

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF SEPTEMBER, 2004, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
Michael J. Brown, Vice Chairman, Powhatan District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Jay T. Harrison, Sr., Berkeley District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Cameron White, a tenth-grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. David Smith, Oleta Coach Lines, 103 Burgundy Road, stated concern that Williamsburg Area Transport may have taken business away from the private charter bus sector by providing a private charter for the Jamestown 2007 logistics committee and received a grant to provide the service that the Oleta Coach Lines or other private sector charter bus service could have provided.

Mr. Smith stated that Oleta Coach Lines was and is ready and willing to provide charter bus service in the County and requested that if the County is going to take away business from the tax-paying private sector, the County provide the private sector a tax break for the loss of business.

2. Mr. Howard W. Smith, President of Oleta Coach Lines, 101 Dogwood Drive, commented on the poor paving job of Treasure Island Road; stated that a meeting held on the 24th of August discussed discrimination in the workplace and requested a status on the concerns raised about discrimination; and inquired if anyone in the Board Room had been approached regarding discrimination in the County.

3. Mr. Otis Smith, 108 Brookhaven Drive, stated that his dismissal from the employment of Williamsburg Area Transport (WAT) was based on discrimination, and cited ongoing discrimination within WAT such as allocation of raises and assigned hours.

Mr. Smith stated that the Administrator of WAT has been approached regarding the perception of discrimination in his department and commented that the appropriate Federal agency will be contacted regarding the standards in WAT if it is not cleaned up.

4. Mr. M. O. Smith, 617 Treasure Island Road, recited from the Holy Bible, stated that citizens have lost their homes because the rich want the land for their own purposes, and stated that the people of James City County should not be mistreated nor should the land/homes be taken from them.

5. Mr. Ed Oyer, 139 Indian Circle, stated that traffic was stopped on Route 60 East on the 9th of September; stated that he checked with area military recruiters to see what quality of applicants they have been receiving; commented that Navy cut scores are increasing due to the quality of applicants; and stated that one recruiter commented that as long as schools teach to the SOLs, the scores will be low stated.

Mr. Goodson requested that Mr. Wanner reply to the comments.

Mr. Wanner stated that the Jamestown pilot program for Williamsburg Area Transport (WAT) was funded by a National Park Service grant and Oleta had filed a complaint with the Federal Transit Administration (FTA). The FTA upheld the WAT pilot program with the National Park Service and Colonial Williamsburg. However, since that time WAT has informed the FTA that it does not wish to compete with the private sector for such charter-type service to Jamestown Island unless such services are not available for 2007.

Mr. Wanner stated that the concerns highlighted by Mr. Otis Smith were brought forward to County Administration's attention and a meeting with appropriate staff was held and a Development Action Plan was created. Mr. Wanner provided an overview of the Plan to address the concerns that WAT employees and former WAT employees voiced and thanked the employees for their courage to speak up regarding their concerns.

Mr. Wanner stated that the Plan includes steps such as: interviewing WAT employees to get broader feedback, forming a team of WAT employees to include the drivers to review policies and procedure for concerns; filling vacant operations situation and other positions as soon as funding is identified with strong interpersonal skills; reviewing driver positions to see if appropriately categorized and whether any on-call drivers should be recommended for limited-term positions; providing 3 percent pay raise for all on-call drivers who have been an employee for at least a year as of July 1, 2004, and retroactive to July 1; and the creation of a County Diversity team to deal with issues of this type that employees can go directly to without having to go through the chain of command.

E. CONSENT CALENDAR

Mr. Goodson inquired if a Board member wished to pull an item from the Consent Calendar.

Mr. Bradshaw requested Item No. 4, Pond Dredging - Fieldcrest Pond, be pulled.

Mr. Brown requested Item No. 6, FY 2006-2011 Six-Year Improvement Program Priorities, be pulled.

Mr. Bradshaw made a motion to adopt the remaining items on the Consent Calendar including the amended Regular Meeting minutes of August 10, 2004.

