

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD 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  
Leo P. Rogers, Deputy County Attorney

**B PLEDGE OF ALLEGIANCE**

Mr. Christopher Cary, a sixth grader at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Mr. Sasha Digges, 2612 Ironbound Road, stated that the County was founded for the poor, rich, and middle class; new homes are going to be built but where are the employees to reside; and requested the Board set aside land for affordable housing prior to new zonings.

2. Mr. David Smith, 101 Dogwood Drive, stated that a group of local companies are sponsoring a trip to the Pentagon and New York City to show the city support. Sweaters are being sold, bus trips arranged, and an effort is being made to include the local schools in the endeavor by having teachers and students sign banners that will be affixed to the sides of the buses for the trip then given to the emergency workers at the Pentagon and New York Fire and Police at the World Trade Center.

3. Mr. Ed Oyer, 139 Indian Circle, stated that if the proposed power plant comes to the County, the area residents should get priority for the power service when an emergency occurs, the stacks should have scrubbers installed before alternate fuel is used, and that a water supply be nearby.

**D. PRESENTATIONS**

1. Resolution of Appreciation – Joy Archer

Mr. McGlennon recognized Joy Archer's tireless efforts to preserve and protect wildlife in James City County and enrich the quality of life of the citizens of James City County.

2. VML Achievement Award

Ms. Iris Street and Judge Fairbanks accepted the award from Mr. Goodson on behalf of the Virginia Municipal League (VML) for the Fast Track Mediation program.

**E. HIGHWAY MATTERS**

Mr. Quinton Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), was present to address any concerns or questions from the Board.

Mr. McGlennon stated concern for traffic safety impacts of the backup of traffic on Interstate 64 from traffic trying to get entrance to Busch Gardens.

Mr. Elliott stated that as many as five thousand cars were turned away this weekend due to the high volume of attendees to the park, and that the park will work with VDOT to put out additional signs alerting traffic to park closure and alternate parking facilities.

Mr. Harrison requested a game plan by VDOT to keep the coverts clean at the Jamestown 1607 to prevent flooding.

Mr. Elliott stated that residents can contact VDOT to have the coverts maintained as well as periodic checks that will minimize flooding potentials.

Mr. McGlennon thanked Neighborhood Connections for the neighborhood meeting held last week in which citizens had an opportunity to make inquiries about the highway system and requested VDOT follow up on the questions posed.

**F. CONSENT CALENDAR**

Mr. McGlennon inquired if a member of the Board wished to have an item pulled.

Mr. Nervitt requested Item Number 3, Chesapeake Bay Preservation Ordinance Violation – Civil Charge, be pulled.

Mr. Nervitt made a motion to adopt 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 25, 2001, Regular Meeting

b. September 26, 2001, Work Session

c. October 2, 2001, Joint Meeting, Board of Supervisors and the Planning Commission

2. Dedication of Streets

a. The Pointe at Jamestown, Sections 1A, 1B, and 1C

**RESOLUTION**

**DEDICATION OF STREETS IN THE POINTE AT JAMESTOWN,**

**SECTIONS 1A, 1B, AND 1C**

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 advised the Board that 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 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, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. WAMAC Staffing Proposal

**RESOLUTION**

**WAMAC STAFFING PLAN**

WHEREAS, Williamsburg Area Medical Assistance Corporation (WAMAC) has completed a reengineering process; and

WHEREAS, staffing needs have been changed due to this reengineering.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the attached Staffing Plan for WAMAC, effective November 1, 2001.

5. Strategic Plan for Children and Youth

**RESOLUTION**

**STRATEGIC PLAN FOR CHILDREN AND YOUTH**

WHEREAS, youth services are a priority of James City County; and

WHEREAS, staff has developed a Strategic Plan for Children and Youth; and

WHEREAS, the Plan was compiled after substantial research and public input; and

WHEREAS, the Plan outlines actions to be taken during the next five years to improve the quality of life for youth in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the 2001 Strategic Plan for Children and Youth.

