

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF JUNE, 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. Joyce Lorenzo Noveras, a freshman at Jamestown High School led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Tony Dion, 102 Fairmont Drive, stated concern that without the recent rainfall, the County citizens would be under a mandatory water restriction; and stated that the County's development approvals are creating a planned permanent water shortage.

2. Mr. Ed Oyer, 139 Indian Circle, stated that baseball stadiums and golf courses are losing enterprises for local government investments; inquired what the status is of the homes on the fence line at Country Village; requested more prominent presence of police in Windy Hill to help deter loitering; requested an anti-loitering ordinance be adopted; suggested to candidates running for a seat on the Board of Supervisors that the diversification of the tax base has been heard by County citizens for the last 25 years; and recommended they improve what is in place and assist in the support of existing industry in the County; and stated that a recent newspaper article suggesting 300 trucks visit Wal-Mart per day is inaccurate.

D. CONSENT CALENDAR

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

Mr. Goodson requested Item Number 2 be pulled for further discussion.

Mr. Nervitt 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. May 22, 2001, Regular Meeting
3. Colonial Narcotics Task Force Grant

RESOLUTION

COLONIAL NARCOTICS TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force and the Task Force received \$24,000 instead of the \$20,000 budgeted and previously appropriated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$4,000 in grant funds to the FY 2001 budget of the Police Department for the benefit of the Colonial Narcotics Task Force.

4. Award of Contract – Construction of Sidewalks on Pocahontas Trail from Howard Drive to Grove Heights Avenue

RESOLUTION

AWARD OF CONTRACT - CONSTRUCTION OF SIDEWALKS ON

POCAHONTAS TRAIL FROM HOWARD DRIVE TO GROVE HEIGHTS AVENUE

WHEREAS, bids have been received for sidewalk construction as part of the Remedial Sidewalk 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, L. E. Blizzard Concrete Contractors, Inc., in the amount of \$135,853 for the construction of sidewalks on the east side of Pocahontas Trail from Howard Drive to Grove Heights Avenue.

5. Adoption Recruitment and Training Program

RESOLUTION

ADOPTION RECRUITMENT AND TRAINING PROGRAM

WHEREAS, the Virginia State Department of Social Services has provided funding for the Adoption Recruitment and Training Program; and

WHEREAS, sufficient local matching funds are available; and

WHEREAS, the need to provide adoption recruitment and training services exists.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments to the FY 02 Social Services Budget:

Revenues:

	From the Commonwealth	<u>\$41,752</u>
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Expenditures:

Adoption Recruitment and Training	\$55,669
Undesignated Local Match (007-083-0336)	<u>(13,917)</u>
	<u>\$41,752</u>

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes the following position: full-time limited-term Social Worker - Social Services, effective July 1, 2001.

6. 2001 Primary Road Priorities

RESOLUTION

2001 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and state transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

1. Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
2. Funding for design and construction of Route 60 East relocation;
3. Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
4. Funding for landscaping along the Route 199 corridor; and
5. Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

7. Federal JAIBG Funds – Merrimac Center

RESOLUTION

FEDERAL JAIBG FUNDS - MERRIMAC CENTER

WHEREAS, James City County is a participating member of the Middle Peninsula Juvenile Detention Commission (MPJDC) and along with other participating localities is eligible for certain funding from the Virginia Department of Criminal Justice Services under the Juvenile Accountability Incentive Block Grant (JAIBG) program; and

WHEREAS, the amount of funding available to each locality is small and the most efficient way to apply for and use these funds is by pooling the local allocations and assigning them to the MPJDC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents to the use of its JAIBG allocation to fund a grant to MPJDC and hereby authorizes the County Administrator to execute a Memorandum of Agreement acknowledging that consent, on behalf of the Board.

8. Construction Management Shared Services

RESOLUTION

CONSTRUCTION MANAGEMENT SHARED SERVICES

WHEREAS, the Williamsburg-James City County School Board, the City Council of the City of Williamsburg, and the Board of Supervisors of James City County have endeavored to seek ways to share services in order to reduce costs and improve productivity; and

WHEREAS, the School Liaison Committee recommended that construction management services be provided by James City County in FY 2002; and

WHEREAS, the School Board has eliminated in its Fiscal Year 2002 Budget a construction management position; and

WHEREAS, the City of Williamsburg has indicated its intent to use County construction management services for upcoming Capital projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses a pilot program for Fiscal Year 2002 with the Williamsburg-James City County School Board and the City Council of the City of Williamsburg in the area of construction management services and encourage all parties to utilize County construction management services.

