

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 27, 2001

7:00 P.M.

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MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: Caroline M. Rhodes, Volunteer Services Coordinator
SUBJECT: International Year of the Volunteer

2001 has been designated International Year of the Volunteer by the United Nations General Assembly. To celebrate, the Office of Volunteer Services is highlighting outstanding volunteers, and the County department they work with, each month for the next year. This month, we are recognizing St. Martin's Episcopal Church volunteers Myrtle Engs, Mary Elizabeth Sidebottom, Ann Hunt, Edith Remick, and Social Worker, Runita White with the Division of Social Services.

Myrtle Engs, Mary Elizabeth Sidebottom, Ann Hunt, and Edith Remick are volunteers with the St. Martin's Episcopal Church Food Program. This program was initiated in 1982 as a response to Federal cutbacks in the Food Stamp Program. The intent of the program was to supplement the nutritional needs of 11 adults with significant health problems by having teams of church members visit them and take them food on a monthly basis. This adult population was the hardest hit with the food stamp cutbacks. These individuals frequently had to choose between meeting medical expenses or having sufficient food. On most occasions they choose to pay for their medical expenses, denying themselves food, thus complicating their health problems. The health problems of the 11 adults were severe and included blindness, diabetes, cancer, double amputee, and heart problems.

At one time, the program components involved a community garden, a recycling program, and a food pantry all on the church property. Over time, all but the food pantry has been phased out. The main component of the program that still exists today is the visitation between the church members and the community members.

What began as a monthly visit with a stranger has now developed into an eagerly awaited time with a dear friend. Birthdays are celebrated and holidays are remembered. These four volunteers can truly see the difference they have made in their community.

Caroline M. Rhodes

CONCUR:

Carol M. Luckam

CMR/tlc
volyear301.mem

MEMORANDUM

DATE: February 27, 2001
TO: The Board of Supervisors
FROM: Christopher Johnson, Planner
SUBJECT: 2000 Historic Preservation Awards

The Historical Commission was established to preserve, protect, and promote the historical heritage of the County. In accomplishing this effort, the Historical Commission annually presents Historic Preservation Awards to individuals, groups, or organizations that have made a significant contribution to the preservation of historic resources in the County.

The Historical Commission has selected two individuals for the 2000 Historical Preservation Awards. 1) Henry Stephens, Associated Developers, Inc., for his efforts to identify and preserve archaeological resources at "The Main" and the Centerville Free Black Settlement. 2) Will Molineaux for his contributions to the preservation of historically important photographs and interpretation of other valuable materials that document and promote the cultural heritage of the County.

John Labanish, Chairman of the Historical Commission, will present the two awards.

Christopher Johnson

CJ/tlc
hista wd00.mem

Attachments

RESOLUTION

HENRY STEPHENS

WHEREAS, Mr. Henry Stephens, President of Associated Developers, Inc., has consistently provided for archaeological excavations to be conducted at development sites throughout James City County; and

WHEREAS, Mr. Stephens has exhibited an unflagging interest in the history of James City County and wholeheartedly cooperated with the historic preservation goals of James City County; and

WHEREAS, Mr. Stephens donated the site of an 18th century church at "The Main" to the Williamsburg Land Conservancy to guarantee the preservation of this significant archaeological site; and

WHEREAS, Mr. Stephens sponsored an extensive archaeological excavation of a historic African American site in Centerville which was one of the earliest Free Black communities in Virginia; and

WHEREAS, Mr. Stephens has developed a strong working relationship with archaeologists and members of the preservation community in James City County; and

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County, Virginia, that in appreciation of his support of historical preservation and archaeology, the Commission presents to Mr. Henry Stephens, the

2000 Historic Preservation Award

BE IT FURTHER RESOLVED that this resolution is recorded in the minutes of the Historical Commission, and will be preserved in perpetuity, and that Mr. Henry Stephens will be presented with a copy of this resolution.

John G. Labanish
Chairman

Dated this 27th day of February, 2001.

RESOLUTION

WILL MOLINEUX

WHEREAS, Mr. Will Molineux contributed greatly to community awareness of local history and appreciation of historical publications during his thirty-five years as a reporter, editor, book reviewer, and manager of the Williamsburg Bureau for the **Daily Press** of Newport News, Virginia; and

WHEREAS, Mr. Molineux contributed rare photographs, wrote numerous captions, and worked with the editors to enhance the 20th-century chapters of the book **Williamsburg, Virginia: A City Before the State, 1699-1999**; and

WHEREAS, Mr. Molineux authored an authoritative chapter in the Williamsburg **History**, "A Busy and Purposeful Place: Williamsburg During World War II," and culled archives, researched events, interviewed local residents, and provided expert consultation on a number of topics, including the history of theater in Williamsburg and developments in James City County from 1970-1999; and

WHEREAS, Mr. Molineux has given public lectures about the 20th-century history of the Greater Williamsburg/James City County area at the Williamsburg Regional Library; and

WHEREAS, Mr. Molineux has facilitated the preservation of historically important photographs for the Williamsburg Historic Records Association; and

WHEREAS, Mr. Molineux has quietly and conscientiously contributed to the preservation and interpretation of many valuable materials that will document and promote the rich cultural heritage of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Historical Commission of James City County, that the Commission presents to Mr. Will Molineux, the

2000 Historic Preservation Award

BE IT FURTHER RESOLVED that this resolution is recorded in the minutes of the Historical Commission, and will be preserved in perpetuity, and that Mr. Will Molineux will be presented with a copy of this resolution.

John G. Labanish
Chairman

Dated this 27th day of February, 2001.

M E M O R A N D U M

DATE: February 27, 2001
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Williamsburg Area Bicyclists Award, Marvin Sowers

Annually, the Williamsburg Area Bicyclists recognize the accomplishments of its members and recognize someone from the Williamsburg area who has made an important contribution to cycling. This year the Board of the Williamsburg Area Bicyclists chose to recognize Marvin O. Sowers, Planning Director, for the work he has done in advancing the Regional Bikeway Plan. The bicycle facilities that have been, and will be, built in the County have been due in a large part to Marvin's work on behalf of area cyclists and the Historic Triangle Bicycle Advisory Committee.

Mr. Larry Summers, Williamsburg Area Bicyclists, will present a Certificate of Appreciation to Marvin O. Sowers.

William C. Porter, Jr.

WCP/tlc
bikeawd00.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MARCH, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. PLEDGE OF ALLEGIANCE

Ms. Danielle Abdon, a student at Toano High School, and Boy Scout Troop 102 led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT - None

D. PRESENTATION

1. NACo/FEMA Award

Mr. Nervitt presented Mr. Richard Miller, Fire Chief; Ms. Ronnie Nowak, Communications and Neighborhood Connections Administrator; Ms. Jody Puckett, Communications/Cable Specialist; and Mr. Wilton C. Bobo, Jr., Deputy Emergency Services Coordinator; with the NACo/FEMA Award for implementing the Disaster Resistant Community Program.

Chief Miller thanked Mr. Nervitt for the award and recognized the County staff members and Emergency Services staff who are responders to emergencies.

E. CONSENT CALENDAR

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

Mr. Goodson requested Item Number 4, Award of Standby Generator Contract, be pulled for a separate vote.

Mr. Harrison requested Item Number 2, Dedication of Streets in Greensprings Plantation, Phases 1 and 2, be pulled.

Mr. Harrison made a motion to adopt the remaining items on the consent calendar.

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

1. Minutes
 - a. February 21, 2001, Work Session
 - b. February 27, 2001, Regular Meeting
3. James City County Road Construction Revenue Sharing

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 01-02; and

WHEREAS, VDOT required written notification of the County's intent to participate by March 30, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 01-02, for an amount not to exceed \$500,000.

2. Dedication of Streets in Greensprings Plantation, Phases 1 and 2

Mr. Wanner stated that the streets in Phases 1 and 2 of the Greensprings Plantation subdivision have been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways. Mr. Wanner recommended the Board adopt the resolution authorizing the Virginia Department of Transportation to accept certain streets in Greensprings Plantation, Phases 1 and 2 into the State Secondary Highway System.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

DEDICATION OF STREETS IN GREENSPRINGS PLANTATION PHASES 1 AND 2

WHEREAS, the street(s) described on the attached Report of Changes Form SR-5(A), fully incorporated herein by reference, are 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 street(s) meet 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 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 street(s) described on the attached Report of Changes 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 that 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.