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

1. Minutes -

- a. July 27, 2004, Work Session
- b. August 10, 2004, Work Session
- c. August 10, 2004, Regular Meeting

2. Contingency Transfer - Public Health

RESOLUTION

CONTINGENCY TRANSFER - PUBLIC HEALTH

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the expenditure of \$2,633 as additional local funds for the Peninsula Health District, matching unanticipated State funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2005 Operating Budget:

Expenditures:

Public Health	\$2,633
Operating Contingency	(\$2,633)

3. Contingency Transfer - Williamsburg Aquatics Club

RESOLUTION

CONTINGENCY TRANSFER - WILLIAMSBURG AQUATICS CLUB

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the expenditure of \$15,000 in additional local funds for the purpose of constructing a bathhouse that adjoins the outdoor pool at Eastern State Hospital.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget transfer within the FY 2005 Operating Budget:

Expenditures:

Williamsburg Aquatic Club Bathhouse	<u>\$15,000</u>
Operating Contingency	<u>(\$15,000)</u>

5. Destruction of Paid Personal Property and Real Estate Tax Tickets

RESOLUTION

DESTRUCTION OF PAID PERSONAL PROPERTY AND REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia § 58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records and paid real estate tax records from 1998.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the tax tickets from 1998.

7. Change Full-Time Temporary Position to Full-Time Other at Olde Towne Medical Center

RESOLUTION

CHANGE FULL-TIME TEMPORARY POSITION

TO FULL-TIME OTHER AT OLDE TOWNE MEDICAL CENTER

WHEREAS, the Executive Director of the Williamsburg Area Medical Assistance Corporation (WAMAC) has completed a new staffing plan for Olde Towne Medical Center; and

WHEREAS, the WAMAC Board of Directors has approved changing an existing Full-Time Temporary Administrative Secretary (Clinic) to Full-Time Other; and

WHEREAS, James City County is the fiscal agent for the Williamsburg Area Medical Assistance Corporation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve changing the Administrative Secretary (Clinic) from Full-Time Temporary to Full-Time Other.

8. Dedication of a Street in Temple Hall Estates

RESOLUTION

DEDICATION OF A STREET IN TEMPLE HALL ESTATES

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 this 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 July 1, 1994, 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, that 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. Pond Dredging - Fieldcrest Pond

Mr. John T. P. Horne, Development Manager, stated that a portion of the Greensprings Trail will be located near the Fieldcrest neighborhood on land that forms the boundary between its stormwater pond and a nearby wetland area. Fieldcrest does not own the land, but it does have an easement on the parcel that is to be used to deposit dredging material from its stormwater pond. The development of the Trail on the parcel will eliminate Fieldcrest's easement. Fieldcrest has requested the performance of a limited dredge of inlet areas of the pond to extend the life of the pond and partially mitigate the loss of the easement.

Staff requested the Board authorize the expenditure of funds for a partial dredge of the Fieldcrest Pond should the Greensprings Trail be constructed by the Virginia Department of Transportation (VDOT).

Mr. Bradshaw stated that this is not the typical situation and there is public benefit beyond the Fieldcrest community.

Mr. Brown requested clarification on the obligation of the County with the vacating of the easement.

Mr. Horne stated that this action does not set up a recurring dredging, just a one-time up front dredging.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

POND DREDGING - FIELDCREST POND

WHEREAS, the Virginia Department of Transportation (VDOT) has proposed to construct the Greensprings Trail in James City County; and

WHEREAS, the trail would benefit County residents through the provision of a major new multiuse trail connection to the Jamestown area; and

WHEREAS, the Board of Supervisors has expressed its support for the Trail through previous actions; and

WHEREAS, the Fieldcrest Homeowners Association will need to forgo some access to nearby lands useful for maintenance of the neighborhood stormwater pond, and has requested that the County dredge some areas of the pond to help offset future maintenance costs; and

WHEREAS, this action would contribute toward the successful completion of the Greensprings Trail and would enhance the stormwater management function of the pond.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the expenditure of up to \$20,000 of County funds for a partial dredge of the Fieldcrest Pond, when and if the Greensprings Trail is constructed by VDOT.

