

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF MARCH 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Michael J. Brown, Chairman, Powhatan District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
Bruce C. Goodson, Roberts District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**B. MOMENT OF SILENCE**

Mr. Goodson requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Grant Dallman, a third-grade student at D. J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. David Steele, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that a study is being coordinated for a pedestrian crosswalk at the intersection of Route 5 and Kingsway and the proposal meets some of the ADA requirements because of the pedestrians using the existing sidewalks. One concern is the number of pedestrians using the sidewalks and requested a recommendation from Mr. McGlennon on when the peak pedestrian traffic occurs.

Mr. McGlennon stated he would speak with the pedestrians and find out.

Mr. Steele stated that Hickory Sign Post Road (Route 629) is currently posted at 35 mph and the road is being studied by the traffic engineering section to reduce the speed to 25 mph. Signs have been replaced, straightened, and cleared; and stated that other than improvement to the bridge and road not much more can be done.

Mr. Steele stated that Monument Drive (Route 644) has been posted as 25 mph.

Mr. Steele stated that traffic engineering and Anheuser-Busch staff have met to address traffic concerns along Route 60 East near the brewery, a resolution has been suggested, and next month a decision should be made on traffic sign postings.

Mr. Steele stated that trimming along Church Lane (Route 1001) will be completed within the next few weeks. The traffic engineering staff and environmental staff are looking into permits to address the erosion problem along Richmond Road near Anderson's Corner; it should be addressed in the next few weeks.

Mr. Steele stated that the specific location along the south embankment at News Road (Route 613) near Old News Road (Route 742) has been identified and will be investigated for ways to correct and prevent erosion problems.

Mr. Brown requested an update on the installation of the traffic light at the intersection of Williamsburg West and Longhill Road.

Mr. Steele stated that the foundation is being designed, the wires for the signal are being put in place, and it is hoped the signal will be in place within the next few months depending upon the availability of steel and resources available by the contractor to complete the work.

Mr. Steele stated that the Public Meeting for the Route 5 Barrett's Ferry Bridge project meeting is scheduled for April 28 at 7 p.m. in the Board Room of Building F at the Government Center at 101 Mounts Bay Road.

Mr. Harrison inquired why the meeting is not being held at Jamestown High School which is closer to the project.

Mr. Wanner and Mr. Steele stated that they would check into the availability of the site for the meeting.

Mr. Steele provided an overview of the drainage watch list and stated that as staff becomes more familiar with the software and the old data is incorporated into the database, the watch list will be more comprehensive and accurate.

The Board and Mr. Steele discussed the information within the list and the missing items.

Mr. Steele stated that next month the database will be updated and the Board will be presented with a cover sheet with a breakdown of the data in the Districts.

Mr. McGlennon requested the speed limit along Lake Powell Road between the airport and Rolling Woods be reduced.

Mr. Harrison requested the condition of Frond Lane, The Meadows subdivision (Route 1467), be addressed.

Mr. Bradshaw thanked Mr. Steele and VDOT in the participation in the "Way Finding" signs in preparation for 2007.

Mr. McGlennon stated that the right-turn lanes on Route 199 East and West at the intersection of Jamestown Road (Route 31) have been opened.

Mr. Steele stated that the sound walls along Route 199 have been completed, grading work up to the new bridge on Route 199 will begin by the end of April, and the intersection work along Route 199 at the intersection of Jamestown Road is almost completed.

## **E. PRESENTATIONS**

### **1. Mike Maddocks, Williamsburg Area Destination Marketing Committee/Marketing Resource Task Force - GoWilliamsburg Ad Campaign**

Mike Maddocks of the Williamsburg Area Destination Marketing Committee (WADMC)/Marketing Resource Task Force (MRTF) provided an overview of the Committee and Task Force and the development of a marketing plan to attract visitors to the region.

Cathy Waltrip, WADMC/MRTF, provided an overview of the collaborative results of the efforts of regional marketing committees, provided an overview of the [gowilliamsburg.com](http://gowilliamsburg.com) web site and its features, and presented the GoWilliamsburg television advertisement.

Mr. Maddocks provided an overview of the media plan for 2005 and thanked the Board for the County's support of this initiative.

Mr. Brown thanked Mr. Maddocks and Ms. Waltrip for the presentation.

