

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

**A. ROLL CALL**

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

John E. McDonald, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

Mr. DePue recognized Mr. Stokes, Government teacher, Mrs. Phyllis Cody, Citizen's Assistance Officer, and the students from Lafayette High School who were attending the Board meeting as part of Local Government Day.

**B. MINUTES - May 9, 1983**

Mr. Mahone made the motion to approve the Minutes of May 9, 1983.

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

**C. HIGHWAY MATTERS**

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Highways and Transportation, reported the following:

1. The Highway Department will be adding hoods and new lenses in an attempt to improve the left-turn lights at the intersection of Route 646 and Route 60W at the Outlet Mall.
2. The Department will conduct a speed study and accident history for Route 5 from First Colony to Five Forks.
3. At the request of Mr. Otey, representing Busch Properties, a study of traffic flow at the Route 199/60E intersection will begin shortly.
4. The Department has received the lowest bid from a Suffolk contractor for the repairs to Route 199.

**D. PUBLIC HEARINGS**

1. Joint Public Hearing with the Planning Commission and the Board of Supervisors - SUP-6-83. Williamsburg Landfill

Mr. Scruggs, Vice-Chairman convened the Planning Commission into session.

Mr. Morton presented this matter to the Commission and Board stating that based on the positive inspections and the City's commitments as set forth in Mayor Walker's letter, that the Commission should recommend and the Board should adopt the Resolution issuing a special use permit to the City.

Mr. DePue opened the joint public hearing. There being no one wishing to speak on the matter, Mr. DePue closed the public hearing.

At 4:15 P.M. Mr. DePue suggested that the Board recess so that the Planning Commission could make a recommendation to the Board.

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Upon a motion made by Mr. John Donaldson, the recommendation was to approve the special use permit. The motion carried by a unanimous voice vote.

The Planning Commission meeting Adjourned at 4:20 P.M.

Mr. DePue reconvened the Board meeting at which time Mr. Scruggs recommended to the Board that the Resolution issuing a special use permit to the City of Williamsburg be adopted.

Mr. Edwards made a motion to adopt the Resolution.

Mr. DePue complimented Mr. Edwards on his efforts to resolve this issue and thanked him on behalf of the Board of Supervisors.

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

### R E S O L U T I O N

#### SPECIAL USE PERMIT NO. SUP-6-83

#### WILLIAMSBURG LANDFILL

WHEREAS, the City of Williamsburg has made application for a Special Use Permit to operate a sanitary landfill on property owned by Colonial Williamsburg Foundation, Inc., located on Quarterpath Road in James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that they hereby approve the issuance of Special Use Permit No. SUP-6-83 for the City of Williamsburg to operate a sanitary landfill at the above described area subject to the following conditions:

1. The City shall operate the landfill in a manner consistent with rules and regulations of the Department of Health, Division of Solid and Hazardous Waste Management.
2. All disposal of solid waste at the Williamsburg Landfill shall cease on August 15, 1983.
3. Total site restoration pursuant to the rules of the Department of Health, Division of Solid and Hazardous Waste Management shall be accomplished on or before December 1, 1983.

2. Case No. SUP-2-83. Frederick D. Hirsh

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending that the Board approve the application conditioned upon the mobile home being skirted, meeting the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations, the connection to public water in a method approved by the Public Works Department, a landscaping plan being submitted and approved to provide for the adequate screening of the property owner of lot 3 from the mobile home, the mobile home being set back at least 35 feet from all property lines, structures and the street right-of-way, and the upgrading of the street to the property line of lot 3 to meet the minimum requirements and standards of the VDH&T as required by the recordation of the plat.

Mr. Taylor questioned whether the owner of parcel 3 would be involved in the road construction and maintenance.

Mr. Riutort replied that the plat made no indication of cost-sharing for the upgrade of the road.

Mr. DePue asked that the staff provide the Board with detailed information on the provisions of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations as they relate to conditions for obtaining a permit for a mobile home. He then opened the public hearing.

Mr. David Jeffrey, owner of parcel 3, stated his objection to the placement of a mobile home next to the existing house which has been converted into two apartments.

Mr. Jack Scruggs stated it was not the intent of the Subdivision Review Committee to deny the owners of one parcel development of their property, but that the Note was placed on the recorded plat in case of a family transfer that would split the parcel into two, therefore requiring the road to be brought up to State Standards.

Mr. DePue closed the public hearing and then made a motion to refer this case back to the Planning Commission for their recommendation.

Mr. Frink asked whether the applicant objects to the conditions placed on the application.

