

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF MARCH, 1999, AT 2:01 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
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSIONS

Mr. Edwards called the meeting to order.

1. Zoning Ordinance Update

Mr. Sanford B. Wanner, County Administrator, introduced Mr. John T. P. Horne, Manager of Development Management, and Mr. Marvin Sowers, Director of Planning, who, in turn, introduced Ms. Tamara A. M. Rosario, Senior Planner. Ms. Rosario asked the Board for direction on key issues.

Ms. Rosario stated staff preferred that the calculation of open space remain all non-developable area plus a certain percentage of developable area and the Residential Zoning Ordinance Committee preferred that open space in R-1, R-2, and clusters should be calculated on a gross acreage basis, with a provision for a recreation area to be carved from the net developable area. Planning Commission vote was 3-3.

Mr. Edwards made a motion to advertise staff's position on open space.

The motion passed by straw vote, 4-1.

Ms. Rosario stated that staff proposed allowing densities to go up to two dwelling units per acre for non-cluster development with a special use permit as base densities in R-1 and R-2 and the committee wanted to establish a sliding scale of densities in residential district, set by-right densities at one dwelling unit per acre in R-1 and two dwelling units per acre in R-2. Planning Commission concurred with staff, 4-2.

Mr. Bradshaw made a motion to allow one unit per acre by-right in R-2.

The motion passed by straw vote, 4-1.

Ms. Rosario stated that staff preferred to keep clusters as a specially permitted use in R-1, and the committee preferred to extend the idea of a sliding scale and deleted clusters as a specially permitted use in R-1. Planning Commission concurred with the committee, 6-0.

Mr. Sisk made a motion to advertise staff's position on clusters as a use in R-1.

The motion passed by straw vote, 5-0.

Ms. Rosario stated that staff preferred required standards at lower densities, including more provisions for sidewalks and recreation facilities, and utilized density bonuses for the highest densities for density standards, and the committee preferred preservation of existing woods and mandates for group parking at the highest densities. Planning Commission generally adopted staff's standards with the exception of sidewalks.

Mr. Nervitt made a motion to advertise staff's position on density standards.

The motion passed by straw vote, 5-0.

Ms. Rosario stated that staff and the committee agreed to allow smaller site sizes for affordable housing projects, relaxation of buffer requirements for small affordable housing projects, and to make accommodations for infill projects. Staff preferred density bonuses for affordable housing and made a provision whereby the Board of Supervisors could reduce the net developable open space from 40 percent to 25 percent in low density clusters and from 35 percent to 20 percent in moderate density clusters.

Mr. McGlennon made a motion to not decrease the net developable open space.

The motion failed by straw vote, 2-3.

Mr. Edwards made a motion to approve staff's version of developable open space in affordable housing.

The motion passed by straw vote, 4-1.

Ms. Rosario stated that the Planning Commission voted to keep density bonuses for affordable housing and increased the bonus from 0.2 dwelling units per acre to 0.5 dwelling units per acre for every ten percent of units dedicated to affordable housing.

Mr. Bradshaw made a motion to keep density bonuses for affordable housing.

The motion passed by straw vote, 5-0.

Mr. Bradshaw made a motion to increase dwelling units per acre to 0.5 for every ten percent of units dedicated to affordable housing.

The motion passed by straw vote, 5-0.

2. Cash Proffers

Mr. John Horne, Manager of Development Management, requested Board direction on the development of a cash proffer system. After discussion, the Board requested the development of a time line and budget for the development of a cash proffer system.

3. **Asset/Property Management**

Mr. William C. Porter, Jr., Assistant County Administrator, introduced:

Ms. Carol Davis, Assistant Manager, Financial Management Services, outlined the management of public property as: the Office of Real Estate maintained an ownership list of all parcels of real property in the County; the Office of Accounting controlled a list of titled personal property, primarily vehicles, audited periodically using Department of Motor Vehicle records; and the Office of Accounting maintained a general ledger account of the costs of real and personal property that are capitalized in the County's balance sheet.

Mr. Stuart Hale, Facilities Management Administrator, reported on current staffing, square footage of County buildings, facility maintenance responsibilities, and tracking of specific jobs.

Mr. W. R. (Steve) Stephenson, Fleet Maintenance Administrator, reported on County vehicles, equipment maintenance and acquisition procedures.

Mr. Edwards made a motion to convene into an executive session pursuant to Section 2.1-344(A)(1) to consider appointments to County boards and/or commissions, and Section 2.1-344(A)(3) acquisition of parcels of property for public use, at 5:18 p.m.

Mr. Edwards reconvened the Board into open session and made a motion to approve the executive session resolution, at 5:33 p.m.

