

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY, 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** Campbell, an eighth grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, requested the Board provide investment guidelines for the County's investment advisor, stated concern that water tables in Virginia are dropping, and encouraged the Board to oppose the **EPA** emissions testing requirements for vehicles housed in the County.

2. Mr. John McDonald, Manager of Financial and Management Services, **stated that the** Request for Proposal for the investment advisor is in keeping with Davenport & Co.'s, the County's financial advisor, suggestion for continued sound fund balance security. The James City Service Authority has an investment advisor, and the County **has** been given credit for sound financial management practices by Moody's who has awarded the County with a Aa3 rating.

D. PRESENTATIONS

1. Volunteer Recognition – International Year of Volunteers

Mr. **McGlennon** recognized Mr. Michael **Matthews** who has provided advice and professional services for many of the Division of Parks and Recreation's development projects, served as a member of the Parks and Recreation Advisory Commission, and during the past seven years has been an invaluable leader in assisting Parks and Recreation in achieving its goals.

Mr. **Matthews** thanked the Board for the recognition and the Division of Parks and Recreation for providing quality **service** to the community.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Engineer for the Virginia Department of Transportation (VDOT), stated that Monticello Avenue will be completed by November, the Grove interchange will be completed in December, and paving is about to begin on Ron Springs Drive following which VDOT will work on the drainage.

Mr. **Goodson** requested an update on the improvement schedule to the **Greenmount** intersection accessing Wal-Mart.

Mr. Brewer stated that the County **has** contracted for the installation of turn lanes and a signal light.

Mr. John T. P. Home stated that once the contractor receives a notice to proceed, construction work will begin.

Mr. **Nervitt** requested information regarding clearing near the Colonial Parkway.

Mr. Brewer stated that the clearing on the parkway is for the Board approved bike access to the Colonial Parkway.

Mr. **McGlennon** requested information concerning the Route 5 sinkhole near St. George's Hundred.

Mr. Brewer stated that divers have been sent down under the bridge and they found the void. The void has been filled with rip-rap and will be reinforced with flowing concrete. Further inspections will be completed to search for other voids and they will be filled if found.

Mr. **Harrison** inquired if the bridge will be replaced, if wanted, and the process for the replacement.

Mr. Brewer stated that the bridge is stable and will not need to be replaced. If the bridge had been found in need of replacement, the County would have followed a pre-allocation process for the bridge's replacement.

Mr. **McGlennon** stated concern from citizens **regarding** littering along Greensprings Road and requested anti-littering signs as well as assistance in maintaining the Road.

Mr. Brewer stated that the anti-littering signs are not designed to be posted along secondary roads; that for litter control signs, the road must demonstrate a persistent problem with littering; and suggested a review of the littering enforcement plans.

Mr. **McGlennon** stated the affected properties and citizens were not satisfied with the **opportunity** to provide input to VDOT concerning the relocation of Route 359 at a recent public hearing by VDOT. Mr. **McGlennon** requested a position letter be sent by the Board to VDOT as part of the public hearing process for consideration.

F. CONSENT CALENDAR

Mr. McGlennon inquired if a Board member wished to pull an item **from** the consent calendar

Mr. Kennedy requested Item Number 5, New Kent County Mutual Aid Agreement, be pulled

Mr. **Nervitt** 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

a. June 26.2001. Regular Meeting

b. June 27.2001. Work Session

2. Appropriation of Funds – Section 8 Housing Choice Voucher Program

RESOLUTION

APPROPRIATION OF FUNDS - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, the **Virginia Housing** Development Authority (VHDA) and James City County have entered into a contract to transfer Section 8 units and the annual contribution contract with the U. S. Department of Housing and Urban Development (**HUD**) **from** the VHDA statewide program to direct administration by the James City County Office of Housing and Community Development; and

WHEREAS, HUD has committed funds under an initial Annual Contribution Contract to James City County to enable the County to make Housing Assistance Payments on behalf of Section 8 Housing Choice Voucher participants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the FY 2002 Community Development Fund Budget as follows:

Revenue:

HUD Section 8 Funds \$362,501

Expenditures:

Section 8 Housing Assistance Payments \$362,501

3. Appropriation of Funds - ~~Bulletproof Vest~~ Partnership Program GrantR E S O L U T I O NAPPROPRIATION OF FUNDS -BULLETPROOF VESTPARTNERSHIP PROGRAM GRANT

WHEREAS, James City County has received a reimbursement grant from the ~~Bulletproof Vest~~ Partnership Program in the amount of \$4,095.

