

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF APRIL, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Ms. Hannah Laurel, a second grade student at D. J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, requested citizens remember those serving in the military.
2. Mr. Richard Bradshaw, James City County's Commissioner of the Revenue, reminded citizens, businesses, and manufacturers of upcoming tax filing deadlines, deadlines for citizens to apply for the Tax Relief program, and offered the assistance of the Commissioner of the Revenue's Office staff in preparing the State tax forms.
3. Mr. Ray Basley, 4060 South Riverside Drive, requested that the County and School anticipate future needs when planning the location of the third high school.
4. Mr. Jim Icenhour, 101 Shinnecock, stated that the Headstart programs in the schools utilize significant matching Federal funds and that the temporary classroom trailer requests by the Schools are to address curriculum needs.
5. Ms. Penny Pulley, 20 Mile Course, invited the Board members and citizens to participate in the educational forum on secondary education, hosted by the Williamsburg/James City County Education Coalition, to be held on May 1, 2002, at 7 p.m.

6. Mr. Mike Halpin, 1203 Penniman Road, 1st Vice President of the Williamsburg/James City County PTA Council, read a resolution adopted by the Council urging the Board to fully fund the School's Operating Budget as education is a top priority for members of the community.

7. Mr. Stephen Deer, 1304 London Company Way, President of the Jamestown 1607 Homeowners Association, stated concern that a letter addressed to the Board in October regarding the flooding potential at Jamestown 1607 has not been addressed and encouraged the County to take steps to mitigate potential flooding at Jamestown 1607.

8. Ms. Susan Patton, 505 Capitol Court, stated concern that the scholastic athletic fields are not being properly maintained and requested the County assist the parents in improving the condition and maintenance of the fields for the safety of the athletes.

9. Ms. Angela Lynn, 2300 West Island Road, stated support for the funding of the Jamestown Booster Club and maintenance of the athletic fields.

10. Mr. Donald Frew, 2706 London Company Way, requested the County take appropriate measures to alleviate flooding potential at Jamestown 1607 and requested the old water slides near the Jamestown Festival Park be removed.

Mr. McGlennon requested staff address the concerns of the Jamestown 1607 residents.

Mr. John T. P. Horne, Director of Development Management, stated that a memorandum was presented to the Board regarding the findings for feasibility for reducing additional potential of flooding at Jamestown 1607, that staff would review the resident's suggestions, and that the Jamestown Road drainage maintenance plan should alleviate potential flooding.

The Board inquired if the proposed widening of Route 199, offered by a private contractor, included bridge improvements over Powhatan Creek as a special project.

Mr. Horne stated that the contractor has offered to improve the bridge over Powhatan Creek with funding reimbursement by the Virginia Department of Transportation (VDOT) at a later date.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation, stated that the red light at the intersection of Centerville Road and Monticello Avenue is operating.

Mr. Harrison inquired about the maintenance schedule of the drainage ditches along Jamestown Road.

Mr. Brewer stated that the drainage ways are inspected every other month and are cleared as needed.

Mr. Goodson inquired about the status of the Six-Year Primary and Interstate Road Plan.

Mr. Brewer stated that no decision has been made regarding the plans.

Mr. Goodson inquired when jurisdictions would hear about the decisions.

Mr. Brewer stated that by the end of June a decision would be announced concerning the priorities.

Mr. McGlennon inquired how the Grove Interchange is functioning and if it is alleviating Route 60 traffic volumes.

Mr. Brewer stated that the interchange seems to be functioning well.

F. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

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

1. Minutes - April 9, 2002, Regular Meeting
2. “Powhatan Village” Recorded Subdivision Name Change Request to “The Villages at Powhatan”

RESOLUTION

**“POWHATAN VILLAGE” RECORDED SUBDIVISION NAME CHANGE REQUEST TO
“THE VILLAGES AT POWHATAN”**

WHEREAS, all requirements for a name change to a recorded subdivision have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the name of the “Powhatan Village” recorded subdivision as described below, be changed to “The Villages at Powhatan.”

