

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF MAY, NINETEEN HUNDRED NINETY-ONE, AT 1:03 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. MINUTES - May 6, 1991

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

Ms. Norment 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).

C. HIGHWAY MATTERS

Mr. Jim Kelley, Assistant Resident Engineer, Virginia Department of Transportation, stated that the traffic engineers reviewed the request for directional turn lanes at the Route 199 and Kingspoint Access Road intersection and determined rephasing of the traffic signal for safety reasons would be the appropriate solution, with work beginning in two to three weeks.

Mr. DePue asked for continued review of road condition for maintenance repairs at the Longhill Road and Centerville Road intersection.

Mr. Norment asked about investigation of possibility of putting a crosswalk on Jamestown Road in the vicinity of the Sovran Bank across to the Colony Square Shopping Center.

D. CONSENT CALENDAR

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

Mr. Edwards asked to remove Items 2 and 4.

Mr. Norment made a motion to approve Items 1, 3 and 5 on the Consent Calendar.

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

1. Desert Storm Homecoming Celebration Day

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

DESERT STORM HOMECOMING CELEBRATION DAY

JULY 4, 1991

WHEREAS, Hampton Roads is home to all branches of the United States Armed Forces; and

WHEREAS, more than 40,000 men and women serving in Operation Desert Storm were from Hampton Roads; and

WHEREAS, these men and women faced extreme peril and hardship to serve our country; and

WHEREAS, the families of these men and women bravely endured separation from their loved ones; and

WHEREAS, the citizens of James City County wish to display their heartfelt appreciation, pride and support to our Armed Forces and their families for their many sacrifices; and

WHEREAS, President Bush has asked every community in this country to make this coming Fourth of July a day of special celebration for our returning troops.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby proclaims July 4, 1991, as

DESERT STORM HOMECOMING CELEBRATION DAY

and pledges its support of a regional effort to honor our Armed Forces and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be duly affixed the Seal of James City County, Virginia, this 20th day of May, 1991.

3. Case No. SUP-7-91. C&P Hut at Lafayette High School

R E S O L U T I O N

CASE NO. SUP-7-91. C&P HUT AT LAFAYETTE HIGH SCHOOL

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 April 9, 1991, unanimously recommended approval of Case No. SUP-7-91 to permit a Fiber Optics Enclosure in the R-3, General Residential district on property identified as Parcel (1-1) on James City County Real Estate Tax Map No. (32-3).

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-7-91 as described herein with the following conditions:

1. If construction has not commenced on this project within 18 months from the date of issuance of this special use permit, it shall become void.
2. The structure shall be located no closer than 15 feet to the side and rear property lines. These areas shall be landscaped in accordance with the provisions of the landscaping sections of the Zoning Ordinance.
3. All drives and parking areas shall be graveled.
4. The proposed structure shall be set back a minimum of 50 feet from Longhill Road. This setback shall remain undisturbed except for necessary driveways and utilities and contain enhanced landscaping in excess of the requirements of the Zoning Ordinance as approved by the Planning Director.
5. No access points to the site shall be permitted from Longhill Road.

5. VPSA School Bonds

2. Busch Pipeline Roller Coaster Height Limitation Waiver

Mr. Edwards stated that staff had checked the height limitation with Busch Gardens and Colonial Williamsburg personnel. He encouraged staff to exclude items from the Consent Calendar that affect the public's interest, and made a motion to approve the resolution with conditions listed.

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

BUSCH GARDENS HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a height limitation waiver for structures; and

WHEREAS, the applicant has requested a height limitation waiver to permit a pipeline roller coaster on the Busch Gardens site on property identified as Parcel (1-8) on James City County Real Estate Tax Map No. (51-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a height limitation waiver as described herein with the following condition.

1. The proposed pipeline roller coaster shall not exceed a height of 150 feet above finished grade.
2. The sight line buffer shown on the site plan prepared by Langley and McDonald and dated May 13, 1991, shall be retained in its natural state to act as a screen between the pipeline roller coaster and Pocahontas Trail. If the owner of the property proposes to develop the sight line buffer shown on the site plan, an alternative equivalent screen approved by the Development Review Committee shall be provided by the property owner.

