

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JULY 2008, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman, Roberts District  
James G. Kennedy, Vice Chairman, Stonehouse District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District  
Mary Jones, Berkeley District

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

**C. PLEDGE OF ALLEGIANCE** – Mr. Ed Oyer led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Interim Residency Administrator, stated that concerns had been addressed regarding Route 60 West near the Jack L. Massie facility for drainage improvements. He stated that VDOT had noted one improvement that could be made and that it would be evaluating that area periodically after heavy rains. He stated that he had investigated the issues with the News Road and Powhatan Secondary pavement and had found areas that needed improvement. He said these improvements were scheduled to be done in the next month and gave an overview of the schedule for the third cycle of primary and secondary mowing and litter pickup. He stated that VDOT was also working on pavement repair on Route 60 East from the New Kent County line and from Andersons Corner to Route 620.

Mr. McGlennon thanked Mr. Halacy for his attention to matters in First Colony and Rolling Woods. He stated that the Rolling Woods subdivision has requested a speed study on Lake Powell Road between Marclay and Waltrip Lanes.

**E. PUBLIC COMMENT**

1. Mr. Bert Roth, 112 Winged Foot, commented on the Citizen Budget Committee's independent analysis on school division proposed spending and stated that there was a budget gap of approximately \$47 million.

2. Mr. David Jarman, 117 Landsdown, on behalf of the James City County Citizens Coalition (J4C),

commented on the J4C study on the cumulative impact of growth on the County and gave a timeline of the report. He stated that this item was submitted for the review and use by the County and that the rapid population growth was a major factor in the quality of life and health of the environment in the future. He stated key points to be considered are water supply, environmental degradation, and financial strain.

3. Mr. Robert Richardson, 2876 Lake Powell Road, commented on the ethics of the members of the Board of Supervisors and a member of the Planning Commission.

4. Mr. Ed Oyer, 139 Indian Circle, commented on continued citizen disapproval of the Hampton Roads Transportation Authority; consideration of density when approving development projects; traffic on Route 60 East; emergency ordinance adopted at the July 8, 2008, regular meeting; increasing water demands; applicant responsibility in bringing an application forward; and disapproval of rushed decision-making.

#### **F. CONSENT CALENDAR**

Mr. Icenhour made a motion to adopt the items on the Consent Calendar with the amendments to the minutes.

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

1. Minutes - July 8, 2008, Regular Meeting
2. Grant Award - Department of Criminal Justice Services - Technology Improvements - \$50,000

### **RESOLUTION**

#### **GRANT AWARD - DEPARTMENT OF CRIMINAL JUSTICE SERVICES –**

#### **TECHNOLOGY IMPROVEMENT - \$50,000**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has awarded the James City County Police Department a Criminal Justice Information Technology Improvement Grant in the amount of \$50,000 (\$37,500 DCJS; and \$12,500 Local Match); and

WHEREAS, the grant requires a local match of \$12,500, which is available in the County's Grants Match Account; and

WHEREAS, the funds will be used to purchase and install the "e-summons" feature of the existing Records Management System (RMS) to coincide with the expansion of the Mobile Data Terminal (MDT) project to streamline the process of traffic summons in a more efficient process through the Police Department and the court.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

DCJS – Technology Improvement	\$37,500
County Grants Match Account	<u>12,500</u>
Total	<u>\$50,000</u>

Expenditure:

DCJS – Technology Improvement	<u>\$50,000</u>
-------------------------------	-----------------

3. Grant Award - Rescue Squad Assistance Fund - \$84,400

**RESOLUTION**

GRANT AWARD - RESCUE SQUAD ASSISTANCE FUND - \$84,400

WHEREAS, the Virginia Department of Health (VDH), Office of Emergency Medical Services (OEMS) has awarded the James City County Fire Department a Rescue Squad Assistance Fund (RSAF) grant in the amount of \$84,400 (\$42,200 RSAF; and \$42,200 local match); and

WHEREAS, the grant requires a local match of \$42,200 and the funds are available in the County’s Grant Match Account; and

WHEREAS, the funds will be used to purchase power-lift stretchers for the medic units, AirSim Manikin training equipment, a Defibrillator-AED/manual combination system, and five Pediatric resuscitation systems.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants fund:

Revenues:

