

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

Adopted as amended on July 10, 2007

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE - Tonnelle Bennett, a rising twelfth-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

i. Capital Improvement Projects Update

Mr. Steven Hicks, General Services Manager, gave an overview of Capital Improvement projects in the County and an update on the status of several completed and pending projects: improvements to Brick Bat Road, Courthouse Entrance Monuments, Chickahominy Riverfront Park, Freedom Park Phase II-C, Greensprings Trail Extension, Jamestown Road, 2007 Legacy Hall, Norge Train Depot, Water Tower Trail, Warhill Site Developments, Baseball Field 5 Lighting, James City County Stadium, Multipurpose Fields, Thomas Nelson Community College Historic Triangle Campus, and the Warhill Multiuse Trail.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Williamsburg Virginia Department of Transportation (VDOT) Residence Administrator, reported on drainage improvements at Westray Downs and work on Route 321 to coordinate pedestrian crossings.

Mr. Bradshaw commented on shoulder strengthening and paving on Holly Forks Road and asked if VDOT was using a new technique.

Mr. Brewer stated he would look into it.

Mr. McGlennon asked for a report on the drainage work being done in First Colony.

Mr. Brewer agreed.

F. PUBLIC COMMENT

1. Mr. William H. Beck, 7988 Richmond Road, stated his disapproval of the Hampton Roads Transportation Authority.

2. Mr. Leonard Sazaki, 3927 Ironbound Road, stated his disapproval of the Hampton Roads Transportation Authority.

3. Mr. Bryan Oyer, 9025 Barnes Road, stated his disapproval of the Hampton Roads Transportation Authority.

4. Mr. Randy O'Neil, 109 Sheffield Road, commented on public health and working with youth in the community.

5. Mr. Michael Richardson, 2701 Jolly Pond Road, commented on increased assessments, taxes, and the County's acquisition of greenspace.

6. Mr. Ed Oyer, 139 Indian Circle, commented on General Assembly legislation and the Hampton Roads Transportation Authority; unsolicited collect phone calls; and excess school funds being returned to the County.

Mr. Goodson stated that he supported delaying taxes until the General Assembly has a chance to revisit the fees and revise the bill regarding the Hampton Roads Transportation Authority. He stated he was committed to getting issues resolved before the Bill takes effect.

Mr. McGlennon stated that the Hampton Roads Mayors and Chairs have discussed improvements that may be done to the current plan for the Hampton Roads Transportation Authority.

Mr. McGlennon noted that about \$3 million of County money was spent for the acquisition of the Jamestown Campground and Yacht Basin, and the NOAA grant referenced by Mr. Richardson was awarded toward the purchase of property rather than maintaining the campground.

Mr. Bradshaw asked that the Board Consideration Item No. 1 be moved ahead of the Public Hearings for expedited consideration.

As there was no objection, Mr. McGlennon moved the item ahead of the Public Hearings on the agenda.

G. CONSENT CALENDAR

Mr. Icenhour asked to pull Item No. 9 for separate consideration.

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

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

1. Minutes - June 12, 2007, Regular Meeting
2. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Eugene C. and Mary K. Andrews Trustees

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

EUGENE C. AND MARY K. ANDREWS TRUSTEES

WHEREAS, Eugene C. and Mary K. Andrews Trustees are the owners of a certain parcel of land commonly known as 3406 North Riverside Drive, Williamsburg, VA, designated as Parcel No. 0940100008N within James City County Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about November 14, 2006, Eugene C. and Mary K. Andrews Trustees caused the removal of vegetation from within the Resource Protection Area on the Property; and

WHEREAS, Eugene C. and Mary K. Andrews Trustees agreed to a Restoration Plan to replant 30 understory trees and 115 shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Eugene C. and Mary K. Andrews Trustees have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, Eugene C. and Mary K. Andrews Trustees have agreed to pay \$2,250 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,250 civil charge from Eugene C. and Mary K. Andrews Trustees as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

3. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Peter L. and Rebecca S. Paluzsay

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

PETER L. AND REBECCA S. PALUZSAY

WHEREAS, Peter L. and Rebecca S. Paluzsay are the owners of a certain parcel of land commonly known as 128 Shellbank Drive, Williamsburg, VA, designated as Parcel No. 451020003 within James City County Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about May 12, 2006, Peter L. and Rebecca S. Paluzsay caused the removal of vegetation from within the Resource Protection Area on the Property and caused the installation of unapproved structures within the Resource Protection Area; and

WHEREAS, Peter L. and Rebecca S. Paluzsay agreed to a Restoration Plan to replant 5 understory trees and 75 shrubs on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Peter L. and Rebecca S. Paluzsay have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, Peter L. and Rebecca S. Paluzsay have agreed to pay \$2,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from Peter L. and Rebecca S. Paluzsay as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

4. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - John D. and Grace Maxine Williams

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

JOHN D. AND GRACE MAXINE WILLIAMS

WHEREAS, John D. and Grace Maxine Williams are the owners of a certain parcel of land commonly know as 2497 Manion Drive, Williamsburg, VA, designated as Parcel NO. 4630100001D, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, On or about May 22, 2007, John D. and Grace Maxine Williams caused the removal of vegetation from within the Resource Protection Area on the Property; and

WHEREAS, John D. and Grace Maxine Williams agreed to a Restoration Plan to replant six canopy trees, 28 understory trees, and 30 shrubs, on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and John D. and Grace Maxine Williams have posted sufficient surety to guarantee the installation of the aforementioned improvements and the restoration of the Resource Protection Area on the Property; and

WHEREAS, John D. and Grace Maxine Williams have agreed to pay \$2,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$2,000 civil charge from John D. and Grace Maxine Williams, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

5. Erosion and Sediment Control Ordinance Violation - Michael R. and Marsh Leighton-Herrmann

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - CIVIL CHARGE -

MICHAEL R. AND MARSH LEIGHTON-HERRMANN

WHEREAS, on or about May 7, 2007, Michael R. and Marsh Leighton-Herrmann, Owners, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 219 Skillman Drive, Toano, Virginia, identified by property identification number 04300400011 within the James City County Real Estate System and hereinafter referred to as the ("Property"); and

WHEREAS, Michael R. and Marsh Leighton-Herrmann have abated the violation at the Property; and

WHEREAS, Michael R. and Marsh Leighton-Herrmann have agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$500 civil charge from Michael R. and Marsh Leighton-Herrmann as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

6. Erosion and Sediment Control Ordinance Violation - Robert C. Sholar

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - ROBERT C. SHOLAR

WHEREAS, on or about March 3, 2007, Robert C. Sholar, Owner, violated or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at 9032 Barnes Road, Toano, Virginia, identified by property identification number I020500001B within the James City County Real Estate System and hereinafter referred to as the ("Property"); and

WHEREAS, Robert C. Sholar has abated the violation at the Property; and

WHEREAS, Robert C. Sholar has agreed to pay \$500 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$500 civil charge from Robert C. Sholar as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

7. Appointment of Deputy Zoning Administrator

RESOLUTION

APPOINTMENT OF DEPUTY ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 24-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment of a Deputy Zoning Administrator is necessary beginning on July 1, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Melissa C. Brown as Deputy Zoning Administrator.

