

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-TWO, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
David L. Sisk, Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. ORGANIZATIONAL MEETING

Mr. Norman recommended the Board convene into executive session pursuant to Section 1.2-344(a)(1) of the Code of Virginia to consider personnel matters, appointments of Board members and individuals to County Boards and/or Commissions.

Ms. Knudson made a motion to convene into executive session as recommended by the County Administrator at 5:00 p.m.

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

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

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

R E S O L U T I O N

MEETING DATE: January 6, 1992

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.

Ms. Knudson recessed the Board at 6:17 p.m. for dinner.

Ms. Knudson called the Board to order at 7:00 p.m.

Ms. Knudson asked for nominations for Chairman.

Mr. DePue nominated Mr. Edwards.

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

Mr. Edwards thanked the Board for its vote of confidence and welcomed David L. Sisk, new Board member from Roberts District.

Mr. Sisk stated that he looked forward to working with the Board.

Ms. Knudson made a motion to approve the organizational resolution.

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

R E S O L U T I O N

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the year 1992.

1. Regular meetings of the Board shall be held as shown on the attached 1992 calendar, in the Board Room of the James City County Government Center. The meeting times shall be 7:00 p.m. for the first meeting of the month and 1:00 p.m. for the second meeting of the month, with exceptions as shown.

2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to a reconsider such a decision must be made at the same meeting the decision is made by the Board.

Mr. Edwards asked for nominations for Vice Chairman.

Mr. Sisk nominated Ms. Knudson for Vice Chairman.

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

C. MINUTES - December 16, 1991

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

Mr. Taylor made a motion to approve the minutes with corrected page 3 as distributed.

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

D. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to discuss the item on the Consent Calendar.

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

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

1. Dedication of Streets in Fox Ridge - Phase I, Ware Creek Manor - Phase I and Springdale

R E S O L U T I O N

DEDICATION OF STREETS IN FOX RIDGE, PHASE 1

WHEREAS, the developer of Fox Ridge, Phase 1 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 Fox Ridge, Phase 1 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 Fox Ridge, Phase 1, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Fox Run, 50-foot right-of-way
From: Route 614 (Centerville Road)
To: End of Cul-de-sac
Distance: 2,142 feet (0.41 mile)
2. Red Fox Circle, 50-foot right-of-way
From: Intersection of Fox Run
To: End of Cul-de-sac
Distance: 188 feet (0.04 mile)

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

Fox Ridge, Phase 1, recorded in Plat Book 51, Page 4, dated June 30, 1989.

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

R E S O L U T I O N

DEDICATION OF STREETS IN WARE CREEK MANOR, PHASE 1

WHEREAS, the developer of Ware Creek Manor, Phase 1 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 Ware Creek Manor, Phase 1 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 Ware Creek Manor, Phase 1, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Massena Drive, 50-foot right-of-way
 - From: Route 607 (Croaker Road)
 - To: End of Cul-de-sac
 - Distance: 2,022 feet (0.38 mile)

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

Ware Creek Manor, Phase 1, recorded in Plat Book 48, Pages 92 and 93, dated June 16, 1988.

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

R E S O L U T I O N

DEDICATION OF STREETS IN SPRINGDALE

WHEREAS, the developer of Springdale 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 Springdale 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 Springdale, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Colony Point Road, 50-foot right-of-way
From: Route 710 (Colony Point Road)
To: End of cul-de-sac
Distance: 335 feet (0.06 mile)
2. North Court, 50-foot right-of-way
From: Colony Point Road
To: End of cul-de-sac
Distance: 367 feet (0.07 mile)
3. South Court, 50-foot right-of-way
From: Route 704 (Shore Drive)
To: End of cul-de-sac
Distance: 350 feet (0.07 mile)

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

Subdivision of 9.4977 acres in the name of James H. Sellers, recorded in Plat Book 45, page 83, dated July 25, 1987; and Springdale Subdivision, recorded in Plat Book 49, page 43, dated September 6, 1988.

