

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-FIVE, AT 7:02 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
Sanford B. Wanner, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Representative of Diamond Sports, Howie Bedell

Mr. DePue recognized the Mayor of Williamsburg, Trist McConnell, and Chairman of the Board of Supervisors of York County, Paul Garman in the audience.

Mr. DePue introduced Mr. Garman, who briefly outlined the background of the regional baseball stadium proposal, with proposed site across from Water Country on Route 199 in York County. Mr. Garman introduced Mr. Howie Bedell of Diamond Sports.

Mr. Bedell stated that the stadium was a regional project with multipurpose use for sports, education activities, etc.; financing could be discussed after formation of Regional Sports Authority; and, he emphasized the stadium would be a valuable asset to the community for many years.

Board members expressed interest in reviewing the proposal, but expressed concern about funding with tax dollars. Mr. Edwards stated that he could not support the spending of tax dollars for a stadium.

C. MINUTES - September 5, 1995

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

Mr. Sisk made a motion to approve the minutes.

Mr. DePue made a motion to correct language under Board Requests and Directives on page 5 to state ..."James City County would not support the proposed cost-sharing formula."

Mr. Sisk withdrew his motion.

Mr. DePue asked for a vote on the motion to amend the minutes.

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

Mr. DePue made a motion to approve the amended minutes.

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

D. HIGHWAY MATTERS

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

Mr. Sisk asked for investigation of a pothole on the stabilized shoulder when making a right turn onto Route 5 East from Williamsburg Crossing Shopping Center.

Mr. Magoon asked the status of the turnaround on Lake Powell Road and acquisition of right-of-way.

Mr. Edwards asked whether formal approval of Route 199 engineering budget had been received from the State.

Mr. Taylor asked for research of how to make a curve on Barnes Road, halfway between Route 60 and Diascund Road, safer for school buses.

Mr. DePue asked when rerouted Centerville Road at Greensprings would be accepted into the State highway system.

Mr. Magoon expressed appreciation to Mr. Elliott of his constant responsiveness to Board requests.

E. CONSENT CALENDAR

Mr. DePue asked if a Board member wanted to remove any item from the Consent Calendar.

Mr. DePue made a motion to remove Item No. 1 and to approve Item No. 2 on the Consent Calendar.

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

2. Agreement/Stonehouse Precinct B Polling Place/York River Baptist Church

RESOLUTION

AGREEMENT/STONEHOUSE PRECINCT B

POLLING PLACE/YORK RIVER BAPTIST CHURCH

WHEREAS, the Board of Supervisors has designated York River Baptist Church ("Church") as Stonehouse Precinct B polling place for Stonehouse Election District; and

WHEREAS, the County and the Trustees of the Church wish to set forth their agreement for use of the Church.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman to execute the agreement attached hereto dated August 24, 1995.

1. Buy Local Month - October 1995

Mr. DePue noted the resolution had also been signed by the Mayor of Williamsburg and Chairman of the Board of York County and was sponsored by the Williamsburg Area Chamber of Commerce.

Mr. DePue made a motion to approve Item No. 1.

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

BUY LOCAL MONTH

OCTOBER 1995

WHEREAS, independent business is the backbone of the American economy and our prosperity is dependent on the health of small business; and

WHEREAS, supporting independent business locally is the best way to help small business; and

WHEREAS, money spent locally is an investment in the welfare of our community, producing an economic ripple effect as local businesses and their employees also buy locally; and

WHEREAS, it is the best interests of the City of Williamsburg and the Counties of James City and York to encourage the growth and prosperity of our small business community.

NOW, THEREFORE, it is hereby proclaimed that the month of October 1995 is

BUY LOCAL MONTH

in the City of Williamsburg and the Counties of James City and York, and the citizens of these localities are encouraged to put particular emphasis on buying locally that it may strengthen such practice throughout the year.

