail **Project** exceed funds available to the Project from other sources, **after** all such non-County funds have been applied to the project, up to \$450,000 for actual construction costs will be provided **as** follows:

- \$350,000 from the Six-Year Secondary System Constmction Program in FY 2006-2007 using funds transferred from Project No. 0615-047-169, PE, **C501**, Ironbound Road Widening; and
- \$25,000 in local Revenue Sharing match funds and \$25,000 in State Revenue Sharing match funds in FY 2005-2006 and FY 2006-2007 for a total of \$100,000.

BE IT FURTHER RESOLVED that if State Revenue Sharing Funds are not approved for either FY 2005-2006 or FY 2006-2007, the Board of Supervisors agrees to fund that portion of the Project cost by **transferring** the additional funds from Project No. 0615-047-169, PE, **C501**, Ironbound Road Widening in the Six-Year Secondary System Construction Program.

BE IT FURTHER RESOLVED that VDOT is hereby requested to provide a full accounting to the County of all **funds** spent in the project, including a **timeline** of the expenditures.

F. PUBLIC HEARINGS

1. FY 2006 County Budget

- a. Ordinance Amendment – Chapter 8. Erosion and Sediment Control, Section 8-5. Permits, Fees, Bonding, Etc., to Increase Fees
- b. Ordinance Amendment – Chapter 9. Fire Protection, Article IV, Ambulance Transport Fees, Section 9.15. Imposition of Fees
- c. Ordinance Amendment – Chapter 24. Zonina. Section 24-7. Administrative Fees; to increase fees

Ms. Stephanie Ahrendt, Acting Director of Budget and Accounting, provided the Board with an overview on the proposed FY 2006 Budget, ordinance amendments for fee changes, and the County's fiscal goals for FY 2006.

Mr. **Harrison** returned to the room at 7:16 p.m.

Mr. Brown opened the Public Hearing.

1. Ms. Virginia **Hartmann**, Chair of the James City County Economic Development Authority, stated concern about the impact of the proposed administrative fee increases for non-residential site plan review fees.
2. Ms. Geri **Farrell**, representing the Clara **Byrd** Baker Elementary School Administrative staff and teachers; requested the Board fully fund the School Budget; thanked the School Board for lowering class teacher ratios; and stated the School Budget reflects the efforts to keep up with the high growth of the area and the high quality of education expected by citizens.
3. Ms. Holly Noel Wagner, 104 Evergreen Way, President of the **Clara Byrd** Baker Elementary School PTA, requested the Board fully fund the Williamsburg-James City County School Budget as presented by the School Board and eliminate the need for students to spend more time in temporary school trailers.
4. Ms. Kelly Osterhout, President of the Williamsburg-James City Education Association, requested the Board fully fund the School Budget and stated that the **School Board budget** is a reasonable level of funding that reflects the educational needs of the community. Specific comments were personally directed at the **County** Administrator.
5. Mr. Jack Schmidt, President of the Board of the Williamsburg Land Conservancy; requested the November bond referendum level for greenspace development be increased to \$20 million; stated the Conservancy supports bond funding for open space protection; and requested funding for the Purchase of Development Rights program and the Greensprings Trail Master Plan program.
6. Ms. Stephanie Smith, Active Williamsburg Alliance, requested funding for the development of greenways in the County to provide easier and safer transportation and recreational activities for walking, hiking, biking and running in the County, and suggested a benefit of the developed greenways would be a less overweight active community.

7. Ms. Katherine Preston, 137 **Pintrail** Trace, stated that physical exercise should be a normal part of life and requested the Board fund the greensprings trail master plan to provide its citizens with safe alternatives for various outdoor activities: and reauested the Board **pernit** its citizens to vote on **a referendum** this fall to fund greenways specifically and to provide additional funding for the Greensprings Trail Master Plan.

8. Ms. Jewel Douglas, representing the James Blair Middle School teachers, thanked the Board for the funding support in the past for a safe environment and an environment that invites learning, and requested the Board fully fund the operating budget of the School Budget.

9. Mr. Charles Springer, representing Berkeley Middle School teachers, stated that he has the best job as a teacher in Berkeley Middle School; request the Board fully fund the School Budget; and stated that as single parent of two teenagers, he would not be able to continue to teach if the School Board cuts salaries and benefits because the Board of Supervisors did not fully fund the School Budget.

