

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MARCH, 2000, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Miss Rebecca Riggelman led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Tom Palmer, 140 Wellington Circle, expressed his dissatisfaction with County staff and elected officials in reference to public conduct. Mr. Palmer formerly asked, under the Freedom of Information Act, to see the Preliminary Subdivision Plan for St. George's Hundred.

2. Ms. Eve Palmer, 140 Wellington Circle, asked the Board the purpose of a Master Plan for an area zoned R-1. Ms. Palmer requested to see the Preliminary Subdivision Plan for St. George's Hundred.

3. Mr. Ed Oyer, 139 Indian Circle, requested the Board consider: reducing the tax rate by 2 cents; the amount of revenue the County will receive from Wal-Mart; have those who use the cellular service pay the E911 tax; and keep County spending down. Mr. Oyer also requested the status of the projects addressing construction deficiencies at three schools, and consideration of joint school operations with York County at Bruton High School.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Assistant Resident Engineer of the Virginia Department of Transportation (VDOT), let citizens know VDOT has agreed to reduce the speed limit on a portion of News Road to 45 mph.

Mr. McGlennon inquired if the posted 35 mph speed limit on Jamestown Road was permanent or only during construction.

Mr. Brewer stated the speed limit change was permanent.

Mr. McGlennon requested a timetable for the replacement of reflectors on Jamestown Road.

E. PRESENTATION

Mr. Nervitt presented a Proclamation recognizing April 9-15, as National Volunteer Appreciation Week. Ms. Jenny Garrington and Mr. Termaine Ruttlely accepted the Proclamation.

F. CONSENT CALENDAR

Mr. Nervitt asked if a Board member wished to remove any item from the Consent Calendar.

Mr. Goodson requested Item 1, Minutes of March 14, 2000, Regular Meeting, be corrected to show Mr. Harrison as the Berkeley District representative.

Mr. Nervitt requested Items 3, Convention Center Feasibility Study, and 4, Burton Woods – Powhatan Elderly Housing Development – Community Development Block Grant, be removed from the Consent Calendar.

Mr. Goodson made a motion to approve Item 1, with noted change, and Item 2 on the Consent Calendar.

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

1. Minutes of March 14, 2000, Regular Meeting
2. National Volunteer Week – April 9-15, 2000

RESOLUTION

NATIONAL VOLUNTEER RECOGNITION WEEK APRIL 9-15, 2000

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

WHEREAS, volunteerism offers opportunities to every citizen to participate in their government in order to meet community needs; and

WHEREAS, volunteers are a valuable resource to James City County departments and in 1999 contributed 56,070 hours valued at \$831,518; and

WHEREAS, these citizen volunteers are a valuable resource that enhance our quality of life, promote community involvement, generate civic pride, and restore our neighborhoods and families.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that it hereby designates April 9-15, 2000, as

VOLUNTEER APPRECIATION WEEK

and urges all citizens to recognize and appreciate efforts of volunteers.

3. Convention Center Feasibility Study

Mr. Nervitt inquired about the Convention Center’s possible connection with the proposed Williamsburg Cultural Arts Center, and if the Board would be asked to take action on the project. Mr. Wanner clarified the difference between the two centers and explained the Board would not be asked to take action on the Cultural Arts Center project in the near future.

Mr. Nervitt made a motion to adopt the resolution.

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

RESOLUTION

CONVENTION CENTER FEASIBILITY STUDY

WHEREAS, it has been determined by the Williamsburg Area Convention and Business Bureau and the City of Williamsburg, York County, and James City County that a study is needed regarding the feasibility of increasing visitor spending in the historic triangle through construction and operation of a convention center; and

WHEREAS, this is a public/private partnership.

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

Revenue:

Operating Contingency \$12,500

Expenditure:

Williamsburg Area Convention and Tourism Bureau \$12,500

4. Burton Woods – Powhatan Elderly Housing Development – Community Development Block Grant

Mr. Harrison inquired about the rental cost increases and how they will affect current residents; and if the regulations and notifications will be put in writing for the renters. Mr. Richard B. Hanson, Housing and Community Development Administrator, explained how the rental subsidy is available to the tenants to cover the increase in rental cost. The regulations will be available in writing and the managers of the rental units will supply notices in writing to the renters.

Mr. Nervitt made a motion to adopt the resolution.

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

RESOLUTION

BURTON WOODS-POWHATAN HOUSING DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and

WHEREAS, two public hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$439,000 in VCDBG funds to be used in undertaking the Burton Woods-Powhatan Housing Development Project; and

WHEREAS, \$5,195,000 in State and Federal funds and \$2,848,000 in private funds will be expended on this project and Local fee waivers of approximately \$21,800 will be provided; and

WHEREAS, the project is anticipated to benefit 123 households of whom 123 are low- and moderate-income households by providing affordable rental housing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development and to provide such additional information as may be required by the Department.

