

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH 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 (Absent)

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. Kennedy invited the Color Guard from the James City-Bruton Volunteer Fire Department to present colors in honor of the crew and family of the USS Cole.

Mr. Kennedy read a resolution of Condolence and Sympathy to the Crew and Families of the USS Cole following which he requested a moment of silence in memory of the fallen crew members.

The Color Guard then led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that with little notice, Cox has upgraded his service; inquired if the County is receiving money from the Federal Universal Service Fund Surcharge; referred to a 1979 hydrology study and encouraged the County to compare its findings with the study being done today; stated that the School division budget in 1981 had a surplus that went back to the County and it's no longer true; and stated that funds for Schools may or may not answer some of the School budget problems.

D. HIGHWAY MATTERS

Mr. Jim Brewer, Virginia Department of Transportation (VDOT), was available to answer questions from the Board.

Mr. Harrison requested a VDOT representative be available for questions at the November 17, 2000, citizen meeting concerning the drainage problem at Brookhaven.

Mr. McGlennon requested that some traffic striping or signage be placed at the intersection of Quarterpath Road and Route 199 to aid turning traffic.

Mr. Brewer stated that he would have the District Engineer look into striping or signage at that intersection.

E. CONSENT CALENDAR

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

Mr. Nervitt removed Item No. 8, The Easement and Maintenance Agreement for the Rolling Woods Detention Pond.

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

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

1. Minutes

- a. October 6, 2000, Joint Meeting, Board of Supervisors and the Planning Commission
- b. October 10, 2000, Regular Meeting

2. Installation of "Watch for Children" Signs

- a. Hickory Sign Post Road

RESOLUTION

HICKORY SIGN POST ROAD "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Hickory Sign Post Road have requested that two "Watch for Children" signs be installed on Hickory Sign Post Road near its intersections with Ironbound Road and John Tyler Highway, as illustrated on the attached drawing titled Hickory Sign Post Road "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

b. Selby's Lane

RESOLUTION

SELBY'S LANE "WATCH FOR CHILDREN" SIGN

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Selby's Lane has requested that a "Watch for Children" sign be installed on Selby's Lane near its intersection with Government Road, as illustrated on the attached drawing titled Selby's Lane "Watch for Children Sign."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain a "Watch for Children" sign as requested, with funds from the County's secondary road system maintenance allocation.

c. Racefield Drive

RESOLUTION

RACEFIELD DRIVE "WATCH FOR CHILDREN" SIGNS

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, a resident of Racefield Subdivision has requested that two "Watch for Children" signs be installed on Racefield Drive near 118 and 191 Racefield Drive, as illustrated on the attached drawing titled Racefield Drive "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

3. Dedication of Streets

a. Longhill Station Sections 1A and 1B

RESOLUTION

DEDICATION OF STREETS IN LONGHILL STATION, SECTIONS 1A AND 1B

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.

b. Villages of Westminster, Phase I – Sections 1 and 2, and Phase III

RESOLUTION

DEDICATION OF STREETS IN VILLAGES OF WESTMINSTER

PHASE I - SECTIONS 1 AND 2 AND PHASE III

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.

4. Colonial Community Corrections Position – Substance Abuse Specialist

RESOLUTION

COLONIAL COMMUNITY CORRECTIONS POSITION –

SUBSTANCE ABUSE SPECIALIST

WHEREAS, Colonial Community Corrections has received additional funding from the Department of Criminal Justice Services to hire a Substance Abuse Specialist; 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 a full-time, limited-term position of Substance Abuse Specialist.

5. Code Violation Lien – 205 Reflection Drive

RESOLUTION

CODE VIOLATION LIEN - 205 REFLECTION DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Gladys S. and Wayne D. Williams
3950 Maidens Road
Powhatan, VA 23139

DESCRIPTION: 205 Reflection Drive

TAX MAP NO.: (13-4) Parcel (05-0-0002)
James City County, Virginia

AMOUNT DUE: \$250

6. Code Violation Lien – 710 Lee Drive

RESOLUTION

CODE VIOLATION LIEN - 710 LEE DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owners and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Robert P. and Veronica Brown
710 Lee Drive
Williamsburg, VA 23185-5316

DESCRIPTION: 710 Lee Drive

TAX MAP NO.: (41-3) Parcel (04-0-0012)
James City County, Virginia

AMOUNT DUE: \$250

7. Mutual Aid Contract – Virginia Statewide Mutual Aid Program

RESOLUTION

MUTUAL AID CONTRACT – VIRGINIA STATEWIDE MUTUAL AID PROGRAM

WHEREAS, the Commonwealth of Virginia authorizes the Commonwealth and its political subdivisions to provide emergency aid and assistance in the event of a major disaster; and

