

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTEENTH DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTY-TWO AT 7:30 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 - October 25, 1982 and November 1, 1982

Mr. Frink asked the Board members if there were any corrections or additions to the minutes. As there were none, Mr. Mahone moved for the approval of the minutes.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

C. PROCLAMATION - American Education Week

Mr. Frink read the proclamation establishing November 14-20, 1982 as American Education Week. He then moved for the approval of the Proclamation.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

PROCLAMATION

AMERICAN EDUCATION WEEK

WHEREAS, THE PUBLIC SCHOOLS ARE AN IMPORTANT AND INTEGRAL PART OF OUR SOCIETY;

AND

WHEREAS, THE CONCEPT OF A FREE AND EQUAL EDUCATION IS AN AMERICAN TRADITION

AND THIS COUNTRY'S STRENGTH; AND

WHEREAS, THE STUDENTS OF TODAY ARE THE LEADERS OF TOMORROW; AND

WHEREAS, ALL CITIZENS HAVE A RESPONSIBILITY TO SUPPORT THE PUBLIC SCHOOLS;

NOW, THEREFORE, BE IT RESOLVED THAT ABRAM FRINK, JR., CHAIRMAN, BOARD OF SUPERVISORS OF JAMES CITY COUNTY DO HEREBY PROCLAIM NOVEMBER 14-20, 1982, AS

AMERICAN EDUCATION WEEK

AND URGE ALL CITIZENS TO MAKE A COMMITMENT TO PUBLIC EDUCATION AND TO THE FUTURE OF JAMES CITY COUNTY'S CHILDREN BY VISITING THEIR LOCAL PUBLIC SCHOOLS AND BY DONATING THEIR TIME AND TALENTS TO HELP MAKE THE PUBLIC SCHOOLS EVEN BETTER.

AAJ814

**D. PUBLIC HEARINGS**1. Proposed Vacation/Powhatan Shores, Section 1

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending adoption of the amended ordinance vacating the words "Recreation Lot No. 3."

Mr. Frink opened the public hearing and, there being no speakers, closed the hearing.

Mr. DePue made a motion to adopt the ordinance.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

## ORDINANCE NO. 148

AN ORDINANCE TO VACATE A PORTION OF A PLAT ENTITLED "PLAT OF POWHATAN SHORES, SECTION 1, POWHATAN SHORES, INC., OWNER/DEVELOPER, JAMES CITY COUNTY, VIRGINIA."

WHEREAS, application has been made by Steven H. Oliver, agent for Powhatan Shores, Inc. to vacate certain words as more particularly described below.

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

WHEREAS, the Board of Supervisors of James City County would consider such application on the 15th day of November, 1982, 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 that certain plat as described herein entitled "Plat of Powhatan Shores, Section 1, Powhatan Shores, Inc., Owner/Developer, James City County, Virginia" dated November 20, 1975, drawn by Deward M. Martin and Associates, Inc., Engineer, Planner and Surveyor and more particularly described as the words "Recreation Lot No. 3" be and the same is, hereby, vacated.
2. That the purpose of said vacation is to remove any encumbrance resulting from the appearance of words "Recreation Lot No. 3".
3. That it is specifically referenced that the 20' easement shown for "water main" and "access road" previously granted to James City County is preserved and is not vacated.

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

2. Tax Exemption for the Elderly and Handicapped

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board recommending adoption of the proposed amendments to the ordinance which would increase the maximum income allowed to the elderly and handicapped to qualify for tax exemption from \$13,500 to \$14,500; increase net combined financial net worth from \$45,000 to \$50,000; and cause the ordinance change to be effective as of January 1, 1983.

Mr. Frink opened the public hearing and there being no speakers, closed the public hearing.

After a brief discussion on the matter, Mr. Edwards moved for the approval of the ordinance.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY VIRIGNIA BY AMENDING CHAPTER 18, TAXATION, ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors that the Code of the County of James City, Article II, Exemptions of Certain Persons From Real Estate Taxes, be and the same is, hereby, amended and reordained by amending Article II to read as follows:

CHAPTER 18

TAXATION

ARTICLE II

EXEMPTIONS OF CERTAIN PERSONS FROM REAL ESTATE TAXES

Section 18-8. Age limit.

Real estate, or any portion thereof, owned by and occupied as the sole dwelling of a person or persons not less than sixty-five (65) years of age or a person who is determined to be permanently and totally disabled as provided herein shall be exempt from real estate taxes in the amounts as set forth elsewhere in this article.

