

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY  
OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF JULY, NINE-  
TEEN HUNDRED EIGHTY, AT 7:30 P.M., IN THE GOVERNMENT CENTER  
101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Abram Frink, Jr., Vice-Chairman, Roberts District  
Stewart U. Taylor, Stonehouse District  
Gilbert A. Bartlett, Jamestown District  
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator  
John E. McDonald, Assistant to the Administrator

B. MINUTES - MARCH 5, THROUGH JUNE 9, 1980

Mr. Frink moved for approval of the Minutes of  
March 5, March 10, April 15, April 28, and June 9, 1980 as printed. The  
motion carried by a unanimous roll call vote.

C. PUBLIC HEARINGS

1. Cable Communications Ordinance

Mr. Allen A. Turnbull, Jr., presented this matter to  
the Board, explaining this proposed ordinance would establish a frame-  
work to award a non-exclusive cable communication franchise for James  
City County. Mr. Turnbull stated the proposed ordinance was a product of  
the Cable Television Advisory Committee and was reviewed by several  
major cable companies.

The tentative schedule would be, upon adoption of the  
proposed ordinance, to solicit proposals due by October 1. The Cable  
Advisory Committee would analyze and evaluate the proposals and make a  
recommendation at a public hearing in December. The Board could then  
award a franchise, probably in January, 1981 and service would probably  
begin in certain areas of the County in early 1982.

Mr. Turnbull stated at that point there would be at  
least three elements to the franchise: the Ordinance, the Company's  
proposal, and a franchise certificate. The administration of the ordi-  
nance would be done by a part-time cable administrator funded through a  
3% franchise fee. Subscriber fees would be frozen for four years and  
then would become deregulated with the Board retaining the option to  
regulate fees if they so desire by amending the ordinance.

Mr. Turnbull then explained that the franchise would  
be for fifteen years and non-exclusive. He then elaborated on the  
technical details of the Ordinance and reviewed, with the Board, several  
minor changes to the Ordinance that were suggested as amendments.

Mr. Edwards then opened the Public Hearing.

Mr. David Healy of 129 The Maine, representing Conti-  
nental Cablevision, indicated that his firm was in general agreement  
with the provisions of the ordinance and thought it to be a good one. He  
indicated that the only change he would make would be to clarify the  
language allowing the franchise to use existing easements in a manner  
similar to utilities. He stated that the present Henrico County ordi-  
nance could be used as a model and suggested Mr. Joseph Rapisarda of the  
Henrico County Attorney's Office as a helpful contact.

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Mr. Healy responded to several questions from the Board, Mr. DePue was advised that Cable operations do not have the full rights of utilities regarding easements. Mr. Bartlett was advised that the penalties for unauthorized use of cable service were in line with State law. Mr. Frink was advised that Cable operators used utility poles if they're available and lay cable underground if they are not.

Mr. Taylor raised the question of whether the 3% franchise fee unnecessarily raised the cost to users. Mr. Healy indicated that the fee did raise the cost but that it was standard across the Country.

Mr. Frink asked whether or not the County should regulate user fees. Mr. Turnbull indicated that the competitive nature of the franchise agreement required some statement as to fees. The four year freeze was designed to eliminate price increase immediately after award of the franchise. While the current ordinance deregulated fees after four-years the Board could elect to continue subscriber fee regulation. The F.C.C. may initiate reforms to limit or eliminate governmental regulation of franchise or subscriber fees sometimes in the next few years.

Mr. Bartlett commented that the subscriber fee freeze for four years began the date the franchise was awarded and that the effective period for the freeze would therefore be much less than four years.

Mr. Oliver indicated that the Cable Industry was a maturing one, not requiring the heavy regulations that it was subjected to in the past. It was in the interest of the County, as well as the Company, that it do well and a mutually-supportive partnership was the desired relationship.

Mr. Edwards requested Mr. Turnbull to prepare an amendment to the Ordinance to recognize the concern expressed concerning easements and suggested that a specific reference to CENTEX be amended to more generally cover local public educational authorities.

