

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF MARCH, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Mr. Antonio Gray, a fifth grade student at Stonehouse Elementary, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Angela Lynn, 2300 West Island Road, requested the Board support James Blair Middle School renovations in the school's budget.

2. Ms. Diane Dudley, 102 Stonehouse Lane, and Ms. Beth Schultz, 6413 Conservancy Drive, requested the Board allocate **funding** for air conditioning service at Lafayette High School.

3. Mr. Ed Oyer, 139 Indian Circle, recommended the Schools take a regional approach to solving school facility needs, stated that a referendum for additional roads is not needed due to the increase in **car pooling**, and commented on debt service costs not included in the Proposed School Budget.

E. PRESENTATION

1. Historical Triangle Substance Abuse Council – Family P. A. R. T. Y. (Promoting Alcohol Responsibility Through You) Day

Mr. Harrison presented Reverend Whitehead, member of the Historic Triangle Substance Abuse Council, with a resolution in support of efforts to bring the community together to promote alcohol awareness

and positive activities through collaboration to build, integrate, and sustain a comprehensive system to eliminate substance abuse.

F. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Harrison made a motion to adopt the items on the Consent Calendar.

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

1. Minutes

a. February 12, 2002. Regular Meeting

b. February 15, 2002. Joint Meeting. the Board of Supervisors, the Williamsburg City Council, and the Williamsburg-James City County School Board

c. February 26, 2002. Regular Meeting

2. Award of Contract – Fire Equipment, Ladder Truck

RESOLUTION

AWARD OF CONTRACT - FIRE EQUIPMENT, LADDER TRUCK

WHEREAS, funds are available in the Capital Improvement Program budget for purchase of fire equipment; **and**

WHEREAS, bids for purchase of fire equipment was received on January 23, 2002, with Pierce Manufacturing submitting a responsive bid of \$688,917.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Pierce Manufacturing, Inc., in the amount of \$688,917.

3. Phase II Consulting Services – 800 MHz Radio System

RESOLUTION

PHASE II CONSULTING SERVICES - 800 MGHZ RADIO SYSTEM

WHEREAS, funds are available in the Capital Improvement Program budget for purchase of consulting services for a new 800 MHz radio system; and

WHEREAS, requests for proposals of such services were received in October 2001, with Frederick C. Griffin, P.C., submitting a responsive proposal in the amount of \$200,000 for the joint study with York County and James City County's share is to be \$100,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Frederick C. Griffin, P.C., in the amount of \$100,000.

4. Family P. A. R. T. Y. (Promotine Alcohol Responsibility Through Your) Day

RESOLUTION

FAMILY P.A.R.T.Y. (PROMOTING ALCOHOL RESPONSIBILITY THROUGH YOU) DAY

WHEREAS, 7.9 million Americans between the ages of 12-20 consume five or more drinks on the same occasion; and

WHEREAS, people who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at 21; and

WHEREAS, locally, 64 percent of 6th graders, 39 percent of 8th graders, 43 percent of 9th graders, and 31 percent of 12th graders have chosen to abstain from the use of alcohol; and

WHEREAS, increased alcohol awareness and knowledge of community resources can lead to prevention and early intervention of alcohol abuse; and

WHEREAS, community involvement has been shown to decrease illegal alcohol use **and other drug activity**.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim April 6, 2002, as Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day in James City County, and calls upon all citizens, parents, **governmental** agencies, public and private institutions, businesses, hospitals, and schools in James City County to support efforts that will prevent underage drinking throughout our community.

G. PUBLIC HEARINGS

1. Case No. Z-5-00. New Town Office Building (deferred from February 26, 2002)

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of G-Square Incorporated to rezone several small parcels to allow for the construction of a five-story office building and associated parking at the intersection of Monticello Avenue and Ironbound Road, zoned R-8, Rural **Residential, and M-1, Limited Business/Industrial**, further identified as **Parcel Nos. (1-3E), (1-50), (1-2A), and (1-53)** on the James City County Real Estate **Tax** Map No. (38-4).

Staff found the development to have the potential to negatively impact the surrounding roads and properties as the area develops and redevelops.

At its meeting on December 3, 2001, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff recommended denial of the application.

The Board and staff held a brief discussion concerning the conceptual design of the building meeting the New Town Design Review Board's standards.

Mr. **Kennedy** opened the Public Hearing.

1. Mr. Vernon Geddy, III, applicant, provided a brief history of the Bush Construction developments and projects; stated that the proposed building will utilize some underground **parking**; enter into an agreement with the James City Service Authority on a shared parking site; stated opposition to staff's **recommendation** concerning the proposed right-in-only lane; and stated the project will be fiscally good for the County and will be visually complementary to the surrounding site.

The Board, staff, and applicant held a discussion concerning the traffic flow **through** the parking lot on the site, 12-foot entrance road to the site that will discourage **parking** along the road, and the potential for additional curb cuts across Ironbound Road.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

The Board held a discussion regarding the anticipated traffic conditions near the site, **concern** regarding the utilization of the retail square footage available on the **first** floor, and the Planning Commission discussions concerning the case.