6. FY 2006-2011 Six-Year Improvement Program Priorities

Mr. O. Marvin Sowers, Jr., Planning Director, presented an overview of the County's Six-Year Improvement Program for primary and interstate highway construction projects for which the County is requesting funding from VDOT in 2006 and beyond.

Mr. Bradshaw inquired if Newport News is giving the same priority and enthusiasm as James City County is for the relocation of Route 60 East and connection through Ft. Eustis.

Mr. Sowers stated that Newport News is not giving it the same endorsement.

Mr. Wanner stated that Newport News has other transportation projects they are placing as higher priorities.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

FY 2006-2011 SIX-YEAR IMPROVEMENT PROGRAM PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area and promote economic development; and

WHEREAS, there exists a pressing need to implement the projects below to relieve traffic congestion, which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- On schedule completion of the widening of the existing sections of Route 199 to four lanes with adequate landscaping;
- On schedule completion of the Route 199/Route 31 intersection improvements, with adequate pedestrian facilities, landscaping, and additional aesthetic enhancements;
- Funding the construction of Route 60 relocation with priority given to the section between Route 60 at a point east of Blow Flats Road in the County to the Fort Eustis Interchange in the City of Newport News;
- On schedule completion of the Monticello Avenue/Ironbound Road intersection improvement, with improvements being completed prior to the widening of Ironbound Road;
- Funding for landscaping along the Route 199 corridor;
- Proceeding with the next phases of design and construction for the Virginia Capital Trail Project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998;
- Continued support for the Greensprings Trail project; and
- Support for the Peninsula Light Rail Project.

Mr. Goodson recognized Mr. Wilford Kale, Planning Commission member, in the audience.

F. PUBLIC HEARINGS

1. Tax Increase - Real Property

Mr. John E. McDonald, Manager of Financial and Management Services, provided an overview of the changes in assessment and the impacts of the actual Land Book on the FY 2005 Budget assumptions.

Mr. McDonald provided an overview of the total increase in real estate tax revenues due to reassessments and provided recommendations on the investment of the real estate tax receipts that have not been budgeted, presented a recommendation that the real estate tax rate be reduced to \$.83 with the residual tax receipts to be appropriated to Capital Contingency, and provided impacts of further reductions in the tax rate on the real estate tax receipts and the Budget.

Mr. Goodson opened the Public Hearing.

1. Mr. Robert Hogge, 2673 Jolly Pond Road, commented on an article in *The Virginia Gazette* that reported that assessments increased an average of 8 percent, and stated that in his neighborhood assessments went up somewhere between 60 to 220 percent this year; stated concern that his assessment would go up so dramatically when others in the County only got an average of 8 percent increases; and requested assistance in having his property reassessed.

Mr. Bradshaw and Mr. Goodson recommended Mr. Hogge follow the appeals process for assessments.

2. Mr. Harvey Young, 117 Cooley Road, stated that assessment increased by 17.5 percent in his neighborhood, and recommended the Board use \$.787 for a real estate tax rate to fully fund its adopted budget.

3. Mr. Dale Merriss, 104 Inverness, stated that citizens expect representatives to follow the principle that government will do what is essential for the citizens and tax accordingly, stated that the Board should not change what is essential and increase spending to use up real estate tax receipts, and voiced support for the suggestion Mr. Jarman will present.

4. Mr. David Jarman, 117 Landsdown, read a letter previously provided to the Board with a recommendation regarding the assessment process and setting tax rates, recommended that 100 percent of the real estate tax receipts above that was needed for the adopted budget should be returned to the citizens, recommended the real property tax rate be locked in after the spending and expenditures has been identified; commented that increased assessments do not reflect citizens ability to pay for such assessments, and requested the Board set the real estate tax rate at \$.825.