Section 18-9. Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

Income: The term "income" as used herein means income from whatever source derived, including, but not limited to, social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the state supplemental retirement system.

Net combined financial worth: The term "net combined financial worth" means the fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in Section 18-0 hereof. Such term includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

Permanently and totally disabled: A person shall be deemed "permanently and totally disabled" if he is so certified as required in Section 18-12 and is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Section 18-10. Qualifications for exemption.

Such exemption may be granted for any year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently-sited mobile homes, as defined in Section 58-76.1 Reference: Code of Virginia, 1950, as amended, and owning title or partial title thereto, reaches the age of sixty-five (65) and in addition:

- (a) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed fourteen thousand, five hundred dollars (\$14,500.00); provided, that the first four thousand dollars (\$4,000.00) of income of each relative, other than the spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.
- (b) The net combined financial worth, including equitable interest, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated does not exceed fifty thousand dollars (\$50,000.00).

AAJ814

**Section 18-11. Amount of exemption.**

Any person or persons qualifying under Section 18-10 shall be exempt from real estate taxes; provided, however, that no such exemption shall exceed three hundred fifty dollars (\$350.00).

**Section 18-12. Application.**

Any person or persons claiming such exemption shall file annually with the Commissioner of Revenue of the county, on forms to be supplied by the county, an affidavit setting forth the names of the related persons occupying such real estate; provided, that the total combined net worth, including equitable interest and the combined income from all sources, of the person or persons as specified in Section 18-10 does not exceed the limits prescribed in this article.

If such person is under sixty-five (65) years of age, such form shall be attached thereto a certification by the social security administration, Veterans Administration, or Railroad Retirement Board, or if such person is not eligible for social security, a sworn affidavit by two (2) medical doctors licenses to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as defined in Section 18-9, and that at least one of the medical doctors has physically examined the applicant.

Such affidavit shall be filed on or after the first day of February, but not later than the first day of May of each year in which an exemption is sought except that the Commissioner of Revenue is authorized to accept affidavits the first day of June for first-time applicants or in the case of hardships.

The Commissioner of Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary

to determine qualifications therefor as specified in this article. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify and exemption for the then current taxable year and the taxable year immediately following. A qualified applicant shall not be deemed to have violated any limitation or condition if said applicant is confined to a nursing home or hospital and the property is not used by or leased to others for consideration.

**This ordinance shall be in full force and effective January 1, 1983.**

**3. Case No. S-37-82. Proposed Subdivision Ordinance Change Regarding Street Standards**

Mrs. Victoria Gussman, Planner, presented this matter to the Board stating that on September 28, 1982 the Planning Commission voted unanimously to recommend that Section 17-35 of the Subdivision Ordinance be revised to reflect Virginia Highway Department standards for road construction and that the Planning Staff supported the Commission's recommendation.

Mr. Frink opened the public hearing and, there being no speakers, closed the public hearing.

Mr. Mahone expressed his concern about giving up the 22 foot width requirements for safety reasons and the expense of adding a bikeway in the future.

After further discussion on the matter, Mr. Taylor made a motion to adopt the amendment to the ordinance.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE I, IN GENERAL, SECTION 17-35, STREETS-CONSTRUCTION REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 15, Subdivisions, of the Code of the County of James City, Article I, In General, Section 17-35, Streets-Construction Requirements, be and the same is, hereby, amended to read as follows:

CHAPTER 15

SUBDIVISIONS

Article I. In General

Section 17-35. Same - Construction Requirements.

In cases where State Department of Highways specifications are lacking or are less restrictive than the requirements of this Chapter, the following construction standards shall prevail:

- (a) The roadway shall be graded to thirty (30) feet exclusive of side ditches.
- (b) Base for pavement shall be at least twenty two (22) feet in width and six (6) inches in depth and be of stone, gravel or other satisfactory material approved by the State Department of Highways.
- (c) Pavement width shall be a minimum of twenty (20) feet, constructed of material passing the State Department of Highways specifications. The pavements shall consist of a bituminous oil primer treatment and double sealed treatment with rates of application to be in accordance with the State Department of Highways specifications.
- (d) All excavations and other disturbed soil shall be reseeded in accordance with existing Highway Department procedures and during construction, soil erosion control procedures in accordance with existing Highways Department procedures shall be used. An action plan for these requirements shall be made a part of the specifications for the project. The grades of streets submitted on subdivision plats shall be approved by the agent upon recommendation of the Highway Engineer prior to final action by the agent. Wherever feasible, street grades shall not exceed ten percent (10%). (8-31-64, Subsection 4-23 to 4-23-4; 2-11-74).

