

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF APRIL 2009, 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

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

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

C. PLEDGE OF ALLEGIANCE – Anna Sherman, a seventh-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. James City County Volunteer Appreciation Week – April 19-25, 2009

Mr. Kennedy read a resolution recognizing James City County Volunteer Appreciation Week – April 19-25, 2009, which recognized the volunteer contributions in James City County. Ms. Carol Schenk, Volunteer Coordinator, accepted the resolution on behalf of all volunteers.

2. 2009 Citizen Leadership Academy Graduation

Ms. Tressell Carter, Neighborhood Connections Director, recognized the graduating members of the 2009 Citizen Leadership Academy. Mr. Kennedy and the Board members awarded certificates to the graduates: Ella Bartlett, Terry Bossieux, Charles Brewster, Tom Derrickson, William Druschel, Karen Killian, Deborah Kratter, Robert Marin, William McCabe, Philip Neubia, Selene Pinkett, Hugo Reyes, Paul Salvione, Andrea Sarina, Brian Shortell, and Angela Whitehead.

E. PUBLIC COMMENT

1. Mr. Craig Metcalfe, 4435 Landfall Drive, requested a public hearing on the “No Wake Zone” ordinance on Powhatan Creek.

2. Ms. Boots Johnson, 210 Red Oak Landing Road, stated that she had previously requested a “No Wake Zone” ordinance, but it was tabled due to opposition. She requested a public hearing and stated her support for the “No Wake Zone.”

3. Mr. Greg Smith, 155 Marston Lane, commented on the proposed closing of the Virginia Department of Transportation (VDOT) Williamsburg Residency and maintenance shop. He stated his opposition to the closing of the VDOT facilities on the Peninsula. He asked the Board to assist with an effort to keep the facilities open.

4. Mr. Richard Bradshaw, James City County Commissioner of the Revenue, 99 Bush Springs Road, gave a reminder about Federal income taxes due on April 15, 2009, and Virginia income taxes due on May 1, 2009. He stated that anyone who needed assistance filing the Virginia income tax return could be assisted by the Commissioner of the Revenue’s office. He stated that he would like to remind businesses about tax due dates and asked that businesses that have erroneous tax levies contact his office. He also highlighted the elderly and disabled tax exemptions.

5. Mr. Ed Oyer, 139 Indian Circle, commented on transparency in government finances; standards in education; opposition to fees and raising taxes; and blighted property in his neighborhood.

Mr. Kennedy recognized Mr. Chris Henderson in attendance on behalf of the Planning Commission.

F. CONSENT CALENDAR

Mr. Goodson asked to pull Item Number 4 as he may have a potential conflict. He made a motion to approve the remaining items with the amendment to the minutes.

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

1. Minutes –
 - a. March 24, 2009, Work Session
 - b. March 24, 2009, Regular Meeting as amended
2. James City County Volunteer Appreciation Week – April 19-25, 2009

RESOLUTION

JAMES CITY COUNTY VOLUNTEER APPRECIATION WEEK – APRIL 19–25, 2009

WHEREAS, April 19–25, 2009, has been designated as National Volunteer Week; and

WHEREAS, volunteers enhance our quality of life, promote community involvement, generate civic pride, preserve our environment, and support our families; and

WHEREAS, volunteers work in partnership with James City County staff and in 2008 contributed 70,786 hours valued at \$1,327,945; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work to make a real difference in the lives of their fellow citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 19–25, 2009, as Volunteer Appreciation Week and calls its significance to all of our citizens.

- 3. Grant Award – Nationwide Insurance – \$1,250

RESOLUTION

GRANT AWARD – NATIONWIDE INSURANCE – \$1,250

WHEREAS, Nationwide Insurance has awarded the James City County Police Department a grant in the amount of \$1,250 to be used towards the Every 30 Minutes program being held at Lafayette High School and Warhill High School this year; and

WHEREAS, the funds will be used for food and supplies for the programs; and

WHEREAS, the grant requires no match.

