

AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SIXTEENTH DAY OF JULY, NINETEEN HUNDRED EIGHTY-FOUR, AT 7:40 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 - June 11, 1984 - Work Session
 June 11, 1984 - Regular Meeting**

Mr. DePue 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).

Mr. Taylor presented to Mr. John McCrimmon, Executive Director of the Williamsburg/James City County Community Action Agency, a Proclamation declaring August, 1984, as Community Action Month in James City County.

C. PUBLIC HEARINGS

2. Case No. SJR-10-34. Mr. Warren D. Jones, Jr.

Mr. Riutort, Director of Planning, presented this matter to the Board recommending approval with conditions. Mr. Riutort explained the conditions the applicant has to fulfill to obtain the permit.

Mr. Taylor questioned the necessity of condition #3 pertaining to screening. Mr. Riutort stated that screening is recommended whenever the mobile home is located in an open area.

Mr. Taylor opened the public hearing.

Mr. Warren D. Jones, Jr., P. O. Box 114, Toano, Virginia, explained to the Board that other family members occupy adjacent mobile homes and they had no plans to sell the land as they want to retain the land for the family.

Mr. DePue asked Mr. Jones if the staff had explained the conditions necessary for his permit to become effective.

Mr. Jones stated he knew about all the conditions except the screening requirement. No family members had requested him to screen his mobile home but he had planned to skirt the mobile home.

Mr. Taylor closed the public hearing.

Mr. DePue made the motion to approve the resolution.

Mr. DePue advised Mr. Jones to contact the Planning Department on Tuesday, July 17, 1984, to be certain he understands the conditions for the special use permit.

Mr. Brown stated that he did not think the screening condition was needed.

Mr. Brown amended Mr. DePue's motion to approve the permit striking condition #3.

Mr. Mahone said that the Upper County area is becoming a "mobile home park" and he agrees with Mr. DePue that the screening of mobile homes is necessary. Mr. Mahone stated he supports the resolution as originally presented.

Mr. Edwards expressed agreement with Mr. DePue and Mr. Mahone.

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

Mr. DePue made the motion to approve the original resolution.

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

RESOLUTION

SPECIAL USE PERMIT

CASE NO. SUP-10-84

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:	Warren D. Jones, Jr.
Real Estate Tax Map ID:	(20-2)
Parcel No.	(1-14A)
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 shall become void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised one year from the date of approval, it shall become void.
Further Conditions:	The mobile home shall 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 three.

AAJ775

An all-weather road on the 50 foot right-of-way provided for the family subdivision shall be constructed with a minimum 20 foot wide surface and a four-inch aggregate base. The entrance shall meet Virginia Department of Highways and Transportation standards.

The mobile home shall be screened along the northern and eastern property lines by black pine, white pine or equivalent, three to four feet high and planted five feet apart.

The mobile home shall be relocated on parcel (1-14A) to fall within setbacks and yard requirements of the A-1 zone and recorded for parcel (1-14A).

Mr. Taylor advised Mr. Jones to contact the Planning Department on the following day to learn what conditions he was required to fulfill for the permit to become effective.

3. Case No. SUP-13-84. Toano Auto Parts.

Mr. Richard Bain, Interim Director of Code Compliance, presented this matter to the Board. Mr. Richard A. Costello has applied on behalf of Mr. Dixon L. Jackson for a special use permit to allow the construction of an 8,000 square foot commercial building (auto parts store) within the Reservoir Protection Overlay District, RP.

Mr. Bain explained that the applicant had submitted a runoff analysis which had been reviewed and certified by the Department of Public Works. The preliminary site plan has been reviewed by the staff and the Planning Commission. The Zoning Administrator has concluded that the projects impact on the reservoir are significant and infiltration trenches designed in accordance with the guidelines and that no outside storage of automotive parts and products should be allowed. Mr. Bain recommended approval of the SUP with six conditions and this is the first SUP application in the Reservoir Protection Overlay District.

Mr. Taylor opened the public hearing.

1. Mr. Richard Costello, Engineer with AES, Corporation, stated that the length of time to get a Special Use Permit approved for small business is too long as it has been three months since the project was first presented to the County.

