

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF APRIL, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Jeff Kelly, an eighth-grade student at Toano Middle School led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Patricia Boyd, 2872 Hidden Lake Drive, stated her concern regarding the safety of the existing bleachers at Cooley Field and encouraged the Board to support the School's request for funds to improve Cooley Field. Ms. Boyd also encouraged the Board to adopt the entire School Budget as it will benefit the special education programs within the schools.

2. Mr. Mike Halpin, 1203 Penniman Road, requested the Board work with the School Board to fund the repair work on the bleachers at Cooley Field.

3. Mr. Richard Bradshaw, Commissioner of Revenue, informed citizens of upcoming tax filing deadlines.

4. Mr. Ed Oyer, 139 Indian Circle, stated that surplus school fund has been an issue before the Board over the past 25 years, and complimented this Board for being the first to say no to additional funding when a surplus already exists. Mr. Oyer stated concern for the disproportionate increase of full- and part-time staff in ratio to the increase of the student population and general population increase; the State's average graduation index of students in the local school; and the amount of proposed expenditures for travel, dues, memberships, and periodicals.

D. CONSENT CALENDAR

Mr. McGlemon asked if a member wished to pull an item from the consent calendar.

Mr. Nervitt made a motion to approve the consent calendar.

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

1. Minutes

- a. February 7, 2001, Joint Work Session, James City County Board of Supervisors, City of Williamsburg, and the School Board
- b. March 27, 2001, Regular Meeting
- c. March 28, 2001, Work Session

2. Land and Water Conservation Fund Grant

APRIL 10, 2001

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT

WHEREAS, funds are needed for the construction of several projects at the District Park Sports Complex to include a lit baseball field, tee-ball practice area, picnic facilities, playground, and paved parking; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County under Virginia Outdoors Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Conservation and Recreation establish a project for the development of facilities at the District Park Sports Complex.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum of 50 percent of the total cost for planning, design, and construction of these projects and shall dedicate the project areas in the District Park Sports Complex through signage in perpetuity for public outdoor recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act.

3. Chesapeake Bay Preservation Ordinance Violation

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION

- WHEREAS, R. Kelly Crace and Cindy D. Crace (Mr. and Mrs. Crace) are the owners of a 0.557 ± acre parcel of land, commonly known as 1581 River Ridge, designated as Parcel No. (4-5) on the James City County Real Estate Tax Map No. (43-1) (the "Property"); and
- WHEREAS, on or about November 3, 2000, Mr. and Mrs. Crace, or their agent, removed an estimated 15 trees from and disturbed approximately 1,500 square feet in the Resource Protection Area (RPA) on the Property; and
- WHEREAS, Mr. and Mrs. Crace have agreed to a Restoration Plan to replant 15 trees and 45 shrubs on the Property to remedy the clearing violation under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, Mr. and Mrs. Crace have agreed to pay \$1,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and
- WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into a settlement agreement with Mr. and Mrs. Crace accepting the Restoration Plan and the \$1,000 civil charge.

4. National Telecommunicator's Week, April 8-14

RESOLUTION

NATIONAL TELECOMMUNICATOR'S WEEK

- WHEREAS, the 911 Communications Center provides a vital contribution to the quality of life enjoyed by citizens and visitors to James City County; and
- WHEREAS, access to a 911 center dramatically improves the response to a police, fire, or emergency medical call; and
- WHEREAS, the telecommunicators are trained, prepared, and ready; and
- WHEREAS, National Telecommunicator's Week will serve to recognize the telecommunicators of James City County who provide a vital public safety service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of April 8-14, 2001, as National Telecommunicator's Week in James City County and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

E. PUBLIC HEARINGS

1. Case No. SUP-6-01. Cook Family Subdivision

Ms. Karen Drake, Planner, stated that James and Betty Cook have applied for a Special Use Permit to allow for a family subdivision from 29.2 acres at 9001 Barnes Road, further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (10-1) and zoned as A-1, General Agricultural.

