

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-EIGHTH DAY OF AUGUST, NINETEEN HUNDRED SEVENTY-EIGHT.

A. ROLL CALL

Mr. Jack D. Edwards, Chairman, Berkeley District
Mr. Stewart U. Taylor, Vice Chairman, Stonehouse District
Mr. John E. Donaldson, Jamestown District
Mr. Abram Frink, Jr., Roberts District
Mr. David W. Ware, Jr., Powhatan District

Mr. James B. Oliver, Jr., County Administrator
Mr. John W. Watkins, Assistant to the County Administrator
Mr. Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Donaldson motioned for approval of the minutes of the meeting of July 24, 1978. The motion carried by unanimous roll call vote.

C. PRESENTATION OF CERTIFICATES OF SERVICE AND APPRECIATION

Mr. Edwards, Chairman, announced the following certificates of service and appreciation:

Tricia H. Newman, Social Services - 3 years
Emil J. Kish, Public Works - 5 years

Mr. Mel W. Bryant, Extension Agent of VPI and SU Extension Division, introduced a new James City County employee, Mary Jane Bell, of Fairfax County. Miss Bell said her basic goals were with 4-H programs and welcomed the opportunity to work in developing the programs.

D. HIGHWAY MATTERS

Mr. Edwards called upon Mr. Frank Hall, Resident Engineer, who advised there were no highway matters.

Mr. Donaldson referred to Mr. Hall the matter of mowing the state right-of-way in Lakewood Subdivision.

E. SETTING PUBLIC HEARING DATE

1. Case No. Z-7-78 - Consideration of amendments to the James City County Code, Chapter 20, Zoning, Section 20-30, Area Requirements, Sections 20-32, 20-39, 20-46, 20-54 and 20-62, Minimum Frontage, were set for hearing on September 11, 1978.

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F. PUBLIC HEARINGS

1. JOINT PUBLIC HEARING OF PLANNING COMMISSION AND THE BOARD OF SUPERVISORS. Case No. Z-8-78, an application of Mr. P. M. Hazelwood, Jr. and Dr. George S. Hankins, Sr., et al., to rezone approximately 288 acres located on Route 60 from M-1 to M-2.

Mr. James B. Oliver, Jr., County Administrator, stated that members of the James City County Planning Commission were present for a joint hearing with the Board of Supervisors on this case.

Mr. Walter J. Scruggs stated that the members of the James City County Planning Commission present represented a quorum. Mr. Scruggs said he would like to disqualify himself as a member of that quorum due to a conflict of interest. Mr. Scruggs introduced the members present.

Mr. William C. Porter, Jr., Director of Planning, presented the matter, stating that the Board of Supervisors approved the case on November 16, 1977, but an adjacent landowner has raised some concerns over whether proper notification was given to all adjacent landowners. Mr. Porter said a new case was filed in order to clear up any possible procedural problems related to the rezoning.

Mr. Porter said the Hankins-Hazelwood property, which consists of approximately 288 acres located on Route 60 West, is adjacent to the C&O Railroad line west of Toano and the request is to rezone property located in the M-1, Limited Industrial District, and A-1, General Agriculture District, to M-2, General Industrial. Mr. Porter said the present M-1, Limited Industrial District, is limited in the list of industrial uses and recommended the rezoning due to the access to the site, county sewer which would be available within 200 feet of the site within two years, fire protection and other benefits.

The members of the James City County Planning Commission convened their session, during which Mr. Edwards called for a brief recess. Upon reconvening the meeting, Mr. Edwards opened the matter to public hearing.

Mr. Bert Geddy, a Toano resident, stated that he was an adjacent landowner who fully supported the proposed rezoning.

Mrs. Martha Smith, who stated she lived on Route 601, opposed the rezoning. Mrs. Smith said the proposed rezoning would cause pollution 2.3 times as heavy as the emissions at the Vepco plant in Yorktown. Mrs. Smith further stated that she opposed any heavy industry because of environmental pollution.

Mr. William Rorer, an environmental teacher at Lafayette High School, stated that he had studied the area and the type of industry that would be suitable for it for four years and that he approved of the rezoning.

Mr. James M. H. Harris, President of Malcolm Industries, said he was concerned about rezoning 280 acres when only 70 acres is needed for the proposed Owens-Illinois glass plant.

Mr. Wesley Sheldon spoke about air pollution and said he favored the rezoning.

Mr. Norman Beatty of the James City County Economic Advisory Committee stated that Owens-Illinois is one of the least polluting industries and that he favored the rezoning.

Mr. William F. Brown, Manager of Busch Corporate Center, said greater commercial development, more employment opportunities and greater diversification would result from the Owens-Illinois plant locating here and that he favored the rezoning.

Mrs. Sue Hill said she would prefer rezoning only the 70 acres necessary for the glass plant.

