

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

February 13, 2001

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE - Ms. Andrea Carter, a Sophomore at Jamestown High School

C. PUBLIC COMMENT

D. PRESENTATION

1. Celebrate Diversity Month

E. CONSENT CALENDAR

1. Minutes:
 - a. January 9, 2001, Regular Meeting
 - b. January 23, 2001, Regular Meeting
 - c. January 24, 2001, Work Session
2. Celebrate Diversity Month
3. Section 8 Housing Choice Voucher Program Administration
 - a. Transfer of Section 8 Annual Contributions Contract
 - b. Section 8 Housing Choice Voucher Program Administration
4. Award of Contract - Baseball Field Lighting, District Park Sports Complex
5. Establishment of Full-Time Librarian I Position
6. Authorization for Two Police Overhires

F. PUBLIC HEARINGS

1. Case No. SUP-01-01. Wright Family Subdivision
2. Case No. SUP-25-00. Stonehenge Kennels

G. BOARD CONSIDERATION

1. Route 199 and Jamestown Road Locally Preferred Alternative

H. PUBLIC COMMENT

I. REPORTS OF THE COUNTY ADMINISTRATOR

J. BOARD REQUESTS AND DIRECTIVES

K. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-34(A)(1) of the Code of Virginia
 - a. Wetlands Board
 - b. Redistricting Committee

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JANUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Peter Driesbach, a Senior at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Richard Bradshaw, Commissioner of Revenue, informed citizens that there is a new look and process to the Virginia State Income Tax form, and the Office of the Commissioner of Revenue will be available to assist with the completion of the forms.

D. PRESENTATIONS

1. 2000 Chairman's Award

Mr. Ronald A. Nervitt, 2000 Chairman, presented John E. McDonald, Manager of Financial and Management Services, with a 2000 Chairman's Award for his 24 years of outstanding, innovative, and dependable leadership in financial and management services. Mr. Nervitt read the resolution to citizens and members of the Board.

RESOLUTION

CHAIRMAN'S AWARD 2000

WHEREAS, for twenty-four years, John E. McDonald has provided outstanding, innovative, and dependable leadership to the financial management of James City County; and

WHEREAS, John E. McDonald strived to ensure the financial health of James City County through excellence in budgeting and accounting, demonstrated in the receipt of 19 consecutive Certificates of Achievement for Excellence in Financial Reporting from the Municipal Finance Officer Association; and

WHEREAS, in 2000, under his leadership, the County entered "Y2K" without problem, County real estate records were placed in an internet accessible regional database, updated Statement of Fiscal Goals were adopted by the Board of Supervisors, and the County received a financial audit without material weaknesses for Fiscal Year 2000; and

WHEREAS, John's financial expertise is reflected in his involvement in numerous regional and public/private initiatives such as Chairman of the Middle Peninsula Juvenile Detention Commission and Williamsburg Indoor Soccer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding public service of

JOHN E. MCDONALD

and presents him with the 2000 Chairman's Award in appreciation of his continuous contribution to excellence in James City County.

Mr. Nervitt presented a 2000 Chairman's Award to Ms. Ronnie Nowak, Administrator of Communications and Neighborhood Connections, who accepted the award on behalf of Ms. Renee Dallman. Ms. Dallman received the award for her efforts in promoting a healthy community and successfully developing the Block Buddies program. Mr. Nervitt read the resolution to the citizens and members of the Board.

RESOLUTION

CHAIRMAN'S AWARD 2000

WHEREAS, Renee Dallman showed outstanding innovation in developing and implementing the Block Buddies, Neighborhood Health Promoter Program, which has served citizens through neighborhood-based health screenings and as a result, has been responsible for a reduction in risk factors for preventable illness and disease; and

WHEREAS, in 2000, an additional 19 residents from nine neighborhoods completed 15 weeks of training and have become health ambassadors to their communities. Graduates of the program continue their education and service, thus forming an ever-increasing network of Block Buddies Alumni who are taking a leadership role in promoting health in the community; and

WHEREAS, Renee, recognizing the need for additional funds to support the Block Buddies initiative, secured a \$3,719 United Way Venture Grant and a second Williamsburg Community Health Foundation Grant in the amount of \$30,000 to expand Block Buddies; and

WHEREAS, Renee has been creative in building successful partnerships through a cadre of professionals who provide the training, the Williamsburg Community Hospital, and the establishment of a Medical Advisory Board.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors of James City County, Virginia, does hereby recognize the outstanding public service of

RENEE DALLMAN

and present her with the 2000 Chairman's Award as a token of our appreciation.

2. Resolution of Appreciation – Rose G. Gross

Mr. McGlennon presented Rose G. Gross with a resolution of appreciation for her 21 years of service to the citizens of the County as the General Registrar. Mr. McGlennon read the resolution to the citizens and members of the Board.

3. Resolution of Appreciation – Peter Dreisbach

Mr. McGlennon and Mr. Harrison recognized Mr. Dreisbach for his achievements and recognition as one of twelve National Finalists for the Wendy's High School Heisman Award Program. Mr. McGlennon read the resolution aloud to citizens and members of the Board.

E. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Goodson requested Item Number 6, Bikeway Agreement Between James City County and the National Park Service, be pulled.

Mr. Harrison made a motion to approve the remaining items on the consent calendar.

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

1. Minutes, November 29, 2000, Work Session

2. Resolution of Appreciation – Rose G. Gross

RESOLUTION OF APPRECIATION

ROSE G. GROSS

WHEREAS, Rose G. Gross has served the citizens of James City County in the General Registrar's Office since June 1979; and

WHEREAS, Rose G. Gross, through hard work, rose from part-time Assistant General Registrar, to Chief Assistant Registrar, to General Registrar in 1998; and

WHEREAS, during her 21 years of service she assisted in identifying and implementing new and innovative ways to make voter registration easier for the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its sincere appreciation and every good wish for continued success to

ROSE G. GROSS

BE IT FURTHER RESOLVED that this resolution be spread upon the January 9, 2001, minutes of this Board and a suitable copy be presented to Rose G. Gross.

3. Resolution of Appreciation Peter Dreisbach

RESOLUTION OF APPRECIATION

PETER DREISBACH

WHEREAS, Peter Dreisbach, James City County resident and Jamestown High School student, was named one of 12 National Finalists, surpassing more than 12,000 students nationwide, for the Wendy's High School Heisman Award; and

WHEREAS, each year, Wendy's International, the National Association of Secondary School Principals, and the Downtown Athletic Club of New York join forces to recognize the top male and female scholars, citizens, and athletes among high school seniors chosen from nominations submitted by 23,000 high schools across the nation; and

WHEREAS, Peter Dreisbach is a member of the National Honor Society, National Junior Honor Society, participates in track, basketball, and football, while maintaining a Grade Point Average of 4.3/4.0; and

WHEREAS, Peter also contributes to this community through participation in the Jamestown High School Ecology Club and the Boy Scouts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby thank and honor Peter Dreisbach for his outstanding dedication to academic achievement, athletic accomplishments, and commitment to the community.

4. Virginia Recreational Trails Fund Grant Award

RESOLUTION

VIRGINIA RECREATIONAL TRAILS FUND GRANT AWARD

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed to construct a new 3,400-linear foot multiuse trail at Mid County Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$65,500 grant awarded by the Department of Conservation and Recreation in cooperation with the Federal Highway Administration to help with trail construction at Mid County Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

REVENUES:

From the Commonwealth \$65,500

EXPENDITURES:

Greenways and Trails(0130220800) \$65,500

5. Relocation and Restoration of the Norge Depot Grant Application

RESOLUTION

NORGE DEPOT RELOCATION AND RESTORATION GRANT APPLICATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or State agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of the relocation and restoration of the Norge Depot.

BE IT FURTHER RESOLVED that the James City County Historical Commission hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that if the James City County Historical Commission subsequently elects

to cancel this project, the James City County Historical Commission hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

7. Purchasing Policy

RESOLUTION

PURCHASING POLICY

WHEREAS, the Board of Supervisors is dedicated to providing taxpayers with maximum value for their dollars; securing high quality goods and services at reasonable cost; guaranteeing that all purchasing actions be conducted in a fair and impartial manner with no impropriety or appearance thereof; ensuring that transactions are competitive, efficient, and economical; and allowing all qualified vendors to have access to County business without arbitrary or capricious exclusion; and

WHEREAS, Code of Virginia §§ 11-35 through 11-80 known as the Virginia Public Procurement Act (VPPA), contains the public policies pertaining to governmental procurement from nongovernmental sources; and

WHEREAS, Code of Virginia § 15.2-1236 requires all purchases of and contracts for supplies, materials, equipment, and contractual services to be in accordance with Chapter 7, Title 11, of the Code of Virginia; and

WHEREAS, Code of Virginia § 11-35 allows implementation of the Virginia Public Procurement Act by ordinances, resolutions, or regulations consistent with the Act by a public body empowered by law to undertake the activities described by the Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Purchasing Policy dated January 9, 2001, attached hereto and made part of this resolution. The Policy shall take effect immediately upon passage.

