

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-ONE AT 8:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MINUTES

Mr. Frink moved to approve the minutes of the regularly scheduled meeting of November 30, 1981. The motion carried by a unanimous roll-call vote.

C. PUBLIC HEARINGS

1. Issuance of Revenue Bonds for the Ironbound-Carriage Road Rehabilitation Project

Mr. Edwards requested comments from the audience regarding this public hearing; since none were forthcoming, he closed the public hearing. There was no discussion on the part of the Board of Supervisors so Mr. Frink moved that the resolution be approved. The motion passed on a unanimous roll-call vote.

R E S O L U T I O N

TO ENABLE FRANKLIN REDEVELOPMENT AND HOUSING AUTHORITY
 TO ISSUE REVENUE BONDS FOR THE IRONBOUND-CARRIAGE ROAD
 NEIGHBORHOOD

WHEREAS, James City County (hereinafter the "County") has procured Community Development Block Grant funds from the United States Department of Housing and Urban Development for the purpose of promoting the revitalization of the Ironbound-Carriage Road Neighborhood (hereinafter the "Neighborhood"); and

WHEREAS, the provision of low-interest rehabilitation financing to persons representing the general public who are owners of residential properties located within the neighborhood is important to the revitalization of the neighborhood and to the provision of safe and sanitary dwelling accommodations to persons of low-income at a price they can afford; and

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter I, Title 36 Code of Virginia of 1950, as amended (hereinafter the "Act") redevelopment and housing authorities may issue tax-exempt obligations to provide the financing for assistance in housing rehabilitation by private sponsors; and

WHEREAS, there is no redevelopment and housing authority created in James City County, but pursuant to Sections 36-23 and 36-50 of the Act, a redevelopment and housing authority created in another jurisdiction is authorized to provide the financing for the housing rehabilitation by private sponsors provided that the Board of Supervisors first adopt, after a public hearing, a resolution finding the following: (a) there is a need for such an authority to exercise its powers in the County, (b) there is a shortage of safe and sanitary accommodations in the County available to persons of low-income at prices they can afford, and (c) these conditions can best be remedied through the exercise of such authority's power within the County; and

WHEREAS, it appears that such conditions do exist in the County and that the provision of low-interest financing for the purpose of assisting in the rehabilitation by private sponsors of residences within the Neighborhood will help to alleviate the shortage of housing in the County for persons of low-income; and

WHEREAS, the Franklin Redevelopment and Housing Authority may be willing to issue tax-exempt obligations in order to finance the rehabilitation of housing in the Neighborhood by private sponsors.

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

1. A public hearing as required by Section 36-23 of the Act was held in the Board of Supervisors' Chambers, James City County, Virginia, on December 14, 1981 at 7:30 P.M. The Clerk of the Board of Supervisors was authorized and directed to cause a public notice of such hearing to be published in the newspapers having general circulation in James City County at least ten days prior to the date of such meeting, and such acts are hereby ratified.
2. There is a shortage of safe and sanitary dwelling accommodations in James City County, Virginia, available to persons of low-income at prices they can afford and these conditions can best be remedied through the exercise of the Franklin Redevelopment and Housing Authority's powers within the territorial boundaries of James City County, Virginia in the financing of rehabilitation by private sponsors of residences in the Neighborhood.
3. The Franklin Redevelopment and Housing Authority is hereby requested to make a determination whether it would be willing to assist in issuing tax-exempt obligations in order to finance the rehabilitation by private sponsors of residences located in the Neighborhood.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the appropriate agreements and to perform the necessary duties to have the bonds issued and to close-out the rehabilitation element of the Ironbound-Carriage Road Project Area.

2. Case Z-6-81. Carter Hill, Inc.

No one wished to speak to this subject so Mr. Edwards closed the public hearing. Mr. Bartlett moved that the request to withdraw the application for a zoning change be approved. The motion passed on a unanimous roll-call vote.

AAJ937

3. Case No. SUP-9-81. S & M Truck & Auto Repair

Mr. William C. Porter, Director of Planning presented this matter to the Board of Supervisors explaining that Malcolm F. Martin had applied for a special use permit to allow the construction of an automobile graveyard at his place of business. Mr. Porter pointed out the site on a map and also described the physical appearance of the area where this business is located. He explained that the area is zoned A-1, General Agriculture, but that in order for the proprietor to maintain an automobile graveyard he would have to obtain a special use permit from the Board of Supervisors. Mr. Porter told the Board of Supervisors that because of the nature of the surrounding development, he feels that this application should be denied. Mr. Porter added that this application is not in conformance with the County Comprehensive Plan.