2. Mr. Ed Baker, 147 Indian Circle, stated that protection of our environment is important.

3. Mr. Jack Scruggs, P. O. Box 147, Toano, stated that Mr. Costello's comments were right on target and that there are two pamphlets available on run off analysis and there is no point in waiting for a SUP.

4. Mr. R. M. Hazelwood, Toano, agreed with Mr. Costello's remarks. Mr. Hazelwood stated that small businesses are a large part of our community and contribute to the tax base. He would like to see the Board eliminate "red tape" which equals money to small businessmen. The County should set minimum and maximum criteria for projects requiring the SUP process.

Mr. Taylor closed the public hearing.

Mr. Edwards moved approval of the resolution.

Mr. Brown stated that in the Overlay District lots of reports have to be prepared to protect the environment. He mentioned as possibilities to

streamline the process, doing away with request of SUP at Planning Commission level or Board of Supervisors level. Mr. Brown asked staff to take a look at streamlining the process.

Mr. Taylor stated he supports Mr. Brown's remarks.

Mr. DePue stated there is a 5,000 square foot threshold; perhaps a higher threshold may be needed. He wants to protect the environment and is willing to look at specific amendments to the Ordinance. By the time the case gets to the Board, we are looking at technical issues rather than zoning. He supports the resolution.

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

RESOLUTION

RESOLUTION OF APPROVAL - SPECIAL USE PERMIT CASE NO. SUP-13-84

TOANO AUTO PARTS

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-13-84, a special use permit for the construction of an 8,000 square foot commercial building (auto parts store) within the Reservoir Protection Overlay District, RP.

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-13-84 as described herein and as detailed in the attached memorandum with the following conditions:

1. Connection shall be made to public water and public sewer.
 2. All utilities shall be installed underground.
 3. Provide adequate screening around the dumpster site.
 4. In the perimeter landscape strip, the minimum planting of 7 foot high trees every 50 feet shall be observed.
 5. Observe closely the advice contained in the April 17, 1984 letter of VDH&T and the April 19, 1984 letter of SCS.
 6. Outdoor storage of automotive parts and products on this site shall be prohibited.
 7. If construction of this facility has not begun within twenty-four months of the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading, and the excavation and pouring of all footings covered by this permit.
4. Case No. SUP-17-84. Robert and Mildred Wright.

Mr. Riutort presented the matter to the Board. Mr. and Mrs. Robert Wright have applied for a Special Use Permit for a mobile home. The staff recommends approval of the SUP with conditions.

Mr. Taylor opened the public hearing.

Mr. Anderson Bradshaw, representing Mr. and Mrs. Wright, gave a brief history and description of the property. He stated that the size and shape of the property is not suited for a permanent home; however, these same conditions make it suitable for a mobile home site. In a final recommendation to the Board he spoke to the five year permit versus the no-time limit permit. He expressed appreciation to the staff for their research and requested the Board approve the no-time limit resolution.

AAJ775

Mr. Oliver stated that the County has put time restrictions on some mobile home requests in the past. Time limitations give the Board of Supervisors an opportunity to see if the property is going to be maintained under the permit requirements. In the Anderson's Corner area, the policy is to put five year time limit on permits.

Mr. Taylor closed the public hearing.

Mr. DePue moved the approval of the resolution without the five year time limit.

Mr. Mahone stated that he drives that area regularly. He feels the County needs leverage against some mobile home sites since some mobile home owners do not agree with the shrubbery screening requirement. Mr. Mahone stated that mobile homes need shrubs to enhance their attractiveness. He does not agree with no time limit on renewal. In cases like this, he believes automatic renewal should be available after the staff checks to see that permit conditions have been upheld and would favor renewal of a permit for another five years. Mr. Mahone stated he favors the resolution that puts a five year time limit on mobile home applications.

Mr. Brown foresees pressure for controlling mobile home growth.

Mr. Taylor asked the Board to vote on Mr. DePue's motion to approve the no time limit resolution.

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

Mr. Edwards made a motion to approve the resolution with a five year limitation as presented 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-17-84

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:	Robert and Mildred Wright
Real Estate Tax Map ID:	(24-1)
Parcel No.	(1-2C)
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.