### **2. Volunteer Recognition - Ann Yankovich - Third Quarter, FY 05**

Mr. Brown, Judith Knudson, Executive Director of the Williamsburg Area Medical Assistance Corporation (WAMAC), and Carol Schenk, Human Resource Specialist, recognized Ann Yankovich as the volunteer of the third quarter for her assistance and service to the Olde Towne Medical Center and her training and inspiration for new volunteers at the clinic.

## **F. PUBLIC COMMENTS**

Mr. Brown stated that the Board has decided to defer action on the Policy for Wetland, Conservation Easement, and RPA Separation Areas; however, public comment is still invited on the proposal.

1. Mr. Timothy O. Trant, II, Kaufman & Canoles, stated that he, Greg Davis, and Alvin Anderson, represent a number of landowners in the County that will be impacted by the proposed Policy for Wetland, Conservation Easement, and RPA Separation Areas and have been requested by those citizens to evaluate the impact of the proposed policy on them from a legal standpoint, stated that policies are applied by the Board uniformly on each case before the Board and not on a case-by-case basis as suggested in the proposed policy, stated that the proposed policy does not indicate a measurable benefit to the water quality, however, it will have significant economic impact and loss for landowners, stated that the enabling legislation, the Chesapeake Bay Preservation Act requires that action of localities comply with criteria adopted by the Chesapeake Bay Local Assistance Board, which does not embrace the 25-foot setback policy that is proposed by the Board of Supervisors; and stated that policy is overbroad in its endeavor to protect, that conservation easement areas are included in setbacks and should not be given the same consideration as a Resource Protection Area water quality setback.

2. Mr. John Hall, 117 Olde Jamestown Court, distributed to the Board three letters from the office of Congresswoman Jo Ann Davis, House of Representatives, and read the letters that responded to his dissatisfaction with a recent fare increase imposed by the Williamsburg Area Transport Company (WAT) that

indicated that grant funds are available to offset the operating expenses for WAT, and the third letter responded to his request for grant funding for an architect study for an arts center in James City County.

3. Mr. Robert Duckett, Peninsula Housing and Home Builders Association, stated that the proposed policy to add a 25-foot buffer onto an existing buffer is unwarranted; commented on the Chesapeake Bay Act and State's Riparian Buffer Guidance Manual regarding protection of water quality and adequate buffer requirements, which do not support the County's proposal that an additional 25-foot buffer is needed; stated that it is not the County's responsibility to ensure backyard sizes, that sound water conservation practices encourage smaller backyard sizes; and requested members in the audience opposed to the proposed policy raise their hand and be recognized.

4. Mr. Jim Cleary, General Manager of Charles Ross Builder, Inc., 3206 Ironbound Road, stated that he supports the 10-foot scenic buffers, but does not support the proposed policy for an additional buffer-on-buffer as a way to filter sediment entering into the waterways, that already large buffers limit lots ability to be built and the additional buffer would compound the problem, and requested the County look to other ways to mitigate impacts including higher civil penalties for violations and more educational efforts on conservation.

5. Mr. Ed Oyer, 139 Indian Circle, encouraged the Board and citizens to visit the new exhibit at Arlington National Cemetery; stated concern that the County did not participate in the National Engineers Week; and commented on a recent newspaper article regarding school sizes and teachers.

6. Mr. Anthony Conyers, Jr., Manager of Community Services, stated that he has accomplished much over the 28 years in the County with guidance, support, and leadership from the Board; stated that his commission as Commissioner of Virginia Department of Social Services begins Monday, March 28, and thanked the Board and citizens for being able to serve the County.

Mr. Brown stated that Mr. Conyers has been selected by Governor Warner as the new Commissioner of Virginia Department of Social Services and that the County will miss his service.

7. Mr. Mark Rinaldi, 10022 Sycamore Landing Road, congratulated Mr. Conyers; stated that a committee was appointed by the Board about a year-and-a-half ago to review the Chesapeake Bay Ordinance and policy issues concluding that it would not move forward; and recommended the Board reinstate that committee to review the proposed policy developed by the staff that might result in a broader consensus that is acceptable to all.

8. Ms. Shereen Hughes, 103 Holly Road, stated that she has served as an environmental consultant for over 17 years; stated that she has become interested in the development and impacts of future developments to environmentally sensitive areas which are being developed, and the continued buffer encroachments, stated that additional buffers would be wise to protect environmentally sensitive sites, stated that a balanced approach to development be considered, such as reducing setbacks to permit larger backyards with smaller front yards and still protect the land.

