

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF MARCH, 1998, AT 7:00 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. PUBLIC COMMENT

Mr. Mark Sexton, 8 Prestwick Court, representing Historic Route 5 Association, asked that careful consideration be given to smaller carefully placed towers camouflaged as trees, or stealth towers mounted on existing structures as alternatives to taller wireless telecommunications facilities.

C. MINUTES - March 6, 1998 - Special Meeting
 March 10, 1998 - Regular Meeting
 March 13, 1998 - Special Meeting

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

Mr. McGlennon asked that the March 13, 1998, minutes be amended to state, "Mr. McGlennon joined the group." He made a motion to approve the three sets of minutes with amendment.

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

D. CONSENT CALENDAR

Mr. Edwards asked if a Board member wished to remove any items 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. Trash and Grass Lien - 3 Forest Court

RESOLUTION**CODE VIOLATION LIEN**

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:	Luetta Adams 3 Forest Court Williamsburg, VA 23188
DESCRIPTION:	3 Forest Court
TAX MAP NO.:	(31-1) (04-0-0039) James City County, Virginia
AMOUNT DUE:	\$65.00

2. **Budget Adjustments - FY 1998****RESOLUTION****BUDGET ADJUSTMENTS - FY 1998 BUDGET**

WHEREAS, the Board of Supervisors of James City County has been requested to adjust the current FY 1998 budget, and appropriate additional funds for two programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adjusts the budget, as follows, and appropriates the following spending as indicated:

County General Fund:

Community Center Membership Fees	+	\$125,966
Capital Outlay - Community Center Equipment	+	\$125,966

Colonial Narcotics Task Force:

Contributions from Other Localities	+	\$ 3,100
Fund Balance	+	<u>4,573</u>
		<u>\$ 7,673</u>
Task Force Spending	+	<u>\$ 7,673</u>

3. Installation of "Watch for Children" Sign**RESOLUTION****ORANGE DRIVE, "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 residents of Orange Drive have requested that a "Watch For Children" sign be installed at the intersection of Orange Drive and Government Road, as illustrated on the attached drawing titled Orange Drive, "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 residents of Orange Drive funds from the County's secondary road system maintenance allocation.

E. PUBLIC HEARING1. Case Nos. SUP-35-97 and HW-2-97. Jack L. Massie Contractor, Inc. - Bituminous Concrete Facility

Mr. Edwards declared a three-minute recess to allow Board members to see and greet the large number of citizens in attendance that were in opposition to Case Nos. 2 SUP-35-97 and HW-2-97, and were located outside due to limited seating capacity in the Board Room, at 7:10 p.m.

Mr. Edwards reconvened the Board at 7:13 p.m. and explained procedures for the following public hearing. Mr. Edwards emphasized that civility was essential. He stated that the public hearing was being held in Building C so that the meeting could be televised on the government channel and asked that any written comments be received by April 3, 1998. Mr. Edwards advised the audience that the Board had agreed to increase speaker time limits to 30 minutes for applicant, 30 minutes for group opposition, and five minutes for each individual speaker. He confirmed that the public hearing would be closed and action on the cases deferred until the April 14, 1998, Board of Supervisors meeting.

Mr. Bradshaw stated that under the Virginia Conflict of Interest Act, he was required to disclose personal relationships with interested parties. He had contacted the Commonwealth's Attorney for an opinion and was advised that previous transactions would not disqualify him from participation in the cases.

Mr. Sisk stated that he also was required to disclose financial contributions by the Massies to a recent campaign, and the Commonwealth's Attorney had advised that those transactions would not disqualify him from participation in the cases.

Mr. Edwards opened the public hearing.

Mr. Paul D. Holt, III, Planner, stated that Mr. Gary Massie, on behalf of Jack L. Massie Contractor, Inc., had applied for a special use permit to operate a bituminous concrete facility, and for a height limitation waiver to install silos approximately 86 feet tall, zoned M-2, General Industrial, with proffers, located at 3900 Cokes Lane, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (13-3).

Mr. Holt detailed the traffic/transportation, noise, odor, environmental concerns, safety, surrounding area, consistent with the Comprehensive Plan, and height limitation waiver.

In concurrence with staff, the Planning Commission, by a vote of 6-0, with one abstention, recommended approval of the special use permit.

Board members asked for comparison of visual impact with surrounding towers, water tanks; asked at what amount of traffic would Route 60 level of service decline; asked whether an additional railroad spur could be constructed at Hankins Industrial Park; asked if the three percent increase in property values of Mirror Lakes was comparable to the rest of the County property values; and consideration of conditions that facility be limited to maximum eight-foot diameter drum and two bituminous silos, facility would not be allowed to burn hazardous wastes, facility would be brought into compliance with any future standards which might be adopted by Environmental Protection Agency and Department of Environmental Quality, limits on the hours of operation be examined and sound levels at different receptors be measured and considered.

Alvin Anderson, Esq., representative for the applicant, detailed the history of the zoning of the property, the need for the facility, use of rail service was a part of 1997 Comprehensive Plan, and noted the recommendation of approval by the Planning Commission. He asked the Board to approve the cases with appropriate conditions.

