

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF SEPTEMBER, 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

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Lakita Gilyard, an eighth-grade student at Toano Middle 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 that VDOT is committed to the safety of area roads, stated that the Department is considering increasing the speed limit on Route 199 between Route 5 and Interstate 64 Lightfoot to 60 miles per hour, and stated that a drainage watch list will be presented to the Board at its next meeting and will be presented with updates regularly.

Mr. Bradshaw thanked VDOT for the repaving of Rochambeau Drive and for the progress on the intersection of Route 5 and Jamestown Road (Route 31).

Mr. Harrison requested VDOT review and improve the drainage along the Ironbound Square community.

Mr. Steele stated that he has visited the site and will get it addressed.

Mr. Brown expressed appreciation to VDOT staff working with the County Engineer regarding the Scott's Pond culvert; and requested the proposed traffic light on Longhill Road at the Regency Apartments and Fords' Colony West entrance be moved forward to alleviate traffic congestion.

Mr. Steele stated that traffic engineers will perform studies on that portion of Longhill Road and act accordingly.

Mr. McGlennon requested an update on the timing for pedestrian improvements on Route 5 near the Williamsburg Shopping Center.

Mr. Steele stated that three locations are being improved and will provide an update to the Board by email.

Mr. Goodson requested the vegetation along Route 60 near the City of Williamsburg limits be cut back from the road and curb.

Mr. Steele stated that it will be taken care of within the next few weeks.

Mr. Steele stated that curbs and gutters will be put on a yearly maintenance schedule.

## **E. PRESENTATIONS**

### **1. President of Thomas Nelson Community College - Dr. Charles Taylor**

Dr. Charles Taylor, President of Thomas Nelson Community College (TNCC), stated that he became the TNCC President in July, provided a brief overview of his qualifications and experience, thanked the Board, staff, and County citizens for the generosity extended; and stated that he is committed to providing improved, quality education to the community and is pleased to be a part of community and TNCC.

Mr. Goodson thanked Dr. Taylor for coming and introducing himself to the Board and citizens; and stated that he looks forward to working with him on the development of a campus in the County.

### **2. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Kristiansand Homeowners Association**

Mr. Goodson and Mr. Bradshaw presented Bob Ranson, representing the Kristiansand Homeowners Association, a resolution recognizing the Kristiansand Homeowners Association as the James City County Neighborhood of the Quarter.

Mr. Bradshaw added his personal congratulations to Mr. Ranson and the neighborhood.

Mr. Ranson thanked the Board and stated that the Kristiansand Homeowners Association is striving to be active for the people and the County.

### **3. Annual Report of the Clean County Commission**

Mr. Alan Bennett, Chair of the Clean County Commission, recognized fellow members of the Commission in attendance, provided an overview of the Commission activities, accomplishments in the past year, the goals for the upcoming year, and invited the Board to participate in the Commission's activities.

Mr. Goodson thanked Mr. Bennett for the presentation and the Commission for its work in the County.

Mr. Brown thanked the Commission for the comprehensive and informative nature of the presentation.

### **4. Virginia Peninsula Regional Jail**

Mr. John Kuplinski, Jail Administrator, provided an overview of the services offered at the Virginia Peninsula Regional Jail and showed a video produced by York County of the Jail's operations and programs.

Mr. Goodson thanked Mr. Kuplinski for making the presentation.

## **F. PUBLIC COMMENT**

1. Mr. David Fuss, 3008 Chelsford Way, member of the Five Forks Area Study Committee, thanked the citizens for attending the meetings and for the input they provided, thanked fellow Committee members, County staff, and businesses that participated in the Committee; commented that in addition to the traffic issues raised, environmental concerns were voiced often during the Committee meetings as an area of interest; commented that stormwater management was lacking in the Five Forks area and that issue should be addressed before additional development exacerbates the situation for existing developments; and stated that the parties hope that future development will plan for stormwater management as part of its scope.

2. Mr. Randy Jackson, 140 Carriage Way, commented on the proposed High School Bond Referendum and expressed his concerns that the School Division did not uphold promises made to the community about an auxiliary gym at Jamestown High School with the last bond referendum, inquired what steps were being taken to hold the School Board accountable for promises made in connection with the upcoming Bond Referendum, and inquired why a high school is the focus when many of the problems exist at the elementary and middle school levels.

3. Mr. Ray Basley, 4060 Riverside Drive, requested the Board work with the School Board and the City of Williamsburg to be plan the fourth high school, another elementary school, and another middle school by taking a long-range view of 10 to 20 years not just a short-term five-year view on the community needs.

