

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF JANUARY, 2003, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jay T. Harrison, Sr., Chairman, Berkeley District
Bruce C. **Goodson**, Vice Chairman, Roberts District
John J. **McGlennon**, **Jamestown** District
Michael J. Brown, **Powhatan** District
James G. **Kennedy**, Stonehouse District

Sanford B. Wanner, County Administrator
Leo P. Roger, Deputy County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Terrell Johnson, Paul **Haynes**, and Marcus Pulver, representatives **of the** Beyond the Bell Program and James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. **Perry** Depue, President of the Williamsburg Land Conservancy, commented on the Board's task to balance continued development with conserving open space, and stated that the Williamsburg Land Conservancy is working to protect the past and preserve the future.

2. Mr. Tony Dion, 102 **Fairmont** Drive, stated concern about the proposed school sports complex and that school sport facilities are not available to citizens, and stated support for the Board developing the sport facilities that will be available for citizen **use**.

3. Mr. Richard Bradshaw, Commissioner of the Revenue, provided the Board with an **overview of the** tax assessments, adjustments, exemptions, and business licenses processed by the Commissioner's office and invited citizens to come in and see what services the **office** provides.

4. Mr. Ed Oyer, 139 Indian Circle, stated that a sports complex is not the answer to produce better students academically or socially, stated that the State is involved in the groundwater well abatement program, and invited comments from the Board to share with the General Assembly during his visit to Richmond on January 15

5. Mr. Claude **Gilmer**, 112 **Woodside** Drive, thanked Mr. **Goodson** for his efforts for bus service and stated concern about the condition of the Grove neighborhood.

Mr. **McGlennon** requested clarification from the County Administrator on the use of School facilities by citizens.

Mr. Wanner stated that he would follow up on the inquiry and get the School's policy on use of its facilities.

E. CONSENT CALENDAR

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

Mr. Harrison pulled Item No. 3, Resolution of Recognition, Dr. J. Blaine **Blayton**, from the Consent Calendar.

Mr. **Goodson** made a motion to adopt the remainder of the items on the Consent Calendar.

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

1. Minutes

a. December 10, 2002. Regular Meeting

b. January 2, 2003. Organizational Meeting

2. Contract Award – Board Room Audiovisual **Equipment** and Installation

RESOLUTION

CONTRACT AWARD – BOARD ROOM AUDIOVISUAL EQUIPMENT AND INSTALLATION

WHEREAS, the request for proposal has been advertised and evaluated for the board room audiovisual equipment and installation contract; and

WHEREAS, three firms submitted proposals, with The **Whitlock** Group being determined to be the best qualified and responsive to provide the required services; and

WHEREAS, the Capital Budget contains funding for these improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the Board Room Audiovisual Equipment and Installation contract to The **Whitlock** Group in the amount of \$458,103.

4. Colonial Area Family and Intimate Partner Violence **Fatality** Review Team

R E S O L U T I O N

COLONIAL AREA FAMILY AND INTIMATE PARTNER VIOLENCE

FATALITY REVIEW TEAM

WHEREAS, family and intimate partner violence has destructive consequences upon individuals and families within our area; and

WHEREAS, the General Assembly enacted Section 32.1-283.3 of the Code of Virginia, 1950, as amended, to permit localities to establish a family violence fatality review team to examine fatal family violence incidents; and

WHEREAS, the Colonial Area Council on Domestic Violence is establishing a regional Family and Intimate Partner Violence Fatality Review Team.

NOW, THEREFORE, BE IT RESOLVED by the Board of **Supervisors** of James City County, Virginia, that James City County joins the Colonial Area Family and Intimate Partner Violence Fatality Review Team and pursuant to Virginia Code Section 32.1-283.3, the Chief of Police and the Director of Social Services, or their designee, be and hereby are appointed to the Colonial Area Family and Intimate Partner Violence Fatality Review Team.

3. Resolution of **Recognition**, Dr. J. Blaine **Blayton**

Mr. **Harrison** invited citizens to attend the memorial **service** for Dr. Blayton to be held on February 8 in recognition of his **service** to the community.

