

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JANUARY, 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Michael J. Brown, Chairman, Powhatan District
Jay T. Harrison, Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, Clerk
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

Mr. Brown requested that a moment of silence be observed in remembrance of Joseph McCleary.

Mr. Harrison commented on Mr. McCleary's service to the County and the community, and expressed his hope that the kind words spoken would be a comfort to Mr. McCleary's family.

Mr. Bradshaw remembered Mr. McCleary as being a man of a different order and expressed appreciation for Mr. McCleary's dedication and service to the Mariners' Museum and the County. Mr. Bradshaw expressed gratitude for the talent and experience that Mr. McCleary shared with the community, which was evident in the way he led the Comprehensive Plan process from draft to adoption. Mr. Bradshaw requested that we remember Mr. McCleary with gratitude for the way he shaped the community and the high standards he set for public service.

C. PLEDGE OF ALLEGIANCE

Kandis Gordon, an eighth-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. Jamestown Road Demonstration Project - Historic Triangle Corridor Committee

Ms. Caren Schumacher, Executive Director, Williamsburg Land Conservancy, in introduction of Mr. William K. Frymoyer, described the mission and goals of the Williamsburg Land Conservancy and described the relationship between the Historic Triangle Corridor Committee and the Williamsburg Land Conservancy. Ms. Schumacher noted the importance of acquiring corridors and protecting the character of community, and thanked Board members and staff for support of the Williamsburg Land Conservancy and the Historic Triangle Corridor Committee.

Mr. William K. Frymoyer, Chairman, Historic Triangle Corridor Committee, presented an overview of the Committee's founding of the Historic Triangle Corridor Improvement Program, the selection of the initial projects, and partnerships with community organizations. Mr. Frymoyer described future plans for the target area of Jamestown Road, which include the Lake Powell area, balancing the landscaping opposite Settlers Mill, the Cooke's building frontage, and landscape beds in the medians. Mr. Frymoyer outlined the timetable for completing the majority of the work by 2007 and provided an overview of the benefits of the Corridor Improvement Program and a forecast of funding needs over a two-year period.

Mr. Harrison thanked Mr. Frymoyer, Ms. Schumacher, and staff for the efforts involved. Mr. Harrison commented that this presentation has set the tone for the Corridor Enhancement Program.

Mr. **McGlennon** voiced his appreciation of the time and effort spent on this project.

E. PUBLIC COMMENT

Mr. Richard Bradshaw, 99 Bush Springs Road, James City County Commissioner of the Revenue, described the programs his office administers and invited the Board to visit his office and witness the citizen services provided by his staff.

Mr. Howard Gates, 104 Ascot, commented on properly tax exemptions and suggested that the Board follow the example of other localities in providing property tax relief for the elderly.

The Board requested that the comments of the next speaker, Katherine Preston, representative for the Active Williamsburg Alliance, be recorded under the Pre-Budget Public Hearing.

Mr. Ed Oyer, 139 Indian Circle, congratulated Mr. Brown on becoming Chairman. Mr. Oyer commented that transportation should be included in the County priorities; noted that Joseph **McCleary** sewed the County with honor and distinction; and commented on growth control, budget expenditures, and the closing of the Toano Convenience Center at its current location.

F. CONSENT CALENDAR

Mr. Harrison made a motion to adopt the Consent Calendar, with minutes as amended.

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

I. Minutes

- a. December 14, 2004. Regular Meeting - as amended
- b. January 3, 2005. Organizational Meeting - as amended

G. PUBLIC HEARINGS

1. Pre-Budget Public Hearing for the FY 2006 Budget

Ms. Stephanie Ahrendt, Acting Director of Budget and Accounting, explained that the FY 2006 Budget had been adopted for planning purposes and the intent of the Public Hearing was to gather citizen input.

Mr. Brown opened the Public Hearing.

1. Ms. Katherine Preston, 137 **Pintail** Trace, representative for the Active **Williamsburg** Alliance, stated that citizens would encourage James City County to be a model community for an active and healthy community; stated that citizens would urge the Board to take the next step beyond acquiring and maintaining parks and recreational facilities by creating a system of greenways, paths, and trails to connect neighborhoods to the parks; noted that the **Greenway** Master Plan is a blueprint for such a network of trails and noted that although the Board has allocated funding for implementation of the **Greenway** Master Plan, the program is a long way from completion. Ms. Preston encouraged the Board to make a serious financial commitment to completion of the Plan by an appropriate allocation in the FY 2006 Budget. Ms. Preston also encouraged the Board to include **greenway** construction in a bond referendum.

