

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SEVENTH DAY OF MAY, NINETEEN HUNDRED EIGHTY-FOUR AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice-Chairman, Berkeley District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

1. April 18, 1984 - Work Session
2. April 23, 1984 - Regular Meeting

Mr. Mahone made the motion to approve the two sets of minutes as amended.

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

C. CERTIFICATE OF APPRECIATION - MS. ESTHER BROWN

Mr. Taylor presented the Resolution to the Board expressing appreciation to Ms. Esther Brown for her services through the Retired Senior Volunteer Program in maintaining the Government Center Library.

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, Esther Brown has for three years unselfishly volunteered her time and energy through the Retired Senior Volunteer Program; and

WHEREAS, she has devoted one-half day each week to keep the Government Center Library in order by cataloging new acquisitions and shelving material in circulation; and

WHEREAS, provision of this needed service has helped lower the cost of local government.

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

ESTHER BROWN

for maintaining the Government Center Library as a volunteer.

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

D. PUBLIC HEARINGS

1. Case No. SUP-6-84. Albert T. Slater.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board, recommending approval of the application with conditions.

Mr. Taylor opened the public hearing.

Mr. Albert Slater addressed the Board regarding what he considers unfair restrictions imposed on his application for a special use permit to allow the placement of two mobile homes on approximately 83 acres, A-1 zoned property. Mr. Slater specifically addressed the requirement for screening, stating that adjacent property owners would not see the proposed trailers because trees block the site.

Mr. James Duke, Lanexa, Virginia, addressed the Board, stating that the proposed trailers are clearly visible from his property and his neighbor's property. Mr. Duke requested that the Board require the screening of the proposed trailers.

Mr. DePue asked Mr. Duke if he would (unless he preferred not to) divulge the assessed value of his property. Mr. Duke responded that he pays taxes on an assessment of \$87,000.

Mr. David Rogers, Lanexa, Virginia, addressed the Board, stating that the proposed trailers are within clear view of his property. Mr. Rogers asked for a clear interpretation of the law regarding the permitting process as he was of the opinion that prior permits issued in the area were for family members, yet all trailers are now rental property.

For clarification, Mr. Morton, County Attorney, stated that the permitting process does not speak to type of ownership of the mobile home.

Mr. Rogers requested that the Board look into the permitting process to guard against trailers being placed on property for rental purposes.

Mr. Duke questioned the number of families on the same septic system.

Mr. Taylor responded that the Health Department would have to make that determination.

Mr. Taylor closed the public hearing.

Mr. DePue stated that he supports the Special Use Permit because it provides housing for those who own land, but are unable to build on that land. Mr. DePue stated he could not support the SUIP for these two mobile homes.

Mr. Mahone requested that more definitive requirements be presented for the Board's consideration in this Special Use Permit.

Mr. Edwards moved the Resolution be deferred for two weeks to address the questions raised by the public hearing of this case.

Mr. DePue requested that staff and Mr. Morton consider the question of ownership versus rental of trailers and that if possible, a statement regarding this question be included in the Special Use Permit.

Mr. Brown requested that the screening be specifically defined.

The matter was deferred by consensus.

2. Case No. SUP-7-84. Martha E. Tackett.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board, stating that Ms. Martha E. Tackett has applied for a special use permit to allow the placement of a mobile home on approximately one acre. The property is zoned A-1, General Agricultural and is located on Saddletown Road, a dirt street, approximately one-half mile from the intersection of Saddletown Road and Route 606 in the Stonehouse District. The Health Department has approved the connection to a new septic field and a new well; the site is within a wooded site; and the Comprehensive Plan designates this area as agricultural, forestry, and rural residential. Approval of this application is recommended, contingent upon the mobile home being skirted and meeting the requirements of the Virginia Industrialized Building Unit and Mobile Home Regulations.

Mr. Taylor opened the Public Hearing.

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Ms. Audre Atkins, 110 Booth Road, Newport News, Virginia, addressed the Board, stating that she owns 65 acres of property on Saddletown Road and strongly objects to the placement of additional mobile homes on Saddletown Road. In addition, Ms. Atkins stated that she owns property on Riverview Road, assessed at \$100,000, and she has additional property on Saddletown Road under study for development.

Ray Meyer, a resident of Saddletown Road, stated that there are approximately eight mobile homes on Saddletown Road and only two homes, valued at less than \$15,000, with a third home behind the Hunt Club. Mr. Meyer stated that the property owned by Ms. Atkins is not visible from the proposed mobile home site. Mr. Meyer requested the Board approve the permit allowing his mother-in-law to place a mobile home on the property.

Mr. Taylor closed the public hearing.

Mr. Edwards stated that he felt it would be a poor investment of the County to place additional mobile homes on a dirt street without the guarantee that the road would be improved in the near future.

Mr. Taylor stated the placement of one more mobile home on the property would not create an adverse condition.

Mr. Taylor made the motion to approve the resolution.

