

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF JUNE, NINETEEN HUNDRED EIGHTY-FOUR AT 5:07 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

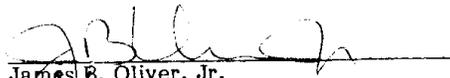
B. WORK SESSION - June 11, 1984

Mr. Oliver introduced Ronnie Nowak, Communications Administrator, who in turn introduced the members of the Cable Advisory Committee present: Joe Grebb, Steve Francis, Steven Lewis, Tom Collins and Denise Dewald, as well as the representatives from Continental Cable, Paul Spacek, Buzz Goodall and Alvin Anderson. Mr. Grebb presented the Cable Committee's recommendations regarding the proposed fee increases and suggested a public hearing be held on the proposed rates. Committee members also recommended that remaining penalty fees be used to purchase equipment for use in programming the government channel. The Committee stated that their recommendation was based in part on a financial analysis of Continental's expenses, as well as the verbal commitment to extend cable to the Burnham Woods and Elmwood subdivisions.

Mr. Anderson presented a packet of materials outlining Continental's costs.

Following the discussion, Mr. DePue made a motion to set a public hearing for July 16, 1984 on the rate increases. The motion passed unanimously.

At 6:15 P.M. Mr. Taylor made a motion to convene into Executive Session to discuss a personnel matter. The motion passed unanimously.


James B. Oliver, Jr.
Clerk to the Board

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AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE ELEVENTH DAY OF JUNE, 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 - May 21, 1984.

Mr. Mahone made the motion to approve the minutes as presented.

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

C. PUBLIC HEARINGS

1. Case No. Z-5-84. Case/Edwards Enterprises.

Mr. Orlando A. Riutort, Director of Planning, presented the request to rezone approximately three acres of an 8.55 acre tract from A-1, General Agricultural, to R-5, Multi-family Residential. The purpose of this application is to allow for the development of 32 garden apartment units.

Mr. Riutort stated that the Planning Commission recommended denial of this request.

Mr. Taylor opened the public hearing.

1. Mr. Cordry Morris, a representative of the Bush Springs Road community, stated opposition to the rezoning request because the zoning change would be inconsistent with present zoning; the type of housing proposed is not consistent with existing housing; Route 649 is considered substandard by the Highway Department and the Comprehensive Plan designates this site for low-density residential development.

Mr. Morris presented a petition opposing the rezoning signed by 83% of the residents and landowners of Bush Springs Road -- the other 17% could not be reached or were not approached.

2. Vivian Morgan, a Bush Springs Road resident, stated that she is opposed to the rezoning request because it is inconsistent with the Comprehensive Plan and with the single-family dwellings in the Bush Springs Community; and that Route 649 is classified as substandard by the Highway Department and therefore it is not feasible to allow additional traffic on this road.

Mr. Taylor closed the public hearing.

Mr. DePue made the motion to approve the recommendation of the Planning Commission to deny the rezoning.

Mr. Brown stated that when this was discussed at the Planning Commission, the Commission recognized the need for moderate income housing in the County and specifically in the Upper County area. It was the unanimous opinion of the Planning Commission that this applicant could select another site for the proposed development.

Mr. Taylor voiced agreement with Mr. Brown's statement.

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

Mr. DePue congratulated the citizens of Bush Springs Road for the effective presentation of their case to the Board.

R E S O L U T I O N

RESOLUTION OF DENIAL ON ZONING CASE

NO. Z-5-84. CASE/EDWARDS ENTERPRISES

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 June 11, 1984 for Zoning Case No. Z-5-84 for rezoning approximately three acres of an 8.55 acre tract from A-1, General Agricultural, to R-5, Multi-family Residential; and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its public hearing on April 24, 1984, voted to recommend denial of Zoning Case No. Z-5-84, and

WHEREAS, Zoning Case No. Z-5-84 is not 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 deny Zoning Case No. Z-5-84 as described herein and as detailed in the attached memorandum.

2. Case No. Z-6-84. Garnette Sumner.

Mr. Taylor reported that the case had been withdrawn by the applicant.

Mr. Morton stated that once a public hearing is advertised, the Board of Supervisors should hold the hearing before permitting the applicant to withdraw.

Mr. Taylor opened the public hearing. He stated that the request had been withdrawn by the applicant and that the Board should grant the request. There being no public comment, he closed the public hearing.

Mr. DePue questioned why the Board was voting on a motion not in agreement with the applicant's request as the Board would be voting to rezone a larger parcel of land than the applicant requested.