## **G. CONSENT CALENDAR**

Mr. Harrison made a motion to adopt the items on the Consent Calendar, including the amended minutes of March 8 and the amended resolution for the Ironbound Elderly Housing Project - Community Development Block Grant Application.

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

1. Minutes
  - a. February 9, 2005, Joint Retreat with the School Board and City Council
  - b. February 22, 2005, Work Session
  - c. March 8, 2005, Regular Meeting
2. Appropriation of Grant Funds - VDEM National Terrorism Preparedness Exercise - \$942

**RESOLUTION**

**APPROPRIATION OF GRANT FUNDS -**

**VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)**

**NATIONAL TERRORISM PREPAREDNESS EXERCISE**

WHEREAS, in July 2004, James City County applied for and received a Federal grant in the amount of \$9,000 for the purpose of reimbursing expenses related to County government participation in a National Terrorism Preparedness Exercise during the summer of 2004; and

WHEREAS, on February 25, 2005, the Virginia Department of Emergency Management (VDEM) increased that award to \$9,942 as reimbursement for actual funds spent; and

WHEREAS, the grant requires no local matching funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

VDEM-DP Exercise	<u>\$942</u>
------------------	--------------

Expenditure:

VDEM-DP Exercise	<u>\$942</u>
------------------	--------------

3. Grant Appropriation - Department of Criminal Justice Services - Triad Crime Prevention Program - \$6,485

**RESOLUTION**

**GRANT APPROPRIATION – DEPARTMENT OF CRIMINAL JUSTICE SERVICES -**

**TRIAD CRIME PREVENTION PROGRAM - \$6,485**

WHEREAS, the Department of Criminal Justice Services (DCJS) has awarded James City County a grant in the amount of \$6,485 to implement the Triad Crime Prevention Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

DCJS Triad Crime Prevention Program - Federal	\$4,866
<u>Local Match</u>	<u>1,619</u>
	<u>\$6,485</u>

Expenditure:

DCJS Triad Crime Prevention Program	<u>\$6,485</u>
-------------------------------------	----------------

- 4. Ironbound Elderly Housing Project - Community Development Block Grant Application

**RESOLUTION**

**IRONBOUND ELDERLY HOUSING PROJECT -**

**COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant Program (VCDBG); and

WHEREAS, two Public Hearings have been held regarding this application, in compliance with VCDBG citizen participation requirements; and

WHEREAS, James City County wishes to apply for \$578,000 in VCDBG funds to be used in undertaking a Housing Production Project within a designated six-acre area within the Ironbound Square neighborhood; and

WHEREAS, \$224,000 in local funds are allocated to the project and \$5,249,600 in State and Federal funds will be expended on this project; and

WHEREAS, the project is anticipated to benefit 70 low- and moderate- income households by providing 67 affordable housing units for rent and three affordable housing units for sale.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to file an application, including all understandings and assurances contained therein, with the Virginia Department of Housing and Community Development, and to provide such additional information as may be required by the Department.

## H. PUBLIC HEARINGS

### 1. Ordinance Amendment Chapter 11, Health and Sanitation - By Amending Section 11-53, Conditions for the Declaration of Potential Shortage of Water

Mr. Larry Foster, General Manager of the James City Service Authority, introduced Mr. Matthew Strickler and Ms. Megan-Brady Viccellio, William and Mary law students, conducting a legal project for a Local Land Use class.

Mr. Strickler presented a proposed amendment to the Drought Management Ordinance to allow the County to regulate the use of private wells under certain emergency drought conditions. The regulation would apply to all residents of the County who use groundwater. The proposed amendment is in compliance with the Virginia Code Section 15.2-923, Local Water Saving Ordinance.

Mr. Goodson inquired if the amendment would apply to County residents who are customers of Newport News Waterworks.

Mr. Foster stated that it would apply to all County residents who use groundwater through a private well.

Mr. Brown opened the Public Hearing.

As no one wished to speak to this matter, Mr. Brown closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the Ordinance.

