

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF OCTOBER, 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**

Mr. Jonathan Surles, an 8<sup>th</sup> grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that he took the opportunity to visit the new Williamsburg-James City Courthouse and the York County's Courthouse, and stated that he thought the workmanship on the York County Courthouse was better.

**D. CONSENT CALENDAR**

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

Mr. Nervitt removed item number 2, Dedication of Streets in Springhill, Phases 1 and 2.

Mr. Harrison 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. September 12, 2000, Work Session
- b. September 26, 2000, Regular Meeting
- c. September 27, 2000, Work Session

3. New Position – Clerk of the Circuit Court

**RESOLUTION**

NEW POSITION - CLERK OF THE CIRCUIT COURT

WHEREAS, the Board of Supervisors of James City County has received approval by the State Compensation Board for an unbudgeted additional position in the office of the Clerk of the Circuit Court for the current fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the creation of a new full-time Deputy Clerk position in the Office of the Clerk of the Circuit Court and authorizes the following amendments to the FY 2001 Operating Budget:

Expenditures:

Office of the Clerk of the Circuit Court

Salaries, Full-time	\$15,300
Fringe Benefits	7,125
Received from the Commonwealth	( 17,900)
Received from the City of Williamsburg	( 905)
Operating Contingency	( 3,620)

2. Dedication of Streets in Springhill, Phases 1 and 2

Mr. Nervitt requested information as to why the original dedication of streets resolution, adopted in July of 1999 was not adequate.

Mr. John Horne, Manager of Development Management, stated that during the time Board of Supervisors passed its resolution to when the final actions were to be taken by the Virginia Department of Transportation (VDOT), the roads deteriorated. The roads have been repaired and brought up to VDOT standards. VDOT has requested a new resolution dedicating these streets.

Mr. Nervitt inquired if there is a flaw in the approval process to accept roads prematurely.

Mr. Horne stated that there are checks in the system and it is VDOT's responsibility to inspect public roads. Staff does not bring a resolution to the Board until VDOT has certified that the road is ready to be taken into the State Secondary Road System.

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**

**DEDICATION OF STREETS IN SPRINGHILL, PHASES 1 AND 2**

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, this Board hereby rescinds the resolution adopted July 13, 1999, requesting dedication of these same streets into the State system.

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

**E. PUBLIC HEARINGS**

1. Case No. SUP-22-00. Baker Family Manufactured Homes

Mr. John Rogerson, Planner, stated that Ms. Patricia Baker and Mr. John Ferguson had applied for a special use permit, SUP-22-00, Baker Family Manufactured Home. Mr. Rogerson stated that the applicant is requesting permission to replace a manufactured home with a new 2001 model, on .91 acres, zoned R-8, Rural Residential, located at 3191 Chickahominy Road, further identified as Parcel No. (1-64) on James City County Real Estate Tax Map No. (22-1).

Staff determined that while this application represents a continuation of a nonconforming use with respect to multiple dwellings on a single property, this replacement proposal is consistent with Section 24-634(d) of Article VII, Nonconformities, of the Zoning Ordinance.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

The Board and staff held a brief discussion concerning the acceptable standards by the State Health Department concerning the septic system and drainage on this site.

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**

**CASE NO. SUP-22-00. BAKER FAMILY MANUFACTURED HOME**

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Patrice Baker

Real Estate Tax Map ID: (22-1)

Parcel No.: (1-64)

Address: 3191 Chickahominy Road

District: Stonehouse

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the 2001 Timberlake Series Model No. 4563-B doublewide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the special use permit is not exercised, it shall become void one year from the date of approval.
  2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
  3. The existing manufactured home shall be removed within thirty (30) days of placement of the new manufactured home.
  4. The existing vegetation between Chickahominy Road and the manufactured home shall remain undisturbed except for removal of windfalls and deadfalls, and any future utility connections as approved by the Director of Planning.

5. This special use permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. Z-7-99/SUP-24-99. Griesenauer Residential Cluster

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Joseph S. Terrell, Sr., on behalf of Mr. Paul Griesenauer, has requested a deferral of this case until October 24 in order to revise the voluntary proffers.

Staff concurs with this request.

The Board and staff held a brief discussion concerning the possible need for the Planning Commission to review the revised proffers; the Planning Commission's position on the case; the affordable housing as ; and traffic impacts.

Mr. Morton recommended the Board defer the case until the first meeting in November.

Mr. Nervitt requested that when this case comes back to the Board, the issue of how the Transportation Improvement District (TID) may be factored into this case be considered since the homeowners will directly benefit from the TID.

Mr. Nervitt opened the public hearing, and as no one wished to speak at this time, continued the public hearing until November 14, 2000.

3. Case No. SUP-19-00. Wellspring United Methodist Church

Mr. Christopher M. Johnson, stated that Mr. William F. Hinson, Jr., on behalf of Wellspring United Methodist Church Building Committee has applied for a special use permit, SUP-19-00, Wellspring United Methodist Church. Mr. Johnson stated that the owners wish to construct approximately 2,745 square feet of additions to the existing Wellspring United Methodist Church on six acres, zoned R-2, General Residential, located at 4781 Longhill Road, further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (32-4).

