

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF JANUARY, 1998, AT 1:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION - 1:30 P.M.

Mr. Edwards, 1997 Vice Chairman, called the meeting to order and welcomed new Board members, Mr. McGlennon and Mr. Nervitt.

Mr. Edwards made a motion to convene into executive session pursuant to Section 2.1-344(A)(1) to consider personnel matters, Board appointments.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board at 3:15 p.m.

Mr. Sisk made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

MEETING DATE: JANUARY 13, 1998

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive 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 executive 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 executive meeting to which this certification resolution applies; and, ii) only such public business matters

as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Edwards declared a recess until 7:00 p.m. for the regular Board of Supervisors meeting, at 3:28 p.m.

C. ORGANIZATIONAL MEETING

Mr. Edwards reconvened the Board into open session at 7:02 p.m., and introduced the Board members.

On a roll call, all members were present.

Mr. Edwards asked for nominations for Chairman for 1998.

Mr. Nervitt made a motion to appoint Mr. Edwards as Chairman for 1998.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards, (5). NAY: (0).

Mr. Edwards asked for nominations for Vice-Chairman.

Mr. Bradshaw made a motion to appoint Mr. Sisk as Vice Chairman.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. McGlennon made a motion to approve the Organizational resolution and Board calendar for 1998.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the year 1998.

1. Regular meetings of the Board shall be held as shown on the attached 1998 calendar, in the Board Room of the James City County Government Center. The meeting time shall be 7:00 p.m.

Work session meetings of the Board shall be held at 2:00 p.m., Wednesday following the second regular meeting in the Board Room of the James City County Government Center.

2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking when they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

3. In addition, the Board agrees to the following:

A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the decision is made by the Board.

Should it be necessary to cancel an advertised Board of Supervisors meeting due to weather or other conditions, the meeting shall be continued forty-eight hours to the same time and place.

Mr. Wanner read the appointments of Board members to Boards and Commissions:

Williamsburg Area Chamber of Commerce	Sisk
Community Action Agency	Nervitt/Katherine Kranbuehl
	Edwards/Tony Conyers
	Sisk/John O'Hare
Courthouse Committee	Bradshaw/Edwards
Hampton Roads Planning District Commission	Edwards
Williamsburg Area Medical Assistance Corp.	Bradshaw
Regional Issues Committee	Nervitt
School Liaison Subcommittee	McGlennon/Edwards
Peninsula Alliance for Economic Development	Edwards
Historical Commission	McGlennon
Local Emergency Preparedness Committee	Sisk
Farmers Advisory Committee	Bradshaw
Joint Sanitary District No. 1 Board	McGlennon/Sisk
Industrial Development Authority Liaison	Nervitt
Community Services Coalition	Nervitt
Parks and Recreation Advisory Commission Liaison	Unassigned
VA Peninsula Regional Jail Authority	McGlennon

Mr. Edwards made a motion to approve the appointments of Board members to Boards and Commissions.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. McGlennon explained that the Board representative for the Williamsburg Area Chamber of Commerce would not vote on Chamber of Commerce positions that would come before the Board of Supervisors.

Mr. Sisk made a motion to appoint Mr. Edwards as President to James City County Transit Company.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Bradshaw made a motion to approve the resolution for appointment of Board of Directors and Officers for James City County Transit Company by Board of Supervisors.

On a roll call, the vote was: AYE: Sisk, McGlennon, Edwards (5). NAY: (0).

RESOLUTION

APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS FOR

JAMES CITY COUNTY TRANSIT COMPANY BY

BOARD OF SUPERVISORS

WHEREAS, the stockholders of the James City County Transit Company (Transit Co.) have requested the Board of Supervisors to appoint the Board of Directors and the officers of the Transit Company for the year 1998.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints as Directors of the Transit Company for the year 1998 the following individuals:

- M. Anderson Bradshaw
- Jack D. Edwards
- John J. McGlennon
- Ronald A. Nervitt
- David L. Sisk

BE IT FURTHER RESOLVED, that the Board of Supervisors appoints the following officers:

- President - Jack D. Edwards
- Secretary/Treasurer - Anthony Conyers, Jr.

Mr. Edwards recessed the Board for a James City County Transit meeting at 7:11 p.m.

Mr. Edwards reconvened the Board of Supervisors at 7:14 p.m.

D. MINUTES - December 22, 1997

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Bradshaw made a motion to approve the minutes.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

E. CONSENT CALENDAR

Mr. Edwards asked if a Board member wished to remove any item from the Consent Calendar.