Staff found the proposal to be consistent with the surrounding properties, the Comprehensive Plan, and the provisions for family subdivision in the Zoning Ordinance.

Mr. McGlennon opened the public hearing.

Mr. McGlennon closed the public hearing as no one wished to speak.

Mr. Kennedy made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-06-01. COOK 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 generally 29.2 acres in size that would be subdivided into two parcels, generally 28.2 and 1.0 acres, located at 9001 Barnes Road, further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (10-1).

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-06-01 as described herein with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of one lot of one acre or more and in the general vicinity as shown on the sketch submitted with this application. A subdivision plat shall be submitted for formal subdivision approval by the County.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this special use permit or the permit shall become void.

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

2. Proposed FY 2002 County Budget and Capital Improvements Program

Ms. Carol Swindell, Assistant Manager of Financial and Management Services, gave an overview of the Proposed FY 2002 County Budget and Capital Improvements Program.

Mr. McGlennon opened the public hearing.

1. Michael Kirby, 2712 Wingfield Close, stated that he is a representative for Citizens Against Unfair Taxation and requested the Board eliminate the discriminatory and unfair Alternate Route 5 Transportation Improvement District (TID). Mr. Kirby stated that a letter of complaint regarding the TID, dated January 2001, was sent and followed by a letter with a petition opposing the tax and requesting an overturn of the tax. The petition was signed by over 400 citizens. Mr. Kirby has not received a reply to either letter.

2. Mr. Bruce L. Manilla, 3525 Frances Berkeley, stated opposition to the Alternate Route 5 Transportation Improvement District (TID), that over 400 people signed a petition opposing the TID and supporting the overturn of this district, suggested a former Board member lost his seat for supporting this District, and that a portion of the funds utilized to bring in more visitors to drive on this road should be redirected into paying off the expense for the road.

3. Ms. Ruth Larson, 124 Old Meadows Road, encouraged the Board to adopt the School's proposed budget, reconsider funding the improvement at Cooley Field. She also stated that the Budget has a good focus on smaller class sizes, Good Morning America reported the Education workers are the second lowest compensated positions, and encouraged alternate education.

4. Mr. Ward Ellis, representing the Williamsburg/James City County Education Association as its Vice President, stated support for solid education of the students, increased educational funding at the local level as the State's funding is uncertain, the public supports increased funding of education, requested the Board fill the financial gap as the education of the children will impact the fabric of the community for years to come, and stated support for the School Budget.

5. Mr. Bruce Abbott, representing Colonial Soil and Water, stated that there has been a continued increase in operating costs, that Colonial Soil and Water interacts with the schools and works with the Chesapeake Bay Act, and requests a 10 percent increase in funding support.

6. Ms. Diana Joyner, 104 Barley Mill Place, stated that the School's Budget was compiled with community input, discussion of individual school needs from a parent's and citizen standpoint, Dr. Martin dealt with the citizens with respect and candor, Dr. Martin has a fresh approach of Alternative Education, the Budget provided for the replacement of the buses, the Schools used a zero-based budget process, and requested the adoption of the proposed budget.

7. Mr. Thomas Powers, 133 Jerdone Road, commented on the Purchase of Development Rights, stated that the Land Conservancy holds the title of 600 acres of land, the cost of undeveloped land and demand for land is increasing, neither the Federal nor State Government is preserving open space and thanked the

County for preserving open space; and stated his children received wonderful education and thanked the School Board for that good education.

8. Mr. Tony Dion, 102 Fairmont Drive, stated dismay at the lack of combined services in the Budgets, stated concern in the staffing increases in relation to citizen population, an \$8.25 minimum wage for full-time workers in budget only for grounds and maintenance crews, money budgeted to the Williamsburg Regional Library and the increased cost of living in the area, requested the Board reconsider assessing every other year or every third year, although it is said no tax rate increases this year, bills go up every year, and requested the Board encourage the Schools to utilize its funds to pay for Cooley Field improvements.

