

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 FOURTEENTH DAY OF MAY, NINETEEN HUNDRED AND SEVENTY-NINE AT 7:30 P.M.

A. ROLL CALL

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

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

B. MINUTES

April 10, 1979
April 11, 1979
April 16, 1979
April 23, 1979

Mr. Ware moved the approval of the minutes of April 10, 11, 16 and 23 as presented. The motion carried by unanimous roll call vote.

C. SETTING PUBLIC HEARING DATE

It was the consensus of opinion of the Board members that the public hearing for the 1979-1980 Secondary Road System Budget be set for May 29 at 3:00 P.M. and the public hearings for Vacation of Plat - Smith Subdivision and the M-1 and M-2 Districts be set for June 11 at 7:30 P.M.

D. CONSENT CALENDAR

1. Certification of Warrants

CERTIFICATION OF WARRANTS

April, 1979

On a motion of Mr. Taylor 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 April, 1979.

GENERAL FUND	Checks	#7146 - 7351
	Totalling	\$980,407.89
GENERAL FUND PAYROLL	Checks	#16444 - 16813
	Totalling	\$114,878.39
SANITARY DISTRICT NUMBER 1	Check	#67
	Totalling	\$1,548.74
SANITARY DISTRICT NUMBER 2	Checks	#38 - 45
	Totalling	\$2,441.82
SANITARY DISTRICT NUMBER 3	Checks	#811 - 830
	Totalling	\$66,337.60

RESOLUTION

CONTRIBUTION REQUEST FROM THE WILLIAMSBURG YOUTH LEAGUES

WHEREAS, the Williamsburg Youth League provides recreational activities for approximately 600 area youth in its football and baseball programs, and

WHEREAS, approximately 60% of the youth participating in youth league activities are from James City County, and

WHEREAS, a fire destroyed approximately \$3,500 in essential youth league property on April 13, 1979, and

WHEREAS, the James City County Board of Supervisors supports wholesome recreational activities and has established a Recreation Improvement Fund for that purpose;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby authorizes the expenditure of \$1,000 from the County Recreation Improvement Fund to allow a one-time contribution to the Williamsburg Youth Leagues.

Mr. Oliver requested an executive session for the Board to discuss a legal matter with the County Attorney after all other matters were completed.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver pointed out that the Board meeting of May 28 falls on the day Memorial Day is observed and suggested their meeting be postponed until Tuesday, May 29. Mr. Oliver further indicated the staff would like to propose a day-long program of activities for the Board members on that day. The program tentatively would include a bus trip to different areas of the County to review various projects underway, lunch, and Fire and Emergency Medical Services demonstrations.

A brief discussion concerning the appropriate method of convening the meeting on that day took place and Mr. Morton was requested to determine the correct procedure to be followed.

Mr. Donaldson moved to change the date of the May 28 Board meeting to Tuesday, May 29 at 3:00 p.m. The motion carried unanimously.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards requested some information be provided the Board in reference to the radioactivity concern, since so many people have recently expressed apprehension in regard to this subject.

Mr. Donaldson moved to adjourn into Executive Session for the purpose of discussing a legal matter with the County Attorney. The motion carried by a unanimous roll call vote. The Board members convened into Executive Session at 4:00 p.m. and returned at 4:30 p.m.

Mr. Ware moved to adjourn. The motion carried by a unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 4:35 P.M.

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

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SUBDIVISION ESCROW		- 0 -
REVENUE SHARING	Checks	#552 - 554
	Totalling	\$926.64
ANTI-RECESSION		#4 - 5
		\$2,195.47
TOANO WATER CONSTRUCTION		- 0 -
JCC BOND SINKING FUND		- 0 -
REGIONAL JAIL CONSTRUCTION	Check	#7
	Totalling	\$60,328.80

2. Resolution - Bingo Permit/Jamestown Academy

RESOLUTION

WHEREAS, JAMESTOWN ACADEMY appeared before the Board of Supervisors of the County of James City, Virginia, and presented a Petition for a permit for the operation of bingo games and raffles by said Association for a period of one year; and,

