

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

September 26, 2000

7:00 P.M.

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MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: David Daigneault, Acting Chief of Police
SUBJECT: Handgun Safety Awareness Class

The James City County Police Department is presenting Handgun Safety Awareness Classes to the public. The purpose of the class is to promote safety in the handling and maintenance of firearms in the home. Department firearm instructors who have been certified by the Department of Criminal Justice Services (DCJS) will teach the classes.

This presentation is for information only. No Board action is requested

David Daigneault

DD/tlc
hndgunclas.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF SEPTEMBER, 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

Mr. Nervitt requested that following the Pledge, a moment of silence be observed in memory of U. S. Representative Herbert H. Bateman.

Mr. Kelvin Pressey, a sophomore at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Brian Rafferty, 59 Summer East, said that he has been a reporter for the Virginia Gazette for the past 5-1/2 years and thanked the Board and staff for its relationship with the press and its willingness to have open dialogue. He said that the County has been experiencing a decrease in the middle class and needs to take steps to stabilize the middle class by bringing in businesses that will foster the middle class.

D. CONSENT CALENDAR

Mr. Nervitt stated that Item No. 4, Bonded Industrial Access Road for James River Commerce Center, has been removed from the Consent Calendar by staff.

Mr. Nervitt inquired if any Board member wished to remove an item from the Consent Calendar.

Mr. Harrison asked that Item No. 3, Award of Contract – Greensprings Trail be pulled.

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
 - a. August 8, 2000, Regular Meeting
- 2. Appropriation of Funds – Fatherhood Grant

RESOLUTION

APPROPRIATION OF FUNDS - FATHERHOOD GRANT

WHEREAS, the Greater Williamsburg Fatherhood Coalition (Coalition) has received a grant of \$18,000; and

WHEREAS, James City County is the fiscal agent for the Coalition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendments and changes in appropriations for FY 2001:

Revenues:

From the Virginia Fatherhood Campaign	<u>\$18,000</u>
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Expenditures:

Big Brothers/Big Sisters	<u>\$18,000</u>
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- 5. Virginia Power Right-Of-Way Agreements for New Underground Wires

RESOLUTION

GRANTING VIRGINIA POWER EASEMENTS

FOR NEW UNDERGROUND WIRES

WHEREAS, Virginia Power has requested easements across County-owned land along Greensprings Road and along Route 199 for the purpose of installing new underground wires; and

WHEREAS, these new underground wires will improve power service to County residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute these Right-of-Way Agreements on behalf of James City County.

3. Award of Contract – Greensprings Trail

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that during FY 1999, the Board of Supervisors accepted a \$52,140 matching grant that the Division of Parks and Recreation was awarded by the Virginia Department of Conservation and Recreation to assist with various surface improvements to provide a smooth, all-weather trail.

The sole bidder, Eco-Systems, Inc., submitted a base bid for the work to be completed on the trail and bid alternatives for puncheon footbridges and additional surfacing material for an entire project of \$125,612.

Staff recommends the Board approve the resolution awarding the contract for trail improvements at the Greensprings Trail to Eco-Systems, Inc., in the amount of \$125,612.

The Board and staff held a discussion concerning discouraging bikes on the trail and beaver activity affecting path development.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

AWARD OF CONTRACT - GREENSPRINGS TRAIL

WHEREAS, funds are available from a Virginia Department of Conservation and Recreation grant in conjunction with the Greenways and Open Space Account for trail improvements at the Greensprings Trail; and

WHEREAS, the Board of Supervisors of James City County, Virginia, accepted the \$52,140 grant to help with the various surfacing needed to make the Greensprings Trail accessible; and

WHEREAS, Eco-Systems, Inc., provided a responsive and responsible bid in the amount of \$124,612.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and Eco-Systems, Inc., in the amount of \$124,612.

E. PUBLIC HEARINGS

1. Case No. SUP-20-00. Hipple Family Subdivision

Mr. Paul D. Holt, III, Senior Planner, stated that a family subdivision had been approved earlier this year (February 22, 2000 under Case No. SUP-2-00) with a condition which stated that final subdivision approval must be received within six months or the SUP was void. Hereiterated that Mr. Michael Hipple had applied for a special use permit to allow a new family subdivision lot on 1.0 acre, zoned A-1, General Agricultural, located at 106 Jolly Pond Road, further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Staff determined that the proposal was consistent with surrounding zoning and development and with the Comprehensive Plan.

Staff and the Planning Commission recommended approval of the special use permit with the conditions listed in the resolution.

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

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-20-00. HIPPLE FAMILY SUBDIVISION

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, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally one± acre in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

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-21-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally one acre in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The subdivision parcel submitted for approval shall be generally located between existing Parcel 3 and existing Parcel 4.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

2. Case No. SUP-7-00. Hertzler Clearing and Grading

Mr. Christopher M. Johnson, Planner, stated that Mr. Steven L. Hertzler had applied for a special use permit to allow the construction of a contractor's warehouse and office, the storage and repair of heavy equipment, and the manufacture of wood products on 1.0 acre, zoned A-1, General Agricultural, located at 9537 Barnes Road, further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Staff determined, with conditions, that the proposal was generally consistent with surrounding zoning and development and with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 6-0, recommended approval of the special use permit with conditions listed in the resolution.

