

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JULY, 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, Absent
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. Charlotte Armstead, a sixth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Richard Coakley, a former Board of Supervisors member, requested funding support of up to \$1,000 for a commemorative stamp, to be designed by school children, in recognition of the founding of Jamestown.

2. Mr. Arthur C. Hilstrom, Sr., 3724 Brick Bat Road, stated concern regarding the water conditions in the County and the impacts of the drought on area wells; recommended that meters be put on private wells within the PSA; requested a moratorium on new hookups to the James City Service Authority until the water issue has been addressed and resolved; stated concerns about development in the community and the increasing development impact on traffic congestion.

3. Mr. Ed Oyer, 139 Indian Circle, echoed Mr. Hilstrom's comments, mentioned a recent newspaper article about citizens watching taxes and expenditures, recommended staff address the concerns of part-time employees for equal compensation, and inquired about the pre-paid sewer hookups for undeveloped lots on Indian Circle.

Mr. Kennedy requested Mr. Larry Foster, General Manager of the James City Service Authority, provide the Board and citizens with an update on the water demands and situation within the County.

Mr. Foster stated that the region is experiencing drought conditions and that surrounding localities have implemented voluntary and mandatory water restrictions.

Mr. Foster stated that the water demands in the month of June averaged 5.7 mgd and that July 1-8 the water demands averaged 6.4 mgd and that the Service Authority's system cannot support this level of water demands for long.

Mr. Foster stated that one of the Stage I Drought Declaration parameters as outlined in Section 11-53 of the County Code, has been met and that the County Administrator has directed voluntary water conservation measures be implemented; that staff anticipates reaching Stage II of the Drought Declaration parameters within 15 days; and that if Stage II is reached, outdoor watering activities will be prohibited except by using three-gallon buckets.

Mr. Foster requested the citizens to make efforts to reduce outdoor watering levels such that the average water demands drop to 5.5 mgd to avoid Stage II.

The Board and staff held a discussion regarding the water demands of this summer that have exceeded the peak demands of last summer and doubled the water demands experienced in the months of February, the number of warnings issued to citizens violating the Emergency Ordinance, considered factors impacting the increased water demands, and the Drought Declaration vs. the Emergency Ordinance enacted on June 25, 2002.

Mr. Kennedy recognized Ms. Peggy Wildman in the audience, representative of the Planning Commission.

E. CONSENT CALENDAR

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

Mr. Kennedy requested Item Number 3, Appropriation of Subdivision Surety Funds – Wexford Hills, Section I, be pulled.

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

On a roll call, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy (4). NAY: (0). ABSENT: Harrison.

1. Minutes

a. June 11, 2002, Regular Meeting

b. June 25, 2002, Regular Meeting

2. Dedication of Street in Governor's Land, Fowler's Lake

RESOLUTION

DEDICATION OF STREET IN GOVERNOR'S LAND, FOWLER'S LAKE

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is 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 street meets 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 street 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, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

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

4. Appropriation of Funds – Bulletproof Vest

RESOLUTION

APPROPRIATION OF FUNDS - BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership Program in the amount of \$6,930.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2003 Budget appropriations:

Revenue:

Bulletproof Vest Partnership Program \$6,930

Expenditures:

Police Department (001-062-0325) \$6,930

5. U. S. Bureau of Justice Assistance Block Grant

RESOLUTION

U. S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT-POLICE

WHEREAS, the Bureau of Justice Assistance has approved a Block Grant providing \$19,514 to the Police Department for law enforcement training and equipment; and

WHEREAS, local matching funds of \$2,168 are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment:

Revenue:

Bureau of Justice Assistance \$19,514

Expenditures:

Police Department Budget \$19,514

3. Appropriation of Subdivision Surety Funds – Wexford Hills, Section I

Mr. John T. P. Horne, Development Manager, stated that the developer of Wexford Hills, Section 1, did not construct the subdivision street in accordance with Virginia Department of Transportation’s (VDOT) standards and staff recommends that the County utilize the Developer’s surety to complete the work and turn the streets over to VDOT for maintenance.