Ms. Laura C. Green, Ph.D., D.A.B.T., President and Senior Scientist at Cambridge Environmental, Inc., stated that the most important set of factors are the manners in which a hot-mix, bituminous concrete plant were designed, operated, maintained and the age of the plant. She assessed the impacts of the proposed plant on the community's public health and stated that the additional emissions combined with existing emissions from other sources would not render local air unacceptable with regard to major pollutants.

Board members discussed plant and truck emissions, elimination of truck travel through County if material brought by rail, reduction of truck traffic through County from asphalt plants at Lee Hall and Oyster Point, other uses of the property by right, and asked for the total number of truck traffic coming and going both directions on Route 60 in Toano.

David S. Bailey, Esq., representative for citizens in opposition, asked those in the audience in opposition to the asphalt plant to stand. He stated that heavy industrial use adjacent to existing homes with no buffer was unreasonable with the noise, odor, and pollution.

Mr. Eric M. Zwierling, Rutgers University, Department of Environmental Sciences, New Brunswick, NJ, spoke of effects of noise were hearing loss and stress; noise from facility running, on-site truck traffic, hours of operation, berms and tree buffers deflect noise over the top or through gaps between trees.

Board members asked about noise measurements being taken for acceptable levels and at what distance from residences.

Dr. Peter L. deFur, consultant through Environmental Stewardship Concepts, and Affiliate Associate Professor in the Center for Environmental Studies at Virginia Commonwealth University, detailed emissions characterization and toxicology review of fugitive emissions which contain chemical substances and mixtures known to impact community health. He stated that other states are considering action on the fugitive emissions issue.

Mr. Edwards declared a 10-minute recess at 9:22 p.m.

Mr. Edwards reconvened the Board at 9:32 p.m.

1. Mr. Fred Shearin, 7600 Vincent Drive, Toano, stated that the noise would create stress and asked that the Board consider the neighbors' quality of life.

2. Ms. LaVonne Dasher, 16 Hansom Drive, Poquoson, 23662, spoke in support of the cases and emphasized respect for the Massie family and its business operation.

3. Ms. Felicitas van Driem, 7684-7686 Richmond Road, spoke in opposition to the plant because she had to give up her outdoor life at her residence of many years. She asked that the Board deny the plant.

4. Mr. James Kennedy, 7681 Thacher Drive, stated that industrial use should not be allowed near residences and the County library on Croaker Road.

5. Mr. Todd Tyree, 242 Loch Haven Drive, stated the plant was a threat to the residents economic security and quality of life. He cautioned the Board to consider its action carefully.

6. Mr. John Lerosé, 208 Plainsview Road, stated that the residents do not wish to subject home, health, and welfare to the new asphalt plant experiment and emphatically said NO.

7. Mr. Curt McSherry, 144 School Lane, spoke about and showed slides of the runoff from the Massie Property onto Taylor property. He expressed concern that the problem was not being resolved.

8. Mr. Felix Van Driem, 7686 Richmond Road, showed pictures of the Taylor property and spoke in opposition to the plant being placed near homes, church, school, and library.

9. Mr. Dan Helmick, 149 Nina Lane, Vice President of Kristiansand Homeowners Association, stated the association strongly opposed any industrial use near a residential community and asked the Board to deny the case.

10. Mr. Steve Frank, 9908 Sycamore Landing Road, spoke in opposition to the asphalt plant because of noise and pollution near a residential development and school.

11. Mr. James Stam, 104 Woodmont Place, spoke in opposition stating that the asphalt plant would be the first thing tourists see when exiting the Interstate on Croaker Road and he voiced concern about property values in neighborhoods closeby.

12. Mr. Gary Massie, 8644 Merry Oaks, applicant, stated that his customers are primarily local or from adjacent communities. He spoke of the company's safety, quality materials and service, integrity, and commitment to the community.

13. Mr. Glenn Gilley, 3031 North Riverside Drive, Lanexa, spoke in opposition to the asphalt plant because of the negative impact on property values.

14. Ms. Ruth Larson, 113 Mirror Lake Drive, stated that the asphalt plant was not wanted and asked that the Board not ignore the residents opposition.

15. Ms. Laura Gossner, 3420 Deerlope Trail, spoke in opposition because of health, safety, and any future requests for asphalt plants would have to be approved.

16. Mr. Matthew Stauch, 310 Patriot Lane, asked how the plant emissions would compare with a wood fire/fireplace in a home.

Dr. Green responded that the emissions would be similar - a slight difference in tree products emission and burning of natural gas.

Mr. Stauch supported the proposal for the tax base and employment would provide a better life for children.

17. Mr. James Armstrong, 221 Reflection Drive, asked that the Board deny the application if the health of even one citizen was impacted.

18. Mr. Lewis E. W. King, 1st Sergeant, Retired, 8751 Poplar Springs Road, stated that Jack L. Massie Contractor, Inc., would control truck speed and traffic.

19. Mr. Michael Sawyer, 7686 Richmond Road, stated that the Religious Society of Friends of Toano urged denial of the application as inappropriate and unjust land use.