Mr. Riutort replied that the property owner did object to the condition requiring that the road be constructed to State standards.

Mr. Mahone stated he saw a need for the upgrading of the road if there was further development but that constructing the road would be expensive for this one parcel owner. He supported Mr. DePue's motion.

After further discussion on the matter the vote on Mr. DePue's motion was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

3. Case No. SUP-3-83. James W. Braxton

Mr. Riutort presented this matter to the Board recommending approval of the application with conditions.

Mr. DePue opened the public hearing.

Mr. James W. Braxton stated his appreciation should the Board approved his application.

Mr. DePue closed the public hearing.

Mr. Taylor made the motion to approve the Resolution issuing a special use permit.

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

R E S O L U T I O N

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. James W. Braxton
Real Estate Tax Map ID:	(22-2)
Parcel No.	(1-46)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	The mobile home may be replaced with another mobile home under this special use permit provided all conditions

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stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time.

Further Conditions: The mobile home must be skirted, meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and set back at least 50 feet from Bush Springs Road to conform with the alignment of the other residences in that area.

**E. CONSENT CALENDAR**

Mr. DePue asked the Board members if they wished to have any items removed from the Consent Calendar.

Mr. Frink made the motion to approve the Consent Calendar.

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

1. Code Violation Lien for Removing Trailer and Site Clean-up

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bill for services rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges are and constitute a lien against the real property on which the service was performed and for which charges were imposed;

THEREFORE, BE IT RESOLVED that in accordance with Section 21, 118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charges for services rendered, to wit:  
Removing trailer and trash:

Account No.:	James A. Walker P. O. Box 158 Lightfoot, VA 23090												
Description of property:	Lot #87 - Neighbors Lane Tax Map # (32-2) Parcel # (1-87) Deed Book #101, Page #580												
Amount Due:	<table border="0"> <tr> <td>Labor</td> <td>\$</td> <td>436.68</td> </tr> <tr> <td>Equipment</td> <td></td> <td>680.00</td> </tr> <tr> <td>Landfill User Charge</td> <td></td> <td><u>343.05</u></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>\$</b></td> <td><b><u>1,459.73</u></b></td> </tr> </table>	Labor	\$	436.68	Equipment		680.00	Landfill User Charge		<u>343.05</u>	<b>TOTAL</b>	<b>\$</b>	<b><u>1,459.73</u></b>
Labor	\$	436.68											
Equipment		680.00											
Landfill User Charge		<u>343.05</u>											
<b>TOTAL</b>	<b>\$</b>	<b><u>1,459.73</u></b>											

2. Certification of Warrants

R E S O L U T I O N

CERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. 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 April 1983:

GENERAL FUND	Checks	#108051-108436
	Totalling	\$1,114,752.00
GENERAL FUND PAYROLL	Checks	#213500-214085
	Totalling	\$257,955.08
SANITARY DISTRICT NO. 1		-0-
SANITARY DISTRICT NO. 2	Checks	#600206-600216
	Totalling	\$4,454.34
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#447-454
	Totalling	\$33,453.53
REVENUE SHARING		-0-

3. Set Public Hearing Date of June 13, 1983 for the following:
- Case No. SUP-8-83. Willie E. Randall, Jr.
  - Case No. SUP-9-83. John F. Wilson
  - Case No. SUP-10-83. Richard A. Brumfield
  - Case No. SUP-11-83. Edith Elizabeth Graves
4. Case No. CUP-20-83. Otto C. Ripley

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

Applicant:	Mr. Otto C. Ripley
Real Estate Tax Map ID:	(31-2)
Parcel No.	(2-6)
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Term:	The permit term shall expire at the end of six months from this date or the date of the certificate of occupancy of the residence to be constructed on the site, whichever is first.
Further Conditions:	None

5. Street Name Changes, Chickahominy Haven and Cypress Point

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R E S O L U T I O N  
STREET NAME CHANGES

WHEREAS, Section 17-38 of the Subdivision Ordinance of James City County provides the James City County Board of Supervisors with the Authority to rename streets;

WHEREAS, in the interest of public safety and convenience it is necessary to rename certain streets in Chickahominy Haven and Cypress Point,

NOW, THEREFORE, BE IT RESOLVED that the northern section of Riverside Drive is renamed North Riverside Drive up to its intersection with Route 610,

BE IT FURTHER RESOLVED that the southern section of Riverside Drive is renamed South Riverside Drive,

BE IT FURTHER RESOLVED that the unnamed dirt streets in Cypress Point, located south of Cypress Drive is named Oak Cove Road.