On a roll call, the vote was AYE: Mahone, Taylor (2). NAY: Brown, Edwards, DePue (3).

The motion failed by a 2-3 vote.

3. Case No. Z-1-84. MRM Investments, Ltd.

Mr. Orlando A. Riutort, Director of Planning, presented this application to the Board, stating that Mr. Samuel T. Powell has applied on behalf of MRM Investments Ltd. to rezone approximately 5.74 acres from A-2, Limited Agricultural to R-5, Multi-family Residential. The purpose of this application is to allow development of three-story condominiums. The property is located on the south side of Ironbound Road, Route 615, approximately 250 feet from the intersection of Ironbound Road and Strawberry Plains Road, Route 616.

Mr. Riutort further stated that the site has approximately 330 feet of frontage on Ironbound Road and approximately 50 feet of frontage on Strawberry Plains Road. Both roads are heavily traveled. The Comprehensive Plan designates the site for low density residential development, although the land use classifications are general descriptions, not necessarily meant to exclude other uses.

MRM Investments, Ltd., voluntarily proffered the following:

1. Maximum number of units to be constructed on the property shall not exceed 72.
2. Protective planting and screening shall be provided at the contract purchaser's expense and shall provide screening protection for Bucktrout Funeral Home and for the adjoining residential property.

On March 26, 1984, the Planning Commission recommended approval of this case and acceptance of the voluntarily proffered conditions.

Mr. Taylor opened the public hearing.

Mr. Samuel T. Powell clarified for the Board that the housing units will not be public housing, but rather condominiums for sale in the \$67,000-80,000 price range. A-2 zoning provides a holding pattern until urban development can come from the city to A-2 property. Mr. Powell described for the Board the orderly progression of urbanization to the property in question, stating that the area of Ironbound and Strawberry Plains Roads includes a variety of uses. In addition, public water and sewer are available to this property. Mr. Powell stated that he felt urban development has already reached out and encompassed this particular piece of property.

Mr. Powell stated MRM Investments, Inc., reduced the density and provided protection to adjacent property owners, with three tiers of plantings between the proposed condominiums and the Lewis property.

Rev. J. B. Tabb, resident of Ironbound Road, representing citizens of Brookhaven Subdivision, Ironbound Road, and Strawberry Plains Road expressed concerns about the proposed rezoning and its impact on the traffic flow to the various businesses located in the vicinity. Rev. Tabb stated the three-story structures would be less than 50, maybe 20 feet from the Lewis property line. Rev. Tabb cited past examples of citizen opposition that successfully defeated proposed development. Rev. Tabb requested that the Board in their considerations of the proposed rezoning remember that to the landowners their land represents "kings and queens".

Ms. Annie Lewis, resident of Ironbound Road, asked if the Board had received the petition from residents of the area surrounding the proposed rezoning. Mr. Taylor stated that the Board had not seen the petition. It was noted that the Planning Commission received this item. Ms. Lewis reported the present traffic flow is such that residents of the area are unable to sleep at night.

Mr. Robert Page, Bucktrout Funeral Home, reported to the Board his concern that the density of the apartments on the five acres of land would be too dense for that triangle of land. Mr. Page expressed his reservations about the amount of usable land, as well as the maintenance of the properties by the individual owners.

Mr. Powell commented on Rev. Tabb's concern regarding the traffic situation, indicating that the Highway Department has stated a left turn lane(s) will be required. Addressing Mr. Page's concern, Mr. Powell reported that individual owners will be members of an association and a professional will be hired to maintain the complex.

Mr. Taylor closed the public hearing.

Mr. Edwards raised a concern that with all the development activity in the Ironbound Road area, we need to pay particular attention to the protection of residential areas. Mr. Edwards stated that the other development in the Ironbound Road area is happening on the other side of the road and that has been an important boundary physically and psychologically for the established residential areas in that community. Simply because development is happening on the other side of Ironbound Road is not a good reason to justify rezoning this parcel. Mr. Edwards stated that 12 1/2 units per acre is dense for our area and we need to protect residential areas that exist.

Mr. DePue expressed the opinion that the duty of the Board is to step back and be objective in consideration of rezoning cases. Mr. DePue stated that if he had to make a decision based on the case prepared by Mr. Powell on behalf of his client, he would vote in favor of the rezoning.

Mr. Mahone stated that the Comprehensive Plan calls for low density, and apartment complex occupants tend to spill over into adjoining areas. The proposed condominium complex is too intense a use of land to be considered transitional. Mr. Mahone expressed appreciation for proffers providing quality plans.

Mr. Taylor expressed reservations regarding the compatibility of the three-story structures with the surrounding residential areas.

The matter was deferred by consensus.

