

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTEENTH DAY OF DECEMBER, 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 - November 29, 1982 (2 sets)

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

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

C. PROCLAMATION - 1982 Census of Agriculture

Mr. Frink read the Proclamation and 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

1982 CENSUS OF AGRICULTURE

SINCE THE ECONOMY OF JAMES CITY COUNTY BENEFITS IN LARGE MEASURE FROM FARMING, THE COUNTY'S PRESIDING OFFICIALS BRING TO THE ATTENTION OF ALL COUNTY RESIDENTS THE 1982 CENSUS OF AGRICULTURE.

WHEREAS, THE PERIODIC FARM CENSUS IS THE PRIMARY SOURCE OF ACCURATE INFORMATION ON THE NUMBER OF FARMS AND FARM OPERATORS IN OUR COUNTY;

WHEREAS, IT ALSO PROVIDES ACCURATE DATA ON SALES OF FARM PRODUCTS AS WELL AS PRODUCTION COSTS IN OUR COUNTY;

WHEREAS, MANY BUSINESS DECISIONS AFFECTING THE COUNTY'S FARMERS IN TODAY'S ECONOMY, DEPEND UPON ACCURATE DATA FROM THE CENSUS OF AGRICULTURE;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY URGE ALL FARM AND RANCH OPERATORS TO FILL OUT AND RETURN PROMPTLY THE FARM CENSUS QUESTIONNAIRES THEY HAVE RECEIVED IN THE MAIL AND THUS HELP TO MAKE THE 1982 CENSUS THE MOST SUCCESSFUL IN A SERIES OF 22 FARM CENSUS COUNTS WHICH BEGAN IN 1840.

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D. PUBLIC HEARINGS

1. James City County Pre-Budget Hearing - Advertised in the Daily Press and Virginia Gazette on December 1, 1982 and December 8, 1982.

Mr. McDonald presented this matter to the Board stating that the purpose of this hearing is to give County citizens an opportunity to provide comments for consideration prior to the time that detailed staff work on the FY 1984 Budget begins.

Mr. Frink opened the public hearing.

Mr. Barry Fratkin, 124 W. Kingswood Drive and Mr. Harry Marchant, 154 Nina Lane, both members of the Parks and Recreation Commission spoke in support of funding for the Recreation Facilities Plan.

Mr. Frink closed the public hearing.

2. James City County Revenue Sharing Hearing - Advertised in the Daily Press and Virginia Gazette on December 1, 1982 and December 8, 1982.

Mr. McDonald presented this matter to the Board stating that the purpose of this hearing is to give County citizens, and senior citizens in particular, an opportunity to provide comments for consideration prior to the time that detailed staff work on the FY 1984 Budget begins. He also invited the citizens of James City County to submit comments or questions to the County Administrator's Office.

Mr. Oliver opened the public hearing.

Mr. Larry Trumbo of the Community Action Agency requested assistance for a shopping trip once a week for the senior citizens of the County.

Mr. Nelson Stokes requested assistance from the County to help senior citizens with home improvements and winterization for female headed households.

Mr. Oliver closed the public hearing.

3. Proposed Recreation Facilities Plan - Advertised in the Daily Press on November 29, 1982 and December 6, 1982.

Mrs. Victoria Gussman, Planner presented this matter to the Board with the aid of a slide presentation of the elements of the Plan.

Ms. Sandra McPherson, Recreation Coordinator, stated that the Superintendent of Schools has reported that they will support the facilities involving school sites. She also stated that York River State Park officials have said they will cooperate with the County to avoid overlapping facilities. She then recognized the members of the Parks and Recreation Commission.

Mr. Frink opened the public hearing.

The following citizens spoke in favor of the adoption of the Recreation Facilities Plan:

Mr. Lamar Jolly, Member of Planning Commission, 32 Whittakers Mill, urged the Board to adopt this plan.

Mr. Harold Baker, 904 Conway Drive, was most interested in the proposed swimming pool.

Mr. Barry Fratkin, Chairman, Parks and Recreation Commission, 124 W. Kingswood Drive, spoke in reference to the community center.

Mr. Al Albert, 514 Newport Avenue, was interested in new soccer fields.

