

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**May 23, 2000**

**7:00 P.M.**

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**K. CLOSED SESSION**

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A)(1) of the Code of Virginia.
  - a. Regional Issues Committee
  - b. Clean County Commission

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF MAY, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Ronald A. Nervitt, Chairman, Powhatan District  
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Jay T. Harrison, Sr., Berkeley District  
James G. Kennedy, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PLEDGE OF ALLEGIANCE**

Miss Jamie Jackson, a senior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

**C. PUBLIC COMMENT**

1. Ms. Nicki Lunsford, President, Jamestown 1607 Homeowners Association, voiced her concern that no further work has occurred on cleaning the drainage pipes under Jamestown Road and the buffer area between Jamestown 1607 and Jamestown Road.

Mr. John T. P. Home, Manager of Development Management, gave the Board and Ms. Lunsford an update on the County's efforts to get the drainage pipes cleared. The pipes need to be cleared before the buffers are cleaned or the pooling of water will increase at Jamestown 1607.

2. Eve Palmer, 140 Wellington Circle, gave an update on the County's response to her requests for information regarding the need for master plans and the regulations cited in the reply. She voiced her concerns about the information provided.

3. Mr. Ed Oyer, 139 Indian Circle, voiced his concerns that the County may be trying to encroach on citizens, and the School Board's financial actions are excessive.

4. Mr. Edward Clemons, 119 Tarleton Bivouac, thanked the County for its reply to his comments at the last Board meeting, but wanted to clarify his position regarding citizens being displaced by the County and requested a meeting with the County Administrator and/or Mr. Goodson to discuss his concerns.

**D. PRESENTATION**

Mr. McGlennon presented a resolution recognizing May 14-20, 2000, as Business Appreciation Week to Mr. Gill Bartlett, Chairman of the Industrial Development Authority.

Mr. Bartlett thanked the County for the resolution and also thanked the businesses in the County.

Mr. Nervitt and Mr. Harrison presented a resolution commending Ford's Colony at Williamsburg Homeowners Association for being designated by the Community Associations Institute as the 1999 National Community of the Year for their accomplishments for the citizens and community of James City County. The President, Mr. Dick Houston, Secretary, Ms. Van Vander Veer, and Treasurer, Ms. Fran Dunleavy, of Ford's Colony at Williamsburg, accepted the resolution.

**E. CONSENT CALENDAR**

Mr. Nervitt asked if a Board member wished to remove an item from the Consent Calendar. Mr. Harrison requested Item Number 5, FY 2001 Strategic Management Plan (deferred from April 25, 2000), be removed for further discussion.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

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

1. Minutes of March 13, 2000, Regular Meeting
2. Minutes of March 17, 2000, Regular Meeting
3. Mental Health Awareness Month

**RESOLUTION**

**MENTAL HEALTH AWARENESS MONTH**

WHEREAS, mental illness will strike one in four Americans in a given year without regard to age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children suffer from diagnosable mental, emotional, or behavioral disorder, and one in ten have a serious disorder which, if left untreated, can lead to school failure, substance abuse, and even suicide; and

WHEREAS, the causes of brain disorders are not fully understood but the illnesses are treatable and recovery is possible if those affected receive effective treatment, advocacy, and support; and

WHEREAS, the Community Services Boards serving the Peninsula celebrate National Mental Health Month each year in May to raise awareness of mental health, mental illness, and discrimination against people with mental illnesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims May as Mental Health Awareness Month.

4. Business Appreciation Week – May 14-20, 2000

**RESOLUTION**

**BUSINESS APPRECIATION WEEK - MAY 14 - MAY 20, 2000**

WHEREAS, James City County is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities, provide local tax revenues and make other significant contributions to our community that promote both educational opportunities for our children and a variety of activities which increase the quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby salutes our existing businesses and industries by virtue of this proclamation, and gives notice to our citizens that we are “honoring a New Century of Business in Virginia.”

BE IT FURTHER RESOLVED that the Week of May 14-20, 2000, is Business Appreciation Week in James City County.

6. Commendation, Ford’s Colony at Williamsburg Homeowners Association

**RESOLUTION**

**COMMENDATION, FORD’S COLONY AT WILLIAMSBURG**

**HOMEOWNERS ASSOCIATION**

WHEREAS, in 1998 the Ford’s Colony at Williamsburg received awards from the Central Virginia Chapter of the Community Associations Institute (CAI) and the Greater Williamsburg Association of Volunteer Administrators for its participation in and contribution to the community; and

WHEREAS, in 1999 the CAI named the Ford’s Colony at Williamsburg Homeowners Association the 1999 National Community of the Year; and

WHEREAS, the Homeowners Association has partnered with the County’s Neighborhood Connections Division to acquire the CAI Homeowners Association Library, sponsored several courses in ABC’s for Homeowners Associations, and participated in Neighborhood Emergency Plan workshops; and

WHEREAS, homeowners in Ford’s Colony established more than 25 neighborhood clubs and actively participate in community organizations such as: Friends of Powhatan Creek, Hospice, Housing Partnerships, Olde Towne Medical Center, Fish, Williamsburg Community Hospital, and Avalon.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend and honor the Ford's Colony at Williamsburg Homeowners Association for its tradition of participation in local government affairs, partnerships with James City County, and designation by the Community Associations Institute as the 1999 National Community of the Year.

7. Award of Bid – Williamsburg – James City County Courthouse Custodial Services

**RESOLUTION**

**AWARD OF BID - WILLIAMSBURG-JAMES CITY COUNTY**

**COURTHOUSE CUSTODIAL SERVICES**

WHEREAS, the Williamsburg-James City County Courthouse opens on or about May 17, 2000; and

WHEREAS, the custodial maintenance of the 74,000-square foot facility has been previously budgeted for private contract services; and

WHEREAS, the lowest responsive and responsible bid for this service was received from Systems Management, Inc., in the amount of \$66,368.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Williamsburg-James City County Courthouse Custodial Services bid to Systems Management, Inc., in the amount of \$66,368 and authorizes the County Administrator to execute the contract.

5. FY 2001 Strategic Management Plan (deferred from April 25, 2000)

Mr. Harrison thanked County staff for their work in developing and revising the Strategic Management Plan.

Mr. Wanner thanked Rona Vrooman and staff for their efforts in creating the plan.

Mr. Nervitt indicated the plan is a work-in-progress and appreciates the work that went into creating the plan and asked if there would be a follow-up report on the outcomes of the plan.

Mr. Harrison made a motion to adopt the FY 2001 Strategic Management Plan.

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

**RESOLUTION**

**FY 2001 STRATEGIC MANAGEMENT PLAN**

WHEREAS, the County's Strategic Management Plan sets forth the mission, vision, values, goals, and objectives; and

WHEREAS, the FY 2001 Strategic Management Plan has been reviewed to assure that it reflects our priorities and is consistent with resources in the FY 2001 Budget; and

WHEREAS, the Strategic Management Plan is an essential tool for identifying, communicating, and tracking the critical areas we need to address to meet the needs of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the FY 2001 Strategic Management Plan.

