

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF NOVEMBER, 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. Brandon Obie, a ninth grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated opposition to the proposed power plant in the Roberts District.

D. PRESENTATIONS

1. Resolution in Honor of Bruce Ackert

Mr. **McGlennon** paid tribute to the memory of **Bruce** Ackert for his 12 years of **service** to the County.

Mrs. Ackert and her two sons accepted the resolution from the Board

2. Gold Medal National Award – Parks and Recreation

Mr. **McGlennon** presented the 2001 National Gold Medal Award plaque in recognition of the County's excellence in parks and recreation administration and for **outstanding service** to the challenged.

Mr. **Needham** Cheely, Director of Parks and Recreation, accepted the plaque **from** the Board

3. Williamsburg Arts Commission – Bertram Aaron

Mr. Bertram Aaron, **Williamsburg** Arts Commission, introduced members of the Commission and provided an overview of the Commission's work through County funding.

4. Employee and Volunteer Outstanding Service Awards

Mr. **McGlennon** and the Board members presented plaques to the following employees: **Angie Sims**, Pat **Wilkerson**, and Jenny **Payne**; to the following teams of employees: **Sasha Begell**, **Noreen** Bernstein, Ned Cheely, Nancy Ellis, Bradley **Glasebrook**, Amanda Hayes, Diana **Hutchens**, Patricia Lewis. Howard Mason, Ellen Powell, Rosemary Randall, Patty **Sharp**. Vicki **Sprigg**, Robert Vermont, Kim **Vernall**; **John T. P. Horne**, **Wayland Bass**, Darryl Cook, Scott Thomas, Pat **Menichino**, Michael **Woolson**, **Gerald Lewis**, Beth Davis, Rick Hall, and William **Cantillo**; Robert Washington, **Mel** Bryant, and Jeff Hall; and Kelly Morton, Rona **Vrooman**, Jodi Mize, **MaryBeth Plucinski**, **Margie DeSander**; and to the following volunteers: Dean Sculthorpe and Pastor Randy **Garner**; and to the following volunteer teams: Jamie Van **Baergen**, Brett **Sparling**, and Jill Swain; Flora Adams, George Anderson, Dorothy Bets-Houk, Carl Brown, Eleanor Brennan, Marvin **Braman**, Wade Green, Art Gustafson, Betty **Holden**, Bob **Humrich**, Marjorie Kade, Kathleen **McNutt**, Rudy Roberts, Laura **Tucker**, Jean Winters, George Turner, Bob Winters, Debbie Green; **Joanne Limrick**, Courtney **Strang**, Greg Allen, Wayne Moyer, Shirley Livingston, Eleanor Brennan, Bob **Strang**, and Joyce **Grunewald Kauffmann**; Faye Anderson, George Anderson, Diane Carnivale, Angela Cingale, Barbie **Doye**, Virginia Gregory, Ruth **Fenstermaker**, Anne Haltiner, Audrey Hoitsma, Phylis **Jennings**, Debbie **Maddox**, Dick Messenger, Marilyn riddle, **Barbara Schroeder**, **Jane Strauss**, Virginia Warren, **Carrie Hicks**, Debbie Jones, **Ann Symroski**, Sherlene **Hawkins**, Susan Nelson, and Carol Stewart; Mary Claire **Aston**, Barbara Catherine, Grace Lacey, Joanne **Limric**, and Skip Thomas; and **Mathew Canaday**, Larry **Godwin**, **Sherwood Hill**, James Lee, Sr., James Lee, Ir., Chris Johnson, Ronnie Lassiter, Shorty Walker, Jerome Sutton, Richard **Honaldue**, Thomas **McCormick**, Patricia **McCormick**, Betsy Dunivan, and Howard Wallace.

5. James City County Outdoor Watering Restrictions

Mr. Rich Costello, Chairman of the Water Conservation Committee, provided the Board with an overview of the Committee's recommended Outdoor Watering Restrictions. The recommended restrictions included **odd/even** irrigations for single-family residences, businesses, institutions, multifamily housing communities, and homeowner associations; penalties for violating the restrictions; and exclusions from the Outdoor Watering Restrictions.