Land Owner/Developer:	Centex Homes
Current Legal Name:	Powhatan Village
Desired Legal Name:	The Villages at Powhatan
Location:	North of News Road and East of Powhatan Secondary
Tax Maps and Parcel Nos.:	(38-3)(1-21), (37-4)(1-11), (37-4)(1-12)
Primary Service Area:	Inside
Number of Lots Affected:	52 lots total (21 recorded lots in Phase 1 and 31 recorded lots in Phase 2)
Project Size:	209 lots total on 30.7 acres

- 3. Revised Joint Exercise of Powers Agreement – Colonial Community Criminal Justice Board

RESOLUTION

APPROVAL OF REVISIONS TO THE JOINT EXERCISE OF POWERS AGREEMENT -

COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, the revisions to the Joint Exercise of Powers Agreement reflect the changes in the Code of Virginia that establish the Community Criminal Justice Boards; and

WHEREAS, the attorneys representing the Counties of Charles City, James City, New Kent, and York, and the Cities of Poquoson and Williamsburg assisted in drafting the revisions to the Joint Exercise of Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the revised Joint Exercise of Powers Agreement for the Colonial Community Criminal Justice Board.

- 4. Landscaping – Monticello Avenue

RESOLUTION

LANDSCAPING - MONTICELLO AVENUE

WHEREAS, the Virginia Department of Transportation (VDOT) has agreed to reimburse up to \$300,000 for the landscaping of Monticello Avenue.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby agrees to amend the Capital Budget and appropriate the following:

Revenues:

From VDOT - Monticello Landscaping	<u>\$300,000</u>
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Expenditures:

Road Improvements - Monticello Avenue	<u>\$300,000</u>
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G. BOARD CONSIDERATION

- 1. Case Nos. SUP-5-02, SUP-6-02, and SUP-9-02. Temporary Classroom Trailers (Deferred from April 9, 2002)

Mr. Christopher Johnson, Senior Planner, stated that the Board deferred these cases to allow time to answer Board questions concerning school enrollment projections and curriculum options.

Staff continues to find these proposals consistent with surrounding zoning and development and

consistent with the Comprehensive Plan.

Staff recommended approval of these permits with the conditions listed in the attached resolutions.

Mr. McGlennon made a motion to adopt the resolutions.

Mr. Brown stated that the request for trailers is not about Child Development Resources being in the two high schools and inquired if the expense associated with the requested trailers was justified for the care of 16 preschool students at Lafayette High School and eight toddlers at Jamestown High School.

Mr. McGlennon stated that the permit request should be viewed as a land-use issue that has budgetary implications, that citizens and Schools deem the preschool and toddler programs worthwhile, and stated support for the application from a land-use viewpoint.

Mr. Brown stated that this case is unique from other land use cases because the contract would bind the County to spend \$150,000 and that the Schools should look at efficient utilization of its facility space.

Mr. Harrison stated that Schools are addressing the need for expanded facility space due to existing programming.

Mr. McGlennon stated that the Schools have other alternative than utilizing trailers; however those alternatives will take several years to develop and become usable, and that trailers is an acceptable interim solution.

Mr. Kennedy stated that the application request is based on existing curriculum's need for space, and recommended the Schools consider expansion of the existing facility to provide the needed space.

Mr. Kennedy requested the Board vote on Case No. SUP-5-02. Lafayette High School and Case No. SUP-6-02. Jamestown High School first and then on Case No. SUP-9-02.

On a roll call vote for SUP-5-02, the vote was: AYE: McGlennon, Goodson, Kennedy (3). NAY: Brown, Harrison (2).

RESOLUTION

CASE NO. SUP-5-02. LAFAYETTE HIGH SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application has been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

On a roll call vote for SUP-6-02, the vote was: AYE: McGlennon, Goodson, Kennedy (3). NAY: Brown, Harrison (2).

RESOLUTION

CASE NO. SUP-6-02. JAMESTOWN HIGH SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application has been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

On a roll call vote for SUP-9-02, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (5). NAY: (0).

RESOLUTION

CASE NO. SUP-9-02. D.J. MONTAGUE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILER

WHEREAS, all conditions for the consideration of this special use permit application has been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at D.J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Real Estate Tax Map No. (31-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of a special use permit for the placement of a temporary classroom trailer as described above and on the attached site location map with the following condition:

This permit shall be valid until July 1, 2006.

H. PUBLIC HEARINGS

Mr. John McDonald, Manager of Financial and Management Services, without objection from the Board, requested that the Board concurrently hold the public hearings for the next three items on the Board's agenda.