6. Resolution of Appreciation – Joy Archer

**RESOLUTION OF APPRECIATION**

**JOY ARCHER**

WHEREAS, Joy Archer was a founding member of the Board of Directors of the Historic Triangle Land Conservancy, later to become the Williamsburg Land Conservancy; and

WHEREAS, Ms. Archer has been an active member of the Williamsburg Bird Club for more than 20 years and has worked tirelessly to identify areas for the protection and preservation of wildlife; and

WHEREAS, she was appointed to the first County Parks and Recreation Advisory Commission, serving for 12 years and working to acquire and promote both active and passive park lands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby honors and thanks Joy Archer for her tireless efforts to preserve and protect wildlife in James City County and enrich the quality of life for all County citizens through her active promotion of both active and passive park lands.

3. Chesapeake Bay Preservation Ordinance Violation – Civil Charge

Mr. Nervitt stated concern that the civil penalty may not be calculated on the degree of blatant disregard for the preservation ordinance and inquired if the penalty could be harsher for flagrant violations.

Mr. Nervitt made a motion to adopt the resolution.

Mr. Wanner stated that the penalty is a staff recommendation that the Board may choose to reject and request a revised penalty. If the violator and staff do not come to an agreement then the case could go to court for settlement.

The Board and staff discussed penalties being established that takes into consideration the degree of blatant disregard of the violations.

Mr. Nervitt requested a vote be taken on his motion.

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

Mr. McGlennon requested a listing of Chesapeake Bay Preservation violation cases be provided to the Board in connection with the matrix utilized for determining penalties.

## RESOLUTION

### CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE

WHEREAS, Frank A. Thomas, III, Trustee of the Hack Family Qualified Personal Residence Trust is the owner of a 1.126 ± acre parcel of land, commonly known as 3004 Kitchum's Close, designated as Parcel No. (7-0015) on James City County Real Estate Tax Map No. (44-2) (the "Property"), and Edriene G. Hack and other family members reside on the Property; and

WHEREAS, Governor's Land Foundation is the owner of a certain 1.951 ± acre parcel of land located in the Governor's Land Subdivision, and designated as Parcel No. (07-0-001B) on James City County Real Estate Tax Map No. (44-2), also identified as Major Open Space No. 23; and

WHEREAS, on or about January 4, 2001, contractors working for Mrs. Hack removed vegetation from approximately 2,000-square feet of area in the Resource Protection Area on the Property and Major Open Space No. 23; and

WHEREAS, Mrs. Hack agreed to a Restoration Plan to replant 10 trees, and 24 shrubs, on the Property in order to remedy the clearing violation under the County's Chesapeake Bay Preservation Ordinance and Mrs. Hack has completed the restoration of the Resource Protection Area on the Property; and

WHEREAS, Mrs. Hack has reached agreement with Governor's Land Foundation and the County to restore the impacts to Major Open Space No. 23; and

WHEREAS, Mrs. Hack has agreed to pay \$1,500 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted areas and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,500 civil charge from Edriene G. Hack as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

**G. PUBLIC HEARING**

1. Case No. SUP-12-01. Annette Haden Manufactured Home (deferred from July 24, 2001)

Mr. John Rogerson, Planner, stated that the applicant, Ms. Annette Haden, has requested an indefinite deferral of the case.

Mr. McGlennon inquired if the Board had any questions for Mr. Rogerson.

Mr. McGlennon opened the public hearing.

1. Ms. Patricia Byerly, 107 Hazelwood Avenue, stated that the property is looking better and hopes it is maintained.

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

Mr. Harrison made a motion to deny the application request.

The Board briefly discussed the motion.

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

**H. BOARD CONSIDERATION**

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

Ms. Jill Schmidle, Planner, stated that this case was deferred by the Board at its meeting on October 9, 2001, to allow additional time for the review of materials presented and to receive clarification on the issue of transferring density between Ford's Colony and New Town.

Staff informed the Board that there could be no transferring of densities between Ford's Colony and New Town unless approved by the Board of Supervisors.

Staff recommended the Board approve the revised resolution for the rezoning, master plan, and design guidelines; and accept the voluntary proffers.

Mr. McGlennon invited comments from the citizens.

As no one wished to speak, Mr. Goodson made a motion to adopt the revised resolution handed out at the meeting.