RSAF – Medic supplies/equipment	\$42,200
James City County Grant Match Account	<u>42,200</u>
Total	<u>\$84,400</u>

Expenditure:

RSAF – Medic supplies/equipment	<u>\$84,400</u>
---------------------------------	-----------------

4. Approval of Revisions to the Joint Exercise of Powers Agreement - Colonial Community Criminal Justice Board

**RESOLUTION**

**APPROVAL OF REVISIONS TO THE JOINT EXERCISE OF POWERS AGREEMENT -**

**COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD**

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

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

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

5. Authorization of Execution of a Contract Between the County of James City and the Colonial Services Board for the Delivery of Mental Health, Mental Retardation, and Substance Abuse Services

**RESOLUTION**

**AUTHORIZATION OF EXECUTION OF A CONTRACT BETWEEN THE COUNTY OF JAMES**

**CITY AND THE COLONIAL SERVICES BOARD FOR THE DELIVERY OF MENTAL**

**HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES**

WHEREAS, Section 37.2-501 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of James City has established the regional Colonial Community Services Board in conjunction with York County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.2-504(A)(2) requires local governments to review and act on the Annual Performance Contract with the Colonial Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract between the County of James City and the Colonial Community Services Board, and found it to be acceptable, provided that certain expectations and conditions will also be met during the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, this

22nd day of July, 2008, that the proposed FY 2009 Annual Performance Contract between the County of James City and the Colonial Community Services Board be, and it is hereby approved; and the County Administrator is hereby authorized to execute the agreement and to take all actions necessary to assure that mental health, mental retardation, and substance abuse services are delivered to the citizens of James City County and that the conditions and expectations of the Board of Supervisors are met.

## **G. PUBLIC HEARINGS**

Mr. Goodson recognized Mr. Jack Fraley, Chairman of the Planning Commission, in attendance.

1. Case No. Z-0001-2008/MP-0001/2008/SUP-0006-2008/HW-0002-2008. St. Olaf's Catholic Church Expansion and a Resolution to Vacate 4.03 Acres of Conservation Easement (deferred from July 8, 2008)

Ms. Ellen Cook, Planner, stated that Ms. Sara Rilveria, of AES Consulting Engineers, has applied on behalf of St. Olaf Catholic Church and the Catholic Diocese of Richmond, Virginia, to expand the existing St. Olaf Catholic Church located at 104 Norge Lane (at the corner of Norge Lane and Richmond Road). The parcel is further identified as James City County Real Estate Tax Map/Parcel No. 2320100016, consisting of 9.39 acres and is zoned R-8, Rural Residential, with proffers, and designated by the Comprehensive Plan as R-8, Rural Residential. In 1994, the Board of Supervisors approved a rezoning of this property from A-1 and B-1 to R-8, Rural Residential, with proffers. In 1994, houses of worship were permitted by-right in the R-8 district. In 1999, the R-8 district was amended to make houses of worship a specially permitted use making St. Olaf a legally nonconforming use; under the zoning ordinance, nonconforming uses cannot be expanded. In 2005, a Special Use Permit (SUP) to allow for the placement of two temporary office trailers and other minor expansions and renovations up to a total of 4,000 square feet was approved by the Board of Supervisors. However, this idea was re-evaluated by the church and the trailers were not placed on the site and no other expansion or renovation work in connection with that SUP application was done.

Staff stated that the current application proposes to accomplish several things. First, to eliminate the proffers which were put in place during the 1994 rezoning. Second, to obtain an SUP which would allow for a 22,883-square-foot expansion, since this amount of square footage would not be permitted by the SUP approved in 2005. The 22,883-square-foot expansion would take place through Phases I, IA, IB, IC, and II as shown on the master plan, and is needed to accommodate the church's growing congregation. Currently, a 2,601-square-foot parish office and a 5,214-square-foot worship building are in place on the site. Third, the application attempts to obtain a height limitation waiver and finally, to vacate the existing conservation easement on the property.

Staff stated that for the amount of seating area proposed, a total of 190 parking spaces would be required by the Zoning Ordinance (one space per five seats). As outlined in the Community Impact Statement, the applicant has collected data on normal Sunday mass attendance between October 2007 and March 2008, and proposes the use of a higher ratio – one space per two seats, or a total of 300 parking spaces.

Staff found the proposal to be consistent with the surrounding zoning and development and with the proposed conditions, consistent with the Comprehensive Plan.

