

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF AUGUST, 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

Mr. Wanner welcomed members of Boy Scout Troop 414 who were in the audience.

**B. PLEDGE OF ALLEGIANCE**

Mr. Bobby Dawson, a Sophomore at Williamsburg Christian Academy, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Ms. Loretta Garrett, Chairperson of the 2000 James City County Fair Committee, presented Robert Key with a plaque noting the dedication of this year's fair to him for his dedicated service to the County as James City County Police Chief from 1983 to 2000.

2. Ms. Ethelyn Springs, 128 Ron Springs Drive, informed the Board of the number of homes on Ron Spring Drive; the amount of traffic off Magruder Avenue taking a short cut to Pocahontas Trail via Ron Springs Drive; the number of large trucks utilizing Ron Springs Drive; that children play near the road; and that Ron Springs Drive is not in the Six-Year Secondary Roads Plan and the residents cannot wait six years for the road to be upgraded and repaired.

Mr. Nervitt requested staff review the Six-Year Secondary Roads Plan and see if Ron Springs Drive can be moved to a higher priority position on the list.

3. Mr. Ed Oyer, 139 Indian Circle, stated the Board can only make public policy that has been permitted by the Virginia General Assembly. He stated that the County has only those powers given in the Code of Virginia and the James City County Charter and that neither a moment of silence and prayer are permitted nor are they a tradition in James City County.

4. Reverend M. O. Smith, P.O. Box 636, recommended prayer to the Board and read an excerpt from Romans 8.

5. Mr. Don Kimball, 6151 South Mayfair Circle, recommended the Board adopt invocation; expressed his disappointment about what has been written in the papers concerning prayer; encouraged the Board members to develop a personal position on prayer and bring that position to the discussion; and referred to the second chapter of 1 Timothy.

6. Reverend Bill Cashman, 218 Plains View Road, invited the Board to take a stand with the Country's forefathers by inviting the invocation; read an excerpt from the second chapter of 1 Timothy; stated the Supreme Court and Congress open their meetings with prayer; gave a historical look at prayer in James City County; and urged the Board to open meetings with a prayer, not a moment of silence.

7. Mr. Steven C. Smith, 5013 Hickory Signpost Road, provided the Board with a copy of a document called *America's First Legislative Prayer* and quoted from it.

#### **D. CONSENT CALENDAR**

Mr. Nervitt inquired if any Board member wished to remove an item from the consent calendar.

Mr. Goodson asked that Item Number 7, Purchasing Limits be removed.

Mr. McGlennon 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

a. July 10, 2000, Joint Work Session, James City County Board of Supervisors and the Planning Commission

\_\_\_\_\_ b. July 25, 2000, Regular Meeting, as corrected.

c. July 26, 2000, Work Session – AFDs and Open Burning

#### 2. Dedication of Streets

a. Grove Hill Estates, Section 2

### **RESOLUTION**

#### **DEDICATION OF STREET IN GROVE HILL ESTATES, SECTION 2**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on a plat 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 has advised this Board 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 have entered into an agreement on November 1, 1993, 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 SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this 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.

- b. Governor's Land, River Reach Blocks A, B, and C

### **RESOLUTION**

#### **DEDICATION OF STREETS IN GOVERNOR'S LAND,**

#### **RIVER REACH BLOCKS A, B, AND C**

WHEREAS, the streets described on the attached Additions Form SR-5(A), 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 has advised this Board 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 have entered into an agreement on November 1, 1993, 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 SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this 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.

3. Conversion of Case Supervisor Position to Full-Time, Colonial Community Corrections

**RESOLUTION**

CONVERSION OF CASE SUPERVISOR POSITION TO FULL-TIME,

COLONIAL COMMUNITY CORRECTIONS

WHEREAS, the Department of Criminal Justice Services has provided additional funding to increase the hours of a Case Supervisors position from part-time to full-time; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the conversion of the Case Supervisor position from part-time limited term to full-time limited term.