4. Virginia Retirement System Early Retirement

Mr. Edwards stated that the early retirement program had been thoroughly examined and a limited number of employees would be taking advantage of the early retirement. He made a motion to approve the 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

ADOPTION OF VIRGINIA RETIREMENT SYSTEM (VRS) EARLY RETIREMENT

PROGRAM

WHEREAS, the State has made available to Political Subdivisions through the Virginia Retirement System (VRS) an optional early retirement window; and

WHEREAS, election of this option would benefit certain long-term employees by allowing them to retire at an earlier date with enhanced benefits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby elect to provide the Early Retirement Program approved by the 1991 Session of the General Assembly and the Governor to its eligible employees.

BE IT ALSO RESOLVED that the Board of Supervisors of James City County, Virginia, agrees to accept all liability for any current or future additional employer contributions and any increases in current or future employer contribution rates resulting from its election to provide the benefits of the Program to its employees.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, elects to allow its eligible employees to apply for benefits under the Program between June 1, 1991, through September 1, 1991.

NOW, THEREFORE, Thomas K. Norment, Chairman of the James City County Board of Supervisors, and David B. Norman, Clerk of the James City County Board of Supervisors, are hereby authorized and directed in the name of the James City County Board of Supervisors to execute any required contract in order that eligible employees of James City County may participate in the Early Retirement Program as provided for in the Code of Virginia. In execution of any contract which may be required, the seal of James City County shall be affixed and attested by the Clerk, and said officers of James City County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by James City County for this purpose.

Effective Date: May 20, 1991.

E. PUBLIC HEARINGS

1. Case No. SUP-14-91. David W. Brown

Mr. Allen J. Murphy, Jr., Principal Planner, stated that Mr. David W. Brown had submitted an application for a special use permit to allow the placement of a temporary manufactured home, to be used as a dwelling while Mr. Brown builds a new dwelling, on 160 acres, zoned A-1, located at 1502 Bush Neck Road, further identified as Parcel (1-2) on James City County Real Estate Tax Map No. (34-1).

Staff recommended approval with conditions listed in the resolution.

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

Mr. DePue 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-14-91. David W. Brown

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Special Use Permit be granted for the placement of a temporary manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	David W. Brown
Real Estate Tax Map ID:	(34-1)
Parcel No.:	(1-2)
Address:	1502 Bush Neck Road
District:	Powhatan
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. 3. This permit shall be valid for a period of three (3) years from the date of issuance or until the proposed dwelling has received a permanent certificate of occupancy, whichever comes first. 4. Within twenty-four (24) months from the date of issuance of this permit, the proposed home shall

have passed a framing inspection conducted by the Department of Code Compliance. Failure to pass this inspection shall void this permit.

2. Case No. SUP-49-90. Williamsburg Crossing

Mr. R. Patrick Friel, Senior Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of University Square Associates for a special use permit to allow the construction of approximately 446,213 square feet of commercial/office development on approximately 57.7 acres, zoned B-1, located southwest of the intersection of Route 5 and Route 199, further identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-) and Parcels (15-2) and (15-3) on James City County Real Estate Tax Map No. (47-2).

Staff recommended approval of the special use permit to 657,390 square feet of development, which would meet the acceptable level of service for the roadway network.

The Planning Commission by a vote of 9-2 recommended approval of the special use permit with conditions listed in the resolution.

Board questions clarified were: 1) the crossover would be at Ferncliff Drive and Kings Way; and, 2) left turns would be allowed from Stanley Drive onto Route 199, dependent upon traffic level. Applicant had suggested an access point on Route 199 at some future date.

Mr. Norment opened the public hearing.

1. Mr. Calvin Davis, partner in University Square Associates, stated that the Virginia Department of Transportation determined the main entrance to Williamsburg Crossing Shopping Center would be located at King's Way because of the design of Route 199 and Route 5 intersection. Mr. Davis apologized to residents of Canterbury Hills for the relocation of the Shopping Center entrance.

2. Vernon Geddy, III, Esq., stated that the development was at the intersection of two major highways, at the center of the County population and convenient for residents. He stated the applicant agreed with conditions proposed by staff and the Planning Commission. He further stated the development would be used by local citizens and would bring increased tax revenue to the County.

3. Mr. Bill Cashman, Transportation Planner, Langley and MacDonald, indicated there were potential solutions to the concern of difficulty of making left turns onto Route 5 from Stanley Drive at peak hours.

Discussion of recommendation exceeding requirements of the Landscape Ordinance and installation of traffic signal at King's Way when relocation of Route 199 was finished ensued.

