

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF MARCH, NINETEEN HUNDRED NINETY-ONE, AT 12:59 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
Jack D. Edwards, Berkeley District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. PRESENTATIONS

1. Williamsburg Area Chamber of Commerce

Mr. Gilbert Granger, President, Chamber of Commerce, recognized several Chamber of Commerce business leaders in the audience. He introduced Mr. Phillip Emerson and Mr. David Schulte for a presentation on the Tourism and Conference Bureau.

2. Tourism and Conference Bureau

Mr. Phillip Emerson, Acting Director, introduced Mr. David Schulte, Tourism Executive Director, who gave a brief report on upcoming advertising campaign. Mr. Tom Austin, Restaurant representative, Chamber of Commerce Board of Directors, stated the Chamber of Commerce's request for funding from the County for 1991-92 was \$93,200. Mr. Robert Hershberger, Executive Director, reported that new membership continued to grow, with retention of current members at 95 percent.

Mr. Norment expressed the Board's appreciation for efforts expended by the Chamber of Commerce.

3. Colonial Williamsburg

Mr. Norman Beatty, Vice President, introduced Mr. Richard Shreiber, Vice President and Chief Business Officer, who requested funding of \$100,000 to support an advertising program to bring tourists to the area in the off season.

Mr. Norment expressed the Board's appreciation for the long and amicable relationship with Colonial Williamsburg.

C. MINUTES - March 4, 1991

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

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

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

D. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Transportation, stated that Ms. Knudson's request for reflectors at Longhill Road and Longhill Connector Road near The Mews subdivision was agreed upon, but there was no available funding; and Mr. DePue's request regarding review of the condition of new road construction from Longhill Road to the church on Centerville Road was checked, and subgrade settlement of the roadway would continue to be monitored with day-to-day pothole repairs as needed.

E. CONSENT CALENDAR

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

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

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

1. Child Abuse Prevention Month

P R O C L A M A T I O N

CHILD ABUSE PREVENTION MONTH

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 12,072 cases of child abuse and neglect were substantiated in Virginia during fiscal year 1988-89; and

WHEREAS, Virginia faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, Congress has expressed its commitment to seeking and applying solutions to this problem by establishing April as Child Abuse Prevention Month nationwide; and

WHEREAS, in James City County, Virginia, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, it is vital that we join forces to reach out to parents and children and prevent the reoccurrence of child abuse and neglect; and

WHEREAS, it is appropriate and fitting to focus attention upon the problem of child abuse and neglect in Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, proclaims the month of April, 1991 as CHILD ABUSE PREVENTION MONTH and calls upon County citizens to observe the month with appropriate programs, ceremonies and activities

Mr. Norment read a portion of the resolution, presented an executed copy to Ms. Diana Hybicki of the Department of Social Services Children and Adult Services Unit, and expressed appreciation to that unit for efforts undertaken.

E. PUBLIC HEARINGS

1. Ordinance Amendment, Chapter 9 - Licenses, Massage Parlors

Mr. Leo P. Rogers, Assistant County Attorney, requested a continuation of the public hearing to allow staff to coordinate input received since the March 4, 1991, Board of Supervisors meeting.

Mr. Norment opened the public hearing, and as no one wished to speak, he continued the public hearing until the April 1, 1991, Board of Supervisors meeting.

2. Ordinance Amendment, Chapter 2, Central Absentee Voter Election District

Mr. Rogers stated the proposed amendment would establish a Central Absentee Voting District for all elections conducted in the County, with changes to method of calculating written ballots and availability of a computer for voting.

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

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

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

F. BOARD CONSIDERATIONS

1. Case No. SUP-45-90. Virginia Natural Gas Pipeline

Mr. Sowers explained that this case was postponed at the March 4, 1991, Board of Supervisors' meeting to allow staff to amend the resolution to include Condition 15 which provided for the restoration of topsoil.

Mr. Sowers reiterated that Mr. Brian Machamer, of Virginia Natural Gas, had applied for a conditional special use permit to allow construction of a 16-inch natural gas transmission main, entering James City County at the New Kent County line, extending southeast parallel to an existing 200-foot wide Virginia Power right-of-way, and exiting into the City of Williamsburg at Chisel Run subdivision. The proposed main would reenter the County in the vicinity of Busch Gardens and terminate at the existing VNG facility in Grove, total length, 12.26 miles. Mr. Sowers explained that the purpose of the proposed main was to transport natural gas from Fauquier County to a distribution point near Grove with further distribution to James City County and the Hampton Roads area.