2. Appropriation of Funds – Donation to the Sheriff’s Department

Mr. McDonald stated that Bruton Parish Church donated \$3,000 to the Williamsburg/James City County Sheriff’s office to purchase an Automated External Defibrillator (AED) for the courthouse.

Mr. McDonald stated that the AED would be needed in case of emergency by employees trained as to first-responders.

Mr. Goodson made a motion to approve the resolution appropriating the funds.

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

RESOLUTION

APPROPRIATION OF FUNDS - DONATION TO THE SHERIFF’S DEPARTMENT

WHEREAS, the Board of Supervisors of James City County has received a request to appropriate funds donated by Bruton Parish Church for an Automated External Defibrillator (AED) in the Williamsburg/James City County Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$3,000 in donated funds from Bruton Parish Church to the FY 2001 Budget of the Sheriff’s Office.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors expresses its appreciation to Bruton Parish Church and to Sheriff Robert Deeds for their initiative in providing this equipment for the benefit of residents and visitors.

E. PUBLIC HEARINGS

1. AFD-8-86. Casey Agricultural and Forestal District Withdrawal

Ms. Karen Drake, Planner, stated that Mr. Alvin Anderson has applied on behalf of C. C. Casey Ltd. Co., and New Town Associates, LLC, to withdraw approximately 378.34 acres from the existing Casey Agricultural and Forestal District, zoned R-8, Rural Residential, located at qualifying portions of 4692 Old News Road, 5216, 5248, 5244, and 5235 Monticello Avenue, further identified as qualifying portions of parcels (Parcel No.) (1-8) on the James City County Real Estate Tax Map (Map) No. (38-1); Parcel No. (1-34) on Map No. (38-3); and Parcel Nos. (1-50), (1-51), (1-52) and (1-53) on Map No. (38-4).

Staff determined that the withdrawal request met Board policies regarding the withdrawal of lands from AFD that are inside the Primary Service Area. Staff also found the proposed withdrawal consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and Planning Commission both recommended approval of the withdrawal request.

Should the withdrawal of these parcels be approved, the Casey AFD will fall below the 200-acre minimum requirement size of an AFD. This issue will be addressed when the Casey AFD is reviewed for renewal in September 2002.

The Board and staff discussed the roll-back taxes on the parcels being removed from the AFD, and the options available to the remaining land within the AFD.

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 withdrawal from the Casey AFD.

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

2. Case No. SUP-07-01. Jolin Kennels

Mr. Christopher M. Johnson, Senior Planner, stated that Joseph H. Banks, Jr., and Linda B. Banks have applied for a special use permit (SUP) to operate a boarding kennel on about 9.4 acres located at 4472 Ware Creek Road, zoned A-1, General Agricultural, further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (14-1).

Staff finds the proposal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission unanimously recommended approval of this application, and staff recommends approval of the application with listed conditions.

The Board and staff discussed the buffers for noise, location of nearest residential home, landscaping, and the transfer of the SUP conditions to any new ownership.

Mr. McGlennon opened the public hearing.

1. Mr. Joseph H. Banks, Jr., applicant, thanked the Board for entertaining the permit request and offered to answer the Board's questions.

Mr. Kennedy inquired as to what happens to the SUP if the land is sold.

Mr. Morton stated that the SUP is attached to the land and if the land is sold, the SUP accompanies the sale and the new owner is limited to the conditions listed in the SUP.

Mr. Kennedy inquired what steps the applicant takes to keep the road maintained.

Mr. Banks stated that he grades and lays down gravel as often as the road needs it.

Mr. McGlennon closed the public hearing.

Mr. Kennedy made a motion to approve the resolution.

The Board held a brief discussion regarding the size of the kennel operation, road conditions, and conforming land use.

