

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JULY, 1999, AT 7:02 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
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT

1. Mr. Henry Dorris, 104 Ambrose Hill, presented a draft master plan for a broad-band network of high technology services for support of businesses and electronic commerce. He stated financial, community support, and type of education to be provided were still to be addressed.

1. Ed Oyer, 139 Indian Circle, stated that citizens do not want taxes raised or a bond referendum for the funds needed for repair of the schools, but rather use funds already budgeted for projects.

C. PRESENTATION

1. Certificates for "Walk A Mile" Project, Community Action Agency, John McCrimmon

Mr. John McCrimmon, Director of the Community Action Agency, thanked elected and appointed officials who participated in the "Walk A Mile" project for low-income citizens. He presented Certificates of Appreciation to County Administrator Sandy Wanner and Supervisors Andy Bradshaw, John McGlennon, and Ron Nervitt.

D. HIGHWAY MATTERS

Mr. James Brewer, Williamsburg Area Assistant Resident Engineer, Virginia Department of Transportation (VDOT), stated that the ceremony for opening of Route 199 was scheduled for August 6, 1999, 9:30 a.m., at Route 199/Route 5 intersection.

Mr. Bradshaw thanked VDOT for the Route 60 West resurfacing near Anderson's Corner.

Mr. McGlennon expressed appreciation for VDOT's prompt response to placement of the correct speed limit sign near the Colony Square Shopping Center on Route 31.

E. CONSENT CALENDAR

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

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

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

1. Minutes of June 22, 1999, Regular Meeting
2. Street Name Change: Club Villas Road to Katherine Shaye Lane

RESOLUTION**STREET NAME CHANGE: CLUB VILLAS ROAD TO "KATHERINE SHAYE LANE"**

- WHEREAS, Section 19-54 (B) of the James City County Subdivision Ordinance provides for street names to be changed upon approval by the Board of Supervisors; and
- WHEREAS, Jantzen Builders, Inc., a Virginia corporation, has entered into a contract with the Governor's Land Associates to acquire all of the lots in Governor's Land within the subdivision known as Club Villas; and
- WHEREAS, the present Club Villas Road is the only street in the subdivision; has not yet been completed and paved, and has no existing residences on the street; and
- WHEREAS, via letters dated April 13, 1999, and June 21, 1999, the present owners of all property fronting on Club Villas Road, the Governor's Land Associates, and the owner of the common ground, the Governor's Land Foundation, have indicated that they have no objections to this proposed street name change.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve renaming the street Club Villas Road to "Katherine Shaye Lane."

F. PUBLIC HEARINGS

1. Case No. SUP-10-99. Swann, Replacement Manufactured Home

Ms. Courtney Kyle, Planner, stated that Ms. Charlotte Swann had applied for a special use permit to allow replacement of a manufactured home, on 2.230 acres, zoned A-1, General Agricultural, located at 3908 Rochambeau Drive, further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (13-1).

Staff determined that the proposal met requirements for replacement of a nonconforming manufactured home, nonconforming in that the lot does not meet current size requirement for the A-1 zoning district.

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. 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. SUP-16-99. SWANN MANUFACTURED HOME

WHEREAS, it is understood that all requirements for the consideration of an application for a special use permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Charlotte Swann
Real Estate Tax Map ID:	(13-1)
Parcel No.:	(1-12)
Address	3908 Rochambeau Drive
District:	Stonehouse
Zoning:	A-1, General Agricultural
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. 3. The existing manufactured home shall be removed within 30 days of placement of the new manufactured home. 4. The proposed manufactured home shall be set back a minimum of 300 feet from Rochambeau Drive.

5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. AFD-1-93. Williamsburg Farms Withdrawal

Mr. Christopher M. Johnson, Planner, stated that Mr. Vernon Geddy, III, on behalf of Williamsburg Farms, Inc., had applied for withdrawal of 4.5 acres, zoned R-8, Rural Residential and R-1, Limited Residential, from Agricultural and Forestal District 1-93, Williamsburg Farms, Inc., to be combined with five acres withdrawn during District renewal in 1998 to create two residential estate lots, located on the east side of Lake Powell Road adjacent to the Vineyards at Jockey's Neck subdivision, further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-4)(1-10).

Staff determined the proposal was consistent with surrounding zoning and development, with the Comprehensive Plan and met two of three criteria for withdrawal of land from Agricultural and Forestal Districts inside the Primary Service Area.

