

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-SIX, AT 5:06 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

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

B. WORK SESSION

1. Financial Trends

Mr. Sisk introduced Ms. Carol Davis, Assistant Manager of Financial and Management Services, who gave the annual presentation on financial trends of population, projected expenditures, and revenue from 1996 to 2001.

Mr. Sisk recessed the Board at 6:00 p.m. for dinner.

Mr. Sisk reconvened the Board into open session at 7:03 p.m.

C. PRESENTATION

1. Historical Commission Preservation Award

Mr. James Dorsey, Chairman, Historical Commission, read a resolution for Mr. Willard S. Gilley and for Ms. Martha W. McCartney, recipients of the Preservation Award.

Mr. Sisk presented a resolution and plaque to both Mr. Gilley and Ms. McCartney, who expressed appreciation for the award.

D. MINUTES - January 23, 1996

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

Mr. DePue made a motion to approve the minutes with corrected recorded votes on Pages 8, 9, 10 and 11.

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

E. CONSENT CALENDAR

Mr. Sisk asked if a Board member wished to remove any item from the Consent Calendar.

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

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

1. Colonial Community Corrections - Request to Change Part-Time Case Manager Position from Temporary to Limited-Term

RESOLUTION**COLONIAL COMMUNITY CORRECTIONS****REQUEST TO CHANGE PART-TIME CASE MANAGER POSITION****FROM TEMPORARY TO LIMITED TERM**

WHEREAS, the position of Part-time Case Manager in Colonial Community Corrections (CCC) is essential to providing case management; and

WHEREAS, the Community Criminal Justice Board (CCJB) approved a motion to convert the Part-time Case Manager position from temporary to limited-term; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, change the position of Part-time Case Manager from temporary to limited-term.

2. Transfer from Transit Fund to Community Services

RESOLUTION**TRANSFER FROM TRANSIT FUND TO COMMUNITY SERVICES**

WHEREAS, the Office of Community Services has hired the former Transit Assistant as Administrative Secretary; and

WHEREAS, additional funds are required to meet salary obligations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, authorizes the following budget transfers with the FY 1995-96 General and Transit funds:

General Fund

Expenditures:

Contribution to Transit	(\$5,000)
Community Services	<u>5,000</u>
	\$ <u>0</u>

James City Transit Company Fund

Revenues:

County Grants	(\$5,000)
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Expenditures:

Personnel Expenses	<u>(\$5,000)</u>
	\$ <u>0</u>

F. PUBLIC HEARINGS

1. Mill Creek, (formerly Coleman's Creek), No Wake Zone

Mr. Bernard M. Farmer, Jr., Director of Code Compliance stated that Mr. R. E. Gilley, JoAnn Gilley, Robert Gilley, II, Floyd Carmines, Mildred Perkinson and William Owen Perkinson, the riparian owners had requested that a "No Wake Zone" be established along approximately 2,000 linear feet of Mill Creek. He further stated that the local governing body after a public hearing may request the State Board of Game and Inland Fisheries to establish such regulations.

Staff found the requested zone appropriate to provide needed protection and recommended approval of the resolution.

Mr. Sisk opened the public hearing.

1. Mr. R. E. Gilley, 227 Gatehouse Boulevard, stated that the requested area was from north of Mr. Perkinson's residence to the end of the creek. Mr. Gilley clarified that he owned one side of the marsh and Mr. Perkinson's brother-in-law owned the other side of the marsh bordering the creek.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION**MILL CREEK, NO WAKE ZONE**

- WHEREAS, Title 29.1.744 of the Code of Virginia provides for establishment of "No Wake Zones" by the Board of Game and Inland Fisheries upon request by a local governing body; and
- WHEREAS, the applicants have requested that a "No Wake Zone" be established along Mill Creek adjacent to Parcel Nos: (1-20); (1-37); (1-30A); (1-38A) found on James City County Real Estate Tax Map No. (47-4), and Parcel No. (1-42) on James City County Tax Map No. (48-3) generally as illustrated on the attached drawing.
- WHEREAS, the applicants have agreed to bear the costs of the purchase, installation and maintenance of these waterway markers.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing hereby requests that the Virginia Department of Game and Inland Fisheries establish a "No Wake Zone" as requested by Mr. R. E. Gilley, JoAnn Gilley, Robert Gilley, II, Floyd Carmines, Mildred Perkinson, and William Owen Perkinson.