4. Case No. Z-2-84. Robert E. Gilley.

Mr. Orlando A. Riutort, Director of Planning, presented the resolution to the Board, stating that Mr. Gilley has applied to rezone approximately 5.78 acres from A-2, Limited Agricultural to R-2, Limited Residential. The applicant proposed to subdivide the property and to construct two-family dwellings on individual lots. The property is located on the southeast side of Neck-O-Land Road, Route 682, approximately 200 feet northeast of the intersection of Neck-O-Land Road and Gatehouse Boulevard. Public water and sewer are available; the area to be rezoned is generally level and open; the site has 500 feet of frontage on Neck-O-Land Road; and the Comprehensive Plan designates the site for low density residential development. Staff estimates the overall density with a build out of duplexes at approximately 4.5 units per acre. Mr. Riutort reported that on March 26, 1984, the Planning Commission unanimously recommended approval of this request.

Mr. Taylor opened the public hearing.

Mr. Robert Emmett, representing Mr. Gilley, reinforced Mr. Riutort's presentation, stating that if Mr. Gilley had not requested the rezoning, the County probably would have.

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Mr. Taylor closed the public hearing.

Mr. Brown made the motion to approve the resolution.

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

RESOLUTION

RESOLUTION OF APPROVAL- ZONING CASE NO. Z-2-84

ROBERT E. GILLEY

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled and conducted on May 7, 1984 for Zoning Case No. Z-2-84 for rezoning approximately 5.78 acres from A-2, Limited Agricultural to R-2, Limited Residential; and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its public hearing on March 26, 1984, unanimously recommended approval of Zoning Case No. Z-2-84 with proffered conditions, and

WHEREAS, Zoning Case No. Z-2-84 is in accord with the adopted Comprehensive Plan of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-2-84 as described herein and as detailed in the attached memorandum.

F. BOARD CONSIDERATION

By consent of the Board, item F-1, Property Address System was move forward on the agenda.

1. Property Address System.

Mr. John E. McDonald, Director of Financial and Management Services, presented this matter to the Board. Mr. McDonald reported that staff is of the opinion that the street address system, based on the State grid, will add a new dimension to the County's property address system and emergency services dispatching. Mr. McDonald stated that the examinations of the address system as well as trips to the affected areas, resulted in the adjustment of numbers on Lake Powell Road, with further consideration of modest revisions on Jolly Pond Road and Richmond Road between Anderson's Corner and New Kent County. In spite of opposition to the changes for numbering Jamestown Road and Monument Drive and Magruder Lane, staff continues to recommend the approval of the new system.

Mr. Brown move the adoption of the alternate Resolution, exempting Jamestown Road, Monument Drive and Magruder Lane with the understanding that we renumber Jolly Pond Road from the intersection of Route 633 and Jolly Pond Road, and the intersection of Treasure Island Road and Lake Powell Road, numbering around the corner on these roads as well as the Richmond Road and Anderson's Corner intersection.

Mr. Mahone requested information on the numbering of Neck-O-Land Road.

Mr. McDonald reported that numbering of Neck-O-Land Road was done on the cul-de-sac system beginning with 100 and going to 600 or 700 numbers at the end of the road. This system allows for new development on both sides of the road.

Mr. Douglas Johnson, 26 Magruder Heights, asked what the Board proposed as the numbering system on Monument Drive and Magruder Lane.

Mr. McDonald reported that staff proposed to leave the numbers on Monument Drive and Magruder Lane and only change the numbers of the two houses that face Penniman Road.

Dr. Susan Feiner, 110 Jolly Pond Road, requested that the addresses on Jolly Pond Road be exempted from the proposed address change.

Mr. James Brewer, 112 Jolly Pond Road, stated that the numbering of Jolly Pond Road does not make sense with the large gaps between assigned numbers.

Mr. Taylor called on Mrs. Marsha A. Brown, Route 633, who requested that the Board change the name Shields Point Road to Bush Neck Road from its intersection at Route 611 to its dead end, in response to a petition from the residents of Route 633.

Mr. DePue moved to amend Mr. Brown's motion to defer the matter of Jolly Pond Road and Bush Neck Road/Shields Point Road to the staff for recommendation and in consideration by the Board at the May 21, 1984, meeting.

Mr. Mahone requested more explanation on Lake Powell Road and Hickory Sign Post Road.

Mr. Edwards requested that the Board resolve the addressing issue-being accurate, fair, and decisive, but above all, making a final decision.

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

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RESOLUTION

PROPERTY ADDRESS SYSTEM

WHEREAS, the Board of Supervisors of James City County has recognized a need for a property address system; and

WHEREAS, the Postal Service has concurred in the adoption of the property address system based upon the State grid system, and

WHEREAS, in reviewing citizen comments on the grid system, a technical exception is necessary to accommodate "L" and "U" shaped roads, and

WHEREAS, certain citizen groups have requested that they be considered as exceptions to the grid system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County adopts and endorses the property address system, as proposed, with the following two exceptions:

1. That numbering systems for roads that would be assigned numbers on both the East/West grid and the North/South grid be numbered in consecutive numerical order from a specific commencement point.
2. Jamestown Road shall be exempted, as shall residents of Monument Drive and Magruder Lane.