4. Mr. Gene Sears, 118 Ferncliff Drive, expressed his concern about diversion of traffic from neighboring subdivisions to Ferncliff Drive where a traffic signal will allow movement onto Route 5. He emphasized that their property values would be lower, and suggested that a solution might be to straighten Stanley Drive at Route 5 by following the original roadway bed.

5. Mr. Thomas Mansfield, 110 Hermitage Road, distributed a paper and read the several alternative suggestions for rerouting Stanley Drive and Mill Creek Landing traffic.

6. Mr. Alvin Belanger, 107 Hermitage Road, suggested traffic stopping before Stanley Drive eastbound and before Ferncliff Drive westbound.

7. Mr. George F. Wright, 148 Cooley Road, asked that the current shopping center entrance be maintained and that trees be preserved and protected by the 150-foot greenbelt policy along the right-of-ways of both Route 199 and Route 5.

8. Ms. Ruth Mullaney, 129 Ferncliff Drive, asked for more information in regard to perhaps placing the shopping center entrance on Carolina Boulevard.

Staff's response to Ms. Mullaney's inquiry was that there was a site distance issue at Carolina Boulevard because of the curve in the road.

Mr. Edwards made a motion to postpone the case for additional information on whether Virginia Department of Transportation would permit current entrance of Williamsburg Crossing Center to be included in realignment of Route 5; rationale for realignment of Route 5 when Route 199 is constructed; and, a brief presentation at a future meeting regarding why Alternate 1A was agreed upon with VDOT.

The Board expressed agreement with Mr. Edwards' request.

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

Mr. Norment continued the public hearing until the June 3, 1991 Board of Supervisors' meeting.

F. BOARD CONSIDERATIONS

1. Land Disturbance Permit Fees

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated that the recently conducted user fee study showed that the current fee was reasonable but the maximum cap of \$300 prevented recovery of the Erosion and Sedimentation Control program's costs.

Staff recommended approval to keep the remaining rate structure and increase the maximum cap to \$1,000 as listed in the resolution.

Mr. Edwards made a motion to approve the 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

EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEE

WHEREAS, the General Assembly amended Section 10.1-563 of the Code of Virginia, 1950, as amended, to provide for the collection of Erosion and Sedimentation Control plan review and inspection fees in amounts up to \$1,000; and

WHEREAS, it is the intent of James City County that the County's Erosion and Sedimentation Control Program be funded by revenues from fees charged to persons who undertake land disturbing activities; and

WHEREAS, the funds received from a plan review and inspection fee will be used to fund the Erosion and Sedimentation Control Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That pursuant to Section 10.1-563 of the Code of Virginia, 1950, as amended, an Erosion and Sedimentation Control plan review and inspection fee of twenty-five dollars per dwelling unit of residential development and three hundred dollars per acre of disturbed property for other developments up to a maximum fee of \$1,000 per project shall be charged for the review and subsequent inspection of Erosion and Sedimentation Control plans. The fee for development plans shall be prorated. Such fees shall be paid prior to issuance of any land disturbance permit.

2. FY 1992 Floater Holiday

Ms. Carol M. Luckam, Manager of Personnel, stated that the FY 1992 budget did not contain a general market adjustment or merit increase for County employees. Ms. Luckam noted the proposed floater holiday, restricted to FY 1992, would recognize outstanding service by County employees, with no additional appropriation needed to implement.

Staff recommended approval of the resolution.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTIONESTABLISHMENT OF A FLOATER HOLIDAY FOR FISCAL YEAR 1992

WHEREAS, despite regional and State economic difficulties, the County was able to recommend a budget that fully funded the School Division request and did not include a tax increase; and

WHEREAS, this was accomplished in part by not providing a general market salary adjustment or merit increase for County employees; and

WHEREAS, County employees deliver excellent customer service and with the expectation that they will continue to do so in FY 1992.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, in recognition of the employees' efforts and sacrifice, does grant to every employee in a permanent or limited-term position a "Floater Holiday" to be used in FY 1992.

BE IT FURTHER RESOLVED that the holiday shall be in the amount of hours of the employee's monthly sick leave accrual rate, and shall be used in FY 1992 or forfeited.

3. Livestock Claim - John R. Leonard

Ms. Shirley Land, Animal Control Warden, stated that verification for five destroyed pigs owned by Mr. Keith Nunn and Mr. John R. Leonard had been prepared. Staff recommended approval of the resolution.