10. Mr. Robert Duckett, Director of Public Affairs of the Peninsula Housing and Builders Association, stated opposition to the Ordinance Amendments for increase fees for Erosion and Sediment Control and Zoning; and stated that the proposed fee increases in the County would put the County at the upper end of fee levels for the Peninsula.

11. Mr. Richard **Krapf**, representing Friends of Forge Road in Toano, stated that three issues are becoming increasingly urgent: the Purchase of Development Rights (PDR) program funding level is not adequate to preserve land and the community character of rural lands and requested additional funds be included in the Budget; requested a bond referendum question in the fall for funding of greenways; requested funds be allocated for a study for viable rural economic development issues in the County such as an Anderson's Comer development plan because that area is a gateway to County and should be treated appropriately to preserve the rural character of community.

12. Mr. Ollie **Ferreira**, 3196 Derby Lane, request the Board and School Board not reduce to politics the funding issues and remember that students and their education are the primary focus and issue; stated opposition to the proposed EMS Transport Fee and recommended the Board look to other ways to prevent abuse of the ambulance system as a transportation service; commented on the Economic Development budget level in comparison to the Communications budget level; suggested the Board needs to address diversifying the community with clean, high-tech industries that require high education employees; and stated **concern** that the inadequate County funding levels of the Jamestown 2007 events will result in poor attendance of the events in 2007.

13. Mr. John E. Hall, 117 Olde **Jamestown** Court; request the Board revisit the Williamsburg Area Transport (**WAT**) fare rates and the budget structure of WAT; requested the Virginia Retirement System plan for County employees be reconsidered; and requested the real estate exemption for senior citizens be revisited with the Commissioner of Revenue.

14. Ms. Ruth Larson, 135 The Maine, asked the Board to fully fund the School Budget; requested the County take responsibility for the growth in population that continues and school student enrollments that continue to grow as a result of the approval of developments by the Board; and stated that she does not want tax rates cut because she would rather have the funding for schools.

15. Mr. Michael Hipple, 112 Jolly Pond Road, President of **the James City-Bruton** Volunteer Fire Department, stated that the volunteers are against the EMS Transport Fee Proposal; commented on the anticipated impacts of the fee if approved; stated that the volunteers appreciate the support of the Board in the

past and request the Board not impose the fees; and requested the Board reconsider the tax rate as a funding source.

16. Mr. Mark Sullivan, 3325 Timber Ridge, requested the Board fund the auxiliary gym at Jamestown High School that would provide a safe, suitable site for students to practice.

17. Mr. Richard **Goode**, 124 West Kingswood Drive, requested the Board fully fund the School Budget and stated concern about the initial budget cuts **of the** School Board and the **further** cuts that may occur if the Board of Supervisors does not fully fund the School Budget.

18. Mr. Steve Suders, 104 Stanley Drive, stated that an auxiliary gym at Jamestown and Lafayette High School is needed to reduce the injuries that occur as a result of current, unsafe, and inadequate practice **sites** for students; and requested the **Board** support funding for the auxiliary *gym* as well as **funding** for the track at the Lafayette High School.

19. Mr. Ronald P. Ross, II, 127 **Tarleton** Bivouac, commented on the obstacles he and other Jamestown High School students face by having to practice in the cafeteria as well as the health issues of such arrangements, and requested the Board fund the auxiliary gym.

20. Mr. Ricky Suders, 104 Stanley Drive, stated concern that auxiliary *gym* for Jamestown High School is being removed from budget; provided an overview of sports teams that **try** to get time in the one available **gym**, the **hallway** and cafeteria practices that are not safe for participants, the damage to sports equipment because of inadequate space to properly store or use the equipment; and stated the auxiliary *gym* is a primary need.

21. Mr. Randy Jackson, 161 Carriage Lane, stated the Jamestown High School auxiliary gym is necessary, and requested each Board member watch closely the development of the third high school to avoid the mistakes made with the second high school development.

22. Ms. Barb Elliott, 912 Tyler Drive, stated concern about the current arrangements for athletic practices and the amount **of time** lost **from** practice in order to set up and take down the equipment needed, and requested the Board fund the Jamestown High School auxiliary gym.

23. Ms. Amanda Ricchezza, an athletic trainer at Jamestown High School, commented on the medical and safety issues associated with not having an adequate facility for wrestlers to practice; commented that each year several stress fractures occur; read a letter **of the** team physician at Jamestown High School that indicated the auxiliary gym would reduce injury and health concerns association with the current situation; and requested the Board fund the auxiliary gym.

