

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF APRIL, NINETEEN HUNDRED NINETY-THREE, AT 7:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Leo P. Rogers, Assistant County Attorney

Ms. Knudson extended a hearty welcome back to Supervisor Taylor.

B. PRESENTATION

1. Resolution of Appreciation, Eula W. Radcliffe

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION OF APPRECIATION

WHEREAS, Mrs. Eula Wynn Radcliffe was appointed by the Ninth Judicial Circuit Court Judges to the James City County Electoral Board, effective February 1, 1983, to fill an unexpired term; and

WHEREAS, Mrs. Radcliffe was subsequently reappointed to the Electoral Board for several terms thereafter, until her retirement February 28, 1993; and

WHEREAS, during her tenure, Mrs. Radcliffe performed the responsibilities of Chairman, Vice Chairman, and Secretary; supervised the preelection setup of all voting machines; trained Officers of Election; and, assisted thousands of citizens who applied for absentee ballots; and

WHEREAS, Mrs. Radcliffe served as the primary County minority leader with the United States Justice Department, Civil Rights Division, and provided invaluable support for each electoral change the County submitted to the United States Attorney General under Section 5, Voting Rights Act, as amended; and

WHEREAS, Mrs. Radcliffe provided guidance and encouragement to the General Registrar, enabling the County to achieve a level of registered voters far above the national average.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby expresses its gratitude, on behalf of the residents of the County for Mrs. Radcliffe's outstanding stewardship in preserving the integrity of the County's electoral process.

Ms. Knudson read and presented the resolution to Mrs. Eula Radcliffe on her retirement after ten years on the Electoral Board.

Mrs. Radcliffe thanked the Board.

Ms. Knudson informed the audience that the applicant for the Williamsburg Crossing Master Plan Amendment public hearing had asked for deferral of Case Nos. Z-7-92 and SUP-32-92.

C. MINUTES - April 5, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the minutes with an amended attendance on a roll call vote on page 10.

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, was present.

Mr. Sisk requested replacement of letter "N" in "Newport News" on green directional sign on South Henry Street at Route 199, and installation of turning vehicle sign on Strawberry Plains Road at curve near Farmer's Market.

Mr. DePue asked if the Brick Bat Road issue had been resolved.

Mr. Elliott responded that agreement was reached in that Virginia Department of Transportation abilities would not help the situation.

Ms. Knudson reported constituents' concerns of serious flooding on Magruder Lane and that the pothole repairs at the Kingspoint subdivision entrance were unattractive.

Ms. Knudson also asked that a dead-end sign be installed on Lake Powell Road near Treasure Island Road, and requested a review for a 4-way stop at the Lake Powell Road and Brookwood Drive intersection.

Mr. Elliott responded that he would review the requests.

E. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the Consent Calendar.

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

1. National Volunteer Week, April 18 - 24, 1993

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

WHEREAS, in the proud tradition of our rich heritage, Virginia's volunteers continue to be our most valuable resource; and

WHEREAS, volunteering is an undisputed part of the essence of our country and is essential to its social and civic life; and

WHEREAS, the partnership of individuals, the public sector and the private sector is the most efficient and effective atmosphere for the development of volunteer resources to address the needs of the community and delivery of services; and

WHEREAS, citizen participation cannot be measured in dollars or in numbers, that only those who have been helped can describe the influence volunteers have had on their lives; and

WHEREAS, the citizens of James City County are deserving of recognition for their commitment and hard work in improving the quality of life for all James City County residents by providing services that might otherwise not be provided.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors, James City County, Virginia, hereby designates the week of April 18 - 24, 1993, as Volunteer Appreciation Week and calls its significance to all of our citizens.

