

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF MAY 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
James O. Icenhour, Jr., Vice Chairman, Powhatan District
Jay T. Harrison, Sr., Berkeley District
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 - Sherlanda Buskey, an eighth-grade student at James Blair Middle School led the Board and citizens in the Pledge of Allegiance.

Mr. McGlennon recognized Jack Fraley of the Planning Commission in attendance.

D. PRESENTATIONS

1. May Is Bike Month

Ms. Debbie Post, Parks and Recreation Health and Wellness Coordinator, and Ron Grossman, Vice President of Williamsburg Area Bicyclists, presented Mr. McGlennon with a gubernatorial proclamation designating May as Bike Month and a tee-shirt for each of the Board members.

Mr. McGlennon presented Mr. Grossman and Ms. Post with a Board resolution recognizing May as Bike Month in James City County.

2. Public Safety Update for Anniversary Weekend

Fire Chief Tal Luton and Police Chief Emmett Harmon gave a brief outline of public safety initiatives for Anniversary Weekend.

Chief Harmon stated that a public safety plan was in place and he felt that the public safety officers were prepared. He commented on traffic and parking for the Anniversary Weekend events. He noted the County's website has a "splash" page with public information directly related to Anniversary Weekend.

Chief Luton noted that the public safety of the County, aside from the Anniversary Weekend events, would maintain its service level. He commented that there were other events going on including the Michelob Ultra Open LPGA tournament, but assured citizens that the County's level of public safety and emergency response would remain the same.

Mr. McGlennon thanked Chief Luton and Chief Harmon for the update.

3. Presentation on the new James City County Historical Map, "Discover Our New World"

Mr. Ned Cheely, Parks and Recreation Director, presented the newly completed James City County Historical Map. Mr. Cheely explained that the map is a 2007 Legacy Project that highlighted historically significant sites throughout the County and a time line. Mr. Cheely thanked staff for their efforts to produce the map and thanked Ms. Martha McCartney for her contribution of historical research. He presented Mr. McGlennon with a framed copy of the map in honor of the 400th Anniversary.

E. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, noted a trust fund at SunTrust Bank for Chief Warrant Officer (CWO) Ward; commented on gun control; affordable housing in the Roberts District; traffic and potholes on Route 60 East; unmaintained property on Indian Circle; upkeep of Jamestown Road and Route 60; and development on Route 60 East impeding emergency response vehicles.

Mr. McGlennon thanked Mr. Oyer for bringing attention to the trust fund for CWO Ward and noted that the County's flags would be at half-mast for CWO Ward after the designated period set aside for the victims of the Virginia Tech shootings.

F. CONSENT CALENDAR

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

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

1. Minutes –

- a. April 12, 2007, Budget Work Session
- b. April 16, 2007, Budget Work Session
- c. April 17, 2007, Budget Work Session
- d. April 24, 2007, Regular Meeting

2. May Is Bike Month

RESOLUTION

MAY IS BIKE MONTH

WHEREAS, for more than a century, the bicycle has played an important role in the lives of Americans; and

WHEREAS, today, millions of Americans engage in bicycling because it is an environmentally sound form of transportation, an excellent form of fitness, and provides quality family recreation; and

WHEREAS, James City County offers many bicycling opportunities for transportation, recreation, and exercise through beautiful scenery, parks, area attractions, and historic sites; and

WHEREAS, Bike Month is designed to increase awareness about bicycling opportunities through activities such as bike-to-work days and family rides.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize May 2007 as Bike Month in James City County, Virginia, and call this observance to the attention of its citizens.

3. Dedication of a Street in Greensprings West, Phase 3

RESOLUTION

DEDICATION OF A STREET IN GREENSPRINGS WEST, PHASE 3

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to Section 33.1-229 of the Code of Virginia and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

4. Dedication of a Street in Ironbound Village, Phase 1

RESOLUTION

DEDICATION OF A STREET IN IRONBOUND VILLAGE, PHASE 1

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

5. Dedication of Streets in Wellington, Sections 2 and 4

RESOLUTION

DEDICATION OF STREETS IN WELLINGTON, SECTIONS 2 & 4

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

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

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and

any necessary easements for cuts, fills, and drainage.

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

6. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$40,000

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND - \$40,000

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$40,000 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services (DCJS); and

WHEREAS, this grant would help fund the personnel costs of two positions in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2007, for the purposes described above:

Revenue:

DCJS Domestic Violence Grant \$40,000

Expenditure:

Domestic Violence Prosecutor Personnel Costs \$40,000

7. Grant Award - TRIAD Crime Prevention for Seniors - \$2,750

RESOLUTION

TRIAD CRIME PREVENTION FOR SENIORS GRANT AWARD - \$2,750

WHEREAS, James City County has been awarded a TRIAD Crime Prevention for Seniors Grant award in the amount of \$2,750 through Virginia's Office of the Attorney General to be used to enhance the County's TRIAD program; and

WHEREAS, the purpose of TRIAD is to reduce criminal victimization of older citizens, enhance the delivery of law enforcement services, and improve their quality of life; and

WHEREAS, these funds will be used to purchase safety equipment for the elderly and to provide supplies and promotional materials to enhance the safety of the elderly; and

WHEREAS, the grant requires matching funds of \$250, and these funds are available in the County's Special Projects/Grants Fund.

