

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF MAY, 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 (arrived at 7:06 p.m.)  
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**

Mr. Termaine Ruttley, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

Mr. Ed Oyer, 139 Indian Circle, spoke on his desire to see the voting districts realigned as a result of the latest census; requested to know who is responsible for the soil treatment for the termites found in the new library; accountability of the third high school; and why constructing a new high school instead of expanding the two high schools.

**D. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), asked the Board if they had any items he could address.

Mr. McGlennon stated he appreciated the celebration of the 75th anniversary of the Jamestown Ferry. He also wanted to know why VDOT used the 1/2 globe reflectors on Jamestown Road.

Mr. Brewer told the Board that the 1/2 globe reflectors were for safety reasons, that they had been taken up on Jamestown Road, and the remainder of the reflectors should be placed on Jamestown Road this summer. He stated VDOT is placing erosion control devices on Jamestown Road for the construction of the bike lanes and that the bike lanes will not impact the drainage along Jamestown Road.

Mr. Harrison inquired about the status of the drainage maintenance along Jamestown Road and especially the Jamestown 1607 area.

Mr. Brewer and James City Service Authority (JCSA) staff gave an update of the unplugging of the drainage culverts under Jamestown Road at Jamestown 1607. The community clean up crew will meet to clean the drainage way and also to discuss options for routine maintenance. Steps will be laid out for prevention of continuous flooding in Jamestown 1607.

Mr. Goodson asked for an update on the Grove intersection construction. He asked that potholes be filled and tree debris be cleared from the intersection of Ron Springs Drive and Pocahontas Trail.

Mr. Brewer indicated the Grove interchange should be open in December. The steel is on-site and this should eliminate further delays due to supply availability.

Mr. Nervitt asked for a report on VDOT's game plan for the Route 199 and Jamestown Road intersection. He urged the committee and VDOT to consider the character of the community when selecting an option and not just the cost of the projects.

Mr. McGlennon let citizens know the Route 199 and Jamestown Road intersection will be discussed at the next Board Work Session.

## **E. PRESENTATIONS**

### **1. Commendation – Kingsmill Resort**

Mr. Goodson presented Ms. Terri Haack, Executive Vice President and Managing Director of Kingsmill Resort, with a resolution of commendation for receiving awards from three leading hospitality industry trade publications and in setting the standard for providing excellent services and facilities.

### **2. Resolution of Appreciation – Claude Feigley**

Mr. Nervitt presented Mr. Claude Feigley a resolution of appreciation for his fifteen years of distinguished service to the County and its citizens on the James City County Board of Zoning Appeals.

Mr. Morton expressed his appreciation to Mr. Feigley for his leadership to the Board.

### **3. Student Recognition – Berkeley Middle School**

Mr. Wanner presented certificates of appreciation to the Berkeley Middle School students whose artwork was used in the 2001 Budget.

## **F. CONSENT CALENDAR**

Mr. Nervitt inquired if any Board member wished to have an item pulled from the Consent Calendar.

Mr. McGlennon wished to bring attention to the resolution for early retirement benefits for public safety employees of the County in recognition of their excellent work and to bring us in line with surrounding jurisdictions.

Mr. Goodson made a motion to approve the items on the Consent Calendar.

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

1. Minutes of May 9, 2000, Regular Meeting
2. Commendation – Kingsmill Resort

### **RESOLUTION**

#### **COMMENDATION - KINGSMILL RESORT**

- WHEREAS, *Meetings and Conventions* magazine awarded Kingsmill Resort its 1999 “GoldKey Award;” and
- WHEREAS, *Successful Meetings* magazine named Kingsmill Resort to its ninth annual list of “ACE Awards” for excellence in golf meetings and incentive programs from 140 properties in the U.S., Canada, and the Caribbean; and
- WHEREAS, *Meeting News* named Kingsmill Resort its Planner’s Choice award based on subscribers ranking; and
- WHEREAS, the above awards are based on overall attitude of staff, quality of meeting rooms, availability and quality of guest services, quality of food and beverage service, proficiency and ease of handling reservations, availability of technical equipment and support, and range of recreational activities.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend the Kingsmill Resort for receiving awards from three leading hospitality industry trade publications and in setting the standard for providing excellent service and facilities.