This permit shall expire July 16, 1989.

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.

Existing natural tree cover shall be preserved along all property lines to a minimum depth of 40 feet. Clearing shall be limited to the area of the mobile home, drainfield, and private drive.

5. Case No. SUP-18-84. Martha E. Tackett.

Mr. Riutort presented this matter to the Board recommending denial of a Special Use Permit for Mrs. Tackett to place a mobile home on a one acre lot located on Saddletown Road. Mr. Riutort explained the staff's reasons for denial.

Mr. Taylor opened the public hearing.

1. Mrs. Martha Tackett, Olde Towne Road, stated she owns the one acre lot and presented a petition to the Board signed by surrounding property owners stating that they did not object to the placement of a mobile home on the lot. Mrs. Tackett stated that she is presently renting on Olde Towne Road and bought the property to have a place to live.

2. Mr. Ray Minor, Saddletown Road resident, stated that he recommends the Board approve Mrs. Tackett's application for a SUP. Her lot is only visible from one other lot.

3. Mrs. Audrey Atkins, Newport News, stated she owns 65 acres surrounding property on Saddletown Road. The number of trailers allowed on the surrounding property is degrading her property value and she wants to protect her property value by objecting to the further placement of trailers on adjacent property.

Mr. Taylor closed the public hearing.

Mr. DePue stated that one more mobile home on Saddletown Road would not make any difference. He made a motion to approve the resolution.

Mr. Edwards said he could not support the resolution. The SUP was voted down previously and he can see no difference in the application.

Mr. Taylor stated he would support the resolution as before since one more mobile home wouldn't make a difference.

Mr. Brown recommended delay of the approval for two weeks.

Mr. DePue withdrew his motion.

6. Case No. SUP-21-84. Edwin & Elizabeth Aadahl.

Mr. Riutort presented to the Board the application for a special use permit for Mr. and Mrs. Aadahl to place a mobile home on 6.3 acres on Centerville Road. The mobile home will be occupied by the daughter and grandson of the Aadahls.

Mr. Taylor opened the public hearing.

AAJ775

Mr. Taylor closed the public hearing as there was no wishing to speak.

Mr. Mahone inquired if there were any requirements to maintain screening.

Mr. Riutort answered in the affirmative.

Mr. DePue made a motion to approve the resolution.

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-21-34

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:	Edwin and Elizabeth Aadahl
Real Estate Tax Map ID:	(36-2)
Parcel No.	(1-29)
District:	Powhatan
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 shall become void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised one year from the date of approval, it shall become void.
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.
	The mobile home shall be set back 130 feet from the Centerville Road right-of-way and 36 feet from the northern property line. Existing tree cover between the mobile home, Centerville Road, and the northern property line shall be preserved.

7. Acquisition of Property - Leisure Road.

Mr. Frank Morton, County Attorney, presented this matter to the Board. Mr. Morton recommended that the Board acquire two small parcels of land to improve Route 674, Leisure Road, the access road to the Upper County District Park with funds awarded by the Virginia State Highway Commission.

Mr. Taylor opened the public hearing.

Mr. R. M. Hazelwood, Toano, owner of one parcel, stated his opposition to the road improvement because other roads needing improvement should have priority. Leisure Road does not have much traffic and it would be a waste of public funding to improve this road.

Mr. Taylor closed the public hearing.

Mr. DePue stated he does not like the idea of taking property when the owner does not want to give up his land; however, the Board does have a commitment to the Park, and he approves acquisition. He moved approval of the resolution.

Mr. Mahone stated he felt this was an inappropriate way to spend tax dollars and will vote against the resolution.

Mr. Taylor commented that we were able to get money for this road and not for other roads. Since the money can't be spent on other roads then we should spend it for the purpose for which it was allocated.

Mr. Brown said it seems impractical to have only a 30 foot road to the Upper County Park after spending the amount of money that has been spent on building the Park. He supports the resolution.

Mr. Edwards stated that State policy has determined how this money can be spent and the Board cannot change State policy.

Mr. DePue moved approval of the resolution.