4. Award of Standby Generator Contract

Mr. Kennedy made a motion to adopt the resolution authorizing the County Administrator to execute a contract between James City County and E. G. Middleton, Inc.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, McGlennon (4). NAY: (0). ABSTAIN: Goodson.

RESOLUTION

AWARD OF STANDBY GENERATOR CONTRACT

WHEREAS, funds are available in the Capital Improvement Program Budget for purchase and installation of standby generators at Fire Stations 2, 3, 4, and Fleet Maintenance; and

WHEREAS, proposals for purchase and installation of standby generators were received on November 22, 2000, with E.G. Middleton, Inc., submitting the lowest and most responsive proposal of \$112,087.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and E.G. Middleton, Inc., in the amount of \$112,087.00.

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board recess for a James City County Transit Company Board of Directors meeting. Following which, the Board will reconvene for the remainder of the agenda including a closed session pursuant to Section 2.1-344 (A) (1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions.

Mr. McGlennon recessed the Board at 7:17 p.m.

Mr. McGlennon reconvened the Board at 7:22 p.m.

H. PUBLIC COMMENT - None

I. BOARD REQUESTS AND DIRECTIVES – None

J. CLOSED SESSION

Mr. Kennedy made a motion to go into closed session as recommended by the County Administrator.

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

At 7:35 p.m. Mr. McGlennon reconvened the Board into open session.

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

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (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 2.1-344.1 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 2.1-344(A)(1), appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to appoint Mr. Charles Loundemon to a three-year term on the Clean County Commission, term to expire on March 13, 2004; and to appoint Ms. Camilla Buchanan, Ms. Loretta Garrett, Ms. Mary Higgins, Mr. Mike Kirby, Mr. Ron Boyd, Mr. Jim Tucker, and Mr. Bill William to the Greenways Steering Committee.

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

Mr. Goodson made a motion to adjourn.

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

Mr. McGlennon adjourned the Board at 7:45 p.m.

Sanford B. Wanner
Clerk to the Board

031301bs.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF FEBRUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. PLEDGE OF ALLEGIANCE

Mr. David Ardit, a Lafayette High School student, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

Mr. Ed Oyer, 139 Indian Circle, commented on the installation of a sanitary line on Plantation Road 18 years ago; a conservation program for pick-up of white goods that Wise County has; and a ruling by the State Supreme Court on placing wireless communication towers on VDOT right-of-ways in Fairfax County. Mr Oyer also made a Freedom of Information request for copies of any additional correspondence, written, faxed or e-mailed, pertaining to his Virginia Municipal League claim that the County has received since November 2000.

D. PRESENTATION

1. Celebrate Diversity Month

Mr. McGlennon announced the Board is declaring February as "Diversity Month," to celebrate the richness of diversity in all of our citizens. Mr. McGlennon read the resolution to citizens and members of the Board, then presented it to Mr. Harrison to present at the Black History program on Thursday, February 22, 2001, at the Human Services Center.

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

E. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull any items from the consent calendar.

Mr. Harrison requested Item Number 3, Section 8 Housing Choice Voucher Program Administration, parts (a) and (b), be pulled.

Mr. Kennedy requested Items Number 5, Establishment of Full-Time Librarian I Position, and 6, Authorization for Two Police Overhires, be pulled.

Mr. Kennedy made a motion to approve the remaining items on the consent calendar.

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

1. Minutes, January 9, 2001, Regular Meeting
Minutes, January 23, 2001, Regular Meeting
Minutes, January 24, 2001, Work Session
2. Celebrate Diversity Month

RESOLUTION

“CELEBRATE DIVERSITY” MONTH

WHEREAS, James City County, founded in 1607, is the birthplace of the American experiment with democracy; and

WHEREAS, through the rich history of James City County, many individuals and groups have contributed to its progress, whether it be our early settlers, our African-American community, or our newest citizens, James City County recognizes that diversity has made us a more vibrant community; and

WHEREAS, James City County values and is committed to building a diverse workforce which brings together a richer mix of viewpoints and experiences leading to innovation, more effective results, and better service to our citizens; and

WHEREAS, it is appropriate during the month of February as we celebrate Black History Month to recognize the richness of diversity in all of our citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby declares the month of February 2001, as “Celebrate Diversity” Month and calls upon citizens to recognize the value of diversity to our community.

4. Award of Contract - Baseball Field Lighting, District Park Sports Complex

RESOLUTION

AWARD OF CONTRACT—BASEBALL FIELD LIGHTING,

DISTRICT PARK SPORTS COMPLEX

WHEREAS, bids have been received for the installation of lights on three baseball fields at the District Park Sports Complex; and

WHEREAS, staff has reviewed all bids and determined that Branham Electric Corporation submitted the lowest responsive bid and determined Branham Electric Corporation to be qualified to complete the project; and

WHEREAS, the bid is within the Capital Budget allocated for the District Park Sports Complex.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with Branham Electric Corporation, in the amount of \$128,118.

3. Section 8 Housing Choice Voucher Program Administration
a. Transfer of Section 8 annual Contributions Contract
b. Section 8 Housing Choice Voucher Program Administration

Mr. Richard Hanson, Housing and Community Development Administrator, explained the transfer of Section 8 units and the annual contributions contract with the U.S. Department of Housing and Urban Development (HUD) from the Virginia Housing Development Authority (VHDA) to the County's Office of Housing and Community Development (OHCD). Mr. Hanson stated this would be beneficial to clients and the County. This change will allow the County to increase the number of units under the Section 8 Program. Some internal staff changes would need to be made to assure conformance with HUD regulations and to assume the transfer of additional responsibilities.

Mr. Harrison questioned if OHCD would be able to handle the increased responsibilities.

Mr. Hanson explained his office will upgrade a vacant 30-hour staff position to full-time, realign current staff responsibilities, and improve technology. The cost will be picked up by anticipated additional program administration fees for more units. OHCD will be paid on a per unit basis and will receive \$42 per unit per month versus the current \$36.

Mr. Goodson inquired if other localities had made this transfer.

Mr. Hanson responded he had talked to other localities. The City of Virginia Beach was withdrawing all units from the program; Newport News and Hampton did not participate in program and York County is not withdrawing.

Mr. McGlennon summarized the discussion by stating that under the current program, OHCD is not able to do as much as it would like since the number of units under VHDA is frozen.

Mr. Harrison made a motion to adopt the resolutions.

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

RESOLUTION

CONVERSION OF PART-TIME LIMITED TERM SENIOR OFFICE ASSISTANT

TO FULL-TIME LIMITED TERM HOUSING ASSISTANT

WHEREAS, the Board of Supervisors of James City County has adopted a resolution regarding the transfer of the Section 8 Annual Contributions Contract; and

WHEREAS, conversion of the part-time limited term Senior Office Assistant position to a full-time limited term Housing Assistant position will assist the Office of Housing and Community Development to perform additional responsibilities under a direct Annual Contributions Contract with HUD; and

WHEREAS, there are sufficient funds in the FY 2001 budget to fund the requested full-time limited term Housing Assistant position and Section 8 administrative fee income is anticipated to be available to fund this position in future fiscal years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby change the part-time limited term Senior Office Assistant position in the Office of Housing and Community Development to a full-time limited term Housing Assistant position.

RESOLUTION

TRANSFER OF SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has consented or will consent to the transfer of the Annual Contributions Contract dated November 22, 2000, and designated as Number VA901 from the Virginia Housing Development Authority to the James City County Office of Housing and Community Development; and

WHEREAS, such transfer requires the Transferee to agree to certain conditions; and

WHEREAS, as a Transferee, James City County desires to agree to the aforesaid conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby agree that the funds authorized by the transfer will be used for the same purposes as originally intended; that is, to provide eligible families with the Housing Choice Vouchers (CFR 24 part 982); that the same population as originally intended (CFR 24 part 982) will be served; and that the vouchers will be used in James City County as originally intended.

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATION

WHEREAS, the James City County Office of Housing and Community Development (OHCD) will be assuming responsibility for the Section 8 Housing Choice Voucher Program under a direct contract with the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, transfer of this program will increase efficiency, productivity, and result in better service to our clients; and

WHEREAS, transfer of this program will require additional duties and responsibilities of the OHCD staff in order to ensure conformance with HUD administrative regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve changing a part-time limited term Senior Office Assistant position to a full-time limited term Housing Assistant position.

