

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SECOND DAY OF OCTOBER, NINETEEN HUNDRED SEVENTY-NINE, AT 3:00 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

John E. McDonald, Assistant to the Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES - October 8, 1979

Mr. David W. Ware, Jr., moved for approval of the October 8, 1979 minutes. Motion carried by a unanimous roll call vote.

C. PROCLAMATION - GREATER WILLIAMSBURG UNITED FUND

Mr. Taylor read aloud the Proclamation to the public for their information. He explained that the purpose of this Proclamation was to declare the month of October, United Fund Month in James City County.

PROCLAMATION

GREATER WILLIAMSBURG UNITED FUND

WHEREAS, The GREATER WILLIAMSBURG UNITED FUND has been serving our Community for Thirty years by raising funds for various Civic Agencies; and,

WHEREAS, Through the United Fund Drive and the generosity of our Citizens, countless dollars have been raised to aid those less fortunate, and

WHEREAS, This Year's United Fund Drive will be held during the month of October, and

WHEREAS, We are desirous of expressing our support for this most worthwhile endeavor,

NOW, THEREFORE, be it resolved by the Board of Supervisors of James City County, Virginia, that the month of October be proclaimed United Fund Month in James City County, and

BE IT FURTHER RESOLVED, that all of the citizens of James City County are urged to give generously to this year's United Fund Drive, as they have done in the past.

PROCLAMATION - VIRGINIA AGRICULTURE WEEK

Mr. Taylor read aloud this Proclamation to the Board and public for their information. He explained the purpose of this Proclamation was to declare the week of November 16 through November 22 as Virginia Agriculture Week.

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PROCLAMATION

## VIRGINIA AGRICULTURE WEEK

WHEREAS, in view of the great contribution agriculture has made to this County and as a means of bringing due recognition to the hardworking, dedicated families and Agri-Business leaders in our community,

NOW, THEREFORE, the Board of Supervisors of James City County, Virginia, does hereby proclaim the week of November 16 through 22 as

## VIRGINIA AGRICULTURE WEEK

and urges all residents of the area to join in appropriate recognition of our Agri-Business citizens, not only this designated week but throughout the year for their contribution to our business community.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer with the Highway Department, reported the construction of the Owens-Illinois access road is scheduled to begin on Thursday of this week. He further stated Mr. Jack Massie is the prime contractor in charge of the project, and also a study involving Rt. 199/Kingspoint access Road area was in process but as of yet he had no report on that matter.

Mr. Hall concluded by saying he had plenty of salt and sand for the County for this winter.

E. BOARD CONSIDERATIONS1. CASE NO. SUP-2-79. Anheuser-Busch Industrial Waste Water Treatment Facility - Warhill Tract

Mr. Porter presented this item to the Board stating that Mr. David Otey, on behalf of Anheuser-Busch, Inc. had applied for a Special Use Permit to allow the land application of industrial waste-water on 897 acres known as the Warhill Tract. He further explained that on October 16, 1979,

Mr. Robert N. Rathert, Plant Manager, announced that Anheuser-Busch, requested to withdraw the application. On October 16, 1979, by letter from Mr. Otey to the County Attorney, Anheuser-Busch requested their application be withdrawn. Mr. Porter concluded by recommending to the Board their approval of the request for withdrawal of the application for a Special Use Permit.

Mr. Abram Frink moved for the approval of the resolution and the cancellation of the Public Hearing scheduled for 7:30 at Lafayette High School tonight on this matter. Motion carried by a unanimous roll call vote.

## RESOLUTION

SPECIAL USE PERMIT

WHEREAS, Anheuser-Busch, Inc. has requested withdrawal of a Special Use Permit to permit land application of industrial waste water (brewery effluent) on 897 acres known as the Warhill Tract;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that Case No. SUP-2-79, Anheuser-Busch Industrial Waste Water Treatment Facility - Warhill Tract, be withdrawn.

Mr. John McDonald explained that this was one of a series of many lease agreements for the EOC building. He explained that the lease was standard and in accordance with the terms in the rental statement of the building.

Mr. Taylor moved for approval of the resolution. Motion carried by unanimous roll call vote.