Mr. Elliot Schlosser, attorney for Garnette Sumner, stated that in the letter to Mr. Frank Morton, County Attorney, he pointed out that the case had been withdrawn because the Planning Commission recommended rezoning a larger area than the application requested. If the Board will consider the area originally requested for rezoning, Mr. Schlosser stated he has some evidence to present and might be interested in a decision. However, being put in the position by the Planning Commission to rezone a larger area than requested, and determining that the Board might uphold the Planning Commission's decision, the applicant(s) felt it was in their best interest to withdraw the application rather than risk being turned down.

Mr. Brown made a substitute motion to continue the public hearing until the June 25th meeting and requested the staff to meet with the applicant and report back with several alternatives.

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

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3. Case No. Z-4-84. Anboma Corporation.

Mr. Riutort recommended approval in accord with the recommendations contained in the staff report and with revisions to the master plan for the project. The Anboma Corporation requests a rezoning of 52.7 acres from R-3, General Residential, to PUD-R, Planned Unit Development - Residential. The property lies north of Monticello Avenue between property owned by the College of William and Mary Endowment Fund and the Carriage Road Community. The area to be rezoned includes parcels (1-119), (1-127), (1-129), (1-131), (1-135), (1-136), (1-137) and part of parcel (1-133) on James City County Real Estate Tax Map No. (39-1). The City of Williamsburg's boundary follows the south property line of the project.

Mr. Edwards asked if this project would connect to County water and sewage lines. Mr. Riutort said it would.

Mr. Edwards wanted to know what was being done to protect the Carriage Road residential subdivision adjacent to the project.

Mr. Riutort noted that screening is required and the only entrance to the project is from Monticello Avenue.

Mr. Taylor opened the public hearing.

1. Mr. Norman Mason, Langley and McDonald, Engineering Consultants, stated the merits of the proposed community to the area. Developers already have similar projects in South Carolina and Dallas, Texas.

Mr. Edwards questioned whether the residents of Carriage Road have concerns about the project.

Mr. Mason stated that after two meetings with the Carriage Road community, there were no further objections to the project as far as he knew. During those meetings, a discussion took place on the setbacks required by the Zoning Ordinance.

2. Mr. William Mettler, Planning Director for the City of Williamsburg, stated two main concerns about the proposed rezoning: 1) availability of sanitary sewer service; and 2) an access road proposed to intersect with Route 321.

The public hearing was closed.

Mr. DePue made a motion to approve the resolution with the staff's recommendations and revisions.

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

R E S O L U T I O N

RESOLUTION OF APPROVAL - ZONING CASE NO. Z-4-84

ANBOMA CORPORATION

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 scheduled and conducted on June 11, 1984 for Zoning Case No. Z-4-84 for rezoning 52.7 acres from R-3, General Residential, to PUD-R, Planned Unit Development - Residential, located on parcels (1-119), (1-127), (1-129), (1-131), (1-135), (1-136), (1-137), and part of parcel (1-133) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its public hearing held on April 24, 1984, recommended approval of Zoning Case No. Z-4-84 on May 15, 1984; and

WHEREAS, Zoning Case No. Z-4-84 is in general accord with the adopted Comprehensive Plan of James City County; existing water, sewer, and transportation facilities are adequate to serve the project; the project will have minimal off-site impacts on the County's utilities and public facilities; and, the project will have positive fiscal impacts for the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-4-84 and the Master Land Use Plan, with revisions, for the Anboma Corporation as described herein and as detailed in the attached memorandum.

4. Case No. SUP-8-84. James City County, Water Transmission Main.

Mr. Riutort presented this matter to the Board recommending approval of the special use permit with conditions.

Mr. DePue requested verification regarding any mandatory connections associated with extension of the water line.

Mr. Bass explained that under current policy there are no mandatory connections for residential use but there will be under the new policy.

Mr. Taylor opened, then closed the public hearing as there was no one wishing to speak.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

RESOLUTION OF APPROVAL - SPECIAL USE PERMIT CASE NO. SUP-8-84

JAMES CITY COUNTY WATER TRANSMISSION MAIN

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-8-84, a special use permit for the construction of a 12 inch water transmission main for a distance of approximately 2.5 miles along Centerville Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-8-84 as described herein and as detailed in the attached memorandum with the following conditions:

1. Compliance with all Local, State, and Federal requirements for the construction, operation, and maintenance of the water transmission main.
2. Compliance with all state erosion control and sedimentation regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. Acquisition of all required permits and easements prior to commencement of construction.
4. For pipeline construction adjacent to existing residential development, adequate dust control measures shall be taken to prevent adverse effects on the adjacent residential property. It is intended that the public interest should be protected by compliance with all Local and State Regulations ensuring that the present and

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future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort or convenience or value of the surrounding property and uses thereon.

