AGENDA ITEM NO. E-1

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

The Boy Scouts of Den 1, Pack 105, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Elizabeth Deer, 1304 London Company Way, voiced her concerns about the drainage in Jamestown 1607 including drainage problems along Jamestown Road due to debris in the ditches. She stated concerns with additional construction in the area such as the proposed bike path.

2. Mr. Tony Dion, 120 Fairmont Drive, spoke of the Wellington Project.

D. PRESENTATIONS

1. Virginia Municipal Group Self Insurance Association (VMGSIA) Safety Performance Award

Ms. Margaret Nichols, Insurance Programs' Administrator, presented Mr. Kennedy, Chairman, Board of Directors, James City Service Authority, with the VMGSIA Safety Performance Award in recognition of the James City Service Authority's excellent safety in the workplace record for 1999.

Mr. Kennedy then presented the award to Mr. Robert Smith and Mr. George Adams of the James City Service Authority.

2. Vision Committee

Ms. Sarah Kadec, presented the Board with the Vision Committee's Vision Statement for James City County, and requested Board support and endorsement of the Committee's work.

3. Cox Cable

Mr. Tom Ross, Cox Communications Operations Manager for the Peninsula, updated the Board on the internal measurements Cox uses to gauge the level of customer service satisfaction. The Board was updated concerning the upgrade of cable service to the area. The upgrade is expected to begin as early as August and be completed by the end of 2000. The rate adjustments for the service area will begin in August as the cable service upgrade progresses through the area.

Discussion regarding the citizens' and Board's anticipation of Cox's improved customer service relations with subscribers, services to be available with the upgrade, including additional regional government channels.

E. HIGHWAY MATTERS

Mr. Quintin D. Elliott, Resident Engineer of the Virginia Department of Transportation (VDOT), let citizens know that one lane on the Jamestown Road Bridge at Lake Powell is now open to through traffic.

Mr. McGlennon thanked VDOT for the hard work and expediting the opening of one lane on Jamestown Road and requested the reflectors that had been removed from Jamestown Road be replaced.

Mr. Goodson thanked VDOT for the responsiveness on road repairs and trash problems in the Grove community.

Mr. Kennedy requested a speed limit sign be posted on Point O' Woods Road. He also requested the roads in the Mirror Lake subdivision be repaired, specifically, Rose Lane and Loch Haven Road where shoulders need repair work and potholes need to be filled.

Mr. Harrison requested another speed study be conducted to lower the speed limit on News Road at the Spring Hill and Ford's Colony entrances.

Mr. Nervitt thanked VDOT for getting a traffic lane open on Jamestown Road, inquired about adding more landscaping in the "living buffer" on Route 199 near Ford's Colony, and a right-turn lane for residents entering Williamsburg West.

F. CONSENT CALENDAR

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

Mr. Harrison requested the Appropriation from the Virginia Public Assistance Fund - Training Program and the Intergovernmental Cooperative Agreement for Workforce Development Service items be removed from the Consent Calendar for further discussion.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

1. Minutes for January 26, 2000, Regular Meeting; and February 8, 2000, Regular Meeting

2. Little Creek Reservoir Park Trail Grant

RESOLUTION

LITTLE CREEK RESERVOIR PARK TRAIL GRANT

WHEREAS, the Virginia Department of Conservation and Recreation, in cooperation with the National Recreation Trail Fund and the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed to construct a 155-foot boardwalk and a 4,500-foot trail with amenities at James City County's Little Creek Reservoir Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the $85,485 grant awarded by the Virginia Department of Conservation and Recreation.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation.

Revenues:

From the Commonwealth	$85,485

Expenditures:

Little Creek Construction Account (0130220575)	$107,485
Greenways (0130220800)	(22,000)
	$ 85,485

3. Recognition of March as Purchasing Month

PROCLAMATION

MARCH 2000 AS PURCHASING MONTH

WHEREAS, the purchasing and materials management profession plays a significant role in the quality, efficiency, and profitability of all business and government throughout the United States; and

WHEREAS, in addition to the simple purchase of goods and services, the purchasing and materials management profession engages in or has direct responsibility of executing, implementing and administering contracts; developing procurement strategies; supervision and/or monitoring the flow and storage of materials; and developing working relationships with suppliers and other departments within the organizational unit; and

WHEREAS, the National Institute of Governmental Purchasing and other associations around the globe are holding activities and special events to further educate and inform the general public on the role of purchasing within business, industry and government.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the month of March 2000 as Purchasing Month and encourages all citizens to join us in commemorating this observance.

4. Appropriation from Virginia Public Assistance Fund - Training Program

Mr. Doug Powell, Assistant Manager of Community Services, recommended the Board approve the resolution which appropriates $17,500 from the General Fund Balance and $17,500 from the Virginia Public Assistance Fund to the Office of Community Services. This appropriation is to extend Construction Training program another year and to cover expenditures during FY 99 which were not billed until FY 00.

