

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF OCTOBER 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Lauren Merritt, a sophomore at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, stated that the PPEA project, *Jamestown Corridor Improvements Project*, is completed and the ribbon cutting ceremony was held; stated that the Six-Year Secondary Road Plan needs to be approved before the end of December; and stated that a Transportation Board meeting will be held at 2:30 p.m. on November 2.

Mr. Harrison requested a speed study be conducted on Hickory Sign Post Road to unify the speed limit to 25 miles-per-hour all along the road.

Mr. Harrison requested that a tree leaning over Hickory Sign Post Road be corrected before it falls across the road and impacts traffic.

Mr. Harrison also requested an increased police presence on Hickory Sign Post Road to enforce the speed limit.

Mr. Bradshaw requested Ware Creek Manor Road receive maintenance for cracks and vegetation in the roadway.

Mr. Bradshaw requested a speed study be conducted on Croaker Road.

E. PRESENTATIONS

1. Volunteer Recognition - First Quarter, FY 06

Ms. Carol A. Schenk, Human Resource Specialist, and Mr. Brown presented Mr. Sanford Wanner with a certificate recognizing him as the FY 06 First Quarter Employee Volunteer for his leadership, commitment, and volunteer efforts to improve the lives of citizens and foster a sense of community in the County.

Mr. Wanner stated that he accepts the award on behalf of other staff volunteers and on behalf of the Board members who also volunteer to serve organizations; and encouraged the citizens to serve the community by volunteering with the Big Brothers/Big Sisters Mentor Program.

2. Status of the Capital Improvement Projects

Mr. Steven Hicks, General Services Manager, presented an overview and gave a status report of Capital Improvement Projects including the Little Creek Park Expansion, Toano Convenience Center, Emergency Communications Center, Norge Train Depot, Community Sports Facility, and Warhill Site Development.

Mr. Harrison inquired about stadium seating and if it is now short of qualifying to host regional and national events.

Mr. Wanner stated that there is not enough money to fund a stadium to host regional and national events at this location. The current proposal meets the needs of the School division and community.

Mr. Harrison inquired how many seats the proposal started with.

Mr. Wanner stated that the project originally started with 4,000 seats; however, due to stormwater management impacts associated with impervious surface and the cost of seating and parking, the price tag was too large and a decision was made to downsize the project to stay within budget.

Mr. Hicks stated that there is adequate seating to allow for regional events.

Mr. Harrison stated that he wants to see a revenue positive stadium.

Mr. McGlennon recognized Mr. Wanner for creating the Department of General Services.

F. PUBLIC COMMENT

1. Mr. David Brown, 1502 Bush Neck Road, stated that his real estate assessment was raised 300 percent; that he went to the Board of Equalization and had his assessment reduced, however the Real Estate Assessment office discarded the Board of Equalization's decision; and requested that the County reel in the Assessment office.

2. Mr. William Ferguson, 310 The Maine West, inquired what tax incentives are given to the

Windsor Meade shopping center by the County.

Mr. Wanner stated that no incentive was given to those shops.

Mr. Wanner stated that retail follows the market and incentives are not needed to get retail here; the County is open for business.

3. Mr. Ed Oyer, 139 Indian Circle, stated that he appreciated the improvements to the Route 199/Jamestown corridor; encouraged the citizens to support water before supporting recreation; inquired if the County is going civil charge after Mr. Miller is adjudicated; inquired why there is a well located on property off Barnes Road near an existing well; and encouraged the Board not to spend the money before it gets it.

G. CONSENT CALENDAR

Mr. Harrison made a motion to adopt the items on the consent calendar including the amended sets of minutes.

Mr. Harrison requested Item No. 4, Appointment of Local Fire Marshal, be pulled.