5. Case No. SUP-9-84. John T. Thompson.

Mr. Riutort presented this matter to the Board recommending either deferral for one month for further evaluation of the existing well, or if the Board decides to approve the special use permit to do so with conditions.

Mr. DePue inquired if well requirements were necessary since the proposed mobile homes would be occupied by family members of Mr. Thompson.

Mr. Morton explained that ownership or occupancy could change once the permit is granted.

Mr. Taylor opened the public hearing.

1. Mr. John Thompson presented details on his efforts to have the land rezoned since last October. He said he had spent \$2,200 to resurvey the property, put in a 491 foot well, and now was being required to provide a 20 foot wide right-of-way.

Mr. Thompson stated the land on either side of his property belongs to other family members.

Mr. Albert T. Slater said he agreed with Mr. Thompson's remarks about special requirements being unnecessary for mobile homes. Mr. Slater asked Mr. Riutort to read the conditions on the resolution. Mr. Riutort complied. Mr. Slater stated he did not receive a list of the conditions put on his mobile home special permit request. He pointed out that the conditions changed for each case and he thinks that the conditions should be eliminated or be standardized.

Mr. Morton explained that the same restrictions placed on Mr. Slater's permit are on Mr. Thompson's with the exception of the roadway since this is on private land.

Mr. Taylor requested Mr. Slater to hold further comments until later in the meeting since the Board was hearing Mr. Thompson's case.

Mr. DePue moved the approval of the Special Use Permit with provisions amending the total number of bedrooms from four to five.

Mr. Brown stated that the Board should be certain that public health and safety requirements are met and not waive these requirements because we know the person requesting the permit.

Mr. DePue stated that proof of well and water conditions could be provided prior to issuing the special use permit so the Board does not have to defer cases, causing further delays.

Mr. Taylor said he was satisfied with the information Mr. Thompson had presented to him on the well dug by Mr. Gannon.

Mr. Edwards stated that the Board is only interested in the citizens' health and welfare when it requires proof that standards are being upheld.

Mr. Taylor stated that the Board should not expect citizens to spend excessive amounts of money meeting public health standards.

Mr. DePue said it is a practical matter. The Board is faced with deferring a matter which Mr. Thompson has been trying to clear up since October. Mr. DePue said the staff should have cleared up all the details before bringing the case to public hearing.

Mr. Riutort explained his staff's role in getting information for public hearing. Staff is faced with deadlines and research has to be done. Septic tanks and wells are reviewed and approved by the Health Department. The policy is to set public hearings on mobile home cases when an application is made, to expedite the process. The Health Department did not inspect wells prior to November 1982.

Mr. Brown stated he is irritated with the Health Department because of their inability to provide straightforward answers. Mr. Brown requested staff hold cases when information is incomplete.

Mr. Mahone pointed out two changes to the resolution. In the main body, "two mobile homes" should be listed instead of "a mobile home", and the last line of the resolution should read "five" bedrooms instead of "four".

Mr. DePue made a substitute motion to approve the special use permit, including the three further conditions and limit the number of bedrooms to five.

Mr. Taylor closed the public hearing.

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

R E S O L U T I O N

SPECIAL USE PERMIT

CASE NO. SUP-9-84

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

Applicant:	John F. Thompson
Real Estate Tax Map ID:	(36-1)
Parcel No.	(1-8B)
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile homes applied for. If the mobile homes are 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 homes must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations. A 20 foot wide all-weather surface that has a 6-inch base shall be constructed on the 50 foot right-of-way provided for the family subdivision. Limit the total number of bedrooms to five.

6. Case No. SUP-10-84. Mr. Warren D. Jones, Jr.

Mr. Riutort requested that the Board defer action on this case because of an error in the public hearing notice advertisement.

Mr. Morton said that this case should be deferred because it was improperly advertised.

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Mr. Warren Jones explained to the Board the confusion and problems he has encountered in trying to have the well approved and obtain the necessary permits for his mobile home.

Mr. Taylor instructed the staff to advise Mr. Jones exactly what he needs to do or send him the information in writing.

The case was deferred.

7. Case No. SUP-12-84. Mr. Andrew Taylor.

Mr. Riutort presented this matter to the Board and recommended approval of the special use permit with conditions.

Mr. Taylor opened the public hearing.

1. Mr. Slater questioned if there were conditions and if so, would Mr. Riutort read them.

Mr. Taylor closed the public hearing.