Mr. Edwards made a motion to approve the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Project Discovery Day, January 20, 1998**RESOLUTION****PROCLAIMING PROJECT DISCOVERY DAY**

- WHEREAS, Project Discovery continues to be one of the most effective college option/dropout prevention programs in the nation, assisting economically disadvantaged and first generation college students in their preparation for postsecondary education; and
- WHEREAS, since 1986, the Virginia General Assembly has consistently appropriated funds for the operation of Project Discovery programs which are being implemented in fifty-one jurisdictions, including the involvement of nineteen Virginia community action agencies; and
- WHEREAS, this community's future depends on how well it educates its children.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, observes January 20, 1998, as Project Discovery Day in James City County, Virginia, and to call this observance to the attention of all our citizens.

2. Violence Against Women Project Grant**RESOLUTION****VIOLENCE AGAINST WOMEN PROJECT GRANT**

- WHEREAS, the Board of Supervisors of James City County has been requested to appropriate State grant funds to the budget of the Commonwealth Attorney, and to increase the Victim Advocate position to Full-Time Other status.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves changing the status of the Victim Advocate position from Part-Time to Full-Time

Other effective January 1, 1998, for the Violence Against Women Project and authorizes the following appropriation of additional funds within the FY 98 budget:

Revenues:

From the Commonwealth	<u>\$14,777</u>
-----------------------	-----------------

Expenditures:

Violence Against Women Project	<u>\$14,777</u>
--------------------------------	-----------------

3. Installation of Watch for Children Sign - Gate House Farms

RESOLUTION

GATE HOUSE FARMS SUBDIVISION, "WATCH FOR CHILDREN" SIGN

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 Gate House Farms Neighborhood Association has requested that a "Watch For Children" sign be installed at the entrance to the subdivision on Gate House Boulevard, as illustrated on the attached drawing titled Gate House Farms Subdivision, "Watch For Children" sign.

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 a "Watch For Children" sign as requested by the Gate House Farms Neighborhood Association with funds from the County's secondary road system maintenance allocation.

4. Virginia Peninsulas Public Service Authority Service Agreement for White Goods and Scrap Metal Recycling

RESOLUTION

VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY SERVICE AGREEMENT,

RECYCLING OF WHITE GOODS AND SCRAP METAL

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) has negotiated a service agreement, on behalf of its member communities, with Simsmetal America, Inc., to recycle white goods and scrap metal; and

WHEREAS, under the Agreement, Simsmetal America, Inc., will pay member communities for recyclable white goods and scrap metal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the attached Service Agreement with the Virginia Peninsulas Public Service Authority for White Goods and Scrap Metal Recycling Services.

F. PUBLIC HEARINGS

1. Pre-Budget

Ms. Carol Davis, Assistant Manager of Financial and Management Services, briefly outlined the upcoming budget schedule and invited public comment on the budget and budget process.

Mr. Edwards opened the public hearing.

1. Ms. Bonita C. Reid, 218 Tarleton Bivouac, asked the Board for awareness of disabled persons in the community by support of Peninsula Center for Independent Living.

2. Ms. Althea Pittman, 5204 Lane Place Drive, asked for funding support of Peninsula Center for Independent Living so that disabled persons could increase self-sufficiency.

3. Mr. Ralph Shelman, 151 Kristiansand Drive, Suite 109, Executive Director, Peninsula Center for Independent Living, requested that the Board support funding for the salary of a staff position at a Norge location.

Mr. Wanner advised the Board that Mr. Anthony Conyers, Jr., Manager of Community Services, was familiar with the agency.

4. Mr. M. D. Galbreath, III, 113 Deerwood Drive, spoke in favor of no real estate tax increase, reduction and privatization in certain departments, and living within means of budget.

5. Mr. Ed Oyer, 139 Indian Circle, reported on revenues collected and expended in State towns and counties and highlighted information in the 1998 - 2000 State budget.

Mr. McGlennon thanked Mr. Oyer for providing information and encouraged a follow-up to those raised points.

Mr. Edwards closed the public hearing.

Mr. Edwards invited the citizens to make budget comments to the Board and County Administrator.

Mr. Nervitt stated that he looked for guidance to ensure the budget accurately reflected the best way to support services at a minimum cost.