6. Litter Control Program

R E S O L U T I O N  
1983-84 LITTER CONTROL GRANT APPLICATION

WHEREAS, the James City County Board of Supervisors recognizes the existence of a litter problem within the boundaries of James City County;

WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development Division of Litter Control, for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs;

WHEREAS, having reviewed and considered the Regulations and the Application covering administration and use of said funds;

NOW, THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors:

HEREBY endorses and supports such a program for James City County as is indicated in the attached application Form EC-G-1;

HEREBY authorizes Mr. James B. Oliver, Jr. to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program;

HEREBY requests the Department of Conservation and Economic Development, Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.

**F. BOARD CONSIDERATIONS**

1. Croffton Park Project Grants

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board with the aid of a map and drawing of the location of the buildings for the proposed site. She recommended adoption of the Resolution endorsing the County's application for funding.

Mr. Mahone stated that the County is in need of soccer fields and suggest that this site be a back-up location for the soccer fields proposed for the Recreation Center. He also stated that approval of this project would mean a change in priority for the upper county park proposed.

Mr. McDonald commented that this project grant is part of the Job Bill funding and that the objective of the funding cycle is to put as many jobs and as much

money on the market as quickly as possible. He stated that because the land for this proposed project is owned by the County, this project is an ideal opportunity to obtain funding but would not necessarily mean a change in priority for the proposed parks.

After further discussion, Mr. Edwards made the motion to approve the Resolution.

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

### R E S O L U T I O N

#### LAND AND WATER CONSERVATION FUND GRANT APPLICATION

WHEREAS, the Virginia Commission of Outdoor Recreation provides funds to assist political subdivisions of the State of Virginia in acquiring and developing open space and park lands; and

WHEREAS, there are urgent needs within the County of James City to develop park land; and

WHEREAS, this area is deemed of high development priority by said James City County Board of Supervisors and shall be referred to as The Croffton Park Project.

WHEREAS, in order to attain funding assistance from the Virginia Commission of Outdoor Recreation, it is necessary that the County of James City guarantee a proportionate share of the cost thereof; and

WHEREAS, the proportionate project share is funded fifty percent (50%) by the Virginia Commission of Outdoor Recreation and fifty percent (50%) by the County of James City.

NOW, THEREFORE, BE IT RESOLVED BY THE James City County Board of Supervisors that the County Administrator is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate State agency and to enter into such agreements as may be necessary to permit the formulation, approval and funding of the Croffton Park Project.

AND BE IT FURTHER RESOLVED, the James City County Board of Supervisors gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to \$194,791.

AND BE IT FURTHER RESOLVED, that the James City County Board of Supervisors gives its assurance that the General Provisions of the Land and Water Conservation Fund and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project;

AND BE IT FURTHER RESOLVED, that the James City County Board of Supervisors gives its assurance that all other applicable State and Federal regulations governing such expenditure of funds provided by Virginia Commission of Outdoor Recreation will be complied with in the administration of this project;

AND, ALSO, BE IT FURTHER RESOLVED, that the National Park Service, U.S. Department of the Interior, and the Virginia Commission of Outdoor Recreation is respectfully requested to assist in the prompt approval and funding of the Croffton Park Project in order to enhance the standard of recreational enjoyment for all our citizenry.

#### 2. Ware Creek Condemnation Funding

Mr. McDonald presented this matter to the Board stating that this is a house cleaning item and recommended adoption of the Resolution reappropriating existing funds.

Mr. Frink made the motion to approve the Resolution.

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

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RESOLUTIONWARE CREEK CONDEMNATION APPROPRIATION

WHEREAS, the James City County Board of Supervisors has appropriated funds for the fiscal year beginning July 1, 1983; and

WHEREAS, funding for the Ware Creek project condemnation of property needs to be effective in the current fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the following funds already appropriated be hereby reappropriated for the Ware Creek project condemnation of property:

Records Storage - Revenue Sharing	\$	90
Water Development - Revenue Sharing		73,853
Drainage Study - General Fund		1,564
Water Development - General Fund		43,843
		<u>119,350</u>
	\$	<u>119,350</u>

AND, BE IT FURTHER RESOLVED that the FY 84 appropriation adopted on April 25, 1983 by the James City County Board of Supervisors is hereby amended to reflect that \$119,350 less be transferred from the County Capital Project Fund to the James City Service Authority for the Ware Creek project.

3. Summer Food Service Program

Mrs. Burcham presented this matter to the Board recommending adoption of the Resolution appropriating funds in anticipation of the 1983 Summer Food Service Program for Children.

Mr. Frink moved for the approval of the Resolution.