4. The Virginia Peninsula Regional Jail Law Enforcement Retirement Benefit

**RESOLUTION**

THE VIRGINIA PENINSULA REGIONAL JAIL

LAW ENFORCEMENT RETIREMENT BENEFIT

BE IT HEREBY RESOLVED that the Board of Supervisors of James City County, Virginia, a political subdivision participating with the Virginia Peninsula Regional Jail, acting by and through its Board does hereby concur that the Jail, participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, may elect to have such employees of the Jail who are employed in positions as full-time salaried Jail Superintendents and Jail Officers 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.

5. Grant-in-Aid Program Awards

**RESOLUTION**

GRANT-IN-AID PROGRAM AWARDS

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-Aid Program in FY 2000 for community park projects; and

WHEREAS, three organizations to include Kristiansand Homeowners Association, the Junior Woman’s Club of Williamsburg, and Rawls Byrd Elementary School PTA are recommended for funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the matching grant awards to the abovementioned organizations

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following expenditures:

Expenditures:

Grant-in-Aid Account (0130220900)	
Junior Woman’s Club of Williamsburg	\$3,500.00
Kristiansand Homeowners Association	\$2,262.75
Rawls Byrd Elementary School PTA	<u>\$3,000.00</u>
Total:	<u>\$8,762.75</u>

6. Award of Contract – Fire Ladder Truck Chassis

**RESOLUTION**

**AWARD OF CONTRACT - FIRE DEPARTMENT LADDER TRUCK CHASSIS**

WHEREAS, funds are available in the Capital Improvement Program Budget for rehabilitation of a 1972 ladder truck; and

WHEREAS, original equipment will be reused therefore bids for the rehabilitation must be limited to the original manufacturer of the fire ladder truck; and

WHEREAS, Aerialscope, Inc., provided a price quote of \$226,415.70.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and Aerialscope, Inc., in the amount of \$226,415.70.

7. Purchasing Limits

Ms. Carol O. Swindell, Assistant Manager of Financial and Management Services, stated the resolution presented to the Board increases the Purchasing and Contract approval limits for the County. The proposed limits, which have not been adjusted since 1984, are below the State’s purchasing limits guidelines. This adjustment will allow staff to focus its efforts on those purchases where they add value and would allow County staff more flexibility in buying goods and services.

Mr. Harrison asked what the current policy hindrances are which justify the changes in purchasing bids.

Ms. Swindell stated the staff time required to obtain the number of quotes for a small cost savings outweighs the savings and the proposed purchasing limits will allow staff to refocus its time more effectively.

Mr. Goodson made a motion to adopt the resolution.

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

**RESOLUTION**

**JAMES CITY COUNTY PURCHASING LIMITS**

WHEREAS, County staff has researched the current purchasing limits, determined they are outdated and not adequately meeting the County’s needs; and

WHEREAS, the County would like the Purchasing staff to focus on those purchases where they add value, producing faster turnaround time and more flexibility in purchasing goods and services; and

WHEREAS, County staff has reviewed Purchasing Limits in other localities as well as Virginia Public Procurement Law and has proposed adjustments to James City County’s existing Purchasing Limits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Purchasing and Contract Approval limits for all James City County Purchasing activities.

3 Phone Quotes Required	\$1,001 - \$5,000
3 Written Quotes Required	\$5,001 - \$30,000
Sealed Bid or Proposal	Over \$30,000
County Administrator Approval Required for Contracts	Less than \$100,000
Board of Supervisors Approval Required for Contracts	\$100,000 or more

**E. PUBLIC HEARINGS**

1. Resolution Authorizing the Sale to York County of James City County’s Interest in Certain Property Associated with Joint Sanitary District No. 1

Mr. Wanner recommended the Board adopt the resolution authorizing the County Administrator to take actions necessary to accomplish the sale of James City County’s interest in the property associated with Joint Sanitary District No. 1, and authorizes the execution of such agreements or documentation as may be required to release of the sewage disposal plant property from the terms and conditions of the Joint Agreement.

