

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-FIFTH DAY OF JUNE, NINETEEN HUNDRED EIGHTY-FOUR AT 3:00 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. Worton, III, County Attorney (absent)

B. MINUTES - June 11, 1984 not available.

C. HIGHWAY MATTERS

Mr. James T. Kelley, Assistant Resident Engineer, had nothing new to report to the Board.

Mr. Taylor read a petition from residents of the Racefield community requesting speed limit reduction to 25 miles per hour along Route 622, Racefield Drive.

Mr. Kelley stated the request would be referred to the traffic engineers.

Mr. Brown presented a letter to Mr. Kelley informing him of a dangerous wash out on the access ramp from Route 143 to westbound Route 199.

Mr. Taylor requested that a pothole be filled on Cranston Mill Pond Road.

D. PUBLIC HEARING

1. Virginia Department of Highways & Transportation Six Year Secondary Road Improvement Program.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board describing the process used to prioritize roads for improvement. The program is reviewed and updated annually. Costs are estimated using a formula based on road length and the type of road to be built. Priorities are established by the Board after a public hearing. The priorities recommended are based on last year's secondary roads in the County. Recommended changes include recombining the sections of Route 614, Centerville Road, into one large project, reestablishing a higher priority for Route 617, Lake Powell Road, and reducing the priority of Route 607, Croaker Road, with special emphasis on traffic volumes and safety.

Priority 'A' roads are defined by the VDH&T as "non-tolerable" roads based on traffic count, accidents and variance from minimum road width standards, and assigned 10 points for ranking; 'B' roads range from seven to 10 points; and 'C' roads are under seven points.

With a projected \$1.2 million available over the next six years, only three priority 'A' roads - Route 631, Chickahominy Road; Route 617, Lake Powell Road; and Route 614, Centerville Road - are recommended by staff for improvement.

Mr. Taylor stated that citizens had expressed a desire to include Turner's Neck Road with the Chickahominy Road improvement project.

Mr. Riutort stated that the Highway Department rated Turner's Neck Road as a priority 'C' road and the Planning Department recommended it be established as a separate project and placed behind the Croaker Road (Route 607) project.

Mr. Mahone corrected the Forge Road fatality statistics to be two rather than one since 1980. New home construction in the Chickahominy Haven and Cypress Point area is increasing the amount of traffic along Forge Road which is projected for improvement in 1990. Mr. Mahone requested improvement to Route 610, Forge Road before Route 611, Jolly Pond Road.

Mr. Mahone also stated that Section C of Centerville Road should not be on the list and that isolated sections of roads should be done rather than an entire length of road to maximize use of the limited funds available. Jolly Pond Road should not be ranked above Forge Road based on the number of accidents and the traffic count on Forge Road.

Mr. Brown expressed agreement with Mr. Mahone, stating further that because of limited funds for road improvements the County could only select two or three roads for improvements now. He suggested the Board approve the plan this year with the idea of looking at sectioning next year.

Mr. DePue stated Chickahominy Road has earned its number one ranking.

Mr. Taylor opened the public hearing.

1. Ms. Josephine Jones, Skipwith Farms, presented statements from the Skipwith Civic Association and Skipwith Farms Garden Club, for alleviating traffic problems at the intersection of Longhill Road and Ironbound Road, by creating a new road to connect Strawberry Plains and Longhill Roads.

Mr. Taylor closed the public hearing.

Mr. Taylor requested that Turner's Neck Road be added as item number 9 to the Priority List of Secondary Roads for Improvement.

Mr. DePue moved approval of the resolution with the addition of Turner's Neck Road to the priority list.

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

RESOLUTION

THE SIX-YEAR SECONDARY ROAD CONSTRUCTION PROGRAM

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, the James City County Six-Year Secondary Road Construction Program, June, 1984, as prepared by the James City County Department of Planning, is established as the County's secondary road construction program priorities.

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2. Case No. Z-6-84. Garnette Sumner. (continued-June 11, 1984).

Mr. Orlando A. Riutort, presented this matter, indicating that the Board continued the public hearing from the June 11, 1984, meeting requesting that the developer and staff meet. Results of the meeting produced the proffered conditions deleting some A-1 uses that could occur on the front 3.55 acres and better protect the subdivision's entrance from many of the uses permitted in the A-1, General Agricultural zone. In addition, the developers have proffered screening between the front parcels and the residential area, and a single access point for the entire project.

Mr. Riutort noted that the proffers represent the best compromise but he recommended rezoning the entire parcel R-1 in accord with the Planning Commission and the Planning Department recommendations.