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

Mr. Norment stated that the public hearing was closed, but the Board would welcome further comments from the public.

Mr. William Nunn, P.O. Box 5, Norge, stated that several concerns had been taken care of, and questioned whether Coats Field Services was a representative of Virginia Natural Gas.

Mr. Steve Stone, District Manager, VNG, stated that property owners in disagreement could appeal to a court judge for a fair determination, and that Coats Field Services represented VNG for negotiations of right-of-way contracts.

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

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

R E S O L U T I O N

CASE NO. SUP-45-90. VIRGINIA NATURAL GAS PIPELINE

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 11, 1990, voted 6-3 and recommended approval of Case No. SUP-45-90 to permit a 16-inch natural gas transmission pipeline to be located within the existing Virginia Power right-of-way entering the County at the New Kent County line and extending southeast the Stonehouse and Powhatan Districts and exiting the County, into the City of Williamsburg at the Chisel Run subdivision. The pipeline would then reenter the County in the vicinity of Busch Gardens and terminate at the existing VNG facility in Grove. The total length of the main is 12.26 miles to permit a natural gas pipeline to be extended through James City County.

WHEREAS, the Planning Commission of James City County, following consideration of a request by Virginia Natural Gas at the January 8, 1991, meeting, voted 11-0 to reconsider Case No. SUP-45-90 at their February 12, 1991, meeting.

WHEREAS, the Planning Commission of James City County, following an additional public hearing on February 12, 1991, rejected a motion to approve Case No. SUP-45-90 by a vote of 5-6.

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-45-90 as described herein with the following conditions:

1. This special use permit shall have no cause or effect until all the parcels or rights thereto, have been acquired by Virginia Natural Gas. Evidence of this acquisition shall be provided to the Planning Department prior to preliminary approval of the site plan for the project. This permit is valid only for the route shown on the maps submitted to the County as part of this application. Any deviation from the route must be approved by the Development Review Committee. Any relocation of the proposed main on property other than that identified on the maps submitted as part of this application would cause the permit to become void.
2. If construction has not commenced on this project within a period of 24 months from the date of issuance of the special use permit, it shall become void.
3. Prior to site plan approval, the crossing of the Little Creek Reservoir shall be approved by the City of Newport News Waterworks. The City of Newport News Waterworks Department shall approve any crossings of the existing raw waterlines located in the existing Virginia Power right-of-way.

4. On parcels 1 acre or less in size along the route of the pipeline where clearing has taken place or where a dwelling on the property is located 50 feet or less from the edge of the permanent easement, the construction easement shall be revegetated with trees that best match the species of trees which were destroyed during the construction of the main. Trees shall be planted in a staggered fashion so as not to look uniform, and shall meet the standards within the landscaping section of the Zoning Ordinance.
5. Construction, operation and maintenance of the natural gas transmission main shall comply with all local, State and Federal requirements.
6. The project shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
7. Copies of all State and Federal permits shall be provided as part of the site plan submittal.
8. Crossings of roads and existing utilities shall be coordinated with applicable agencies during the construction of the main.
9. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. These methods are to be shown on the site plan and approved as part of the site plan submittal.
10. A Phase I archaeological study shall be undertaken for the project. The study shall be submitted to and approved by the Director of Planning prior to final site plan approval. If warranted by the Phase I study, a Phase II and Phase III study of the site shall also be completed. The recommendations of such studies shall be incorporated into the plan of development and any clearing, grading, or construction activities.
11. Any aboveground facilities shall be considered a building and shall be landscaped in accordance with Section 20-14(D)3 of the Zoning Ordinance. Any aboveground facilities not fronting on a public street shall have a minimum 10-foot perimeter strip as described in Section 20-14(C)(2)B of the Zoning Ordinance and the strip shall be landscaped in accordance with that section.
12. In areas of the construction easement that have been cleared and landscaping is not required as part of Condition 4, seedlings shall be planted in accordance with the State Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Planning Director. The reforestation of this easement shall be completed within 2 years of the clearing of the easement. It shall be the responsibility of Virginia Natural Gas to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.

13. Virginia Natural Gas shall not object to allowing trails and/or paths to be placed within the 50-foot permanent easement.
14. The proposed main shall be placed at such a depth that future road work would not impact it. Any relocation of the main in the future for the Route 199 project or the Outer Bypass shall be the responsibility of Virginia Natural Gas.
15. In any area where the pipeline crosses existing development or agricultural uses, the topsoil shall be removed and stockpiled separate from other soil. When construction is completed, the topsoil shall be restored to its previous location and conditions to the greatest extent practical. In areas where topsoil restoration is not possible, post-construction topsoil conditions shall be reestablished utilizing soil amendments as approved by the Soil Conservation Service.

