

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF JUNE, 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

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

B. MINUTES - June 13, 1983

Mr. Mahone requested a change to Page 2, Paragraph 4 to read: "Mr. Mahone stated he would vote against the amendments because in his opinion, the ordinance is becoming more complicated, less clear and more difficult to administer."

Mr. Frink made the motion to approve the Minutes of June 13, 1983, as amended.

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

C. HIGHWAY MATTERS

Mr. Hall reported that a four-way traffic signal at the intersection of Route 199 and Mounts Bay Road will be installed in 60 days. He also stated that he has not received the accident history for Route 5, and therefore will not be able to give a report to the Board until their next meeting.

Mr. Taylor asked if the funds for improvements to Route 607, Sycamore Landing, would come from the Highway Department's general maintenance fund.

Mr. Hall replied that the improvements will be made during the summer.

Mr. Mahone requested the difference in traffic volumes for the traffic signal at Route 199 and Mounts Bay Road as opposed to a traffic signal at the intersection of Route 199 and Kingspoint.

Mr. Hall stated he would provide that information to Mr. Mahone in a few days.

Mr. Mahone requested a sign be placed in the area indicating the location of Rawls Byrd School.

Mr. Frink requested that the trees hanging over Ron Springs Drive be trimmed. He also stated that he attended a meeting with the citizens of the Grove community and they had expressed their appreciation for the placement of the speed limit signs on Route 60.

Mr. DePue stated that he had a complaint from a citizen regarding the high grass along Route 60 East in front of the United Virginia Bank. He also stated that he continues to receive complaints about high grass because citizens have not accepted the Highway Department's new mowing standards. He suggested that intersections be mowed regularly.

Mr. Hall stated that the standard is to cut grass that is 15 inches tall but that the Department will use judgment in situations involving safety.

Mr. DePue asked if the traffic signal at Route 646 had been installed.

Mr. Hall replied that the traffic signals are not yet installed.

D. CERTIFICATE OF APPRECIATION

Mr. DePue read a Certificate of Appreciation to Mr. Brady Graham for his service on the Welfare Board.

The Board members expressed their appreciation to Mr. Graham for his eight years of service on the Board.

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).

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, Brady Graham has been a member of the James City County Welfare Board for eight years; and

WHEREAS, he has served for two years as Vice-Chairman and two years as Chairman of the James City County Welfare Board; and

WHEREAS, he has demonstrated qualities of leadership, diplomacy, and dedication which have resulted in outstanding service to the citizens of James City County; and

WHEREAS, his efforts have been responsible for the development of meaningful and effective programs in James City County; and

WHEREAS, his contributions are recognized by the James City County Welfare Board,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County recognize the extraordinary contributions of his time and talents, and express its gratitude to

BRADY GRAHAM

for leadership and service as a member of the James City County Welfare Board.

BE IT FURTHER RESOLVED that this resolution be spread on the minutes of this Board and a suitable copy be presented to Brady Graham.

E. CONSENT CALENDAR

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

Mr. Mahone requested that item No. 1 be removed.

Mr. DePue made the motion to approve the remaining items on the Consent Calendar.

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

1b. Set Public Hearing Date of August 8, 1983 for the Proposed Amendments to Chapter 7, Garbage and Refuse.

2. Abandoning a Portion of State Route 729

RESOLUTIONABANDONING A PORTION OF STATE ROUTE 729

WHEREAS, Raleigh Square, Inc. is the owner of certain property served by a certain secondary road known as Albermarle Drive, and

WHEREAS, Raleigh Square, Inc. is desirous of having the Virginia Department of Highways and Transportation vacating a certain portion of Albermarle Drive; and

WHEREAS, the Board of Supervisors has caused the proper posting, publication and notice to the State Highway and Transportation Commission of its intention to abandon the herein described portion of Albermarle Drive; and

WHEREAS, the Board of Supervisors finds that no public necessity exists for the continuance of the herewith described portion of Albermarle Drive and that the safety and welfare of the public will be served best by abandoning the section of said road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that they hereby agree to the vacating or abandoning of the following described portion of Albermarle Drive.