**F. PUBLIC HEARINGS**

1. Case No. Z-2-00 and SUP-3-00. Greensprings Grocery

Mr. Christopher Johnson, Planner, stated that Mr. Stephen E. Cryder & Cathelyn G. Cryder had applied to rezone 1.676 acres from LB, Limited Business, to B-1, General Business, with proffers, and for a special use permit to construct a fueling station at 4197 Centerville Road, further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

Staff determined the proposal is consistent with surrounding zoning and development and the regular traffic on Centerville Road will not be greatly affected by the rezoning and special use permit. The applicant has provided proffers for the proposed rezoning and agreed to meet the conditions outlined by the County regarding noise, buffers, solid waste, and fuel delivery schedules.

Board and staff discussion followed.

1. Mr. Henry Branscome, 133 Branscome Boulevard, provided the Board with his observations that there are no gas stations in this area and he welcomes the renovations.

Mr. Nervitt closed the public hearing as no one else wished to speak to this item.

Mr. Harrison made a motion to adopt the resolutions.

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

**RESOLUTION**

**CASE NO. Z-2-00. GREENSPRINGS GROCERY**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-2-00 for rezoning 1.676 acres from LB, Limited Business, to B-1, General Business, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 3, 2000, recommended approval of Case No. Z-2-00, by a vote of 7 to 0; and

WHEREAS, the property is located at 4197 Centerville Road and further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-00.

**RESOLUTION**

**CASE NO. SUP-3-00. GREENSPRINGS GROCERY**

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 process; and

WHEREAS, convenience stores with the sale of fuel are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 3, 2000, recommended approval of SUP-3-00, by a vote of 7 to 0, to permit the sale of fuel at the existing convenience store located at 4197 Centerville Road and further identified as Parcel No. (1-1A) on James City County Real Estate Tax Map No. (36-4).

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. SUP-3-00 as described herein with the following conditions:

1. The freestanding sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.
2. A lighting plan for all lighting on the site, including the canopy lighting, shall be reviewed and approved by the Director of Planning prior to final site plan approval. The plan shall ensure that no glare extends outside the boundaries of the site. All lights shall have recessed fixtures with no bulb, lens, or globe extending below the casing or the canopy ceiling.
3. The daily hours of operation for both the convenience store and gas station shall be limited to the hours of 5:00 a.m. to 11:00 p.m.
4. The daily hours of fuel delivery and solid waste pickup shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
5. Intercom systems designed to allow oral communication between employees inside the store and customers refueling their vehicles, shall operate in such a manner that they will not be audible by adjacent property owners.
6. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as the pouring of foundations and/or footings for the canopy.
7. The dumpster shall be completely screened on three sides with materials subject to the approval of the Director of Planning. The front of the dumpster enclosure shall be gated with a structure that conceals the dumpster. The gate shall be a dark color subject to the approval of the Director of Planning.



8. A landscaping plan shall be provided for the area at the south end of the parking lot and along the landscape buffer along Centerville Road. The landscaping shall be provided in a manner that minimizes the amount of headlight glare onto adjacent properties and minimizes views of vehicle parking and fueling areas on a year round basis, as determined by the Director of Planning.
9. There shall be no more than three gas pumps (vehicle fueling stations) permitted on the property. The pumps shall be arranged in a manner generally consistent with the attached conceptual plan (Attachment 4, Exhibit A).
10. No signs shall be allowed on the canopy mansard, fascia or roof area covering the gas dispensers.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Sale of Surplus Property at 220 The Maine

Mr. Andrew H. Herrick, Assistant County Attorney, stated that a parcel of land (0.289-acre parcel at 220 The Maine) acquired by the County last year as a part of the Sydnor Waterworks will not be needed by the James City Service Authority.

Staff recommends the Board authorize the sale of the 0.289-acre parcel at 220 The Maine to Benjamin L. and Linda B. Scherer.

The Board and staff held a brief discussion regarding the assessed value, the bid offers for purchasing the property, and the property rights of the landowner.

Mr. Morton assured the Board that the parcel would not allow for significant expansion and the development of the parcel would need to have the approval of the Planning department.

Mr. Nervitt opened the public hearing and as no one wished to speak, closed the hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

R E S O L U T I O N

SALE OF SURPLUS PROPERTY AT 220 THE MAINE

WHEREAS, in 1999, James City County acquired a certain 0.289-acre parcel at 220 The Maine from Sydnor Pump and Well Company for use by the James City Service Authority (JCSA); and

WHEREAS, the JCSA no longer requires this property or facility for its operations; and

WHEREAS, Benjamin L. and Linda B. Scherer, neighboring property owners, have offered to pay \$8,000 for this property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to Benjamin L. and Linda B. Scherer, their successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 220 The Maine to Benjamin L. and Linda B. Scherer, their successors, or assigns for \$8,000.

**G. BOARD CONSIDERATIONS**

1. Virginia Department of Transportation (VDOT) Revenue Sharing Program

Mr. John T. P. Horne, Manager of Development Management, informed the Board the Virginia Department of Transportation (VDOT) has notified the County that it could request additional funding up to \$100,000 from the Revenue Sharing Program for FY 2001 which could be met with the local match in the County CIP account.

Staff recommended the Board request the \$100,000 for the Monticello Avenue Project and highway landscaping along entryway corridors.

A brief Board and staff discussion followed.

Mr. McGlennon made a motion to adopt the resolution.

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

**RESOLUTION**

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

REVENUE SHARING PROGRAM

WHEREAS, the Revenue Sharing Program administered by the State of Virginia provides valuable matching funds on a one-to-one basis for construction of needed roadway projects in James City County; and

WHEREAS, the Board has been notified by VDOT that an additional allocation of up to \$100,000 may be requested for FY 99-00; and

WHEREAS, the Monticello Avenue Project can productively utilize additional Revenue Sharing Program funding, and highway landscaping enhances County highways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the request to the Virginia Department of Transportation for \$100,000 in additional Revenue Sharing Program funds.

2. Rail Service

Mr. John T. P. Horne, Manager of Development Management, provided the Board with information regarding the Regional Issues Committee's desire to have additional support by James City County, York County, and the City of Williamsburg for improved rail service to the Historic Triangle and Peninsula through a resolution by each governing body which would be forwarded to State and Federal legislators and appropriate agencies.

Board and staff discussion followed concerning planning for future transportation needs, and communities on the peninsula supporting rail service to Newport News rather than Southside.

Mr. McGlennon made a motion to adopt the resolution.