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:

OAG – TRIAD Crime Prevention for Seniors Grant	\$2,500
JCC Special Projects/Grants Fund	<u>250</u>
Total	<u>\$2,750</u>

Expenditure:

OAG – TRIAD Crime Prevention for Seniors Grant	<u>\$2,750</u>
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- 8. Appropriation of Funds - Virginia Department of Health - “Bike Smart, Virginia!” Project Grant Award - \$500

RESOLUTION

APPROPRIATION OF FUNDS -VIRGINIA DEPARTMENT OF HEALTH -

“BIKE SMART, VIRGINIA!” PROJECT GRANT AWARD - \$500

WHEREAS, the James City County Police Department has been awarded a “Bike Smart, Virginia!” Project Grant award in the amount of \$500 through the Virginia Department of Health (VDH); and

WHEREAS, the funds are to be used for the purchase of youth bicycle helmets for distribution at Bike Rodeos and other Community Service Unit events where bicycle safety education is conducted; and

WHEREAS, there are no matching funds required of this grant; and

WHEREAS, the grant period is from April 1 through May 30, 2007.

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:

Revenue:

VDH - Bike Smart Virginia	<u>\$500</u>
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Expenditure:

VDH - Bike Smart Virginia	<u>\$500</u>
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9. Appropriation of Funds - Virginia Department of Health - Cities Readiness Initiative - \$6,569

RESOLUTION

APPROPRIATION OF FUNDS BY THE VIRGINIA DEPARTMENT OF HEALTH

CITIES READINESS INITIATIVE - \$6,569

WHEREAS, James City County has been awarded an appropriation from the Virginia Department of Health (VDH) Cities Readiness Initiative in the amount of \$6,569 to enhance the planning capabilities of the Emergency Operations Center (EOC) staff to respond to potential emergencies or disasters such as a pandemic; and

WHEREAS, these funds will cover the purchase of advanced technology equipment essential in the operation of the County’s EOC during a significant event.

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

Revenue:

VDH Cities Readiness Initiative (024-073-3000)	<u>\$6,569</u>
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Expenditure:

VDH Cities Readiness Initiative – EOC Technology (024-306-3000)	<u>\$6,569</u>
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10. Appropriation of Funds - Virginia Community College System - \$247,957

RESOLUTION

APPROPRIATION - VIRGINIA COMMUNITY COLLEGE SYSTEM - \$247,957

WHEREAS, the County and Virginia Community College System (VCCS) agreed that the County would perform a variety of activities to be reimbursed from VCCS as part of the site improvements for Phase I - Historical Thomas Nelson Community College (TNCC) for the following:

Environmental Services to Mitigate 0.38 Acres	\$ 89,400
Construct Additional 50 Parking Spaces	60,000
Site Clearing for 4.3 Acres	<u>98,557</u>
 Total	 <u>\$247,957</u>

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2007, and appropriates the following sum in the amount and for the purpose indicated below: FY 2007 Special Projects/Grant Fund:

Revenue:

State Funds - VCCS \$247,957

Expenditure:

VCCS/TNCC Site Improvements \$247,957

11. Contract Award - Community Center Emergency Generator

RESOLUTION

CONTRACT AWARD – COMMUNITY CENTER EMERGENCY GENERATOR

WHEREAS, a Request for Proposals to furnish and install a permanent 750kW emergency generator at the James City/Williamsburg Community Center was publicly advertised and staff reviewed proposals from five firms interested in performing work; and

WHEREAS, upon evaluating the proposals, staff determined that Carter Machinery, Inc. was most fully qualified and submitted the proposal that best suited the County's needs as presented in the Request for Proposals.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract in the amount of \$250,000 for this project to Carter Machinery, Inc.

12. Award of Bid - Fire Stations 3 and 4 Renovations - \$116,520

RESOLUTION

AWARD OF BID - FIRE STATIONS 3 AND 4 RENOVATIONS - \$116,520

WHEREAS, the plans and specifications have been advertised and competitively bid for renovations to Fire Stations 3 and 4; and

WHEREAS, three firms submitted bids, with David A. Nice Builders, Inc. submitting the lowest responsive, and responsible bid at \$116, 520; and

WHEREAS, budgeted funds are available and David A. Nice Builders, Inc. has been determined to be capable of performing the work associated with the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract to David A. Nice Builders, Inc. in the amount of \$116,520.

13. Accelerated Implementation - Two New Financial and Management Services Positions Approved in the FY 2008 Budget

RESOLUTION

ACCELERATED IMPLEMENTATION -

TWO NEW FINANCIAL AND MANAGEMENT SERVICES POSITIONS

APPROVED IN FY 2008 BUDGET

- WHEREAS, the Board of Supervisors has approved a budget for the fiscal year beginning on July 1, 2007, and within that budget two new permanent full-time positions, a GIS Technician and a Web Interactive Designer; and
- WHEREAS, staff has requested that the Board authorize the accelerated implementation of those two positions with the plan that the employees might be hired before July 1, 2007; and
- WHEREAS, should the Board authorize these additional positions in May 2007, no adjustment to the adopted budget for the current fiscal year is necessary.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accelerates the effective date of the Board's previous approval of two permanent full-time positions, a GIS Technician and Web Interactive Designer, from July 1, 2007 to May 9, 2007.

14. Unnamed Shared Driveway Change to "Hollow Pointe Drive"

RESOLUTION

UNNAMED SHARED DRIVEWAY CHANGE TO "HOLLOW POINTE DRIVE"

- WHEREAS, Ms. Jackie Falls owns a parcel of property in James City County located at 4939 Fenton Mill Road and further identified as Parcel No. (3-1) on James City County Real Estate Tax Map No. (24-2) (the "Property"); and
- WHEREAS, the Property, along with five other parcels, accesses Fenton Mill Road via an unnamed shared driveway (the "Shared Driveway"); and
- WHEREAS, Section 19-54(b) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and
- WHEREAS, on behalf of herself and the other five property owners along the Shared Driveway, Ms. Falls has requested that the Board of Supervisors name the Shared Driveway, "Hollow Pointe Drive"; and
- WHEREAS, the proposed street name has been discussed with the Fire Department, Police Department, Planning Division, Williamsburg Post Office, and Real Estate Assessment and these agencies have found it acceptable.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve naming the shared driveway located adjacent to Parcel Nos. (3-1), (2-7), (3-3), (3-2), and (2-6) on James City County Real Estate Tax Map No. (24-2) to "Hollow Pointe Drive."

