

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FOURTH DAY OF SEPTEMBER, NINETEEN HUNDRED SEVENTY-NINE, AT 5:00 P.M. IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
 Abram Frink, 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 E. McDonald, Assistant to the Administrator  
 Frank M. Morton, III, County Attorney

B. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer with the Highway Department, reported that in reference to the Chickahominy road, mentioned at the last meeting, that it appeared to meet the qualifications for a rural addition.

In addition, Mr. Hall stated that the bid had been awarded for the Owens-Illinois access road. He stated that he anticipated the road would be finished before production started in the plant.

Mr. David Ware referred back to his question of the last meeting regarding the traffic light at the intersection of Route 5 and Strawberry Plains Road where there was a sign indicating a leading green, although in reality it was not a leading light. Mr. Ware asked if it had been corrected.

Mr. Hall stated that he was not sure if the situation had been corrected and he would check into the matter.

C. PRESENTATIONS

1. Recognition of Students from Lafayette High School: Boys and Girls State Representatives and Student Council Association Officers.

Mr. Stewart U. Taylor, Chairman, introduced Mrs. Phyllis Cody, Citizens Assistance Officer, who was showing several Lafayette students around James City County. Mrs. Cody introduced the eight students from Lafayette High School who represented Boys and Girls State and the Student Council Association Officers to the Board. Mrs. Cody explained she was showing the students some of the James City County Government facilities and met with a few of the department heads. They were attending the Board of Supervisors meeting in order to gain more knowledge in the procedures and policies of James City County government.

Mr. James B. Oliver welcomed the students and explained that Tony Conyers and Mrs. Cody developed this program to help interest students in local government and in time make them feel welcomed in their local government. Also, Mr. Oliver pointed out that James City County would help them in any way that they could with projects the students may encounter.

2. Consolidated Utility Operating Policy (Considered jointly with Service Authority)

Mr. James Oliver asked Mr. Donaldson, Chairman, to convene the Service Authority in session to meet jointly with the Board of Supervisors.

Mr. John Donaldson called to order, with unanimous consent, the meeting of the James City Service Authority for the purpose of a joint consideration with the Board of Supervisors in the matter of the Consolidated Utility Operating Policy. Calling the roll, he noted that all members of the Board of Directors were present.

Mr. Oliver indicated this item had previously been before the Board several times and asked Mr. John McDonald to bring the Board up-to-date with the current activities.

Mr. John McDonald, Assistant to the Administrator, pointed out that the study in front of them was a bi-product of a policy study that was completed in August and that this was a proposed consolidated utility operating policy for utilities in the County Sanitary Districts and Project Areas. He presented the Board with a draft of the policy highlighting the differences of the policy with the separate district policies now in effect. Mr. McDonald stated the policy and rates will be subject to a public hearing on October 8 at 7:30 P.M. before both Boards.

For the benefit of the Boards, Mr. McDonald and Mr. Wayland Bass once again highlighted the essential points of the new utility policy. Mr. McDonald invited the Board's comments and questions on the policy.

Mr. James Oliver pointed out that the purpose of today's continuation of the presentation was that if there were any issues the Board would like refined or reworked prior to the October 8th hearing, they could be presented at this time. On October 8, the public will have another opportunity, after today's presentation, to make additional comments. He stated there was no action required at this time.

Mr. McDonald invited the public to comment on the proposed water and sewer rates or the operating policy that were discussed at the Public Hearing on September 10. He further stated that copies of the operating policy will be available at the Office of Citizens Affairs in Toano and the Government Center.

Mr. John Donaldson moved for the adjournment of the Service Authority. The motion carried by unanimous roll call vote.

D. CONSENT CALENDAR

1. Resolution - Sanitary District No. 3 - Return of Sewer Easement to Grantor

The Board was requested to approve a resolution to execute a deed returning a sewer easement to Granville and Edna Patrick that was donated prior to construction but then was not utilized.

WHEREAS, Granville and Edna Patrick donated a sewer easement to Sanitary District #3; and

WHEREAS, the sewer location was changed to adjoining property, and the Patrick easement was not used.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman and the Clerk are authorized to execute a deed returning the easement to Granville and Edna Patrick.