RESOLUTION

A RESOLUTION to authorize Stewart U. Taylor, Chairman of the Board of Supervisors, and James B. Oliver, Jr., Clerk, to execute that certain lease dated September 28, 1979, by and between the James City County Board of Supervisors, Lessor, and the James City County Agricultural Stabilization and Conservation Service Committee, Lessee, providing for the rental of office space in the EOC Building on Forge Road in Toano.

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

1. That it hereby approves the lease providing for the occupation of office space by the James City County Agricultural Stabilization and Conservation Service Committee in the EOC Building on Forge Road in Toano, under the terms and conditions contained in that certain lease dated September 28, 1979, attached hereto and made a part of this resolution.
2. That it hereby authorizes and directs Stewart U. Taylor, Chairman of the Board of Supervisors, and James B. Oliver, Jr., Clerk, to execute same on behalf of James City County.

3. Bond Anticipation Notes

Mr. McDonald explained that when Sanitary District #3 was created and the project funded, the Sanitary District borrowed \$2,120,000 in bond anticipation notes. Mr. McDonald stated that Farmers Home has conceded that the project is complete and ready for final financing, but there is an issue of litigation currently outstanding in the District that prevents closing on the FHA loan. Also, Farmers Home had stated that once their matters have been resolved they will issue the Bonds. Mr. McDonald concluded by stating the extension would extend the notes, now terminating on October 30, 1979 until April 30, 1980 at an annual interest rate of 8.37% and recommended to the Board their authorization of the Chairman and County Administrator to extend the notes six months.

A brief discussion followed.

Mr. John Donaldson moved for approval of the resolution. Motion carried by unanimous roll call vote.

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$2,120,000 BOND ANTICIPATION NOTES OF THE JAMES CITY COUNTY SANITARY DISTRICT NUMBER 3

WHEREAS, the Board of Supervisors on July 28, 1975, adopted a resolution authorizing the issuance and sale of \$2,120,000 Sewer Bonds, Series of 197\_\_, of the James City County Sanitary District Number 3 (the District) which were authorized at an election held in the District on June 6, 1972, and further authorized the Chairman or Vice-Chairman and Clerk to the Board to borrow money in anticipation of the issuance and sale of such bonds; and

WHEREAS, pursuant to such resolution the Chairman and Clerk have borrowed \$2,120,000 from the United Virginia Bank evidenced by the District's \$2,120,000 Sewer Bond Anticipation Note No. 31 dated April 30, 1979; and

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WHEREAS, it is now necessary and expedient to issue notes in the authorized amount of \$2,120,000 in anticipation of the issuance and sale of such sewer bonds in order to retire the \$2,120,000 Bond Anticipation Note No. 31 and for the purpose for which such bonds have been authorized; and

WHEREAS, there has been submitted to this meeting a proposal from the United Virginia Bank, Williamsburg, Virginia, to purchase a \$2,120,000 note to be dated October 30, 1979, to mature April 30, 1980, with right of prior redemption and to bear interest at the rate of 8.37 percent, payable at maturity.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. It is hereby determined to be in the best interest of James City County Sanitary District Number 3 to accept the aforesaid proposal of the United Virginia Bank and to issue and sell a bond anticipation note in the amount of \$2,120,000 under the terms and conditions set forth in such proposal which proposal is hereby accepted.
2. The Chairman or Vice-Chairman and Clerk are hereby authorized to see to the preparation of such note, to execute and deliver such note to the United Virginia Bank upon receipt of \$2,120,000, and to use the entire proceeds to retire Bond Anticipation Note No. 31.

4. CASE NO. CUP-18-79. Veeco Gas Line Extension (Norge to Toano)

Mr. Porter explained that Mr. Lawrence H. Tate, on behalf of Veeco, has applied for a Conditional Use Permit to allow an extension of 3.5 miles of the existing 8" natural gas line now in Norge to Toano and the Owens-Illinois plant. Mr. Porter further stated the purpose of the line is to serve Owens-Illinois with natural gas which in turn will serve other customers as well. Mr. Porter concluded by recommending the Board grant their approval of the Conditional Use Permit with these conditions.