5. **Establishment of Full-Time Librarian I Position**

Mr. John Moorman, Library Director, stated the need for creating one full-time permanent Librarian I position and eliminating two vacant part-time permanent Librarian I positions and one Building Maintenance Assistant position. The part-time positions are difficult to fill and constant staff vacancies negatively impact staff morale and effective Library operations. He also explained the positive effects of a full-time position.

Mr. Kennedy inquired if the change to a full-time position would create any additional salary requirements.

Mr. Moorman explained the only additional cost is that of benefits and funding is available in the FY 01 Budget.

Mr. Goodson wanted to know about skills for the new position.

Mr. Moorman responded that the skills of the two vacant part-time positions are the same as the requested full-time position. The part-time Building Maintenance was not.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

ESTABLISHMENT OF FULL-TIME LIBRARIAN I POSITION

WHEREAS, the Williamsburg Regional Library currently has two vacant part-time permanent Librarian I positions; and

WHEREAS, the Williamsburg Regional Library has experienced disruptive turnover and difficulty attracting professional Librarians to part-time positions; and

WHEREAS, funds are available within the existing Library budget to create one full-time Librarian I position by eliminating two part-time Librarian I positions and one part-time Building Maintenance Assistant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby eliminate two part-time permanent Librarian I positions and one part-time permanent Building Maintenance Assistant position and establish one full-time Librarian I position.

6. Authorization for Two Police Overhires

Chief David Daigneault stated the Police Department needs to improve its staffing situation by creating two overhire positions. The Department has only been fully staffed five months out of the previous 32 months, averaging 1.4 vacancies per month. This has not affected the safety of County residents but places additional stress on current employees covering the extra hours when turnover occurs. Chief Daigneault explained that the hiring and training period for new police officer recruits can take three to six months for a minimally trained employee. He also advised that funds are available in the FY 01 Budget due to turnover.

Mr. Kennedy inquired if there is more turnover with new hires.

Chief Daigneault provided statistics on the last 16 employees who left. Departure reasons included moving to other law enforcement agencies, retirement, and termination for cause.

Mr. Kennedy asked if the entry level salary was sufficient to retain police officers and if the high cost of training should encourage the County to bump up the entry level salary to prevent turnover.

Chief Daigneault said the starting salary was not the problem. Most of the officers that had left were moving up or retiring.

Mr. Kennedy wanted to know if the officers could find affordable housing in the County.

Chief Daigneault replied that most of the officers lived in James City County.

Mr. Goodson inquired how long it has been since the force has grown.

Chief Daigneault responded most of the growth has been in the School Resource Officer Program where two officers were added last year.

Mr. Goodson questioned if the two overhire positions were approved would the Department have sufficient vehicles.

Chief Daigneault replied the Department did have sufficient vehicles.

Mr. McGlennon noted that when he served on the Peninsula Jail Board he discovered that law enforcement nationwide was having troubles recruiting.

Mr. Kennedy moved to approve the resolution.

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

RESOLUTION

AUTHORIZATION FOR TWO POLICE OVERHIRES

WHEREAS, the insufficient staffing in the Police Department adversely affects service delivery and places additional stress on employees already working in dangerous and stressful occupations; and

WHEREAS, the Police Department has averaged 1.4 vacancies per month in the previous 32 months; and

WHEREAS, overhire positions are an efficient and effective way to provide staffing and continuity of service during recruitment and training periods; and

WHEREAS, funds are available within the existing Police Department FY 2001 budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby establish two full-time permanent Police Officer Recruit overhire positions.

F. PUBLIC HEARINGS

1. Case No. SUP-01-01. Wright Family Subdivision

Mr. Christopher Johnson, Planner, stated that Mr. Robert P. Wright has applied for a special use permit to allow a family subdivision of a three-acre parcel into two parcels in the A-1, General Agricultural, Zoning district. The property is located at 4797 Fenton Mill Road and is further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (24-1). Mr. Wright intends to construct a new single-family home for himself on the newly created parcel and convey the remaining parcel to his son, Raymond P. Wright, Sr. The proposed subdivision is consistent with the Comprehensive Plan.

Mr. Goodson inquired if the parcel had been subdivided before.

Mr. Johnson replied it was subdivided over 15 years ago and that Mr. Wright's daughter lives on that parcel.

Mr. Nervitt said he was concerned about the number of trailers already on the property.

Mr. Johnson stated that Mr. Wright's home would be located on the one acre parcel while the two trailers are on the other two acres.

Mr. McGlennon opened the public hearing.

M. Anderson Bradshaw, attorney representing Mr. Robert Wright, explained the reasons for requesting a special use permit and provided the Board with the history of how Mr. Wright acquired the land and why it was previously divided. Mr. Bradshaw supported the staff report and thanked staff for their assistance.

Mr. Nervitt asked if the land had passed a perk test.

Mr. Bradshaw said all agencies approvals had been received and that the subdivision could not be approved until the Health Department issued the septic system permit.

There being no other speakers, Mr. McGlennon closed the public hearing.

Mr. Harrison wanted to know who lived in the two trailers.

Mr. Bradshaw responded tenants.

Mr. Nervitt made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-1-01. WRIGHT FAMILY SUBDIVISION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally 3.0 acres in size that would be subdivided into two parcels, 1.0 acre and 2.0 acres, located at 4797 Fenton Mill Road, further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (24-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-1-01 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision as generally depicted on the subdivision plat dated December 22, 2000, and titled "Wright Family Subdivision, Lots 1 and 3."
2. Final subdivision approval must be received from the County within twelve (12) months from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-25-00. Stonehenge Kennels

Mr. Christopher Johnson, Planner, presented the staff report recommending denial of this special use permit application to expand the kennel by adding a one-story structure approximately 3,200 square feet. Staff believes the proposed expansion is inconsistent with the character of the surrounding residential community and inconsistent with the Rural Lands Land Use designation. The Planning Commission on January 8, 2001, recommended approval of this application by a unanimous vote. Should the Board recommend approval of this application, the Planning Commission recommends placing the conditions contained in the staff report upon its approval. Mr. Johnson explained the kennel expansion would increase traffic, noise, and negatively impact the surrounding small residential community. The addition of landscaping, fencing, building location, and materials will not mitigate the noise issue. The narrow one-lane gravel right-of-way is not designed to function for the higher volume of traffic that would result if the kennel was expanded.

Mr. Goodson inquired if this is the same process that any applicant would need to go through if they wanted to start a kennel operation in the County except for a M-1 zoning district.

Mr. Johnson said there are only three districts where kennels are allowed under the Zoning Ordinance.

Mr. Goodson inquired about site and landscape requirements and if these requirements apply to every applicant wanting to start a kennel. He also wanted to know if there was anything preventing the applicant from providing a 35-foot buffer.

Mr. Johnson responded that the requirements were the same for all applicants and that the closest residential property to the kennel is 300 feet away.

Mr. Kennedy asked if the applicant continued to provide gravel to maintain the driveway as was indicated from the January Planning Commission minutes.

Mr. Johnson responded the applicant has spread three tons of gravel on driveway.

Mr. Kennedy wanted to know if three tons of gravel covered the right-of-way and if it was enough to make it 3-inches thick.

Mr. Johnson stated it would take 400 tons of gravel today and yearly to maintain.

Mr. Kennedy asked who would be liable if there was an accident on the right-of-way.

Mr. Rogers said it depended on what caused the accident and that all property owners could potentially be part of the lawsuit.

Mr. Kennedy inquired about an acceptable traffic count and what that included.

Mr. Johnson said he was uncertain what is included.

Mr. Rogers said the noise ordinance does not apply to this property.

Mr. McGlennon asked about the traffic count.

Mr. Johnson stated the traffic count number did not include the grooming business, employee trips, or residents at the site. It solely counted the number of trips related to picking up or dropping off dogs.

The Board and staff discussed the standards for maintaining the gravel right-of-way, noise concerns and if there are reports available on decibel levels, the potential increase in traffic, waste problems, and operating conditions.

Mr. McGlennon opened the public hearing.