The Board and staff held a discussion concerning prior code violations by the applicant, sound test results, surrounding land zoning, restrictions on the amount of materials permitted to be hauled onto the site, the depth of the surrounding water tables, contrast of this proposal with the existing Waltrip site, restrictions concerning the height of the debris pile, and the restrictions concerning the days and hours of operations.

Mr. Nervitt opened the public hearing.

1. Mr. Steven L. Hertzler, applicant, stated that his business is to clear land of stumps, brush, and other debris. The equipment is moved from work site to work site and the business has grown to a point that a central base of operations is necessary. The land would be used for storage, equipment repair, and as a main office. The land would also be utilized to dispose of rake-up debris.

Mr. Goodson inquired how tall the debris mounds would be, if the business would utilize water for its operations, and if the trucks would use Barnes Road.

Mr. Hertzler stated that the mounds would be used for sound control and beautification of the site and may reach fifteen feet in height; the business would not utilize water for its operation; and Barnes Road to Route 60 is not in condition to be utilized by his trucks.

Mr. Kennedy inquired about the Code violations and the possible sales of mulch from the site.

Mr. Hertzler stated that once he was informed that he was doing work in violation of the Code, he promptly stopped and corrected the violation. He stated that there would be no sales of mulch on the site.

Mr. Harrison inquired about someone approaching the business to purchase some of the mulch, what would happen if the business failed, and what step would the applicant take to restore the land to its original condition.

Mr. Hertzler stated that there would be no sales from the site.

Mr. McGlennon inquired about the economic feasibility of a commercial venture with a limited base producing a poor product.

Mr. Hertzler stated that the rake-up debris is of poor quality. Currently, he has to pay to dispose of this debris. By using land he owns for disposal, the business may save some money.

Mr. Nervitt inquired how the applicant is going to save money and stated that this proposed land use seems to him like a dump.

2. Mr. Brian Schrecengost, 126 Racefield Drive, stated that the approval of this permit would decrease the surrounding land value. He requested to know what common objects make about 60 decibels of sound for comparison to the tub grinder. Mr. Schrecengost further stated the quality of living may drop and requested to know what would happen if a fire occurred.

3. Ms. Margaire Watkins, 9737 Old Stage Road, stated that there have been two major fires in Barhamsville which required tanker trucks to make water trips to supply enough water to contain the fire, the land and proposed use will be good breeding grounds for copperhead snakes and increase the truck traffic on Old Stage Road. She also requested to know who will enforce the special use permit restrictions.

4. Ms. Rosa Mayes, 135 Racefield Drive, stated that the neighbors oppose the proposed land use, the roads are not strong, wide, level, nor straight enough for industrial trucks, and there is the concern about school buses meeting these trucks on the road. She requested to know if the applicant will keep to the restrictions, and how many more accidents must occur on this road.

5. Mr. Ronald T. Lee, 132 Racefield Drive, read a letter to the Board from Ms. Jane Maston, 193 Barnes Road, who could not attend this meeting. The letter stated that she has concerns about the noise level for adjacent landowners, the hours of operations, the quality of life and health that will decrease due to the increased dust, and that the truck traffic is dangerous to children.

Mr. Lee questioned what the staff planners actually know about the Hertzler business and stated that had he known about this business moving into his neighborhood, he would not have chosen to move there.

6. Mr. Barry Trott, 145 Skillman Drive, stated his concern about the increased traffic and the safety of those biking and walking along the roads with the large construction trucks, and is concerned about the goodwill of the applicant if he has incurred several code violations.

7. Mr. Howard Anby, 9313 Barnes Road, stated his concern of construction trucks traveling the hairpin turns on Barnes Road, the number of stumps permitted to accumulate on the land, that renting a grinder is cheaper than paying to have someone else dispose of the debris, the odor emitted by mulch piles, and the statement by the staff that this proposed use is a complement to the neighborhood.

8. Mr. Brian Oyer, 9025 Barnes Road, stated that traffic on Barnes Road has increased over the years, a 70-lot development has been approved and the road is not conducive to heavy truck usage. He stated that Massie trucks cannot pass on the road. He disagrees with the statement made at the Planning Commission that the mulch would change to top soil and requests the Board vote no and do not defer this matter.

9. Ms. Betty Smith, 9347 Barnes Road, provided the Board with pictures of tub grinders, signatures collected in opposition to this land use, and stated her concerns that she did not want this or any business in her neighborhood, and that the present day traffic cannot compete with Hertzler trucks on Barnes Road.