Staff found the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive plan.

The Planning Commission unanimously recommended approval of this application with conditions.

Staff recommended the Board approve the application with the conditions listed in the resolution.

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**

**CASE NO. SUP-19-00. WELLSRING UNITED METHODIST CHURCH**

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, houses of worship are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 6, 2000, recommended approval of Case No. SUP-19-00 by a vote of 7 to 0 to permit the construction of approximately 3,745 square feet of additions to the existing Wellspring United Methodist Church located at 4871 Longhill Road and further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (32-4).

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-19-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty-six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, scale, and colors of the addition shall be compatible with that of the existing structure. The colors and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-18-00. A Little Space Day Care and Child Development Center

Mr. Benjamin A. Thompson, Planner, stated that the applicant has requested a deferral of this case until November 28 to settle issues with the property owner.

Staff concurs with this request.

Mr. Nervitt opened the public hearing, and as no one wished to speak at this time, continued the case until November 28, 2000.

5. Case No. SUP-8-00. Sanifill Borrow Pit  
Case No. SUP-9-00. Branscome Enterprises, LLC, Borrow Pit

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Vernon Geddy, III, on behalf of Branscome Enterprises, LLC, and Sanifill of Virginia, Inc., applied for special use permits, SUP-8-00, Sanifill Borrow Pit, and SUP-9-00, Branscome Enterprises, LLC. Mr. Holt stated that the owners wish to continue the

operation of a borrow pit, on approximately 420 acres, zoned M-2, General Industrial, located approximately 1.2 miles southeast of the terminus of Blow Flat Road, further identified as Parcel Nos. (1-3) and (1-2) on James City County Real Estate Tax Map No. (60-3).

Staff found the proposal consistent with the Comprehensive Plan Land Use Designation and compatible with surrounding properties and zoning. The Planning Commission recommended approval of the applications by a vote of 5-1 with a five-year limitation on the permits.

Staff recommends approval of the special use permits with the conditions listed in the permits.

The Board and staff discussed the effect of timbering on the endangered species located on the property; the need for proper storm-water and erosion control to protect the endangered species; and prior permit violations.

Mr. Nervitt opened the public hearing.

1. Mr. Vernon Geddy, representing Branscome Enterprises, LLC, stated the site remains rural and is ideal for burrow operations, the land use is consistent with the Comprehensive Plan, the use of the land for industrial development after the burrow pits are closed is viable, this land use does not hinder development of adjacent property for industrial use, and requested the Board approve the SUP without a time limit.

The Board, staff, and Mr. Geddy discussed the lack of harm to the businesses with a time limitation on the SUP and use of clay from the burrow pits for off-site landfills.

2. Mr. Alvin Anderson, representing the Greenmount Associates, stated that the adjacent property owners are opposed to an open-ended time for the SUP due to increased commercial traffic as the business continues to grow, other types of companies would benefit the County greater, the burrow pit operations discourage industrial expansion in the vicinity, and developers would rather build on virgin land than over a site filled with broken concrete.

The Board and Mr. Anderson discussed the Greenmount Associates' opinions concerning the borrow pits including the access road to the borrow pits bisecting the Greenmount parcel, truck traffic through Greenmount, and the possibility of an alternate access road to the borrow pits.

3. Mr. Ed Oyer, 139 Indian Circle, stated that he was a member of the first citizen group to conduct the Skiff's Creek environmental impact study. Mr. Oyer stated that during the last SUP review there was concern about truck traffic rolling through stop signs, this seems to have stopped and he feels this is a responsible business.

Mr. Nervitt closed the public hearing.

Mr. McGlennon made a motion to approve the SUP with a five-year time limit.

The Board held a brief discussion on the time limit. Mr. Nervitt spoke in favor of a three-year limit.

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

**RESOLUTION**

**CASE NO. SUP-8-00. SANIFILL BORROW PIT**

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, the applicant has requested to amend existing Special Use Permit SUP-31-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-3) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-8-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").

5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.
6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.

11. Only “inert material” shall be used as fill during the reclamation of the property. For the purposes of this special use permit, “inert material” shall be defined as “clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe.” Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.
12. No land disturbing shall occur within the “Environmentally Sensitive Area,” as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the “Environmentally Sensitive Area”).
13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
  - A. The extent, and depth, of the area mined over the previous calendar year.
  - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
  - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder’s-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
  - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
  - E. A certification as to the amount of disturbed acreage on site.
  - F. A certification that all fill used after the date of issuance of this permit is “inert material,” as defined above.
  - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
  - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

## RESOLUTION

### CASE NO. SUP-9-00. BRANSCOME ENTERPRISES, LLC, BORROW PIT

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, the applicant has requested to amend existing Special Use Permit SUP-30-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-2) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.
6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and

titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").

8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.
11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe." Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.
12. No land disturbing shall occur within the "Environmentally Sensitive Area," as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the "Environmentally Sensitive Area").