F. BOARD CONSIDERATIONS

1. Case No. ZO-7-95. Ordinance Amendment, Chapter 20, Zoning, "Right to Farm" Legislation Update for Reconsideration (Deferred from 6/19/95)

Mr. John Patton, Development Management Technician, stated that following deferral on June 19, 1995, staff met with Mr. Stewart Taylor and Mr. Ed Overton, Extension Agent, to review the proposed setback requirements which might possibly discourage potential intensive agriculture businesses from locating in James City County. After discussions, staff recommended the setbacks be reduced by one-half from 1,500 feet separation from platted residential subdivisions to 750 feet.

Staff provided the proposed changes to the Planning Commission at its September 12, 1995, meeting, and recommended approval of ZO-7-95 with amended setbacks and with deletion of reference to nutrient management plans in the definition of intensive agriculture as shown in revised ordinance.

Board and staff discussion of the requirements followed.

Mr. DePue made a motion to approve the ordinance amendment.

Mr. Edwards made a motion to amend Section 20-215, Setback requirements (a) to read ..."and 1,000 feet from platted residential subdivisions ... and reservoirs."

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

Mr. DePue made a motion to approve Case ZO-7-95 as amended.

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

2. Budget Adjustment - Commonwealth's Attorney

Mr. John E. McDonald, Manager of Financial and Management Services stated that the State Compensation Board had approved \$10,569 for an hourly temporary Assistant Commonwealth Attorney position for Fiscal Year 1996 based on workload statistics.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

BUDGET ADJUSTMENT - COMMONWEALTH'S ATTORNEY

WHEREAS, the State Compensation Board has approved \$10,569 for a temporary Assistant Commonwealth Attorney with the expectation of a dollar-for-dollar match by the localities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget adjustment:

Revenues:

State Compensation Board \$10,569

Expenditures:

Commonwealth Attorney \$21,138

Commonwealth's Attorney (City of Williamsburg) (4,237)

Operating Contingency (6,332)

\$10,569

G. PUBLIC COMMENT

1. Mr. H. D. Tooley, 8908 Hicks Island Road, expressed continued dissatisfaction with County Code enforcement procedures.

2. Mr. David Brown, 231 Nelson Street, Yorktown, criticized County staff and record keeping in Code Compliance, and distributed a statement regarding an electrical inspection.

3. Mr. Ed Oyer, 139 Indian Circle, read an article from the magazine, Solutions, about a new system for composting in Europe.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, Assistant 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, appointment of individuals to County boards and/or commissions, and Section 2.1-344(A)(3), to consider disposition of property.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Magoon referenced the reading file memorandum regarding Citizen Survey for the Comprehensive Plan.

Ms. Tamara A. Mayer, Planner, stated that the survey's intent was to add scientific validity to the citizen participation component of the Comprehensive Plan process. She further stated that staff had discussed with Mr. Don Messmer of the College of William and Mary the option that two students would establish a work plan and schedule, finalize questions, print and distribute surveys and analyze results, with those results available at the end of March, 1996, and at a cost of \$6,000.

Staff requested approval of the transfer of \$6,000 from the General Fund Operating contingency to the Planning Division budget.

Board and staff discussed how a random sampling of citizens would be accomplished.

Mr. Magoon made a motion to approve the resolution.

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

RESOLUTION**BUDGET TRANSFER TO FUND THE CITIZEN SURVEY**

WHEREAS, the Board of Supervisors has approved a citizen survey for the Comprehensive Plan update; and

WHEREAS, the cost of such survey is estimated to be \$6,000; and

WHEREAS, this amount has not been budgeted in the Planning Division's FY 96 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a budget transfer of \$6,000 from General Fund Operating contingency to the Planning Division budget.

Mr. DePue asked staff to bring forward the timbering ordinance on a future agenda.

After a brief discussion, staff and Board decision was to schedule a work session on the timbering ordinance for Monday, October 16, 1995, and possibly advertise the public hearing for the Board of Supervisors' agenda for the same date.

Mr. DePue recessed the Board for a James City Service Authority Board of Directors' meeting at 9:06 p.m.

Mr. DePue reconvened the Board at 9:46 p.m.

Mr. DePue made a motion to go into executive session as recommended by the Assistant County Administrator at 9:46 p.m.

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

Mr. Taylor left the meeting at 10:07 p.m.

Mr. DePue reconvened the Board at 10:07 p.m.

