

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JANUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Ms. Teresa Tylman, a student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Richard Bowers, 3317 Isle of Wight Court, inquired as to why the Turner Classic Movie channel has become a premium channel with the upgraded cable service, and why does it require a converter box.

2. Mr. Mike Loh, 125 Captaine Graves, requested the Fox News channel be added to Cox's expanded service for James City County. Mr. Loh stated that Cox is providing this channel to surrounding jurisdictions such as Northern Neck, Southside, but not to this area, and asked what it would take to get Fox News added to James City County's cable service line up.

3. Mr. Kingston W. Fairclough, 4 Peale Court, stated interest in having other cable providers to provide competition; expressed concern that with the cable upgrade, the cost for the history and travel channels increased; voiced displeasure of having his yard destroyed by contractors hired by Cox, poor service, and being billed for services prior to being provided the service.

4. Ms. Pamela Johnson-Lane, 155 Albemarle Drive, stated an interest in having Univision added back into the Cox cable line up; inquired as to who has the authority to change the cable line up; requested an alternative listing of the new cable channel line up; and expressed concern that the TV Guide channel was removed.

5. Mr. Jeff Fleishman, 100 George Perry, stated concern regarding the availability of inappropriate material on cable too early in the day when children may view it; explained that although he has requested certain channels and materials be blocked from his cable access, the material reappears without request, he has been through this process at least three times; and expressed concern that the price for service increased with the upgrade, is unsure of what benefits have come of the upgrade, but is aware of what services he is not getting; and inquired what influence the County has in dealing with Cox.

6. Ms. Sophie Nicholson, 128 Ridings Cove, expressed interest in having Fox News added to the Cox cable line up.

7. Mr. John Schroder, 148 Pasbeheg Drive, stated desire to have the Golf channel and Richmond News Channel 12 back on the Cox cable line up; expressed dismay at continually getting Cox's voice mail and not being able to speak with a customer service representative; voiced concern that the contractor Cox utilized to lay cable dug up his yard, destroyed his yard, did not return to fix his yard; and had a five-day interruption in cable service with no credit to his bill.

8. Mr. James Elliott, 125 Randolph's Green, stated that since Cox Communications took over service in 1997, the price for service has increased 50 percent in that four-year period for standard service; stated that the preview channel listed in the upgrade channel guide does not exist; and stated that the contract the County has with Cox through 2011 is unfortunate.

9. Mr. Roy Smiley, 102 Bogey, requested information concerning the pricing of a converter box at a rate of \$15/month in James City County only cost \$10/month in Herndon, Virginia, and inquired if the suggested County regulatory authority exists.

10. Mr. Bert Arron, 212 Burchard Court, stated interest in having Cox return the NASA channel to the cable line up.

11. Ms. Ann Conn, 201 Francis Thacker, stated that she had contacted Cox customer service line to make an inquiry concerning the cable channel changes and spent half-an-hour on hold; recommended Cox conduct a survey of area customer to see what channels they would like to receive; and stated that with the increased cost for the cable upgrade the quality of service did not also increase.

12. Ms. Altris Waldren, 104 Hathoth Road, stated disappointment in the newly provided service; the lack of a preview channel; having two ABC, NBC, and CBS channels, but not enough bandwidth to carry a preview channel; and inquired as to who has the authority to help the customers and how can the customers help to improve service.

13. Mr. Harold Greenberg, 417 Fairfax, stated that he signed up for Cox based upon a marketing piece that stated the availability of Cox service for \$19.45/month. When his bill arrived the service was costing him \$21.40/month. Mr. Greenberg also expressed concern regarding an unauthorized State sales tax on the bill.

14. Mr. Ed Oyer, 139 Indian Circle, stated that on several occasions his household had contacted Cox concerning the State sales tax found on the bill and has yet to receive a justification for the tax or a promised credit for the sales tax paid to date. Mr. Oyer also stated that he picked up information showing that the Potomac Aquifer water level has dropped 25 feet in the past 15 years.

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer for the Virginia Department of Transportation (VDOT), stated that the Grove interchange project from Interstate 64 to Route 60 East, Busch Gardens, will be completed by this summer.

Mr. Goodson inquired if the timing for the traffic light at the Wal-Mart distribution center can be adjusted to minimize traffic delays on Route 60.

Mr. Nervitt requested a current schedule on the Monticello Avenue (Alternate Route 5) project.

Mr. Elliott indicated Monticello extended would be completed by the end of summer, and VDOT has put in extra precautions to prevent leaching of silt into neighboring retention ponds in Governor's Land.