10. Ms. Tyla Matteson, Sierra Club, encouraged the Board to deny this application which would decrease the quality of life, increase truck traffic, cause the loss of wildlife, increase the threat of fire, and stated concerns about the leakage from the mulch pile into the groundwater in addition to the leakage from trucks.

11. Ms. Shireen Parsons, 306 Miller Street Christiansburg, Virginia, stated that this type of business is inappropriate for this neighborhood, offers no benefit to the community, and voiced concerns about the lack of limits on truck visits and protection for the community.

12. Ms. Kathleen Kennedy, 9405 Barnes Road, stated that the neighbors of this land are in the top of the poor, these homes are investments, the community feels as though they are being glossed over; and voiced her concerns that there are three blind curves on this road, it is narrow and has no shoulder; and asked the Board to protect the citizens, and the children who are citizens too.

13. Ms. Lynne Faltraco, Rutherford County, Unionville, North Carolina, stated her opposition to chip mills and voiced her concerns about trucks affecting road safety, devalued land, air quality problems, water usage associated with chip mills, and asked the Board to deny this permit.

Ms. Faltraco handed out a packet with her extended comments to the Board members.

14. Mr. James McRoy, 9427 Barnes Road, stated he adamantly objected to this permit, and voiced his concerns regarding the prior violations and noise pollution.

15. Mr. Peter Ladriere, 137 Racefield Drive, inquired if the Board can guarantee the land use will not hurt the surrounding land value, limit the number of trucks, protect the shallow wells, ensure water quality, and place a noise barrier requirement on the land use.

16. Mr. Jerry Woodson, 133 Racefield Drive, stated that although they are outside the primary service area of the County, they are citizens of the County and should be protected, the applicant should seek a more suitable site for this proposed land use, and requested the Board deny this permit, not defer.

17. Mr. Matthew Mayes, 135 Racefield Drive, stated that as a drive of commercial trucks, the road cannot handle this type of commercial truck traffic.

18. Mr. Ralph Derosa, President of the Stonehouse Homeowners Association, stated concerns about truck traffic on Route 30 and requested the Board deny this permit.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

The Board held a discussion concerning the value of citizen input, the process set by the government for citizens to provide input, the Planning Commission's role in land use decisions, and the Planning office's role in land use decisions.

Mr. Kennedy made a motion to deny the permit.

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

Mr. Nervitt recessed the Board for a break at 9:31 p.m.

Mr. Nervitt reconvened the Board at 9:43 p.m.

3. Case No. SUP-17-99. PrimeCo Communication Tower

Mr. Paul D. Holt III, Senior Planner, stated that Mr. Vernon Geddy, III, and Mr. Marc Cornell, on behalf of the applicant, has applied for a special use permit to construct a communications tower on 14 acres, zoned A-1, General Agricultural, located at 4881 Centerville Road, further identified as Parcel No. (1-56) on James City County Real Estate Tax Map No. (36-2).

Mr. Holt stated that, with conditions, the proposed height of the tower would appear comparable with surrounding vegetation and thus, compatible with all the surrounding zoning, uses, and the Comprehensive Plan.

The Planning Commission recommended approval of the application by a vote of 6-0.

Staff recommends the Board approve the application with conditions.

The Board and staff held a discussion concerning the height of the tower, the balloon test for visibility, and the reduced height request.

Mr. Nervitt opened the public hearing.

1. Mr. Geddy stated that this tower would provide service coverage to a portion of the County that has a gap in coverage along Centerville Road and western portions of Ford's Colony. The tower meets County performance standards.

Mr. Goodson asked how many other service providers could use the tower.

Mr. Geddy stated that there is room for three users on this tower and the permit allows for a second tower to be constructed on the site. The second tower would have room for three users too.

Mr. Nervitt asked if the second tower would be leased, requested to know who owns the land, and if the access lane to the tower could be at an angle to aid in hiding the tower base.

Mr. McGlennon asked if leasing the land had a requirement or obligation to allow a second tower.

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

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-17-00. PRIMECO TOWER ON CENTERVILLE ROAD

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, James City County has developed certain policies for the placement of wireless communications facilities; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 175-foot tall monopole tower and associated electronic equipment on a 14± acre parcel located at 4881 Centerville Road and more specifically identified as Parcel No. (1-56) on the James City County Real Estate Tax Map No. (36-2); and

WHEREAS, the Planning Commission recommended the proposal be approved by a vote of 6-0 at its public hearing of August 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-17-00 as described herein with the following conditions:

1. This special use permit shall be valid for a total of two (2) towers. The maximum height of all towers shall not be greater than 175 feet; however the towers shall be so designed as to accommodate future vertical expansions. Prior to final site plan approval, the applicant shall demonstrate to the satisfaction of the Planning Director, that the lease area is adequate to accommodate two towers and supporting equipment. The portion of the lease area for the future tower and equipment shall remain free of all structures until such time the second tower is constructed and the additional tower shall be subject to administrative approval only. In order to maximize the number of collocating opportunities, all supporting equipment pads, sheds, buildings and huts shall have the minimum footprint necessary and shall be located within the lease area as approved by the Director of Planning.
2. Each individual tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to site plan approval.
3. Towers shall be located on the site in a manner that maximizes the buffering effects of trees as determined by the Planning Director. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities as determined by the Planning Director. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities as determined by the Planning Director. A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final inspection shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings, and huts as determined by the Director of Planning prior to final site plan approval.
6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(F) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