4. Case No. S-38-82. Proposed Subdivision Ordinance Change Regarding Family Subdivisions

Mrs. Gussman presented this matter to the Board stating that the Planning Commission, at its September 28, 1982 meeting, unanimously approved the proposed amendment to Section 17-4.1 of the Subdivision Ordinance and that the Planning Staff recommends adoption of the amendment.

Mr. Frink opened the public hearing.

Mrs. Frances Waltrip requested and obtained clarification on the street widths for a family subdivision.

Mr. Frink closed the public hearing.

Mr. Mahone made a motion to amend No. 3 of Section 17-4.1 of the Ordinance to read: "For property not served with public water and public sewer, each lot shall have its septic system and water source approved by the Health Department and shown on the Subdivision plat."

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. Mahone then moved for the approval of the ordinance, as amended.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

AAJ814

AN ORDINANCE TO AMEND AND ORDAIN CHAPTER 15, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE I, IN GENERAL, SECTION 17-4.1, SPECIAL PROVISIONS FOR FAMILY SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 15, Subdivisions, of the Code of the County of James City, Article I, In General, Section 17-4.1, Special Provisions for Family Subdivisions, be and the same is, hereby to read as follows.

CHAPTER 15

SUBDIVISIONS

Article I. In General

Section 17-4.1. Special Provisions for Family Subdivisions

A single division of a lot or parcel is permitted for the purposes of sale or gift to a member of the immediate family of the property owner, subject only to any express requirement contained in the Code of Virginia and the following provisions:

1. Only one such division shall be allowed per family member, and shall not be made for the purpose of circumventing this section.
2. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the Zoning Ordinance.
3. For property not served with public water and public sewer, each lot shall have its septic system and water source approved by the Health Department and shown on the Subdivision plat.
4. Each lot or parcel of property shall front upon a road which is part of the Virginia Department of Highways and Transportation road system or shall front upon a private drive or road which is in a right-of-way fifty feet or greater in width. Such right-of-way shall remain private and any drive or road within it shall be maintained by the adjacent property owners in a condition passable in all weather by emergency vehicles.
5. The corners of all lots created by Family Subdivisions shall be marked with iron pipes as provided for in Section 17-42 of this chapter.
6. A final subdivision plat shall be submitted for approval by the subdivision agent as provided for in Section 17-61 of this chapter.

For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, or parent of the owner.

E. CONSENT CALENDAR

Mr. Frink asked if there were any items that the Board members wished to have removed from the Consent Calendar. There being none, Mr. Frink moved to approve the Consent Calendar.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

1. Set Public Hearing Date of November 29, 1982 for the Submission of an Application for Second Year Funding of the Grove CDBG Project Area
2. Set Public Hearing Date of December 13, 1982 for the following:
  - a. Proposed Wetland Ordinance Amendments
  - b. Case No. Z-6-82.
  - c. Case No. Z-7-82.
  - d. Case No. SUP-6-82.

- e. Consideration of the Proposed Recreation Facilities Plan for James City County.
3. Case No. S-48-81. Busch Properties - Yeardeley's Grant

R E S O L U T I O N

SUBDIVISION APPLICATION

CASE NO. S-48-81 - YEARDLEY'S GRANT

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

4. Case No. CUP-54-82. Edward M. Thompson

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

Applicant:	Mr. Edward M. Thompson
Real Estate Tax Map No:	(36-2)
Parcel No.	(1-23)
District:	Powhatan District
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

AAJ814

5. Certification of WarrantsR E S O L U T I O NCERTIFICATION 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 October 1982:

GENERAL FUND	Checks	#105949-106236
	Totalling	\$1,294,955.03
GENERAL FUND PAYROLL	Checks	#209930-210523
	Totalling	\$262,270.95
SANITARY DISTRICT NO. 1		-0-
SANITARY DISTRICT NO. 2	Checks	#600141-600155
	Totalling	\$3,952.10
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#407-418
	Totalling	\$34,332.11
REVENUE SHARING	Checks	#400028-400029
	Totalling	\$43,470.52
JCC BOND SINKING FUND		Account Closed

**F. BOARD CONSIDERATIONS**1. FY 83 Transit Grant

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that the County has received notification that its FY83 request for state and federal aid to the Transit Company has been approved as submitted and that the resolution would authorize the execution of the documents by the County Administrator.