8. Colonial Soil and Water Conservation District Grant

RESOLUTION

COLONIAL SOIL AND WATER CONSERVATION DISTRICT GRANT

WHEREAS, the Colonial Soil and Water Conservation District has made funds available for the development of educational trails material.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$2,100 grant awarded by the Colonial Soil and Water Conservation District to help with the cost of the kiosk at the Greensprings Trail.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

REVENUES:

From the Colonial Soil and Water Conservation District \$2,100

EXPENDITURES:

Greenways and Trails(0130220800) \$2,100

6. Bikeway Agreement Between James City County and the National Park Service

Mr. Goodson inquired if emergency vehicles would be able to access the path.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the path would not be able to handle emergency vehicles under this Agreement, however the request to have access for emergency vehicles is being discussed with the National Park Service.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

AUTHORIZING EXECUTION OF BIKEWAY AGREEMENT

BETWEEN JAMES CITY COUNTY AND THE NATIONAL PARK SERVICE

WHEREAS, both the 1998 Regional Bikeway Plan and the 1999 Sidewalk and Trail Plan recommend bikeway connections to the Colonial Parkway at Treasure Island Road and Neck-O-Land Road; and

WHEREAS, there currently exists well-worn dirt connections at both locations; and

WHEREAS, Federal and State funding will pay for the construction of both connections without County funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute an agreement with the National Park Service facilitating bikeway construction and maintenance on Colonial Park right-of-way.

F. PUBLIC HEARINGS

1. Pre-Budget Public Hearing – FY 2002 Budget

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, briefly outlined the upcoming budget schedule and invited public comment on the budget for citizen guidance in preparation of the budget.

Ms. Swindell invited citizens to visit the County web site for budget information, send budget comments by e-mail, and to attend budget work sessions in April. The County will host a call-in show at the end of March concerning the Budget, during which citizens are welcome to provide additional comments and feedback.

Mr. McGlennon opened the public hearing.

1. Ms. Julie Leverenz, President, Historic Route 5 Association, 3313 Running Cedar Way, requested the County fully fund the greenspace fund and the underground utility fund.

2. Mr. Ed Oyer, 139 Indian Circle, stated the Governor has ordered a 10 percent reduction in agency budgets in the Commonwealth for this year; that the car tax and food tax reduction plan may not survive; requested the County's first priority after meeting needs be tax relief for low-income earners; requested that the County propose legislation to the General Assembly that would give residents in a home ten years or longer get a tax break; expressed concern about 33 taxes in the Code of Virginia; the consumer tax on the Dominion Virginia Power bills; and expressed interest in citizen's taxes being reduced as new businesses come into the County.

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

2. TEA –21 Project Request, Jamestown Road Pedestrian Bridge Grant Application

Mr. Ned Cheely, Director of Parks and Recreation, stated that the Division of Parks and Recreation, in cooperation with the James City Service Authority (JCSA), requested to apply for a Transportation Enhancement Act for the 21st Century (TEA-21) project to construct a separate pedestrian bridge adjacent to Jamestown Road over Lake Powell utilizing the JCSA owned pipe-bridge.

The Board and staff discussed alternative projects and funding if the application is turned down, and restricting fishing off the bridge.

Mr. McGlennon opened the public hearing.

1. Mr. Olan Parr, Neighborhood Association of Lakewood, stated concern that the project may impact the entrance to Lakewood.

Mr. Wanner stated that the project will not interfere with access to the Lakewood subdivision.

Mr. Larry Foster, General Manager of the James City Service Authority, stated that if the application is approved, the Neighborhood Association of Lakewood would be invited to provide input and feedback in the designs.

Mr. McGlennon closed the public hearing.

Mr. Nervitt made a motion to approve the resolution.

The Board and staff held a brief discussion concerning the application process.

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

RESOLUTION

TEA-21 PROJECT REQUEST, JAMESTOWN ROAD PEDESTRIAN BRIDGE

GRANT APPLICATION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation may fund a transportation enhancement project in James City County; and

WHEREAS, funds are needed to assist with the construction of a separate pedestrian bridge adjacent to Jamestown Road over Lake Powell.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board to establish a project for the improvement of pedestrian facilities along Jamestown Road at Lake Powell.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, subject to James City Service Authority reimbursement, and that if James City County subsequently elects to cancel this project James City County hereby agrees to reimburse the Virginia Department of Transportation for the total costs expended by the Department through the date the Department is notified of such cancellation.

3. Case No. SUP-24-00. JCSA-Rochambeau Drive Water Main

Mr. Ben Thompson, Planner, stated that Mr. Keith Letchworth, on behalf of the James City Service Authority, applied for a special use permit to install approximately 1,750 linear feet of 12-inch water line along Rochambeau Drive between 3707 Rochambeau Drive and the entrance to the Wellington Subdivision, zoned R-1, Limited Residential; A-1, General Agriculture; B-1, General Business, and further identified as VDOT right-of-way on James City County Real Estate Tax Map No. (13-1).

Mr. Thompson stated that staff finds this proposal to be consistent with the Comprehensive Plan and recommends approval of the application with attached conditions.

The Planning Commission unanimously recommended approval of this application with conditions.

The Board and staff briefly discussed the project's connection to Stonehouse and the benefit of improved overall pressure and water flow.

Mr. McGlennon opened the public hearing.

1. Mr. Foster stated the James City Service Authority supports the application.
2. Mr. Ed Oyer, 139 Indian Circle, inquired about the connection of a 12-inch line to an 8-inch line.

Mr. Chris Dawson, Chief Engineer, stated that the intent is to replace the eight-inch water line with 8-inch line to the Stonehouse Elementary School.

Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-24-00. JCSA - ROCHAMBEAU DRIVE WATER MAIN

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. Keith Letchworth has applied on behalf of James City County Service Authority for a special use permit to allow a water main; and

WHEREAS, the property is located on land zoned R-1, Limited Residential District, A-1, General Agriculture District, and B-1, General Business District, and can be further identified as Virginia Department of Transportation right-of-way on James City County Real Estate Tax Map No. (13-1); and

WHEREAS, the Planning Commission, following its public hearing on December 4, voted 5-0 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-23-00 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 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 shall be replaced with a tree, bush, or shrub an equal or other type as approved by the Planning Director.

4. TEA-21 Project Request, Jamestown-Yorktown Foundation Pathways of Discovery Grant Application

Mr. O. Marvin Sowers, Jr., Director of Planning, and Ms. Ruth Haas, Jamestown-Yorktown Foundation, stated that the Jamestown-Yorktown Foundation is applying for a Transportation Enhancement Program Grant and has requested that the Board conduct a public hearing on the application and adopt a resolution supporting the application.

The Jamestown-Yorktown Foundation will provide the financial match for the grant that would allow the "Pathways to Discovery" project to construct new pedestrian pathways at the Jamestown Settlement that will increase accessibility to outdoor exhibit areas.

The Board, staff, and Ms. Hass held a discussion concerning the growth in the number of visitors to the center, and layout of the pathway.

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

Mr. Goodson made a motion to approve the resolution.

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

RESOLUTION

TEA-21 PROJECT REQUEST, JAMESTOWN-YORKTOWN FOUNDATION

PATHWAYS OF DISCOVERY GRANT APPLICATION

WHEREAS, the Jamestown-Yorktown Foundation intends to file an application with the Virginia Department of Transportation for an Enhancement Grant to construct a pedestrian pathway project known as "Pathways of Discovery" at the Jamestown Settlement; and

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government in order for the Virginia Department of Transportation to program an Enhancement Grant project in the County of James City; and

WHEREAS, the Jamestown-Yorktown Foundation hereby agrees to pay 20 percent of the total cost for planning and design, right-of-way, and construction of this project contingent upon entering into an acceptable reimbursement agreement with the Virginia Department of Transportation, and that, if the Jamestown-Yorktown Foundation subsequently elects to cancel this project, Jamestown-Yorktown Foundation hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Commonwealth Transportation Board establish a project for the improvement of pedestrian pathways at Jamestown Settlement, as described in the "Pathways of Discovery" application submitted by the Jamestown-Yorktown Foundation.

Mr. McGlennon recessed the Board at 7:56 p.m.

Mr. McGlennon reconvened the Board at 8:47 p.m.

G. PUBLIC COMMENT

1. Mr. Richard Costello, Water Conservation Committee, clarified that golf courses utilize ponds, rivers, or lakes for irrigation; that hoses used to water flower beds and shrubs would not be regulated by the proposed watering restrictions; and that the Water Conservation Committee plans to move forward with water conservation educational programs.

2. Ms. Emily Martin, 4947 Burnley Drive, stated that the citizens of the County get mixed information concerning water conservation efforts since the Board continues to authorize construction of new homes and developments.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board recess for a James City Service Authority meeting following which the Board would reconvene into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions. Following the closed session, the Board would adjourn until January 23.

Mr. Wanner requested the Board appoint members to the High Growth Coalition and the Superintendent's Focus Group for Secondary Education Programming.

The Board agreed to have Mr. Goods on and Mr. McGlennon serve on the High Growth Coalition and Mr. Kennedy serve on the Superintendent's Focus Group for Secondary Education Programming.

I. BOARD REQUESTS AND DIRECTIVES – None

Mr. McGlennon recessed the Board at 8:57 p.m.

J. CLOSED SESSION

Mr. McGlennon reconvened the Board at 9:07 p.m.

Mr. McGlennon made a motion to go into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia as recommended by the County Administrator.