3. Resolution of Appreciation – Claude Feigley

### **RESOLUTION OF APPRECIATION**

#### **CLAUDE FEIGLEY**

- WHEREAS, Claude Feigley served as a member of the Board of Zoning Appeals of James City County from August 5, 1985, to March 31, 2000, and as its Chairman from January 1989 to March 2000; and
- WHEREAS, throughout this period of service, Claude Feigley willingly gave of his time and his talents to ensure the health, safety, and welfare of the citizens of James City County while protecting the rights and privileges of property owners; and
- WHEREAS, Claude Feigley consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Claude Feigley and recognizes his distinguished service and dedication to the County and its citizenry.

4. Award of Bid, Jamestown Road Sidewalk Construction

**RESOLUTION**

AWARD OF BID - JAMESTOWN ROAD SIDEWALK CONSTRUCTION

WHEREAS, bids have been received for construction of sidewalks along Jamestown Road, between Powhatan Creek Access Park and Settlers Mill Subdivision; and

WHEREAS, these sidewalks are recommended in the Board adopted 1998 Sidewalk and Trail Plan and funds are available in the FY 00 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator be authorized to execute a contract with L. E. Blizzard Concrete Contractor, Inc., in the amount of \$92,917 for the construction of sidewalks on Jamestown Road.

5. Revision to Section 5.7, Workers' Compensation, of James City County Personnel Policies and Procedures Manual

**RESOLUTION**

REVISION TO SECTION 5.7, WORKERS' COMPENSATION, OF THE

JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, Workers' Compensation lost wage payments fail to equal an employee's normal net pay; and

WHEREAS, James City County wishes to minimize the financial loss of its employees who suffer a work related injury/illness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Section 5.7, Workers' Compensation, of the James City County Personnel Policies and Procedures Manual

6. 50/25 Retirement Benefits for Public Safety Employees

**RESOLUTION**

50/25 RETIREMENT BENEFITS

FOR PUBLIC SAFETY EMPLOYEES

WHEREAS, the FY 2001 James City County Operating Budget includes approval of expenditure of funds to provide County employees in full-time salaried law enforcement positions including deputy sheriffs and firefighters, with benefits in the Virginia Retirement System equivalent to those

provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors, does hereby elect to have such employees of the County who are employed in positions as full-time salaried law enforcement officers and full-time salaried firefighters and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 2001, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such Code has been or may be amended from time to time, and the County agrees to pay the employer cost for providing such employees such benefits.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Clerk to the Board to execute any required contract in order that the above described employees of the County may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the County shall be affixed and attested by the Clerk, and, said officers of the County are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County be and is hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the County and its employees for this purpose.

7. Award of Bid, Solid Waste Collection

**RESOLUTION**

**AWARD OF BID - SOLID WASTE COLLECTION**

WHEREAS, James City County has advertised and publicly opened bids for collections and disposal of solid waste and recycling services at County buildings and Williamsburg-James City County schools; and

WHEREAS, the lowest responsive bid for the service was submitted by Waste Management, Inc., of Hampton Roads with an estimated annual cost of \$59,678; and

WHEREAS, the bid is within the budget allocation for the service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract for collection and disposal of solid waste and recycling to Waste Management, Inc., of Hampton Roads.

**G. PUBLIC HEARING**

1. Case No. SUP-6-00. Williamsburg Montessori School

Ms. Jill Schmidle, Senior Planner, stated that Mr. John Tarley, on behalf of Williamsburg Montessori School, had applied for a special use permit to operate a school at 4200 Longhill Road, in a single-story residential dwelling unit, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (31-4) and zoned as R-8, Rural Residential, which is adjacent to the Williamsburg Montessori School located at 4210 Longhill Road.