F. BOARD CONSIDERATION

1. Case No. SUP-18-99. Olde Towne Road Timeshares (deferred from August 8, 2000)

Mr. O. Marvin Sowers, Director of Planning, stated that Mr. Vernon Geddy, III, on behalf of the applicant, has made a written request for deferral of this case.

Without Board objection, Mr. Nervitt deferred the case.

2. Regional Issues Committee Resolution – Corridor Beautification

Mr. John T. P. Horne, Manager of Development Management, stated that the Regional Issues Committee (RIC) is presenting to York County Board of Supervisors, the City Council of the City of Williamsburg, and the James City County Board of Supervisors a resolution for corridor beautification in the Historic Triangle.

Mr. Horne stated that staff recommends adoption of the resolution.

The Board and staff discussed current beautification efforts and the status of the trees to be transplanted from Upper County Park.

Mr. Harrison made a motion to approve the resolution.

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

RESOLUTION

CORRIDOR BEAUTIFICATION

WHEREAS, the Regional Issues Committee (RIC) has approved a resolution proposing certain actions to beautify entry corridors in the Historic Triangle; and

WHEREAS, the Board of Supervisors wishes to support the proposal of the RIC with appropriate actions in James City County

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the proposal by the Regional Issues Committee as expressed in its resolution dated July 18, 2000 (attached), and directs staff to undertake appropriate actions to assist in the implementation of the proposal.

G. PUBLIC COMMENT – None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that a report is being assembled based on the information from the committee.

Mr. Wanner stated that he and the City Manager had met and developed a proposal for the Board of Supervisors and City Council. Mr. Wanner recommended that the City/County staff send the study materials from the committee to the Board of Supervisors and City Council by mid September and that the Board of Supervisors and City Council members review those materials and make any requests for additional information and materials to the City Manager or County Administrator by early October.

The Board of Supervisors and City Council would then request or direct by mid October the County Administrator and City Manager to develop recommendations on a preferred option(s) and a timeline for implementation of the recommendations.

The City Manager or County Administrator will provide recommendations to the Council and Board at individual work sessions in November, and then the Board and Council will take action on those recommendations.

If it is determined by the Board or Council to have a joint work session, one would be scheduled.

The Board, County Administrator, and staff discussed how the information would be distributed, influences on VDOT, funding mechanism, willingness to look at short-term alternatives; aesthetic considerations, pedestrian access, and sound walls.

Mr. Wanner stated a copy of the briefing on the Convention Center Feasibility Study was provided to the Board. The City Council voted to continue the process and set up some mechanism to keep this idea alive.

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting, following which the Board of Directors will have a closed session pursuant to Section 2.1-344(A)(3) to consider acquisition of a parcel of property for public use. The Board of Supervisors would then reconvene for a closed session pursuant to Section 2.1-344(A)(1) to consider personnel matters(s), the appointment of individuals to County boards or commissions following which the Board would adjourn until September 26, 2000.

Mr. Wanner requested Mr. Richard Sebastian give a brief overview of the Real Estate Assessment Cycle.

Mr. Sebastian, Director of Real Estate Assessment, stated that the reassessment has completed and the annual reassessment notices have been mailed.

From July 1, 1999, to July 1, 2000, the assessed value of real estate has changed by 9.75 percent. Many of these changes resulted from new construction, subdivision of property, and changes other than reassessment.

Due to reassessment, 27 percent of all parcels had changed in value. The overall percentage of change in total real property value is 2.84 percent. The average increase for those properties with changes was 6.96 percent.

For commercial property, the property value increased by four percent overall.

Mr. Sebastian gave an overview of the appeal process. The appeal period will end on October 5, 2000. Following the staff appeal, there is a 30-day appeal period to the Board of Appeals. That appeal period will end on November 6, 2000. A final appeal may be made to the Circuit Court.

The Board and staff held a discussion concerning the frequency of assessments in neighborhoods and how close the assessment matched budget revenues.

A public hearing on the assessment increase will be held at the next Board meeting on September 26, 2000.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that September 24 will be the dedication for the new Stonehouse Elementary School. On September 30 there will be a parade for Chickahominy Day, and October 9 will be the next "Meet the Supervisor" open public meeting at the Library in Croaker for Stonehouse District residents.

Mr. Harrison thanked the citizens for their participation during this meeting and requested that the Board consider adopting a formal time limit for public comments and public hearings.

Mr. Nervitt requested the Acting Police Chief to move forward with a safety locks for guns program in the County.