After a brief recess, the Board returned to the agenda.

5. Case No. Z-7-84. Ordinance Amendment, A-1 & A-2 Districts.

Mr. Orlando A. Riutort, Director of Planning presented this matter to the Board stating the vagueness of the minimum area requirements in situations where more than one single-family dwelling or two-family dwelling is to be provided on the same lot must be corrected. Amendments are recommended to the A-1 and A-2 zones that would require a minimum area for each dwelling when more than one is to be located on the lot. The intent of the amendment is to bring the minimum area requirements in accord with the Zoning Ordinance. Staff recommends approval of amendments to Section 20-30.1 and 20-37.1 of the Zoning Ordinance. On April 24, 1984, the Planning Commission unanimously recommended approval of the proposed amendment.

To clarify the designation of A-1 and A-2, Mr. Riutort stated that A-1, Section 20-30, requires a minimum lot size of 20,000 square feet where no public

water and sewer are available. A-2, Section 20-37, lots served by public water and sewer systems would have a minimum area of 17,500 square feet, if it has public water or public sewer, it should be 20,000 square feet, and if it has neither, it should be 30,000 square feet.

Mr. Taylor opened the public hearing.

Mr. Robert Emmett, on behalf of Mrs. Beatrice Legum, objected to the proposed amendment.

Mr. Taylor closed the public hearing.

Mr. Brown moved the adoption of the Resolution.

Mr. Brown amended his motion to move the adoption of the recommendation.

Mr. DePue requested action on the motion be reserved until the Board had Executive Session to discuss a legal matter.

6. Proposed Amendment to Cable Communications Ordinance.

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board requesting adoption of the ordinance amendment to increase the membership of the Cable Television Advisory Committee from five to seven members. The Committee intends that this amendment will expand the background of the Committee and provide an adequate forum for decision-making on occasions when all members cannot attend.

Mr. Taylor opened the public hearing.

Mr. Steven Francis, 119 Tanbark Lane, Elmwood Subdivision, questioned who would make the appointments to the Committee.

Mr. Taylor responded that applications would be accepted for the appointments to the Committee and the Board would then make the appointments.

Mr. Taylor closed the public hearing.

Mr. Edwards moved the approval of the ordinance.

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

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE IV, CABLE COMMUNICATIONS ADMINISTRATOR, BY AMENDING SECTION 4-86.1.6, CABLE COMMUNICATIONS ADMINISTRATOR'S AND CITIZENS COMMITTEE'S POWER AND RESPONSIBILITIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 4-86.1, Cable Communications, of the Code of the County of James City, Article IV, Cable Communications Administrator, is hereby amended by amending Section 4-86.1.6, Cable Communications Administrator's and Citizens Committee's Power and Responsibilities.

Sec. 4-86.1.6 Cable communications administrator's and citizens committee's power and responsibilities.

(a) Day-to-day administration of cable television operations within the count may be assigned to a cable communications administrator. The cable communication administrator shall be designated by the county administrator and shall report directl to the county administrator. The cable communications administrator's powers and responsibilities shall include, but not be limited to, the following functions:

- (1) Assisting in the preparation of invitations to bid for a franchise; establishing criteria for review and ranking of franchise applications; reviewing and screening applications for franchises and making selection recommendations to the board of supervisors through the county administrator.

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- (2) Monitoring the timely performance of the grantee in making application for and obtaining all certificates, permits and agreements as provided for in this chapter.
- (3) Monitoring the performance of the grantee in meeting the construction timetable as provided for in this chapter.
- (4) Advising and making recommendations to the board of supervisors, through the county administrator, on technical, engineering and police power regulations of cable operations within the county.
- (5) Cooperating with other systems, cable communications system operators and governmental units in the development of and in the supervision of the interconnection of systems.
- (6) Reviewing all franchise records, including the financial records as indicated in Article VI, section 4-86.1.15(b), and reports as required by this chapter, as well as all franchise reports filed with the FCC, and at the county administrator's discretion, requiring the preparation and filing of information in addition to that required therein, as may reasonably be required to accomplish the purposes of this chapter.
- (7) Monitoring performance of the grantee under any other terms of the franchise agreements and this chapter and making recommendations to the board of supervisors, through the county administrator, to ensure such compliance.
- (8) Making an annual report to the board of supervisors, through the county administrator, which shall include: An account of franchise fees received, the total number of hours of utilization of public channels with hourly subtotals for various programming categories, and a review of any plans submitted during the year by the grantee for development of new services.
- (9) Conducting evaluations of the system at least every three (3) years, and pursuant thereto, making recommendations to the board of supervisors, through the county administrator, for amendments to this chapter or to the franchise agreement.
- (10) Receiving and investigating complaints against grantee by any person or upon direction of the board of supervisors.
- (11) Seeking recovery, with the assistance or through appropriate legal counsel, if necessary, of liquidated damages in accordance with this chapter.
- (12) Advising grantee of the receipt of subscriber complaints affecting the grantee's system.