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

E. PUBLIC HEARINGS

Mr. Edwards made a motion to approve the Board of Supervisors' statement recommending delay for one year decisions on three major Capital Improvements Programs - High School, Courthouse and Library.

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

Mr. Edwards asked staff to recommend ways to include citizen input in the budget process.

Mr. Edwards made a motion to approve the following annual appointments of Board members to Boards and Commissions.

Chamber of Commerce	Sisk
Community Action Agency	Edwards/Tony Conyers
	Sisk/Vacant
	DePue/Rev. J. Moody
Courthouse	Edwards
Emergency Preparedness	Knudson
Farmers Advisory	Taylor
Grove Advisory	Sisk
Joint Sanitary District	
No. 1 Board	Sisk/Knudson
Pamunkey River Study	
Committee	Taylor
Hampton Roads Planning	
District Commission	Sisk
Planning Commission	
Regional Issues Committee	Knudson
School Liaison	DePue
Virginia Peninsula Economic	
Development Council	DePue
Library	Knudson

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

1. Pre-Budget

Mr. John E. McDonald, Manager, Financial Management Services, stated that the hearing was being conducted to solicit public comment on revenues and spending of the upcoming FY 1993 budget.

Mr. Edwards opened the public hearing.

1. Mr. Albert Woodward, 105 Northpoint, spoke of concerns on how to cover the predicted shortfall by cutting the budget and/or size of organization.

2. Mr. John Kozel, 116 Jordan's Journey, asked for no raising of taxes or property valuation and a cutback in employees.

3. Mr. Grant Olson, 105 Holman Road, stated innovative suggestions from staff and Board were needed, and stated that raising real estate taxes would discourage industrial growth.

4. Mr. Claude Feigley, 135 The Maine, asked that a committee be appointed to study and evaluate essential County services budget priorities and utilize private citizen resources.

5. Mr. James Weaver, 2133 No. 16 South Henry Street, asked that the curbside recycling program be maintained and expanded.

6. Ms. Elise Emanuel, 110 Willow Drive, asked for investment of additional monies for the schools to ensure capable workers for quality economic development and for posterity.

7. Mr. Frank Sellinger, 29 Mile Course, asked that the Board trim the budget and personnel and form a citizens' committee for input.

8. Mr. Bob White, 125 Underwood Road, spoke in favor of an increase in public safety personnel, equipment and facilities for protection of County citizens.

9. Mr. Ed Oyer, 139 Indian Circle, asked if County debt could be refinanced and asked that the Board hold the current tax rate and cut expenditures.

Mr. Edwards closed the public hearing.

2. Case No. Z-4-91. Frederick and Mary Hirsh

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. and Mrs. Frederick Hirsh had applied to rezone approximately three acres from A-1, General Agricultural, to B-1, General Business, located on the north side of Richmond Road, approximately 1,800 feet west of intersection with Barhamsville Road and Rochambeau Drive, further identified as Parcel No. (1-6F) on James City County Real Estate Tax Map No. (12-1).

Mr. Sowers further stated that the rezoning was inconsistent with the Comprehensive Plan and surrounding zoning and development.

In concurrence with staff, the Planning Commission at its December 10, 1991, meeting made a motion to deny the case. By a vote of 5-5, the motion failed, with no further motions or recommendations made.

Mr. Edwards opened the public hearing.

1. Mr. Frederick Hirsh, 8618 Richmond Road, Toano, briefly described adjacent properties and asked the Board to approve his application.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve Case No. Z-4-91.

Board discussion about changing the boundary of the Comprehensive Plan and supporting a citizen's new business followed.

On a roll call, the vote was: AYE: DePue, Taylor, Sisk (3). NAY: Knudson, Edwards (2).