Staff determined that the proposal was consistent with the surrounding zoning and land use and also the Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Nervitt asked if there would be toddlers in the building and what steps are being taken to fence in the yard to protect the children from Longhill Road. What landscaping will be put into place?

Mr. Nervitt opened the public hearing.

1. Mr. John Tarley, representing the Williamsburg Montessori School, explained that the expansion would allow staff offices and a new library. The time frame for the expansion is three years. First, the offices and library would be established. Second, a fence set up in the back yard for the toddlers. Third, in about 18-36 months, the younger children will be moved to the house.

Mr. Goodson wanted to know if the 24-month condition would be met.

Mr. Tarley indicated that although students would not be in the building by 24 months, staff would be located in the offices by then.

Mr. Nervitt asked if a bike path, sidewalk, and landscaping would be on the property. How would traffic be affected by the expansion, and has the number of skid marks in front of the school decreased since school signs were installed?

Mr. Tarley assured the Board there would not be a significant increase in traffic as a result of the expansion. The School Sign has helped, but traffic still travels too fast.

2. Mr. Ed Oyer, 139 Indian Circle, voiced his support of the request for a special use permit.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

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

**RESOLUTION**

**CASE NO. SUP-6-00. WILLIAMSBURG MONTESSORI SCHOOL**

- 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 process; and
- WHEREAS, Mr. John Tarley has applied on behalf of the Williamsburg Montessori School for a special use permit to allow a school in an existing single-family structure currently owned by C. T. and Anna Lewis; and
- WHEREAS, the proposed school is part of an overall expansion and renovation for the Williamsburg Montessori School, and the expansion plans are shown on the master plan prepared by Edwin J. Pease, AIA, dated January 20, 2000, entitled "Williamsburg Montessori School Master Plan"; and
- WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel Nos. (1-3) on James City County Real Estate Tax Map No. (31-4); and
- WHEREAS, the Planning Commission, following its public hearing on May 1, 2000, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby approve the issuance of Special Use Permit No. SUP-6-00 as described herein with the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as securing permits for land disturbance, building modification and/or construction, or for construction of required road improvements.
2. Site plan approval shall be required prior to commencing construction.
3. There shall not be more than 125 students at the entire facility at any one time. Additional students above the number of 125 shall require approval by the Director of Planning, who shall, as part of such request, review and approve parking facilities at the school.
4. A capacity analysis of existing water lines and sewer facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan application. The Director of Planning shall approve the study, and its recommendations shall be incorporated into the site plan.
5. Traffic improvements along Longhill Road required by VDOT shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
6. Any exterior architectural changes to the existing single-family structure shall be compatible with the existing structures approved as part of Case No. SUP-4-96 and shall be approved by the Planning Director.
7. The landscape plan shall include a 15-foot wide landscape screening area along the rear property line, or length of the playground between the school and the adjacent

property to the north. The planting standard for this area shall be one tree and three evergreen shrubs per 400 square feet, with the size and mixture requirements as specified in Section 24-94, General Landscape Area Standards, of the James City County Zoning Ordinance.

8. The applicant shall dedicate right-of-way for a five-foot VDOT standard shoulder bike lane along the property's Longhill Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Longhill Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
9. Only one entrance driveway shall serve the entire school facility. Any additional parking spaces for this facility shall connect with the existing parking lot which currently serves the Williamsburg Montessori School.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-10-00. JCSA Jamestown Road Water Main

Ms. Tamara Rosario, Senior Planner, stated that Mr. Larry Foster, on behalf of the James City Service Authority, had applied for a special use permit to install approximately 1,400 linear feet of eight-inch water main and fire hydrant along Jamestown Road between two existing water lines. The parcel is zoned R-1, Limited Residential, and can be further identified along the south side of Jamestown Road from Perry Road right-of-way to Spring Road; Jamestown District.

Staff determined that the proposal was consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors.

In concurrence with staff, the Planning Commission unanimously recommended approval of the application.

Board and staff discussion followed concerning the number of homes that may choose to hook-up to the water main; the number of wells in the area and the impact upon them; the number of fire hydrants; and the connection fees.