WHEREAS, the Statutes also authorize the State Emergency Operations Center to coordinate the provision of any equipment, services, or facilities owned or organized by the Commonwealth or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this resolution authorizes the request, provision, and receipt of interjurisdictional mutual aid in accordance with Title 44, Chapter 3.2 of the Code of Virginia among political subdivisions, other authorized entities, and officers within the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County to enter into the Statewide Mutual Aid Program in accordance with all terms and conditions set forth in the Statewide Mutual Aid Program Implementation Guidebook.

8. The Easement and Maintenance Agreement for the Rolling Woods Detention Ponds

Mr. Nervitt inquired if there is a larger issue and would more subdivisions need the County to step in to maintain detention ponds.

Mr. Cook stated that this is a unique problem as the owner of the common area where the detention ponds are located went bankrupt.

Mr. McGlennon inquired if the Bond put up by the owner had been utilized for the maintenance of the detention ponds.

Mr. Cook stated that the Bond has been used up to maintain the ponds.

Mr. Morton stated that given a similar circumstance, the County would provide the same opportunity for a similar agreement to another development.

Mr. Nervitt expressed concerns that neighborhoods may walk away from problems and expect the County to come in afterwards.

Mr. Morton stated that developers now turn over facilities in a timely manner to homeowner associations and that the facilities have been inspected and approved.

Mr. Nervitt made a motion to approve the resolution.

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

RESOLUTION

THE EASEMENT AND MAINTENANCE AGREEMENT FOR

THE ROLLING WOODS DETENTION PONDS

WHEREAS, there currently exists three detention ponds in the Rolling Woods subdivision for which there is no long-term maintenance agreement; and

WHEREAS, the Rolling Woods Homeowners' Association of Williamsburg, Inc., is willing to perform all routine maintenance and the County is willing, subject to appropriations, to provide all non-routine maintenance of the detention ponds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into the Easement and Maintenance Agreement with the Rolling Woods Homeowners' Association of Williamsburg, Inc., for the detention ponds in the Rolling Woods subdivision.

F. PUBLIC HEARINGS

1. Electrical Utility Easement for Fire Station No. 5

Mr. Bernard M. Farmer, Jr., Capital Project Administrator, stated that an agreement is requested to convey a 15-foot underground utility easement to Virginia Power to provide electrical service to Fire Station No. 5.

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, Kennedy, Nervitt (4). NAY: (0). ABSENT: Goodson.

RESOLUTION

ELECTRICAL UTILITY EASEMENT FOR FIRE STATION NO. 5

WHEREAS, James City County owns 3.6± acres commonly known as Fire Station No. 5, 3201 Monticello Avenue, and designated as Parcel No. (01-23) on James City County Real Estate Tax Map No. (36-3); and

WHEREAS, Virginia Power requires a 15-foot utility easement in order to provide electrical service to Fire Station No. 5; 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 as may be necessary to convey a 15-foot utility easement to Virginia Power.

2. Case No. SUP-21-00. King of Glory Lutheran Church

Ms. Jill E. Schmidle, Senior Planner, stated that Mr. Matt Burton applied for a special use permit (SUP-21-00) on behalf of King of Glory Lutheran Church. Ms. Schmidle stated that the owners wish to construct approximately 16,059 square feet of additions to the existing King of Glory Lutheran Church on 6.18 acres, zoned R-2, General Residential, located at 4897 Longhill Road, and further identified as Parcel No. (1-33) 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 voted 5-0 to recommend approval of this application.

The Board and staff held a discussion concerning the adequacy of the requested number of parking spaces, upgrade of the access road, the need for a right-turn lane, and the necessity to keep the buffers in place.

Mr. Nervitt opened the public hearing.

1. Mr. Philip Garring, representing the King of Glory Lutheran Church, stated that they agree with the recommendations outlined on the resolution.

Mr. Nervitt inquired if the Church needed 79 more parking spaces than what is required by the Ordinance.

Mr. Lee Schmidt, Cochair of the building committee, stated that the additional proposed parking was a requirement of the Church congregation for the expansion.

The Board, Staff, and representatives of the Church, discussed the number of parking spaces requested, and determined that the number of parking spaces to be built will be determined by the availability of space after the right-turn lane is installed and the 30 foot buffer is in place.

Mr. Nervitt closed the public hearing.