2. Ms. **Caren** Schurnacher, 119 Elizabeth Harrison Lane, Executive Director of the Williamsburg Land Conservancy, requested that funding for the Williamsburg Land Conservancy be raised to the \$10,000 level.

3. Mr. Jack Schmidt, 3508 Berrett's Ferry, **Williamsburg Land** Conservancy President for 2005, addressed the issue of the dollar level of possible bond initiatives. Mr. Schmidt requested the Board support ballot initiatives for funding acquisition of greenspace, open lands, and parks and recreational facilities.

4. Mr. Paul Reier, 2308 Harness Court, President of the James City County Volunteer Rescue Squad, commented on the effect of proposed EMS fees on the average working citizen and funding for the Volunteer Rescue Squad. Mr. Reier invited the public to attend the informational meetings on January 12 and January 13 about the EMS fees.

5. Mr. Ed Oyer, 139 Indian Circle, **commented** on the total fee and **tax** package, noting Cox cable fees and the EMS fees. Mr. Oyer requested that the Board look at the overall package of fees and taxes currently paid by citizens at County, State, and Federal levels.

6. Mr. John T.P. Home, 3908 George Mason, President of the Board of Directors for Housing Partnerships, Inc., asked the Board to consider a minor request of a \$5,000 increase in the current funding for Housing partnerships, Inc. Mr. Home described the accomplishments of Housing Partnerships, Inc., in conjunction with several agencies and corporate partners.

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

Mr. Brown emphasized that there would be additional opportunities for citizens to comment on the budget in April before it is adopted.

2. Case No. SUP-30-04. JCSA Riverview Plantation Water System Improvements

Mr. Chris Johnson, Senior Planner, stated that the applicant, James City Service Authority (JCSA), had applied for a special use permit to install approximately 8,000 linear feet of water main, which would connect to an existing water main at the intersection of Beach Road and Wrenfield Drive in the Wexford Hills subdivision, and continue along **Newman** Road and Riverview Road to the intersection of **Greenway** Drive and **Riverview** Plantation Drive in the Riverview Plantation subdivision. The water main would be constructed in the Virginia Department of Transportation (VDOT) right-of-way and JCSA easements acquired for this project.

Staff found that although the extension of public utilities outside the Primary Service Area (PSA) is inconsistent with the Comprehensive Plan, the JCSA Board of Directors is taking action to protect the public health, safety, and welfare of the residents of Riverview Plantation from a failing water system.

Staff found that the recommended conditions adequately addressed concern for future connections to the water main from properties located outside the PSA.

Staff recommended approval of the application with its attached conditions.

Mr. Brown opened the Public Hearing

1. Ms. Nancy **McNelly**, 203 Riverview Plantation Drive, thanked the Board on behalf of the residents and Homeowners Association of Riverview Plantation subdivision and expressed support for the water system improvements. Ms. McNelly gave an overview of past problems with the water system and described the unanimous efforts and investments of the residents to acquire the water system, and have it accepted into the JCSA water system. Ms. McNelly expressed appreciation for the collaborative efforts of the Board of Supervisors, JCSA Board of Directors, Virginia Department of Health, the State Corporation Commission, and the residents of the Riverview Plantation Subdivision. Ms. McNelly encouraged the Board to approve the Special Use **Permit**.

2. Mr. Larry M. Foster, General Manager, James City Service Authority, requested the Board approve the Special Use Permit and provided an update on the progress of the project. Mr. Foster advised that the water main was anticipated to be installed by fall of 2005.

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

Mr. Bradshaw moved to approve the Special Use Permit.