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

3. Industrial Access Road Fund Application

Mr. Leo P. Rogers, Deputy County Attorney, presented two resolutions for consideration to the Board concerning the use of Industrial Access Road funds to access the Wal-Mart Stores, Inc., distribution center property off Pocahontas Trail in the Green Mount Industrial Park.

A brief board discussion followed.

Mr. Goodson made a motion to adopt the resolutions.

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

**RESOLUTION**

**INDUSTRIAL ACCESS ROAD FUNDING**

**AT GREEN MOUNT INDUSTRIAL PARK**

WHEREAS, Wal-Mart Stores, Inc., owns and has agreed to cooperate in the development of property which is a portion of the Green Mount Industrial Park, in the County of James City, Virginia for the purpose of attracting industrial development; and

WHEREAS, Wal-Mart Stores, Inc., has entered into an agreement with the County to provide any necessary right-of-way, to reimburse any costs associated with the road improvements and provide surety to the County; and

WHEREAS, the property is expected to be the site of a new private capital investment in land, building, and/or manufacturing equipment by Wal-Mart Stores, Inc., which will provide new substantial employment; and

WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Pocahontas Trail (Route 60 East); and

WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to this property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute an agreement with the Virginia Department of Transportation and any other necessary documentation to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within three years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

## RESOLUTION

### AGREEMENT WITH WAL-MART STORES, INC.,

### FOR USE OF INDUSTRIAL ACCESS ROAD FUNDS

WHEREAS, Wal-Mart seeks to induce the County to adopt a resolution requesting Virginia Industrial Access Road funds to assist in providing suitable access to Wal-Mart's 161 +/- acre parcel within the Green Mount Industrial Park located off Route 60, Pocahontas Trail, in James City County, Virginia (the "Parcel"); and

WHEREAS, the County will be requesting that the Commonwealth Transportation Board allocate approximately \$400,000, cost estimates and actual costs to be determined at a later time, from the Industrial Access Fund to assist in installing turn lanes along Route 60, a traffic signal at the new intersection, if warranted, and overlaying the surface of the new entrance road in order to provide access to the Parcel (the "Project"); and

WHEREAS, the County will be required to make certain assurances, provide right-of-way for the Project, accept responsibility for certain contingencies, and post surety with the Virginia Department of Transportation ("Department") in order to induce the Commonwealth Transportation Board to approve the Project; and

WHEREAS, Wal-Mart agrees to pay any costs that the County may incur associated with the Project that are not reimbursed by the Industrial Access Fund; and

WHEREAS, Wal-Mart agrees to provide sufficient surety to the County, prior to the County entering into an agreement with the Department, to insure reimbursement to the County for any payment due the Department under the Industrial Access Fund for the Project's construction not justified by eligible industrial capital outlays by eligible industry or industries served by the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into an agreement with Wal-Mart Stores, Inc., to allocate the responsibilities of the parties concerning the use of Industrial Access Road funds to construct the qualifying road improvements along Pocahontas Trail and the entrance road to the Wal-Mart's Distribution Center in the Green Mount Industrial Park.

#### **H. PUBLIC COMMENT**

1. Ms. Adriene Wynne, 118 Ron Springs Drive, voiced her concern regarding the possible addition of a traffic light on Route 60 as a result of the Wal-Mart distribution center construction.

The Board assured Ms. Wynne that a traffic study would be performed to determine if a traffic light is needed.

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

Mr. Wanner introduced John E. McDonald, Manager of Financial and Management Services, for an update on the impact of the "Love Bug" virus on the County computer network.

A brief discussion followed concerning firewalls and sufficient employee training regarding suspicious e-mail messages.

Mr. Wanner recommended the Board convene into a closed session meeting pursuant to Section 2.1-344 (A) (1) to consider a personnel matter involving the semiannual performance review of the County Administrator. He recommended that, following the closed session, the Board adjourn until 7:00 p.m. May 23, 2000.

#### **J. BOARD REQUESTS AND DIRECTIVES**

Mr. Kennedy requested a weekly water usage update for the Board to keep them apprised of the increasing demands. He also requested the number of utility markings for installation of automatic irrigation systems should be included in the report.

Mr. Foster gave the Board a quick overview of the water usage since January 2000. In January, February, and March the daily demand was three million gallons of water per day. In April, the daily demand for water increased to 3.4 million gallons of water per day. In the first weekend of May, the daily demand for water increased sharply to 4.4 million gallons of water per day.

Mr. Nervitt announced that the Water Conservation Committee members have been appointed, and the committee will be working to propose ideas to deal with the increased water demands.

Mr. McGlennon announced the citizens and VA Power are working together to install pavilions for school usage at Clara Byrd Baker Elementary School. The pavilions can be used for outdoor learning, picnics, and lunches. He also thanked County staff in their assistance with the permit process.

Mr. McGlennon suggested that trees needed to be planted at the District Park Sports Complex to provide shade.

Mr. Nervitt made a motion to go into closed session pursuant to Section 2.1-344 (A) (1) to consider a personnel matter involving the semiannual performance review of the County Administrator at 8:20 p.m.

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

Mr. Nervitt reconvened the Board into open session at 10:25 p.m.

Mr. Goodson made a motion to approve the closed session resolution.

On a roll call the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (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 2.1-344.1 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 and Section 2.1-344(A)(1) to consider a personnel matter involving the semiannual performance review of the County Administrator.

Mr. Harrison made a motion to adjourn until May 23, at 7:00 p.m.

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

The Board adjourned at 10:30 p.m.

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Sanford B. Wanner  
Clerk to the Board

MEMORANDUM

DATE: May 23, 2000  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Commendation - Kingsmill Resort

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Three leading hospitality industry publications have recognized Kingsmill Resort and Conference Center for its service during 1999. Each of the awards is based on the overall quality of meeting facilities, services, food, technical equipment and support, and recreational activities.

Staff recommends adoption of the attached resolution in recognition of the above.

---

William C. Porter, Jr.

CONCUR:

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Sanford B. Wanner

WCP/gb  
kingsmillresort.mem

Attachment

**RESOLUTION**

**COMMENDATION - KINGSMILL RESORT**

WHEREAS, *Meetings and Conventions* magazine awarded Kingsmill Resort its 1999 “Gold Key Award;” and

WHEREAS, *Successful Meetings* magazine named Kingsmill Resort to its ninth annual list of “ACE Awards” for excellence in golf meetings and incentive programs from 140 properties in the U.S., Canada, and the Caribbean; and

WHEREAS, *Meeting News* named Kingsmill Resort its Planner’s Choice award based on subscribers ranking; and

WHEREAS, the above awards are based on overall attitude of staff, quality of meeting rooms, availability and quality of guest services, quality of food and beverage service, proficiency and ease of handling reservations, availability of technical equipment and support, and range of recreational activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend the Kingsmill Resort for receiving awards from three leading hospitality industry trade publications and in setting the standard for providing excellent service and facilities.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

kingsmill.res



MEMORANDUM

DATE: May 23, 2000  
TO: The Board of Supervisors  
FROM: Allen J. Murphy, Jr., Zoning Administrator  
SUBJECT: Resolution of Appreciation - Claude Feigley

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Claude Feigley has stepped down from the Board of Zoning Appeals after serving for 15 years. During that time, Mr. Feigley willingly gave of his time and his talents to ensure the health, safety, and welfare of the citizens of James City County while protecting the rights and privileges of property owners.

