

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 5TH DAY OF OCTOBER, NINETEEN HUNDRED NINETY-TWO, AT 7:05 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 District  
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. PRESENTATION - James River Certified Development Corporation,  
Frederick Minton

Mr. David B. Norman, County Administrator, introduced Keith A. Taylor, Economic Development Director, who briefly described the function of the James River Certified Development Corporation and introduced Mr. Frederick Minton.

Mr. Frederick Minton, Executive Director, stated the Corporation assisted small businesses by providing 40 percent of funding for expansion of operations.

Mr. Minton presented the Board of Supervisors with a dividend check for \$2,600 from surplus year-end funds.

Mr. Edwards thanked Mr. Minton for the presentation.

C. MINUTES - September 21, 1992

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

Mr. Sisk asked that a correction be made on page 1 to the name under Highway Matters.

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

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

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Sheldon Franck, member of Anderson, Franck and Davis, representative for the applicant, was available for questions.

Mr. Edwards closed the public hearing.

Mr. Sisk 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

#### CASE NO. SUP-22-92. DIAMOND HEALTH CARE - WILLIAMSBURG PLACE

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 September 14, 1992, unanimously recommended approval of Case No. SUP-22-92 to permit a 12-bed psychiatric unit and accessory outpatient facilities in the M-1, Limited Business-Industrial District, on property identified as Parcel (1-11B) on James City County Real Estate Tax Map No. (33-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit Case No. SUP-22-92 as described herein with the following conditions:

1. Upon the issuance of any required Certificate of Need from the Commissioner of Health of the Commonwealth of Virginia, the project shall be permitted to add a 12-bed psychiatric unit and/or accessory outpatient facilities. If a Certificate of Need is not issued within 24 months from the date of issuance of this permit, this expansion shall not be permitted.
2. This special use permit shall remain in effect for a period of 12 months from the date of issuance of the Certificate of Need. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.

3. This special use permit shall remain in effect for a period of 24 months from the date of issuance for the outpatient facilities. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.

2. James River Commerce Steering Committee Recommendations/Property Transfer to Industrial Development Authority

Mr. Norman stated the property exchange agreement with Colonial Williamsburg brought about this transfer, which would create an industrial park for economic development.

Mr. Taylor stated that the property transfer, with the James River Commerce Center Steering Committee recommendations listed in the resolution, would make the County competitive with neighboring jurisdictions. Mr. Taylor also recommended that a Board member be designated as liaison to the James River Commerce Center.

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

Mr. DePue made a motion to approve the resolution.

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

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

### JAMES RIVER COMMERCE CENTER

#### STEERING COMMITTEE RECOMMENDATIONS

WHEREAS, the Board of Supervisors (the Board) created in January of 1992 the James River Commerce Center Steering Committee (the Committee) to investigate certain operational and administrative aspects of the County-owned portion of the James River Commerce Center (the Center) and to develop administrative guidelines for the Center and further directed the Committee to report its recommendations to the Board; and

WHEREAS, the Committee has completed its investigation and has at this date reported its recommendations to the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby: 1) accepts the recommendations of the Committee; 2) authorizes Jack D. Edwards, Chairman of the Board, to execute the Deed necessary to transfer ownership of the County-owned portion of the Center to the Industrial Development Authority of James City County, Virginia (the Authority); 3) empowers the

Authority to act as its designee to work with Williamsburg Developments, Inc., on the development and marketing of the Center; and, 4) instructs the Authority to use the attached Guidelines in its marketing of the Authority-owned portion of the Center.

BE IT FURTHER RESOLVED that the Board hereby instructs the Authority to create a special Economic Development Fund (the Fund) into which all sales or lease proceeds from the Authority-owned portion of the Center will be deposited; said Fund is to be used exclusively for economic development purposes by the Authority, and any and all expenditures from the Fund must be approved by the Board in advance.

Mr. Sisk nominated Mr. DePue as Board of Supervisors liaison to the James River Commerce Center.

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

#### F. BOARD CONSIDERATIONS

##### 1. Treyburn Avenue Extension Public Input

Mr. John T. P. Horne, Manager, Development Management, stated that the City of Williamsburg had asked for an official position from the Board of Supervisors regarding the Treyburn Avenue Extension.

Mr. Horne commented that a public input session had been advertised and a resolution presented for approval should the Board desire to endorse an official position.

The Board and staff discussed possible future improvements to the Strawberry Plains/Ironbound intersection and the Ironbound/Monticello intersection.

Mr. Edwards invited persons in the audience to participate in the public input session.

1. Mr. William P. Braidwood, President, Residents' Council of Chambrel, stated that the extension of Treyburn Avenue was a safety concern to 250 Chambrel residents for the reason that the proposed road, at a 45 degree angle, would create a blind spot at the entrance to Chambrel. He asked that consideration be given to installation of two stoplights: one located at the intersection of Treyburn Avenue and Monticello, and another near the entrance of Chambrel.