The Board questioned actual number of carcasses and condition of area where carcasses were located, and granted an audience to the claimant.

Mr. John R. Leonard, P. O. Box 174, Toano, stated that 36 pigs had been killed and that he had asked the Animal Control Officer to return to his farm after the water-filled pit where the carcasses were had dried out. He asked that the Board approve payment for 36 pigs even though the Animal Control Officer had not verified that number.

Board discussion ensued that Mr. Leonard could file an additional claim if verification of a larger number of carcasses was determined.

Ms. Knudson made a motion to approve the resolution.

Mr. Taylor made an amendment to the motion that the Board of Supervisors compensate Mr. Leonard for a total of 10 pigs.

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

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

R E S O L U T I O NLIVESTOCK CLAIM

WHEREAS, Mr. John R. Leonard filed a Livestock Claim dated March 14, 1991, alleging the loss of 36 pigs; and

WHEREAS, the Animal Control Warden has investigated the claim and has verified the loss of five pigs; and

WHEREAS, the value of livestock destroyed and verified by the Animal Control Warden is estimated to be as follows:

1. Three 40-pound pigs (\$1.35 per lb.)	\$ 162.00
2. One 30-pound pig (\$1.35 per lb.)	40.50
3. One 20-pound pig (\$1.35 per lb.)	<u>27.00</u>
	<u>\$ 229.50</u>

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the payment of \$229.50 to Mr. John R. Leonard for livestock destroyed.

G. PUBLIC COMMENT

1. Ms. Carolyn Wood, 129 W. Kingswood Drive, spoke in opposition to the updated Comprehensive Plan and stated the Plan should be reconsidered, particularly rural residential at the major interchange at Croaker Road and Interstate 64. She commented about County employees' attitude and decisions made by staff, Steering Committee and Planning Commission.

2. Mr. Charlie Crawford, Ioano, spoke in opposition to the changes in the Comprehensive Plan and asked that additional time be spent before approval of those changes.

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, and to consult with County Attorney on a matter involving Section 2.1-344(A)(7) litigation.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue expressed his acceptance of the sincerity of comments made on the Comprehensive Plan and emphasized that the Board decision would be after careful consideration and for the good of all the County.

Ms. Knudson thanked staff for preparing the informative brochures explaining sign permit, building permit, special use permit and subdivision procedures.

Mr. Norment noted Mr. Marvin Sowers' and Mr. William Brown's report in the Reading File regarding the minimum impact over the past year of the enactment of Ordinance Amendments for A-1 rezoning and Special Use Permit applications.

Mr. Edwards asked whether staff had reviewed the mandate relief provisions for a one-year period issued by the Governor.

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the County had not developed the model of fiscal stress required to pursue mandate relief, but would continue to review. It appeared unlikely that James City County would qualify under the fiscally stressed guidelines of the relief provisions.

Mr. Norment responded to Ms. Carolyn Woods' remarks by stating that staff was sensitive to citizens' comments whether in agreement or disagreement.

Mr. Norment made a motion to recess for a James City Service Authority meeting at 3:17 p.m.

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

Mr. Norment reconvened the Board into a Comprehensive Plan work session at 3:30 p.m.

Donald E. Davis, Principal Planner, led a staff presentation on the strategies of the draft Comprehensive Plan Update. Economics, Public Facilities, Recreation, Housing, and Environment were presented. Board discussion and comments followed.

Mr. Norment made a motion to convene into executive session as recommended above by the County Administrator at 5:20 p.m.

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

Ms. Knudson made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

R E S O L U T I O N

MEETING DATE: May 20, 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 appoint 22 citizens to the 1991 James City County Fair Advisory Committee as follows:

Sylvia Bonner, Andy Bradshaw, Nancy Bradshaw, Richard Bradshaw, Jimmy Bradsher, Audrey Branch, Hammond Branch, Bob Bush, Mary Davis, Loretta Garrett, Liz Johnson, Katie Jones, Betty Pettengill, Jim Robertson, Andrew Rutherford, Sr., Vicki Sprigg, Edythe Stewart, Fred Toepke, Hank Tyssen, and as Advisors - Marcia Meador, Edward Overton, and Shirley Willis, and County Liaison - Sanford Wanner.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