Mr. Harry Marchant, Member of Parks and Recreation Commission, 154 Nina Lane, spoke concerning senior citizens and youth facilities.

Mr. Frink closed the public hearing.

Mr. Taylor felt that there were too many facilities to approve at one time within the plan which would result in a tax increase for the County residents. He stated that he would not support the adoption of this plan.

Mr. Edwards spoke in favor of the plan.

Mr. DePue supported the adoption of the plan but felt that the citizens should decide whether or not they wanted to support the community center by voting on a bond referendum.

Mr. Mahone said that he would support the plan then moved for the adoption of the resolution.

Mr. Frink stated that the resolution only supports the plan but that the Board has not committed itself to any funds.

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

RESOLUTION

JAMES CITY COUNTY RECREATION FACILITIES PLAN

WHEREAS, the Code of Virginia, Title 15.1, Chapter 11, Section 15.1-446.1 requires James City County to prepare and recommend a comprehensive plan for the physical development of its territory and the same section states that such a plan may include the designation of a system of parks, playgrounds, community centers and the like; and

WHEREAS, the James City County Park and Recreation Commission and the James City County Planning Commission have recommended approval of the Public Facilities Plan as an element of the James City County Comprehensive Plan, and

WHEREAS, A Planning Commission public hearing on the Recreation Facilities Plan was held on October 26, 1982 and a Board of Supervisors public hearing held on December 13, 1982,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County adopts the Recreation Facilities Plan as an element of the James City County Comprehensive Plan.

4. Case No. Z-6-82 and Case No. SUP-6-82 - Advertised in the Daily Press on November 29, 1982 and December 6, 1982.

Mr. Henry H. Stephens, Planner, presented this matter to the Board stating that the Planning Commission, on October 26, 1982, unanimously recommended denial of the application for rezoning Case No. Z-6-82 and denial of the application for a special use permit, Case No. SUP-6-82 and that a motion to reconsider was defeated by a vote of 6-3. He stated that the staff concurs with the Planning Commission's recommendation.

Mr. Frink opened the public hearing.

Mr. Robert Pendergrass, 10 Gray Gables Drive, spoke in opposition to the special use permit and rezoning stating that the campground would present security problems for the Country Village tenants.

Mr. William Bland, attorney for Mr. Ordonia spoke on behalf of his client. He then introduced Mr. Ordonia who also spoke on his behalf asking that the Board approve the special use permit and rezoning application.

Mr. Norm Beatty, 124 Kingspoint Drive, represented The Colonial Williamsburg Foundation. His concern was about the appearance and protection of the entrance to Carter's Grove.

Mr. Frink then closed the public hearing.

After an extensive discussion on the matter, Mr. DePue stated that he would support the application as long as the rezoning would not create an adverse effect on the area.

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Mr. Edwards stated that since the issue was controversial, that the Board should defer it to its next meeting.

Mr. Frink suggested that the case be deferred until the next meeting at which time the Board would be given additional information.

The matter was deferred by consensus.

The Board RECESSED from 9:40 to 9:45 P.M.

5. Proposed Wetlands Ordinance Amendments - Advertised in the Daily Press on November 29, 1982 and December 6, 1982.

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board requesting that the Board adopt the proposed amendments to the ordinance to align the County's ordinance with recent legislative amendments to be in place by January 1, 1983. He recognized Mr. Norman Larson of the Virginia Marine Resources Commission who could answer any technical questions the Board might have.

Mr. Frink opened the public hearing.

Mr. Frink acknowledged a statement from Mrs. Virginia Carey, Chairman of the Wetlands Board. The statement read as follows:

The five current members of the James City County Wetlands Board urge you to pass the new Wetlands Ordinance before you tonight, expanding our local jurisdiction to include nonvegetated wetlands. As you know, failure to do so would eliminate our local permitting authority and yield control of our County wetlands to the State.

In many political and economic areas, our County has fought and lobbied for more local autonomy. The Wetlands Ordinance you are considering is one additional stroke in that battle. The people of James City County have always felt that land use decisions were best worked out here at the local level. Certainly this philosophy should apply equally to such a fragile and precious asset of our shoreline.