Gregory R. Davis, attorney for the applicant, explained there is a definite need for the kennel expansion, it is in an appropriate location, and the applicant has worked hard to minimize the impact of an expansion on the neighbors. Mr. Davis informed the Board that the design of the new facility would face the current building thereby blocking the dogs view of traffic and people and minimize barking. Mr. Davis stated the applicant plans to install a high acoustical ceiling, cinder block walls, and maintain gravel right-of-way which will increase construction cost by 50 percent. Mr. Davis said VDOT does not have published standards for gravel roads. He spoke to Donald Hunt who also owns a gravel road. According to Mr. Hunt it takes ten tons of gravel a year and requires grading one to four times a year. Mr. Davis stated how conditions recommended to mitigate the impact of expansion would be detrimental to his client's business. Closing the kennel on Sunday would create more traffic on Saturday or Monday. The kennel would lose important tourist weekend business if customers could not pick up their pets on Sunday. To fully enclose the kennel is unfeasible

because the open runs provide the “bread and butter” business for a kennel operation. The family cannot afford to build an enclosed kennel facility. Of the nine houses surrounding the kennel, six were built after the kennel opened.

Mr. Kennedy stated that most kennels are opened on Sunday and inquired if most have private driveways.

Mr. Davis responded that survey didn’t cover that subject.

Mr. Kennedy asked if the Christmas trees planted in the last three years were for buffering the kennel.

Mr. Davis replied the trees were not for buffering but were planted to meet landscaping requirements in the Ordinance.

The Board wanted to know about landscaping requirements and buffering for kennel, stadium noise effect, maximum capacity of the kennel operation, increase in traffic, gravel maintenance requirements, noise control for surrounding neighbors, and building materials to lessen noise.

Mr. Nervitt referred to a January 31, 2001, letter the applicant had written indicating he would install acoustic material to dampen noise. Mr. Nervitt asked if the County could have the applicant put that in proffers or in an agreement.

Mr. Rogers stated the special use permit application only applies to the proposed facility. If the applicant chooses to improve the current building on his own, that would be his decision but the County cannot require such changes under this application.

Mr. Glen Coven, Owner, responded by stating he planned to put acoustic sound materials in for his family’s health reasons and would be glad to put it in writing for the County.

Mr. Nervitt stated the conditions do not show operating hours, the main issues are the right-of-way easement and noise, the neighbors and the applicants need some kind of operating plan they can live with.

Mr. Coven stated he has responded to each new condition staff has requested. However, new conditions generate additional conditions. He also said the traffic count of 100 vehicles a day in the staff report is inaccurate. Mr. Coven commented on the negative effect limiting operating hours would be, but if the Board required it, they would comply.

Mr. Nervitt reiterated that he would like to see the applicant, the neighbors, and staff work out a mutually agreeable plan for operating hours and conditions.

Mr. McGlennon opened the public hearing.

1. Kay Little, 5580 Riverview Road, stated she lived next door to the kennel. No one takes better care of animals than the applicant. She opposes the expansion for numerous reasons: not proper land use for kennel, more dogs will increase noise level and traffic, limit hours of operation, ABKA has a website with standards for kennel owners, no plan for maintenance of gravel road, investors should have considered the area is landlocked, the change in Zoning Ordinance, the number and closeness of neighbors to kennel, no public road frontage, and the business does not serve the neighborhood.

Mr. McGlennon inquired when dogs are taken in for the night.

Ms. Little said around 7:00 to 7:30 p.m. now and around 9:00 p.m. in the summer.

2. Donald White, 5594 Riverview Road, stated he also lived next door and opposes expansion. He explained he and his family have worked on the driveway to maintain it for the resident's personal use. The road was built for his grandmother and it was not designed for commercial use. There is no provision for drainage; he has spent over \$600.00 in repairs; and has planted 40 trees to buffer sound. He pointed out the applicant has contributed \$70 for road repairs; the dogs create a health hazard because the applicant does not clean up the animal waste that is left next to Mr. White's property. Mr. White expressed concern that his shallow well will become contaminated. Mr. White stated the Planning Commission report recommended the applicant clean up after the dogs, but the Board does not have that condition in their recommendations.

3. Jim Smith, 5440 Riverview Road, stated he lives 800 feet from the kennel which is closer than some houses next to the kennel. Before he purchased his property in 1983, he contacted the County regarding any conditions that might affect his property. The kennel was grandfathered. There was no inherent right to expand the kennel. Customers have not been the issue, the issue is a 50 dog kennel in a residential neighborhood. Since noise does not travel in a straight line, a five-foot fence and token landscaping do not suppress noise. A 50 dog kennel would destroy the character of the neighborhood. He opposes the expansion.

4. Jean Smith, 5440 Riverview Road, said the kennel is a commercial use and expansion would create more noise on a narrow road in a residential neighborhood. Eight years ago, the Planning Department advised her that commercial use was inappropriate for that area. She asked the Board to vote no to the expansion request.

5. Linette Lancaster, 5576 Riverview Road, stated it was stressful and upsetting to listen to barking dogs all the time. She has changed the time when she feeds her horses; has trouble backing her horse trailer into the driveway because of the increase in traffic; most people who use a kennel wouldn't want to live next door to one; the traffic count is accurate; and the right-of-way does not meet VDOT standards. She opposes the expansion.

6. Brenda White, 5596 Riverview Road, spoke in opposition on behalf of her grandmother who was unable to attend meeting. She said before the current owners took over the kennel, the roadway only had to be repaired once a year, now repairs are needed more frequently; increase in traffic is a concern for safety of the children; dog waste presents danger of shallow well contamination; and the smell is unpleasant.

7. Shandelle Henson, 3710 W. Steeplechase Way, spoke in support of the expansion. She stated the kennel provides excellent service, it's clean and she has never seen dog waste or smelled any bad odors.

8. Earl Wyson, 1908 Patriots Colony Drive, emphasized the need for expansion and stated as more people with pets move into the County, the kennel services will be needed.

9. Virginia Taylor, 210 Plains View Road, spoke in support. She stressed the kennel provided good service and the lack of the number of kennels available in the County.

10. John Curtis, 113 Huntercombe, wants the kennel to expand because the current owner provides excellent service and there is a need for a good facility in the County. Wherever he has lived, in the States or overseas, he wants a clean place to board his pets. He has not seen any speeding on the road and said expansion is good for the community.

11. Richard B. Davis, 103 Woodhall Spa, spoke in favor of expansion. Mr. Davis stated his experience has been that the operating hours are strictly enforced, but there should be an escape clause for operating hours. He explained low pitch sound goes around barriers while high pitch sound travels up. Mr. Davis said the new kennel owner provides excellent care. He offered advice to the applicant and neighbors, based on his personal experience, to meet and draw up a plan for maintenance and usage of the right-of-way.

12. Ben Fenton, 8374 York River Park Road, lives about 400 feet from kennel and opposes the expansion. He is annoyed by barking dogs and commercial use of a private driveway. He said many of his comments have already been stated. He mentioned Mr. Coven's letter of December 12, 2000, which stated the driveway is comparable to other cul-de-sac in other subdivisions. Mr. Fenton asked if this is true. He said the Little's own the easement, pay taxes on it but have little to say about the use of it.

13. Elizabeth McKenna, 105 Gladys Drive, stated she was in favor of the kennel expansion. She said change is hard to deal with but the Comprehensive Plan changes over time as the County grows. There is a need for a good kennel service and the facility and the operator do a good job. She considers the kennel like a day care situation for dogs.

14. Lori Starks, 5598 Riverview Road, opposes the expansion because it will increase traffic and noise. She stated she hears the dogs all day at all hours even when she is inside her home. She is concerned about the increase in traffic and safety for her children.

15. Margaret Bradenham, 305 East Tazewell, spoke in favor of expansion. She stated that growth creates changes and services are needed. There are not many kennels in area. Stonehenge provides good services especially for multiple night stays. She believes with proper controls, Stonehenge should be allowed to expand. If you permit growth, you need to approve services.

16. Steve Brady, 2632 Sir Thomas Way, stated you can trust people who treat animals well and you can trust these people. We need to look at both sides of the issue. He does not think more dogs will make more noise. He favors the kennel expansion.

17. Bill Unaitis, 221 Charleston Place, spoke in favor of expansion. He questioned the number of trips the staff report listed, and a noise level of 120 decibels. Mr. Unaitis stated he had worked with OSHA officials in a previous job and didn't think dog barking meets OSHA standards. Mr. Unaitis opposes limiting hours of operation which would make it difficult to retrieve pets. He stated Stonehenge provides excellent service.

18. James Heller, 10 Coventry Road, said he supports expansion and has not smelled odors or heard noise levels that were talked about tonight.