1. FY2003/FY2004 County Budget
2. Case No. SO-1-02. Subdivision Ordinance Amendment
- 3a&b. Ordinance Amendments –

Chapter 9, Fire Protection, Article I, Fire Prevention Code, Section 2-3. Amendments

Chapter 4, Building Regulations, Article I, Section 4-8

Ms. Suzanne Mellen, Director of Budget and Accounting, provided an overview on the proposed FY2003/FY2004 Budget and Ordinance changes as well as the County's fiscal goals for FY2003/2004.

Mr. McGlennon inquired about the impacts of putting away two cents of the tax rate revenue collected into debt services for future Capital Improvement Project (CIP) expenditures.

Ms. Mellen stated that putting away funds would help mitigate future tax increases associated with CIP expenditures.

Mr. Kennedy opened the public hearings.

1. Ms. Patricia Boyd, 254 Littleton Quarter, Member, Special Education Advisory Committee, requested the Board fully fund the proposed School Budget, stated concern that the expenses for teaching special education students is increasing while the Commonwealth's funding is decreasing, and requested Board members visit the schools to speak with students, teachers, and parents to get input on what they feel is important.

2. Ms. Peg Boarman, 17 Settlers Lane, requested funding for the addition of a staff member at the Historic Triangle Senior Center, consider the expansion of the James City/Williamsburg Community Center Senior Center, and requested the Board support the School's Budget.

3. Mr. Steven Wigley, 3000 Stoney Creek Drive, provided the Board with an overview of the Historic Triangle Bicycle Advisory Committee's purpose, benefits of connected multi-purpose trails, and requested the Board utilize Federal matching funds to develop pathways.

4. Mr. Mark Newcomb, 3737 Captain Wynne Drive, President, Clara Byrd Baker PTA, requested the Board fully fund the School's Budget, support the School Resource Officers, consider a third high school, and salary increases for School employees.

5. Mr. Philip Forgit, 110 Deerwood Drive, President, Williamsburg/James City Education Association, stated that the Commonwealth has short-funded the school divisions and requested the Board balance public schools with public safety when considering the Budget, and requested the Board fully fund the proposed School Budget.

6. Ms. Sandy Fagan, 4525 Wimbledon Way, Bacon Street, requested the Board not move Project Legacy from Bacon Street's supervision because the program currently has several funding resources through private and public avenues, and the efforts of the Bacon Street staff members ignite passion for change which has led to success in involving and keeping involved at-risk children.

7 & 8. Ms. Mary Jo Bracken and Ms. Carol Lynch, Toano Middle School Guidance Counselors, stated support for Project Legacy through Bacon Street.

9. Ms. Kim Hundley, 108 Mattaponi Trail, requested the Board fund teacher salaries through fully funding the School's Budget.

10. Mr. Gary Potter, a student at Jamestown High School and Project Legacy graduate, stated support for the Project Legacy program through Bacon Street.

11 & 12. Ms. Shirleen Brown and Andrea Carter, students at Jamestown High School, stated support for Project Legacy, support for and benefits of the staff of Bacon Street, and read a letter of support from parents for the continuation of Project Legacy through Bacon Street.

13. Mr. Devin Canady, a Senior at Jamestown High School, stated that Project Legacy has given participants the ability to assist each other, he has enjoyed being a part of the program, and requested Bacon Street continue Project Legacy.

14. Ms. Rose Greenhow, 117 Mirror Lane, stated that her child participated in Project Legacy and the benefits were immediately manifested, the trust participants have with the staff is important, and moving it from Bacon Street will diminish the program's ability to succeed.

Mr. Kennedy recessed the Board for a brief break at 9:02 p.m.

Mr. Kennedy reconvened the Board at 9:10 p.m.

15. Mr. Dick Orr, 117 Holdsworth, requested the Board provide funding to the Historic Triangle Senior Center to assist the Center to meet the growing needs of the fastest growing segment of the County's population, and stated that the funding would go towards an additional staff person to serve the Center as well as the position's benefits.

16. Ms. Jenny Whal, 338 Jamestown Road, a Project Legacy volunteer, stated support for the staff members of Project Legacy and requested the Board consider expanding the program rather than changing management hands of the program.