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

At 9:13 p.m. Mr. McGlennon reconvened the Board onto open session.

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

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

Mr. Harrison made a motion to appoint Mr. Joe McCleary to a four-year term on the Planning Commission, term to expire on January 31, 2005.

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

Mr. Harrison made a motion to appoint Mr. A. Joe Poole, III, to an at-large seat on the Planning Commission, to serve for a four-year term, term to expire on January 31, 2005.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Goodson, McGlennon (4). NAY: Nervitt (1).

Mr. Kennedy made a motion to adjourn at 9:26 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JANUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Ms. Teresa Tylman, a student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Richard Bowers, 33 17 Isle of Wight Court, inquired as to why the Turner Classic Movie channel has become a premium channel with the upgraded cable service, and why does it require a converter box.

2. Mr. Mike Loh, 125 Captaine Graves, requested the Fox News channel be added to Cox's expanded service for James City County. Mr. Loh stated that Cox is providing this channel to surrounding jurisdictions such as Northern Neck, Southside, but not to this area, and asked what it would take to get Fox News added to James City County's cable service line up.

3. Mr. Kingston W. Fairclough, 4 Peale Court, stated interest in having other cable providers to provide competition; expressed concern that with the cable upgrade, the cost for the history and travel channels increased; voiced displeasure of having his yard destroyed by contractors hired by Cox, poor service, and being billed for services prior to being provided the service.

4. Ms. Pamela Johnson-Lane, 155 Albemarle Drive, stated an interest in having Univision added back into the Cox cable line up; inquired as to who has the authority to change the cable line up; requested an alternative listing of the new cable channel line up; and expressed concern that the TV Guide channel was removed.

5. Mr. Jeff Fleishman, 100 George Perry, stated concern regarding the availability of inappropriate material on cable too early in the day when children may view it; explained that although he has requested certain channels and materials be blocked from his cable access, the material reappears without request, he has been through this process at least three times; and expressed concern that the price for service increased with the upgrade, is unsure of what benefits have come of the upgrade, but is aware of what services he is not getting; and inquired what influence the County has in dealing with Cox.

6. Ms. Sophie Nicholson, 128 Ridings Cove, expressed interest in having Fox News added to the Cox cable line up.

7. Mr. John Schroder, 148 Pasbehegh Drive, stated desire to have the Golf channel and Richmond News Channel 12 back on the Cox cable line up; expressed dismay at continually getting Cox's voice mail and not being able to speak with a customer service representative; voiced concern that the contractor Cox utilized to lay cable dug up his yard, destroyed his yard, did not return to fix his yard; and had a five-day interruption in cable service with no credit to his bill.

8. Mr. James Elliott, 125 Randolph's Green, stated that since Cox Communications took over service in 1997, the price for service has increased 50 percent in that four-year period for standard service; stated that the preview channel listed in the upgrade channel guide does not exist; and stated that the contract the County has with Cox through 2011 is unfortunate.

9. Mr. Roy Smiley, 102 Bogey, requested information concerning the pricing of a converter box at a rate of \$15/month in James City County only cost \$10/month in Herndon, Virginia, and inquired if the suggested County regulatory authority exists.

10. Mr. Bert Arron, 212 Burchard Court, stated interest in having Cox return the NASA channel to the cable line up.

11. Ms. Ann Conn, 201 Francis Thacker, stated that she had contacted Cox customer service line to make an inquiry concerning the cable channel changes and spent half-an-hour on hold; recommended Cox conduct a survey of area customer to see what channels they would like to receive; and stated that with the increased cost for the cable upgrade the quality of service did not also increase.

12. Ms. Altris Waldren, 104 Hathoth Road, stated disappointment in the newly provided service; the lack of a preview channel; having two ABC, NBC, and CBS channels, but not enough bandwidth to carry a preview channel; and inquired as to who has the authority to help the customers and how can the customers help to improve service.

13. Mr. Harold Greenberg, 417 Fairfax, stated that he signed up for Cox based upon a marketing piece that stated the availability of Cox service for \$19.45/month. When his bill arrived the service was costing him \$21.40/month. Mr. Greenberg also expressed concern regarding an unauthorized State sales tax on the bill.

14. Mr. Ed Oyer, 139 Indian Circle, stated that on several occasions his household had contacted Cox concerning the State sales tax found on the bill and has yet to receive a justification for the tax or a promised credit for the sales tax paid to date. Mr. Oyer also stated that he picked up information showing that the Potomac Aquifer water level has dropped 25 feet in the past 15 years.

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer for the Virginia Department of Transportation (VDOT), stated that the Grove interchange project from Interstate 64 to Route 60 East, Busch Gardens, will be completed by this summer.

Mr. Goodson inquired if the timing for the traffic light at the Wal-Mart distribution center can be adjusted to minimize traffic delays on Route 60.

Mr. Nervitt requested a current schedule on the Monticello Avenue (Alternate Route 5) project.

Mr. Elliott indicated Monticello extended would be completed by the end of summer, and VDOT has put in extra precautions to prevent leaching of silt into neighboring retention ponds in Governor's Land.

Mr. Nervitt inquired if VDOT is held liable for dredging ponds for silt leached from their containment ponds.

Mr. McGlennon informed Mr. Elliott and citizens that a work session will be held on January 24 at 4 p.m. concerning the intersection of Route 199 and Jamestown Road and invited citizens to come to the work session.

Mr. Elliott informed the Board that VDOT is working with all property owners to maintain or preserve as much of the scenic median of Interstate 64 as possible during widening.

E. PRESENTATIONS

1. Reports of the School Superintendent

Dr. David Martin, Superintendent of Schools, stated the Board has been presented with a report on the 10-year Enrollment Projections beginning 2001-2002 for the Williamsburg-James City County Public Schools. Dr. Martin stated that the process of projecting student enrollment relies upon the Cohort Survival method and is based on projections of live births and ten years of enrollment history from which School Board staff analyze each school to determine how many students progress from one grade level to the next over a period of time. This projection does not take into consideration building starts, lot approvals, or economic conditions.

Dr. Martin provided a structural engineer's report on the Cooley Field bleachers. Dr. Martin stated several issues for Cooley Field must be addressed before the Fall 2001 sports season begins to ensure safety over the next several years. The report states that remedial repairs to the Cooley Field facilities, including timber poles, bleachers, and timber and masonry buildings work should be performed prior to the Fall 2001 sports season.

The Board thanked Dr. Martin for his report and invited citizens to attend the joint meeting with the City Council and School Board to discuss the school priorities and budget on February 7 at 7 p.m. at the Government Center Building C Board Room.

2. Volunteer Recognition – International Year of Volunteers

Mr. McGlennon recognized Mr. Larry Waltrip as a County citizen volunteer who has given 25 years of service to the auxiliary fire department.

Mr. Waltrip thanked the County for the recognition.

3. Cox Cable

Mr. Tom Ross, Cox Cable, gave a brief explanation of the cable upgrade process, instillation of units, and changes in cable line up.

Mr. Ross stated that the removal of several channels from the cable line up was to accommodate the customers request to have Cox carry the Richmond local channels, and stated that the prices Cox charge reflects the increased programing charges of the channels.

Mr. Morton explained that the Board of Supervisors has very little control over Cox Cable and no control over programming. Mr. Morton also explained that the Cox's franchise was nonexclusive so other cable companies could come in.

The Board and Mr. Ross discussed programming options, public relation between Cox and its customers, customer surveys, parental controls, incomplete upgrade work, and sales tax on customers' bills.

Mr. McGlennon recessed the Board at 8:47 p.m.

Mr. McGlennon reconvened the Board at 8:57 p.m.

F. CONSENT CALENDAR

Mr. McGlennon asked if anyone wished to remove and item from the consent calendar.

Mr. Kennedy requested Item Number 3, Agreement for Curbside Recycling Project and Drop-Off Recycling Project be removed for further consideration.

Mr. McGlennon pulled Item Number 4, Volunteer Recognition – International Year of Volunteers.

Mr. Harrison made a motion to approve the remaining items on the consent calendar.

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

1. a. Minutes, December 19, 2000, Regular Meeting
b. Minutes, January 2, 2001, Organizational Meeting
2. Dedication of Streets in Heron Run

RESOLUTION

DEDICATION OF STREETS IN HERON RUN

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Agreement for Curbside Recycling Project and Drop-Off Recycling Project

Mr. William C. Porter, Jr., Assistant County Administrator, stated that the Virginia Peninsulas Public Service Authority's (VPPSA) recycling agreement with Waste Management of Hampton Roads expires on November 1, 2001. VPPSA has bid out recycling services for the period of November 1, 2001, to June 30, 2007, and the lowest responsive bidder for curbside recycling was Tidewater Fibre Corporation.

Mr. Porter stated that the time for curbside recycling pickup could not change and that aerosol cans, paint cans, and envelopes with plastic windows would not be recyclable.

The Board and staff discussed the annual cost for recycling, percentage of County households that recycle, mandatory recycling, and materials accepted for recycling.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

AGREEMENTS FOR CURBSIDE RECYCLING PROJECT AND

DROP-OFF RECYCLING PROJECT

WHEREAS, James City County is a member of and contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside recycling and drop-off recycling projects; and

WHEREAS, VPPSA has bid recycling services for the period of November 1, 2001, to June 30, 2007; and

WHEREAS, James City County wishes to continue contracting its curbside recycling project and drop-off recycling project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute Agreements with the Virginia Peninsulas Public Service Authority for curbside recycling services and drop-off recycling services.