R E S O L U T I O N

CASE NO. Z-4-91 FREDERICK AND MARY HIRSH

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-4-91 for rezoning approximately 3 acres from A-1, General Agricultural, to B-1, General Business, on property identified as Parcel (1-6F) on James City County Real Estate Tax Map No. (12-1); and

WHEREAS, the James City County Planning Commission forwarded Zoning Case No. Z-4-91 without recommendation upon a split (5-5) vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-4-91 and does hereby accept the voluntary proffers.

3. Case No. SUP-34-91. Billy S. Scruggs

Mr. Sowers stated that Mr. Billy S. Scruggs had applied on behalf of David L. Hertzler for a special use permit for an automobile sales and service center, on a 2.53-acre site, zoned B-1, General Business, located on Merrimac Trail (Route 143) approximately one mile north of Route 199, further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (41-3).

Staff recommended approval of the special use permit with conditions listed in the resolution with language changes to Conditions 2 and 9 as distributed.

Mr. Edwards opened the public hearing.

1. Mr. Billy Scruggs, 119 Woodmere Court, stated that the staff report was complete and asked for approval of the case.

Mr. Morton asked that the case be deferred for a short period of time for discussion with staff about new wording for Condition 9.

Mr. Edwards declared a short recess at 9:00 p.m.

Mr. Edwards reconvened the Board at 9:22 p.m.

Mr. Leo P. Rogers, Jr., Assistant County Attorney, read the new language for Condition 9.

Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the case.

Mr. Edwards closed the public hearing.

Ms. Knudson made a motion to approve Case No. SUP-34-91 with changes to Conditions 2 and 9.

Mr. DePue made a motion to amend Condition 8 of the resolution by placing a period after Code Compliance.

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

Mr. Edwards asked for a vote on the amended resolution.

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

R E S O L U T I O N

CASE NO. SUP-34-91. BILLY S. SCRUGGS

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 December 10, 1991, voted 9-1 to recommend approval of Case No. SUP-34-91 to permit an automobile sales and service establishment in the B-1, General Business District, on property identified as Parcel No. (41-3) on James City County Real Estate Tax Map No. (1-12).

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-34-91 as described herein with the following conditions.

1. If the project has not commenced within 18 months from the date of the issuance of this special use permit, it shall become void.
2. If the existing 6-foot chain link fence located at the southern end of the property is to remain, it shall be buffered by landscaping in a manner approved by the Development Review Committee.
3. The number of vehicles to be displayed on the lot for sale shall be limited to 40.
4. The location and manner in which vehicles for repair or service are to be stored shall be shown on the site plan and approved by the Director of Planning. Storage of vehicle parts and equipment shall be visually screened from adjacent properties.
5. If additional lighting is proposed or required for the site, a lighting plan shall be provided and approved by the Director of Planning prior to final site plan approval.

6. The use of a loudspeaker system shall not be permitted for the automobile sales and service establishment.
7. Vehicles used for towing other vehicles shall only use the southern entrance to enter and exit the property.
8. Prior to final site plan approval, a method for preventing debris from entering the drainage channel at the rear of the site shall be shown on the site plan and shall be approved by the Director of Code Compliance.
9. A new 6-foot wooden stockade fence shall replace the existing fence along the common property line shared between 123 and 125 Davis Drive and this property from the southeastern corner of James City County Tax Parcel (41-3)(5-20) to the southeast corner of James City County Tax Parcel (41-3)(5-19) and shall run in a northwesterly direction along the back property line of James City County Tax Parcel (41-3)(5-19) for a distance of 40 feet. This fence shall be constructed so that the posts and other structural sections shall face to the south. A detail of the fence shall be shown on the site plan and be approved by the Director of Planning prior to final site plan approval.

4. Case No. SUP-43-91. Ellen Properties (RPOD)

Mr. Bernard M. Farmer, Jr., Zoning Administrator, stated that Mr. William D. Johnson, Jr., of DeYoung Johnson Group had applied on behalf of the owner for a special use permit to create more than 5,000 square feet of impervious area within the Reservoir Protection Overlay District, located at 7992 Richmond Road, further identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (12-4).