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

- 1. Minutes
 - a. September 13, 2005, Regular Meeting – as amended
 - b. September 27, 2005, Work Session – as amended
 - c. September 27, 2005, Regular Meeting
 - d. October 13, 2005, Regular Meeting – as amended
- 2. Erosion and Sediment Control Ordinance Violation - Civil Charge
 - a. 4412 Landfall Drive

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - 4412 LANDFALL DRIVE

WHEREAS, on or about October 6, 2005, John A. Stegeman, Trustee of the John A. Stegeman Revocable Trust, violated or caused a violation of the County’s Erosion and Sediment Control Ordinance by disturbing land without a permit at 4412 Landfall Drive, Williamsburg, Virginia, designated as Parcel Identification No. (4732400088) and hereinafter referred to as (the “Property”); and

WHEREAS, Mr. Stegeman has abated the violation at the Property; and

WHEREAS, Mr. Stegeman 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 Mr. Stegeman as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

b. 11125 Old Stage Road

RESOLUTION

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION -

CIVIL CHARGE - 11125 OLD STAGE ROAD

WHEREAS, on or about July 12, 2005, Michael C. Brown , Manager of Toano Business Center LLC, violated or caused a violation of the County’s Erosion and Sediment Control Ordinance by disturbing land without a permit at 11125 Old Stage Road, designated as Parcel Identification No. (0410100008) and hereinafter referred to as (the “Property”); and

WHEREAS, Mr. Brown has abated the violation at the Property; and

WHEREAS, Mr. Brown has agreed to pay \$1,000 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 \$1,000 civil charge from Mr. Brown, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

3. Installation of "Watch for Children" Sign - Vineyards at Jockey's Neck Subdivision

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGN –

VINEYARDS AT JOCKEY’S NECK SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation (VDOT), alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, residents of The Vineyards at Jockey’s Neck community have requested that a “Watch for Children” sign be installed on Jockey’s Neck Trail as illustrated on the attached drawing titled “Vineyards at Jockey’s Neck Subdivision ‘Watch for Children Sign.’”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain the “Watch for Children” sign as requested with funds from the County’s secondary road system maintenance allocation.

5. Department of Motor Vehicles Grant Award - \$20,000

RESOLUTION

DEPARTMENT OF MOTOR VEHICLES GRANT AWARD - \$20,000

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$20,000 to the James City County 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 DMV according to the Federal government fiscal year that runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2006, to be carried forward to James City County’s next fiscal year.

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

Revenue:

DMV - Highway Safety \$20,000

Expenditure:

DMV - Highway Safety \$20,000

6. Budget Transfer - Toano Community Area Study - \$26,820

RESOLUTION

BUDGET TRANSFER - TOANO COMMUNITY AREA STUDY - \$26,820

WHEREAS, the Board of Supervisors has been requested to commission a study of the community character of the Toano area; and

WHEREAS, the Board has determined that such a study will benefit the citizens of the County; and

WHEREAS, the Planning Division has selected Renaissance Planning Group to conduct the Toano Community Character Study; and

WHEREAS, the Board has been requested to approve the transfer of funds from the Contingency Fund to the Planning Division professional services line item to pay for the study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorizes the following transfer to the Planning Division professional services line item:

Revenue:

Contingency Fund	<u>\$26,820</u>
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Expenditure:

Planning Division	<u>\$26,820</u>
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4. Appointment of Local Fire Marshal

Mr. William T. Luton, Fire Chief, stated that localities enforcing the *Virginia Statewide Fire Prevention Code* (VSFPC) are required to have a fire official and requested the Board adopt the resolution appointing John Black as Fire Marshal for James City County.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

APPOINTMENT OF LOCAL FIRE MARSHAL

WHEREAS, Section 27-30 et seq. of the Code of Virginia, 1950, as amended, provides that James City County may appoint a fire marshal to carry out certain duties as delineated thereunder; and

WHEREAS, John T. Black, Jr., has met all the minimum requirements of the Virginia Department of

Housing and Community Development, Virginia Department of Criminal Justice Services, and Virginia Department of Fire Programs; and

WHEREAS, John T. Black, Jr., was previously appointed as Assistant Fire Marshal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints John T. Black, Jr., as James City County Fire Marshal as authorized in the Code of Virginia Section 27-30.

H. PUBLIC HEARINGS

1. Condemnation in Ironbound Square - Watford Lane Stormwater Detention Basin

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that an off-site detention basin is required to manage stormwater runoff from the Ironbound Square Elderly Housing Development. The proposed site for the basin is .455 acres located at 120 Watford Lane and is adjacent to a James City Service Authority sewage lift station. The basin is also being designed to be converted into a sediment forebay for the Ironbound Square regional storm drainage basin.

Mr. Hanson stated that staff has obtained contracts to purchase approximately 70 percent of the ownership interests in this property from four of the property owners; however, several of the heirs of one owner live out of state and have been unresponsive to staff's numerous attempts to contact them.