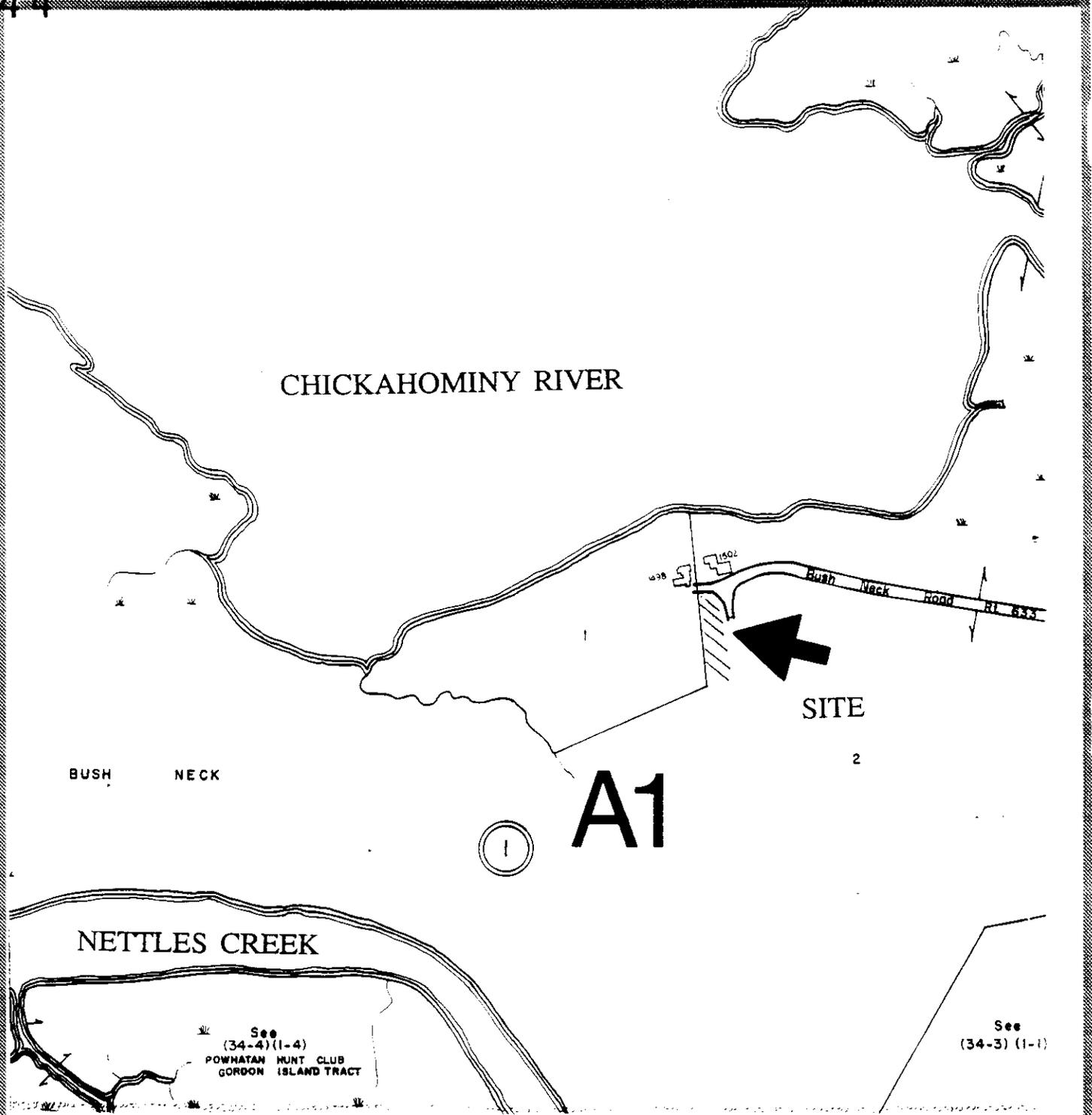
Mr. Norment made a motion to recess until Tuesday, May 21, 1991, at 4:00 p.m.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

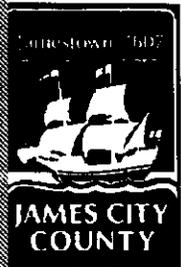
The Board recessed at 5:45 p.m.



David B. Norman
Clerk to the Board



SCALE 1"=400 Feet



Case No: SUP-14-91
 Name : David W. Brown



PLANNING DIVISION