WHEREAS, it appears to the James City County Board of Supervisors that said JAMESTOWN ACADEMY has met the requirements of Section 18.2-335 of the 1950 Code of Virginia, as amended, and that it is an organization organized in the United States of America; and, that it operates without profit; and, that it has been in existence continuously for a period of two years immediately prior to its Petition; and, that no part of the gross receipts derived from any of the aforesaid activities shall inure directly or indirectly to the benefit of any private shareholder, member, agent or employee of said organization; and, that it, through its agent, certifies to abide by all the law of the Commonwealth of Virginia pertaining to bingo games and raffles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of James City that the JAMESTOWN ACADEMY is hereby granted a permit for a period of one year commencing with the date of this Resolution for the operation of bingo games and raffles within said County.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting in order that this Resolution shall be a matter of public record within the County.

3. Fire Training Facility

4. Resolution - Support for Pan Am/National Merger

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Mr. Edwards requested Item D-3 be removed from the Consent Calendar to be discussed later.

There was no discussion on the other Consent Calendar items and Mr. Taylor moved for approval of the Consent Calendar, with the exception of Item D-3. The motion carried by unanimous roll call vote.

Mr. Edwards stated he was concerned that the Board of Supervisors would be taking a position on a major area of concern that they were really not prepared to make a decision on. He said he felt support for the Pan Am/National Merger should not be considered as a routine matter to be voted upon.

A brief discussion followed during which Mr. Oliver stated he agreed with Mr. Edwards in that the Board should be cautious about getting involved with national issues. Mr. Oliver suggested that Mr. Taylor ask Mr. Quittmeyer to come speak to the Board in reference to this matter.

Mr. Donaldson stated he felt the question was whether or not the Board of Supervisors should make such a decision. He suggested perhaps a new resolution could be prepared which would endorse the services offered rather than the merger.

It was the consensus of opinion that this item would be acted upon during the next Board meeting when a revised resolution could be presented.

E. BOARD CONSIDERATIONS

1. Resolution - Renovations to Clerk's Office

John Watkins, Assistant to the Administrator, presented this item to the Board, stating the Courthouse Committee had recommended that \$8,500 be made available in order to have this work performed.

Mr. Donaldson moved for approval of the resolution transferring \$8,500 from the Contingent Account (#01830-9011) to the Courthouse Renovations Account (#03200-6120) to accomplish the proposed Courthouse renovations. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the Williamsburg-James City Courthouse Committee has requested funds in the amount of \$17,000 for renovations to the Circuit Court Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors does hereby approve this request and the transfer of \$8,500, its share, from account #01830-9011 to account #03200-6120.

BE IT FURTHER RESOLVED that this approval and transfer are contingent upon approval by the City of Williamsburg.

2. Agreement - Youth Services Advisory Board

Mr. Oliver briefed the Board members on this item.

A brief discussion followed.

Mr. Donaldson moved for approval of the resolution to approve the agreement establishing the Youth Services Advisory Board and the appointment of the required representatives for this Board. The motion carried by unanimous roll call vote.

R E S O L U T I O N

APPOINTMENTS TO YOUTH SERVICES ADVISORY BOARD

WHEREAS, it is the feeling of the James City County Board of Supervisors that the County should participate in a Youth Services Advisory Board; and

WHEREAS, the agreement establishing such a board requires the Board of Supervisors to appoint three professionals in youth services and one citizen to that board; and

WHEREAS, three youth services professionals, James Pattis, Ruth Williamson and Barbara McLane have agreed to serve; and

WHEREAS, W. Fred Miller, a county citizen, interested in youth services and activities has agreed to serve,

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the attached agreement be approved and the aforementioned four individuals be appointed to the Youth Services Advisory Board in the categories interested.

3. Resolution - Yorktown Day

Mr. Oliver presented this matter to the Board.