2. **Case No. SUP-32-95. Gus Gibson, Jr., Automobile Sales**

Mr. Michael A. Freda, Senior Planner, stated that Mr. Gus Gibson of Gibson Brothers Development Corporation had applied for a special use permit to allow the sale of automobiles in B-1, General Business, located at 8910 Pocahontas Trail and further identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (59-2).

Mr. Freda explained that prior special use permits were approved in 1987 and 1991 and that this proposal, with conditions, was consistent with surrounding zoning and development.

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

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

Mr. Sisk made a motion to approve the resolution.

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

RESOLUTION**CASE NO. SUP-32-95. GUS GIBSON, JR., AUTOMOBILE SALES**

- 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 January 16, 1996, unanimously recommended approval of Case No. SUP-32-95 to permit the sale of automobiles at 8910 Pocahontas Trail, further identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (59-2).

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-32-95 as described herein with the following conditions:

1. An updated site plan shall be submitted to the County which shows an area for the repair of vehicles and the additional blacktop near the sales office. The area for vehicle repair and storage of parts shall be conducted within an enclosed building.
2. This special use permit shall expire four years from the date of approval.

3. Case No. HW-1-96. King of Glory Lutheran Church

Mr. John Patton, Development Management Technician, stated that Mr. Paul Kristiansen, on behalf of King of Glory Church, had applied for a height limitation waiver to allow construction of a church steeple, 85 feet above grade, zoned R-2, General Residential, located at 4897 Longhill Road, further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (32-4).

Mr. Patton stated that the following items were addressed: such structure would not obstruct light to adjacent property; would not impair enjoyment of historic attractions and areas of significant historic interest; would not impair property values in surrounding area; would be designed and served from standpoint of safety; and, would not be contrary to public health, safety and general welfare.

Staff recommended approval of the resolution.

Mr. Sisk opened the public hearing.

1. The Reverend Roger Venzke, pastor of the King of Glory Lutheran Church, requested Board approval of the height limitation waiver.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

After a brief discussion, Mr. DePue requested that a 3-dimensional rendering of steeple, etc., in proportion to area be presented in future height limitation waiver cases.

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

RESOLUTION

CASE NO. HW-1-96. KING OF GLORY CHURCH. HEIGHT LIMITATION WAIVER FOR

PROPOSED CHURCH STEEPLE

WHEREAS, it is understood that all conditions for the consideration of an application for a Height Limitation Waiver have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a Height Limitation Waiver be granted for the placement of a church steeple to a maximum height of 85 feet above finished grade on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	King of Glory Church
Real Estate Tax Map No.:	(32-4)
Parcel No:	(1-33)
Address:	4897 Longhill Road
District:	Berkeley
Zoning:	R-2, General Residential

4. Case No. Z-20-95. Greensprings LLC (Mainland Farm)

Mr. Gary A. Pleskac, Planner, stated that Mr. Marshall Findley of the Greensprings Limited Liability Company had applied to rezone approximately 17 acres from R-8, Rural Residential with proffers, to develop single-family residences, located along Greensprings Road directly across from The Maine at extreme northwest corner of Mainland Farm, further identified as a portion of Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-1).

Mr. Pleskac stated that the applicant had requested deferral of this case until the April 9, 1996 Board of Supervisors' meeting to be considered at such time with other forthcoming pertinent requests.

Mr. Sisk opened the public hearing.