G. PUBLIC HEARING

1. **Resolution to Authorize the Transfer of an Easement to the James City Service Authority for the Construction and Maintenance of a Gravity Sewer Line on the District Park Sports Complex**

Mr. William C. Porter, Jr., Assistant County Administrator, presented the staff report recommending the transfer of the easement to the James City Service Authority.

Mr. Nervitt opened the public hearing and as no one wished to speak, he closed it.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

DEDICATION OF EASEMENT TO JAMES CITY SERVICE AUTHORITY

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County owns property on the north side of Longhill Road known as "District Park Sports Complex;" and

WHEREAS, the James City Service Authority desires to construct a gravity sewer line across the District Park Sports Complex site and has petitioned the County for 1,650± linear feet of 20-foot wide permanent and 10-foot wide construction easement as defined in an easement plat dated November 23, 1999, prepared by PHR & A, PC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after conducting a public hearing, has determined that a public interest exists and authorizes the County Administrator to sign the easement agreement, as identified on the above-referenced plat, to the James City Service Authority.

H. BOARD CONSIDERATION

1. Resolution to Settle Litigation – Wellington, LLC

Mr. Morton presents the Board with a resolution to complete the settlement proposal process. Mr. Morton explained that the adoption of the resolution would also strike Case Nos. Z-12-99 and Z-13-99 from the docket.

Mr. Harrison made a motion to adopt the Resolution and dismissal of H-2, Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from March 14, 2000); and Case No. Z-13-99. Rezoning of certain lots in Mirror Lake Estates (deferred from March 14, 2000).

On a roll call, the vote was: AYE: Harrison, Goods on, Kennedy (3). NAY: McGlennon, Nervitt (2).

RESOLUTION

RESOLUTION TO SETTLE LITIGATION

WHEREAS, James City County (“County”) and Wellington, LLC (the “Owner”), the owner of certain property described in Case No. Z-12-99 (the “Property”), have been at issue over the validity of certain proffers affecting the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that, having accepted the settlement proposal of Owner at its meeting, March 14, 2000, the Board, in the implementation of said settlement, acknowledges the following:

1. The Wellington Subdivision Declaration of Covenants, Conditions and Restrictions dated February 28, 2000, were recorded in the Circuit Court Clerk’s Office for the City of Williamsburg and County of James City (the “Clerk’s Office”) on March 21, 2000.
2. A deed and Deed of Release conveying 15 acres from the Owner to the County was recorded in the Clerk’s Office on March 21, 2000.
3. The County and the Owner have executed consent orders dismissing, with prejudice, Chancery Case Nos. 13055 and 13057.
4. The validity of the R-1, Limited Residential zoning of the Property, as enacted by Z-20-86 is hereby affirmed.

5. That the above actions having been accomplished, any and all obligations relating to the proffers associated with Case No. Z-20-86 have been fully met and satisfied.

BE IT FURTHER RESOLVED that Case Nos. Z-12-99 and Z-13-99 are hereby struck from the Board of Supervisors' docket.

I. PUBLIC COMMENT

No one wished to speak.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner introduced Mr. John E. McDonald, Manager of Financial and Management Services, to report on the upcoming budget process. Mr. McDonald stated that the public is welcome to comment on the proposed budget at the public hearing to be held on April 11, and at the three budget work sessions to be held on April 13, 17, and 19. Staff anticipates the budget will be adopted at the April 25, regular meeting of the Board of Supervisors.

Citizens are also invited to review and comment on the proposed budget through email. The budget can be reviewed at the local libraries, County Government offices, the Satellite Office, and on the County web site.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson congratulated the Industrial Development Authority on its work in bringing in Wal-Mart.

The Board recessed at 7:54 p.m. for the James City Service Authority meeting after which the Board would reconvene for a Closed Session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions; and Section 2.1-344 (A) (3) of the Code of Virginia to consider acquisition/disposition of a parcel/parcels of property for public use.

At 8:09 p.m. the Board reconvened.

L. CLOSED SESSION

A motion was taken to move into Closed Session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions; and Section 2.1-344 (A) (3) of the Code of Virginia to consider acquisition/disposition of a parcel/parcels of property for public use.

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

The Board moved into Closed Session at 8:10 p.m.

The Board reconvened into Open Session at 8:30 p.m.

Mr. Nervitt moved to adopt the Closed Session resolution.

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

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 2.1-344.1 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 and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition/disposition of a parcel/parcels of property for public use.

Mr. Goodson made a motion to recommend Mr. Jack Fraley to the Circuit Court for an appointment to the Board of Zoning Appeals.

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

The Board adjourned at 8:30 p.m. until April 11, at 7:00 p.m. for its next regular meeting.

Sanford B. Wanner
Clerk to the Board