

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-SIX, AT 7:04 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. 259

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 - Transit Issues

Mr. Sisk introduced Mr. Anthony Conyers, Jr., and staff, who presented the options of a possible contractual agreement with PENTRAN (Peninsula Transit), assume student transportation services for the College of William and Mary, reduction in service and a proposed tourist shuttle.

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

Mr. Sisk reconvened the Board at 7:04 p.m.

C. PRESENTATION

1. Industrial Development Authority Annual Report

Mr. Sisk announced that the presentation had been rescheduled to the March 26, 1996, Board of Supervisors' meeting.

D. MINUTES - February 9, 1996, Special Meeting
February 13, 1996, Regular Meeting

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

Mr. Taylor made a motion to approve the two sets of minutes.

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

E. HIGHWAY MATTERS

Mr. Quintin E. Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that two sections of Route 199, Route 60 to Longhill Road, and Route 60 to Ironbound Road, were out to bid.

Mr. DePue asked that the right-turn entrance lane on Jamestown Road (Route 31) into Williamsburg Office Park be investigated for reason of moisture/ice while remainder of roadway is dry.

Mr. DePue asked Mr. Elliott to contact him about status of intersection at Williamsburg Office Park entrance and Jamestown Road (Route 31).

Mr. DePue asked if the inclement weather had impacted completion of the repairs in the vicinity of Colony Square shopping center on Jamestown Road (Route 31).

The Board commended the Virginia Department of Transportation for its efforts during the aftermath of recent snow storms.

Mr. Elliott introduced Mr. Jack McCambridge and Mr. Steve Frazier, who presented slides showing sound barriers approved for use in the State.

Mr. Elliott suggested that the Board contact the citizens in The Mews and Midlands for their input of choice of material and color of sound walls and type of landscaping, and provide this information to VDOT for submission to the contractor.

Mr. Edwards and Mr. Magoon volunteered as a subcommittee to contact the citizens and provide information to Mr. Elliott.

F. PUBLIC HEARINGS**1. Case No. Z-6-95. Powhatan Enterprises, Inc.**

Mr. Allen J. Murphy, Jr., Principal Planner, stated that Alvin P. Anderson, Esq., had applied on behalf of Powhatan Enterprises, Inc., to rezone approximately 410 acres from R-4, Residential Planned Community, to R-4, Residential Planned Community, with proffers, located off News Road, Ironbound Road, and Powhatan Secondary, further identified as Parcel Nos. (1-9), (1-9a), (1-11), (1-12), and (1-21) on James City County Real Estate Tax Map No. (38-3) and Parcel No. (1-2) on James City County Real Estate Tax Map No. (37-4).

Mr. Murphy stated that the applicant had requested deferral of this case to the March 12, 1996, Board of Supervisors' meeting to allow time to resolve road improvement issues and changes to proffers.

Staff concurred with the request and recommended the public hearing be continued to the March 12, 1996, meeting.

Mr. Sisk opened the public hearing, no one wished to speak, and he continued the public hearing until the March 12, 1996, meeting.

2. Case No. SUP-30-95. Governor's Shoppes

Mr. Murphy stated that Alvin P. Anderson had applied on behalf of Cap Care Group, Inc., for a special use permit to allow an outlet shopping center of approximately 274,000 square feet with three outparcels on

53.44 acres zoned B-1, General Business, with proffers, located at 6590 Richmond Road, further identified as Parcel No. (1-35) on James City County Real Estate Tax Map No. (24-3).

Mr. Murphy further stated that a comprehensive drainage report and traffic study were prepared, public utilities are available to the site, no further archaeological study needed, and the project was consistent with the Comprehensive Plan and surrounding development and zoning.

In concurrence with staff, the Planning Commission unanimously recommended approval of the application with conditions listed in the resolution.

Mr. Sisk opened the public hearing.

1. Alvin P. Anderson, Esq., described the development, drainage report, traffic impact on Route 60 and location of traffic signal, with no opposition from adjacent property owners.

Mr. DePue asked Mr. Dexter Williams, traffic consultant, whether the level of service at the Centerville Road and Lightfoot Road intersections was current traffic or projected after completion of development.

Mr. Williams responded that the level of service was projected after development with signal coordination, and current level of service was not a part of this study.

After a brief discussion, Mr. DePue asked staff to share the VDOT traffic study numbers and compare proposed level of service with existing level of service in volume and timing at those intersections, with the proposed signalization coordination occurring after Route 199 has been completed.

The Board and applicant discussed the appearance of the buildings, importance of the appearance of the back view of out parcels along Route 60, difference in ingress and egress of traffic compared with Berkeley Commons outlet shops and whether a pedestrian crosswalk on Route 60 considered.

2. Mr. Mark Sexton, 8 Prestwick, questioned whether an outlet mall would be of economic benefit, and spoke of concern for additional water usage.