4. International Year of Volunteers

Mr. McGlennon read the International Year of Volunteers resolution.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

INTERNATIONAL YEAR OF VOLUNTEERS

WHEREAS, 2001 has been proclaimed International Year of Volunteers by the United Nations General Assembly to highlight the achievements of volunteers worldwide and to encourage more people to volunteer; and

WHEREAS, a year designed to enhance the recognition, facilitation, networking, and promotion of volunteer service with particular emphasis upon activity at the local level would make a significant contribution to generating increased awareness of the achievements and further potential of volunteer service; and

WHEREAS, 600 James City County volunteers made a significant contribution to meet the needs of James City County's most vulnerable populations during FY 2000, contributing 65,000 hours valued at \$1,156,350.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the year 2001 as the International Year of Volunteers and celebrates the impact of volunteerism in our community.

G. PUBLIC HEARING

1. Case No. SUP-26-00. James City County District Park, Hotwater-Cole Tract

Mr. Christopher M. Johnson, Planner, stated that Mr. Bernie Farmer, Capital Projects Administrator, on behalf of James City County, has applied for a special use permit to operate a public community recreation facility on +/- 747 acres at 5535 Centerville Road, zoned A-1, General Agricultural, and further identified as Parcel No. (1-9) on James City Real Estate Tax Map No. (30-1).

Staff found the proposal consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission unanimously recommended approval of this application with conditions.

The Board and staff discussed possible irrigation needs, archeological exploration and preservation of historical sites of the first settlement of freed slaves, and the utilization of the land.

Mr. McGlennon opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired as to how much money was remaining of the 1994 Revenue Bonds.

Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

The Board and staff discussed public and private partnerships for the development of the park, golf courses as a learning center for youth, and if the site plan will be presented to the Board at a later date.

On a roll call, the vote was: AYE: Kennedy, Nervitt, Goodson, McGlennon (4). NAY: Harrison (1).

RESOLUTION

CASE NO. SUP-26-00. JAMES CITY COUNTY DISTRICT PARK, HOTWATER-COLE TRACT

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. Bernard M. Farmer, on behalf of the James City County Division of Parks and Recreation, has applied for a special use permit to operate a public community recreation facility located at 5535 Centerville Road; and

WHEREAS, the proposed development is shown on the Master Plan dated November 7, 2000, and entitled "District Park Master Plan; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2001, voted unanimously to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-26-00 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the District Park Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. A land disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.

3. Prior to issuance of a land disturbing permit, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director.
4. A minimum 150-foot buffer shall be maintained along the property lines of the park site bordering Centerville Road and those properties with frontage along Centerville Road. The buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.
5. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with the phased development plan approved by the Virginia Department of Transportation.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. BOARD CONSIDERATION

1. 2001 Redistricting Standards and Criteria and Procedural Guidelines

Mr. John T. P. Horne, Manager of Development Management, and Mr. Frank M. Morton, County Attorney, gave a brief overview of the need for the County to redistrict and a schedule of events for the redistricting, advised the Board of the legal parameters within which the redistricting must be accomplished, and proposed standards and criteria, procedural guidelines, and a proposed calendar to guide the staff, Redistricting Committee, and the Board as the redistricting process unfolds.

The Board and staff discussed the flexibility in the number of members to serve on the Redistricting Committee, how the applicant list came about, when appointments will be made to the Committee, and a possible proposal to the General Assembly to change the James City County Charter to increase the number of election districts.

Mr. McGlennon made a motion to adopt the 2001 Redistricting Standards and Criteria and Procedural Guidelines.

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

The Board and staff held a discussion concerning the submittals of redistricting plans.

Mr. Goodson suggested amending the Redistricting Calendar date for Board appointing the Citizen Redistricting Committee from January 23 to February 13.

The Board concurred with the request.

Mr. Goodson made a motion to adopt the Redistricting Calendar as amended.

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

2. Lease of 2,500 Square Feet of County Property to American Tower, L. P.

Mr. McGlennon, without Board objection, deferred the item to the February 27 Board of Supervisors agenda.

Mr. Nervitt requested staff investigate utilizing a stealth tower for this proposal.

I. PUBLIC COMMENT

1. Mr. Kingston W. Fairclough, 4 Peale Court, encouraged the Board to motivate Cox Cable to make the changes customers want, and stated that Cox can apply pressure on program providers to keep costs down.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the Governor has proposed to cut programs and budget which, in turn, may put more pressure on local programs, the Governor's budget calls for a three percent reduction across the board this year and a six percent reduction next year.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board go into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions and Section 2.1-344 (A)(3) to consider the acquisition of parcels of property for public use.

Mr. Wanner further recommended that following the closed session, the Board adjourn until 4 p.m. January 24 for a work session, at the conclusion of which, the Board recess until 11 a.m. on February 1 for the VML/VACo Legislative Day in Richmond.

Mr. Wanner stated that on February 7 the Board will have a joint meeting with the Williamsburg City Council and the School Board to discuss the school budget and priorities.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison requested the Board consider declaring February as Diversity Month, and requested staff prepare a resolution for adoption at the first meeting in February.

Mr. McGlennon encouraged citizens to communicate with their Congressional delegation concerning cable regulation, and requested staff prepare a letter to the Congressional delegation voicing the concerns heard at this meeting regarding the regulation of cable.

Mr. McGlennon stated that Dominion Virginia Power will be clearing trees and limbs from power line right-of-ways and requested staff invite Mr. Bartholomew of Dominion Virginia Power to a Board meeting to inform the County of the tree clearing process.

L. CLOSED SESSION

Mr. Goodson made a motion to go into closed session at 10:17 p.m. as recommended by the County Administrator.

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

At 10:40 p.m. Mr. McGlennon reconvened the Board into open session.

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

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (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; and Section 2.1-344(A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to adjourn at 10:41 p.m.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JANUARY, 2001, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District, arrived at 4:02 p.m.

Jay T. Harrison, Sr., Berkeley District, arrived at 4:01 p.m.
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Route 199 and Jamestown Road – Locally Preferred Alternative

Mr. Wanner and Mr. Jack Tuttle, City Manager of the City of Williamsburg presented a recommendation for the “locally preferred alternative” for improvements to the Route 199 and Jamestown Road intersection.

Mr. Wanner stated that the principles for the recommendation were the need for Route 199 to function at an acceptable level of service for vehicular traffic, but with sensitivity to aesthetic, noise, environmental, pedestrian and cyclists issues; careful attention to the interest of the property owners, residents, and businesses directly affected by roadway changes; optimal use of limited dollars; and conformance with State/Federal funding criteria.

Mr. Wanner gave a description of the recommended locally preferred alternative.

1. Lengthen the existing northbound and southbound left turn lanes on Route 199 south of Jamestown Road as much as possible.
2. Add exclusive right turn lanes beside SunTrust and McCardle on Route 199, and designate an exclusive right turn lane in front of 7-11 on Jamestown Road.
3. Do not construct any raised medians on Jamestown Road.
4. Improve pedestrian crossings by constructing islands beside the right turn lanes beside SunTrust and in front of 7-11, installing pedestrian signals and improving the crosswalk striping.
5. Construct a 700 foot (+/-) sound wall beside Village Green Condominiums and Woodlands Condominiums on the east side of Route 199. The sound wall should be designed specifically for this project, and should be constructed of brick. The height of the sound wall should be kept as low as possible.

6. Develop and extensive landscape plan as an integral part of the project design.
7. Improve pedestrian and bicycle facilities by constructing a ten-foot shared-use trail on the west side of Route 199 between Jamestown Road and Lake Powell Road (beside 7-11).
8. Attempt to save the McCardle building by on-site relocation. Shirley Pewter and Chickahominy House should be unaffected.
9. There will be a loss of 7-11 property due to the right hand lane and corner radius, and the location of the entrance drive, may impact the sports/balloon shop and hairdresser shop adjacent to 7-11. This will be determined only after preliminary engineering is complete.
10. Businesses and access to businesses on Jamestown Road east of Route 199 should be unaffected.

The Board, staff, and Mr. Tuttle discussed the sound wall, desire to minimize impacts on the local businesses, commitment to the project and willingness to assume fiscal responsibility to preserve character of the community, anticipated length of time before the intersection will need to be improved again, and pedestrian safety.

Ms. Maxine Williams, owner of Chickahominy House, expressed concern of the lack of guarantees by VDOT concerning the project, and loss of control once the project is turned over to VDOT.

Mr. Morton stated that if the State does work on the intersection and the City Council or Board of Supervisors halt work due to concerns, the localities would then be fiscally responsible for the intersection work.

Mr. Jack Hill, City resident of the Woodlands, requested the Board support this as the locally preferred alternative and encourage VDOT to move forward with the project.

The Board, staff, Mr. Tuttle, and Mr. Hill discussed the traffic noise and the sound wall recommendation.

The Board requested that the language concerning the sound wall be removed from the County's recommendation of the locally preferred alternative and also requested that stronger language be utilized concerning the anticipated impacts to local businesses.