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2. Resolution - Sanitary District No. 2 Lien

The Board was requested to approve a resolution directing the delinquent charges for Sanitary District #2 be entered in the Judgment Lien Docket of the Clerk's Office of James City County. The delinquent charges for Sanitary District #2 were certified by the Public Works Department.

## RESOLUTION

## Sanitary District #2 - Liens

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following sewer and water accounts in the James City County Sanitary District No. 2 are delinquent and unpaid, and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such systems and for which the charges were imposed;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 21-118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charges for use of the Sanitary District No. 2 be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia:

Account Number 11-01-277700-6	Blue Ribbon Properties George C. Norris
Description of Property: Lot 2777 2777 Pocahontas Trail Deed Book 167, Page 618	1805 Airline Boulevard Portsmouth, VA 23707
Amount Due: Water: \$827.00	
Sewer: 1129.00	
Penalty: 381.45	
Lien Fee: .50	
Total: \$2337.45	

Account Number 11-01-278900-7	Blue Ribbon Properties Office
Description of Property: 2789 Pocahontas Trail Deed Book 170, Page 387	
Amount Due: Water: \$9.25	
Sewer: 13.25	
Penalty: 4.50	
Lien Fee: .50	
Total: \$27.00	

There was no discussion on the consent calendar items. Mr. Stewart Taylor moved for approval of both items. The motion carried by a unanimous roll call vote.

E. BOARD CONSIDERATIONS1. Conditional Use Permit for Mobile Home - Floyd T. Ellis

Mr. William C. Porter presented this matter to the Board. He proceeded to give the Board the Conditional Use Permit application and a map of the location for the Permit to be used. He explained that Mr. Ellis had submitted a Conditional Use Permit application to place a mobile home on his property. He pointed out Mr. Ellis's application met all the requirements of the James City County Code. Because Mr. Ellis met all zoning requirements of the A-1 district, and area requirements Mr. Porter recommended the Board approve his application for a Conditional Use Permit.

Mr. John Donaldson commented that the staff had investigated the matter and found that it conforms with the standards of granting the permit and having no opposition moved that the Board approve the permit. The motion carried by a unanimous roll call vote.

2. Conditional Use Permit for Mobile Home - Joseph C. Dean

Mr. William C. Porter also presented this item to the Board for their approval. Mr. Porter distributed to the Board a copy of Mr. Dean's application and map of the location. Mr. Porter explained that Mr. Dean had submitted his application for a Conditional Use Permit to place a mobile home on a piece of property which his father is conveying to him. The land consists of one acre and is located on the Southeast side of Route 613, Brick Bat Road. The land is zoned A-1, General Agricultural. Because Mr. Dean's application meets all the requirements, Mr. Porter requested the Board's approval for the Conditional Use Permit.

Mr. John Donaldson moved that the Board approve the issuance of the Permit. The motion carried by a unanimous roll call vote.

Mr. Frank Morton, County Attorney, pointed out that the Board does have the right to delegate the function of issuing the Use Permit to a proper agency of the County (i.e. Planning Commission). He further stated that the delegation of this Authority needs to be accomplished through Board resolution. Mr. Morton asked the Board if they might want to consider whether they would like the staff to come forward with a recommendation for their consideration on such a delegation rather than have these types of matters come before the Board.

Mr. John Donaldson questioned the Board to ask the County Attorney to prepare a draft of an ordinance along with the Planning Department.

Mr. Morton explained that the final form would be an amendment to existing zoning ordinances to change the provisions on the Conditional Use Permit that would delegate that Authority to the Planning Commission.

No discussion was made.

3. Resolution - Youth Services Advisory Board

Mr. Oliver stated Mr. Anthony Conyers, Personnel Director would present this item to the Board and that it was a joint venture with the City of Williamsburg and the County of York.

Mr. Anthony Conyers presented this matter to the Board for their approval of the by-laws for the Regional Youth Advisory Board.