Mr. DePue made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: September 18, 1995

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 appoint to the Social Services Advisory Board: Charles Hemming for a 4-year term, term expiring July 1, 1999, and Marsha Braxton for a 3-year term, term expiring July 1, 1998.

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

Mr. DePue made a motion to recess until 5:00 p.m., Monday, October 2, 1995, for a work session on Enterprise Zone.

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

The Board recessed at 10:08 p.m.



Sanford B. Wanner
Deputy Clerk to the Board

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AGREEMENT

This Agreement made this 24th day of August, 1995 by and between Frederick M. Bennett, Wayne L. Buckner, M. Marshall Williams and the County of James City ("County").

WHEREAS, Frederick M. Bennett, Wayne L. Buckner and M. Marshall Williams are Trustees of York River Baptist Church ("Church") and

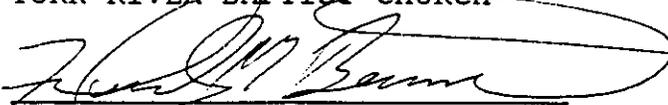
WHEREAS, the Board of Supervisors of James City County, Virginia, is desirous of utilizing a portion of the Church building as a polling place for the Stonehouse Election District:

WITNESSETH: That for and in consideration of the mutual covenants set forth herein and other good and valuable consideration, the parties agree as follows:

1. An area of the Church has been established as a polling place for the qualified voters of Stonehouse Election District in the County of James City in accordance with Section 24.2-307 of the Code of Virginia, pursuant to County Ordinance Number 55A-19, adopted by the Board of Supervisors on April 17, 1995.
2. The Church shall be made available for use as a polling place for all elections conducted in Stonehouse Election District for a period of no less than ten years, commencing on the date of this agreement.
3. Entry to the Church and the area to be used as a polling place shall be accessible to the physically handicapped and elderly, and handicap parking spaces will be reserved.
4. Adequate parking spaces shall be made available for use of voters and officers of election during elections.
5. The Church polling place shall be clearly identified with signs provided and erected by the James City County Electoral Board.
6. Notice of prohibited activities, provided and erected by the Electoral Board, will be posted within forty feet from any entrance to the polling place during the conduct of an election. It shall be unlawful for any person to loiter, congregate, or otherwise hinder any qualified voter.
7. Except in an emergency, no loudspeaker shall be used within 300 feet of the polling place on election day.
8. The Church shall provide telephone access for use by officers of election throughout election day.

9. The Church will make available an adequate number of tables and chairs for the conduct of each election.
10. The kitchen area of the Church will be made accessible for use by officers of election.
11. The County shall reimburse the Church for reasonable expenses incurred due to the use of the Church as a polling place, not to exceed one hundred fifty dollars per election.

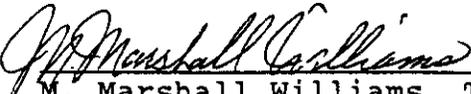
YORK RIVER BAPTIST CHURCH



 Frederick M. Bennett, Trustee

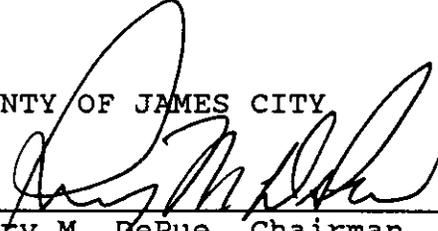


 Wayne L. Buckner, Trustee



 M. Marshall Williams, Trustee

COUNTY OF JAMES CITY



 Perry M. DePue, Chairman
 Board of Supervisors

ATTEST:



 David B. Norman
 Clerk to the Board

SEP 18 1995

ORDINANCE NO. 31A-165

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 20-2, DEFINITIONS; ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-212, PERMITTED USES; SECTION 20-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 20-214, AREA REQUIREMENTS; AND SECTION 20-215, SETBACK REQUIREMENTS; IN ORDER TO CONFORM WITH STATE LEGISLATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-2, Definitions; Section 20-212, Permitted uses; Section 20-213, Uses permitted by special use permit only; Section 20-214, Area requirements; and Section 20-215, Setback requirements.