Of the 45 Virginia localities which contain wetlands, our County has the fifth largest acreage. Many of our individual marsh parcels are small, however, and might tend to be overlooked as insignificant if our local permits were to be issued at the state level. We on the Wetlands Board feel our County has the right as well as the responsibility to protect our rather large collection of rather small, discreet marsh areas.

We also feel fortunate that we have the local resources, the County staff and citizens interested and input, to do the job. On the other hand, passage of the new ordinance will in no way cut us off from the additional expertise and knowledge of the Virginia Institute of Marine Science and the Virginia Marine Resources Commission. They have always had input into our wetlands decisions, and they will continue to do so.

As a last point, to increase and consolidate control at the local level will certainly reduce the frequently lamented "red tape", confusion, and frustration for the citizen or group trying to apply for a wetlands permit. It will now make sense to start the application process right here at home--in James City County.

There being no speakers, Mr. Frink closed the public hearing.

Mr. Taylor inquired as to whether or not this amendment is a State requirement.

Mr. Morton replied that it was.

Mr. Edwards made a motion to approve the ordinance amendments.

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

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AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19A, WETLANDS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE I, IN GENERAL, SECTION 19A-2, DEFINITIONS, BY AMENDING THE DEFINITIONS OF GOVERNMENTAL SERVICES AND WETLANDS, AND BY ADDING A DEFINITION FOR VEGETATED WETLANDS AND FOR NONVEGETATED WETLANDS, IN SECTION 19A-3, PERMITTED USES, BY AMENDING SUBSECTIONS (a), (d) and (e) AND ADDING SUBSECTION (j); AND ARTICLE II, USE PERMITS, SECTION 19A-4, SUBSECTION (a), PERMITS REQUIRED FOR CERTAIN ACTIVITIES; SECTION 19A-6, PUBLIC HEARING; SECTION 19A-7, WETLANDS BOARD ACTION; SECTION 19A-8, BOND REQUIRED, SECTION 19A-9, SUBSECTION (b), STANDARDS FOR PERMIT APPROVAL, SECTION 19A-II, EXPIRATION DATE, AND ADDING SECTION 19A-12, NO EFFECT ON APPLICABLE ZONING AND LAND USE ORDINANCES.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 19A, Wetlands, of the Code of the County of James City be, and the same is hereby, amended and reordained as follows: Article I. In General, Section 19A-2, Definitions of Governmental Services, Wetlands are amended, a Definition for Vegetated Wetlands and "Nonvegetated Wetlands" is added, and Section 19A-3, Permitted Uses, Subsections (a), (d), and (e) are amended and a Subsection (j) is added; and Article II, Use Permits, Section 19A-4, Subsection (a), Permits Required for Certain Activities; Section 19A-6, Public Hearing; Section 19A-7, Wetlands Board Action, Section 19A-8, Bond Required; Section 19A-9, Subsection (b), Standards for Permit Approval is amended; and Section 19A-11, Expiration date, and Applicable Zoning and Land Use Ordinances is added.

CHAPTER 19A

Wetlands

ARTICLE I, IN GENERAL

Section 19A-1, Purpose of chapter.

The governing body of the county acting pursuant to chapter 2.1 of title 62.1 of the Code of Virginia, for purposes of fulfilling the policy standards set forth in such chapter, adopts this chapter regulating the use and development of wetlands. (9-11-72, Sec. 1.)

Section 19A-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Commission. The state marine resources commission.

Commissioner. The commissioner of marine resources.

Governmental activity. Any or all of the services provided by this county to its citizens for the purpose of maintaining this county and shall include, but shall not be limited to, such services as constructing, repairing and maintaining roads, sewage facilities, supplying and treating water, street lights and construction of public buildings.

Person. Any corporation, association or partnership, one or more individuals or any unit of government or agency thereof.

Vegetated Wetlands. All that land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor 1.5 times the mean tide range at the site of the proposed project in this county; and upon which is growing on the effective date of this act or grown thereon subsequent thereto, any one or more of the following: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* sp.), sea lavender (*Limonium* sp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrchia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Sprius validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattails (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), Black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* sp.), yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), and switch grass (*Panicum virgatum*).

Wetlands board or board. A board created as provided in section 62.1-13.6 of the Code of Virginia (9-11-72, Sec. 2.)

Nonvegetated wetlands. All that land lying contiguous to mean low water and which land is between mean low water and mean high water not otherwise included in the term "vegetated wetlands" as defined herein.

