

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-FOUR, AT 6:23 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Comprehensive Services Act

Mr. DePue called the meeting to order and recessed the Board for a James City Service Authority Board of Directors' work session.

Mr. DePue reconvened the Board of Supervisors into a work session at 6:00 p.m.

Mr. Anthony Conyers, Jr., Manager, Community Services and Mr. John Holdren, Director of Social Services, described the cost, operation, benefit and recipients of the Comprehensive Services Act for At-Risk Youth and Families, mandated by the General Assembly, effective July 1, 1993.

Mr. DePue recessed the Board for dinner at 6:23 p.m.

C. MINUTES - January 3, 1994

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

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

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, was available for questions.

Mr. Taylor thanked Mr. Elliott for the prompt response to the request of cutting tree limbs overhanging Route 621. Mr. Taylor requested that potholes on Chickahominy Road be repaired.

Mr. Magoon requested that snow removal and sanding operations consider the roadway in the vicinity of the stop sign on Kingspoint Drive a priority for safety reasons.

Mr. DePue commended the Virginia Department of Transportation for the good job of clearing County highways during the recent inclement weather.

Mr. Elliott thanked the Board.

E. CONSENT CALENDAR

Mr. DePue asked if a Board member wished to remove any items from the Consent Calendar.

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

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

1. Dedication of Streets, King's Village, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN KING'S VILLAGE, SECTIONS 1 AND 2

WHEREAS, the following roads in King's Village, Sections 1 and 2 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in King's Village, Sections 1 and 2 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in King's Village, Sections 1 and 2, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Squire's Way, 60-foot Right-of-way
 From: Route 1161 (Squire's Way)
 To: West Miller Road
 Distance: 1,160 Feet (0.22 mile)
2. West Miller Road, 60-foot Right-of-way
 From: Route 601 (Holly Forks Road)
 To: End of Cul-de-sac
 Distance: 950 Feet (0.18 mile)

The unencumbered rights-of-way of 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record: King's Village, Section 1, recorded in Plat Book

47, pages 41 and 42, dated January 5, 1988; and King's Village, Section 2, recorded in Plat Book 53, pages 43 and 44, June 22, 1990.

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

2. Subdivision and Street Name Changes

RESOLUTION

SUBDIVISION NAME CHANGE - VASS MEADOWS

STREET NAME CHANGE - VASS LANE

WHEREAS, Section 17-54 of the Subdivision Ordinance of James City County provides the James City County Board of Supervisors with the authority to rename subdivisions and streets; and

WHEREAS, a subdivision and street name change has been requested by the owners of property defined as Parcel (1-14) on James City County Real Estate Tax Map No. (38-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby changes the subdivision name of Mason's Grant to Vass Meadows and the street name of Mason's Lane to Vass Lane.

3. Civil Defense Budget Amendment - State Reimbursement

RESOLUTION

BUDGET AMENDMENT - CIVIL DEFENSE

WHEREAS, the Board of Supervisors of James City County has been requested to approve the reimbursement by the Virginia Department of Emergency Services to James City County Office of Emergency Services to upgrade the existing Emergency Operations equipment and reimburse various departments for expenses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Civil Defense FY 94 Budget, as follows:

Revenues:

Department of Emergency Services	<u>\$2,000</u>
----------------------------------	----------------

Expenditures:

Capital Outlay	<u>\$2,000</u>
----------------	----------------

F. PUBLIC HEARINGS**1. Case Nos. SUP-36-93. Design Masters Associates (RPOD)**

Mr. Bernard M. Farmer, Jr., Zoning Administrator, stated that Mr. Glen Duff of Design Master Associates, Inc., had applied on behalf of the owners, Nice Brothers, for a special use permit to create more than 5,000 square feet of impervious area within the Reservoir Protection Overlay District on a site, located approximately 1,100 feet northwest of Croaker Road near the Mirror Lake Estates subdivision and subdivided from Parcel (1-13) on James City County Real Estate Tax Map No. (13-4).

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

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

Mr. Taylor made a motion to approve SUP-36-93.

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

RESOLUTION**CASE NO SUP-36-93. DESIGN MASTER ASSOCIATES (RPOD)**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has applied for a special use permit to develop land in the RP, Reservoir Protection Overlay District on property identified as Parcel (1-13) on James City County Real Estate Tax Map No. (13-4); and

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-36-93 as described herein with the following conditions:

1. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
2. The final designs for the infiltration trenches shall be submitted on the final site plan for the project. These structures shall be designed in accordance with the James City County Design manual for Runoff Analysis and include a grass strip for filtering runoff that enters the trench.
3. A soils test shall be provided to the Division of Code Compliance for the infiltration trench prior to final site plan approval to verify the suitability of the soils for the infiltration of water.
4. Construction of the infiltration trench shall be delayed until disturbed areas draining to the trenches are stabilized. This shall be noted on the site plan.

2. Ordinance Amendment, Chapter 3, Animals and Fowl, Repeal Sections 3-1 through Section 3-24. Replace with Sections 3-1 through 3-67

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance would repeal and reenact Chapter 3, Animal Control, of the County Code. He further stated that the ordinance, designed to better protect persons, property and domestic animals, would respond to amendments to the State Code and changes within the County.

Mr. DePue opened the public hearing.