Staff found the timeline for the acquisition of this property critical as construction of the Ironbound Square Elderly Housing Development, which is projected to start in summer 2006, is contingent upon construction of the stormwater detention basin.

Staff recommended approval of the resolution that authorizes the County to pursue the acquisition of the property through its right of condemnation.

The Board inquired if responses have been received from the heirs that are located out of state, and inquired about the location and design of the basin.

Mr. Hanson stated that responses have not been received from the out-of-state owners and provided an overview of the basin and its preliminary location.

Mr. Brown opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired if this basin will serve the area of High Street in the City of Williamsburg.

Mr. Wanner stated that this proposal will serve the site only.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

CONDEMNATION IN IRONBOUND SQUARE -

WATFORD LANE STORMWATER DETENTION BASIN

WHEREAS, a stormwater detention basin is needed for the Ironbound Square Elderly Housing Project; and

WHEREAS, the detention basin needs to be located on the real property commonly known as 120 Watford Lane and designated as Parcel No. (1-109) on James City County Real Estate Tax Map No. (39-2) (the "Property"); and

WHEREAS, after holding a public hearing, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of the Property for the construction of a stormwater detention basin for public purposes and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The acquisition of the hereinafter described property for stormwater drainage purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §15.2-1901.1, Code of Virginia (1950), as amended; and it is further declared that the acquisition and use of such property by the County will constitute a public use as defined by § 15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§ 25.1-300 et seq., as authorized by §15.2-1904A, Code of Virginia (1950), as amended.
3. A public necessity exists that the County enter upon and take the hereinafter described property for the purposes described herein above before the conclusion of condemnation proceedings, and the County declares its intent to so enter and take the property under those powers granted pursuant to §§15.2-1902, 15.2-1904 and 15.2-1905 Code of Virginia (1950), as amended.
4. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be, and they hereby are, authorized and directed to acquire by voluntary acquisition or, if necessary, by condemnation in the manner provided by Title 25, Code of Virginia (1950), as amended, and by Title 15 (§ 15.2-1900 et seq.), Code of Virginia (1950), as amended, the hereinafter-described property.
5. The names of the present owners of the property to be acquired are: Jerome Randolph, Jr., Executor for the Estate of Eugene Robinson, deceased; the heirs of George Robinson, deceased, who are Carrie Robinson, Recia Lord, and Robin Young; the heir of Willie Robinson, Jr., deceased, who is Leisa Robinson; and the heirs of Evelyn Robinson Randolph, deceased, who are Jerome Randolph, Jr., Lewis E. Randolph, the heirs of Jean Randolph Lewis, deceased, who are Marlon Lewis, Joey Nathan Lewis, and Benita Lewis, the heirs of Carolyn Randolph Copeland, deceased, who are James K. Copeland, Jr., and Eric G. Copeland, and the heirs of Joan Randolph Wallace,

deceased, who are Kimberly Randolph, Michael D. Randolph, and Ramona Randolph, and other unknown heirs.

6. A substantial description of the property is: A CERTAIN lot of land; situate in Jamestown District, James City County, Virginia, being a portion of the tract known as "Mill Neck", situate east of Ironbound Road, bounded and described as follows: Beginning at a point on the easterly side of a 14-foot alley, which point is 364 feet east of Ironbound Road and which point is the northwesterly corner of the lot of George Wallace; thence in a northerly direction along said alley the distance of 125 feet to the southerly line of the lot of Dorothy Bartlett; said lot then extends back in an easterly direction the distance of 175 feet, and is bounded on the north by the Bartlett lot, on the south by the lot of George Wallace, on the west by the said alley, and on the east by the remaining land of Wallace R. Parker; and is a portion of the same property as that conveyed to the said Wallace R. Parker by deed from Samuel Harris and wife, dated May 28, 1889, and recorded in James City Deed Book 5, Page 190.

LESS AND EXCEPT all that certain tract situate in James City County, Virginia as shown and set forth on that plat entitled: "A Plat for Conveyance and Easement to James City County Sanitary District No 3," from: Willie and Eugene Robinson, dated February 18, 1975, Revised March 1, 1976, made by Deward M. Martin and Associates, Inc., Drawing No J02-11-0, under that certain Certificate of Take, recorded April 8, 1976, in Deed Book 167, Page 725.

