

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-THIRD DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-TWO AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Abram Frink, Jr., Chairman, Roberts District  
 Perry M. DePue, Vice-Chairman, Powhatan District  
 Jack D. Edwards, Berkeley District  
 Thomas D. Mahone, Jamestown 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 - August 9, 1982**

Mr. Frink asked if there were any corrections or additions to the minutes. As there were none, Mr. Mahone moved for the approval of the minutes of August 9, 1982. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

**C. HIGHWAY MATTERS**

Mr. James Kelly, representing Mr. Frank N. Hall of the Virginia Department of Highways and Transportation, stated that the department had nothing new to report.

Mr. Frink asked Mr. Kelly when the blacktop would be put on Grove Heights Avenue.

Mr. Kelly responded that Grove Heights Avenue is under the State Dirt Street Program and will have the blacktop put on it in September.

**D. CONSENT CALENDAR**

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. Mahone requested that No. 2 be pulled from the Consent Calendar. Mr. Frink moved to approve the remaining items on the Consent Calendar. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

1. Resolution - 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 Mr. Frink 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 July 1982:

GENERAL FUND	Checks	#104827-105111
	Totalling	\$606,319.92
GENERAL FUND PAYROLL	Checks	#208070-208720
	Totalling	\$266,467.93
SANITARY DISTRICT NO. 1		-0-
SANITARY DISTRICT NO. 2	Checks	#600115-600117
	Totalling	\$676.91
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#396-401
	Totalling	\$34,999.79
REVENUE SHARING	Checks	Memo Transfer
	Totalling	\$13,500.00
JCC BOND SINKING FUND		-0-

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3. Lease of EOC Office Space - ASCS Office

RESOLUTION

LEASE OF EOC OFFICE SPACE - ASC COMMITTEE

WHEREAS, the Board of Supervisors of James City County desires to lease space to the Agricultural Stabilization and Conservation Committee;

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease for the period September 1, 1982 through August 31, 1983, at an annual rate of \$1,485.00 for the office space currently occupied by the ASC Committee at the EOC Building.

ASC-243  
(1-13-78)

**LEASE - OFFICE SPACE**  
COUNTY ASC COMMITTEE

The lessor, James City County Board of Supervisors whose address is Williamsburg, VA 23185

for (itself , themselves , himself , herself ) (its , theirs , his , hers )

do hereby, executors, administrators, successors, and assigns, Lease to James City County ASC Committee (hereinafter called the County ASC Committee), the described premises on the terms stated herein including the General Provisions (on reverse side) which are a part of this lease.

**I. LOCATION OF LEASED PREMISES**

BUILDING NAME	STREET ADDRESS
EOC Building	Forge Road Toano, Virginia

**II. SPACE AND COSTS DATA**

SQUARE FEET			ANNUAL RENT	
OFFICE	STORAGE	TOTAL	RATE PER SQ. FT.	TOTAL AMOUNT
270		270	\$ 5.50	\$ 1485.00

**III. TERM**

TO HAVE AND TO HOLD		RENEWAL OPTION	
BEGINNING (Date)	THROUGH	YEAR PERIODS	BASED ON NO. DAYS NOTICE THROUGH (Year)
9-1-82	8-31-83	1	

IV. RENTAL			
The County ASC Committee shall pay the Lessor (in arrears) _____	ANNUAL RENT OF \$ 1485.00	AT THE RATE OF \$ 123.75	PER (Month, quarter, etc.) month
Rents for a lesser period shall be prorated. Rent checks shall be made payable to _____	Treasurer James City County		

V. TERMINATION RIGHTS OF COUNTY ASC COMMITTEE

The County ASC Committee shall provide 30 days written notice of termination at any time during lease term or any renewal.

VI. SERVICES AND UTILITIES - Check Box for Each Item to be Provided by Lessor as Part of Lease

<input checked="" type="checkbox"/> Heat	<input checked="" type="checkbox"/> Chilled Drinking Water	<input checked="" type="checkbox"/> Toilet Supplies
<input checked="" type="checkbox"/> Electricity	<input checked="" type="checkbox"/> Air conditioning	<input checked="" type="checkbox"/> Janitor Service and Supplies
<input checked="" type="checkbox"/> Power (Special equipment)	<input type="checkbox"/> Elevator	<input checked="" type="checkbox"/> Lamp Replacement
<input checked="" type="checkbox"/> Water	<input type="checkbox"/> Window Washing	<input type="checkbox"/> Other (Specify):

VII. OTHER PROVISIONS AGREED UPON

2. Case No. CUP-37-82. Edward K. and Susanna Y. English

Mr. Mahone asked whether or not the property had individual well and septic system and how the mobile homes would be located.

Mr. Orlando A. Riutort, Director of Planning, responded that the mobile homes would be located 600 to 700 feet to the nearest property line, 25 feet apart and that there was one well and septic system for both.

Mr. Mahone moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

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 two mobile homes on property owned and developed by the applicants as described below and on the attached site location map.

Applicant:	Edward K. and Susanna Y. English
Tax Map I.D.:	(22-4) (1-1A)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

E. **BOARD CONSIDERATIONS**

1. Appropriation for Piano for Cultural Center

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that the resolution before the Board would authorize the Library to expend up to \$10,000 of the FY 82 surplus due James City County for the purchase of a piano.

Mr. DePue moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

APPROPRIATION FOR PIANO FOR CULTURAL CENTER

WHEREAS, the Board of Supervisors of James City County endorses the purchase of a piano for the Cultural Center, and

WHEREAS, surplus funds in the FY 82 Library budget total \$22,782.42 of which one-half is due to be returned to James City County,

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of James City County authorizes the Library Board to expend up to \$10,000 of the County's surplus contribution for the purchase of a piano.