4. Mr. Hampton Jesse, 3500 Hunters Crossing, member of the Five Forks Area Study Committee, conveyed the input received at the public meetings of the Committee regarding limiting growth in the area, commented that the plan presented by the Committee takes into account anticipated limited development in the area, requested the Board review the July minutes of the Committee for public input regarding growth in the area, requested the Board adopt the Plan, and thanked those who participated in the Committee and lent support.

5. Mr. Jerry Johnson, 4513 Wimbledon Way, invited the Board and citizens to participate in the Greensprings Greenways tour to be held on October 3; and as President of the Historic Route 5 Association, expressed the concerns of the citizens and Association that the community character of the Five Forks area be preserved, requested the Board limit environmental impacts and address traffic concerns in the Five Forks area, and commented that the community needs more schools.

6. Mr. Ed Oyer, 139 Indian Circle, requested the Board enact zero-based tax rates and consider adjusting the Personal Property tax rates in the County; and stated concern regarding the possible arbitrary manner in which assessments are made.

## **G. CONSENT CALENDAR**

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

Mr. Harrison requested Item No. 5, Budget Appropriation of U. S. Home Funds - \$38,800, be pulled.

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

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

1. Appointment of Alternate to Virginia Peninsula Regional Jail Authority Board

**RESOLUTION**

**APPOINTMENT OF ALTERNATE TO**

**VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY BOARD**

WHEREAS, the County Administrator is appointed as the County's representative on the Virginia Peninsula Regional Jail Authority (VPRJA); and

WHEREAS, there are occasions that the representative is unable to attend VPRJA meetings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Suzanne R. Mellen, Acting Assistant County Administrator, is appointed as the County's alternate to the VPRJA Board.

2. 2004 The Year of the Neighborhoods - Neighborhood of the Quarter - Kristiansand Homeowners Association

**RESOLUTION**

**2004 THE YEAR OF THE NEIGHBORHOODS -**

**NEIGHBORHOOD OF THE QUARTER - KRISTIANSAND HOMEOWNERS ASSOCIATION**

WHEREAS, Kristiansand Homeowners Association is a voluntary self-managed association located in the Stonehouse district. The Kristiansand Homeowners Association was organized in 1997 and consists of 200 single-family homes; and

WHEREAS, Kristiansand Homeowners Association's mission is to preserve and protect the integrity of the neighborhood, and one of its major responsibilities is to maintain a three-acre park used by all its residents; and

WHEREAS, the key to the success of Kristiansand Homeowners Association lies in its active board, residents, and partnerships with other agencies working together through these efforts:

- C collection of \$5,000 from residents toward funding playground equipment;
- C grants awarded through Neighborhood Connections and Parks and Recreation for park improvements;
- C monthly board meetings;
- C quarterly newsletter and separate flyers distributed for special events;
- C Easter egg hunt and bunny paw prints put down on pavement throughout neighborhood;
- C annual spring yard sale;
- C annual "Picnic in the Park";
- C Fall Festival & Chili Cook-Off;
- C neighborhood Christmas tree lighting ceremony;
- C Santa visits homes delivering gifts for each child;
- C holiday house decorating contest/ribbons awarded in various categories; and
- C Wonderful Wednesdays in the Park (summer).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim Kristiansand Homeowners Association Neighborhood of the Quarter for the third quarter of 2004 in connection with the celebration of the 10th Anniversary of Neighborhood Connections.

3. Department of Motor Vehicles Grant - \$14,800

**RESOLUTION**

**DEPARTMENT OF MOTOR VEHICLES GRANT - \$14,800**

WHEREAS, the Department of Motor Vehicles has approved a grant in the amount of \$14,800 to the Police Department for traffic enforcement, overtime, and related equipment; and

WHEREAS, the grant only requires a soft money local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the Department of Motor Vehicles 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, hereby authorizes the following appropriation amendments to the Special Projects/Grants Fund:

Revenue:

DMV - FY 05 Highway Safety \$14,800

Expenditure:

DMV - FY 05 Highway Safety \$14,800

4. Hazard Mitigation Grant Program (HMGP) - \$17,346

**RESOLUTION**

**HAZARD MITIGATION GRANT PROGRAM (HMGP) - \$17,346**

WHEREAS, the Federal Emergency Management Agency has approved a grant in the amount of \$17,346 to the Fire Department for emergency operations planning; and

WHEREAS, the grant has no local match requirements thus eliminating any additional spending by the Fire Department; and

WHEREAS, the grant is administered by the Virginia Department of Emergency Management. The grant period will end December 2005.

