

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF SEPTEMBER, 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

William C. Porter, Jr., Assistant County Administrator
Frank M. Morton, III, County Attorney

B PLEDGE OF ALLEGIANCE

Ms. Tilly Luzar, a 10th grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Barbara Darberman, an employee of the Virginia United Methodist Homes, Inc., provided the Board with an overview of the Virginia United Methodist Homes, Inc., marketing strategies to ensure success of WindsorMeade, the necessity of having a “grandfathering” water supply policy for marketing and financing the project, and requested the Board “grandfather” WindsorMeade.

2. Mr. Michael McShea, Managing member of New Town Associates, provided the Board with the projects involved in the development of New Town, and requested the Board “grandfather” New Town when considering the water supply policy, and stated support for the third proposal for the water policy.

3. Mr. Alvin Anderson, attorney and business community representative, stated support for the third proposal of the water supply policy which will send a message to the business community that the County is open for business, and requested the water policy be expressly limited to residential users.

4. Mr. Skip Morris, Chairman of the Williamsburg Community Builders Association, stated support for the Board’s far-sighted support in finding a permanent water supply, and educational efforts for water conservation; read a letter to the Board addressing support for the limitation on irrigation drafted by the Water Conservation Committee; and requested the Board have staff amend County comments to the Army Corp of Engineers regarding the King William Reservoir to note the County has already been forced to restrict water usage and note the limited policy options available due to the limited water supply options.

5. Mr. Jim Icenhour, 101 Shinnecock, voiced concern about the approval of additional developments without the approval of adequate water withdrawal permits or water sources, stated support that those already approved be grandfathered, but not grandfather those that have not yet received approval although in the approval pipeline, and requested the Board consider approval of the third water policy option.

D. PRESENTATION

Mr. McGlennon recognized Mr. Fred Dolan and Ms. Deb Hamlin for their volunteer service with the County's video center. Mr. Dolan was recognized for his hosting of over 200 live call-in shows during the past ten years. Ms. Hamlin was recognized for her commitment to the Fire Department to video in extreme weather conditions and utilizing own video equipment to speed along video productions.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Resident Engineer, provided the Board with an update on the completion of a bikeway along Neck-O-Land Road, near completion of a bikeway along Strawberry Plains Road, and the completion of Monticello Avenue in November.

Mr. McGlennon requested an update on the Route 199 repaving project.

Mr. Brewer stated that the repaving project for Route 199 was scheduled last year and is currently underway.

Mr. McGlennon requested information regarding the apparatus on traffic signal lights.

Mr. Brewer stated that the apparatus are Opticom for emergency vehicles.

Mr. Nervitt inquired if the proposed Monticello Avenue and Centerville Road modifications would be best delayed until after a decision has been made regarding the closure of a portion of Centerville Road.

Mr. Brewer stated that the improvements would not impact or be impacted by the possible closure of a portion of Centerville Road.

Mr. McGlennon requested an update on the Grove Interchange.

Mr. Brewer stated that the interchange will be completed in December.

Mr. Goodson commented on the overlay work on Ron Springs Road and noted that there seems to be improved drainage along the road.

F. CONSENT CALENDAR

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

Mr. Nervitt requested Item Number 7, Authorization for County administrator to Accept Civil Charges for Violation of the Chesapeake Bay Preservation Ordinance and Erosion and Sediment Control Ordinance, be pulled.

Mr. McGlennon pulled Item Number 6, Resolution Condemning Terrorism and Supporting the President of the United States.

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

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

1. Minutes

- a. September 11, 2001, Regular Meeting
- b. September 12, 2001, Work Session

2. Installation of “Watch for Children” Signs – Greensprings Plantation

RESOLUTION

INSTALLATION OF “WATCH FOR CHILDREN” SIGNS - GREENSPRINGS PLANTATION

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 Greensprings Plantation have requested that “Watch for Children” signs be installed on Frances Berkeley and Phillip Ludwell as illustrated on the attached drawing titled “Greensprings Plantation ‘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 two “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

3. New Position – Full-Time Permanent Social Worker with Adult Services

RESOLUTION

NEW POSITION - FULL-TIME PERMANENT SOCIAL WORKER WITH ADULT SERVICES

WHEREAS, the elderly population in James City County has been steadily increasing; and

WHEREAS, the demand for Social Services programs related to that population have also been rising in recent years; and

WHEREAS, sufficient funds for this position are already available in the approved budget for the Division of Social Services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorize the elimination of one part-time permanent Social Worker position and one part-time temporary Social Worker position and establishes one full-time permanent Social Worker position to work in the Adult Services Programs.

