

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF OCTOBER, NINETEEN HUNDRED SEVENTY-NINE, AT 7:30 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. MINUTES - September 10, September 11 and 12, and September 24, 1979

Mr. Donaldson moved for approval of the minutes of September 10, September 11 and 12 and September 24, 1979, as printed. The motion carried by a unanimous roll call vote.

C. PUBLIC HEARING

1. Consolidated Utility Operating Policy (Considered jointly with the James City Service Authority.

Mr. Donaldson, Chairman of the James City Service Authority, called the Authority to order with a roll call. All members being present, the Service Authority meeting was considered in session with the Board of Supervisors.

Mr. John E. McDonald, Assistant to the Administrator presented this item before the joint Boards. Mr. McDonald recapped the most significant aspects of the Operating Policy and Rate Schedule which had been presented over the past several months. Mr. McDonald also pointed out some amendments to the policy since the last public hearing on this matter. The changes to the policy were:

4-3.7 PRO RATA BILLS

Owners/tenants requesting discontinuance or establishing new accounts for service shall be billed based on the pro rata portion of the billing period when service was provided. If notice of discontinuance of service is not given to the James City County Office of Finance by the owner/tenant, the quarterly bill shall be due in full.

4-4 DISCONNECTION, RECONNECTIONS AND SERVICE CALLS

(D) A deposit equal to the last previous quarterly service charge shall be made prior to the reconnection of any customer, other than single family residents, disconnected due to non-payment. Such deposit shall be returned upon termination of service.

Also, some slight modifications were made in the rate schedule.

Mr. Taylor opened the public hearing for this matter.

No one wished to speak and Mr. Taylor closed the public hearing.

A brief discussion followed.

Mr. Ware inquired as to the feasibility of having a clause included in the Operating Policy that would require an industrial use, prior to issuance of a building permit or hook up to sewer lines, to obtain a letter from HRSD stating they would be able to handle an amount of discharge over and above what was anticipated for normal operation.

Mr. Bass said that this done for all commercial and industrial customers on County lines served by HRSD through the requirement of a flow certificate.

Mr. Oliver stated that was a very good point, however, it would be desirable to report back on that specific matter after some further research had been accomplished. Mr. Oliver said this matter could be resolved at a later date through an amendment to the policy.

Mr. Edwards moved for approval by the Board of Supervisors of the resolution to adopt the "Operating Policy - Water and Sewer Utilities", effective January 1, 1980. The motion carried by a unanimous roll call vote.

#### R E S O L U T I O N

WHEREAS, the Board of Supervisors of James City County desires to consolidate and simplify the policies governing the operations of public water and sewerage systems; and

WHEREAS, it is the desire of the Board to adopt such rates for services as are necessary to meet the following basic objectives:

1. To all extents practical, operations of water and sewerage systems shall be financially self-sufficient and shall generate sufficient revenues to meet the requirements of debt agreements, Federal and State law and the financing of necessary system improvements.
2. To all extents practical, similar services in different areas of the County shall be subject to similar rate schedules for water or sewer utility customers.
3. Unless otherwise determined in a specific instance, the cost of the development of utility systems providing benefit to only a select group of County residents shall be borne, to all extents practical by those residents.

THEREFORE, BE IT RESOLVED that the statements and rates included in the documents entitled "Operating Policy - Water and Sewer Utilities" be made effective January 1, 1980 for all water and sewer operations of both Sanitary District Number 2 and 3.

Mr. Frink moved for approval by the Service Authority of the resolution to adopt the Operating Policy. The motion carried by a unanimous vote.

#### R E S O L U T I O N

WHEREAS, the Board of Directors of the James City Service Authority desires to consolidate and simplify the policies governing the operation of public water and sewerage systems; and

WHEREAS, it is the desire of the Board to adopt such rates for services as are necessary to meet the following basic objectives:

1. To all extents practical, operations of water and sewerage systems shall be financially self-sufficient and shall generate sufficient revenues to meet the requirements of debt agreements, Federal and State law and the financing of necessary system improvements.

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2. To all extents practical, similar services in different areas of the County shall be subject to similar rate schedules for water or sewer utility customers.
3. Unless otherwise determined in a specific instance, the cost of the development of utility systems providing benefit to only a select group of County residents shall be borne, to all extents practical by those residents.

THEREFORE, BE IT RESOLVED that the statements and rates included in the documents entitled "Operating Policy - Water and Sewer Utilities" be made effective January 1, 1980 for all water and sewer operations of the James City Service Authority.