19. John Donaldson, 112 Crownpoint Road, spoke in favor of expansion. He stated the press has made this a local dispute but the Planning Commission did not see this as a local issue. He asked the Board to consider the kennel expansion as a community need and as a broad public interest matter that needs equal consideration. The public has a great need for quality service and the expansion request is not a personal dispute between neighbors. The Coven's proposal is reasonable.

20. Albert Beck, 8251 Wrenfield Drive, spoke in favor of expansion and said he is a retired veterinarian. He stated Stonehenge provides superior service compared to his facility in New York. He was not aware of odors at Stonehenge and said somebody is doing "fuzzy math" with the traffic count.

21. Ed Oyer, 139 Indian Circle, stated he has been in the Board room 211 times and this meeting is like a microcosm of the General Assembly. He has no dispute about the kennel but only about the expansion. He said the kennel should remain as is.

22. Michael Heikes, attorney for William and Kay Little, stated he was not present on behalf of the Little's but wanted to clarify their reason for the lawsuit against the kennel owners. Mr. Heikes explained the easement for the driveway was granted before the kennel started. Now the driveway is being used for a different purpose than originally approved.

Mr. McGlennon closed the public hearing as there were no other speakers.

Mr. Kennedy stated he had worked with staff to prepare some amendments to the conditions for the proposed kennel expansion. He read the eight conditions to the Board and moved adoption of the conditions.

Mr. Nervitt stated that he would have appreciated having these amendments earlier rather than at this time.

Mr. Kennedy explained that he spoke to staff yesterday and worked out the conditions at the last minute and had only received the final version this afternoon. Mr. Kennedy apologized to the Board for the short notice.

Mr. Nervitt commented the original conditions needed to be tightened up, the applicant and his neighbors needed time to work out operating conditions; he thanked Mr. Donaldson for eloquently stating the Board's role in this case; reiterated that this is a quality of life issue and each citizen that spoke tonight mentioned the noise was intolerable; and the issue needs to be worked out or we're stuck with the situation as it is. Mr. Nervitt questioned why staff did not present the amended conditions before tonight.

Mr. Wanner stated the applicant was given a copy of the conditions. The conditions only were finalized this afternoon.

Mr. Goodson moved that the case be sent back to the Planning Commission for review.

Mr. McGlennon explained the Planning Commission has already approved the application with less restrictions.

Mr. Kennedy said he hopes the applicant and neighbors can come to an agreement. If the issue is deferred, the neighbors will still be neighbors, and will still need to work together. Mr. Kennedy made a motion to defer the case and have staff look at the new conditions.

Mr. Rogers stated there were three motions on the table and explained that Mr. Nervitt's motion to defer came first; then Mr. Goodson made a motion to send the case back to the Planning Commission; and third Mr. Kennedy's motion to defer the case so the applicant and neighbors can look at the new list of conditions.

Mr. Kennedy withdrew his motion.

Mr. Nervitt again stated it was important to tighten up the conditions the Planning Commission approved; that Mr. Coven may not always be the kennel owner but the kennel will still be there. Mr. Nervitt would like the applicant and neighbors to have time to work out some conditions they can live with.

Mr. Nervitt amended his motion of deferral to defer the matter to the March 27, 2001, Board meeting.

On a roll call, the vote was: AYE: Nervitt, Goodson, McGlennon (3). NAY: Harrison, Kennedy (2).

Mr. McGlennon recessed the Board at 10:29 p.m.

Mr. McGlennon reconvened the Board at 10:40 p.m.

Mr. McGlennon requested the Board to give staff some direction on what Board members would like staff to do.

Mr. Nervitt stated that the conditions are missing operating hours, days, where things are actually done on the site; and landscaping requirements for screening and buffering.

Mr. Goodson asked staff to keep in mind that this is a business adjacent to a residential area.

Mr. Nervitt added that staff needed to look at acoustical standards for the current building to bring it up to standards.

Mr. Rogers commented that he would talk to Mr. Davis regarding some changes to enhance soundproofing of the current kennel by making the nonconforming use a conditional use with applicant's consent. Mr. Rogers reminded the Board that the applicant has to agree to making any improvements to the existing facility.

G. BOARD CONSIDERATIONS

1. Route 199 and Jamestown Road Locally Preferred Alternative

Mr. Sanford Wanner, County Administrator, presented the County's "Locally Preferred Alternative" for the Route 199 and Jamestown Road intersection. He explained that the County's resolution does not include the installation of sound walls along the east side of Route 199 adjacent to residential properties located in the City. The City's resolution adopting its "Locally Preferred Alternative" does contain a provision for sound walls in that area.

Mr. McGlennon made a motion to adopt the resolution.

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

H. PUBLIC COMMENT - none

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced the Board will have a Work Session at 4:00 p.m., on Wednesday, February 21, 2001, in the Board of Supervisors meeting room, to discuss Purchase of Development Rights; a financial trends presentation will be conducted by John McDonald, Manager of Financial and Management Services, and Carol Swindell, Assistant Manager of Financial and Management Services; and a Closed Session for the six-month evaluation of the County Administrator.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy asked Mr. Wanner to have the Police provide speed enforcement in the Kings Village and Racefield subdivisions and the downtown Toano area; to contact VDOT regarding trash on I-64 exit ramps 227 and 231 and along Route 60 and Route 5.

Mr. Nervitt thanked the Board for the flowers sent to his wife who is home and recovering.

Mr. McGlennon stated he and Marvin Sowers, Planning Director, met with representatives from Dominion Virginia Power regarding trimming trees along easement lines. The County averages 200 minutes a year for power outages compared to 90 minutes for other communities in Virginia. The residents of Heritage Landing and the First Colony subdivisions are especially concerned about extensive cuttings and would like less evasive cutting methods and notification ahead of time. Heritage Landing has underground wiring.

Mr. McGlennon said he received a call from Mr. Tom Ross of Cox Cable to follow-up on the sales tax issue citizens had questioned Mr. Ross on at the last Board meeting. Mr. McGlennon reported the sales tax was a computer program error and was not applicable to County subscribers. March bills will show a refund to those customers charged the tax after Cox upgraded the system.

K. CLOSED SESSION

Mr. Goodson made a motion to go into closed session at 10:55 p.m. as recommended by the County Administrator.

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

Mr. McGlennon reconvened the Board into open session at 11:09 p.m.

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

On a roll call, the vote was: (AYE): Harrison, Kennedy, Nervitt, Goodson, McGlennon (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 2.1-344.1 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 2.1-344(A)(1), to consider a personal matter(s), the appointment of individuals to County boards and/or commissions..

1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344(A)(1) of the Code of Virginia

a. Wetlands Board

Mr. Kennedy made a motion to appoint Larry Waltrip to a five-year term on the Wetland Board, term to expire on February 14, 2006.

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

b. Redistricting Committee

Mr. Kennedy made a motion to appoint Casey Duplantier, Deborah Schneider, Robert Dunn, Jim Stam, James Barth, Vera Jones, Linda Burgess-Getts, Celestine Bolden, Jeffrey Ryer, and Paul Gerhardt to serve on the Redistricting Committee.

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

The Board discussed a proposal from Williamsburg Land Conservancy to gauge Board interest in encouraging the Conservancy to apply for a Farm Land Preservation Program Grant to acquire a 30 year conservation easement over Mainland Farm.

Mr. Harrison made a motion to adjourn at 11:34 p.m.

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

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: Scott Denny, Code Compliance Officer
SUBJECT: Code Violation Lien, 119 Jackson Drive

The Zoning Administrator certifies that, having received a complaint, the Code Compliance Officer inspected the property listed below. Notification of a violation for trash and/or grass was sent to the property owner. Following failure of the property owner to take corrective action, the County contracted to have the property cleaned. The owner was sent notification of payment due. He failed to pay.

Owners: Chris R. Hutchins
119 Jackson Drive
Williamsburg, VA 23185

Description: 119 Jackson Drive - High Weeds and Grass

Tax Map No.: (52-3)(02-0-0005)

Amount Due: \$21.02

Staff recommends that the Board of Supervisors execute the attached resolution to establish a lien.