The Public Hearing was continued until July 28, 1980.

2. CASE NO. Z-3-80 United Virginia Bank

Mr. McDonald advised the Board that Mr. William Bull, agent for United Virginia Bank, has requested that the rezoning request be withdrawn. After determining that the public hearing need not be held if the Board agreed to honor the request, Mr. Edwards moved to allow the request for rezoning to be withdrawn. The motion passed on a unanimous roll call vote.

3. CASE NO. Z-5-80 Mr. David T. Meadows

Mr. Porter introduced the rezoning requested by Mr. Meadows for 78.338 acres fronting on Route 615 from A-2, limited Agriculture District to R-2, limited Residential District. The Planning Commission had recommended approval of the request.

Mr. Edwards opened the public hearing, no one chose to speak, and the public hearing was closed.

Mr. Bartlett asked if the rezoning created a spot zoning situation. Mr. Porter indicated the R-1, R-2, and R-4 districts in close proximity and the surrounding A-2 districts did not create a spot zoning decision.

Mr. Edwards asked Mr. Porter to address concerns of the residents of the adjoining Indigo Park subdivision. Mr. Porter indicated that word had circulated that the rezoning would include the extension of Stanley Drive to the rezoned property, thus making Stanley Drive a thoroughfare and eliminating the parking near the Indigo Park Recreation Facility. Mr. Porter stated that this had not been proposed. The Planning staff had reviewed the extension possibility, however, but had determined that the traffic flow would adversely affect the residential character of Stanley Drive and the topography would make the road very expensive. He did indicate that a bike trail may be constructed to allow future residents of the Meadows property access to the Recreational Area.

In response to a question from Mr. Oliver, Mr. Porter stated that permitted land user on adjoining A-2 property were not such that the surrounding residential areas would be adversely affected.

In response to a question from Mr. Edwards, Mr. Porter indicated that a rezoning to R-1, rather than R-2, was not evaluated. He further stated that the advantages to the developer in requesting R-2 rezoning could be that the minimum lot size is 12,000 square feet as opposed to 15,000 square feet in the R-1 District.

After some further discussion, Mr. Bartlett moved the approval of the application authorizing the rezoning and the motion passed on a unanimous roll call vote.

D. CONSENT CALENDAR

Mr. Bartlett asked that item D-1 (CUP 20-80 Conditional Use Permit See Item No. 4 below) be moved from the Consent Calendar and be considered as a separate matter.

Mr. Edwards moved to approve the remaining three items. The motion carried by a unanimous roll call vote and the following Consent Calendar items were approved:

1. Setting Public Hearing Date - Case No. Z-4-80

The following case was set for public hearing on August 11, 1980:

Case No. Z-4-80. An ordinance to amend Chapter 20, Zoning, of the Code of the County of James City, Article III, Section 20-22, Permanent Mobile Home Parks, and Section 20-23, Temporary Trailer Parks. The amendments establish revised requirements for the development of new mobile home parks and eliminate the provisions for temporary trailer parks.

2. Certification of Warrants

R E S O L U T I O N

CERTIFICATION OF WARRANTS

WHEREAS, the Board of Supervisors of James City County must certify warrants under the Code of Virginia;

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Edwards and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of June, 1980:

GENERAL FUND	Checks	10713-11045
	Totalling	\$1,033,603.02
GENERAL FUND PAYROLL	Checks	22149-22620
	Totalling	\$162,220.80
SANITARY DISTRICT NUMBER 1	Checks	92-93
	Totalling	\$5,962.85
SANITARY DISTRICT NUMBER 2	Checks	173-176
	Totalling	\$3,204.10

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SANITARY DISTRICT NUMBER 3	Checks	1084-1104
	Totalling	\$51,068.92
SUBDIVISION ESCROW		-0-
REVENUE SHARING	Checks	668-676
	Totalling	\$28,304.30
ANTI-RECESSION		-0-
COMMUNITY DEVELOPMENT	Checks	134-158
	Totalling	\$76,739.10
JCC BOND SINKING FUND		-0-
REGIONAL JAIL CONSTRUCTION		-0-

