

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF FEBRUARY, 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, Sr., Vice Chairman, Berkeley District  
Bruce C. Goodson, Roberts District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE**

Blake Ruiz, a sixth-grade student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

Mr. Brown recognized members in attendance from Boy Scout Troop 102 who are working towards their Citizenship in Community merit badge.

**D. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on a recent article focused on educational issues in society and requested the Board deny the placement of HUD sponsored housing in the Roberts District.

**E. CONSENT CALENDAR**

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

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

1. Minutes -
  - a. January 11, 2005, Regular Meeting
  - b. January 22, 2005, Retreat

- c. January 25, 2005, Work Session
  - d. January 25, 2005, Regular Meeting
2. Dedication of Streets –
- a. Stonehouse, Phase I, Section 4D
  - b. State Route 5000 (Monticello Avenue)

**RESOLUTION**

**DEDICATION OF STONEHOUSE, PHASE 1, SECTION 4D**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk’s Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department’s Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION**

**DEDICATION OF STATE ROUTE 5000 (MONTICELLO AVENUE)**

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk’s Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Peninsula Council for Workforce Development – Designee for 2005

### **RESOLUTION**

#### **PENINSULA COUNCIL FOR WORKFORCE DEVELOPMENT - DESIGNEE FOR 2005**

WHEREAS, the Peninsula Alliance for Economic Development (PAED) and the Hampton Roads Economic Development Alliance (HREDA) have merged; and

WHEREAS, the Peninsula Council for Workforce Development is the successor organization serving the Peninsula; and

WHEREAS, the bylaws of the Peninsula Council for Workforce Development authorize each Governmental Member to appoint by resolution a designee of the Member jurisdictions to cast a vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Jay T. Harrison, Sr., as its Governmental Member designee for 2005.

4. FY 06 State Aid Matching Demonstration and Intern Grant Applications

### **RESOLUTION**

#### **FY 06 STATE AID MATCHING DEMONSTRATION AND INTERN GRANT APPLICATIONS**

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing funds in support of the conversion of Williamsburg Area Transport (WAT) to an independent regional authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute and file the application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for grants of State public transportation matching assistance under Section 58.1-638(A)(4) of the Code of Virginia. The amount requested for State matching assistance is \$76,000 to assist in eligible expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as required for processing this grant application.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638(A)(4) of the Code of Virginia and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

5. FY 2006 Virginia Department of Rail and Public Transportation Grant Application

**RESOLUTION**

**FY 2006 VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION**

**GRANT APPLICATION**

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the Williamsburg Area Transport Company's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file the application to the Virginia Department of Rail and Public Transportation (VDRPT) of the Commonwealth of Virginia, for a grant of State public assistance under Section 58.1-638(A)(4) of the Code of Virginia. The amount requested for assistance is \$393,280 to assist in eligible project expenses. The County Administrator shall also be authorized to accept grant funds awarded and to have furnished the VDRPT documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 58.1-638(A)(4) of the Code of Virginia, that James City County may be subject to audit by the VDRPT and the State Auditor of Public Accounts.

**F. PUBLIC HEARINGS**

1. Case No. SUP-33-04. John Hogge Family Subdivision

Ms. Ellen Cook, Planner, stated that Katie L. and Kristin P. Hogge applied for a special use permit to create a family subdivision from approximately 10.01 acres zoned A-1, General Agricultural, located at 2669 Jolly Pond Road, and further identified as Parcel No. (1-11) on the James City County Real Estate Tax

Map No. (35-2). The proposal consists of lots A1 and A2 which will be 2.00 acres each and the remainder lot will total 6.01 acres.

Staff found the proposal to be consistent with the surrounding zoning and development, and to be consistent with Section 19-17 of the James City County Subdivision Ordinance.

Staff recommended approval of the application with the conditions listed in the resolution.

Mr. Brown opened the Public Hearing.

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

Mr. Harrison made a motion to approve the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-33-04. JOHN HOGGE 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 (SUP) process; and

WHEREAS, the applicants have requested an SUP to allow for a family subdivision in an A-1, General Agricultural District, located at 2669 Jolly Pond Road, further identified as Parcel No. (35-2) on James City County Real Estate Tax Map No. (1-11).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-33-04 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of two new lots of two acres each, with one parent lot of 6.01 acres remaining generally as shown on the conceptual subdivision plat submitted with this application.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this SUP or the permit shall become void.
3. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

### 2. **Case No. SUP-32-04. Diamond Healthcare – Williamsburg Place**

Ms. Karen Drake, Senior Planner, stated that Greg Davis and Dustin Devore of Kaufman and Canoles applied for a special use permit (SUP) to expand the existing dining room and office space, add 12 additional outpatient units to house 48 patients, and add one additional unit for non-patient guests to the Diamond Healthcare - Williamsburg Place on 9.3 acres located at 5477 and 5485 Mooretown Road, zoned M-1,

Limited Business/Industrial, and further identified as Parcel Nos. (1-11B) and (1-11C) on the James City County Real Estate Tax Map No. (33-3).