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

Revenue:

Nationwide – Every 30 Minutes \$1,250

Expenditure:

Nationwide – Every 30 Minutes \$1,250

- 5. Contract Award – James City/Williamsburg Community Center Pool Pump Replacement – \$135,142

RESOLUTION

CONTRACT AWARD – JAMES CITY/WILLIAMSBURG COMMUNITY CENTER

POOL PUMP REPLACEMENT – \$135,142

WHEREAS, a Request for Proposals (RFP) to replace the pool pump at the James City/Williamsburg Community Center was publicly advertised and staff reviewed proposals from four firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Coastal Services and Technologies was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$135,142 contract to replace the pool pump at the James City/Williamsburg Community Center to Coastal Services and Technologies.

4. Contract Award – James City/Williamsburg Community Center Renovation – \$742,516

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Jones, McGlennon, Icenhour, Kennedy (4). NAY: (0) ABSTAIN: Goodson (1).

RESOLUTION

CONTRACT AWARD – JAMES CITY/WILLIAMSBURG

COMMUNITY CENTER RENOVATION – \$742,516

WHEREAS, a Request for Proposals to renovate the James City/Williamsburg Community Center was publicly advertised and staff reviewed proposals from eight firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that The Phoenix Corporation was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the Request for Proposals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the \$742,516 contract to renovate the James City/Williamsburg Community Center to The Phoenix Corporation.

G. PUBLIC HEARINGS

1. FY 2010 County Budget

- a. An ordinance to amend Chapter 8, Erosion and Sediment Control, by amending Section 8-5, Permits, Fees, Bonding, Etc.
- b. An ordinance to amend and reordain Chapter 4, Building Regulations, by amending Article I, Virginia Uniform Statewide Building Code, Division 2, Permit and Inspection Fees, Section 4-8, Generally; to increase certain fees related to inspection of amusement devices.
- c. Case No. ZO-0002-2009. Zoning Ordinance Amendment – Fee Addition – Home Occupation Application.

Ms. Sue Mellen, Financial and Management Services Assistant Manager, gave an overview of the County Administrator's proposed FY 2010 budget. She stated that the tax rate is constant at \$.77. She stated that the budget proposed a reduction in spending and elimination of 34 positions without layoffs. She reviewed the sources and amounts of General Fund revenues and explained each revenue source was decreasing, including personal property taxes due to a drop in valuation. She noted new proposed fees for home occupation applications and amusement device inspections. She also highlighted new proposed fees for erosion and sediment control applications. She said that there were also increases in the ALS/BLS base and mileage fees and RecConnect fees. She reviewed spending and noted decreases in funding in many of these areas. She noted program eliminations and decreases in spending for FY 2010. She reviewed the Capital Improvements Program (CIP) and stated that the James City Service Authority (JCSA) was self-supporting and had no rate increases. She reviewed the Budget Work Session schedule and requested that the budget public hearings be opened and stated that no action was required at this time.

Mr. Goodson asked that Mr. Scott Thomas, Environmental Director, answer a few questions about the Erosion and Sediment Control fees.

Mr. Goodson asked why the fees were assessed by the lot rather than by the scale like other localities.

Mr. Thomas stated that historically, it was simpler to charge by lot; he stated that the fee was generally lower than it would be to charge by the acre.

Mr. Goodson asked what would generate the need for a site plan amendment fee.

Mr. Thomas stated that there was a one-time fee when the site plan amendment comes to the Planning Division. He stated that it could be a simple adjustment or a total change in the site plan. He stated that other localities and other departments charged a base fee plus an additional amount for an amendment.

Mr. Wanner clarified that the fee was charged for an amendment to an approved site plan.

Mr. Goodson stated that this would apply to an approved site plan and at a later date an amendment would come forward by the applicant's choice, rather than subject to the County's actions.

Mr. Thomas stated that it would have to be assigned a new site plan number under the amendment process.