Mr. **Goodson** made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING

WHEREAS, in **accordance** with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. 2-5-00 for rezoning approximately 1.17 acres from R-8, with proffers and **M-1**, to **B-1**, General Business, with proffers, more particularly identified as Parcel No. (38-4)(1-2A) and for rezoning approximately 0.45 acres from R-8, with proffers and **M-1**, to **B-1**, General Business, more particularly identified as Parcel No. (38-4)(1-54); and

WHEREAS, on December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, **Virginia**, does hereby approve Case No. Z-5-00 and accepts the voluntary proffers.

The Board thanked the Planing Commission for its questions and work while considering the case.

2. Case No. SUP-18-01. Waltrio Communications Tower

Mr. Paul D. **Holt**, III, Senior Planner, stated that Ms. **Mary Waltrip** has applied for a special use permit to construct a 165-foot communications tower on 81.8 acres, zoned R-8, Rural Residential, adjacent

to the **Williamsburg-Jamestown** Airport, further identified as Parcel No. **(1-12)** on the James City County Real Estate Tax Map No. **(48-2)**. Mr. Holt stated that the applicant had requested a **30** day deferral of the case.

Staff found the proposal to be inconsistent with the **surrounding** zoning and development, and inconsistent with the Comprehensive Plan.

The Planning Commission, at its meeting on February **4,2002**, voted **6-1** to deny the application.

Staff recommended the Board deny the application request.

Mr. Kennedy opened the Public Hearing.

1. Mr. Forrest Williamson, **142 Kingspoint** Drive, representing the **Kingspoint** Neighborhood Association, stated support for the deferral of the case, recommended the next balloon test for the tower height be advertised and held on a Saturday.

2. Mr. John **Digges**, **512** South Henry Street, stated support for the application to provide broadcast service in an area where there is a gap in the service area.

The Board held a brief discussion concerning the type of tower that was proposed for the site.

Mr. Kennedy deferred the case to April **9,2002**, and kept the public hearing open,

3. Case No. SUP-31-01, New Zion Baptist Church Expansion

Mr. Paul D. **Holt, III**, stated that Mr. Howard Price of **AES** Consulting Engineers and Mr. Alvin Bush of Facility Managers & Consultants, **Inc.**, have applied on behalf of the **Trustees** of the New Zion Baptist Church for a special use permit to expand the Church's parking lot, building, and relocation of the entrance on approximately 3.1 acres, zoned R-8, Rural Residential, at **3991 Longhill** Road, further identified as Parcel No. **(1-22)** on the James City County Real Estate Tax Map No. **(31-1)**.

Staff found the proposal consistent with the **surrounding** zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on February **4, 2002**, **recommended** approval of the application by a vote of **7-0**.

Staff recommended approval of the application with conditions.

The Board and staff held a discussion concerning the condition regarding the sidewalk.

Mr. **Kennedy** opened the public hearing.

1. Mr. Howard **Price**, applicant, stated that **Trustees** of the Church are willing to do the sidewalk in part, but are **concerned** with the safety of pedestrians, and sidewalk-construction limitations associated with the contours of the site.

2. Reverend Whitehead, Pastor, New Zion Baptist Church, stated that the Church desires to enhance its ability to serve the community through the expansion project and requested the Board approve the application request.

As no one else wished to speak, Mr. Kennedy closed the public hearing.

The Board and staff held a discussion concerning the alternate options provided in the conditions regarding the construction of a sidewalk including bonding.

Mr. Harrison made a motion to approve the resolution with an amendment to change the language of the resolution to construct the sidewalk towards **Centerville Road**.

The Board and staff held a discussion concerning the motion and the feasibility of constructing a sidewalk with the site constraints.

Mr. Morton stated that the County cannot ask the applicant to incur the cost of constructing the sidewalk off-site, but through the proffer clause the applicant could contribute towards the **bikeway/sidewalk** master plan.

The Board and staff continued discussion **regarding** the sidewalk construction and the ownership of the cemetery site **across** the street.

The Board, staff, and applicant discussed the **engineering costs** associated with the construction of the sidewalk and the assessed per foot **cost** to proffer the sidewalk construction.

Mr. Harrison amended his motion and recommended adoption of the resolution as provided by staff.

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

RESOLUTION

CASE NO. SUP-31-01, NEW ZION BAPTIST CHURCH EXPANSION

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 an approximate 8,200-square foot expansion of, and other accessory construction at, the existing church located at 3991 **Longhill Road**; and

WHEREAS, the property is currently zoned R-8, Rural Residential, and designated Low-Density Residential on the 1997 **Comprehensive Plan** Land Use Map; and

WHEREAS, the property is specifically identified as Parcel No. (1-22) on James City County Real Estate **Tax** Map Number (31-3); and

WHEREAS, on February 4, 2002, the Planning Commission recommended approval of the application by a vote of **7-0**.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-31-01 as described herein with the following conditions:

1. Start of Construction, as defined in the Zoning Ordinance, shall commence within 24 months of the approval of this special use permit, or the permit shall be void.