At its meeting on June 4, 2008, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the resolutions.

Mr. Icenhour asked about the parking lot construction being phased with the construction based on the number of seats.

Ms. Cook stated that there would be two phases that would contain seating: Phase I would incorporate 600 seats in the sanctuary and lobby seating of about 200 and in Phase IC, development would trigger additional parking.

Mr. McGlennon stated that he did not have any problems with the application, but wished to reflect his concern on eliminating a conservation easement and the possibility of setting precedence on this item. He asked for elaboration on why this particular case was an exception.

Ms. Cook stated at the time the original proffers were drafted, stormwater management was viewed differently, which may be why the language did not indicate the stormwater management purpose.

Mr. McGlennon stated that he could not tell from the proffers that the conservation easement was intended for stormwater management. He asked to highlight this as an exceptional case.

Ms. Cook stated that it was not in the 1994 proffers.

Mr. McGlennon asked that it be noted that the easement was originally intended for stormwater management and not conservation purposes.

Mr. Goodson opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave an overview of the various parts of the application and easement vacation. Mr. Geddy stated that the existing conservation easement was not proffered and was granted for stormwater management compliance purposes. He stated that this has never functioned as a natural open space and that the new stormwater plan incorporated LID features and upgrades.

Mr. McGlennon asked how this was reflected.

Mr. Geddy stated this was documented in the environmental points process that the parcel was received for Chesapeake Bay preservation.

Mr. Geddy stated this application was consistent with the Comprehensive Plan and surrounding areas and that the applicant agreed with the conditions requested by staff and requested approval.

Mr. Kennedy asked about potential improvements to a turn lane from Norge Lane into Church Lane.

Mr. Geddy stated no improvements were planned as they were not warranted necessary by VDOT. He stated that information would be provided to potentially adjust the signal timing.

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

Mr. Kennedy made a motion to adopt the resolutions simultaneously.

Mr. Icenhour commented on revisions to the parking ordinance based on need and conserving

impervious cover. He asked about adjusting the ordinance to better assess parking needs for churches.

Mr. Fraley stated that he hoped to create a master list through the Comprehensive Plan update of all the ordinances that needed to be revised and updated. He stated that churches could be added to the developing list of items that need to be addressed.

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

## **RESOLUTION**

**CASE NO. Z-001-08/MP-001-08/SUP-0006-08/HW-002-08.**

### **ST. OLAF CATHOLIC CHURCH EXPANSION**

WHEREAS, the Catholic Diocese of Richmond owns a parcel of property located at 104 Norge Lane and further identified as Parcel No. (1-16) on James City County Real Estate Tax Map No. (23-2) (the "Property"); and

WHEREAS, the Property is currently zoned R-8, Rural Residential with Proffers, and designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, Ms. Sara Rilveria of AES Consulting Engineers has applied on behalf of St. Olaf Catholic Church to rezone the Property from R-8, Rural Residential, with Proffers, to R-8, Rural Residential (eliminating the existing Proffers); to obtain an SUP to allow for expansion of the existing St. Olaf Catholic Church; and to obtain a height limitation waiver to allow for the construction of a 90-foot-tall cross spire as part of the expansion of the Church; and

WHEREAS, the proposed expansion is shown on a master plan, entitled "St. Olaf Catholic Church" prepared by AES Consulting Engineers and date stamped July 15, 2008; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2008, recommended approval of cases Z-0001-08, MP-0001-08, and SUP-0006-08 by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of structures in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve the issuance of a height limitation waiver for a structure up to 90 feet under Case No. HW-0002-2008, and also approves Case Nos. Z-0001-08/MP-0001-08/SUP-0006-2008 as described herein with the following conditions:

1. This Special Use Permit (SUP) shall be valid for operation of a house of worship and accessory uses thereto as shown on the Master Plan prepared by AES Consulting Engineers date stamped July 15, 2008. Expansion and renovation activities shall result in no more than 23,000 square feet of additional building area. No school use shall be permitted as part of this SUP.
2. Only one entrance shall be allowed onto Norge Lane, and this entrance shall line up with the entrance to the Norge Shopping Center. There shall be no entrances to the site from Richmond Road.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 25 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the Property lines. Limited lighting of the church building and the spire (no more than 20 percent of the overall facade) shall be permitted in such a manner that all light will be directed upward 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.
4. Prior to final site plan approval, the planning director shall review and approve the final architectural design of the building. Such building shall be reasonably consistent, as determined by the planning director, with the architectural elevations titled "Saint Olaf Catholic Church" submitted with this special use permit application, dated June 24, 2008, and drawn by Brawer & Hauptman Architects.
5. The owner 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 development plan approval. The standards shall include, but not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought resistant native and other adopted low water use landscaping materials and warm season turf where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. Installation of parking spaces on the site may be phased in step with the building phasing so long as all spaces needed to meet Zoning Ordinance requirements for any particular phase have been installed prior to issuance of a Certificate of Occupancy for that phase.
7. For those areas on the Master Plan where the "Evergreen Screen" is indicated, a continuous evergreen buffer designed to screen the parking lot from the adjacent properties and comprised of a mixture of evergreen ornamental trees, evergreen trees that will reach the height of at least 40 feet at maturity and evergreen shrubs shall be planted which, at planting, are 125 percent of the size requirements listed in the Zoning Ordinance, and shall be generally as shown on the "St. Olaf Catholic Church Planning

Board Commission Exhibit No. 1 Landscape Buffer Intent Adjacent to Residential Properties” prepared by AES and dated June 4, 2008. A landscape plan for the entire Property (to include the “Evergreen Screen” and the Route 60 Community Character Corridor buffer area, as specifically requested by the Planning Commission, and other areas of the site as required by the Zoning Ordinance) shall be submitted for review and approval by the Development Review Committee with the initial plan of development for the Property. All landscaping on this plan shall be installed or bonded prior to the issuance of a final Certificate of Occupancy for the building expansion area shown on the initial plan of development.

8. Within six months of issuance of a Certificate of Occupancy (C.O.) for the Phase I portion of the building expansion, the owner shall be responsible for determining the maximum percent utilization (queue length/storage length) of the left turn lanes at the Richmond Road/Norge Lane intersection just prior to and just after the Sunday mass meeting, and providing this information in a report to VDOT for their approval so that VDOT can make any adjustments to the signal timings as may be necessary. If determined necessary by VDOT, additional reports shall be done within six months of C.O. for the other Phases: the need for any additional reports shall be determined prior to site plan approval of each of the Phases.
9. In implementing stormwater management improvements on the Property, the owner shall make use of low impact design measures as outlined in the Community Impact Statement date stamped July 15, 2008, and approved by the environmental director.
10. Prior to issuance of the first Certificate of Occupancy for any portion of the building expansion, a sidewalk shall be constructed along the Richmond Road frontage of the Property. The sidewalk shall extend to adjoining property lines and have handicapped accessible ramps at any driveways or street intersections.
11. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **RESOLUTION**

### **CONVEYANCE OF PROPERTY LOCATED AT 104 NORGE LANE TO THE**

### **CATHOLIC DIOCESE OF RICHMOND**

WHEREAS, in conjunction with the construction of the St. Olaf’s Catholic Church (the “Church”) on a parcel of property located at 104 Norge Lane and designated as James City County Real Estate Parcel No. 2320100016 (the “Property”) in James City County, Virginia (the “County”), a natural open space easement totaling 4.03± acres (the “Easement”) was granted to the County by a deed recorded on February 23, 1995, in Deed Book 728, Page 182; and

WHEREAS, the Easement was granted to the County to satisfy certain environmental requirements

associated with development of the Property; and

WHEREAS, the Church desires to construct additional church-related buildings and parking upon the Property, and has submitted Application Nos. Z-0001-2008, MP-0001-2008, and SUP-0006-2008 in furtherance thereof (the "Expansion"); and

WHEREAS, the Expansion proposes new environmental protections that will provide water quality protections in excess of that which the Easement was designed to provide and which will satisfy all County environmental requirements; and

WHEREAS, the three applications associated with the Expansion were approved by the Board at its July 8, 2008, meeting, and as such the Easement no longer has any value to either the Church or the County; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to grant and convey the Easement to the Church in exchange for the additional environmental benefits provided as a part of the Expansion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute such deed and other documents as may be necessary to convey the Easement to the Church.