4. Intersection of Monticello Avenue and Centerville Road

RESOLUTION

INTERSECTION OF MONTICELLO AVENUE AND CENTERVILLE ROAD

WHEREAS, Monticello Avenue is designed as a 45 mph through street; and

WHEREAS, Centerville Road was constructed as the through street at its intersection with Monticello Avenue; and

WHEREAS, modification of this intersection is necessary in order for it to perform safely.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby authorizes the expenditure of up to \$35,000 to modify the intersection of Monticello Avenue and Centerville Road and also authorizes the transfer of \$35,000 from Capital Contingency to the Road Improvements C.I.P. account.

5. Office of Code Compliance – Petty Cash Increase

RESOLUTION

OFFICE OF CODE COMPLIANCE - PETTY CASH INCREASE

WHEREAS, the Board of Supervisors of James City County has been requested to authorize an increase in petty cash of \$50 for the Office of Code Compliance.

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

6. Resolution Condemning Terrorism and Supporting the President of the United States

_____ The Board held a brief discussion on the terrorist actions of September 11, 2001.

Mr. Harrison made a motion to adopt the resolution.

Mr. Goodson seconded the motion.

Mr. Nervitt requested the County Attorney read the resolution.

Mr. Morton read the resolution to the Board.

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

RESOLUTION

CONDEMNING TERRORISM AND SUPPORTING THE PRESIDENT

OF THE UNITED STATES

WHEREAS, on Tuesday, September 11, 2001, there was a sudden, brutal attack by terrorists who destroyed four civilian aircraft, crashing two into the towers of the World Trade Center in New York City and a third into the Pentagon in Arlington, Virginia; and

WHEREAS, innocent men, women, and children were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center, and in the Pentagon, rescue workers, law enforcement officers, and bystanders; and

WHEREAS, these terrorist attacks are the deadliest ever launched against the United States and were clearly intended to intimidate our nation and weaken our resolve; and

WHEREAS, it is important that we carry on with the regular activities of our lives as a sign that the American spirit will not be broken and that these attacks failed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby offer its deepest condolences to the families and friends of those injured, missing, and killed.

BE IT FURTHER RESOLVED that the Board of Supervisors does condemn the actions of the terrorists and support the President of the United States as he works to defend our nation and to locate the perpetrators and bring them to justice.

BE IT STILL FURTHER RESOLVED, that the Board of Supervisors encourages all citizens to support the relief efforts and to participate in appropriate programs and activities.

7. Authorization for County Administrator to Accept Civil Charges for Violation of the Chesapeake Bay Preservation Ordinance and Erosion and Sediment Control Ordinance

Mr. Nervitt inquired if the proposal will eliminate the flexibility to have the Board act on the violation and thereby have visibility of the consequences of such violations.

Mr. Horne stated that it is a policy choice of the Board and unless there is a controversy, the County Administrator would handle the settlement. If there is controversy in attempting to settle the violation, the violation would come before the Board for review.

The Board and staff discussed the desire of the Board to have high visibility in violation and consequences.

The Board decided not to take action on the resolution and struck the item from the agenda.

G. PUBLIC HEARINGS

1. & 2. AFD-06-86. Cranston's Pond – Ware Property Withdrawal (deferred from August 14, 2001) & Case No. Z-04-00/MP-01-01. Colonial Heritage at Williamsburg (deferred from August 14, 2001)

Mr. Ben Thompson, Planner, stated that the applicant has requested a deferral of these items until October 9, 2001, and recommends the Board approve the deferral request.

Mr. McGlennon inquired if the Board had any questions.

Mr. McGlennon opened the public hearing.

As no one wished to speak, Mr. McGlennon requested a motion from the Board to continue the cases to October 9, 2001.

Mr. Kennedy made the motion to defer the case until October 9, 2001.

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

3. Case No. SUP-15-01. Williamsburg Pottery Factory – Building No. 7 Replacement

Ms. Jill Schmidle, Planner, stated that Richard Costello applied, on behalf of the Williamsburg Pottery Factory, for a Special Use Permit (SUP) to allow construction of a new retail sales building of 6,750 square feet to replace an existing 5,750-square foot structure known as Building No. 7 or the “Haitian Building,” zoned M-1, Limited Business/Industrial, at 6692 Richmond Road, further identified as Parcel No. (1-24) on the James City County Real Estate Tax Map No. (24-3).

The Board and staff discussed alignment of traffic lights on Richmond Road and moving the entrance traffic light to the Pottery, west of its present location.

Mr. McGlennon opened the public hearing.

1. Mr. Richard Costello, applicant, stated that the Pottery entrance traffic light was moved due to safety concerns associated with traffic crossing the train tracks and backing up onto Route 60.

