

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF OCTOBER 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Adam Leschinger, a third-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Mr. Randy O’Neill, 109 Sheffield Road, commented on the health and fitness of students in Williamsburg-James City County Schools. He commented on the correlation between fitness and test scores and the funding and programming of the Student Health Initiative Program (SHIP).

2. Mr. Jay Everson, 103 Branscome Boulevard, commented on the institution of public comment in public meetings. He stated he believed that the public comment period was intended to bring forward issues from the community rather than to allow personal attacks on the Board members. He commented that structure and standards were needed to prevent these circumstances in the future.

3. Mr. Chris Henderson, 101 Keystone, restated the concerns of the previous speaker regarding the conduct of public comment speakers. He stated that elected officials were due a certain level of respect. He recommended adoption of a stricter code of conduct at public meetings. He recognized the County’s financial stewardship with the achievement of an AAA bond rating from Standard and Poor’s (S&P).

F. BOARD REQUESTS AND DIRECTIVES

1. Historic Triangle Collaborative Economic Diversification Task Force Report

Mr. Jim Golden, Vice President of the Office of Strategic Initiatives at the College of William and Mary gave an overview of the Historic Triangle Collaborative (HTC) Economic Diversification Task Force Report on behalf of the HTC. He commented on several key economic diversification strategies, including focusing on smaller companies and hub operations, exploring regional partnerships and revenue sharing, supporting entrepreneurs, leveraging major institutions, collaborative marketing, and diversifying the tourism sector. He reviewed the next steps in the process, including opportunities for regional collaboration and further updates from the task force in the future.

Mr. Middaugh requested Board input on how to approach the strategies outlined in the report.

Mr. Goodson stated his support for regional branding for economic development.

Mr. McGlennon commented on the need for local government to understand the fiscal consequences of the economic development strategy. He commented on how the economic development activities proposed would generate revenue and have a direct economic impact to help support services. He stated his concern about the question of revenue sharing and giving up influence or control over decisions made in the County.

Ms. Jones stated that this report laid the groundwork for moving economic development forward in the region. She stated that the report gives suggestions that can benefit all the area localities. She commented on the need for promotion of sports marketing and educational opportunities in the area. She stated her appreciation for the emphasis on entrepreneurship and small businesses and her support for scheduling a work session for more information on these strategies. She stated she would also continue to update the Board on the matters of the Regional Issues Committee (RIC).

Mr. Kennedy commented that there were concerns and opportunities in relation to revenue sharing. He commented that there was a missed opportunity with New Town and High Street which created competing entities in close proximity. He stated there were other areas that could hold potential for this type of collaboration. He stated the area localities working together could accomplish more by pulling resources together. He stated he would like to hold a series of work sessions to explore the opportunities presented by the report.

Mr. McGlennon stated concern about where boundaries would be drawn on the collaborative enterprises. He stated the County was involved in various overlapping functions among the jurisdictions and concern about appropriate roles for these multitudes of regional organizations and enterprises.

Mr. Goodson commented on the regional visitor's center at Colonial Williamsburg and stated that he felt it should be less restrictive. He stated his support for sports marketing in the County and the region.

Mr. Kennedy stated his support for sports marketing in the region and for an inclusive regional visitor's center. He stated his concern about the State influence on the visitor's center in York County.

2. Veterans Tribute

Mr. Harry Walters commented on the difficulties faced by veterans returning from war. He reviewed a proposal for an event recognized as a Veterans Day Tribute on November 11, 2011. He commented the event would be complemented with a Veterans Tribute clock tower. He introduced Mr. Mark Jackbowski to give a testimonial.

Mr. Jackbowski commented on the impacts of overseas conflicts on the families in the Historic Triangle. He commented on the memorial for Lieutenant Todd Weaver, a Williamsburg native. He explained the significance and importance of Veterans Day in the Historic Triangle.

Mr. Goodson recommended that the Board appoint a standing Veterans Relations Committee to handle this event and continue to help address Veteran Relations in the community.

Mr. Kennedy asked if Mr. Walters had an informal committee in place.

Mr. Walters stated there was a committee that has formed.

Mr. Kennedy asked if there was support for moving forward with this event.

Ms. Jones stated she supported this event and the clock tower in recognition of veterans. She commented that she had considered New Town as a location for the tower and the event. She suggested that Mr. Walters work with the Planning Division and the Planning Commission to move forward.

