

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF MAY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Ms. Ashley Bangan, an eight grade student at James Blair Middle School led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT - None**

**D. PRESENTATION**

1. Employee and Volunteer Outstanding Service Award

Mr. McGlennon read and presented Outstanding Service Awards to the following: Volunteers - Don Vaden, Drew Mulhare, Taylor Horne; Volunteer Team - Anthony Mark, Shawn Lewis, Albert Randolph, Glenn Radcliffe, in absentia; Volunteers and Employees - Michael Brown, Daniel Foley, Madelynn Hermann, Pat Lewis, Terry O'Connor, in absentia, Earlene Robinson, Vicki Sprigg, and Cathie Upton, in absentia; Employee Teams - Sandy Hale, Marie Hopkins, Hershel Kries, in absentia, Linda Odell, Doug Powell, Jody Puckett, Vicki Sprigg, Jane Townsend, in absentia, James Wilson; Stephanie Ahrendt, Don Breland, in absentia, Donna Christian, in absentia, Ann Davis, Jeff Hicklin, Willie Howlett, Pat Lewis, Carol Luckam, Sue Mellen, Debbie Meritt, in absentia, Tara Moore, Bill Porter, Doug Powell, Jill Schmidle, Bob Smith, in absentia, Carol Swindell, in absentia, Rona Vrooman, in absentia, Larry Walker, and Brigitte White; Mary Hubbard and Iris Street; and Employees - Norm Engel and Alisa Fox.

**E. CONSENT CALENDAR**

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Goodson requested Item Numbers 4, Award of Contract – Skate Park, 6, Award of Contract – Reconstruction of Red Oak Landing Road to Virginia Department of Transportation (VDOT) Standards, and

7, Award of Contract – Pocahontas Trail Turn Lanes and Traffic Signal at Greenmount Parkway be pulled for a separate vote.

Mr. Harrison requested Item Number 5, Award of Contract – Upper County Park, be pulled for further discussion.

Mr. Goodson made a motion to approve the remaining items on the consent calendar.

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

1. Minutes

- a. April 16, 2001, Work Session
- b. April 19, 2001 Budget Work Session
- c. April 25, 2001, Work Session

2. Business Appreciation Week – May 13-19, 2001

**RESOLUTION**

**BUSINESS APPRECIATION WEEK**

**MAY 13-19, 2001**

WHEREAS, James City County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities, provide local tax revenues, and make other significant contributions in our community that promote both educational opportunities for our children and a variety of activities which increase the quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby salutes our existing businesses and by virtue of this proclamation, gives notice to our citizens that we wish to recognize their importance.

BE IT FURTHER RESOLVED that the Week of May 13-19, 2001, is Business Appreciation Week in James City County.

3. Mental health Awareness Month

**RESOLUTION**

**MENTAL HEALTH AWARENESS MONTH**

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children will suffer from a diagnosable mental illness, emotional, or behavioral disorder, and one in ten have a serious disorder, which if left untreated can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorders are not fully understood, but the illnesses are treatable and recovery is possible if those affected receive treatment, advocacy, and support; and

WHEREAS, the Colonial Services Board, serving the citizens of James City County, celebrates National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims May as Mental Health Awareness Month.

8. Emergency Preemption Equipment Agreement

**RESOLUTION**

**EMERGENCY PREEMPTION EQUIPMENT AGREEMENT**

WHEREAS, James City County has embarked on a program of installing emergency preemption equipment at existing signalized intersections; and

WHEREAS, Virginia Department of Transportation has agreed to install and maintain such equipment on existing signalized intersections and to purchase, install, and maintain such equipment for future signalized intersections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman of the Board to enter into such an agreement with the Virginia Department of Transportation.

9. Petty Cash – Office of Code Compliance and James City-Williamsburg Community Center

**RESOLUTION**

**PETTY CASH - OFFICE OF CODE COMPLIANCE AND JAMES CITY-WILLIAMSBURG**

**COMMUNITY CENTER**

WHEREAS, the Board of Supervisors of James City County has been requested to authorize petty cash of \$50 for the Office of Code Compliance and an increase of \$100 at the James City-Williamsburg Community Center (JCWCC).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create petty cash of \$50 for the Office of Code Compliance and to increase petty cash at the JCWCC in the amount of \$100.