The Board and staff held a brief discussion concerning the amount of surety and estimated cost to bring the streets up to standard.

Mr. Morton stated that if the County provides funds for the completion of the project, that the County would pursue collection of the advancement from the original developer.

Mr. Kennedy made a motion to adopt the resolution.

On a roll call, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

APPROPRIATION OF SUBDIVISION SURETY FUNDS - WEXFORD HILLS, SECTION 1

WHEREAS, County staff has obtained \$135,000 as surety to complete streets in Wexford Hills subdivision, Section 1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates these funds to complete streets and stormwater facilities in Section 1 of Wexford Hills subdivision in accordance with Virginia Department of Transportation (VDOT) and County requirements.

Carry Forward Funds	\$135,000
Road Improvements	\$135,000

F. PUBLIC HEARINGS

1. Case No. SUP-10-02. VoiceStream Wireless – VDOT Tower Extension

Mr. Paul D. Holt, III, Senior Planner, stated that Nathan Holland of VoiceStream Wireless has applied to extend an existing monopole telecommunications tower by ten feet on land zoned A-1, General Agricultural, at the intersection of Interstate 64 and Croaker Road, further identified as Exit Number 231.

Staff found that the existing tower is not consistent with the Comprehensive Plan, that the proposed antenna addition would not have an additional impact on surrounding zoning and development; and that the co-location would prevent the need for construction of a new tower.

The Planning Commission voted 6-1 to recommend approval of the application at its meeting on June 3, 2002.

Staff recommended the Board approve the application with conditions.

Mr. Kennedy opened the Public Hearing.

1. Mr. Nathan Holland, applicant, stated that with the proposed tower extension the service provider will be able to provide adequate coverage, and that landscaping of the tower has been negotiated.

2. Mr. Joe McCleary, member of the Planning Commission, stated that a recent Virginia Gazette article quoted him out of context regarding cell towers, and clarified those statements that were misquoted.

As no one else wished to speak, Mr. Kennedy 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, Kennedy (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NO. SUP-10-02. VOICESTREAM WIRELESS - VDOT TOWER EXTENSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subject to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for a ten foot extension of the existing monopole telecommunications tower located in the northern most quadrant of Exit No. 238 on Interstate 64; and

WHEREAS, the existing monopole telecommunications tower is located on State-owned property which is currently zoned A-1, General Agricultural, and designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, on June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-10-02 as described herein with the following conditions:

1. This special use permit shall be valid for one monopole tower not to exceed a height of 199 feet.
2. Tree clearing after the issuance of this special use permit shall be limited to the minimum necessary to accommodate all new accessory facilities and access ways as determined by the Planning Director. Any new access drive shall be designed in a manner that provides no off-site view of the tower's base or related facilities as determined by the Planning Director.
3. A final inspection by the James City County Codes Compliance division shall be obtained within one year of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the final inspection by the James City County Codes Compliance division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industrial Association, or any amendment thereof, have been met.
5. Prior to any final inspections by the James City County Codes Compliance division, around the south-western limits of the existing equipment compound, evergreen shrubs, planted four feet on center, and Loblolly pine trees, planted eight feet on center, shall be planted in a manner approved by the Director of Planning. The final locations of the vegetation to be planted may be adjusted by the Director of Planning depending on the location of existing vegetation to better reforest the site and screen the base of the tower and the equipment pads from the roadway.

6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-12-02. Mount Gilead Baptist Church – SUP Amendment and SUP for Temporary School Trailers

Mr. Paul D. Holt, III, Senior Planner, stated that Abram Frink has applied on behalf of the Mount Gilead Baptist Church for an amendment to the conditions of approval for SUP-9-01, adopted by the Board of Supervisors on June 26, 2001; and applied on behalf of William Washington to locate two temporary school trailers and an accessory playground on a portion of approximately 1.19 acres zoned R-2, General Residential, at 8672 Pocahontas Trail, further identified as Parcel No. (4-1) on the James City County Real Estate Tax Map No. (52-3).

Staff found that there would not be additional traffic impacts, and that with the proposed conditions, the proposal would be consistent with the Comprehensive Plan; and that there would not be negative impacts to the surrounding development.