NOW, THEREFORE, BE IT RESOLVED that the Board of **Supervisors** of James City County, Virginia, hereby **authorizes** the acceptance of the grant and **makes** the following FY 2002 budget appropriation:

Revenues:

Bulletproof Vest Partnership Program	<u>\$4,095</u>
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Expenditures:

Police Department (001-062-0325)	<u>\$4,095</u>
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4. Appropriation of Funds - Department of Alcohol Beverage Control GrantR E S O L U T I O NAPPROPRIATION OF FUNDS -DEPARTMENT OF ALCOHOL BEVERAGE CONTROL GRANT

WHEREAS, the Police Department together with the **Williamsburg/James** City County Schools and the Historic Triangle Substance Abuse Coalition are engaged in a long-term initiative designed to reduce teen drinking; and

WHEREAS, the Virginia Department of Alcohol Beverage Control has awarded the Police Department a \$5,000 Community Coalition Grant to fund teen drinking prevention and parent education activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2002 budget appropriation:

Revenues:

Department of Alcohol Beverage Control	<u>\$5,000</u>
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Expenditures:

Police Department (001-062-0324) \$5,000

- 6. Purchase of 0.897 Acres of Real Property Adjacent to Human Services Center

RESOLUTION

PURCHASE OF 0.897 ACRES OF REAL PROPERTY

ADJACENT TO HUMAN SERVICES CENTER

WHEREAS, the Board of Supervisors of James City County is interested in acquiring a parcel of property adjacent to the County's Human Services Center to allow for potential expansion and partly funded the acquisition in the current Capital Budget in the amount of \$150,000; and

WHEREAS, the owner of the property at 5237 Olde Towne Road, comprising a parcel of approximately 0.897 acres, is willing to sell at a price of \$198,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to acquire said property.

BE IT **FURTHER** RESOLVED, that the following budget transfer be approved to allow payment of the **asking** price of \$198,000:

HSC Property Acquisition	Add	<u>\$48,000</u>
Capital Contingency	Sub	<u>\$48,000</u>

- 5. New Kent County Mutual Aid Agreement

Mr. Kennedy inquired if a portion of the \$160/call reimbursement by New Kent County will be contributed to the volunteers for equipment maintenance.

Fire Chief Miller stated that New Kent County reimburses the volunteers directly and the volunteers maintain the **equipment**.

Mr. Kennedy made a motion to adopt the resolution,

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

RESOLUTION

NEW KENT COUNTY MUTUAL AID AGREEMENT

WHEREAS, the Board of Supervisors of James City County desires a Fire and EMS Mutual Aid Agreement with New Kent County for provision of those services in a defined geographical area of New Kent County, with annual compensation for such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a **Fire/EMS** Mutual Aid Agreement with New Kent County, Virginia.

G. PUBLIC HEARINGS

1. Amendment to Chapter 8 – Erosion and Sediment Control Ordinance

Mr. John Home, Manager of Development Management, stated that the State Code was amended to require the designation of a "Responsible Land Disturber," an individual with a certificate of competence in erosion control issued by the State.

The proposed amendment to Chapter 8, Erosion and Sediment Control Ordinance, will bring the Ordinance into conformance with the State Code.

The proposed amendment also involves increasing the length of term for an approved erosion control plan from 180 days to one year. This change will reduce the workload necessary to renew the plan for the project owner and County staff.

The Board and staff held a brief **discussion** on the benefits of increasing the **term** length to one year **and how** the amendments will relate to subdivision **BMPs**.

Mr. **McGlennon** opened the public hearing

As no one wished to speak, Mr. **McGlennon** closed the public hearing.

Mr. **Goodson** made a motion to adopt the Ordinance amendments.

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

2. Deed of Vacation – 10-Foot Easement Behind Old Courthouse

Mr. Morton stated that the Lawyer's Title noted a 10-foot easement exception to the transfer title of the old Courthouse to the Colonial **Williamsburg** Foundation. In that the County and City have conveyed the Courthouse to the Foundation and there is no need to retain the easement, it is the County **Attorney's** opinion that it has been extinguished by operation of law. To provide a clear title in the event of a future title search, Mr. Morton recommended the Board adopt the resolution authorizing execution of a Deed of Vacation date April 18, 2001, which the City has executed.

Mr. **McGlennon** opened the public hearing.

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As no one wished to speak, Mr. McGlennon closed the public hearing.

Mr. Harrison made a motion to adopt the resolution

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

RESOLUTION

DEED OF VACATION • 10-FOOT EASEMENT BEHIND OLD COURTHOUSE

WHEREAS, the Colonial Williamsburg Foundation (the "Foundation"), for purposes of ingress and egress, conveyed by Deed of Easement in 1966 a 10-foot easement located behind the old Courthouse to the City of Williamsburg and County of James City to serve the old Courthouse, and

WHEREAS, the County **and** the City have conveyed their respective interests in the Courthouse to the Foundation, and as such they no longer have any need for said easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute that certain Deed of Vacation dated April 18, 2001, conveying a 10-foot easement located behind the old Courthouse to the Colonial Williamsburg Foundation.