Chapter 20. Zoning

Article I. In General

Section 20-2. Definitions.

Agriculture, general. The tilling of the soil, the raising of crops, orchards, horticulture, forestry, and gardening, including the keeping of animals and fowl *but not intensive agriculture as herein defined or the commercial slaughtering or processing of animals or poultry.*

Agriculture, intensive. *Those intensive agricultural operations commonly known as confinement operations where large numbers of animals or poultry are confined to a relatively small space such as hog,*

veal and poultry pens or houses, feedlots for livestock and dairy farming operations. Any enclosure, pen or building for the concentrated confinement of livestock or poultry wherein more than 300 veal animals, slaughter or feeder cattle, 200 dairy cattle, 750 swine, 150 horses, 500 sheep, lambs, goats or similar animals, 5,500 turkeys, or 10,000 laying hens or broilers are confined or housed shall constitute intensive agriculture. Enclosed pasture or range where grass is maintained for at least ten months of the year or where animals are confined at no more than 15 adult animals per acre for no longer than 120 continuous days shall not constitute intensive agriculture.

Article V. Districts

Division 2. General Agricultural District, A-1

Section 20-212. Permitted uses.

~~Agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not commercial livestock or poultry operations which require a special use permit.~~

General agriculture, dairying, forestry, general farming, and specialized farming, including the keeping of horses, ponies and livestock, but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.

Ordinance to Amend and Reordain
Chapter 20. Zoning
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Horse and pony farms of ~~less than 50 animals~~, (including the raising and keeping of horses),
riding stables.

Intensive agriculture as herein defined.

Silviculture.

Section 20-213. Uses permitted by special use permit only.

~~Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle,
250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.~~

~~Horse and pony farms with 50 or more animals.~~

Section 20-214. Area requirements.

(a) Minimum lot size. The minimum lot size, except as otherwise specified herein, shall be:

- (1) one acre for nonresidential uses; and
- (2) three acres for single-family dwellings;
- (3) *a ratio of one acre of open land per seven horses, eight dairy cattle, 13 slaughter or feeder cattle, 33 swine, or 130 sheep shall be provided for each agricultural operation; and*

(4) *20 acres for intensive agriculture.*

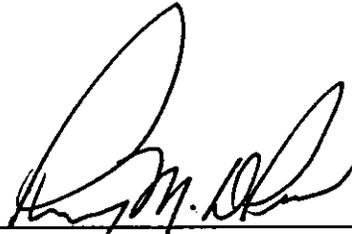
a. *No more than 1000 veal, cattle, horses or similar animals or 3,000 sheep, lambs, goats or similar animals or 7,500 swine or 50,000 turkeys or 100,000 chickens shall be confined at any one site.*

Section 20-215. Setback requirements.

(a) Structures, *except those associated with intensive agricultural uses*, shall be located a minimum of 50 feet from any street right-of-way which is 50 feet or greater in width. If the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 75 feet from the center line of the street; except that where the minimum lot area is three acres or more, the minimum setback shall be 75 feet from any street right-of-way which is 50 feet or greater in width and 100 feet from the center line of any street right-of-way less than 50 feet in width. *Devices for nutrient management plans, pens, and structures associated with intensive agricultural uses shall be 250 feet from any dwelling not owned by the operator of the use, all property lines not associated with the use, all public roads, and 1,000 feet from platted residential subdivisions, residentially zoned districts, areas designated for residential use on the comprehensive plan, schools, parks and playgrounds, recreation areas, public wells, water tanks and reservoirs.*

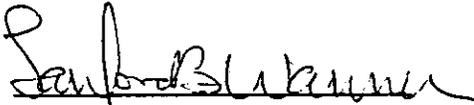
(b) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat will be allowed to adhere to these established setback lines.

Ordinance to Amend and Reordain
Chapter 20. Zoning
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Perry M. DePue, Chairman
Board of Supervisors

ATTEST:



Sanford B. Wanner
Deputy Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
EDWARDS	AYE
MAGOON	AYE
TAYLOR	NAY
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 18th day of September 1995.

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