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

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

R E S O L U T I O N O F R E C O G N I T I O N

D R . J . B L A I N E B L A Y T O N

WHEREAS, Dr. James Blaine Blayton was born in Oklahoma before it became a State and earned both undergraduate and medical degrees from Howard University; and

WHEREAS, Dr. Blayton moved his medical practice from **Newport** News to the Greater **Williamsburg** Area in the midst of the depression and was a resident of the area for more than 70 years; and

WHEREAS, Dr. Blayton was a pioneer as a physician and a civic activist throughout his **distinguished** career; and

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WHEREAS, he established the first medical practice, medical clinic, and hospital for African-Americans in the Williamsburg area; and

WHEREAS, his community leadership helped in the establishment of Quarterpath Park and Williamsburg Community Hospital as well as helped guide the community through the integration of the public schools and other areas of community life; and

WHEREAS, Dr. Blayton was the first African-American to serve on the James City County School Board and to serve on the Virginia State Board of Medical Examiners; and

WHEREAS, his pioneering efforts had a significant impact on the quality of life of our community and resulted in the Williamsburg Community Health Foundation selecting him as one of three original Health Care Heroes; and

WHEREAS, Dr. James Blaine Blayton passed away on December 15, 2002, at the age of 97 after a lifetime of service to mankind.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its condolences to the Blayton family on behalf of a grateful community and adds its voice to those who honor and acknowledge Dr. James Blaine Blayton as a true pioneer, gentleman, and Health Care Hero.

H. PUBLIC HEARINGS

1. Pre-Budget Public Hearing – FY 2004 Budget

Ms. Suzanne Mellen, Director of Budget and Accounting, recommended that the Board invite comments and suggestions from citizens for the County budget for the Fiscal Year 2004 to help guide staff in making any adjustments to the adopted Fiscal Year 2004 budget and in the preparation of a budget proposal for the Board's review in April.

Mr. Harrison opened the Public Hearing

1. Mr. Tony Dion, 102 Fairmont Drive, commented on the limited parking at the County's Government Building in Toano and stated concern regarding the repercussions to the County of Governor Warner's proposed budget.

2. Mr. Perry DePue, President of the Williamsburg Land Conservancy, stated that the purchase of the Warhill Tract was one of the memorable accomplishments during his term on the Board, commented on the conservation of open space, and requested that the Board continue the conservation of open space as well as funding the Purchase of Development Rights Program.

3. Mr. Daniel Shaye, 2908 Richard Buck South, stated support for the Board's effort to preserve the County's character, requested the Board provide adequate funding for greenspace, greenways and trails, and support partnerships in preserving open space.

4. Ms. Caren Schumacher, Executive Director of the Williamsburg Land Conservancy, requested the Board increase its funding to the Williamsburg Land Conservancy in FY 04 to assist the Conservancy in its ability to preserve the character of the County.

5. Ms. Julie **Leverenz**, President of Historic Route 5 Association, stated support for the Purchase of Development Rights (PDR) Program, the Greenspace Fund, and the undergrounding of utilities and requested the Board fund these programs at the full amounts in FY 04 and substantially increase funding for better water quality in the County.

6. Mr. John Home, Vice President of the Board of Directors of the Housing Partnerships **Inc.**, stated that the Housing Partnerships has been a local nonprofit for over 25 years that rehabilitates homes through volunteers and partnerships with surrounding localities and requested the Board increase its funding to the Partnership in FY 04 to help offset the increasing costs to do repairs.

7. Mr. Ed Oyer, 139 Indian Circle, stated opposition to additional fees or taxes such as the proposed Stormwater Utility, and requested the Board ration General Fund money **according** to citizens' needs.

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

2. Case No. SUP-20-02. Nationwide Transmission Auto Sales

Mr. David Anderson, Planner, stated that Mr. Henry **Gregory** applied for a special use permit (SUP) for an the sale of cars **from** the parking lot of his transmission business on 0.50 acres, zoned **B-1**, General Business, at 7211 **Merrimac** Trail, further identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (41-4).

Staff found the proposed use compatible with the surrounding zoning and development, and consistent with the Community Commercial designation of the Comprehensive Plan.

The Planning Commission, at its meeting on December 2, 2002, voted 7-0 for approval of the SUP.

Staff recommended approval of the SUP with conditions.

Mr. **Harrison** opened the Public Hearing

1. Mr. Ed Oyer, 139 Indian Circle, stated that Nationwide Transmission has kept to the conditions imposed on it **when the** business opened and stated support for this proposal in expectation that they will conduct business in the same manner.

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

Mr. **Goodon** made a motion to approve the application.

