

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF OCTOBER, NINETEEN HUNDRED NINETY-FIVE, AT 5:03 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. Enterprise Zone**

Mr. Norman introduced Mr. Doug Powell, Assistant Manager of Community Services, who provided an update to the proposed Enterprise Zone.

Staff and Board discussion followed.

Mr. DePue recessed the Board for dinner at 5:45 p.m.

Mr. DePue reconvened the Board at 7:03 p.m.

**PRESENTATION**

Mr. DePue presented a resolution, Item No. 1 on the Consent Calendar, to Ms. Loretta Garrett, Chairman, and members of the 1995 James City County Fair Committee who were in the audience.

**C. MINUTES - September 18, 1995**

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

Mr. Magoon made a motion to approve the minutes.

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

**D. CONSENT CALENDAR**

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

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

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

1. James City County Fair Committee, 1995

**RESOLUTION**

**JAMES CITY COUNTY FAIR COMMITTEE, 1995**

WHEREAS, the James City County Fair Committee, comprised of citizen volunteers, devotes time and energy to celebrating the agricultural heritage of James City County; and

WHEREAS, the Fair Committee demonstrates outstanding leadership in planning and producing the James City County Fair.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses appreciation for the time, effort, and talent of the James City County Fair Committee and to all who contributed to the success of the 1995 James City County Fair.

2. Compensation Policy Change - Administrative Adjustment

**RESOLUTION**

**CHANGE TO PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Board of Supervisors of James City County, Virginia, wishes to retain the services of outstanding County employees; and

WHEREAS, current personnel policies must be revised to allow the adjustment of salaries.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached revision to Chapter 4 of the Personnel Policies and Procedures Manual. This resolution is effective on and after October 2, 1995.

**E. PUBLIC HEARINGS**

Mr. DePue instructed the audience that each speaker should give name and address and limit remarks to 5 minutes; identify if speaking on behalf of a group; and, the applicant of an item is invited to be the first speaker.

1. Case MP-3-93, Ford's Colony Master Plan Amendment.
2. Case Nos. Z-8-94 and MP-2-94, Ford's Colony Rezoning and Addition

Mr. Mark J. Bittner, Planner, stated that Mr. Steve Wigley had applied on behalf of Realtec, Inc., to amend the existing Ford's Colony Master Plan by combining and relocating two recreation facilities into one larger facility in an area designated for single-family residential use, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (48-2), with the recreation area to be expanded further identified as Parcel No. (3-292) on James City County Real Estate Tax Map No. (37-1).

Mr. Bittner further stated that the applicant had applied to rezone approximately 28 acres from A-1, General Agricultural, adding this parcel to existing R-4, Residential Planned Community, to allow construction of approximately 30 single-family homes, located at 4614 and 4618 Centerville Road, further identified as Parcel (1-5A) on James City County Real Estate Tax Map No. (36-2).

Mr. Bittner outlined the master plan amendment, proposed recreation facilities, bike and nature trail, and proffers and stated staff found the proposals acceptable.

Mr. Bittner described the proposed addition and proffers with archaeology study. Staff determined that the proposals were consistent with the Comprehensive Plan and generally consistent with surrounding development and zoning.

Staff recommended approval of the resolutions.

Mr. DePue opened the public hearing.

1. Mr. Drew Mulhare, Vice President of Operations, Realtec, Inc., explained expansion of the existing recreation facility and location of single-family homes would buffer that facility from the adjacent Williamsburg West neighborhood.

2. Ms. Lynn Helmick, 100 Country Club Court, stated that Williamsburg West residents should not have to be subjected to noise from a recreation facility which they cannot utilize.

Mr. DePue closed the public hearing.

The Board discussed whether Ford's Colony Homeowners Association would allow Williamsburg West residents to use the recreation facility as a "good neighbor" policy, and enforcement of proffers by County code.

Mr. Edwards made a motion to approve the resolution for Case No. MP-3-93.

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

## RESOLUTION

### CASE NO. MP-3-93. FORD'S COLONY MASTER PLAN AMENDMENT

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Master Plan Amendment Case No. MP-3-93 to amend the existing Ford's Colony Master Plan by combining and relocating two recreation facilities into one recreation facility in an area designated for single-family residential use, expanding the recreation area on the western side of Ford's Colony along St. Andrew's Drive, deleting certain nature trails, wildlife overlook stations, and bike paths located throughout Ford's Colony, and updating the construction schedules; and

WHEREAS, the Planning Commission of James City County recommended approval of Case No. MP-3-93 by a vote of 5 to 2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Master Plan Amendment MP-3-93, and accepts the voluntary proffers.

Mr. Edwards made a motion to approve the resolution for Case Nos. Z-8-94 and MP-2-94.