Mr. Goodson stated that the State statute only requires one inspection per year on amusement rides while the County inspects twice a year.

Mr. Joe Basilone, Chief Building Inspector, stated that was correct. He stated that previously the requirement was that inspections were to be done at the beginning of the season and again at midyear. He stated that the midyear inspection has been eliminated.

Mr. Goodson noted that the fee would only be applied once a year.

Mr. Wanner noted that York County is moving to a single annual inspection for Water Country USA.

Mr. Kennedy opened the Public Hearing.

1. Mr. Robert Duckett, Director of Public Affairs for Peninsula Housing and Builders Association (PHBA), York County, stated opposition of PHBA proposed new fees and increases. He stated that there was a major housing downturn, which created a poor environment for imposing new fees. He stated that the

Environmental Division's workload would not require additional funding during a time of decreased housing production. He stated that other jurisdictions do not charge similar fees.

2. Mr. Robert Miller, Go-Karts Plus, stated his opposition to increased fees for amusement park ride inspections. He stated that amusement park business owners contributed a great deal to the community. He stated that these fees have to be passed on to the public, which was a burden during the current economic situation. He stated that fees should be scaled according to the ride and noted that the rides were already inspected by the insurance company.

3. Mr. Paul Scott, Executive Director of Child Development Resources (CDR), thanked the Board and the County for its continued support of CDR.

4. Mr. Ed Oyer, 139 Indian Circle, commented that the budget was very conservative. He stated that less revenue could be assumed in the coming years due to economic conditions and financial difficulties. He stated that he felt property tax prices were too optimistic and that commercial space is overbuilt, which leads to vacant storefronts. He commented that he expected a potential tax increase. He noted decreases in spending in nearly all areas and he commented on the School budget figures with the notation "held harmless."

5. Mr. Chris Henderson, 101 Keystone, commended staff on the budget and commented on the CIP budget. He stated that he felt it was unclear if the proposal for Police equipment was included in the budget. He requested restoration of curbside leaf removal to discourage having the leaves enter the drainage ditches and waterways.

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

2. Case No. SUP-0015-2008. Franciscan Brethren of St. Philip Adult Day Care

Mr. David German, Planner, stated that Ms. Margaret Walubuka (aka Sister Agnes) has applied for a Special Use Permit (SUP) to allow for the operation of an adult day care center to be located in an existing single-family detached house located at 6422 Centerville Road. This property is zoned R-8, Rural Residential, which requires an SUP for the operation of an adult day care center. Before the house was purchased by Franciscan Brethren of St. Philip, it was used as a private residence. The house is listed as 2,771 square feet in size and includes four bedrooms and two-and a-half bathrooms. The house will be retrofitted and renovated as appropriate to allow it to serve as an adult day care center. This renovation will include the removal of several interior walls to create large meeting and activity spaces, modification of the bathrooms to create the equivalent of two full bathrooms and three half bathrooms, conversion of the bedrooms into office and meeting spaces, alterations to the kitchen, and modifications throughout the house to meet Americans with Disabilities Act (ADA) accessibility and safety requirements.

Staff found the project to be generally in conformance with the Comprehensive Plan and that the proposed adult day care center, when operated in a manner that is consistent with the Building Code, and as otherwise prescribed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS), will provide a supportive and positive environment for the care of physically and/or mentally handicapped adults.

At its meeting on March 4, 2009, the Planning Commission recommended approval of this project by a vote of 6-0 with one member absent.

Staff recommended approval of the resolution.

Mr. Kennedy opened the Public Hearing.

1. Ms. Margaret Walubuka, applicant, asked the Board for its support in providing these services to the community.

2. Mr. Greg Smith, 155 Marston Lane, stated that he had seen construction at this site for over a month and questioned what improvements had already taken place.

Mr. German stated that the applicant is allowed by right to use the property as a group home. He stated that improvements can be applicable to both this application and a group home. He stated that there were current permits from Code Compliance for the improvements.