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

### 2. Temporary Classroom Trailers -

- a. SUP-8-05. Lafayette High School
- b. SUP-9-05. Jamestown High School
- c. SUP-10-05. Toano Middle School
- d. SUP-11-05. Clara Byrd Baker Elementary School
- e. SUP-12-05. D. J. Montague Elementary School
- f. SUP-13-05. Stonehouse Elementary School
- g. SUP-14-05. Norge Elementary School
- h. SUP-15-05. Rawls Byrd Elementary School

Mr. Christopher Johnson, Senior Planner, stated that Mr. Michael Thornton, on behalf of the Williamsburg-James City County Public Schools (Schools) has applied for special use permits (SUP) to allow the placement of one new classroom trailer at Lafayette High School, 4460 Longhill Road; one new classroom trailer at Jamestown High School, 3751 John Tyler Highway; one new classroom trailer at Toano Middle School, 7817 Richmond Road; five new classroom trailers at Clara Byrd Baker Elementary School, 3131 Ironbound Road; one new classroom trailer at D. J. Montague Elementary School, 5380 Centerville Road; two new classroom trailers at Stonehouse Elementary School, 3651 Rochambeau Drive; and two new classroom trailers at Norge Elementary School, 7311 Richmond Road; and all further identified as Parcel Nos. (1-1), (1-2D), (1-51), (1-58), (1-49), (1-20), and (1-35) on James City County Real Estate Tax Map Nos. (32-3), (46-1), (12-4), (47-1), (31-1), (13-1) and (23-2), respectively.

Mr. Johnson stated that the applicant has withdrawn the SUP application for the Rawls Byrd Elementary School (SUP-15-05).

Mr. Brown opened the Public Hearing.

1. Mr. Michael Thornton, applicant representing the Williamsburg-James City County Public Schools, stated that the applications will result in 22 classroom spaces being added.

Mr. McGlennon inquired why the application for Rawls Byrd Elementary School is being withdrawn when that site will have additional students as a result of the redistricting.

Mr. Thornton stated that the additional students will not result in the need for additional teachers or additional classroom space, therefore, the application has been withdrawn.

Mr. Bradshaw inquired about the benefits of the multi-classroom trailer.

Mr. Thornton stated that there has been positive feedback on the multi-classroom trailers, that they do not take up as much space on the school sites and are deemed the most appropriate use of the sites.

Mr. McGlennon inquired about the placement of two new temporary classroom trailers at the Stonehouse Elementary School and the impact of the trailers on the smaller play fields.

Mr. Thornton stated that the Physical Education teachers will be able to work around the temporary trailers.

Mr. Goodson inquired about the trailers at Toano Middle School.

Mr. Thornton stated that the three existing temporary classroom trailers are old and need to be replaced, and the placement of the eight-classroom temporary trailer will provide the maximum utilization at the present time.

As no one else wished to speak to this matter, Mr. Brown closed the Public Hearing.

Mr. Harrison made a motion to adopt the amended resolution.

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



**RESOLUTION**

**CASE NO. SUP-8-05. LAFAYETTE HIGH SCHOOL**

**CASE NO. SUP-9-05. JAMESTOWN HIGH SCHOOL**

**CASE NO. SUP-10-05. TOANO MIDDLE SCHOOL**

**CASE NO. SUP-11-05. CLARA BYRD BAKER ELEMENTARY SCHOOL**

**CASE NO. SUP-12-05. D. J. MONTAGUE ELEMENTARY SCHOOL**

**CASE NO. SUP-13-05. STONEHOUSE ELEMENTARY SCHOOL**

**CASE NO. SUP-14-05. NORGE ELEMENTARY SCHOOL**

**TEMPORARY CLASSROOM TRAILERS**

WHEREAS, all conditions for the consideration of these special use permit applications have been met; and

WHEREAS, temporary classroom trailers accessory to an existing school may be permitted upon the issuance of a special use permit by the Board of Supervisors; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer at Toano Middle School on property owned and developed by the applicant located at 7817 Richmond Road and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, The Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one new temporary classroom trailer at D.J. Montague Elementary School on property owned and developed by the applicant located at 5380 Centerville Road and further identified as Parcel No. (1-49) on James City County Real Estate Tax Map No. (31-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two new temporary classroom trailers at Stonehouse Elementary School on property owned and developed by the applicant located at 3651 Rochambeau Drive and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow two new temporary classroom trailers at Norge Elementary School on property owned and developed by the applicant located at 7311 Richmond Road and further identified as Parcel No. (1-35) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, hereby approves the issuance of special use permits for the placement of temporary classroom trailers as described above and on the attached site location maps with the following condition:

1. These permits shall be valid until July 1, 2008.

3. JCSA Elevated Public Water Storage Facility

Mr. Rogers introduced Ms. Erin McCool and Mr. Curtis Carll, William and Mary law students, conducting a legal project for a Local Land Use class.