The Planning Commission voted 7-0 to approve the application at its meeting on June 3, 2002.

Staff recommended approval of the resolution with conditions.

Mr. Kennedy opened the Public Hearing.

1 & 2. Mr. Abram Frank, applicant, introduced Rev. Dawson of the Mount Gilead Baptist Church for a brief presentation on the proposal.

Rev. Dawson provided the Board and citizens with an overview of the proposed playground development, parcel layout, and trailer specifications; stated that the Church is attempting to get accreditation for the program and that one of the requirements for accreditation is that the school program must be located separately from the daycare; and that it is the Church's goal to build a new facility that can house both programs as well as a new sanctuary.

Mr. McGlennon inquired about the timeframe for placement of the playground equipment and trailers on the lot.

Rev. Dawson stated that the trailers will be put in place first and that the playground equipment will be put in later through two phases.

The Board and applicant had a brief discussion concerning rest room facilities. As no one else wished to speak, Mr. Kennedy 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, Kennedy (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NO. SUP-12-02. MOUNT GILEAD BAPTIST CHURCH -

SUP AMENDMENT AND SUP FOR TEMPORARY SCHOOL TRAILERS

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, the applicant has requested an amendment to the conditions of approval for SUP-9-01, which permitted the operation of a daycare and private school at the existing Mount Gilead church located at 8660 Pocahontas Trail. This property is more specifically identified as Parcel No. (2-34) on the James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the applicant has also applied for a special use permit to allow for the placement of up to two temporary school trailers at 8672 Pocahontas Trail. This property is currently zoned R-2, General Residential, designated Low-Density Residential on the 1997 Comprehensive Plan Land Use Map and more specifically identified as Parcel No. (4-1) on the James City County Real Estate Tax Map No. (52-3); and

WHEREAS, on June 3, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-12-02 as described herein with the following conditions:

The following conditions shall apply to the portion of the property that contains the existing church (i.e., the church property as it exists prior to the re-subdivision required under Condition No. 7, below):

1. This Special Use Permit shall be valid for the operation of a daycare and a school.
2. A certificate of occupancy for the daycare and school use within the existing church building shall be obtained within two years of SUP approval of SUP-9-01, or the SUP shall be void.

The following conditions shall apply to that portion of the property where the proposed school trailers and playground are to be located, as generally described and illustrated in the staff report (i.e., that portion of the property which is located generally behind the existing residence at 8672 Pocahontas Trail and which will be added to the existing church property by plat entitled "Boundary Line Adjustment of property standing in the name of Trustees of Mount Gilead Baptist Church and William Harold Washington and Suzanne Washington," dated June 11, 2002, and prepared by Mitchell-Wilson Associates, P.C.):

3. This Special Use Permit shall be valid for a maximum of two temporary school trailers.
4. The temporary school trailers shall be permitted for a period of five years from the date of SUP approval. The trailers shall be removed from the property within 30 days of the expiration date of the SUP.

5. A certificate of occupancy for at least one trailer shall be obtained within 18 months of SUP approval, or the SUP shall be void.
6. To better buffer and screen the trailers and playground from adjacent residentially zoned property, evergreen landscaping shall be provided along the east, west, and southern property lines that exceed the County's Landscape Ordinance requirements by an additional 15 percent.
7. Prior to any preliminary site plan approval, the area containing the school trailers and the playground shall be subdivided from the area where the single-family house currently exists, and a lot line extinguishment shall occur such that the area containing the school trailers and the playground is incorporated into the existing Mount Gilead church property.
8. No trailer or piece of playground equipment shall be located closer than 35 feet to the eastern or southern property lines. The entrances to the classroom trailers, and walkways to the trailers shall be generally oriented towards the interior of the property and shall not face the eastern or southern property lines. Furthermore, the playground shall be located generally adjacent to the existing church parking lot and the western property lines, in a final location as approved by the Director of Planning and shall be shown on the final site plan.

