

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF SEPTEMBER, NINETEEN HUNDRED EIGHTY-NINE, AT 7:06 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - August 21, 1989

Mr. Mahone asked if there were corrections or additions to the minutes.

Mr. DePue asked that the vote on page 1 be corrected to reflect his absence.

Mr. Mahone asked that the statement on page 8 regarding the School Board Selection Commission reflect that the Board submitted the names to the Circuit Court Judge.

Mr. Taylor made a motion to approve the minutes as corrected.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

C. CONSENT CALENDAR

Mr. Mahone asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Mahone made a motion to approve the Consent Calendar.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

1. Emergency Medical Services Week

R E S O L U T I O N

EMERGENCY MEDICAL SERVICES WEEK SEPTEMBER 17-23

WHEREAS, Emergency Medical Services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, administration and volunteers that devote their time to saving the lives of others; and

WHEREAS, these dedicated individuals have devoted much time and commitment to saving the lives of others benefiting people in James City County and the Peninsula; and

WHEREAS, hundreds of lives have been saved due to the efforts of these highly trained and dedicated men and women; and

WHEREAS, the service of these individuals are of such importance to warrant the designation of a special time for recognition for educating the public on the value of their services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims September 17-23 as Emergency Medical Services Week in recognition of the valued services provided by Emergency Medical Services providers.

2. Drainage at Mill Creek Landing

R E S O L U T I O N

DEDICATION OF STREETS IN MILL CREEK LANDING,
SECTIONS 1, 2 and 3

WHEREAS, the developer of Mill Creek Landing, Sections 1, 2 and 3 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Mill Creek Landing, Sections 1, 2 and 3 to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

1. Emergency Medical Services WeekR E S O L U T I O NEMERGENCY MEDICAL SERVICES WEEK SEPTEMBER 17-23

WHEREAS, Emergency Medical Services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, administration and volunteers that devote their time to saving the lives of others; and

WHEREAS, these dedicated individuals have devoted much time and commitment to saving the lives of others benefiting people in James City County and the Peninsula; and

WHEREAS, hundreds of lives have been saved due to the efforts of these highly trained and dedicated men and women; and

WHEREAS, the service of these individuals are of such importance to warrant the designation of a special time for recognition for educating the public on the value of their services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims September 17-23 as Emergency Medical Services Week in recognition of the valued services provided by Emergency Medical Services providers.

2. Drainage at Mill Creek LandingR E S O L U T I O NDEDICATION OF STREETS IN MILL CREEK LANDING,
SECTIONS 1, 2 and 3

WHEREAS, the developer of Mill Creek Landing, Sections 1, 2 and 3 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Mill Creek Landing, Sections 1, 2 and 3 to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Mill Creek Landing, Sections 1, 2 and 3, Berkeley Election District, James City County, in the State Secondary Highway System:

- 1. Burnley Drive, 50-foot right-of-way
 From: Route 652 (Beler Drive)
 To: End of cul-de-sac
 Distance: 1,885 feet (0.36 miles)

- 2. Bridgewater Drive, 50 to 80 foot variable right-of-way
 From: Route 652 (Stanley Drive)
 To: Intersection of Burnley Drive
 Distance: 305 feet (0.06 miles)

The rights-of-way of 50 to 80 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Mill Creek Landing, Section 1, recorded in Plat Book, 48 page 84, dated June 1, 1988; Mill Creek Landing, Section 2, recorded in Plat Book 49, page 33, dated August 19, 1988; and Mill Creek Landing, Section 3, recorded in Plat Book 49, page 34, dated August 19, 1988.

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

3. Constitution Bicentennial Commission

R E S O L U T I O N

CONSTITUTION BICENTENNIAL COMMITTEE

WHEREAS, on March 21, 1988, the James City County Board of Supervisors approved a resolution creating the Williamsburg/James City County Constitution Bicentennial Commission with a term expiring on July 31, 1989; and

WHEREAS, the Commission was established to coordinate the celebration of the Bicentennial of the United States Constitution; and

WHEREAS, the Commission has requested extension of its terms through December 15, 1991, to enable the community to benefit from the continuing State and National Bicentennial programs; particularly during the time of emphasis on the Bill of Rights.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the extension of the agreement establishing the Williamsburg/James City County Constitution Bicentennial Commission through December 15, 1991.

D. PUBLIC HEARINGS

1. Case No. Z-12-89. L.A. & G. Corporation

Mr. Marvin Sowers, Jr., Director of Planning, stated that this case was postponed at the August 7, 1989, meeting. A further postponement until the October 2, 1989, meeting to allow time for filing proffers had been requested by letter, dated August 21, 1989, from Vernon M. Geddy, III, Esq., representative for Mr. Louis A. Galanos.

