

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF APRIL, 2000, AT 7:00 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 Leah Grobluskey led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Philip Forgit, 110 Deerwood Drive, thanked the Board for finding the money to fully fund the School Board budget; expressed his desire to see the School Board and Board of Supervisors work together to create a plan to serve the students and citizens; and encouraged the Board to continue to support the schools.

2. Mr. Ed Oyer, 139 Indian Circle, read several articles from the Daily Press from 1989 to present concerning downsizing and the room tax; stated the need for a natural buffer and sound barrier along the Route 60 East realignment; County vehicles being driven home each night should be considered as income; and the need for spending and tax cuts.

**D. HIGHWAY MATTERS**

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), was available for questions and gave the new mailing address for the Williamsburg VDOT office.

Mr. Goodson requested VDOT research if sound barriers along the Route 60 East realignment are feasible.

Mr. McGlennon inquired about the purpose of the new reflectors on Jamestown Road that are ½-inch globe reflectors.

Mr. Elliott stated the new reflectors aid in keeping traffic in the travel lanes and off the shoulders.

Mr. Nervitt requested VDOT consider the residents of Jamestown 1607 and the existing drainage problem when developing and building the bikeway along Jamestown Road.

**E. CONSENT CALENDAR**

Mr. Nervitt requested Item Number 5, FY 2001 Strategic Management Plan (deferred from April 25, 2000) and Item Number 7, Award of Bid – District Park Sports Complex Restroom/Concession Buildings be removed for further discussion. Mr. Nervitt asked the Board members if they wished to remove an item from the consent calendar.

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

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

1. Minutes of March 29, 2000, Work Session and Minutes of April 11, 2000, Regular Meeting
2. Budget Amendment – Emergency Medical Services

**RESOLUTION**

**BUDGET AMENDMENT – EMERGENCY MEDICAL SERVICES**

WHEREAS, James City County has been granted awards totaling \$56,695 by the Virginia Office of Emergency Medical Services for traffic preemption equipment and EMS equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby amends the FY 2000 Operating Budget and appropriates said money as follows:

Revenue:

Department of Health;	
Office of Emergency Medical Services	<u>\$56,695</u>

Expenditures:

EMS -001-072-0420	<u>\$56,695</u>
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3. Hurricane Floyd Reimbursements

**RESOLUTION**

**HURRICANE FLOYD REIMBURSEMENTS**

WHEREAS, the Board of Supervisors of James City County has incurred costs associated with Hurricane Floyd that are eligible for reimbursement under the County’s insurance policy, and Federal and State aid programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to account for, and share, insurance recoveries and the Federal and State cost reimbursements:

General Fund:

Revenues:

Insurance Recovery	\$ 293,039
Federal Hurricane Aid	126,935
State Hurricane Aid	<u>29,449</u>
	<u>\$ 449,423</u>

Expenditures:

James City Service Authority	\$ 314,100
Contribution to Capital	60,200
Refuse Disposal	28,895
Fire Department	16,053
Police Department	11,697
WJCC Schools	10,575
Community Services	4,335
Facilities Management	2,189
WAMAC	449
Regional Jail	<u>930</u>
	<u>\$ 449,423</u>

Capital Budget:

Revenues:

From the General Fund	<u>\$ 60,200</u>
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Expenditures:

District Park	<u>\$ 60,200</u>
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4. Wexford Health Sources, Inc., Agreement

**RESOLUTION**

AMBULANCE SERVICE AGREEMENT

WHEREAS, James City County provides mutual aid ambulance service to Henrico County Regional Jail in New Kent County; and

WHEREAS, an agreement for ambulance service was negotiated with the health care provider for the Henrico County Regional Jail; and

WHEREAS, this agreement for service will cover the cost to provide such ambulance services.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman of the Board of Supervisors to execute the necessary agreement with Wexford Health Services, Inc.

6. Relocating CASA

**RESOLUTION**

**RELOCATING CASA**

WHEREAS, the Board of Supervisors of James City County has, with the City of Williamsburg, authorized office space for the Court Appointed Special Advocate (CASA) program in the basement of the existing courthouse; and

WHEREAS, the other offices of the courthouse will be relocated to the new courthouse on Monticello Avenue and the existing courthouse closed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following budget and appropriation amendments to allow CASA to rent appropriate office space in order to relocate:

<u>General Fund:</u>	
<u>Revenue:</u>	
_____ Operating Contingency	<u>\$2,000</u>
<u>Expenditure:</u>	
Contribution to CASA	<u>(\$2,000)</u>

5. FY 2001 Strategic Management Plan

The Board deferred this item until the next regularly scheduled Board meeting, May 9, 2000.

7. Award of Bid – District Park Sports Complex Restroom/Concession Buildings

Mr. Bernie Farmer, Capital Projects Administrator, stated that seven bids were received for two restroom/concession buildings and utilities. The Bid amount of \$922,521 by D. K. Nunnally Company, Inc. was the low bid and is consistent with the architect's estimates and within the approved budget. Several alternates were included in the bid package: a deduction of the cost of use of stamped/imprinted concrete and provides an alternative surfacing; and facilities in the building to allow use of a smaller water meter size which reduces the James City Service Authority tap fees. Both alternatives are desired and provide for a more cost effective facility.