The Board, staff, and Mr. **Costello** held a discussion concerning the limitations of the restrictions, residential customers of the **Newport** News Waterworks, seasonal applications of the restrictions, and policing of the restrictions.

E. CONSENT CALENDAR

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

Mr. Nervitt requested **Item** Number 4, Resolution Supporting Efforts to Attract A National Basketball Association Team to Hampton Roads, 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. October 24, 2001. Work Session
  - b. October 30, 2001, Joint Work Session. James City County and the Industrial Development Authority
2. Resolution in Honor of Bruce Ackert

RESOLUTION IN HONOR OF BRUCE ACKERT

WHEREAS, **Bruce** Ackert, the "Admiral," as he was affectionately referred to by staff, served as the Park Supervisor at Little Creek Reservoir for **12** years; and

WHEREAS, Mr. Ackert enthusiastically shared his love of Little Creek Reservoir and fishing with citizens and visitors of all ages; and

WHEREAS, Mr. Ackert promoted a sense of teamwork and family among the staff at Little Creek Reservoir and was instrumental in developing many of the improvements to Little Creek Reservoir Park

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby honor and remember

DONALD BRUCE ACKERT

for his 12 years of dedicated service to the citizens of James City County.

BE IT FURTHER RESOLVED that this resolution be spread upon the November **13**, 2001, minutes of this Board and a suitable copy are presented to the family of Donald Bruce Ackert.

3. Grant-in-Aid Awards

R E S O L U T I O N

GRANT-IN-AID AWARDS

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-aid program in FY 2002 for community park projects and programs; and

WHEREAS, three organizations to include **Kristiansand** Homeowners Association, **Williamsburg** Youth Football League, and Team Flash Track and Field Club have applied for funds for supported recreation projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the matching grant awards to the above mentioned organizations.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia hereby authorizes the following expenditures.

EXPENDITURES:

Grant-in-Aid Account (0130220900)

Williamsburg Youth Football League	\$ 7,436.86
Kristiansand Homeowners Association	1,025.00
Team Flash Track and Field Club	<u>1,788.85</u>
	<u>\$10,250.71</u>

**4. Supporting Efforts to Attract a National Basketball Association Team to Hampton Roads**

Mr. Nervin requested that the resolution reflect the fact that a financial commitment is not being requested as part of this support.

Mr. Wanner suggested that language would be proposed to the Board during the Reports of the County Administrator portion of the meeting.

**F. PUBLIC HEARINGS**

**1. Case No. SUP-2-01, JCSA-Route 5 Water Main Installation**

Ms. Jill E. **Schmidle**, Senior Planner, stated that Mr. Keith **Letchworth** has applied for a special use permit on behalf of James City Service Authority to install a 12-inch water main and two pressure release valves along the Route 5 right-of-way.

The water main will be along Seventh Day Adventist Church's east property line and extend to Route 5, then run along Route 5 within **VDOT's** right-of-way to St. George's Hundred's eastern property line. The pressure valves will be placed at the intersection of **Greensprings** Plantation Drive and Route 5, and at the eastern property line of the **Seventh Day** Adventist Church; further identified by on the **James City County Real Estate Tax Map Number (46-2)** as property **VDOT right-of-way**, and James City County **Real Estate Tax Map Number (46-1) Parcel Number (1-2B)** Seventh Day Adventist Church.

Staff found this proposal to be consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors.

At its meeting in October, the Planning Commission voted 7-0 to recommend approval of the application.

The Board and staff discussed the anticipated construction timetable, **traffic** impacts of this project, and pressure impacts along the line.

Staff recommended approval of the special use permit with **attached** conditions.

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

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

Mr. **Kennedy** made a motion to approve the resolution.

The Board and staff discussed the impact of the project on the trees within the buffer.