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

Revenue:

VDEM - Mitigation Planning \$17,346

Expenditure:

VDEM - Mitigation Planning \$17,346

6. Transfer of Funds from Non-Departmental Water Quality Account to Capital Improvement Project Water Quality Account

**RESOLUTION**

TRANSFER OF FUNDS FROM NON-DEPARTMENTAL WATER QUALITY ACCOUNT TO CAPITAL IMPROVEMENT PROJECT WATER QUALITY ACCOUNT

WHEREAS, the Board of Supervisors wishes to allocate funds to the appropriate accounts to fund the necessary Water Quality projects and programs; and

WHEREAS, staff is requesting the transfer of funds in order for all FY 2005 projects to proceed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer of funds in the General Fund:

From:

Non-Departmental Water Quality Account \$293,200.00

To:

Transfer to Capital Projects \$254,665.00

Development Management Professional Services Account 36,663.00

Cooperative Extension Operating Account 1872.00

Total \$293,200.00

BE IT FURTHER RESOLVED, that the Board also authorizes the following appropriation to the Capital Projects Fund:

Revenue:

Transfer from General Fund \$254,665.00

Expenditure:

Water Quality Improvement Account \$254,665.00

7. Turf Love Nutrient Management Program - Contract Approval

**RESOLUTION**

**TURF LOVE NUTRIENT MANAGEMENT PROGRAM - CONTRACT APPROVAL**

WHEREAS, the provision of environmental education is important to the achievement of overall water-quality goals in James City County; and

WHEREAS, nutrient management by homeowners during the maintenance of their turf and landscape plants is a valuable component of controlling nutrient pollution in the County's waterways; and

WHEREAS, the Turf Love Nutrient Management Program is an existing, highly effective program to provide this environmental education.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Virginia Polytechnic Institute and State University for the operation of the Turf Love Nutrient Management Program for FY 2005, in the amount of \$25,063.

8. Authorization for One Temporary Police Overhire

**RESOLUTION**

**AUTHORIZATION FOR ONE TEMPORARY POLICE OVERHIRE**

WHEREAS, the return to work status of a Police Officer severely injured in the line of duty is uncertain; and

WHEREAS, the reduced staffing in the Police Department adversely affects service delivery; and

WHEREAS, funds are available within the existing Police Department FY 2005 Budget to create an overhire position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby establish one full-time permanent Police Recruit overhire position. If the employee is unable to return to work, the position will be permanently filled by the overhire position. If the employee returns to full-time employment and the Police Department is fully

staffed, the overhire position will remain in effect until a Police Officer vacancy occurs, then will be eliminated.

5. Budget Appropriation of U. S. Home Funds - \$38,800

Mr. John T. P. Horne, Development Manager, stated that the County granted an exception to the Chesapeake Bay Ordinance allowing U. S. Home to construct sanitary sewers in the Resource Protection Area with the condition that U. S. Home reimburse the County for third-party environmental inspection services during the construction of the sewer, and requested the Board approve the appropriation of reimbursements by U. S. Home to the Water Quality account.

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**

**BUDGET APPROPRIATION OF U.S. HOME FUNDS - \$38,800**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the appropriation of funds from U.S. Home to the Water Quality account in the FY 2005 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the General Fund Water Quality account:

Revenue:

Miscellaneous Revenue \$38,800

Expenditure:

Water Quality Account \$38,800

**H. PUBLIC HEARINGS**

1. Primary Principles for Five Forks Area of James City County

Mr. Joe McCleary, Planning Commission member and Five Forks Area Study Committee Vice Chair, presented the primary principles for Five Forks as developed by the Five Forks Area Study Committee and approved by the Planning Commission, introduced members of the Five Forks Area Study Committee in attendance, and thanked the Study Committee members, staff, and citizens for their contributions.

The Board thanked Mr. McCleary for the presentation and the Study Committee for their efforts.

Mr. McGlennon inquired if the Study Committee identified land or parcels for conservation or open space preservation.

Mr. McCleary stated that the Study Committee did not identify specific parcels because it felt the Comprehensive Plan and zoning ordinances adequately address that issue.

Mr. Harrison made a motion to adopt the resolution regarding the primary principles for the Five Forks area.

Mr. Goodson inquired if members wished to hold a discussion on the motion.

Mr. Brown stated that the Board has taken no action regarding an expansion of the Resource Protection Area buffer requirements to 300 feet and therefore proposed an amendment to the resolution as follows: change the now, therefore, be it resolved paragraph to read “. . . does hereby accept the following Vision and Principles to be considered alongside the 2003 Comprehensive Plan . . .” and on page five of the resolution, Section II, Environmental Principles, second point, to read: “. . . the Powhatan Creek Watershed Management Plan actually adopted by the Board of Supervisors at its meeting on February 26, 2002.” and delete “Watershed Management Plan Recommendations” and the three bullets following.