Mr. DePue stated he would not like the County to be in a situation of providing lunches for children of households other than economically deprived households, that he has a strong commitment to the recreation program and would like to see it continue, and that he did not want to get in a situation where the program would treat one group of children at a recreation center one way and treat another group another way. He stated the program should provide the meals for all children, and that as a ongoing situation he would have a problem with approving this year after year.

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

RESOLUTIONAPPROPRIATION OF FUNDS FOR THE SUMMER FOOD SERVICE PROGRAM

WHEREAS, James City County has submitted an application to the U.S. Department of Agriculture for funds totalling \$25,535 to be used for the Summer Food Service Program for children participating in the James City County Summer Recreation Program; and

WHEREAS, the Board of Supervisors of James City County is desirous of such program serving all County summer recreation areas, and is prepared to provide local funds for this purpose, if necessary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that \$32,747 be appropriated contingent upon grant award for the Summer Food Service Program and be designated as a continuing appropriation as follows:

Revenue:		
Revenue from the Federal Government	\$	25,535
Local grants match		7,212

## Expenditures:

Summer Lunch Program

32,747

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute the necessary agreement and contract to carry out all eligible summer food service activities.

4. Request to the City of Williamsburg for Water Service in James Terrace

Mr. McDonald presented this matter to the Board requesting approval of the Resolution requesting City Council to seek approval from the City of Newport News to sell water to James City County to be used as a water supply for James Terrace.

Mr. DePue requested clarification of the statement in the Resolution concerning the Annexation Agreement.

Mr. McDonald stated the County would suggest to the City that, at their option, they may wish to include this water supply within their guaranteed water quantity.

Mr. Taylor questioned whether additional lines would be necessary to serve this area.

Mr. McDonald replied that there may be a need for a few additional connecting lines but that the existing distribution lines would be used.

Mr. Mahone wondered about the size of the line needed and the use of the existing lines on Route 60E serving Fort Magruder.

Mr. McDonald stated this request to the City would be the most economical of the options being considered. The Newport News option would be less economical but probably would not take more time than the Williamsburg option.

Mr. Edwards made a motion to approve the Resolution.

Mr. DePue suggested that York County might even like to join the County in this request.

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

R E S O L U T I O N

JAMES TERRACE WATER SUPPLY

WHEREAS, James Terrace is an established residential community with severe water quality problems; and

WHEREAS, City of Williamsburg water transmission facilities are located near James Terrace, and

WHEREAS, James Terrace could be supplied with water from said transmission mains without constructing additional major transmission facilities, and

WHEREAS, Williamsburg is going to serve new development along By-pass Road in York County, and

WHEREAS, James Terrace water consumption is approximately 60,000 gallons per day.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby requests the City Council of the City of Williamsburg to seek approval from the City of Newport News to sell water to James City County to be used as a water supply for James Terrace, not to exceed 60,000 gallons per day. This quantity of water, at the City's option, may be included in the maximum quantity of water to be sold to James City County by the City of Williamsburg as set forth in the Annexation Agreement.

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**G. MATTERS OF SPECIAL PRIVILEGE**

Mr. A. G. Bradshaw spoke concerning the need for more detailed information on the bond referendum.

After a discussion on the matter, Mr. Mahone made a motion to advertise in each of the local newspapers the bond referendum question, a telephone number where citizens can obtain additional information and other factual information.

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

Mr. Tony Malara, a resident of Elmwood, stated that he lives across the road from an auto repair shop, and that the owner, Mr. Sumner, was denied a permit to maintain a junk yard but is operating one. He requested clarification on the ordinance covering junk yards.

Mr. Morton stated he would meet with Mr. Malara to discuss the matter and provide a report to the Board at its next meeting.

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. McDonald requested at the appropriate time, the Board convene into Executive Session to discuss a personnel matter and a legal matter.

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. Mahone requested a report on the enforcement of littering laws. He also requested a status report on the denial of septic tank permits in Cypress Point.

Mr. DePue suggested that the Board consider their specific concerns on the inoperable motor vehicle ordinance and that the staff and Board try to come up with an ordinance that meets the Board's concerns.

Mr. Taylor made the motion to go into Executive Session pursuant to Section 2.1-344(a)(1) and (6) of the Code of Virginia, 1950 as amended.

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

The Board convened into Executive Session at 4:35 P.M. and reconvened into Public Session at 5:20 P.M.

Mr. Mahone made the motion to adjourn.

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

The Board of Supervisors meeting **ADJOURNED** at 5:21 P.M.

  
 Florence R. Smith  
 Deputy Clerk to the Board

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