

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF OCTOBER, 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. Flora Lynn Adams, a Sophomore at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, stated that the ship U. S. S. Enterprise is on the battle line; that we may deplete the Chickahominy Piney-Point Aquifer; suggested the disposal of salt from the desalinization plant be put back in the ground via deep wells; commented on the well for irrigation at Cooley Field and suggested it would be better served with astro-turf; suggested the proposed power plant should be equipped with scrubbers on the stack; and that the September 26, 2001, news stated that the golf courses in the area are hurting for revenue.

**D. PRESENTATIONS**

1. FY 01 Strategic Management Plan Year-End Report

Ms. Rona J. Vrooman, Training and Quality Performance Coordinator, provided the Board and citizens with an overview of the FY 01 Strategic Management Plan Year-End Report.

The Board and staff discussed items where the objectives of the Strategic Management Plan were met, not reached, and exceeded; and the steps staff is taking to maintain and improve performance.

2. Curbside Recycling Services

Ms. Jennifer Privette, James City County Recycling Coordinator, and Mr. Stephen Geissler, Executive Director of the Virginia Peninsulas Public Service Authority (VPPSA), made a brief presentation to the Board and citizens regarding the new recycling agreement and the service changes under the agreement.

**E. CONSENT CALENDAR**

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

Mr. Kennedy requested Item Number 2, Code Violation – 89 Meadowcrest Trail, be pulled.

Mr. Kennedy 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. Bank Services Contract Changes

**RESOLUTION**

**BANK SERVICES CONTRACT CHANGES**

WHEREAS, the Treasurer of James City County currently uses a compensatory balance method to pay banks for County banking services; and

WHEREAS, improvements in investment procedures indicate that the County would generate more additional investment income than it would spend if it compensated banks for services directly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Treasurer to negotiate for banking services and compensate the banks either directly or through a compensatory balance, whichever is determined to be more advantageous for the County.

BE IT FURTHER RESOLVED, anticipating an amendment to the existing banking contract that would change the compensation for banking services for a compensatory balance to a direct billing, that the Board of Supervisors amend the FY 2002 Budget and appropriations, as follows:

Revenues

Investment Income +\$35,000

Expenditures

Office of the Treasurer Professional Services +\$35,000

3. Courthouse Maintenance Fund

**RESOLUTION**

**COURTHOUSE MAINTENANCE FUND**

WHEREAS, the Board of Supervisors of James City County and the City Council of Williamsburg have agreed to withdraw funds from the Courthouse Maintenance Fund for court-related improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the FY 2002 Operating Budget be amended and the following funds be appropriated:

Revenues:

Courthouse Maintenance Fund \$182,000

Expenditures:

Court Support Services \$182,000

4. Clerk of Circuit Court – Technology Grant

**RESOLUTION**

**CLERK OF CIRCUIT COURT - TECHNOLOGY GRANT**

WHEREAS, the State Compensation Board has awarded \$231,849 in State funds to the Office of the Clerk of the Circuit Court for technology improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the FY 2002 Budget and appropriations as follows:

Revenue:

From the Commonwealth +\$231,849

Expenditure:

Clerk of the Circuit Court +\$231,849

5. Joint Resolution to Amend the Restated Contract for the Joint Operation of Schools

**RESOLUTION**

JOINT RESOLUTION TO AMEND THE RESTATED CONTRACT FOR

THE JOINT OPERATION OF SCHOOLS, CITY OF WILLIAMSBURG AND

COUNTY OF JAMES CITY

WHEREAS, the City of Williamsburg and the County of James City deem it in the best interests of their citizens to amend the contract for the operation of the joint school system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman and Clerk to execute that Joint Resolution dated October 12, 2001.

2. Code Violation – 89 Meadowcrest Trail

Mr. Kennedy inquired if the parcel in violation is the open community lot.

Mr. Horne stated that staff would research the parcel and bring the information back before the Board.

Mr. Kennedy requested the Board defer action on this item until staff identifies the ownership of the lot in question.

**F. PUBLIC HEARINGS**

1. & 2. AFD-06-86. Cranston's Pond – Ware Property Withdrawal (deferred from August 14, 2001) and 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 to November 13, 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 continued the cases to November 13, 2001.