Mr. Edwards moved for approval of the resolution designating October 19, 1981 an official holiday for James City County employees in observation of the 200th anniversary of the American victory at Yorktown. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, it is the desire of the James City County Board of Supervisors to recognize and support appropriate celebrations of the American bi-centennial anniversary; and

WHEREAS, the British army surrendered to allied French and American forces in Yorktown, Virginia on October 19, 1781, signaling the achievement of American independence from colonial rule,

NOW, THEREFORE, BE IT RESOLVED that the two hundredth anniversary of the victory at Yorktown be observed and celebrated as an official holiday for employees of James City County on October 19, 1981.

BE IT FURTHER RESOLVED that the residents and governing officials of Yorktown and York County be extended the heartiest best wishes of the James City County Board of Supervisors on the occasion of the annual Yorktown Day ceremonies.

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4. Resolution - Joint Parks and Recreation Committee

Tony Conyers, Human Services Coordinator, presented this item to the Board.

A brief discussion followed.

Mr. Edwards moved for approval of the resolution authorizing James City County, along with York County to participate in a Joint Parks and Recreation study. The motion carried by unanimous roll call vote.

R E S O L U T I O N

AUTHORIZATION TO PARTICIPATE IN A JOINT PARKS AND RECREATION COMMITTEE FOR JAMES CITY COUNTY AND THE COUNTY OF YORK FOR EIGHTEEN MONTHS

WHEREAS, the James City County Board of Supervisors and the York County Board of Supervisors are desirous of planning for and providing improved recreational services to its citizens; and

WHEREAS, the Code of Virginia (1950, as amended) in Chapter VIII, Title 15.1-271, provides that any city or county may plan and/or provide for public recreational facilities and programs; and

WHEREAS, the Code of Virginia (1950, as amended) under Section 15.1-21 provides that any two or more political subdivisions may enter into a written agreement with one another in order to jointly exercise any powers, privileges, or authority exercised or capable of being exercised by any political subdivision such as planning and/or providing recreational facilities and programs; and

WHEREAS, as a result of existing jurisdictions' boundaries, it is advantageous for both of the above mentioned jurisdictions to jointly plan recreational facilities and programs so that residents of both jurisdictions can realize the maximum level of recreational services; and

WHEREAS, through joint planning, member jurisdictions will enjoy a greater quality, quantity and variety of recreational facilities and programs,

NOW THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the County Administrator and the Chairman of the Board of Supervisors be and they are hereby directed to execute the attached agreement which authorizes participation of James City County in a Joint Parks and Recreation Committee for a period of eighteen months.

5. Case No. Z-4-79 - King and Queen Corporation
Case No. CUP-11-79 - King and Queen Corporation

William C. Porter, Jr., Director of Planning briefed the Board members on these matters, reporting that the Planning Commission had recommended approval of the rezoning of this property and the issuance of a Conditional Use Permit for a psychiatric hospital to be constructed on the property.

Mr. Taylor commented that the public hearing on this case had been concluded at the meeting of April 9; however, Mr. Edwards had requested that some of his constituents be allowed to speak at this meeting.

Mr. Franco Triolo, a resident of Ewell Hall, stated there were still many confusing aspects to this case. He asked if the entire 35 acres of this property was involved in the rezoning case, where the water would originate, how the sewage was to be disposed and if any scientific study had been conducted on the Rt. 199 alternatives.

Mr. Bill McGoldrick, also a resident of Ewell Hall, suggested a scientific study of the impact Rt. 199 would have on Olde Towne Road be conducted and the results shared with the community. He stated the traffic impact was of considerable concern to him in reference to this rezoning case. He also requested that before a decision is made to alter the at-grade crossing, the residents of the Ewell-Hamlet neighborhood be informed of the research that was provided to help the Board members make their determination.

Mr. John Avioli, a resident of the Hamlet, spoke in opposition to the case, stating he did not wish to have this type facility located so near his property.

Mrs. Patricia Cassidy, 209 Olde Towne Road, pointed out the traffic problems associated with Olde Towne Road and also expressed her dissatisfaction with the close proximity of the psychiatric center to her neighborhood. She questioned if the Williamsburg area really had a need for another psychiatric hospital.