Scott Denny

CONCUR:

John T. P. Horne

SD/gb
hutchins.mem

Attachment

R E S O L U T I O N

CODE VIOLATION LIEN, 119 JACKSON DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Chris R. Hutchins 119 Jackson Drive Williamsburg, VA 23185
DESCRIPTION:	119 Jackson Drive - Trash and Grass
TAX MAP NO.:	(52-3)(02-0-0005) James City County, Virginia
AMOUNT DUE:	\$21.02

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

MEMORANDUM

DATE: March 27, 2001

TO: The Board of Supervisors

FROM: Darryl E. Cook, Environmental Director

SUBJECT: Dedication of Streets in Landfall at Jamestown, Sections 1, 1a, and 3; and Settler's Mill, Sections 4 and 5

Attached are resolutions requesting acceptance of certain streets in Landfall at Jamestown, Sections 1, 1a, and 3; and Settler's Mill, Sections 4 and 5, into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) Secondary Road System as meeting the minimum requirements for secondary roadways.

Staff recommends adoption of the attached resolutions.

Darryl E. Cook

DEC/gb
stdedication.mem

Attachments

RESOLUTION

DEDICATION OF STREETS IN LANDFALL AT JAMESTOWN, SECTIONS 1, 1A, AND 3

WHEREAS, the street(s) described on the attached Report of Changes Form SR-5(A), fully incorporated herein by reference, are 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(s) meet 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 storm water 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 add the street(s) described on the attached Report of Changes 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.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

landfall2.res

RESOLUTION

DEDICATION OF STREETS IN SETTLER'S MILL, SECTIONS 4 AND 5

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are 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 streets meet 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.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Installation of "Watch for Children" Signs - Peleg's Point

Effective July 1, 1997, the Code of Virginia was amended to allow counties to request that the Virginia Department of Transportation (VDOT) install and maintain "Watch for Children" signs. The law requires that a Board of Supervisors resolution be submitted to the Department authorizing them to take this action and allocating secondary road system maintenance funds for this purpose.

Residents of the Peleg's Point community have requested the Board of Supervisors have "Watch for Children" signs installed at neighborhood entrances at the locations shown on the attached drawings.

The attached resolution requests VDOT install and maintain two "Watch for Children" signs in the Peleg's Point subdivision.

Staff recommends adoption of the attached resolution.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/gb
watchsigns.mem

Attachments

RESOLUTION

INSTALLATION OF "WATCH FOR CHILDREN" SIGNS - PELEG'S POINT

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Peleg's Point have requested that "Watch for Children" signs be installed on Williamsburg Glade and Abbitt Lane as illustrated on the attached drawing titled Peleg's Point "Watch for Children Signs."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two "Watch for Children" signs as requested with funds from the County's secondary road system maintenance allocation.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

watchsigns.res

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Fiscal Year 2001 Budget Adjustments

Two budget adjustments for the current fiscal year are recommended.

The first is the appropriation of \$15,400 in State grant funds for the Juvenile and Domestic Relations Court. They received a grant for a mediation program that has proven quite successful and the State has extended that grant an additional year.

The second budget adjustment is a recommendation for a transfer of \$30,380 from Operating Contingency to the budget for Central Dispatch. Verizon, our telephone service provider, bills for service to the E-911 Dispatch Center based on the number of phone lines in the County. They had previously miscalculated and in a recent billing audit discovered that they had been under-billing us. They have presented the County with an unanticipated, and unbudgeted, bill for \$30,380 that covers this under-billing in past years. We have reviewed the detail and the methodology and agree that the charges are valid.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/gb
2001 budadj.mem

Attachment

RESOLUTION

FISCAL YEAR 2001 BUDGET ADJUSTMENTS

WHEREAS, the Board of Supervisors of James City County has been requested to acknowledge, and appropriate, \$15,540 in State grant funds for a mediation program for the Juvenile and Domestic Relations (JDR) Court; and

WHEREAS, the County has received an unbudgeted back billing from Verizon for telephone services for Central Dispatch in the amount of \$30,380; and

WHEREAS, the Board has been asked to authorize a transfer from operating contingency to allow payment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the following amendments to the FY 2001 General Fund budget and appropriates the following:

General Fund Revenues:

State Grant - JDR Court	<u>\$15,540</u>
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General Fund Expenditures:

JDR Court - Mediation	\$15,540
Operating Contingency	(30,380)
Central Dispatch - Telephone	<u>30,380</u>
	<u>\$15,540</u>

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Ambulance Service Agreement

James City County has been notified that the medical service provider to the Henrico County Regional Jail East located in New Kent, has changed from Wexford Health Services to Correctional Medical Services Inc. (CMS). This change requires that the Board of Supervisors approve execution of a contract with the new provider. The terms of the contract remain the same as the previous contract adopted by the Board of Supervisors on April 25, 2000.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
CMS.mem

Attachment

RESOLUTION

AMBULANCE SERVICE AGREEMENT

WHEREAS, James City County provides mutual aid ambulance service to Henrico County Regional Jail in New Kent County; and

WHEREAS, an agreement for ambulance service was negotiated with the health care provider for Henrico County Regional Jail; and

WHEREAS, this agreement for service will cover the cost to provide such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary agreement with Correctional Medical Services, Inc.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

CMS.res

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Road Proffers - Transportation Improvement District

The County has received \$180,500 in road proffers from the Hiden property. The proffer language directs these funds to the Monticello Avenue Extension project or to any other road project in the County, at the election of the Board of Supervisors. The intent was that these funds be used for Monticello Avenue if needed and, if not needed, they could be shifted to another road project.

Staff recommends that the Board assign this \$180,500 to the Transportation Improvement District for the Monticello Avenue Extension project.

A meeting of the Transportation Improvement District (T.I.D.) Commission is anticipated in April and at that time we will ask the Commission, if the Board of Supervisors assigns the \$180,500 to the T.I.D., to use these funds to accelerate the retirement of Governor's Land indebtedness.

Staff recommends approval of the attached resolution.

John E. McDonald

JEM/tlc
rdprofftid.mem

Attachment

RESOLUTION

ROAD PROFFERS - TRANSPORTATION IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of James City County has received \$180,500 in road improvement proffer payments from a developer; and

WHEREAS, the County may use these funds for the construction of Monticello Avenue Extended or any other road improvement project, at the election of the Board of Supervisors; and

WHEREAS, construction of the Monticello Avenue Extension is being financed by the Transportation Improvement District and these funds could be used to retire some of the indebtedness incurred by the District in constructing the road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following amendments to the FY 2001 General Fund budget and appropriates the following:

General Fund Revenues:

Road Proffers	<u>\$180,500</u>
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General Fund Expenditures:

Contribution - Transportation Improvement District	<u>\$180,500</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

rdprofftid.res

MEMORANDUM

DATE: March 27, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Cooley Field Bleacher Replacement Funding

In 1999 structural problems were revealed in three Williamsburg/James City County (WJCC) schools - Toano Middle School, Clara Byrd Baker and D.J. Montague Elementary Schools. Based on engineering estimates, both the City and County provided funds on an emergency basis to supplement school funds to fix the schools.

That work has been completed under budget and of the \$1,446,988 (\$1,240,266 was the County share) committed by the City and County, \$432,822 remains unspent.

The Schools have requested that \$369,000 of these funds be released by the City and County and diverted to unbudgeted critical repairs at Cooley Field. They also requested that this be done in March in order to replace bleachers in time for the beginning of school in September.

The \$369,000 would be used as follows:

Purchase Price for Stands/Bleachers	\$240,000
Structural Foundation	42,000
Engineering	12,000
Replacement of Three Light Poles	25,000
ADA Compliant Sidewalk Improvements	50,000

Of the requested \$369,000, \$313,650 is the County's share. The remaining unspent funds totaling \$63,822 (\$54,249 is the County's share) are proposed to be reallocated as part of the upcoming budget process.

The County Administrator and City Manager have reviewed the proposal with the School Superintendent and support the request.