15. Appointment - 2007 County Fair Committee

RESOLUTION

APPOINTMENT - 2007 COUNTY FAIR COMMITTEE

WHEREAS, annually the Board of Supervisors appoints the James City County Fair Committee; and

WHEREAS, the 2007 County Fair will be held Friday, June 22, and Saturday, June 23.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the attached list of volunteers to the 2007 James City County Fair Committee for the term of June 22, 2007, through June 23, 2007.

16. Crossroads Community Youth Home - Land Lease and Funding Support

RESOLUTION

CROSSROADS COMMUNITY YOUTH HOME –

LAND LEASE AND FUNDING SUPPORT

WHEREAS, the Crossroads Community Youth Home is a residential group home which is owned by the Counties of York, James City and Gloucester and the City of Williamsburg as tenants-in-common; and

WHEREAS, that facility is greatly in need of replacement and the owner localities have developed plans for an 18 bed co-ed facility which would serve as many as 48 youth per year, giving shelter, counseling, and life skills as a result of the implementation of this project and have worked to secure approvals and to undertake the necessary financial planning to achieve this objective; and

WHEREAS, the Virginia General Assembly has approved an exception by name for this project from the moratorium on construction of residential facilities for juveniles and has subsequently approved the state share of funding for this project; and

WHEREAS, the four local government owners have for several years banked funds toward their shares; various grants have been received or submitted to further defray local costs and proceeds from the sale of the existing facility would be applied toward the construction costs, with the balance of those costs to be shared by local government owners according to population percentages; and

WHEREAS, in 2005, in order to make available a site for planning and approvals for the construction of a new facility and for pursuit of the State share of funding, the City of Williamsburg made available three acres located on Mooretown Road in the County of York and offered the

owner localities a long-term lease agreement for \$180,000 with 50 percent to be borne by the Commonwealth; and

WHEREAS, at that time the land lease agreement was reviewed and approved as to form by the local government attorneys of each of the owner localities and;

WHEREAS, it is also necessary to make arrangements for the sale of the existing facility in anticipation that the proceeds will applied to the costs of construction: and

WHEREAS, construction bids have been solicited and received, and determined that this project is financially viable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby directed and authorized to execute a land lease agreement with the City of Williamsburg, related contracts, or other documents, subject to approval as to form by the County Attorney.

BE IT STILL FURTHER RESOLVED that staff are hereby directed to identify a suitable buyer and to prepare for the Board's consideration and approval all details of a proposed sale of the existing facility.

G. PUBLIC HEARINGS

1. Temporary Classroom Trailers (continued from April 24, 2007)

- a. SUP-06-07. Lafayette High School Temporary Classroom Trailers
- b. SUP-07-07. Jamestown High School Temporary Classroom Trailers
- c. SUP-08-07. D. J. Montague Elementary School Temporary Classroom Trailers
- d. SUP-09-07. Clara Byrd Baker Elementary School Temporary Classroom Trailer
- e. SUP-10-07. Rawls Byrd Elementary School Temporary Classroom Trailer
- f. SUP-11-07. Stonehouse Elementary School Temporary Classroom Trailers

Mr. Jose Ribeiro, Planner, stated Mr. Bruce Abbott, on behalf of the Williamsburg-James City County Public Schools (WJCC Schools), has applied for six Special Use Permits (SUPs) to extend the expiration date for a total of 22 existing classroom trailers located at Lafayette and Jamestown High Schools, D. J. Montague, Clara Byrd Baker, Rawls Byrd, and Stonehouse Elementary Schools. Additionally, a total of ten existing classroom trailers are scheduled to be removed from Lafayette High School, D. J. Montague, Clara Byrd Baker, and Stonehouse Elementary Schools by July 2007. Table 1 below summarizes the overall number of existing classroom trailers and trailers to be removed from the schools as indicated by these six SUP applications.

Staff found the proposals, with the attached conditions, to be compatible with surrounding land uses and the Comprehensive Plan.

Staff recommended the James City County Board of Supervisors approve each of these SUP applications with the conditions listed in the resolution.

Mr. McGlennon noted that Dr. Robert Becker from WJCC Schools was present.

Mr. Icenhour asked if the trailers for the Center for Educational Opportunities (CEO) would come forward for a different SUP when plans for the program were finalized.

Mr. Ribeiro stated that he was unaware what would happen with the trailers, but the SUP conditions

coincided with what was planned for the CEO program.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. Icenhour thanked Dr. Becker for his help with this matter. He commented that he had spoken with members of the School Board regarding efficient use of space inside the schools and noted that an important factor was to reevaluate the direction of the programs in the trailers, which was the responsibility of the School Board. He commented that trailers were a temporary solution and should be identified for a specific use until the needs could be met. He said he felt that there should be an initiative immediately to address the school budget for the upcoming year.

Mr. Bradshaw made a motion to approve the resolution.

Mr. Bradshaw commented that this issue was being addressed as a land use case, but the Board would like to work with the School Board to take a look at Pre-K and make a plan for the future. He stated as a School Liaison Committee member, he would strive to look into these issues promptly.

Mr. Harrison stated that building and program designs need to be addressed along with new school needs in order to eliminate the need for temporary classroom trailers.

Mr. McGlennon state that as a School Liaison Committee member he aimed to make the community feel confident that these issues would be addressed.

