

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF AUGUST, 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. Shamekia Weakly, student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. Kennedy introduced State Senator Thomas K. Norment.

Senator Norment commented on the progress on the desalinization plant and groundwater withdrawal permit, the impacts of the recent weather conditions on the Commonwealth, stated that he has heard the community's concerns about the rate of growth impacting the supply of water, and stated that he will continue to lend support for researching alternative sources of water and the County's endeavor to obtain a groundwater withdrawal permit for the desalinization plant. He also stated he would back legislation for a statewide water policy and introduce legislation for adequate public facilities.

Mr. McGlennon stated support for the Senator's efforts in drafting proposed legislation to address growth in the Commonwealth.

1. Mr. Arthur C. Hilstrom, 3727 Brick Bat Road, stated concern regarding the ongoing water issues in the County, recommended a per-car tax at Busch Gardens' brewery and park, stated concern about the new development already in the pipelines that will draw on the public services, and stated concern regarding the use of retention pond water for irrigation.

2. Mr. Ed Oyer, 139 Indian Circle, stated that with other jurisdictions also tapping into the same aquifer, the proposed additional groundwater withdrawal by the James City Service Authority at Barnes Road will aid in depleting the aquifer serving other homes in the area, and requested that the row of trees leading to the old Massie house be protected from development.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Engineer, Virginia Department of Transportation (VDOT), introduced Mr. Steven Hicks, the new VDOT Residential Engineer for Williamsburg.

Mr. Hicks offered to ride with each Board member through their district and invited members of the Board to meet with him to address points of concern the members may have regarding road developments.

Mr. Harrison requested VDOT continue to maintain the causeways near Jamestown 1607.

Mr. McGlennon thanked VDOT for the prompt attention to items brought to its attention.

F. CONSENT CALENDAR

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

Mr. Goodson 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

a. July 23, 2002, Work Session

b. July 23, 2002, Regular Meeting

c. July 29, 2002, Meeting

2. Award of Contract – Police Records Management System

RESOLUTION

AWARD OF CONTRACT - POLICE RECORDS MANAGEMENT SYSTEM

WHEREAS, a request for proposals for a Police Records Management System was advertised, nine interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed three proposers, and selected Open Software Solutions, Inc., as the most qualified firm to provide the services associated with the project; and

WHEREAS, a fee of \$134,434 was negotiated with Open Software Solutions, Inc., for providing the services with funds available in the Fiscal Year 2003 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide the Records Management System to Open Software Solution, Inc., for \$134,434.

3. New Position – Part-Time Permanent Convenience Center Attendant

RESOLUTION

NEW POSITION - PART-TIME PERMANENT

CONVENIENCE CENTER ATTENDANT

WHEREAS, there is a need for 20 hours per week of work by a Convenience Center Attendant to staff the Tewning Road and Toano Convenience Center sites; and

WHEREAS, similar County positions have part-time permanent status and receive benefits such as pro-rated leave and holidays; and

WHEREAS, upon filling this part-time permanent position, the current part-time temporary Convenience Center Attendant position will be eliminated; and

WHEREAS, money is available in the Solid Waste budget to fund the position.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a 20-hour per week part-time permanent Convenience Center Attendant position be established.

4. Carry Forward of Funds – Colonial Narcotics Task Force/Police Budget

RESOLUTION

CARRY FORWARD OF FUNDS -

COLONIAL NARCOTICS TASK FORCE GRANT/POLICE BUDGET

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force; and

WHEREAS, the Colonial Narcotics Task Force will have \$2,065 in carry forward funds from FY 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby makes the following appropriation to the FY 2003 General Fund Budget:

Revenues:

Carry Forward Funds (001-390-0700) \$2,065

Expenditures:

Police Department (001-062-0395) \$2,065

G. PUBLIC HEARINGS

1. Case No. Z0-1-02. Adult Day Care Center

Ms. Jill Schmidle, Senior Planner, stated that adult day care centers are permitted in business districts only and found inconsistencies where child day care centers are permitted but adult day care centers are not. Staff found that impacts generated by adult day care centers are similar to the impacts generated by child day care centers. Staff anticipates that the demand for adult day care centers will increase with the growing retired and elderly population in the County.

Staff recommended that the Board adopt the proposed ordinance amendments that would make the use of “adult day care centers” consistent with the zoning of child day care centers.

The Planning Commission, at its August 5, 2002, meeting, voted 5-0 to approve the ordinance amendment.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the Ordinance.