Mr. Jack Edwards moved for the approval by the Board of the by-laws. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

YOUTH SERVICES ADVISORY BOARD

WHEREAS, the Board of Supervisors, by previous resolution authorized the County's participation in a Regional Youth Services Advisory Board; and

WHEREAS, the membership of the Youth Services Advisory Board has recommended to the Board of Supervisors by-laws which will enable them to meet the mandates established by the three participating governing bodies,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does approve the by-laws of the Regional Youth Services Advisory Board, as presented.

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4. Resolution - Economic Development Program

Mr. James B. Oliver presented this item to the Board. Mr. Oliver stated that the Board of Supervisors set up a budget of \$26,015 for various economic activities. At the time of the budget discussions, there was a proposal before the Board to have a full-time Economic Development Coordinator established. At the worksessions there were discussions about whether it would be advisable to do something on a lesser scale than was proposed earlier. The Board allocated \$12,000 that would come back to them for approval. Now, in the budget is \$12,000 that has not been allocated for a specific purpose. Mr. Oliver continued to explain that the Economic Development area has increased significantly and because of the enormous strains on current staff to attempt to handle this on a part-time basis, recommended the Boards' approval of the plan. This action would be to hire an additional, mid-level position within the planning department which would allow Mr. Henry Stephens more time in the economic development area.

Mr. John Donaldson stated that he was in favor of keeping the Economic Developer in-house rather than hire a consultant. Mr. Donaldson moved for approval of the resolution. He also stated that he felt there was a need for someone on the county staff with the primary responsibility for economic development.

Mr. Abram Frink stated that he wanted to think it over and talk to other staff members about the need for an additional position. Mr. Frink moved to table the resolution.

The motion carried by a unanimous roll call vote.

5. Resolution - Revenue Sharing Appropriations

Mr. John McDonald presented this item to the Board for its consideration. Mr. McDonald explained that the Office of Revenue Sharing had made a mistake which resulted in additional funds being available to James City County. He presented the Board with a plan for the appropriation of the funds.

A brief discussion followed.

Mr. Abram Frink moved for approval of the resolution. The motion carried by a unanimous roll call vote.

RESOLUTION OF APPROPRIATION

WHEREAS, the Board of Supervisors of James City County shall receive \$35,274 in FY1980 from an adjusted entitlement award for Period 10,

THEREFORE, BE IT RESOLVED that such funds shall be estimated as revenue in FY1980 in the Revenue Sharing Fund; and

BE IT FURTHER RESOLVED that such funds be obligated as contributions to the following capital projects:

Maintenance Building	\$18,000
Maintenance Garage	17,274

AND, BE IT FINALLY RESOLVED that prior to the disbursement of such funds the Board of Supervisors shall receive and approve a detailed budget on each of the two projects.

6. Board and Commissions Appointments

Mr. Jack Edwards stated that he had names of several county residents for the Local Celebrations Committee but had not been able to get in touch with them. Because of this he suggested the County Administrator be authorized to appoint someone to this Committee. The list included names of members that were on the previous Bi-Centennial Committee.

Mr. Ware moved to delegate the authority to appoint a person to the Local Celebrations Committee to Mr. Oliver, from the list of suggested names presented by Mr. Edwards.

Mr. Oliver reminded the Board of Supervisors of the necessity of making an appointment to the Wetlands Board to be made in October.

F. MATTERS OF SPECIAL PRIVILEGE

1. Request from Lamar Jolly for Industrial Revenue Bonding

Mr. Jolly was not in attendance.

2. Bluegrass Festival Permit

Mr. Scott Street, attorney from Richmond, addressed the Board. He explained he was representing his client for a special entertainment permit of §12-1 of the County Code for a Bluegrass Festival that was scheduled for October 12, 13, and 14 at the Twin Oaks Campground. He stated his client, Williamsburg Bluegrass Festivals, Inc., complied with all the requirements of the permit for State and local requirements. He further explained that security personnel would be provided as well as traffic control provided for smooth flow into and out of the campground. Also, there would be rescue units available in case of an emergency. Mr. Street introduced Mr. Bill Pittman, head of Williamsburg Festivals Inc. and Audrey Lipscomb, the President of Virginia Security Association. In conclusion, Mr. Street stated that the attendance would be between 1500 to 2000 people and there would be a cut off at 2000 people.

