

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-THREE AT 7:30 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
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - November 28, 1983

Mr. Mahone noted some minor word changes on pages 1 and 3, then moved the approval of the Minutes.

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

C. PUBLIC HEARINGS

1. Proposed Reservoir Protection Overlay Zone Ordinance

Mrs. Victoria Gussman, Planner, reviewed the changes that were made to the original ordinance.

Mr. Mahone commented that the Planning Commission at their meeting of November 22, 1983, recommended approval of the ordinance to the Board of Supervisors by a 7-3 vote. He stated that there were two changes recommended at the Planning Commission meeting that failed by 5-5 votes.

Mr. DePue stated that James City County is the only Peninsula jurisdiction that enjoys a degree of independence of water supply. He stated that while a permit had not yet been issued by the Corps of Engineers, the Board of Supervisors has been moving in that direction. He then opened the public hearing.

1. Mr. Lamar Jolly, member of the Planning Commission, stated that the Planning Commission had a 5-5 vote on amending Sections 20-175 and 177 in reference to the requirement for special use permits. He stated that a minority of the Planning Commission felt it was unnecessary to require special use permits when an applicant has met the criteria or conditions already set forth in the ordinance. He also requested that the ordinance not be adopted until the County has received a permit from the Corps of Engineers.

2. Mr. A. G. Bradshaw stated that he supported the comments made by Mr. Jolly.

3. Mr. R. M. Hazelwood, Jr. stated that the Board should not adopt the ordinance until it has received a permit from the Corps of Engineers. He said that he did not want to be saddled with the restrictions of this ordinance now with the construction of the reservoir being at least 10 years away.

4. Mr. James B. Berryhill, Rt. 3, Box 293, stated that he was concerned with the haste in adopting this ordinance. He requested that more time be allowed so that a new process could begin with input from the affected landowners. He stated that he was not interested in developing his land but wanted to keep it in its present state.

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5. Mr. M. O. Smith, Sr., Treasure Island Road, stated his opposition to the ordinance. He felt that the restrictions required in the ordinance would create undue burdens on the affected landowners.

6. Mr. Jack Scruggs, Stonehouse District, stated that Section 20-170 needs to be studied further. He felt that the ordinance represented a taking without just compensation for the landowners.

7. Mr. Andy Bradshaw, P.O. Box 456, Toano, commended the Board, Planning Commission and staff for the informational meeting held on December 2, 1983 in Toano. He stated his concerns as follows: the public expense for the protection of the reservoir from the C&O Railroad runoffs; the special use requirements and the delegation of authority to the Public Works Department to prepare guidelines for the Runoff Analysis.

8. Mr. Howard W. Smith, 182 Treasure Island Road, felt that the Board did not allow the people enough time to study and understand the ordinance.

Mr. DePue closed the public hearing.

Mr. Oliver stated that no one in their comments, stated any disagreement with the need for quality drinking water. He stated that there is damage to the watershed area already, and that the County must be prudent in protecting the watershed. He suggested that Mrs. Gussman explain the special use permit required in this ordinance.

Mrs. Gussman explained that the special use permit process allows the Board to apply conditions to a use to make the use satisfactory in a watershed. She stated that in relation to a industrial or commercial use, without a permit, the Board would not be able to place limitations on the operation or outside use or quantities of the hazardous substances used. The permit would allow the Board to apply such conditions. In reference to residential areas, she stated that the minimum lot size of one acre implies that there will be some open areas and that the special use permit would allow the Board to be sure open areas are so located that they afford some protection to the reservoir.

Mr. DePue asked if there were any exemptions from Section 170.

Mr. Morton stated that the language applicable to the underlying zone would apply allowing replacement of certain residential structures, if the Board desired, they could also add the language to this ordinance.

Mr. Taylor made the motion to table the ordinance for 60 days because he felt the ordinance was not in a position to be finalized.

Mr. Edwards commented that the purpose of the ordinance was to obtain long-range protection of the watershed and that it is not possible for the Board to say there will be a reservoir at this time but that there is a need to protect the watershed. He felt that this ordinance is not perfect but is the best that the County can do at this point and felt that the Board should go ahead with its adoption and correct any imperfections as they are identified. He stated he would not support Mr. Taylor's motion.