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

RESOLUTION

CASE NO. SUP-30-04. JCSA RIVERVIEW PLANTATION

WATER SYSTEM IMPROVEMENTS

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 James City Service Authority has applied for a Special Use Permit (SUP) to allow the construction of approximately 8,000 linear feet of 8-inch water main within Virginia Department of Transportation (VDOT) right-of-way and James City Service Authority (JCSA) owned easements from the Wexford Hills subdivision to the Riverview Plantation subdivision; and

WHEREAS, the properties are located on land zoned A-I, General Agricultural, and can be further identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. **(8-3)**; and Parcel Nos. **(2-69)**, **(2-70)**, and (2-71) on James City County Real Estate Tax Map No. (1 5-4); and

WHEREAS, the Planning Commission, following its Public Hearing on December 6, 2004, voted 6-0 to recommend approval of this 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. 30-04 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining a land-disturbing permit for this project.
2. No connections shall be made to the water main which would serve any property located outside the PSA except for connections to the **Riverview** Plantation project and existing structures located on property outside the PSA adjacent to the proposed water main. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's Office as of November 4, 2004, that is vacant, outside the PSA and adjacent to the water main, one connection shall be permitted with no larger than a 314-inch service line and 314-inch water meter.
3. Construction, operation, and maintenance of the water transmission main shall comply with all local, State, and Federal requirements.
4. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main.
5. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
6. For water main construction adjacent to existing residential development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
7. **Vehicular access** to residences within the affected right-of-ways shall be maintained at all times.
8. All construction activity adjacent to existing development shall occur between the hours of 8 a.m. and 5 p.m., Monday through Friday.
9. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case Nos. 2-12-04 & SUP-29-04. JCSA Cardinal Acres Duplex

Mr. Chris Johnson, Senior Planner, stated that Mr. Larry Foster, on behalf of the JCSA, and Michael Putt of First Investments of Virginia, LLC, have applied for a rezoning and special use permit to allow the construction of a duplex on a portion of the property located at 1899 Jamestown Road in the Cardinal Acres subdivision.

Staff found that the proposed use consistent with surrounding zoning and development, and is consistent with the Comprehensive Plan. Staff recommended that the Board of Supervisors approve the proposed rezoning and accept the voluntary proffers. Staff also recommended that the Board of Supervisors approve this Special Use Permit application with conditions.

Mr. Brown opened the Public Hearing.

As no one wished to address this matter, Mr. Brown closed the Public Hearing.

Mr. Brown asked Mr. Rogers if this matter would require one vote or two to cover the Rezoning application and the Special Use Permit.

Mr. Rogers stated that one vote would be sufficient.

Mr. **McGlennon** moved to approve the Rezoning and the Special Use Permit.

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

RESOLUTION

CASE NO. 2-12-04. JAMES CITY SERVICE AUTHORITY. CARDINAL ACRES DUPLEX

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 were notified, and a hearing was scheduled on Case No. 2-12-04 for rezoning ± 0.46 acres from R-8, Rural Residential, to R-2, General Residential, with Proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on December 6, 2004, recommended approval of Case No. 2-12-04 by a vote of 6 to 0; and

WHEREAS, the property is located at 1899 Jamestown Road and further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. 2-12-04 and accept the voluntary proffers.

RESOLUTION

CASE NO. SUP-29-04. JAMES CITY SERVICE AUTHORITY. CARDINAL ACRES DUPLEX

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 (SUP); and

WHEREAS, two-family dwellings are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the property is identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-4); and

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, adjacent property owners were notified, and a hearing was scheduled for Case No. SUP-29-04; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on December 6, 2004, recommended approval of Case No. SUP-29-04 by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-29-04 as described herein with the following conditions:

1. If construction has not commenced on this project within thirty-six months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings **and/or** foundation and has passed required inspections.
2. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to issuance of a building permit for the duplex. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials, including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures to promote water conservation and minimize the use of public water resources.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-27-04 & HW-1-04. Williamsbure Community Chapel Expansion

Mr. Chris Johnson, Senior Planner, stated that staff and the applicant were requesting deferral to the February 8 Board of Supervisors meeting due to a late discovery of an inconsistency in the R-8 Zoning Ordinance. If the applicant were to proceed at this time, the maximum allowable height would be 45 feet. The applicant had requested a height waiver of 53 feet for a portion of the expansion, which is the main sanctuary building.

To rectify this inconsistency, staff initiated a request to the Planning Commission and Policy Committee to return to the Board with a Zoning Ordinance amendment that would make residential zoning districts uniform in the way height restrictions are addressed.

Mr. Wanner noted that the deferral date would be February 22, 2005.

Mr. Johnson thanked the applicants, Mr. Campbell, Mr. Rebergen, and Mr. Otey for their efforts and noted that Mr. Campbell and Mr. Otey were present to address any questions.