Mr. Edwards made the motion to approve the resolution as recommended by the staff.

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

R E S O L U T I O N

SPECIAL USE PERMIT

CASE NO. SUP-12-84

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:	Andrew Taylor
Real Estate Tax Map ID:	(9-2)
Parcel No.	(1-10)
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.
	Screening shall be provided as follows: 3' - 4' Black pine or approved equal planted 5' apart on the northern property line.

The total number of bedrooms in the mobile home shall not exceed two.

The entrance shall be approved by the Virginia Department of Highways and Transportation.

8. Case No. Z-3-84/SUP-11-84. Raleigh Square.

Mr. Riutort presented this matter to the Board and recommended denial of this rezoning request.

Mr. Taylor opened the public hearing.

1. Mr. Alvin Anderson, attorney for Mr. and Mrs. Joseph Terrell, sole stockholders of Raleigh Square, stated that this request is the same as the one submitted to the Board in 1976 with one exception, the 1976 request was a rezoning from R-2 to R-3 for twelve apartment units. This request is for eleven apartment units.

Mr. Anderson explained in detail the current zoning on the surrounding parcels. He also gave an extensive briefing on the history of the lots owned by Mr. and Mrs. Terrell.

2. Mr. Joseph Terrell pointed out that when the property was rezoned in 1976, he was assured by Mr. William Brown, Planning Director at that time, that when a use permit was requested, it would be considered under the laws before the 1976 changes.

Mr. Taylor closed the public hearing.

Mr. Brown explained the Planning Commission's role in amending R-2 and R-3 districts. The Planning Commission thought they had rezoned the last parcels owned by Mr. Terrell. Mr. Brown stated that Mr. Terrell had a chance to submit these parcels in 1976 and now the matter should be considered as a new request.

Mr. DePue stated this request is in line with surrounding high-density development. He recommends approval of the rezoning request.

Mr. Brown said the Planning Commission had strongly denied a previous rezoning request by a 9 to 2 vote.

Mr. Anderson requested approval of an amended request as stated in his letter of June 8 to the Board.

Mr. Edwards stated that the Board should be reluctant to overturn such a strong decision made by the Planning Commission. He suggested sending the request back to the Planning Commission for further study.

Mr. Taylor stated he supports the motion. He stated the need exists to develop less expensive housing. He stated that he supports the Planning Commission when he thinks their decisions are in the public's best interest.

Mr. DePue stated that the Planning Commission is an advisory body and he has great respect for their viewpoint. The situation under consideration is a de facto high-density development.

Mr. Mahone stated this proposal conflicts with the overall density recommended by the Comprehensive Plan.

Mr. Taylor closed the public hearing.

Mr. DePue made the motion to approve the rezoning request.

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

9. Case No. SUP-14-84. Lawrence and Judith Timko.

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

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Mr. Taylor opened the public hearing.

1. Mr. Albert Slater stated that he is not against the proposed mobile homes next to his property. He believes that the same restrictions for screening and fencing should be applied to others in the same manner as they were to his case.

The public hearing was closed.

Mr. Taylor moved approval of the resolution.

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

R E S O L U T I O N

SPECIAL USE PERMIT

CASE NO. SUP-14-84

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:	Lawrence and Judith Timko
Real Estate Tax Map ID:	(10-1)
Parcel No.	(1-29)
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. The number of bedrooms in the mobile home shall not exceed two. The entrance shall be approved by the Virginia Department of Highways and Transportation.

10. Joint Public Hearing, Board of Supervisors and the Board of Directors of the Service Authority - Utility Regulations and Rates.

Mr. Mahone reconvened the James City Service Authority meeting at 9:30 p.m.

Mr. John E. McDonald presented this matter to the Board, stating that 60 days advance notice had been provided for the proposed rate and regulation changes. Copies of the proposed revisions were available at the Williamsburg Regional Library, EOC Building in Toano, and at the County Government Center.

Mr. McDonald's presentation outlined the benefits of the new policy, especially as it relates to customer usage, increased market value of property connected to water and sewer service, and provision for better fire flow services.

Mr. Taylor opened the public hearing.

1. Mr. David Otey, attorney representing the Board of Realtors, stated that the material is complicated and the Board of Realtors needs more time to consider the proposed changes. He requested the public hearing be held open to give the Board of Realtors more time to study the matter.

2. Mr. Norman Mason, representing Langley and McDonald Engineering Consultants, also requested the hearing be continued since he needs more time to study the material.