The property, once released from the terms and conditions of the Joint Agreement, will allow York County to own the property without the encumbrance and restrictions placed upon it by virtue of the Joint Agreement between the Counties. York County will then utilize the property in connection with a major sewer extension project in the vicinity of Route 199.

A brief Board and staff discussion followed.

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

Mr. Goodson made a motion to approve the resolution.

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

**RESOLUTION**

**TO AUTHORIZE THE SALE TO YORK COUNTY OF**

**JAMES CITY COUNTY'S INTEREST IN CERTAIN PROPERTY ASSOCIATED**

**WITH SANITARY DISTRICT NO. 1**

WHEREAS, the respective Boards of York County and James City County entered into an agreement dated October 20, 1960, subsequently amended by an agreement dated November 12, 1962, whereby the two jurisdictions agreed to the manner by which property would be acquired and utilized in connection with Sanitary District No. 1, created by an order of the York County Circuit Court; and

WHEREAS, the agreement, as amended, recognized that James City County had contributed 33 percent of the cost of acquiring certain real property designated as the site for a proposed sewage disposal plant, such property consisting of three parcels in York County identified as York County Tax Map Parcels 11-46, 11-47, and 11-48 ("the Sewage Disposal Plant Property"); and

WHEREAS, the parties agree the value of the three parcels is \$20,000; and

WHEREAS, the agreement, as amended, provided that no real property acquired for the purpose of constructing any portion of the proposed sewage collection and disposal system would be disposed of by the respective owners without a duly authorized resolution by both jurisdictions permitting such disposal; and

WHEREAS, it is the desire of this Board to sell James City County's Sewage Disposal Plant Property and for Sanitary District No. 1 to release the Sewage Disposal Plant Property from any obligations imposed by virtue of the terms and conditions of the above referenced agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, acting as the Board for James City County Sanitary District No. 1, authorizes the County of James City, Virginia, to sell for the sum of \$6,600 its interest in and to the Sewage Disposal Plant Property, and to release the subject property from the terms and conditions of the referenced agreement of October 20, 1960, as amended, by an agreement dated November 12, 1962; and

BE IT FURTHER RESOLVED that the Board of Supervisors for York County has, by Resolution dated July 19, 2000, agreed to purchase James City County's interest for the sum of \$6,600; and

BE IT FINALLY RESOLVED that the County Administrator be, and he hereby is, authorized and directed to take all actions necessary to accomplish the sale of James City County's interest in the subject property, and in connection therewith to execute such agreements or other documentation as may be required to evidence the release of the Sewage Disposal Plant Property from the terms and conditions of the agreements referenced above, any such documentation to be approved as to form by the County Attorney.

2. Case No. AFD-13-86. Gospel Spreading Church (Gilley Addition) 2000 Rees Property Withdrawal

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. John Hughes and Ms. Francis S. Rees applied for the withdrawal of 81.88 acres, zoned R-8, Rural Residential, from Agricultural and Forestal District 13-86, Gospel Spreading Church (Gilley Addition) 2000 Rees Property, to create a five-lot subdivision, located at 537 Neck-O-Land Road and further identified as Parcel Numbers (25-1), (25-3), (25-4), and (25-5) on the James City County Real Estate Tax Map No. (47-3).

The applicant has previously submitted a subdivision plat to staff that shows the property being subdivided into a total of five lots. The applicant has sold a scenic easement, ranging from 200-300 feet in width, to the County in order to protect the viewshed from the Colonial Parkway.

Staff stated the proposed use is compatible with the Low Density Residential Land Use Designation of the Comprehensive Plan and the scenic easement protects the Colonial Parkway, which is designated a Community Character Corridor.

The Agricultural and Forestal Advisory Committee voted 7-0 to recommend approval of the withdrawal. The Planning Commission also recommended approval by a vote of 6-0.