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

Mr. DePue stated that everyone has had two and a half months to review this ordinance and that he felt some of the people asking for time were not sincere in their request but only wanted to buy time.

Mr. Mahone stated that although the ordinance was not perfect, the interest of the citizens will be protected, and that if the County plans to have a reservoir it must move now to protect it. He stated that he would support the adoption of the ordinance.

Mr. Edwards made the motion to approve the ordinance with the amendment to Section 170 as follows: "provided however, this shall not apply to single-family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced."

Mr. Taylor requested an amendment be made to the ordinance to reflect that the ordinance would become null and void if the Corps of Engineers or the Environmental Protection Agency reject the County's permit or the citizens reject the reservoir in a bond referendum.

Mr. DePue suggested that Mr. Morton comment on that amendment.

Mr. Morton stated that he had problems with that amendment.

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

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

ORDINANCE NO. 31A-81

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY ADDING THE FOLLOWING ARTICLE: ARTICLE XI, OVERLAY DISTRICTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, that Chapter 20, Zoning, of the Code of the County of James City is hereby amended by adding Article XI, Overlay Districts, Division 1, Reservoir Protection Overlay District.

CHAPTER 20

ZONING

Article XI. Overlay Districts

DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP

Section 20-168. Statement of Intent

The purpose of this District is to control and regulate runoff at the source to protect against and minimize the pollution of and deposition of sediment in existing or proposed public drinking water supply reservoirs in James City County. This District is intended to prevent causes of degradation of the water supply reservoir as a result of operating or the accidental malfunctioning of the use of land or its appurtenances within the drainage area of such water sources. The regulations in this district are found to be necessary to protect the health, safety, and general welfare of the people of the County.

The Reservoir Protection Overlay District is intended to impose special requirements in addition to the regulations of the principal Zoning District in which the water supply reservoir is located.

Section 20-169. Designation of the Reservoir Protection Overlay District.

The governing body of James City County, Virginia hereby establishes and delineates on the Zoning District Map the Reservoir Protection Overlay District, to be referred to on the Zoning District Map by the symbol RP.

Section 20-170. Existing Structures and Land Uses

The provisions of this article shall apply only to structures constructed and land uses established after December 5, 1983, the date of adoption of the ordinance. Expansions of existing structures and land uses, however, shall comply with the provisions of this article. If a structure or activity is destroyed or damaged to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire activity or structure, it shall be restored only if it complies with the requirements of this article; provided however this shall not apply to single family dwellings, mobile homes, two-family dwellings, three-family dwellings, four-family dwellings, townhouses or multi-family dwellings legally in existence, and they may be repaired or replaced.

Section 20-171. Definitions.

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For the purpose of this Division, the following words and phrases shall have the meanings ascribed to them below:

BULK STORAGE. Above-ground storage of liquids in excess of one thousand three hundred twenty (1320) gallons.

IMPERVIOUS SURFACE. An area which prevents the infiltration of water into the soil. Buildings, paved roads and parking lots, sidewalks and any area of concrete or asphalt are impervious surfaces. Compacted soil aggregate and crusher run shall be considered to be impervious surfaces.

TRIBUTARY STREAM. Any perennial or intermittent stream, including any lake, pond, or other body of water formed thereon, flowing into any water supply reservoir. Such streams are designated by solid or dashed blue lines on U. S. Geological Survey topographic maps.

WATER SUPPLY RESERVOIR. Any impoundment of surface waters owned, operated or controlled by James City County designed to provide drinking water to the public, or any area designated on the Comprehensive Plan of James City County as the site of a future public drinking water impoundment.

WATERSHED. Any area within the watershed boundaries indicated on the James City County Watershed Protection Map.

Section 20-172. Permitted Uses.

Uses permitted in the Reservoir Protection Overlay District shall be the same as those permitted in the underlying zoning district except as specified in Section 20-173.