The following conditions shall apply to both and all portions of the site:

9. The daycare and school operations shall be limited to the following hours of operation, 6:00 a.m. - 6:00 p.m., Monday through Friday, and shall be limited to a total enrollment capacity of 104 children maximum. This condition shall not prohibit the operation of a daycare accessory to church functions on Sunday.
10. The children's drop-off and pick-up location for both the daycare and school shall be limited to the existing entrance located at the rear (north side) of the church.
11. Any new exterior, free standing signage advertising the daycare and/or school shall be combined with the existing free standing signage for the church and shall be in accordance with Article II, Division 3, of the James City County Zoning Ordinance.
12. No additional curb cuts shall be created on Route 60.
13. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. Z-2-02. Greensprings Proffer Amendment

Ms. Karen Drake, Senior Planner, stated that Marc Sharp applied on behalf of Greensprings Office Park to amend the existing proffers for Greensprings to permit up to 120-foot tall monopine communication towers on about 13.7 acres zoned R-4, Residential Planned Community, at 3900 John Tyler Highway, further identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (46-1).

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

The Planning Commission voted 7-0 to approve the application at its meeting on June 3, 2002.

Staff recommended approval of the resolution.

Mr. Goodson inquired as to how many service providers can be co-located on the monopine pole.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, stated that the applicant concurs with the staff report and that the application is designed to cover a service gap without negatively impacting the character of the community, and that there could potentially be three antenna on the pole.

2. Mr. Arthur C. Hilstrom, Sr., 3724 Brick Bat Road, stated concern that antennas and wireless services are interfering with his radio reception.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to approve the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy (4). NAY: (0). ABSENT: Harrison.

RESOLUTION

CASE NO. Z-2-02. GREENSPRINGS PROFFER AMENDMENT

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, adjacent property owners notified, and a hearing was scheduled for Case No. Z-2-02 for rezoning approximately ±1396.5 acres from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with revised proffer; and

WHEREAS, the site can be further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, recommended approval of Case No. Z-2-02, by a vote of 7 - 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-02 as described herein, and accepts the voluntary proffers.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that in accordance with Chapter 11, Section 11-53 of the Code of James City County, it has been determined that one of the Stage I Drought Declaration parameters has been met and as authorized by the Code, has directed the General Manager of the James City Service Authority to implement the necessary Stage I actions as set forth in the JCSA Water Conservation and Drought Management Plan.

Mr. Wanner recommended that at the conclusion of the meeting, the Board adjourn until 4:00 p.m. on July 23 for a Work Session/Closed Session for the annual evaluation of the County Administrator.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon recognized the passing of two prominent County citizens: Ms. Marie Sheppard, former member of the Historical Commission, and Ms. Joy Archer, founding member of the Williamsburg Land Conservancy and longtime member of the Parks and Recreation Advisory Commission.

Mr. Kennedy stated that Mr. Harrison requested that the Board discuss the Regional Issue Committee's (RIC) recommendation to rename Route 199 to Williamsburg Parkway.

The Board and staff held a discussion on possible alternative names for Route 199, desire for a regional name of the Route, and that further discussion on the recommendation will be made and shared with the RIC.

Mr. Morton addressed the comment made by Mr. Arthur C. Hilstrom, Sr., regarding a moratorium on development and stated that moratoriums are permitted under very limited and strict guidelines.

Mr. McGlennon inquired how close the County is to meeting the guidelines for implementing a moratorium.

Mr. Brown requested that Mr. Morton and Mr. Foster collaborate on preparing a document outlining the conditions for moratoriums.

Mr. Morton stated that staff will research the request and report back to the Board.

Mr. Goodson stated that the Board of Supervisors and Board of Directors have been taking steps to address water concerns within the County.

Mr. Kennedy stated concern that an agreement with Newport News Waterworks is not a long-term solution to the County's water concerns and stated concern regarding continued development while also cutting off current citizens' water use.

Mr. Kennedy requested additional letters be addressed to the appropriate State offices regarding the County's water situation.

Mr. Wanner stated that staff will follow up on the requests.

J. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 4:00 p.m. on July 23, 2002.

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Kennedy (4). NAY: (0). ABSENT: Harrison.

Mr. Kennedy adjourned the Board at 8:15 p.m.

Sanford B. Wanner
Clerk to the Board