Mr. **McGlennon** requested that Mr. Johnson provide background information on why there were different height limitations in the different zoning categories.

Mr. Johnson stated that when the Zoning Ordinance was addressed in 1998 and 1999, two districts, **A-1** and **R-8**, were not considered by the Zoning Committee. All other residential districts, mainly **R-1** and

R-2, had added clauses that added places of public assembly, schools, libraries, and churches as eligible for a height waiver to 65 feet with included setbacks. That clause does not exist in the R-8 districts and will be the subject of the Zoning Ordinance amendment.

Mr. Brown noted that even though the applicant had requested deferral, the Public Hearing would be opened.

Mr. Brown opened the Public Hearing.

1. Mr. Otey, on behalf of the applicant, concurred with the recommendation to defer requested deferral of the matter to February 22, 2005.

Mr. Wanner advised that the Public Hearing should remain open until February 22, 2005.

The Public Hearing remained open.

5. Case Nos. Z-11-04 & MP-9-04. Ford's Colony Master Plan Amendment

Mr. Matthew Arcieri, Planner, stated that AES Consulting Engineers has applied on behalf of Realtec, Inc., to amend the existing Ford's Colony Master Plan. Mr. Arcieri stated that approval of the Master Plan Amendment would allow construction of 50 single-family homes on 21.81 acres. Mr. Arcieri noted that the proposal does not raise the overall cap of 3,250 units.

Staff found that, with the submitted proffers, the proposal will not negatively impact surrounding property. Staff also found the proposal generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommended the Board of Supervisors approve the rezoning and master plan applications, and accept the voluntary proffers.

Mr. Brown inquired about the reason for the substituted Page No. 3 of the proffers.

Mr. Rogers stated that this was a timing issue on the specific date of payment of cash proffers; the County's general policy is that proffers are accepted at the time of a development plan approval, in this case, subdivision.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon Geddy, III, representing the applicant, gave an overview of the project and commented on the comprehensive set of cash proffers and water conservation proffers. Mr. Geddy stated that the Ford's Colony Homeowners Association had approved the proffers.

Mr. McGlennon inquired about amounts of cash proffers for school facility impacts.

Mr. Geddy stated that the amounts were negotiated with the Planning Department and were consistent with proffers for prior Master Plan Amendments.

Mr. McGlennon asked if the amounts reflected escalation for increased costs.

Mr. Geddy stated that the dollar amounts remained consistent and asked Mr. Drew Mulhare, Vice President of Operations for Ford's Colony, for additional comments.

2. Mr. Mulhare stated that an escalation clause had been included in the proffers for water.

Mr. McGlennon inquired if school facilities had been considered in the increased amounts.

Mr. Mulhare stated that Realtec, Inc., fully supported the voluntary proffers to offset development costs and noted that based on the Community Impact Statement, Fords Colony is a net-cash generator for the community and it was not necessary to offset development impacts. Instead, it was decided to focus on areas of concern to the County such as water, emergency services, greenways, and affordable housing.

Mr. McGlennon inquired if other ways to contribute to affordable housing had been considered, perhaps by dedicating units within the proposed development.

Mr. Mulhare stated that this was the last parcel to be developed and that, because of the location of the project within Ford's Colony, affordable housing units had not been considered.

Mr. Bradshaw asked Mr. Rogers to comment on how the cash and non-cash proffers included in the initial Master Plan Amendment impacted the current expectations for proffers.

Mr. Rogers stated that the current proffers were adequate in light of prior cash proffers and dedication and preservation of land. Ford's Colony had dedicated land to preserve Powhatan Creek, dedicated a public use site, dedicated cash payments for the construction of the Longhill Connector road, greenways, community services programs, and emergency medical services.

Mr. Brown closed the Public Hearing,

Mr. Harrison moved to approve the Master Plan Amendment and commended the applicant for selecting a use for the site consistent with the character of the community.

Mr. Bradshaw stated that the County needs to address a proffers policy, but noted that this was not the case to break ground with a new policy.

Mr. McGlennon voiced agreement for the need to establish a proffers policy and urged that the Board pursue discussion of a proffers policy and the adequate schools facilities test with all deliberate speed.