LESS AND EXCEPT all that certain lot, piece or parcel of land lying and situate in Berkeley District, James City County, Virginia, shown and designated as Parcel A (New R/W 0.005 acre +), Parcel B (Exist. Private R/W) and Parcel C (Slope Easement) on that certain plat entitled "PLAT FOR CONVEYANCE AND DEDICATION OF RIGHT- OF-WAY, FROM: WILLIE AND EUGENE ROBINSON, TO: JAMES CITY COUNTY, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", dated January 1980, Job #J05-109, made by Small Engineering, Inc., Williamsburg, Virginia, under that certain Certificate of Take, dated August 12, 1980, recorded in Deed Book 205, Page 526.

It being the same property conveyed to Willie Robinson and Eugene Robinson, by deed from Wallace R. Parker, single, dated May 2, 1949, recorded November 20, 1950, in Deed Book 44, Page 184.

7. Just compensation is estimated to be \$22,500 based upon an appraisal.
8. No condemnation proceedings shall be commenced until the preconditions of §15.2-1903(A), Code of Virginia (1950), as amended, have been met.
9. In the event any of the property described in Paragraph 6 of this resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against the successors in title.
10. That an emergency is declared to exist, and this resolution shall be effect from the date of its passage.

2. Norge Train Depot Restoration, TEA-21 Application Endorsement

Mr. Steven Hicks, General Services Manager, stated that the Board of Supervisors endorsed an application for Phase I of the Norge Train Depot Restoration project on January 9, 2001. The Phase I grant was approved for funding and the Depot is scheduled to be relocated to its new location at the James City County Library site in Croaker, Virginia in December 2005.

The Historical Commission is submitting another grant application for review in 2006 and requires an endorsed resolution from the Board for the application. The application is for a Transportation Enhancement Program grant through the Transportation Equity Act for the 21st Century (TEA-21) to complete Phase II of the relocation of the Norge Train Depot. Phase II will include the hiring of a restoration architect as a consultant for the project, stabilization of the structure, and restoration of the exterior at its new location at the James City County Library site in Croaker, Virginia. The TEA-21 grant would cover up to 80 percent of the cost and the County would be responsible for the remaining 20 percent of the project cost.

Staff recommended approval of the resolution

Mr. Brown opened the Public Hearing.

1. Mr. John Labanish, Ad Hoc Committee Chair of the Norge Depot Relocation Commission, thanked the Board and staff for their commitment to the relocation project; provided an overview of Phase II of the project; Frances Hamilton's efforts in the preservation of the Depot and Alain Outlaw's historical research and preservation; provided an overview of the TEA-21 application; and requested approval of the application and fiscal support; and provided an overview of Phase III of the project.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

NORGE TRAIN DEPOT RESTORATION - PHASE II

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order that the Virginia Department of Transportation (VDOT) program a transportation enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Commonwealth Transportation Board to establish a project in 2006 for the Norge Train Depot - Phase II for the hiring of a restoration architect as a consultant, stabilization of the structure, and restoration of the exterior at its new location at the James City County Library site in Croaker, Virginia.

BE IT FURTHER RESOLVED that the James City County Historical Commission hereby agrees to pay a minimum 20 percent of the total cost of \$100,000 for Phase II of this project, and that, if the James City County Historical Commission subsequently elects to cancel this project, the

James City County Historical Commission hereby agrees to reimburse VDOT for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on the York County Comprehensive Plan.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that James City County reserved four million gallons of water per day through a Memorandum of Understanding (MOU) with Newport News from the King William Reservoir. The MOU is a beginning point for negotiations with Newport News.

Mr. Wanner commented on the commemorative event for the opening of Route 199 following the completion of the Jamestown/Route 199 PPEA project and stated that the Board of Supervisors was recognized for its commitment to the PPEA project.

Mr. Wanner stated that the next Board meeting is to be held on November 8, which is Election Day, and encouraged the citizens to exercise the right to vote.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that the Virginia Association of Counties (VACo) has requested a voting delegate and alternate for the annual meeting and offered himself as a voting delegate and Mr. Wanner as the alternate.

Mr. McGlennon made a motion to appoint Mr. Goodson as the Voting Delegate for the VACO 2005 Annual Meeting and Mr. Wanner as the alternate.

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

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

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

At 8:03 p.m. Mr. Brown adjourned the Board to 7 p.m. on November 8, 2005.

Sanford B. Wanner
Clerk to the Board