3. Grove Heights Avenue Dedication

R E S O L U T I O N

GROVE HEIGHTS AVENUE

WHEREAS, the Board of Supervisors of James City County has appointed a Board of Road Viewers to inspect certain unimproved roads in James City County, Virginia; and

WHEREAS, the Board of Road Viewers has recommended that a certain road known as "Grove Heights Avenue" be constructed and included as a rural addition in the State Highway Secondary System;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, in accordance with the above referenced agreement, that the Virginia Department of Highways and Transportation is hereby requested to construct and include the following road in the State Secondary Highway System by rural addition:

Grove Heights Avenue

From: State Route 675  
 To: 0.07 M. N. Route 675  
 Distance: 0.07 mile

A right-of-way of 40 feet is guaranteed as evidenced by Deeds of Record, recorded in Deed Book 203, Pages 447-456, Dated 5-30-80, and Plat Book 36, Page 25, Dated 5-30-80 in the Clerk's office of James City County, Virginia.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Resident Engineer of the Department of Highways and Transportation.

4. CUP 20-80 Conditional Use Permit - Frederick C. Maloney

Mr. Frink moved the approval of item D-1, a Conditional Use Permit for Mr. Frederick C. Maloney, CUP 20-80. There was no discussion and the motion carried on a 4-0 roll call vote with Mr. Bartlett abstaining.

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 and developed by the applicant as described below and as detailed in the attached application:

Applicant:	Mr. Frederick C. Maloney
Tax Map ID:	(24-3) (1-28)
District:	Powhatan
Zoning:	M-1, Limited Industrial
Permit Term:	Thirty days after issuance of Certificate of Occupancy for the Pottery addition.
Further Conditions:	None

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. REPORTS OF THE COUNTY ADMINISTRATOR

None.

Mr. Oliver requested an executive session at the appropriate time to discuss two personnel matters and potential acquisition of real estate.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Bartlett commented on favorable comments he had heard concerning Mr. Turnbull and the Cable Television Advisory Committee and extended his appreciation for the work of the Committee.

Mr. Edwards presented the Board with a suggested list of worksession topics. It was agreed that at 5:00 P.M. on August 11, 1980, the Board of Supervisors would meet in a public worksession to receive a presentation on the County Census. Worksessions were also tentatively scheduled as follows:

Housing, 5:00 P.M., Monday, September 8, 1980

Land Use, 5:00 P.M., Monday, October 13, 1980

Mr. Edwards moved to go into executive session to discuss two personnel matters and an item concerning a potential real estate acquisition, pursuant to Section 2.1-344 (a)(b) of the Code of Virginia, 1950, as amended. The motion carried by a unanimous roll call vote.

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The meeting convened into executive session at 8:34 P.M. and returned at 9:00 P.M.

Mr. Edwards moved to appoint Mrs. Frances White to the Library Board for a four-year term beginning July 1, 1980. The motion carried by a unanimous roll call vote.

Mr. Bartlett moved to appoint a four-member interview panel for the selection of a new County Extension Agent and to appoint George Marston from the Agriculture and Stabilization Committee, Stewart Taylor from the Board of Supervisors, Darlene Burcham from the County staff and a fourth member from the Extension Office to be recommended by the Extension Staff. The motion carried on a 4-0 roll call vote with Mr. Taylor abstaining.

Mr. DePue recommended that the Board of Supervisors acknowledge the success of Miss Dana Disque, Miss Williamsburg, and congratulate her on being selected as second-runner up in the Miss Virginia Pageant. After some discussion, the Board concurred and recommended the Chairman so advise Miss Disque.

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

The meeting ADJOURNED at 9:16 P.M.

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James B. Oliver, Jr.  
Clerk of the Board