Staff found the proposed expansion to be a complementary use to the surrounding properties with minimal public impacts.

At its meeting on January 10, 2005, the Planning Commission approved the application and parking waiver reduction by a vote of 5-0.

Staff recommended the Board approve the SUP application with the conditions listed in the resolution which shall replace conditions of SUP-44-88 and SUP-22-92.

Mr. Brown opened the Public Hearing.

1. Mr. Dustin Devore of Kaufman and Canoles, representing the applicant, provided an overview of the application and requested approval of the application.

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

Mr. Harrison thanked the applicant for expansion of the facility in the County.

Mr. Harrison made a motion to approve the resolution.

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

## **RESOLUTION**

### **CASE NO. SUP-32-04. DIAMOND HEALTHCARE - WILLIAMSBURG PLACE**

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 (SUP) process; and

WHEREAS, Mr. Greg Davis and Mr. Dustin DeVore of Kaufman & Canoles have applied on behalf of property owner Diamond Healthcare for an SUP to allow an expansion to Williamsburg Place, a hospital located at 5477 and 5485 Mooretown Road; and

WHEREAS, the property is located on land zoned M-1, Limited Business/Industrial, and can be further identified as Parcels Nos. (1-11B) and (1-11C) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission, following its public hearing on January 10, 2005, voted 5-0 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. 32-04 as described herein with the following conditions:

1. This SUP shall allow the establishment and/or continued operation of a 40-bed intermediate care substance abuse treatment facility and transitional domiciliary

facility; a 12-bed psychiatric unit; a 48-bed outpatient unit; and a 4-bed residential unit for visitors. The facility shall maintain at all times a current Certificate of Public Need from the Commission of Health of the Commonwealth of Virginia.

2. Construction on this project shall commence within twenty-four months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
3. As determined by the Planning Director, the plan of development shall be in accordance with the "Williamsburg Place Conceptual Plan" prepared by AES Consulting Engineers and dated November 18, 2004. Access to the two parcels shall be limited to the two entrances depicted, the shared main entrance, and the service entrance.
4. Prior to final site plan approval, the common property line between Parcel Nos. (1-11B) and (1-11C) on James City County Real Estate Tax Map No. (33-3) shall be extinguished to create one parcel or relocated as shown on the conceptual plan referenced in Condition No. 3.
5. All exterior lighting on the property 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. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
6. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping 10 feet in width along the first 200 feet along both sides of the new proposed main entrance and enhanced landscaping 10 feet in width along the first 100 feet on both sides of the service entrance to help screen service activities from Mooretown Road. Enhanced landscaping shall be defined so that the required number of plants and trees equals, at a minimum, 125 percent of the requirements of the James City County Landscape Ordinance. A minimum of 50 percent of the trees within the landscape buffers shall be evergreen.
7. 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 final site plan approval. 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.
8. Signage for the site shall be limited to one main entrance sign and "Service Only" entrance signage. The number, size, and design of the "Service Only" signs will be approved by the Planning Director prior to final site plan approval. The Planning Director shall approve the location of all signage prior to final site plan approval that shall be in accordance with the James City County Zoning Ordinance.

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

3. Abandonments of Portions of Right-of-Way for Greensprings Plantation Drive and Powhatan Secondary and Request for Discontinuance of a Portion of State Route 5, John Tyler Highway

Mr. Leo P. Rogers, County Attorney, presented a resolution abandoning a portion of the right-of-way for State Route 776, Greensprings Plantation Drive (formerly known as Legacy Drive) and abandoning a portion of the right-of-way for State Route 1480, Powhatan Secondary, near Monticello Avenue. The right-of-ways are no longer needed due to the realignment of the intersections that were constructed during the Monticello Avenue project.

Staff also recommended a discontinuance of a portion of State Route 5, John Tyler Highway. The right-of-way is near the area where John Tyler Highway intersects with Monticello Avenue and the right-of-way no longer serves public convenience, warranting its maintenance as a road. The discontinuance of the road will merely remove the road from the State's secondary road system and permit the land to be retained to serve other public purposes.