9. Mr. Paul Kershner, 101 Devon Road, stated that funding the School Budget has benefitted the community with local ownership of County/City businesses, students graduating and going to respected colleges and universities such as Harvard, Yale, William and Mary, and MIT; high school graduates from other local schools such as York are not going to these places; and encouraged the Board to support the proposed School Budget.

10. Mr. Mike Halpin, 1203 Penniman Road, stated the use of discretionary funds in the School Budget are being used for elementary school computers, the task forces on combined services has not yet submitted a recommendation to the Board or Council and therefore is not included in this budget process, that parents are stockholders and their biggest investment is their children, and encouraged the Board to fund the proposed School Budget.

11. Mr. Ed Oyer, 139 Indian Circle, stated that he liked seeing the School Debt Service included in the budget numbers; stated concern over the amount of expenditures for School personnel memberships, dues, and travel and that these expenditures amount to about 1.5 cents on the tax rate; encouraged Schools and the County to cut travel costs; asked what do citizens get on the tax dollars spent; stated opposition to the E-911 Tax as it is a function of the community; and asked how many Williamsburg/James City County Schools are accredited. As of August 1998, no schools were accredited.

12. Ms. Caroline Lowe, 50 Summer East, a County resident for 16 years, stated concern for the environmental protection and encouraged the Board to support the proposed Purchase of Development Rights to preserve natural, historic, and scenic resources. Ms. Lowe provided the Board with several references concerning natural resources and growth, and requested the Board adopt the Real Estate Transfer Tax for purchase and preservation of land.

Mr. McGlennon closed the public hearing.

Mr. McGlennon stated that on April 12, 16, and 19 at 7:00 p.m., the Board will have Budget Work Sessions and on April 24 at 7:00 p.m., the Budget will be presented for adoption.

3. 2001 Redistricting Plan

Mr. John Home, Development Manager, gave an overview of the Redistricting Advisory Committee recommendations and report; stated that the deadline for citizens to submit proposed redistricting plans is on April 13; and that on April 16 at 4:00 p.m., the Board will hold a Work Session concerning the 2001 Redistricting Plan.

The Board recognized the members of the Redistricting Advisory Committee in attendance.

Ms. Karen Drake, Planner, gave a presentation of the 2000 Census data in relation to redistricting the County, and the recommendation of the Redistricting Advisory Committee.

The Board, staff, and Committee members held a discussion concerning the placement of Williamsburg Landing, Governor's Land, the need to focus on today's Census numbers and not anticipated growth, avoiding having citizens drive past a poll place to get to their polling place, and the number of voters in a polling place now verses proposed redistricting polling place numbers.

Mr. McGlennon opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, proposed the Board consider increasing the Districts in James City County to six to accommodate growth in the western portion of the County, and have an alternate Board member as the seventh member to represent the County as a whole and not a specific district.

Mr. McGlennon closed the public hearing.

Mr. Home stated that the adoption of a redistricting plan will be done by ordinance.

Mr. Goodson requested a redistricting plan that includes Williamsburg Landing into the Roberts District

Mr. Morton stated opposition to splitting Census blocks as it raises a lot of challenges including the inability to calculate the number of residents in the split census blocks without performing another census by County staff.

Mr. McGlennon recessed the Board for a break at 9:00 p.m.

Mr. McGlennon called the Board back into order at 9:07 p.m.

4. Case No. Z-1-01. Energy Services Group International, Inc.

Mr. Christopher Johnson, Planner, stated that Mr. Thomas W. Gillman has applied on behalf of Raymond R. and Marianne Morton and Carleton T. and Judith H. Hall to rezone approximately 6.23 acres located at 8946 Pocahontas Trail and further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (59-2) from R-8, Rural Residential, to M-1, Limited Business/Industrial, with proffers.

Staff believes this proposal is inconsistent with the Low-Density Residential land use designation, that it will encourage further commercial and industrial development on similar residentially zoned property, that it undermines efforts to locate industrial uses in planned industrial parks in the surrounding area, and hinders efforts to provide sites for low- to moderate-income housing.

The Planning Commission recommends denial of this application by a vote of 4-1.