Mr. Walters commented that the Victory Parade after Operation Desert Storm was a momentous event in Washington, D.C. He suggested inviting all veterans in Virginia to this event.

Mr. Icenhour stated he felt that this event should be embraced by the community financially and emotionally. He stated his support for this event.

Mr. McGlennon commented on regionalism and involvement of the City of Williamsburg and York County. He commented that he hoped the event would also involve those who participate in the local Memorial Day service. He encouraged discussion about whether the County's tribute to veterans was being replicated across the country or if it was a unique event to this area.

Mr. Kennedy stated his appreciation for the suggestion and that he would like to see a parade in the County.

G. CONSENT CALENDAR

Mr. Icenhour asked to pull Item 1.b. September 28, 2010, Regular Meeting, for deferral and to pull Item 2 for additional discussion.

Mr. Goodson made a motion to adopt Item G-1.a on the Consent Calendar.

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

1. Minutes –
 - a. September 28, 2010, Work Session
2. Contract Award – Longhill Road and Centerville Road Intersection Improvements – \$536,699.73

Mr. Icenhour asked Mr. Gordon to clarify that the funding for the project has been appropriated, the right-of-way has been purchased, and the project would be administered locally. He stated that he believed the Virginia Department of Transportation (VDOT) was supposed to install a traffic light in the past and it has not

yet occurred. He asked about what kind of delays would occur with this project.

Mr. Shawn Gordon, Capital Projects Administrator, stated the traffic signalization and pedestrian crossings have been approved by VDOT and that he was coordinating the project so these portions would be completed at the same time as the County-administered portion of the project.

Mr. Icenhour asked what the projected schedule was for the project.

Mr. Gordon stated that the project could proceed once the Board authorized the contract award, and then construction could begin within a few weeks.

Mr. Icenhour asked if this contractor would be doing everything or if VDOT would be doing the signalization.

Mr. Gordon stated the contractor would be doing all the improvements to the intersection and VDOT would be doing controls, pedestrian crossings, pavement markings, stop bars, and signalization.

Mr. Icenhour asked about the archaeological work at the approved convenience store. He asked how this was being coordinated with the project.

Mr. Gordon stated he has shared information with the developers and engineers with the project.

Mr. Icenhour asked if the project would be completed concurrent with the intersection improvements.

Mr. Gordon stated that he was unsure.

Mr. Goodson stated he did not feel that was a major concern.

Mr. Icenhour stated he wished that the projects would be coordinated so the newly installed roadway did not need to be removed.

Mr. Goodson stated he believed the contractor would work with the landowner for entrances in these cases.

Mr. Gordon stated that was correct.

Mr. Icenhour thanked Mr. Gordon for the information.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CONTRACT AWARD – LONGHILL ROAD AND CENTERVILLE ROAD

INTERSECTION IMPROVEMENTS – \$536,699.73

WHEREAS, funds are available for James City County as part of the FY 2010-2015 VDOT Six-Year Secondary System Construction Program listed as Priority No. 3, and Federal funding to cover

the construction phase expenses for the Longhill Road and Centerville Road Intersection Improvements; and

WHEREAS, eight bids were considered for award with the lowest responsive and responsible bidder being Toano Contractors, Inc. with a bid in the amount of \$536,699.73.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the Longhill Road and Centerville Road Intersection Improvements to Toano Contractors, Inc. in the total amount of \$536,699.73

H. PUBLIC HEARINGS

1. Case No. SUP-0018-2010. American Heritage RV Park Expansion

Ms. Kate Sipes, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of Mr. and Mrs. Rhoads for a Special Use Permit (SUP) to expand the existing American Heritage RV Park from the current 95 camp sites to a proposed 327 sites. She stated that 86 of the sites would be modular cabins, and in addition to the cabins/RV units and an additional 146 camp sites, the applicant is proposing a building for the storage of RV units, expanded recreational and picnic areas, a storage building, and an office addition.

Ms. Sipes explained that staff has been contacted by several property owners on Maxton Lane regarding the width of that road and its ability to accommodate additional RV traffic. She stated that VDOT submitted an updated memorandum recommending improvements to Maxton Lane. She stated that based on these comments, staff recommends that this application be remanded to the Planning Commission.

Mr. Middaugh stated that the Planning Commission would hear this application at its first meeting in November.

Mr. McGlennon stated he believed that some issues were resolved between the applicant and the adjacent property owners.

