

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF FEBRUARY, 1999, AT 2:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District (Absent)
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator (Absent)
Frank M. Morton, III, County Attorney (Absent)

Mr. Edwards called the meeting to order.

Due to the continued electrical power outage, Mr. Edwards made a motion to move the Board of Supervisors' meeting to the James City-Williamsburg Community Center, 5301 Longhill Road.

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

Mr. Edwards recessed the Board at 2:03 p.m.

Mr. Edwards reconvened the Board for a work session at 2:23 p.m. All Board members, County Administrator, and County Attorney were present.

WORK SESSION

1. Williamsburg Area Visitors Shuttle Performance Summary

Mr. Anthony Conyers, Jr., Manager, Community Services, Mr. Douglas Powell, Assistant Community Services Manager, and Mr. Richard Drumwright, James City County Transit Company Administrator, gave an update on service quality and effectiveness, expenses, revenues, and ridership in the second season had doubled for the Visitors Shuttle. Staff recommended continuation of the service.

B. PUBLIC COMMENT

1. Mr. Carlyle Ford, Commissioner of the Revenue, announced that he would not seek reelection in the November, 1999 election.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of the drop in the groundwater in the Potomac aquifer.

3. Mr. Jay Everson, 103 Branscome Boulevard, spoke in opposition to the approval of "big box" retail companies in the County.

4. Mr. G. T. Diggs, 3109 Lake Powell Road, asked the Board to support his request of the Commonwealth Attorney for a fair and impartial investigation of a May 1997 incident involving himself and County police.

C. PRESENTATION

1. Virginia Peninsula Chamber of Commerce, Clyde R. Hoey, II

Mr. Clyde R. Hoey, II, President and CEO, Virginia Peninsula Chamber of Commerce, gave an update on Chamber of Commerce programs. He requested James City County to become a member of the Virginia Peninsula Chamber of Commerce.

D. HIGHWAY MATTERS

Mr. Edwards noted that no one from the Virginia Department of Transportation was present due to a schedule conflict.

Mr. Sisk stated that he had been informed by Mr. Jim Brewer, Williamsburg Assistant Resident, that the Route 199 project was on schedule.

E. CONSENT CALENDAR

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

Mr. Nervitt asked that Item No. 2 be removed.

Mr. Edwards made a motion to approve Item No. 1 on the Consent Calendar.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

1. Minutes of February 9, 1999

2. Recision of Local Declaration of Emergency

Mr. Nervitt asked whether the County would be reimbursed by the State with this recision.

Mr. Sanford B. Wanner, County Administrator, responded that he anticipated partial reimbursement of the ice storm costs.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

RESOLUTION**LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors confirmed the declaration of an emergency on December 24, 1998;
and

WHEREAS, all response activities, actions, and clean-up are now complete.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,
does hereby rescind the Local State of Emergency.

E. PUBLIC HEARINGS

1. Case No. SUP-25-98. James City Service Authority Water Main - Route 5 Water System Improvements

Mr. Christopher M. Johnson, Planner, stated that Mr. Larry Foster, on behalf of the James City Service Authority, had applied for a special use permit to install approximately 3,860 linear feet of 12-inch water main along the south side of Route 5, from Greensprings Road to Greensprings Plantation Drive and Jamestown High School, zoned R-1, Limited Residential, and LB, Limited Business.

Staff determined that the proposal was consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission, by a vote of 7 to 0, recommended approval of the application with conditions listed in the Ordinance.

Mr. Edwards opened the public hearing.

1. Mr. Larry M. Foster, General Manager, James City Service Authority, stated that the water main would provide significant improvement to system flow capacity and disinfection and fire flow issues during high demand periods at Governor's Land. He further stated that traffic would be reduced to one lane for an estimated thirty days.

Mr. Edwards closed the public hearing.

Mr. Nervitt made a motion to approve the resolution.

Board members discussed the need for the improved water flow versus the traffic impact on Route 5, and would the bikeway plan create another significant impact.

Mr. Edwards made a motion to defer until the March 9, 1999, Board of Supervisors' meeting.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: Nervitt (1).

2. Case No. SUP-1-99. Heslink Family Subdivision

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Michael Heslink had applied for a special use permit to construct a single-family residence, on 3.0± acres, zoned A-1, General Agricultural, located at 135

Old Stage Road, and further identified as Parcel No. (5-5) on James City County Real Estate Tax Map No. (12-1).