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

Mr. McGlennon made a motion to adopt the resolution. He stated that it was rare that this type of opportunity comes forward for the community.

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

RESOLUTION

CASE NO. SUP-0015-2008. FRANCISCAN BRETHREN OF ST. PHILIP

ADULT DAY CARE CENTER

WHEREAS, Ms. Margaret Walubuka has applied for a Special Use Permit (SUP) to allow for a 36-person adult day care center to be operated in the existing single-family-detached house located on the subject parcel; and

WHEREAS, the subject parcel may be identified as James City County Real Estate Tax Map Parcel No. 2430200002. The 2.44-acre parcel is zoned R-8, Rural Residential, and is located at 6422 Centerville Road; and

WHEREAS, the proposed development is shown on a Master Plan, entitled "Binding Master Plan for Franciscan Brethren of St. Philip Adult Day Care Special Use Permit No. JCC SUP-0015-2008," prepared by Frederick A. Gibson & Associates, P.C., and dated November 11, 2008; and

WHEREAS, Section 24-349 of the James City County Zoning Ordinance provides that adult day care centers may be operated on property zoned R-8 only with an approved SUP from the Board of Supervisors; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 4, 2009, recommended approval of this application by a vote of 6-0, with one member absent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit SUP-0015-2008 with the following conditions:

- 1) **Master Plan and Use:** This Special Use Permit (“SUP”) shall be valid for the operation of an adult day care center (the “Project”), as defined by the zoning ordinance, within the existing residence on the subject property, defined herein as 6422 Centerville Road, further identified as James City County Real Estate Tax Map No. 2430200002 (the “Property”). The adult day care center may accommodate an enrollment capacity of no more than 36 adults, attended by up to nine caregivers, for a total of 45 persons in the center. Development of the site shall be generally in accordance with, and as depicted on, the binding Master Plan drawing, entitled “Binding Master Plan for Franciscan Brethren of St. Philip Adult Day Care,” prepared by Frederick A. Gibson & Associates, P.C., and dated November 11, 2008.
- 2) **Lighting:** Any exterior lighting added on the Property shall not cause light spillage on any neighboring property, to be defined as light measured at greater than 0.1 footcandle at any property boundary.
- 3) **Existing Well and Septic Field:** The applicant shall abandon the existing well and septic field facility on the Property in accordance with Virginia Department of Health and James City requirements.
- 4) **Water Conservation:** The applicant shall be responsible for developing water conservation standards for the Property, to be submitted to and approved by the James City Service Authority (JCSA), and, subsequently, for enforcing these standards. These standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources.
- 5) **Compliance with Regulations:** Operation of the adult day care center shall comply with all state and local codes, requirements, and regulations, including the Building Code and Fire Code.
- 6) **Validity of Special Use Permit:** The adult day care center permitted by this Special Use Permit shall be properly permitted through the Commonwealth of Virginia, as evidenced by the submission of a copy of an appropriate state license to the Director of Planning, and put into operation within twenty-four months of issuance of this SUP, or the SUP shall become void.
- 7) **Hours of Operation:** The hours of operation for the adult day care center, including the loading or unloading of vehicles, shall be limited to 6:30 a.m. to 7:00 p.m., seven-days-a-week.
- 8) **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-0026-2008. Diamond Healthcare – Williamsburg Place Expansion

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Greg Davis of Kaufman and Canoles PC, has applied on behalf of Diamond Healthcare of Williamsburg, Inc. for an SUP to allow a 40-bed psychiatric care facility on the site of Williamsburg Place on a parcel zoned M-1, Limited Business/Industrial. Twenty-five of these beds are proposed for acute psychiatric treatment services to “impaired professionals.” The remaining 15 beds would be reserved for an adult and older adult psychiatric inpatient program geared toward meeting the needs of the local population. The site is located at 5477 and 5485 Mooretown Road and can further be identified as James City County Real Estate Tax Map Nos. 3330100011B and 3330100011C. The site is shown by the Comprehensive Plan as Limited Industry. Recommended uses include warehousing, office, service industries, and public facilities with moderate impacts on surrounding areas.