3. Subdivision 74-01. Inverness Lane Right-of-Way Vacation

Mr. Paul Holt, Planner, stated that Ms. Michelle Proffitt and Mr. Chang Mug Kim have applied to extinguish the 50-foot-wide Inverness Lane right-of-way, as originally shown on the plat of the subdivision for the Hamlet Subdivision, Section I, dated April 1965, zoned R-2, General Residential, between 110 and 112 Centerbury Place, further identified as Parcel Nos. (3-51) and (3-52) on the James City Real Estate Tax Map No. (32-4).

Staff found the vacation proposal acceptable, that the vacation would not negatively impact or irreparably damage any adjacent property or land owner, and recommended the Board adopt the Ordinance which would sell the right-of-way to the two adjacent property owners for an amount of 25 percent of the assessed value of the land.

The Board and staff held a brief discussion regarding the adjacent subdivision and the lack of impact this vacation will have on it, and the size of the right-of-way will not permit additional homes to be built.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to adopt the Ordinance.

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

4. Case No. Z-2-01/MP-2-01/Design Guidelines. Virginia United Methodist Homes, Inc.

Ms. Jill Schmidle, Planner, stated that Mr. Alvin Anderson has applied on behalf of C. C. Casey Limited Company to rezone approximately nine acres from R-8, Rural Residential, and approximately 102 acres from R-8 with proffers, to MU, Mixed Use, for a continuing care retirement community consisting of 30 dwelling units and 119 continuing care beds located at 4692, 4694, 4740, 4710, 4704 and 4700 News Road and 144 Jester's Lane, further identified as Parcel Nos. (1-34), (1-7), (1-2), (1-5), (1-6), (1-8), and (2-18) on the James City County Real Estate Tax Map No. (38-3); and Parcel No. (1-8) on the James City County Real Estate Tax Map No. (38-1).

Staff found the proposed use to be consistent with surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the intent of the New Town Master Plan, Design Guidelines, and proffers.

The Planning Commission voted 6-0 to recommend to project for approval on September 5, 2001.

Staff recommends the Board approve the rezoning, master plan and design guidelines, and accept the voluntary proffers.

The Board and staff discussed the use of Jester's Lane as an emergency access only, the size of the public square, time of day for the operation of construction traffic, the density of New Town, and expansion of the stormwater facility.

Mr. McGlennon opened the public hearing.

1. Mr. Alvin Anderson, applicant, provided the Board with a history of the property, mission statement and goals of the Virginia United Methodist Homes, Inc., construction steps for building, water consumption and conservation, fiscal impacts, and requested the Board support the rezoning.

The Board, staff, and applicant discussed revenue patterns before and after build-out, type and size of buffering along Route 199, utilization and access to Jester's Lane, aspects of the public square, density allocation, marketing proposal targeting County residents, employment needs and skill levels, and housing for those who will be working in New Town.

2. Ms. Faye Burbidge, District Manager of Windsor Meade, stated that there are many local residents who are interested in living in Windsor Meade.

Mr. Goodson inquired about what the targeted market area is of this development.

Ms. Burbedge stated that the primary marketing area is within a ten mile radius and advertisements have been placed in local magazines, at the College of William and Mary, as well as on the web.

3. Mr. Ken Axtel, 483 Fairway Lookout, stated support for the rezoning to Mixed Use for the project and that this project will be a magnificent addition to the region, County, and New Town.

4. Mr. Richard Boggs, 105 Butler, requested the Board approve the Windsor Meade proposal, stated support for the excellent programs and desire to be apart of the life care system, and that this will be a controlled growth in New Town with positive influence of Windsor Meade.

5. Mr. Jack Corbur, 3099 Nathaniel Green, stated support for the project, has put forth a deposit in support of the project, that the Virginia United Methodist Homes, Inc., will provide competent healthcare, and address the needs of the growing number of elderly in community.

6. Dr. Mitchel Byrd, stated support for the project and requested the Board approve the project, the outstanding records to show quality of service and business, the senior segment of the population is growing faster, and that investing in this project is a purchase of the concept of life, not a home.

7. Mr. Ed Oyer, 139 Indian Circle, requested the Board focus on the New Town concept and deny all rezoning until the water problem is solved.

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

The Board and staff discussed a water policy of "first come, first serve" and concern of a walking community with so many lanes of traffic.

Mr. Nervitt made a motion to adopt the resolution.

The Board discussed a proposal to defer the case to allow the material to be reviewed in full, concerns that holding up projects until draft permits received when water is available for project, concerns about the gated community aspect of the project, and the Powhatan Creek Water Shed impacts from the project.

Mr. McGlennon made an amendment to the motion to move for deferral of the case until October 23, 2001.

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

Mr. McGlennon recessed the Board for a brief break at 9:34 p.m.