2. Mr. Harley R. Climpson, member of the Residents' Council, mentioned another concern regarding emergency traffic to and from Williamsburg Community Hospital. He asked that consideration be given to closing the entrance and making an alternative entrance on the northwest side of Chambrel should the Treyburn Avenue extension be approved.

By consensus, the Board agreed that endorsement of the road would be premature; therefore, no action would be taken.

Mr. Edwards asked Mr. Braidwood if no Board action would be satisfactory with the Chambrel residents.

Mr. Braidwood agreed to that statement.

Mr. Norman stated that staff would prepare a letter and inform the City of Williamsburg of the residents' comments.

Mr. Taylor suggested that impact of the request of an alternative road be included for consideration if the issue was brought back to the Board of Supervisors in the future.

2. Case No. CP-1-92. Comprehensive Plan Amendments

Case No. CP-1-92. Comprehensive Land Use Map Amendment Applications

Mr. Donald E. Davis, Principal Planner, stated that proposed text amendments to Public Facilities and Service Standards, 1992 Master Water and Sewer Plans, Natural Areas Inventory, Chesapeake Bay, Roadway Classification System, Roadways, Mixed Use Land Use Definition, Borrow Pits and Greenbelt Policy were part of the Comprehensive Plan 1992 annual review process.

Mr. Davis stated that three applications had been received from citizens requesting redesignation of their land: Case No. CPA-1-92. Stanley E. Akins and Charles D. Crawford; Case No. CPA-3-92. Joseph S. Terrell and Dr. B. I. Bell; and, Case No. CPA-4-92. T. R. Vermillion.

Mr. Davis stated that three additional Comprehensive Plan Amendments were referred to the Planning Commission: revisions to text referencing access to Route 199; revisions to the Land Use Map description for the Williamsburg-Jamestown airport; and, addition of six parcels of land to the Warhill Mixed Use Area of the Land Use Plan Map, located in an area generally bounded by Mooretown Road, Richmond Road and the proposed Route 199 Overpass of Richmond Road.

Staff continued to recommend approval of the nine text amendments to the 1991 Comprehensive Plan as listed in the resolution, and denial of the three applications for Land Use Plan Map designation changes for the following reasons: 1) No fundamental change of condition or error has been adequately documented on or in the vicinity of any of the properties listed since adoption of the Comprehensive Plan on August 26, 1991; and, 2) No fundamental change has occurred within the County in the past year which necessitates redesignation of the property.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTIONCASE NO. CP-1-92FIRST ANNUAL REVIEW OF THE 1991 COMPREHENSIVE PLAN

WHEREAS, the Code of Virginia Title 15.1, Chapter 11, Section 15.1-454 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and

WHEREAS, the James City County Board of Supervisors and Planning Commission have determined, as part of the 1991 Comprehensive Plan Update process, that a review of the Comprehensive Plan should be conducted each year and that a major update should be conducted every fifth year; and

WHEREAS, the James City County Board of Supervisors and Planning Commission approved a methodology to conduct an annual review of the Comprehensive Plan that focused on continued citizen input; and

WHEREAS, two citizen input meetings were held on June 30, 1992, and July 7, 1992, at Norge Elementary School and Clara Byrd Baker Elementary School respectively; and

WHEREAS, following a public hearing on August 11, 1992, the Planning Commission recommended approval of certain amendments to the 1991 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts amendments to the 1991 Comprehensive Plan as follows:

1. Addition of public facilities and service standards intended to aid in determining the number and type of public facilities necessary in the coming years.
2. Incorporation of Master Water and Sewer Plans.
3. Revised Natural Areas Inventory text that notes completion of the inventory and the expectation of the development of detailed management recommendations by the State Division of Natural Heritage.
4. Textual amendments to the local implementation of the Chesapeake Bay Act that notes successful Comprehensive Plan review by the Chesapeake Bay Local Assistance Department (CBLAD), the inclusion of text in the Development Standards section addressing the appropriate location and size of boat mooring facilities, the inclusion of specific siting criteria for boat mooring facilities in the Technical Report of the Comprehensive Plan and plans to include additional Comprehensive Plan text in future annual reviews based on existing and future comments on the Comprehensive Plan by CBLAD.

5. Addition of a Roadway Classification System to establish planning and design standards for future County road improvements.
6. Textual revisions to proposed road improvements that include Route 5, the Route 5 alternate, the Grove Interchange, and the Route 60 East realignment.
7. Revised Mixed Use description that recommends an upper cap of eighteen dwelling units per acre for Mixed-Use areas.
8. Addition of text addressing borrow pits in the Development Standards section that discusses the location of such industrial uses.
9. Revised Greenbelt Policy in the Appendix that addresses golf courses, appropriate site design, and landscaping techniques.