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

**RESOLUTION**

**CASE NO'S. Z-8-94 and MP-2-94. FORD'S COLONY REZONING AND ADDITION**

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-8-94 for rezoning approximately 28 acres from A-1, General Agricultural, to R-4, Residential Planned Community, and Master Plan Amendment Case No. MP-2-94 for the purpose of adding this 28-acre parcel to the existing Ford's Colony Planned Community. The property is further identified as Parcel No. (1-5A) on James City County Real Estate Tax Map No. (36-2); and

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No's. Z-8-94 and MP-2-94.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-8-94 and Master Plan Amendment MP-2-94, and accepts the voluntary proffers.

3. **Ordinance Amendment, Chapter 18, Taxation, Article VI, Section 18-28, Change of Appeal Period**

Mr. Richard J. Sebastian, Director of Real Estate Assessments, stated that the proposed ordinance would change the formal appeal period from 90 days to 30 days to allow staff additional time to accomplish the task and to provide citizens an appeal period that was comparable to other local jurisdictions.

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

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

Mr. Taylor made a motion to amend the ordinance by changing 30 days to 45 days.

After a brief discussion, Mr. Taylor withdrew the motion.

Mr. DePue asked for a vote on the original motion.

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

4. **Application for Proposed James River Enterprise Zone**

Mr. Doug Powell, Assistant Manager of Community Services, explained an enterprise zone as a geographical area in which state and local incentives are designed to overcome identified barriers to development and meet established goals. He stated those goals listed in the application were: to assist area residents in becoming self-sufficient by encouraging a variety of commercial and industrial development which provides locally based employment opportunities through full-time employment with higher wages and less seasonality; diversify the County's tax base through commercial and industrial development; and, improve the quality of life in the enterprise zone.

Mr. DePue opened the public hearing.

1. Ms. Eula Radcliffe, 8632 Pocahontas Trail, spoke in favor of the James River Enterprise Zone.

2. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to the Enterprise Zone and the designation in the newspaper of "depressed area" for his neighborhood.

Mr. DePue closed the public hearing.

Mr. DePue made a motion to approve the resolution.

Individual Board members spoke of support for the application for additional revenue for County, with rebates only after additional revenue received, additional employment, and land and buildings available for businesses.

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

## RESOLUTION

### AUTHORIZING THE COUNTY ADMINISTRATOR

#### TO SUBMIT AN APPLICATION FOR

#### AN ENTERPRISE ZONE DESIGNATION

WHEREAS, the Board of Supervisors believes an enterprise zone is an effective tool for improving the community and facilitating the economic development of the area; and

WHEREAS, the James City County Board of Supervisors is applying for an enterprise zone designation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to submit all information needed to apply for an enterprise zone designation and to meet other program administrative and reporting requirements.

#### F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, prompted the Board to consider inclusion of indexing of Federal, State and local taxes when preparing the 1996 legislative package for the General Assembly.

2. Mr. David Brown, 213 Nelson Street, Yorktown, reiterated his displeasure of employees' attitude and actions in his dealings with the County.

Mr. David Norman, County Administrator, responded to Mr. Brown by reading a memorandum dated September 22, 1995, to the Board of Supervisors, from Sanford B. Wanner, Assistant County Administrator, regarding electrical service inspection, 1502 Bush Neck Road, and a statement on the David Brown inspection from Donald Leonard.

Mr. Norman publicly apologized to Mr. Brown stating, ... "it was not my intention to cause you to feel that I did not believe you ... if you feel insulted in any way, I apologize, I was going on the best information that I had."

On behalf of the Board, Mr. DePue stated that the Board accepted Mr. Leonard's statement; the Board previously had sent a letter to Mr. Brown; and, Mr. Norman had personally apologized.

#### **G. REPORT OF THE COUNTY ADMINISTRATOR**

Mr. Norman recommended the Board go into executive session pursuant to Section 2.1-344(A)(7) of the Code of Virginia to consult with the County Attorney on a matter involving probable litigation.

#### **H. BOARD REQUESTS AND DIRECTIVES**

Mr. Taylor stated he had received calls from constituents and asked staff to contact Virginia Power about tree limbs and leaves obstructing streetlights in Elmwood subdivision.

Mr. Norman responded that he would contact Virginia Power.

Mr. DePue asked staff and the applicant for the Hampton Roads Sanitation District Composting Facility to assemble information and bring back the item at the November 6, 1995, Board of Supervisors' meeting.

Mr. Sisk announced a meeting scheduled for Tuesday, October 3, 1995, at James River Community Center for a public information session on the Hampton Roads Sanitation District Composting Facility.

Mr. Magoon asked for an update on the Court House and Casey Tract design competition.

Mr. John T. P. Home, Manager of Development Management, stated that 500 registration packages were anticipated for the registration period but would not know the number of solutions out until November 20, 1995, because solutions could be submitted for one or both programs, and registration was allowed for both.