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

2. 2002 Agricultural and Forestal District (AFD) Renewals

Ms. Jill Schmidle, Senior Planner, stated that there are approximately 18,151 acres of land within the AFD program and that 12 Agricultural and Forestal Districts must be either continued, modified, or terminated prior to their expiration: eleven are set to expire in September and one is set to expire in October. Ms. Schmidle also stated that approximately 663 acres of land will be removed from the AFD program during this renewal period, leaving approximately 17,485 acres in the AFD program.

Ms. Schmidle provided an overview of each of the 12 AFDs:

a. Case No. AFD-1-94. Wright’s Island Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the eight-year term of Wright’s Island Agricultural and Forestal District of approximately 1,454.405 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-1), (1-3), and (1-4) on the James City County Real Estate Tax Map No. (20-3); and Parcel Nos. (1-28) and (1-27) on the James City County Real Estate Tax Map No. (20-2) after the withdrawal of 90 acres from the AFD program identified as Parcel No. (1-2) on the James City County Real Estate Tax Map No. (20-3); and provided that all land within 25 feet of the road right-of-ways of Menzels Road (Route 659) and Little Creek Dam Road (Route 631) be excluded from the District to allow for possible road improvements.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Wright's Island Agricultural and Forestal District for a period of eight years with conditions.

b. Case No. AFD-2-86. Croaker Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Croaker Agricultural and Forestal District of approximately 1,081.824 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-44), (1-43), (1-42), (1-36), (1-2), (1-34), (1-18), (1-35) three parts, (1-19), and (1-29) on the James City County Real Estate Tax Map No. (15-3); Parcel Nos. (1-15), (1-10), (1-9), and (1-3) on the James City County Real Estate Tax Map No. (14-4); and Parcel No. (1-4) on the James City County Real Estate Tax Map No. (15-4); and Parcel No. (1-18) on the James City County Real Estate Tax Map No. (13-2); and Parcel Nos. (1-1) and (1-14) on the James City County Real Estate Tax Map No. (14-1); provided, however, that all land within 25 feet of the road right-of-ways of Riverview Road (Route 606), Fenton Mill Road (Route 602), and Moss Side Lane (Route 609) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Croaker Agricultural and Forestal District for a period of four years with the recommended conditions.

c. Case No. AFD-3-86. Hill Pleasant Farm Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Hill Pleasant Farm Agricultural and Forestal District of approximately 573.62 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-4), (1-5), and (1-15D) on the James City County Real Estate Tax Map No. (24-1) and Parcel Nos. (1-17) and (1-31B) on the James City County Real Estate Tax Map No. (24-3); provided, however, that all land within 25 feet of the road right-of-way of Rochambeau Drive (Route 755) be excluded from the District to allow for possible road improvements and/or drainage improvements.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 6-0 with two abstentions to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 4-0 with one abstention to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Hill Pleasant Farm Agricultural and Forestal District for a period of four years with the recommended conditions.

d. Case No. AFD-5-86. Barnes Swamp Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Barnes Swamp Agricultural and Forestal District of approximately 1,884.876 acres, zoned A-1, General

Agricultural, identified as Parcel Nos. (1-1), (1-2), and (1-3) on the James City County Real Estate Tax Map No. (3-1); Parcel Nos. (1-3), (1-4), and (1-6) on the James City County Real Estate Tax Map No. (3-3); Parcel Nos. (1-12) and (1-29) on the James City County Real Estate Tax Map No. (2-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (10-1); Parcel Nos. (1-1), (1-2), (1-3), (1-3A) and (1-4) on the James City County Real Estate Tax Map No. (3-2); Parcel Nos. (1-5), (1-6) and (1-8) on the James City County Real Estate Tax Map No. (4-1); Parcel Nos. (1-8), (1-20), (1-18) and (1-14) on the James City County Real Estate Tax Map No. (4-2); Parcel Nos. (1-15), (1-16), and (1-17) on the James City County Real Estate Tax Map No. (4-3); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (9-2); and Parcel No. (1-1) on the James City County Real Estate Tax Map No (4-4) after the withdrawal of 58.6 acres identified as Parcel No. (1-61) on the James City County Real Estate Tax Map No. (2-4); and provided that all land within 25 feet of the road right-of ways of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 shall be excluded from the District.