1. Mr. Stewart Taylor, 8491 Richmond Road, spoke in opposition to more restrictions.
2. Mr. Morgan Galbreath, III, 113 Deerwood Drive, stated that he thought the public should have an opportunity to study the ordinance before Board approval.
3. Mr. David Stratton, 2798 Forge Road, spoke in opposition to the ordinance.

Mr. DePue closed the public hearing.

Without objection, Mr. DePue deferred the matter until the February 7, 1994, Board of Supervisors' meeting to give citizens an opportunity to review the ordinance.

G. BOARD CONSIDERATION

1. Case No. SUP-35-93. Norge Elementary School Temporary Classroom Trailers

Mr. Mark J. Bittner, Planner, stated that the case was deferred at the January 3, 1994, Board of Supervisors' meeting to consider removal of the condition requiring a landscape buffer between the temporary trailers and adjacent residences.

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

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-35-93. NORGE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

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 owner of the property has applied for a special use permit to allow seven new temporary classroom trailers and to extend the permit period for one classroom trailer on property identified as Parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

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-35-93 as described herein with the following condition:

1. This permit shall be valid until June 30, 1995.

H. PUBLIC COMMENT

1. Mr. Robert C. Key, Police Chief, briefly described the hazardous conditions caused by discharge of firearms in populated areas. Chief Key explained his support of prohibiting the discharge of rifles or high-powered rifles (larger than .22 caliber) in the County, except at approved shooting ranges. He stated that option would be consistent with the laws of most surrounding jurisdictions.

Chief Key further explained his support of the option to expand the current prohibition on discharging firearms and gas or air-powered weapons in or within 300 feet of the boundaries of a recorded subdivision to include a prohibition on discharging such weapons within 300 feet of any commercial, industrial or residential structure.

2. Mr. Glen Askins, Regional Wildlife Manager, Game and Inland Fisheries, told of the overpopulation of the white-tailed deer in relation to discharge of firearms in the County. He suggested forming a committee of Board members, interested individuals and law enforcement persons to review alternatives and the overpopulation of deer issue, and to make a recommendation to the Board for its consideration.

3. Mr. David Stratton, 2798 Forge Road, Toano, spoke in opposition to prohibition of discharge of rifles in the County because of groundhogs, deer and other animal pests foraging crops.

4. Mr. Russell Carlton, 2866 Sandy Bay Road, spoke in support of hunt clubs and asked that an investigation be made to determine what causes the problems and who is responsible for them.

5. Mr. Kenneth Heath, 7549 Vincent Drive, Toano, stated that he would not be able to hunt on his property, if the restrictions are approved.

6. Mr. T. J. Williams, 108 Candlestick Place, spoke of firearms as a large investment, and in opposition to restrictions on using that investment.

7. Mr. Edwin Riley, 611 Tam-O-Shanter, reiterated that overpopulation of deer would bring more Lyme disease, caused by feeding of ticks on those deer.

8. Mr. Joe Terrell, Jr., 6 Bromley Drive, requested that hunters be given the opportunity for input on a committee.

9. Dr. Harold W. Glasscock, Jr., 700 Fairfax Way, described symptoms of Lyme disease, and urged hunters to take precautions and be aware of tick bites.

10. Mr. Morgan Galbreath, III, suggested a complete study of the ordinance and input from the community.

11. Mr. Rodgers Huff, 8817 Merry Oaks Lane, spoke in support of Mr. Askins' statements and suggested the situation should be resolved by a committee of sportsmen.

Individual Board members commented on their view of the issue, and Mr. DePue stated that a task force would be formed to review and discuss the restricted use of firearms in the County.

Mr. DePue declared a five minute break at 8:13 p.m.

Mr. DePue reconvened the Board at 8:18 p.m.

12. Ms. Linda Tiexeira, 904 Wood Duck Commons, asked that her concerns regarding Pheasant Run subdivision be addressed by staff. She stated a few of those concerns: 1) What is the criteria for issuing a building permit; are inspections done between issuance of building permits and certificates of occupancy; and, who determines what is to be done to correct problems.

Mr. DePue asked staff to contact Ms. Tiexeira regarding her concerns.

I. 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, appointment of individuals to County Boards and/or Commissions and Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of two parcels of property for public use.

J. BOARD REQUESTS AND DIRECTIVES - None

Mr. DePue recessed the Board for a James City Service Authority meeting, at 8:27 p.m.

Mr. DePue reconvened the Board and made a motion to convene into executive session as recommended above by the County Administrator, at 8:30 p.m.

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

Mr. DePue reconvened the Board into open session and made a motion to approve the executive session resolution at 8:58 p.m.

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

RESOLUTION

MEETING DATE: January 18, 1994

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.

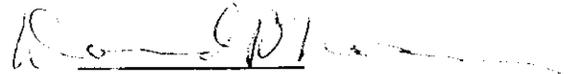
Mr. DePue made a motion to reappoint Ronald T. Curtis to the Board of Building Adjustments and Appeals for a 5-year term, term expiring 2/23/99; to reappoint Eula Radcliffe and Anne C. Stevens to the Clean County Commission, for a 3-year term, term expiring 1/7/97 and 2/4/97, respectively; to appoint Victoria Gussman to the Regional Issues Committee as a citizen member; to appoint Robert A. Magoon, Jr., to the Industrial Development Authority as Board liaison; and, to appoint David L. Sisk to the Community Services Coalition as Board representative.

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

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 9:00 p.m.



David B. Norman
Clerk to the Board