Staff recommends approval of the attached resolution authorizing the School Board to retain \$313,650 of the balance in the structural repairs appropriation to fund Cooley Field improvements.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gb
bleacher.mem

Attachment

RESOLUTION

COOLEY FIELD BLEACHER REPLACEMENT FUNDING

WHEREAS, the Board of Supervisors of James City County has previously provided \$1,240,266 to the Williamsburg/James City County School (WJCC) Board to fund the repair of structural problems in three County schools; and

WHEREAS, the projects have been completed under budget and an unspent County appropriation exists in the amount of \$367,899; and

WHEREAS, the School Superintendent has requested that \$313,650 of this unspent County appropriation be designated by the Board of Supervisors to fund needed improvements at Cooley Field.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Williamsburg/James City County School Board to retain \$313,650 of the unspent balance of County funds provided for school structural repairs and to use those funds for needed improvements at Cooley Field.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

bleacher.res

MEMORANDUM

DATE: March 27, 2001

TO: The Board of Supervisors

FROM: Bernard M. Farmer, Jr., Capital Projects Administrator
Leo P. Rogers, Deputy County Attorney

SUBJECT: Conveyance of Easement to Dominion Virginia Power - District Park Sports Complex

Attached for your consideration is a resolution authorizing the County Administrator to execute a Right-of-Way Agreement with Dominion Virginia Power. The Agreement will convey a 15-foot underground utility easement in order to provide electrical service to the baseball fields and concession building at the District Park Sports Complex.

Staff recommends approval of the attached resolution.

Bernard M. Farmer, Jr.

CONCUR:

Leo P. Rogers

BMF/gb
easement.mem

Attachment

RESOLUTION

CONVEYANCE OF EASEMENT TO DOMINION VIRGINIA POWER -

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County owns 525.458± acres commonly known as the District Park Sports Complex (Warhill Tract) and designated as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Dominion Virginia Power requires a 15-foot utility easement in order to provide electrical service to the baseball fields and concessions building located at the District Park Sports Complex; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents necessary to convey a utility easement to Dominion Virginia Power.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.

dispark.res

MEMORANDUM

DATE: February 27, 2001
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: Public Hearing - Tax Exemptions for the Elderly and Permanently Disabled

The attached ordinance amendment would increase access to the County's program providing tax exemptions to those over 65 or permanently disabled. The maximum qualifying income is proposed to be increased from the current \$22,500 to the State Code maximum of \$30,000. The maximum net combined financial worth, excluding the value of the taxpayer's home and up to an acre of land, is proposed to be increased from the current \$75,000 to the State Code maximum of \$100,000. This ordinance has not been amended in five years.

If taxpayers qualify, they would get a permanent exemption on real estate taxes assessed on the first \$65,000 of their assessed real estate value. Since May 1 is the annual deadline for applications for this exemption program, an adoption in February would allow us to communicate these changes for several months in advance.

The Commissioner of Revenue manages this program and it is our shared projection that this amendment will increase the annual amount of taxes exempted from approximately \$100,000 to \$150,000. It is difficult to project since those who would become eligible with the proposed amendments may not have applied before.

A comparison of similar programs for surrounding jurisdictions has been prepared and is in the Board Reading File. We would be happy to respond to any questions or requests for additional information.

Staff recommends adoption of the attached ordinance.

John E. McDonald

CONCUR:

Richard Bradshaw

Sanford B. Wanner

JEM/gb
exemptions.mem

Attachment

SPECIAL USE PERMIT-25-00. Stonehenge Kennels
Staff Report for the March 27, 2001, Board of Supervisors Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Center
 Planning Commission: December 4, 2000, 7:00 p.m. (deferred)
 January 8, 2001, 7:00 p.m.
 Board of Supervisors: February 13, 2001, 7:00 p.m. (deferred)
 March 27, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Gregory R. Davis
 Land Owner: Thayer E. Coven and Mattie M. Coven

Proposed Use: Kennel

Location: 5550 Riverview Road; Stonehouse District

Tax Map and Parcel No.: (15-3)(1-12)

Primary Service Area: Outside

Parcel Size: 11.2 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural. York River State Park is located north of the site and the Wexford Hills subdivision is located south of Riverview Road.

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff continues to recommend denial of this application. On January 8, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Should the Board of Supervisors recommend approval of this application, staff recommends placing the conditions contained in the staff report upon its approval.

This application was deferred at the February 13, 2001, Board of Supervisors meeting in order to allow staff, the applicant and the kennel's neighbors to work together and discuss conditions which address the issues and concerns raised during the public hearing. The Board also requested that staff evaluate the amendments to the conditions proposed by Mr. Kennedy and address several issues including landscape buffers and operating conditions.

Neighborhood Meeting

Staff arranged a meeting between the applicant and neighbors on March 1, 2001, at the Norge Library to discuss the outstanding issues associated with the proposed expansion. The neighbors raised concerns and made several suggestions as to how to deal with the impacts of the current kennel and the proposed expansion. **These suggestions included enclosing both kennel buildings, limiting the number of dogs, closing the kennel on Sundays, keeping dogs inside after 6 p.m. and including the existing kennel in the Special Use Permit (SUP) so that the conditions could apply to both buildings.** The neighbors expressed concerns about the increase in noise and commercial traffic and the impacts the expansion would have on their safety and quality of life. The applicant expressed concern over the feasibility of many of the neighbors recommendations but stated that they would consider the suggestions in preparing a written response. Staff was appreciative of the willingness of both the applicant and the neighbors to meet, but it was apparent that both sides are very polarized in their feelings on the proposed expansion and little agreement would be reached with additional meetings between the parties.

New Conditions

In response to the issues raised at the Board of Supervisors public hearing and the meeting with neighbors at the Norge Library, the applicant submitted a memorandum which offered three new conditions and outlined a series of recommended changes to the conditions submitted by staff at the February 13, 2001, Board of Supervisors meeting. **Staff was made aware that the applicant hired an acoustical consultant to evaluate both the existing kennel and the proposed expansion. Preliminary findings or recommendations from the consultant have not been submitted to staff for our review and comment. The applicant does not expect to have final recommendations from the consultant prior to this Board meeting.** The three new conditions offered by the applicant are as follows:

Condition "A"

The kennel will be closed to the dropping off or picking up of animals, except for emergencies, from Saturday noon to Sunday noon. The kennel will not be generally open to the public after 6:00 p.m.

Staff Comment

While the applicant's intent is to provide neighbors with a 24-hour block of time free of commercial activity at the kennel, staff does not believe that breaking this period up over two days on the weekend meets the stated concerns of the neighbors or reduces traffic and noise during times when most neighbors are likely to be at home. The proposal does not address hours of operation during the week as requested by the neighbors. **The boarding kennel is in active use 24 hours a day and enforcing hours of operation could prove to be a difficult task given the difficulty of determining the nature of vehicular trips to the site.** The primary reason why staff did not recommend an operational condition previously is the inherent difficulty in monitoring the commercial activity and determining the nature of vehicular trips to the site. The employees of the kennel must feed and exercise the animals whether or not the kennel is open for business. The kennel and the owner's residence will also generate other types of trips which will be difficult to distinguish from those made by kennel customers. Determining what constitutes an emergency in a binding and enforceable condition would also prove difficult from a code enforcement perspective. It would also be difficult for staff to determine whether activity occurring at the kennel on Saturday afternoons or Sunday mornings is of a commercial nature or solely for the care, safety, or welfare of the animals

at the facility. Staff has drafted an alternative (Condition No. 9) which addresses operating hours during the week and on weekends.

Condition “B”

The kennel will confine dogs indoors after 8:00 p.m. EST (i.e., after 9:00 p.m. during daylight savings time).

Staff Comment

Staff has drafted an alternative (Condition No. 10) which requires that all dogs be kept inside a fully enclosed building between the hours of 7:00 p.m. and 8:00 a.m. The kennel advertises its hours of operation as 9:00 a.m. to 6:00 p.m. **Staff’s condition is a compromise between the evening hours proposed by the applicant and the neighbors, and also establishes a quiet time in the early a.m. hours.** Staff does not see the benefit of allowing dogs in outdoor runs as late as 9:00 p.m., as proposed by the applicant; however, the fact that this condition applies only to the expansion significantly decreases the benefits of this condition and hinders enforcement.

Condition “C”

The applicant will plant and maintain, along its **southern** border and along the portion of the **eastern** border that adjoins a residence, a double row of evergreen seedlings. This condition is not subject to the approval requirements contained in Condition 4.