All that certain section of road situate in the County of James City, Virginia, known as State Route 729 which said section is more particularly described as "AREA BETWEEN NEW PL & R/W AND EXISTING PL & R/W IS 4081 S.F. OR 0.0937 AC ±" on that plat entitled "PRELIMINARY PLAT OF PROPERTY OF RALEIGH SQUARE, INC. SHOWING VACATION OF LOT LINE AND ADJUSTMENT OF VDH&T RIGHT-OF-WAY, JAMES CITY COUNTY, VIRGINIA," dated March 17, 1983, made by Paul C. Small, AES A Professional Corporation, a copy of which is attached hereto.

- 1a. Set Public Hearing Date of August 8, 1983 for the Proposed Amendments to Chapter 11, Motor Vehicles and Traffic Code

In reference to accident reports, Mr. Mahone asked Mr. Morton what jurisdiction does the County's Police or State Police have over parking lot accidents.

Mr. Morton replied that the Police Department can still investigate the accidents, but that he would get back with Mr. Mahone to provide a more informative answer.

Mr. Mahone stated that the ordinance should be accurate before the public hearing date. He noted an error on page 4, Section 11-29(a). The correction was to delete the words "or County Sheriff's department." It was the consensus of the Board to discuss the ordinance in detail after the public hearing.

Mr. Mahone made the motion to set this item for public hearing on August 8, 1983.

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

F. **BOARD CONSIDERATIONS**

Mr. DePue requested that order of next three items be changed. At the request of the County Attorney, the Board would convene into Executive Session before considering F-1.

2. Six-Year Plan

Mr. DePue stated that the staff has been responsive to his concerns on the Plan and that he did not want to take any action on Jolly Pond Road today.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that the plan has been adjusted to include Route 607, Sycamore Landing.

Mr. Mahone made the motion to approve the Resolution.

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

RESOLUTIONTHE SIX-YEAR SECONDARY ROAD CONSTRUCTION PROGRAM

WHEREAS, the James City County staff has reviewed the needs for construction projects to improve the secondary road system within the County and has found numerous roads in need of improvements to eliminate deficiencies from state road standards, to reduce hazards to public safety and to provide adequate roadways for increasing traffic volumes; and

WHEREAS, the James City County Planning Commission has reviewed the report of secondary road construction projects and has recommended the priorities contained in the report to the Board of Supervisors; and

WHEREAS, the Board of Supervisors and the resident engineer of the Williamsburg Office of the Virginia Department of Highways and Transportation have jointly held a public hearing of the Six-Year Secondary Road Construction Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, the James City County Six-Year Secondary Road Construction Program, June, 1983, as prepared by the James City County Department of Planning, is established as the County's secondary road construction program priorities.

3. Dedication of Subdivision Streets Constructed During Fiscal Year 1983

Mr. Wayland Bass, Director of Public Works, presented this matter to the Board stating that the staff has prepared five Resolutions for approval, one for each subdivision, requesting the Highway Department to include these streets in their secondary system. He recommended adoption of the Resolutions.

Mr. Taylor made the motion to approve the Resolutions.

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

RESOLUTIONDEDICATION OF STREETS IN CARDINAL ACRES SUBDIVISION

WHEREAS, the developer of Cardinal Acres Subdivision, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, The Board of Supervisors desires certain streets in Cardinal Acres Subdivision, 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 Cardinal Acres Subdivision, Berkeley Magisterial District, James City County, in the State Secondary Highway System:

1. Cardinal Acres Drive - 50' right-of-way
From: State Route F-663
To: End of cul-de-sac (Cardinal Acres Drive)
Distance: 505' (0.096 miles)

A total of 505' (0.096 miles)

The right-of-way of 50 feet along with drainage easements is guaranteed as evidence by the following plats of record: Cardinal Acres Subdivision recorded in Plat Book 36 Page 67 dated January 29, 1981.

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

RESOLUTION

DEDICATION OF STREETS IN SEASON'S TRACE

SECTION 4 AND 6

WHEREAS, the developer of Season's Trace Subdivision, Section 4 and 6 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, The Board of Supervisors desires certain streets in Season's Trace Subdivision, Section 4 and 6 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 Season's Trace Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

1. State Route 1530-60' right-of-way (Season's Trace Road extended)
From: State Route 1530
To: Intersection of Winter East
Distance: 625.8' (0.119 miles)
2. Winter East - 50' right-of-way
From: Season's Trace Road extended
To: End of cul-de-sac (Winter East)
Distance: 1083.7' (0.205 miles)

A total of 1709.5' (0.324 miles)

The rights-of-way of 60 and 50 feet along with 20 foot drainage easements is guaranteed as evidence by the following plats of record: Season's Trace, Section Four, recorded in Deed Book 198 Page 706 dated October 26, 1979; and, Season's Trace, Section Six recorded in Deed Book 224 page 654 dated August 2, 1982.