Staff found the proposal, with the conditions, to be generally consistent with the Comprehensive Plan and surrounding land uses.

At its meeting on March 4, 2009, the Planning Commission recommended approval of the SUP application and the off-street parking requirement waiver request by a vote of 6-0 with one member absent.

Staff recommended approval of the resolution.

Mr. McGlennon stated that the waiver for off-street parking was part of an earlier waiver and asked, since there has been experience with the operation of the facility, the waiver would not pose any ill effects on the parking in that area.

Ms. Reidenbach stated that was correct.

Mr. Kennedy opened the Public Hearing.

1. Mr. Greg Davis, Kaufman and Canoles PC, on behalf of the applicant, gave an overview of the proposed expansion of Williamsburg Place. He gave a brief history of the project and an overview of the project and environmental and fiscal benefits proposed by the applicant.

Mr. Icenhour noted that the 12-bed psychiatric facility approved in 1992 was never built.

Mr. Davis stated that was correct.

Mr. Icenhour stated that the 12-bed facility was still included and asked if that was part of the future plan.

Mr. Davis stated that the 12-bed facility remains a possibility, but that it was not anticipated in the near future.

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

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0026-2008. DIAMOND HEALTHCARE - WILLIAMSBURG PLACE EXPANSION

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, Mr. Greg Davis of Kaufman & Canoles has applied on behalf of property owner Diamond Healthcare of Williamsburg, Inc. for an SUP to allow an expansion to Williamsburg Place, a hospital located on a parcel of land zoned M-1, Limited Business/Industrial; and

WHEREAS, the property is located at 5477 and 5485 Mooretown Road and can be further identified as James City County Real Estate Tax Map Nos. 3330100011B and 3330100011C; and

WHEREAS, following its public hearing on March 4, 2009, the Planning Commission voted 6-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 0026-2008 as described herein with the following conditions:

1. Use: This SUP shall allow the establishment and/or continued operation of a 25-bed acute psychiatric treatment services facility; a 15-bed adult and older adult psychiatric inpatient facility; a 30-bed intermediate care substance abuse treatment facility and transitional domiciliary facility; a 12-bed psychiatric unit; a 48-bed outpatient unit, and a 4-bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need from the Commission of Health of the Commonwealth of Virginia.
2. Commencement of Construction: Construction on this project shall commence within 24 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. Master Plan: As determined by the Director of Planning, the plan of development shall be in accordance with the “Master Plan (Amended) Williamsburg Place” (“Master Plan”) prepared by AES Consulting Engineers, dated November 26, 2008, and revised January 21, 2009. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance, and the service entrance.
4. Property Line Adjustments: Prior to final site plan approval, the common property line between the parcels identified as James City County Real Estate Tax Map Nos. 3330100011B and 3330100011C shall be adjusted as shown on the Master Plan.
5. Architectural Review: Prior to final site plan approval, the Director of Planning shall review and approve the final architectural design of the building. Such building shall be generally consistent, as determined by the Director of Planning, with the architectural elevations titled “Front Perspective” and “Rear Perspective” for Diamond Healthcare Williamsburg Place Expansion dated February 4, 2009, and drawn by Guernsey Tingle Architects.
6. Lighting: All exterior lighting on the property 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. Modifications to this requirement may be approved by the Director of Planning if it is determined that the modifications do not have any negative impact on the property or surrounding properties.