Staff recommends adoption of the attached Resolution of Appreciation to Claude Feigley for his years of dedicated service to the citizens of James City County.

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Allen J. Murphy, Jr.

CONCUR:

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John T. P. Horne

AJM/gb  
feigley.mem

Attachment

**RESOLUTION OF APPRECIATION**

**CLAUDE FEIGLEY**

WHEREAS, Claude Feigley served as a member of the Board of Zoning Appeals of James City County from August 5, 1985, to March 31, 2000, and as its Chairman from January 1989 to March 2000; and

WHEREAS, throughout this period of service, Claude Feigley willingly gave of his time and his talents to ensure the health, safety, and welfare of the citizens of James City County while protecting the rights and privileges of property owners; and

WHEREAS, Claude Feigley consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Claude Feigley and recognizes his distinguished service and dedication to the County and its citizenry.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

feigley.res

**M E M O R A N D U M**

DATE: May 23, 2000  
TO: The Board of Supervisors  
FROM: Wayland N. Bass, County Engineer  
SUBJECT: Award of Bid, Jamestown Road Sidewalk Construction

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Staff has received the following bids to construct sidewalks on Jamestown Road, between Powhatan Creek Access Park and Settlers Mill Subdivision:

L. E. Blizzard Concrete Contractor, Inc.	\$ 92,917
Hi and Sons, Inc.	104,839
Stilley Company, Inc.	112,742
Pavement Consultants, Inc.	114,174
Walter C. Via, Inc.	126,054
Pembroke Construction, Inc.	225,867

Our estimate for this work was \$110,000.

These sidewalks are recommended in the Board adopted 1998 Sidewalk and Trail Plan. The attached map shows existing and new sidewalks and the development in the area that would be served by the sidewalks.

Funds are available in the FY 00 Capital Improvement Budget for sidewalk construction. Staff recommends adoption of the attached resolution.

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Wayland N. Bass

CONCUR:

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John T. P. Horne

WNB/gb  
jamestown.mem

Attachments

**R E S O L U T I O N**

AWARD OF BID - JAMESTOWN ROAD SIDEWALK CONSTRUCTION

WHEREAS, bids have been received for construction of sidewalks along Jamestown Road, between Powhatan Creek Access Park and Settlers Mill Subdivision; and

WHEREAS, these sidewalks are recommended in the Board adopted 1998 Sidewalk and Trail Plan and funds are available in the FY 00 Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator be authorized to execute a contract with L. E. Blizzard Concrete Contractor, Inc., in the amount of \$92,917 for the construction of sidewalks on Jamestown Road.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk of the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

jamestown.res

MEMORANDUM

DATE: May 23, 2000

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resource Manager

SUBJECT: Revision to Section 5.7, Workers' Compensation, of James City County Personnel Policies and Procedures Manual

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Attached is a resolution to revise Section 5.7, Workers' Compensation, of the Personnel Policies and Procedures Manual. The change is designed to minimize the salary loss employees suffer as the result of missing work due to a work-related injury.

Under the current policy, an insured worker is paid only by workers' compensation, which can be up to 19 percent less than the employee's regular net pay. Under the proposed policy, the County will provide a salary supplement for a maximum of six months to help offset the difference between the lost wage payment provided by workers' compensation insurance and the employee's normal net pay, after taxes. This will help our employees who are hurt in the line of duty from losing pay and benefits. No financial gain is realized by the employee.

This supplement will not require any additional funding because the employee's salary is stopped when he/she receives workers' compensation wage payments, resulting in salary savings. The proposed salary supplement will reduce these savings minimally. If the salary supplement had been applied to FY 1999 workers' compensation claims, the salary savings would have been reduced from \$58,328 to \$48,970.

I recommend adoption of the attached resolution.

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Carol M. Luckam

CONCUR:

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Sanford B. Wanner

CML/alc  
chworkcomp.mem

Attachment

**RESOLUTION**

**REVISION TO SECTION 5.7, EMPLOYEE DEVELOPMENT, OF THE**

**JAMES CITY COUNTY PERSONNEL AND PROCEDURES MANUAL**

WHEREAS, James City County, in its Strategic Management Plan, values “providing opportunities for broad involvement, learning, and “information sharing;” and

WHEREAS, James City County wishes to have in place policies and procedures which encourage employees to meet County and personal goals; and

WHEREAS, James City County wishes to attract and retain employees with high achievement potential.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 6, Employee Development, of the James City County Personnel Policy and Procedures Manual.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

chworkcomp.res

MEMORANDUM

DATE: May 23, 2000  
TO: The Board of Supervisors  
FROM: Carol M. Luckam, Human Resource Manager  
SUBJECT: 50/25 Retirement Benefits for Public Safety Employees

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Adoption of the attached resolution is required by the Virginia Retirement System in order to implement 50/25 Retirement for the County's full-time salaried Law Enforcement Officers, including Deputy Sheriffs and Firefighters.

This benefit will be effective January 1, 2001, as approved in the FY 2001 Budget document. I recommend the adoption of the attached resolution.

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Carol M. Luckam

CONCUR:

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Sanford B. Wanner

CML/alc  
retireben.mem

Attachment

**RESOLUTION**

**50/25 RETIREMENT BENEFITS**

**FOR PUBLIC SAFETY EMPLOYEES**

WHEREAS, the FY 2001 James City County Operating Budget includes approval of expenditure of funds to provide County employees in full-time salaried law enforcement positions including deputy sheriffs and firefighters, with benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors, does hereby elect to have such employees of the County who are employed in positions as full-time salaried law enforcement officers and full-time salaried firefighters and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 2001, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such Code has been or may be amended from time to time, and the County agrees to pay the employer cost for providing such employees such benefits.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Clerk to the Board to execute any required contract in order that the above described employees of the County may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the County shall be affixed and attested by the Clerk, and, said officers of the County are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County be and is hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the County and its employees for this purpose.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.



MEMORANDUM

DATE: May 23, 2000  
 TO: The Board of Supervisors  
 FROM: Wes Saunders, Solid Waste Superintendent  
 SUBJECT: Award of Bid - Solid Waste Collection

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The County's contract for the collection and disposal of solid waste from County building dumpsters, Convenience Centers, and the Williamsburg-James City County Schools expires on July 1, 2000. The contract also includes provisions for the collection and disposal of recyclable material. The service was publicly advertised and bids were opened on May 9, 2000, with the following results:

<u>Firm</u>	<u>Amount</u>
BFI	\$ 70,570.90
Waste Management, Inc.	59,678.00

The bids represent the estimated annual costs based on current levels of service. Actual costs will be determined based on units of service provided. The costs of each unit of service is defined in the bid document. The contract provides for a five-year term with annual increases not to exceed the increase in the consumer price index.