5. Mr. Donald Baker, 107 Formby, stated that the Board approved a budget earlier this year and an increase in assessment resulting in additional tax receipts does not give the excuse for the County to spend more; and requested the Board uphold a tax rate consistent with the established and approved budget.

6. Mr. Bob Warren, 104 Gullane, stated opposition to a tax-and-spend philosophy of government, stated concern that citizens have to go through the inconvenience of a paperwork trail to get service from the County, stated concern that the County would interfere with private business's ability to do business by taking away opportunities such as with Oleta, commented on the massive decline of standards of living of individuals in community as a result of the County's tax-and-spend philosophy; recommended the Board put into place a tax cut and to put into place a discipline planning process.

7. Ms. Janet Sprague, 175 Waterton, echoed Mr. M. O. Smith's comments regarding the rich and poor in community, requested lower tax rates, challenged the Board to keep tax rates acceptable, and requested the Board and its staff seek alternate means to provide revenue other than taxing the citizens through property.

8. Mr. Ed Oyer, 139 Indian Circle, inquired if the County is going to the General Assembly with a legislative package with some proposal allowing the Board to be flexible in its ability to tax, and stated that he hopes it is included in this year's Legislative Package.

9. Ms. Susan Baime, 110 Birmingham, stated concern that the Board is increasing taxes simply because it can and stated that type of action is not appreciated by its citizens.

10. Mr. William O'Neill, 109 Sheffield Road, commented that users will be responsible for volunteering to maintain the Greensprings Trail, commented dismay that there is funding for a dog park in the County, and recommended the Board use funding to provide preventative health and wellness programming to the community, and encouraged citizens and the Board to look outside the big box and think of the health and wellness of the community, and commented that as a citizen he does not wish to pay for activities that does not benefit the health and wellness of the community.

11. Mr. Otis Smith, 108 Brookhaven Drive, stated concern that his real estate taxes increased 21 percent this year as a result of new homes selling in the neighborhood and not the value of his older home, commented that citizens cannot afford the increasing assessments, and requested the Board assist its citizens.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Harrison inquired what the impacts on the approved contributions to the Greenspace and Purchase of Development Rights Program would be if the real estate tax rate was \$.83.

Mr. McDonald stated that the Board may place any tax receipts above what was approved in the Budget into Capital Contingency or into the Debt Services such as Greenspace and Purchase of Development Rights Program.

Mr. Harrison inquired if the General Assembly dictates when during the year the Land Book values are set and if the issues of the Land Book could be set prior to the budget process to allow the Board to develop a budget based upon actual numbers rather than on estimates.

Mr. McDonald stated that the County could return to a January 1 Land Book, however the difficulty would arise in billing in June and December with a fiscal year beginning in July; commented that forecasting what will happen with the Land Books is difficult; and stated that a July 1 Land Book is the best working relationship for budgeting.

Mr. Harrison recommended the County return to a January 1 Land Book to have the actual numbers for budgeting purposes.

Mr. McGlennon stated he objected to the elimination of the Contingency Fund last year and did not object to the Land Book values.

Mr. Bradshaw inquired if he was correct in his understanding that if the Land Book values were based on July 1, there would be certainty in the revenue for the first half of the year but the second half of the year would be speculative and certainly wrong.

Mr. McDonald stated that the understanding is correct.

The Board and staff discussed the impacts on planning for budgets based on estimates for assessments and tax revenues that will occur approximately 18 months in the future, limited staffing to perform on-site assessments on 27,000 parcels of property in the County, and the ability of citizens to appeal an assessment.

Mr. Bradshaw inquired if the increase in tax receipts for assessments is a result of new growth in the County, and if the current dollar amount budgeted for operations is sufficient to operate County services to accommodate the increased growth.