7. Runoff to CSX Property: There shall be no net increase in runoff to the CSX railroad right-of-way. No new impervious area shall drain to the CSX property without water quality treatment in a 10-point BMP per the County BMP Guidelines. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval.
8. Bioretention Facility: The proposed bioretention facility shall be sized to comply with the existing stormwater management master plan. Under no circumstances will the proposed bioretention facility be sized for less than one inch per impervious acre for the net increase in impervious area developed in the currently proposed expansion as compared to the impervious area approved on County site plan SP-0097-2007. This shall be demonstrated on the plan of development and shall be approved by the County's Environmental Division Director prior to final plan of development approval.
9. Landscaping: A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the trees within the landscape buffers shall be evergreen.
10. Water Conservation: The applicant shall be responsible for amending the existing 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.
11. Signage: Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size, and design of the "Service Only" signs will be approved by the Director of Planning prior to final site plan approval. The Director of Planning shall approve the location of all signage prior to final site plan approval that shall be in accordance with the County Zoning Ordinance.
12. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

4. An Ordinance to Designate the Public Roads in the Kristiansand Neighborhood for Golf Cart Use

Chief Emmett Harmon, Chief of Police, stated that the Kristiansand Homeowners Association submitted an application pursuant to Section 13-60 et seq. of the County Code, requesting that the Board designate the streets in Kristiansand for golf cart use.

Mr. Goodson asked why the entrances were not recommended for golf cart use.

Chief Harmon stated that this was a new concept in this area and he proposed that the entrances not be used for golf cart use due to heavy traffic and unaware motorists.

Mr. McGlennon asked what other facilities would be located on these roads.

Chief Harmon stated that there was a business park, a day care facility, a restaurant, and a car dealership that would put traffic on these roadways.

Mr. Kennedy asked if this was discussed with the businesses in this area in relation to parking.

Chief Harmon stated that it was not.

Mr. Kennedy asked if the vehicles would be insured due to high speeds in this area.

Chief Harmon stated that there were approximately 500 vehicles within a 24-hour period with about 80 vehicles ten miles or more over the speed limit. He stated that officers could be placed there to enforce the speed limit.

Mr. Kennedy asked if general vehicle laws would apply, including driving while intoxicated.

Chief Harmon stated that there was and that there was a provision in the ordinance addressing insurance for recreational vehicles.

Mr. Kennedy asked if golf carts were required to be inspected.

Chief Harmon stated that golf carts were not required to be inspected, but safety features such as headlights and mirrors were required.

Mr. Kennedy stated that there were concerns if Nina Lane and Kristiansand Drive were included in these permitted roads and that there were questions about how businesses would handle these vehicles.

Chief Harmon stated that this was an issue.

Mr. Icenhour stated that there were no comparable businesses in Chickahominy Haven, but asked if there were any problems or issues with the other communities that permitted golf carts.

Chief Harmon stated that Chickahominy Haven has had a decrease in police calls related to golf carts.

Mr. Kennedy stated that there was a restaurant in Chickahominy Haven that may be addressed on the business issue.

Mr. Kennedy opened the Public Hearing.

1. Mr. Scott Coursen, 115 Nina Lane, commented that insurance needed to be carried on vehicles. Mr. Coursen displayed the entrance of 7-Eleven on Kristiansand Drive. He stated that there was one other entrance off the road into the day care center. He stated that the day care center is closed after 6 p.m. and on weekends, which reduces traffic. He stated that there was parking in the rear of 7-Eleven and noted that there were residents who walked and rode bicycles to 7-Eleven. He stated that the entrance of the store is roughly 150 feet from Route 60 and that he felt there was little danger of traffic from Route 60. He requested approval of the ordinance with the use of the 7-Eleven entrance off Kristiansand Drive.

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

Mr. Goodson stated that he appreciated the concern of Chief Harmon and that a benefit of golf cart use was to go to markets and restaurants while decreasing vehicle traffic. He stated that he would be accepting the use of Kristiansand Drive and requested Board input.

Mr. Kennedy stated that he appreciated the request to use golf carts in the community, particularly due to parking issues in the community. He stated that he would not want to grant access of businesses' parking lots without permission. He stated that the car dealership and other factors increased the risks to citizens and also the parking issue. He stated that the 7-Eleven was very busy and may create a problem.

Mr. Goodson stated that golf carts may be parked along the road if the access was not granted.

Mr. Kennedy stated that he would oppose the increased access without more information.