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

RESOLUTION

CASE NO. SUP-06-07. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-07-07. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-08-07. D. J. MONTAGUE ELEMENTARY SCHOOL

CASE NO. SUP-09-07. CLARA BYRD BAKER ELEMENTARY SCHOOL

CASE NO. SUP-10-07. RAWLS BYRD ELEMENTARY SCHOOL

CASE NO. SUP-11-07. STONEHOUSE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all the conditions for the consideration of these special use permit (SUP) applications have been met; and

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the issuance of an SUP by the Board of Supervisors; and

WHEREAS, the Williamsburg-James City County School Board has applied for an SUP to extend the permit period for four existing temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for two existing temporary classroom trailers at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Tax Map No. (46-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for three existing temporary classroom trailers at D. J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Tax Map No. (31-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for three existing temporary classroom trailers at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Tax Map No. (47-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for one existing temporary classroom trailer at Rawls Byrd Elementary School on property owned and developed by the applicant located at 112 Laurel Lane, and further identified as Parcel No. (6-171A) on James City County Tax Map No. (48-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a SUP to extend the permit period for five existing temporary classroom trailers at Stonehouse Elementary School on property owned and developed by the applicant located at 3651 Rochambeau Drive and further identified as Parcel No. (1-20) on James City County Tax Map No. (13-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of special use permits for the placement of temporary classroom trailers as described above and on the attached site location maps with the following conditions:

1. The conditions listed below replace and supersede the conditions of approval for the following previously approved temporary classroom trailers SUPs: SUP-03-04, SUP-04-04, SUP-06-04, SUP-07-04, SUP-08-04, SUP-15-04, SUP-08-05, SUP-09-05, SUP-11-5, SUP-12-05, SUP-13-05, SUP-06-06, SUP-07-06, SUP-08-06, SUP-09-06, SUP-11-06, and SUP-12-06.
2. At the Lafayette High School site two classroom trailers shall have permits extended until July 1, 2008, two classroom trailers shall have permits extended until July 1, 2009, and five classroom trailers shall have permits valid until July 1, 2007.
3. At the Jamestown High School site two classroom trailers shall have permits extended until July 1, 2008, and four classroom trailers shall have their permits valid until July 1, 2007.
4. At the D. J. Montague Elementary School site three classroom trailers shall have permits extended until July 1, 2009, and two classroom trailers shall have permits valid until July 1, 2007.

5. At the Clara Byrd Baker Elementary School site three classroom trailers shall have permits extended until July 1, 2009, and two classroom trailers shall have permits valid until July 1, 2007.
6. At the Rawls Byrd Elementary School site one classroom trailer shall have a permit extended until July 1, 2009.
7. At the Stonehouse Elementary School site five classroom trailers shall have permits extended until July 1, 2009, and one classroom trailer shall have a permit valid until July 1, 2007.
8. These SUPs are not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. Z-8-06/SUP-36-06/MP-9-06. Williamsburg Pottery Factory

Mr. Jason Purse, Planner, stated Mr. Vernon Geddy, III, has applied on behalf of Williamsburg Pottery Factory, Inc., to rezone an 18.86-acre parcel located at 6692 Richmond Road from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers, in addition to a commercial SUP. The rezoning proposes redevelopment of the existing property to include 161,000 square feet for a new retail shopping center; there is currently 173,014 square feet of retail development located on the site. The property is also known as Parcel No. (1-24) on the James City County Real Estate Tax Map No. (24-3). Mr. Purse stated the site is shown as Mixed-Use, Lightfoot Area on the 2003 Comprehensive Plan Land Use Map.

Regarding the redevelopment project and the design limitations of the parcel shape and size, staff feels that the applicant is providing the best overall design given the type of uses and intensity. The project also is a significant visual improvement over existing site conditions.

At its meeting on April 4, 2007, the Planning Commission voted 7-0 to recommend approval of the application.

Staff recommended the Board of Supervisors approve the Rezoning and SUP applications with the attached proffers and condition.

Mr. Icenhour asked about the discrepancy on the parking spaces, as the applicant has provided the number of spaces required for an outlet mall, which was significantly more than what was required for a planned shopping center.

Mr. Purse stated the calculations for an outlet mall and general retail are the same, but the number for a planned shopping center was less.

Mr. Icenhour asked if the development should be classified as an outlet mall.

Mr. Purse stated according to the zoning ordinance definition, the development was considered a planned shopping center.

Mr. Icenhour asked what tenants would be in the shopping center.

Mr. Purse stated that he was unaware at this time.

Mr. Icenhour asked how the staff determines the difference between an outlet mall and planned shopping center.

Mr. Purse stated these were defined in the zoning ordinance.

Mr. Icenhour asked the difference between the two designations.

Mr. Purse stated the definition of a planned shopping center was two or more stores using a shared parking lot and required four parking spaces per thousand square feet. He stated an outlet mall required more parking - 2.5 spaces per thousand square feet. He explained that the designation of a facility as a planned shopping center versus an outlet mall was the Zoning Administrator's determination.

Mr. McGlennon asked the implications of the miscalculation for parking.

Mr. Purse stated the plan provided for one space per 100 square feet and the applicant has not changed the number of parking spaces.

Mr. McGlennon asked if the development required more than the requested amount of parking.

Mr. Purse stated the applicant could reduce the parking.

Mr. McGlennon asked what flexibility the applicant has to change this and the oversight the County has over these changes.

Mr. Purse stated staff required at least one parking space per 250 square feet of retail space.

Mr. McGlennon stated if they reduced parking spaces, they could increase buffer along Route 60.

Mr. Purse stated that was correct, but that would need to be discussed with the applicant. He stated this could be suggested by the Board.

Mr. McGlennon asked if there would be a connection between this shopping center and the older Pottery property.

Mr. Purse responded that there would be a connection.

Mr. McGlennon stated this would not be a connection through the signalized intersection.