The Board and staff discussed concerns about where employees will live, water permits, housing and economic development, and gated communities within New Town.

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

**RESOLUTION**

**CASE NO. Z-2-01/MP-2-01/DESIGN GUIDELINES.**

**VIRGINIA UNITED METHODIST HOMES, INC.**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-2-01/MP-2-01/Design Guidelines for rezoning approximately 9 acres from R-8, Rural Residential, and approximately 102 acres from R-8 with proffers to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 5, 2001, recommended approval of Case No. Z-2-01/MP-2-01/Design Guidelines, by a vote of 6 to 0; and

WHEREAS, the property is located at 4692, 4694, 4740, 4710, 4704, and 4700 Old News Road and 144 Jester's Lane and further identified as Parcel Nos. (1-34), (1-7), (1-2), (1-5), (1-6), (1-8) and (2-18) on James City County Real Estate Tax Map No. (38-3) and Parcel No. (1-8) on James City County Real Estate Tax Map No. (38-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-01/MP-2-01/Design Guidelines and accept the voluntary proffers.

**I. PUBLIC COMMENT – None**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner requested nominations for the voting credentials for the 2001 VACo Annual Meeting.

Mr. McGlennon nominated Mr. Nervitt as the designee voter and Mr. Goodson as an alternate.

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

Mr. Wanner recommended that following the Board Requests and Directives portion of the meeting, the Board recess briefly for a James City Service Authority Board of Directors meeting, then come back into open session to go into Closed Session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider appointments of individuals to County Boards and Commissions; and pursuant to Section 2.1-344 (A) (3) to discuss the acquisition of parcels of property for public use.

Mr. Wanner recommended that following the conclusion of this evening's agenda, the Board adjourn until 4 p.m. on October 24, 2001, for a work session and to meet with the Legislators.

Mr. Wanner stated that there is anxiety associated with the events of September 11, 2001, and the County will take an ad out in the Virginia Gazette to assist the citizens with dealing with preparation in dealing with a disaster or emergency situation as well as what steps the County will be taking.

Mr. Wanner reminded the Board and citizens that the Board will hold a joint meeting with the Industrial Development Authority at 4 p.m. on October 30.

## **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy requested the Board have another discussion concerning affordable housing in James City County.

Mr. Harrison stated that he supports Mr. Kennedy's request and suggested the Board have the discussion at a retreat.

Mr. Kennedy requested information on what it would take to create another Toano Trace development in the County.

Mr. McGlennon requested staff look at how multifamily housing strategies in other jurisdictions has worked.

Mr. Harrison requested staff share information on what it takes to get sidewalk construction in neighborhoods.

Mr. Harrison requested the County review the County of Promises and that the County get active in registering and promoting the program's goals as listed in the ad in the recent National Association of Counties newsletter *County News*.

Mr. McGlennon stated that he attended the dedication of New Peninsula Work Force Development Center.

Mr. Goodson stated that the Peninsula Work Force Development Consortium would provide services to Old Dominion University and Thomas Nelson Community College as a one-stop center.

Mr. McGlennon encouraged citizens to vote in November.

Mr. McGlennon recessed the Board at 8:12 p.m.

Mr. McGlennon called the Board back into open session at 8:25 p.m.

Mr. Goodson made a motion to go into closed session pursuant to sections 2.1-344 (A)(1) and 2.1-344 (A)(3) of the code of Virginia to consider the appointments of individuals to Boards and Commissions, as well as to consider the acquisition of property for public use.

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

At 8:43 p.m. Mr. McGlennon called the Board back into open session.

Mr. Kennedy moved to adopt the Certification of Closed Session.

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), to consider a personal matters, the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to reappoint Chief Richard Miller to the Peninsula EMS Council, Inc., for a three-year term, term to expire on October 31, 2004, and to appoint Deborah Schneider to the Cable Television Advisory Committee for a four-year term, term to expire on November 1, 2005.

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

Mr. Harrison made a motion to adjourn.

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

Mr. McGlennon adjourned the Board at 8:44 p.m.

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Sanford B. Wanner  
Clerk to the Board