Mr. George F. Wright and Mr. Jamie Clark each stated that he would defer comment until the April 9, 1996 meeting.

Mr. Sisk continued the public hearing until the April 9, 1996 Board of Supervisors' meeting.

Mr. Magoon mentioned his interest in a designation of more than a byway for Greensprings Road to preserve historic characteristics rather than maintain standards of Virginia Department of Transportation criteria.

G. BOARD CONSIDERATION

1. Contract Award - Telephone System Upgrade

Ms. Carol Davis, Assistant Manager, Financial and Management Services, stated that authorization was being requested for the County Administrator to enter into a contract with Sprint/Centel of Virginia for the purchase of a telephone system to serve the Government Center and Human Services Building, provide capability of tying in other County locations and future applications, such as video contracting, and addition of voice messaging service.

Ms. Davis stated that lowest bidder was Sprint/Centel and funds to upgrade the telephone system were included in the Government Center Expansion account within FY 96 Capital Projects Funds. Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION**CONTRACT AWARD-TELEPHONE SYSTEM CONTRACT**

WHEREAS, funds are appropriated in the FY 96 Capital Improvements Project budget to upgrade the County's telephone system; and

WHEREAS, requests for bids were issued, responses evaluated, the lowest bid meeting critical specifications and needs of the County was determined; and

WHEREAS, it has been determined that the bid submitted by Sprint/Centel of Virginia to upgrade the telephone systems at the Government Center and the Human Services Center, along with a five year maintenance contract for the amount of \$253,433 meets the critical specifications and was the lowest responsive and responsible alternate bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with Sprint/Centel of Virginia for the purchase of telephone hardware and software, along with a five year maintenance contract, for a total of \$253,433.

H. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam-O-Shanter, spoke of over population of deer and the impact of Lyme disease.

2. Mr. Tom Williams, 706 Jackson Drive, asked for assistance in addressing the root cause of social and political problems in our society.

3. Mr. Ed Oyer, 139 Indian Circle, asked the Board to issue a public position on the proposed closing of Eastern State Hospital, and asked about the General Assembly bill, cosponsored by the County's legislative representatives, on changing application of procedure to raise Board of Supervisors' salary.

Mr. Sisk stated that a letter of support from the Board of Supervisors for continuation of Eastern State Hospital had been sent to the County's legislative representatives.

Mr. Frank M. Morton, III, County Attorney, responded that the request regarding future Boards of Supervisors' salary detailed that certain localities may increase salary during terms, and the County was limited by State Code to a cumbersome process that takes four years to accomplish.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended that the Board go into Executive Session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter.

J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to bring forward specific recommendations to improve landscape ordinance in industrial zones.

Mr. Sisk announced a Regional Issues Committee meeting on Tuesday, February 20, 1996, from 7:00 to 9:00 p.m. at the Williamsburg Regional Library on area regionalism, open to the public, with a panel of City of Williamsburg and Counties of York and James City representatives, facilitated by William O'Donovan, editor of The Virginia Gazette.

Mr. DePue made a motion to go into Executive Session as recommended by the County Administrator, at 8:01 p.m.

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

Mr. Sisk reconvened the Board into open session and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: FEBRUARY 13, 1996

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

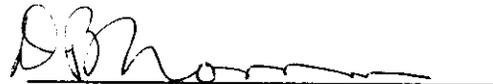
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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. Sisk made a motion to recess until 2:30 p.m., Thursday, February 15, 1996, for a Virginia Municipal League/Virginia Association of Counties Legislative Day in Richmond.