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

Mr. Edwards opened the public hearing.

1. Ms. Stella Earman, 7986 Richmond Road, stated that runoff from current paved parking lot flowed over her property and the Beck property at 7988 Richmond Road. She requested correction of the problem.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

Mr. Farmer stated that the applicant had proposed diverting drainage to the detention facility at the rear of the property.

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

R E S O L U T I O NCASE NO. SUP-43-91. ELLEN PROPERTIES (RPOD)

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 applied for a special use permit to develop land in the RP, Reservoir Protection Overlay district on property identified as Parcel (1-17) on James City County Real Estate Tax Map No. (12-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-43-91 as described herein with the following conditions:

1. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
2. The proposed detention basin shall be sized to treat the stormwater runoff from all new impervious areas and to maximize the pollutant removal from the existing impervious areas of the site. If the size of the basin is limited by site development constraints to the extent that the performance of the basin does not meet the removal rates stated in the runoff analysis, then the Director of Code Compliance is authorized to require the installation of additional runoff control measures to achieve the stated reduction, or to require reduction of the impervious surface area to allow for a properly sized structure.
3. A gate valve will be installed in the detention basin's outlet structure to provide storage capabilities in the event of an accidental spill of any chemicals.
4. A concrete spill containment area, with design subject to approval by the County, will be provided at any loading dock or area where materials will be handled that are potentially hazardous to the reservoir.
5. No more than one truckload of hazardous waste shall be stored on site at any one time, and all storage of these materials shall be inside the building. The Director of Code Compliance or his designee shall be authorized access at any time for unannounced inspection to ensure compliance with this condition.
6. An emergency response plan for the hazardous materials shall be prepared and approved by the County prior to occupancy and use of the facility for the activity of metal plating and machining. The response plan shall address remediation actions in the case of any spillage of hazardous materials.

7. Any use of the facility for activities other than those reviewed under this runoff analysis shall be prohibited.
 8. All storage of materials used in the metal plating or machining and storage of any waste by-products shall be contained entirely within the building. The design of the storage areas shall incorporate measures for accidental spill containment and shall be approved by the County.
 9. Prior to use of this facility for the proposed activities the owner shall prepare and submit a groundwater monitoring plan for approval by the County. The plan shall provide for initial sampling from the existing well for the chemical compounds and petroleum products to be used and stored on site. A new well in the surface aquifer shall be installed and sampled annually. The sampling plan shall also provide for stormwater samplings of the first flush of rainfall at least twice annually.
5. Case No. AFD-7-86. Mill Creek Agricultural and Forestal District (Slater Withdrawal)

Mr. Sowers stated that Mr. and Mrs. Albert T. Slater had applied to remove approximately three acres from the Mill Creek Agricultural and Forestal District to allow construction of a home, located approximately 3,200 feet south of Barnes Road intersection with Richmond Road, further identified as Parcel No. (1-28) on James City County Real Estate Tax Map No. (10-1).

Staff recommended denial of the withdrawal stating the applicant was developing the property in a piecemeal way that does not preserve the agricultural or forestal activities of the site. The Agricultural Forestry District Advisory Committee voted 6-1 to approve the withdrawal; the Planning Commission motion to accept the staff report failed on a 5-5 vote.

Mr. Edwards opened the public hearing.

1. Mr. Albert Slater, 9239 Richmond Road, Lanexa, requested removal of the acreage so that a home could be built by a family member, as was stated in a letter to Planning Department some time ago.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the withdrawal.

Mr. DePue made a motion to defer until the January 21, 1992, Board of Supervisors' meeting so that previous correspondence could be reviewed.

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

6. Case No. Z0-10-91. Zoning Ordinance Amendment/Site Plans

Mr. John T. P. Horne, Manager, Development Management, stated staff proposed changes in two general areas of staff procedures and Planning Commission procedures, which would be used rarely. He described the changes as including priority staff review efforts and preliminary County approval prior to final Virginia Department of Transportation review, and the Planning Commission and Development Review Committee would delegate approval authority to one or two members of the Commission who could act quickly on an on-call basis.