The Agricultural and Forestal Advisory Committee by a vote of 5-2 with three absences, approved the withdrawal with concerns that the case was an exception to Board policy criteria and applicant's intent had not changed since five acres were withdrawn during 1998 district renewal. In concurrence with staff, the Planning Commission unanimously recommended approval of the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, III, stated that Mr. Patrick Duffeler, the applicant, was requesting the 4.5 acres withdrawal to combine with the five acres withdrawn when the District was renewed in 1998. He further stated that agreement with the Conservancy did not permit the development of additional lots or use of the private road. He requested Board approval.

Board members and Mr. Geddy discussed the reason for the request during the term of the District renewal; when the engineering study was completed; and the five acres withdrawn in 1998 were not designated for a specific area.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the ordinance.

Board members discussed setting a precedent; not adhering to all policy criteria; and intent of applicant was to develop two lots at time of renewal.

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

3. Natural Resource Policy

Ms. Tamara A. M. Rosario, Senior Planner, stated that the Natural Resource Policy was adopted as part of the residential ordinances and was being brought forward for public input. She further stated that the policy was revised as a result of conversations with Virginia Department of Conservation and Recreation Division of Natural Heritage.

Staff recommended approval of the policy.

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

Mr. Bradshaw made a motion to approve the Natural Resource Policy.

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

RESOLUTION

NATURAL RESOURCE POLICY

- WHEREAS, the citizen-based Residential District Committee reviewed the residential districts in light of the 1997 Comprehensive Plan and recommended revisions to the districts; and
- WHEREAS, the 1997 Comprehensive Plan calls for continuing efforts to protect and preserve natural resources; and
- WHEREAS, the Residential District Committee recommended that developments be required to preserve habitats for rare, threatened, and endangered species; and
- WHEREAS, the Planning Commission endorsed that requirement when it recommended approval of the residential districts on March 3, 1999, by a vote of 5 to 0; and
- WHEREAS, staff developed the Natural Resource Policy which Board of Supervisors adopted along with the R-1, R-2, and Cluster Overlay Districts on May 25, 1999, by a vote of 5 to 0; and
- WHEREAS, the Board of Supervisors wanted to allow an additional opportunity for public input, and the Natural Resource Policy has been advertised in the newspapers.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Natural Resource Policy.

As part of the Chesapeake Bay ecosystem, James City County is endowed with many natural resources, including rare, threatened, and endangered species, and rare and exemplary natural communities. In order to better conserve these resources, James City County, along with York County and the City of Williamsburg, worked with the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH) to identify habitats for rare species and natural communities. The result was a document entitled, Conservation Planning for the Natural Areas of the Lower Peninsula of Virginia.

Where the conservation plan indicates that significant natural resource potential exists the County seeks to protect these resources, and staff will recommend the following condition or proffer be added to all special use permit and rezoning cases. In making a final determination as to when studies may be required, staff will consult the conservation plan to see if the sites are located in any B1, B2, or B3 areas and will seek the recommendation of the DCR/DNH or other qualified persons if necessary.

A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a

conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

I. In interpreting this proffer or condition, the following procedures and guidelines will be followed:

1. *A natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the DCR/DNH for review. The DCR/DNH's responsibility is to determine if the study meets their standards and has been conducted under the supervision of a qualified biologist. This is the preferred option for review of these studies.*

The developer may request that staff hire an independent biologist to review the study. The Director of Planning shall select the independent biologist. The developer will pay the full costs of this review. It would be the independent biologist's responsibility to determine if the study meets the DCR/DNH's standards, and if it has been conducted under the supervision of a qualified biologist. The developer will take any risk in this matter. If at some point in the future the developer needs to go before the DCR/DNH, and comments are made regarding previous studies, it will be the County's position that all DCR/DNH issues need to be resolved. The County's biologist will not participate in this process other than to provide technical assistance to the County as requested by the County.

2. *If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. The conservation management plan shall consist of a site plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. The plan shall be reviewed by staff who may, if necessary, consult with the DCR/DNH. The developer may request review by an independent biologist subject to the provisions of Guideline No. 1. Once identified concerns have been addressed, staff (not the DCR/DNH) will approve the study.*
3. *All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of*

development for the site. The preferred option for implementation of the conservation management plan is to fully incorporate it into the plan of development. However, should the recommendations of the conservation management plan severely impact the plan of development, the expectation is that all reasonable measures shall be taken to implement the conservation management plan. As an alternative under severe conditions, the Director of Planning may consider and approve a mitigation plan which provides for the permanent conservation of an equally or more rare resource off-site. The preference is for the same resource to be conserved.