The low bid of \$59,678 is within the budget allocation for the service. It is recommended that the Board approve the attached resolution awarding the bid for solid waste/recycling services to Waste Management, Inc., of Hampton Roads.

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Wes Saunders

CONCUR:

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William C. Porter

WS/alc  
 TrashC-D.mem

Attachment

**RESOLUTION**

**AWARD OF BID - SOLID WASTE COLLECTION**

WHEREAS, James City County has advertised and publicly opened bids for collections and disposal of solid waste and recycling services at County buildings and Williamsburg-James City County schools; and

WHEREAS, the lowest responsive bid for the service was submitted by Waste Management, Inc., of Hampton Roads with an estimated annual cost of \$59,678; and

WHEREAS, the bid is within the budget allocation for the service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract for collection and disposal of solid waste and recycling to Waste Management, Inc., of Hampton Roads.

\_\_\_\_\_  
Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

TrashC-D.res

**SPECIAL USE PERMIT-6-00. Williamsburg Montessori School  
Staff Report for May 23, 2000, Board of Supervisors Public Hearing**

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This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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**PUBLIC HEARINGS**      Building C Board Room; County Government Complex  
Planning Commission:      May 1, 2000, 5:00 p.m.  
Board of Supervisors:      May 23, 2000, 7:00 p.m.

**SUMMARY FACTS**

Applicant:                      Mr. John Tarley, Williamsburg Montessori School  
Land Owner:                      C. T. and Anna Lewis

Proposed Use:                      School

Location:                              4200 Longhill Road; Powhatan District

Tax Map and Parcel No.:      (31-4) (1-3)

Primary Service Area:              Inside

Parcel Size:                              .845 acres

Existing Zoning:                      R-8, Rural Residential

Comprehensive Plan:              Low-Density Residential

Surrounding Zoning:              North: R-2, General Residential (several duplexes)  
    South: R-2, (Longhill Gate)  
    East, West: R-8, Rural Residential

Staff Contact:                              Jill E. Schmidle - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds the proposal to be consistent with surrounding zoning and land use and is consistent with the Comprehensive Plan. On May 1, 2000, the Planning Commission voted 7-0 to approve this application. Staff recommends the Board of Supervisors recommend approval of this proposal with the conditions listed in the staff report.

## Project Description

Mr. John Tarley has applied on behalf of the Williamsburg Montessori School for a special use permit to operate a school at 4200 Longhill Road in a single-story residential dwelling unit, which is adjacent to the Williamsburg Montessori School located at 4210 Longhill Road. The house is owned by C. T. and Anna Lewis, and the Montessori School is under contract with the owners to purchase the property. The single-family residence is zoned R-8, Rural Residential, and will be used for office space, a library, and toddler classroom space and would be part of an overall school renovation and expansion permitting the addition of 14 students. Currently two structures house the Montessori School: the original school building on the corner of Longhill Road and Lynnette Drive, and an adjacent structure, which was formerly a convenience store. The Montessori School received approval from the Board of Supervisors to expand the school to the convenience store in 1996, and the details of that approval will be outlined in pertinent sections of this report. The single-family dwelling proposed for the Montessori School expansion is adjacent to the former convenience store.

The home is approximately 1,700 square feet, and is occupied by two tenants. The tenants are set to move upon the closing of the purchase contract, scheduled for May 15, 2000. No changes to the footprint of the single-family structure will occur. The Montessori School currently has 111 students, and if the special use permit is approved, the Montessori School will have capacity for 125 students. The proposed expansion will not generate any additional staff.

The renovation and expansion is scheduled to occur in three phases. Phase 1, anticipated to occur by September 2000, calls for renovating the house for office space and a library. No additional students are projected in this phase. Phase 2, anticipated for September 2001, includes renovating the remainder of the house to allow the relocation of the Toddler Room, which currently is housed in the school with 12 children ages 18 months to three years. Phase 2 also includes expanding the existing classroom being vacated by the toddlers to add four additional pre-school aged children, and creating an additional playground behind the house. This phase would increase capacity by four additional children in the school. Phase 3, projected for September 2002, includes building a connection between the classrooms in the original school and the former convenience store for 10 upper elementary students, and expanding the parking area in front of the house. **To summarize this request, a total of 14 additional children will be permitted with this expansion, as well as various renovations to the existing and proposed school structures.**

## History

The Williamsburg Montessori School has operated on Longhill Road since 1982. As stated previously, the first school expansion occurred with the approval of Case No. SUP-4-96, which permitted the school to locate in the adjacent convenience store. The 1996 SUP also included a façade renovation which serves to visually tie the two structures together. The applicant has stated that there are no plans to renovate the façade of the single-family structure, but that small-scale architectural improvements may be added in the future, so as to tie all three structures together visually. **To ensure that any architectural changes are compatible with the existing structures, staff has added a condition that any architectural changes to the single-family structure be approved by the Planning Director.**

## Existing Conditions

Case No. SUP-4-96 was approved with conditions that address the following issues:

1. placed a time limit on construction;
2. limited the number of additional students to 35;
3. required a capacity analysis of existing waterlines;

4. required additional landscape screening between the playground and adjacent properties;
5. required a Sidewalk Agreement for a sidewalk along the Longhill Road frontage when warranted;
6. required the new parking lot to connect to the existing parking lot; and
7. required the removal of the convenience store driveway, so that only one entrance serves the school.

These conditions were implemented as part of the site plan approval process.

### **Topography and Physical Features**

The .845 acre site is relatively flat and contains a handful of mature trees. Prior to site plan approval, the Environmental Division will require that this site meet redevelopment standards for compliance with the water quality stormwater requirements of the Chesapeake Bay Ordinance. The quantity of stormwater runoff will also need to be controlled from the expanded parking and building areas.

### **Surrounding Zoning and Land Use**

The site is zoned R-8, Rural Residential. The property is approximately one-half mile west of Lafayette High School, 550 feet west of the District Park Sports Complex entrance and approximately 1,400 feet east of the Ford's Colony entrance. To the north of the site behind the Montessori School is property zoned R-2, General Residential, with several residential duplexes. To the south of the site, across Longhill Road, is property zoned R-2, and includes the Longhill Gate townhouse development. Property to the east and west of the site is zoned R-8. The general area is residential in character and is expected to continue to develop in that fashion.