In accordance with staff, the Planning Commission unanimously recommended approval.

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

Mr. Sisk made a motion to approve the ordinance amendment.

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

F. **BOARD CONSIDERATIONS**

1. Creation of County Steering Committee for James River Commerce Center

Mr. Keith Taylor, Economic Development Director, requested the creation of a Steering Committee of five voting members and two ad hoc members to jointly administer the James River Commerce Center with Colonial Williamsburg Foundation representatives.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

JAMES RIVER COMMERCE CENTER STEERING COMMITTEE

WHEREAS, the James City County Board of Supervisors has completed its property exchange with the Colonial Williamsburg Foundation; and

WHEREAS, the County needs to create an entity to jointly develop, market and administer with the Foundation the newly created James River Commerce Center; and

WHEREAS, that entity must have decision-making responsibility and the ability to act quickly in the best interest of the County; and

WHEREAS, administrative guidelines and strategies must be developed for that body to follow.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby creates the James River Commerce Center Steering Committee: 1) to investigate what the appropriate entity should be; and, 2) to develop administrative guidelines and strategies for that entity to follow.

BE IT FURTHER RESOLVED that the Steering Committee shall consist of five voting members to include a Board-designated representative from the Board of Supervisors, the Chairman of the Industrial Development Authority, the County Administrator, the Manager of Financial and Management Services, and the Economic Development Director and two adhoc members to include the Manager of Development Management and the County Attorney.

Mr. Edwards designated Mr. DePue as the Board member on the Steering Committee and requested that the Board of Supervisors be contacted promptly when a need arises for important decisions.

2. Geographic Information System Contract Award

Mr. John E. McDonald, Manager of Financial Management Services, stated that the County was implementing a Geographic Information System (GIS), and planning to conduct a pilot conversion project, which would convert existing map data and other assessment information from manually produced maps and records to a computer format.

Staff recommended approval of the resolution awarding the contract for GIS data conversion services to Photo Sciences, Inc.

A brief discussion regarding uses and benefits of the system by the County, availability of documents to private citizens to recover operating costs and delaying project would be impractical ensued.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

CONTRACT FOR GIS DATA CONVERSION SERVICES

WHEREAS, the County GIS Committee received seven proposals and interviewed four firms for GIS data conversion services; and

WHEREAS, the Committee determined the firm of Photo Science, Inc., to be the top ranked firm; and

WHEREAS, an acceptable scope of services and fee agreement for the GIS data conversion services has been negotiated with the top ranked firm by County staff; and

WHEREAS, funds are available in the James City County CIP budget.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby approves the award of a contract for GIS data conversion services to Photo Sciences, Inc., in accordance with the agreed upon scope of services described in the request for proposal in the amount of \$234,620 and authorizes and directs the County Administrator to execute a contract for this work.

G. PUBLIC COMMENT

1. Mr. Christopher Clifford, Box 978, Gloucester Point, expressed displeasure at a stop work notification on a job site because of the County's erosion and sedimentation permit requirements.

Mr. Norman responded that a meeting would be arranged with concerned parties.

2. Colonel Ed Riley, 611 Tam-O-Shanter, again stated his concern about over population of deer in the area and how that affected the safety of tourists.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked that a recommendation be made on alternatives of how to resolve the matter of the Norge Lane duplex proposal received previously.

Mr. Edwards asked staff to prepare a report and recommendations for the January 21, 1992, Board of Supervisors' meeting.