Mr. Goodson commented that the County will need to consider future cash proffers in conjunction with previous non-cash proffers for long-term developers.

Mr. Brown thanked Ford's Colony for being an outstanding corporate citizen, excellent stewards over the area and setting an example for integrity and quality in developing the area.

Mr. Harrison moved to approve the Zoning and Master Plan Amendments.

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

RESOLUTION

CASE NO. Z-11-04/MP-09-04. FORD'S COLONY MASTER PLAN AMENDMENT

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 were notified, and a hearing was scheduled on Zoning Case No. Z-11-04/MP-09-04, with Master Plan, for rezoning 31.76 acres from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on December 6, 2004, recommended approval of Case No. Z-11-04/MP-09-04, by a vote of 6 to 0; and

WHEREAS, the properties are located at 185 and 245 Ford's Colony Drive and further identified as Parcel Nos. (1-53) and (1-58) on James City County Real Estate Tax Map No. (31-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-11-04/MP-9-04 and accept the voluntary proffers.

6. Case Nos. 2-6-04 & MP-6-04. Lightfoot Mixed Use Development

Ms. Karen Drake, Senior Planner, stated that Mr. Richard Costello had applied on behalf of Noland Properties, Inc., to rezone 52.0 acres located on Richmond Road from B-1, General Business, with proffers, to Mixed Use, MU, with proffers. Ms. Drake stated that the applicant has proposed 144,800 square feet of commercial and light industrial development on 13.5 acres and 244 multifamily dwelling units in the back of the parcel on 38.5 acres. Ms Drake noted that the residential units are proposed to be "for sale" with up to 10 percent of the units proffered to have limited sales prices and that the commercial area is proposed to have a mix of uses including mini-storage, retail sales, offices, and restaurants.

Staff found that the proposed rezoning is consistent with surrounding development and consistent with the Comprehensive Plan, and recommended that the Board approve the rezoning and master plan with acceptance of the voluntary proffers. Staff also recommended that the Board approve the applicant's perimeter setback modification requests as shown on the Master Plan.

Mr. McGlennon inquired about the nature of the recreational facilities planned for this development.

Ms. Drake stated that the recreational facilities would follow the guidelines of the Master Plan, or be cash payments in lieu of facilities in accordance with the Master Plan and confirmed that the Plan did not specifically or state whether it would be actual recreational facilities or cash payments in lieu of facilities.

Mr. Brown opened the Public Hearing.

1. Mr. Vernon Geddy, III, introduced the applicant, Noland Properties, and introduced Mr. Ben A. Williams, Chairman and CEO of Noland Properties.

2. Mr. Williams provided background on the Noland Company and gave an overview of the history of the project. Mr. Williams discussed how the traffic impact was determined; stated Noland Company's intention to mitigate any negative traffic impacts; and requested the Board approve the project.

Mr. Geddy outlined the projected Master Plan and described the process on how **Noland** calculated the cost of County services and arrived at a per-lot cash proffer amount. Mr. Geddy also discussed additional environmental proffers and mixed-use proffers.

Mr. Geddy noted an inconsistency in the fiscal impact statement because of conservative figures and escalated building costs.

Mr. McGlennon asked about the reductions taken on per-unit proffers

Mr. Geddy stated that the reduction was **\$2,100 - \$2,200** per lot.

Mr. Geddy commented on the benefits of **Noland's** presence in the community and requested approval of the project.

Mr. McGlennon inquired about plans for on-site recreational facilities.

Mr. Geddy stated that the nature and extent of recreational facilities had not been **determined**, but the proffers are structured so that there will be facilities on-site with the option of a cash payment in lieu of a portion of the facilities.

Mr. McGlennon stated that the location of the project would require sufficient recreational opportunities on-site for the anticipated number of younger children living in the development and commented that the residents would create additional demand on community facilities.

Mr. Geddy stated that the marketing of the development would require sufficient recreational opportunities on-site to be attractive to prospective buyers.

Mr. McGlennon asked for elaboration on the level of amenities, prices, and square footage of the proposed units.

3. Mr. Richard Costello, AES Consulting Engineers, stated that the property has not yet been sold to a developer, and the plans for the housing units have not been finalized. Mr. **Costello** added that **Noland** seeks a reputable developer and the development was anticipated to be similar to Norge Neighborhood or Claireborne; proffers require that the development will go the Development Review Committee for review.