Mr. Goodson stated that his proposed amendment has been included in Mr. Brown’s motion and inquired if the Board wished to discuss the motion.

Mr. McGlennon noted that the motion made by Mr. Brown is not accurately reflected in the proposed resolution handed out to the Board.

Staff verified that a portion of Mr. Brown’s amendment was mistakenly omitted from the draft resolution and would be corrected accordingly.

Mr. McGlennon stated concern regarding the proposal to eliminate the Board’s endorsement of the primary principals set forth by a Committee appointed by the Board and endorsed by the Planning Commission.

Mr. Harrison concurred with Mr. McGlennon’s concern.

Mr. McGlennon requested clarification on the amendment to distinguish the Powhatan Creek Watershed Management Plan as the County has only adopted one Plan which was the amended proposed Plan.

Mr. Brown stated the distinction addressed the ideal concept of the 300-foot Resource Protection Area (RPA) buffer that the Board has not chosen to yet endorse, and the distinction lend consistency to those who wish to develop their property in consonance with the Comprehensive Plan and priorities adopted in the Powhatan Creek Watershed Management Plan.

Mr. McGlennon inquired if the removal of the three bullet points on page 5 of the resolution are accepted, then what is the point in identifying what Plan was actually adopted by the Board on February 26 rather than just referencing the Powhatan Creek Watershed Management Plan.

Mr. Brown stated that if a citizen looks at the Powhatan Creek Watershed Management Plan provided by the consultant, the document clearly calls for a 300-foot RPA buffer; the Board chose not to adopt that particular recommendation, and the Board needs to endorse those priorities that were adopted by the Board in 2002.

Mr. Brown stated there is a difference between what was adopted by the Board and what is contained in the Plan.

Mr. McGlennon stated that staff would provide applicants a copy of the Plan as adopted by the Board and does not understand the confusion.

Mr. Bradshaw stated that he did not get the impression the language in the original resolution was designed to circumvent or be in contravention with a policy, did not see an absence of date of adoption made

any difference to what Plan is referred to, stated that the language is “encourage” which is not a requirement; and nothing in the resolution is in contravention of the Comprehensive Plan as noted by Mr. McCleary.

Mr. Brown differed with Mr. Bradshaw and noted that the Board did not adopt all the recommendations of the Powhatan Creek Watershed Management Plan, only 20 of the 24 recommendations.

Mr. Brown stated that these become matters of practice through custom and become matters of negotiation between applicants and staff, and encouraging use of expanded buffers as negotiation is not something adopted by the Board and may unnecessarily result in the applicant extending more in negotiations as an effort to protect his proposal.

Mr. McGlennon stated that if the Board wishes to leave the bullet language on page 5 in and to send the message that while the committee feels wider buffers are a benefit but the Board does not require it, leave the language in.

Mr. Brown stated that all the negotiations take place prior to the application arriving before the Board for consideration and the bullet language infers the Board wants expanded buffers if the applicant wants any chance of their application to move forward.

Mr. McGlennon stated that he does not mind that increased buffers are desirable, because of the environmental conditions in the area; and nothing can be more clear than the language included in the resolution that states that the Board does not endorse the recommendation.

Mr. Harrison stated that the Five Forks Area Study Committee (Study Committee) approached the issue as guiding development principles for the Five Forks area, the recommendations are contained in the environmental section as guiding principles for environmental concerns expressed by the Study Committee and citizens.

Mr. Harrison stated the Study Committee discussed these points and inquired what impacts the removal of the bullets would have on the overall primary principles offered by the Study Committee.

Mr. Horne stated they were drafted with a specific intent that intentionally uses “encouraged” language, and there are a few parcels that would be impacted by development in the Five Forks area; and from a staff level, it is not reasonable to expect 300-foot buffers on the parcels and compromise is expected and is subject to individual parcels and owners.

Mr. Brown inquired if language using the word “encouraged” would result in negotiations with applicants would hold expectations by staff that the RPA buffers would be greater than what is required by Virginia Code.

Mr. Horne stated that is not the expectation, staff would go to the principles, then meet with the applicant and review the desired land use, and if there is opportunity for reasonable land use and expanded buffers, staff would discuss the opportunity. It would be an opportunity to discuss expanded buffers, not an expectation or requirement.

Mr. McGlennon inquired if the primary principles would be used by developers to anticipate community concerns.