The full contract amount would be \$920,121 after acceptance of Alternate 3 and rejecting Alternate 2. Staff recommends the Board adopt the resolution authorizing award of a bid to D. K. Nunnally Company, Inc., for the construction of two restroom/concession buildings in the amount of \$920,121.

The Board and staff discussed the square footage of the facilities and the completion dates for the facilities and utilities.

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**

### **AWARD OF BID**

#### **DISTRICT PARK SPORTS COMPLEX RESTROOM/CONCESSION BUILDINGS**

WHEREAS, competitive bids were advertised for two District Park Sports Complex Restroom/Concession Buildings; and

WHEREAS, seven bids were received with the low bidder being D. K. Nunnally Company, Inc., with a bid of \$922,521, plus \$12,600 for Alternate 3, minus \$15,000 for Alternate 2; and

WHEREAS, adequate funds exist in the project budget for these buildings and site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the District Park Sports Complex Restroom/Concession Buildings in the amount of \$920,121.

## **F. PUBLIC HEARINGS**

### **1. Conveyance of Easement to Virginia Power – District Park Sports Complex**

Mr. Morton stated the 15-foot utility easement will allow Virginia Power to install underground cable and associated equipment to provide electrical service to the Williamsburg Indoor Soccer Facility.

Mr. McGlennon asked if the electrical service would include lights for the other fields.

Mr. Farmer said the service would have the capacity to do so.

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

**CONVEYANCE OF EASEMENT TO VIRGINIA POWER -**

**DISTRICT PARK SPORTS COMPLEX**

WHEREAS, James City County owns 525.458± acres commonly known as the District Park Sports Complex (Warhill Tract) and designated as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Virginia Power requires a 15-foot utility easement in order to provide electrical service to the Williamsburg Indoor Soccer Facility located at the District Park Sports Complex; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents necessary to convey a utility easement to Virginia Power.

2. Temporary Classroom Trailers. Case No. SUP-11-00. Clara Byrd Baker Elementary School; Case No. SUP-12-00. Toano Middle School; Case No. SUP-13-00. Jamestown High School; Case No. SUP-14-00. Lafayette High School.

Mr. Christopher Johnson, Planner, stated that Dr. William Leonard, has applied on behalf of the Williamsburg-James City County Public Schools for four special use permits to allow the placement of temporary classroom trailers at Jamestown High School, Lafayette High School, Clara Byrd Baker Elementary School, and Toano Middle School.

Clara Byrd Baker Elementary School, located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1), would have one single classroom trailer maintained for four years. The trailer will be used by individuals who come to the school and provide part-time services to the students.

Toano Middle School, located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4), would have three double classroom trailers maintained for four years. The trailers will support the students anticipated by projected enrollment growths and additional teaching positions.

Jamestown High School, located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1), would have one double classroom trailer to accommodate teaching stations for two additional teachers.

Lafayette High School, 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3), would have two double classroom trailers to accommodate teaching stations for three additional teachers.

Staff recommends the Board of Supervisors approve each of these proposals with the condition the permit shall expire on July 1, 2004. The proposal is consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

Mr. Nervitt opened the public hearing.

1. Dr. William Leonard, on behalf of the Williamsburg-James City County Public Schools, requested one of the existing ten trailers at Clara Byrd Baker Elementary School remain for instructional staff. This will create a teaching station for the instructional staff member that is moving from class to class.

The Board, Dr. Leonard, and members of the School Board discussed a comprehensive plan for the trailers; the expected growth and cost of trailers vs. the costs of expanding the schools vs. the cost for a new high school; and the affect of the projected enrollment growth on the curriculum.

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

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-11-00. CLARA BYRD BAKER ELEMENTARY SCHOOL**

#### **CASE NO. SUP-12-00. TOANO MIDDLE SCHOOL**

#### **CASE NO. SUP-13-00. JAMESTOWN HIGH SCHOOL**

#### **CASE NO. SUP-14-00. LAFAYETTE HIGH SCHOOL**

#### **TEMPORARY CLASSROOM TRAILERS**

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

WHEREAS, the owner of Clara Byrd Baker Elementary School has applied for a special use permit to allow one temporary classroom trailer 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 Real Estate Tax Map No. (47-1); and

WHEREAS, the owner of Toano Middle School has applied for a special use permit to extend the permit period for three temporary classroom trailers on property owned and developed by the applicant located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the owner of Jamestown High School has applied for a special use permit to allow one temporary classroom trailer 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 Real Estate Tax Map No. (46-1); and

WHEREAS, the owner of Lafayette High School has applied for a special use permit to allow two temporary classroom trailers 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 Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of temporary classroom trailers as described above and on the attached site location maps with the following condition:

1. This permit shall be valid until July 1, 2004.

**G. BOARD CONSIDERATION**

1. FY 01-02 Budget and FY 01-05 Capital Improvement Program

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, presented the Board with two resolutions of appropriation for Board consideration based upon the consensus of the Board at its last budget work session. The first resolution appropriates the full 50,572,314 for School operations and debt service, while the second withholds \$1,000,000 of that amount in the County's nondepartmental contingency account.