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

Mr. Harrison 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-15-01. WILLIAMSBURG POTTERY FACTORY -

BUILDING NO. 7 REPLACEMENT

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. Richard Costello has applied for a special use permit to allow a replacement retail sales building of 6,750 square feet located at 6692 Richmond Road; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial District, and can be further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its public hearing on September 5, 2001, voted 6-0 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-15-01 as described herein with the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
2. This special use permit shall be limited to the following: The demolition of a 5,750- square foot building known as Building No. 7, or the "Haitian Building," and construction of a 6,750-square foot replacement facility. Development of the site shall be generally in accordance with the Conceptual Plan "Master Plan of Redevelopment - Building No. 7 for Special Use Permit Application - Williamsburg Pottery Factory" prepared by AES Consulting Engineers, dated June 2001.
3. All required landscaping as part of this project (SUP-15-01) and approved Case No. SUP-18-98 or the equivalent as approved by the Director of Planning, shall be installed prior to issuance of a certificate of occupancy for Building No. 7.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Release of Easement on Property Located at 5237 Olde Towne Road

Mr. Greg Dohrman, Assistant County Attorney, stated the County purchased an unimproved parcel adjacent to the Human Services Building. The property is encumbered by an ingress/egress easement that has never been utilized, and requests that the Board authorize the County to join in the release of this easement.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

RELEASE OF EASEMENT ON PROPERTY

LOCATED AT 5237 OLDE TOWNE ROAD

WHEREAS, James City County purchased a parcel of property located at 5237 Olde Towne Road pursuant to a resolution adopted by the Board of Supervisors of James City County, Virginia on July 24, 2001; and

WHEREAS, the property is encumbered by an ingress/egress easement that has never been utilized; and

WHEREAS, the other parties having an interest in the easement desire to extinguish it, and have executed a Release of Easement to accomplish this; and

WHEREAS, extinguishing said easement will increase the utility of the property to James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute an appropriate Release to extinguish the ingress/egress easement over and adjacent to the property located at 5237 Olde Towne Road.

H. BOARD CONSIDERATION

1. Water Supply Policy Options – James City Service Authority Central H₂O System

Mr. Porter stated that in accordance with the Board's directive, staff developed three water supply policy options for the Boards' consideration in deliberating current and future rezonings and/or special use permit (SUP) applications until such time as a draft permit is issued by the Virginia Department of Environmental Quality (DEQ) for groundwater withdrawal to support a brackish groundwater treatment facility.

Staff recommended the Board endorse the third water supply policy option regarding any pending applications and option two for any applications filed after this date.

The Board and staff held a discussion regarding the options, concerns for approving additional development without adequate water supply, potential water withdrawal from the Lower Potomac Aquifer, the existing water supply figures, anticipated date of permitting from DEQ, inclusion of projects in the pipeline on water demand figures, impacts of New Kent and York County on the aquifer, consideration of the U. S. Homes build-out impacts, and additional water conservation measures.

Mr. Goodson made a motion to adopt the water supply policy option 3.

Mr. McGlennon made a motion to substitute water supply policy option 2 for Mr. Goodson's motion.

Mr. Harrison went on record stating that this Board is sending a message to the community that the Board is doing nothing and continuing business as usual.

Mr. McGlennon requested a roll call vote on the motion.

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

Mr. Harrison made a motion to adopt an odd/even water policy to address irrigation.

Mr. Morton stated that if it be the desire of the Board, an ordinance could be brought back to the Board for consideration.

Mr. McGlennon requested staff to bring forward an ordinance for consideration in conjunction with additional information about the impact of the third tier pricing system.

The Board discussed policing of the policy, submeters, and the build-out of U. S. Homes.

I. PUBLIC COMMENT

1. Mr. Richard Costello, 10020 Sycamore Landing Road, requested staff provide the Board with the number of wells installed for irrigation, and requested staff update the figures reflecting the number of homes already approved and in the development pipeline.

Mr. Horne stated that the development pipeline figures are up-to-date and were updated utilizing the same methodology used to obtain the previous figures; and offered the building community the opportunity to work with the County during the Comprehensive Plan Update to develop a new methodology.

2. Mr. Ed Oyer, 139 Indian Circle, provided an update on the house trailers located on the fence line at the mobile home park.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Porter reminded the Board of the topics to be discussed at its work session to be held on September 26 at 4 p.m., and of the joint work session with the Planning Commission on October 2 at 7 p.m.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that on September 23 he had the opportunity to welcome the Business Women International at its convention, and it was inspiring to see the women choose to get on with their business and that they felt it important and was a tribute to those who lost their lives on September 11.

At 8:46 p.m., Mr. McGlennon recessed the Board to September 26 at 4 p.m.

William C. Porter, Jr.
Deputy Clerk to the Board