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

RESOLUTION

DEDICATION OF STREETS IN DEERWOOD HILLS SUBDIVISION

SECTION 1 AND 2

WHEREAS, the developer of Deerwood Hills Subdivision, Section 1 and 2 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, The Board of Supervisors desires certain streets in Deerwood Hills Subdivision, Section 1 and 2 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 Deerwood Hills Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

1. Deerwood Drive - 50' right-of-way
From: State Route 611
To: End of cul-de-sac (Deerwood Drive)
Distance: 1640' (0.311 miles)

A total of 1640' (0.311 miles)

The right-of-way of 50 feet along with 20 and 30 foot drainage easements is guaranteed as evidence by the following plats of records Deerwood Hills, Section 1, recorded in Plat Book 31 Page 58 dated March 6, 1974; and, Deerwood Hills, Section II, recorded in Plat Book 35 Page 112 dated November 28, 1979.

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

RESOLUTION

DEDICATION OF STREETS IN BURNHAM WOODS SUBDIVISION

SECTION 2

WHEREAS, the developer of Burnham Woods Subdivision, Section 2 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, The Board of Supervisors desires certain streets in Burnham Woods Subdivision, Section 2 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 Burnham Woods Subdivision, Stonehouse Magisterial District, James City County, in the State Secondary Highway System:

1. Llewellyn Drive - 50' right-of-way
From: State Route 746
To: End of cul-de-sac
Distance: 465' (0.088 miles)
2. Dickson Circle - 50' right-of-way
From: Llewellyn Drive
To: End of cul-de-sac (Dickson Circle)
Distance: 204' (0.039 miles)

A total of 669' (0.127 miles)

The right-of-way of 50 feet along with 20 foot drainage easements is guaranteed as evidence by the following plats of record: Burnham Woods, Section 2, recorded in Plat Book 36 Page 50 dated October 9, 1980.

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

RESOLUTION

DEDICATION OF STREETS IN NORTH COVE SUBDIVISION

SECTION 1 AND 2

WHEREAS, the developer of North Cove Subdivision, Section 1 and 2 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, The Board of Supervisors desires certain streets in North Cove Subdivision, Section 1 and 2 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 North Cove Subdivision, Stonehouse Magisterial District, James City County, in the State Secondary Highway System:

1. North Cove Road - 50' Right-of-way
From: State Route 604
To: End of cul-de-sac (North Cove Road)
Distance: 1240' (0.235 miles)
2. Barlows Run - 50' Right-of-way
From: North Cove Road
To: End of cul-de-sac (Barlows Run)
Distance: 557' (0.105 miles)

A total of 1797' (0.340 miles)

The right-of-way of 50 feet along with 20 foot drainage easements is guaranteed as evidence by the following plats of record: North Cove, Section 1, recorded in Plat Book 34 Page 30, dated February 3, 1977; and, North Cove; Section 2, recorded in Plat Book 36 Page 85, dated May 29, 1981.

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

1. Proposed Ordinance Authorizing Acquisition of Real Property for Ware Creek Reservoir/Nice Brothers

Mr. DePue made the motion to convene into Executive Session pursuant to Section 2.1-344(a)(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 3:36 P.M. and reconvened into Public Session at 4:15 P.M.

Mr. Morton presented this matter to the Board recommending adoption of the ordinance.

Mr. Cecil Moore, attorney for Nice Brothers, stated that his clients felt that because of the importance of this issue, the County should have sent them a direct notice of the public hearing. He stated that his clients are deeply concerned about the amount of the take and the way the lines were struck to make the take. He stated that the Nice Brothers intended to develop the land in question in the future. He then stated that the uncertainty of this reservoir is doing a great deal of harm to his clients' efforts to develop the property.