Mr. Purse stated this was correct. He noted that the applicant was required to have a minimum buffer and if they want to increase the buffer, it could be done at the Development Review Committee (DRC) level.

Mr. McGlennon stated the proposed buffer was 37 feet in width on average, which was currently roughly nine feet – a substantial improvement, though it does not meet the 50-foot buffer requirement.

Mr. Bradshaw stated that the buffer would be more than previously developed properties on the west side of Route 60.

Mr. Bradshaw asked for confirmation that there was nothing in the ordinance that provided a maximum number of parking spaces and if the applicant chose to reduce parking, this could possibly reduce impervious cover.

Mr. Purse stated this was correct.

Mr. McGlennon opened the public hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief overview of the proposed redevelopment and highlighted the efforts by the applicant to increase the current Community Character Corridor buffer, mitigate traffic, stormwater management on the property and LID methods, and maintenance of landscaping.

Mr. Bradshaw asked Mr. Geddy if the number used for parking spaces was so large because of requirement or because of need.

Mr. Geddy stated that the applicant wanted to have enough parking but keep impervious cover low. He stated that five spaces per 1,000 square feet was a good balance and stated that due to uncertainties, the applicant was happy to work with staff and the DRC to modify this number as necessary.

Mr. Bradshaw stated he was happy with the idea of balancing the parking needs versus decreased impervious cover and buffer enhancement.

Mr. McGlennon stated that in this case there was additional parking within close proximity within the same property.

Mr. Icenhour asked if the anchor store being a food store was a driving need for parking.

Mr. Geddy stated this was one reason, but also it was the importance of the location of the spaces that presented the most need as spaces designated for the larger shopping areas were over 1,000 feet away in some instances.

Mr. Icenhour stated he understood that and asked about the importance of parking for the food store.

Mr. Rich Costello, AES Consulting Engineers, stated the traditional need for parking at a food store was usually about five spaces per 1,000 square feet, but in a shopping center this number was not as critical. He explained that the applicant knew that there would be a restaurant and 25 percent of the retail space would be outlet stores which require more parking. He stated that historically the Pottery has needed five spaces per 1,000 square feet though it has only been required to have four spaces per 1,000 square feet.

Mr. Icenhour stated the factor that dissimilates a planned shopping center from an outlet mall would be a food store and efforts should be made to keep impervious surface to a minimum and meet the needs to serve the retail stores.

Mr. Icenhour asked about the timeframe for moving an existing traffic signal up one position to serve the shopping center.

Mr. Geddy stated the part of the property that would be served by the relocated traffic light would be developed last.

Mr. Icenhour asked the sequence of installing the traffic signals.

Mr. Geddy stated the shared traffic signal with Colonial Heritage depended on VDOT warrant. He noted that a portion of the project would be developed first and the signal would come about first. He stated the other traffic light would be moved during Phase II of the development.

Mr. Icenhour asked if the first phase would be open when the second light had not moved yet.

Mr. Geddy stated this was correct.

Mr. Icenhour asked if there was a need for two traffic signals at build out.

Mr. Geddy stated that due to other safety reasons there was a desire to move the second traffic signal.

Mr. McGlennon asked if the utilities were all underground as shown in the renderings.

Mr. Costello stated he was reasonably sure that the power lines would come behind the shopping center underground, and then go back to the street with two lines in the last section. He stated that it was more likely for new power lines to be run underground.

Mr. McGlennon stated this was disappointing and asked if there was objection to underground lines from the applicant.

Mr. Costello stated he was not aware of any objection, aside from easement issues due to high voltage and inability to landscape over the power lines.

2. Mr. Tom Wishart, 4759 Winterberry Court, stated he lived in Colonial Heritage across Route 60 from the Pottery Factory, and the residents had invited Mr. Geddy to the facility to meet with the homeowners and show the project. He stated the 41 individuals who participated liked and approved the project, none of the 400 residents objected to the project, and all of those he has communicated with have indicated they were in favor of this redevelopment. He recommended approval by the Board.

3. Mr. Jack Fraley, Planning Commissioner, 104 Thorpe's Parish, complimented the applicant's responsiveness to requests and commented that the Planning Commission aggressively urges redevelopment projects to increase a buffer. He stated 37 feet for the buffer width was an average number and at some points it was only 20 feet wide. He stated the Planning Commission was concerned with impervious cover and noted that the soils were not suitable for pervious pavers. He stated the parking provided was in excess of the higher requirement and if the food store was an issue, there was a recommendation to reduce parking at the opposite end to reduce impervious cover and increase buffer. He stated that he urged the Board to encourage that. He commented on the transportation study and stated staff has brought in-house expertise into larger projects.

As no one else wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the SUP resolution and complimented the applicant on the redevelopment of this area and increasing the buffer, even though part of the land and investment was being given up for this concern. He stated additional redevelopments along Route 60 would come forward and if each of those projects was held to the buffer requirement, those redevelopments may not take place. He thanked the applicant for working with staff and the Planning Commission to improve the project.

Mr. Bradshaw made a motion to adopt the rezoning and master plan resolutions. Mr. Bradshaw thanked the applicant for redeveloping the area and improving the corridor along Route 60.

Mr. Icenhour stated he felt the applicant has been responsive to staff and the neighboring properties. He stated this was an improvement and the process for redevelopments will become integral to the quality of developments along Route 60.

Mr. Harrison thanked the applicant for reinvesting in the area.