Staff found that renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Barnes Swamp Agricultural and Forestal District for a period of four years with the recommended conditions.

e. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Cranston's Pond Agricultural and Forestal District of approximately 1,073.579 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (23-3); Parcel Nos. (1-26), and (1-33) on the James City County Real Estate Tax Map No. (22-3); Parcel No. (1-1A) on the James City County Real Estate Tax Map No. (22-4); Parcel No. (1-3) on the James City County Real Estate Tax Map No. (31-2); Parcel Nos. (1-39), and (1-46) on the James City County Real Estate Tax Map No. (21-4); and Parcel Nos. (1-87), (1-89), (1-33), (1-35), (1-36), and (1-37) on the James City County Real Estate Tax Map No. (22-2); provided however that all land within 50 feet of the road right-of-ways of Chickahominy Road (Route 631) and Centerville Road (Route 614) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Cranston's Pond Agricultural and Forestal District for a period of four years with the recommended conditions.

f. Case No. AFD-7-86. Mill Creek Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Mill Creek Agricultural and Forestal District of approximately 3,100.230 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-6), (1-3), (1-1), (1-2), (1-5), (1-7), and (1-8) on the James City County Real Estate Tax Map No. (20-2); Parcel No. (1-5) on the James City County Real Estate Tax Map No. (21-1); Parcel Nos. (1-1), and (1-2) on the James City County Real Estate Tax Map No. (20-1); Parcel Nos. (1-28) and (1-28A) on the James City County Real Estate Tax Map No. (11-3); Parcel Nos. (1-6), (1-2), and (1-5) on the James City County Real Estate Tax Map No. (11-4); and Parcel Nos. (1-5), (1-6), (1-3) 2 parts, and (1-5A) on the James City County Real Estate Tax Map No. (10-4); Parcel Nos. (1-38), (1-28), and (1-7) on the James City County Real Estate Tax Map No. (10-1); Parcel Nos. (1-19), (1-3), and (1-13) on the James City County Real Estate Tax Map No. (10-3); Parcel Nos. (1-17) and (1-4) on the James City County Real Estate Tax Map No. (10-2); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (11-1); and Parcel No. (1-36) on the James City County Real Estate Tax Map No. (9-2) after the withdrawal of 24.681 acres identified as Parcel No. (1-5) on the James City County Real Estate Tax Map No. (19-2); and provided that all land within 25 feet of the road right-of-ways of Forge Road (Route 610), Little Creek Dam Road (Route 631), Menzel's Road (Route 659), North Riverside Drive (Route 715), Diascund Road (Route 603), and Richmond Road (Route 60) shall be excluded from the District.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Mill Creek Agricultural and Forestal District for a period of four years with the recommended conditions.

g. Case No. AFD-8-86. Casey Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Casey Agricultural and Forestal District of approximately 197.050 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) and Parcel No. (1-1) on the James City County Real Estate Tax Map No. (47-2).

Staff found that the minimum core district requirements were not being met by this application, and recommended that the 165.5 acres identified as Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) be transferred to the adjacent Gordon Creek Agricultural and Forestal District prior to terminating the Casey Agricultural and Forestal District.

The Agricultural and Forestal District Advisory Committee, at its meeting on July 22, 2002, voted 8-0 to recommend termination of the Casey Agricultural and Forestal District after.

The Planning Commission voted 5-0 to recommend termination at its meeting on August 5, 2002.

Staff recommended the Board terminate the Casey Agricultural and Forestal District after the 165-acre J. G. Warburton Estate parcel located on News Road is transferred to the Gordon Creek Agricultural and Forestal District with the exception of land within 25 feet of the road right-of-way on News Road (Route 613).

h. Case No. AFD-9-86. Gordon Creek Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Gordon Creek Agricultural and Forestal District of approximately 3,111.340 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-16), and (1-1) on the James City County Real Estate Tax Map No. (35-2); Parcel Nos. (1-1) and (1-3) on the James City County Real Estate Tax Map No. (36-3); Parcel Nos. (1-4) and (1-3) on the James City County Real Estate Tax Map No. (30-3); Parcel Nos. (1-1) and (1-9) on the James City County Real Estate Tax Map No. (35-4); Parcel Nos. (1-2) and (1-1) on the James City County Real Estate Tax Map No. (34-2); and Parcel Nos. (1-6), (1-3), and (1-4) on the James City County Real Estate Tax Map No. (36-1); Parcel Nos. (1-40) and (1-18) on the James City County Real Estate Tax Map No. (36-2); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (43-2); Parcel Nos. (1-7) and (1-8) on the James City County Real Estate Tax Map No. (36-4); Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (44-1); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (35-3); Parcel Nos. (1-3) and (1-6) on the James City County Real Estate Tax Map No. (35-1); and Parcel No. (1-4) on the James City County Real Estate Tax Map No. (37-3) after the withdrawal of 406.757 acres identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (30-3); Parcel No. (1-7) on the James City County Real Estate Tax Map No. (35-2); Parcel No. (1-3) on the James City County Real Estate Tax Map No. (29-4); Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (36-1); and Parcel Nos. (1-1), (1-1B), (1-2), and (1-3) on the James City County Real Estate Tax Map No. (36-2) after the transfer of 165.500 acres identified as Parcel No (1-4) on the James City County Real Estate Tax Map No. (37-3) to the Gordon Creek Agricultural and Forestal District due to the termination of the Casey Agricultural and Forestal District; and provided that all land within 25 feet of the road right-of-ways of News Road, Centerville Road, John Tyler Highway, Bush Neck Road, Jolly Pond Road, and Brick Bat Road shall be excluded from the District.