2. Ordinance Amendment, Chapter 7, Garbage and Refuse, Recycling

Mr. David W. Clark, Solid Waste Engineer, stated that the proposed ordinance was postponed at the March 4, 1991, Board of Supervisors meeting. He explained that a meeting had been held with a group representing the business community and that discussion had been held with the State Department of Waste Management regarding the reporting requirement.

Mr. Clark stated that a simplified report form would be distributed separately from the ordinance, and staff recommended approval of the ordinance amendment.

Board discussion followed regarding definition in ordinance of generator and manage; and, need for ordinance and report form.

Mr. Norment delayed action on the ordinance amendment until later in the meeting, so that County Attorney's staff could examine State code.

3. Road Construction Revenue Sharing

Mr. John T. P. Horne, Manager, Development Management, stated that authorization to send a letter of notification of the County's intentions to participate in the Revenue Sharing Program to Virginia Department of Transportation by March 31, 1991, was requested. Mr. Horne explained that a request for revenue sharing funds would be forthcoming in April during budget worksessions, as a line item in the Capital Improvement Program.

Staff recommended approval of the resolution.

Discussion ensued about revenue sharing request being included in upcoming budget, extent of letter's commitment and obligation, use of funds for primary and secondary roads, and would Board have final decision on fund use.

Mr. DePue made a motion to approve the resolution.

The Board agreed upon approval only for intent to participate, with future funding options open.

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

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

#### VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation Revenue Sharing Program for fiscal year 1991-1992, in an amount not to exceed \$500,000; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 31, 1991.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for fiscal year 1991-92.

Mr. Norment acknowledged continuation of Item G-2, Ordinance Amendment, Recycling and clarified that the State mandate required a report from each jurisdiction.

Ms. Knudson made a motion to approve the ordinance amendment.

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

#### G. PUBLIC COMMENT

1. Mr. A. W. Whitton, 400 Blow Flats Road, expressed concern about hunters shooting high-powered rifles in the vicinity of residences on Blow Flats Road.

Mr. Norment requested staff to review the situation and report to the Board.

#### H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia to consider a personnel matter, appointments of individuals to County boards and/or commissions.

## I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to prepare recommendations to resolve issue of inability to build on lots existing prior to the change in A-1/A-2 zoning.

Mr. Norment made a motion to recess for a James City Service Authority meeting at 2:52 p.m.

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

Mr. Norment reconvened the Board, and made a motion to convene into an executive session for purposes as stated by the County Administrator, at 3:00 p.m.

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

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

R E S O L U T I O N

MEETING DATE: March 18, 1991

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. Norment made a motion to reappoint M. Joy Archer and Rosalind Byrd to the Parks and Recreation Commission for a 3-year term, term expirations April 12, 1994, respectively; to appoint Paul Seibert to the Clean County Commission for a 3-year term, effective May 1, 1991, term expiration May 1, 1994; Frances H. Hamilton to fill an unexpired term on the Historical Commission, term expiration August 31, 1993; and, to endorse Mr. Alexander Kuras on the Regional Issues Committee in his role as Chairman of the Planning Commission.

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

Mr. Norment made a motion to recommend to the Circuit Court that William F. Miller be reappointed to the Board of Equalization for a 3-year term, term expiration December 31, 1993, and that Bruce Keener be appointed to the Board of Equalization to fill an unexpired term, term expiration December 31, 1992.

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

R E S O L U T I O N

TO RECOMMEND APPOINTEES TO THE JAMES CITY COUNTY

BOARD OF EQUALIZATION

WHEREAS, Section 18-30 of the Code of the County of James City, Virginia, requires the Board to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the term of William F. Miller expired on December 31, 1990, and the Board of Supervisors of James City County, seeks to reappoint him for a three-year term; and

WHEREAS, Robert J. Villa resigned from the James City County Board of Equalization and the Board of Supervisors of James City County seeks to appoint Bruce Keener, to complete the remaining two years of Mr. Villa's term; and

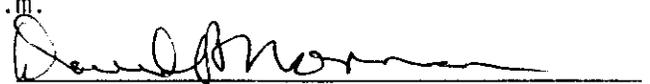
WHEREAS, William F. Miller and Bruce Keener, are qualified freeholders of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the appointment to the James City County Board of Equalization of the following qualified freeholders, Mr. William F. Miller, for a three-year term and Bruce Keener, to complete the remaining two years of Robert J. Villa's term.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 3:25 p.m.

