

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF OCTOBER, 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

Mr. Thomas Nichols, a sixth grader at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated opposition to the Transportation Referendum proposed on the November 5 Ballot.

E. PRESENTATIONS

1. Volunteer Recognition - James D. Dorsey

Mr. Kennedy recognized James D. Dorsey for his extraordinary voluntary service to the County as a member of the Parks and Recreation Advisory Commission for fourteen years.

Mr. Dorsey stated that he joined the Historical Commission, Williamsburg Land Conservancy, and the Parks and Recreation Advisory Commission to see land preserved and would like to see more conservation in the community.

2. Head Start Awareness Month - October 2002

Mr. Goodson presented a resolution recognizing October 2002 as Head Start Awareness Month to ms. Patricia Banks, Head Start Director for the Williamsburg-James City County Community Action Agency.

Ms. Banks thanked the Board for the recognition.

3. Weatherization Day - October 30, 2002

Mr. Harrison presented a resolution designating October 30, 2002, as Weatherization Day in the County to Ms. Kathy McCoin, Housing Coordinator for the Community Action Agency.

Ms. McCoin thanked staff and the Community Action Agency for their support.

F. CONSENT CALENDAR

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

Mr. Goodson requested Item Number 6, Partnership - Eastern State Hospital Bathhouse, be pulled.

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

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

1. Minutes

a. October 8, 2002, Regular Meeting

2. Resolution Commending Dr. Thomas T. Schields, Sr.

RESOLUTION

COMMENDING DR. THOMAS T. SHIELDS, SR.

WHEREAS, Dr. Thomas T. Shields was called as Pastor of the historic First Baptist Church, Williamsburg, in November 1982 and during his tenure, the Church has continued its role as a leader in the religious and civic life of the community; and

WHEREAS, Dr. Shields has served as President of the Williamsburg Clergy Fellowship, the Tri-County Pastors Association, President of Area II Ministers Council for the American Baptist Churches of the South, and member of the Board of Directors, Williamsburg Pastoral Counseling Center; and

WHEREAS, Dr. Shields is a past First Vice President of the local NAACP, former member of the Community Action Board of Directors, former local chair of the Southern Christian Leadership Council, former chair of the Schools Minority Achievement Committee, and served on the Board of Trustees of Thomas Nelson Community College; and

WHEREAS, he has been honored for his achievements and contributions to the community by the Kappa Alpha Psi Fraternity and The Williamsburg Men's Club, and has received the Public Schools Friends of Education Award and the Virginia Leadership Award from former Governor James Gilmore; and

WHEREAS, Dr. Shields will retire from the First Baptist Pastorate on December 31, 2002, after 20 years of service to the Church and after more than 37 years in the ministry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend Dr. Thomas T. Shields, Sr., for his service to the First Baptist Church and to the community and does wish Dr. Shields a long and happy retirement.

3. Head Start Awareness Month - October 2002

RESOLUTION

HEAD START AWARENESS MONTH - OCTOBER 2002

WHEREAS, established in 1965, Head Start is a national, Federally funded early childhood development program that serves children and families and whose purpose is to help children achieve their full potential; and

WHEREAS, Head Start provides comprehensive health, nutritional, educational, social services, family and community development, and meaningful parent involvement; and

WHEREAS, Head Start focuses on children's language development, early literacy, social skills, numeracy skills, and giving their parents the skills in becoming their child's first and best teacher; and

WHEREAS, Head Start is committed to the development of each child and provides preventative and early intervention of services to children and families regardless of their economic status; and

WHEREAS, the Williamsburg-James City County Community Action Head Start serves 147 diverse preschool children including children with special needs and their families.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby designate October 2002 as Head Start Awareness Month and encourage all parents of preschool-age children to participate in literacy activities, such as reading a book with your child, attending a play with your child, and going to the library with your child during the month of October.

4. Weatherization Day - October 30, 2002

RESOLUTION

WEATHERIZATION DAY

WHEREAS, the County of James City, Virginia, has long recognized the plight of low-income families and individuals in meeting their home energy needs; and

WHEREAS, low-income households spend a disproportionate percentage of their annual incomes on home energy bills; and

WHEREAS, the United States Department of Energy developed the Weatherization Assistance Program in 1976 as the Federal government's cost-effective, permanent solution for reducing the heavy burden on low-income Americans; and

WHEREAS, the Weatherization Assistance Program keeps jobs and dollars in local communities by operating through a network of well-trained program providers serving every community in Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim October 30, 2002 as:

Weatherization Day

in James City County, Virginia, and encourages State and local weatherization professionals to deliver cost-effective, advanced technologies to increase energy savings in each home served, to leverage State, local, and private resources to get the most from every Federal dollar, and to heighten the awareness of energy efficiency in communities throughout the State.

5. Installation of "Watch for Children" Sign - Scott's Pond

RESOLUTION

INSTALLATION OF "WATCH FOR CHILDREN" SIGN - SCOTT'S POND

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Scott's Pond have requested that a "Watch for Children" sign be installed on Scott's Pond Road as illustrated on the attached drawing titled "Scott's Pond 'Watch for Children Sign'."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain one "Watch for Children" sign as requested with funds from the County's secondary road system maintenance allocation.