Ms. McCool and Mr. Carll provided an overview of the SUP and associated height waiver applications for the construction of two elevated public water tanks and associate water mains on two acres within a 38-acre site zoned PUD-C, Planned Unit Development Commercial, at 9186 Six Mount Zion Road and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (6-4); and two acres within approximately 514 acres zoned R-8, rural Residential, and further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1).

The two proposed elevated water storage tanks and associated water mains to be located at Stonehouse Commerce Park and Warhill Sports Complex will enhance the entire James City Service Authority (JCSA) public water system and three existing tanks will be dismantled.

At its meeting on March 7, 2005, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the two resolutions.

Mr. Harrison inquired if the County would be able to place a welcome to James City County or County logo sign on the tanks.

Karen Drake, Senior Planner, stated that the current Zoning Ordinance prohibits such signs and due to the impact on the Community Character Corridor it is prohibited.

Mr. Brown opened the Public Hearing.

1. Mr. Larry Foster, General Manager of the JCSA and applicant, provided an overview of the proposal and requested approval of the applications.

As no one else wished to speak to this matter, Mr. Brown closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolutions.

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

**RESOLUTION**

CASE NO. SUP-03-05/HW-02-05. JAMES CITY SERVICE AUTHORITY

ELEVATED WATER STORAGE FACILITY, WARHILL SPORTS COMPLEX

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 height limit restrictions; and

WHEREAS, Mr. Michael Vergakis of the James City Service Authority has applied for a special use permit and height limitation waiver to construct and operate a 165-foot public water storage tank and associated water transmission mains located at 5700 Warhill Trail; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (32-1) on James City County Real Estate Tax Map No. (1-12); and

WHEREAS, the Planning Commission, following its Public Hearing on March 7, 2005, voted 7-0 to recommend approval of Case No. SUP-03-05; and

WHEREAS, a Public Hearing was advertised, adjoining property owners were notified, and a Board of Supervisors hearing was scheduled on Case No. HW-02-05; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-354 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of a public water storage facility in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-02-05.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 03-05 as described herein with the following conditions:

1. The proposed water storage facility and associated water mains shall be constructed in general accordance to the location map attached to this staff report.
2. Prior to final site plan approval, the Planning Director shall review and approve the color and style of the water storage facility. The color shall be a neutral white or sky blue shade, with no signage permitted on the tank. The tank style shall be spherical or composite as illustrated in Attachment Nos. 2b and 3b of the corresponding staff report.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines. Up-lighting of the water tank for aesthetic purposes only is prohibited. Any up-lighting of the water tank for security purposes only shall be approved by the Planning Director.

4. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
6. Hours of construction shall be Monday - Saturday from 7 a.m. to 7 p.m. for the new water storage facilities.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

### **RESOLUTION**

**CASE NO. SUP-02-05/HW-01-05. JAMES CITY SERVICE AUTHORITY**

**ELEVATED WATER STORAGE FACILITY, STONEHOUSE COMMERCE PARK**

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 height limit restrictions; and

WHEREAS, Mr. Michael Vergakis of the James City Service Authority has applied for a special use permit and height limitation waiver to construct and operate a 165-foot public water storage tank and associated water transmission mains located at 9186 Six Mount Zion Road in the Stonehouse Commerce Park; and

WHEREAS, the property is located on land zoned PUD-C, Planned Unit Development Commercial, and can be further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (6-4); and

WHEREAS, the Planning Commission, following its public hearing on March 7, 2005, voted 7-0 to recommend approval of Case No. SUP-02-05; and

WHEREAS, a Public Hearing was advertised, adjoining property owners were notified and a Board of Supervisors hearing was scheduled on Case No. HW-01-05; and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-496 of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow the erection of a public water storage facility in excess of 60 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. HW-01-05.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 02-05 as described herein with the following conditions:

1. The proposed water storage facility and associated water mains shall be constructed in general accordance to the location map attached to this staff report.
2. Prior to final site plan approval, the Planning Director shall review and approve the color and style of the water storage facility. The color shall be a neutral white or sky blue shade, with no signage permitted on the tank. The tank style shall be spherical or composite as illustrated in Attachment Nos. 2b and 3b of the corresponding staff report.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher, shall extend outside the property lines. Up-lighting of the water tank for aesthetic purposes only is prohibited. Any up-lighting of the water tank for security purposes only shall be approved by the Planning Director.
4. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
6. Hours of construction shall be Monday - Saturday from 7 a.m. to 7 p.m. for the new water storage facilities.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **I. BOARD CONSIDERATIONS**

1. Ordinance to Declare the Following Blight Property to be a Nuisance - 8516 Pocahontas Trail (Deferred from January 25, 2005)

Mr. Rogers stated that since January, the severely damaged and uninhabitable home located at 8516 Pocahontas Trail has been demolished and cleared from the property, although final grading and site stabilization with seed and straw mulch are still necessary.

Staff recommended the Board take no action on the Nuisance and Blight Abatement Ordinance for the subject property.

Mr. Goodson requested the record reflect that he is very gratified that staff worked with the property owner to get that situation taken care of.

Mr. Rogers stated that it was the Housing and Community Development staff that worked the most with the property owner.

2. Policy for Wetland, Conservation Easement, and RPA Separation Areas

Mr. Brown stated that during the Board's Work Session today, the Board decided to defer this item for further consideration.

Mr. William C. Porter, Jr., Assistant County Administrator, stated that in November 2004 the Peninsula Home Builders Association sent a letter to the County opposing staff recommendations on recent rezoning and special use permits dealing with the protection of Resource Protection Areas (RPAs), conservation easements, and wetlands; and stated that staff has developed a recommended policy for Wetlands, Conservation Easement, and RPA Separation Areas to protect sensitive areas.

Mr. Porter stated that the Board indicated its interest to defer action on this item to permit staff time to address issues raised during the Work Session and develop a detailed policy manual.

Mr. Porter stated that no deferral date has been recommended at this time.

The Board reached a consensus to defer action on this item until staff has reviewed the issues raised and developed a detailed policy manual.

**J. PUBLIC COMMENT - None**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner requested citizens complete the School Census forms and return them, and stated that additional State funding for schools is based upon the results of the School Census.

Mr. Wanner congratulated Mr. Conyers on his appointment as the new Commissioner of the Virginia Department of Social Services, stated that Doug Powell will be the Acting Community Services Manager and Barbara Watson will be the Acting Assistant Community Services Manager; and commented on the benefits of the Succession Management Program in the County.

Mr. Wanner recommended the Board recess briefly for a JCSA Board of Directors meeting, then reconvene to finish its business at the conclusion of the Board's meeting. The Board adjourn to 7 p.m. on April 12.

**L. BOARD REQUESTS AND DIRECTIVES**

Mr. Brown thanked Ms. Suzanne R. Mellen for her service to the Board, staff, and citizens during her participation in the Succession Management Program.

Ms. Mellen thanked the Board, Mr. Wanner, and John E. McDonald for the opportunity to participate in the Program, stated that she has learned a lot through this positive experience, and that the Program is a great opportunity to learn.

Mr. Harrison made a motion to recess briefly while the JCSA Board of Directors holds its meeting.

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

At 8:56 p.m., Mr. Brown recessed the Board.

At 8:59 p.m., Mr. Brown reconvened the Board.

**M. CLOSED SESSION**

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of appointments of individuals to County Boards and/or Commissions.

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

Mr. Brown adjourned the Board into Closed Session at 9:00 p.m.

Mr. Brown reconvened the Board into Open Session at 9:24 p.m.

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

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (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 2.2-3711 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 was identified in the motion, Section 2.2-3711(A)(1) to consider personal matters, the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to recommend to the Clerk of the Circuit Court the reappointment of Mr. Jack L. Fraley, Jr., to the Board of Zoning Appeals for a five-year term; to appoint Mr. John Hughes to a five-year term on the Wetlands Board with a concurrent term on the Chesapeake Bay Board, terms to expire on March 31, 2010; to appoint Ms. Carol Ann Ellett to a three-year term on the Clean County Commission, term to expire on March 31, 2008; and to appoint Ms. Ruth Larson and Mr. Robert Duckett to the Cash Proffers Steering Committee.

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

**N. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

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

At 9:24 p.m., Mr. Brown adjourned the Board until 7 p.m. on April 12, 2005.

---

Sanford B. Wanner  
Secretary to the Board