Staff recommended approval of the postponement.

Mr. Mahone opened the public hearing and asked that the matter be deferred until the October 2, 1989, Board of Supervisors meeting.

By Board consensus, the public hearing was continued.

2. Case No. SUP-14-89. George White Estate/Tower

Mr. Sowers stated that Mr. John W. Harris had applied for a special use permit to allow a 500-foot communications tower on 14.228 acres, located at 2531 Little Creek Dam Road, zoned A-1, General Agricultural, further identified as Parcel (1-2) on James City County Real Estate Tax Mp No. (21-3).

In accordance with staff, the Planning Commission recommended approval by a 7-3 vote with conditions listed in the resolution.

The Board discussed Conditions 3, 5, 6, 7 and 11 of the resolution, total number of towers in the County, criteria used for approval or disapproval, and development of remaining property.

Mr. Mahone opened the public hearing.

1. Mr. John Harris stated the tower would be "state of the art," designed for many customers and various uses. He stated no further development of the property was planned at this time.

Mr. Sowers requested amendments to the resolution: Add the language "and at least 250 feet from any dwelling" to the last sentence of Condition 7 and delete the word "site" from the last sentence of Condition 6 to read ... "part of plan approval."

Mr. Mahone closed the public hearing.

Mr. DePue made a motion to approve the resolution with amendments.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O NCASE NO. SUP-14-89. GEORGE WHITE ESTATE/TOWER

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 Planning Commission of James City County, following its public hearing on August 8, 1989, voted, 7-3 to recommended approval of Case No. SUP-14-89 to permit a communications tower in the A-1, General Agricultural district.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-14-89 as described herein with the following conditions.

1. The operation of the communication tower shall not interfere with operation of the County's communication system. The applicant shall be responsible for assuring that the signal(s) for this equipment shall not interfere with the County's radio communication system. Upon notice from the County that interference is being received, the applicant shall terminate such interference immediately.
2. If construction of the tower and equipment building has not begun within 18 months of the date of issuance of the special use permit, the permit shall be void.
3. Prior to placement of additional equipment on the tower, the applicant shall submit to the County a certification from a professional engineer, licensed by the Commonwealth of Virginia which indicates that the tower can safely support the loads caused by the placement of additional equipment on the tower. The applicant shall secure all necessary permits prior to altering, constructing or modifying any portion of the tower.
4. The applicant shall secure all required permits and approvals from State and Federal agencies prior to construction of the facility.
5. The tower shall not exceed 500 feet in height above grade.
6. Clearing of existing trees for the construction of the proposed tower shall be limited to only that which is necessary to allow access and construction of the facility and any other structures to be placed on the property. A clearing plan shall be approved by the Planning Director as a part of plan approval.
7. The tower shall be setback at least 400 feet from Little Creek Dam Road. The tower shall be setback at least 200 feet from all side and rear property lines and at least 250 feet from any dwelling.

8. Lighting on the tower shall be limited to the red beacon type.
9. The applicant shall assist adjacent property owners in resolving any interference in television reception which is a result of the tower.
10. The location of the tower on the site shall be approved by the Development Review Committee.
11. Space on the tower shall be made available to other users and shall have multiplexing capabilities.

3. Case No. SUP-19-89. Beautiful Temple Masonic Lodge

Mr. Sowers stated that Mr. Phil Harris had applied on behalf of the Beautiful Temple Masonic Lodge for a special use permit to allow the development of a lodge on .889 acres, located at 6221 Mooretown Road, zoned R-3, General Residential, further identified as Parcel (1-32) on James City County Real Estate Tax Map No. (32-2).

In accordance with staff, the Planning Commission unanimously approved the special use permit with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-19-89. BEAUTIFUL TEMPLE MASONIC LODGE

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 Planning Commission of James City County, following its public hearing unanimously recommended approval of Case No. SUP-19-89 to permit a fraternal lodge in the R-3, General Residential District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP- 19-89 as described herein with the following conditions.

1. The existing two story dwelling shall be removed from the site within 6 months from the date of issuance of the Certificate of Occupancy for the new lodge building.

21

- 2. A site plan shall be submitted and approved by the Planning Department which provides for all parking to be located to the rear or side of the proposed lodge, and which provides for evergreen landscaping between the lodge building and adjacent residence.
- 3. Signage shall be limited to one sign with a face of no more than 20 square feet and shall be placed no higher than 10 feet above grade.