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) (1), appointment of individuals to County boards and/or commissions and Section 2.1-344(A)(3) acquisition of parcels of property.

Mr. Edwards made a motion to nominate Kenneth Geidd for reappointment to the Board of Zoning Appeals for a five-year term; to reappoint Rachel James to the Social Services Advisory Board for a four-year term, term expiring 7/1/03; and to reappoint Anthony Conyers, Jr., to the Williamsburg Area Medical Assistance Corporation for a one-year term, term expiring 4/1/00.

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

Mr. Edwards made a motion to approve the resolution, a Resolution to Authorize the Acquisition by Voluntary Conveyance or Condemnation, of Certain Water Supply or Waterworks Systems for Public Purposes to Wit: Public Water Supply.

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

**A RESOLUTION TO AUTHORIZE THE ACQUISITION,
BY VOLUNTARY CONVEYANCE OR CONDEMNATION, OF CERTAIN WATER
SUPPLY OR WATERWORKS SYSTEMS FOR PUBLIC PURPOSES**

TO WIT: PUBLIC WATER SUPPLY

- WHEREAS, Sydnor Hydrodynamics, Inc., ("Sydnor") owns and operates private water systems serving three subdivisions in James City County, to-wit: First Colony, Indigo Park/White Oaks, and Old Stage Manor, and that such systems serve approximately 511 households in the County; and
- WHEREAS, Sydnor has chosen to perform minimal maintenance/improvements on the systems, despite pleas from the homeowners; and
- WHEREAS, the groundwater-based systems have no backup generator power and whenever electrical power fails the homeowners served by Sydnor are without water; and
- WHEREAS, the systems provide substandard flow for fire protection; and
- WHEREAS, when the systems fail or malfunction outside the normal workday, the homeowners must call long distance to Sydnor's home office in Richmond and repair time is sometimes measured in days, not hours; and
- WHEREAS, the cost for Sydnor water is at least 40 percent higher than that for customers of the James City Service Authority, despite the woefully inferior service and product; and
- WHEREAS, the systems operated by Sydnor have been shown to contain excessive levels of fluoride; and
- WHEREAS, the State Corporation Commission, in a final order entered on March 3, 1999, found the rates of Sydnor in First Colony subdivision to be excessive; and
- WHEREAS, the County of James City is empowered to acquire existing private waterworks systems by voluntary acquisition or by condemnation pursuant to §15.2-2146 and §15.2-1906, Code of Virginia (1950), as amended; and
- WHEREAS, in the opinion of the Board of Supervisors of James City County, a public necessity exists for the acquisition of all the waterworks systems of Sydnor in James City County, whether real or personal property, for public purposes and for constructing and expanding the public water supply system of James City County, and for the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia.

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

1. The acquisition of the hereafter-described property for public water supply purposes is declared to be a public necessity and to constitute an authorized public undertaking pursuant to §25-232.01, Code of Virginia (1950), as amended, and that the acquisition and use of such property by the County will constitute a public use as defined by §15.2-1900, Code of Virginia (1950), as amended.
2. The County elects to use the procedures set forth in §§33.1-119 through 33.1-132, as authorized by §15.2-1904A and accordingly, pursuant to §15.2-1905B, the County Attorney, and/or law firm of Randolph, Boyd, Cherry and Vaughan shall notify the owner of the property, by certified mail, that it intends to enter and take the property before the conclusion of condemnation proceedings. Such notice shall be sent on March 25, 1999. Such notice shall set forth the compensation offered by the County as set forth in Paragraph 5 of this Resolution.
3. The County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan be and they are hereby authorized and directed to acquire in the manner provided by Title 25, Code of Virginia (1950), as amended, including but not limited to Chapter 2, Title 25, and by §§33.1-119 through 33.1-132, Code of Virginia (1950), as amended, certain property both real and personal in James City County, Virginia, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Paragraph 4 of this Resolution.
4. The name of the present owner of the property to be acquired, together with a substantial description of the property, is:

Sydnor Hydrodynamics, Inc.
The complete water systems owned and operated by Sydnor Hydrodynamics, Inc., within or serving First Colony, Indigo Park/White Oaks, and Old Stage Manor subdivisions in James City County, Virginia, including but not limited to all pipes, wells, pumps, machinery, equipment, fixtures, and real estate used in or comprising such water systems.
5. Just compensation is estimated to be \$300,000 based upon an appraisal.
6. No condemnation proceedings shall be commenced until the preconditions of §15.2-1903(A), Code of Virginia (1950), as amended, have been met.
7. In the event any of the property described in Paragraph 4 of this Resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry and Vaughan are authorized and directed to institute proceedings against successors in title.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 5:35 p.m.


Sanford B. Wanner
Clerk to the Board

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