Mr. Wanner stated that the amount budgeted is sufficient for the operating budget; however, new growth will result in increased capital needs in out years and when capital investment increases then operational costs increase.

Mr. McGlennon stated that it would be prudent for the Board to take additional revenue generated from the development of property and set it aside for future capital needs, and stated that what the Board needs to do today is to determine to what extent to reduce the property tax rate and what portion of the tax receipts revenue to the set aside to offset future growth's impact on taxes.

Mr. Brown stated that he believes that the FY 2005 Budget funds all the priorities identified this year and accordingly this identified revenue net should be returned to the citizens; therefore the tax rate should be reduced 2.5 cents and the remainder of the revenue net be put toward the capital contingency for future years.

Mr. Brown made a motion to reduce the tax rate to \$.825 with the residual of tax revenue be put to the capital contingency.

The Board briefly discussed cash proffers as method to offset the costs associated with new growth.

Mr. McGlennon made a motion to amend the resolution to set the tax rate at \$.83.

The Board discussed the proposed amendment.

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

Mr. Wanner called a vote on the motion made by Mr. Brown to reduce the tax rate to \$.825 per \$100 of assessed value with the net revenue in Real Estate to go into capital contingency and capital projects.

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

RESOLUTION

TAX INCREASE - REAL PROPERTY

WHEREAS, the Board of Supervisors has adopted a budget for the Fiscal Year 2005 and appropriated funds based on a real estate tax rate of 85 cents per \$100 of assessed value; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2004, shows total billable, taxable property assessments increased by \$760,920,700 (12.6 percent) and 63.9 percent of that increase resulted from changes in the reassessment of property values; and

WHEREAS, the increases due to reassessment constitute a tax increase despite the fact that the current tax rate has not changed; and

WHEREAS, the Real Estate Land Book, issued with an estimate of values as of July 1, 2004, is expected to generate estimated real property tax revenues that exceed the estimates contained within the adopted FY 2005 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts an amended real property tax rate of 82.5 cents per \$100 of assessed value established in the FY 2005 adopted budget.

BE IT FURTHER RESOLVED that the FY 2005 General Fund Budget be amended by an increase of \$250,629 in Real Estate revenues with an equal increase in Contributions to Capital Projects.

BE IT FURTHER RESOLVED that the FY 2005 Capital Budget be amended by an increase of \$250,629 in Contributions from the General Fund with an equal increase in Capital Contingency.

At 9:19 p.m. Mr. Goodson recessed the Board for a break.

At 9:25 p.m. Mr. Goodson reconvened the Board.

2. Case No. SUP-13-04. Williamsburg Winery - Country Inn

Mr. Matthew D. Arcieri, Planner, stated that Vernon Geddy, III, has applied on behalf of Williamsburg Farms, Inc., for a Special Use Permit to permit the construction and operation of a 36-room inn at the Williamsburg Winery on 282.3 acres zoned R-8, Rural Residential, and located at 5800 Wessex Hundred Road and further identified as Parcel No. (1-10) on the James City County Real Estate Tax Map No. (48-4).

Staff found the proposed use to be acceptable from a land use perspective as it will have minimal impacts on surrounding properties and is consistent with operations at the Winery.

At its meeting on August 16, 2004, the Planning Commission voted 4-2 to recommend approval of the applications.

Staff recommended approval of the application with conditions.

Mr. Goodson inquired if there is language in the conditions that stipulate land into conservation.

Mr. Arcieri stated that the tenth condition addresses land into conservation.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, provided an overview of the proposal and stated that the applicant intends to keep a majority of the property as open space.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-13-04. WILLIAMSBURG WINERY - COUNTRY INN

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 (SUP) process; and

WHEREAS, hotels and motels are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on August 16, 2004, recommended approval of SUP 13-04 by a 4-2 vote to permit the construction and operation of a 36-room hotel; and

WHEREAS, the property is located at 5800 Wessex Hundred Road and further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (48-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP 13-04 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a hotel with a 15,000-square-foot building footprint, and accessory uses thereto. The hotel shall be limited to a maximum of 36 rooms.
2. The property shall be developed generally in accordance with the conceptual layout submitted with the application titled "Conceptual Layout of Country Inn and Williamsburg Winery" prepared by Patrick Duffeler, dated March 22, 2004, with minor changes approved by the Development Review Committee.