Mr. Icenhour stated that the current ordinance could be adopted and could be amended after discussing the proposal to the businesses.

Mr. Kennedy asked if there was access to the restaurant.

Chief Harmon stated there was not.

Mr. Kennedy stated that he was concerned about granting access to private property.

Ms. Jones stated her support of approving the currently proposed ordinance and allowing for an amendment at a later time if it was acceptable to the business owners in the area.

Mr. McGlennon stated that he applauded the use of golf carts in the community, but stated his concern for the variety of traffic that entered that area and also the unfamiliarity of some who drive in the community. He stated his opposition to granting access to private property.

Mr. Goodson made a motion to adopt the ordinance.

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

H. PUBLIC COMMENT

1. Mr. Greg Smith, 155 Marston Lane, commented that he was not in opposition to the adult day care facility but wanted to inform the Board about the work already being performed. He stated that the proposed VDOT goal could be met by proposing other consolidations. He asked that the Board contact the County's representation in the General Assembly, Hampton Roads Planning District Commission (HRPDC), and Hampton Roads Metropolitan Planning Organization (HRMPO) as well as the Commonwealth Transportation Board. He asked that the Board continue to solicit support from other Peninsula jurisdictions.

2. Mr. Ed Oyer, 139 Indian Circle, commented that the County's General Assembly representation was not supportive of closing the local VDOT Residency.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that he had spoken with the Commonwealth Transportation Board (CTB) representatives and also with Senator Thomas K. Norment, Jr., Delegates Phillip A. Hamilton, William K. Barlow, and Brenda L. Pogge and that he was assured continued support of maintaining the VDOT Williamsburg Residency.

Mr. Wanner stated that there was a closed session for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically the Cable Communications Advisory Committee, Peninsula Disabilities Services Board, and Social Services Advisory Board as well as consideration of the acquisition of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

He stated that there was a potential cancellation of the Budget Work Session on April 16, 2009, and that the decision would determine the adjournment for the evening.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy requested that the Board cancel the work session on Thursday, April 16, 2009, resume on Monday, April 20, 2009, 7 p.m. and schedule a third work session if necessary.

Ms. Jones made a motion to cancel the work session on April 16, 2009, 7 p.m.

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

Mr. Wanner stated that the Board should adjourn to 7 p.m. on April 20, 2009.

Mr. Kennedy stated that Dominion Virginia Power has proposed to increase the utility base rate. He stated that the County Administrator has drafted a letter in opposition to the request and said that he would like to request Board support for this letter. Mr. Kennedy read the letter.

There was a consensus that this was acceptable.

Ms. Jones gave a brief update on the Comprehensive Plan Steering Committee schedule.

Mr. Kennedy stated that he attended the grand opening of the Sesame Place section of Busch Gardens

on April 3, 2009. He stated that it was a good addition to the park and to the County. He noted that the James City County Green Building Committee held its second meeting on April 13, 2009.

K. CLOSED SESSION

Mr. Goodson made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of a personnel matter, the appointment of individuals to County boards and/or commissions and for consideration of the acquisition of property for public use pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

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

At 8:44 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 9:55 p.m. Mr. Kennedy reconvened the Board.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), of the Code of Virginia, to consider a personnel matter, 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 parcel(s) of property for public use.

Mr. McGlennon made a motion to reappoint Mr. Richard Locke, Mr. Lee Laska, and Mr. Gerald White to four-year terms on the Cable Communications Advisory Committee, terms to expire on April 30, 2013; Ms. Irma Hawkins to a term on the Peninsula Disabilities Services Board, term to expire on April 11, 2011; and Ms. Diane Joyner to a term on the Social Services Advisory Board, term to expire on July 1, 2012.

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

L. ADJOURNMENT to 7 p.m. on April 20, 2009

Mr. McGlennon made a motion to adjourn.

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

At 9:56 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on April 20, 2009.

Sanford B. Wanner
Clerk to the Board