Mr. Nervitt recessed the Board at 10:49 p.m.

J. CLOSED SESSION

Mr. Nervitt reconvened the Board at 10:51 p.m. and made a motion to convene into closed session as recommended by the County Administrator.

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 11:00 p.m.

Mr. Nervitt 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(s), the appointment of individuals to County boards and/or commissions.

Mr. Goodson made a motion to appoint Dr. Barbara B. Richardson to the Social Services Advisory Board for a four-year term, term expiring on June 30, 2004; and to appoint Mr. M. Anderson Bradshaw to the Water Conservation Committee for a three-year term, term expiring on September 12, 2003.

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

Mr. Nervitt made a motion to adjourn.

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

The Board adjourned at 11:01 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Budget Adjustment for Schools - Prior Year

The following resolution amends the budget for the year that ended June 30, 2000, in the amount of money due to the Williamsburg/James City County Schools.

The State Sales Tax for Education is included each year in the County's budget as revenue and shown again as part of the total contribution to the operating budget of the Schools. When the School contract was last amended, a provision was added to define the annual contribution to the Schools. That contribution should consist of a fixed local share and whatever funds the County collects in proceeds from the State Sales Tax for Education. Legally, the County could keep the State Sales Tax and use it for any school purpose, including debt service, but the State considers it as an element of State support to the operating budget of the Schools. If State Sales Taxes for Education come in higher than is originally estimated, then State Basic Aid is reduced, keeping the total State budget contribution at a set dollar total.

When the FY 2000 budget was prepared, the estimate of State Sales Taxes for Education was set at \$4,464,007, consistent with the estimates provided by the State Tax Department. In August 1999, the Schools conducted a census of school age children that resulted in an increased share of the total State revenue for James City County. That, and a surge in sales tax revenues Statewide, resulted in a total FY 2000 collection of \$5,018,568. The additional \$554,561 that the County received, by the terms of the City/County contract, goes to the Schools.

The attached resolution corrects the revenue and transfer to the schools for the correct sales tax figure for the fiscal year that just ended. The Schools will not realize a windfall, however, because other State revenue will be correspondingly reduced. Staff recommends adoption of the attached resolution.

John E. McDonald

JEM/gb
schools.mem

Attachment

RESOLUTION

BUDGET ADJUSTMENT FOR SCHOOLS - PRIOR YEAR

WHEREAS, the Board of Supervisors of James City County has received unbudgeted additional revenue in the form of State Sales Taxes for Education in the amount of \$554,561 in the fiscal year that ended on June 30, 2000; and

WHEREAS, under the terms of the City/County School contract, these funds are due and payable to the Williamsburg/James City County public schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following retroactive amendment to the FY 2000 budget and appropriates these funds as follows:

Operating Budget:

Revenues:

From Commonwealth - State Sales Taxes For Education \$554,561

Expenditures:

Transfer - Williamsburg/James City County Schools \$554,561

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 26th day of September, 2000.

schools.res

MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Budget Adjustment - Sidewalk Construction

Sloan and Associates, owners of the Jamestown Professional Center on Jamestown Road, paid the County \$5,870 as their (developers) share of sidewalk construction costs.

Staff recommends adoption of the attached resolution making the \$5,870 budget adjustment.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/alc
budaadjust.mem

Attachment

RESOLUTION

BUDGET ADJUSTMENT

SIDEWALK CONSTRUCTION

WHEREAS, the Board of Supervisors of James City County received the sum of \$5,870 from Sloan and Associates as their share of sidewalk construction costs on Jamestown Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendment to the FY 2001 Budget and appropriates these funds as follows:

CAPITAL FUND

Revenues:

Sloan and Associates	<u>\$5,870</u>
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Expenditures:

Sidewalks	<u>\$5,870</u>
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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 26th day of September, 2000.

budaadjust.res

MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: Renee H. Dallman, Community Outreach Coordinator
SUBJECT: Williamsburg Community Health Foundation Grant

The Williamsburg Community Health Foundation, with the approval of the six-month progress report for the Block Buddies: A Neighborhood Health Promoter Program, has sent James City County the second installment of the grant funds. The remaining funds will be used to continue to support the program in the communities of Burton Woods, Forest Glen, Chickahominy, Burnt Ordinary, Ironbound Square, Grove, Windy Hill, and Skiffe's Creek.

The \$30,000 one-year grant was used to fund the expansion of the program by providing \$14,850 for part-time, limited-term, one-year Block Buddies Coordinator position, and \$15,150 for supplies and administrative costs for the program. The first installment of the \$30,000 was appropriated by the Board December 21, 1999.

Two resolutions are attached. The first resolution appropriates \$15,000, the second and final installment of the Williamsburg Community Health Foundation Grant. The second resolution appropriates the Colonial Services Board reimbursement of Neighborhood Connections \$750 for expenses associated with leadership training for the Burnt Ordinary neighborhood. Staff recommends adoption of the two attached resolutions.