Mr. DePue made the motion to adopt the Ordinance.

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

ORDINANCE NO. 149

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, ALL AS SHOWN ON A PLAT ATTACHED HERETO FOR PUBLIC PURPOSES AND FOR CONSTRUCTING AND EXPANDING THE WATER SUPPLY SYSTEM OWNED BY JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, as shown on a plat attached hereto, for construction and expansion of the water supply system owned by James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, James City County, Virginia hereby ordains:

Section 1. That the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, and shown on a plat attached hereto, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Section 3 of this Ordinance.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Section 4 of this Ordinance, which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Ordinance together with a substantial description of the parcel is as follows:

68.20 acres of land, more or less, in James City County, Virginia, shown on a plat entitled: "SURVEY FOR CONVEYANCE A PARCEL CONTAINING 68.20 ACRES OWNED BY: NICE PROPERTIES, INC. TO JAMES CITY COUNTY, STONEHOUSE DIST., JAMES CITY CO., VIRGINIA", dated Feb. 2, 1983, prepared by Buchart-Horn, Inc., Consulting Engineers & Planners.

Section 4. The funds estimated as necessary to compensate the owner of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is One Hundred Nineteen Thousand Three Hundred Fifty and 00/100 Dollars (\$119,350.00).

Section 5. The County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. shall notify the property owner of the compensation and damages offered by the County forthwith on or before May 15, 1983.

Section 6. That in the event any of the property described in Section 3 of this Ordinance has been conveyed, the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. are authorized and directed to institute proceedings against successors in title.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Samuel Powell, attorney for Shellis, Inc., requested permission of the Board of Supervisors to connect Shellis, Inc. to the Newport News water system. He stated that they preferred to connect to the City of Williamsburg, but that the City of Williamsburg was not willing to provide water to this project. He stated that if authorization was given to connect to Newport News and the City later decided to provide water to the project, they would connect to the City of Williamsburg.

Mr. Oliver presented to the Board a Resolution setting a special meeting of the Board of Supervisors on July 1, 1983 at 8:00 A.M. to adopt the transient occupancy tax.

Mr. Taylor made the motion to approve the Resolution.

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

RESOLUTION

SPECIAL BOARD MEETING

WHEREAS, James City County will impose a Transient Occupancy Tax beginning July 1, 1983;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors will hold a special meeting on July 1, 1983 at 8:00 a.m. in the County Government Center Board Room, to adopt the Transient Occupancy Tax.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue made a motion to approve the Resolution entitled "Connection of Shellis, Inc. to Newport News Water System."

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

RESOLUTION

CONNECTION OF SHELLIS, INC. TO NEWPORT NEWS WATER SYSTEM

WHEREAS, Shellis, Inc. has requested permission to connect to the Newport News water system;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County endorses the application of Shellis, Inc. to obtain water from the City of Newport News in accordance with adopted policies of the James City Service Authority provided that said endorsement shall be revoked should the City of Williamsburg respond favorably to the application for water service prior to July 15, 1983.

Mr. DePue stated that the County would be monitoring closely the results of the negotiations made with the developer on the South Henry Street project.

Mr. Jim Ellis, President of Shellis, Inc., expressed his appreciation to the Board for the hours spent on his project.

Mr. DePue commended the members of the Data Processing Advisory Council for their research and recommendations on the Data Processing Plan. He stated that if the staff had any concerns about the report of the Committee that they should put them in writing to the Chairman and to the Board.

Mr. DePue mentioned changing the method by which refuse is collected in the County. He suggested the staff begin to study franchising trash collection. He stated that he had no desire to put the local haulers out of business but that a new method would mean better and consistent service for County residents. He stated he did not want a municipal trash collection system.

Mr. Edwards made a motion to convene into Executive Session pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950 as amended to discuss appointments.

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

The Board convened into Executive Session at 4:40 P.M. and reconvened into Public Session at 5:10 P.M. at which time Mr. DePue made a motion to reappoint Mr. Frink to a six-month term and Mr. Mahone to a three-year term on the Service Authority.

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

Mr. Taylor made a motion to recess until 8:00 A.M., Friday, July 1, 1983.

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

The Board of Supervisors Meeting RECESSED at 5:13 P.M.

James B. Oliver, Jr.
Clerk to the Board