Within the Reservoir Protection Overlay District, agricultural or household chemicals, including herbicides, insecticides, fungicides, and pesticides, to be dispersed upon the land or on animals shall be applied in accordance with label directions as attached by the manufacturer. Such chemicals shall be disposed in accordance with regulations cited in 40 CFR 261.5 and 40 CFR 262.51.

Section 20-173. Prohibited Uses.

- (a) The following uses shall be prohibited within the Reservoir Protection Overlay District:
 - (1) Storage or production of hazardous wastes as defined in Section 32.1-177 of the Code of VA, 1950, as amended.
 - (2) Transmission pipelines for liquefied natural gas, liquid petroleum products, slurry coal, and any other solids or liquids provided however, that on-site distribution pipelines or connections to existing pipelines, water lines, sewer lines, and storm sewers shall not be prohibited hereunder.
 - (3) Land application of industrial wastes (as defined in guidelines prepared by the Department of Public Works).
 - (4) Commercial livestock feeding operations. For the purposes of this article, the term commercial livestock feeding operation shall mean a lot, yard, structure, corral, or other area in which more than 500 animal units (as defined by the U. S. Environmental Protection Agency) of livestock are confined primarily for the purpose of feeding, growing, raising, holding, and birthing prior to slaughter or sale. The term does not include areas which are being used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
 - (5) Sanitary landfills.
- (b) The following uses shall be prohibited within two hundred (200) feet of a tributary stream and within two hundred (200) feet of the normal pool of a water supply reservoir (these distances shall be horizontal measurements):

- (1) Bulk storage of petroleum and asphalt products and compounds.
- (2) Storage of hazardous substances in reportable quantities as listed in 44 Fed. Reg. 50777 et seq. (1979).

Section 20-174. Requirements for Residential Uses

- (a) Each residential lot shall have a minimum area of one acre (43,560 square feet); provided, however, the minimum area requirement of one acre shall not apply to lots recorded or legally in existence as of December 5, 1983, the date of adoption of this article.
- (b) For residential subdivisions of more than five lots and mobile home parks, the applicant shall, at the time of filing a site plan or a preliminary plat for a subdivision, submit five copies of a Runoff Analysis in accordance with Section 20-178(a). Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth in the study. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
- (c) Development in the Planned Unit Development-Residential (PUD-R) district may be exempted from the requirements of Section 20-174(a) and (b), Section 20-175, Section 20-176 and Section 20-177 of this article provided the applicant at the time of filing for a rezoning shall provide five copies of a Runoff Analysis in accordance with Section 20-178(a), and performance assurances that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

Section 20-175. Area Requirements - Exceptions.

Residential lots smaller than one acre shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that subdivisions shall meet the following conditions are met:

- (a) The overall project density shall not exceed one dwelling unit per acre;
- (b) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
- (c) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Project Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.

Section 20-176. Stream and Reservoir Setback Requirements

- (a) Within the Reservoir Protection Overlay District, a buffer strip along any tributary stream shall be required to remain in its natural state or be planted with an erosion retarding vegetative cover. The width of the buffer strip shall be at least one hundred (100) feet. All structures shall be located outside of

the required buffer strip. No septic tank or septic tank drain field shall be located within one hundred fifty (150) feet of a tributary stream.

- (b) All structures shall be located at least two hundred (200) feet from any water supply reservoir. No septic tank or septic tank drain field shall be located within two hundred (200) feet of the normal pool elevation of a water supply reservoir. All land within two hundred (200) feet of the normal pool elevation of a water supply reservoir shall remain in its natural state or be planted with an erosion retarding vegetative cover.
- (c) All distances in (a) and (b) above shall be horizontal measurements. Tributary streams shall be measured from the edge of the water.

Section 20-177. Requirements for Commercial and Industrial Uses.

For the purposes of this article, commercial and industrial activities are defined as activities permitted by right or by special use permit in the General Business B-1, Limited Industrial M-1, or General Industrial M-2 Districts.