3. Mr. Ed Oyer, 139 Indian Circle, expressed his belief that another outlet mall would have similar stores and would not bring additional customers. He also spoke of a concern regarding drainage.

Mr. Sisk closed the public hearing.

Mr. DePue requested a deferral of the case until the March 12, 1996, Board of Supervisors' meeting to allow review of additional information.

Without objection, the Board agreed to defer the case.

G. BOARD CONSIDERATIONS

1. James City County Road Construction Revenue Sharing

Mr. John T. P. Horne, Manager of Development Management, stated that the Virginia Department of Transportation must be notified by March 22, 1996, of the County's intentions to participate in the Revenue Sharing Program.

Staff requested authorization to participate in an amount not to exceed \$500,000.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation Revenue Sharing Program for fiscal year FY 96-97; and

WHEREAS, Virginia Department of Transportation (VDOT) requires written notification of the County's intent to participate by March 22, 1996.

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 96-97, in an amount not to exceed \$500,000.

2. Annual Financial Report

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the County's auditors, Robinson, Farmer, Cox Associates, determined that the County overspent in Judicial Administration, Public Works, and Health categories as shown in the FY 95 Annual Financial Report.

Staff recommended approval of the resolution making adjustments to those FY 95 appropriations.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

ADJUSTMENTS TO FY 95 BUDGET

WHEREAS, the Board of Supervisors of James City County has been advised that spending in three categories exceeded the appropriation during FY 95 and that a budget adjustment should be executed to comply with State law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, makes the following adjustments to the FY 95 appropriations from fund balance as of June 30, 1995:

Judicial Administration	\$ 19,147
Public Works	234,109
Health and Welfare	26,120

3. Capital Budget - Volunteer Ambulance

Mr. Sanford B. Wanner, Assistant County Administrator, stated both parties had requested withdrawal of the item for further contract negotiations.

H. PUBLIC COMMENT

1. Mr. R. E. Gilley, 229 Gate House Boulevard, stated his displeasure that a staff representative traveled to Richmond and voiced opposition to the State timbering bill.
2. Ms. Ann Demarest, 2288 West Island Road, criticized the County government for the delay in corrective measures to make her home salable.
3. Mr. Ed Oyer, 139 Indian Circle, spoke of the importance of water in County considerations.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman stated that a favorable bid within the projected budget for Recreation Center expansion renovation had been received; offered assistance by staff to the subcommittee for sound walls along Route 199; and, recommended an executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointments to County boards and/or commissions and pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition and disposition of a parcel of property for public use.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor stated he had received calls from constituents and emphasized that he opposed hiring a consultant firm to search for a new County administrator.

Mr. Sisk read a statement from the Board regarding Mr. Norman's resignation, an open search for a new administrator, and naming of an Acting County Administrator.

Mr. DePue made a motion to approve a resolution appointing Mr. Sanford B. Wanner as Acting County Administrator and Clerk to the Board effective April 15, 1996.

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

RESOLUTION**APPOINTMENT OF ACTING COUNTY ADMINISTRATOR**

WHEREAS, the County Administrator is the Chief Administrative Officer of James City County and Clerk to the Board of Supervisors; and

WHEREAS, the position of County Administrator will become vacant on April 15, 1996, due to the resignation of David B. Norman; and

WHEREAS, it is deemed necessary by the Board of Supervisors of James City County to appoint an Acting County Administrator to perform the duties of County Administrator and Clerk to the Board of Supervisors while it seeks a permanent Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Sanford B. Wanner as Acting County Administrator and Clerk to the Board effective April 15, 1996.

BE IT FURTHER RESOLVED that this appointment shall continue until such time as a County Administrator is appointed; and, the Acting County Administrator shall have the authority and privileges afforded the Office of County Administrator during this period.

Mr. Sisk made a motion to convene into executive session as recommended by the County Administrator, at 8:58 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.

Mr. Taylor 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 27, 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.

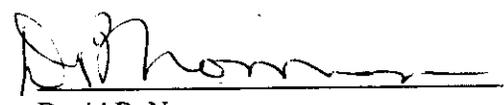
Mr. Magoon made a motion to reappoint Alan Bennett to a three-year term on the Clean County Commission, term expiring January 5, 1999; to reappoint Larry Waltrip to a five-year term on the Wetlands Board, term expiring February 19, 2001; and, to reappoint Anthony Conyers, Jr., to a two-year term on the Colonial Group Home Commission, term expiring February 28, 1998.

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

Mr. Taylor made a motion to recess until Tuesday, March 12, 1996, at 5:00 p.m. for a work session.

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

The Board recessed at 10:05 p.m.

A handwritten signature in black ink, appearing to read "D. Norman", written over a horizontal line.

David B. Norman
Clerk to the Board

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