Mr. Porter then asked the Board if they had any questions regarding this item. Mr. DePue was concerned about where the woodline started on the property and Mr. Porter replied that this started in back of the lot.

Mr. Edwards then opened the public hearing.

Mr. Eugene Flango, President of the Elmwood Civic Association, was the first person to speak in opposition to this application. He explained that he had brought pictures to the Planning Commission to show how incompatible this suggested use is to their neighborhood. His association, he said, wants to beautify Elmwood, and the community is almost unanimously against allowing the automobile graveyard.

Mr. Sidney Johnston spoke next. He told the Board that he had had his property appraised recently and learned that the auto repair shop had had a serious effect on lowering the appraised value of his home.

Mr. Anthony D. Malara who lives across the street from the auto repair shop requested that the permit for the automobile graveyard be denied. He added that he would like to know what can be done to make the owners clean up their property so that it is not so unsightly.

Mr. Carl E. Moulds who lives on Elmwood Lane said that this business has a "pollutant" effect on the neighborhood.

Mr. Malcolm F. Martin who is a part-owner of the business in question said that the reason they are applying for this special use permit is only to allow them legally to have more than five disabled cars on the premises at one time. He said they don't want to maintain a junk yard. Mr. Martin added that the owners are willing to build a fence to shield their operation from view of the surrounding neighborhood.

Mr. John H. Sawyer was the next speaker. He added also that this business was very unattractive and he didn't think that a fence would be able to camouflage its ugly aspects.

Mr. Lynn Jensen, another resident of the area, noted that there are presently more than five disabled cars on the premises of the repair shop. He noted that its presence in the neighborhood does reduce property values. Mr. Jensen was the final speaker. Mr. Edwards closed the public hearing and put the matter before the Board of Supervisors.

Mr. Bartlett mentioned that the Planning Commission meeting to which Mr. Flango alluded was well attended, and the Commission's decision to recommend denial of the special use permit was almost unanimous.

Mr. Taylor said that he had been requested to look at the situation in Elmwood. He noted that the people in that area don't want a machine shop in their community. However, Mr. Taylor noted, more repair shops of this nature are actually needed in the County. He also noted that denying the special use permit will not put the company out of business. Disabled cars will still be there and the appearance will continue to be unsightly. Mr. Taylor voiced the hope that the owners of the repair shop would clean it up in an effort to make it more presentable to the neighborhood.

Mr. Bartlett moved to deny the issuance of the special use permit. Motion carried on a unanimous roll-call vote.

D. JOINT PUBLIC HEARINGS

1. Joint Public Hearing on the Purchase of the Norge Waterworks

Mr. Frink called the James City County Service Authority to order. Mr. Oliver called the roll of the Service Authority so that the joint public hearing might proceed.

Mr. Oliver presented this matter to the joint meeting. He explained that meetings have taken place with residents of the community concerning this system as it presents an excellent opportunity for the County to continue to implement its comprehensive water plan and that he believes the dollar cost to the County will never be cheaper. Mr. Oliver said that a large unified system would have capabilities that a private system would not have.

Mr. Edwards opened the public hearing.

Mr. Melvin W. Bryant said that at the meeting to discuss this purchase 14 residents were against the purchase and 6 in favor of it. He, personally, was against the County buying the Norge Waterworks because he felt it would create an added tax burden to the community and also because he and others he had spoken to had never had any trouble with the present system.

Mr. Jack Scruggs, Chairman of the Planning Commission, was the next speaker. He wished to point out that there are a number of private water systems in the County, some of which are not operating properly. He said that the owner of the Norge system is applying to the State Corporation Commission for a rate change. It is Mr. Scruggs' understanding that he hopes to get permission to double current rates. Mr. Scruggs also noted that a water system doesn't last forever. If an owner doesn't have money for repairs, who will make them? He also said that when fire protection is improved by providing more hydrants, fire insurance premiums may be lowered.

Mr. Linton Hamilton spoke next. He felt that private enterprise should not be snuffed out. He added that if the rates increase, the residents can take care of it.

Ms. Rehsa Wilson of James Terrace noted that if the residents of Norge were pleased with their water system, they should be able to keep it, since there were other water systems, operating within the County, where residents were not pleased and needed the County's assistance. Ms. Wilson said that, in her opinion, it is a question of priority--unsatisfactory systems should be bought first.

Mrs. Irene Douglas broached the question about what happens when a private owner is in default of services. Would the County have to step in and provide water? This question was not answered at this time.

There being no further discussion on the matter, the public hearing was closed.