Mr. DePue made a motion to recess for a James City Service Authority Board of Directors meeting at 8:39 p.m.

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

Mr. DePue reconvened the Board at 8:41 p.m. and made a motion to go into executive session as recommended by the County Administrator.

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

Mr. DePue reconvened the Board at 9:40 p.m. and made a motion to approve the executive session resolution.

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

**RESOLUTION**

MEETING DATE: October 2, 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

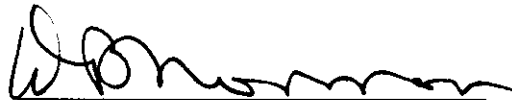
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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. Taylor made a motion to adjourn.

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

The Board adjourned at 9:41 p.m.



David B. Norman  
Clerk to the Board

4. An improved process or procedure for accomplishing the work which increases productivity or improves services and is measurable.
5. A work product which exceeds required work standards for a job based upon consensus of peers in that department or the same field or trade.

The amount of the award shall be determined by the County Administrator, but will normally not exceed 5 percent of the employee's salary. The incentive award shall be a single lump sum cash payment. It shall not be used as a routine salary supplement. The incentive award shall be documented on the Incentive Award Nomination Form. A copy of the form shall be placed in the employee's personnel file. The receipt of such an award shall not affect the employee's base salary.

- D. Administrative Adjustment - Upon recommendation by a Department Manager that an employee should be retained, the County Administrator may, upon determining that it is cost effective and of significant benefit to the County, move an employee's salary within the range to which the employees job classification is assigned.

#### Section 4.11 Overtime

- A. Responsibility - The authorization and control of all overtime work is the responsibility of the department manager. Overtime assignments shall be permitted only when required by operational necessity. Department Managers may require employees to work overtime assignments as necessary. Department managers shall assure that adequate funds are available for payment for overtime work.
- B. Eligibility - All employees except those in bona fide professional, administrative, executive, or seasonal positions, as defined by the Fair Labor Standards Act, are eligible to earn overtime. The Human Resource Department shall review each position to determine whether it is exempt or non-exempt from overtime payments. The status of classes shall be indicated in the class listing, and the status of individual positions shall be indicated in the personnel files.
- C. Computation of Overtime Pay - Monetary overtime compensation shall be one and one-half times the employee's hourly rate of pay for each hour of overtime worked. The hourly rate of pay shall be determined by dividing the employee's annual salary by the number of hours per year that a full-time employee in that position or class would be required to work.
- D. Minimum Increment of Overtime - Overtime shall be earned in increments no smaller than thirty minutes.



013505

AMENDED AND RESTATED FORD'S  
COLONY PROFFERS

These AMENDED and RESTATED FORD'S COLONY PROFFERS are made this 29th day of September, 1995 by REALTEC INCORPORATED, a North Carolina corporation ("Owner").

## RECITALS

A. Owner is the owner and developer of the Ford's Colony at Williamsburg development containing approximately 2,512.21 acres and which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County.

B. Owner has applied to amend its existing Master Plan to, among other things, combine and relocate two recreation areas shown on the existing Master Plan into a single recreation area located in Recreation Area # 2 of Ford's Colony as shown on the Amended Master Plan submitted herewith.

C. In connection with prior Master Plan amendments, Owner has entered into and James City County has accepted Restated Ford's Colony Proffers dated as of August 26, 1993 (the "Existing Proffers").

D. In consideration of the approval of the amendment of its Master Plan, Owner desires to amend and restate the Existing Proffers as set forth below. If the requested amendment of Owner's Master Plan is not approved by James City County, these Restated Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

## AMENDMENTS

1. Restatement. The Existing Proffers are hereby restated and incorporated by reference herein, except as set forth below.
2. New Recreation Area. Condition 3 of the Existing Proffers is hereby deleted and in lieu thereof this condition shall apply. Owner shall construct a recreation area of approximately 6.5 acres in Recreation Area # 2 of Ford's Colony generally in the location shown on the approved Amended Master Plan. The new recreation area shall contain the facilities described on the Amended Master Plan and generally in the locations shown on the plan submitted herewith prepared by McBride Hess Design Group dated April 17, 1995 or such other similar facilities as may be approved by the Director of Planning. The entrance road into Recreation Area # 2 shall be located generally as shown on the Amended Master Plan. No recreational facility shall be located within 200 feet of the boundary of Recreation Area # 2 and the existing Williamsburg West subdivision. With the exception of security, parking and street lighting approved as in the site plan approval process, the recreational facilities shall not be lighted for night use without the prior approval of the Planning Commission. The new recreation area shall be constructed in phases beginning in 1996 and shall be completed by the end of 2002.
3. Expansion of Community Club. In conjunction with the construction of the new recreational area, Owner shall expand the existing Community Club facility by the addition of the