Wetlands. All vegetated and nonvegetated wetlands.

Section 19A-3. Permitted uses.

The following uses of and activities on wetlands are permitted, if otherwise permitted by law:

- (a) The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures; provided, that such structures are so constructed on pilings as to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;
- (b) The cultivation and harvesting of shellfish and worms for bait;
- (c) Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting and shooting preserves; provided, that no structure shall be constructed except as permitted in subsection (a) of this section;
- (d) The cultivation and harvesting of agricultural, forestry or horticultural products; grazing and haying;
- (e) Conservation, repletion and research activities of Virginia Marine Resources Commission, Virginia Institute of Marine Science, Commission of Game and Inland Fisheries and other related conservation agencies;
- (f) The construction or maintenance of aids to navigation which are authorized by governmental authority;
- (g) Emergency decrees of any duly appointed health officer of a governmental subdivision acting to protect the public health;
- (h) The normal maintenance, repair or addition to presently existing roads, highways, railroad beds, or the facilities of any person, firm, corporation, utility, federal, state, county, city or town abutting on or crossing wetlands; provided, that no waterway is altered and no additional wetlands are covered;
- (i) Governmental activity on wetlands owned or leased by the Commonwealth of Virginia or a political subdivision thereof; and
- (j) The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered; and provided further, that this paragraph shall not be deemed to authorize construction of any drainage ditch.

ARTICLE II. USE PERMITS

Section 19 -4. Required for certain activities; application generally; fee.

- (a) Any person who desires to use or develop any wetland within this county, other than for those activities specified in section 19A-3 above, shall first file an application for a permit with the wetlands board directly or through the Commission.

(b) An application shall include the following: The name and address of the applicant; a detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale, showing the area of wetland directly affected, with the location of the proposed work thereon, indicating the area of existing and proposed fill and excavation, especially the location, width, depth and length of any proposed channel and the disposal area, all existing and proposed structures; sewage collection and treatment facilities, utility installation, roadways, and other related appurtenances or facilities, including those on adjacent uplands, and the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice; estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental offsite effects; the completion date of the proposed work, project or structure and such additional materials and documentation as the Wetlands Board may deem necessary.

(c) A nonrefundable processing fee of one hundred dollars to cover the cost of processing shall accompany each application. (9-11-73, Sec. 4; 2-11-74.)

Section 19A-6. Public hearing.

Not later than sixty (60) days after receipt of such application, the wetlands board shall hold a public hearing on such application. The applicant, the local governing body, the commissioner the owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, water control board, the Department of Highways and Transportation and governmental agencies expressing an interest therein shall be notified by the board of the hearing by mail not less than twenty (20) days prior the date for the hearing. The wetlands board shall also cause notice of such hearing to be published at least once a week for two (2) weeks prior to such hearing in the newspaper having a general circulation in this county. The costs of such publication shall be paid by the applicant.

Section 19A-7. Wetlands board action.

In acting on any application for a permit, the board shall grant the application upon the concurring vote of three members. The chairman of the board or his absence the acting chairman may administer oaths and compel the attendance of witnesses. Any person may appear and be heard at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board and the rationale for the decision. The board shall make its determination within thirty (30) days from the hearing. If the board fails to act within such time, the application shall be deemed approved. Within forty-eight (48) hours of its determination, the Board shall notify the applicant and the Commissioner of such determination and if the board has not made a determination, it shall notify the applicant and the Commission that thirty days has passed and that the application is deemed approved.

The board shall transmit a copy of the permit to the Commissioner. If the application is reviewed or appealed, then the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the commission the record shall be returned to the Board. The record shall be open for public inspection at the office of the recording officer of this County. (9-11-73, Sec. 7.)

Section 19-8l. Bond required; Suspension or revocation of permit.

The board may require a reasonable bond or letter of credit in an amount and with surety and conditions satisfactory to it securing to the Commonwealth compliance with the conditions and limitations set forth in the permit. The board may, after hearing as provided herein, suspend or revoke a permit if the board finds that the applicant has failed to comply with any of the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The board after hearing may suspend a permit if the applicant fails to comply with the terms and conditions set forth in the application.