The Board stated that with those changes, it would support the concept of the recommended locally preferred alternative.

The Board thanked Mr. Tuttle for attending the work session.

Mr. Wanner recommended the Board recess until 11 a.m. on February 1, 2001 for the VML/VACo Legislative Day.

Mr. McGlennon recessed the Board at 5:22 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: February 13, 2001
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Celebrate Diversity Month

During the January 23 meeting, the Board requested staff draft a resolution declaring February as “Diversity Month.”

Staff recommends the adoption of the attached resolution declaring February as “Celebrate Diversity” month.

William C. Porter, Jr.

WCP/gb
diversity.mem

Attachment

RESOLUTION

“CELEBRATE DIVERSITY” MONTH

WHEREAS, James City County, founded in 1607, is the birthplace of the American experiment with democracy; and

WHEREAS, through the rich history of James City County, many individuals and groups have contributed to its progress, whether it be our early settlers, our African-American community, or our newest citizens, James City County recognizes that diversity has made us a more vibrant community; and

WHEREAS, James City County values and is committed to building a diverse workforce which brings together a richer mix of viewpoints and experiences leading to innovation, more effective results, and better service to our citizens; and

WHEREAS, it is appropriate during the month of February as we celebrate Black History Month to recognize the richness of diversity in all of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby declares the month of February 2001, as “Celebrate Diversity” Month and calls upon citizens to recognize the value of diversity to our community.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

celdiversity.res

M E M O R A N D U M

DATE: February 13, 2001

TO: The Board of Supervisors

FROM: Richard B. Hanson, Housing and Community Development Administrator

SUBJECT: Section 8 Housing Choice Voucher Program Administration

In order to improve our Section 8 Housing Program administration, we propose the Board of Supervisors approve the transfer of Section 8 units and the annual contributions contract with the U.S. Department of Housing and Urban Development (HUD) from the Virginia Housing Development Authority (VHDA) to the James City County Office of Housing and Community Development (OHCD). Since the early 1980s, OHCD has acted as an agent of VHDA for the Section 8 program providing direct tenant services, including applicant selection, housing inspections, and tenant certifications. VHDA has been responsible for financial management, including issuance of housing assistance payment checks to landlords, as well as program reporting, monitoring, and technical assistance. There are currently 170 units leased to Section 8 voucher holders in various apartment and townhouse developments as well as individual single-family, duplex, and mobile homes under the James City County program. Under the Section 8 program, OHCD operates special programs for family unification, persons with disabilities, welfare to work participants, and family self-sufficiency.

There have been significant problems recently with VHDA's administration of the Section 8 program which have culminated in several adverse actions by HUD including recapture of program reserves, a statewide leasing moratorium, and rejection of applications for new subsidy allocations. Furthermore, VHDA has failed to implement a dependable computer network and during the past year created major havoc with missed and incorrect payments to a substantial number of landlords. The impact of VHDA's administrative failures and poor relations with HUD on our program have included:

- HUD's rejection of several applications submitted by VHDA, on behalf of James City County. These units were allocated to local agencies in Virginia, which applied directly to HUD.
- Major problems with landlords not receiving payments or receiving incorrect amounts as well as disputes with landlords related to VHDA's procedures for collection of excess payments.
- The leasing moratorium in place since July 1999 has meant that as clients become self-sufficient and leave the program, they are removed due to program violations or voluntary withdrawal. We have been unable to reissue the certificate/voucher to an eligible family on the Section 8 waiting list.

VHDA has recently agreed to HUD's recommendation that its local agents be provided the option to request a transfer of unit and subsidy fund allocations from the VHDA statewide program to a direct contract between HUD and the local housing agency. Twenty agencies have indicated their intent to request a Section 8 unit and subsidy fund transfer.

Withdrawal from the VHDA statewide program and contracting directly with HUD will entail considerable additional responsibilities by the OHCD. In order to adequately perform the additional responsibilities and assure conformance with HUD regulations, administrative duties in OHCD need to be revised. These revisions require the reclassification of an existing full-time position to a Housing Programs Coordinator and creating a full-time limited term Housing Assistant in place of the current 30 hour part-time Senior Office Assistant position. There are adequate funds in OHCD's budget for FY 2001 to cover the cost of these position changes. Increased Section 8 administrative fee

Section 8 Housing Choice Voucher Program Administration

February 13, 2001

Page 2

income associated with a direct contract with HUD will cover the cost of these position changes as well as additional training and contract service requirements beginning in FY 2002.

Staff recommends adoption of the attached resolutions regarding the transfer of the Section 8 Annual Contributions Contract and Section 8 Housing Choice Voucher Program Administration.

Richard B. Hanson

CONCUR:

Anthony Conyers, Jr.

RBH/alc
section8.mem

Attachments

RESOLUTION

CONVERSION OF PART-TIME LIMITED TERM SENIOR OFFICE ASSISTANT

TO FULL-TIME LIMITED TERM HOUSING ASSISTANT

WHEREAS, the Board of Supervisors of James City County has adopted a resolution regarding the transfer of the Section 8 Annual Contributions Contract; and

WHEREAS, conversion of the part-time limited term Senior Office Assistant position to a full-time limited term Housing Assistant position will assist the Office of Housing and Community Development to perform additional responsibilities under a direct Annual Contributions Contract with HUD; and

WHEREAS, there are sufficient funds in the FY 2001 budget to fund the requested full-time limited term Housing Assistant position and Section 8 administrative fee income is anticipated to be available to fund this position in future fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby change the part-time limited term Senior Office Assistant position in the Office of Housing and Community Development to a full-time limited term Housing Assistant position.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

section8.1.res

RESOLUTION

TRANSFER OF SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has consented or will consent to the transfer of the Annual Contributions Contract dated November 22, 2000, and designated as Number VA901 from the Virginia Housing Development Authority to the James City County Office of Housing and Community Development; and

WHEREAS, such transfer requires the Transferee to agree to certain conditions; and

WHEREAS, as a Transferee, James City County desires to agree to the aforesaid conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby agree that the funds authorized by the transfer will be used for the same purposes as originally intended; that is, to provide eligible families with the Housing Choice Vouchers (CFR 24 part 982); that the same population as originally intended (CFR 24 part 982) will be served; and that the vouchers will be used in James City County as originally intended.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

section8.2.res

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATION

WHEREAS, the James City County Office of Housing and Community Development (OHCD) will be assuming responsibility for the Section 8 Housing Choice Voucher Program under a direct contract with the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, transfer of this program will increase efficiency, productivity, and result in better service to our clients; and

WHEREAS, transfer of this program will require additional duties and responsibilities of the OHCD staff in order to ensure conformance with HUD administrative regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve changing a part-time limited term Senior Office Assistant position to a full-time limited term Housing Assistant position.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February,
2001.

section8.3.res

MEMORANDUM

DATE: February 13, 2001
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Award of Contract—Baseball Field Lighting, District Park Sports Complex

Bids for the lighting of the three baseball fields at the District Park Sports Complex were received on Friday, January 19, 2001, with the lowest responsive bid of \$128,118 submitted by Branham Electric Corporation. The bid amount is within the capital improvement budget approved for the District Park Sports Complex.

The following contractors and bid amounts were received for this project at the District Park Sports Complex:

<u>Firm</u>	<u>Amount</u>
Branham Electric Corporation	\$128,118
Mallory Electric	151,900
Hanover Electric Company	152,300
Hager Electric	158,284

Staff recommends that the Board of Supervisors approve the attached resolution authorizing the County Administrator to execute a contract with Branham Electric Corporation, in the amount of \$128.118 for the baseball field lighting at the District Park Sports Complex.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/alc
lighting.mem

Attachment

RESOLUTION

AWARD OF CONTRACT—BASEBALL FIELD LIGHTING,

DISTRICT PARK SPORTS COMPLEX

WHEREAS, bids have been received for the installation of lights on three baseball fields at the District Park Sports Complex; and

WHEREAS, staff has reviewed all bids and determined that Branham Electric Corporation submitted the lowest responsive bid and determined Branham Electric Corporation to be qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget allocated for the District Park Sports Complex.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Branham Electric Corporation, in the amount of \$128.118.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

lighting.res

MEMORANDUM

DATE: February 13, 2001
TO: The Board of Supervisors
FROM: Carol M. Luckam, Human Resource Manager
SUBJECT: Establishment of Full-Time Librarian I Position

Staff requests your approval to create one full-time permanent Librarian I position and eliminate two vacant part-time permanent Librarian I positions (one 20 hour per week and one 12 hour per week) and one Building Maintenance Assistant position (10 hours per week).

In the past year, the Adult Services division of the Library has experienced turnover in three of their four part-time permanent Librarian I positions. Turnover in these positions has negatively impacted staff morale and effective Library operations. It is difficult to attract and retain professional Librarians in these positions due to the limited number of hours and undesirable work schedule (evenings and weekends). A full-time position is more attractive to applicants because of stability in scheduling and the attraction of benefits. The Library has had less difficulty attracting qualified candidates to the full-time Librarian vacancies. A restructuring of the Library's Facilities Division last year has enabled quality maintenance of the facilities without the part-time building maintenance assistant position.