- (a) Within the Reservoir Protection Overlay District buildings to be erected or land to be used for commercial or industrial activities shall be permitted in accordance with the underlying zoning district after the issuance of a special use permit by the Board of Supervisors and provided that the following conditions are met:
 - (1) The applicant shall submit a Runoff Analysis in accordance with Section 20-178; and
 - (2) Performance assurances shall be provided that all runoff control and reservoir protection measures proposed in the Runoff Analysis shall be constructed, operated and maintained so as to meet the performance criteria set forth therein. The form of agreement and type of bond or letter of credit shall be approved by the County Attorney. The amount of bond or letter of credit and designated length of completion time shall be set by the Director of Public Works or his authorized designee.
 - (3) The applicant shall submit to the Zoning Administrator a list of all hazardous substances cited in 44 Fed. Reg. 50777 et seq. (1979) and which are intended to be used on the site, and a description of proposed methods of containment of such substances.
- (b) No Runoff Analysis shall be required for commercial or industrial development involving the establishment of less than five thousand (5,000) square feet of impervious surface. No special use permit shall be required for commercial or industrial developments involving the establishment of less than five thousand (5,000) square feet of impervious surface, unless required by the underlying zoning district.

Section 20-178. Runoff Analysis

- (a) The Runoff Analysis shall be performed or reviewed by a Virginia Registered Professional Engineer who shall certify that the study has been conducted in accordance with guidelines prepared by the Department of Public Works. The study shall address at a minimum the following topics:
 - (1) Description of the proposed project including location and extent of impervious surfaces, anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.
 - (2) Characteristics of natural runoff on the site including its rate and chemical composition including phosphorus

concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.

- (3) Characteristics of runoff on the site with the proposed project, including its rate, and chemical composition including phosphorus concentration, suspended solids, and other chemical characteristics as deemed necessary by the Director of Public Works to make an adequate assessment of water quality.
- (4) Measures that can be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
- (5) Performance criteria proposed to assure an acceptable level of runoff quality and rate. At a minimum such criteria shall provide for a seventy-five (75) percent reduction of suspended solids and phosphorus, and the retention or infiltration of the first one-inch of runoff from impervious surfaces.
- (6) Proposed runoff control and reservoir protection measures for the project.

(b) Procedure for Submittal and Review.

The applicant shall submit five copies of the Runoff Analysis to the Zoning Administrator who shall evaluate the study for compliance with these regulations and, if found to be complete, shall within thirty days after the Runoff Analysis has been filed, prepare a report with recommendations on the proposed project.

The Zoning Administrator's report shall include, but not be limited to the following:

- (1) Impact of the proposed project on the water supply reservoir.
- (2) Adequacy of performance criteria specified in the study, including ability to monitor.
- (3) Recommendations for additional reservoir protection measures, if required, including monitoring.
- (4) Final recommendations regarding the proposed project.

A copy of the Zoning Administrator's report shall be sent to the applicant. The Runoff Analysis and the Zoning Administrator's report shall be considered by the Planning Commission within thirty days after completion of the Zoning Administrator's report. Both reports shall be considered by the Planning Commission and the Board of Supervisors in their deliberations on the issuance of a special use permit.

2. Pre-budget and Revenue Sharing Hearings

Mr. DePue opened the pre-budget hearing, then turned the meeting over to Mr. Oliver who then opened the public hearing on revenue sharing. As there was no one wishing to speak to either matter, Mr. Oliver and Mr. DePue closed the public hearings.

3. Proposed Amendment to Cable Communications Ordinance

Mr. Morton stated that the ordinance would provide that in instances where structures to be served by cable are more than 300 feet from the trunk line, the proposed user would be responsible for all costs of running the line beyond 300 feet. He stated that he had the concurrence of the Communications Administrator and the Cable Television Advisory Committee. He recommended adoption of the ordinance.

Mr. Taylor asked Mr. Spacek when will the cable service be extended further than the EOC Building and Fire Station.

Mr. Paul Spacek, Systems Manager, stated that the engineers are in the process of doing design work on School Lane and Chickahominy Road and the Route 60 extension. He stated that sections such as Elmwood would not be feasible to serve at this time without an additional head-in station in Toano.