II. In Implementing and updating this condition, the following procedures and guidelines will be followed:

1. Maps indicating the general location of natural areas shall be included within the text of the Comprehensive Plan with appropriate cross-references to documents such as the Natural Areas Inventory and Natural Areas Conservation Planning Report.
2. A developer may advertise on-site preservation efforts in accordance with the regulations of the sign ordinance and after consultation with a professional biologist and the Director of Planning.

G. BOARD CONSIDERATIONS

1. Case Nos. Z-1-99 and MP-1-99. Stonehouse, 1999 Rezoning and Master Plan Amendment (Deferred from July 13, 1999)

Mr. Paul D. Holt, III, Senior Planner, stated that the cases were deferred by the Board of Supervisors at its July 13, 1999, meeting at the request of the applicant. He further stated that the revised proffers were submitted after the deadline; therefore, staff recommended deferral of the cases until the August 17, 1999, Board of Supervisors meeting to allow staff an opportunity to review the proffers.

Without Board objection, Mr. Edwards deferred the cases as recommended by staff.

2. Regional Transportation Priority Setting

Mr. Sanford B. Wanner, County Administrator, stated that the Hampton Roads Metropolitan Planning Organization (MPO) had addressed the region's complex transportation problems. He further stated that the MPO would be meeting on August 18, 1999, to make a decision on the region's large unfunded projects.

Mr. Wanner presented slides describing each project, amount of funding recommended, and proposed funding sources. He requested guidance from the Board members; the issue did not require a vote.

Board members and staff discussed items dealing with an increase of interstate lanes, light rail system, additional State funding, alternative routes, and the effect on air quality.

H. PUBLIC COMMENT

- 1. Mr. Jeff Cattell, 2805 Sassafra Court, stated that an independent investigation should be done for the school construction issues and suggested reducing programs in the budget to fund repairs.
- 2. Mr. Stan Treleaven, 118 Woodland Road, suggested the County form a seven-person committee to investigate the facts and circumstances of the school repairs issue and make an objective evaluation report to the Board.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, County Administrator, stated that the County received notification of State approval of the community improvement grant in support of Ironbound Square Residential Revitalization Project.

Mr. Wanner announced a James City Service Authority Board of Directors' meeting, and recommended a closed session pursuant to Section 2.1-344(A)(1), appointment of individuals to boards and/or commissions, Industrial Development Authority, Clean County Commission, Cable Television Advisory Committee, and Historic Triangle Bicycle Advisory Committee. He recommended adjournment until 2:00 p.m., Tuesday, July 28, 1999, for a closed work session, annual evaluation of County Administrator.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon referred to a memorandum in the Reading File from the Historic Triangle Bicycle Advisory Committee and made a motion requesting that the County membership be expanded from two to three members.

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

Mr. Nervitt asked the status of the initiative dealing with blight.

Mr. William C. Porter, Jr., Assistant County Administrator, stated that on July 1, 1999, State enabling legislative allowed the County to participate in the State's Blight Removal Program. He further stated staff would bring a recommended program and grant application to the Board at its August meeting.

Mr. Nervitt invited the citizens to participate by contacting County Administration to report blighted properties.

Mr. Nervitt asked whether the Board would have a work session to review the impact of the schools issues and what the Board's role was.

Mr. Wanner responded that the Deputy County Attorney was working with the School Board's attorney, that a briefing of the Board would be forthcoming, and the Board's role would be to act on the recommendation of how to fund the repairs as well as any policy recommendations.

Board and staff discussion followed regarding the priority of safety of school children; timing of repairs for completion by opening date of schools; School Board would share information when received; best method of communication to the citizens; contingency plans for classrooms in case repairs are not completed

on time; and work session/special meeting with the School Board might be called after information was received.

K. BOARD CONSIDERATION

1. Acquisition of a Scenic Easement on a Parcel on Neck-O-Land Road

Mr. Horne stated that negotiations were complete and the property owners were in agreement to the conditions of the deed of easement for acquisition of a scenic easement on Neck-O-Land Road, adjacent to the Colonial Parkway.