Mr. Bradshaw inquired if the reference to the original resolution, does that mean something different that what the Board adopted.

Mr. Rogers stated that the Board only adopted one Plan and the County only has one Plan, and the proposed Plan presented by the consultant is not the adopted Plan.

Mr. Brown stated that the May 2002 Powhatan Creek Watershed Management Plan does not indicate the Board did not adopt all 24 recommendations, and citizens referring to that draft plan may expect those 24 requirements to be met.

Mr. Rogers stated that the Board only adopted one Plan.

Mr. Horne stated that applicants are presented the Board resolution adopting the 20 recommendations in the Powhatan Creek Watershed Management Plan, and the Board has not considered the other recommendations as of yet.

Mr. Horne stated that staff is not trying to create confusion regarding the Plan.

Mr. Brown stated that he wants to identify and clarify the specific, adopted Plan adopted by the Board and not the recommendations offered in the proposed Plan.

Mr. Harrison offered to amend the amended motion by Mr. Brown by excluding the word “actually.”

Mr. Brown accepted the recommendation.

Mr. Bradshaw offered to amend the amended motion by Mr. Brown further by excluding the words “at its meeting.”

A brief discussion followed regarding Mr. Bradshaw’s recommendation.

Mr. Brown accepted the recommendation to remove the words “at its meeting.”

Mr. Goodson inquired if there was further discussion on the removal of the bullet points.

Mr. McGlennon stated concern with the proposal to remove those points included by the Study Committee to reflect the concerns of the Study Committee and the citizens for the Five Forks Area. Mr. McGlennon also stated that the specific language within the bullets that addresses the lack of endorsement by the Board and should alleviate the concerns about the nature of the recommendation.

Mr. Harrison stated that he would like to have the language “not endorsed by the Board and subject to individual project discussions with applicants” and have that word-smithed to include language such as “principles recommended by Five Forks Committee.”

Mr. Brown stated opposition to Mr. Harrison’s recommendation and stated that expanded buffers has not been adopted by the Board at this point.

Mr. Bradshaw stated he still favors the bullets on page 5 of the resolution.

Mr. Harrison inquired if Mr. Brown would accept the additional words “where possible” in the bullets.

Mr. Brown stated he would not accept the change.

Mr. Brown recapped his amended motion to delete the word “actually” and “at its meeting.”

Mr. Rogers called a Point of Order and stated the first vote should be on Mr. Harrison’s motion which he has accepted into his motion.

Without objection from the Board, Mr. Goodson requested the roll call votes be in two stages, the first on the language for the first page of the resolution, and the second on the language on the fifth page of the resolution.

Mr. Goodson stated the first vote will be on the changing of “endorse” to “accept” and “used” to considered.”

On a roll call vote, the vote was: AYE:, Brown, Goodson (2). NAY: Bradshaw, Harrison, McGlennon (3).

Mr. Goodson called for a roll call vote on the motion on the removal of the three bullets on the fifth page of the resolution.

Mr. Harrison requested an amendment to the motion to include additional language to read “Non-tidal mainstream in the Five Forks area west of Ironbound and north of Ingram Road are encouraged in the use of expanded buffers along the Powhatan Creek mainstem.”

Mr. Brown did not accept the amendment to his motion.

On a roll call vote, the vote was: AYE:, Brown, Goodson (2). NAY: Bradshaw, Harrison, McGlennon (3).

Mr. Harrison amended his motion to adopt the entire plan with the addition language in the bullets of “in the Five Forks area” and the approved language of “Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors on February 26, 2002.”

Mr. Bradshaw commented the addition of “Five Forks area” to the bullets on page 5 is redundant to the resolution that identifies the location of application in the first paragraph of the resolve.

Mr. Harrison felt the need to eliminate self-interpretation of the requirements outside Five Forks area.

Mr. McGlennon stated that the additional language, although redundant, is not harmful.

Mr. Wanner stated that the amendment to the first two bullets on page 5 now reads:

“Non-tidal mainstem in the Five Forks area (west of Ironbound and North of Ingram Road): by encouraging the use of expanded buffers along the Powhatan Creek mainstem.”

“Tidal mainstem in the Five Forks area (West of Ironbound Road and South of Ingram Road) by encouraging the use of expanded buffers along the Powhatan Creek mainstem; stormwater management with an added focus on fecal coliform removal.”