Renee H. Dallman

CONCUR:

Veronica C. Nowak

RHD/tlc
hlthfndgrnt.mem

Attachments

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT

WHEREAS, the Board of Supervisors of James City County has been requested to appropriate funds within the budget of Communications and Neighborhood Connections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following appropriation of additional funds within the FY 2000 Budget.

Revenues:

From the Williamsburg Community Health Foundation	<u>\$15,000</u>
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Expenditures:

Block Buddies Coordinator	\$ 7,425
Administrative costs and supplies	<u>7,575</u>
	<u>\$15,000</u>

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 26th day of September, 2000.

hlthgrntfnd.res

MEMORANDUM

DATE: September 26, 2000

TO: The Board of Supervisors

FROM: Carol M. Luckam, Human Resources Manager

SUBJECT: Changes to Chapter 11, Safety Program Policy, of the James City County Personnel Policies and Procedures Manual

Attached is a resolution to revise Chapter 11, Safety Program Policy, of the James City County Personnel Policies and Procedures Manual. The revisions include:

1. More clearly defined responsibilities.
2. A reference to detailed safety procedures from which each department can develop a safety manual pertinent to the department's risks.

The policy states the County's safety objectives and assigns safety responsibilities at all organizational levels within the County. It outlines County Department and Division responsibilities for implementing and maintaining the safety and health procedures required by the Virginia Occupational Safety and Health Administration. The procedures are warranted based on risk exposures.

Staff recommends adoption of the attached resolution.

Carol M. Luckam

CML/tlc
chp11.mem

Attachment

RESOLUTION

CHANGES TO CHAPTER 11, SAFETY PROGRAM POLICY, OF THE

JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, James City County has a sincere concern for the welfare and safety of our employees and our customers; and

WHEREAS, a comprehensive safety program will: provide an environment that minimizes risk of injury/illness to employees and citizens, reduce the costs associated with injury and property damage, and ensure compliance with State and Federal safety regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 11, Safety Program Policy, of the James City County Personnel Policies and Procedures Manual.

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 26th day of September, 2000.

chp11.res

MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: David Daigneault, Acting Chief of Police
SUBJECT: School Resource Officer Program

The School Resource Officer (SRO) Program, a partnership of James City County and the Williamsburg-James City County (WJC) Schools, is now in its sixth year of operation. Program activity is governed by an agreement between the County and the WJC Schools that must be renewed each school year. For the reasons set forth in the attached resolution, the agreement for the 2000/2001 School Year has been amended from the one signed last year. The agreement bears all of the required signatures, except that of the Chairman of the Board of Supervisors. The attached resolution authorizes the Chairman to execute the SRO Program agreement on behalf of the Board of Supervisors.

Staff recommends adoption of the attached resolution.

David Daigneault

CONCUR:

Sanford B. Wanner

DD/tlc
sprog01 .mem

Attachment

RESOLUTION

SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, during the FY 96 Budget process, James City County Board of Supervisors approved a School Resource Officer (SRO) Program between James City County and the Williamsburg-James City County (WJC) Public Schools; and

WHEREAS, the most recent agreement between James City County and the WJC Public Schools governing the operation of the SRO Program expired June 30, 2000, and must be renewed for the 2000/2001 School Year; and

WHEREAS, the agreement for 2000/2001 requires amendments to account for an increase from five to six in the number of SROs working in the middle and high schools during the 2000/2001 School Year and, pursuant to recent State legislation, to further define the role of SROs in school discipline matters.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to execute, on its behalf, revised 2000/2001 School Year agreement with the WJC Public Schools.

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 26th day of September, 2000.

sroprog01.res

M E M O R A N D U M

DATE: September 26, 2000

TO: The Board of Supervisors

FROM: Jill E. Schmidle, Senior Planner

SUBJECT: Case No. ZO-1-00. Sign Ordinance Revision

Staff received a request from the John Deere Vehicle Group to revise the Sign Ordinance in order to allow larger free-standing monument signs. In May of this year, staff was contacted by John Deere officials to discuss their proposed free-standing sign. Staff was informed that a 45.5-square foot sign had been constructed and shipped to the site in advance of applying for a sign permit or discussing the sign with staff. The Zoning Ordinance permits a 32-square foot sign for the specific on-site location where it is proposed. The sign has not been erected.

After discussion of options with staff, the John Deere Vehicle Group applied for a variance from the Board of Zoning Appeals. There is no legal hardship in this case warranting a variance from the Board of Zoning Appeals. John Deere sent a letter to the County Administrator requesting Zoning Ordinance amendment to accommodate their request and that it apply to industrial parks.

The Board of Zoning Appeals case has been deferred pending the outcome of the proposed amendment. Please note that in late August, John Deere submitted a revised sign permit application moving the sign to an on-site location that permits the requested 45.5-square foot sign, but has not withdrawn its Zoning Ordinance amendment request.

