

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MAY, NINETEEN HUNDRED NINETY-SEVEN, AT 5:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
William C. Porter, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION

1. Land Acquisition/Sale of Land

Mr. Magoon called the meeting to order and made a motion to convene into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition/disposition of parcels of property for public use and Section 2.1-344(A)(1) to consider a personnel matter, appointment of individuals to County boards and/or commissions.

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

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

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

RESOLUTION

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

Mr. Magoon reconvened the Board at 7:04 p.m. Sanford B. Wanner, County Administrator, was present.

C. MINUTES - May 13, 1997

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

Mr. Taylor made a motion to approve the minutes.

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

D. HIGHWAY MATTERS

Mr. James Brewer, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), was available for questions.

Mr. DePue asked that a check be made of the agreement with Ford's Colony concerning the request for a traffic light at the Williamsburg West exit onto Longhill Road (Route 612).

Mr. Magoon asked that a time be allotted after a work session for the Board to review the proposed BMP and landscaping of the VDOT design plans for Route 5/Route 199 intersection.

E. CONSENT CALENDAR

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

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

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

1. Certificate of Appreciation, Robert Ripley

RESOLUTION

RESOLUTION OF APPRECIATION

ROBERT RIPLEY

WHEREAS, Robert Ripley served as a member of the Board of Zoning Appeals of James City County from February 1987 to April 1997, and as its Vice Chairman from January 1991 to December 1996; and

WHEREAS, throughout this period of service, Robert Ripley willingly gave of his time and his talents to ensure the health, safety, and welfare of the citizens of James City County while protecting the rights and privileges of property owners; and

WHEREAS, Robert Ripley consistently demonstrated those essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to Robert Ripley and recognizes his distinguished service and dedication to the County and its citizenry.

2. Appointment of Zoning Administrator

RESOLUTION

APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, pursuant to Section 20-5 of the Code of the County of James City, the Board of Supervisors is responsible for appointing the Zoning Administrator; and

WHEREAS, an appointment is necessary beginning June 1, 1997; and

WHEREAS, the Director of Development Management recommends that Allen J. Murphy, Jr., be appointed in this position.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Allen J. Murphy, Jr., as Zoning Administrator.

Mr. Magoon read and presented the certificate of appreciation to Mr. Robert Ripley. Mr. Claude Feigley, Chairman, of the Board of Zoning Appeals (BZA), expressed his appreciation to Mr. Ripley for the outstanding contributions made during his terms on the BZA.

F. PUBLIC HEARINGS

1. Case No. SUP-8-97. Yeardeley House on Jamestown Island

Mr. Paul D. Holt, III, Planner, stated that Mr. Joseph Lahandro, on behalf of the Association for the Preservation of Virginia Antiquities, had applied for a special use permit to allow professional offices for field workers, archaeologists and visiting professors to examine new artifacts found at Jamestown Settlement, in R-8, Rural Residential, located within the Yeardeley House on Jamestown Island, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2).

Staff determined the use was compatible with surrounding historical structures and the Comprehensive Plan.

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

Mr. Magoon opened the public hearing.

1. Mr. J. D. Lahandro, architect for Association for the Preservation of Virginia Antiquities, stated he was available for questions.

Mr. Magoon closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

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

RESOLUTION

CASE NO. SUP-8-97. YEARDLEY HOUSE ON JAMESTOWN ISLAND

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, on behalf of the Association for the Preservation of Virginia Antiquities, applied for a special use permit to allow professional offices with associated storage in an R-8, Rural Residential District within the Yeardeley House on Jamestown Island on property further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2); and

WHEREAS, the house is not under State ownership; therefore, this proposal requires that a special use permit be granted by the Board of Supervisors of James City County.

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-8-97 as described herein with the following conditions:

1. An archaeological study, performed in accordance with County policy, shall be submitted and approved by the Director of Planning before any land disturbing activity will be allowed to take place.
2. Case No. SUP-16-97. Country Contractors

Mr. Gary A. Pleskac, Planner, stated that Mr. David Tuftee had applied for a special use permit to expand an existing contractor's warehouse facility for indoor storage of applicant's construction equipment, zoned A-1, General Agricultural, located at 7683 Richmond Road, further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (13-3).

Staff determined that the proposed use was compatible with the surrounding zoning and development, but was generally inconsistent with the Low Density Residential land use designation of the Comprehensive Plan. Staff also determined that the proposed use would minimize negative visual impacts and would not set a precedent for this site or other Low Density areas.

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

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

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION**CASE NO. SUP-16-97. COUNTRY CONTRACTORS WAREHOUSE EXPANSION**

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 May 5, 1997, recommended approval of Case No. SUP-16-97 by a vote of 6 to 0 to permit the expansion of a contractor's warehouse at 7683 Richmond Road, further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (13-3).