This request reduces the total number of authorized work hours in the Library's FY 01 budget by two hours. The only additional cost is that of benefits, and funding is available in the FY 01 budget. No additional funding is necessary.

Staff recommends approval of the attached resolution.

Carol M. Luckam

CONCUR:

Sanford B. Wanner

CML/alc
librarianI.mem

Attachment

RESOLUTION

ESTABLISHMENT OF FULL-TIME LIBRARIAN I POSITION

WHEREAS, the Williamsburg Regional Library currently has two vacant part-time permanent Librarian I positions; and

WHEREAS, the Williamsburg Regional Library has experienced disruptive turnover and difficulty attracting professional Librarians to part-time positions; and

WHEREAS, funds are available within the existing Library budget to create one full-time Librarian I position by eliminating two part-time Librarian I positions and one part-time Building Maintenance Assistant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby eliminate two part-time permanent Librarian I positions and one part-time permanent Building Maintenance Assistant position and establish one full-time Librarian I position.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

librarian1.res

MEMORANDUM

DATE: February 13, 2001
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Authorization for Two Police Overhires

Due to turnover, the Police Department has been fully staffed only five months out of the previous 32 months, averaging 1.4 vacancies per month. This means that with a minimum staffing requirement of five officers per shift, the Police Department has provided service with only three to four officers per shift for the better part of the past two years. Insufficient staffing not only affects service delivery but places additional stress on current employees already working in dangerous and stressful occupations. Having sufficient staffing to fill vacancies created by turnover, illness, or injury helps ensure staff morale and service delivery.

Therefore, in order to improve our staffing situation, I believe that the creation of two Police Officer Recruit positions as "overhire" positions in the Police Department within the FY 01 budget is necessary.

Overhire positions are additional positions beyond those required to maintain minimum staffing levels that allow us to provide staffing and continuity of services in light of the uniquely long recruitment and training periods required for police officers. It may take from three to six months before a vacant Police Officer Recruit position is filled with a minimally trained employee.

Funds are available due to turnover for these positions in the FY 01 Budget. These positions will be included in the FY 02 Budget.

A resolution authorizing the overhire positions is attached. I recommend adoption.

Sanford B. Wanner

SBW/alc
overhire-police.mem

Attachment

RESOLUTION

AUTHORIZATION FOR TWO POLICE OVERHIRES

WHEREAS, the insufficient staffing in the Police Department adversely affects service delivery and places additional stress on employees already working in dangerous and stressful occupations; and

WHEREAS, the Police Department has averaged 1.4 vacancies per month in the previous 32 months; and

WHEREAS, overhire positions are an efficient and effective way to provide staffing and continuity of service during recruitment and training periods; and

WHEREAS, funds are available within the existing Police Department FY 2001 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby establish two full-time permanent Police Officer Recruit overhire positions.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

overhire.res

**SPECIAL USE PERMIT-1-01. Wright Family Subdivision
Staff Report for the February 13, 2001, Board of Supervisors Public Hearing**

This report is prepared by the James City County Planning Division to provide information to the 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.

PUBLIC HEARINGS Building C Board Room; County Government Center
Board of Supervisors: February 13, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Landowner: Mr. Robert P. Wright

Proposed Use: Family subdivision of a three-acre parcel into two parcels

Location: 4797 Fenton Mill Road; Stonehouse District

Tax Map and Parcel No.: (24-1)(1-2A)

Primary Service Area: Outside

Parcel Size: 3 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with the surrounding properties, the Comprehensive Plan, and the provisions for family subdivisions in the Zoning Ordinance. Staff recommends the Board of Supervisors approve this special use permit (SUP) application with the attached conditions.

Proposal

Mr. Robert P. Wright has applied for a special use permit to allow a family subdivision of a three-acre parcel into two parcels in the A-1, General Agricultural, zoning district. The property is located at 4797 Fenton Mill Road and is further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (24-1). Mr. Wright intends to construct a new single-family home for himself on the newly created parcel and convey the remaining parcel to his son Raymond P. Wright, Sr. Section 24-214(d) of the James City County Zoning Ordinance allows for lots of less than three acres, but no less than one acre, in the A-1 zoning district for family subdivisions with an approved special use permit. The Zoning Ordinance only requires Board of Supervisors review and approval of this type of SUP.

Two mobile homes are currently located near the rear of the existing parcel. These residential units serve as rental income for the applicant and would remain in their present location following the proposed subdivision. While the proposed subdivision would reduce the area of the lot they sit on to two-acres, there would be enough land remaining to subdivide the two-acre lot as part of a future family subdivision and place each mobile home on its own lot.

Surrounding Zoning and Development

The subject property is zoned A-1, General Agricultural, and is also surrounded by single-family homes and undeveloped property zoned A-1. The proposed new lot will be created from an existing residential lot rather than from land used for agricultural purposes, and the proposed lot sizes will be generally similar to surrounding parcels. Staff believes the proposed subdivision is compatible with the surrounding zoning and development.

Utilities

Public water and sewer are currently not available to this site. The new lot will be served by a septic system and well which must be approved by the Health Department prior to any construction. Furthermore, the Subdivision Ordinance states that locations for both a well and septic system must be approved by the Health Department prior to final subdivision approval.

Access

The existing parcel has direct access off Fenton Mill Road. The new parcel and home would be accessed via a private drive connecting to Fenton Mill Road. The driveway connection must be reviewed and approved by Virginia Department of Transportation (VDOT) prior to final subdivision approval.

Comprehensive Plan

The site is located outside the Primary Service Area (PSA) and is designated Rural Lands. The Rural Lands designation is primarily reserved for agricultural and forestal activities and rural residential uses that are associated with agricultural and forestal activities. The recommended density is one unit per three acres. The creation of this additional lot is consistent with the Rural Lands Development Standards and will not negatively impact the rural character of the surrounding area or any agricultural or forestal uses. For these reasons, staff believes the proposal is consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds this proposal to be consistent with the surrounding properties, the Comprehensive Plan, and the provisions for family subdivisions in the Zoning Ordinance. Therefore, staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

1. This special use permit is valid for only one (1) family subdivision as generally depicted on the subdivision plat dated December 22, 2000, and titled “Wright Family Subdivision, Lots 1 and 3.”
2. Final subdivision approval must be received from the County within twelve (12) months from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
sup-01-01.wpd

Attachments:

1. Location Map
2. Conceptual Subdivision Plan
3. Resolution

RESOLUTION

CASE NO. SUP-1-01. WRIGHT 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 3.0 acres in size that would be subdivided into two parcels, 1.0 acre and 2.0 acres, located at 4797 Fenton Mill Road, further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (24-1).

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-1-01 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision as generally depicted on the subdivision plat dated December 22, 2000, and titled "Wright Family Subdivision, Lots 1 and 3."
2. Final subdivision approval must be received from the County within twelve (12) months from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February 2001.

sup-01-01

**SPECIAL USE PERMIT 25-00. Stonehenge Kennels
Staff Report for the February 13, 2001, Planning Commission Public Hearing**

This 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.

PUBLIC HEARINGS Building C Board Room; County Government Center
 Planning Commission: December 4, 2000, 7:00 p.m. (deferred)
 January 8, 2001, 7:00 p.m.
 Board of Supervisors: February 13, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Gregory R. Davis
 Landowner: Thayer E. Coven and Mattie M. Coven
 Proposed Use: Kennel
 Location: 5550 Riverview Road; Stonehouse District
 Tax Map and Parcel No.: (15-3)(1-12)
 Primary Service Area: Outside
 Parcel Size: 11.2 acres
 Existing Zoning: A-1, General Agricultural
 Comprehensive Plan: Rural Lands
 Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural. York River State Park is located north of the site and the Wexford Hills subdivision is located south of Riverview Road.
 Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends denial of this application. Staff believes that the proposed expansion is inconsistent with the character of the surrounding residential community and inconsistent with the Rural Lands Land Use designation. On January 8, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Should the Board of Supervisors recommend approval of this application, the Planning Commission recommends placing the conditions contained in the staff report upon its approval.

History

Stonehenge Kennels has been in continuous operation as a commercial business at 5550 Riverview Road since 1985. At that time, kennels were a permitted use in the A-1, General Agricultural, Zoning District. **In 1989, the Zoning Ordinance was amended to require a special use permit (SUP) for kennels.** The existing kennels became a nonconforming use as a result of the ordinance amendment. An expansion of the kennel requires a SUP.

The residential dwelling on the site was built in 1973 and was originally accessed by the right-of-way to the west of the site on property owned by Ruby Garrett Jones. In 1984, Louie and Maria Galanos sold the property to William R. Wade, who converted the existing shed on the site into the kennels as they exist today. The current property owners, Thayer and Mattie Coven, purchased the property in January, 1998, from Mr. Wade. **At the time it began operation as a kennel, only three other residences existed in the immediate vicinity of the site. Presently, nine single-family homes are located along the gravel right-of-way used as an entrance by these residences and the kennel.**

Project Description

The land and building in which the kennel business is conducted is owned by Thayer and Mattie Coven. The kennel business is owned by a limited liability company owned in equal shares by Thayer and Mattie Coven and Thayer's parents, Glenn and Joan Coven. The sole business of the kennel is the boarding of dogs and cats. **The existing kennel has 18 indoor/outdoor dog runs, six indoor dog runs, and nine cat cages. The applicants seek to construct a second building adjacent to the existing 2,000-square foot kennel which would contain approximately 18 indoor/outdoor dog runs and eight indoor dog runs.** The proposed building would be a one-story structure approximately 3,200 square feet in size and would be designed to appear, as much as possible, like a residence. In addition, the reception area and the cat room would be moved from the existing kennel building to the new building.