8. Grant Appropriation - Tropical Storm Ernesto

RESOLUTION

GRANT APPROPRIATION - TROPICAL STORM ERNESTO

WHEREAS, James City County was given a Federal disaster declaration for Tropical Storm Ernesto, making public expenditures for repair and recovery eligible for Federal reimbursement; and

WHEREAS, James City County filed for reimbursement for its eligible expenditures and those of the James City Service Authority and the Williamsburg/James City County Schools; and

WHEREAS, the Federal Emergency Management Agency and the Commonwealth of Virginia have provided \$166,546 in reimbursements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates the following budget amendment to the Special Projects/Grant Funds:

Revenues:

Federal Emergency Management Agency	\$138,065
Commonwealth of Virginia	<u>28,481</u>
Total	<u>\$166,546</u>

Expenditures:

James City Service Authority	\$121,576
Williamsburg/James City County Schools	5,035
Storm Costs	<u>39,935</u>
Total	<u>\$166,546</u>

10. Acceptance of Funds for Citizens Corps Program

RESOLUTION

ACCEPTANCE OF FUNDS FOR CITIZEN CORPS PROGRAM

WHEREAS, James City County received Virginia Department of Emergency Management (VDEM) funds in the amount of \$20,000 to support and enhance the training and equipment capabilities of the Citizen Corps Program to respond to potential emergencies or natural disasters; and

WHEREAS, these funds were allocated to provide training, equipment and planning activities to benefit the Citizen Corps Program in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of and expenditure of the VDEM grant funds in the amount of \$20,000 to enhance the training and equipment capabilities of the Citizen Corps Program.

11. Department of Criminal Justice Services Grant Award - \$43,720

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$43,720

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a grant in the amount of \$43,720 (DCJS share \$32,790); and

WHEREAS, the funds are to be used towards the salary and partial fringe benefits of a full-time Gang Investigator position; and

WHEREAS, the grant requires a local cash match of \$10,930, which is available in the County's Grant Match Fund; and

WHEREAS, additional costs for this position include motor-fuel expenses, estimated overtime, and additional cost for fringe benefits, totaling \$16,936, and the funds are available in the General Fund; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and authorizes the following budget appropriation amendment to the Special Projects/Grant Funds and the transfer from the General Fund:

Special Project/Grant Fund

Revenues:

DCJS - Gang Investigator	\$32,790
James City County Grant Match Fund	<u>10,930</u>
Total	<u>\$43,720</u>

Expenditure:

DCJS - Gang Investigator	<u>\$43,720</u>
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General Fund

Transfer:

Contingency Fund	<u>(\$16,936)</u>
Police Department	<u>\$16,936</u>

- 12. Department of Criminal Justice Services Grant Award - Criminal Justice Records Systems Improvements - \$27,500

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - GRANT AWARD -

CRIMINAL JUSTICE RECORD SYSTEMS IMPROVEMENT - \$27,500

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant for the Police Department in the amount of \$27,500, with a State share of \$20,625 for the enhancement of the Department's current Records Management System (RMS); and

WHEREAS, the grant will be used to purchase Base Mobile Server software to support data communication between Mobile Data Terminals (MDT) and base stations, as well as allow officers' access to the Department's existing RMS and Computer-Aided Dispatch (CAD) databases; and

WHEREAS, the grant requires a cash local match of \$6,875, which is available in the County's Grants Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

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

Revenues:

DCJS - Record Systems Improvement		\$20,625
JCC Grants Match		<u>6,875</u>
	Total	<u>\$27,500</u>

Expenditure:

DCJS - Record Systems Improvement	\$27,500
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- 9. Contract Award - 457(b) and 401(a) Deferred Compensation Plan Provider

Ms. Carol Luckam, Human Resource Manager, gave a brief overview of the bid and selection process for the County's deferred compensation plan. She stated the resolution recommends allowing the County Administrator to enter into contract with the County's current vendor, ICMA-RC due to input from the Employee Benefits Committee, a consultant, and other staff that evaluated the proposals. Ms. Luckam outlined additional benefits to the selected plan beyond the current plan. She stated that if the resolution is approved, the Human Resource Department would continue to work with the consultant to develop an implementation plan.

Mr. Icenhour thanked Ms. Luckam for her introduction and for selecting a superior system with greater access, and stated his concern with choice of funds.

Ms. Luckam stated the contract did not limit the number of options that could be selected.