(b) There shall be established a citizen's advisory board entitled the James City County Cable Communications Committee. The committee shall consist of seven (7) members.

Members shall be appointed by the board for terms of four (4) years; no member shall be appointed as a member of the committee for more than two (2) consecutive terms. The terms of the first appointees shall be as follows: Three (3) of the committee members shall be appointed for terms of two (2) years. Assignment of the individual terms of members shall be determined by lot by the board. In all appointments thereafter, all committee members shall be appointed for terms of four (4) years. The cable communications administrator shall provide staff support to the committee.

The committee shall adopt bylaws governing its procedures and actions on matters coming before it which shall include provision for selection and tenure of the committee chairman.

Responsibilities of the cable committee shall include, but not be limited to, the following:

- (1) Serve as regulatory and coordinating body for the public access and educational access channels of cable television and any institutional networks that may be developed.
- (2) Review, in association with the cable communications administrator, the required performance evaluations every three (3) years.

- (3) Advise the county government of objectives to be obtained in the county's cable communications system based upon its continued evaluation of the county's cable communications franchise and continued assessment of cable technology.
- (4) Review the annual report to the board prepared by the cable communications administrator.
- (5) Cooperate with the county and the grantee in fulfilling its responsibilities herein. (Ord. No. 141,

7. Proposed Park Ordinance.

Mr. Frank M. Morton, III, County Attorney, presented the ordinance to the Board, requesting adoption. Mr. Morton stated that the ordinance sets up typical regulation for activities in public park and recreational areas in James City County.

Mr. Taylor opened the public hearing.

There being no one wishing to speak, Mr. Taylor closed the public hearing.

Mr. DePue asked if there was reference in this or any other ordinance to control loud radios, noises, etc.

Mr. Morton responded that he had considered inclusion of a sound level but decided to defer such an item until there was a problem.

Mr. Taylor requested a minimal number of regulations.

Mr. Brown stated that he had concerns with a few of the points of the ordinance, especially the statement about alcoholic beverages and the use of the facilities by children under the age of six without adult supervision. Mr. Brown said alcoholic beverages should be prohibited, and six years of age seemed quite young even with direct supervision. Mr. Brown said a statement should be included in the ordinance giving the Park Supervisor or the County Administrator authority to promulgate rules.

Mr. Oliver stated it was necessary to have an ordinance adopted before the Upper County Park opens the end of May and that amendments can be offered subsequently.

Mr. Morton suggested a section be added to the ordinance as follows:

Section 13A-23. Swimming Pools - Rules and Regulations.

The Director shall have the right to promulgate rules and regulations for the operation of pools in the parks and recreation facilities.

Mr. Brown moved the adoption of the Ordinance.

Mr. Mahone requested insertion of commas for clarity in Section 13A-1. Mr. Mahone raised a question regarding Section 13A-16, and restated that there is to be no leasing of public park facilities without authorization by the Board of Supervisors.

Mr. Mahone also objected to the word "sign" in Section 13A-17.

Mr. DePue suggested we start with a restrictive ordinance and as necessary loosen it.

Mr. Taylor stated he felt it better to have an ordinance that is not too restrictive.

Mr. Morton recommended that the Section 13A-2. Alcoholic beverages and controlled substances; prohibited., be retained. The original language is necessary because the State Code does not prohibit a person having an unopened container of alcoholic beverage in a public place.

Mr. Brown moved the adoption of the Ordinance with amendment authorizing the promulgation of rules for swimming pools and the deletion of the word signs.

On a roll call, the vote was AYE: Brown, Edwards, Taylor (3). NAY: Mahone, DePue (2).

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 13-A, PUBLIC PARKS AND RECREATION FACILITIES.

CHAPTER 13-A

PUBLIC PARKS AND RECREATION FACILITIES

Division I. General

Section 13A-1. Definitions.

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

County. The County of James City.

Director. The Director of Parks and Recreation for James City County.

Person. Any person, firm, or corporation.

Public Parks and Recreation Facilities. Any and all park lands and waters, roadways therein, recreation equipment, building, structures, and the flora and fauna located thereon owned by, or under the jurisdiction or control of, the County.

Division II.

Regulations Governing Public Parks and Recreation Facilities

Section 13A-2. Alcoholic beverages and controlled substances; prohibited.

No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public park and recreational facilities.

No person shall consume, possess, or be under the influence of any controlled substance, as defined by the Code of Virginia, while in public park and recreational facilities.

Section 13A-3. Operating or parking vehicles in recreational facilities generally.

No person shall operate or park any vehicle in public parks and recreational facilities except on the roadways and parking areas provided and/or designated for this purpose. Nor shall any vehicles be parked in a manner as to impede or obstruct the normal safe flow of traffic.

Section 13A-4. Games of chance; prohibited.

No person shall engage in games of chance in public park and recreational facilities.