Staff found that the withdrawal, transfer, and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Gordon Creek Agricultural and Forestal District for a period of four years with the recommended conditions.

i. Case No. AFD-10-86. Christenson's Corner Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Christenson's Corner Agricultural and Forestal District of approximately 562.160 acres, zoned A-1, General Agricultural, identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (16-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (16-3); and Parcel No. (1-11) on the James City County Real Estate Tax Map No. (15-4) provided that all land within 25 feet of the road right-of-ways of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the District.

Staff found that the renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Christenson's Corner Agricultural and Forestal District for a period of four years with conditions.

j. Case No. AFD-11-86. Yarmouth Island Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Yarmouth Island Agricultural and Forestal District of approximately 2,031.395 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-5) and (1-2) on the James City County Real Estate Tax Map No. (29-3); Parcel Nos. (1-5) and (1-8) on the James City County Real Estate Tax Map No. (28-4); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (29-1); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (29-2); and Parcel Nos. (1-1) and (1-2) on the James City County Real Estate Tax Map No. (29-4) after the withdrawal of 52 acres identified as Parcel No. (1-7) on the James City County Real Estate Tax Map No. (30-1) and Parcel No. (1-1) on the James City County Real Estate Tax Map No. (30-3); and provided that all land within 25 feet of the road right-of-way of Jolly Pond Road (Route 611) shall be excluded from the District.

Staff found that the withdrawal and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Yarmouth Island Agricultural and Forestal District for a period of four years with the recommended conditions.

k. Case No. AFD-12-86. Gospel Spreading Church Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of Gospel Spreading Church Agricultural and Forestal District of approximately 1,121.544 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-35) on the James City County Real Estate Tax Map No. (48-3); Parcel No. (1-1) on the James City County Real Estate Tax Map No. (56-2); and Parcel Nos. (1-37), (1-11), (1-13), (1-42C), (1-42D), (1-42E), (1-40) and (1-41) on the James City County Real Estate Tax Map No. (47-4) after the withdrawal of 26.460 acres identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (47-4) and after the transfer of 176.064 acres identified as Parcel Nos. (1-42C), (1-42D), (1-42E), (1-40), and (1-41) on the James City County Real Estate Tax Map No. (47-4) into the Gospel Spreading Church Agricultural and Forestal District due to the termination of the Gospel Spreading Church (Gilley) Agricultural and Forestal District; and provided that all land within 25 feet of the road right-of-ways of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the District.

Staff found that the withdrawal, transfer, and renewal of the Agricultural and Forestal District to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan.

The Agricultural and Forestal District Advisory Committee voted 8-0 to recommend approval of the renewal at its meeting on July 22, 2002.

The Planning Commission voted 5-0 to recommend approval of the renewal at its meeting on August 5, 2002.

Staff recommended the Board approve the continuance of the Gospel Spreading Church Agricultural and Forestal District for a period of four years with the recommended conditions.

1. Case No. AFD-13-86. Gospel Spreading Church (Gilley) Agricultural and Forestal District

Ms. Schmidle stated that an application has been submitted to renew the four-year term of the Gospel Spreading Church (Gilley) Agricultural and Forestal District of approximately 176.064 acres, zoned A-1, General Agricultural, identified as Parcel Nos. (1-42C), (1-42D), (1-42E), (1-40), and (1-41) on the James City County Real Estate Tax Map No. (47-4).

Staff found that the minimum size requirements for a district were not being met by this application, and recommended that the 176.064 acres be transferred to the Gospel Spreading Church Agricultural and Forestal District (AFD-12-86) prior to terminating the Gospel Spreading Church (Gilley) Agricultural and Forestal District.