Mr. Icenhour asked if there was a way to ensure performance and could terminate the contract with due notice.

Ms. Luckam stated this was correct.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CONTRACT AWARD - 457(b) AND 401(a) DEFERRED COMPENSATION PLAN PROVIDER

WHEREAS, a Request for Proposals has been advertised and eight interested firms submitted proposals; and

WHEREAS, the staff reviewed and evaluated the proposals, conducted interviews, and selected ICMA Retirement Corporation as the most qualified to provide the Deferred Compensation Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract with ICMA Retirement Corporation.

H. BOARD CONSIDERATION

I. Case No. SUP-13-07. Denley Brown Contractor's Warehouse (Deferred from June 12, 2007)

Mr. Jason Purse, Planner, stated that at the previous meeting, the Board directed evaluating the propriety of applying a sunset clause to this use. Staff did not recommend a sunset clause to be applied to this case, but has provided an alternate resolution for the Board's consideration.

Mr. McGlennon stated that he appreciated being able to take the time to evaluate the option of a sunset clause but felt that it was not necessary for this Special Use Permit (SUP).

Mr. Bradshaw stated that a suitable cause for sunset clauses would be untested uses or transition properties, which did not apply to this use, but provided a good comparison.

Mr. Bradshaw made a motion to adopt the resolution without the sunset clause.

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

RESOLUTION

CASE NO. SUP-13-07. DENLEY BROWN CONTRACTORS WAREHOUSE/OFFICE

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

WHEREAS, Mr. Tim Trant, on behalf of Denley Brown, has applied for an SUP to allow a contractors warehouse/office on approximately 8.074 acres of land on a parcel zoned A-1, General Agricultural; and

WHEREAS, the proposed site is shown on a conceptual layout, entitled "Special Use Permit Exhibit for Denley Brown" and dated March 13, 2007; and

WHEREAS, the properties are located on land zoned A-1, General Agricultural, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (24-1)(1-15a); and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 2, 2007, recommended approval of this application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 13-07 as described herein with the following conditions:

1. This SUP shall be valid for the operation of one contractors warehouse, shed, and office and accessory uses thereto (the "Project") as shown on the Master Plan titled "Special Use Permit Exhibit for Denley Brown" dated March 13, 2007, (the "Master Plan") on the parcel, located at 272 Peach Street, and identified as James City County Real Estate Tax Map No. 2410100015a (the "Property"). Development of the Project shall be generally in accordance with the Master Plan as determined by the Development Review Committee (the "DRC") of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the Project.
2. All storage of equipment associated with the Project shall be located inside the "Contractor's Warehouse" or under the adjacent "Covered Lean To" or "Future Covered Storage Area" as shown on the Master Plan. The storage area, for both the indoor and outdoor storage, as well as any future office expansion shall be limited to 2,600 square feet. The office use for this operation that is currently located in the residential dwelling on-site shall be limited to not more than 25 percent of the first floor area. Parking associated with the project shall be limited to the "proposed gravel parking area" as noted on the Master Plan.
3. Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the boundaries of the Property.

4. With the exception of the drive aisle and warehouse, the area depicted as "Natural undisturbed area" on the Master Plan shall remain in a natural undisturbed state unless otherwise approved by the Planning Director.
5. Hours of operation, including the operation of power tools and machinery and truck deliveries and pickups, shall be limited to 6 a.m. to 6 p.m., Monday through Saturday.
6. Freestanding signage shall be limited to one monument style sign. For purposes of this condition, a "monument" style sign shall be defined as a freestanding sign with a completely enclosed base not to exceed 16 square feet in size and not to exceed six feet in height from grade.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