Mr. Ware moved to adjourn the Service Authority meeting. The motion carried by a unanimous vote.

Mr. Oliver commented that an enormous amount of work had gone into this project over a period of a year and this major task had been accomplished primarily through the efforts of Wayland Bass, Frank Morton, John McDonald and Eric Zicht.

2. An ordinance to vacate a portion of that certain plat entitled, "Windsor Forest, Section 7, James City County, Virginia." and more particularly described as the rear lot line of Lot 14 as shown on said plat.

Mr. William C. Porter, Jr., Planning Director presented this item to the members of the Board.

Mr. Taylor opened the public hearing for this matter. No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Frink moved for approval of the ordinance to vacate the rear lot line of Lot 14 of Windsor Forest, Section 7. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 134

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "WINDSOR FOREST SECTION 7, JAMES CITY COUNTY, VIRGINIA" AND MORE PARTICULARLY DESCRIBED AS THE REAR LOT LINE OF LOT 14 AS SHOWN ON SAID PLAT.

WHEREAS, application has been made by Robert S. Hornsby, on behalf of Heritage Development Company to vacate a certain property line as more particularly described below and,

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 14.1-482 and 15.1-431 of the Code of Virginia, 1950, as amended, and,

WHEREAS, the Board of Supervisors did consider such application on the 8th day of October, 1979, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia:

1. That the rear lot line of Lot 14 of Section 7 as shown on that plat entitled, "Windsor Forest, Section 7, James City County, Virginia," prepared by B. D. Littlepage, Architects & Engineers, Incorporated, and recorded in Plat Book 35, page 44, on October 4, 1978, in the Clerk's office of the Circuit Court for the City of Williamsburg and County of James City be and the same is hereby vacated.

2. That a new plat entitled, "A Resubdivision of Lot 14, Section <sup>251</sup> Windsor Forest Lying in Berkeley District, James City County, Virginia," dated August 7, 1979, and prepared by B. D. Littlepage, Architects and Engineers, Incorporated, establishing a revised rear lot line for Lot 14, be put to record in the Clerk's office of the Circuit Court for the City of Williamsburg and the County of James City, Virginia.

This ordinance shall be in full force and effect from the date of its adoption.

D. CONSENT CALENDAR

1. Certification of Warrants

CERTIFICATION OF WARRANTS

September, 1979

On a motion by Mr. Taylor and carried by a unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of September, 1979.

|                            |           |                |
|----------------------------|-----------|----------------|
| GENERAL FUND               | Checks    | #8415 - 8595   |
|                            | Totalling | \$394,425.57   |
| GENERAL FUND PAYROLL       | Checks    | #18331 - 18708 |
|                            | Totalling | \$127,654.76   |
| SANITARY DISTRICT NUMBER 1 | Checks    | -0-            |
|                            | Totalling |                |
| SANITARY DISTRICT NUMBER 2 | Checks    | #97 - 102      |
|                            | Totalling | \$1,001.33     |
| SANITARY DISTRICT NUMBER 3 | Checks    | #915-928       |
|                            | Totalling | \$4,541.00     |
| SUBDIVISION ESCROW         |           | -0-            |
| REVENUE SHARING            | Checks    | #586 - 594     |
|                            | Totalling | \$64,560.58    |
| ANTI-RECESSION             | Checks    | -0-            |
|                            | Totalling |                |
| TOANO WATER CONSTRUCTION   |           | -0-            |
| JCC BOND SINKING FUND      |           | -0-            |
| REGIONAL JAIL CONSTRUCTION |           | -0-            |

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on the \_\_\_ day of \_\_\_\_\_, 1979.

ATTEST:

  
James B. Oliver, Jr.  
County Administrator

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2. Resolutions - Dedication of Streets in Chickahominy Haven and Kristiansand (Revised)

Certain revisions to these previously adopted resolutions for acceptance of these streets into the State Secondary Road System were necessitated in order to have the Highway Commission accept the streets for maintenance.