3. The building shall be consistent, as determined by the Planning Director, with the building elevations submitted with this application titled "Wedmore Place at the Williamsburg Winery" prepared by Hopke and Associates, Inc., dated December 11, 2003. The building shall not exceed 30 feet in height.
4. Prior to the issuance of a certificate of occupancy, the Inn shall be connected to the James City Service Authority public water and sewer system.
5. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
6. There shall not be any special event, party, or gathering on the property, indoor or outdoor, which generates over 1,000 persons per day.
7. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles or other structures not to exceed 15 feet in height above ground level 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.
8. No outdoor amplified music or loud speakers in connection with the operation of the Inn shall be audible outside the boundaries of the property.
9. Any new signage on Lake Powell Road shall be combined with the existing sign in accordance with Article II, Division 3 of the Zoning Ordinance and shall be approved by the Planning Director. The sign shall only be externally illuminated.
10. Prior to final site plan approval, the applicant shall dedicate to the County or another County approved land conservation entity, a conservation easement of approximately 50 acres, identified on the drawing titled "Williamsburg Farms: Area proposed to be dedicated to Conservation Easement" dated June 2004, substantially in the form of the County's natural open space easement as approved by the County Attorney. The exact boundaries of the conservation easement shall be shown on the site plan for the Inn. The conservation easement shall remain undisturbed and in its natural state. With prior approval of the County Engineer, dead, diseased, and dying trees or shrubbery or poisonous or invasive plants may be removed from the conservation area.
11. Construction on this project shall commence within thirty (36) months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as obtaining permits for building construction, installation, and final inspection of footings and/or foundations.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case Nos. Z-4-04/MP-7-04. Ironbound Village

Ms. Ellen Cook, Planner, stated that James Peters of AES Consulting Engineers, applied to amend the Ironbound Village Master Plan by replacing approximately 4,500 square feet of un-built office area with additional parking spaces, and to update and modify proffers related to phasing, the landscaping along Ironbound Road, and the owners association on approximately 1.4 acres at 5300, 5304, 5320, 5324, and 5340 Palmer Lane, zoned Mixed Use, with proffers and further identified as Parcel Nos. (13-1A), (13-2B), (13-3), (13-4), and (13-1B) on the James City County Real Estate Tax Map No. (39-1).

Staff found the proposal would have little adverse impact on the Ironbound Village mixed-use development and surrounding properties.

Staff found the master plan and proffer amendment to be in accordance with the Comprehensive Plan.

At its meeting on August 16, 2004, the Planning Commission voted 6-0 to approve the case.

Staff recommended approval of the application and acceptance of the proffers.

Mr. Harrison inquired about the elimination of references to a 50-foot buffer setback along Ironbound Road.

Ms. Cook stated that the proffer will continue to contain language ensuring that the setback and landscaping will be visually compatible with the larger New Town area and compatible with Ironbound Road expansion with the 30-feet of reserved VDOT right-of-way for the widening of Ironbound Road and a 20-foot setback.

Mr. Goodson opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. Z-4-04/MP-7-04. IRONBOUND VILLAGE

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 were notified, and a hearing was scheduled on Case No. Z-04-04/MP-07-04 for amending the existing Ironbound Village Master Plan and proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on August 16, 2004, recommended approval of Case No. Z-04-04/MP-07-04, by a vote of 6 to 0; and

WHEREAS, the proposed change is shown on the amended Master Plan prepared by AES Consulting Engineers, dated May 29, 2004, and entitled “Master Plan Revision: Ironbound Village”; and

WHEREAS, the property is located at 5300, 5304, 5320, 5324 and 5340 Palmer Lane and further identified as Parcel Nos. 13-1A, 13-2B, 13-3, 13-4, 13-1B on James City County Real Estate Tax Map No. (39-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-04-04/MP-07-04 and accept the voluntary proffers.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented that there is a shortfall in qualified craftsman for blue-collar jobs.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the annual conference of the Virginia Municipal League (VML) will be held October 3-5 and requested the Board designate Mr. McGlennon as the Voting Delegate and Mr. Wanner as the Alternate Voting Delegate for the Business Section of the conference.