Mr. Frink 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 NFY 83 TRANSIT GRANT

WHEREAS, the Board of Supervisors of James City County has previously authorized the submission of a grant to the State Department of Highways and Transportation for FY 83 Transit aid; and

WHEREAS, said grant has been approved and revenues previously budgeted.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to execute those agreements necessary to insure receipt of these funds.

2. CD Housing Rehabilitation Program - Escrow Account

Ms. V. Jan Rountree, Community Development Director, presented this matter to the Board asking that the resolution authorizing the opening of this escrow account be approved.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTIONVIRGINIA NATIONAL BANK

BE IT RESOLVED, that the Virginia National Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the Housing Rehabilitation Escrow Account and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said account be signed by three of the following;

Abram Frink, Jr.	Chairman
	OR
Perry M. DePue	Vice-Chairman
James B. Oliver, Jr.	County Administrator
	OR
John E. McDonald	Assistant to the County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

3. Vacation of a Section of Route 617 and Request for VDH&T  
Acceptance of Brookwood Drive

Mr. Riutort presented this matter to the Board recommending adoption of the resolution officially requesting that a portion of Rt. 617 be vacated and that Brookwood Drive be accepted into the State secondary road system.

Mr. Frink moved for the approval of the resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

AAJ814

R E S O L U T I O NAddition and Abandonment in the State Secondary Road SystemRoute 617 (Lake Powell Road)

WHEREAS, construction of Route 199 under Projects: 0199-047-101,C501; 0199-137-101,C501, has been completed for several years; and

WHEREAS, Route 617 was connected to Route 199 at a new location; thus eliminating the need for the continuance of the northern most section of Route 617 at its intersection with the Route 199 Right-of-Way, these being shown on the attached sketch titled, "Changes in the Secondary System Due to Relocation and Construction on Route 199 Projects; 0199-047-101,C501; 0199-137-101,C501, dated at Richmond, Virginia, January 31, 1975."

NOW, THEREFORE, BE IT RESOLVED that the portion of Route 617, i.e., Section 1 on the attached sketch titled, "Changes in the Secondary System Due to Relocation and Construction on Route 199 Projects: 0199-047-101,C501; 0199-137-101,C501, dated at Richmond, Virginia, January 31, 1975 a distance of 0.04 mile from Route F-666 to Route 199 be and hereby is abandoned from the Secondary System of State Highways pursuant to Section 33.1-229 of the Code of Virginia as amended.

AND FURTHER, the roadway connection from Route 617 to Route 199, known as Brookwood Drive, i.e., Section 2 as shown on the aforementioned sketch a distance of 0.08 mile be, and hereby is added to the System of State Highways pursuant to Section 33.1-229 of the Code of Virginia as amended.

4. Poultry Claim

Mr. Riutort presented this matter to the Board recommending that the Board honor the claim of Mr. John L. Altizer for \$52.50 for the chickens destroyed.

Mr. Taylor made a motion to approve 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 NPOULTRY CLAIM

WHEREAS, the Poultry claim of Mr. John L. Altizer has been investigated and found to be valid; and

WHEREAS, the value of poultry destroyed has been estimated to be:

15 chickens at \$3.50 each = \$52.50;

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reimburse Mr. John L. Altizer \$52.50 for poultry destroyed.

5. Forest Glen/Mooretown Water Resolution of Intent

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board recommending adoption of the resolution of intent to support the Forest Glen/Mooretown Water Project.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION OF INTENTMOORETOWN/FOREST GLEN WATER PROJECT

- WHEREAS, the James City Service Authority received an offer of a loan in the amount of \$612,000 from the Farmers Home Administration and the Authority committed to meet the conditions of the offer; and
- WHEREAS, approximately 55% of said loan is for construction of water system improvements in the Forest Glen and Mooretown communities, and
- WHEREAS, one of the conditions of the FmHA loan offer is that the Authority connect enough customers to the Mooretown and Forest Glen water systems to provide revenues needed to operate said systems and to repay the loan, and
- WHEREAS, present State law prohibits Authorities from enforcing a mandatory water connection policy,
- NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors intends to consider providing financial support to the Forest Glen/Mooretown water project if the Authority cannot produce sufficient revenues for debt service and operations from all available sources.

6. Case No. CUP-55-82. George W. Richardson

Mr. Riutort presented this matter to the Board recommending that the Board approve the application with the condition that the burned out structure be removed prior to the placement of the mobile home.