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

RESOLUTION

CASE NO. SUP-07-01. JOLIN KENNELS

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, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, Mr. Joseph H. Banks, Jr., and Mrs. Linda B. Banks, property owners, have applied for a special use permit to permit the operation of a boarding kennel on ±9.4 acres located at 4472 Ware Creek Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (14-1); and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2001, voted 7-0 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-7-01 as described herein with the following conditions:

1. The number of kennel runs permitted on the property shall not exceed eighteen and shall be located within and immediately adjacent to the garage that is adjacent to the residence on the site.
2. The existing outdoor kennels located on the northwest corner of the property shall not be used for the boarding of any animals.
3. The pickup and drop off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., seven days per week.
4. A site plan shall be submitted which identifies the location of customer parking spaces. The number of spaces shall be determined by the Planning Director.
5. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.

6. The owner shall provide landscaping adjacent to the kennel facilities consistent with landscaping ordinance requirements. The landscaping plan shall be reviewed and approved by the Planning Director or his designee.
7. The applicant shall maintain the right-of-way in a passable condition at all times and consistent with the requirements of Section 19-17 (4) of the Subdivision Ordinance. The intent of this condition is to repair any damage to the right-of-way that may be caused by kennel traffic.
8. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system approved by the Virginia Department of Health.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, proposed the Schools offer the GED to 10th and 12th grade students in replacement of the SOLs as a better method of testing the student's knowledge.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that when the Board completes the agenda, that the Board go into a closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia for appointments of individuals to County Boards and/or Commissions; specifically to discuss the appointments to the Williamsburg Area Medical Assistance Corporation (WAMAC) and Williamsburg Regional Library System Board of Directors.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that at a meeting held at the James City County Library, citizens of Riverview Plantation expressed concern about the quality of water service supplied by Tidewater Water Company and a recent request to the State Corporation Commission to raise their water rates to subsidize improvements elsewhere in the Tidewater Water Company's system.

Mr. Kennedy requested the Board's support in sending the State Corporation Commission a letter that the County does not support a rate increase to the substandard-served area of Riverview Plantation for the purpose of subsidizing improvements in another water system.

The Board and staff held a discussion concerning the level of cooperation Tidewater Water Company has with its customers, lack of intent by Tidewater Water Company to upgrade Riverview Plantation, modification of the language in the letter, and rate impacts on the purchase of the JCSA taking over the water system in Riverview Plantation.

The Board directed the Chairman of the Board to sign a modified letter to the State Corporation Commission stating the Board's opposition to the requested rate increase.

Mr. Harrison stated that citizens are concerned about the treatment and lack of restraint of pit bulls behind the Zooms at the intersection Route 5 and Ironbound Road. Mr. Harrison requested staff to follow up on the matter.

Mr. Harrison requested a police presence at Rolling Meadows Apartments to act as a deterrent.

Mr. Nervitt stated interest in meeting with Williamsburg Community Hospital (WCH) representatives and citizens in reply to the hospital's announcement that they will be building in York County; voiced concern that the location of the hospital in York County may impact the health infrastructure of James City County and the City of Williamsburg; and requested the members of the Board solicit citizen concerns regarding health issues for the discussion with the WCH.

The Board and staff discussed possible topics for a meeting with the hospital and citizens, what type of forum to have the discussion, what impact and role the County may have on the health care service industry, and what impact the hospital's location to York County may have in the availability of doctors in this region and the Medicare service available in the area.

Mr. McGlennon stated that there have been concerns raised by safety officers in response to the National Park Service's report concerning Greensprings Plantation and closing a portion of Centerville Road. Mr. McGlennon suggested the Board members forward citizen concerns regarding this closure to Mr. John Horne so that they may be incorporated into a report back to the National Park Service before the public comment period closes on July 11.

Mr. Wanner stated that the schools have also been requested to provide input as to how the road closure will affect the bus routes.

I. CLOSED SESSION

Mr. Harrison made a motion to go into closed session at 8:15 p.m. as recommended by the County Administrator.

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

Mr. McGlennon called the Board into open session at 8:17 p.m.

Mr. Harrison made a motion to adopt the closed session resolution.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (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, Section 2.1-344(A)(1), appointment of individuals to County boards and/or commissions.

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

Mr. Kennedy made a motion to reappoint Anthony Conyers, Jr., to the Williamsburg Area Medical Assistance Corporation (WAMAC) for a one-year term, term to expire June 13, 2002; and to reappoint Michael J. Fox to the Williamsburg Regional Library System Board for a four-year term, term to expire June 30, 2005.

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

Mr. Kennedy made a motion to adjourn until June 26, 2001, at 7 p.m.

The Board adjourned at 8:17 p.m.

Sanford B. Wanner
Clerk to the Board