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

## **RESOLUTION**

### **PRIMARY PRINCIPLES FOR FIVE FORKS AREA OF JAMES CITY COUNTY**

WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and

WHEREAS, on June 8, 2004, the Board of Supervisors created the Five Forks Area Study Committee to conduct a comprehensive study of the area and develop a set of guiding principles for future development; and

WHEREAS, these principles will be used by citizens, staff, Planning Commission, and the Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area; and

WHEREAS, after four public meetings the Five Forks Area Study Committee unanimously adopted primary principles for the Five Forks area of James City County; and

WHEREAS, on September 13, 2004, the James City County Planning Commission recommended the adoption of the primary principles by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Vision and Principles to be used alongside the 2003 Comprehensive Plan when reviewing Rezonings, Special Use Permits, and other development activities in the Five Forks area:

### **Primary Principles for the Five Forks Area of James City County**

Five Forks is an area with a unique village character. Bounded to the east by Mill Creek and to the west by the Powhatan Creek, Five Forks is within a significant natural area. Five Forks also supports a thriving commercial center and boasts a quality elementary school at its southern edge. Five Forks is generally understood to encompass the area that lies within three quarters of a mile of the intersection of John Tyler Highway and Ironbound Road.

Five Forks has grown and changed. With new growth, however, come questions about traffic levels, housing capacity, and preservation of the village qualities that make the area unique.

The Five Forks Area Study Committee was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Five Forks. The Committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks. These principles seek to protect the watersheds and safeguard the village character of the area. The principles will address residential growth, commercial development, traffic concerns, and alternative transportation. The principles will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles, when approved, serve as an addendum to the 2003 Comprehensive Plan.

### **Vision Statement**

Five Forks has a rich heritage and a community character unique to James City County. By cooperating with citizens and with local government we will preserve these qualities for future generations. Through these principles, the Committee envisions that Five Forks will be a place where future redevelopment or development:

- Improves or maintains water quality and other environmental features;
- Preserves Five Forks' unique village character;
- Does not overburden the road network beyond capacity;
- Provides adequate facilities for pedestrians and cyclists;
- Provides goods and services needed by citizens; and
- Ensures housing opportunities for all citizens.

### **I. Transportation Principles**

1. Capitalize on and Enhance Existing Roadway Network (see the Environmental Principles for relevant information related to these recommended actions):
  - Inventory/validate existing pavement and right-of-way width.
  - Reconfigure pavement markings/lane delineations to accommodate a 150-foot full-width exclusive right-turn lane for southbound Ironbound Road (i.e., north leg).
  - Construct a 150-foot full-width right-turn lane along the northbound approach of Ironbound Road (i.e. south leg).
  - Reduce the speed limit to 35 mph approximately a half mile from the intersection of Ironbound Road and John Tyler Highway.
  - Implement AM, Noon, PM, and Off-Peak signal timing modifications to best process traffic, maximize available and enhanced capacity, and to sustain acceptable level of operations for the isolated signalized intersection of Ironbound Road and John Tyler Highway.
  
2. In conjunction with any development proposals using Ingram Road West for access, encourage developers to make road improvements (reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such reopening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.):
  - Developers using Ingram Road West for access should rebuild this road as a two-lane roadway in accordance with current VDOT street requirements. Improvements could include:
    - 12 - 14-foot lanes to include roadway as well as curb and gutter;
    - 4-foot buffer between curb and sidewalk on one side of roadway;
    - Street trees and other aesthetic improvements; and
    - 25 mph posted speed limit.
  
3. Promote pedestrian and bicycle facility interconnectivity within Five Forks area (see the Land Use and Environmental Principles for relevant information related to these recommended actions):
  - Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
  - Ensure that new development either provides sidewalks along public road frontages in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
  - Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

- Using the Five Forks area sidewalk inventory, and considering existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to extend sidewalks to serve pedestrian activity within the businesses at the Ironbound Road/John Tyler Highway intersection.
- Stripe crosswalks and provide crossing ramps and pedestrian signals for each approach to the Ironbound Road/John Tyler Highway intersection.
- Provide paved shoulders on John Tyler Highway west of the Ironbound Road intersection during the next VDOT repaving to decrease road maintenance and provide more travel space for bicycles and pedestrians.