7. Dedication of School House Lane

RESOLUTION

DEDICATION OF SCHOOL HOUSE LANE

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 May 28, 2002, for the crossing of a dam which applies to this request for addition; 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.

WHEREAS, the County guarantees the necessary surety amount of \$7,500 to provide for all loss, cost, damage, or expense incurred to correct faulty workmanship or materials, associated with the construction of the street and/or related drainage facilities. The effective period of this surety obligation will last one calendar year from the day the street is added to the Secondary System of State Highways.

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, this Board hereby rescinds the resolution adopted September 10, 2002, requesting dedication of this same street into the Secondary System of State Highways.

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

6. Partnership - Eastern State Hospital Bathhouse

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Schools, Eastern State Hospital, and the Williamsburg Aquatics Club (WAC) have worked to make the Eastern State Hospital swimming pool user friendly to various community groups. The WAC installed a bubble over the pool and made other improvements to make the pool available for winter swimming. The partners proposed a new bathhouse to provide rest rooms, showers, and a dressing area for high school swimmers early in the morning. Additionally, Eastern State Hospital benefits from more flexibility in programming daytime use of the pool for staff and residents, and the James City/Williamsburg Community Center benefits from the proposal through the elimination of the conflicting use of swim teams for early morning practices.

Although the County will be providing funding for the facility, it is otherwise not involved and no operating costs or maintenance responsibilities are assumed. Furthermore, the facility will be owned by the State.

Mr. McDonald stated that staff recommends the Board adopt the resolution authorizing the County Administrator to enter into an agreement with Eastern State Hospital and amends the FY 03 appropriation to allow that money to be used for reimbursement.

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

PARTNERSHIP – EASTERN STATE HOSPITAL BATHHOUSE

- WHEREAS, the varsity swim teams of both Jamestown and Lafayette High Schools have early morning practices at the James City/Williamsburg Community Center (JCWCC) and it has proven difficult to allow both teams, as well as members of the JCWCC, unencumbered use of the pool; and
- WHEREAS, an outdoor pool at Eastern State Hospital (ESH) has been converted, by the acquisition and installation of a bubble enclosure by the Williamsburg Aquatic Club (WAC) into a year-round swimming facility; and
- WHEREAS, both ESH and WAC have agreed to work with the County to build a bathhouse at the ESH pool to allow one or both of the high school swim teams the ability to practice at the ESH pool and the ability to shower and dress before going to school; and
- WHEREAS, the Board of Supervisors previously appropriated funds in the Capital Budget to build a bathhouse, which must, since it is located on ESH property, be owned by ESH with ESH responsible for all maintenance and utility bills; and
- WHEREAS, WAC has agreed to facilitate the construction of the bathhouse for ESH through the use of parent volunteers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the needed agreements with both Eastern State Hospital (ESH) and the Williamsburg Aquatic Club to facilitate the construction of a bathhouse adjoining the ESH pool.

BE IT FURTHER RESOLVED that funds set aside for the capital construction of such a bathhouse, in the amount of \$150,000 in the FY 2003 Capital Budget, be available to execute such agreements.

H. PUBLIC HEARINGS

1. Case No. Z-5-01. Ford's Colony Proffer Amendment

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Realtec, Inc., to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers. The applicant seeks to amend Proffer No. 4 of the amended and restated Ford's Colony Proffers dated September 29, 1995, to permit access from Ford's Colony onto Country Club Drive for the development of Section XII, 70 lots on 45 acres.

Staff found that the proffers offered by the developer sufficiently address the issues and concerns identified by staff, the Virginia Department of Transportation (VDOT), and the Williamsburg West Civic Association.

Staff also found the development of Ford's Colony, Section XII to be consistent with surrounding zoning and development and the Comprehensive Plan.

The Planning Commission recommended approval of the application by a vote of 7-0 at its meeting on October 7, 2002.

Staff recommends approval of the application and acceptance of the voluntary proffers.

The Board and staff held a brief discussion on the traffic access into the remainder of Ford's Colony from the new Section.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon Geddy, III, provided an overview of the proposal and stated support for the revised proffer granting access to Section XII.

2. Ms. Anna Garrett, 106 Country Club Drive, spoke on behalf of the Williamsburg West Homeowners Association in voicing support for the proposal. Ms. Garrett expressed concern that the Williamsburg West residents' landscaping concerns were not shown on the landscape plans yet. She wanted to ensure that maintenance of the road met the standards of the Williamsburg West residents.

The Board, applicant, applicant's landscaping engineer, and staff held a discussion regarding the landscaping expectations and resolved the issued with a planned review of the landscaping plan after VDOT provides a line-of-site report for the buildout.

3. Mr. Earnest Bazzle, 103 Country Club Drive, owner of Bazzle Apartments, stated that there was no objection to changing the access to the apartments and that the residents are concerned that the landscaping should not devalue properties in Williamsburg West.

The Board inquired if the representative of Williamsburg West is satisfied with the changes proposed to the entrance.

Ms. Garrett stated that there were no objections to changing the entrance.