3. Mr. John Moneymaker also requested more time.

4. Mr. Jack Scruggs asked the Board to continue the public hearing to study information.

Mr. Brown made a motion to continue the public hearing until the June 25th meeting.

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

At 10:05 p.m. the Board recessed for five minutes.

The Board reconvened at 10:15 P.M.

Mr. Edwards presented a resolution to the Board recommending approval of a community center to be developed with the City of Williamsburg.

Mr. Edwards commented that although not everyone is satisfied with all the points included in the agreement; however, given the sentiment of the community for such a center, and the availability of property at Eastern State Hospital, the proposed resolution incorporates the results of extensive negotiations with Williamsburg City Council.

Mr. Edwards moved approval of the resolution.

Mr. Taylor stated that he could not support the resolution, indicating that James City County should not pay 75% of the cost of the facilities; City of Williamsburg should pay 50%. Mr. Taylor further stated that the citizens, by a decisive vote, defeated the bond referendum.

Mr. Mahone indicated he had mixed emotions regarding the center. With only 16% of voter turnout, it is difficult to judge citizen sentiment. Mr. Mahone indicated the resolution is a compromise with a lot of views. He expressed appreciation to the negotiating team.

Mr. Brown voiced support for Mr. Mahone's comments stating that the voters defeated the referendum based upon the amount of money, not the center itself. Mr. Brown expressed concern with the governance of the center, but he also stated he could support the resolution in its present form.

Mr. DePue stated he endorses the resolution.

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

RESOLUTION

JOINT RESOLUTION COMMUNITY RECREATION FACILITY

WHEREAS, the governing bodies of Williamsburg and James City County are desirous of constructing a community recreation facility to serve their residents,

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NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Williamsburg and the Board of Supervisors of the County of James City that a joint recreation facility be built under the following terms and conditions:

1. A recreation center will be constructed on the Eastern State site.
2. James City will have the responsibility for selecting the architect, awarding the contracts, and managing construction. Williamsburg may choose representatives who will be invited to participate at each step in planning and construction.
3. The major element in this construction will be an indoor pool. The size of the pool will be determined after consultation with the architect. Other facilities, such as those suggested in the joint feasibility study, may be added.
4. James City will be responsible for administration and governance of the facility. Williamsburg City Council will appoint 25% of the membership of the advisory board.
5. Williamsburg will pay 25% of construction costs, not to exceed \$750,000, James City will pay 75%. Williamsburg funds will be paid to James City, upon request, as actual bills fall due; all commitments hereunder shall expire unless construction shall have begun on or before August 31, 1986.
6. Prior to and during the first full year of operation, Williamsburg will pay 25% of net operating costs and James City will pay 75%. Thereafter, each jurisdiction shall pay a share of net operating costs based on usage during the preceding year.
7. With the agreement of Williamsburg and James City, additional recreation facilities may be added to the site in the future.

D. CONSENT CALENDAR

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

Mr. Mahone requested that items 1, 3, and 6 be removed from the Consent Calendar.

Mr. Taylor moved the approval of the remaining items on the Consent Calendar.

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

2. Set Public Hearing Date of July 16, 1984, for:
 - a. Case No. SUP-13-84. Mr. R. A. Costello on behalf of Mr. D. L. Jackson.
 - b. Case No. SUP-15-84. Mr. M. F. Martin.
 - c. Case No. SUP-17-84. R. and M. Wright.
 - d. Case No. SUP-18-84. Ms. M. E. Tackett.
4. Litter Grant Application.

RESOLUTION

1984-85 LITTER CONTROL GRANT APPLICATION

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

WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development Division of Litter Control,

for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs;

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

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

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

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

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

5. Appropriation Mid-County Soccer Field.

R E S O L U T I O N

MID-COUNTY PARK SOCCER FIELD

WHEREAS, the Board of Supervisors of James City County is desirous of providing additional facilities for soccer play; and

WHEREAS, the plans for the Mid-County Park can accommodate a soccer field if additional funds are made available.