Staff determined the proposal was consistent with surrounding properties, the Comprehensive Plan and provisions for family subdivisions in the Zoning Ordinance.

Staff recommended approval with conditions listed in the resolution.

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

Mr. Bradshaw stated that he would abstain from the vote as he was the applicant's personal attorney.

Mr. Edwards made a motion to remove the number (1) in parenthesis in Condition 1 and approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Edwards (4). NAY: (0). ABSTAIN: Bradshaw (1).

RESOLUTION

CASE NO. SUP-1-99. HESLINK FAMILY SUBDIVISION

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 has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel approximately 1.0± acre in size located at 135 Olde Stage Road, further identified as Parcel No. (5-5) on the James City County Real Estate Tax Map No. (12-1).

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-1-99 as described herein with the following conditions:

1. This special use permit is valid for only one family subdivision for a parcel approximately 1.0 acre in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. Height Limitation Waiver 1-99. Anheuser-Busch Wet-Grain Load Out Tank

Mr. Holt stated that Mr. Dwane Mattmuller, on behalf of Anheuser-Busch, had applied for a height limitation waiver for a grain tank approximately 66 feet tall, located at 7801 Pocahontas Trail, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (51-3).

Staff determined that the proposal was consistent with surrounding zoning, the Comprehensive Plan and the requirements stated in Section 24-444 of the Zoning Ordinance.

Staff recommended approval of the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Dwane Mattmuller, representing Anheuser-Busch, stated that farmers were being approached to go to wet-grain system, that system would be developed, drying equipment removed, and odors from existing operations reduced or eliminated.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. HW-1-99. ANHEUSER-BUSCH WET-GRAIN LOAD OUT TANK

- WHEREAS, Dwane Mattmuller, representing Anheuser-Busch, has applied for a height limitation waiver to allow for the construction of a grain storage tank approximately 66 feet tall; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case No. HW-1-99; and
- WHEREAS, the grain storage tank will be erected within the existing brewery which is on property currently zoned M-2, General Industrial, and identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (51-3); and
- WHEREAS, the Board of Supervisors may grant a height limitation waiver to allow the erection of structures in excess of 60 feet in height upon finding that the requirements of Section 20-444 of the James City County Zoning Ordinance have been satisfied.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-1-99 with the following condition:

1. If construction has not commenced within twelve (12) months of the issuance of the height limitation waiver, the height limitation waiver shall be void. Construction shall be defined as the securing of permits for the installation of foundations and footings.
4. Ordinance Amendment, Chapter 2, Administration, Article III, Section 2-7, Change Magisterial to Election District

Mr. Frank M. Morton, III, County Attorney, stated that the housekeeping amendment would change the word magisterial to election in Section 2-7 of the County Code.

Staff recommended approval of the ordinance.

Mr. Edwards asked whether this section was the same as Section 2-6.

Mr. Morton recommended deferral of the item until the March 9, 1999, Board of Supervisors' meeting to allow staff time to research.

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

Without Board objection, Mr. Edwards deferred the item until the March 9, 1999, Board of Supervisors' meeting.

G. BOARD CONSIDERATIONS

1. Virginia Public School Authority Bond Issue

Ms. Carol O. Davis, Assistant Manager, Financial and Management Services, stated that authorization was requested for the School Board to apply for funding from the Virginia Public School Authority in an amount not to exceed \$19,220,000 to finance the majority of Berkeley Middle School renovation and construction of a seventh elementary school.

Ms. Davis further stated that after the application was filed, a public hearing would be scheduled for March 23, 1999, Board of Supervisors' meeting.

Staff recommended approval of the resolution.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY,

VIRGINIA AUTHORIZING THE WILLIAMSBURG-JAMES CITY COUNTY

SCHOOL BOARD TO APPLY FOR FUNDING FROM THE

VIRGINIA PUBLIC SCHOOL AUTHORITY FOR

THE FINANCING OF CAPITAL PROJECTS FOR SCHOOL PURPOSES

WHEREAS, the Williamsburg-James City County School Board wishes to finance the costs of improvements to Berkeley Middle School and the construction of a new elementary school, both of which are capital projects for school purposes located in James City County, Virginia (the "County") or in the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents in all respects to the financing of the costs of improvements to Berkeley Middle School and the construction of a new elementary school in the County's Stonehouse District, both of which are capital projects for the Williamsburg-James City County Public Schools, by contracting a debt in an amount not to exceed \$19,220,000, issuing school bonds of James City County, Virginia and selling the same to the Virginia Public School Authority, pursuant to Section 22.1-162 et seq. of the Code of Virginia of 1950, as amended. The

Williamsburg-James City County School Board is hereby authorized to file with the Virginia Public School Authority an application relating to this bond financing.