10. Challenge Grant – Friends of Green Spring

**RESOLUTION**

**CHALLENGE GRANT - FRIENDS OF GREEN SPRING**

WHEREAS, the Board of Supervisors of James City County has received a request for funding, in the amount of \$25,000, from the Friends of the National Park Service for Green Spring, Inc. (Friends of Green Spring); and

WHEREAS, the requested funds would be matched with \$25,000 from other sources and the combined \$50,000 would be used to hire a fund-raiser to assist the Park Service in opening Green Spring as a public park by the year 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the request for funds and authorizes the County Administrator to release \$25,000 when the Friends of Green Spring has documented that a matching amount of \$25,000 has been raised from other sources and set aside for fund-raising.

BE IT FURTHER RESOLVED that the following amendment to the FY 2001 General Fund budget be approved, and made a continuing appropriation, allowing it to extend beyond the end of the FY 2001 fiscal year:

General Fund Expenditures:

From: Operating Contingency	<u>\$25,000</u>
To: Contributions - Outside Agencies - Friends of Green Spring	<u>\$25,000</u>

4. Award of Contract – Skate Park

Mr. Harrison made a motion to adopt the resolution awarding the construction of a skate park.

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

**RESOLUTION**

**AWARD OF CONTRACT - SKATE PARK**

WHEREAS, bids have been received for construction of a skate park; and

WHEREAS, staff has reviewed all bids and determined that M.K. Taylor, Jr., Contractors, Inc., is the lowest responsible and responsive bidder and is qualified to complete the project; and

WHEREAS, the bid is within the capital budget allocated for the Division of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to M.K. Taylor, Jr., Contractors, Inc. in the amount of \$168,988.

5. Award of Contract – Upper County Park

Mr. Harrison inquired about the use of the existing basketball court and the new basketball court. Mr. Harrison suggested that citizens may utilize another court more, such as tennis, and inquired if the proposed basketball court could be modified to construct tennis courts.

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that the court could be modified and stated that the basketball court is proposed in response to citizen input received at meetings held regarding the redesign plans of Upper County Park.

Mr. Kennedy inquired if the construction will impact the County Fair operations.

Mr. Cheely stated that staff has worked out an agreement with the contractor to avoid impacting the County Fair.

Mr. Kennedy made a motion to adopt the resolution awarding the contract for construction.

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

**RESOLUTION**

**AWARD OF CONTRACT - UPPER COUNTY PARK**

WHEREAS, bids have been received for the construction of improvements to Upper County Park; and

WHEREAS, staff has reviewed all bids and determined that David Nice and Sons, Inc., is the lowest responsible and responsive bidder and is qualified to complete the project; and

WHEREAS, the bid is within the capital budget allocated for the Division of Parks and Recreation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary contract documents for award of bid to David Nice and Sons, Inc., in the amount of \$189,670.

6. & 7. Award of Contract – Reconstruction of Red Oak Landing Road to Virginia Department of Transportation (VDOT) Standards and Award of Contract – Pocahontas Trail Turn Lanes and Traffic Signal at Greenmount Parkway

Mr. Kennedy made a motion to adopt the resolutions to award construction contracts.

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

**RESOLUTION**

**AWARD OF CONTRACT - RECONSTRUCTION OF RED OAK LANDING ROAD TO**

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STANDARDS**

WHEREAS, bids have been received for reconstruction of Red Oak Landing Road as part of the dirt street program; and

WHEREAS, these drainage and paving improvements are required to include Red Oak Landing Road in the VDOT Secondary Road System for State maintenance and money is available in the Capital Improvements Project (CIP) Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive bidder, M. K. Taylor, Inc., in the amount of \$103,595 for reconstruction of Red Oak Landing Road.

**RESOLUTION**

**AWARD OF CONTRACT - POCAHONTAS TRAIL TURN LANES AND**

**A TRAFFIC SIGNAL AT GREENMOUNT PARKWAY**

WHEREAS, bids have been received for construction of turn lanes and a traffic signal on Pocahontas Trail at Greenmount Parkway; and

WHEREAS, these traffic safety and capacity improvements are required to serve the Wal-Mart iMPORT Distribution Facility, other parts of the Greenmount development, and the traveling public; and

WHEREAS, \$300,000 is available from the Virginia Department of Transportation Industrial Access program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive bidder, Jack L. Massie Contractor, Inc., in the amount of \$259,180 for the construction of turn lanes and a traffic signal on Pocahontas Trail.