#### Phase II

- Using the Five Forks area sidewalk inventory, existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to construct sidewalk segments that provide greater connectivity between the central business area and Clara Byrd Baker Elementary School, neighborhoods, and recreational areas.
  - In accordance with the Greenway Master Plan, construct a multi-use path along John Tyler Highway that can connect to Jamestown High School and the Greensprings Trail.
  - Construct shoulder bikeways along Ironbound Road using Federal grants. In accordance with the Greenway Master Plan, construct a multi-use path along Ironbound Road that can connect to Mid-County Park/Monticello Marketplace Shopping Center.
  - Utilize Greenway Funds in the Capital Improvement Program budget and other sources of funding such as grants to support the construction of the above multi-use paths.
4. Promote opportunities for bus service in Five Forks:
- Work with Williamsburg Area Transport (WAT) to investigate areas and routes with the highest ridership and potential for enhanced service (e.g., to serve activity/employment centers).
  - Work with WAT and Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
  - Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.
5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process (trip levels above the threshold result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.):
- Without Geometric Improvements

- AM peak should not exceed 350 new trips
- PM peak should not exceed 500 new trips
- With Geometric Improvements recommended by Principle I.1
  - AM peak should not exceed 500 new trips
  - PM peak should not exceed 650 new trips
- New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in Principle I.1 are either constructed or fully funded in the VDOT Six-Year Road Plan.
- New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

## II. Environmental Principles

1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek Watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff:
  - Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.
  - Minimize drainage of new sidewalks, multiuse paths, or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.
  - For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled "*Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act.*"
  - Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
  - Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek Watersheds.
2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors on February 26, 2002:

Watershed Management Plan Recommendations:

- Non-tidal mainstem in the Five Forks area (west of Ironbound and north of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem.
  - Tidal mainstem in the Five Forks area (west of Ironbound Road and south of Ingram Road): By encouraging the use of expanded buffers along the Powhatan Creek mainstem stormwater management with an added focus on fecal coliform removal.
  - Stormwater Recommendations: Use of Special Stormwater Criteria; specialized on-site BMP design with emphasis on removal of nutrients and bacteria; minimize stormwater outfalls on steep slopes.
3. Explore options for land conservation in Five Forks:
- Through the rezoning and special use permit process; encourage developers to set aside land as permanent open space.
  - Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

### **III. Land Use Principles**

1. Promote mixed-use, pedestrian-friendly land-use patterns (see Principles III.6 for Land Use recommendations, including recommendations on moderate- and low-income housing):
- Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).
  - Continue to promote Five Forks as a center of community activity with complementary mixed uses.
  - Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc., in an effort to encourage walkable neighborhoods within the Five Forks area.

2. Identify and re-utilize vacant buildings and properties that are no longer utilized:
  - Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
  - Promote reuse and redevelopment of blighted and no longer utilized properties.
  - Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
  - Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc., to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.
3. Reduce conflicts between incompatible land uses:
  - Promote transitional uses between different land uses.
  - Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).
4. Connect the land use pattern to a supportive, multi-modal transportation system:
  - Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
  - Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with Principle I.4.
5. Establish guidelines to define and maintain the historic, cultural, and aesthetic character of the Five Forks area:
  - As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
    - Building architecture, scale, materials, spacing, height, and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines, and cornices.
    - Buildings that are traditional in character, massing, and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.

- Building facade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
  - Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
  - Existing specimen trees and shrubs should be preserved to the extent possible. New landscaping should be of a type, size, and scale to complement and enhance the building and site design. Native plant and tree species are encouraged.
  - Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
  - All mechanical equipment should be screened from view with architectural elements, fencing, or landscaping.
  - In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the Community Character Corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
- Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
  - Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.
6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks area:
- Ensure new trip generating developments do not exceed new trip thresholds in accordance with Principle I.5 through the rezoning/special use permit process.
  - Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:
    - Low Density Residential: Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low-and moderate-cost housing developments; low- and moderate-income (Low income housing is defined as housing for persons earning less than 50 percent of area median income. Moderate income housing is defined as housing for persons earning 50 percent to 80 percent of the area median income.) housing; mixed-cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.

- Moderate Density Residential: Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low-income housing (including persons earning less than 30 percent of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low-impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments, or attached cluster housing.
  - Mixed Use: The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate-density housing may be a secondary use provided it is designed in accordance with these principles.
- As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land-Use element.

#### **IV. Economic Development Principle**

##### 1. Promote and facilitate economic growth through development/redevelopment:

- Facilitate the location of a new anchor tenant in Governor's Green Shopping Center should Winn-Dixie close.
- Support the development of remaining undeveloped commercial land and vacant buildings in Five Forks to provide goods and services desired by residents of the Five Forks area.
- Advise the Economic Development Authority on the outcomes of the Five Forks Study so that they may capitalize on future economic opportunities.

##### 2. Request for Speed Limit Reduction - Ironbound Road at Five Forks

Ms. Ellen Cook, Planner, stated that Transportation Principle I.1 of the Primary Principles for the Five Forks Area recommends reducing the speed limit to 35 mph along John Tyler Highway and Ironbound Road in the Five Forks area to improve the flow of traffic and increase pedestrian and bicyclist safety.