2. Right-of-Way Agreement - Dominion Virginia Power - Freedom Park

Mr. Darryl Cook, County Engineer, stated that Dominion Virginia Power (Dominion) has requested a right-of-way and utility easement (Easement) across a portion of James City County Freedom Park (Park) in order to improve electrical service to customers in the Jolly Pond Road area. Dominion has conducted a reliability study of the Jolly Pond Road area of its power system and determined that the reliability of its service to those citizens could be significantly improved by connecting the two radial ends of the existing power lines serving that area, thereby creating a looped power system. The requested easement is 30 feet in width parallel to the Jolly Pond Road right-of-way extending roughly from the James City County transfer station/landfill property to the site of the new combined schools. The line would connect two existing overhead line segments. County staff has reviewed and approved Dominion's proposed Easement location ensuring minimal impact on the Park amenities and Park users.

Ms. Julia Veal, Park Planner, gave an overview of the site at Freedom Park and where the proposed easement would be located.

Staff recommended approval of the resolution authorizing the County Administrator to execute the Easement documents with Dominion Virginia Power.

Mr. McGlennon asked if there were any discussions about placing these lines underground.

Mr. Cook stated that the potential for underground lines was discussed and Dominion was not willing to do this.

Mr. McGlennon stated that since trails would be in this area, there was an opportunity to preserve the natural atmosphere and increase the reliability of service by placing the lines underground. He asked if there was any way to reopen the discussion with Dominion for placing these lines underground.

Mr. Cook stated that this request could be passed on.

Mr. McGlennon stated that he would like that request communicated to Dominion.

Mr. Goodson asked if there were lines on the other side of the road.

Ms. Veal stated that there were not.

Mr. Icenhour stated that most residents further down Jolly Pond Road were served by one of the lines and that this connection would create increased reliability.

Ms. Veal stated that this was correct.

Mr. McGlennon asked if there was an immediate need to act on this or if the Board could defer to a later time after the request for underground lines could be communicated.

Mr. Cook stated that construction was scheduled to begin at the end of the current year.

Mr. Wanner stated that the Board could defer action until August 12, 2008, and have staff negotiate with Dominion on the request.

Mr. McGlennon stated that this was a great opportunity for Dominion to be good stewards of the environment and the surrounding community.

Mr. Wanner stated that the public hearing could be heard and action could be deferred to August 12, 2008.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon requested that the item be deferred to August 12, 2008, with direction to staff to request that Dominion Virginia Power consider placing the connecting power lines underground.

3. Conveyance of a Water/Sewer Easement to the James City Service Authority - 2070 Jamestown Road

Mr. Leo Rogers, County Attorney, stated that regarding the County-owned property at the Jamestown Yacht Basin, commonly known as 2070 Jamestown Road and designated on the James City County Real Estate Tax Map as Parcel No. 4640100018, at its meeting on June 24, 2008, the Board approved the sale of 6.5 acres of the property to the Jamestown-Yorktown Foundation (JYF) for expansion of its facilities. He stated that the remainder of the property would remain County-owned. Mr. Rogers explained that the James City Service Authority (JCSA) required a 6,800-square-foot easement in order to provide water and sewer service to both JYF's planned expansion and any development on the remaining Yacht Basin property. He stated that in consideration of the JCSA extending water and sewer to the property at the request of the County, no cost will be assessed to the JCSA for the easement.

Staff recommended approval of the resolution.

Mr. Goodson opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

## **RESOLUTION**

### **CONVEYANCE OF A WATER/SEWER EASEMENT TO THE**

#### **JAMES CITY SERVICE AUTHORITY (JCSA)**

WHEREAS, James City County owns certain real estate property at the Jamestown Yacht Basin commonly known as 2070 Jamestown Road and designated as Parcel No. 4640100018 on the James City County Real Estate Tax Map; and

WHEREAS, the Jamestown-Yorktown Foundation (“JYF”) will purchase 6.5 acres of the Yacht Basin property in order to expand its existing facilities and to further provide for its educational, historical, and museum purposes; and

WHEREAS, the JCSA requires a water/sewer easement in order to provide service to JYF’s planned expansion and the County’s development of the remaining Yacht Basin Property; and

WHEREAS, after holding a public hearing the Board of Supervisors is of the opinion that it is in the public interest to convey a 6,800-square-foot water/sewer easement to the JCSA.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute all documents necessary to convey a 6,800-square-foot water/sewer easement to the JCSA from the Jamestown Yacht Basin property.