2. Job Training Services Private Industry Council Appointments

R E S O L U T I O N

APPOINTMENTS TO THE GREATER PENINSULA PRIVATE INDUSTRY COUNCIL

WHEREAS, the James City County Board of Supervisors has the responsibility of recommending appointees to the Governor's Employment and Training Department to fill at-large vacancies on the Greater Peninsula Private Industry Council; and

WHEREAS, the James City County Board of Supervisors has received recommendations for appointments from, as required by the Governor's Employment and Training Department's regulations establishing the appointment of members to the Private Industry Council; and

WHEREAS, the James City County Board of Supervisors has received a recommendation for reappointment, as required by the Governor's Employment and Training Department's regulations establishing the appointment of members to the Private Industry Council.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following appointments and reappointments be made to the Greater Peninsula Private Industry Council:

<u>NAME</u>	<u>SECTOR REPRESENTING</u>	<u>TERM OF APPOINTMENT</u>
Dan Shellabarger Warwick Educational Systems, Inc.	Private, Newport News	2 Years
Dr. W. O. Lawton Lawton's Travel Services, Inc.	Private, Hampton	2 Years
Gwen Chappell Crestar Bank	Private, York	2 Years
Robert L. Williams R. L. Williams Builder, Inc.	Private, Poquoson	2 Years
Jay H. Everson Kentucky Fried Chicken	Private, Williamsburg	2 Years
William Forrest, Jr. Pompei Tile Co., Inc.	Private, At-large	2 Years
Marion E. Vaughn Newport News Shipbuilding	Private, At-large	2 Years
Nancy M. Robinson Virginia School of Hair Design	Private, At-large	2 Years
Faye C. Webb Peninsula Family Services, Inc.	Community-based, At-large	2 Years
Dorothy L. Roseboro Peninsula Agency on Aging Board	Community-based	2 Years
Dr. Anthony R. Santoro Christopher Newport University	Education, Post-secondary	2 Years
Michael Scione Virginia Department of Rehabilitative Services	Rehabilitation	2 Years
Keith A. Norden Virginia Peninsula Economic Development Council	Economic Development	2 Years

William Farinholt Peninsula Trust Bank	Private, Gloucester	1 Year (reappointment)
Robert Ware Virginia Power	Private, James City County	1 Year (reappointment)
Ansel J. Butterfield Bionetics Corporation	Private, At-large	1 Year (reappointment)
Robert B. Suber Hampton City Schools	Education, Secondary Schools	1 Year (reappointment)
Howard E. Griffith Virginia Peninsula Central Labor Council/AFL-CIO	Labor	1 Year (reappointment)
Frank Edger Eastern Region, Virginia Employment Commission	Public Employment Services	1 Year (reappointment)
Jerry Parrish Newport News Department of Social Services	Social Services	1 Year (reappointment)

NOW, THEREFORE, BE IT FURTHER RESOLVED that these appointments be effective commencing with the date of approval from the Governor's Employment and Training Department.

F. PUBLIC HEARINGS

1. Proposed FY 94 Budget

Mr. John E. McDonald, Manager of Financial and Management Services, briefly highlighted the revenues, expenditures and highest priority capital improvement projects. He noted upcoming scheduled budget work sessions and invited public comments.

Ms. Knudson opened the public hearing.

1. Mr. Robert Hampel, 12 Hampton Key, President of the Animal Shelter Association of Williamsburg, spoke at length requesting financial support for the animal shelter, which would be located in close proximity and handle a percentage of stray animals in the County. He stated that the Board of Directors would include a professional medical director, and introduced Dr. Meryl P. Lessinger-Bely.

2. Dr. Meryl P. Lessinger-Bely, Animal Clinic of Williamsburg, spoke of community problems caused by stray animals, expressed support of the veterinarian profession for success of the animal shelter and asked that the Board consider County financial support.

3. Ms. Jane Carroll, 2894 John Tyler Highway, spoke in support of the animal shelter so County residents would have a nearby facility.