Mr. McGlennon asked for clarification on who would be responsible for developing the property.

Mr. Geddy and Mr. **Costello** confirmed that **Noland** would not be the actual developer of the **property**.

Mr. McGlennon commented on the excellent reputation of the **Noland** Company and expressed a desire for a better understanding of the nature of the housing units.

Mr. **Costello** commented on the integrity of the **Noland** Company and its commitment to seeing that the project is completed satisfactorily.

Mr. McGlennon asked if **244** units was a cap on the number of units.

Mr. Geddy and Mr. **Costello** confirmed that **244** units was the maximum.

Mr. McGlennon inquired about the configuration of the housing units.

Mr. Costello discussed the nature of the parcel of land and stated that it was best suited for residential development.

Mr. Williams stated that the Noland Company would work with the developer and County to keep the standards high.

Mr. Costello stated that AES would be doing the design for the infrastructure of the parcel; that the infrastructure would be in place before development began; that the Noland Company was taking an active part in the critical stages of the project.

4. Mr. Ed Oyer, 139 Indian Circle, discussed his concerns about growth control.

Mr. Brown closed the Public Hearing.

Mr. Harrison moved to approve the rezoning and Master Plan Amendment.

The Board thanked the applicant for their efforts in evaluating the cost of County services and developing the proffers and addressing affordable housing in an innovative way.

The Board discussed the conceptual nature of the housing units, the impact of the development on school enrollment, and future mixed-use development.

The Board thanked the applicant for redeveloping a blighted parcel and for its presence in the County.

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

RESOLUTION

CASE NOS. Z-6-04/MP-6-04. LIGHTFOOT MIXED USE DEVELOPMENT

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 were notified, and a hearing was scheduled on Case No. 2-6-04 for the rezoning of approximately 53.4 acres from B-1, General Business with proffers to MU, Mixed Use with proffers; and

WHEREAS, on December 6, 2004, the Planning Commission recommended approval of this application by a vote of 5-1; and

WHEREAS, the property to be rezoned is identified as a portion of Parcel No. (1-35) on James City County Real Estate Tax Map No. (24-3), more particularly shown on the plan entitled "Master Plan for Rezoning of Lightfoot Mixed Use Development for Noland Properties, Inc." prepared by AES Consulting Engineers and dated August 2, 2004, with a revision date of November 22, 2004.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case Nos. Z-6-04/MP-6-04 and accept the voluntary proffers.

H. BOARD CONSIDERATION

1. Merger Agreement between the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA)

Mr. Wanner stated that the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) have been working for several months toward a merger of their respective marketing and business attraction programs.

Mr. Wanner noted that only the PAED **marketing/business** attraction mission will be combined with HREDA and that PAED will not be dissolved, but renamed and restructured to suit its primary mission of workforce development.

Mr. Wanner recommended that the Board approve the merger and designate Mr. **Goodson** as the Board representative to cast an affirmative vote for the merger at the PAED Board of Directors meeting on January 26, 2005.

Mr. Brown recognized the presence of Mr. **Jon Nystrom**, Chairman of the PAED Board of Directors.

Mr. **Goodson** thanked Mr. Nystrom and all involved in negotiating the merger and commented on the benefits of the merger for the Hampton Roads area.

Mr. **Goodson** moved to approve the merger.

Mr. Nystrom commented on the merger and the value of marketing Hampton Roads internationally.

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

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,

VIRGINIA, APPROVING THE MERGER AGREEMENT BETWEEN THE

PENINSULA ALLIANCE FOR ECONOMIC DEVELOPMENT ("ALLIANCE") AND

THE HAMPTON ROADS ECONOMIC DEVELOPMENT ALLIANCE ("HREDA")

WHEREAS, James City County, Virginia ("County") is a member of the Alliance; and

WHEREAS, the Executive Committee of the Alliance has voted affirmatively at its meeting of December 22, 2004, to approve the merger agreement between the Alliance and the HREDA, generally conveying to the HREDA certain marketing functions as delineated in the agreement, with the Alliance retaining its work force development functions; and