2. Appropriation for Storm Debris Collection and Disposal

Mr. William C. Porter, Jr., Assistant County Administrator, stated that the Debris Management Program was completed on February 9, 1999, with approximately 4,500 tons of storm debris collected at an estimated cost of \$645,000.

Mr. Porter explained that an additional appropriation of \$355,000 was needed to cover the cost of the storm debris pickup.

Staff recommended approval of the resolution.

Board members and staff discussed the amount of reimbursement anticipated from the State, and County reimbursement not available for citizens who hired commercial firms for debris pickup.

Mr. Bradshaw made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

RESOLUTION

STORM DEBRIS COLLECTION AND DISPOSAL

WHEREAS, residents of the County have accumulated significant amounts of storm debris due to the extraordinary severity of the Christmas 1998 ice storm; and

WHEREAS, the County experienced unplanned and unbudgeted overtime charges during the debris removal program; and

WHEREAS, additional unbudgeted expenses have been paid to other jurisdictions and private companies to collect and dispose of storm debris from residential neighborhoods; and

WHEREAS, the County's FY 99 Operating Budget, as amended, does not contain sufficient funding for such a program and will need to be amended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following additional appropriations of funds from the FY 98 Undesignated Fund Balance:

Overtime costs for County employees performing emergency activities during the storm and overtime costs incurred in completing the January/February debris removal efforts; distributed to departments as approved by the County Administrator based on payroll information	<u>\$ 80,000</u>
Debris collection and disposal costs incurred through the Solid Waste budget	<u>\$275,000</u>

H. PUBLIC COMMENT

1. Mr. Bradshaw stated that Vernon Lewis of Mirror Lakes Subdivision had requested installation of a flagpole at James City County Library on Croaker Road.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, County Administrator, announced the Regional Neighborhood Conference to be held on Saturday, March 6, 1999, at Bruton High School; and, a James City Service Authority Board of Directors' meeting is scheduled following this meeting.

He recommended an executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of parcels of property for public use, and recess of this meeting until March 2, 1999, 7:30 p.m., Building D, County Government Center, for a joint meeting with Industrial Development Authority.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon thanked Mr. Carlyle Ford personally and formally for his years of service.

Mr. Edwards declared a recess for a James City Service Authority meeting, at 4:12 p.m.

Mr. Edwards reconvened the Board into open session for a work session on Financial Trends, at 4:15 p.m.

WORK SESSION

1. Financial Trends

Ms. Carol Davis, Assistant Manager, Financial and Management Services, reviewed past trends and growth in the County. She presented the forecast on projected contribution to Schools; debt service and fund balance; jail, library, and other operating expenditures; estimated real estate tax rate needed to balance budget; and projected ratio of bonded debt to assessed value of real estate and debt service to total revenue. Staff conclusions were significant operating expenditures tied to capital investments and population growth with a sustained steady revenue growth. She noted that other than a projected opening of a new elementary school in FY 2001, the projections do not reflect any major new initiatives.

Mr. Edwards made a motion to convene into executive session, pursuant to Section 2.1-344(A)(3) of the Code of Virginia, to consider acquisition of parcels of property for public use, at 5:25 p.m.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session at 5:30 p.m.

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

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (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

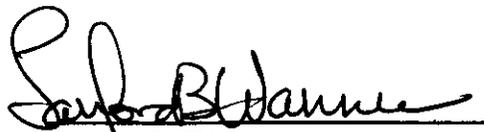
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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 were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(3), to consider acquisition of parcels of property for public use.

Mr. Edwards made a motion to recess until March 2, 1999, 7:30 p.m., for a joint meeting with the Industrial Development Authority.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

The Board recessed at 5:33 p.m.


Sanford B. Wanner
Clerk to the Board

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