Mrs. Marion Miller of Ewell Hall, asked which water system the psychiatric center would be using, and was informed it would be the Longhill Road - Rt. 60 water system.

Mr. Triolo again addressed the Board, requesting that some consideration be given to street lights being installed in his neighborhood.

Mr. Donaldson spoke in favor of the rezoning of the property and the issuance of a Conditional Use Permit for construction of the psychiatric hospital and made a motion for approval of both.

Mr. Edwards stated that although he thought psychiatric hospitals were very important, he was concerned as to whether or not the psychiatric center was proposed for the right location. He questioned whether this would be consistent with the R-3 zoning of the area. After reading the definition of the R-3 Zoning District from the Code, Mr. Edwards stated he was not sure a hospital of this size was appropriate for this area considering the traffic impact on Olde Towne Road. Mr. Edwards concluded by stating he would be inclined to vote against the motion.

The architect for the project pointed out that the character of the center was one of a very informal and non-commercial nature. He also stated he lived within one block of the Portsmouth Psychiatric Center and he could report no bad effects, that they were in fact very good citizens.

Ms. Linda Webber of the Hamlet stated there was a different impact of traffic on Olde Towne Road due to shift travel.

Mr. Philip O. Richardson, owner of approximately 250 acres of property in that area, stated he would have more to lose than anyone else if the location of the facility in that area were not a good idea. He also stated he felt the traffic impact would not be any different than if people were going to work somewhere else.

Mr. Richardson presented a petition to the Board from citizens of the area who wished to have the Rt. 199 corridor relocated so as not to have to relocate their homes.

It was pointed out by the Board members that the petition should not be viewed as favorable support of the rezoning or Conditional Use Permit issues.

A brief discussion by the members of the Board followed the public comments.

Mr. Donaldson restated his motion for approval to rezone the property from R-2 to R-3. The motion carried by a 3-2 roll call vote. Mr. Frink and Mr. Edwards voted no.

Mr. Donaldson also moved for approval of the Conditional Use Permit for construction of the psychiatric center, in accordance with staff conditions. The motion carried by a 4-1 roll call vote. Mr. Frink voted no.

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The Conditional Use Permit carries the following staff conditions:

1. All structures and parking areas be set back a minimum of 200 feet from Route 658.
2. All structures be set back a minimum of 75 feet from all side and rear property lines.
3. No structure exceed 35 feet in height and two stories.
4. A left and right turn lane be constructed by the developer on Route 658 to serve this development. These turn lanes are to be built to standards approved by the Virginia Department of Highways and Transportation.
5. A six foot high chain link fence and/or a landscaped screen be provided at the discretion of the Site Plan Review Committee, along the northeastern property line from Route 658 towards the rear of the property for a distance of approximately 1400 feet.
6. A detailed landscaping plan be submitted for approval with the site plan, which indicates sizes and types of all plantings and trees of areas to be left undisturbed.
7. No outside storage be permitted and the rear of the maintenance building be screened from adjacent property by landscaping.
8. A minimum of 250 parking spaces be provided.
9. The number and location of on-site fire hydrants be approved by the Fire Marshal.
10. A detailed site plan, including erosion and sedimentation controls, storm water management, utility plans, entrance design details, landscaping, and other construction details be approved by the Site Plan Review Committee. Approvals may require bonds to secure certain improvements.
11. Construction must commence within 24 months of the issuance of the Conditional Use Permit or the permit will become void.

6. Resolution - Consulting Services Community Development Application

Mr. Oliver briefed the Board members on this item.

A brief discussion followed.

Mr. Ware moved for approval of the resolution to contract with Harland Bartholomew and Associates for consulting services involved with the Community Development Application. The motion carried by unanimous roll call vote.

Mr. Oliver explained the late memorandum covering the schedule of meetings and public hearings involved in complying with the Community Development Application requirements. The Board members concurred with the schedule of dates as presented.