Mr. Fred Belden, Chairman of the Planning Commission stated that the Planning Commission had two concerns about the property:

1. A plated subdivision should be zoned residential, not remain A-1 or A-2 classification.
2. Protection of the frontage in residential area on Route 60.

An informal poll of the Planning Commission indicated support of the resolution with the proffered conditions.

Mr. Elliott Schlosser, representing Garnette Sumner, asked that the 61.35 acres on the rear be rezoned from A-1 to R-1, and that the 3.55 acre frontage remain as A-1 subject to the proffers submitted.

Mr. Taylor closed the public hearing.

Mr. Edwards stated that the proffered conditions makes the proposed rezoning much better.

Mr. DePue moved approval of the resolution incorporating the proffered conditions.

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

RESOLUTION

RESOLUTION OF APPROVAL

ZONING CASE NO. Z-6-84. GARNETTE SUMNER

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-6-84 for rezoning 61.35 acres of a 64.9 acre tract from A-1, General Agricultural, to R-1, Limited 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 that the entire tract, including the frontage area (3.55 acres), be rezoned to R-1, Limited Residential; and

WHEREAS, the developers object to rezoning the front 3.55 acres to R-1 and the land owner has voluntarily agreed to limitations and reasonable conditions which would apply to the front 3.55 acres by a proffer of conditions; and

WHEREAS, Zoning Case No. Z-6-84 with proffered conditions is in general conformance 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 the rezoning of the rear 61.35 acres of the 64.9 acre tract, identified as parcel (1-48) on James City County Real Estate Tax Map No. (12-4) from A-1, General Agricultural, to R-1, Limited Residential, as described herein and accepts the voluntary proffer of conditions signed by Ms. Garnette Sumner, property owner.

3. Joint Public Hearing, Board of Supervisors and Board of Directors of the Service Authority - Utility Regulations and Rates (continued - June 11, 1984).

Mr. John E. McDonald, Director of Financial Management Services, reported delaying consideration of the proposed Utility Policy revision allowed reconsideration of several points of concern resulting in a clearer statement of policy. Three resolutions and ordinances are presented for consideration. Each incorporates the results of verbal and written comments received from developers, engineers, a local attorney, and citizens.

At the request of Mr. DePue, two alternative resolutions were prepared, as follows:

- 1. Adopts the Proposed Policy but excludes Section 2. Connection Required, thereby eliminating the requirement to connect.
- 2. Adopts the Proposed Policy but excludes Section 31(f) Non-User Charges.

Mr. DePue indicated that he would support Alternative #2, not #1.

Mr. Taylor opened the public hearing.

Mr. Lee Cogdill, developer of St. Georges Hundred and Old Stage Manor Subdivisions, stated he did not want the 10% letter of credit enacted as a requirement; he opposes the "as built" drawings which would require the engineer to go back and prepare new drawings to reflect field changes that must be made to accommodate topography. Mr. Cogdill's preference would be to have the contractor note changes on plans with the County inspector.

Mr. Jack Scruggs, Toano, told the Board he met with John McDonald on Monday and that he had other comments on Utility Policy changes which were not addressed.

Mr. Taylor closed the public hearing.

In response to concerns regarding the letter of credit, Mr. McDonald proposed language on page 37 (5) as follows: "or shall provide an alternative guarantee that is acceptable to the utility administrator."

Mr. Brown stated his support for the resolution that excludes Section 31(f) Non-User Charges. Mr. Brown suggested a two-tier connection fee during the first 12 months and after that time, increase the service fee.

Mr. Edwards questioned utility financed and developer financed system in the same column when they are done for different reasons.

Mr. Brown moved approval of the resolution.

Mr. DePue said he would approve the resolution with the understanding that the ordinance is not permanent, and that the user fee would be discussed at a later meeting.

Mr. Taylor concurred.

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

35A-7
ORDINANCE NO. 36A-9

AN ORDINANCE TO AMEND THE OPERATING POLICY, BY REPEALING ALL PROVISIONS OF THE CURRENT OPERATING POLICY, WATER AND SEWER UTILITIES, ADOPTED JANUARY 1, 1980 AND ALL AMENDMENTS THERETO

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AND IN ITS STEAD ADOPTING REGULATIONS GOVERNING UTILITY SERVICE DATED JULY 1, 1984, GOVERNING THE OPERATION, STANDARDS, SERVICE, USE AND CHARGES FOR WATER AND WASTEWATER FACILITIES OWNED, UNDER THE CONTROL OF, OR FOR WHICH INDEBTEDNESS HAS BEEN INCURRED BY JAMES CITY COUNTY OR JAMES CITY COUNTY SANITARY DISTRICTS, ONE AND TWO.