The Board and staff held a discussion concerning the buffers, affordable housing, alternate land-use facility layouts, presented proffers, and use of planned industrial parks.

Mr. McGlennon opened the public hearing.

Mr. Thomas W. Gillman, applicant, stated that this site is apart of the Virginia Enterprise Zone and contradicts the County's Comprehensive Plan, similar development will not occur because there are no properties in the area with similar characteristics as this parcel, the planned industrial parks in the County do not meet the needs of this business, they are economically prohibitive and the layouts are not viable for the business' needs. Although the land is zoned for residential, the available land for building is not usable for a lot of homes, and the business has provided proffers and invested time and resources into this site.

The Board, applicant, and staff held a discussion concerning the anticipated number of employees the business will bring into the County, use of planned industrial parks or other sites for business, expansion of the facilities on the site, utilization of the rail spur, BASF property usage, buffers, hours of operation, noise levels, and lighting.

Mr. McGlennon opened the public hearing.

1. Ms. Nancy Vanderhoof, representing the owners of Windy Hill Estates property, stated that this business will do something positive with this land and will improve the site.

2. Ms. Adrienne Wynne, 118 Ron Spring Drive, read a letter from the Grove Recreation and Civic Association that requests the Board deny the rezoning of the parcel of land as there are other areas with land zoned for business/industrial use. Ms. Wynne stated that the Roberts district is landlocked and there is a lot of pressure to develop the land but as a result the number of citizens residing in the district is falling and requested the Board reject this proposal.

3. Mr. Ed Oyer, 139 Indian Circle, stated that the buildings across the street are tall, inquired what the tax base for this proposed use is versus the current tax base, that it is not the County's business to dictate what and where business go within the County, that the deliveries will be shortened, that there has not been movement to develop the property for housing, the business will improve the site, the relocation of Route 60 East hinders business use of Lots 7 and 8 at the planned industrial park, and encouraged the Board to grant the rezoning.

4. Mr. Gil Bartlett, representative of the Industrial Development Authority (IDA) of James City County, stated IDA support of the rezoning of this parcel as it is uniquely suited for light industrial business, it is compatible with area businesses, the railway spur line is viewed as an economic benefit of the County, the improvement in the lot will lead to increased taxes, and the business has been unable to relocate elsewhere in the County.

The Board, staff, and Mr. Bartlett held a brief discussion concerning the rail spur, industrial development, the Enterprise Zone, and Comprehensive Plan.

5. Mr. Martin Garrett, Chairman of the Planning Commission, stated support for industrial growth within the County and stated opposition to the rezoning of this site as there are established residential dwellings to the East and West.

6. Mr. Joe McCleary, member of the Planning Commission, recommended denial of this request as the area and site are residential and embedded within an established residential area. Mr. McCleary stated the rail spur has been unused for ten years and does not hinder development, and that occupancy of dwellings along active rails is not unusual. Mr. McCleary also stated that despite efforts to offer M-1, Limited Business/Industrial parcels, Energy Services Group International, Inc., wants to use a residential site.

Mr. McGlennon closed the public hearing.

The Board and staff held a discussion regarding loitering complaints on the property, the Comprehensive Plan, affordable housing, and green space.

The Board, staff, and the applicant held a discussion regarding additional proffers to address concerns about the expansion, noise levels, height of the facility, and hours of operation.

Mr. Nervitt made a motion to defer the case until April 16 to allow the applicant to amend the proffers.

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

F. BOARD CONSIDERATION

1. Sister City Affiliation, Ipswich, Suffolk, England

Mr. William Porter, Assistant County Administrator, stated that the City of Ipswich, Suffolk, England has historical ties to the County that date back to 1606 when Bartholomew Gosnold, who captained the Godspeed, organized the first major expedition to America. As the County moves toward its 400th Anniversary in 2007, the County would like to strengthen and recognize the historical ties to Ipswich and recommends the adoption of the Proclamation of Sister City Affiliation with Ipswich and the Resolution of Sister City Affiliation.