4. Mr. Bob Hershberger, Executive Vice President, Williamsburg Area Chamber of Commerce, spoke of current advertisement programs for the area.
5. Mr. Dave Schulte, Executive Director, Williamsburg Area Convention and Tourism Bureau, gave a brief description of marketing studies and asked for continued participation and support from the County.
6. Ms. Helene Ward, Clerk of Circuit Court, asked for reinstatement of a part-time position to her operating budget.
7. Ms. Corinne Garland, 116 Crownpoint, Child Development Resources, requested support of a new facility with space for programs that provide services to children with special needs.
8. Ms. Robin Farr, 3522 Mott Lane, presented a community petition, and spoke in support of funding for Mid-County Park and the construction of a playground at that site.
9. Ms. Eleanor Davidson, 211 Burns Lane, Court Appointed Special Advocate program, explained organization's accountability to the Juvenile and Domestic Court Judge and stated she wished to speak at the upcoming appropriate work session.
10. Mr. Monty McCarty, 2732 Persimmon Place, asked the Board for local support so that the CASA program would qualify for State funds, and described work done by the administrator and volunteers.
11. Ms. Judy Conti, William and Mary Law student, stated CASA was a worthwhile program by which the volunteers give children a voice in court.
12. Mr. Don Eide, 122 Dover Road, spoke in favor of Board funding for the CASA program.
13. Mr. Doug May, 4417 Powhatan Crossing, spoke in favor of real estate tax increase in order to fully fund schools.
14. Mr. Gilbert Bartlett, 211 Southpoint, expressed that the members of the Task Force for County Financial Planning were heartened by the budget proposal, including public private partnerships and economic development. He also asked the Board to indicate its support of excellence in education by fully funding the school budget request.
15. Mr. Brett Laney, William and Mary Law student, spoke in favor of the CASA volunteer program which allowed individual attention to each case and child.
16. Mr. Ed Oyer, 139 Indian Circle, stated the limit on Federal, State, and local taxes had been reached; he recommended no increase in recreation or personnel expenditures, and reiterated that funding was not the answer to better education.
17. Ms. Linda Sidebottom, 164 Winston Drive, Matthew Whaley Elementary School, invited the Board members to visit the classroom and support the school division children by fully funding the school budget.
18. Ms. Linda Meador, 2523 Manion Drive, spoke in favor of fully funding the school budget.

19. Mr. Jim Dorsey, 105 Glenwood Drive, spoke in favor of approval of a position for staff archaeologist to expedite approval process of development sites.

20. Ms. Carolyn Lowe, 50 Summer East, President, Historic Rivers Land Conservancy, requested funding for regional greenways.

21. Mr. Joe Watson, 4913 John Tyler Highway, spoke of the difficulties of society and the economy, and asked that the Board not raise the real estate tax rate.

22. Mr. Norman Mason spoke in favor of funding for the Child Development Resources facility.

Ms. Knudson closed the public hearing and declared a 5-minute break at 9:20 p.m.

Ms. Knudson reconvened the Board into open session at 9:27 p.m.

2. Case Nos. Z-7-92 and SUP-32-92. Williamsburg Crossing Plan Amendment - Michael's Mews Associates (continued from 4/5/93)

Mr. R. Patrick Friel, Senior Planner, stated that the applicant had requested deferral of the cases. Mr. Friel gave a brief summary that Mr. Gary Werner had applied on behalf of University Square Associates and Michael's Mews Associates for a special use permit to amend a previously approved special use permit (Case No. SUP-49-90) and accompanying Williamsburg Crossing Master Plan and to rezone approximately 13.3 acres from B-1, General Business, to MU, Mixed Use.

Staff recommended the deferral as requested.

The Board agreed that the cases should not be brought forward until the applicant specifically requests to do so. Staff explained that if the cases are deferred indefinitely, readvertisement would be required.

Without objection, Ms. Knudson deferred Case Nos. Z-7-92 and SUP-32-92 until applicant requests that they be brought forward on the agenda.

3. Case No. SUP-20-91. William C. Branch (continued from 4/5/93)

Mr. R. Patrick Friel, Senior Planner, stated that Mr. William C. Branch had applied for a special use permit to allow a residential on-site wastewater treatment system with off-site effluent disposal on .58 acres zoned A-1, General Agricultural, located at 5019 River Road, further identified as Parcel (3-2) on James City County Real Estate Tax Map No. (9-3).