BE IT ORDAINED by the Board of Supervisors of James City County that the Board hereby amends the Operating Policy by repealing all provisions of the current Operating Policy, Water and Sewer Utilities, adopted January 1, 1980, and all amendments thereto and in its stead adopts the "Regulations Governing Utility Service", as attached and made part of this ordinance, excluding Section 31(f) Non-User Charges, is hereby adopted and shall be effective as of July 1, 1984 and as of the first utility billing period commencing on or after July 1, 1984.

RESOLUTION

REGULATIONS GOVERNING UTILITY SERVICE

WHEREAS, the Board of Directors of the James City Service Authority has previously established regulations governing utility service and desires to amend them in order to: (1) update the policies to make them consistent with the appropriate provisions of the State Code and, (2) to improve the equity in the assessment of costs to those benefiting.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority hereby adopts "Regulations Governing Utility Service" attached, excluding Section 31(f) Non-User Charges, and made part of this resolution with an effective date as of July 1 and for changes in current billings, the billing period commencing on or immediately after July 1, 1984.

After a brief recess, the Board reconvened into public session at 4:59 P.M.

E. CONSENT CALENDAR

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

Mr. Taylor removed item 3, indicating action is not required.

Mr. Taylor moved the approval of the Consent Calendar.

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

1. Highway Safety Grant to Obtain Alco-Sensors for Driving While Intoxicated Enforcement.

RESOLUTION

APPROPRIATION - HIGHWAY SAFETY GRANT

WHEREAS, the Board of Supervisors of James City County is desirous of its Police Department participating in a Driving While Intoxicated Enforcement Program, and

WHEREAS, the Division of Motor Vehicles Highway Safety Program has made grant funds available to James City County to facilitate such a program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes the following appropriation, said appropriation to continue beyond June 30, 1984.

Driving While Intoxicated Enforcement + \$1,400
Revenue from Commonwealth + 1,400

- 2. Rural Additions - Carryforward of Funds.

RESOLUTION

RURAL ADDITIONS - CARRYFORWARD OF FUNDS

WHEREAS, the Virginia Department of Highways and Transportation annually budgets monies for the improvement of streets in James City County which qualify for the Rural Additions Program; and

WHEREAS, The Highway Department FY 84 budget contains a balance of \$38,984.67, and

WHEREAS, James City County intends to utilize these funds to improve certain dirt streets which qualify for 50% funding under the Rural Additions Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County requests the Virginia Department of Highways and Transportation to carry forward \$38,984.67 from the FY 84 Rural Additions Program to FY 85 to fund the Department's portion of qualifying dirt street improvements.

- 4. Set Public Hearing Date of July 16, 1984, for:
 - a. Case No. SUP-10-84. Warren D. Jones, Jr.
 - b. Case No. SUP-21-84. Edwin and Elizabeth Aadahl.
- 5. Year-End Capital Budget Adjustment.

RESOLUTION

CAPITAL PROJECTS CLOSE-OUT

WHEREAS, certain capital projects have been completed and contain unspent appropriated funds.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the following appropriation adjustments be made.

From:

Berkeley School Roof \$ 757.88
Computerized Assessments 53.08
Water Development (FY 1982) 3,150.65
\$3,961.61

To:

Capital Project Contingency \$3,961.61

BE IT FURTHER RESOLVED that the appropriation from the Federal Grant for the Landscaping project be reduced by \$1,638.00.

- 6. Relocation of VACO Offices to Richmond.

RESOLUTION

RELOCATION OF VACO OFFICES TO RICHMOND

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WHEREAS, the Board of Supervisors of James City County believes that actions by the State government in Richmond increasingly affect local governments; and

WHEREAS, the Board of Supervisors believes the Virginia Association of Counties could better represent all member jurisdictions if its offices were relocated to Richmond.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors reaffirms its resolutions of June 23, 1980 and April 13, 1981, requesting the relocation of the Virginia Association of County Offices to Richmond.

F. Board Considerations

1. Approval of Industrial Development Authority Action. (Consent Item).

Mrs. Abdelnour, Chairman of the IDA, presented this matter to the Board requesting approval of the issuance of bonds for the Corporate Center facility known as the Marketplace Associates Convenience Center in the Busch Corporate Center. The Resolution of Inducement was approved by the Industrial Development Authority of James City County on June 13, 1984, and will be acted upon by the York County Board of Supervisors tomorrow.