I. PUBLIC HEARINGS

1. Case Nos. Z-09-06/MP-10-06. Ironbound Square Redevelopment

Mr. Jose Ribiero, Planner, stated Mr. Rick Hanson of the James City County Office of Housing and Community Development (OHCD) has applied, on behalf of the Williamsburg Redevelopment Housing Authority, to rezone approximately 9.34 acres from R-2, General Residential, to MU, Mixed use, with proffers. The area of this proposal consists of 40 existing parcels (37 residential parcels, two parcels are designated as "alleys", and therefore nonresidential, and the remaining parcel is owned by James City County), and it is located within the Ironbound Square Redevelopment Area. If approved, this rezoning application will allow subdivision of the existing 40 parcels to create up to 52 parcels and three new streets. Because the James City County Office of Housing and Community Development was unable to obtain signatures from the owners of five of the parcels located in the site, the Board of Supervisors approved a resolution on February 13, 2007, initiating the rezoning process for the five parcels within the Ironbound Square Redevelopment Area. The rezoning of the five parcels will be considered concurrently with the James City County Office of Housing and Community Development rezoning application. The site of Phase II is designated by the Comprehensive Plan as Low Density Residential, but is located within the New Town Community Character Area. The rezoning case was deferred by the Planning Commission on March 7, 2007, and on April 4, 2007, the Planning Commission recommended denial by a vote of 7-0. The applicant has requested deferral to July 10, 2007, and staff concurred with this request.

Mr. McGlennon stated this case would be deferred to the July 10, 2007, Board meeting.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak to this matter, Mr. McGlennon continued the Public Hearing to July 10, 2007.

2. Lease Approval - Chickahominy Riverfront Park Cottage

Mr. Ned Cheely, Parks and Recreation Director, stated that the County has leased the cottage at Chickahominy Riverfront Park on a yearly basis. He stated that the resolution authorized the lease of the cottage. Staff recommended approval of the resolution.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

LEASE APPROVAL - CHICKAHOMINY RIVERFRONT PARK COTTAGE

WHEREAS, the County is the owner of certain real property identified as James City County Real Estate Tax Map No. 3430100002 and more commonly known as the Chickahominy Riverfront Park (the "Park"); and

WHEREAS, located on the Park is a caretaker cottage (the "Cottage"); and

WHEREAS, the County desires to lease the Cottage under certain terms and conditions as set forth in the attached lease agreement; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should lease the Cottage under the terms and conditions set forth in the attached lease agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County to lease the Cottage under the terms and conditions set forth in the attached lease agreement and authorize the County Administrator to execute the lease agreement and any and all subsequent renewals of the lease agreement.

3. Ordinance to Amend and Reordain James City County Code Section 13-7, Adoption of State Law; and Section 13-28, Adoption of State Law, Generally; to adopt by reference the State Code provisions amended by the General Assembly.

Ms. Jennifer Lyttle, Assistant County Attorney, stated this item was an ordinance to reordain the DUI and traffic laws to incorporate new laws that were passed by the General Assembly. Staff recommended adoption of the ordinance.

Mr. McGlennon stated that this item was done annually to incorporate laws enacted by the General Assembly, not to endorse those laws, but to allow them to be enforced by the County's police officers.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to approve the ordinance amendment.

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

4. Property Dedication - Ironbound Road Virginia Department of Transportation Project

Mr. John Home, Development Manager, stated this item was a secondary road project and VDOT is in the acquisition phase. Two pieces of property need to be dedicated - a small piece of the Courthouse property at the intersection and a small piece of the Palmer Lane office complex property. Staff recommended adoption of the resolution. He clarified that all the developments involved have planned for this acquisition.

Mr. Icenhour asked what the schedule would be for construction.