R E S O L U T I O N

WHEREAS, the developer of the Chickahominy Haven Sections IV, V, VI and VII has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires these roads to be included in the State Secondary Highway System, providing these roads meet with the requirements of the Virginia Department of Highways and Transportation and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection; and

WHEREAS, on July 9, 1979, the Board of Supervisors adopted a Resolution requesting the Virginia Department of Highways and Transportation to accept Otey Drive and Osprey Drive into the State Secondary System; and

WHEREAS, the Virginia Department of Highways and Transportation subsequently informed the County staff that this Resolution was deficient.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors this the 8th day of October, 1979 that the previous Resolution be and it hereby is rescinded.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is respectfully requested, contingent upon the above, to include the following street/s in Chickahominy Haven Sections IV, V, VI and VII Subdivision, James City County in the State Secondary Highway System.

Description:

Otey Drive - From: Route 715 60' R/W  
To: Riverside Drive (Route 716) 0.66 Mi.

Osprey Drive - From: Otey Drive 50' R/W  
To: Canal Street (Route 737) 0.31 Mi.

A right-of-way of 50-60 feet as shown above is guaranteed as evidenced by plat of record, entitled Chickahominy Haven Sections IV, V, VI, and VII Subdivision, Plat Books 18, 33, and 35, Pages 4, 74, 16, and 17.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the developer of Chickahominy Haven Sections IV, V, VI, and VII and the Resident Engineer of the Department of Highways and Transportation.

R E S O L U T I O N

WHEREAS, the developer of Kristiansand Section IV has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires these roads to be included in the State Secondary Highway System, providing these roads meet with the requirements of the Virginia Department of Highways and Transportation and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the day that the Department of Highways and Transportation makes its final inspection; and

WHEREAS, on July 9, 1979, the Board of Supervisors adopted a Resolution 253 requesting the Virginia Department of Highways and Transportation to accept Nina Lane, Astrid Lane, and Haradd Lane into the State Secondary System; and

WHEREAS, the Virginia Department of Highways and Transportation subsequently informed the County that this Resolution was deficient.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors this the 8th day of October, 1979 that the previous Resolution be and it hereby is rescinded.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it hereby is respectfully requested, contingent upon the above, to include the following street/s in Kristiansand Section IV Subdivision, James City County in the State Secondary Highway System.

Description:

|             |                                   |          |
|-------------|-----------------------------------|----------|
| Nina Lane   | - From: Telemark Drive (Rt. 1615) | 60' R/W  |
|             | To: Astrid Lane                   | 0.14 Mi. |
| Astrid Lane | - From: Nina Lane                 | 50' R/W  |
|             | To: Haradd Lane                   | 0.14 Mi. |
| Haradd Lane | - From: 30' S.W. of Astrid Lane   | 50' R/W  |
|             | To: 0.10 Mi. N.E. to End          |          |
|             | Cul-de-sac                        | 0.10 Mi. |

A right-of-way of 50-60 feet as shown above is guaranteed as evidenced by plat of record, entitled Kristiansand Section IV Subdivision, Plat Book 32, Page 69.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the developer of Kristiansand Section IV and the Resident Engineer of the Department of Highways and Transportation.

3. Setting Public Hearing Date

a. Case No. Z-10-79. Consideration of an ordinance to amend Chapter 20, Zoning, of the Code of the County of James City, Article IV Districts: Division 1, Division 2, Division 4, Division 5, Division 7A, Division 7B and Division 8. (Special Use Permits).

b. Case No. S-36-79. Consideration of an ordinance to amend Article I, Section 17-15, Water and Sewer Facilities, of the Subdivision Ordinance of the County of James City, Virginia.

November 12, 1979 at 7:30 P.M. was recommended as the public hearing date and time for both of the above listed matters.

Mr. Taylor moved for approval of all consent calendar items. The motion carried by a unanimous roll call vote.

E. BOARD CONSIDERATIONS

1. Resolution - Conditional Use Permit for Mobile Home - Archie Richardson

Mr. Oliver referred to a memorandum in regard to Conditional Use Permits he had presented the Board members just prior to commencement of tonight's meeting. For the benefit of the audience, Mr. Oliver read the memorandum which basically reiterated the status of the Conditional Use Permit process and outlined the prerogatives of the Board of Supervisors in reference to this matter. In summation, Mr. Oliver suggested for tonight's agenda items, the Board (1) consider non-controversial Conditional Use Permit applications on their merits for approval or rejection (it is understood Item E-1 and E-2 have no objection), (2) Exercise the Board's prerogative of referring controversial Conditional Use Permit applications to the Planning Commission for review and recommendation (it is also understood Item 3(a and b) has drawn objections from neighbors and (3) refer Item E-4 to the Planning Commission for their review and comment prior to consideration for adoption by the Board.