1. All permits for work in VDH&T rights-of-way are received.
2. All work be done in accordance with the County Sedimentation & Erosion Control Ordinance.
3. Veeco agrees to hold harmless the County and any private utility companies for damages which may occur to any utility lines during the installation of the gas line.
4. Upon completion of the gas line a set of as built plans be filed with the County.

A brief discussion followed.

Mr. Donaldson moved for the approval of the resolution for the Conditional Use Permit subject to the aforesaid conditions. Motion carried by 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 the consideration of 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 extension of an 8" natural gas line now existing in Norge to Toano and the Owens-Illinois plant on property owned or developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:

Mr. Lawrence H. Tate on  
behalf of Veeco

Location: Between Kristiansand Drive & Route 754 (Entrance to Owens-Illinois) East side of Route 60 265

District: Powhatan & Stonehouse

Permit Term: N/A

Further Conditions: 1. All permits for work in VDH&T rights-of-way are received.

2. All work be done in accordance with the County Sedimentation and Erosion Control Ordinance.

3. Veeco agree to hold harmless the County and any private utility companies for damages which may occur to any utility lines during the installation of the gas line.

4. Upon completion of the gas line a set of as built plans be filed with the County.

5. CASE NO. CUP-19-79. Conditional Use Permit for Mobile Home - Apex Building Contractors

Mr. Porter explained to the members of the Board that Mr. James E. Slusher submitted an application on behalf of the Apex Building Contractors to place an office/construction trailer on the Archer's Mead Development in Kingsmill. The site consists of five acres on the north side of Mounts Bay Road. Mr. Porter recommended approval of the resolution with the date of expiration of August 17, 1980.

Mr. David Ware moved for approval of the resolution. Motion carried by 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 the consideration of 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 by Busch Properties, Inc. and developed by the applicant as described below and as detailed in the attached application and site location:

Applicant: Apex Building Contractors

Tax Map ID: 33(1)1A

District: Roberts

Zoning: R-4, Residential Planned Community

Permit Term: Completion date - August 17, 1980

Further Conditions: None

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6. CASE NO. CUP-20-79. Conditional Use Permit for Mobile Home -  
Piland Construction Company

Mr. Porter explained that Mr. John Abbott submitted an application on behalf of Piland Construction Co., Inc., to place an office/construction trailer on the construction site for the Garden of Children Childcare Center on Strawberry Plains Road. Mr. Porter stated that the staff recommends the Board's approval of the resolution to grant Mr. Abbott's request for the Conditional Use Permit.

Mr. Frink moved for approval of the resolution for the permit. Motion carried by 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 the consideration of 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 developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:	Piland Construction Company, Inc.
Tax Map ID:	26-23C
District:	Jamestown
Zoning:	R-5, Multi-Family Residential District
Permit Term:	Not to exceed completion date - March 11, 1980
Further Conditions:	None

7. CASE NO. CUP-21-79. Conditional Use Permit for Mobile Home -  
Mr. Russell H. Roop

Mr. Porter presented this to the members of the Board. He pointed out the attached map of the location of the parcel of land for the Conditional Use Permit. Mr. Porter stated that Mr. Russell H. Roop had applied for a Conditional Use Permit to place a mobile home for use by his parents on 4.595 acres. The property is located  $\frac{1}{2}$  mile north of Rt. 614, Centerville Road,  $\frac{1}{4}$  mile east of the intersection of Ruth Lane and Rt. 614. Mr. Porter concluded by recommending to the Board their approval of this application with the following condition:

1. Issuance of the permit be withheld until the tap fee for James City County sewer service has been paid for the additional trailer.

A brief discussion followed.

Mr. Ware moved for approval of the resolution. Motion carried by 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 consideration of 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: Russell H. Roop  
 Tax Map ID: 15-50A 1-A  
 District: Powhatan  
 Zoning: A-1, General Agricultural  
 Permit Terms: N/A  
 Further Conditions: Issuance of the permit must be withheld until the appropriate James City Service Authority connection fee has been paid for the additional trailer.

8. 135 Lot Subdivision in Kingsmill Planned Residential Community

Mr. Porter presented this item to the Board. He distributed to the Board a sketch plan for the road layout for a new section of Kingsmill located on Mounts Bay Road adjacent to Quarterpath Trace, which Mr. Norman Mason submitted to the Planning Department. Mr. Porter explained the applicant only proposes to secure a clearing and grading permit at this time to allow him to rough-grade the roads before inclement weather sets in. He further stated the Subdivision Review Committee had reviewed the proposed road layout and expressed concern that an access onto Quarterpath Trail for emergency vehicles should be provided.