17. Mr. Tony Dion, 102 Fairmont Drive, stated that his taxes have increased annually as a result of reassessment.

18. Ms. Debbie Baker, 6225 Glenwilton Lane, requested the Board support School Resource Officers in the schools.

19. Mr. John Rynders, 34 Del Lago Drive, stated that Project Legacy is valuable to children and stated that parents and students support Project Legacy through Bacon Street.

20. Mr. Jim Icenhour, 101 Shinnecock, stated that the cost of living has increased 25 percent since 1994, that real estate assessments have been accurate for his property, and stated concern that a lack of tax revenue to the County may affect services offered by the County.

21. Ms. Ruth Larson, 124 Old Meadows Road, stated that there are good educational experiences in her child's school and requested the Board fully fund the School's Budget for teachers and staff to continue to provide quality education to the students.

22. Mr. M. Anderson Bradshaw, 8620 Merry Oaks Lane, requested the Board utilize the fund balance wisely to reduce debt, anticipate major expenses, or contribute it to charity.

The Board held a brief discussion on the tax rate.

23. Mr. Bob Warren, 104 Gullane Drive, stated concern about the increasing level of taxation by local, State, and Federal governments and requested the Board consider a tax cut.

24. Mr. Chris Henderson, 427 Dogleg Drive, stated support for the reduction of tax rates and cautioned against such reductions at the cost of future projects; stated concern about shopping and retail sales and their taxes, moving out of the County; and stated that the elimination of the Route 5 Transportation Improvement District responsibility from developers and landowners will result in their windfalls.

25. Ms. Judy Cowles, 117 Jackson Street, stated support for Project Legacy and stated that the existing support and tools are keys to its success, and requested the Board allow Bacon Street to continue expanding Project Legacy as a successful, productive program.

26. Mr. Ed Oyer, 139 Indian Circle, stated concerns about some of the figures mentioned in the proposed Budget including debt services, tax rates and fees, and requested the Board not fritter away the revenue surplus.

The Board and staff held a brief discussion regarding the increased payment towards debt service.

As no one else wished to speak to these items, Mr. Kennedy closed the public hearing.

Mr. Wanner stated that following the budget work sessions, the Board will be presented with a Budget at its meeting on May 14, 2002, for adoption.

4. Lease Amendment – American Tower, L. P.

Mr. Thomas R. Pennington, Director of Information Resources Management, stated that due to the process of constructing the new office building at the Government Center adjacent to American Tower's leased site, an amendment to the Lease Agreement is necessary in order to accommodate the access, utility, and construction needs of each of the parties.

Mr. Pennington recommended the Board adopt the resolution authorizing the execution of an amendment to the Lease Agreement with American Tower, L. P.

The Board and staff held a brief discussion concerning the size, height, and type of tower expected to be constructed by American Tower, L. P. on the site.

Mr. Kennedy opened the public hearing, and as no one wished to speak, closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

LEASE AMENDMENT - AMERICAN TOWER, L. P.

WHEREAS, James City County owns a 60 ± acre site commonly known as the Government Center, 101 Mounts Bay Road, and designated as Parcel No. (1-9) on James City County Real Estate Tax Map No. (50-1) (the “Property”); and

WHEREAS, on February 27, 2001, the Board of Supervisors authorized the lease of 2,500 square feet of the Property (“Leased Site”) to American Tower, L.P.; and

WHEREAS, the County and American Tower, L.P. wish to amend the lease in order to coordinate construction of improvements and utilities of the Property and Leased Site; and

WHEREAS, after a public hearing, the Board of Supervisors is of the opinion that the County should amend the Lease Agreement to a portion of the Property on the terms and conditions contained in the First Amendment to Lease Agreement dated April 23, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute the First Amendment to Lease Agreement between James City County and American Tower, L.P. for a portion of the Property and such other memorandum, agreements, or other documents as may be necessary to effectuate the lease.

I. PUBLIC COMMENT – None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that following the completion of the Board’s agenda, the James City Service Authority will reconvene to finish its agenda; and recommended the Board of Supervisors recess to 7 p.m. on April 30, 2002, for a budget work session.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon congratulated the Williamsburg Youth League for a successful season.

Mr. Kennedy requested the Board forward questions to staff regarding budgetary items prior to the budget work sessions.

L. ADJOURNMENT

At 10:05 p.m., Mr. Kennedy recessed the Board to 7 p.m. on April 30, 2002.

Sanford B. Wanner
Clerk to the Board