Ms. Knudson brought forward a resolution asking for a technical amendment to the Congressional Redistricting Plan adopted by the General Assembly on December 9, 1991.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O NCONGRESSIONAL REDISTRICTING

WHEREAS, On December 9, 1991, the General Assembly adopted a Congressional Redistricting plan splitting the Roberts and Jamestown Voting Districts into two Congressional Districts, the 1st and 3rd; and

WHEREAS, the lines were drawn reflecting the local redistricting plan adopted by James City County in 1981 rather than the plan approved in 1991; and

WHEREAS, the Board of Supervisors is concerned that the splitting of the Roberts and Jamestown Voting Districts will result in voter confusion and increased administrative problems.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby urges the introduction and passage of a technical amendment to the Congressional Redistricting Plan reflecting the 1991 redistricting and placing the whole of Roberts Voting District in the 3rd Congressional District and the whole of Jamestown Voting District in the 1st Congressional District.

Mr. Edwards made a motion to reappoint Ester Kirkpatrick for a 3-year term on the Clean County Commission, term expiring 1/6/95; to reappoint Belinda Camp, Dora Cary, Lucille Cowles, Lorine Holmes, Stewart Taylor, Irma Hawkins, Levi Cary, Shellice Graves, Shiela Coles, Thomas Wynne, Sr. for a 1-year term on the Little Creek Advisory Committee; and, to nominate Darline Layer for appointment to the Board of Equalization for a 3-year term, term expiring 12/31/94.

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

Mr. Edwards declared a recess for a James City County Transit meeting at 10:40 p.m.

Mr. Edwards reconvened the Board into open session at 10:43 p.m.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 10:43 p.m.



David B. Norman
Clerk to the Board

James City Board of Supervisors

January 6, 1992

The James City County Capital Budget for Fiscal 1993

The national economic recession is hurting almost everyone, including James City County. Since it is not clear that the recession will end quickly, we need to plan carefully, not only for next year but for subsequent years as well.

The James City County financial picture is not bright for several reasons, primarily these: (1) Local revenues are flat or declining; this year they are projected to grow about 0.2 per cent, and next year does not look better. (2) State aid to James City will probably decline again next year. (3) A new middle school, with substantial operating costs, will open in 1992. (4) Population and school enrollment continue to grow 2-3 per cent annually, driving up the total costs of County services.

Part of the solution is holding down operating costs in all departments. This will be a continuation of the current budget, where the budget for all non-school operating expenditures is down 3 per cent. Neither county nor school employees received a salary increase this year.

Another important part of the picture is the capital budget, which includes buildings and other lasting assets. The capital budget was sharply reduced for the current fiscal year ending June 30, 1992 (FY 92). The same will have to be done for next year (FY 93). This is unfortunate because (a) construction bids for public projects are lower now than they have been for several years, and (b) additional public projects would help the local economy. But the County simply does not have enough revenue to begin new projects now.

Three major capital expenditures are in our five-year capital improvements program. All of them are needed to continue existing services. All are joint facilities shared with Williamsburg. The capital improvements program approved last year anticipated that each of the three would be started within the next three years, but that may not be possible given present financial conditions. The Board of Supervisors will use the following priorities to guide the FY 93 budget:

1. Lafayette High School, the only high school in the County, is at capacity. It was thought several years ago that a second high school would be needed by 1992; when expected enrollment increases did not materialize, that date was extended to 1993 and then to 1994. The target date will now have to be extended to 1995. That will give us additional information about enrollments and the economy before we have to make a decision to begin construction.

2. The Williamsburg-James City courthouse has been inadequate, in some respects, for several years. Both the current Circuit Judge and his predecessor, as well as other officials in the courthouse, have written to us about the need for a new facility. A consultant was hired several years ago to recommend ways to improve the facility. Representatives of James City and Williamsburg have had discussions about many of the issues. Additional planning work needs to be done before the project can go forward.
3. Our Library is a great success — and the victim of that success. It is overcrowded and becoming more so each year. A study of library facilities begun three years ago confirmed the need for a second library. The Library Board has been wrestling with questions such as type of facility and location. There are also many important questions to be resolved by the County and City, since the current library is operated jointly. That planning should go forward, but with the understanding that a decision will be delayed from FY 94 to FY 95.