Mr. DePue questioned whether the Bush Springs area would be served with cable.

Mr. Spacek replied that it is probable and that the company is studying that area.

Mr. DePue closed the public hearing.

Mr. DePue made the motion to approve the ordinance.

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

ORDINANCE NO. 141 A-3

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE VII, SYSTEM OPERATIONS, BY AMENDING CHAPTER 4-86.1.17, FRANCHISE TERRITORY.

BE IT ORDAINED, by the Board of Supervisors that Chapter 4-86.1, Cable Communications, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Article VII, System Operations, Section 4-86.1.17, Franchise Territory, to read as follows.

CHAPTER 4-86.1

CABLE COMMUNICATIONS

Article VII. System Operations

Section 4-86.1.17 Franchise Territory

- (a) The franchise is for the territorial limits of the county. The grantee shall furnish to the county as part of its formal application for a franchise a map of suitable scale showing all highways and public buildings. The map shall indicate the primary service areas to be served, and upon approval by the county, be incorporated into the franchise certificate. The map shall clearly delineate the following:
 - (1) The primary service areas within the franchise territory where the cable system will be available and the construction schedule for making such service available. Any differential rates within the primary service areas shall be specified as required by Article VI, section 4-86.1.14(a).
 - (2) Areas within the franchise territory but outside the primary service area where extension of the cable system cannot reasonably be expected to be made available due to lack of present or planned development, or other similar reasons, but which would receive service according to the grantee's line extension policy incorporated into the franchise certificate.
- (b) Extension of the system into any areas outside the primary service area shall be required if any of the following conditions are met:
 - (1) When potential subscribers can be served by extension of the cable system past occupied dwelling units equivalent to a density of forty (40) homes per mile of cable contiguous to the activated system. Provided, however, where it is necessary to extend the Grantee's trunk and feeder lines more than three hundred (300) feet solely to provide service to subscriber(s) not required to be served by the grantee, the direct costs for such

extension in excess of three hundred (300) feet shall be paid in advance by the potential subscriber(s).

- (2) In areas not meeting the conditions in Article VII, section 4-86.1.17(b)(1) above, the grantee shall provide upon the request of ten (10) or more potential subscribers desiring service, an estimate of the costs required to extend service to said subscribers. If the potential subscribers then wish service, the grantee shall extend service upon request of said potential subscribers according to the rate schedule. The grantee may require advance payment. The amount paid for special extension shall be nonrefundable and in the event the area subsequently reaches the density required for mandatory extension, such payments shall be treated as consideration for special extension.
- (c) Within thirty (30) days of the effective date of this franchise, the grantee shall diligently pursue all efforts to obtain all necessary certificates, permits and agreements which are required to construct and operate a cable communications system in the county. Within ninety (90) days of receipt of such certificates, permits and agreements, the grantee shall commence construction of the cable system. Thereafter, construction shall proceed at such rate so as to make service available to all members of the public desiring such service at the earliest possible time. The construction program shall follow the schedule set forth in franchise certificate. If construction does not begin within twelve (12) months of the date of this franchise, the franchise shall be cancelled.
- (d) The grantee shall notify the county in writing fifteen (15) days prior to the date on which construction will commence. Thereafter, the grantee shall file quarterly written reports with the county within thirty (30) days after the end of each calendar quarter, informing the county of the grantee's construction progress. Such reports shall indicate the number of miles of system and include maps setting forth areas made operational during the current quarter, and any potential delays which the grantee is aware of which could prevent the completion of the system within the required period.
- (e) Nothing in this section shall prevent the grantee from constructing the system earlier than planned. However, any delay in the system construction beyond the times specified in the plan timetable shall require, if so requested in writing by the cable communications administrator, application to and consent by the board. The county may not unreasonably withhold consent when grantee has shown good cause for the delay, but the county may attach reasonable conditions to insure performance. The schedule and maps shall be updated whenever substantial changes become necessary.
- (f) The grantee shall not be responsible for any failure to meet all or any part of the construction schedule deadlines under this agreement due to regulation, act of God, riot or other civil disturbance, and without limiting the foregoing, by any other cause, contingency or circumstance not subject to its control which prevents or hinders the construction of the cable communications system described herein. If construction is delayed or prevented by any of the circumstances set forth hereinabove, the grantee shall notify the county in writing within ten (10) days after the occurrence of any act or ten (10) days after the termination of any continuous act and request that the time of completion of the project be extended for a stated period. If the board agrees, an extension shall be granted in whole or in part. Refusal of the board to agree to an extension shall be final.
- (g) The grantee shall interconnect origination and access channels of the cable system with any or all other cable systems in the adjacent areas, upon the directive of the county. The grantee shall cooperate with any interconnection corporation, regional interconnection authority or city, county, state and federal regulatory agency which may be hereafter established for the purposes of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the county. The grantee may be excused from interconnecting if the operator of the cable facility to