Section 19A-9. Standards for approval; granting or denying permit.

(a) In making its decision whether to grant, to grant in modified form, or to deny an application for a permit, the board shall base its decision on these factors:

- (1) Such matters raised through the testimony of any person in support of or in rebuttal to the permit application.

(2) Impact of the development on the public health and welfare as expressed by the policy and standards of chapter 2.1 of title 62.1 of the Code of Virginia and any guidelines which may have been promulgated thereunder by the Commission.

(b) If the board, in applying the standards above, finds that the anticipated public and private benefit of the proposed activity exceeds the anticipated public and private detriment and that the proposed activity would not violate the purposes and intent of chapter 2.1 of title 62.1 of the Code of Virginia and of this chapter, the board shall grant the permit, subject to any reasonable condition or modification designed to minimize the impact of the activity on the ability of this county to provide governmental services and on the rights of any other person and to carry out the public policy set forth in chapter 2.1 of title 62.1 of the Code of Virginia and in this chapter. Nothing in this section shall be construed as affecting the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity. If the board finds that the anticipated public and private benefit from the proposed activity is exceeded by the anticipated public and private detriment or that the proposed activity would violate the purposes and intent of chapter 2.1 of title 62.1 of the Code of Virginia and of this chapter, the board shall deny the permit application with leave to the applicant to resubmit the application in modified form.

Section 19A-10. Permit to be in writing.

The permit shall be in writing, signed by the chairman of the board and notarized. (9-11-73, Sec. 10).

Section 19A-11. Expiration date.

No permit shall be granted without an expiration date, and the board, in the exercise of its discretion, shall designate an expiration date for completion of such work specified in the permit from the date the board granted such permit. The board, however, may grant, upon proper application therefor, extensions. (9-11-73, Sec. 11.)

Section 19A-12. No Effect on Applicable Zoning and Land Use Ordinances.

No permit granted by a wetlands board shall affect in any way the applicable zoning and land use ordinances of this county.

6. Case No. Z-7-82 - Advertised in the Daily Press on November 29, 1982 and December 6, 1982.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that the Planning Commission recommended, at a public hearing approval of the amendment to require special use permits for mobile homes by a 5-4 vote, and that the staff concurs with the Planning Commission's recommendation.

Mr. Frink opened the public hearing.

Mr. Bob Deeds, 125 Tanbark Lane, spoke in favor of the adoption of the amendments to the zoning ordinance.

The following citizens spoke in opposition to adoption of the amendments to the zoning ordinance:

Mr. Howard W. Smith
182 Treasure Island Road

Mr. M. O. Smith
617 Treasure Island Road

Rev. J. B. Tabb, Sr.
1218 Ironbound Road

Mr. Jack Scruggs, Member of Planning Commission
P. O. Box 147, Toano

Mr. Frink closed the public hearing.

Mr. Taylor stated that he was opposed to the amendments.

Mr. Edwards stated that since this was another controversial matter that it be deferred until the next meeting.

Mr. DePue requested that the cost and time period be addressed in the staff report.

Mr. Mahone stated that the change he saw in the amendment would be to make it very difficult, expensive and time consuming to get a permit for a mobile home.

Mr. Oliver stated that it was not the staff's intention to raise the cost or extend the time in which to receive a permit for a mobile home, rather it was intended to change the basis under which the Board makes its consideration on the permit.

Mr. Mahone requested that another alternative be presented to the Board.

By consensus the matter was deferred until the next meeting.

E. CONSENT CALENDAR

Mr. Frink asked the Board if there were any items that they wished to have removed from the Consent Calendar. Mr. DePue requested that No. 6 be removed. Mr. Frink then made a motion 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. Case No. CUP-59-82. Blanch Lee

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. Blanch Lee
Real Estate Tax Map No:	(22-2)
Parcel No:	(1-43A)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

2. Case No. CUP-60-82. Robert P. Hutchens

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.