Mr. Nervitt open and closed the public hearing as no one wished to speak.

Mr. Harrison expressed his interest in Brick Back Road being considered for water service and fire hydrants.

Mr. McGlennon made a motion to approve the special use permit.

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

**RESOLUTION**

**CASE NO. SUP-10-00. JAMESTOWN ROAD WATER MAIN**

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subject to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 1, 2000, recommended approval of SUP-10-00, by a vote of 7 to 0, to permit the construction of approximately 1,400 linear feet of eight-inch water main along Jamestown Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-10-00 as described herein with the following conditions:

1. Construction, operation, and maintenance of the water transmission main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on the project within twenty-four (24) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. The applicant shall avoid removing trees, bushes, and shrubs along the water main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed will be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Concealed Weapons Ordinance

Mr. Morton presented the Board with an amendment to the Ordinance that authorizes the issuance of concealed weapons permits. The amendment would mandate that the fingerprint cards and descriptive information be forwarded the Virginia State Police and the Federal Bureau of Investigation. These agencies would then send the Sheriff the criminal history information for consideration in issuing a concealed weapons permit.

Board and staff held a discussion concerning the consistency with other jurisdictions and compliance with the Federal Bureau of Investigation.

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

Mr. McGlennon made a motion to approve the Ordinance.

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

#### 4. Transfer of Surplus Ware Creek Properties

Mr. Wanner presented the Board with the options regarding disposal of surplus properties acquired for construction of the Ware Creek Reservoir.

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

Board discussion followed concerning greenspace, impact of the lots on the County water system, and the need for affordable housing.

Mr. Wanner suggested deferral until June 27, 2000.

Mr. Nervitt deferred the item to the June 27, 2000, regular meeting.

### **H. PUBLIC COMMENT**

No one wished to speak.

### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner thanked Ms. Liz Johnson for her work with the schools on the FY 2001-02 Budget artwork and her ongoing relationship with the schools for the artwork.

Mr. Wanner suggested the Board recess for the JCSA Board of Directors' meeting and then readjourn and go into a closed session pursuant to Section 2.1-334 (A) (1) to consider a personnel matter(s), the appointment of individuals to County boards and or commissions, after which the Board would recess until May 24 for a work session.

### **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy requested that Cox Cable alert property owners and request permission to enter before doing any work including marking property or digging a new line on the property.

Mr. Kennedy commended the James City-Bruton Volunteer Fire Department on the recent successful fish fry.

Mr. Kennedy requested an update on the repairs at the three schools.

Mr. Harrison requested information regarding the sidewalk projects near Chisel Run and would like staff to draft a letter or memorandum concerning the Jamestown 1607 drainage improvement steps.

Mr. Goodson announced there would be two public meetings concerning the proposed realignment of Route 60E.

Mr. McGlennon thanked the volunteers, Virginia Power, and AES Consultants for the contribution at the dedication ceremony of the gazebo at Clara Byrd Baker Elementary School.

Mr. Nervitt requested an update on the development that is occurring in the County.

Mr. Nervitt called for a recess at 8:09 p.m. to allow the JCSA Board of Directors meeting. The Board would then adjourn for a closed session pursuant to Section 2.1-344 (A) (1).

Mr. Goodson made a motion to recess.

The Board recessed at 8:09 p.m.

Mr. Nervitt called the meeting back into session at 8:23 p.m.

Mr. Nervitt made a motion to go into closed session pursuant to Section 2.1-344 (A) (1) to consider personnel matter(s), the appointment of individuals to County boards or commissions.

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

Mr. Nervitt reconvened the Board into open session at 8:33 p.m.

Mr. Nervitt made a motion to approve 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.

Mr. Nervitt moved that the following individuals were re-appointed to serve on the Clean County Commission for three-year terms: Ms. Christine Laurence and Ms. Felecia Manley.

Mr. Nervitt made a motion to adjourn until May 24, 4:00 p.m.

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

The Board adjourned at 8:34 p.m.

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Sanford B. Wanner  
Clerk to the Board

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