The 1996 SUP required landscaping to be installed at the rear of the property to screen the proposed and existing playground from the adjacent duplexes. Staff recommends a similar condition to ensure the proposed playground behind the single-family house is screened from adjacent properties. **Since the school has co-existed with the neighborhood for 18 years, staff finds that the proposed expansion is compatible with surrounding zoning and land uses.**

### **Utilities**

The existing school and single-family structure are served by public water and individual private septic systems. As part of the 1996 school expansion, the James City Service Authority (JCSA) required an analysis of the water and sewer capacity for the school. As a result of that analysis, JCSA required an upgrade to the water and sewer capacity, and the septic systems were upgraded to include a grinder pump and force main to the existing lines. JCSA will require a similar analysis for the single-family structure to determine if the existing waterlines and septic systems need to be upgraded further. Staff has added a condition requiring this analysis be submitted with the site plan application.

### **Access**

As part of the approval of Case No. SUP-4-96, the separate entrance for the convenience store was closed so that only one access serves both buildings of the school. Please note that this sole access point also serves the single-family structure. The driveway to the single-family structure is accessed through the Montessori School parking lot, and will remain with the approval of this proposal.

The Virginia Department of Transportation (VDOT) has performed a preliminary analysis which concluded that this expansion will require a 150-foot right-turn taper and a 200-foot left-turn lane into the property. **Staff has added a condition that traffic improvements on Longhill Road as determined by VDOT shall be**

**required prior to the issuance of a certificate of occupancy.** Staff also has added a condition requiring the applicant dedicate right-of-way to accommodate a bikeway along the Longhill Road frontage.

### **Comprehensive Plan**

The site is designated Low-Density Residential on the Comprehensive Plan Land Use Map, and schools are an acceptable land use within this designation. The Comprehensive Plan designates this segment of Longhill Road a Community Character Corridor. There is no tree canopy along the frontage of the property. Because of site constraints present on the property for parking, the future sidewalk, bikeway, and possible right turn taper into the property, it would be impractical to reestablish a tree canopy in this location. Staff finds that the requirements of the landscape ordinance will be sufficient to help screen the future parking lot from Longhill Road. **This proposal is consistent with the Comprehensive Plan because schools are a suggested use in this location, and because it is a use which complements the family-oriented, residential character of the area.**

### **RECOMMENDATION:**

Staff finds that this expansion is consistent with the surrounding zoning and land use and also is consistent with the Comprehensive Plan. On May 1, 2000, the Planning Commission voted 7-0 to approve this proposal. Staff recommends the Board of Supervisors approve Case No. SUP-6-00 with the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as securing permits for land disturbance, building modification and/or construction, or for construction of required road improvements.
2. Site plan approval shall be required prior to commencing construction.
3. There shall not be more than 125 students at the entire facility at any one time. Additional students above the number of 125 shall require approval by the Director of Planning, who shall, as part of such request, review and approve parking facilities at the school.
4. A capacity analysis of existing water lines and sewer facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan application. The Director of Planning shall approve the study, and its recommendations shall be incorporated into the site plan.
5. Traffic improvements along Longhill Road required by VDOT shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
6. Any exterior architectural changes to the existing single-family structure shall be compatible with the existing structures approved as part of Case No. SUP-4-96 and shall be approved by the Planning Director.
7. The landscape plan shall include a 15-foot wide landscape screening area along the rear property line, or length of the playground between the school and the adjacent property to the north. The planting standard for this area shall be one tree and three evergreen shrubs per 400 square feet, with the size and mixture requirements as specified in Section 24-94, General Landscape Area Standards, of the James City County Zoning Ordinance.
8. The applicant shall dedicate right-of-way for a five-foot VDOT standard shoulder bike lane along the property's Longhill Road frontage prior to final site plan approval. If turn lanes, drainage or utility

improvements are required along the Longhill Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.

9. Only one entrance driveway shall serve the entire school facility. Any additional parking spaces for this facility shall connect with the existing parking lot which currently serves the Williamsburg Montessori School.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Jill E. Schmidle

CONCUR:

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O. Marvin Sowers, Jr.

JES/tlc  
sup-6-00.wpd

Attachments:

1. Planning Commission minutes
2. Site location map (2)
3. Development plans
4. Approved conditions for SUP-4-96
5. Resolution

## RESOLUTION

### CASE NO. SUP-6-00. WILLIAMSBURG MONTESSORI SCHOOL

- 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 process; and
- WHEREAS, Mr. John Tarley has applied on behalf of the Williamsburg Montessori School for a special use permit to allow a school in an existing single-family structure currently owned by C. T. and Anna Lewis; and
- WHEREAS, the proposed school is part of an overall expansion and renovation for the Williamsburg Montessori School, and the expansion plans are shown on the master plan prepared by Edwin J. Pease, AIA, dated January 20, 2000, entitled "Williamsburg Montessori School Master Plan"; and
- WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel Nos. (1-3) on James City County Real Estate Tax Map No. (31-4); and
- WHEREAS, the Planning Commission, following its public hearing on May 1, 2000, voted 7-0 to approve 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. SUP-6-00 as described herein with the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall be void. Construction shall be defined as securing permits for land disturbance, building modification and/or construction, or for construction of required road improvements.
2. Site plan approval shall be required prior to commencing construction.
3. There shall not be more than 125 students at the entire facility at any one time. Additional students above the number of 125 shall require approval by the Director of Planning, who shall, as part of such request, review and approve parking facilities at the school.
4. A capacity analysis of existing water lines and sewer facilities to the site shall be performed and the results of that analysis shall be submitted with the site plan application. The Director of Planning shall approve the study, and its recommendations shall be incorporated into the site plan.
5. Traffic improvements along Longhill Road required by VDOT shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
6. Any exterior architectural changes to the existing single-family structure shall be compatible with the existing structures approved as part of Case No. SUP-4-96 and shall be approved by the Planning Director.



7. The landscape plan shall include a 15-foot wide landscape screening area along the rear property line, or length of the playground between the school and the adjacent property to the north. The planting standard for this area shall be one tree and three evergreen shrubs per 400 square feet, with the size and mixture requirements as specified in Section 24-94, General Landscape Area Standards, of the James City County Zoning Ordinance.
8. The applicant shall dedicate right-of-way for a five-foot VDOT standard shoulder bike lane along the property's Longhill Road frontage prior to final site plan approval. If turn lanes, drainage or utility improvements are required along the Longhill Road frontage, the improvements shall be designed in such a manner to allow an unimpeded bikeway path through the right-of-way dedicated for such purposes.
9. Only one entrance driveway shall serve the entire school facility. Any additional parking spaces for this facility shall connect with the existing parking lot which currently serves the Williamsburg Montessori School.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

sup-6-00.res

**SPECIAL USE PERMIT-10-00. JCSA Jamestown Road Water Main  
Staff Report for the May 23, 2000, Board of Supervisors Public Hearing**

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This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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**PUBLIC HEARINGS**      Building C Board Room; County Government Complex  
Planning Commission:      May 1, 2000, 5:00 p.m.  
Board of Supervisors:      May 23, 2000, 7:00 p.m.