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Mr. Donaldson moved to approve the Conditional Use Permits for Item E-1 and E-2.

Mr. Taylor asked Mr. Porter to present these items to the Board members.

Mr. Porter, Planning Director, briefed the Board members on this case, pointing out that all conditions for placing a mobile home on the property had been met and the Health Department had issued a "Permit to Install Water Supply and Sewage Disposal System".

Mr. Taylor asked if Mr. Porter had been contacted by anyone opposing this request.

Mr. Porter stated he had not received any comments in opposition.

Mr. Albert Slater, speaking from the audience, stated he opposed the request. Mr. Slater elaborated by stating he felt all this controversy was due to his request for Conditional Use Permits, and that it appeared the Board was now changing the rules in the middle of the stream. Mr. Slater further stated he felt he was being deprived of the right to do what he wanted to with his own property. According to Mr. Slater he had applied for and received all necessary permits in the past, and only now due to complaints from some of his neighbors, was he being denied the Conditional Use Permits.

Mr. Donaldson noted that Mr. Slater's objection was not to the merits of the application and therefore moved for approval of the Conditional Use Permit for Mr. Archie Richardson.

A brief discussion followed.

The motion carried by a unanimous roll call vote.

#### R E S O L U T I O N

##### Conditional Use Permit

WHEREAS, it is understood that all conditions for considering an application for a Conditional Use Permit have been met:

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant as described below and as detailed in the attached application and site location:

|                     |                          |
|---------------------|--------------------------|
| Applicant:          | Mr. Archie Richardson    |
| Tax Map ID:         | 10((3))4                 |
| District:           | Stonehouse               |
| Zoning:             | A-1, General Agriculture |
| Permit Terms:       | N/A                      |
| Further Conditions: | None                     |

#### 2. Resolution - Conditional Use Permit for Mobile Home: United Virginia Development Corporation

Mr. Porter also presented this item to the members of the Board, indicating this request was for placement of a temporary mobile home in Gatehouse Farms for use as an office/construction trailer during construction of the project and that the permit would be limited to a period of six months.

Mr. Donaldson moved for approval of the Conditional Use Permit for the United Virginia Development Corporation.

The motion carried by a unanimous roll call vote.

Conditional Use Permit

WHEREAS, it is understood that all conditions for considering an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant as described below and as detailed in the attached application and site location:

|                     |  |
|---------------------|--|
| Applicant:          | United Virginia Development Corporation            |
| Tax Map ID:         | 31-23 and 24, Lot 46                               |
| District:           | Jamestown  |
| Zoning:             | A-2, Limited Agriculture                           |
| Permit Term:        | Not to exceed six months from the date of issuance |
| Further Conditions: | None   |

3. Resolutions - Conditional Use Permits for Mobile Homes: Albert T. Slater

- a. Parcel 17 on James City County Tax Map No. 7 (6.16 acres)
- b. Parcel 22 on James City County Tax Map No. 7 (83 acres)

Mr. Porter briefed the Board members on the two applications for Conditional Use Permit's involved in this matter. Mr. Porter pointed out that although the proposed mobile home rental sites will conform to the requirements of the A-1 District and provisions had been made for sewerage disposal and water systems, the Fire Marshal has advised that it is doubtful fire-fighting equipment could use the present eight foot wide road during inclement weather. It was recommended therefore, that the Conditional Use Permits be conditioned upon installation of a 12 foot wide all-weather compacted roadway/access route to the sites.

Mr. Donaldson asked what Mr. Slater's capital outlay amounted to at this point.

Mr. Porter replied it was confined to the installation of the one septic tank and the cutting of the road and laying of the line.

Mr. Frink stated he had some concern about the fairness in this case, stating it did appear the Board was changing rules in the middle of the road. He further stated that Mr. Slater had met all the requirements of the zoning district, and all of his other Conditional Use Permit applications had been approved, and it did seem to be unfair to deny the permits in this case.