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

RESOLUTION

NATIONWIDE TRANSMISSION AUTO SALES (SUP-20-021

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

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WHEREAS, Mr. Henry Gregory, owner and operator of Nationwide Transmission, has applied for a special use permit to allow for the sale of cars **from** the parking lot of his transmission business located **at** 7211 Merrimac Trail; and

WHEREAS, the property is located on land zoned **B-1**, General Business, and can be **further** identified as Parcel No. (1-7A) on James City County Real Estate Tax Map No. (41-4); and

WHEREAS, the **Planning** Commission, following its public hearing on December 2, 2002, recommended approval of the application.

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-20-02 as described herein with the following conditions:

1. If the **front** of the building is to be brick faced as the applicant has proposed, the brick shall be of a natural brick color and the siding on the remainder of the building shall be of a compatible color as approved by the Planning Director.
2. The existing building face sign (under the current Nationwide Transmission building face sign) shall be removed. If the front of the building is not to be brick faced, the siding in that location shall be repaired.
3. A new fence shall be erected to replace the existing fence that screens the storage area. The new fence shall be wooden, a natural wood color, a design and height to screen the storage area from Route 143, and shall be approved by the Planning Director.
4. A landscape area, to be approved by the County Landscape Planner, shall be planted adjacent to the right-of-way and shall consist at a minimum of three deciduous shade trees and 12 shrubs.
5. Except as provided for in Condition No. 6, freestanding **signage** to advertise the car sales shall be limited to one pole mounted sign located on the existing freestanding sign pole below the existing sign advertising the transmission business. Any new freestanding sign to replace the existing freestanding pole sign shall be approved by the Planning Director.
6. Additional advertising for the car sales shall be limited to windshield displays in the vehicles to be sold. No banners, additional lighting, bull horns, loudspeakers, open hoods, or any additional means of advertising the cars to be sold shall be utilized.
7. With the exception of one American flag and one State of Virginia flag, not to exceed 12 square feet each, no flags shall be permitted.
8. The car sales operation shall be limited to the hours between 8 a.m. and 8 p.m., Monday through Saturday.
9. The cars for sale shall be parked in **the** existing paved parking area on the property.
10. A maximum of 20 cars may be displayed at a time.

- 11. The car sales operation shall commence within 18 months, or the permit shall become void.
- 12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

G. PUBLIC COMMENT

1. Mr. Claude **Gilmer**, 112 **Woodside** Drive, requested that the Board fund the preservation of Grove; that there is no rubbish collection in Grove; that his property values have remained stable for the past fifteen years, and that Grove is an indicator of the future of the remainder of the County.

Mr. **Harrison** recommended residents of Grove attend Comprehensive Plan Steering Committee meetings.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that citizens have **further** opportunities to submit comments and suggestions on the proposed FY 04 budget through Public Hearings **and/or** by sending them by e-mail, U.S. Mail, fax, or telephone.

Mr. Wanner stated that the deadline for applications for landowners to change their land-use designation are due January 31, and that the applications are available on the **website** or by contacting the **Planning** Division.

Mr. Wanner recommended that the **Board go** into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions and then recessed the Board until 9 a.m. on January 18, 2003, for a Board Retreat at the James **City/Williamsburg** Community Center.

I. BOARD REQUESTS AND DIRECTIVES -None

J. CLOSED SESSION

Mr. Kennedy made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards **and/or** Commissions.

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

Mr. Hanison convened the Board into Closed Session at **8:10 p.m.**

Mr. **Harrison** reconvened the Board into Open Session at 8:17 p.m.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brow, **Goodson**, Kennedy, **Harrison (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 2.2-3711 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), to consider **personnel** matters, the appointment of individuals to County boards **and/or** commissions.

Mr. **McGlennon** made a motion to recommend that Marvin **Rhodes** be appointed by the Circuit Court Judge to the Board of Zoning Appeals for a four-year term; to recommend the reappointment of William Miller by the Circuit Court Judge for a three-year term on the Board of Equalization; and to reappoint Donald Hunt for a four-year term on the Planning Commission, term to expire on January 31, 2007.

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

M. ADJOURNMENT

Mr. Kennedy made a motion to adjourn until 9 a.m. on January 18, 2003.

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

Mr. Harrison adjourned the Board at 8:21 p.m. until 9 a.m. on January 18, 2003


 Sanford B. Wanner
 Clerk to the Board