4. Case No. SUP-22-89. Virginia Power

Mr. Sowers stated that Mr. John B. Bailey had applied on behalf of Virginia Power for a special use permit to allow the development of a substation on 4.05 acres, located on Warhill Tract, 3.23 acres zoned M-1, Limited Industrial and 1.38 acres zoned R-4, Planned Community, further identified as Parcels (1-9) and (1-10) on James City County Real Estate Tax Map No. (32-2).

In accordance with staff, the Planning Commission unanimously approved the special use permit with conditions listed in the resolution.

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

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-22-89. VIRGINIA POWER

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 Planning Commission of James City County, following its public hearing unanimously recommended approval of Case No. SUP-22-89 to permit an Electrical Substation in the M-1, Limited Industrial District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-22-89 as described herein with the following conditions.

1. A 50-foot buffer shall be provided along the proposed Route 199 right-of-way with an enhanced landscape plan which provides an effective buffer from Route 199 and is designed utilizing the "Criteria and Guidelines for Alternative Landscape Treatment on Greenbelt Roadways July 1987," which is specified in the adopted Greenbelt Policy.
2. A 20-foot enhanced buffer, which provides an effective screen shall be provided around the site along the proposed fence located on the northeast and southeast boundaries of the site and extend from the east side of the existing Virginia Power right-of-way to the Route 199 right-of-way.
3. The above-mentioned buffers shall be established within 18 months of the date of issuance of this special use permit.
4. Structures shall be less than 35 feet in height. Anything constructed with poles such as a static wire or backbone apparatus shall be exempt from this height limitation.
5. If construction on the substation has not begun within 18 months of the date of issuance of the special use permit, it shall become void.

E. BOARD CONSIDERATIONS

1. Recreation Center Pool Fees - Williamsburg Aquatic Club

Ms. Sandra McPherson, Director of Parks and Recreation, stated that the Williamsburg Aquatic Club, a community-based organization, had requested use of the Recreation Center Pool for its instructional training program from mid-September 1989 through mid-May 1990.

Staff recommended approval of the resolution with the fee structure previously approved for other community-based organizations.

Discussion was held regarding hours, additional lifeguard needed, availability of pool lanes for other swimmers, description of Williamsburg Aquatic Club as non-profit organization, setting precedent of competitive versus public use and length of time for the agreement.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O NRECREATION CENTER POOL FEES - WILLIAMSBURG AQUATIC CLUB

WHEREAS, the Williamsburg Aquatic Club (WAC) desires to use the Recreation Center Pool for instructional training; and

WHEREAS, the Board of Supervisors wishes to have the Recreation Center used by as many citizens as possible; and

WHEREAS, the Board previously approved a fee structure for community-based organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that WAC be allowed to use up to four lanes at the Recreation Center at times and dates agreed upon by County staff and WAC.

BE IT FURTHER RESOLVED that WAC be charged the fee structure established for other community-based organizations.

2. Proposed Groundwater Management Area

Mr. John Horne, Manager, Development Management, stated that the County's position on the proposed designation of a Groundwater Management Area on the York-James Peninsula was postponed from the August 21, 1989, Board of Supervisors' meeting.

Staff recommended approval of the resolution.

Board concerns included the future restrictions of withdrawal permits, impact of "grandfathering" permits for other jurisdictions and the need for a guarantee that municipal water would be given a high priority.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards made a motion to amend the resolution by deleting the 7th Whereas paragraph.

On a roll call, the vote was: AYE: Edwards (1). NAY: Norment, Taylor, DePue, Mahone (4).

Mr. Edwards made a motion to change wording in the Be It Further Resolved paragraph. Following discussion, Mr. Edwards withdrew his motion.

Mr. Horne stated that a letter from the County Administrator would accompany the resolution and further clarify the County's position.

On a roll call on the original motion, the vote was: AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