Mr. Nervitt inquired if VDOT is held liable for dredging ponds for silt leached from their containment ponds.

Mr. McGlennon informed Mr. Elliott and citizens that a work session will be held on January 24 at 4 p.m. concerning the intersection of Route 199 and Jamestown Road and invited citizens to come to the work session.

Mr. Elliott informed the Board that VDOT is working with all property owners to maintain or preserve as much of the scenic median of Interstate 64 as possible during widening.

E. PRESENTATIONS**1. Reports of the School Superintendent**

Dr. David Martin, Superintendent of Schools, stated the Board has been presented with a report on the 10-year Enrollment Projections beginning 2001-2002 for the Williamsburg-James City County Public Schools. Dr. Martin stated that the process of projecting student enrollment relies upon the Cohort Survival method and is based on projections of live births and ten years of enrollment history from which School Board staff analyze each school to determine how many students progress from one grade level to the next over a period of time. This projection does not take into consideration building starts, lot approvals, or economic conditions.

Dr. Martin provided a structural engineer's report on the Cooley Field bleachers. Dr. Martin stated several issues for Cooley Field must be addressed before the Fall 2001 sports season begins to ensure safety over the next several years. The report states that remedial repairs to the Cooley Field facilities, including timber poles, bleachers, and timber and masonry buildings work should be performed prior to the Fall 2001 sports season.

The Board thanked Dr. Martin for his report and invited citizens to attend the joint meeting with the City Council and School Board to discuss the school priorities and budget on February 7 at 7 p.m. at the Government Center Building C Board Room.

2. Volunteer Recognition – International Year of Volunteers

Mr. McGlennon recognized Mr. Larry Waltrip as a County citizen volunteer who has given 25 years of service to the auxiliary fire department.

Mr. Waltrip thanked the County for the recognition.

3. Cox Cable

Mr. Tom Ross, Cox Cable, gave a brief explanation of the cable upgrade process, instillation of units, and changes in cable line up.

Mr. Ross stated that the removal of several channels from the cable line up was to accommodate the customers request to have Cox carry the Richmond local channels, and stated that the prices Cox charge reflects the increased programing charges of the channels.

Mr. Morton explained that the Board of Supervisors has very little control over Cox Cable and no control over programming. Mr. Morton also explained that the Cox's franchise was nonexclusive so other cable companies could come in.

The Board and Mr. Ross discussed programming options, public relation between Cox and its customers, customer surveys, parental controls, incomplete upgrade work, and sales tax on customers' bills.

Mr. McGlennon recessed the Board at 8:47 p.m.

Mr. McGlennon reconvened the Board at 8:57 p.m.

F. CONSENT CALENDAR

Mr. McGlennon asked if anyone wished to remove and item from the consent calendar.

Mr. Kennedy requested Item Number 3, Agreement for Curbside Recycling Project and Drop-Off Recycling Project be removed for further consideration.

Mr. McGlennon pulled Item Number 4, Volunteer Recognition – International Year of Volunteers.

Mr. Harrison made a motion to approve the remaining items on the consent calendar.

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

1. a. Minutes, December 19, 2000, Regular Meeting
- b. Minutes, January 2, 2001, Organizational Meeting
2. Dedication of Streets in Heron Run

RESOLUTION

DEDICATION OF STREETS IN HERON RUN

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Agreement for Curbside Recycling Project and Drop-Off Recycling Project

Mr. William C. Porter, Jr., Assistant County Administrator, stated that the Virginia Peninsulas Public Service Authority's (VPPSA) recycling agreement with Waste Management of Hampton Roads expires on November 1, 2001. VPPSA has bid out recycling services for the period of November 1, 2001, to June 30, 2007, and the lowest responsive bidder for curbside recycling was Tidewater Fibre Corporation.

Mr. Porter stated that the time for curbside recycling pickup could not change and that aerosol cans, paint cans, and envelopes with plastic windows would not be recyclable.

The Board and staff discussed the annual cost for recycling, percentage of County households that recycle, mandatory recycling, and materials accepted for recycling.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

AGREEMENTS FOR CURBSIDE RECYCLING PROJECT AND

DROP-OFF RECYCLING PROJECT

WHEREAS, James City County is a member of and contracts with the Virginia Peninsulas Public Service Authority (VPPSA) for curbside recycling and drop-off recycling projects; and

WHEREAS, VPPSA has bid recycling services for the period of November 1, 2001, to June 30, 2007; and

WHEREAS, James City County wishes to continue contracting its curbside recycling project and drop-off recycling project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute Agreements with the Virginia Peninsulas Public Service Authority for curbside recycling services and drop-off recycling services.