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

RESOLUTION

CASE NO. SUP-36-06. WILLIAMSBURG POTTERY FACTORY

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. Vernon Geddy has applied for an SUP to allow for the development of a shopping center with commercial square footage over 10,000 square feet, as well as a traffic generation rate which is over 100 peak-hour trips; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled "The Promenade at the Williamsburg Pottery," dated March 19, 2007; and

WHEREAS, the property is located on land zoned M-1, Limited Business Industrial, and can be further identified as James City County Real Estate Tax Map No. 2430100024; and

WHEREAS, the Planning Commission, following its public hearing on April 4, 2007, voted 7 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-36-06 as described herein with the following conditions:

1. If the Virginia Department of Transportation warrants the need for a traffic signal at the Colonial Heritage crossover, as shown on the Binding Master Plan, the warranted traffic signal shall be installed prior to the issuance of certificates of occupancy for 120,000 square feet of buildings located on the property, as shown on the Binding Master Plan.

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

RESOLUTION

CASE NO. Z-08-06/MP-9-06. WILLIAMSBURG POTTERY FACTORY

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a public hearing scheduled on Zoning Case No. Z-08-06/MP-9-06 for rezoning 18.86 acres from M-1, Limited Business Industrial, and A-1, General Agricultural, to M-1, Limited Business Industrial, with proffers; and

WHEREAS, the proposed project is shown on a Master Plan prepared by AES, entitled "The Promenade at the Williamsburg Pottery," dated March 19, 2007; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 4, 2007, recommended approval, by a vote of 7 to 0; and

WHEREAS, the property is located at 6692 Richmond Road and can be further identified as James City County Real Estate Tax Map No. 2430100024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-08-06/MP-9-06 and accept the voluntary proffers.

3. Case No. Z-1-07. Sheldon Rezoning

Mr. Luke Vinciguerra, Planner, stated Mr. Howard Sheldon is requesting a rezoning of his property from B-1, General Business, to R-1, Limited Residential, to build a single-family house on the lot for his son. The property is located at 3425 Old Stage Road and can be identified on James City County Real Estate Tax Map No. (12-2) as Parcel No. (1-11B), consisting of 1.29 acres. The current zoning is B-1, General Business, and the property is located inside the PSA, designated as Low-Density Residential on the Comprehensive Plan. Adjacent parcels in this area of Old Stage Road are also zoned General Business and many have single-family detached houses on them. The area is designated low-density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning doesn't reflect it. Mr. Sheldon applied for the rezoning after he was unable to receive a mortgage for a new house because of the current zoning. Single-family detached housing is not a permitted use in B-1.

Staff found the proposal to be consistent with the Land Use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map designation.

Staff recommended approval of the application.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. McGlennon stated this was an unusual situation where the property is zoned B-1 but there was single-family detached housing on the adjacent properties and noted that staff has spoken with property owners to rezone the surrounding areas.

Mr. Vinciguerra stated this was correct and noted that some property owners have expressed interest in rezoning.

Mr. McGlennon asked if the surrounding property owners were contacted regarding rezoning their properties.

Mr. Vinciguerra said he contacted all those in the area via letter or telephone call.

Mr. Icenhour asked if the property on the other surrounding properties had houses.

Mr. Vinciguerra said that several others had houses on them, including the property on one side of the applicant's property.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. Z-1-07. SHELDON REZONING

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-07; and

WHEREAS, Mr. Howard Sheldon has applied to rezone his property located at 3425 Old Stage Road, further identified as James City County Real Estate Tax Map No. 122010011B (the "Property") from B-1, General Business, to R-1, Limited Residential, so that he may build a single-family house on the Property; and

WHEREAS, the Property is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on April 4, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-07 as described herein.

4. Case No. AFD-2-86-2. Croaker Agricultural and Forestal District - Ballard Addition

Mr. Jason Purse, Planner, stated Mr. Thomas Ballard has applied to add 21.13 acres in two land parcels to the Croaker Agricultural and Forestal District. The parcels are located at 5325 and 5375 Riverview Road, further identified on James City County Real Estate Tax Map as Parcel Nos.: 1530100032 and 1530100035a. He stated the land was zoned General Agricultural and designated by the Comprehensive Plan as Rural Lands. Mr. Purse stated the two parcels were surrounded on the west and south by other parcels located in the Croaker Agricultural and Forestal District (AFD).

Staff found these properties were added to the Croaker AFD in 1993; however, the properties were not renewed as a part of the 1994 Croaker AFD District renewal process due to a clerical error made by the staff at that time. The owner of the properties wishes to include these parcels in the AFD program, as he desires to leave the properties undeveloped and benefit from the tax breaks he receives as a part of the land use taxation. Mr. Ballard currently has another property totaling 53.170 acres enrolled in the Croaker AFD.

At its March 19, 2007, meeting, the AFD Advisory Committee concurred with staff and voted 8-0 to recommend approval of the Croaker AFD addition.

On April 4, 2007, the Planning Commission concurred with staff and voted 7-0 to recommend approval of the addition to the Croaker AFD.

Staff recommended approval of the ordinance.

Mr. Bradshaw asked if the property owner would suffer rollback taxes due to the time it was not included in the AFD.

Mr. Purse stated this was correct.

Mr. McGlennon stated that since the parcel was not part of the AFD, it was taxed during that time.

Mr. Purse stated the Commissioner of Revenue's Office and staff would make sure that the applicant would not suffer due to the staff oversight.

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.

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

5. ZO-1-07. Mixed Use District Amendment

Ms. Ellen Cook, Senior Planner, stated staff has proposed an amendment to the Mixed Use District section of the Zoning Ordinance which requires all Mixed Use properties to apply for a setback waiver and stated that the Planning Commission has recommended that Mixed Use-zoned districts that are not designated as Mixed Use on the Comp Plan, would be under increased scrutiny by the planning director. She noted that other amendments were to add several descriptive references within sections. Ms. Cook explained that in the proposed ordinance, the Planning Commission remained the body of approval for these applications, and right-of-way was required along external streets and arterial streets internally. Ms. Cook stated the Planning Commission recommended approval of the ordinance. Staff recommended approval of the amended ordinance that changes “planning director or designee” to read “planning director” on page three of the ordinance. Ms. Cook stated there was also an alternate resolution designating the Board as the principle body of approval.