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

## RESOLUTION

### CASE NO. SUP-2-01. JCSA ROUTE 5 WATER MAIN INSTALLATION

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, Mr. Keith Letchworth has applied on behalf of the James City Service Authority and Potomac Conference Corporation for a special use permit to the installation of a 12-inch water main and two pressure release valves; and

WHEREAS, the property is located on Virginia Department of Transportation (VDOT) right-of-way on land zoned R-8, Rural Residential District, located on James City County Real Estate Tax Map No. (46-2); and at 3989 John Tyler Highway, zoned **R-1**, Limited Residential District, **further** identified as Parcel No. (1-2B) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission, following its public hearing on October 1, 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-2-01 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 water 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 water main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
3. The applicant shall not remove any trees, **bushes** and shrubs along the water main corridor unless approved by the Planning **Director**. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
4. Construction vehicles **and/or** equipment shall not be parked or stored on Greensprings Plantation Road, Monticello Avenue, or within the St. George's Hundred subdivision between the hours of 5 p.m. and 7 a.m.

5. Grass pavers shall be used to surface maintenance driveways within the Route 5 buffer. Alternative forms of driveway materials shall be approved by the Planning **Director**. The driveway access clearing shall not be wider than 15 feet.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2 & 3. AFD-6-86. Cranston's Pond – Ware Proerty Withdrawal (deferred from October 9, 2001) and Case No. Z-4-00/MP-01-01. Colonial Heritage at Williamsburg (deferred from October 9, 2001)

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that these two cases were **deferred** at the Board's meeting on August 14 and again on October 9 to allow the applicant to address issues raised by the Board.

Staff found the proposed withdrawal of 90.79 acres from the Cranston's Pond **AFD** consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff also found the master plan and **rezoning** application consistent with the **Comprehensive Plan** and compatible with surrounding land uses and **zonings**.

Staff found the proposed withdrawal application meets all three criteria of the adopted Board policy regarding the withdrawal of land from **AFDs** that are inside the Primary Service Area.

The **AFD** Committee **voted unanimously** during its meeting on April 20, 2001, to recommend approval of the withdrawal.

The Planning Commission, at its meeting on July 2, 2001, voted 6-1 to recommend approval of the withdrawal and also voted 6-1 to recommend approval of the zoning and master plan application.

Staff found several technical problems with the revised proffers, including an inconsistency between the proffers and the Master Plan, and an inconsistency of the disposition of proffered cash should it not be used within a specified period.

Additionally, the County Attorney's office has concerns regarding the proposed "grandfathering" provisions.

Staff recommended that the Board defer these cases until its meeting on November 27, 2001

The Board and staff discussed public accessibility to the **greenway** on the property, preliminary insight into the **Yarmouth** Creek Watershed Study results and how this project may impact the watershed, long-term ownership of the golf course by the homeowners association.

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

1. Mr. Greg Davis, representing the applicant, introduced members of the audience that would be able to answer questions concerning the application by the Board.

The Board and applicant discussed information to support the statement that the project will not negatively impact the Yarmouth Creek Watershed, amount of impervious surface in the project, the homeowners association and fees to be assessed by the association, and proffers offered.

2. Mr. Curt Gaul, 11 Settlers Lane, stated concern for ~~the~~ potential precedent setting this project will have on future cases, concern that the project will have a negative impact on the County character, environment, water supply, **traffic**, and possible purchase of Camp Chickahominy and ~~the~~ impact it could have on the youth in the community. Mr. Gaul also stated concern about the size of the development and if there could be a better use of the land than a 2,000-unit development.

3. Ms. Peg **Boarman**, 17 **Settlers** Lane, stated that the neighborhood residents would like to know how this project will impact on their **neighborhood** by way of traffic and environmental issues, how this project will impact water supply to the existing residents, and if there are better alternatives to a 2,000-unit development if the project is not approved

Mr. **McGlennon** continued the public hearing until November **27,2001**.