AAJ937

Mr. DePue was the first to speak. He said that he had studied the needs of the people in Norvalia and the needs of the people in the County as a whole, and he had arrived at the conclusion that the needs of the people as a whole will not be served by the County's purchase of the Norge Waterworks.

Mr. Taylor noted that he likes to support what his constituents want, and he feels that the people in Norge do not want the County to buy the water system. If they don't want something, he said, then he can't vote for it.

Mr. Edwards suggested that the issue is more complicated than it seems on the surface, and he thinks that the residents would be better off if the change was made. However, he added that he would be guided by Mr. DePue's decision in this case as the purchase is not critical to the County water system.

Mr. Frink added that he feels the County is missing an opportunity by not buying the waterworks but that he will go along with Mr. DePue's decision.

Mr. Bartlett added that the Board of Supervisors is committed to the County water plan, as providing water to citizens is one of the most important things the County is involved in.

No motion was made to approve this resolution.

Mr. Bartlett made a motion to adjourn the joint meeting with the James City Service Authority in order to proceed with the next joint public hearing conducted with the County Administrator.

Motion passed in a unanimous roll-call vote.

2. Prebudget hearing. Revenue Sharing/Proposed Uses

Mr. Oliver explained that the purpose of this hearing is to give citizens a chance to make comments, requests, or suggestions about what they would like to see the Board and County Administration do about budget requests for the coming fiscal year.

A resident of James Terrace requested that the Board of Supervisors allocate the County's share of money needed to improve the water system when their area receives the expected federal grant.

Ms. Freda Sircom, senior citizen, made a strong endorsement for retaining the Handi-Transit system.

Ms. Rehse Williams representing the James York Citizens for Better Water, spoke next. She also mentioned the hope of receiving money from the federal government to help alleviate the bad water situation in her neighborhood. And her request was that when this happens, James City County allocate its share to buy and upgrade the Sydnor water system.

Ms. Louise Howard of Longhill Road spoke in support of the transit system. She said that without it she couldn't get to her job. She wants James City County to continue running the buses, but she also added that we need better buses in her opinion.

Mrs. Ethel Wright of the Grove community spoke in favor of continuing the bus system. She said when her children ride the Activity Bus which runs after school hours, she feels very comfortable about their safety.

Ms. Susan Henderson who resides at the John Yancey Apartments, explained that she would be very handicapped without the aid of the present transportation facilities.

Ms. Dee Trotter of James Terrace noted that in her opinion, the utility bills are too high. Mr. Edwards requested that she arrange to meet with County staff to iron out any misunderstandings about utility bills.

Ms. Irene Armistead who lives on Longhill Road said that she has been riding the buses since 1977 and she hopes to continue riding them.

There were no other speakers so Mr. Edwards declared the public hearing closed and recessed the Board of Supervisors meeting for five minutes.

Mr. Edwards reconvened the meeting.

E. CONSENT CALENDAR

Mr. Edwards mentioned that the items on the Consent Calendar were routine and asked if any of the members wished to remove any of them. No one requested removal of any item, so Mr. Edwards made a motion for approval of the Consent Calendar.

Motion carried in a unanimous roll-call vote.

1. Master Plan Amendments - Kingsmill on the James
2. Kristiansand Subdivision Highway Dedication

R E S O L U T I O N

Dedication of Streets in Kristiansand Subdivision

WHEREAS, the developer of Kristiansand Subdivision, Section IV has requested the Board of Supervisors to include a certain portion of Haradd Lane in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires a certain portion of Haradd Lane in Kristiansand Subdivision, Section IV, to be included in the State Secondary Highway System, provided this street meets 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;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be, and it is hereby respectfully requested, contingent upon the above, to include the following portion of Haradd Lane in Kristiansand Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System.

Description: State Route 1619, 50' Right-of-Way (Haradd Lane Extension)
 From: 30' S.W. of Astrid Lane
 To: 100' in the Southwest Direction
 Distance: 0.02 Mile

A Right-of-Way of 50 feet is guaranteed as evidenced by plat of record, entitled Kristiansand, Section IV, Plat Book 32, Page 69, dated July 22, 1974.

BE IT FURTHER RESOLVED that this Resolution be forwarded to the Department of Highways and Transportation.

AAJ937

3. Adoption of Property Rehabilitation Standards for the Grove Community Development Project Area

RESOLUTION

ADOPTION OF PROPERTY REHABILITATION STANDARDS FOR THE GROVE COMMUNITY DEVELOPMENT PROJECT AREA

WHEREAS, federal funds have been procured in the Community Development Program granting monies for the purpose of assisting in the revitalization of the Grove neighborhood; and

WHEREAS, it is necessary to establish property rehabilitation standards in order to successfully carry out revitalization of the Grove neighborhood.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby adopts that certain document entitled "Grove Community Development Project Property Rehabilitation Standards".