**F. PUBLIC HEARINGS**

1. **2001 Redistricting Plan Ordinance**

Mr. John T. P. Horne, Manager of Development Management, gave an overview of the proposed redistricting boundaries for the James City County Board of Supervisors and County School Board Election Districts and voting precincts. Mr. Horne stated that the Ordinance, if approved by the Board of Supervisors, will be submitted to the United States Department of Justice for preclearance.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to approve the Ordinance.

The Board recognized the Citizen Committee and staff for their hard work in preparing the proposed redistricting plan.

Mr. Goodson amended his motion to include the adoption of the 2001 Redistricting resolution.

Mr. Kennedy and Mr. McGlennon voiced concerns regarding the moving of the Vineyards into the Roberts District and the possibility of inconvenience for citizens affected by this shift.

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

## **RESOLUTION**

### **2001 REDISTRICTING**

WHEREAS, the Board of Supervisors of James City County has received the recommendation of the Redistricting Advisory Committee; and

WHEREAS, that Committee conducted meetings open to the public and considered a number of options; and

WHEREAS, the Board conducted one work session open to the public and two public comment sessions to discuss redistricting options.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached ordinance establishing new boundaries for election districts in James City County.

#### 2. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from September 12, 2000)

Ms. Jill E. Schmidle, Planner, stated that Mr. Richard Costello, AES Consulting Engineers, on behalf of Mr. Philip Richardson and Phil Richardson Company, Inc., has revised the application for a special use permit to allow 365 timeshares within a residential cluster and one single-family lot, density 2.80 dwelling units per acre, on 130.40 acres, zoned R-2, General Residential, located at 5295, 5350, and 5380 Olde Towne Road, further identified as Parcel Nos. (1-26), (1-26A), and (1-36) on James City County Real Estate Tax Map No. (32-4) and Parcel No. (1-30) on James City County Real Estate Tax Map No. (33-3).

Ms. Schmidle stated that on July 5, 2000, the Planning Commission voted 4-3 to approve the application with the attached conditions.

The Board and staff held a discussion regarding the adequacy of the proposed BMP's as a source for irrigation, proposed number of dwelling units, water source, traffic impacts, impact of the project on the Powhatan Creek Watershed, adequacy of the proposed buffers, and environmental impact of the proposed multiuse trail.

Mr. McGlennon opened the public hearing.

1. Mr. Vernon Geddy, III, representing the applicant and land owners, gave an overview of the project and its development, surrounding zoning and land uses, reviewed the changes proposed by the applicant,

provided alternate development options of the property, and gave an overview of benefits of the project to the County including revenues with generated revenues through sales and taxes.

The Board and Mr. Geddy discussed the comparison of water consumption of the proposed timeshare versus the by-right single-family housing development, adequacy of the BMP's to manage stormwater run off, number of proposed dwelling units, traffic impact on Olde Towne Road, employment opportunities and benefits, buffering of adjacent development, and the proposed condition to permit building a well for irrigation water with County Engineer's approval.

2. Mr. Norm Larkin, 5303 Aden Court, voiced concern regarding interruption of water supply and service to existing developments with the building of the proposed development, stormwater run off into Chisel Run, duration of operating hours of construction work, phased build out, access of citizens to trail, if timeshares fail what happens to property, need for mosquito control, and property tax impacts.

3. Ms. Sharyn Simpson, 4949 Westmoreland Drive, stated concern regarding the impact this proposed project will have on Olde Towne Road traffic with existing development plus construction projects already in the pipeline, inadequate condition of Olde Towne Road to handle current traffic, and lack of notice to citizens concerning this public hearing.

4. Mr. Allan Clark, 615 Beechwood Drive, City of Williamsburg, voiced concern about permitting tree removal for a wide multiuse trail and suggested alternate trail locations.

5. Mr. Bob Stowers, 619 Beechwood Drive, City of Williamsburg, voiced opposition to the timeshare proposal, voiced concern that the traffic problems on Olde Towne Road have not been addressed, water usage has not been adequately addressed, and requested the Board deny the application.

6. Ms. Rita Lopez, 5128 Ginger Court, stated that a adequate notice had not been given regarding the public hearing of the timeshare before the Board, voiced concern that the County is asking residents to conserve water yet the County continues to approve water-consuming development projects, existing traffic problems on Olde Towne Road, inquired about who will maintain the trail after timeshare is built out, affordable housing for employees of the timeshare, and stated concern for the safety of children in the surrounding neighborhoods.