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Applicant: Mr. Robert P. Hutchens
 Real Estate Tax Map No: (12-1)
 Parcel No: (1-9)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

3. Case No. CUP-61-82. Lynell Lee Christian

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. Lynell Lee Christian
 Real Estate Tax Map No: (10-2)
 Parcel No: (1-13)
 District: Stonehouse
 Zoning: A-1, General Agriculture
 Permit Term: N/A
 Further Conditions: None

4. Dedication of Streets-Gatehouse Farms Subdivision, Section I

R E S O L U T I O N

DEDICATION OF STREETS IN GATEHOUSE FARMS SUBDIVISION, SECTION I

WHEREAS, James City County has completed the improvements to certain streets in Gatehouse Farms Subdivision, Section I, using funds from the developer's Letter of Credit; and

WHEREAS, the Board of Supervisors desires certain streets in Gatehouse Farms Subdivision, Section I, to be included in the State Secondary Highway System provided these streets meet with the requirements of the Virginia Department of Highways and Transportation, and provided that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a 90 day period from the date that the Department of Highways and Transportation makes its final inspection;

NOW, 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 streets in Gatehouse Farms Subdivision Jamestown Magisterial District, James City County, in the State Secondary Highway System:

1. Gatehouse Boulevard - 100' to 60' right-of-way
 From: State Route 682 (Neck-O-Land Road)
 To: End of cul-de-sac
 Distance: 0.28 Miles (1497')

2. Smokehouse Lane - 60' right-of-way
From: Gatehouse Boulevard
To: End of cul-de-sac
Distance: 0.26 Mile (1388')
3. Guesthouse Court - 50' right-of-way
From: Smokehouse Lane
To: End of cul-de-sac
Distance: 0.03 Miles (178')

A total of 0.57 miles (3063')

The rights-of-way of 100', 60', and 50', along with drainage easements is guaranteed as evidenced by Plat of Record entitled: Gatehouse Farms, Section I, recorded in Plat Book 35, Page 111, dated November 27, 1979; and

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

5. Amending Agreement with the Virginia Department of Highways and Transportation

R E S O L U T I O N

TRANSIT BUS REPOWERING

WHEREAS, the Virginia Department of Highways and Transportation has provided additional funding to James City County for capital aid; and

WHEREAS, these funds are necessary to complete the repowering of the transit buses;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following increase in appropriations to reflect receipt of said aid:

Vehicle Repowering - 9011-0530 + \$9,002

6. Purchasing Manual Revisions

Mr. DePue requested that he be provided with the old manual with the changes incorporated into it. He also stated that he had problems with the procedures for the County Administrator awarding contracts \$50,000 or less.

Mr. Taylor felt that the awarding of contracts would be the responsibility of the Board.

Mr. Edwards suggested that the staff work on alternatives for the procedure and a provision that will satisfy Mr. DePue.

Mr. DePue also stated that the Board should review the awarding of contracts to consultants.

By consensus, the matter was deferred until the next meeting.

F. **BOARD CONSIDERATIONS**

1. New Positions in Police Department

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that the staff feels that these three positions are essential to managing the County's current crime prevention and investigation activities, and that these needs should be addressed as soon as possible. She also stated that Sheriff Brenegan supports the need for these positions. She recommended approval of the resolution authorizing three new positions in the Police Department.

Mrs. Burcham recognized the officers present giving their support to these additional positions.

Mr. Mahone stated that he was opposed to the increase in staff because of this request being out of budget sequence and that the staff should concentrate on hiring the Police Chief first.

Sergeants Jones and Daigneault spoke in support of their areas of law enforcement.

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Mr. Frink stated that he could support an additional investigator.

Mr. Edwards inquired as to whether or not this request for new positions was an emergency.

Mrs. Burcham stated that the staff feels the need for making this request at this time.

Mr. DePue commended the Police staff and spoke in favor of the new positions but felt that the Board should hear from Sheriff Brenegan before making a decision. He then made a motion to defer any action until the next meeting.

Mr. Taylor stated that the citizens in his district would not be in favor of the increase in personnel.

Mr. Oliver stated that the law enforcement staff is overworked and that the staff would not be requesting new positions if they did not feel the need for them.

By consensus the matter was deferred until the next meeting.

2. Tarleton Bivouac Waterline Extension

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board recommending that, should the Board consider financial relief for the Scouses, that the maximum financial contribution be limited to the \$450 connection fee.

After further discussion on the matter Mr. Frink moved for the approval of the resolution authorizing reimbursement of \$450 to Mr. and Mrs. Robert Scouse for costs incurred in the extension of the waterline.