Staff recommended the Board terminate the Gospel Spreading Church (Gilley) Agricultural and Forestal District after the transfer of parcels to the Gospel Spreading Church Agricultural and Forestal District.

Mr. Kennedy opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the Ordinances.

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

3. Amendments to Certain Provisions of Chapter 13, Motor Vehicles and Traffic, Governing Parking Violations

Mr. Greg H. Dohrman, Assistant County Attorney, stated that the State Code sections regarding parking violations have changed and staff has met to consider appropriate revisions to the County's Ordinance regarding parking violations in the County to meet State Code requirements as well as promote effective enforcement of the Ordinance.

Staff recommended the Board adopt the Ordinance.

Mr. Brown inquired about the factors utilized in the standardization of parking fines.

Mr. Dohrman stated that the Police Department is about to reprint parking tickets and desired to have the tickets be consistent with County and State codes.

Mr. Morton stated that with the current tickets, Officers are amending the tickets as they issue them.

The Board and staff discussed payments submitted by mail, adequate notification of consequence of submitting payments after the five-day provision, and alternative methods of payment such as credit cards not currently available to citizens.

Ms. Ann Davis, Treasurer, stated that staff believes this allotted adequate time for payments submitted by mail and that individuals may submit payments by mail or in person.

Mr. Kennedy opened the Public Hearing.

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

The Board and staff held a brief discussion regarding the five-day provision and holiday/weekend consideration in favor of citizens when receiving payments.

Mr. Brown made a motion to adopt the Ordinance.

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

4. Sale of Property to the James City Service Authority for Pump Station and Force Main at 3950 John Tyler Highway

Mr. Danny Poe, Chief Engineer-Wastewater, stated that staff has discussed the sale of a portion of County property to the James City Service Authority (JCSA) for the construction of a pump station and sewer force main. The property site consists of 13.549 acres and commonly known as 3950 John Tyler Highway.

Staff recommended the Board open the Public Hearing on this case and continue it to the next meeting to allow staff time to finalize the documents necessary for the sale.

Mr. Kennedy opened the Public Hearing and, as no one wished to speak to this matter, Mr. Kennedy continued the matter to the September 10, 2002.

H. PUBLIC COMMENT

1. Mr. Arthur C. Hilstrom, 3727 Brick Bat Road, requested the Board limit growth within the County until the water shortage and negative traffic impacts are adequately addressed.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a Transit Company meeting, following which the Board reconvene into open session to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions, and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of Parcels of Property for Public Use.

Mr. Wanner also recommended that at the completion of the Board's agenda, the Board adjourn to September 10, 2002.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that Ms. Kara Urbanski will be leaving the area and a new Daily Press contact will be assigned to cover the County.

Mr. Goodson recognized the Fair Committee for its efforts in putting on the County Fair.

Mr. Harrison stated that there has been some good route changes with the conversion to the Williamsburg Area Transport.

Mr. Kennedy recessed the Board at 7:55 p.m.

Mr. Kennedy reconvened the Board at 8:04 p.m.

K. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of Parcels of Property for Public Use.

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

Mr. Kennedy convened the Board into closed session at 8:05 p.m.

At 9:05 p.m., Mr. Kennedy reconvened the Board into open session.

Mr. Brown made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (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 2.2-3711 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 2.2-3711 (A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711 (A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to reappoint Donna Garrett, Alain Outlaw, and Lisa Heuvel to the Historical Commission for three-year terms, terms to expire on August 31, 2005; to appoint Samuel T. Powell, to a three-year term on the Historical Commission, term to expire on August 31, 2005; to appoint Alvin J. Bush to an unexpired term on the Industrial Development Authority, term to expire on July 8, 2003; to appoint Betty Cutts and Roger Guernsey to the Lower James River Advisory Committee for four-year terms, terms to expire on August 12, 2006; to reappoint Anthony Conyers, Jr. to the Williamsburg Area Medical Assistance Corporation (WAMAC) to a one-year term, term to expire on August 12, 2003; and to

reappoint Bettejane Crossen and Bertram Aaron to the Williamsburg Arts Commission for three-year terms, terms to expire on August 31, 2005.

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

L. ADJOURNMENT

At 9:06 p.m., Mr. Kennedy adjourned the Board until September 10, 2002, 7 p.m.

Sanford B. Wanner
Clerk to the Board

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