Following the deferral of this application at the December 4, 2000, Planning Commission meeting, the applicants scheduled a public meeting on December 13, 2000, at the Norge Library to discuss the proposed expansion with citizens who had expressed concerns over the expansion. Approximately 25 people attended this meeting. Staff has received several letters and a petition signed by adjacent property owners opposing this application. Staff has also received a substantial volume of letters, largely from customers of the kennel, in support of the expansion. These letters and the petition were included in the Planning Commission reading file for your review.

Surrounding Zoning and Development

The site is surrounded by a mixture of residential homes, agricultural fields, and undeveloped wooded land zoned A-1, General Agricultural. York River State Park is located to the north of the site and a large cornfield is located west of the site. Nine single-family detached homes are located between the kennel and Riverview Road. The Wexford Hills subdivision, consisting of single-family detached homes on three-acre lots, is located south of Riverview Road across from the entrance to the Kennels as well as a Hunt Club.

Staff believes that the proposed kennel expansion impacts adjacent properties not only from the standpoint of additional vehicular traffic but also from the standpoint of noise. Vehicles arriving to drop off and pick up dogs cause the dogs to bark. Any increase in business that would result from an expansion, especially an expansion that proposes to double the amount of available dog runs, would increase the amount of noise generated by barking dogs. Currently, the dog runs in the existing kennel building face adjacent properties along the access right-of-way and are not screened by either landscaping or solid fencing material.

Staff believes that locating the proposed expansion between the current kennel building and the outdoor play area could potentially mitigate a portion of the noise generated by barking dogs. The addition of landscape screening and a solid fence or wall would also reduce some of the noise generated by the kennel and potentially block the dogs line of sight view of approaching vehicles. Enclosing the existing and proposed kennel buildings is another option that could significantly reduce the noise generated by the dogs, however, several of the letters received by staff in support of the proposed expansion cite the presence of outdoor runs as a reason for choosing to board their pets at Stonehenge Kennels. **Further, the SUP only applies to the expansion and not to the existing kennel building.**

Physical Features and Environmental Considerations

The residence and kennel building are located on the western side of the 11.2-acre site. An open field approximately three acres in size is located south of the residence and kennel building adjacent to the nearest residences approximately 100 yards from the kennel. The northern and eastern portions of the site are densely wooded. The property slopes away from the existing structures towards a creek which runs along the rear of the property. A large ravine and several large oak trees are located north of the kennel and residence. **Expansion in the area behind the residence would be difficult as a result of the sloping topography and presence of these large trees. Consequently, both the existing kennel and the proposed expansion site are on that portion of the property closest to the neighboring residents.**

Transportation

Access

The residence and kennels are accessed by a private 50-foot right-of-way which contains a 16-foot wide gravel driveway approximately 300 yards long. The entrance road has frontage along State Route 606, Riverview Road. The access road is shared in common with seven of the residences in the surrounding area. Staff researched concerns raised by adjacent property owners over the applicant's legal right to access this private right-of-way and found that court records and plats indicate that an easement does exist to allow legal access to this site from this right-of-way. No joint maintenance agreement exists for the right-of-way and none is planned as part of this application.

Traffic Impacts

The traffic generated by the kennel falls well short of the volume necessary to require the submission of a formal traffic study. The applicant supplied information with the application which suggests that the existing kennel generates, on average, six visits (12 vehicle trips) per day throughout the year. During the month of July, 2000, the busiest month on record at the kennel, **the number of daily visits at the kennel by customers ranged from three to 12 with an average volume of 6.7 trips (14 vehicle trips) per day.** As a comparison, ITE estimates that a single-family residence generates ten vehicle trips per day. The applicant stated that traffic volumes tend to be heaviest on Fridays and Sunday afternoons. As a result, peak traffic volumes at the site coincide with the times that the residents on the adjacent properties are most likely to be home.

The applicant also states that the kennel anticipates a 20 percent increase in traffic volume following the proposed expansion with a worst case scenario of a 50 percent increase (18 vehicle trips). To support this claim, the applicant states that the kennel operates at or near capacity less than one-third of the year and any increase in traffic volume would be concentrated during these already busy periods. While staff generally does not dispute the applicant's stated average number of visitors each day, the proposed expansion would double the boarding capacity of the facility. **Staff believes that a more accurate worse case scenario for impact evaluation purposes would also double the average volume of the busiest month, which would result in traffic volumes approaching 30 vehicle trips per day.** The applicant makes the claim that their facility generates traffic at a level only slightly higher than the average residence. It should be noted that this anticipated traffic produced by the kennel is in addition to the traffic generated by both the residence on the site

and the employees traveling to and from the site each day. **When the 70 vehicle trips generated by the other residences along the right-of-way are factored in as well, the traffic volume being carried on this narrow gravel right-of-way on a daily basis is over 100 trips per day.**

Public Utilities

The site is located outside the Primary Service Area (PSA) and is served by a private well and septic system. Should this application be approved, the expansion would require site plan approval. The Health Department would review the plans at this time and require the submittal of a soils study for the site. All site and soils work would need to be completed prior to Health Department approval of the site plan. The existing kennel is served by a septic system of the same type that serves most of the residences in the surrounding area. All animal waste from the kennel building is washed into the septic system and no waste drains onto any adjacent property. The applicant has stated that a new septic system would be provided for the proposed kennel building.

Comprehensive Plan

Land Use Designation

The property is designated as Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests and scattered homes, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. The Rural Lands designation seeks to protect the rural character as well as the agricultural and forestal activities of this area. Commercial development not related to agricultural and forestal activities is discouraged. Appropriate land uses include agricultural and forestal activities and recreational public and semipublic uses which require a spacious site and are compatible with the natural and rural surroundings.

The Rural Lands designation states that most retail and commercial uses which will serve Rural Lands should be located at planned commercial locations on major thoroughfares inside the PSA. However, a few smaller service uses and certain uses which require a specialized location may be located on the basis of a case by case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. The Land Use Element of the Comprehensive Plan states that the primary goal of the Plan is to achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan. The primary objective is to promote land use in a manner harmonious with surrounding uses and the environment.

Staff believes that the proposed expansion is inconsistent with the Rural Lands designation for several reasons. First, the expansion of a nonconforming commercial business adversely effects the character of the surrounding area. The character of the surrounding area has substantially changed since the kennel opened in 1985. What once was an isolated rural site surrounded by agricultural fields and forested land has evolved into a small residential community. The majority of the surrounding single-family homes are located on lots that are one to two acres in size, much smaller than typical rural residential lots and smaller than recommended in the Comprehensive Plan. **Staff believes that the present character of the immediate area is as much suburban as it is rural. Staff would not support the location of this type of commercial use on this site under the present conditions and does not support doubling the size of the existing business and increasing the impacts on these surrounding properties.**

Second, the proposed expansion does not promote land use which is harmonious with the surrounding residential uses and negatively impacts the quality of life of the citizens who live in the surrounding area. **The expansion will increase the amount of vehicular traffic to and from the site.** The additional traffic generated by this use will negatively impact adjacent property owners not only from the increased usage of the right-of-way but also create additional noise that can't be entirely mitigated by the addition of landscaping, fencing, building location and materials. **The addition of 26 dog runs to the facility has the potential to double the**

amount of traffic currently generated by the kennel. While the kennel has not typically operated at or near capacity, staff must consider the impacts on the surrounding community if the proposed expansion were to occur. This increased volume is in addition to the ITE standard of ten vehicle trips per day generated by a typical residence and the employee trips to and from the site each day. **The gravel driveway used as the entrance to the site was not designed to function as a commercial right-of-way.**

RECOMMENDATION:

On January 8, 2001, the Planning Commission recommended approval of this application by a unanimous vote. In addressing the issue of noise abatement at the Planning Commission meeting, Deputy County Attorney Leo Rogers stated that the Planning Commission could not delegate the issue of noise abatement to the Development Review Committee (DRC) without providing some objective standards which could be applied to their review of the site plan. **Mr. Glenn Coven responded by stating that the American Boarding Kennel Association (ABKA) could provide advice on building design and noise abatement and this information could be provided to the staff and the DRC. The Planning Commission subsequently added a condition which requires the applicant to submit a noise abatement plan which incorporates the American Boarding Kennel Association (ABKA) guidelines for building design standards to the Development Review Committee for approval.**

Following the Planning Commission public hearing, the applicant informed staff that ABKA building design standards do not exist. Staff requested that the applicant provide an alternative series of design standards from a secondary source which could be incorporated into the noise abatement condition recommended by the Planning Commission. In lieu of providing this information, the applicant has agreed that all ceilings inside the portion of the new kennel building that houses dogs will generally be nine-feet high and contain sound absorbing acoustical tile. Staff has drafted this language into a new condition (Condition No. 7).