R E S O L U T I O N

EASTERN VIRGINIA GROUNDWATER MANAGEMENT AREA

- WHEREAS, the Commonwealth of Virginia State Water Control Board (SWCB) has proposed a regulation to expand the Groundwater Management Area (GMA) in Southeastern Virginia and the County of James City is within the proposed GMA expansion; and
- WHEREAS, James City County must protect the public welfare, safety and health in addition to the groundwater resources; and
- WHEREAS, James City County does not have a surface water component to complement its existing groundwater supply and the GMA designation would require approval by the SWCB for future withdrawals or modifications to existing withdrawals; and
- WHEREAS, municipal groundwater withdrawals are afforded no priority over competing uses as the primary beneficial purpose for groundwater withdrawals within a GMA; and
- WHEREAS, groundwater quality and groundwater levels in James City County are known to be affected by other groundwater users on the York-James Peninsula and by groundwater users in the existing GMA south of the James River; and
- WHEREAS, possible future restrictions on new central well systems would lead to the use of unregulated individual wells to supply the water demand for future growth and it is not at all clear that existing groundwater systems on the York-James Peninsula will be "grandfathered" with rights equal to the existing systems south of the James River; and
- WHEREAS, the uncoordinated state water policy reflects the massive obstacle of the federal government's opposition to local development of surface water.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, generally supports a more active and coordinated role for the Commonwealth of Virginia in management of both groundwater and surface water.
- BE IT FURTHER, RESOLVED, however, that the Board of Supervisors opposes the expansion of the GMA in Southeastern Virginia onto the York-James Peninsula until the SWCB can more specifically define: 1) procedures for implementation in the areas of priority of water use by municipal systems; 2) grandfathered rights for existing wells; and, 3) permitting of new, modified or altered municipal withdrawals.

- F. PUBLIC COMMENT - None
- G. REPORTS OF THE COUNTY ADMINISTRATOR - None
- H. BOARD REQUESTS AND DIRECTIVES

Mr. Norment reminded staff to prepare a statement by December on the impact of the A-1 ordinance.

Mr. Edwards asked if County had influence over withdrawal of water for use on golf courses. Mr. DePue asked staff to report on the Board's authority to control withdrawal of groundwater.

Mr. Mahone noted a letter had been sent to the Circuit Court Judge with Board's recommendation of two members for the School Board Selection Commission, increasing the members of that Commission from 3 to 5.

Mr. DePue commended Mr. John Holdren and the Social Services Department on their self-sufficiency program.

Mr. Edwards made a motion to go into executive session at 8:30 p.m. pursuant to Section 2.1-344(a)(1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County Boards and/or Commissions.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

Mr. Mahone reconvened the Board into open session at 8:58 p.m.

Mr. Mahone made a motion to approve the executive session resolution.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

RESOLUTION

MEETING DATE: SEPTEMBER 11, 1989

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive 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 executive meeting was conducted in conformity with Virginia law.

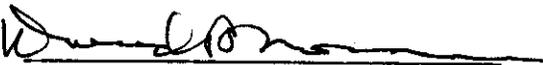
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Mahone made a motion to reappoint Gene Farley, Delores Monroe, Tom Collins, Joseph Grebb, respectively, to 4-year terms on the Cable Television Advisory Committee, terms expiring September 15, 1993; to reappoint Thomas Wynn, William Randall, Ellis Meekins, Alma White, Audrey Greenhow, Lorine Holmes, Glenda Boyd, Irma Hawkins, Stewart Taylor, respectively, to 2-year terms on the Chickahominy Community Advisory Committee, terms expiring September 14, 1991; to reappoint Pearle Miller, Sara Patton, C. Hammond Branch, Fred Belden, Marie E. Sheppard, Ralph D. Maxwell, Nancy Bradshaw, respectively, to 4-year terms on the Historical Commission, terms expiring August 31, 1993, and to appoint Will Molineux to a 4-year term on the Historical Commission, term expiring August 31, 1993; to reappoint Russ Lowry, Jr., to a 3-year term on the Peninsula Emergency Medical Service Council, term expiring October 31, 1992; and to reappoint L. Scott Trainum to a 4-year term on the Williamsburg Regional Library Board, term expiring June 30, 1993.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

Mr. DePue made a motion to adjourn.

The Board adjourned at 9:02 p.m.


David B. Norman
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF SEPTEMBER, NINETEEN HUNDRED EIGHTY-NINE, AT 1:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator (Absent)
Larry M. Foster, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - September 11, 1989

Mr. Mahone asked if there were corrections or additions to the minutes.

Mr. Taylor made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Norment, Taylor, Edwards, DePue, Mahone (5). NAY: (0).

C. PRESENTATION

1. James City County Police Department Accreditation

Mr. Mahone introduced James Cotter, Executive Director of Commission on Accreditation for Law Enforcement Agencies. Mr. Cotter described accreditation as identifying a set of standards, living up to those standards, and being recognized for having done so. He praised Chief Key and the Police Department for their effort and dedication.

Mr. Cotter presented accreditation awards to Chief Robert Key and to Major David Daigneault. Chief Key presented awards to Major David Daigneault and Captain Kenneth Middlebrook and introduced Vince Ferrarra and Sandy Miller in the audience.

Mr. Mahone congratulated the Police Department for the honor received.