**SUMMARY FACTS**

Applicant:                      Larry M. Foster, on behalf of the James City Service Authority

Proposed Use:                  Installation of approximately 1,400 linear feet of eight-inch water main, including one fire hydrant and connections to two existing water mains

Location:                        Along the south side of Jamestown Road from Perry Road right-of-way (near 1521 Jamestown Road) to Spring Road; Jamestown District

Tax Map and Parcel No.:      The Virginia Department of Transportation right-of-way

Primary Service Area:        Inside

Existing Zoning:                R-1, Limited Residential

Comprehensive Plan:         Low-Density Residential

Surrounding Zoning:         R-1: Kingswood, Lake Powell Pointe, and Lake Powell Forest

Staff Contact:                 Tamara A. M. Rosario - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds this proposal to be consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. On May 1, 2000, the Planning Commission concurred with staff and voted 7 to 0 to approve this application. Staff recommends that the Board of Supervisors approve the special use permit with the conditions listed in the staff report.

## History

Nine lots adjacent to Jamestown Road in the vicinity of the proposed water main have been relying upon private wells for their water needs. Over the past several years, the James City Service Authority (JCSA) has received reports of wells failing and the property owners being forced to drill their wells deeper. Recently, many of the property owners have requested connections to public water. JCSA proposes to extend an eight-inch water main to connect these lots and one lot under residential construction to public water and to improve fire flow. This action is consistent with previous actions taken by JCSA to remedy well problems in Kingswood.

## Description of Project

JCSA proposes installing approximately 1,400 linear feet of eight-inch water main and a fire hydrant along Jamestown Road between two existing waterlines. The extension is to be installed in the Jamestown Road right-of-way, between four feet and eight feet from the edge of pavement. The proposed water main extends northeast from a connection at an existing four-inch water main near the Perry Road right-of-way (1521 Jamestown Road) to a connection at an existing 12-inch water main at Spring Road. Water facilities, including transmission mains, which are intended to serve a number of customers and which are not accessory to an existing or proposed development, require a special use permit in the R-1, Limited Residential, zoning district.

## Surrounding Zoning and Development

Single-family detached homes zoned R-1 surround the water main on both sides of Jamestown Road. The Kingswood subdivision lies to the north of the line, while the Lake Powell Pointe and Lake Powell Forest subdivisions lie to the south.

## Physical Features and Environmental Considerations

The proposed water main is located entirely within the Virginia Department of Transportation right-of-way. Most of this section of Jamestown Road is improved with curb and gutter and underground utilities as part of the Lake Powell Forest development. Small clusters of pines and a few single cedars, maples, and hollies are scattered along the road, but they are largely outside the proposed construction area of four to eight feet from the edge of pavement. JCSA does not expect to remove any of the trees, although a few may be impacted by the construction. **In the event any tree, bush, or shrub is damaged during construction, staff has drafted a special use permit condition that would require the applicant to replace the vegetation with one of equal type as approved by the Planning Director.**

## Traffic Impacts

No specific schedule has been set for the construction of the proposed water main; however, the earliest the work would begin is August. During construction, traffic along both east and west bound lanes along Jamestown Road will be affected. Traffic will be slowed by an alternating direction single-lane adjacent to the area under construction along the corridor during the approximately two weeks of construction. **All construction will occur during off peak hours between 9:00 a.m. and 4:00 p.m. to minimize the impact on the surround community.**

## Public Utilities

**The property is within the Primary Service Area (PSA).** The Comprehensive Plan defines the Primary Service Area as areas presently provided with public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Promoting efficiency in the delivery of public services is an important concept in the Comprehensive Plan. The PSA concept encourages efficient utilization of public facilities and services and promotes public health and safety through improved emergency response time. The proposed water main would connect to two existing waterlines and would improve fire flow as well as provide connections to public water.

## Comprehensive Plan Considerations

### *Land Use Designation*

**The Comprehensive Plan Land Use Map designates this area as Low-Density Residential.** Low-Density Residential areas are located inside the Primary Service Area (PSA) where public utilities and services exist or are expected to be expanded to serve the area over the next twenty years.

### *Community Character and Aesthetics*

Jamestown Road is designated as a Community Character Corridor (CCC) in the Comprehensive Plan. The CCC designation is intended to preserve and protect the unique qualities and characteristics of these roadways. No drainage structures will need to be relocated as a result of this proposed project. There will be no disturbance of the CCC buffer along this corridor. **However, as stated previously, any unanticipated damage that occurs to the minimal vegetation in this area will be mitigated with vegetation of an equal type as approved by the Director of Planning.**

### *Historical and Archaeological Impact*

There are no known archaeological or historic sites on the property as indicated by the James City County Archaeological Assessment. Because the project is within an area previously disturbed by road construction, the probability of any significant finds is minimal.

## **RECOMMENDATION:**

**Staff finds this proposal to be consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors.** On May 1, 2000, the Planning Commission concurred with staff and voted 7 to 0 to approve this application. Staff recommends that the Board of Supervisors approve the special use permit with the following conditions.

1. Construction, operation, and maintenance of the water transmission main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on the project within twenty-four (24) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.

5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property, and uses thereon.
6. The applicant shall avoid removing trees, bushes, and shrubs along the water main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed will be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Tamara A. M. Rosario

CONCUR:

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O. Marvin Sowers, Jr.

TAMR/gb  
sup-10-00.wpd

Attachments:

1. Planning Commission minutes
2. Location Map
3. Resolution

## RESOLUTION

### CASE NO. SUP-10-00. JAMESTOWN ROAD WATER MAIN

WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subject to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 1, 2000, recommended approval of SUP-10-00, by a vote of 7 to 0, to permit the construction of approximately 1,400 linear feet of eight-inch water main along Jamestown Road.

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. SUP-10-00 as described herein with the following conditions:

1. Construction, operation, and maintenance of the water transmission main shall comply with all local, State, and Federal requirements.
2. The project shall comply with all State Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. If construction has not commenced on the project within twenty-four (24) months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
6. The applicant shall avoid removing trees, bushes, and shrubs along the water main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed will be replaced with a tree, bush, or shrub of equal type as approved by the Director of Planning.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May,  
2000.

Sup-10-00.res

MEMORANDUM

DATE: May 23, 2000  
TO: The Board of Supervisors  
FROM: Robert Deeds, Sheriff  
Leo P. Rogers, Deputy County Attorney  
SUBJECT: Conceal Weapons Ordinance

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Attached is the County's ordinance which authorizes the issuance of concealed weapons permits. The amendment proposed to the ordinance mandates, rather than authorizes, that fingerprint cards and descriptive information be forwarded to the Virginia State Police and the Federal Bureau of Investigation. Those agencies will then forward the applicant's criminal history records check and fingerprint identification information to the Sheriff for his use in reviewing the conceal weapons permit. The revised ordinance has been reviewed and deemed acceptable by the Virginia State Police and the Federal Bureau of Investigation.