Mr. Home stated VDOT has it slated for advertisement in December 2008. He stated this was a complex project so the construction phase would be lengthy.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak tot his matter, Mr. McGlennon closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

PROPERTY DEDICATION - IRONBOUND ROAD

VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT

WHEREAS, the Board has endorsed a project to widen Route 615 (Ironbound Road) within the Six-Year Secondary Road Improvement Plan; and

WHEREAS, the Virginia Department of Transportation (VDOT) has requested the dedication of 1,631 square feet of permanent right-of-way, 251 square feet of permanent utility easement, and 267 square feet of temporary construction easement from the property of the Williamsburg/James City County Courthouse, as shown on Sheet 4 of the Plan and profile of VDOT Project 0615-047-169, PE-101, RW-201, C-501; and

WHEREAS, VDOT has requested 3,007 square feet of permanent utility easement on County office property on Palmer Lane as shown on Sheet 10; and

WHEREAS, the Board of Supervisors has determined that these property dedications are necessary to allow for the construction of this valuable road improvement project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County hereby dedicates the following property to VDOT:

City of Williamsburg Tax Parcel No. 460-01-00-002:

Permanent right-of-way, 1,631 square feet
Permanent utility easement, 251 square feet
Temporary construction easement, 267 square feet

James City County Tax Parcel Nos. 3911300001A and 3911300001B:

Permanent utility easement, 3,007 square feet

5. Employer Assisted Home Ownership Program Application

Ms. Carol Luckam, Human Resource Manager, stated the State law requiring freestanding ordinances for employer assisted homeownership grants would end July 1, 2007. She stated an employee has applied for a grant and has met the criteria. She explained that the ordinance was necessary to allow the employee to close on a home on June 29, 2007.

As no one wished to speak to this matter, Mr. McGlennon closed the Public Hearing. Mr. McGlennon made motion to approve the ordinance.

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

J. BOARD CONSIDERATIONS

2. Acquisition of Real Property and Conservation Easement - DeBord

Mr. Doug Powell, Community Services Manager, stated in October 2006, the Board authorized staff to offer to purchase 101 acres of a 125-acre tract owned by David DeBord and known as Tax Map 2310100001A. In addition, the Board authorized staff to offer to purchase an easement on the remaining 24 acres, since determined to be 22.6 acres, restricting the development of this single lot to one house with an accessory apartment over a garage. Since then, staff has negotiated with the property owner and reached an agreement that the County shall purchase the 101 acres for \$12,000 per acre and the County shall purchase an easement on the 22.6-acre residue for \$6,386 per acre. The property owner shall retain the right to build one dwelling unit such as a garage with living quarters not to exceed 1,500 square feet and an expansion of an integrated single-family dwelling unit not to exceed 6,000 square feet on the 24 acres. The property would not be allowed to be subdivided further of the 22.6 acres, set back at least 300 feet from the road. The deed would allow uses that would normally be allowed in A-1 zoned districts with a few exceptions, including general agricultural conforming with farm conservation plan and timbering activities that conform to forest stewardship plan and no more than 50 percent of the timber should be cut at any time. Mr. Powell stated that funds were available for the purchase from the Greenspace fund and that the final cost of the property would be \$1,356,751.46. Mr. Powell stated that discussions had been held about the potential to place restrictions on the 101-acre parcel of the property and then dispose of it to recoup some of the investment, and while no specific proposal was in place, this was still an option. Mr. Powell noted the current balances of the Greenspace account and the PDR account. He said that there had been \$20 million dollars in a bond referendum for greenspace with \$6 million in general obligation bonds that were appropriated to the Greenspace account for the purchase of the Jamestown Beach Campground and Marina and the County can still borrow \$14 million from the referendum funds. He stated the PDR account currently has a balance of \$2.1 million and an additional \$1.1 million will be appropriated in FY 2008, bringing the balance to a total of \$3.2 million. He indicated that if the DeBord purchase was approved, the balance of the Greenspace account would be \$305,000, but would increase to \$5.8 million after the County sold the property of the Jamestown Beach and Campground to VDOT and the Jamestown-Yorktown Foundation later in the year.

Staff recommended approval of the resolution.

Mr. Bradshaw stated that he was pleased with the conservation of greenspace in the County and the way staff is able to recover a portion of the money expended for the purchase.

Mr. McGlennon stated that this is a way to maximize bond referendum dollars and conserve greenspace.