Mr. Edwards stated he opposes the use of revenue bonds for projects that have nothing to do with industrial development and will no longer vote for this type of project.

Mr. DePue asked whether the IDA had any other applications pending. Mrs. Abdelnour responded in the negative. Mr. DePue indicated he would vote for this item but might join Mr. Edwards in denying such applications in the future.

Mr. Brown reported his understanding that congressional action regarding the issuance of tax exempt bonds is retroactive to January 1, 1984.

Mr. David Otey, a Williamsburg attorney, stated that a joint congressional committee passed legislation to take effect in 1985.

Mr. DePue moved approval of the resolution.

On a roll call, the vote was AYE: Mahone, DePue, Taylor (3). NAY: Edwards (1). ABSTAIN: Brown.

**RESOLUTION APPROVING THE
ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS
(Marketplace Associates)**

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the "Authority"), has considered the application of MARKETPLACE ASSOCIATES, a Virginia general partnership, (the "Partnership"), for the issuance of the Authority's industrial development revenue bonds in the principal amount not to exceed \$2,300,000 (the "Bonds"), to assist in the financing of the Partnership's acquisition of a certain parcel of land located in the Busch Corporate Center in James City County, Virginia, and in York County, Virginia, and to construct and equip thereon a neighborhood convenience shopping center (the "Facility"), and has held a public hearing thereon on June 13, 1984; and

WHEREAS, the Authority has requested both the Board of Supervisors of James City County, Virginia, and the Board of Supervisors of York County, Virginia (the "Boards"), to approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, and a record of the public hearing has been filed with the Chairmen of the Boards.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA:

1. The Board of Supervisors of the County of James City, Virginia, approves the issuance of the Bonds by the Industrial Development Authority of the County of James City, Virginia, for the benefit of MARKETPLACE ASSOCIATES, to the extent of and as required by Section 103(k) of the Internal Revenue Code, to permit the Authority to assist in the financing of the Facility.
2. The approval of the issuance of the Bonds, as required by Section 103(k) does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation, but pursuant to Chapter 33, Title 15.1 of the Code of Virginia of 1950, as amended, (the "Act"), the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the existing taxing power of the Commonwealth, the County, or the Authority shall be pledged thereto.
3. This Resolution shall take effect immediately upon its adoption.
2. Purchasing Manual Revision

Mr. McDonald presented this matter to the Board requesting approval of the resolution in order to comply with the passage of changes to the Virginia Public Procurement Act by the General Assembly. The proposed change to Section 4-126 provides that only procurement of professional services in excess of \$20,000 needs to be subjected to the competitive negotiation procedures specified in the State Code. Another change, enables the Purchasing Agent to post an invitation to bid in a designated public area and avoid incurring the expense of non-productive newspaper advertisements. Mr. McDonald indicated an estimated \$7,000 is spent for such advertising annually.

Mr. DePue stated he views this resolution as a housekeeping matter to bring the County policy in line with State procedures.

Mr. Edwards moved approval of the resolution.

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

RESOLUTION

REVISION OF PURCHASING MANUAL

WHEREAS, a centralized purchasing system has been adopted for the efficient and economical purchase of all supplies, materials, equipment and contractual services required by any department or agency of James City County; and

WHEREAS, the policies and procedures governing the operation of the centralized purchasing system have been incorporated into a document known as the "James City County Purchasing Manual;" and

WHEREAS, it has now been deemed desirable to make certain revisions to said Manual which are contained in a complete reprint identified as Change 3;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves these revisions and authorizes the County Administrator to publish the revised "James City County Purchasing Manual" and issue changes to the procedures as they become necessary.

Mr. Wayland Bass, Director of Public Works, presented a late matter to the Board requesting approval of a resolution for the dedication of streets in

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the Burnham Woods Subdivision (Section III), and Oakland Subdivision (Section I) to the secondary highway system.

Mr. Taylor moved approval of the resolution.