Mr. Taylor made a motion to approve the resolution.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. Oliver stated that the staff would allow Mr. Richardson a reasonable amount of time to remove the burned out structure.

RESOLUTIONCONDITIONAL 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. George W. Richardson
Real Estate Tax Map:	No. (22-2)
Parcel:	No. (1-77)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	Removal of burned out structure prior to placement of mobile home.

7. Case No. CUP-56-82. Virginia Shackelford

Mr. Riutort presented this matter to the Board stating that since the completion of the staff report, additional information regarding the parcel size has been obtained. He stated that the applicant informed the staff of a recent survey which showed the area to be 1.459 acres instead of 1.0 acres shown on the James City County parcel list. He recommended approval of Case No. CUP-56-82.

AAJ814

Mr. DePue made a motion to approve 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

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:	Ms. Virginia Shackelford
Real Estate Tax Map No.:	(12-2)
Parcel No.:	(1-6)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

**G. MATTERS OF SPECIAL PRIVILEGE**

None.

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver stated that the Board has been provided with a report on the Tarleton Bivouac Water Extension that was requested by Mr. DePue.

Mr. DePue requested that the Board be allowed time to look over the report and discuss it at the Board's next meeting.

Mr. Olive requested, at the appropriate time, that the Board go into Executive Session to discuss a legal matter.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue requested that the staff not only report unanimous votes of the Planning Commission but all votes.

Mr. Edwards made a motion to ask the City of Williamsburg to appoint representatives from the City Council to meet with County representatives to be selected by the Chairman of the Board to discuss outstanding issues.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. Frink read a statement on law enforcement in the County, as follows:

As County population has grown in the past few years, one of our most pressing needs has been an increase in the law enforcement services available to our citizens. Responding to this interest, the Board of Supervisors in

1979 established a County police department with a chief of police. The Police department (with 12 professionals) and the Sheriff's department (with 14 professionals) provide law enforcement for the County.

Archie Brenegan agreed to serve as Police Chief, as well as Sheriff, while the Police Department was getting started. Mr. Brenegan has had a long and dedicated career in law enforcement in the County, and his support of the new department was a critical factor in its success.

Along with other growing areas, we are experiencing an increase in both the amount of crime and the complexity of the law enforcement task. Combating crime now requires highly technical and professional skills. It also is very expensive; law enforcement in the county now receives more than \$600,000 a year from local funds.

The cost and complexity of modern law enforcement make it essential that we use public funds in the most efficient way. We believe the best way to do this is to concentrate all law enforcement resources in a police department headed by a professional chief of police.

The citizens of our community deserve the ablest and best trained chief law enforcement official that James City County can obtain. We believe a reorganized department will help us to attract the best.

The Board of Supervisors must be responsible for both law enforcement, one of our most critical functions, and the expenditure of public funds. We are best able to perform these duties if the chief is appointed by and responsible to the Board.

This is an appropriate time to make the change. During the remaining year of Mr. Brenegan's term as Sheriff, he could be of great help in the selection and orientation of a new chief of police. A decision now will also provide adequate notice to those who might wish to run for the position of Sheriff; that official will still be responsible for all court and civil process duties.

Mr. Frink then moved the following:

- (1) That the Board go on record in favor of concentrating all law enforcement resources in the police department.
- (2) That we direct the County Administrator to prepare a resolution to carry out the Board's intention. This resolution should make it clear that:
  - (a) All enforcement duties will rest with the Police Department.
  - (b) All Courtroom security and civil process duties will rest with the Sheriff's department.
  - (c) Transfer of resources and appointment of a new chief of police will occur as soon as possible consistent with legal and administrative requirements; the date will be fixed in consultation with Mr. Brenegan. In no event shall it be later than July 1, 1983.
  - (d) The new chief will be hired by the Board of Supervisors.
  - (e) We are grateful to Sheriff Brenegan for his long and devoted service to the County.

Mr. Taylor spoke in opposition to the statement and resolution but felt that if the change had to be made that now is the time to do it.

Messrs. DePue, Edwards, Mahone and Frink all spoke in favor of concentrating all law enforcement resources in the police department.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone  
 (4). NAY: Taylor (1).

AAJ814

Mr. Edwards made a motion to go into Executive Session to discuss a legal matter pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950, as amended.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 8:45 P.M. and returned to Public Session at 9:15 P.M. at which time Mr. Edwards made a motion to adjourn.

On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The meeting ADJOURNED at 9:20 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board