Mr. Donaldson said he could appreciate Mr. Slater's frustration for feeling the rules appeared to be changed; however, the Board has been advised that the previous procedure for issuing conditional use permits has not been a lawful procedure and there is really no alternative but to correct and clarify that procedure. Mr. Donaldson also commented that Mr. Slater's case had brought to light a situation that many people in the County are coming to view as an abuse of the zoning system as it relates to mobile homes. He said the County has rather tight standards for mobile home parks but rather lax standards for multiple mobile homes on the same site. Mr. Donaldson further commented that he did not know if he shared the decision set forth by the staff in this case, but that he would appreciate having the Planning Commission apply the standards of the ordinance and determine if it comes up with the same or a different recommendation. In summary, Mr. Donaldson stated that since this was not a conditional use of a single

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mobile home but the beginning of a mobile home park, but is not technically a mobile home park, he wants to be sure that careful consideration is given the matter and for that reason he supports the County Administrator's recommendation to refer this to the Planning Commission for further review.

Mr. Donaldson, speaking in reference to Item E-4 on the agenda, also stated he hoped the Planning Commission would take a close look at the whole mobile home situation in the County. He said he did not believe mobile homes should be discouraged completely because they do represent an acceptable housing alternative, but he does think the mobile home question does need to be addressed more sufficiently.

Mr. Frink said he agreed with Mr. Donaldson's statements, however, he did not think someone should be penalized because of the loop-holes in the ordinance.

Mr. Donaldson moved to refer Item E-3 (a) and (b) to the Planning Commission for their review and advice.

Mr. Albert Slater asked the Board if a decision could be made tonight on the case involving the two mobile homes on parcel 17 as this was unrelated to the other case which was causing all the controversy.

Mr. Cliff Taylor, of Stonehouse District, addressed the Board in reference to this matter, stating that he lived directly across Rt. 60 from the proposed location of the two mobile homes. Mr. Taylor stated that when Mr. Slater started his mobile home park he was under the impression the number of mobile homes Mr. Slater could have there would be limited. Mr. Taylor said it has developed into something more than just a couple of mobile homes - - it is turning into a mobile home park and there is quite a difference in issuing conditional use permits for one or two mobile homes and issuing a permit for the establishment of a mobile home park. Mr. Taylor further stated that he felt this matter should go back to the Planning Commission and go through the normal channels, allowing the citizens of the immediate community the opportunity to express their views.

Mrs. Jimmy Slater came forward and addressed the Board in support of Mr. Slater's proposal. She stated that the mobile homes could not actually be seen from Mr. Taylor's property. Mrs. Slater said, as a young married couple, she and her husband have lived in a trailer for two years and that this is the most economical housing alternative for them at this time. In summary, Mrs. Slater said that although many of the neighbors were saying their rights were being infringed upon, she felt that Mr. Slater's rights, also, were being infringed upon.

Mr. Taylor, Chairman of the Board, stated that he had received more calls and complaints in reference to this case than any other since he has been on the Board. He stated the majority of the complainants said they were not against Mr. Slater, but they were just simply against the mobile home park concept. Mr. Taylor stated the Board of Supervisors wanted to be as fair as possible to all concerned.

Mr. Donaldson asked to have the matter of the two mobile homes on a separate parcel of land clarified.

Mr. Slater stated that this request represented two mobile homes located on the property where his house was located and not the property for the proposed eight mobile units. Mr. Slater also said he had already rented one of these units to a young married couple and he would like to be able to tell them if and when they could move in.

Mr. Donaldson asked the County Attorney if the Board had the prerogative of granting a 60-day permit pending action by the Planning Commission.

Frank Morton, County Attorney, stated he could investigate that possibility and he would check with Mr. Slater's attorney to see if such an arrangement could be reached.

Mr. Donaldson said if it were feasible, he would be in favor of granting a 60-day permit for the case involving the couple who are waiting to move in, with the understanding that this would be pending the outcome of the Planning Commission's review and the final decision of the Board of Supervisors.

Mr. Edwards asked if it would not be difficult to take away a permit once issued, in case the final outcome of the case was for denial.

Mr. Frink also questioned if it would be fair for the individuals to move into a unit and then possibly have to move out after 60 days.

Mr. Morton stated he would like to talk with Mr. Slater's attorney and the people who would be occupying the trailer.

Mr. Slater expressed some concern that the Board was referring the matter back to the Planning Commission instead of making a decision at this time.

Mr. Oliver attempted to distinguish between the Planning Commission and the Planning Department as Mr. Slater seemed to have some misunderstanding involving actions taken by the Planning Department staff as opposed to the Planning Commission.

Mr. Ware stated he was concerned about the fact that the couple who had bought a trailer and although having to pay for it, could not move into it.

Mr. Dave Rogers, of Lanexa, addressed the Board in reference to this matter, stating that this still amounted to a small trailer park. He said if the permits for these 2 trailers were issued, it would bring to a total of six mobile homes on one parcel of property. Mr. Rogers said he did not feel the Board should vote on this matter tonight.