R E S O L U T I O N

CONSULTING SERVICES - COMMUNITY DEVELOPMENT APPLICATION

WHEREAS, the County has been invited to submit a formal application for Community Development funds under the Small Cities Program; and

WHEREAS, the consulting firm of Harland Bartholomew & Associates has demonstrated an ability to successfully develop Small Cities Program applications,

BE IT RESOLVED, that the County Administrator is authorized to enter into a contract with Harland Bartholomew & Associates for technical advice and assistance in connection with the preparation of the application for Community Development funds; and

BE IT FURTHER RESOLVED, that the fee paid to Harland Bartholomew & Associates shall not exceed \$10,500 with payment to be made from the Community Development Fund.

7. Resolution - Mooretown Water Improvements

Eric Zicht of the Public Works Department presented this item to the Board. He explained that the staff had been working with the Williamsburg-James City County Community Action Agency in an attempt to extend public water services to the Mooretown and Ewell areas, inasmuch as less than 10% of the existing residences have acceptable sources of water.

A brief discussion followed Mr. Zicht's presentation.

Mr. Edwards moved for approval of the joint resolution with the Service Authority for adoption of the Mooretown and Ewell Water Extension Preliminary Engineering Report, in concept, and to authorize and direct the County Administrator to apply for financial assistance for this project. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the James City County Board of Supervisors and the James City Service Authority Board of Directors recognize the need for public water services in the Mooretown and Ewell communities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority adopt the Mooretown and Ewell Water Extension Preliminary Engineering Report in concept, and authorize and direct the County Administrator to apply for financial assistance in pursuance of this project.

8. Resolution - Sewer Service - Sanitary District No. 3/Project area No.

Wayland Bass, Public Works Director presented this item to the Board.

A brief discussion followed, during which Mr. Frink moved for approval of the joint resolution with the Service Authority to collect the availability and amortization charges for certain buildings owned by Norman R. Sawyer in Service Project Area No. 1 in accordance with those charges prescribed for Sanitary District No. 3. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the James City Service Authority has approved the request that James City County Sanitary District No. 3 provide sewer service to certain buildings owned by Norman R. Sawyer, located in service Project Area No. 1, and

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WHEREAS, the James City Sanitary District No. 3 has received an application for sewer service to those buildings, and

WHEREAS, the James City Service Authority would be duplicating sewer service lines if it were to service these Sawyer buildings,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the James City County Sanitary District No. 3 that it does approve the requested sewer service for Norman R. Sawyer's buildings located in James City Service Authority Project Area No. 1.

BE IT FURTHER RESOLVED that the User Charge System of Sanitary District No. 3 shall be applicable to these buildings and that these funds will be used by Sanitary District No. 3.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Oliver presented a request by Peninsula Ports Authority and Ball Corporation for approval of an industrial revenue bond issue for a project at Ball Corporation.

Mr. Donaldson moved for approval of a resolution endorsing the issuance of industrial revenue bonds in the amount of \$1,000,000 by the Peninsula Ports Authority of Virginia for a project at the Ball Corporation plant. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, the Peninsula Ports Authority of Virginia is authorized to issue industrial revenue bonds in the County of James City with approval of the governing body thereof;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it does hereby authorize and consent to the issuance of industrial revenue bonds in the amount of \$1,000,000 by the Peninsula Ports Authority of Virginia for purposes of financing a project in said County, said project being the acquisition and installation of equipment at the Ball Corporation plant.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver commented briefly on the report compiled by the auditors Coopers & Lybrand covering the past fiscal year which had been provided each member for their review.

Mr. Oliver reported a necessity for Executive Session to discuss a legal matter.

H. BOARD REQUESTS AND DIRECTIVES

None.

Mr. Donaldson moved to adjourn into Executive Session to discuss a legal matter. The motion carried by unanimous roll call vote. The Board members convened in Executive Session at 9:30 P.M. and returned at 9:43 P.M.

Mr. Ware moved to adjourn until May 29 at 9:00 A.M. when an all-day tour of the County is scheduled. The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 9:45 P.M.

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

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