7. Mr. Norm Larkin, 5303 Aden Court, inquired as to which citizens received notice by mail of the public hearing.

8. Mr. Mark Sexton, 8 Prestwick, stated that traffic on Olde Towne Road as well as the water supply and usage are existing problems in the County and voiced concern that the County is adding to these problems; voiced concern about the environmental impact the trail and timeshares will have on the Powhatan Creek Watershed and requested the Board defer action on this matter until after the results of the Powhatan Watershed Study have been released and reviewed.

Mr. McGlennon closed the public hearing.

The Board and staff discussed the impact the Powhatan Creek Watershed Study findings may have on the desirability to develop the property in the proposed manner, alternate development options for the property, notification of public hearing to citizens for this proposal, connection of the proposed development into the water system and its impact on existing consumers, multiuse path access and width, and the time of day for construction activity for the anticipated five-year build out period.

Mr. Harrison made a motion to defer the case for 120 days to await the findings of the Powhatan Creek Watershed Study.

The Board and staff discussed the feasibility of waiting for the Powhatan Creek Watershed Study findings prior to taking action on the application.

The Board, Frank Eck, applicant's attorney, and staff also discussed the process by which timeshares are sold and what would happen if the timeshares went bankrupt, the trail as part of the greenways system linking the James City/Williamsburg Community Center to the District Park Sports Complex, width of the trail, security and safety of users and neighbors of the trail, and expectation of receiving updated traffic counts for Olde Towne Road in July.

Mr. Harrison amended his motion to defer the case for 60 days.

Mr. Wanner recommended the motion be amended to defer the case to July 10, 2001.

Mr. Harrison amended his motion to defer the case until July 10, 2001.

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

Mr. McGlennon recessed the Board for a break at 9:57 p.m.

Mr. McGlennon reconvened the Board at 10:07 p.m.

3. Case No. SUP-5-01. Bruce's Super Body Shops

Ms. Jill E. Schmidle, Planner, stated that Mr. Vernon Geddy, III, has applied for a special use permit on behalf of WWB Partners to construct a 24,150-square foot automobile repair facility on 5.28 acres, zoned B-1, General Business, located at 5521 Richmond Road, further identified as Parcel No. (1-5-A) on James City County Real Estate Tax Map No. (33-3).

Ms. Schmidle stated that the property was designated Neighborhood Commercial on the Comprehensive Plan Land Use Map. She stated that the project is consistent with the Neighborhood Commercial designation, as it would not adversely impact residential neighborhoods and is consistent with the commercial character of the area.

The Planning Commission unanimously voted to recommend approval of this project and staff recommends approval of the project with the conditions outlined in the resolution.

The Board and staff discussed the impact of additional traffic making a left-turn off Olde Towne Road near the intersection of Richmond Road, controlled access to the site, landscaping, and the upgrade of the stormwater pond.

Mr. McGlennon opened the public hearing.

1. Mr. Vernon Geddy, III, gave an overview of the existing businesses surrounding the site, proposed project, and its benefits to the County.

The Board and applicant discussed hours of operation of the business, storage and disposal of chemicals, landscaping, access to the site, as well as salary ranges and benefits for employees.

2. Mr. Ed Oyer, 139 Indian Circle, voiced support for the project.

3. Ms. Nancye Smither, 5124 Ginger Court, stated concern regarding existing traffic problems with vehicles turning left across Olde Towne Road and the impact this additional site will add to the problem.

4. Mr. Earl Smithson, Jr., 105 Pebble Beach, stated support for the project and requested the Board adopt the resolution permitting the special use permit.

Mr. McGlennon closed the public hearing.

The Board, applicant, and staff discussed anticipated traffic trips to and from the site, traffic patterns for vehicle access to the site, addition of signage at the entrance off Olde Towne Road for service vehicles only.

Mr. Nervitt made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-5-01. BRUCE'S SUPER BODY SHOPS**

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. Vernon Geddy, III, has applied on behalf of WWB Partners for a commercial special use permit for a structure greater than 10,000 square feet and for a special use permit to allow a vehicle repair and service shop at 5521 Richmond Road; and

WHEREAS, the proposed vehicle repair and service shop is shown on the Master Plan "Conceptual Plan for Bruce's Super Body Shops" prepared by LandMark Design Group, dated February 5, 2001; and

WHEREAS, the property is located on land zoned B-1, General Business District, and can be further identified as Parcel No. (1-5-A) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on April 2, 2001, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-5-01, as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the "Conceptual Plan for Bruce's Super Body Shops" prepared by LandMark Design Group, dated February 5, 2001, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Shared access easements on Olde Towne Road and Richmond Road shall be provided and approved by the Director of Planning prior to final site plan approval.
2. A land-disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
3. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his

designee prior to final site plan approval, which indicates no glare 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 the adjoining properties.

4. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval.
5. All traffic improvements required by the Virginia Department of Transportation (VDOT) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site. A security gate shall be installed at the Olde Towne Road entrance prior to issuance of a certificate of occupancy for any structure on the site. The location of the security gate shall be approved by the Director of Planning prior to final site plan approval.
6. The applicant shall provide to the James City Service Authority (JCSA) documentation showing measures for legally disposing any chemicals, paint products, oils, and/or grease. These items shall not be permitted to be discharged into the sanitary sewer system. The disposal documents shall be approved by JCSA prior to final site plan approval.
7. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall include enhanced landscaping, containing 125 percent of the minimum ordinance planting requirements, for the Olde Towne Road and Richmond Road right-of-way.
8. All dumpsters shall be screened by landscaping and fencing. Landscaping and fencing shall be approved by the Planning Director or his designee prior to final site plan approval. Work area bay doors and HVAC equipment shall be screened from external roads and shall to be approved by the Planning Director or his designee prior to final site plan approval.
9. The applicant shall dedicate right-of-way for a five-foot VDOT standard shoulder bike lane along the property's Olde Towne Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Olde Towne Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. ZO-1-01. Zoning Ordinance Amendment Buffer, Greenbelt, and Setback Requirements for Timbering Activities

Mr. O. Marvin Sowers, Jr., Planning Director, stated that in accordance with the Board's request, staff has prepared several amendments to the Zoning Ordinance pertaining to timbering buffers to discourage unauthorized timbering within required buffers, to improve enforcement activities in the event of violations, and maximize the public benefits of required replanting.

The Planning Commission unanimously recommended approval of the Ordinance, and staff recommends approval of the Ordinance as amended.

The Board and staff discussed compensation to landowners where buffering is required and is of no benefit to the landowner such as in agriculturally zoned property, and timbering internal portions of the buffer.

Mr. William Apperson, State Forester, stated that generally speaking older trees fall faster than young trees, and large-canopy trees fall faster than small-canopy trees. This is considered when reviewing requests to timber internal portions of buffers.

Mr. Nervitt inquired if there have been tax assessment adjustments for property with buffers.

Mr. Morton stated that courts uphold buffering on property, and stated that adjustments to tax assessments for the buffered portion of land is a minute amount of an adjustment for the amount of staff time involved to adjust the tax assessment.

Mr. McGlennon opened the public hearing.

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

Mr. Nervitt made a motion to adopt the Ordinance.

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

5. Case No. ZO-2-01. Mixed Use District – Private Street Amendments

Mr. Allen J. Murphy, Jr., Zoning Administrator/Principal Planner, stated that proposed amendments to the Ordinance establish a process for the review and approval of private streets in the Mixed Use zoning district. The amendments provide standards for review of construction and design of private streets and an exception process from VDOT standards.

The Planning Commission unanimously recommended approval of the amended Ordinance, and staff recommends approval of the Ordinance amendments.

The Board and staff discussed applications of the amendments to gated communities, New Town, and possible taxing district implications.

Mr. Morton stated that the amendments provide standards and attempts to structure permitting of private streets.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to adopt the Ordinance.

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

**G. PUBLIC COMMENT - None**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended that upon completion of the meeting, the Board adjourn until May 22, 2001, at 7:00 p.m.

Mr. Wanner recommended the James City Service Authority convene following the Board of Supervisors' meeting for a closed session pursuant to Section 2.1-344 (A) (7) of the Code of Virginia to consider acquisition of a parcel of property for public use.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that he had the opportunity to represent the County in a visit to Ipswich, England, and presented Ipswich with a proclamation recognizing the historic and growing links between the Borough of Ipswich, England, and the County of James City, Virginia.

Mr. Harrison inquired if action has been taken to post no parking signs on Ingram Road and what measures the County can take to limit the number of vehicles parked on private property for sale.

Mr. Wanner stated that he had requested VDOT have signs posted on the public right-of-way portion of Ingram Road. The staff will look into the Zoning Ordinances regarding limits in the number of for-sale vehicle permitted to be parked in a private lot.

Mr. McGlennon made a motion to adjourn until May 22, 2001, at 7:00 p.m.

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

The Board adjourned at 11:13 p.m.

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Sanford B. Wanner  
Clerk to the Board