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

RESOLUTION

DEDICATION OF STREETS IN BURNHAM WOODS SUBDIVISION

SECTION III

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

WHEREAS, the Board of Supervisors desires certain streets in Burnham Woods Subdivision, Section III, 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 is hereby respectfully requested, contingent upon the above, to include the following streets in Burnham Woods Subdivision, Stonehouse Magisterial District, James City County, in the State Secondary Highway System:

1. Half Penny Drive - 50' Right-of-Way
From: State Route 746
To: Intersection of Highfield Drive
Distance: 333.83' (0.06 miles)
2. Overton Trail - 50' Right-of-Way
From: State Route 746
To: Intersection of Highfield Drive
Distance: 322.94' (0.06 miles)
3. Highfield Drive - 50' Right-of-Way
From: Intersection of Half Penny Drive
To: End of cul-de-sac
Distance: 1082.95' (0.20 miles)

The rights-of-way of 50' along with 20' drainage easements are guaranteed as evidenced by the following plats of records: Burnham Woods, Section 1, recorded in Plat Book 36 Page 29, dated June 19, 1980; Burnham Woods, Section 2, recorded in Plat Book 36 Page 50, dated October 9, 1980; Burnham Woods, Section 3, recorded in Plat Book 36 Page 78, dated April 13, 1981.

BE IT FURTHER RESOLVED that this resolution be forwarded to the resident engineer of the Department of Highways and Transportation.

RESOLUTION

DEDICATION OF STREETS IN OAKLAND SUBDIVISION

SECTION I

WHEREAS, the Developer of Oakland Subdivision, Section I, 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 Oakland Subdivision, Section I, 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 is hereby respectfully requested, contingent upon the above, to include the following streets in Oakland Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

1. Oakland Drive - 100' to 60' Right-of-Way
From: State Route 60
To: Intersection of Crescent Drive
Distance: 2998.55' (0.57 miles)
2. Crescent Drive - 50' Right-of-Way
From: Intersection of Oakland Drive and Crescent Drive
To: Intersection of Oakland Drive and Crescent Drive
Distance: 4709.27' (0.89 miles)

The rights-of-way of 100' to 60' and 50' along with 20' and 30' drainage easements are guaranteed as evidenced by the following plat of record: Oakland, Section I, recorded in Plat Book 37, Page 10 and 11, dated October 23, 1981.

BE IT FURTHER RESOLVED that this resolution be forwarded to the resident engineer of the Department of Highways and Transportation.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs, Toano, requested clarification of the ordinance adopted by the Board changing the zoning requirements for A-1 and A-2 property. Mr. Scruggs' specific question was in reference to the frontage requirements for duplex units.

Mr. Riutort responded the ordinance requires 100 feet of frontage for each unit (structure).

Mr. DePue requested clarification on this zoning/code interpretation.

Mr. Oliver stated the County Attorney had reviewed the existing ordinance and there may be a flaw in the ordinance. Mr. Oliver indicated an interpretation would be made by the County Attorney.

Mr. Brown stated that more cases are being sent to the Board of Zoning Appeals that should be decided by staff.

Mr. Taylor requested an answer to Mr. Scruggs' question.

Mrs. Sue Hill, Elmwood Subdivision, questioned the County's extension of the preliminary hearing on the truck stop site plan. Mrs. Hill stated she felt this is against County law.

Mr. Oliver reported that this was not a decision made by the Zoning Administrator, but rather in line with County practice.

Mr. DePue requested more information on Mrs. Hill's concern.

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Mr. Robert Hewlett, 403 Neck-o-Land Road, stated he felt the County officials had failed him in allowing the Powhatan Shores development to proceed in light of his continuing rain drainage problem. Mr. Hewlett asked the Board to protect the rights of all property owners not just developers. He also requested that the Board have the Planning Commission delay the development until the comments of Gannett, Fleming, Corddry and Carpenter are received.

Mr. Mahone requested staff investigate the potential violation. He further requested that the Subdivision Review Committee defer action until engineers report back on their analysis. At that time, the Subdivision Review Committee could refer the case back to the Planning Commission with Gannett, Fleming, Corddry and Carpenter comments, as well as conditions as stipulated by the VDH&T, Public Works and Planning Departments.

In a memorandum to the Board, Frank M. Morton, III, County Attorney, indicated the County Code states that a home owner can disturb 6,000 square feet, stabilize that area and disturb an additional 10,000 square feet. The intent of the Code is to prevent at any one time the disturbance of 10,000 or more feet.

Mrs. Paige Hewlett, 403 Neck-o-Land Road, addressed the Board presenting a flood hazard area map. Mrs. Hewlett indicated that she had contacted the Attorney General's office regarding the situation.

Mr. Brown indicated he will request the Planning Commission hold the preliminary plan approval until all reports are received from Gannett, Fleming, Corddry and Carpenter.

Mr. Mahone indicated he felt the drainage ditch installed by the developer had complicated the situation.