BE IT FURTHER RESOLVED that the County Administrator is authorized to amend these Standards as may be necessitated by changes in program and/or building requirements or practices.

4. Proposed Amendment to Article III, James City Code, Second-Hand Articles.

Setting date for public hearing on January 11, 1982.

5. Certification of Warrants

RESOLUTION

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 _____ 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 October, 1981:

GENERAL FUND	Checks	#101616-101996
	Totalling	\$980,498.28
GENERAL FUND PAYROLL	Checks	#202926-203454
	Totalling	\$225,670.21
SANITARY DISTRICT NO. 1	Checks	#500008-500010
	Totalling	\$14,108.82
SANITARY DISTRICT NO. 2	Checks	#600032-600048
	Totalling	\$10,753.87
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#354-363
	Totalling	\$52,807.92
REVENUE SHARING	Checks	#400011-400012
	Totalling	\$167,047.98
JCC BOND SINKING FUND		-0-

F. BOARD CONSIDERATIONS1. Multi-Year Funding Commitment for Grove Community Development Block Grant

Since there was no discussion concerning this matter, Mr. Bartlett moved for approval. The motion carried in a unanimous roll-call vote.

R E S O L U T I O N

REQUESTING THE STATE OF VIRGINIA
TO HONOR THE HUD-ISSUED MULTI-YEAR COMMUNITY
DEVELOPMENT BLOCK GRANT COMMITMENTS

WHEREAS, James City County applied to the U.S. Department of Housing and Urban Development in December of 1980 for a multi-year comprehensive community development block grant in the amount of \$1.8 million dollars; and

WHEREAS, James City County was awarded said grant in July of 1981 on a three year basis - 1981 \$408,415; 1982 - \$800,000; 1983 - \$591,585 for the Grove Revitalization Project; and

WHEREAS, James City County has begun implementation of the activities in order to provide the citizens of the Grove Neighborhood with vital public facilities that are necessary for public health and safety; and

WHEREAS, the citizens of James City County have been actively involved in the planning of the entire program, have been kept informed of all activities to be completed by the entire program, and have and will participate in the evaluation of the program yearly.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia requests that the State of Virginia honor all previously committed multi-year comprehensive Community Development grants within the time frame established in said grants.

2. Creation of Grove Citizens Advisory Committee

Mr. Oliver requested that this item be withdrawn from the agenda.

3. Compensation for Members of the Board of Equalization

Mr. Oliver presented this matter to the Board. He explained what the Board of Equalization was and that we are required by Code of Virginia to compensate members who serve on it. Mr. Oliver remarked that the Board meets very seldom but when it does, the case is quite involved and usually takes a day or more to decide.

Mr. DePue asked if there is any precedent for paying a per diem compensation of \$50 to members serving on this Board. He was told that this is the going rate throughout the State and that both New Kent and York Counties also pay a \$50 per diem rate to members of their Boards.

Mr. DePue explained that he felt it was wrong for the County to pay \$50 a day to persons who are appointed by the Judge of the Circuit Court; he noted that he would vote against this resolution.

Mr. Bartlett moved for adoption of the resolution which passed in a 4-1 roll-call vote, Mr. DePue voting no.

AAJ937

R E S O L U T I O N

COMPENSATION FOR MEMBERS OF THE BOARD OF EQUALIZATION

WHEREAS, the Board of Supervisors of James City County has created a Board of Equalization; and

WHEREAS, the Judge of the Circuit Court has appointed five citizens as members; and

WHEREAS, the State Code requires that the Board of Supervisors set compensation for said members.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County does hereby declare that each member of the Board of Equalization receive \$50.00 per diem compensation for time actually engaged in the duties of the board.

4. State Highway Department Discretionary Funds for Repowering Buses

Mr. Oliver presented this matter to the Board explaining that the State has not approved our request for new buses, but they would help pay for repairs to existing buses. The resolution presented allows James City County to apply for State funds and would allow a matching 5 percent to be expended by the County.

Mr. DePue made a motion to approve this resolution.

Motion passed on a unanimous roll-call vote.