Section 13A-5. Concealed weapons; prohibited.

Unauthorized persons shall not carry concealed weapons, nor shall they have on or about their person dangerous or deadly weapons, in public park and recreational facilities.

Section 13A-6. Open fires.

No person shall make a fire in public park and recreational facilities other than in grills, fire places, or other areas as designated and

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approved for such use by the Director. All fires shall be closely monitored and completely extinguished by persons starting and using them before those persons leave the immediate vicinity.

Section 13A-7. Use of public park and recreational facilities by children under the age of six.

No parent or guardian shall permit a child under the age of six (6) years to make use of public park and recreational facilities without providing for direct supervision of the child.

Section 13A-8. Skateboards.

No person shall ride or use a skateboard in public park and recreational facilities except in areas so designated for such use.

Section 13A-9. Toilets; cleanliness and use.

No person shall fail to cooperate in maintaining restrooms in a neat and sanitary condition. No person over the age of six years shall enter the restrooms designated for the opposite sex. There shall be no loitering in the restrooms.

Section 13A-10. Use of public parks and recreational facilities property and equipment.

No person shall damage, deface, destroy, remove, injure or improperly use public park and recreational facilities, property, equipment or the natural environment.

Section 13A-11. Control of litter.

No person shall throw, deposit, or leave any litter, refuse or rubbish of any kind in public park and recreational facilities except in public receptacles and in such manner that the litter, refuse or rubbish will be prevented from being carried by the elements. Where public receptacles are not provided, all such litter, refuse or rubbish shall be carried away from the area by the person responsible for its presence and properly disposed of elsewhere.

Section 13A-12. Control of animals.

No person shall permit his animal to run at large. In the case of a dog, the owner or his agent shall secure the animal by a collar with a chain, cord or leash not exceeding eight (8) feet in length, and have the animal under complete and immediate control.

Section 13A-13. Instruction.

No person other than those authorized by the Director shall offer instruction in public park and recreational facilities.

Section 13A-14. Hours of operation.

The Director shall establish hours of operation for public parks and recreational facilities; the hours may prohibit use of certain facilities at certain times.

Section 13A-15. Permits for use of public park and recreational facilities.

Permits for the use of public park and recreational facilities may be required by the Director. Where permits are required, no person shall engage in or make use of any park and recreational facility without first paying for same and adhering to the rules and regulations governing use of said facility.

Section 13A-16. Leasing of park facilities; charges for use of such facilities and admission to recreation activities.

When authorized by the Board of Supervisors and upon such terms and conditions as it may provide, the public parks and recreation facilities may be leased; the Director shall fix and collect charges for the use of the facilities and services, fix and collect charges for admission to concerts, entertainments and other recreational activities sponsored by it.

Section 13A-17. Posting advertisement; sale of goods generally.

- (a) No person shall post, distribute, circulate or display any notice, banner, advertisement or printed material in any park or recreational facility without permission of the Director.
- (b) No person shall offer for sale or rent any goods, articles, privileges, commodities or services whatsoever or solicit for any purpose in any recreational facility, without obtaining written permission from the Director, and for such time and at such places as the Director may determine. This section shall not be construed to apply to the sale of food, soft drinks and other like goods pursuant to Section 13A-17.

Section 13A-18. Sale of food and soft drinks; canteen concessions.

The sale of foods, soft drinks or other like goods is prohibited in any park or recreational facility, except from canteens or concessions operated by concessionaires authorized by the Director.

Section 13A-19. Washing, repairing or servicing vehicles.

No person shall use any park or recreational facility for washing, repairing or servicing, other than replacing a flat tire, of any vehicle designed for self-propulsion. Abandonment of such vehicles is prohibited. If mechanical disablement occurs, immediate steps must be taken for removal.

Section 13A-20. Use of nature trails, pedestrian paths, etc.

No persons other than those authorized by the Director shall operate a motorized vehicle upon nature trails, pedestrian paths, bikeways specifically designated and established for such use.

Section 13A-21. Operation of non-licensed motorized vehicles.

No person shall operate a non-licensed motorized vehicle in any park or recreational facility unless in an area specifically designated for such use by the Director.

Section 13A-22. Use of electronic metal-detecting devices.

No person shall utilize any type of electronic metal-detecting device in any recreational facility.

Section 13A-23. Swimming Pools - Rules and Regulations.

The Director shall have the right to promulgate rules and regulations for the operation of pools in the parks and recreation facilities.

E. CONSENT CALENDAR

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

Mr. Taylor made the motion to approve the items on the Consent Calendar.

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

1. Set Public Hearing Date of June 11, 1984 for:
 - a. Case No. Z-5-84. Case/Edwards
 - b. Case No. Z-6-84. Garnette Sumner
 - c. Case No. SUP-8-84. JCC Water Transmission Main
 - d. Case No. SUP-9-84. John Thompson
 - e. Case No. SUP-10-84. Warren D. Jones, Jr.
 - f. Case No. SUP-12-84. Andrew Taylor
 - g. Case No. SUP-11-84/Z-3-84. Raleigh Square, Inc.
 - h. Set Public Hearing Date of June 11, 1984 for: Utility Regulations and Rates
2. Appointment of Zoning Administrator.