3. Case No. SUP-14-01, JCSA Force Main Alignment

Mr. Ben Thompson, Planner, stated that Mr. Danny **Poe**, on behalf of the James City Service Authority, has applied for a special use permit to realign the location of a previously approved water main, zoned **PUD-R**, Planned Unit Development - Residential. The amendment to the previous special use permit is **to decrease** potential environmental impacts when crossing **Powhatan** Creek and to increase accessibility to the water main for installation and maintenance. The application proposes the installation of a 30-inch water main along Monticello Avenue from the **Powhatan** Secondary area to **Greensprings** Plantation Drive, further identified as James City County Real Estate Tax Map Nos. and Parcel Nos. (37-3 and 4), **(37-3) (1-5)**, and **(46-1) (1-1)**.

Staff found the proposal to be consistent with the Comprehensive Plan and consistent with the surrounding zoning.

On July 2, 2001, the Planning Commission voted unanimously to recommend approval of this application. However, since the meeting, the applicant has requested a change to the original application to place all pipe associated with this permit underground.

The Board and staff discussed the change made since the Planning Commission heard the case, cost sharing with the Hampton Roads Sanitation District, and the engineering associated with the proposal.

Mr. McGlennon opened the public hearing.

Mr. McGlennon closed the public hearing as no one wished to speak,

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

RESOLUTION

CASE NO SUP-14-01. JCSA FORCE MAIN ALIGNMENT

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, James City **Service** Authority has applied for a special use permit to allow the installation of a force **main** along Monticello Avenue Extension within Virginia Department of Transportation (**VDOT**) right-of-way to the **Greensprings** Plantation Drive intersection and following Greensprings Plantation Drive to private property owned by Greensprings Associates; and

WHEREAS, the property is located on land zoned **PUD-R**, Planned Unit Development-Residential, and can be further identified as Monticello Avenue Extension right-of-way on James City County Real Estate **Tax** Map Nos. (37-3 and 4), and Parcel Nos. (1-5) and (1-1) on James City County Real Estate Tax Map Nos. (37-3) and (**46-1**), respectively; and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, voted 7-0 to approve 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-14-01 as described herein with the following conditions:

1. All required permits and easements shall be acquired prior to the commencement of construction. If construction has not commenced on the project within 24 months from the date of issuance **of the** special use permit, the permit shall become void. Construction shall be defined as clearing, **grading**, and excavation of trenches necessary for the force main.
2. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed force **main** do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
3. All pipe associated with this Special Use Permit shall be placed underground.
4. The applicant shall avoid removing trees and bushes along the force main **corridor**, except as shown on the approved site plan. Trees and bushes, damaged during construction that are not designated on the site plan to be removed, shall be replanted with a tree or bush of equal type as approved by the Planning Director.
5. Construction vehicles **and/or** equipment shall not be parked or stored on Greensprings Plantation Drive or Monticello Avenue Extension between the hours of **5:00** p.m. and **7:00 a.m.**

5. Construction vehicles **and/or** equipment shall not be parked or stored on Greensprings Plantation Drive or Monticello Avenue Extension between the hours of **5:00** p.m. and **7:00** a.m.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. BOARD CONSIDERATION

1. Case No. SUP-12-01, Annette Haden Manufactured Home (deferred from June 26, 2001)

Mr. John Rogerson, Planner, stated that the Board **deferred** this case from its June 26 meeting to allow the applicant time to correct County Code Violations. The violations have been corrected.

The Board and staff discussed **non-conforming** land uses, covenants established **in the** subdivision, and the Homeowners Association.

Mr. Morton stated that it is the County's legal opinion that the language in the covenants is unclear and that covenants may be enforced by civil action.

The Board discussed modular and manufactured homes, County assistance in cleaning up the site, and deferral until applicant pays for the removal of rubbish from the site.

Mr. Kennedy made a motion to defer the case until October 23, 2001.

Mr. **McGlennon** invited public comment.

1. Mr. Rick Raughton, 157 Norman Davis Drive, **requested the** Board deny the application based upon applicant's financial status.

The Board discussed the consideration of the applicant's request as a land use case.

The Board vote on the motion to defer the case until October 23, 2001

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

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that modular homes can be put on a foundation and that manufactured homes have a **different** real estate value than modular homes.

2. Ms. Annette **Haden**, 110 **Hazelwood** Avenue, stated that the proposed replacement manufactured home looks better than some recently built homes, and the neighbors who are concerned with the appearance of the site did not offer assistance to clean up the site.