  
David B. Norman  
Clerk to the Board

MAR 18 1991

ORDINANCE NO. 55A-11

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, MAGISTERIAL DISTRICT, ELECTION DISTRICTS, AND ELECTION PRECINCTS, SECTION 2-4.1, CENTRAL ABSENTEE VOTER ELECTION DISTRICT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by amending Section 2-4.1, Central absentee voter election district.

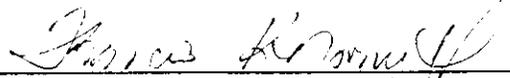
Chapter 2. Administration

Article II. Magisterial District, Election Districts  
and Election Precincts

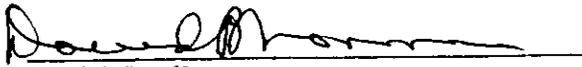
Section 2-4.1. Central absentee voter election district.

(a) There is hereby established for the county a central absentee voter election district for all elections as defined by Section 24.1-1 of the Code of Virginia (1950), as amended. The polling place of the central absentee voter election district shall be located in close proximity to the registrar's office.

(b) The central absentee voter election district shall conform in all aspects with Section 24.1-233.1 of the Code of Virginia (1950), as amended.

  
Thomas K. Norment, Jr., Chairman  
Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 18th day of March, 1991.

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MAR 18 1991

ORDINANCE NO. 131A-4

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 7, GARBAGE AND REFUSE, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE IV. SOLID WASTE RECYCLING REPORT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 7, Garbage and Refuse, is hereby amended and reordained by adding Article IV. Solid Waste Recycling Report, Section 7-24. Purpose, Section 7-25. Definitions, Section 7-26. Annual report, Section 7-27. Contents of annual report, Section 7-28. Volume of weight reported, Section 7-29. Proprietary information, and Section 7-30. Scope.

Chapter 7. Garbage and Refuse

ARTICLE IV. Solid Waste Recycling Report

Section 7-24. Purpose.

The purpose of this Article is the furtherance of solid waste management and the recycling of solid waste in the county as provided for in § 10.1-1411, Code of Virginia, as authorized by § 15.1-11.5:2, Code of Virginia.

Section 7-25. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning respectfully ascribed to them by this section:

Generators. Any entity whose act or process produces solid waste as defined in this section.

**Manage.** To collect, store, treat, transport and dispose of solid waste as defined in this section.

**Reused.** Once having been a waste and being:

- (1) Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
- (2) Employed in a particular function or application as an effective substitute for a commercial product or natural resources.

**Recycling.** The process of separating a given waste material from the waste stream and processing it so that it is used again as a raw material for a product, which may or may not be similar to the original product.

**Solid Waste.** Any garbage, refuse, sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, residential, mining and agricultural operations, or community activities but not including: 1) solid or dissolved material in domestic sewage; 2) solid or dissolved material in irrigation return flows or in industrial discharge which are sources subject to a permit from the State Water Control Board; or 3) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

**Source Reduction.** Any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include among others, process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

#### Section 7-26. Annual Report.

All nonresidential solid waste generators and companies that manage solid waste or recycle materials within the county shall submit an annual report to the County Administrator, on or before March 1, 1992, and every year thereafter.

#### Section 7-27. Contents of Annual Report.

Each annual report required to be submitted hereunder shall be submitted on a form prescribed by the County Administrator and shall include the following information with respect to the reporting party for the period covered by the report:

- (1) The name and address of the reporting party;

- (2) The total quantity of solid waste: a) generated; b) managed; and c) principal and-or supplemental recycling materials, by type, recycled by the reporting party during the past calendar year; and
- (3) The total quantity or volume of solid waste that has been the subject of source reduction or reuse as defined in this Article.

Section 7-28. Volume or Weight Reported.

The report required under this Article shall be based on actual volume or weight. Where actual volume or weight cannot be accurately determined, carefully estimated data may be used. The report shall include a description of the basis for the reported data.

Section 7-29. Proprietary Information.

This Article shall not be construed to require any party to report information of a proprietary nature. Where any party fails to report any information otherwise required under this Article based upon an assertion that such information is of a proprietary nature, the party shall specify in its report the nature of the information withheld and the basis for its determination that such information is of a proprietary nature.

Section 7-30. Scope.

Recycled solid waste included in the report shall include only those solid wastes delivered to market from within the county.

  
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 Thomas K. Norment, Jr.  
 Chairman, Board of Supervisors

ATTEST:

  
 \_\_\_\_\_  
 David B. Norman  
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
this 18th day of March, 1991.