Ms. Sipes stated that the applicant met with the adjacent property owners to work out some details, but these changes were significant enough to warrant being sent back to the Planning Commission.

Mr. Kennedy stated he understood remanding the application based on a decreased benefit, but he believed that in this case the changes would improve the application and that the plan was suitable.

Ms. Sipes stated that it was suitable to the landowners and to VDOT.

Mr. Kennedy asked why this application needed to return to the Planning Commission.

Mr. Goodson stated the applicant was addressing Planning Commission comments and that the applicant would be less likely to improve upon the project if the changes would delay the approval process. He stated he felt it was a bad precedent.

Ms. Jones stated that there were frequent cases where applicants would comply with Planning Commission recommendations. She stated there was revised information from the James City Service Authority (JCSA) regarding water and sewer. She asked if this was a significant change.

Ms. Sipes stated that the matter was taken into consideration by the Planning Commission.

Mr. Icenhour commented that the applicant was going to be required to connect to public water and sewer, but there was a subsequent boundary line adjustment that changed those criteria. He asked for clarification on how the adjustment was made. He asked if there was any notation in the resolution about the road improvements.

Ms. Sipes stated that the resolution before the Board does not include that information and was part of the reason why the Board was not being asked to take action at this time.

Mr. Icenhour stated his apprehension on voting on anything at this time without the final language.

Mr. McGlennon stated he felt that this item should be deferred to allow for additional public comment if needed and additional information to be considered. He stated that the other consideration is whether or not this item should be remanded to the Planning Commission and noted that the previous policy indicates that if significant changes are made, the application should be remanded. He stated he did not have the information to make an informed decision and felt that it should come forward at a later time.

Mr. Goodson stated that he agreed to a deferral to October 26, 2010, because he did not believe it was a substantial change.

Mr. Kennedy asked if this item could be ready on October 26, 2010.

Mr. Middaugh stated the question that may take time would have to do with the property being inside the Economic Opportunity (EO) zone. He stated at the time the Planning Commission discussed this matter, there was no condition imposed.

Mr. Goodson stated that he felt staff did not fully brief the Planning Commission on this matter.

Mr. Middaugh stated that if this matter came up at the Planning Commission, it would be approved as long as there was cooperation in the future.

Mr. Goodson stated that he felt the Planning Commission should have been instructed by staff to provide more guidance.

Ms. Jones stated her agreement in relation to additional feedback on the EO zone.

Mr. Kennedy asked how long this project has been in discussion.

Ms. Sipes stated that she believed it was submitted as a conceptual plan last winter.

Mr. Kennedy stated that he believed the impacts of this case on the EO zone were discussed during the Comprehensive Plan update.

Mr. Kennedy opened the Public Hearing.

1. Mr. Vernon M. Geddy, III, on behalf of the applicant, gave a brief presentation related to the project. He reviewed the site and EO zone designation, details of the SUP application, issues on Maxton Lane and their resolution, and the benefits of the use of the property. He commented on the timing of the construction in the off-season. He commented on the utility issue and the boundary line adjustment, which would split an easement over a shared driveway, which would be split between the two property owners.

2. Mr. Chris Henderson, 101 Keystone, commented that he assessed the case as a member of the Planning Commission. He stated that he understood that this property was located in a strategic location for a connector road in the EO zone in the Lightfoot corridor. He stated that he felt comfortable at the time that the property owner understood the implications of the EO zone and agreed to cooperate with the future development of that area.

As no one else wished to speak to this matter, Mr. Kennedy kept the Public Hearing open.

Mr. Goodson stated that he felt comfortable remanding this item back to the Planning Commission. He stated that he believed that if the item was passed at the November meeting, it would not negatively impact the applicant's timeframe for the project.

Mr. McGlennon expressed concern that the materials for the first Planning Commission meeting in November would be available, but too late for the agenda packages.

Mr. Rogers stated that a staff report could be provided and the Planning Commission materials could be provided as an addendum.

Ms. Jones stated she felt comfortable deferring this case rather than remanding it.

Mr. Goodson stated that he was deferring the case so it would be heard whether the Planning Commission reviewed it again or not.

Mr. Kennedy stated that he remembered discussing this case in relation to the EO zone previously.

Mr. Rhoades, applicant, stated this has been in discussion for over a year. He stated that he did not have representation at the time of his preliminary application and that he brought his application before the Design Review Committee (DRC) in order to understand how his property would fit into the EO Zone. He stated this was an opportunity to expand a small business and increase jobs.