Our future plans might be summarized as follows. The Capital Improvements Program adopted last year anticipated that a new high school would be started in 1991, to be opened in 1994; expanded courthouse facilities would be approved in FY 93; and a new library would be approved in FY 1994. Given the realities of the current budget, all of those decisions must be postponed:

1. The target for completing a new high school will be delayed from 1994 to 1995.
2. Planning for a new courthouse should continue, but with a decision to proceed delayed from FY 93 to FY 94.
3. We should continue planning for a new library, with a final decision delayed from FY 94 to FY 95.

Many people will be disappointed by our inability to meet these important needs more quickly. Perhaps we will be able to move sooner, if the economy improves faster than expected. But we may continue to be in a difficult position at this time next year. Given the uncertainties, it seems prudent to plan conservatively.

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THESE PROFFERS made this 28 day of OCT,
FREDERICK D. HIRSH and MARY A. HIRSH, husband and wife, together with
their successors, heirs and assigns, the "OWNERS".

RECITALS

A. Owners are the owners of certain property located in James
City County, Virginia , containing approximately 3 acres, more or less,
commonly known as 8618 Richmond Road (hereinafter referred to as the
"Property") and more particularly described as Parcel Number (1-6F)
on James City County Real Estate Tax Map Number (12-1).

B. All of the property is currently zoned A-1, Agricultural in
Stonehouse District. Owners have applied to re-zone all of the Property
from (A-1) to (B-1), with proffers.

C. James City County (the "County") may be unwilling to re-zone
because of possible impact on the surrounding areas.

D. Owners for themselves and their successors and assigns desire
to offer to the County certain conditions on the development of the
Property for the protection of the community that are intended to
mitigate possible impacts from the development on the surrounding area.

Now, therefore, for and in consideration of the approval by the
Board of Supervisors of the County of the requested re-zoning, and
pursuant to Division 12, Section 20-328 and Section 20-329, Owners
agree that they will meet and comply with all of the following conditions
for the development of the Property.

CONDITIONS

I. There shall be only one commercial building containing no more than 6,000 square feet of gross floor area.

The building shall be used only for the making, sales and teaching of ceramics, and a shop for construction work and storage of building materials with no exterior storage.

II. The northern portion of the property shall contain a single residence for a caretaker(s).

III. An undisturbed buffer shall be provided adjacent to Route 60. Such buffer shall be a minimum width of 160 feet, measured from the northern edge of right-of-way of Route 60. The commercial structure shall be located a minimum of 170 feet from the northern edge of the right-of-way of Route 60.

IV. The commercial building shall not have more than ten (10) spaces. The parking area (on the east side) shall be graveled and not be illuminated.

V. The building shall be wood stained natural.

VI. The sign shall be ground mounted no larger than fourteen (14) square feet and shall not be illuminated.

VIRGINIA: City of Williamsburg and County of

In the Clerk's Office of the Circuit Court of the City of Williamsburg, State of Virginia

was presented with certificate annexed and admitted to record at 12:35 o'clock

Tested by [Signature] Ward, Clerk

STATE OF VIRGINIA COUNTY OF JAMES CITY

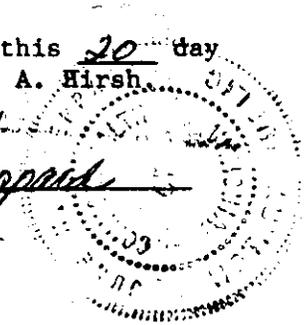
[Signature] FREDERICK D. HIRSH

[Signature] MARY A. HIRSH

The foregoing instrument was acknowledged before me this 20 day of DEC, 1991, by Frederick D. Hirsh and Mary A. Hirsh.