R E S O L U T I O N

APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, the County Zoning Ordinance was made effective March 1, 1969; and

WHEREAS, Section 20.5 thereof stipulates that such ordinance shall be administered and enforced by the zoning administrator who shall be appointed by the governing body; and

WHEREAS, the governing body did by resolution on April 10, 1978 appoint respectively the Director of Planning and Planner II as the zoning administrator and alternate zoning administrator; and

WHEREAS, the governing body did by resolution on April 23, 1984 adopt the FY 85 Annual Fiscal Plan that inter alia establishes a Department of Code Compliance which shall be managed by a director of code compliance whose duties include that of zoning administrator; and

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the incumbents of the positions of Director of Code Compliance and Plans Examiner be and are hereby appointed to serve as zoning administrator and alternate zoning administrator, respectively.

3. Street Name Change.

R E S O L U T I O N

CAMP ROAD

WHEREAS, upon request by residents to the Board of Supervisors of James City County, a name change is requested to change Edwards Mill Road to Camp Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby changes the name of a street now named EDWARDS MILL ROAD to CAMP ROAD and directs the County Administrator to notify the Virginia Department of Highways and Transportation, the Postal Service, residents and property owners.

F. BOARD CONSIDERATION

2. Kingsmill Master Plan Amendment.

Mr. Orlando A. Riutort, Director of Planning, presented this request to the Board, recommending approval of the proposed land use amendment to the Kingsmill Master Plan and the revised circulation pattern in the single-family area. The area affected by the proposed amendment contains approximately 440 acres, and is located in the southwest part of Kingsmill, and is bounded on the south by the James River, on the west by the Colonial Parkway, on the north by Halfway Creek and Mounts Bay Road, and on the east by the Kingsmill Golf Course. The size of the golf course will decrease by 20 acres. The area planned for single-family detached development will increase by 73 acres.

Mr. Taylor moved adoption of the Resolution.

On a roll call, the vote was AYE: Edwards, Mahone, DePue, Taylor (4).
NAY: (0). ABSTAIN: Brown (1).

RESOLUTION

KINGSMILL MASTER PLAN AMENDMENT

WHEREAS, Busch Properties, Incorporated, has applied for amendments to the approved Master Plan for Kingsmill on the James in the general area bounded by the Colonial Parkway, Halfway Creek, the Kingsmill Golf Course, and the James River; and

WHEREAS, Section 20-69 of the James City County Zoning Ordinance reserves to the Board of Supervisors the authority to amend a Master Plan; and

WHEREAS, the proposed amendments will reduce the areas of residence "B" townhouses by 30.8 acres, reduce areas of residence "D" multi-family by 22.5 acres, reduce the second Golf Course by 19.5 acres, and increase areas of residence "A" single-family detached by 72.8 acres, and

WHEREAS, the projected population for this area of Kingsmill will be reduced by an estimated 1,727 people as a result of the proposed amendment.

NOW, THEREFORE, BE IT RESOLVED that the Master Plan of Kingsmill on the James be amended to reflect the changes in land use and circulation as described herein and in the attached memorandum.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Steven Francis, 119 Tanbark Lane, Elmwood Subdivision, requested that the balance of cable penalty fees be used to run cable to residents of the Elmwood Subdivision in Upper James City County.

Mr. Taylor stated that the decision on placement of cable to the upper part of the County would be based on density of population, and there are several areas currently under consideration.

Mr. Brown suggested that rather than penalty money being used to extend cable to a certain area of the County, cable could be extended via surcharge.

Mr. Taylor suggested that time goals be established for Continental to extend services to upper County residents.

Mr. DePue asked that consideration be given to extending cable to Chickahominy Road and Bush Springs Road. Mr. DePue also stated he could not support rate increases until Continental provided definitive answers regarding cable extension to outer regions of the County.

Mr. Robert Gilley reported that residents of Lake Powell Road have had three address changes in 26 years.

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H. REPORTS OF THE COUNTY ADMINISTRATOR

Garland Woody, Fire Chief, reported to the Board the capabilities of the Enhanced 911 emergency number. Chief Woody requested that the Board authorize the County Administrator to draft a letter to C&P Telephone expressing the County's interest in E911. Chief Woody informed the Board that there is a waiting list for the service because of the time involved to implement the system.

Mr. Edwards moved approval authorizing the County Administrator to write a letter to C&P Telephone.

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

Mrs. Darlene Burcham, Assistant County Administrator, presented a resolution requesting transfer of funds from contingency to make repairs to the pool, and equipment necessary to effect an early opening. The grant for matching Federal funds for the Upper County Park has received final approval and shortly the County will be able to seek reimbursement of a portion of the purchase price as well as other improvements.