Mr. Kennedy asked if the cabins were on wheels.

Mr. Rhoades stated that they were as part of the conditions stipulated because of the EO zone designation.

Ms. Jones stated that there was significant discussion at the DRC level and that the Planning Commission could take their report into consideration on this particular case.

Mr. Rhoades stated that was correct.

Mr. Kennedy asked if staff was at the DRC meeting.

Mr. Rhoades stated that was correct.

Mr. Kennedy asked why the DRC materials were not part of the agenda packet.

Mr. McGlennon stated that the DRC discussion was not the actual application.

Mr. Kennedy stated that he felt that the materials should have been provided to the Planning Commission.

Mr. McGlennon stated that he believed that the application materials would have been compiled rather than materials from a prior meeting.

Mr. Goodson stated the motion was to defer to November 9, 2010, and allow the Planning Commission to review the case.

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

The case was deferred.

2. Case No. SUP-0021-2010. Hogge Family Subdivision

Mr. Jason Purse, Senior Planner, stated that Mr. Thomas Hogge has applied for an SUP to allow a family subdivision resulting in lots of less than three acres in size for family residential use. The lot is currently owned by Mr. Thomas and Mrs. Nikki Hogge and is planned to be transferred to their son, Mr. Jacob S. Hogge. Mr. and Mrs. Hogge have owned this parcel for more than 30 years. An existing shared 50-foot ingress/egress easement and gravel driveway will continue to be used as the primary point of access to the lot(s). The existing lot is 6.93 acres; the proposed family subdivision would result in a new 1.85-acre lot and a remainder parent parcel of 5.08 acres.

Staff found the proposal to be consistent with the surrounding development and Section 19-17 of the James City County Subdivision Ordinance.

Staff recommends approval of this SUP with the conditions listed in the resolution.

Mr. Icenhour asked if there were any residents on the parcel at this time.

Mr. Purse stated there were none.

Mr. Icenhour stated that this would be a subdivision and building project.

Mr. Purse stated that was correct.

Mr. Kennedy recognized Planning Commissioner Tim O'Connor in attendance.

Mr. Kennedy opened the Public Hearing.

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

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-0021-2010. HOGGE FAMILY SUBDIVISION

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 (SUP) process; and

WHEREAS, the applicants have requested an SUP to allow for a family subdivision with a lot less than three acres in size in an A-1, General Agricultural, District, located at 2677 Jolly Pond Road, further identified as James City County Real Estate Tax Map No. 3520100015B; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the SUP to allow for the above-mentioned family subdivision should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0021-2010 as described herein with the following conditions:

1. This SUP is valid for a family subdivision for the creation of one new lot and one parent lot and shall be generally as shown on the plan drawn by Angle and Distance Land Surveying Inc, titled "(proposed) Subdivision of the Property of Thomas R. and Annikki S. Hogge," and dated July 29, 2010.
2. Only one entrance serving both lots shall be allowed onto Jolly Pond Road.
3. Final subdivision approval must be received from the County within 12 months from the issuance of this SUP or the permit shall become void.
4. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. **SO-0002-2010. Subdivision Ordinance Amendment**

Mr. Chris Johnson, Principal Planner, stated that staff recommended amendment of Section 19-29 of Article II of the Subdivision Ordinance. He explained that the amendment added one new note and revised one existing note, both of which are required to be shown on final subdivision plats for parcels with either on-site sewage treatment systems or Resource Protection Area (RPA). The new note is in regard to the requirement that on-site sewage treatment systems be pumped out at least once every five years per Section 23-9(b)(6) of the James City County Code. The revised existing note simply changes the Section referenced to include all of Section 23-7 of the Chesapeake Bay Preservation Ordinance, which is the section that describes development criteria for RPAs. These amendments were identified by the recent Chesapeake Bay Act Phase III compliance assessment conducted by the Virginia Department of Conservation and Recreation's Chesapeake Bay Local Assistance Department (CBLAD) staff in accordance with State law. Both notes refer to already existing Chesapeake Bay Act-related Environmental Division regulations.

At its meeting on September 1, 2010, the Planning Commission recommended approval of the proposed amendments by a vote of 7-0.

Staff recommends adoption of the ordinance.

Mr. Goodson asked how this would be enforced.