We recommend approval of the attached ordinance.

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Robert Deeds

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Leo P. /Rogers

RD/LPR/gb  
weapons.mem

Attachment



ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-35, CARRYING CONCEALED WEAPONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 15-35, Carrying concealed weapons.

Chapter 15. Offenses-Miscellaneous

**Sec. 15-35. Carrying concealed weapons.**

(a) If any person carry about his person, hid from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, spring stick, ballistic knife, switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken, or fighting chain, any disc, or whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the division of consolidated laboratory services shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

(b) This section shall not apply to:

- (1) Any person while in his own place of abode or the curtilage thereof;
- (2) Any police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to chapter 2 of title 29 (section 29.1-200 et seq.) of the Code of Virginia;
- (3) Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range; provided, that the weapons are unloaded and securely wrapped while being transported;

- (4) Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition; provided, that the weapons are unloaded and securely wrapped while being transported;
  - (5) Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported.
  - (6) Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and
  - (7) Any State Police officer retired from the Department of State Police and any local law enforcement officer retired from a police department or sheriff's office within the Commonwealth with a service disability or following at least fifteen years of service, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed weapon issued by the chief law-enforcement officer of the agency from which the officer retired.
- (c) This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:
- (1) Carriers of the United States mail in rural districts;
  - (2) Officers or guards of any state correctional institution;
  - (3) Campus police officers appointed pursuant to chapter 17 of title 23 (section 23-232 et seq.) of the Code of Virginia;
  - (4) Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit as provided in section 18.2-308D of the Code of Virginia:
    - a. Notaries public;
    - b. Registrars;
    - c. Drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; and
    - d. Commissioners in chancery;
  - (5) Noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53.1-29 of the Code of Virginia;
  - (6) Law-enforcement agents of the Armed Forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;
  - (7) Law-enforcement agents of the United States Naval Criminal Investigative Service.

(d) Any person wishing to obtain a permit to carry a concealed handgun must apply pursuant to Section 18.2-308D of the Code of Virginia. In order to determine the applicant's suitability for a concealed handgun permit, the applicant shall be fingerprinted. The fingerprints and descriptive information ~~may~~ *shall* be forwarded to the Virginia State Police and ~~or~~ the Federal Bureau of Investigation in order to obtain a criminal history record check and fingerprint identification information. Fingerprints taken pursuant to this section shall not be copied, held, or used for any other purposes.

**State law reference**-For state law as to the carrying of concealed weapons, see Code of Virginia, §18.2-308.

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

ofense.ord

MEMORANDUM

DATE: May 23, 2000  
 TO: The Board of Supervisors  
 FROM: Andrew H. Herrick, Assistant County Attorney  
 SUBJECT: Transfer of Surplus Ware Creek Properties

The County is in the process of liquidating the surplus properties it acquired for construction of the Ware Creek Reservoir. At the direction of the Board on September 18, 1995, staff contacted the original property owners on two different occasions to determine their interest in repurchasing the properties. In the few cases where the original property owners expressed an interest, those properties were returned to their original owners at the County's purchase price. However, with few owners expressing interest, the County has been exploring other options for the remaining properties. On December 21, 1999, the Board approved the sale of four other lots for an affordable housing program of the Office of Housing and Community Development (OHCD). Again, with Board approval on January 12, 1999, staff issued a Request for Proposals (RFP) from realtors. Following the RFP process, the remaining parcels were turned over to Berkeley William E. Wood and Associates Realtors for sale.

A public hearing is required under Virginia Code §15.2-1800(B) to approve the sale of any County property. Staff has received offers on only a few of the parcels thus far, and therefore cannot present specific offers from specific purchasers for most of the parcels. However, rather than returning for multiple public hearings, staff is seeking to fulfill the public hearing requirement for the remaining parcels with a single hearing. Staff proposes transferring all Ware Creek Reservoir properties to the James City Service Authority (JCSA), which financed their initial acquisition and will receive the proceeds from their sale. The JCSA can then sell the properties directly for the highest offers, without having to return for multiple public hearings. The subject properties are as follows:

<u>Tax Map No.</u>	<u>Address</u>	<u>Acres</u>
12-2/3-26	106 Joanne Court	0.947
13-1/1-1	4001 Mt. Laurel Road	2.096
13-1/1-1E	4001-E Mt. Laurel Road	2.344
13-2/1-1F	4001-F Mt. Laurel Road	0.364
13-1/2-19	101 Louise Lane	2.590
13-3/2-1	3981 Rochambeau Drive	0.864
13-3/2-2	3985 Rochambeau Drive	1.293
13-3/2-3	3989 Rochambeau Drive	1.246
13-3/2-4	3993 Rochambeau Drive	0.685
13-3/2-5	3995 Joshuas Court	2.436
13-3/2-6	3999 Joshuas Court	2.614
13-3/2-7	4001 Joshuas Court	0.764
13-3/2-8	4003 Rochambeau Drive	0.532

I recommend that the Board authorize the transfer of these properties to the James City Service Authority.

Proposed Sale of Surplus Properties

May 23, 2000

Page 2

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Andrew H. Herrick

CONCUR:

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Frank M. Morton, III

AHH/alc  
warecreek.mem

Attachment

**RESOLUTION**

**TRANSFER OF SURPLUS WARE CREEK PROPERTIES**

WHEREAS, in the mid-1980s, James City County acquired certain parcels around Ware Creek for construction of the proposed Ware Creek Reservoir; and

WHEREAS, the County no longer requires these properties or facilities for its operations; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should transfer the properties to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute deeds and any other documents needed to convey the following properties to the James City Service Authority:

<u>Tax Map No.</u>	<u>Address</u>	<u>Acres</u>
12-2/3-26	106 Joanne Court	0.947
13-1/1-1	4001 Mt. Laurel Road	2.096
13-1/1-1E	4001-E Mt. Laurel Road	2.344
13-2/1-1F	4001-F Mt. Laurel Road	0.364
13-1/2-19	101 Louise Lane	2.590
13-3/2-1	3981 Rochambeau Drive	0.864
13-3/2-2	3985 Rochambeau Drive	1.293
13-3/2-3	3989 Rochambeau Drive	1.246
13-3/2-4	3993 Rochambeau Drive	0.685
13-3/2-5	3995 Joshuas Court	2.436
13-3/2-6	3999 Joshuas Court	2.614
13-3/2-7	4001 Joshuas Court	0.764
13-3/2-8	4003 Rochambeau Drive	0.532

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Ronald A. Nervitt  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of May, 2000.

warecreek.res