Mr. George Pavuk, a representative from Owens-Illinois, said he preferred the entire tract to be zoned heavy industrial to prevent commercial uses that would take up the road frontage in small tracts and destroy the site for other large industries.

Mr. Edwards closed the public hearing.

A motion was made by Mr. Donaldson to approve the rezoning.

Mr. Edwards proposed an amendment to the motion to apply the rezoning only to the 70 acre parcel that the glass plant would require. The amendment was rejected 3-2, with Mr. Frink and Mr. Edwards voting for the amendment and Messrs. Donaldson, Taylor and Ware voting against amending the rezoning.

The original motion was approved 3-2, with Messrs. Ware, Donaldson and Taylor voting for the rezoning and Mr. Edwards and Mr. Frink voting against the rezoning.

2. Case No. Z-4-78 - Consideration of an amendment to the James City County Zoning Map to eliminate the "P", Public classification and to rezone all property presently designated "P", Public.

Mr. Porter presented the matter regarding rezoning public property to a conventional zoning classification, stating that the major advantage would be that if public land was to pass to a private developer, any development of the property would be controlled from the outset so that it would have to conform with the existing zoning and land use patterns, thereby eliminating the necessity of hastily zoning property and allow potential developers to know in advance the regulations which control the property. Mr. Porter said another advantage would be the potential impacts of federal consistency clauses in some federal programs, which state that although the government is exempt from local ordinances, sometimes the government has committed itself to try to maintain consistency with local regulations. Mr. Porter said if local zoning was incorporated into a program, then the zoning regulations of federal property would become important.

Mr. Oliver advised that Property No. 13, Jamestown Island, was incorrectly advertised and is withdrawn from consideration until a future date.

Mr. Edwards opened the public hearing. There being no one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Donaldson motioned for approval of the rezoning case, excepting Property No. 13, Jamestown Island. The motion passed by unanimous roll call vote.

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3. Case No. Z-5-78. An application of Mr. Norman Mason, on behalf of Beamer Brothers, Inc., to amend the Master Plan of Croffton, which consists of 530.3 acres located at the intersection of Route 615 (Ironbound Road) and Route 613 (News Road).

Mr. Porter presented the matter, which was the application to comprehensively amend the master plan of Croffton and to change the name of the development to Powhatan.

Mr. Porter stated that schools will be strongly affected by the development of Powhatan and said school officials had been consulted in Croffton and Middle Plantation areas and they want school sites, but gave no specifics. Mr. Porter said a letter should be sent to the School Board asking for better communication in matters of this nature.

Mr. Edwards opened the public hearing. There being no one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Taylor motioned for approval of the amendment to the master plan. The motion carried by unanimous roll call vote.

4. Case No. Z-6-78 - Consideration of an application of Mr. Carter Chinnis on behalf of Burton Woods Associates to rezone 14.12 acres from A-1 to R-5, and 5.81 acres from A-1 to B-1 at the intersection of Centerville and Longhill Roads.

Mr. Porter presented this matter, stating that the proposed rezoning would permit the completion of the Burton Woods development which was begun prior to the removal of multi-family development from the A-1 General Agriculture district. Mr. Porter further stated that the proposed rezoning was within the guidelines of the Land Development Concept Map.

Mr. Edwards opened the public hearing. There being no one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Donaldson motioned for approval of the application. The motion passed by unanimous roll call vote.

5. Ordinance No. 116A-1, Proposed Amendment to Landfill Ordinance

Mr. Oliver presented for formal adoption the ordinance to amend and reordain the operating policy for the James City County Landfill by amending III, prohibited refuse or wastes, which had been adopted by the Board of Supervisors by emergency on July 10, 1978.

Mr. Edwards opened the public hearing. There being no one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Frink motioned for approval of the amendment. The motion carried by unanimous roll call vote.

ORDINANCE No. 116A-1 (attached)

G. BOARD CONSIDERATIONS

1. Case File No. CUP-28-78, William Wade Douglas, Conditional Use Permit.

August 28, 1978

ORDINANCE NO. 116A-1

AN ORDINANCE TO AMEND AND REORDAIN THE OPERATING POLICY FOR THE JAMES CITY COUNTY LANDFILL BY AMENDING III, PROHIBITED REFUSE OR WASTES; EXCEPTIONS.

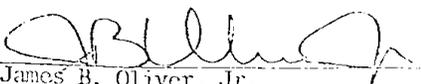
BE IT ORDAINED by the Board of Supervisors of James City County that the Operating Policy for the James City County landfill be amended and reordained by amending III, Prohibited Refuse or Wastes; Exceptions, to read as follows:

III. PROHIBITED REFUSE OR WASTES; EXCEPTIONS.

- A. Refuse materials or wastes resulting from land clearing, demolition, construction, tree trimming activities or landfill operations other than those conducted by the county are declared to be incompatible with the method of landfill disposal in terms of volume, difficulty in handling and the potential for damaging equipment and as such shall not be accepted for disposal at the landfill, except as follows:
1. Tree trimming wastes that have been processed by a mechanical chipper; or
 2. Tree trimming wastes and home repair wastes from residences within the county in quantities not exceeding 4 cubic yards per month from any one residence; or
 3. Home repair or improvement wastes from persons so engaged not exceeding 4 cubic yards per month per person, firm or corporation so engaged.