Mr. Johnson stated that enforcement would not be a County initiative. He stated that this was already a requirement. He stated that if there was an infraction, it would be reported to CBLAD and would be enforced according to State Code.

Mr. Goodson asked for clarification about how the requirement would be met.

Mr. Johnson stated that this was a note that was required on the plat. He stated this would bring attention to the property owner that the septic system needed to be pumped.

Mr. Goodson stated that he believed this may create a title issue for mortgage companies.

Mr. Rogers stated that it would not create a title issue since it would be indicated on the plats. He stated that there was currently enforcement through CBLAD.

Mr. Goodson stated that he could see benefit to policing this matter, and he did not want to have something in the ordinance that was not enforced.

Mr. Icenhour asked if this was a requirement put into the County by the Chesapeake Bay Preservation Ordinance.

Mr. Johnson stated that was correct. He stated this was an effort to acknowledge the requirement outside the Chesapeake Bay Preservation Ordinance to promote compliance.

Mr. Icenhour stated that at Smith Mountain Lake, there is a requirement for a five-year pump out within a certain distance of the lake. He stated property owners are sent a notice and the property owner must respond with evidence of a pump out or they receive a citation. He asked if there was any correlation in these programs.

Mr. Rogers stated there was a similar notification process of the requirement by State law. He stated he was unaware if this was a similar requirement to Smith Mountain Lake as it may not be in the Chesapeake Bay watershed.

Mr. Icenhour stated that there was similar methodology.

Mr. Goodson stated that there were many residents who are used to having a sewer system and are unaware of this requirement.

Mr. McGlennon stated that the purpose of this ordinance amendment was to notify property owners of the requirement.

Mr. Johnson stated that was correct. He stated that this was one of six required items by CBLAD for compliance.

Mr. Kennedy opened the Public Hearing.

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

Mr. Goodson made a motion to adopt the ordinance amendment.

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

4. Ordinance to Amend Chapter 24, Zoning, Section 24-666

Mr. Adam Kinsman, Deputy County Attorney, stated this ordinance amendment brought the County Code into compliance with State Code. Mr. Kennedy stated that this particular change was brought forward by the County's Legislative Agenda as a result of the recent appeal of the Board of Zoning Appeals decision. He stated that this legislation was carried by Delegate Abbott and helped to clarify major shortcomings in the State Code to protect members of the Board of Zoning Appeals legally. He recommended approval of the ordinance amendment.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance amendment.

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

I. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, commented on revenues for York County as a result of collaborative economic development.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that the Virginia Association of Counties (VACo) Annual Conference would take place in November and that the Board should select its voting delegation for the business meeting. He indicated that a delegate and an alternate should be selected and that Mr. Goodson and Mr. Icenhour would be the attendees.

The Board selected Mr. Goodson to serve as the voting delegate and Mr. Icenhour to serve as the alternate.

Mr. Middaugh recognized Williamsburg Regional Library (WRL) for achieving its third consecutive five-star award from Library Journal and noted it was the only library in Virginia to gain this recognition. He stated that he would like to recognize WRL staff at the next meeting.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon recognized the major contributions of Ms. Ann Bradshaw to the community, as she passed away last week. He also recognized Ms. Barbara Flynn, a long-time fifth-grade teacher at Rawls Byrd Elementary School who also recently passed away. He recognized County employee Mr. John Williams for flying an injured eagle to a facility for injured birds.

Mr. Goodson commented that the County Administrator's meeting series would be in the Roberts District on October 21, 2010, at 6:30 p.m. in the James River Elementary School cafeteria.

Mr. McGlennon noted that the County Administrator's meeting in the Jamestown District was on October 14, 2010, at 6:30 p.m. in the Rawls Byrd Elementary School gymnasium.

Mr. Icenhour noted that on October 13, 2010, at 2:30 p.m., the James City County Citizens Coalition (J4Cs) were sponsoring a Stormwater Referendum forum at the James City/Williamsburg Community Center.

Ms. Jones thanked citizens who came to the Berkeley meeting with the County Administrator. She thanked the residents of the Mews for their invitation to discuss the stormwater referendum. She noted that on Thursday October 14, 2010, at 5:30 p.m., a community meeting would be held to discuss the Ironbound Square road improvements at the JCSA Operations building on Tewning Road.

Mr. Kennedy recognized the residents of Colonial Heritage for inviting him to a recent community meeting and thanked them for the questions he received. He expressed his condolences to the Bradshaw family due to the loss of Ms. Ann Bradshaw.