[Signature] Notary Public

My Commission Expires April 30, 1994



JAN 6 1992

ORDINANCE NO. 31A-136

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SITE PLAN, SECTION 20-40. CRITERIA FOR REVIEW, BY ADDING SECTION 20-40.1. PROCEDURE FOR REVIEW OF SITE PLANS BY THE COMMISSION'S DESIGNEE(S), AND BY AMENDING SECTION 20-43. REVIEW CRITERIA-GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-40. Criteria for Review, by adding Section 20-40.1. Procedure for Review of Site Plans by the Commission's Designee(s), and by amending Section 20-43. Review Criteria-Generally.

CHAPTER 20. ZONING

Article II. Site Plan

Section 20-40. Criteria for Review.

Upon application and review, the Development Review Committee (DRC) and the Commission, or the Commission's Designee(s) shall consider site plans if any of the following conditions are present:

- (a) The site plan proposes a single building or group of buildings which contain a total floor area that exceeds 15,000 square feet;
- (b) The site plan proposes two entrances on the same road, involves a disturbance of slopes greater than 15%, or proposes a fast food restaurant, convenience store, or a shopping center;
- (c) The site plan proposes an addition to an existing use which would contain a floor area greater than 75% of the total floor area of the existing use; or
- (d) There are unresolved problems between the applicant, adjacent property owners, or any departmental reviewing agency.

Site plans which meet any of the conditions listed above shall generally be reviewed by the DRC and the Commission in accordance with Section 20-41. However, the Commission's designee may consider and review, pursuant to Section 20-41.1, any site plan which the Development Manager determines, creates or significantly expands a use which contributes to the achievement of the economic development goals of the Comprehensive Plan.

If site plans do not qualify for Commission review by the Commission or its designee(s) under this Section, they may be considered and reviewed administratively by the Zoning Administrator.

Section 20-41.1. Procedure for Review of Site Plans by the Commission's designee(s).

(a) The applicant shall submit to the Planning Director, or his designee, 10 copies of the site plan and pay the appropriate application fee.

(b) Upon meeting all submittal requirements, the site plan shall be reviewed by the Planning Division and other agencies of the County, State, and/or Federal Governments as deemed necessary by the Planning Director. The Planning Division shall prepare a composite report on the proposed site plan which shall include review requirements by other agencies and submit the report to the Commission's designee(s) for consideration.

(c) The Commission's designee(s) shall consider the Planning Division's report and either grant preliminary approval, defer, disapprove, or refer the site plan back to the Development Review Committee and full Commission. The site plan may be granted preliminary approval with conditions that must be satisfied prior to final approval by the Zoning Administrator. The Planning Division shall provide written notice to the applicant of the Commission's designee(s) decision. Such notice shall state any actions, changes, conditions or additional information that shall be required to secure preliminary or final approval. If disapproved, the notice shall state the specific reasons for disapproval.

Section 20-43. Review Criteria--Generally.

The Planning Commission, *its designee(s)*, the Planning Director and the Zoning Administrator shall examine and consider site plans with respect to:

- (a) Intensity of land use including developable acreage, density and adequate provisions for open space and recreational facilities as appropriate to the site usage and to the Comprehensive Plan;
- (b) Design and layout of the site including buildings, signs, recreation facilities, garbage and trash disposal facilities, sedimentation and erosion controls, storm drainage, stormwater management, sanitary sewage disposal, and water supply exit and entrance points on the site including line sizes, areas to be landscaped with approximate arrangement and plant types and sizes indicated, and provisions for pedestrian and vehicular traffic movements within and adjacent to the site. Particular emphasis shall be placed upon the review of on-site aesthetics, public safety features, environmental, historic and vegetative preservation, efficient layout of buildings, parking areas, off-street loading and unloading, and movement of people, goods and vehicles (including emergency vehicles) from access roads, within the site, between buildings and vehicles. Vehicular access to the site shall be designed to aid overall traffic flow and to permit vehicles a safe ingress and egress;

(c) Design standards contained in this Chapter as they relate to traffic circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and building coverage shall apply, where applicable, to site plan approval. The design criteria established in the County Subdivision Ordinance and applicable standards of the State Department of Transportation shall apply where appropriate, to site plan approval.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of January, 1992.