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

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

RESOLUTION

CASE NO. SUP-21-00. KING OF GLORY LUTHERAN 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, Mr. Matt Burton of DJG, Inc., has applied on behalf of King of Glory Lutheran Church for a special use permit to allow a House of Worship expansion for a fellowship hall, classroom, and parking additions at the existing King of Glory Lutheran Church located at 4897 Longhill Road; and

WHEREAS, the proposed expansion plans are shown on the development plan prepared by DJG, Inc., dated August 1, 2000, entitled "King of Glory Lutheran Church Community Center and Education Expansion;" and

WHEREAS, the property is located on land zoned R-2, General Residential District, and can be further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (32-4); and

WHEREAS, the Planning Commission, following its public hearing on October 2, 2000, voted 5-0 to recommend approval of 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-24-00 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, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. Prior to preliminary site plan approval, an engineering study shall be submitted to, and approved by, the James City Service Authority (JCSA) confirming water meter capacity and grinder pump capacity, and necessary upgrades, if required by JCSA, shall be provided prior to final site plan approval.
4. The applicant shall provide to the Virginia Department of Transportation (VDOT) a turn lane warrant analysis for the Longhill Road entrance and receive VDOT approval prior to final site plan approval. The applicant shall implement the requirements of the turn lane analysis prior to issuance of a certificate of occupancy for any structure on the site.
5. The applicant shall provide evidence of a joint access agreement between King of Glory Lutheran Church and Crossroads Youth Home in order to utilize the service access shown on the development plan, "King of Glory Lutheran Church," prepared by DJG Inc., dated August 1, 2000. The joint access agreement shall be reviewed and approved by the County Attorney prior to final site plan approval.
6. The landscape plan shall be approved by the Planning Director prior to final site plan approval and shall include along the Longhill Road frontage the quantity of landscaping required for a 50-foot wide buffer, as specified in Section 24-94, General Landscape Area Standards, of the Zoning Ordinance with a minimum of 50 percent of trees evergreen.

7. All exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-23-00. Barbour Family Subdivision

Ms. Karen Drake, Planner, stated that Ms. Nancy Barbour has applied for a special use permit, SUP-32-00, Barbour Family Subdivision. Ms. Drake stated that the land owners, Milton and Peggy Barbour, wish to subdivide their land for a family subdivision on 9.7 acres, zoned A-1, General Agricultural, located at 8832 Barnes Road, further identified as Parcel No. (10-1) on James City County Real Estate Tax Map No. (18-A).

Staff found the proposed subdivision consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

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

Mr. Nervitt inquired if there was adequate percolation in the land for the two structures.

Ms. Drake stated that there was adequate percolation, and that the Health Department will need to provide its approval before the site plan will be approved.

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

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP 23-00. BARBOUR FAMILY SUBDIVISION

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 a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally ±9.7 acres that would be subdivided into two parcels, ±1.7 acres and ±7.9 acres located at 8832 Barnes Road and is further identified as Parcel No. (1-18A) on James City County Real Estate Tax Map No. (10-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a Special Use Permit No. SUP-23-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally ± 1.7 acres in size.
 2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
 3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
4. New Courthouse – Adoption of a Resolution Ratifying the 1996 Agreement Between the City of Williamsburg and the County of James City, Approving a Plat and Execution of a Deed

Mr. Frank M. Morton, III, County Attorney, stated that under the terms of a 1996 Agreement between the County of James City and the City of Williamsburg, the new Courthouse was, upon completion, to be relocated into the corporate limits of the City of Williamsburg. The resolution presented to the Board, once approved, will begin the process for the boundary line adjustments.

The Board and staff held a discussion concerning equity in the Courthouse and the desire to establish, in writing, the current equity distribution for the Courthouse.

The Board directed Mr. Wanner to incorporate into a letter to the City Manager of Williamsburg, an understanding of the current capital contribution between the County and the City in the new Courthouse.