3. Mr. Rick Raughton, 157 Norman Davis Drive, inquired if the County has a policy regarding structure replacements, stated the neighbors within Temple Hall Estates are **working** to improve the condition

4. Ms. Gloria Kern, 21 Mobile Lane, stated she assisted with the clean up effort at the **Haden** site, the manufactured home will be on a foundation and is considered real estate, and stated concern that a decision on the **matter** has been deferred for 90 days.

5. Mr. Brian Frost, 139 Louise Lane, stated that past issues and conditions caused concerns within Temple Hall Estates; that these issues and conditions have been going on for a long time; and requested the County review the Code Violation Ordinances.

6. Mr. Chris Henderson, 427 Dogleg Drive, requested information regarding the status of the Route 199 improvement project from **Brookwood** Drive to Route 60, and suggested **partnering** with private companies and institutions to raise money to move the project forward

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Warner recommended that the Board adjourn until the work session on June 25 at 4 p.m., and recommended that following this Board meeting, the James City Service Authority Board of Directors hold its regular **meeting**.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated that he had the opportunity to accept numerous National Association of Counties (NACo) awards on behalf of the **County** at the **annual** NACo conference.

Mr. **Kennedy** requested staff provide the Board with information concerning permitting **vendor licenses** for mobile lunch trucks.

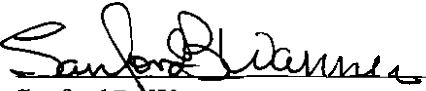
Mr. **Goodson** stated VDOT has awarded a \$325,000 Pathways to Discovery Grant to the **Jamestown-Yorktown** Foundation for site improvements at Jamestown Settlement.

Mr. **McGlennon** requested a letter be drafted from the Board to VDOT as part of the public hearing process on Route 359, and requested information from the **staff regarding** the staff's input to the public hearing.

Mr. Warner stated that staff will present the Board with a letter and a position resolution **as** well a copy of the technical letter from staff outlining County concerns.

Mr. **McGlennon** adjourned the Board at **8:47 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

JUL 24 2001

ORDINANCE NO. 85A-14

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, EROSION AND SEDIMENT CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 8-4, REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS, CONTENTS OF PLANS; SECTION 8-5, PERMITS, FEES, BONDING, ETC.; AND SECTION 8-6, MONITORING, REPORTS, AND INSPECTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Erosion and Sediment Control, is hereby amended and **reordained** by amending Section 8-4, Regulated land-disturbing activities; Submission and approval of plans, contents of plans; Section 8-5, Permits, fees, bonding, etc.; and Section 8-6, Monitoring, reports, and inspections.

Chapter 8. Erosion and Sediment Control

Section 8-4. Regulated land-disturbing activities; Submission and approval of **plans**, contents of plans.

(c) The plan-approving authority shall, **within** 45 days from receipt thereof, approve any such plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for **carrying** out the plan **certifies** that he or she **will** properly perform the erosion and sediment control measures included in the plan and will conform to the **provisions** of this chapter. *In addition, as a prerequisite to approval of the plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land-disturbing activity.* Any disapproval of a plan shall be in writing and any disapproval shall specify the reasons for such disapproval.

Ordinance to Amend and **Reordain**
Chapter 8. Erosion and Sediment Control
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Section 8-5. Permits, fees, bonding, **etc.**

(h) An approved **erosion** and **sediment** control plan shall become **null** and void ~~180 days one year~~ after the dated of issuance **of the** land-disturbing permit, and no further work subject to **this** chapter shall be allowed unless and until an additional or updated erosion and sediment control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than ~~180 days one year~~ **in** accord with such plan and verified by the **on-site inspection** by the manager.

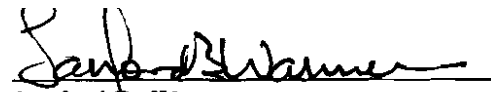
Section 8-6. Monitoring, reports, and inspections.

(b) The **environmental division** shall **periodically** inspect the land **disturbing activity** as **prescribed** in the *Virginia Erosion and Sediment Control Regulations* ~~and require that an individual holding a certificate of competence, as provided by the state Department of Conservation and Recreation, who will be in charge of and responsible for carrying out the land-disturbing activity, be identified~~ to ensure compliance with the approved plan and to **determine** whether the measures required in the plan are effective **in controlling** erosion and sedimentation. The owner, permittee, or person responsible for **carrying** out the plan shall be given notice of the inspection.

Ordinance to Amend and Reordain
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
KENNEDY	AYE
NERVITT	AYE
GOODSON	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2001.