13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
  - A. The extent, and depth, of the area mined over the previous calendar year.
  - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
  - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder's-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
  - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
  - E. A certification as to the amount of disturbed acreage on site.
  - F. A certification that all fill used after the date of issuance of this permit is "inert material," as defined above.
  - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
  - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

6. Olde Towne Medical Center Lease

Mr. Doug Powell, Assistant Community Services Manager, stated that County will provide approximately 6,245 square feet of space in the Human Services Building to the Williamsburg Area Medical Assistance Corporation ("WAMAC") under the terms of a five-year lease. The annual rent is \$52,000 for the first year and increases at the rate of four percent each year of the lease term.

Mr. Kennedy stated that he would like to review options for reducing or eliminating WAMAC rent and would like to see the City of Williamsburg and York County support more of the funding for WAMAC.

Mr. McGlennon inquired about the general adequacy of the facility for WAMAC, and the breakout of client services and funding.

Ms. Judy Knudson, WAMAC Executive Director, stated that they have an average of 1,200 visits per month and the facility is adequate to meet these needs. The three jurisdictions provide 30 percent of the funding, patients provide 19 percent, and the remainder of the funding is from the State and community. James City County clients to WAMAC makes up 56 percent of the total client services, the City of Williamsburg makes up 20 percent and York 15 percent.

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

Mr. McGlennon made a motion to adopt the resolution authorizing the County Administrator to execute the lease agreement.

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

## **RESOLUTION**

### **OLDE TOWNE MEDICAL CENTER LEASE**

WHEREAS, the Olde Towne Medical Center is providing primary and preventative health care to residents of James City County; and

WHEREAS, the lease of a portion of the Human Services Building will assist the Olde Towne Medical Center in providing medical care to James City County residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Sanford B. Wanner, County Administrator, is authorized and directed to execute the lease between James City County and the Williamsburg Area Medical Assistance Corporation for the operation of the Olde Towne Medical Center.

#### **F. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that a pharmaceutical company had turned down the Greenount site because it has special water needs. Although Greenmount is an important industrial site, there are other sites with water and sewer infrastructure that would be more appealing to industry.

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

##### **1. Mainland Farm**

Mr. Wanner introduced John Horne, Manager of Development Management, to give a report on the status of the Mainland Farm negotiations.

Mr. Horne stated that there are three County objectives associated with Mainland Farm: 1) permanently preserve 215 acres as farm and greenspace, 2) retain some flexibility for the property to accommodate other land uses that either support the farm/greenspace uses or are temporary in nature and support other public needs, and 3) minimize the financial impact on the Greenspace Fund, to preserve its assets for other greenspace purchases.

The Industrial Development Authority purchased, on behalf of the County, Mainland Farms at \$2.2 million.

There are five options available to the County:

- 1) 215 acre fee simple purchase by the Williamsburg Land Conservancy at \$2.2 million
- 2) 215 acre Conservation Easement purchase by Williamsburg Land Conservancy at \$400,000
- 3) 215 acre Conservation Easement donation to the Williamsburg Land Conservancy
- 4) 40 acre fee simple purchase by the Williamsburg Land Conservancy
- 5) No deal with the Williamsburg Land Conservancy

Staff endorsed Option 2 as the best long-term solution for the preservation of Mainland Farm by the Williamsburg Land Conservancy or other Land Trusts.

The Board and staff discussed the desire to recoup the citizen's tax dollars that went to purchase this land for preservation; to preserve the land from development; desire to sell the land at real value, not at cost; and the desire to preserve all land purchase by the County as greenspace.

The Board directed staff to pursue Option 4 with the Williamsburg Land Conservancy and to provide an update.

2. Annual Business Meeting Voting Procedures for the Virginia Association of Counties and Virginia Municipal League

Mr. Wanner stated that James City County is a member of both the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). Each conducts an annual business meeting as a part of their annual conference and each has established voting procedures for the business meeting. The Chairman will be attending both VACo and VML. VACo requires notification of who is authorized to cast the County's vote if the Chairman does not attend.

Mr. Wanner requested permission from the Board to notify VACo and VML of the Voting Credentials for the County: Mr. Nervitt will be the primary delegate, Mr. Goodson will be the Alternate delegate at VACo; and Mr. Nervitt will be the Urban Section Delegate, Mr. Wanner will be the Staff Assistant at VML.

The Board authorized Mr. Wanner to supply the credentials.

Mr. Wanner recommended the Board convene 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 following which the Board would recess until October 18, 2000, at 4:00 p.m. for a work session on the Reassessment Cycle.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy stated that there will be a Fish Fry at the Toano Volunteer Fire Station on Saturday, October 14.

Mr. Harrison stated that October is Domestic Violence Awareness Month.

**K. CLOSED SESSION**

Mr. Nervitt made a motion to convened 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 9:35 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. Kennedy made a motion to appoint Mr. John Filichko as the alternate for Mr. Kennedy on the Community Action Agency Board of Directors for a one-year term, expiring on January 11, 2001.

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

Mr. Nervitt recessed the Board until 4:00 p.m. on Wednesday, October 18, 2000, at 9:36 p.m.

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Sanford B. Wanner  
Clerk to the Board