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

ACQUISITION OF A SCENIC EASEMENT

ON A PARCEL ON NECK-O-LAND ROAD

WHEREAS, the Board of Supervisors has established within the Capital Improvement Program the Greenspace Account to finance the acquisition of property for permanent greenspace; and

WHEREAS, staff and the Board of Supervisors have identified a parcel on Neck-O-Land Road near the Colonial Parkway.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized on behalf of the County, for the sum of \$17,500, to purchase a scenic easement on land described as follows:

A scenic easement of 200-300 feet in width as shown on a plat entitled "Plat of Subdivision and Property Line Extinguishment of 2 Parcels of Land Containing 108.71 Acres ± Owned by Frances S. Rees" dated June 7, 1999, and recorded in the Clerk's Office of the Circuit Court of Williamsburg-James City County, Virginia, in Plat Book 74, Page 42.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute a Deed of Easement and such other documents to complete the purchase of the easement.

Mr. Bradshaw announced that the County Fair was scheduled for August 13 and 14, 1999. In remembrance, he noted the death of Mr. Henry M. Hazelwood, a lifelong farmer in Stonehouse District.

Mr. Edwards recessed the Board for a James City Service Authority meeting, at 9:17 p.m.

Mr. Edwards reconvened the Board at 9:21 p.m., and made a motion to convene into closed session as recommended by the County Administrator.

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 9:37 p.m. and made a motion to approve the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed 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 closed 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 closed 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.

Mr. Nervitt made a motion to reappoint Dr. Robert Crossen to the Cable Television Advisory Committee for a four-year term, term expiring July 1, 2003; to appoint Kathleen Lindsay to the Clean County Commission for a three-year term, term expiring July 27, 2002; to appoint Christine Laurance to the Clean County Commission for an unexpired term, term expiring February 4, 2000; and to reappoint Jon A. Nystrom to the Industrial Development Authority for a four-year term, term expiring July 8, 2003.

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

Mr. McGlennon made a motion to appoint the following individuals to the 1999 James City County Fair Advisory Committee: Loretta Garrett, Lynn Miller, Nancy Bradshaw, Richard Miller, Bill Porter, Ed Overton, Doris Heath, Kelly Wingard, Joyce Grunewald-Kauffman, Ann Davis, Edythe Stewart, Diana Perkins, Shirley Webster, Pam Johnson, Stacy Bates, Norman Danuser, Jim Bradsher, Bernie Farmer, Katie Jones, Andy Bradshaw, Dwight Beamon, David Daigneault, Leigh Anne Langston, Amy Carlini, Dick Bradshaw, Lois Danuser, Pat Martin, and Rick Mathis.

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

Mr. Bradshaw asked staff to contact various citizens to find out if they were willing to serve on the Rural Lands Committee.

Mr. Bradshaw made a motion to adjourn until 2:00 p.m., July 28, 1999, for a Board of Supervisors work session.

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

The Board adjourned at 9:40 p.m.


Sanford B. Wanner
Clerk to the Board

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JUL 27 1999

ORDINANCE NO. 190A-3

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

WILLIAMSBURG FARMS AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-93)

WILLIAMSBURG FARMS, INC. - 1999 WITHDRAWAL

WHEREAS, a request to withdraw approximately 4.5 acres owner by Williamsburg Farms, Inc., identified as a portion of Parcel No. (1-10) on the James City County Real Estate Tax Map No. (48-4), has been filed with the James City County Board of Supervisors; and

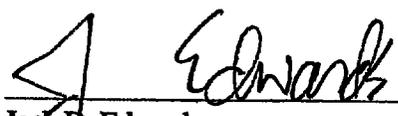
WHEREAS, the Agricultural and Forestal District Advisory Committee at its June 29, 1999, meeting recommended the property be withdrawn by a vote of 5-2; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Planning Commission and at its July 7, 1999, meeting recommended the property be withdrawn by a unanimous vote; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and

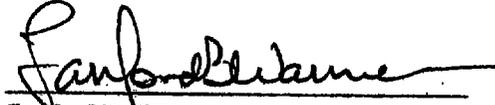
WHEREAS, the Board finds that the withdrawal request meets two of the three withdrawal criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Within the Primary Service Area, dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes that 4.5 acres owned by Williamsburg Farms, Inc., as referenced herein from the 306 acre Williamsburg Farms Agricultural and Forestal District.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	NAY

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of July, 1999.