In May, the Governor's office has planned a trip to England. During that trip, the State's First Lady and Mr. Bruce Goodson will present a Proclamation recognizing the historical ties to the Ipswich City Council.

After June, the Proclamation and Resolution of Sister City Affiliation will be presented to Ipswich for signing.

Mr. Goodson made a motion to adopt the Proclamation and Resolution.

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

PROCLAMATION OF SISTER CITY AFFILIATION BETWEEN

THE CITY OF IPSWICH, SUFFOLK, ENGLAND, AND

JAMES CITY COUNTY, VIRGINIA, UNITED STATES OF AMERICA

WHEREAS, the City of Ipswich, Suffolk, England, and the County of James City, Virginia, desire to strengthen historical, economic, and social relationships between the people of our two communities; and

WHEREAS, the City of Ipswich and James City County have historical ties that date back to 1606 when Bartholomew Gosnold organized the first major expedition of settlers to America in Otley Hall in Ipswich, Suffolk, England; and

WHEREAS, to encourage greater friendship and understanding, the people of James City County and Ipswich agree, in a gesture of friendship and goodwill, to collaborate for the mutual benefit of our communities by exploring educational, economic, and cultural opportunities; and

WHEREAS, we agree to support and encourage opportunities for mutually beneficial practical exchanges in the fields of business, arts, culture, and tourism.

NOW, THEREFORE, BE IT RESOLVED the County of James City, Virginia, and the City of Ipswich do hereby proclaim themselves Sister Cities and declare their intent to abide by these guidelines indefinitely according to Sister City International policies.

RESOLUTION OF SISTER CITY AFFILIATION

WITH THE CITY OF IPSWICH, SUFFOLK, ENGLAND

GREETINGS AND BEST WISHES, to the Governing Body and citizens of the Borough of Ipswich from the James City County, Virginia, Board of Supervisors, the Governing Body of James City County, a body politic of the Commonwealth of Virginia, which area was originally recognized as a part of the early settlement known as "Jamestown" and the shire of James City.

WHEREAS, the Sister City Program, administered by Sister Cities International, was initiated by the President of the United States in 1956 to encourage greater friendship and understanding between the United States and other nations through direct personal contact; and

WHEREAS, the citizens of James City County will be celebrating the 400th Birthday of the County in 2007; and

WHEREAS, the citizens of James City County wish to reconnect the historical roots of the County with the City of Ipswich, where the decision and plans were made for "The Virginia Company" to establish a colony in the New World; and

WHEREAS, the citizens of James City County, in a gesture of friendship and goodwill, wish to collaborate with the City of Ipswich for the mutual benefit of both communities by exploring educational, economic, and cultural opportunities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby invite the City of Ipswich, Suffolk, England, to enter into a Sister City affiliation with James City County, Virginia, and that this invitation is on behalf of the citizens of James City County.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner advised the Board that a 70 percent refund of the Car Tax will be reflected in the Personal Property Tax bills. Should the State elect a different percentage refund of the Car Tax, the second cycle billing

of the year will reflect the difference in percentage of the first bill and the percentage approved as part of the State Budget. On May 11, the notices of Personal Property Tax will be mailed and payment is due in June.

Mr. Wanner requested direction from the Board concerning the redistricting of James City County into four districts by the House of Delegates and inquired if the Board would want to file suit once the districts are established.

The Board directed Mr. Wanner to look into the chances of success and costs anticipated with a suit against the House of Delegates.

Mr. Wanner recommended following tonight's meeting, the Board recess to 7:00 p.m. on April 12 for a Budget Work Session.

I. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon thanked Mr. Goodson for attending the State redistricting meetings to represent James City County's interest.

Mr. McGlennon thanked the citizens for an opportunity to represent the County at the Williamsburg Youth League's game on Saturday by throwing out the first ball.

Mr. McGlennon announced a new book drop for library books at Ukrops.

Mr. McGlennon recessed the Board at 10:47 p.m.


Sanford B. Wanner
Clerk to the Board