Staff Comment

The addition of a double row of evergreen seedlings is not consistent with the Landscaping Ordinance Standards for transitional screening between conflicting land uses or size requirements for new plantings. Any plantings that are intended to create a transitional buffer between the kennels and adjacent residences are normally required to be done in accordance with the Ordinance Standards which are applicable to all commercial development in order to more quickly establish an effective buffer. Both the required plantings adjacent to the new kennel building and the proposed plantings intended to create a transitional buffer should be designed to address the existing and potential noise impacts created by the kennel. **Staff believes that it is very important to require that all landscaping be approved by the Planning Director prior to site plan approval; otherwise there is no County ability to ensure adequate buffer design.** The applicant’s proposed condition also covers the eastern property line, not the western property line. **Staff believes that it is important to provide an adequate transitional buffer not only along the eastern property line but along the western property line as well to protect those residences along York River State Park Road, some of which are equally as close to the kennels as those residences to the south of the property.** Staff has drafted additional language into Condition No. 4 which addresses transitional screening and buffers on the site.

The applicant suggested changes to Condition No. 7 which would provide that the ceilings of the roofs over the outdoor runs and the walls within the outdoor kennel areas above the height of four feet be covered with sound absorbing materials on both the new and existing kennel buildings. While this change would provide additional material to address the noise issue, the applicant has not requested that the existing nonconforming kennel be included in the SUP. **Staff believes that the suggested noise abatement language would not be binding or enforceable on the existing kennel and have not incorporated this suggested language into the conditions listed below.**

Maintenance of the gravel right-of-way was raised as an issue during the Planning Commission public hearing and at the February 13, 2001, Board of Supervisors public hearing. **The applicant attempted to address these concerns by providing three tons of gravel annually to maintain the right-of-way that serves as the entrance**

to the property. Staff incorporated the applicants proposal into a condition that would be binding and enforceable if the application were to be approved. Since the February 13, 2001, meeting, the applicant hired a contractor to lay additional gravel on the right-of-way in advance of any resolution of approval from the Board of Supervisors. Staff has added language to Condition No. 8 which requires the applicant to maintain the condition of the right-of-way every three months following the issuance of a certificate of occupancy for the new kennel building.

Also attached are the proposed conditions submitted by Mr. Kennedy at the February 13, 2001, Board of Supervisors public hearing. Conditions 2, 3, 4, 5, 7, and 8 have been incorporated into staff's recommended conditions. The applicants recent actions in addressing the issue of upgrading the condition of the gravel right-of-way has partially addressed Condition 4.

RECOMMENDATION:

Staff continues to recommend denial of this application. On January 8, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Should the Board of Supervisors recommend approval of this application, staff recommends placing the following conditions upon its approval:

1. If a Certificate of Occupancy for this project has not been obtained within a period of 24 months from the date of issuance of this permit, this permit shall become void.
2. The building elevations for the kennel expansion on the site shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials, and colors of the main residential structure and surrounding residences.
3. The expansion shall be designed and constructed so that all outside dog runs face the existing kennel building, with the exception of two runs which will face to the west. The expansion shall be generally consistent with the drawings and plat dated October 18, 2000, and titled Stonehenge Kennels - Preliminary Site Plan, Stonehenge Kennels - Preliminary Floor Plan, and Plat of Survey, Parcel "B", Louis A. and Maria Galanos Subdivision for Conveyance to Thayer E. and Mattie M. Coven, James City County, Virginia.
4. The owner shall provide enhanced landscaping adjacent to the new kennel building, to a maximum of 133 percent of the minimum ordinance requirements, to better screen the kennels, exercise area, and parking area from adjacent properties and the right-of-way. In addition, a 35-foot transitional buffer shall be provided along the southern and western property lines in accordance with the Landscaping Ordinance requirements for general landscape areas. The landscaping plan shall be reviewed and approved by the Planning Director prior to final site plan approval.
5. A wall or solid fence a minimum height of 60 inches shall be provided along the area between the newly constructed kennel building and the right-of-way serving the property. The location of the wall or solid fence shall be approved by the Planning Director prior to final site plan approval. Landscaping approved by the Planning Director shall be planted between the wall or solid fence and the adjacent properties.
6. All animal waste produced within the kennel building shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system to be approved by the Virginia Department of Health.
7. The applicant shall submit a noise abatement plan to the Development Review Committee for approval. The noise abatement plan shall include ceilings inside the portion of the new kennel building that houses dogs that are a minimum of nine feet in height and the ceilings shall contain sound absorbing acoustical materials. Final

building location, orientation, and construction materials shall be determined and approved by the Development Review Committee.

8. Following the issuance of a Certificate of Occupancy, the applicant shall, at least once every three months, patch any holes, repair all shoulders, and maintain the access easement to the condition existing at the time of the issuance of the Certificate of Occupancy as determined by the County Engineer. The applicant shall maintain documentation which proves that this has been done and provide such documentation to the County upon request of the Planning Director. The intent of this condition is to repair damage that may be caused by kennel traffic.
9. The pick-up and drop-off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., Monday through Saturday, and shall not occur at all on Sunday.
10. Between the hours of 7:00 p.m. and 8:00 a.m., all dogs shall be kept inside a fully enclosed building.
11. Any relocation of the dog exercise area shall be located at least 250 feet from the nearest residence.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
sup-25-00-2.wpd

Attachments:

1. Location Map
2. Memorandum from Glenn Coven dated March 11, 2001
3. Letter from kennel neighbors dated March 16, 2001
4. Proposed conditions submitted by Mr. Kennedy at the February 13, 2001, Board public hearing
5. Memorandum from Glenn Coven dated March 16, 2001
6. Resolution

RESOLUTION

CASE NO. SUP-25-00. STONEHENGE KENNELS

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, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, Mr. Gregory R. Davis of Kaufman and Canoles has applied on behalf of property owners Thayer E. Coven and Mattie M. Coven for a special use permit to permit the expansion of the existing Stonehenge Kennels on 11.2 acres located at 5550 Riverview Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (15.3); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2001, 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. SUP-25-00 as described herein with the following conditions:

1. If a Certificate of Occupancy for this project has not been obtained within a period of 24 months from the date of issuance of this permit, this permit shall become void.
2. The building elevations for the kennel expansion on the site shall be approved by the Planning Director prior to final site plan approval. The intent of this condition is to ensure that the expansion is compatible with the design, scale, materials, and colors of the main residential structure and surrounding residences.
3. The expansion shall be designed and constructed so that all outside dog runs face the existing kennel building, with the exception of two runs which will face to the west. The expansion shall be generally consistent with the drawings and plat dated October 18, 2000, and titled Stonehenge Kennels - Preliminary Site Plan, Stonehenge Kennels - Preliminary Floor Plan, and Plat of Survey, Parcel "B", Louis A. and Maria Galanos Subdivision for Conveyance to Thayer E. and Mattie M. Coven, James City County, Virginia.
4. The owner shall provide enhanced landscaping adjacent to the new kennel building, to a maximum of 133 percent of the minimum ordinance requirements, to better screen the kennels, exercise area, and parking area from adjacent properties and the right-of-way. In addition, a 35-foot transitional buffer shall be provided along the southern and western property lines in accordance with the Landscaping Ordinance requirements for general landscape areas. The landscaping plan shall be reviewed and approved by the Planning Director prior to final site plan approval.
5. A wall or solid fence a minimum height of 60 inches shall be provided along the area between the newly constructed kennel building and the right-of-way serving the

property. The location of the wall or solid fence shall be approved by the Planning Director prior to final site plan approval. Landscaping approved by the Planning Director shall be planted between the wall or solid fence and the adjacent properties.

6. All animal waste produced within the kennel building shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system to be approved by the Virginia Department of Health.
7. The applicant shall submit a noise abatement plan to the Development Review Committee for approval. The noise abatement plan shall include ceilings inside the portion of the new kennel building that houses dogs that are a minimum of nine feet in height and the ceilings shall contain sound absorbing acoustical materials. Final building location, orientation, and construction materials shall be determined and approved by the Development Review Committee.
8. Following the issuance of a Certificate of Occupancy, the applicant shall, at least once every three months, patch any holes, repair all shoulders, and maintain the access easement to the condition existing at the time of the issuance of the Certificate of Occupancy as determined by the County Engineer. The applicant shall maintain documentation which proves that this has been done and provide such documentation to the County upon request of the Planning Director. The intent of this condition is to repair damage that may be caused by kennel traffic.
9. The pick-up and drop-off of animals for boarding or grooming shall not occur prior to 8:00 a. m. or after 6:00 p. m., Monday through Saturday, and shall not occur at all on Sunday.
10. Between the hours of 7:00 p.m. and 8:00 a.m., all dogs shall be kept inside a fully enclosed building.
11. Any relocation of the dog exercise area shall be located at least 250 feet from the nearest residence.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of March, 2001.