Mr. Brown opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution.

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

## **RESOLUTION**

### **ABANDONMENTS OF PORTIONS OF RIGHT-OF-WAY FOR GREENSPRINGS PLANTATION**

### **DRIVE AND POWHATAN SECONDARY AND REQUEST FOR DISCONTINUANCE OF A**

### **PORTION OF STATE ROUTE 5, JOHN TYLER HIGHWAY**

WHEREAS, the Virginia Department of Transportation (VDOT) has provided this Board with a sketch dated March 13, 2002, revised August 7, 2003, depicting required changes in the Secondary System of State Highways, which sketch entitled "Changes in the Primary and Secondary Systems Due to Relocation, and Construction on Routes 5, 776, 1480 and 5000 the additions, discontinuances, abandonments and renumbering required as a result of Project 5000-047-166, C501," which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve as a public need.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,

requests VDOT to add to the Secondary System of State Highways those portions of Route 5000, identified by the sketch as Sections 8, 9, 10, 11, 12, 13, and 14, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests to add to the Secondary System of State Highways those portions of Route 1480 identified by the sketch as Section 18, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests to add to the Secondary System of State Highways those portions of Route 776 identified by the sketch as Section 16, pursuant to 33.1-229 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT discontinue from the Primary System of State Highways the portion of Route 5 identified as Section 1, pursuant to 33.1-144 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 1480 identified as Sections 3, 4, and 5 pursuant to 33.1-155 of the Code of Virginia.

BE IT FURTHER RESOLVED that this Board requests that VDOT abandon from the Secondary System of State Highways the portion of Route 776 identified as Section 2, pursuant to 33.1-155 of the Code of Virginia.

NOW THEREFORE, BE IT FURTHER RESOLVED that this Board requests that VDOT renumber the Highways as a part of the Secondary System of State Highways those portions of Route 776 identified as Section 6 on the aforementioned sketch.

BE IT FURTHER RESOLVED that this Board orders that a certified copy of this resolution be forwarded to the Resident Engineer for VDOT.

**G. PUBLIC COMMENT - None**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner advised citizens that the Government Offices will be closed on February 21 in observance of President's Day.

Mr. Wanner stated that the next scheduled meeting of the Board will be at 4 p.m. on February 22 for a Work Session to be followed by the 7 p.m. regular meeting.

Mr. Wanner recommended that at the conclusion of the Board meeting, the Board recess to 2:00 p.m. on February 9, 2005, to attend a Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council at the Quarterpath Recreation Center, 202 Quarterpath Road, Williamsburg, Virginia.

Mr. Wanner stated that the Board has a scheduled Closed Session item, consideration of appointments of citizens to County Boards/Commissions, and suggested the Board could handle the business in open session with the adoption of the resolution relating to the Board of Equalization appointments.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Goodson made a motion to adopt the resolution recommending to the Judge of the Circuit Court the appointment of Christopher E. Rouzie to a three-year term on the Board of Equalization, and the reappointments of Jean Wilder and Walter Neilson to three-year terms on the Board of Equalization.

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

**RESOLUTION**

**APPOINTMENTS TO THE BOARD OF EQUALIZATION**

WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board of Supervisors to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the terms of Jean Wilder and Walter Neilson expired on December 31, 2004, and the Board of Supervisors of James City County seeks to reappoint them for three-year terms; and

WHEREAS, Jean Wilder and Walter Neilson are qualified freeholders of the County; and

WHEREAS, the term of Andy Piplico expired on December 31, 2004, and the current term limits do not permit his reappointment; and

WHEREAS, the Board of Supervisors seek to fill the expired seat with Christopher E. Rouzie, a qualified freeholder of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the reappointment to the James City County Board of Equalization the following qualified freeholders, Jean Wilder and Walter Neilson, for three-year terms; and the appointment of Christopher E. Rouzie, a qualified freeholder, for a three-year term.

**J. RECESS**

Mr. Goodson made a motion to recess to 2:00 p.m. on February 9, 2005, to attend the Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council.

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

At 7:26 p.m. Mr. Brown recessed the Board until 2:00 p.m. on February 9, 2005, to attend a Joint Meeting with the Williamsburg-James City County School Board and Williamsburg City Council at the Quarterpath Recreation Center, 202 Quarterpath Road, Williamsburg, Virginia.

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Sanford B. Wanner  
Clerk to the Board

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