4. International Year of Volunteers

Mr. McGlennon read the International Year of Volunteers resolution.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

INTERNATIONAL YEAR OF VOLUNTEERS

WHEREAS, 2001 has been proclaimed International Year of Volunteers by the United Nations General Assembly to highlight the achievements of volunteers worldwide and to encourage more people to volunteer; and

WHEREAS, a year designed to enhance the recognition, facilitation, networking, and promotion of volunteer service with particular emphasis upon activity at the local level would make a significant contribution to generating increased awareness of the achievements and further potential of volunteer service; and

WHEREAS, 600 James City County volunteers made a significant contribution to meet the needs of James City County's most vulnerable populations during FY 2000, contributing 65,000 hours valued at \$1,156,350.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the year 2001 as the International Year of Volunteers and celebrates the impact of volunteerism in our community.

G. PUBLIC HEARING

1. Case No. SUP-26-00. James City County District Park, Hotwater-Cole Tract

Mr. Christopher M. Johnson, Planner, stated that Mr. Bernie Farmer, Capital Projects Administrator, on behalf of James City County, has applied for a special use permit to operate a public community recreation facility on +/- 747 acres at 5535 Centerville Road, zoned A-1, General Agricultural, and further identified as Parcel No. (1-9) on James City Real Estate Tax Map No. (30-1).

Staff found the proposal consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission unanimously recommended approval of this application with conditions.

The Board and staff discussed possible irrigation needs, archeological exploration and preservation of historical sites of the first settlement of freed slaves, and the utilization of the land.

Mr. McGlennon opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired as to how much money was remaining of the 1994 Revenue Bonds.

Mr. McGlennon closed the public hearing.

Mr. Goodson made a motion to adopt the resolution.

The Board and staff discussed public and private partnerships for the development of the park, golf courses as a learning center for youth, and if the site plan will be presented to the Board at a later date.

On a roll call, the vote was: AYE: Kennedy, Nervitt, Goodson, McGlennon (4). NAY: Harrison (1).

RESOLUTION

CASE NO. SUP-26-00. JAMES CITY COUNTY DISTRICT PARK, HOTWATER-COLE TRACT

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. Bernard M. Farmer, on behalf of the James City County Division of Parks and Recreation, has applied for a special use permit to operate a public community recreation facility located at 5535 Centerville Road; and

WHEREAS, the proposed development is shown on the Master Plan dated November 7, 2000, and entitled "District Park Master Plan; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-9) on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, the Planning Commission, following its public hearing on January 8, 2001, voted unanimously to recommend approval of 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-26-00 as described herein with the following conditions:

1. Development of the site shall be generally in accordance with the District Park Master Plan with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. A land disturbing permit shall be issued by the County for this project within 36 months from the date of approval of this special use permit or the permit shall become void.

3. Prior to issuance of a land disturbing permit, the applicant shall provide written evidence to the Planning Director which demonstrates that the recommendations of a professional archaeologist have been implemented in a manner consistent with the preservation objectives of the Board of Supervisors Archaeological Policy, as determined by the Planning Director.
4. A minimum 150-foot buffer shall be maintained along the property lines of the park site bordering Centerville Road and those properties with frontage along Centerville Road. The buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, pedestrian walking and hiking trails, and other uses specifically approved by the Development Review Committee.
5. All road improvements recommended by a traffic study conducted by Buchart-Horn, Inc., in January 2000 shall be constructed in accordance with the phased development plan approved by the Virginia Department of Transportation.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. BOARD CONSIDERATION

1. 2001 Redistricting Standards and Criteria and Procedural Guidelines

Mr. John T. P. Horne, Manager of Development Management, and Mr. Frank M. Morton, County Attorney, gave a brief overview of the need for the County to redistrict and a schedule of events for the redistricting, advised the Board of the legal parameters within which the redistricting must be accomplished, and proposed standards and criteria, procedural guidelines, and a proposed calendar to guide the staff, Redistricting Committee, and the Board as the redistricting process unfolds.

The Board and staff discussed the flexibility in the number of members to serve on the Redistricting Committee, how the applicant list came about, when appointments will be made to the Committee, and a possible proposal to the General Assembly to change the James City County Charter to increase the number of election districts.