The Board and staff discussed the traffic impact study on **Centerville** Road in conjunction with the proposed project, by-right development options for the project parcel, and removal of specific language regarding the Chickahominy Community Center in the proffers.

Mr. Harrison made a motion to defer the cases to November **27,2001**.

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

#### G. PUBLIC COMMENT

1. **Col. Ron Corson**, (Ret.), President of Mill **Creek Landing** Homeowners Association, stated that a petition and letter was submitted to the Board concerning an ongoing public nuisance in the neighborhood in the form of a motor-cross and motorbike trail. The proximity of the **trail** to the residential area results in a nuisance with the volume of noise and dust **interrupting** evening and weekend residential activities. Residents are requesting an ordinance be enacted to monitor the activity and protect residents from the nuisance.

The Board and Col. Corson discussed option concerning the associations' request.

2. Mr. Geratty **Duncan**, 104 Windstar, stated **concern** regarding the proposed Outdoor Watering Restrictions and requested the Board have clearly defined goals that the Outdoor Watering Restrictions will support and policing policy with the restrictions.

3. Mr. Ed Oyer, 139 Indian Circle, stated support for Mr. Duncan's comments regarding the Outdoor Watering Restrictions, Col. Corson's concerns about the motor-cross trail, and suggested the County support research and development jobs to minimize the fragmenting within the County, and commented on a newspaper article concerning a **Fairfax** County Proffer Study.

#### J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner proposed the following language be added to the resolution supporting efforts to attract a national basketball association team to Hampton Roads in response to Mr. Nervitt's recommendation:

"WHEREAS, **the City of Norfolk** is proposing to bear the full financial burden without any anticipated revenues from the Hampton Roads localities."

Mr. **Goodson** requested the word "**burden**" be replaced with "obligation" in Mr. Wanner's proposed language.

Mr. McGlennon requested a motion.

Mr. Nervitt made a motion to adopt the resolution with the amendment.

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

## RESOLUTION

### SUPPORTING EFFORTS TO ATTRACT A NATIONAL BASKETBALL ASSOCIATION TEAM

#### TO HAMPTON ROADS

WHEREAS, the Hampton Roads Partnership's strategic plan, adopted in 1999 and **reconfirmed** in September 2001, includes tourism as one of eight issues; and

WHEREAS, the pursuit of a major league baseball or basketball **team is** included as a strategy in the strategic plan; and

WHEREAS, the City of Norfolk is proposing to bear the full financial obligation without any anticipated revenues from the Hampton Roads localities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby support and endorse the effort to attract a National Basketball Association team to the Hampton Roads region, and encourages the residents and the business community to do Likewise.

Mr. Wanner reported that the County and the other associated agencies **exceeded** the United Way goal.

Mr. Wanner **stated** that staff is not prepared to come before the Board for the Closed Session. Staff is still continuing to have discussions with concerned private parties regarding the **Powhatan** Resort **Campground**.

Mr. Wanner recommended that upon completion of the meeting, the Board adjourn until November 27, the Board's next regular meeting.

#### K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison stated that citizens in the Hickory Signpost area are concerned about the recycling service, and Mr. Harrison assured them that the County is under a new program and the recycling service will be **running** smoother.

Mr. McGlennon stated that those in the Jamestown District have recycling days on Thursday.

Mr. Harrison stated that the Berkeley District recycling day is on Wednesdays.



Mr. **Kennedy** stated that the Stonehouse District recycling day is on Mondays.

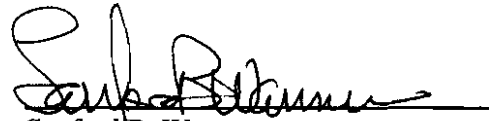
Mr. Nervitt stated that the **Powhatan** District recycling day is on Tuesdays.

Mr. **Goodson** stated that the Roberts District recycling day is on Fridays.

Mr. Nervitt stated that he attended the **VACo** conference and shared the adopted legislative resolutions with the Board and gave the Board an overview of the resolutions passed

Mr. Harrison made a motion to adjourn at 9:57 **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

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