WHEREAS, a meeting of the Board of Directors of the Alliance and its membership is to be held January 26, 2005, at which the **Directors**, General Membership, and Governmental Membership will vote to approve or not approve the merger agreement, and if all bodies vote affirmatively to approve, then a vote to amend the Bylaws and Articles of Incorporation of the Alliance

will be necessary in order to be in compliance with the terms of the merger agreement, a vote which requires two-thirds (2/3) of the Directors to vote affirmatively for the approval; a majority of the General Membership to vote affirmatively for the approval; and five-sevenths (5/7) of the Governmental Membership to vote affirmatively for the approval, provided two (2) of the five (5) affirmative votes are cast by the Cities of Newport News and Hampton; and

WHEREAS, in furtherance of the process to approve or not approve the merger agreement, the County shall be asked to vote upon it at the meeting of January 26, 2005, as a member of the Alliance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of James City, Virginia, that the County votes affirmatively for approval of the merger agreement between the Peninsula Alliance for Economic Development and the Hampton Roads Economic Development Alliance and votes affirmatively to effect the attendant changes necessary in the Bylaws and Articles of Incorporation of the Alliance in order to be in compliance with the terms of the merger agreement, and shall so cast its vote, either in person or by proxy at the January 26, 2005, joint meeting of the Directors and Members.

NOW BE IT FURTHER RESOLVED that the Board of Supervisors authorizes and directs James City County Representative **Bruce C. Goodson** to vote in favor of the merger and perform other actions as may be necessary to effectuate such merger.

I. PUBLIC COMMENT

1. Mr. Ed Oyer voiced his approval of the economic development merger and commented on education.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner reported that the County offices would be closed Monday, January 17 in observance of Martin Luther King, Jr. Day.

Mr. Wanner recommended at the conclusion of the Board's agenda that the Board recess to 9 a.m. on January 22 for the Board Retreat.

Mr. Wanner recommended that the Board go into Closed Session Pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consideration of appointments of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon requested that the subject of tax relief for senior citizens be considered during the upcoming Board Retreat.

Mr. Brown invited Board members, citizens, and staff to attend the dedication of the street name change honoring Theodore Allen at 11 a.m. on Saturday, January 15 at the corner of Centerville Road and Colby Road, soon to be Theodore Allen Road.

L. CLOSED SESSION

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards and/or Commissions.

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

Mr. Brown adjourned the Board into Closed Session at 9:28 p.m

Mr. Brown reconvened the Board into Open Session at 9:43 p.m.

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (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; and Section 2.2-3711(A)(1), to consider a personnel matter, the six-month performance evaluation of the County Administrator.

Mr. McGlennon made a motion to appoint Mr. Wanner to the Peninsula Public Sports Facility Authority and to reappoint Mr. Wanner to the Virginia Peninsulas Public Service Authority with the General Services Manager as Alternate.

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

RESOLUTION

**REAPPOINTMENT OF THE COUNTY ADMINISTRATOR AND THE APPOINTMENT OF
ALTERNATE TO VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY BOARD**

WHEREAS, traditionally the County Administrator is appointed as the County's representative on the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors; and

WHEREAS, there are occasions that the representative is unable to attend VPPSA meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the VPPSA Board and the General Services Manager is appointed as the County's alternate to the VPPSA Board.

RESOLUTION

PENINSULA PUBLIC SPORTS FACILITY AUTHORITY BOARD -

REAPPOINTMENT OF THE COUNTY ADMINISTRATOR

WHEREAS, traditionally the County Administrator acts as the County's representative on the Peninsula Public Sports Facility Authority (PPSFA) Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is reappointed to the PPSFA Board.

Mr. McGlennon made a motion to nominate Ms. Bonnie Winston to the Planning Commission

On a roll call vote, the vote was: AYE: McGlennon, Bradshaw, (2). NAY: (2). Harrison, Brown. ABSTAIN: Goodson (1).

Mr. Harrison made a motion to nominate James G. Kennedy to the Planning Commission.

On a roll call vote, the vote was: AYE: Harrison, Goodson, Brown. (3). NAY: McGlennon (1). ABSTAIN: Bradshaw (1).

The Board discussed candidates and the nomination and selection process

M. ADJOURNMENT

Mr. Goodson made a motion to recess until 9 a.m. on January 22, 2005, for the Board's Budget Retreat.

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

At 10:03 p.m., Mr. Brown recessed the Board until 9 a.m. on January 22, 2005, for the Board's Budget Retreat.


Sanford B. Wanner
Clerk to **the** Board

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