 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 James B. Oliver, Jr.
 Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia,
 on this 28th day of August, 1978.

Mr. Porter presented the matter, an application for a conditional use permit by Mr. Douglas for the renting of rooms in a single-family dwelling located at 107 Gladys Drive in Indigo Park. Mr. Porter said the property is zoned R-1, Low Density Residential.

Mr. Oliver stated that this was not a public meeting, but Mr. Frederick Belden, a resident in Indigo Park, had requested to speak.

Mr. Belden said such rentals of rooms would affect property values in the neighborhood, would increase traffic to the cul-de-sac and parking would become a problem. Mr. Belden further stated that the permit should be denied because it would infringe on the rights of property owners who had paid for the privileges and protections of R-1 zoning, Low Density Residential.

Mr. Taylor motioned for the permit, conditioned upon a one-year time period. The motion for a permit was denied 3-2, with Mr. Frink, Mr. Donaldson and Mr. Edwards voting against and Mr. Ware and Mr. Taylor voting affirmatively.

2. Extension of Pass Through Agreement with Peninsula Planning District Commission.

Mr. Oliver presented for Board consideration the extension of the pass through agreement for the use of urban mass transit administration funds, stating that the agreement would be extended from June 30, 1978 to June 30, 1979.

Mr. Frink motioned for approval of the extension of the pass through agreement. The motion carried by unanimous roll call vote.

3. Poultry Claims

Mr. Oliver presented two poultry claims which had been investigated by the Animal Control Officer and found to be valid. The claims were as follows:

| | |
|----------------|---------|
| Jean S. Wilder | \$12.00 |
| Richard Austin | \$69.00 |

Mr. Taylor motioned for approval of the claims. The motion carried by unanimous roll call vote.

4. Certification of Warrants

Mr. Edwards read and motioned the certification of warrants for the month of July, 1978. The motion carried by unanimous roll call vote.

CERTIFICATION OF WARRANTS

JULY, 1978

On a motion by Mr. Edwards and carried by unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of July, 1978.

| | |
|----------------------------|---|
| GENERAL FUND | Checks #5386 thru #5542 Totalling \$326,629.60 |
| GENERAL FUND PAYROLL | Checks #12852 thru #13196 Totalling \$106,911.69 |
| SANITARY DISTRICT NUMBER 1 | Checks #50 thru #52 Totalling \$14,611.66 |

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SANITARY DISTRICT NUMBER 2

Checks #324 thru #329
Totalling \$548.90

SANITARY DISTRICT NUMBER 3

Checks #651 thru #667
Totalling \$68,301.51

SUBDIVISION ESCROW

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REVENUE SHARING

Checks #427 thru #441
Totalling \$97,948.10

ANTI-RECESSION

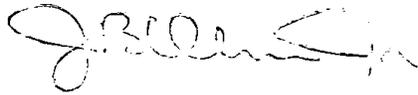
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TOANO WATER CONSTRUCTION

Check #33
Totalling \$79,748.40

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on 28th day of August, 1978.

ATTEST:



James B. Oliver, Jr.
County Administrator

H. MATTERS OF SPECIAL PRIVILEGE

None

I. REPORTS OF THE COUNTY ADMINISTRATOR

1. Reappointment-Wetlands Board

Mr. Oliver requested the matter of reappointment to the Wetlands Board be considered in Executive Session. The members of the Board of Supervisors concurred in this request.

2. Bank Policy

A proposed banking policy which would attempt an equitable distribution of savings and demand accounts among all banks having branches in James City County was deferred to the next meeting of the Board of Supervisors, September 11, 1978.

Mr. Edwards made a motion to adjourn to Executive Session. The motion carried by unanimous roll call vote.

THE MEETING ADJOURNED TO EXECUTIVE SESSION AT 10:00 P.M.

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY COUNTY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE TWENTY-EIGHTH DAY OF AUGUST, NINETEEN HUNDRED SEVENTY-EIGHT.

A. ROLL CALL

Same as above.

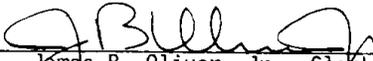
B. APPOINTMENTS

Wetlands Board

Mr. Donaldson made a motion to reappoint Mr. Leonard Harris to the Wetlands Board. The motion carried by unanimous roll call vote.

Mr. Donaldson motioned for adjournment of the meeting. The motion passed by unanimous roll call vote.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 10:40 P.M.



James B. Oliver, Jr., Clerk
Board of Supervisors

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