Mr. McGlennon made a motion to adopt the 2001 Redistricting Standards and Criteria and Procedural Guidelines.

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

The Board and staff held a discussion concerning the submittals of redistricting plans.

Mr. Goodson suggested amending the Redistricting Calendar date for Board appointing the Citizen Redistricting Committee from January 23 to February 13.

The Board concurred with the request.

Mr. Goodson made a motion to adopt the Redistricting Calendar as amended.

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

2. Lease of 2,500 Square Feet of County Property to American Tower, L. P.

Mr. McGlennon, without Board objection, deferred the item to the February 27 Board of Supervisors agenda.

Mr. Nervitt requested staff investigate utilizing a stealth tower for this proposal.

I. PUBLIC COMMENT

1. Mr. Kingston W. Fairclough, 4 Peale Court, encouraged the Board to motivate Cox Cable to make the changes customers want, and stated that Cox can apply pressure on program providers to keep costs down.

2. Mr. Ed Oyer, 139 Indian Circle, stated that the Governor has proposed to cut programs and budget which, in turn, may put more pressure on local programs, the Governor's budget calls for a three percent reduction across the board this year and a six percent reduction next year.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board go into closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia to consider appointments of individuals to County Boards and/or Commissions and Section 2.1-344 (A)(3) to consider the acquisition of parcels of property for public use.

Mr. Wanner further recommended that following the closed session, the Board adjourn until 4 p.m. January 24 for a work session, at the conclusion of which, the Board recess until 11 a.m. on February 1 for the VML/VACo Legislative Day in Richmond.

Mr. Wanner stated that on February 7 the Board will have a joint meeting with the Williamsburg City Council and the School Board to discuss the school budget and priorities.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Harrison requested the Board consider declaring February as Diversity Month, and requested staff prepare a resolution for adoption at the first meeting in February.

Mr. McGlennon encouraged citizens to communicate with their Congressional delegation concerning cable regulation, and requested staff prepare a letter to the Congressional delegation voicing the concerns heard at this meeting regarding the regulation of cable.

Mr. McGlennon stated that Dominion Virginia Power will be clearing trees and limbs from power line right-of-ways and requested staff invite Mr. Bartholomew of Dominion Virginia Power to a Board meeting to inform the County of the tree clearing process.

L. CLOSED SESSION

Mr. Goodson made a motion to go into closed session at 10:17 p.m. as recommended by the County Administrator.

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

At 10:40 p.m. Mr. McGlennon reconvened the Board into open session.

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

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

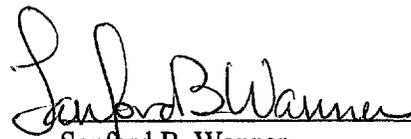
RESOLUTION**CERTIFICATION OF CLOSED MEETING**

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 2.1-344.1 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 were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions; and Section 2.1-344(A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to adjourn at 10:41 p.m.


 Sanford B. Wanner
 Clerk to the Board

012301bs.min

In the County of James City

By resolution of the governing body adopted January 23, 2001

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official):



Report of Changes in the Secondary System of State Highways

Form SR-5A
Secondary Roads Division 5/1/99

Project/Subdivision

Heron Run

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Heron Court, State Route Number 1545

Description: **From:** Rt 1542 (Teal Way)

To: End of cul-de-sac

A distance of: 0.12 miles.

Right of Way Record: Filed with the Land Records Office on 04/21/1995, Plat Book 61, Page 57, with a width of 50

Kestrel Court East, State Route Number 1546

Description: **From:** Rt 1542 (Teal Way)

To: End of cul-de-sac

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 08/08/1996, Plat Book 64, Page 80, with a width of 50

Kestrel Court West, State Route Number 1546

Description: **From:** Rt 1542 (Teal Way)

To: End of cul-de-sac

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 01/23/1996, Plat Book 63, Page 49, with a width of 50

Teal Way, State Route Number 1542

Description: **From:** Rt 1530 (Season's Trace Rd.)

To: Intersection of Rt 1545 (Heron Court)

A distance of: 0.03 miles.

Right of Way Record: Filed with the Land Records Office on 04/21/1995, Plat Book 61, Pg 57, with a width of 50

Description: **From:** Intersection of Rt 1545 (Heron Court)

To: Intersection of Rt 1546 (Kestrel Court)

A distance of: 0.10 miles.

Right of Way Record: Filed with the Land Records Office on 04/21/1995, Plat Book 61, Pg 57, with a width of 50