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be interconnected or the franchising authorities in other jurisdictions refuse to reach a reasonable agreement regarding such interconnection.

4. Utility Operating Policy

Mr. Oliver stated that this item has been before the Board of Directors and that it reflects the identical rates for the portions of the County using Williamsburg water.

Mr. DePue opened, then closed the public hearing.

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).

R E S O L U T I O N

AMENDMENTS TO UTILITY OPERATING POLICY
CUSTOMERS SERVED BY WATER
PURCHASED IN BULK FROM THE
CITY OF WILLIAMSBURG

WHEREAS, the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County have previously entered into an annexation agreement with the City of Williamsburg for the assumption of ownership of City water facilities within the County and the provision of water services to County residents previously served by the City of Williamsburg; and

WHEREAS, the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County will acquire water through bulk purchase from the City and will retail water to County residents; and

WHEREAS, said agreement becomes effective on January 1, 1984.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority and the Board of Supervisors of James City County do hereby amend the Utility Operating Policy to establish fees for water service in areas provided water by the City of Williamsburg, for those sections attached and made part of this resolution in the following sections:

Section 4-2.2(C) Water and Sewer Availability Fee, Metered Basis

Section 4-3.3(B) Quarterly Water Service Charges - Minimums

Section 4-3.4(B) Quarterly Water Service Charges - Metered Usage

5. Case No. SUP-31-83. Ruby V. Jones

Mr. Orlando A. Riutort, Director of Planning, recommended approval of the issuance of a special use permit with conditions.

Mr. DePue opened, then closed the public hearing.

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).

R E S O L U T I O N
SPECIAL USE PERMIT
CASE NO. SUP-31-83

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:	Ms. Ruby V. Jones
Real Estate Tax Map ID:	(15-3)
Parcel No.	(1-11)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.
Further Conditions:	The mobile home must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

6. Proposed Vacation of Easement/Kristiansand

Mr. Morton requested this item be set for public hearing on January 9, 1984.

Mr. DePue opened, then closed the public hearing. By consensus, the matter was set for public hearing.

7. Proposed Quitclaim Deed/Norman Davis Drive

Mr. Morton stated that in order to remove any cloud from the title of the properties in question, a quitclaim deed had been prepared conveying the property at issue back to the adjoining property owners. He recommended adoption of the resolution authorizing the execution of the quitclaim deed.

Mr. DePue opened then closed the public hearing.

Mr. DePue made the motion to adopt the resolution.

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

RESOLUTION
QUITCLAIM DEED/NORMAN DAVIS DRIVE

WHEREAS, the Board of Supervisors of James City County, following a public hearing held on December 5, 1983 is of the opinion that certain properties fronting on Norman Davis Drive should be quitclaimed to the therein described property owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby authorizes and directs the Chairman of the Board of Supervisors and the Clerk to the Board to execute that certain quitclaim deed dated 5th day of December, 1983 by and between James City County and the therein described property owners on Norman Davis Drive.

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D. BOARD CONSIDERATIONS1. Setting of Public Hearing for Ordinance Amendment, Division 3, Permit Fees

Mr. Edwards made the motion to set this item for public hearing on January 9, 1984.