Mr. Brown moved approval of the resolution.

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

RESOLUTION

TRANSFER OF FUNDS - UPPER COUNTY PARK

WHEREAS, James City County has been approved for a \$250,000 reimbursement grant for the Upper County Park; and

WHEREAS, prior to the receipt of said grant, certain repairs are necessary to the pool area in order for residents to utilize the facility this fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following budget transfer:

From: Contingency	\$ 10,000
To: Upper County Park	\$ 10,000

Mr. DePue requested that the minutes reflect his objection to the letter going to the Virginia Housing Development Authority regarding Longhill Apartments.

Mr. Edwards presented a resolution to the Board regarding a Joint Community Center with the City of Williamsburg, asking that the Board go on record in support of the center with the points outlined in the resolution. Mr. Edwards stated he planned to present the resolution to the City Council as a basis for discussion of general principles for a joint facility.

Mr. Brown recommended that the Board go on record by adopting the resolution.

Mr. Taylor stated that he objects to the County making the first move.

Mr. Brown stated if the County provides some capital money for the project, the County will get some say in the Center.

Mr. DePue requested that he not be held to the equal governance stipulation.

Mr. Brown moved adoption of the Resolution.

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

RESOLUTION
JOINT COMMUNITY CENTER

WHEREAS, James City County has proposed a Community Center in its official Capital Budget since 1975; and

WHEREAS, the City of Williamsburg has proposed a Community Center in its Capital Budget for numerous years; and

WHEREAS, both communities have concluded "the need" for such a facility exists; and

WHEREAS, both communities have proposed such an endeavor would be best accomplished as a "joint facility"; and

WHEREAS, the State of Virginia has passed legislation to donate free to the County and City 23 acres of property if they will develop a "joint recreational facility"; and

WHEREAS, said property is located at the joint boundary lines of the two communities; and

WHEREAS, both communities have appropriated public funds to begin design and construction of such a facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County formally requests the City Council of the City of Williamsburg to enter into an agreement to design a joint facility not to exceed \$2 million to include an indoor swimming pool, gymnasium and associated facilities on the Eastern State property.

BE IT FURTHER RESOLVED that such agreement shall include:

1. Equal sharing of construction costs.
2. Equal governance.
3. Operating subsidy prorated upon actual usage.

Mr. Taylor requested that the Board convene into Executive Session to discuss personnel issues, pursuant to Section 2.1-344(a)(1) and a legal matter, pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950, as amended.

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

The Board convened into Executive Session at 10:40 P.M. and returned to Public Session at 11:22 P.M. at which time Mr. Brown moved the approval of Case No. Z-7-84, Ordinance Amendment, A-1, Districts.

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

ORDINANCE NO. 31A-82

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 2, AGRICULTURAL, GENERAL DISTRICT A-1, SECTION 20-30. AREA REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Article IV, Districts, Division 2, Agricultural, General, District A-1, Section 20-30, Area Requirements, is amended by adding Section 20-30.1.

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CHAPTER 20

ZONING

Article IV, Districts

DIVISION 2, AGRICULTURAL, GENERAL, DISTRICT A-1

Section 20-30.1. Area Requirements for more than One Mobile Home, Single-Family Dwelling or Two-Family Dwelling on the Same Lot.

When more than one mobile home, single-family dwelling or two-family dwelling is to be erected on the same lot, the minimum lot area shall be the same as if each structure were placed on its own individual lot.

Mr. Brown moved the approval of the Ordinance Amendment, A-2 district.

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

ORDINANCE NO. 31A-83

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 3, AGRICULTURAL, LIMITED, DISTRICT A-2, SECTION 20-37. AREA REQUIREMENTS

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Article IV, Districts, Division 3, Agricultural, Limited, District A-2, Section 20-37, Area Requirements, is amended by adding Section 20-37.1.

CHAPTER 20

ZONING

Article IV, Districts

DIVISION 3, AGRICULTURAL, LIMITED, DISTRICT A-2

Section 20-37.1. Area requirements for more than One Single-Family or Two-Family Dwelling on the Same Lot.

When more than one single-family or two-family dwelling is to be erected on the same lot, the minimum lot area shall be the same as if each structure were placed on its own individual lot.

Mr. Oliver requested a work session on May 21st at 1:00 P.M. to discuss cable issues, space needs at the Government Complex, and mobile homes.

Mr. DePue nominated Mr. Henry C. Lindsey and Mrs. Kathleen L. Small to fill two unexpired terms on the Wetlands Board.

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

Mr. Edwards nominated Mr. Raymond Philip for reappointment to the Transportation Safety Commission for the term of one year.

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

Mr. Edwards made the motion to recess until 1:00 P.M., May 21, 1984.

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

The Board of Supervisors meeting **RECESSED** at 11:30 P.M.


James B. Oliver, Jr.,
Clerk to the Board

VAS/mfr
BOS 2

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