2. The proposed bike path shown on the plan entitled, "Conceptual **Plan New Zion Baptist Church Building Addition and Parking Lot Expansion**," prepared by AES Consulting Engineers, and dated, December 21, 2001 (the "Master Plan"), shall be constructed or bonded in a manner acceptable to the County Attorney, prior to the issuance of any Certificate of Occupancy for the proposed building addition.
3. The proposed sidewalk shown on the plan entitled, "Conceptual **Plan New Zion Baptist Church Building Addition and Parking Lot Expansion**," prepared by AES Consulting Engineers, and dated, December 21, 2001 (the "Master Plan"), shall be constructed or bonded in a manner acceptable to the County Attorney, prior to the issuance of any Certificate of Occupancy for the proposed building addition. This condition may be waived by the County Engineer if the applicant provides an alternative solution to providing equivalent pedestrian facilities, all in a manner and form acceptable to the County Engineer.
4. A shrub row, consisting of evergreen plant varieties, shall be provided to screen the parking lot from **Longhill Road**, in a manner and type to be determined by the Director of Planning. This additional landscaping shall be indicated on the site plan.
5. Prior to the issuance of preliminary site plan approval, the applicant shall demonstrate to the satisfaction of the County Attorney that all easements **and/or** agreements have been obtained and recorded, as applicable, for any needed off-site water **and/or** sewer connection, and for any needed off-site drainage **and/or** stormwater management need or use and any maintenance related thereto.
6. **Prior to** the issuance of preliminary site plan approval, the applicant shall be responsible for completing or bonding, in a manner acceptable to the County Attorney, any necessary improvements to ensure adequate fire flow volume and duration, as specified by the James City County Fire Department, provided to the site.
7. Prior to the issuance of any Certificate of Occupancy, the plumbing inside the existing building shall be inspected by the James City Service Authority for potential water cross connections. Any cross connection shall be protected by an approved **backflow prevention device(s)**.
8. Prior to the issuance of any Certificate of Occupancy, the applicant shall be responsible for developing water conservation standards to be submitted to, and approved by, the James City **Service** Authority and subsequently enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of landscaping design and materials to promote water conservation and minimize the use of public water resources.
9. All site lighting shall be limited to fixtures which are mounted on light poles not to exceed 15 feet in height **and/or** other structures horizontally and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines.
10. To better buffer adjacent residentially zoned property, landscaping along the side and rear property lines shall exceed the County's Landscape Ordinance requirements by an additional 15 percent.

11. All freestanding **sign(s)**, if any, shall be limited in height to no greater than eight feet above grade.
12. The building addition shall be architecturally similar, as determined by the Director of Planning, to the elevation drawing entitled "New Zion Baptist Church," dated August 28,2001, and prepared by Hopke and Associates.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider appointment of individuals to County Boards **and/or** Directives and Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

Mr. Wanner recommended at the conclusion of agenda, the Board **adjourn** to March 26,2002.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that the **Division** of Development Management has provided a monthly report on the review **time** for projects submitted, and found the length of time for considerations of the projects to be acceptable.

Mr. Kennedy recessed the Board for a break at 8:19 **p.m**

Mr. Kennedy reconvened the Board at 8:22 p.m.

K. CLOSED SESSION

Mr. McGlennon made a motion to go into closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider appointment of individuals to County Boards **and/or** Directives and Section 2.2-3711(A)(3) to consider the acquisition of a parcel of property for public use.

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

Mr. Kennedy convened the Board into closed session at 8:23 **p.m**

At 8:34 p.m. Mr. Kennedy reconvened the Board into open session

Mr. McGlennon made a motion to adopt the closed session resolution.

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

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 2.2-3711 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 2.2-3711(A)(1), appointment of individuals to County boards **and/or** commissions.

Mr. Brown made a motion to appoint Irma **Hawkins** to a three-year term on the Peninsula Disability Services Board effective April 12,2002, term to expire on April 11, 2005; to appoint Lisa Heuvel to an unexpired term on the Historical Commission, term to expire on August 31, 2002; and to appoint **Janis MacQuestion** to an unexpired term on the Historical Commission, term to expire on August 31,2004.

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

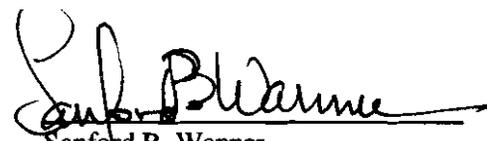
L. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until March 26,2002.

Mr. **McGlennon** made a motion to recess.

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

Mr. Kennedy recessed **the Board** at 8:35 p.m.


Sanford B. Wanner
Clerk to the Board