## **H. BOARD CONSIDERATIONS**

Mr. Goodson recommended that the first item be tabled and recommended deferring the second item to August 12, 2008, based on discussions during the work session.

1. Support for the Williamsburg Regional Medical Center Certificate of Public Need (COPN)
2. 2008 Comprehensive Plan Review Steering Committee Appointment

## **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented that there were 797 new private school pupil seats becoming available in the next two years, which could be increased with the St. Olaf's Catholic Church expansion.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that the meeting on August 12, 2008, was the only meeting in August and that staff has scheduled a work session meeting on the James City County Code of Ethics at 4 p.m. on that date. He stated that all the Boards and Commissions were asked to submit feedback for the Board's information to be discussed at this meeting and stated that the Board should also discuss the Comprehensive Plan Steering Committee appointments prior to action that evening. He stated that when the Board completed its business, it should recess to the specially scheduled work session on August 12, 2008, at 4 p.m. and then hold a meeting of the James City Service Authority Board of Directors.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson stated that thank-you letters were received from Virginians for High Speed Rail and the Jamestown-Yorktown Foundation for its financial contributions to their efforts. He stated that the Board had directed the Chairman to write a letter to Anheuser-Busch and InBev to be sent to the chairman and president of the companies recognizing Anheuser-Busch's investments in James City County and express the interests of the Board in the negotiations. He stated in the letter that he recognized the exceptional stewardship of Anheuser-Busch in James City County, expressed appreciation on behalf of the Board, and offered the County's assistance in the future with the transition.

Mr. Icenhour commented on the J4C report that was distributed to the Board and on approved development in the County, and stated that the study assumes there will be no more rezonings that increase density. He stated that this was unlikely and that the potential for development within the Primary Service Area could potentially increase County population to over 200,000. He stated his agreement with the matters of water demands, traffic and congestion, and Chesapeake Bay Preservation Ordinance standards. He thanked the J4C for its efforts. He also requested the feasibility of updating the Powhatan Creek and Yarmouth Creek Watershed Management Plans to reflect current impervious cover figures for each sub watershed and stated that the update should also base the projected impervious covers at buildout on density of the comprehensive land use designation instead of by-right density of the current zoning. He asked that staff come back at the August 12, 2008, meeting to inform the Board what the requirements and timeframe needs would be to complete this.

Mr. McGlennon commented on the recent loss of Mr. Melvin Washington, who operated a service station for many years in the County. He stated that he was a man of great care and integrity and an asset to the community.

Mr. Kennedy stated that on Friday evening, he attended the dedication of the new Farmer's Market in Toano at the Volunteer Fire Station. He stated that he attended the Agricultural and Forestal District (AFD) Advisory Committee meeting and the AFD Committee has requested that the Board adopt a policy on the withdrawal of land from AFDs. He stated that he attended the Williamsburg Area Destination Marketing Committee (WADMC) meeting yesterday, discussed issues on tourism this year, and met with Mayor Zeidler and Mr. Zaremba to discuss Anheuser-Busch and InBev.

Ms. Jones stated this morning that she attended the Regional Issues Committee meeting and that York County and City of Williamsburg have passed resolutions on coordinated efforts on the regional Comprehensive Plan update. She stated that a meeting would be scheduled in September with these jurisdictions and the County.

Mr. Goodson stated that following the Work Session, a Closed Session was held during which Samuel Lazarus was appointed to an unexpired term on the Colonial Services Board, Douglas Gebhardt was reappointed and Paul Gerhardt was appointed to the Economic Development Authority, and Lynda Byrd-Poller was appointed to the Williamsburg Regional Library Board of Trustees.

Mr. Fraley stated that a cumulative impact study would be done during the Comprehensive Plan update and would do a transportation modeling report. He stated that based on Mr. Jarman's comment, he did not want citizens to misunderstand how traffic studies were done and that cumulative impact was taken into consideration over the last two and a half years. He stated that an independent consultant reviewed traffic analysis for any major project.

**L. RECESS** to 4 p.m. on August 12, 2008.

Mr. McGlennon made a motion to recess.

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

At 8:11 p.m. Mr. Goodson adjourned the Board to 4 p.m. on August 12, 2008.

---

Sanford B. Wanner  
Clerk to the Board