The Board voted on Mr. Donaldson's motion to refer Item-3a to the Planning Commission for review and advice. The motion carried by a 3-2 vote. Mr. Ware and Mr. Frink voted no.

#### 4. Proposed Amendment for Conditional Use Permits

Mr. Oliver said it was suggested the Board also refer Item E-3b and Item E-4 to the Planning Commission for review and comment.

Mr. Donaldson moved to refer Item E-3b to the Planning Commission for their prompt review and advice. The motion carried by a unanimous roll call vote.

Mr. Oliver stated Item E-4 had been prepared by the County Attorney in response to the Board's direction at its last meeting.

Mr. Edwards asked Mr. Morton if most of the uses under Section 20-10 of the ordinance had been stricken because they were no longer permitted uses.

Mr. Morton stated the other uses had been included under the category requiring Special Use Permits and the three uses listed (mobile home parks, mobile homes and hog farms) were the only remaining permitted uses.

There was some question as to why "hog farms" was included as a permitted use under this section.

Mr. Morton explained that a hog farm exceeding 1,000 in number would be covered by a Special Use Permit. For those hog farms having under

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258 1,000 hogs would be covered under this section with a Conditional Use Permit. Mr. Morton further stated that this is the way the ordinance is now set up and he merely left that use in the ordinance.

Mr. Taylor stated he would prefer to see "hog farms" deleted from the ordinance prior to the ordinance being referred to the Planning Commission. He said he did not know of anyone in the County having permits for hog farms.

A brief discussion ensued concerning some technicalities of the ordinance.

Mr. Taylor stated he did not think "hog farms" should be included under the same section as mobile home and mobile home parks and he made a motion to delete "hog farms" from this ordinance being referred to the Planning Commission.

Mr. Donaldson stated that when this ordinance goes to the Planning Commission perhaps it will be modified before it passes back to the Board - - this is simply a draft format to get the ordinance before the Planning Commission. He stated that at the Planning Commission level the "hog farm" issue could be researched as well as other modifications made to the ordinance and therefore the Board should not deal with any specific language in the ordinance at this time.

Mr. Taylor asked Mr. Oliver to call the roll in reference to the motion he had made to delete "hog farms" from the ordinance. The motion carried by a 3-2 vote. Mr. Donaldson and Mr. Edwards voted no.

Mr. Donaldson moved to refer Item E-4 to the Planning Commission for review and recommendation. The motion carried by a unanimous roll call vote.

Mr. Oliver commented as a reminder to the Board that the 1,000 hog limit was set at the time of the proposal for the Cattle Farm at Jockey's Neck and at that time the community wanted to make sure that that particular project had been given a thorough review.

Mr. Thomas Marvin from the audience spoke to the Board, asking if there was anyone in the County having a farm with a thousand hogs. He stated he did not think people realized how large a farm with 1,000 hogs really is. He said perhaps the Board should go out and look around before they voted on what size a farm they were going to allow. He emphasized that when you are talking about a farm with 1,000 hogs, that is a tremendous operation.

#### 5. Boards and Commissions Appointments (Wetlands Board)

Mr. Taylor stated that Mr. Gerald Otey was eligible for reappointment on the Wetlands Board and he had agreed to serve for another five years.

Mr. Taylor moved to reappoint Mr. Otey to a five year term on the Wetlands Board. The motion carried by a unanimous roll call vote.

#### 6. Resolution - "911" Emergency Service Number

Mr. McDonald presented this item to the members of the Board. He stated that if all could be arranged with C & P Telephone Company, beginning January 1, 1980, the County can have a central dispatch system located in Toano whereby the Fire Department, Sheriff's Department and Emergency Medical Services would be dispatched from one number (911).

A brief discussion followed.

Mr. Donaldson moved for approval of the resolution directing execution of all agreements to implement the 911 service for James City County phones. The motion carried by a unanimous roll call vote.

WHEREAS, the Board of Supervisors desires to offer to the citizens and visitors of James City County the advantages of the 911 emergency service telephone number;

NOW THEREFORE BE IT RESOLVED that, subject to the limitation of funds previously appropriated for central communications, the Chairman and County Administrator are authorized and directed to execute all agreements necessary to implement 911 service for James City County phones served by the Lightfoot and Williamsburg central office exchange on or before January 1, 1980.