Mr. Harrison made a motion to appoint Mr. McGlennon as the Voting Delegate and Mr. Wanner as the Alternate Voting Delegate for the Business Section of the VML Conference.

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

Mr. Wanner stated that the Action Plan has been developed to respond with a series of issues raised regarding the operations at Williamsburg Area Transport (WAT) and stated that the Action Plan will be executed and any unfairness found will be corrected.

Mr. Wanner stated that with regard to Oleta Coach Lines, Inc.'s concerns about WAT infringing on the private sector, WAT has notified the Federal Transit Administration (FTA) that it would not like to be put in this type of situation again and requested they go directly to private companies in the future for such service.

Mr. Brown inquired if the use of the WAT bus to transport the Jamestown 2007 Logistics Committee has been examined by the FTA.

Mr. Anthony Conyers, Jr., Community Services Manager, stated that WAT provided transportation to the Jamestown 2007 Logistics Committee at no fee, WAT used non-fleet vehicles for the transport.

Mr. Brown requested clarification on the costs associated with providing the service.

Mr. Conyers stated that there were operating costs associated with providing the service, however there was no fee assessed for providing the service.

Mr. Brown requested what the legal standing is for this type of situation.

Mr. Rogers stated that staff will make a legal review of the situation; that counsel had looked at it initially and had worked out the charter route alongside the FTA; and stated that staff could look at WAT policies for such future uses.

Mr. Wanner recommended that the Board 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; pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of real property for public use; pursuant to Section 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel and staff

members pertaining to actual or probable litigation; and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the condemnation of real property for public use.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw stated that the school year has started and 365 more students are in the public school system than last year.

Mr. Harrison invited the Board and citizens to Chickahominy Day to be held on September 18.

Mr. Harrison requested staff provide information regarding the projections on new growth based upon the developments that have been approved and are in the pipeline.

Mr. Harrison thanked Mr. Wanner and Mr. Conyers for addressing the issue within WAT and any discrimination concerns; and requested action models be considered for other departments outside WAT.

Mr. McGlennon thanked WAT employees for giving the Board members and the County an opportunity to respond to their concerns and perceptions.

J. CLOSED SESSION

Mr. Bradshaw 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; pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of real property for public use; pursuant to Section 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel and staff members pertaining to actual or probable litigation; and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the condemnation of real property for public use.

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

At 9:52 p.m., Mr. Goodson convened the Board into Closed Session.

At 10:25 p.m., Mr. Goodson reconvened the Board into Open Session.

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

On a roll call vote, the vote was: AYE: Bradshaw, Harrison, Brown, McGlennon, Goodson (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; Section 2.2-3711 (A)(3), to consider the acquisition of real property for public use; Section 2.2-3711(A)(7), to consult with legal counsel and staff members pertaining to an actual or probable litigation; and Section 2.2-3711(A)(3) to consider the condemnation of real property for public use.

Mr. McGlennon made a motion to reappoint Willis Barnes to a three-year term on the Clean County Commission, term to expire September 30, 2007; and to appoint Diana Hutchens to a three-year term on the Colonial Community Services Board, term to expire September 30, 2007.

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

K. ADJOURNMENT

Mr. Brown made a motion to adjourn.

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

At 10:26 p.m. Mr. Goodson adjourned the Board until 4 p.m. on September 28, 2004.

Sanford B. Wanner
Clerk to the Board