Mr. Icenhour thanked Mr. Powell for information about the balance of the funds.

Mr. Bradshaw made a motion to approve the resolution.

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

RESOLUTION

ACQUISITION OF REAL PROPERTY AND CONSERVATION EASEMENT -

TAX MAP NO. 2310100001A - DEBORD

WHEREAS, David P. DeBord is the owner of certain real property identified as James City County Tax Map No. 2310100001A, being approximately 123.667 acres and more commonly known as 130 Crescent Drive ("Property"); and

WHEREAS, the County desires to acquire 101 acres of the Property at \$12,000 per acre and a conservation easement over the remaining 22.667 acres of the Property at \$6,386 per acre; and

WHEREAS, the acquisition of the 101 acres of the Property and 22.667 acres of conservation easement will preserve the Property's rural landscape and farmland; and

WHEREAS, the Board of Supervisors is of the opinion that the County should acquire the 101 acres of the Property and 22.667 acres of conservation easement to preserve the rural landscape and farmland of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to acquire the 101 acres of the Property and 22.667 acres of conservation easement, and execute any and all documents as may be necessary to complete the transaction.

3. Acquisition of Real Property - Tax Map No. 4621200001A

Mr. Ned Cheely, Parks and Recreation Director, stated the resolution authorized the acquisition of property from St. George's Hundred for a portion of property that is identified as a greenway in the Greenway Master Plan to develop a connection to the Greensprings Trail. Staff recommended approval of the resolution authorizing the County administrator to execute the documents necessary for the purchase of the property.

Mr. Icenhour made a motion to adopt the resolution.

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

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RESOLUTION**ACQUISITION OF REAL PROPERTY - TAX MAP NO. 4621200001A**

WHEREAS, St. George's Hundred Association LTD owns certain real property identified on James City County Tax Map No. 4621200001A and being approximately 6.455 acres ("Property"); and

WHEREAS, the County desires to acquire the Property for the purposes of constructing a multi-purpose trail which would connect to the Greensprings Trail as part of the Powhatan Creek greenway identified on the County Greenway Master Plan; and

WHEREAS, the total purchase price of the Property is \$1,291; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Property for the purpose of constructing a multi-purpose trail.

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

4. **Acquisition of Real Property from Green Mount Associations, LLC for Route 60 Relocation**

Mr. Steven Hicks, General Services Manager, stated discussions were held with Green Mount Associates, LLC to develop plans for the relocation of Route 60. He stated in order to move forward with the project the Green Mount property was necessary and recommended approval of the resolution.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION**ACQUISITION OF REAL PROPERTY FROM GREEN MOUNT ASSOCIATES, LLC FOR****ROUTE 60 RELOCATION**

WHEREAS, Green Mount Associates, LLC currently owns a certain parcel located at 1651 Green Mount Parkway in James City County, designated as Tax Parcel No. 6010100004 (the ASite@); and

WHEREAS, in furtherance of the County's initiative to expand and relocate Route 60, beginning from Blow Flats Road and connecting to the City of Newport News at Skiffe's Creek, there is a proposed real estate purchase agreement to convey to James City County 12.6164 acres (the "Property") of the Site, generally shown A10.3965 AC" and "2.2199 AC" on that certain plat entitled "Exhibit Showing Existing and Proposed Right-of-Way Green Mount Parkway, James City County, Virginia", dated October 24, 2006, and prepared by LandMark Design Group (the "Plat"); and

WHEREAS, the purchase price for the Property is \$10,000 per acre, being a total purchase price of \$126,164; and

WHEREAS, the Board of Supervisors is of the opinion the County should acquire the Property for the purpose of expanding Route 60.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute any and all documents necessary to acquire the 12.6164 acres, as generally shown on the Plat, for the purpose of expanding Route 60.

K. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated in regards to SB 1313 that the County must adopt an ordinance to regulate the authority; commented that the General Assembly was prohibited in the Constitution to create special tax districts and the law should be subject to amendment and appeal. He also stated the General Assembly cannot delegate its powers.

2. Mr. Michael Richardson, 2701 Jolly Pond Road, commented on money spent on recreation, specifically boating and commented on boating hazards from not dredging waterways. Mr. Richardson requested the Board put in a request to the Corps of Engineers to have the Powhatan Creek waterway dredged.

Mr. McGlennon thanked Mr. Richardson for bringing this to the attention of the County.

Mr. Wanner stated the City of Hampton is putting together a regional dredging project.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated when the Board completed its business, a meeting of the James City Service Authority Board of Directors should be held. He stated that the Board should adjourn until 7 p.m. on July 10, 2007.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that after the Work Session a closed session was held. He requested a motion for the action discussed during Closed Session.

Mr. Bradshaw made a motion to appoint Ms. Leanne DuBois to a four-year term on the Economic Development Authority, effective July 8, 2007, with her term set to expire on June 30, 2011.

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

Mr. Bradshaw commented on the County Fair and noted that the weather was good and the facility was exceptional. Mr. Bradshaw recognized Ms. Loretta Garrett and the Fair Committee for their work on a very successful event.

Mr. McGlennon stated he was very happy with the Fair and felt that it was a great success.

Mr. Icenhour stated that he was very impressed with the Fair facility and commented how family-friendly the event was.

Mr. Goodson stated he and his family enjoyed the Fair also.

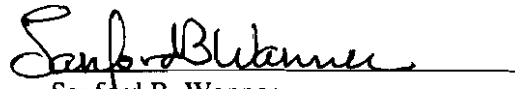
Mr. McGlennon stated on June 16, 2007, graduation exercises were held at local high schools and that these were important events for the community.

N. ADJOURNMENT - until July 10, 2007, at 7 p.m.

Mr. Goodson made a motion to adjourn.

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

At 8:15 p.m., Mr. McGlennon adjourned the Board until 7 p.m. on July 10, 2007.


Sanford B. Wanner
Clerk to the Board

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ADOPTED

JUN 26 2007

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ORDINANCE NO. 204A-23

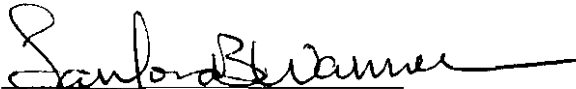
AN ORDINANCE TO APPROVE A \$3,000 GRANT PURSUANT TO THE JAMES CITY COUNTY EMPLOYER ASSISTED HOME OWNERSHIP PROGRAM.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, pursuant to Section 15.2-958.2 of the Code of Virginia, 1950, as amended, and Section 2-15 of the Code of James City County, that James City County Employer Assisted Home Ownership Program Application No. 21-07 is hereby approved and that a grant in the amount of \$3,000 shall be distributed in accordance with the Employer Assisted Home Ownership Program policies.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

EmplrAstdHOPrgm_ord

ADOPTED

JUN 26 2007

ORDINANCE NO. 66A-58

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-7, Adoption of state law; and Section 13-28, Adoption of state law, generally.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2006~~2007, except those provisions and requirements the violation of which constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event

shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

State law reference -Authority to adopt state law on the subject, Code of Va., § 46.2-1313 and § 1-13.39.2.

Article II. Driving Automobiles, Etc., While Intoxicated or
Under the Influence of any Drug*

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of Chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, ~~2006~~2007, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

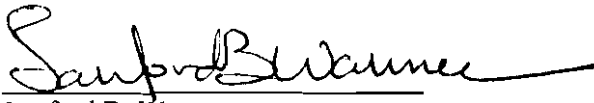
***State law reference** - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

This Ordinance shall become effective on July 1, 2007.



John J. McGlennon
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	ABSENT
BRADSHAW	AYE
GOODSON	AYE
ICENHOUR	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June, 2007.

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