Mr. Goodson stated that he did not want to have to reproduce oversized attachments for the deferred case if there were no changes.

Mr. Goodson stated that he could support appointing Ms. Lara Overy to the RIC.

Ms. Jones made a motion to appoint Ms. Lara Overy to an unexpired term on the RIC.

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

L. ADJOURNMENT to 4 p.m. on October 26, 2010.

Mr. Icenhour made a motion to adjourn.

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

At 8:58 p.m., Mr. Kennedy adjourned the Board until 4 p.m. on October 26, 2010.


Robert C. Middaugh
Clerk to the Board

OCT 12 2010

ORDINANCE NO. 30A-38

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-29, FINAL PLAN - SUBMITTAL REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Article II, Procedures and Documents to be Filed, Section 19-29, Final plan – Submittal requirements.

Chapter 19. Subdivisions

Article II. Procedures and Documents to be Filed

Section 19-29. Final plan – Submittal requirements.

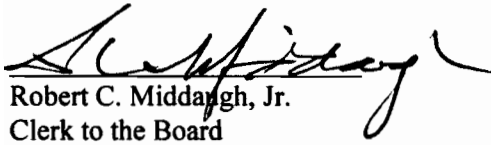
- (g) If the subdivided property contains wetlands and/or resource protection areas, there shall be a note on the plat which states the following:

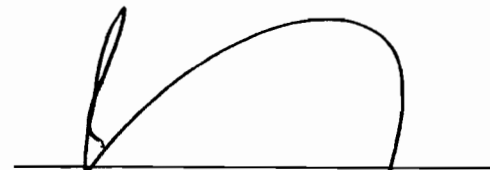
“Wetlands and land within resource protection areas shall remain in a natural undisturbed state except for those activities permitted by Section 23-7(e)(1) of the James City County Code.”

- (n) If the subdivided property contains an on-site sewage treatment system, the plat shall include the following note:

“On-site sewage treatment systems shall be pumped out at least once every five years per Section 23-9(b)(6) of the James City County Code.”

ATTEST:


Robert C. Middaugh, Jr.
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
MCLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of October, 2010.

Ch19Subdivisions_ord

OCT 12 2010

ORDINANCE NO. 31A-248BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE VIII, APPEALS, DIVISION 3, REGULATIONS GOVERNING APPEALS, SECTION 24-666, PETITION FOR CERTIORARI TO REVIEW DECISION OF BOARD.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-666, Petition for certiorari to review decision of board.

Chapter 24. Zoning

Article VIII. Appeals

Division 3. Regulations Governing Appeals

Section 24-666. Petition for certiorari to review decision of board.

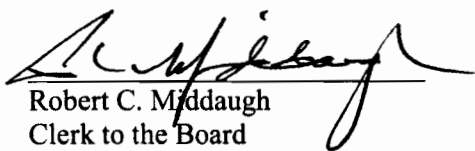
(a) *Petition to circuit court.* Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals or any taxpayer or any officer, department, board or bureau of the county may present to the Circuit Court of James City County a petition ~~that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of James City County,"~~ specifying the grounds on which aggrieved within 30 days after the final decision of the board. A "final decision" is the decision that resolves the merits of the action pending before the board or effects a dismissal of the case with prejudice.

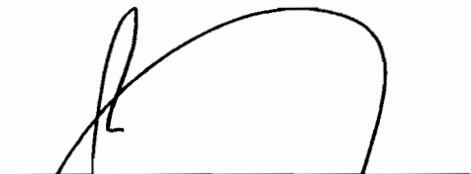
~~Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this article. The board of supervisors, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.~~

(b) *Allowance of writ of certiorari.* Upon the presentation of such petition, the court will allow a writ of certiorari to review the decision of the board of zoning appeals and will prescribe therein the time within which a return thereto must be made and served upon the ~~petitioner's attorney,~~ *secretary of the board of zoning appeals, or if no secretary exists, the chair of the board of zoning appeals;* which will not be less than ten days and may be extended by the court. The allowances of the writ will not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(e) *Costs.* Costs shall not be allowed against the ~~board county~~ unless it shall appear to the court that it acted in bad faith or with malice ~~in making the decision appealed from.~~ In the event the decision of the board is affirmed, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

ATTEST:


Robert C. Middaugh
Clerk to the Board


James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of October, 2010.