The Board and staff held a discussion regarding the School Board budget, greenspace funding, and balancing future budgets.

Mr. Wanner presented a resolution to the Board for consideration. The resolution indicates to the School Board its strong support for improving teacher compensation.

Mr. Harrison stated he would abstain from voting on any County appropriation to outside agencies.

Mr. Goodson made a motion to adopt the resolution withholding \$1,000,000 and not including the Community Action Agency portion of the Budget to allow Mr. Harrison to vote on this motion.

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

Mr. Goodson made a motion to adopt the resolution appropriating the full \$50,572,314 for School operations and debt services, again not including the Community Action Agency portion of the Budget to allow Mr. Harrison to vote on this motion.

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

Mr. Goodson made a motion to adopt the Community Action Agency portion of the Budget.

On a roll call, the vote was: AYE: McGlennon, Goodson, Nervitt (3). NAY: Kennedy (1). ABSTAIN: Harrison (1).

Mr. Nervitt made a motion to adopt the resolution that indicates the Board's strong support for improving teacher compensation.

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

2. Ordinance Amendments/Fees

Ms. Swindell also presented for the Board's consideration two ordinance amendments to implement the FY 2001 budget.

The first ordinance amendment, Section 4-8, Building Permit Fees, increases the Building Permit Fee from \$0.09 to \$0.11 per square foot of finished floor area, and from \$0.08 to \$0.10 per square foot of unfinished floor area.

The second ordinance amendment, Section 20-25, Tax Imposed, increases the special tax for enhanced 911 emergency telephone service from \$1.20 per month to \$1.70 per month.

Mr. McGlennon made a motion to adopt the ordinance amendment to Section 4-8, Building Permit Fees.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

Mr. Goodson made a motion to adopt the ordinance amendment to Section 20-25, Tax Imposed.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

### 3. Reduced Street Widths Policy

Mr. Paul D. Holt, III, Senior Planner, stated the Virginia Department of Transportation (VDOT) dictates how wide subdivision street right-of-way, and pavement widths must be. The developer may request a reduction in the right-of-way and pavement widths for subdivision streets to VDOT with a written request from the governing body.

Staff recommends the Board adopt the policy for use in determining whether or not to request reduced right-of-way and pavement widths from VDOT. The performance standards listed will achieve the necessary objective of both the Fire and Police Departments.

Mr. McGlennon made a motion to adopt the reduced street widths policy.

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

### 4. Future of Eastern State Hospital Property

Mr. Wanner stated that a State initiative option to sell the Eastern State Hospital property is being considered to provide funding to support the restructuring of the delivery of mental health services.

The Eastern State property is a critical parcel in James City County and a shift in ownership to private ownership will require a revision to the Comprehensive Plan and probable changes to existing zoning.

Mr. Wanner recommended approval of the resolution that sets forth the Board's position regarding the possibility of the property becoming privately owned and indicates that the Board will consider such change in ownership to be a change in circumstance resulting in the likelihood of a rezoning to a category more consistent with nonpublic ownership.

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).

**H. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, stated his desire to have the zoning and land use maps made available to the public during the update of the Comprehensive Plan. Mr. Everson stated that the zoning map should reflect the Comprehensive Plan.

2. Mr. Ed Oyer, 139 Indian Circle, recapped several articles and studies published from 1978 to present that indicate the decline of groundwater, threats to groundwater, and alternative treatments of groundwater.

3. Mr. Edward Clemons, 119 Tarleton Bivouac, spoke about affordable housing in the Roberts District and the mixed message the County is sending to the citizens in this area. The cost of housing is becoming too high and industry is moving in. Mr. Clemons stated the County needs to look at its priorities and consider the need for affordable housing.

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner encouraged citizens to complete and turn in the Census forms.

Mr. Wanner suggested the Board go into a closed session pursuant to Section 2.1-344 (1) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions and Section 2.1-344 (A) (3) to consider acquisition/disposition of a parcel/parcels of property for public use.

**J. BOARD REQUESTS AND DIRECTIVES – None**

Mr. Nervitt declared a recess for a James City Service Authority Board of Directors' meeting at 9:17 p.m.

**K. CLOSED SESSION**

Mr. Nervitt reconvened the Board of Supervisors and made a motion to go into closed session as recommended by the County Administrator, at 9:25 p.m.

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 10:08 p.m.

Mr. Harrison 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; and Section 2.1-344(A)(3) to consider acquisition/disposition of a parcel/parcels of property for public use.

Mr. Nervitt made a motion to appoint Mr. Goodson as the Board representative to the 2007 Celebration.

On a roll call, the vote was: AYE: McGlennon, Harrison, Kennedy, Nervitt (4). NAY: (0). ABSTAIN: Goodson (1).

Mr. Nervitt made a motion to adjourn.

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

The Board adjourned at 10:10 p.m.

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Sanford B. Wanner  
Clerk to the Board