Mr. McGlennon called the Board back to order at 9:43 p.m.

## **G. BOARD CONSIDERATION**

### **1. Cash Proffers**

Mr. John T. P. Horne, Manager of Development Management, stated that the Board requested a resolution for consideration for the establishment of a systematic cash proffers policy in James City County. The policy includes proffer guidelines as examples under which the actual proffers could be expected, and provisions to deal with the costs of providing public water.

The Board and staff discussed the process to get the resolution to this point.

Mr. Goodson moved for this case to be sent back to the Planning Commission for formal public hearing.

Mr. McGlennon invited public comment.

1. Mr. Larry Summers, Williamsburg Association of Realtors, reviewed a Board of Realtors letter to Mr. McGlennon concerning cash proffers and stated opposition to the use of mandatory cash proffers what will have an inflationary impact on developments.

2. Mr. Skip Morris, 107 Edward Wyatt, stated that a cash proffer policy will increase the cost of average homes, requested the policy be considered after public input via a public hearing, and stated opposition of the "Californization" of the County.

3. Mr. Norman Mason, Landmark Design Group, stated that in the October 6, 2001, The Virginia Gazette article that states that cash proffers will slow growth is inaccurate and stated that cash proffers will increase housing costs throughout the County.

4. Mr. Stan Karens, 109 John Fowler, stated opposition to the cash proffers and the negative impacts it would have on single-family homes as well as the potential to put small builders out of business.

5. Ms. Deborah Darr, resident of the City of Virginia Beach and member of the Virginia Peninsula Homebuilders, requested the Board hold a public hearing on this item, stated that cash proffers are not the answer to funding shortages, that this will be a hidden "growth tax" passed on to the new homeowners, stated that the County is open to new businesses, but not welcoming to employees; and requested the Board plan growth, not limit it.

6. Mr. Richard Costello, 10020 Sycamore Landing Road, stated that cash proffers sound good, but hurt residents, and the residents are willing to pay more for better quality of life offered here in the County.

7. Mr. Mark Elsworth, resident of Newport News, stated the appropriateness of public hearings and requested the Board get citizen input by sending the item to the Planning Commission and defer action this evening.

8. Mr. Lawrence Beamer, local developer and landowner, stated that there is no such thing as affordable housing in James City County, that impact fees do not control growth, suggested the County control growth with quality, and the message being sent to new residents is that County taxes do not pay for anything.

9. Mr. Drew Mulhare, 124 Henry Tyler Drive, stated that development should pay for itself, suggested public policy is necessary for affordable housing in the County, that cash proffers for residential are skewed to cover "County" expenses, and requested the County use economic proffers not cash proffers.

Mr. Goodson made a motion to refer the policy to the Planning Commission for a recommendation and a public hearing.

The Board discussed the desire for flexibility of applying policy guidelines case-by-case, need for public comment, the number of times this issue has been before the Board and if the Board desires to take action on a policy or just continues to deal as in the past.

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

**H. PUBLIC COMMENT - None**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that a County telephone survey will be conducted by Virginia Tech to get input from County citizens for the upcoming Comprehensive Plan update.

Mr. Wanner stated that the Board has been provided a draft of the Health Care Study Request for Proposal and requested feedback within the week to provide staff with guidance concerning the pursuit of an outside consultant to review the area's health care services.

The Board and staff briefly discussed inviting the City of Williamsburg into the project to share costs, and speaking with citizens for input.

Mr. Wanner stated that an article in The Virginia Gazette mentioned the County's interest in the acquisition of riverfront property. The parcel of property mentioned in the article is not owned by a single holder, but rather upwards of 200 people invested in the parcel.

Mr. Wanner recommended that the Board act on the appointments of individuals to County Boards and Commissions while in open session if the Board concurs with staff's recommendations.

Mr. Wanner recommended that upon completion of the Board's agenda this evening, the Board adjourn until 7 p.m. on October 23.

Mr. Goodson made a motion to reappoint Madelyn Hermann to the Colonial Services Board for a three-year term, term to expire on June 30, 2004; and to appoint June Hagee to the Colonial Services Board for a three-year term, term to expire on June 30, 2004.

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

**J. BOARD REQUESTS AND DIRECTIVES – None**

**K. ADJOURNMENT**

Mr. Kennedy made a motion to adjourn until 7 p.m. on October 23, 2001.

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

Mr. McGlennon adjourned the Board at 10:47 p.m.

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Sanford B. Wanner  
Clerk to the Board