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-16-97 as described herein with the following conditions:

1. If construction has not commenced on the project within twelve (12) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as the obtaining of any permits for building construction and demolition, connections to water and sewer, clearing and grading of the site, and the installation of footings and/or foundations.
2. This special use permit shall be limited to the following structures and uses:
 - a. The construction of a warehouse and shop addition to the existing warehouse and office, whose total floor area for the expansion shall not exceed 2,400 square feet, and whose height shall not exceed that of the existing structure, for the purpose of storing construction-related equipment and vehicles, and whose location shall be as generally shown on the site plan prepared by Roger D. Spearman, dated March 6, 1997.
3. The applicant shall transfer at least 50 percent of the foundation landscaping to other areas on the site. The landscape plan shall be reviewed by VDOT and shall be acceptable to the Director of Planning prior to final site plan approval.
4. The applicant shall submit architectural elevations of the proposed expansion prior to final site plan approval which shall be subject to the approval to the Director of Planning. The submittal of architectural elevations shall include colors and building materials for the proposed expansion and the building design, materials, and elevations shall reasonably match that of the existing warehouse and office as determined by the Director of Planning.
5. The proposed expansion and parking shall be set back at least 30 feet behind the facade of the existing office and warehouse structure.
6. Any further development of the site beyond that referenced in Condition 2 (a) above shall require a stormwater management plan for the entire site acceptable to the Environmental Division Director.

3. Ordinance to Vacate Certain Subdivision Plat, Old Stage Manor, Section Two, Part One

Mr. Leo P. Rogers, Deputy County Attorney, stated that an original plat was recorded for 6095 Mooretown Road, developers of the property made application to amend the original plat in 1974, but that application had not been signed by all property owners. He further stated that an ordinance to vacate the revised plat was necessary to indicate that plat was void.

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

Mr. Sisk made a motion to approve the ordinance.

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

4. Resolution to Authorize Execution of Conditional Sales Contract with Williamsburg Land Conservancy

Mr. John T. P. Horne, Manager of Development Management, stated that a public hearing was advertised to consider the sale of 200-210+ acres of Mainland Farm to Williamsburg Land Conservancy. He further stated that a contract to acquire the property had not been finalized and staff requested that the Board continue the public hearing until the June 10, 1997, Board of Supervisors meeting.

Mr. Magoon opened the public hearing, and as no one wished to speak, he continued the public hearing until the June 10, 1997, Board of Supervisors meeting.

G. **BOARD CONSIDERATIONS**

1. Bid Award Law Enforcement Center/Emergency Operations Center Roof Replacement

Mr. William C. Porter, Jr., Assistant County Administrator, stated that the project for replacement of the Law Enforcement Center and Emergency Operations Center roof had been advertised with eight firms submitting bids, and the lowest responsive bidder being Shen Valley Roofing, Inc. with a bid of \$94,020.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution..

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

RESOLUTION

AWARD OF CONSTRUCTION CONTRACT

LAW ENFORCEMENT CENTER/EMERGENCY OPERATIONS CENTER

ROOF REPLACEMENT

WHEREAS, the Board of Supervisors previously authorized replacement of roofs at the Law Enforcement Center and Emergency Operations Center; and

WHEREAS, the lowest responsive and responsible bid for the roof replacements was received from Shen Valley Roofing, Inc., in the amount of \$94,020.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Law Enforcement Center/Emergency Operations Center Roof Replacement contract to Shen Valley Roofing, Inc., in the amount of \$94,020 and authorizes the County Administrator to execute the contract.

2. Regional Baseball Stadium

Mr. Sanford B. Wanner, County Administrator, stated that each of the six Peninsula jurisdictions would consider resolutions to determine the willingness of each to participate and the proposed financial commitment that each would make, if all agreed to construction of a baseball stadium capable of accommodating a minor league baseball franchise.

Mr. Wanner detailed discussion points of basic concept to construct a 5,500 seat stadium designed to accommodate minor league professional baseball at the Single A level and on a limited basis other types of sport events as well as cultural events. The site has been identified as a 30± acre parcel at the intersection of I-64 and Route 199 in York County adjacent to the Days Inn and across from Water Country. All tax revenue generated would be pledged to reduce the cost to local governments in providing funds for the project. The cost sharing proposal is based on the population of participating jurisdictions and the distance of the jurisdiction from the proposed stadium.

The regional stadium telephone survey showed 46.2 percent overall support from those surveyed. Such a facility would enhance the quality of life in the region. Financing of public facilities are usually done with public funds, but communities have used a variety of financing techniques and funding sources.

Staff recommended approval. This project has potential for enhancing the County's quality of life and meets a community need. The project is proposed to be financed using both private and public funding is appropriate for a regional baseball stadium.

Mr. Magoon made a motion to approve an amended resolution with additional clause "BE IT STILL FURTHER RESOLVED that said annual contribution shall be considered as a contribution to recreation activities."

Mr. Sisk supported the project and stated that the stadium site was easily accessed, centrally located and an excellent destination for family entertainment.

Mr. Taylor stated that he would support the resolution with the amendment that the contribution would be within the recreation budget area.

Mr. Edwards stated that the stadium project was not a high priority community need and using public funds for it created concerns. He recognized that regional cooperation was an advantage but stated his preference would be to use the large amount of money for education, recreation, landscaping, etc.