2. Case No. CUP-35-82. Mr. David A. Jenson

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that because the proposed mobile home would be located directly opposite single family homes fronting on Route 746, and would be incompatible with those homes, he recommended that the Board deny the application. He cited Section 20-10(b)(1) in support of his recommendation.

Mr. DePue inquired whether the staff took steps to notify the adjacent property owners of this application.

Mr. Riutort responded that adjacent property owners are not notified in cases of conditional use permit applications.

Mr. Taylor commented that the Board should approve this resolution because Mr. Jenson purchased the property in the A-1 District to place the trailer on the property to be used as a residence.

Mr. David A. Jenson spoke on behalf of his application stating that the mobile home would not really be visible from the road, and that he had purchased the mobile home because of the present economic conditions.

Mr. Taylor suggested that the Board take action on the matter after the discussions on the mobile home study at the work session.

By consensus, the matter was deferred until September 13, 1982.

3. Case No. CUP-36-82. Mr. Edward D. Warburton

After a brief discussion on this matter, Mr. Taylor moved for the approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

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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 on the attached site location map.

Applicant:	Mr. Edward D. Warburton
Tax Map I. D.:	(35-2) (1-1)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

**F. MATTERS OF SPECIAL PRIVILEGE**

None.

**G. REPORTS OF THE COUNTY ADMINISTRATOR**

1. Acceptance of Colonial Pipeline Company Conditions for Construction of Rt. 60 to Magruder Avenue Connector Street

Mr. Oliver presented this matter to the Board stating that this item was routine and was not controversial.

Mr. Frink moved to approve the resolution and Letter of Agreement.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5).

NAY: (0).

R E S O L U T I O N  
ACCEPTANCE OF COLONIAL PIPELINE COMPANY  
CONDITIONS FOR CONSTRUCTION

WHEREAS, The Colonial Pipeline Company has set forth certain conditions for construction across the pipeline right-of-way; and

WHEREAS, James City County plans to construct the Route 60 to Magruder Avenue connector road across said right-of-way as Phase I of the Grove Street and Drainage Improvement Project; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby accepts the conditions for construction and authorizes the County Administrator to execute the letter of agreement with Colonial Pipeline Company.

April 23, 1982

Buckhart-Horn  
203 Packets Court  
Busch Corporate Center  
Williamsburg, VA 23185

Attention: Mr. Darrell C. Rickmond, PE  
Project Manager

RE: Grove Community, James City County, VA.  
Streets & Drainage, Section #1  
Magruder Connector  
CPL Loc. # 906:173

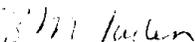
Gentlemen:

Colonial Pipeline Company presents no objection to your proposed secondary road and drainage crossing the 14 inch products pipeline, as illustrated in the Grove Community drawings, dated April 5, 1982, and as transmitted April 24, 1982, subject to the following conditions:

1. Notify Mr. E. G. Johnson, P. O. Box 5038, Chesapeake, VA 23324, telephone 804/545-7004, at least 48 hours prior to construction, subsequent maintenance or repair, so Colonial may provide a representative at the site.
2. The roadway is permitted to cross the 14" pipeline with a minimum of 4.5 feet of cover from top of pipe to finished grade or a minimum of 3 feet of cover in the borrow ditches whichever governs.
3. No mechanized ditching shall be allowed within 7 feet of the centerline of the 14" pipeline, or as approved by Colonial's Field Representative.
4. Your proposed 18" concrete storm sewer installation shall maintain a minimum clearance of 18 vertical inches below the pipeline the full width of the Colonial right of way, the angle of crossing shall be as shown on the plans.
5. Permanent structures are not permitted on the easement, this includes manholes, junction boxes and utility poles.
6. Blasting is not permitted on the easement and blasting near the pipeline should have the approval of a Colonial engineer as to time and method.
7. No stockpiling of spoilage or top soil over the pipeline or upon the right of way is allowable.
8. James City County agrees to defend and hold Colonial harmless from all loss, cost, or other expense, including personal property, and bodily injury damages, whether occurring to you or Colonial, or his respective employees, agents and servants of either, or to third parties, which are proximately caused by or arise from the installation, maintenance, or repair of your works, with the exception of claims due to the sole negligence of Colonial, and within the limits of James City County's Comprehensive General Liability coverage.
9. This approval is granted only to the extent of and with no actual or implied diminishment of Colonial's rights and interests, and without either express or implied warranty.

Please signify acceptance of the above conditions by a proper official in the space provided below; upon receipt of the executed original, Colonial will notify you to proceed with your project.

Very truly yours,

  
B. M. Paden

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Mrs. Burcham presented a status report on the Grove Street Improvements.

**H. BOARD REQUESTS AND DIRECTIVES**

Mr. Taylor expressed his concerns regarding the EOC Building office space and the space being used by the Soil Conservation Service.

Mr. Oliver stated that the staff could prepare a detailed report on the office space at the EOC Building.

Mr. DePue thought that the County should get the top dollar amount for renting the offices.

Mr. Jack Scruggs reported that the citizens of James City County actively use the services of the Soil Conservation Service.

Mr. Frink suggested that the Board take a five minute recess before the scheduled work sessions.

**I. WORK SESSION**

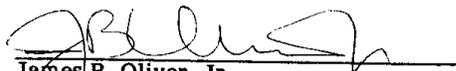
**1. Mobile Homes**

The Board heard a presentation on Mobile Homes by Mr. Henry H. Stephens of the Planning Department, followed by a short discussion on the matter.

Mr. DePue made a motion to schedule a work session on Monday, August 30, 1982 at 7:00 P.M. to discuss the County Dirt Street Program. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. DePue then made a motion to recess until Monday, August 30, 1982. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The Board RECESSED at 5:30 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board