24. Ms. Delores Ross, 127 **Tarleton** Bivouac, request the Board fund the auxiliary gym at Jamestown High School and cited safety concerns associated with the lack of appropriate athletic facilities for practice.

25. Ms. Holly Flood, 121 Chanco Road, representing the Clara Byrd Baker Elementary School PTA, requested the Board take responsibility for the Board's actions of approving developments and the associated population growth impacts of the approvals, and recommended the Board support funding for the school services need in association with those decisions.

26. Mr. Timmons Roberts, 121 Chanco Road, requested the Board fund the School Budget as well as support the greenways plan in a bond referendum in November.

27. Ms. Diana Filichko, 9615 Richmond Road, commented that in the FY 06 Budget the taxpayers will pay approximately \$228,000 for employee compensation for three individuals in Economic Development while paying approximately one-million dollars for 18 employees in the Planning and Development departments; inquired what the County Administrator gets paid; requested the Board fully fund the School Budget because there are ongoing safety concerns that should be addressed at Lafayette High School; suggested that someone should be assigned to direct traffic at the Lafayette High School in the **afternoons** when school lets out; stated concern that tax money **is** being spent on the Jamestown 2007 project and going to a Land Trust fund but it has not been disclosed who **will** be getting the money with the Land Trust.

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

Mr. Bradshaw thanked the citizens for the manner in which they presented their comments and stated that the criticism of the County Administrator is not appropriate and such criticism should be more appropriately directed to the Board members who give guidance to the Administrator.

With concurrence from the Board, Mr. Brown deferred action on the FY 2006 Budget and the Ordinance Amendments to April 26 following the three Budget Work Sessions to be held at 7 p.m. on April 14, 18, and 20.

Mr. **McGlennon** requested a brief recess

At **8:46** p.m. Mr. Brown recessed the Board.

At **8:56** p.m. Mr. Brown reconvened the Board.

2. Case No. SUP-01-05. Alice's Wonderland Playhouse

Ms. Tamara A. M. Rosario, Senior Planner, stated that Alice Wilson has applied for a special use permit (SUP) to operate a child day care center on 0.783 acres in the **former** White's Grocery Store at 2942 **Chickahominy** Road, zoned R-8, Rural Residential, and **further** identified as Parcel No. (2-2) on the James City County Real Estate **Tax** Map No. (22-3).

Staff found the proposed child day care facility acceptable given its minimal impacts and consistency with the surrounding uses **and** zoning.

At its meeting on March 7, 2005, the Planning Commission recommended approval **of the** application by a vote of **7-0**.

Staff recommended the Board approve the SUP application with the conditions listed in the resolution.

Mr. Brown opened the Public Hearing.

1. Ms. Alice Wilson, applicant, provided an overview of the application and requested approval of the application.

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

Mr. Bradshaw made a motion to approve the resolution,

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

RESOLUTION

CASE NO. SUP-1-05, ALICE'S WONDERLAND PLAYHOUSE

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, Ms. Alice Wilson has applied for a special use permit to allow a child day care center at 2942 Chickahominy Road; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (2-2) on James City County Real Estate Tax Map No. (22-3); and

WHEREAS; the Planning Commission of James City County, following its Public Hearing on March 7, 2005 **recommended** approval of this application by a vote of 7 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 1-05 as described herein with the following conditions:

1. The total number of occupants, including but not limited to staff and children, shall not exceed 49.
2. Hours of operation shall be limited from 6 a.m. to 7 p.m., Monday through Friday, and 7 a.m. to 5 p.m. on Saturdays.
3. The owner shall submit a site plan and receive final site plan approval from the James City County Planning Division within thirty-six months of the date of approval of this special use permit, or the permit shall become void.
4. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA). The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and to minimize the use of public water resources. The water conservation standards shall be approved by the JCSA prior to final site plan approval.
5. Any playground equipment and associated fencing shall be landscaped so as to screen the playground equipment and fencing from adjacent property owners. The landscaping plan and fencing material shall be reviewed and approved by the Planning Director prior to final site plan approval.