R E S O L U T I O N

STATE HIGHWAY DEPARTMENT DISCRETIONARY FUNDS
FOR REPOWERING BUSES

WHEREAS, the State Department of Highways has Discretionary Funds for unusual transit needs; and

WHEREAS, local matching funds are available in the FY82 Transit budget; and

WHEREAS, the James City County Transit Department has need to repower its existing fleet,

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County formally requests the State Highway Department to grant the County's request for \$48,950 for this purpose.

5. Recreation Improvements at Norge Primary School and James Blair Intermediate School

Mr. Oliver also presented this matter to the Board. He said that the memorandum accompanying the resolution was self-explanatory and that several citizens over the years had been requesting that these improvements be made. County Administration asked the Board to authorize expenditures for these improvements be taken from the Recreation Improvement Fund.

Mr. Frink made a motion to approve the resolution. Resolution carried on a unanimous roll-call vote.

R E S O L U T I O N

RECREATION IMPROVEMENT FUNDS FOR SOFTBALL FIELDS
AT NORGE PRIMARY SCHOOL
AND JAMES BLAIR INTERMEDIATE SCHOOL

WHEREAS, the James City County Board of Supervisors has previously acknowledged the need for additional recreation facilities by the establishment of a Recreation Improvement Fund; and

WHEREAS, the need for additional softball/little league fields in James City County has been demonstrated.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County authorizes expenditure of \$5,500 from the Recreation Improvement Fund to upgrade the softball fields at Norge Primary School and to purchase a softball backstop for James Blair Intermediate School.

6. Case No. SP-43-81. Busch Properties, Inc., Chadwick's Greene

Mr. Oliver presented this item to the Board. He explained that the Site Plan Review Committee has recommended approval and now it is necessary under the County's ordinance for the Board to also approve.

Mr. Taylor made the motion to approve. Motion carried in a unanimous roll-call vote.

R E S O L U T I O N

SITE PLAN APPLICATION

CASE NO. SP-43-81 - CHADWICK'S GREENE

PHASE I

WHEREAS, It is understood that all conditions for consideration of this application have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant:	William F. Brown on behalf of Busch Properties, Inc.
District:	Roberts
Zoning:	R-4, Residential Planned Community
Further Conditions:	None

AAJ937

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested that Mr. McDonald give a report on the FY 1981 County Audit. Mr. McDonald said that this report is being summarized and will shortly be published in the newspapers and also a part of the Annual Report which will be mailed to all County residents. Mr. McDonald added that much of the '81 financial information was used in the Financial Report that the Board received at its last meeting.

Mr. McDonald noted that the County had achieved excellent growth in the areas of revenue, capital improvements and service. He also said that he would be happy to answer any questions the Board might pose.

It was noted that Coopers & Lybrand, the auditing firm, had no comments or advice on our present management system. Mr. Oliver remarked that we were quite proud of this clean bill from the auditor.

Mr. Oliver requested the Board, at this time, to declare December 24 a holiday for the employees of James City County. He explained that the Board has used its power in the past to declare discretionary holidays.

Mr. Bartlett moved that December 24 be granted a holiday for County employees. The motion carried in a 4-1 vote. Mr. DePue voted against the motion.

Mr. Oliver requested that the Board go into Executive Session to discuss legal and personnel matters.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Bartlett questioned the Board about their wishes for another meeting in December.

After some discussion, it was decided that the next meeting of the Board should take place on December 31, 1981 at 3 P.M.

Mr. Edwards recessed the meeting so that the James City Service Authority might meet.

At the conclusion of this meeting, Mr. Edwards reconvened the meeting of the Board of Supervisors and made a motion to go into Executive Session to discuss personnel and legal matters pursuant to Section 2.1-344 (a) (1) and (6) of the Code of Virginia 1950 as amended.

The Board convened into Executive Session at 9:45 P.M and reconvened into Public Session at 10:15 P.M.

Mr. DePue nominated Mrs. Virginia Carey and Mrs. Donna Ware to serve another term on the Wetlands Board. These nominations were approved by a unanimous roll-call vote.

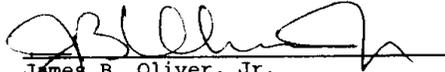
Mr. Edwards moved to cancel the previously scheduled meeting on December 28 at 3 P.M. The resolution was approved by a unanimous roll-call vote.

R E S O L U T I O N

RESCHEDULING OF MEETING DATES

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby reschedule the meeting originally proposed for Monday, December 28, 1981 at 3:00 P.M. to Thursday, December 31, 1981 at 3:00 P.M.

The meeting ADJOURNED at 10:25 P.M. to reconvene at 3:00 P.M.,
December 31, 1981.



James B. Oliver, Jr.
Clerk to the Board

AAJ937