The Board and staff discussed the finances of this program and the potential for training additional applicants.

Mr. Harrison made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

APPROPRIATION FROM THE VIRGINIA PUBLIC ASSISTANCE FUND

TRAINING PROGRAM

WHEREAS, James City County wishes to contract with Habitat for Humanity for a construction training program; and

WHEREAS, sufficient funding is available in the Virginia Public Assistance Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the following budget amendments and changes in appropriations for the Fiscal Year 2000:

Revenues:

From Operating Contingency	$17,500
From Virginia Public Assistance Fund	17,500
	$35,000

Expenditures:

Office of Community Services	$35,000
	$35,000

5. Intergovernmental Cooperative Agreement for Workforce Development Service

Mr. Doug Powell informed the Board of some minor clarification adjustments made to this agreement.

The Board and staff held a brief discussion regarding this agreement.

Mr. Harrison made a motion to approve the agreement.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

G. PUBLIC HEARINGS

1. Case No. SUP-2-00. Hipple Family Subdivision

Mr. Paul D. Holt, III, Senior Planner, presented a proposal for a subdivision by the Hipple family which is consistent with previous family subdivisions approved by the Board. The property is identified as

a portion of Parcel No. (1-7) on the James City County Real Estate Tax Map No. (31-1).

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

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

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

CASE NO. SUP-2-00. HIPPLE 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 1.28± acres in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

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-2-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for a parcel approximately 1.28 acres 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. The subdivision submitted for approval shall be located immediately adjacent to, and to the south of, Parcel No. (1-78) on the James City County Real Estate Tax Map No. (31-1).

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

H. BOARD CONSIDERATIONS

1.& 2. Case No. Z-12-99. Rezoning by Voiding Case No. Z-20-86 Due to Invalid Proffers (deferred from February 8, 2000) and Case No. Z-13-99. Rezoning of certain lots in Mirror Lake Estates

Mr. Paul D. Holt, III, Senior Planner, reviewed the status of the two cases. Mr. Holt stated that staff continues to believe the Proffers are invalid because they were not signed by the property owner and thus, the Proffers are not binding or enforceable. The County Attorney's Office has been working with the attorneys for the current property owner to negotiate a settlement proposal.

The Board and Staff discussed the status of a settlement proposal and deferral for these items for further negotiations.

Mr. Nervitt opened the public hearing on this item to allow citizens an opportunity to speak on this matter.

1. Mr. Tony Dion, 102 Fairmont Drive, voiced his desire for citizens to be permitted to review the results of the negotiations with County staff before the Board takes action.

2. Ms. Eve Palmer, 140 Wellington Circle, spoke regarding the signature on the proffer being accepted at time of signing and notarization and residents/citizens should be permitted to view the preliminary plan before going to final plat.

Mr. McGlennon reminded the Board that some action has to be taken in regard to the invalid proffer.

The Board and staff discussed a time frame for settlement and an opportunity for citizens to review the settlement before the Board takes further action.

Mr. Goodson made a motion for deferral until the March 14, meeting.

On a roll call, the vote was: AYE: McGlennon, Goodson, Nervitt (3). NAY: Harrison, Kennedy (2).

2. Exchange of Reciprocal Easements for the Courthouse (deferred from February 8, 2000)

Mr. Leo P. Rogers, Deputy County Attorney, presented a map as requested by the Board at the February 8, meeting. The map shows the area covered by the easements.

The Board and staff discussed the benefits of shared easements.

Mr. Harrison inquired about the traffic impact for this exchange of easements, and possible drainage impacts.

Mr. Harrison made a motion to defer this item until the March 14, meeting.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

I. PUBLIC COMMENT

1. Ms. Eve Palmer, 140 Wellington Circle, informed the Board that she thought its function is the enforcement of established laws. Ms. Palmer recommended the Board get outside legal advice any time there is controversy regarding an established law and its interpretation.

As no one else wished to speak, Mr. Nervitt closed the public comments.

J. REPORTS OF THE COUNTY ADMINISTRATOR

1. Flood Plain Management in James City County

Mr. Sanford B. Wanner, County Administrator, introduced Mr. John T. P. Horne, Manager of Development Management, to present staff findings. 13

As new developments are approved there should not be additional occurrences of lots or units being placed in areas subject to nontidal flooding such as occurred in the Powhatan Creek watershed area.

The Board and staff discussed flood plain studies, building regulations, as well as FEMA and VDOT's possible assistance in making the bridges and roads flood compliant.

Mr. Wanner announced the Board agenda packets and the Planning Commission's packets are available on the web by visiting www.james-city.va.us and at both libraries the Friday preceding the Board meetings.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson announced the Regional Issues Committee will meet at the Hampton Roads Planning District Commission's Office in April and will focus on corridor beautification.

Mr. Kennedy made a motion to adjourn until February 23, at 4:00 p.m. for the Work Session.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board recessed at 9:52 p.m.

Sanford B. Wanner
Clerk to the Board

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