A brief discussion followed.

Mr. Edwards moved for approval of the resolution. Motion carried by unanimous roll call vote.

R E S O L U T I O N

Clearing and Grading Permit

WHEREAS, the owners of the Kingsmill Planned Residential Community are desirous of securing a clearing and grading permit to rough grade roadways within the R-4, Planned Residential Community and have submitted plans to that effect which have been recommended for approval by the Subdivision Review Committee;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a clearing and grading permit be granted for the rough grading of roadways within the proposed 135 Lot Subdivision located in the Kingsmill Planned Residential Community on Mounts Bay Road adjacent to Quarterpath Trace.

9. Carriage Road Community Development Improvements Engineering Contract

Mr. Wayland Bass, Director of Public Works explained the staff solicited proposals from engineering firms for engineering services necessary for water supply facilities, water distribution system, and road and drainage improvements in the Carriage Road area. Mr. Bass further stated that after reviewing these proposals, he recommended the firm of Small Engineering, Inc. for this work, as he feels they are the best qualified for this type of work. He presented the Board with Small Engineering's proposal of \$39,950.00 and explained this was 7% of estimated construction costs.

A brief discussion followed.

Mr. Donaldson moved for approval of the resolution. Motion carried by unanimous roll call vote.

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## RESOLUTION

WHEREAS, James City County is authorized by the Department of Housing and Urban Development to spend Community Development grant funds for engineering services required to design water supply facilities, water distribution systems, and road and drainage improvements in the Carriage Road Project Area; and

WHEREAS, Small Engineering, Inc. has submitted an acceptable proposal,

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors and the Clerk to the Board are authorized and directed to execute an agreement with Small Engineering, Inc. for engineering services relating to the design of water supply and distribution facilities and road and drainage improvements for the Carriage Road/Community Development Project Area.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. McDonald, in Mr. Oliver's absence, presented a late item. He explained the late item was a resolution authorizing the Chairman and the County Administrator to send a letter of intent to terminate the Fire Services contract between the City of Williamsburg and the County of James City. He further stated that with the addition of two new fire stations there was no longer a need to use the fire services of Williamsburg,

Mr. Edwards moved for the approval of the resolution. Motion carried by unanimous roll call vote.

## RESOLUTION

WHEREAS, the County of James City and the City of Williamsburg, by agreement dated March 12, 1976, entered into a mutual fire suppression agreement, and

WHEREAS, the opening of the Central and Old Towne Fire Stations will negate the need for mutual fire suppression,

NOW, THEREFORE, BE IT RESOLVED,

1. that the Board of Supervisors requests that the said agreement dated March 12, 1976, between the City of Williamsburg and County of James City be terminated as of January 1, 1980; provided, however, that such agreement may be continued on a month to month basis subsequent to January 1, 1980 upon payment of the monthly sum set forth in the hereinbefore mentioned agreement.
2. that the Board of Supervisors recognizes the excellent cooperation and fire suppression efforts on behalf of the City of Williamsburg over the preceding years and offers their sincere appreciation for the service rendered the citizens of James City County.

## RESOLUTION

H. BOARD REQUESTS AND DIRECTIVES

Mr. Donaldson moved for the regular meeting of November 12 be rescheduled to November 15 at 5:30 P.M. for purposes of adjourning into an executive work session and then conducting the public session at 7:30 P.M.

Mr. McDonald pointed out that any Public Hearings scheduled for that date would be automatically moved to November 15.

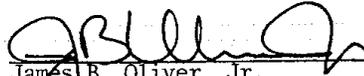
Motion carried by unanimous roll call vote.

Mr. Donaldson moved for a recess into executive session for the purpose of discussing possible property acquisition pursuant to §2.1-344(2) of the Code of Va. 1950, as amended. Motion carried by unanimous roll call vote.

The Board convened into executive session at 3:35 P.M. and returned at 5:45 P.M.

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

THE MEETING ADJOURNED at 5:45 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

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