The current ordinance permits the following:

Sec. 24-70. Freestanding signs.

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

(b) *Sign area.* Such signs shall not exceed:

- (1) 32 square feet per face if located less than 75 feet from the road right-of-way;
- (2) 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
- (3) 60 square feet per face if located more than 150 feet from the road right-of-way.

As per the request, staff has drafted the following addition to Section 24-70 (b):

46 square feet per face if located less than 75 feet from the road right-of-way for an industrial use located in the interior of an industrial park where the freestanding sign is not visible from peripheral or perimeter public roads exterior to the park. Industrial use shall be defined as any use permitted generally or permitted with a special use permit in the M-2, General Industrial District, regardless of zoning classification, and industrial park shall be defined as more than three parcels served by an internal street containing industrial uses or the potential for industrial use, with a total building square footage of 100,000 square feet or greater.

This ordinance proposal would apply to sites located within all of the County's existing industrial parks, such as Stonehouse Commerce Park, Hankins Industrial Park, James River Commerce Center, Skiffes Creek Industrial Park, Greenmount Industrial Park, and proposed industrial parks.

Please note that James City County's Ordinance currently requires free-standing signs to be located a minimum of 5 feet from the property line, and cannot exceed a height of 15 feet. No changes are proposed, or were requested, to these requirements.

Comparison with Other Localities

For comparison, staff researched the ordinances of other municipalities in Virginia, including the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach, and the counties of Albemarle, Arlington, Chesterfield, Hanover, and Loudoun. A summary of the requirements for free-standing signs for industrial uses in each of these municipalities can be found below. Generally, communities on the Southside permit larger free-standing signs for industrial uses than James City County.

- Chesapeake - permits a free-standing sign up to **125** square feet if located 50 feet or less from the road right-of-way. The maximum height permitted is 12 feet. John Deere's proposed sign would meet this Ordinance.
- Norfolk - permits the size of free-standing signs based upon the size of lot frontage. Norfolk permits a free-standing sign not to exceed 32 square feet for up to 200 feet of lot frontage, or **75** square feet for up to 400 feet of lot frontage. An additional 75-square foot free-standing sign is permitted for each additional 400 feet of lot frontage. Free-standing signs shall be located a minimum of five feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.
- Portsmouth - permits free-standing signs not to exceed one square foot per linear foot of street footage of the lot, up to a maximum of **125** square feet. Free-standing signs shall be located a minimum of seven feet from the road right-of-way and shall not exceed 26 feet in height. John Deere's proposed sign would meet this Ordinance.
- Suffolk - permits free-standing signs not to exceed one square foot for each two linear feet of street frontage, up to a maximum of **100** square feet. Free-standing signs shall be located a minimum of 10 feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.
- Virginia Beach - permits free-standing signs not to exceed 32 square feet for lots with frontage up to 200 feet, or **75** square feet for lots with frontage over 200 feet. Free-standing signs shall be located a minimum of seven feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would meet this Ordinance.

The following municipalities generally permit free-standing signs for industrial uses that are similar in size to what is permitted in James City County:

- Albemarle - permits free-standing signs not to exceed **32** square feet. Free-standing signs shall be located a minimum of five feet from the road right-of-way and shall not exceed 12 feet in height. John Deere's proposed sign would not meet this Ordinance.

- Arlington - does not permit free-standing signs for companies in industrial parks. Only wall-mounted signs are permitted. John Deere's proposed sign would not meet this Ordinance.
- Chesterfield - permits free-standing signs not to exceed **32** square feet. Free-standing signs shall be located a minimum of 20 feet from the road right-of-way and shall not exceed eight feet in height. John Deere's proposed sign would not meet this Ordinance.
- Hanover - permits the size of free-standing signs depending on the number of travel lanes on which the site fronts. For a site located on a road with four or more travel lanes, a free-standing sign not larger than 50 square feet is permitted, with a maximum height of eight feet. For a site located on a road with fewer than four travel lanes, a free-standing sign not larger than **30** square feet is permitted, with a maximum height of six feet. John Deere's proposed sign would not meet this Ordinance.
- Loudoun - does not permit free-standing signs in industrial parks, but permits wall-mounted signs with a maximum total square footage of **20** square feet. John Deere's proposed sign would not meet this Ordinance.