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

Mr. Brown made a motion to adopt the Amendment.

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

RESOLUTION

CASE NO. Z-5-01. FORD'S COLONY 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, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-5-01 for rezoning approximately 2,778 acres from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on October 7, 2002, recommended approval of Case No. Z-5-01, by a vote of 7 to 0; and

WHEREAS, the property is identified as Parcel No. (1-11) 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, does hereby approve Case No. Z-5-01 and accepts the voluntary proffers.

2. An Ordinance to Amend and Reordain Emergency Ordinance No. 196 Implementing the Governor of Virginia's Executive Order 33

Mr. Larry M. Foster, General Manager of the James City Service Authority, stated that on September 10, 2002, the Board approved an Emergency Ordinance in response to the Governor's Executive Order 33. Staff has prepared a permanent ordinance in accordance with the Emergency Provision adopted by the Board of Supervisors and recommended that the Board adopt the amended permanent Ordinance implementing Executive Order 33 in James City County.

The Board and staff held a brief discussion on the possibility of the Governor lifting Executive Order 33 and the process for rescinding this proposed Ordinance when the Governor lifts Executive Order 33.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the Ordinance as presented.

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

3. Guest Register Ordinance

Mr. Leo P. Rogers, Deputy County Attorney, stated that staff has worked with the Williamsburg Hotel and Motel Association as well as with other jurisdictions to develop the proposed Ordinance, authorized by Virginia Code Section 35.1-9, to require places of lodging to maintain a guest register. The purpose of the Ordinance is to protect the public safety of local residents, guests to the area, and employees of the places of lodging through the assistance of law enforcement personnel to research information pertinent to an investigation.

Lt. D. Linhart, James City County Police Department, presented the law enforcement position on the proposed ordinance.

The Board and staff held a discussion on the frequency of law enforcement officials accessing such records, the cooperation of local hotels and motels, and the legal process to establish probable cause.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ernie Young, President of the Williamsburg Hotel and Motel Association, stated support for the Ordinance and thanked the Police Department for working so closely with the Association.

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

Mr. Harrison made a motion to adopt the Ordinance as presented.

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

I. PUBLIC COMMENT

Mr. Kennedy recognized the Planning Commission representative, Mr. George Billips.

1. Mr. Ed Oyer, 139 Indian Circle, again stated opposition to the proposed referendum on transportation.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Community Conversation locations for the 2003 Comprehensive Plan are in flyers around the County, on the County web site, and will be located throughout the community in November and encouraged citizens to attend and voice their opinion on the County's future.

Mr. Wanner recommended that the Board recess while the James City Transit Company Board of Directors hold a brief meeting followed by a meeting of the James City Service Authority Board of Directors, then the Board should reconvene into Open Session to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County boards and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon and Mr. Harrison introduced Mr. Andrew Johnson, Ms. Dara Young, and Ms. Annabelle Ombac, students from the local high schools, who are shadowing them to learn about local government through participating in a Board member's daily schedule.

Mr. McGlennon made a motion for the Board to adopt a resolution of endorsement of the referenda on higher education facilities and the State parks and recreation.

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

A RESOLUTION OF SUPPORT FOR CERTAIN REFERENDA ON THE NOVEMBER 2002 ELECTION BALLOT

WHEREAS, the Governor and General Assembly of the Commonwealth of Virginia have authorized the following referenda for the November 5, 2002, Ballot:

1. Virginia Educational Facility Bonds not to exceed \$900,488,642. These General Obligation Bonds would provide funds for numerous higher education capital projects, including approximately \$61 million for the College of William and Mary and approximately \$17.7 million for development of the Williamsburg area campus for Thomas Nelson Community College.
2. Virginia Parks and Recreational Facility Bonds not to exceed \$119,040,000. These General Obligation Bonds would provide funds for numerous capital projects and State parks including the York River State Park located in James City County; and

WHEREAS, the Board of Supervisors of James City County finds that these two Bond programs are necessary and proper to meet capital needs in the areas of higher education and State parks for the good of the County, the Hampton Roads Region, and the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse and support an affirmative vote for the November 2002 referenda on the Virginia Educational Facility Bonds and the Virginia Parks and Recreation Facilities Bonds.

Mr. Goodson stated that the ribbon cutting to celebrate the connection of the Williamsburg Area Transport and Hampton Road Transport services would be held at 3 p.m. on October 25 in Lee Hall.

Mr. Kennedy stated that on October 19 the Annual Fish Fry held at Fire Station No. 1 was well attended.

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

Mr. Kennedy reconvened the Board at 8:26 p.m.

L. CLOSED SESSION

At 8:27 p.m., 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 the appointment of individuals to County boards and/or commissions and Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

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

Mr. Kennedy reconvened the Board into Open Session at 8:45 p.m.

Mr. McGlennon made a motion to adopted 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)(3) to consider the acquisition of a parcel of property; and Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

Mr. Goodson made a motion to appoint Mr. Brown to the Comprehensive Plan Steering Committee.

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

At 8:48 p.m., Mr. Kennedy recessed the Board until 3:30 p.m. on October 18, 2002.

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

Sanford B. Wanner
Clerk to the Board

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