Mr. DePue emphasized that most citizens opposed putting public dollars into private enterprise, commitment over 20 years is too large a sum to pay, and a team might vacate the stadium by deciding to move from the area.

Mr. Magoon stated that regional cooperation was important and that the dollar figure might be significantly less after financial dealings are finalized.

On a roll call, the vote was: AYE: Taylor, Sisk, Magoon (3). NAY: Edwards, DePue (2).

RESOLUTION

REGIONAL BASEBALL STADIUM

WHEREAS, the Peninsula Mayors and Chairs have agreed that a baseball stadium meets a regional need that will enhance our quality of life; and

WHEREAS, the baseball stadium can serve as the home field for a minor league baseball team as well as provide a site for other spectator events; and

WHEREAS, James City County's share of the financing costs for the project is based on its population and nearness to the York County Route 199 site; and

WHEREAS, the James City County Board of Supervisors believes that this stadium project will demonstrate regional cooperation and contribute to the civic pride of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the regional baseball stadium project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, indicates its intent, subject to annual appropriation, to provide a maximum sum of up to \$180,000 annually for 20 years as its share of the project costs subject to Board approval of the final agreement between the Peninsula Sports Facility Authority and participating jurisdictions.

H. PUBLIC COMMENT

1. Mr. Lamont Myers, 204 Fielding Lewis Drive, Yorktown, stated that the Peninsula Chamber of Commerce had passed a resolution in support of a regional stadium and thanked the Board for the regional initiative.

2. Mr. Leonard Sazaki, 3927 Ironbound Road, spoke in opposition to paying taxes to support the spending of County funds for the baseball stadium.

3. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to the baseball stadium project.

4. Mr. Richard Summerville, 108 Barrows Mount, thanked the Board for approving the baseball stadium.

5. Ms. Ingrid Jahn, 118 Dover Road, stated that her priority for quality of life would be a cultural arts center and spoke in opposition to the amount of funding for the baseball stadium.

Mr. Magoon responded that the Hampton Roads Partnership had hired a consultant to do a study on public facilities such as a cultural arts center.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced the Virginia Peninsula Regional Jail dedication would be Friday, May 30, 1997, 3:00 p.m. at the jail site. He recommended the Board recess until 5:00 p.m., Tuesday, June 10, 1997, for a work session on Parks and Recreation fees. He stated a James City Service Authority Board of Directors meeting and a James City County Transit Company Board of Directors meeting were scheduled immediately following the recess of this meeting.

J. BOARD REQUESTS AND DIRECTIVES

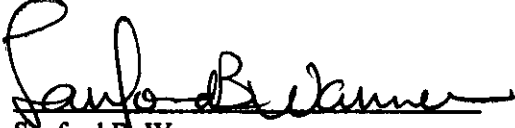
Mr. DePue expressed appreciation to Mr. Oyer for making comments that are relevant to the Board.

Mr. Edwards stated that 377 out of 15,672 households were surveyed, and 174 stated they would be willing to pay \$4.15 per capita per year for the baseball project.

Mr. Taylor made a motion to recess until Tuesday, June 10, 1997, at 5:00 p.m. for a work session.

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

The Board recessed at 8:42 p.m.


Sanford B. Wanner
Clerk to the Board

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MAY 27 1997

ORDINANCE NO. 178A-1

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO VACATE THAT CERTAIN PLAT ENTITLED "REVISED PLAT SHOWING REARRANGEMENT OF LOTS IN OLD STAGE MANOR SECTION TWO, PART ONE."

WHEREAS, the revised plat entitled, "REVISED PLAT SHOWING REARRANGEMENT OF LOTS IN OLD STAGE MANOR SECTION TWO, PART ONE" and dated April 18, 1974, was improperly filed and misrepresented true ownership of the properties involved; and

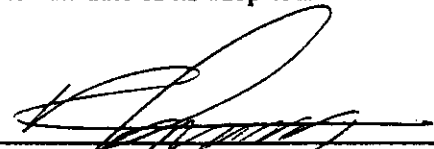
WHEREAS, notice that the Board of Supervisors would consider such vacation has been given pursuant to Section 15.1-482 and 15.1-431 of the Code of Virginia 1950, as amended; and

WHEREAS, the Board of Supervisors held a public hearing and considered such application on the 27th day of May, 1997, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.

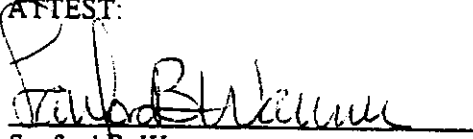
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That the revised subdivision plat entitled "REVISED PLAT SHOWING REARRANGEMENT OF OLD STAGE MANOR SECTION TWO, PART ONE" recorded in Plat Book 32, Page 26 in the Clerk's Office of the courthouse for the City of Williamsburg and the County of James City, be so vacated so as to permit the recordation of the original plat; and
2. That the original plat Section Two, Part One of Old Stage Manor recorded in Plat Book 30, Page 63 shall be in full force and effect.

This ordinance shall be in full force and effect for the date of its adoption.



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:

 Sanford B. Wanner
 Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	AYE
TAYLOR	AYE
SISK	AYE
DEPUE	AYE
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of May, 1997.