Staff Analysis

Staff finds that there are strong reasons to oppose this revised Ordinance request, which are outlined below:

- During the 1997 Comprehensive Plan update, an overwhelming majority of citizens were in favor of measures that would protect and enhance the appearance of the County. Specifically, the Comprehensive Plan states that citizens expressed a strong desire to "maintain and improve the aesthetics and character of James City County." The goal of "preserving James City County as a unique and special place with standards higher than its neighbors" remains a constant theme throughout the Comprehensive Plan. The Community Character section recommends that "signage should be of a scale, size, color and materials to complement the historic character of the area." In Community Conversations as well as the citizen survey, "an overwhelming majority of respondents supported increased regulations to preserve the traditional qualities of the County." Our current Sign Ordinance is one of the cornerstones of regulatory effort at separating this community from others and recognizing its special and unique characteristics. Staff finds that amending the Sign Ordinance to permit larger signs is inconsistent with the vision of the Comprehensive Plan and represents a weakening of the existing Ordinance, which has been in effect since 1973.
- Permitting larger signs for industrial uses in industrial parks as proposed would establish a dangerous precedent. Other businesses and organizations, particularly retail, may successfully argue that they face similar or more demanding needs for recognition and therefore should be allowed to have larger free-standing signs.
- No evidence of hardship has been presented that indicates a significant economic need for larger signs for industrial uses in industrial parks. There appears to be no practical reason for larger signs in industrial parks, as the uses do not rely on signage for attracting customers or visitors. Establishing a dominant sign presence in industrial areas does not serve any practical purpose. In this particular instance, a 32-square foot sign would clearly identify the business and be easily visible to motorists.
- The proposed amendment does not serve a broad public need.

RECOMMENDATION:

Staff recommends that the Board of Supervisors make no changes to the Sign Ordinance. On September 6, 2000, the Planning Commission concurred with staff and voted 7-0 to deny the request to revise the Sign Ordinance. Staff finds that permitting larger free-standing signs for industrial uses in industrial parks is inconsistent with the Comprehensive Plan and sets a precedent for larger signs in the County.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb

ZO-1-00.mem

Attachments:

1. Planning Commission Minutes
2. Revised Sign Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 3, EXTERIOR SIGNS, SECTION 24-70, FREESTANDING SIGNS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article II, Special Regulations, Division 3, Exterior Signs, Section 24-70, Freestanding signs.

Article II. Special Regulations
Division 3. Exterior Signs

Sec. 24-70. Freestanding signs.

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

- (b) *Sign area.* Such signs shall not exceed:
 - (1) 32 square feet per face if located less than 75 feet from the road right-of-way;
 - (2) *46 square feet per face if located less than 75 feet from the road right-of-way for an industrial park where the freestanding sign is not visible from peripheral or perimeter public roads exterior to the park;*
 - (~~2~~ 3) 50 square feet per face if located 75 to 150 feet from the road right-of-way; or
 - (~~3~~ 4) 60 square feet per face if located more than 150 feet from the road right-of-way.

For the purposes of this section, industrial use is defined as any use permitted generally or permitted with a special use permit in the M-2, General Industrial District, regardless of zoning classification, and industrial park is defined as more than three parcels served by an internal street containing industrial uses or the potential for industrial use, with a total building square footage of 100,000 square feet or greater.

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 26th day of September, 2000.

extsigns.ord

MEMORANDUM

DATE: September 26, 2000
TO: The Board of Supervisors
FROM: David Daigneault, Acting Chief of Police
SUBJECT: U.S. Bureau of Justice Assistance Grant - Police

The Federal Bureau of Justice Assistance has approved a grant of \$18,806 to be used in activities related to reducing crime and improving public safety.

A public hearing is required to receive comments from the community. If there are no public comments, the Department plans to spend the funds in partnership with the City of Williamsburg Police Department and the Colonial Williamsburg Police for the "Range 2000." The resolution appropriates these funds for use by the Police Department in our crime reduction and public safety effort. Staff recommends adoption of the attached resolution.

David Daigneault

DD/alc
assisgrant.mem

Attachment

RESOLUTION

U. S. BUREAU OF JUSTICE ASSISTANCE GRANT - POLICE

WHEREAS, the Bureau of Justice Assistance has approved a grant to provide \$18,806 to the Police Department for Law Enforcement equipment and technology; and

WHEREAS, sufficient local matching funds are available in the Police Department budget.

NOW, THEREFORE, BEIT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenue:

From Bureau of Justice Assistance	<u>\$18,806</u>
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Expenditures:

Police Department Budget	<u>\$18,806</u>
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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 26th day of
September, 2000.

assisgrant.res

MEMORANDUM

DATE: September 26, 2000

TO: The Board of Supervisors

FROM: John E. McDonald, Manager of Financial and Management Services

SUBJECT: Public Hearing - Real Estate Reassessment

In accordance with Section 58.1-3321 of the Code of Virginia, we have advertised a public hearing on the results of the County's July 1 reassessment. Under the Code, if the results of a reassessment increase the amount of tax revenue by more than one percent, then the reassessment results must be advertised.

In the material previously provided to the Board by Richard Sebastian, we illustrated that the combination of the reassessment and other factors such as new construction and subdivisions will generate expected tax collections very close to the \$38,825,448 estimated and appropriated in the FY 2001 Budget.

No resolution is attached. The Board may wish to act on the results of this public hearing and the work session on reassessments to be held on Wednesday, September 27, but staff recommends that the Board consider the assessment and taxation of real property at its budget work sessions later this fall.

John E. McDonald

JEM/gb
reassessment.mem