Staff recommended the Board approve the resolution.

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**

**REQUEST FOR SPEED LIMIT REDUCTION - IRONBOUND ROAD AT FIVE FORKS**

WHEREAS, on September 28, 2004, the James City County Board of Supervisors adopted the Primary Principles for the Five Forks Area of James City County to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area; and

WHEREAS, Transportation Principle I.1 recommends lowering the speed limit to 35 mph approximately half a mile in each direction from the intersection of Ironbound Road and John Tyler Highway; and

WHEREAS, in combination with other recommended improvements, a reduction in vehicle speed will improve traffic flow through the intersection of Ironbound Road and John Tyler Highway; and

WHEREAS, a reduction in vehicle speed will have a secondary benefit of increasing pedestrian and bicyclist safety in the Five Forks area.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation Resident Engineer reduce the speed limit on Ironbound Road to 35 mph approximately half a mile in each direction from the intersection with John Tyler Highway.

3. **High School Bond Referendum**

Mr. Wanner stated that on November 2, 2004, the voters will be asked to authorize General Obligation Bonds to finance the construction of the new high school.

Mr. Wanner read a resolution supporting the construction of the new high school and endorsing the use of General Obligation Bonds as the best way to finance it, and requested the Board adopt the resolution.

Mr. Bradshaw 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**

**HIGH SCHOOL BOND REFERENDUM**

WHEREAS, the Board of Supervisors of James City County has approved a referendum question on the ballot for the November 2, 2004, general election; and

WHEREAS, that question seeks voter approval to borrow up to \$39,820,000 to fund the County's share of the costs of a new high school; and

WHEREAS, the General Obligation Bonds the County could issue, if approved by the voters, would be the least expensive and most flexible form of financing the County could obtain; and

- WHEREAS, new taxable growth, annual reductions in current debt service, and previously dedicated funds will allow the County to issue additional debt for a new high school without an increase in the tax rate; and
- WHEREAS, the Board of Supervisors has dedicated the equivalent of two cents of the existing real property tax collections, approximately \$1.3 million annually and increasing, toward the increased operating costs of the new high school when it is expected to open in August, 2007; and
- WHEREAS, current high school enrollment exceeds the capacity of the two existing high schools by more than 500 students and growth in high school enrollment over the past two years has been 350 students; and
- WHEREAS, the Williamsburg-James City County Public Schools has previously identified County-owned property at Warhill as the site of this new high school; and
- WHEREAS, the Board of Supervisors has endorsed the co-location of the Historic Triangle Campus of Thomas Nelson Community College to more efficiently use the resources of both the high school and the community college for the benefit of the County residents; and
- WHEREAS, the City of Williamsburg has been an active partner in the planning of this new school and will pay a portion of the costs of construction, based on a formula determined by percentage of enrollment; and
- WHEREAS, the proposed high school will provide needed job training opportunities, in partnership with Sentara and Thomas Nelson Community College, in fields such as health services, electronics and information technology.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the construction of a new high school, partly funded by General Obligation Bonds as the least expensive and most flexible method of financing the project, to meet the needs of the community.

Mr. McGlennon stated that the Board has identified a need to address the Adequate Facilities Schools Test and decided a dialogue had to be started with the Schools to plan for the future.

Mr. McGlennon inquired about the time line for the talks.

Mr. Wanner stated that the Schools are conducting a study on school facility needs and coupled with the enrollment study, the Boards will be addressing this item later this year or the first of the new year.

Mr. McGlennon stated that the Board is concerned with those issues.

**I. PUBLIC COMMENT - None**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the Williamsburg Area Transport Board of Directors will be holding its meeting at the conclusion of the Board of Supervisors meeting.

Mr. Wanner recommended at the conclusion of the Board's meeting, it adjourn to 7 p.m. on October 12, 2004.

Mr. Wanner stated that the annual conference of the Virginia Association of Counties (VACo) will be held November 6 - 9 and requested the Board designate Mr. Goodson as the Voting Delegate, Mr. Brown as the Alternate Voting Delegate, and Mr. Wanner as the Proxy for the Business Meeting of the conference.

Mr. McGlennon made a motion to appoint Mr. Goodson as the Voting Delegate, Mr. Brown as the Alternate Voting Delegate, and Mr. Wanner as the Proxy for the Business Meeting of the VACo conference.

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

**K. BOARD REQUESTS AND DIRECTIVES - None**

**L. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

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

At 9:07 p.m. Mr. Goodson adjourned the Board until 7 p.m. on October 12, 2004.

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Sanford B. Wanner  
Clerk to the Board