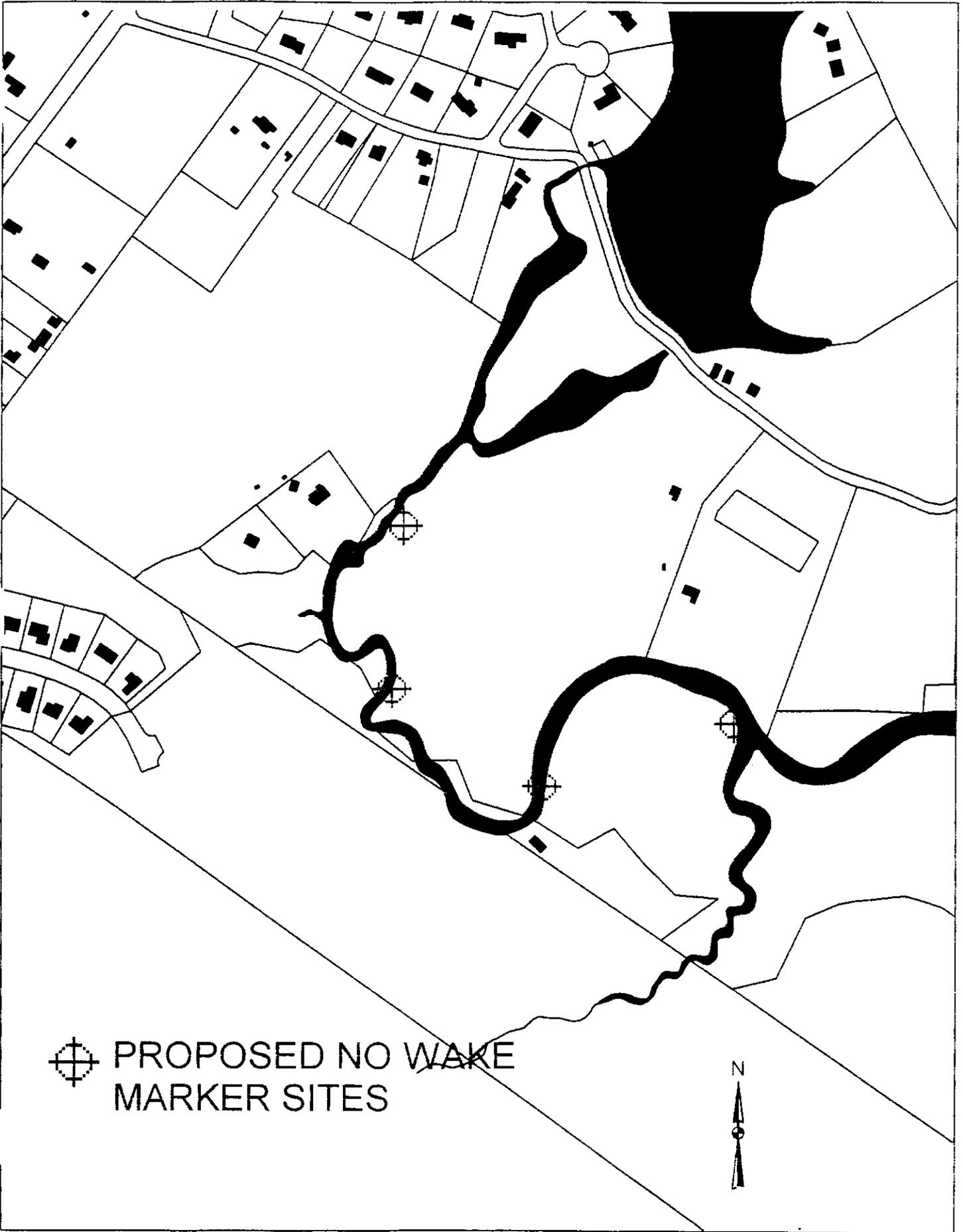
On a roll call, the vote was: AYE: Taylor, Magoon, DePue, Edwards, Sisk (5). NAY: (0).

The Board recessed at 8:45 p.m.



David B. Norman
Clerk to the Board

MILL CREEK NO WAKE ZONES



⊕ PROPOSED NO WAKE
MARKER SITES





Height Waiver 1-96
King of Glory Church
4897 Longhill Road