Mr. Bill Pittman addressed the Board and said he had held these programs before and that they were not related to any of the previous bluegrass festivals held in neighboring localities.

Mr. Louis Ellenson, head of the Campground, explained to the Board that it was a family oriented campground and urged the Board to approve the permit.

Mr. R.M. Hazelwood, Jr, of Stonehouse District, stated he was a neighbor of the campground and acknowledged that it was a good campground but on Labor Day a van festival occupied the campground and the noise forced many residents out of their homes. He also explained that he opposed the campground being there from the beginning. He questioned Mr. Street about what would happen if more than 2000 people showed up and also expressed concern about the music not ceasing at the 11:00 P.M. cut off time. He concluded by stating that this type of program was a nuisance to the residents and asked the Board to deny the permit.

A New Kent County Deputy addressed the Board and stated he had worked the two previous bluegrass festivals with Mr. Lipscomb and his mother and that it was a very organized outfit with a lot of security personnel. He further stated that there were no real problems except a few people trying to sneak in. Also, he told the Board, that he had helped patrol the surrounding area in New Kent and had no problems at all with the people.

Mr. Ned Lipscomb stated that the people that were performing were from Opryland and they would like the Board to grant the permit for this program.

Ms. Lois Hughes, a resident near the campground, stated that at 12:45 Friday, on Labor Day weekend, she called the James City County Sheriff's Department because the noise was so bad and at 3:00 the noise was still going on. She concluded by telling the Board that the noise and profanity was very bad.

Mr. Oliver stated that the Board could be in fault because they had not been aware of the previous activities. He asked if it would be acceptable to the residents if time restrictions and other

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terms were placed on the permit. He further stated that those people applying for the permit seemed to be more responsible because they came to the Board and asked permission for the permit. Also, Mr. Oliver asked the neighboring residents in attendance if they thought the festival would be acceptable if it was monitored by the Sheriff's Department.

Several residents in the audience stated that the noise in the campground and on the road into the campground on Labor Day Weekend was unbearable. They also stated that no traffic control or time limits were enforced.

Mr. Frank Morton, County Attorney, pointed out that the permit was revokable at any time in case trouble or any disturbance started.

Mr. Oliver pointed out that he had a previous experience in a different community with a much larger crowd and a much harder activity and it met the community's standards and turned out to be a very fine experience.

Mr. John Donaldson moved for approval of the permit with conditions.

The motion carried by a 3-2 roll call vote. Mr. Taylor and Mr. Ware opposed the motion.

## 2. Conditional Use Permits

Mr. Cliff Taylor, from Stonehouse District, stated that he had talked with Mr. Bill Porter earlier in the week and had been informed of an application for eight Conditional Use Permits for mobile homes. He explained that he felt that the issuing of the permit for a mobile home park is unfair from several aspects. First, he stated that he felt it was unfair for the adjacent land owners. Second, it was unfair from the standpoint of the developer and also for the County from the standpoint of taxes. He concluded by recommending to the Board that they leave the matter to the Planning Department.

Mr. Albert Slater, developer of the proposed mobile home park, explained that the purpose of the park was for young people just starting out who could not afford to buy a house. He stated he expected to control this land for the mobile homes and to operate it appropriately.

Mr. Oliver stated that the definition of a mobile home park should be addressed by the Planning Commission. He also stated that to his knowledge, Mr. Slater had not made an application for a Conditional Use Permit for the park.

## G. REPORTS OF THE COUNTY ADMINISTRATOR

None.

## H. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards asked the other members of the Board if anyone wished to serve on any of the standing Committees of the Virginia Association of Counties. He referred to a previous memorandum he had transmitted to them regarding this matter.

Mr. Edwards also raised the question of the Turf Farm and moved the Public Hearing be set up to October 22, 1979 at 7:30 P.M. at Lafayette High School.

The motion carried with a unanimous roll call vote.

Mr. Oliver invited the Board to attend the demonstration  
of the drug detector dog at the Staff Meeting tomorrow morning.

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Mr. Edwards moved for adjournment.

Motion carried by unanimous roll call vote.

MEETING ADJOURNED 6:04 P.M.



James B. Oliver, Jr.  
Clerk to the Board

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