F. MATTERS OF SPECIAL PRIVILEGE

1. Jolly Industrial Revenue Bond Proposal

Mr. Frink made a motion for the Board to reconsider the action taken at the last Board meeting in reference to Mr. Jolly's proposal. The motion carried by a unanimous roll call vote.

Mr. Frink addressed the other members of the Board in regard to the Industrial Revenue Bond issue involving Mr. Lamar Jolly. Mr. Frink stated that since the last Board meeting he has talked with Mr. Jolly and members of the Industrial Development Authority and although he is in agreement with what the IDA did he does feel that since Mr. Jolly had appealed to the Virginia Ports Authority for approval of the bond financing, that the Board of Supervisors acted somewhat prematurely in rescinding its referral of Mr. Jolly's proposal.

Mr. Taylor said he was in agreement with Mr. Frink on the matter, stating that he had had some misgivings at the time they had reversed their decision from at first referring approval and then withdrawing that referral.

Mr. Edwards stated he understood that when the Industrial Development Authority was reactivated, that it was with the understanding that it was preferred to have the developers come to the James City County Authority as opposed to going to another authority. In referring to Mr. Jolly's request, Mr. Edwards said that is exactly what happened and the Authority deliberated on the matter and after considerable discussion voted 6-1 against the request. Mr. Edwards said he was now puzzled as to why the Board was considering referring Mr. Jolly's request on to another Authority.

Mr. Frink stated his main concern was that the letter of referral the Board sent to the Virginia Ports Authority was done prior to the reactivation of the James City County Industrial Development Authority. Mr. Frink also stated that he also had some concern about the fact that Mr. Jolly's proposal was for a motel, which he feels is compatible with James City County's Comprehensive Plan.

Mr. Edwards said he understood the issue was whether it was proper for the Authority to give a developer a grant for a commercial facility as opposed to an industrial facility. Mr. Edwards further stated that that was one of the reasons for reactivating the Authority so that they could make such decisions and not the Board. Mr. Edwards also said he did not understand why James City County should now let the Ports Authority decide what should happen in James City County.

Following a further brief discussion, Mr. Frink moved to send another letter of approval regarding Mr. Jolly's request to the Virginia Ports Authority. The motion carried by a 3-2 roll call vote. Mr. Edwards and Mr. Donaldson voted no.

2. Briefing on Community Development Application

Mr. Robert Murphy, Assistant to the Administrator, briefed the Board members concerning a pre-application for another Small Cities Grant. He commented that the application involved an improvements program for the Forest Glen neighborhood. He said this area had been selected because of the similar characteristics of the Carriage Road project. Mr. Murphy cited some specific needs in that area, such as public facilities and housing. He also said a neighborhood meeting had been held and the residents

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260 of the area had voiced their support of the proposal for the Forest Glen neighborhood. In addition, a public hearing for this project was held on 10/4/79 at Mt. Pleasant Baptist Church and no opposition to this proposal was voiced. Mr. Murphy stated this preliminary concept involved \$1 million with the bulk of the funds allocated for public facilities, paving and grading of streets, acquisition of land for recreational purposes and up-grading and extending the sewer system.

A brief discussion followed Mr. Murphy's presentation.

Mrs. Evelyn Robinson in the audience asked if the grant would allow for rehabilitation of the homes in the Forest Glen neighborhood.

Mr. Oliver emphasized the fact that this was only a preliminary effort to apply for these funds and there was no guarantee that James City County would actually receive the grant.

Mr. Edwin Oyer, of Roberts District, spoke from the audience in reference to Mr. Albert Slater's proposal considered earlier on the agenda. Mr. Oyer said he understood the matter involved two separate requests, one for placement of two trailers and one for placement of six trailers. He said he felt Mr. Slater had a legitimate argument in that he had been given prior approval of the request for the two trailers.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver asked the Board's permission to have the Chairman issue a proclamation declaring October 21-27 National Business Women's Week.

This met with the consensus of the Board.

PROCLAMATION

H. BOARD REQUESTS AND DIRECTIVES

Mr. Donaldson requested that the County Administrator be asked to advise the Board as to the feasibility, cost and otherwise, of establishing a Police Protection Program in the County, to be directly under the authority of the County Administrator.

It was the consensus of the Board to direct the County Administrator to investigate these possibilities.

There were no other matter to come before the Board and Mr. Edwards moved to adjourn. The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED AT 9:40 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board