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

From: Contingency	-\$20,000
To: Mid-County Park Soccer Field	+\$20,000

7. Dedication of Streets in Windsor Forest Subdivision.

R E S O L U T I O N

DEDICATION OF STREETS IN WINDSOR FOREST

SECTIONS 1, 5, 8, 9, 10, 11 AND PARCELS C AND D

WHEREAS, the Developer of Windsor Forest Subdivision, Sections 1, 5, 8, 9, 10, 11 and Parcels C and D 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 Windsor Forest Subdivision, Sections 1, 5, 8, 9, 10, 11 and Parcels C and D 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 Windsor Forest Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

AAJ775

1. Hempstead Road - 60' and 50' Right-of-Way
From: State Route 1524
To: State Route 1520
Distance: 2001.0' (0.38 miles)
2. Whitehall Court - 50' Right-of-Way
From: Hempstead Road (extended)
To: End of cul-de-sac
Distance: 487.0' (0.09 miles)
3. Kensington Court - 70' and 50' Right-of-Way
From: State Route 1520
To: End of cul-de-sac
Distance: 385.0' (0.07 miles)
4. Clarendon Court - 50' Right-of-Way
From: State Route 1520
To: End of cul-de-sac
Distance: 918.0' (0.17 miles)

The rights-of-way of 70, 60 and 50 feet along with drainage easements are guaranteed as evidenced by the following plats of record:

1. Hempstead Road - Section 8
Recorded in: Plat Book 36, Page 61
Date: December 17, 1980
2. Hempstead Road - Section 9
Recorded in: Plat Book 36, Page 5
Date: October 9, 1981
3. Hempstead Road - Section 5
Recorded in: Plat Book 32, Page 19
Date: June 17, 1974
4. Hempstead Road - Section 1
Recorded in: Plat Book 28, Page 52
Date: July 8, 1971
5. Whitehall Court - Section 8
Recorded in: Plat Book 36, Page 61
Date: December 17, 1980
6. Kensington Court - Section 11
Recorded in: Plat Book 38, Page 1
Date: January 4, 1983
7. Parcel C and D
Recorded in: Deed Book 217, Page 65
Date: October 21, 1981
8. Kensington Court - Section 1
Recorded in: Plat Book 28, Page 52
Date: July 8, 1971
9. Clarendon Court - Section 1
Recorded in: Plat Book 28, Page 52
Date: July 8, 1981
10. Clarendon Court - Section 10
Recorded in: Plat Book 37, Page 62
Date: August 19, 1982

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

8. Landfill Excavation Contract.

R E S O L U T I O N

LANDFILL EXCAVATION CONTRACT

WHEREAS, funds were approved in the FY84 Landfill Operating Budget for Landfill Excavation; and

WHEREAS, a Request for Bids was issued, responses evaluated and the low qualified bidder determined for said Landfill Excavation; and

WHEREAS, it has been determined that Bishop & Settle Construction Co., Inc. has met the qualifications to perform this Landfill Excavation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County to authorize the County Administrator to enter into a contract with Bishop & Settle Construction Co., Inc. to perform the Landfill Excavation.

9. Human Services Center - Sewer Construction Contract Longhill Creek Sewer.

R E S O L U T I O N

LONGHILL CREEK SEWER CONSTRUCTION CONTRACT

WHEREAS, the Board of Supervisors has agreed to extend public sewer to the Human Services Center near Olde Towne Road; and

WHEREAS, an acceptable bid has been received from Richard L. Crowder Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute a contract with Richard L. Crowder Construction, Inc. for construction of the Longhill Creek Sewer Extension.

10. Landfill Crawler/Loader.

R E S O L U T I O N

LANDFILL CRAWLER/LOADER CONTRACT

WHEREAS, funds were approved in the FY 85 Capital Improvement Project for purchasing a replacement Crawler/Loader for the County Landfill; and

WHEREAS, a Request For Bid was issued, responses evaluated and the lowest bid meeting the critical specifications determined; and

WHEREAS, it has been determined that a Caterpillar 963, submitted by Carter Equipment Company, Inc. meets the critical specifications and is the lowest priced machine to do so.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to enter into a contract with Carter Equipment Company, Inc. to furnish a Caterpillar 963 Crawler/Loader.

11. Case No. CUP-3-84. Williamsburg Landing, Inc.

R E S O L U T I O N

CONDITIONAL USE PERMIT

CASE NO. CUP-3-84

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

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THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a temporary mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	W. M. Jordan, Inc. for Williamsburg Landing
Real Estate Tax Map ID:	(48-2)
Parcel No.	(1-2)
District:	Jamestown
Zoning:	R-5, Multi-family Residential
Permit Term:	The permit term shall expire at the end of 15 months from this date or the completion date of construction, whichever is first.
	The permit may be renewed by the Zoning Administrator for one six-month extension.
Further Conditions:	Each construction trailer shall have a minimum lot area of 5,000 square feet.

12. Application for FY 85 Highway Safety Grant.

R E S O L U T I O N

FY 85 HIGHWAY SAFETY GRANT APPLICATION

WHEREAS, the Federal Government has made funds available to support Local Highway Safety Programs; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help reduce alcohol related accidents in James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it authorizes its Chairman and Clerk to sign the grant application entitled "Application for Highway Safety Project Grant".