The Board and staff held a discussion regarding the use of the property; potential for future subdivision of the property; and requirements for an AFD withdrawal.

Mr. Morton informed the Board that although the Board can attach conditions to the withdrawal of the property from an AFD, the Board may not attach conditions that would extend beyond the removal date of the property from the AFD.

Mr. Nervitt opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked Mr. Morton where the County's criteria for AFD withdrawal originate.

Mr. Morton stated the criteria is a Board policy.

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

Mr. Goodson made a motion to approve the resolution.

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

3. Case No. SUP-19-99. Olde Towne Road Timeshares

Mr. Paul D. Holt III, Senior Planner, stated that Mr. Vernon M. Geddy, III, on behalf of the applicant, has made a written request for deferral of this case until September.

Without Board objection, Mr. Nervitt deferred the case until September 2000.

**F. BOARD CONSIDERATION**

1. Court Support Services Space

Mr. Wanner stated the resolution presented for Board consideration authorizes the County Administrator to negotiate a lease with Morton Thalhimer for 12,000 square feet of office space for the purpose of subleasing that space to the following court supported agencies: District and Local Court Services Units, Adult Probation, Colonial Community Corrections, and the Colonial Group Home Commission.

The property is zoned for offices, within walking distance of the Courthouse, and the building is expected to be ready for occupancy prior to December 2001.

A brief Board discussion followed regarding what agencies or departments would lease the building; location of the building; adequacy of space for CASA's relocation to the building; and current market costs of office rentals.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

**COURT SUPPORT SERVICES SPACE**

WHEREAS, a proposal to build a building to lease space to the County, submitted by Morton Thalhimer, has been received; and

WHEREAS, Court support agencies to include the District and Local Court Services Units, Adult Probation, Community Corrections, and the Group Home Commission have expressed an interest to relocate near the Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to negotiate the lease of approximately 12,000 square feet of office space near the Courthouse.

**H. PUBLIC COMMENT**

1. Mr. Oscar Blayton, 115 Chinkapin Lane, inquired if a developer has been identified in connection with the building for the court support office space and if the RFP had been advertised.

Mr. Morton stated the Request for Proposal had been publicly advertised two times and staff received two proposals.

2. Mr. Ed Oyer, 139 Indian Circle, recapped an editorial from the August 15, 1990, paper on the Williamsburg Post Office and requested the Board and staff bring forward three items when design discussions are held regarding the new Post Office near New Town. The items include: a drive-up window, building design to accommodate future postal equipment, and construction of a second story.

Mr. Horne stated there is to be a meeting with the Postal Service architect within the next few weeks and the design issues will be a part of the discussions.

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting, following which the Board would reconvene for a closed session pursuant to Section 2.1-344 (A) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions.

Mr. Wanner recommended the Board adjourn following the closed session until 7:00 p.m., Tuesday, September 12, 2000.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson congratulated the Grove Community on its 55th Annual Grove Day.

Mr. Harrison congratulated Ironbound Square on its kickoff held on National Night Out.

Mr. McGlennon congratulated Kingspoint on receiving a matching grant from the County for the excellent work done in cooperation with the James City Service Authority around the entrance to Kingspoint.

Mr. Nervitt recessed the Board for a James City Service Authority meeting, at 8:22 p.m.

**K. CLOSED SESSION**

Mr. Nervitt reconvened the Board at 8:25 p.m. and made a motion to convene into closed session as recommended by the County Administrator.

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 8:34 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. McGlennon made a motion to reappoint G. Curtis Gaul, Frances H. Hamilton, Marie E. Sheppard, Carol W. Mathews, and Martha Hamilton-Phillips to the Historical Commission for a three-year term, term expiring on August 31, 2003.

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

Mr. McGlennon made a motion to recess until 4 p.m. on September 12, 2000.

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

The Board recessed at 8:35 p.m.

---

Sanford B. Wanner  
Clerk to the Board

080800bs.min