Mr. Friel further stated that staff recommended denial of the application because the lot size is less than 1 acre and proposed discharge would be less than 500 feet from another Virginia Pollution Discharge Elimination System discharge point. He explained that in staff's opinion these facilities could malfunction for long periods of time unnoticed, thereby polluting nearby waterways.

In concurrence with staff, the Planning Commission, by a 9-1 vote, recommended denial of the special use permit.

Board discussion followed regarding initial and monthly cost of the system; how the system would be monitored and maintained; and how many counties have these systems in operation.

Ms. Knudson reopened the public hearing.

1. Mr. Darryl Rickmond, Rickmond Engineering, stated his firm designed and installed wastewater treatment systems which must be monitored and maintained to work well. Mr. Rickmond asked the Board to consider criteria listed in the special use permit and not based on staff guidelines now in existence.

Ms. Knudson closed the public hearing.

Mr. Edwards stated that he could not support the request because of possible pollution to the Chesapeake Bay; Mr. Sisk was uncomfortable with the high rate of malfunction of systems; Mr. Taylor stated the system, if approved, could be a pilot; Mr. DePue and Ms. Knudson stated they could not support.

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

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

Mr. DePue made a motion to deny the special use permit.

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

In agreement, the Board asked staff to draft a policy statement on residential on-site wastewater treatment system with off-site effluent disposal.

Mr. Norman responded in the affirmative for the May 17, 1993, Board of Supervisors' meeting.

Mr. Taylor left the meeting at 10:00 p.m.

4. Case No. SUP-12-93. Spencer Builders, Inc. - Waterline

Mr. Friel stated that Mr. Kenneth C. Spencer had applied on behalf of Spencer Builders, Inc., for a special use permit to allow the construction of an 8-inch water main, approximately 800 feet, located along Strawberry Plains Road, within Virginia Department of Transportation right-of-way, extending from the existing fire hydrant located at the rear of Bucktrout Funeral Home to the Whiting Farm's subdivision.

In concurrence with staff, the Planning Commission unanimously recommended approval of Case No. SUP-12-93 with conditions listed in the resolution.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

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

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

RESOLUTION**CASE NO. SUP-12-93. SPENCER BUILDERS, INC. - WATERLINE**

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 13, 1993, unanimously recommended approval of Case No. SUP-12-93 to permit an 8-inch water transmission main located within the Virginia Department of Transportation right-of-way extending from the existing fire hydrant located at the rear of the Bucktrout Funeral Home along Strawberry Plains Road to the Whiting's Farm subdivision. The total length of the water line is approximately 800 feet.

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-12-93 as described herein with the following conditions:

1. Construction, operation and maintenance of the water transmission main shall comply with all local, State and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. This special use permit shall remain in effect for a period of 24 months from the date of issuance. 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.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.

G. BOARD CONSIDERATION

1. James City County Road Construction Revenue Sharing

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the Virginia Department of Transportation must receive a letter of notification by April 30, 1993, of the County's intentions to participate in the Revenue Sharing Program. Mr. Sowers explained that approval of sending the letter with the amount listed in the resolution would not obligate the Board; the amount could be reduced, but not increased.

Ms. Knudson made a motion to approve the resolution.

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

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 1993-94; and

WHEREAS, VDOT requires written notification of the County's intent to participate by April 30, 1993.

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 FY 93-94, in an amount not to exceed \$350,000.

H. PUBLIC COMMENT

1. Mr. Charles Haines, 110 Kingspoint, spoke in favor of the Master Plan amendment for Williamsburg Crossing Shopping Center as a needed tax base for the County.

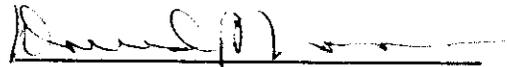
I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES - None

Ms. Knudson made a motion to recess until 7:00 p.m., Tuesday, April 20, 1993, for a budget work session in Building C Board Room.

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

The Board recessed at 10:10 p.m.



David B. Norman
Clerk to the Board