Mr. Victor Shone, 405 Neck-o-Land Road, stated the drainage problem was caused by Section I of Powhatan Shores. Mr. Shone stated he felt staff and developers have done all they can to handle the problem. Mr. Shone indicated he had installed tidal flap gates and he would guarantee the maintenance of the flaps.

H. Reports of the County Administrator - None

I. Board Requests and Directives

Mr. Brown requested information as to what staff would accept as surety guarantees, especially in conjunction with the new Utility Policy, and how the one year guarantee by the contractor would be procedurally accepted.

Mr. DePue, in response to the concerns of the Skipwith Subdivision residents regarding traffic congestion on Longhill Road, concurred and suggested these problems would increase with development of the AJ&L property behind Pittman Chrysler Plymouth and the Community Center soon to be constructed on the Eastern State Property. Mr. DePue suggested the County may want to negotiate with the City of Williamsburg, Eastern State Hospital and Williamsburg-James City County Schools on solutions to this problem.

Mr. Edwards stated that adoption by the City of Williamsburg of the resolution for the Joint Community Center calls for the hiring of an architect. Mr. Edwards requested the Board discuss in Executive Session board appointments to work with staff on this project.

Mr. Brown recommended the DRAFT letter to Mayor Ritchie of Newport News be finalized and sent.

Mr. Mahone expressed concern for a dangerous traffic situation at the intersection of Route 199 and Jamestown Road at the apartment construction site. Mr. Mahone also requested an update on the hiring of a Director of Code Compliance.

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).

After a review of both verbal and written comments, and as a result of a meeting with developers, engineers, and a local attorney, the attached "Regulations Governing Utility Service" have been revised, as follows:

- Page 1 - definition of "adjacent" clarified so as to exclude a mandatory connection where the applicant has to cross a road
- Page 5 - "local facilities" definition expanded to include all facilities dedicated to and serving exclusively a specific development
- Pages 3 and 8 - includes a mobile home under the definition of "existing structure"
- Pages 37 and 43 - mandates (shall) a refund to developers of assessments in excess of cost rather than making it discretionary (may); includes bonds as an option (as well as certified checks or irrevocable letters of credit) to ensure system maintenance for a year following dedication to the County
- Page 41 - clarifies that the Utility's determination of economic feasibility relates to a utility extension for a developer and not the developer's project
- Page 43 - sets the expiration period for reserving capacity in exchange for prepaid facilities charges at five years instead of three
- Page 51 and 54 - sets fees for master-metered multi-family units on the basis of meter size, not the number of units
- Page 54 - establishes much reduced system facility charges for connections to waterlines financed by the County General Fund for a two-year period following the adoption of these policies (for existing lines) or for two years after they are placed in service (for new lines). For a single-family resident, the system facility charge would decline from \$650 to \$200, as an example.
- Page 58 - Clarifies the assessment of non-user charges to apply exclusively to water distribution and sewer collection lines constructed by the Utility or Developer, exempting any charge for transmission lines or County-financed systems.

The Board convened into Executive Session at 6:25 P.M.

The Board reconvened into Public Session at 6:55 P.M.

Mr. Brown moved the appointment of Mrs. Deborah Bond, 105 Dancy Place, Kingsmill Subdivision, to the Library Board.

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

Mr. Edwards made a motion to designate the County Garage Building on Tewning Road as the Berkeley District Polling Place.

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

RESOLUTION

SELECTION OF POLLING PLACE-BERKELEY DISTRICT

WHEREAS, the Board of Supervisors of James City County must locate and designate a polling place for Berkeley District; and

WHEREAS, the previous polling place is not now, due to annexation, within the boundaries of James City County; and

WHEREAS, the James City County Electoral Board has recommended the County Garage on Tewning Road as a polling place because it is a public building, central and convenient to the residents of the District, with adequate space and parking for the District's voters.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County designates the County Garage on Tewning Road as the new polling place for the Berkeley District and authorizes the County Electoral Board, the General Registrar, and the County Administrator to so notify the appropriate State and Federal agencies so as to solicit their endorsement.

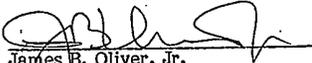
Mr. DePue moved the appointment of Mr. Edwards and Mr. Brown to work with staff on the Community Center.

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

Mr. Brown made a motion to RECESS until July 16, 1984, at 6:00 P.M. at which time an executive session would be held.

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

The Board of Supervisors meeting RECESSED at 7:15 P.M.


James B. Oliver, Jr.
Clerk to the Board

BOS 6/25/84/vas

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