Staff researched the existence of other appropriate guidelines for kennels without success. Staff contacted Lloyd Arnold, Virginia Department of Transportation (VDOT) Noise Abatement Program Manager, to discuss noise mitigation techniques and noise abatement procedures. Mr. Arnold stated that VDOT did not have expertise in the area of community noise abatement techniques and procedures. He recommended that the applicant hire a community noise specialist to perform computer modeling and conduct sound tests for the site. He stated that noise abatement procedures such as sound walls, while effective for controlling vehicular noise, are rarely used as a means of controlling neighborhood noise. Doug Murrow, Director of Code Compliance for the County, stated that the state building code does not specifically regulate kennel design or recommend design techniques to mitigate noise for structures such as kennels. The York County Zoning Ordinance contains a performance standard which states that all commercial kennels that are located within 200-feet of a residential property line shall be completely contained within a fully enclosed building. The proposed kennel expansion would be located approximately 50-feet from the closest property line and approximately 300-feet from the nearest residence. Under the proposed design, both the existing kennel and the expansion would contain outside runs.

The applicant requested that sunset provision contained in Condition No. 1 be extended from 24 months to 36 months to allow additional time for the applicant to comply with the conditions of the special use permit. Staff has no objection to this request. **During the Planning Commission public hearing, the applicant verbally indicated that he would be willing to maintain the gravel driveway which serves as the entrance to the kennel. The applicant has proposed to annually provide and spread three-tons of gravel on the right-of-way with a view towards repairing damage caused by kennel traffic. Staff has incorporated the applicant's offer into the conditions (Condition No. 8).**

Staff continues to recommend denial of this application. Staff believes that the proposed expansion is inconsistent with character of the surrounding residential community and inconsistent with the Rural Lands Land Use designation. Should the Board of Supervisor's recommend approval of this application, the Planning Commission recommends placing the following conditions upon its approval:

1. If a certificate of occupancy for this project has not been obtained within a period of 36 months from the date of issuance of this permit, this permit shall become void.
2. The building elevations for the kennel expansion on the site shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials, and colors of the main residential structure and surrounding residences.
3. The expansion shall be designed and constructed so that all outside dog runs face the existing kennel building and shall be generally consistent with the attached drawings and plat dated October 18, 2000 and titled Stonehenge Kennels - Preliminary Site Plan, Stonehenge Kennels - Preliminary Floor Plan, and Plat of Survey, Parcel "B", Louis A. & Maria Galanos Subdivision for Conveyance to Thayer E. & Mattie M. Coven, James City County, Virginia.
4. The owner shall provide enhanced landscaping, at least equal to 133 percent of the minimum ordinance planting requirements, to better screen the kennels and parking area from adjacent properties and the right-of-way. The landscaping plan shall be reviewed and approved by the Planning Director prior to final site plan approval.
5. A wall or solid fence a minimum height of 60-inches shall be provided along the area between the newly constructed kennel building and the right-of-way serving the property. The location of the wall or solid fence shall be approved by the Planning Director prior to final site plan approval. Landscaping approved by the Planning Director shall be planted between the wall or solid fence and the adjacent properties.
6. All animal waste produced within the kennel building shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system to be approved by the Virginia Department of Health.
7. The applicant shall submit a site plan and noise abatement plan to the Development Review Committee for approval. The noise abatement plan shall include ceilings inside the portion of the new kennel building that houses dogs that are a minimum of nine-feet in height and the ceilings shall contain sound absorbing acoustical tile. Final building location, orientation, and construction materials shall be determined and approved by the Development Review Committee.
8. The applicant shall annually provide and spread three (3) tons of gravel on the right-of-way which serves as the entrance to the property. The applicant shall maintain documentation which proves that this has been done and provide such documentation to the County upon request of the Planning Director. The intent of this condition is to repair damage that may be caused by kennel traffic.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
sup-25-00.wpd

Attachments:

1. Minutes of the January 8, 2001, Planning Commission meeting
2. Location Map
3. Letter from Gregory R. Davis dated January 11, 2001
4. Letter from Glenn E. Coven dated January 31, 2001
5. Traffic Analysis submitted by the Applicant on December 4, 2000
6. Conceptual Plan - Plat of Survey
7. Preliminary Site Plan
8. Preliminary Floor Plan
9. Resolution

RESOLUTION

CASE NO. SUP-25-00. STONEHENGE KENNELS

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, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, Mr. Gregory R. Davis, of Kaufman and Canoles, has applied on behalf of property owners Thayer E. Coven and Mattie M. Coven for a special use permit to permit the expansion of the existing Stonehenge Kennels on 11.2 acres located at 5550 Riverview Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (15-3); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2001, voted 6-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-25-00 as described herein with the following conditions:

1. If a Certificate of Occupancy for this project has not been obtained within a period of 36 months from the date of issuance of this permit, this permit shall become void.
2. The building elevations for the kennel expansion on the site shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials, and colors of the main residential structure and surrounding residences.
3. The expansion shall be designed and constructed so that all outside dog runs face the existing kennel building and shall be generally consistent with the attached drawings and plat dated October 18, 2000, and titled Stonehenge Kennels - Preliminary Site Plan, Stonehenge Kennels - Preliminary Floor Plan, and Plat of Survey, Parcel "B," Louis A. and Maria Galanos Subdivision for Conveyance to Thayer E. and Mattie M. Coven, James City County, Virginia.
4. The owner shall provide enhanced landscaping, at least equal to 133 percent of the minimum ordinance planting requirements, to better screen the kennels and parking area from adjacent properties and the right-of-way. The landscaping plan shall be reviewed and approved by the Planning Director prior to final site plan approval.
5. A wall or solid fence with a minimum height of 60 inches shall be provided along the area between the newly constructed kennel building and the right-of-way serving the property. The location of the wall or solid fence shall be approved by the Planning Director prior to final site plan approval. Landscaping approved by the Planning Director shall be planted between the wall or solid fence and the adjacent properties.

6. All animal waste produced within the kennel building shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system to be approved by the Virginia Department of Health.
7. The applicant shall submit a site plan and noise abatement plan to the Development Review Committee for approval. The noise abatement plan shall include ceilings inside the portion of the new kennel building that houses dogs that are a minimum of nine feet in height and the ceilings shall contain sound absorbing acoustical tile. Final building location, orientation, and construction materials shall be determined and approved by the Development Review Committee.
8. The applicant shall annually provide and spread three tons of gravel on the right-of-way which serves as the entrance to the property. The applicant shall maintain documentation which proves that this has been done and provide such documentation to the County upon request of the Planning Director. The intent of this condition is to repair damage that may be caused by kennel traffic.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

sup-25-00.res

MEMORANDUM

DATE: February 13, 2001
TO: The Board of Supervisors
FROM: Sanford B. Wanner, County Administrator
SUBJECT: Route 199 and Jamestown Road - Locally Preferred Alternative

The Board of Supervisors and the City Council of Williamsburg have approved, in concept, a Locally Preferred Alternative for improvements to the Route 199 and Jamestown Road intersection as recommended by the City Manager and this office.

The Locally Preferred Alternative for James City County contained in the attached resolution does not include the installation of sound walls along the east side of Route 199 adjacent to residential properties located in the City of Williamsburg. The Williamsburg City Council's resolution adopting its Locally Preferred Alternative does contain a provision for sound mitigation in that area.

I recommend approval of the resolution adopting the County's Locally Preferred Alternative.

Sanford B. Wanner

SBW/alc
lpa.mem

Attachment

RESOLUTION

ROUTE 199 AND JAMESTOWN ROAD

LOCALLY PREFERRED ALTERNATIVE

WHEREAS, funds have been allocated for the construction of improvements to the intersection of Route 199 and Jamestown Road (Route 31); and

WHEREAS, there is a need for Route 199 to function at an acceptable level of service for vehicular traffic, but with sensitivity to aesthetic, noise, environmental, pedestrian, and cyclist issues; and

WHEREAS, careful attention needs to be paid to the interests of the property owners, residents, and businesses directly affected by roadway changes; and

WHEREAS, the recommended alternative should make optimal use of limited dollars, and conform to State/Federal funding criteria.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, selects the following as the Locally Preferred Alternative for improvements to the intersection of Route 199 and Jamestown Road:

1. Lengthen the existing northbound and southbound left turn lanes on Route 199 south of Jamestown Road as much as possible.
2. Add exclusive right-turn lanes beside SunTrust and McCardle on Route 199, and in front of 7-Eleven on Jamestown Road.
3. Do not construct any raised medians on Jamestown Road.
4. Improve pedestrian crossings by constructing islands beside the right-turn lanes beside SunTrust and in front of 7-Eleven, installing pedestrian signals and improving the crosswalk striping.
5. Develop an extensive landscape plan as an integral part of the project design.
6. Improve pedestrian and bicycle facilities by constructing a 10-foot shared-use trail on the west side of Route 199 between Jamestown Road and Lake Powell Road (beside 7-Eleven).
7. Save the McCardle Building by on-site relocation, if possible, and leave Shirley Pewter and Chickahominy House unaffected.
8. The loss of 7-Eleven property due to the right-hand lane and corner radius, and the location of the entrance drive, may impact the sports/balloon shop and hairdresser shop adjacent to 7-Eleven. Existing businesses should be saved, if possible.

9. Businesses and access to businesses on Jamestown Road east of Route 199 are to be unaffected.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of February, 2001.

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