Mr. Goodson asked that this amendment would bring all MU zoned land under same rules for setbacks.

Ms. Cook stated that this amendment allowed for all MU zoned areas have the opportunity to request a setback regardless of Comprehensive Plan designation.

Mr. Goodson stated this would not increase density, but would clarify the ordinance.

Ms. Cook stated this was correct.

Mr. Goodson stated the Board would approve that for any rezoning and where the Comprehensive Plan allows for Mixed Use, and this was currently reviewed by the DRC, but staff recommended the Planning Commission review the requests.

Ms. Cook stated the DRC would review the development plans and report its recommendation to the Planning Commission.

Mr. McGlennon stated that this was the current practice.

Ms. Cook stated this was correct.

Mr. Icenhour asked when the original ordinance was adopted.

Mr. Horne stated this was adopted prior to 1994.

Mr. Icenhour asked the rationale behind how the ordinance was previously written.

Ms. Cook stated there may have been a distinction put in place in instances when there were not adjoining properties that were designated as Mixed Use.

Mr. Horne clarified that Ms. Cook has interpreted the language of the ordinance rather than a rationale that may have come into play.

Mr. Icenhour stated he was uncomfortable with not knowing why the ordinance was previously written in this way relating to setbacks.

Mr. Icenhour stated New Town was the only experience where the County has had applications for setback waivers. He asked for examples of where setback waivers were requested so he could evaluate the impact. He commented that in a Mixed Use zone there was a set density that may vary according to developable land, and waivers to setbacks may have an effect on localized density.

Mr. Harrison stated there was a setback waiver granted for Ironbound Village.

Mr. Sowers stated there was also a pending request from the candle factory.

Mr. Horne stated virtually all new Mixed Use districts would go through the rezoning process and at that time issues could be addressed relating to net density area, including streetscape quality, building height, or setbacks in relation to potential density problems.

Mr. McGlennon stated this was a relatively new issue and stated the ordinance amendment would revise some inflexibility in the ordinance. He stated the overall density of the parcel would be controlled by rezoning of the parcel, and density variation within the parcel was desirable. Mr. McGlennon expressed his concern for maintaining all the proper values designated on master plans that come forward and stressed careful consideration, explicit directives, and scrutiny of each project during the rezoning stage with more explicitness and need to follow through on requirements. Mr. McGlennon stated the ordinance amendment was intended to address predictable circumstances and make the process move more smoothly.

Mr. Goodson asked that Mr. Fraley share the comments of the Planning Commission.

Mr. Fraley stated there was no change in the process, which required an applicant to make a request for a setback modification, and then the request would go to the Planning Director which evaluates the request based on three criteria for mixed use districts in mixed use designated areas according to the Comprehensive Plan. Mr. Fraley explained that if the request met these three criteria, it would go to the DRC for action, which would then make a recommendation to the Planning Commission. Mr. Fraley said with the ordinance amendments, the process remains the same, adding two more criteria that a request for modification must meet for mixed use districts outside mixed use designated areas, in order to address a need to fit in with the surrounding community. Mr. Fraley stated the Policy Committee recommended approval by a vote of 3-1 and the Planning Commission recommended approval by a vote of 4-3. He explained that one Planning Commissioner had concerns about why the ordinance was written the way it was, one Planning Commissioner did not want to change the ordinance except based on the Comprehensive Plan, and another Planning Commissioner had undisclosed reasons for a negative vote.

Mr. Icenhour stated he asked staff to prepare an alternative resolution which would designate the Board as the primary body responsible for setback modifications and asked for Board input.

Mr. Goodson stated the setbacks come into play during the design part of the project and may slow down the process by weeks during the approval process.

Mr. Horne stated this kind of request would not be a public hearing, but rather it would be a consideration.

Mr. Goodson asked if there was required notification for this consideration.

Mr. Horne stated he did not believe so.

Mr. Goodson stated he was not an expert on design and stated the Planning Commission usually handles these issues.

Mr. McGlennon opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated he felt this was in relation to Mr. Brown's property on Jamestown Road and said density should be based on developable property.

Mr. McGlennon stated this matter had to do with setbacks for buildings in mixed use districts.

As no one else wished to speak to this matter.

Mr. Goodson stated that this would decrease the process.

Mr. McGlennon stated this does not pose any serious concern, but he was willing to think about it further and asked if there was a problem with deferring the consideration of the ordinance. He said he was not willing to wait for the Comprehensive Plan process to be completed for this ordinance to be modified. He noted that he was encouraged that people were looking into mixed use development more, and he wanted to make this an option that is available, but he did not believe that it would be detrimental to defer consideration.

Mr. Harrison said there was a future case where this ordinance would be applied.

Mr. Wanner stated the ordinance would be considered before that application came forward.

Mr. McGlennon stated he received information from the James City County Concerned Citizens dealing with the issue.

Mr. McGlennon closed the public hearing and deferred action on the ordinance until May 22, 2007.

Mr. Icenhour stated he would take the time to get a better history of the ordinance and the effects of the amendment.

Mr. Harrison stated he felt comfortable if the applications came back before the Board if there were drastic changes in the development plans.