1. Set Public Hearing Date of July 16, 1984, for Acquisition of Property-Leisure Road (Route 674).

Mr. Mahone stated he removed this item from the Consent Calendar so he could reiterate his opposition to proposed acquisition of access land to the Upper County Park as he opposed the opening of the park from the beginning.

Mr. Edwards made the motion to set the public hearing.

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

3. Set Public Hearing Date of June 25, 1984 for:

a. VDH&T Six-Year Secondary Road Improvement Program.

Mr. Mahone stated that he asked that this item be removed from the Consent Calendar so he could simply voice his objection to this particular item being set for public hearing at an afternoon meeting, although he understood that it was necessary in this case due to the late arrival of materials.

Mr. Mahone made the motion to set the public hearing.

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

6. Appropriation of Penalty Fee Balance.

Mr. Mahone stated he asked that this item be removed from the Consent Calendar as a result of the work session with Continental Cablevision and members of the Cable Communications Committee earlier in the day.

Mr. DePue moved approval of the resolution.

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

R E S O L U T I O N

APPROPRIATION OF PENALTY FEE BALANCE

WHEREAS, the James City County Cable Television Ordinance provides for the payment of penalty fees under certain circumstances; and

WHEREAS, \$14,543 in penalty fees has accrued to the County; and

WHEREAS, the County Cable Advisory Committee has recommended that penalty fees be used for equipment purchases.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that \$14,543 in Cable Penalty Fees be appropriated to Account 0001022-0420; said appropriation continuing beyond June 30, 1984.

BE IT FURTHER RESOLVED that those funds be used to purchase Cable production equipment.

E. BOARD CONSIDERATIONS

Mr. Taylor explained that the following items on Board Considerations are really Consent Calendar items, but because of Mr. Brown's need to abstain due to a possible conflict of interest, the following are Board Considerations.

Mr. Taylor moved approval of the first three items on Board Considerations.

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

1. Case No. S-42-84. Fairfax Woods. (Consent item).

R E S O L U T I O N

SUBDIVISION APPLICATION

CASE NO. S-42-84. FAIRFAX WOODS

WHEREAS, it is understood that all conditions for consideration of this application have been met; and

WHEREAS, the Planning Commission has, in accordance with the staff recommendation, recommended approval of this subdivision conditioned upon the comments in the attached memorandum and has further recommended approval of the requested waivers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described herein and as detailed in the attached memorandum.

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Applicant: Ronnie Orsborne on behalf of the Busch Properties, Inc.
 District: Roberts
 Zoning: R-4, Residential Planned Community
 Further Conditions: None

2. Case No. S-43-84. Burwell Glen.

R E S O L U T I O N
SUBDIVISION APPLICATION
CASE NO. S-43-84. BURWELL GLEN

WHEREAS, it is understood that all conditions for consideration of this application have been met; and

WHEREAS, the Planning Commission has, in accordance with the staff recommendation, recommended approval of this subdivision conditioned upon the comments in the attached memorandum and has further recommended approval of the requested waivers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described herein and as detailed in the attached memorandum.

Applicant: Ronnie Orsborne on behalf of the Busch Properties, Inc.
 District: Roberts
 Zoning: R-4, Residential Planned Community
 Further Conditions: None

3. Case No. SP-27-84. Second Golf Course at Kingsmill.

R E S O L U T I O N
SITE PLAN APPLICATION
CASE NO. SP-27-84. SECOND GOLF COURSE AT KINGSMILL

WHEREAS, approval of the site plan has been recommended by the Planning Commission in accordance with Section 20-72 of the James City County Zoning Ordinance.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted of the final plan for the proposed development of property as described below and as detailed in the attached memorandum.

Applicant: Mr. Norman Mason on behalf of Busch Properties, Inc.
 District: Roberts
 Zoning: R-4, Residential Planned Community
 Parcel No.: (1-8)

James City County
Real Estate
Tax Map No.: (51-4)

Further Conditions: In accord with Section 20-71(a) of the James City County Zoning Ordinance, the final plan shall show to scale the layout of all roads, the location of buildings and improvements, parking areas, pedestrian ways, and utility easements, all serving the second golf course, and lot lines.

4. Appropriation - Rental Office Space.

Mr. Oliver presented this matter to the Board asking that they approve the resolution appropriating funds for a short-term solution to the office space needs at the Government Complex. The proposed relocation of the office of Community Services, to include Recreation, Community Development, and Cable TV/Communications, will alleviate some of the crowding in Building A.