Mr. Mahone stated that the amendments to this ordinance would result in substantial increases to the building inspection fees. He stated that he was not comfortable with the service being provided by that department and would vote against the public hearing.

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

2. Coastal Energy Impact Grant

Mr. Oliver stated that this resolution would reappropriate and allocate funds already received to reimburse the County.

Mr. Mahone asked whether part four of the grant has been done.

Mr. Oliver replied that it was part of the original grant application approval but has not been initiated to date.

Mr. Edwards wanted to know what was to be studied.

Mr. Oliver replied that staff has targeted the Blow Flats Road area for study.

Mr. DePue made the motion to approve the resolution.

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

RESOLUTIONCOASTAL ENERGY IMPACT PROGRAM

WHEREAS, the Board of Supervisors of James City County has been awarded a grant of \$21,000 from the Commonwealth of Virginia, Council on the Environment under the Coastal Energy Impact Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to accept the grant in reimbursement of expenditures previously incurred and in an effort to evaluate industrial development considerations in the Roberts District, and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County appropriates these anticipated receipts and a local match to complete the study as follows:

Revenues

CEIP Grant	<u>\$ 21,000</u>
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Expenditures

Contingency	\$ 13,000
Economic Development	
Industrial Development Study	11,430
Contingency (Local Match)	<u>(3,430)</u>
Total	<u>\$ 21,000</u>

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver noted that a report on Mr. James Wagner's request was in the Board Reading File. He then stated that there will be a worksession on December 19, 1983 on Financial Trends and the Police Department Study. He suggested the Board convene into Executive Session at the appropriate time to discuss personnel appointments.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor stated that he had received a complaint from Mrs. Ruth Coles in Toano that an inspector from the County came to her house and told her that the County was going to tear her barn down, and that the inspector was sent by Mr. Taylor.

Mr. Taylor requested that the matter be resolved to clear his name, in that he knew nothing about this matter. He also requested that a letter of apology be sent to Mrs. Coles.

Mr. Mahone inquired about the issuance of a hunting permit for Mr. Chandler.

Mr. Morton stated staff would have a conversation with Mr. Eggleston regarding a permit for Mr. Chandler.

Mr. Mahone made reference to a newspaper article about the Community Action Agency. He stated that Mr. John McCrimmon, the new Executive Director of that agency, is doing a good job trying to reorganize that agency and that the Board should support the agency during the budget process.

Mr. DePue asked the staff to consider running the minutes of the Board meetings on the government access channel on cable television. He stated that people only know what they read in the papers which is not a complete description of the Board's deliberations.

Mr. Mahone stated that he could support that request.

Mr. Oliver suggested that the complete docket might be placed in the Daily Press and/or Gazette before and after the meetings.

Mr. DePue made the motion to go into Executive Session to discuss personnel matters, pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950 as amended.

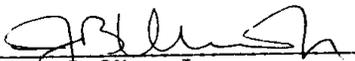
The Board convened into Executive Session at 10:30 P.M. and returned to Public Session at 10:45 at which time Mr. Taylor made the motion to appoint Mr. William R. Carter to the Private Industry Council.

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

Mr. Taylor 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 10:47 P.M.


James B. Oliver, Jr.
Clerk to the Board

RS/dfc
BOS2

AAJ113



MEMORANDUM

Date: May 12, 2015
To: Records Management
From: The Board of Supervisors
Subject: Board of Supervisors Minutes: February 13, 1983 and December 5, 1983

The following minutes for the Board of Supervisors of James City County dated February 13, 1983 and December 5, 1983 are missing an approval date and were either never voted on or never presented for approval in the year surrounding these meetings.

These minutes, to the best of my knowledge, are the official minutes for the February 13, 1983 and December 5, 1983 Board of Supervisors meeting. They were APPROVED by the current Board of Supervisors at the May 12, 2015 meeting.

Please accept these minutes as the official record for February 13, 1983 and December 5, 1983.


Michael J. Hipple
Chairman


Bryan J. Hill
Clerk

MEMO-1983BOS