2. Appropriation to the Police Department - Bureau of Justice Assistance Grant

Mr. Robert C. Key, Police Chief, stated that the Local Law Enforcement Block Grants Program was designed to provide local government with funds to underwrite projects to reduce crime and improve public safety.

Staff recommended approval of the resolution.

Mr. Edwards opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked whether the grant funds could be used to pay police salaries.

Chief Key responded in the affirmative, but equipment needs would then have to be added into the equipment category of the operating budget.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards, (5). NAY: (0).

RESOLUTION

APPROPRIATION TO THE POLICE DEPARTMENT

WHEREAS, the Bureau of Justice Assistance has approved a grant to provide \$21,037 to the Police Department for Law Enforcement equipment and technology; and

WHEREAS, sufficient local matching funds are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenue:

From Bureau of Justice Assistance	<u>\$21,037</u>
-----------------------------------	-----------------

Expenditures:

Police Department Budget	<u>\$21,037</u>
--------------------------	-----------------

3. Case No. AFD-2-86. Croaker Agricultural and Forestal District (Lockley Addition)

Mr. Gary A. Pleskac, Senior Planner, stated that Doris Lockley had applied to add approximately 40 acres to the existing Croaker Agricultural and Forestal District, zoned A-1, General Agricultural, located at 5624 Riverview Road, and further identified as Parcel No. (1-4) on James City County Real Estate Tax Map No. (15-4).

Mr. Pleskac further stated that the proposed addition met the minimum area and proximity requirements for inclusion into an AFD.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee, by a vote of 9-0, and the Planning Commission, by a vote of 7-0, recommended approval of the application.

Board and staff discussed various AFD time frames, which are set by Board policy.

Mr. Edwards stated that discussion of the policy was needed, prior to upcoming renewal requests later this year.

Mr. Bradshaw made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

G. PUBLIC COMMENT

1. Col. Ed Riley, 611 Tam-O-Shanter, spoke of the need to harvest deer population.
2. Mr. M. D. Galbreath, III, 113 Deerwood Drive, spoke in favor of the New Town concept and the concrete plant for the Massie property. He emphasized that taxes, not water, would be the problem in the future.
3. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, welcomed the new Board members.
4. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to regionalism and stated that the Virginia Code now allowed the State Commissioner of Health to shut down waterworks for water problems.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner welcomed the new Board members and reported that individuals interested in being appointed by the Board to the Airport Committee should provide their name to County Administration.

Mr. Wanner recommended an executive session pursuant to Section 2.1-344(A)(5) of the Code of Virginia to discuss a prospective industry.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Nervitt requested a program be established that juvenile detention inmates police the roadways.

Mr. Wanner responded that the purpose of the juvenile detention center was not consistent with policing of roadways, but that the Regional Jail was working with Virginia Department of Transportation to use work release inmate labor for that purpose.

Mr. McGlennon encouraged citizens for input on discussions of Board procedures at the January 28, 1998, work session. He expressed thanks to all for the welcomes and good wishes.

Mr. Edwards thanked the Board for the opportunity to serve as Chairman and made a motion to go into executive session as recommended by the County Administrator, at 8:35 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board at 9:00 p.m. and made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

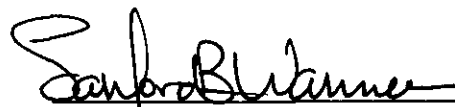
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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 executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Edwards made a motion to recess until 7:00 p.m., January 20, 1998.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board recessed at 9:00 p.m.


Sanford B. Wanner
Clerk to the Board

JAN 13 1998

ORDINANCE NO. 164A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

CROAKER AGRICULTURAL AND FORESTAL DISTRICT

(AFD-2-86) LOCKLEY ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Croaker area; and

WHEREAS, in accordance with Section 15.2-4311 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertized, and public hearings have been held on the application for an addition to the Croaker Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 30, 1997, unanimously recommended approval of the application; and

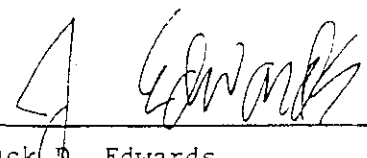
WHEREAS, the Planning Commission following its public hearing on January 5, 1998, unanimously recommended approval of the application.

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

- 1. The Croaker Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Ms. Doris Lockley	(15-4)(1-4)	<u>40.00</u> ac.
Total:		<u>40.00</u> ac.

- 2. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Croaker Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
 - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district.
 - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code section 15.2-4300 et. seq. which are not in conflict with the policies of this district.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of January, 1998.

lockley.res