Mr. Edwards made a motion to accept the Planning Commission's recommendation of denial of Case No. CPA-3-92. Terrell/Bell property, and Case No. CPA-4-92. Vermillion property.

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

Without objection, Mr. Edwards granted an audience to Stanley Akins and Charles Crawford, Case No. CPA-1-92.

Mr. Stanley Akins and Mr. Charles Crawford requested a redesignation of 10 acres of property located on Route 30 from Low Density Residential to Commercial. He emphasized that the request was for improvement to an existing business and the 4-lane highway would handle volume of traffic. Mr. Akins and Mr. Crawford expressed frustration of not having the same land use designation as an approved large development located across the highway from their property.

Ms. Knudson made a motion to accept the Planning Commission recommendation of denial of Case No. CPA-1-92.

Mr. Martin Garrett, Planning Commission member, stated that the Planning Commission recommended denial for the reason that public sewer and water are unavailable, but preparation for construction of the large development across the highway would provide the infrastructure.

After Board discussion, Mr. Edwards asked whether action should be deferred until staff can prepare a report on impact to County if land use designation was changed for one individual request.

The Board agreed.

Ms. Knudson withdrew the motion.

Mr. Edwards declared the items from the Planning Commission would be placed on the agenda of the November 2, 1992, Board of Supervisors' meeting.

## G. PUBLIC COMMENT

1. Ms. Sue Dugger, resident of Season's Trace, spoke in opposition to the construction of houses by Mr. Nicholson in Wood Duck Commons and asked for Board support to maintain property values in the Season's Trace subdivision.

2. Ms. Linda Tiexiera, Wood Duck Commons, spoke of her concerns regarding subsidized houses and private streets. She expressed concern that buyers might not be financially able to provide support. Ms. Tiexiera asked that another entrance road, or cul-de-sac, be provided for the new houses.

3. Mr. Peter VanBergen, Season's Trace, requested assistance for the homeowners who share responsibility for maintenance of the roads and the open areas.

4. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of not issuing building permits to contractors who have unpaid taxes, and not responding to public service calls for persons who have unpaid taxes.

## H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman recommended that the Board go into executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia to consider the acquisition of publicly held property.

## I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue requested a report on the County's role in subsidized and affordable housing in Season's Trace subdivision.

Mr. Edwards contradicted the newspaper's version of his statement made about the employees of the Code Compliance Division at the work session with the Task Force for County Financial Planning on September 21, 1992.

Board members expressed agreement with Mr. Edwards' rebuttal.

Mr. DePue indicated that he was concerned with workload indicators and not personal performance regarding employees of Code Compliance Division.

Mr. Edwards made a motion to go into executive session as recommended by the County Administrator, at 9:07 p.m.

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

Mr. Edwards reconvened the Board into open session and 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).

RESOLUTION

MEETING DATE: October 5, 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

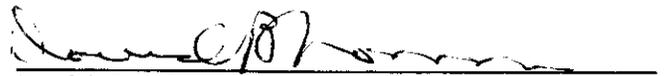
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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.

Mr. Taylor made a motion to recess.

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

The Board recessed until October 8, 1992, 7:00 p.m., Williamsburg Regional Library, for a joint meeting with the Williamsburg City Council and Williamsburg-James City County School Board, at 9:38 p.m.

  
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David B. Norman  
Clerk to the Board

D. CONSENT CALENDAR

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

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. Relocation of Saddletown Road Power Facilities

R E S O L U T I O N

SADDLETOWN ROAD POWER FACILITIES

WHEREAS, improvements to Saddletown Road are scheduled under the County Dirt Street Program; and

WHEREAS, certain Virginia Power Company facilities require relocation to accommodate the planned road improvements; and

WHEREAS, the County desires the Virginia Power Company facilities to be relocated within the Saddletown Road right-of-way; and

WHEREAS, the Virginia Power Company requires the County to accept financial responsibility for any future power facility relocations within the Saddletown Road right-of-way which may be required for future road improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it does hereby accept financial responsibility for any Virginia Power Company power facility relocations which may be required within the right-of-way of Saddletown Road due to future road improvements and hereby authorizes the County Administrator to execute a letter to Virginia Power Company confirming the assumption of said financial responsibility.

E. PUBLIC HEARINGS

1. Case No. SUP-22-92. Diamond Health Care - Williamsburg Place

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Alvin Anderson, Esq., had applied on behalf of Diamond Health Care of Williamsburg for a special use permit to add a 12-bed psychiatric unit and accessory outpatient facilities to the existing 40-bed residential alcohol treatment center, zoned M-1, Limited Business-Industrial, located on the west side of Mooretown Road about 400 feet north of the intersection of Mooretown Road and Airport Road, further identified as Parcel (1-11B) on James City Real Estate Tax Map No. (33-3).