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

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

RATIFICATION OF AGREEMENT BETWEEN CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY REGARDING RELOCATION OF THE CORPORATE LIMITS OF THE CITY OF WILLIAMSBURG TO INCLUDE THE NEW COURTHOUSE; APPROVAL OF A PLAT ENTITLED "PLAT SHOWING RELOCATION OF WILLIAMSBURG CORPORATE LIMITS TO INCLUDE PROPERTY JOINTLY OWNED BY CITY OF WILLIAMSBURG AND JAMES CITY COUNTY"; AND AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO SIGN A DEED CONVEYING THE COURTHOUSE SITE FROM JAMES CITY COUNTY TO JAMES CITY COUNTY AND THE CITY OF WILLIAMSBURG AS JOINT TENANTS

WHEREAS, the City of Williamsburg ("City") and the County of James City ("County") entered into an agreement dated December 12, 1996, providing for the acquisition of a site and the construction of a new courthouse; and

WHEREAS, under the terms of that Agreement, the City and the County agreed that the new courthouse would be moved into the City limits under a voluntary boundary line adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby agrees to the following: the ratification of a certain Agreement dated December 12, 1996, between the City of Williamsburg and the County of James City which provides for the relocation of the corporate limits of the City of Williamsburg, in accordance with Section 15.2-3107 of the Code of Virginia, (1950), as amended, to include the new Williamsburg-James City County Courthouse and its grounds within the corporate limits of the City of Williamsburg; the approval of a plat entitled "Plat Showing Relocation of Williamsburg Corporate Limits to Include Property Jointly Owned by City of Williamsburg and James City County," dated April 13, 2000, drawn by Mitchell-Wilson Associates, P.C.; the authorization by the Chairman of the Board of Supervisors to sign a deed dated September 12, 2000, conveying 11.41 acres (the Courthouse site) from James City County to James City County and the City of Williamsburg as joint tenants.

G. BOARD CONSIDERATION

1. Chesapeake Bay Preservation Ordinance Violation and County Property Damages

Mr. Leo P. Rogers, Deputy County Attorney, stated that on July 13, 2000, the Environmental Division cited Mr. Robert Rausenberger, owner of 1.33± acres located at 109 Elizabeth Merriweather and designated as Parcel No. (2-164) on James City County Real Estate Tax Map No. (49-2), for cutting trees in the Resource Protection Area (RPA) on his property, as well as on the adjacent property owned by James City County identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1).

Mr. Rausenberger has agreed to the replanting plan of 68 trees to restore the RPA. Eighteen trees will be planted on the Rausenberger property and 50 on the County property. Additionally, Mr. Rausenberger has agreed to the \$4,000 civil charge, and the payment of \$3,626 as trespass and damages to the County's property.

Staff recommended that the Board approved the resolution for a total payment by Mr. Rausenberger of \$7,262 to the County, and 68 trees be planted at Mr. Rausenberger's expense to restore the RPA and its buffer in accordance with a landscape plan approved by the Environmental Division.

The Board and staff held a discussion concerning the trespassing and damage to the RPA on this second offence, the possibility of a maximum civil charge of \$10,000 by the courts, and adequacy of the conditions listed in the resolution as a deterrent for future violations.

Mr. McGlennon requested information on how many RPA violations there has been within the County.

Mr. Nervitt requested information concerning the RPA violation of 1991 by Mr. Rausenberger and the agreed upon restorative actions.

Mr. Nervitt deferred action until October 25, 2000, at 4:00 p.m.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that York County is working on a similar case with the removal of trees from a buffer area and suggested the Board of Supervisors consider having an RPA violator replace the trees with similar sized trees that were removed.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that a school generated budget surplus is retained by the School division.

Mr. Wanner recommended the Board adjourn until October 25, 2000, at 4:00 p.m. for a work session.

Mr. Wanner recommended following the Board's adjournment this evening, the James City Service Authority Board of Directors convene for a regular meeting.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy made a motion to approve the USS Cole resolution.

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

RESOLUTION

CONDOLENCE AND SYMPATHY TO THE CREW AND FAMILIES

OF THE USS COLE

WHEREAS, in the Aden Harbor, Yeman, on October 12, 2000, terrorists attacked the USS Cole blasting a large hole in the midsection near an enlisted dining hall; and

WHEREAS, in this cowardly attack, 39 crew members were injured and 17 were killed; and

WHEREAS, the officers and crew of the USS Cole were standing guard for peace, freedom, and stability in the Middle East, one of the most dangerous parts of the world.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its condolence and sympathy to the crew and families of the USS Cole.

BE IT FURTHER RESOLVED that the Board does hereby thank and honor the crew of the USS Cole for standing guard in a dangerous world for the cause of freedom.

Mr. Kennedy stated that he served in the military and knows that the freedoms we share such as being able to assemble for this meeting is being protected by the military men and women serving their country. Mr. Kennedy encouraged the citizens of James City County to vote on November 7, 2000.

Mr. Harrison made a motion at 8:42 p.m to adjourn until 4:00 p.m., October 25, 2000.

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

Sanford B. Wanner
Clerk to the Board