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

Tarleton Bivouac Waterline Extension

WHEREAS, the Board of Supervisors of James City County, as the governing body of the James City County Sanitary District Number Two, wishes to participate in the financing of a waterline extension in order to resolve a potential health problem.

NOW, THEREFORE, BE IT RESOLVED, that the County Treasurer is hereby authorized and directed to pay \$450.00 from Sanitary District Number Two funds to Mr. and Mrs. Robert Scouse, Jr. for the purpose of reimbursement for costs incurred in the extension of a waterline on Tarleton Bivouac, Sanitary District Number Two, James City County.

3. Proposed Outreach Program for Forest Glen

Mr. McDonald presented this matter to the Board requesting approval of the resolution authorizing the County Administrator to execute a lease with FmHA and to appropriate adequate funds to initiate the 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).

R E S O L U T I O N

Rental of House - 209 DeLafayette Place

WHEREAS, the Board of Supervisors of James City County desires to rent a house in Forest Glen at 209 DeLafayette Place, and

WHEREAS, the rental of that house is for the purposes of conducting outreach programs that address the needs of the Forest Glen Community, and

WHEREAS, the Board of Supervisors recognizes the need to appropriate funds to initiate the outreach program.

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease with Farmers Home Administration for the period of December 14, 1982 through December 31, 1983 at the annual rate of \$120.00.

BE IT FURTHER RESOLVED that the funds shall be appropriated to initiate the implementation of the outreach program as follows and that these funds be identified and controlled as local grant match funds previously appropriated:

Rent	\$ 120
Rehab. Materials	350
Utilities (phone/electricity)	500
Insurance	<u>100</u>
TOTAL	\$1,070

4. Peninsula Ports Authority-Fort Magruder Resolution of Inducement

Mr. Morton presented this matter to the Board requesting adoption of the resolution concurring with the inducement resolution adopted by the Peninsula Ports Authority.

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).

RESOLUTION OF THE
BOARD OF SUPERVISORS OF
JAMES CITY COUNTY, VIRGINIA

WHEREAS, Motel Associates, Inc. has obtained an "inducement resolution" from The Peninsula Ports Authority of Virginia (the "Authority"), authorizing the issuance of up to \$4,000,000 of Bonds for the acquisition, construction and equipping of renovations to, and expansion of, its Fort Magruder Inn & Conference Center, located in James City County, Virginia; and

WHEREAS, the Board of Supervisors of James City County desires to concur with the inducement resolution adopted by the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it concurs with the inducement resolution adopted by the Authority on behalf of Motel Associates, Inc. This resolution shall be effective immediately upon approval.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs, member of the Planning Commission, stated that he was satisfied with the cooperation of the staff on the reservoirs of the County.

Mr. Scruggs made additional comments regarding tax increases, the funding for the new Police Chief, and the fines that are given to the State.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Presentation of the Long Range Data Processing Plan

Mr. Sandy Wanner, of the Williamsburg-James City County School System, presented the Data Processing Plan to the Board stating in summary that the plan, as part of the proposed Capital Improvement Program, will be reviewed by the Planning Commission and then brought to the Board during the normal budget process.

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I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards reported that the City Council appointed two people to discuss the community center and the Recreation Facilities Plan.

Mr. Frink moved to appoint Mr. Edwards and Mr. DePue as representatives from the Board to discuss joint issues.

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

Mr. Oliver gave a report on the Resource Recovery Facility stating that staff will be interviewing four different firms on December 15, 1982 unless the Board directs otherwise.

Messrs. Frink, Edwards, Taylor and DePue all expressed their support of the study.

Mr. Mahone spoke in opposition to awarding the contract for the study and then made a motion not to award the contract.

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

Mrs. Burcham stated that unless she hears objections from the Board, the staff will proceed to award a contract to Washington/Maguire, architectural firm for the Human Services Building.

After a discussion on the matter, Mr. Mahone made a motion to defer any action on awarding the contract.

On a roll call, the vote was AYE: Mahone, Taylor (2). NAY: Frink, DePue, Edwards (3). The motion was defeated by a 3-2 vote.

Mr. Taylor 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 12:35 P.M.


James B. Oliver, Jr.
Clerk to the Board