6. Any new exterior lighting fixtures, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. No glare shall extend outside the property lines. No light pole shall exceed 15 feet in height unless otherwise approved by the Planning Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
7. The owner shall obtain a final Certificate of Occupancy from the James City County Code Compliance Division within thirty-six months of the date of approval of this special use permit, or this permit shall become void.
8. This special permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-5-05. 8503 Hicks Island Family Subdivision

Ms. Ellen Cook, Planner, stated that David Bradley requested the Board approve a family subdivision on approximately three acres of land at 8503 Hicks Island Road zoned A-I, General agricultural, and further identified as Parcel No. (1-23) on the James City County Real Estate Tax Map. No. (9-1). The proposed subdivision would result in a proposed lot of approximately 1.9 acres and leaving a remaining lot size of approximately 1.1 acres.

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

Staff recommended approval of the application with conditions.

Mr. Brown opened the Public Hearing.

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

Mr. **Goodson** expressed concern with the short length of time the property was owned before the family subdivision was requested.

Mr. **Goodson** requested staff present a policy for the Board's consideration such as a family subdivision ordinance amendment to require ownership of property for approximately ten years before a family subdivision is considered.

Mr. Bradshaw and Mr. McGlennon concurred with Mr. Goodson's request that the ordinance should be reviewed.

Mr. **Goodson** made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-5-05. 8503 HICKS ISLAND FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, the applicants have requested a SUP to allow for a family subdivision in an A-1, General Agricultural District, located at 8503 Hicks Island Road, further identified as Parcel No. (9-1) on James City County Real Estate Tax Map No. (1-23).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 5-05 as described herein with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of one new lot of approximately 1.9 acres with one parent lot of approximately 1.1 acres remaining generally as shown on the conceptual subdivision plat submitted with this application.
2. Final subdivision approval must be received ~~from~~ the County within twelve months from the issuance of this special use permit or the permit shall become void.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case Nos. Z-14-04/MP-1-05. Pocahontas Square Proffer Amendment

Ms. Ellen Cook, Planner, stated that Jay Epstein of Health-E-Community Enterprises has applied to amend the Master Plan by changing the proposed unit sizes and to amend five proffers, restate eight original proffers, and add one new proffer for the Pocahontas Square development on 13.43 acres zoned R-5, Multifamily Residential, with proffers, at 8814, 8838, and 8844 Pocahontas Trail and further identified as Parcel Nos. (1-4), (1-5A), and (1-5) on the James City County Real Estate Tax Map No. (59-2).

At its meeting on March 7, 2005, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the proffer and master plan amendment with the attached proffers.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, provided an overview of the application proposal; commented on the rising costs of construction materials and the shortage of labor force that has resulted in this proposal; supported staff and the Planning Commission's recommendations; and requested the Board's approval of the cases.

The Board and applicant discussed the soft second funds that qualified home buyers could use and that would be forgiven over a five-year period.

2. Mr. Ed Oyer, 139 Indian Circle, inquired if the ~~turn~~ lanes are still included in the proposal; inquired what protection of Skiffe's Creek is being offered; inquired who has the responsibility of the upkeep

of the properties; inquired if County residents will have first offer on the purchase of the **properties**; and inquired who determined the area to be chronically economically stressed.

Mr. Geddy stated that maintenance will be the responsibility of the owners and the homeowners association; **Skiffe's** Creek protection is incorporated in the site plan, and the area was designated as chronic economic stress by the Virginia Housing Development Authority based upon the census information.

Mr. Rick Hanson, Housing and Community Development Administrator, stated that lower priced units would have to come through the County program which does give first priority of sale to County residents and employees.

The Board and staff briefly discussed the census information and also discussed the affordable units in the proposed development.

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

Mr. **Goodson** spoke to the merits of the proposal and made a motion to adopt the resolution.

A brief discussion was held regarding the adequacy of the cash proffers to offset the public services impact that will be created by the development and suggested a deferral on the item.

Mr. Geddy requested a two-week deferral to permit the applicant time to consider the points raised by the Board.

Without objection from members of the Board, Mr. Brown deferred action on the case to April 26, 2005.

G. BOARD CONSIDERATION

1. Award of Comprehensive Agreement Contract for Stages 2 and 3 of the Design and Construction of Site Improvements and Roadways at the Warhill Site

Ms. Stephanie **Ahrendt**, Purchasing Director, requested the Board approve the resolution authorizing the negotiation and award of a Comprehensive Agreement contract for Stages 2 and 3 of the **Warhill Site Improvements** in a not-to-exceed amount with Curtis Contracting, **Inc.**

Mr. Bradshaw inquired if the County negotiated substantial increases in the Scope of Work.