20. Mr. Ed Oyer, 139 Indian Circle, gave a background on how the land was designated Industrial in the 1991 Comp Plan.

21. Mr. Ricky E. Rangel, 3612 Marlbrook Drive, spoke of witnessing a dangerous traffic incident where a Massie vehicle did not observe stopping for a stopped school bus.

22. Mr. David Paddock, 7567 Vincent Drive, Toano, spoke of another traffic incident at Croaker Road and asked the Board to make a decision on the fact that the area was chiefly residential.

23. Mr. Ralph Hargrave, 118 Point O' Woods, asked whether the Massie silos could be made nearly invisible as requested for the wireless telecommunication facilities.

24. Ms. Chloe Brown, 625 Marlbrook, asked that the Board consider the senior citizens quality of life in the area.

Mr. Edwards closed the public hearing.

Mr. Sisk recommended a work session be held on Wednesday, April 8, 1998, to discuss input received.

The Board consensus was that a work session was not necessary.

Mr. Edwards expressed appreciation to all participants for their input.

Mr. Edwards declared a recess at 11:22 p.m.

Mr. Edwards reconvened the Board at 11:32 p.m.

F. HIGHWAY MATTERS

Mr. James Brewer, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), gave an update on ongoing highway projects.

Mr. Sisk asked that investigation be made whether a traffic signal could be installed at the entrance of Country Village Mobile Home Park on Route 60 East.

Mr. Sisk asked that landscape maintenance be done on the remaining one-third of Ron Springs Road (Route 667) that was not included when the other portion was cleared for construction.

Mr. Bradshaw thanked VDOT for prompt service of the drainage issues at New Kent County line and Anderson's Corner, the striping on Riverside Road (Route 606), and added a reminder of the Toano (Route 60-W) pedestrian safety issue.

Mr. Nervitt asked that a school sign be installed on the curve on Longhill Road (Route 612) at the Williamsburg Montessori School for safety of cars turning left. He asked how policy could be changed if VDOT policy stated no sign could be installed.

G. BOARD CONSIDERATION**1. 1998 Primary and Interstate Highway Priority Projects**

Mr. John T. P. Horne, Manager of Development Management, stated that the County's priority Primary and Interstate Highway Construction Project report would be forwarded to Virginia Department of Transportation for evaluation and determination of appropriate funding levels for each.

Staff recommended approval of the resolution with priorities listed and endorsement of the report.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION**1998 PRIMARY ROAD PRIORITIES**

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County and the region; and

WHEREAS, the James City County Comprehensive Plan and/or Regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County.

- full funding for the widening of the existing sections of **Route 199 to four lanes** in those areas where only two lanes exist;
- full funding for the **Route 199 - Monticello Avenue interchange**;
- full funding for **traffic signal coordination improvements for the Route 199 corridor between Brookwood Drive and Route 5 and improvements to the Route 199 - Jamestown Road intersection**;
- full funding for the construction of the **Grove Interchange** on Interstate 64 as programmed in the adopted in the Six-Year Improvement Program;
- funding for design and construction of **Route 60 Relocation**;
- funding for construction of **turn lanes** at five intersections as interim improvements to **Pocahontas Trail (Route 60 East)**.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that 80-90 percent of the County's industrial base was located in Roberts District and that the bituminous concrete facility should not be moved to the Roberts District. He stated life was tradeoffs and nothing was perfect.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced a work session on Wireless Telecommunication Facilities and Water Issues, Wednesday, March 25, 1998, 2:00 p.m. He stated the proposed Budget for 1999-2000 would be provided to the Board on Friday, March 27, 1998.

Mr. Wanner recommended a recess for a James City Service Authority Board of Directors' meeting and then go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions, and Section 2.1-344-(A)(3) of the Code of Virginia to consider acquisition of a parcel of property for public use.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards made a motion to appoint Philip Smead to the Transportation Improvement District Advisory Board, to a two-year term, term expiring March 12, 2000.

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

Mr. Edwards declared a recess for a James City Service Authority Board of Directors' meeting at 11:55 p.m.

Mr. Edwards reconvened the Board of Supervisors and made a motion to go into executive session as recommended by the County Administrator, at 12:08 a.m.

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

Mr. Edwards reconvened the Board into open session, at 12:31 a.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

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 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/commissions, and Section 2.1-344(A)(7) acquisition of property for public use, convening the executive meeting.

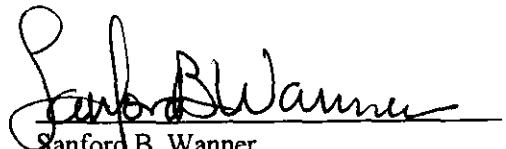
Mr. Sisk made a motion to appoint William C. Porter, Jr., and Ted Bickmore to the Casey New Town Community Development Authority, for a four-year term, terms expiring March 24, 2002, respectively.

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

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 12:32 a.m.


Sanford B. Wanner
Clerk to the Board

Orange Drive "Watch For Children" Sign