Mr. Brown asked if facilities could be located in the upper portion of the County.

Mr. Oliver stated that the resolution was constructed with the intention that facilities be located west of the complex, if possible in the Olde Towne Road area. Mr. Oliver further stated that the EOC building in Toano has one vacant office, but that space is not suitable.

Mr. DePue moved approval of the resolution.

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

R E S O L U T I O N

APPROPRIATION - RENTAL OFFICE SPACE

WHEREAS, the Board of Supervisors of James City County has acknowledged that additional office space for County activities is needed; and

WHEREAS, the best short-term solution to said need is rental space.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to secure rental space at a cost not to exceed \$7.00 per square foot plus utilities, and appropriates the following funds; said appropriation shall be continued beyond June 30, 1984.

From:	Contingency	\$	-15,000
To:	Rental Office Space	\$	+15,000

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Barry Fratkin, Chairman of the Parks and Recreation Commission, expressed his appreciation for the approval of the Joint Community Center Resolution.

Mr. Taylor presented a letter from residents of the Turner's Neck Road (State Route 665) requesting that Route 665 be considered along with Route 631 for road improvements.

A second letter, from Mr. and Mrs. John R. Wilder, requests that the Board not name Route 601, between Route 60 and 603, as Barnes Road. The Wilder's suggested several alternatives for the naming of Route 601.

Mr. Jack Scruggs, Toano, Virginia, requested that staff investigate the regulation regarding York County residents dumping in James City County facilities. Mr. Wayland Bass reported that he is working toward an agreement with York County.

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Mr. Scruggs reported that Virginia is second to Tennessee in the number of reported rabies cases in cats.

Mr. Alvin P. Anderson, attorney for Mr. and Mrs. Joseph Terrell, requested that the Board of Supervisors make a motion to refer Case No. Z-3-84/SUP-11-84. Raleigh Square, back to the Planning Commission on the basis that additional data is now available that the Planning Commission did not have when the recommendation for denial was submitted.

Mr. Edwards made the motion to reconsider the denial of Case No. Z-3-84/SUP-11-84. Raleigh Square.

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

Mr. Edwards made the motion to forward Case No. Z-3-84/SUP-11-84. Raleigh Square, back to the Planning Commission.

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

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested that the Board set a public hearing for July 16, 1984, for the E911 services. Enhanced 911 is available in other areas via a surcharge on customer phone bills. Before such a charge can be levied, a public hearing must be held.

Mr. Brown indicated his support for Enhanced 911.

Mr. Mahone stated that he opposes the utility tax.

Mr. Taylor stated that he opposes the utility tax, but would support funding the charge from the General Fund.

Mr. DePue asked if the tax was a fixed rate.

Mr. Oliver responded affirmatively.

Mr. Edwards stated that he felt the public hearing would be a waste of time. It was the consensus of the Board that we should proceed with E911 but fund through the general fund.

Mr. Brown indicated that he did not like the DRAFT letter to the Mayor of Newport News regarding water concerns. Mr. Brown was asked to write a letter to Mayor Ritchie.

Mr. Mahone reported that he and Mr. Brown have discussed the Shone property on Neck-O-Land Road in the Powhatan Shores Subdivision for a possible wetlands violation. Continuous filing by Mr. Shone has not eliminated the drainage problem. Mr. Mahone requested clarification as to whether there was a code violation.

Mr. DePue complimented Mr. Edwards on his efforts to bring the joint community center resolution to final form. Mr. DePue further stated that the resolution reflects something of everyone involved in the efforts.

Mr. Brown requested a report from the Chief of Police regarding new service districts.

Mr. Mahone requested that the report on enforcement of litter laws be sent to Phyllis Cody and Mrs. Kathy Hawkins.

Mr. DePue moved the Board convene into Executive Session to discuss a personnel matter and make several appointments, pursuant to Section 2.1-344 (a) (1) 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 11:20 P.M.

The Board reconvened into Public Session at 11:40 P.M.

Mr. DePue moved the appointment of Mr. James Baker, 126 Nina Lane, Kristansand Subdivision, to the Cable Television Advisory Committee.

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

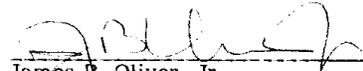
Mr. Mahone moved the reappointment of Mrs. Diane Abdelnour and Mr. C. Hammond Branch, to serve a four-year term on the Industrial Development Authority.

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

Mr. Edwards made the motion to adjourn.

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

The Board of Supervisors meeting **ADJOURNED** at 11:47 P.M.


James B. Oliver, Jr.
County Administrator

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