6. An Ordinance To Amend And Reordain Chapter 2, Administration, of the Code of the County of James City, Virginia, by Amending Article II, Magisterial District, Election Districts and Election Precincts, by Amending Section 2-4, Election Precincts and Polling Places Established; and Section 2-5, Election District Boundaries

Mr. Stan Gorrell, Chair of the Electoral Board, stated the Electoral Board recommended splitting the Stonehouse B and Powhatan B voting precincts to decrease crowding during voting at their respective polling places. He stated the Electoral Board met on April 17, 2007, and developed recommendations for the split. He indicated that the ordinance with changes effective August 15, 2007, needed to be forwarded to the Department of Justice. Mr. Gorrell stated there was a minimum of 60 days required for approval by the Department of Justice and there was a voter notification requirement with a minimum 15 days before the next general election. He stated the target date for voter notification by the General Registrar was September 1, 2007, 66 days prior to the next election. He said the Electoral Board has been planning for additional precincts, additional voting systems, and equipment for all voting precincts to be on board by the next election. Mr. Gorrell explained the split of the precincts: Powhatan B, originally 4,400 voters polling at the

Christian Life Center on Longhill Road was split, to have Powhatan B consist of 1,300 voters polling at the Christian Life Center and Powhatan D consisting of 3,100 voters polling at Warhill High School; and Stonehouse B, originally 4,900 registered voters polling at Norge Elementary School, was split to have Stonehouse B consist of 2,700 voters polling at Norge Elementary School, and Stonehouse C consisting of 2,200 voters polling at Stonehouse Elementary School.

Mr. Gorrell recommended approval of the ordinance.

Mr. Bradshaw asked that Mr. Gorrell outline the different ways the voters would be notified.

Mr. Gorrell stated new registration cards would be mailed out, TV ads would run, and there would be other various ways to notify voters.

Mr. Icenhour stated the difference in voter ratio of the split for Powhatan B was significant and asked if the facility would be able to handle the numbers. He asked what potential growth there was for each of the new precincts.

Mr. Gorrell stated the facility, Powhatan D, is basically built out, and when the new facilities come online next to Warhill High School, the Electoral Board wants to try to keep disruption to a minimum. He stated there was a need for redistricting by 2011, and with this split, voters would be accommodated without disruption of service.

Mr. Bradshaw stated this answered why a precinct was split rather than the entire district, as in a few years the entire district would be realigned.

Mr. Bradshaw asked that the map be updated to reflect the proper location of Stonehouse Elementary School.

Mr. Wanner stated Warhill High School is located on Opportunity Way, rather than Centerville Road.

Mr. McGlennon asked if there was discussion about relocating Powhatan B to Lafayette High School.

Mr. Gorrell stated that they left Lafayette High School in that precinct in case the polling place needed to be relocated to that site.

Mr. Bradshaw thanked Mr. Gorrell for the Electoral Board's efforts in improving the voting process.

Mr. McGlennon opened the public hearing.

As no one wished to speak to this matter, Mr. McGlennon closed the public hearing.

Mr. Icenhour made a motion to approve the ordinance.

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

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on Route 60 buffers and inability to hear speakers at the podium.

Mr. McGlennon stated the acoustics would be examined prior to the next Board meeting.

Mr. Wanner noted there were hearing assistance devices available.

2. Mr. Fraley stated, in reference to Mr. Oyer's comment regarding buffers for developments on Route 60 East, the Planning Commission recommended approval of the development that removed the picnic tables from the buffer and increased landscaping and the buffer on the property. He noted that he was participating in a mapping project after writing an opinion article on the use of mapping for environmental efforts. He stated he was working with the Williamsburg Land Conservancy to develop a layered map for various land use and environmental information about areas of the County.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner noted there was a very successful visit by Queen Elizabeth II to James City County on May 4, 2007, and thanked the Jamestown-Yorktown Foundation and its Executive Director Phil Emerson who provided an opportunity for citizens and staff to view the Queen during her visit to Jamestown Settlement. Mr. Wanner noted that the upcoming weekend, May 11-13, 2007, was Anniversary Weekend, and the County has undergone 18 months of planning and six years of beautification and improvements to enhance this experience for citizens and visitors. He stated the President has accepted an invitation to attend on Sunday, May 13, 2007, and there were still opportunities for citizens to get tickets to the venue. Mr. Wanner indicated there was no parking on-site and each attendee who drives a car to the event must park at one of the satellite parking locations and take a shuttle to the venues. He stated that though citizens can walk or bike to the venues, a ticket is still needed for entry. He clarified that a single ticket admits a guest to Jamestown Settlement, Historic Jamestowne, and Anniversary Park.

Mr. Wanner stated that following a closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Thomas Nelson Community College Board and the Williamsburg Regional Library Board of Trustees; and Section 2.2-3711 (A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel of property for public use, the Board would adjourn to 4 p.m. on Tuesday, May 22, 2007, for a Work Session followed by a regular meeting.

J. BOARD REQUESTS AND DIRECTIVES - None

K. CLOSED SESSION

At 9:14 p.m., Mr. Bradshaw made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, specifically the Thomas Nelson Community College Board and the Williamsburg Regional Library Board of Trustees; and Section 2.2-3711 (A)(3) of the Code of Virginia for the consideration of the acquisition of a parcel of property for public use.

At 9:35 p.m., Mr. McGlennon reconvened the Board into open session.

Mr. Bradshaw made a motion to adopt the closed session resolution.

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

Mr. Bradshaw made a motion to appoint Sue Mellen to the Williamsburg Regional Library Board of Trustees effective July 1, 2007, for a four-year term to expire on June 30, 2011.

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

No action was taken on the consideration of an appointment to the Thomas Nelson Community College Board.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

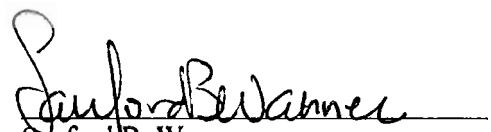
WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3), to consider acquisition of parcel(s) of property for public use.

L. ADJOURNMENT

Mr. Harrison made a motion to adjourn.

At 9:36 p.m., Mr. McGlennon adjourned the Board until 4 p.m. on May 22, 2007.


Sanford B. Wanner
Clerk to the Board