Mr. Steve Hicks, General **Services** Manager, stated that the Scope of Work did increase with added information provided on the Thomas Nelson Community College site; the stormwater management system changes, improvements to the dam to handle the **stormwater** drainage, utility improvements, and right-of-way changes; in addition, a risk factor of 15 percent has been included and the prices negotiated; and that staff is comfortable with the contract price level and completion date of August 1, 2007.

Mr. **McGlennon** stated that the County has to abide by environmental processes that any other developer has to meet, as well as Virginia Department of Transportation standards and requirements for roadways.

Mr. **McGlennon** made a motion to adopt the resolution.

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

Mr. Curtis, on behalf of Curtis Contracting, Inc., and the entire Warhill team, thanked the County Administrator for appointing high-quality staff to work with him as a partner in this process.

RESOLUTION

AWARD OF COMPREHENSIVE AGREEMENT CONTRACT FOR

STAGES 2 AND 3 OF THE DESIGN AND CONSTRUCTION OF SITE IMPROVEMENTS AND

ROADWAYS AT THE WARHILL SITE

WHEREAS, on **February 22, 2005**, the Board of Supervisors authorized the negotiation and award of a Comprehensive Agreement contract to **Curtis Contracting, Inc.**, for Stage 1 of the **Warhill Site Improvements** consisting of preliminary engineering and permitting; and

WHEREAS, **staff** met with Curtis Contracting, Inc., and **McDonough Bolyard Peck** to negotiate the detailed cost, schedule, and terms and conditions for Stage 2, right-of-way acquisition and utility relocation, and Stage **3**, construction and certification; and

WHEREAS, upon Board approval, staff is prepared to execute a Comprehensive Agreement contract with Curtis Contracting, Inc., for a not-to-exceed amount of \$839,306 for Stage 2 and a not-to-exceed amount of \$13,419,408 for Stage 3 of the **Warhill Site Improvements**. The Board expects to appropriate proceeds from the June 2005 bond sale to finance this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the negotiation and award of a Comprehensive Agreement contract for Stages 2 and 3 of the **Warhill Site Improvements** in a not-to-exceed amount of \$14,258,714 to Curtis Contracting, Inc.

H. PUBLIC COMMENT

Mr. Brown recognized George **Billups**, member of the Planning Commission, in the audience.

1. Mr. Ed Oyer, 139 Indian Circle, commented that the Williamsburg-James City County School system was not listed as a participant in the Jefferson Lab Regional Middle School Science Bowl; shared a statement from his neighborhood requesting clear objectives of Budget priorities of the Board of Supervisors and how they will be funded as listed; requested ordinance dealing with vehicles sitting in yards be revisited; and requested a trash lien be placed on 101 Indian Circle.

1. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner read an announcement regarding the Jamestown 2007 events that invited citizens to attend a 2007 Community Conversation about the upcoming events associated with Jamestown 2007; the tour begins at 6 p.m. on May 12 at the Jamestown Settlement.

Mr. Wanner requested the Board consider the reappointment of Irma Hawkins to the Peninsula Disability Services Board and to appoint Suzanne Mellen to the Colonial Group Home Commission to replace Anthony Conyers, Jr.

Mr. Wanner stated that Tal Luton will be the Acting Fire Chief effective May 1 and an internal search will be conducted for the Fire Chief with an anticipated announcement date of the new Chief in June.

Mr. Wanner recommended at the conclusion of the meeting, the Board recess to 7 p.m. on April 14 for a Budget Work Session.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison made a motion to reappoint Irma Hawkins to the Peninsula Disability Services Board and to appoint Suzanne Mellen to the Colonial Group Home Commission.

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

Mr. Goodson requested staff review the Family Subdivision Ordinance to limit the time for family subdivisions.

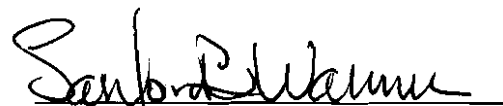
McGlennon stated the swearing in of the new Commissioner of Social Services is great opportunity to congratulate Anthony Conyers, Jr., and commend him for the work he has done for the community.

K. RECESS

Mr. Harrison made a motion to recess.

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

At 9:52 p.m. Mr. Brown recessed the Board to 7 p.m. on April 14 for the Budget Work Session.


Sanford B. Wanner
Clerk to the Board