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

RESOLUTION

RECREATION ACCESS ROAD FUNDS

ACQUISITION OF PROPERTY - ROUTE 674

(LEISURE ROAD)

WHEREAS, the Virginia State Highway Commission has made available Recreation Access Funds in the amount of \$170,000 for purposes of improving Route 674, Leisure Road, which provides ingress and egress to the Upper County Park; and

WHEREAS, it is necessary to acquire two parcels of property as described below for purposes of such road improvement; and

WHEREAS, Section 15.1-236, et. seq. of the Code of Virginia, 1950, as amended sets forth the requirements for a public hearing prior to the exercise of the power of eminent domain under Section 25-232 of the Code and further requires the Board to adopt a resolution prior to entering upon the property and taking possession thereof for the purpose of laying out, constructing, altering, improving and lightening streets and alleys, and of acquiring necessary land for the construction of drainage facilities, roads and facilities relating thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, as follows.

1. A public necessity is hereby declared to exist to provide for the health, safety and welfare of the citizens of this County and accordingly, the property described below shall be taken

AAJ775

for public purposes as provided herein, the compensation and damages, if any, offered by the County to the property owners so listed also stated below.

2. The property owners shall be provided Notice of the adoption of this Resolution by registered mail on or before July 19, 1984. The property owners affected shall have 30 days within which to contest the taking in this fashion pursuant to Section 15.1-238 of the Code.
3. A public hearing prior to the adoption of this Resolution was held July 16, 1984.
4. If the County and Owners of such land are unable to agree on the amount provided herein for compensation and damages, if any, caused thereby, the County shall institute and conduct condemnation proceedings, as provided by 15.1-236, of the Code of Virginia, as amended, in the name of the Board of Supervisors of James City County, Virginia, in the manner and the procedure prescribed by Article 7, Chapter 1, of Title 33.1 for condemnation proceeding by the State Highway and Transportation Commission.
5. That plats of the property entitled, "Plat for Highway Widening Across the Land of R. M. Hazelwood, Jr." and "Plat for Highway Widening Across the Land of Virginia Bostick, Estate," are attached hereto and made a part hereof, and set forth the proposed take; and the properties and owners are further described below:

<u>Name of Landowner</u>	<u>Parcel Subject To Take</u>	<u>Total of Compensation And Damages, If Any</u>
R. M. Hazelwood, Jr.	0.672 Acre adjacent to Rt. 674 Fee Simple	\$1,700.00
The Virginia Bostick Estate	0.016 Acre adjacent to Rt. 674 Fee Simple	\$ 100.00

Mr. Brown requested a five minute recess.

The Board reconvened to public session at 9:20 P.M.

8. Cable Communications/Franchise Certificate/Appendix B.

Mrs. Veronica Nowak, Communications Administrator, presented this matter to the Board. She explained that the Cable Television Advisory Committee has studied a proposed rate increase from Continental Cablevision in the basic cable service from the present rate of \$7.95 to \$9.25 and in the remote converter fee from the present rate of \$1.95 to \$3.95. The Advisory Committee recommends approval of the increase.

Mrs. Nowak introduced several members of the Advisory Committee including Mrs. Denise Dewald, spokesperson for the Committee. Mrs. Dewald stated that Continental's request was justified and that the Committee was influenced by the Company's willingness to extend service in areas of the Upper County without a decrease in service as well as exempting handicapped and elderly subscribers from the remote converter increase.

Mrs. Dewald also noted that when Continental Cable is deregulated in June, 1985, the rates can go up.

Mr. Alvin Anderson, the attorney representing Continental Cable, presented documentation supporting the financial need for an increase in rates. Mr. Anderson explained why residents in the eastern end of James City County have had problems with interruption of service. This was due to cable cutting construction accidents at the Williamsburg Landing site and was not the fault of Continental Cable. Continental is making alternate easement arrangements with Williamsburg Landing.

Mr. Taylor opened the public hearing.

1. Mr. Eugene Bracken, 99 Winster Fax, stated that he was opposed to the rate increase. With the number of cable interruptions he has experienced he is paying for something he's not getting and until the service improves, he is opposed to a rate increase.
2. Mr. Robert Halpin, 702 Lee Drive, stated he is opposed to the rate increase. When the Cable outages occur, he is unable to get through to the Company and has not previously been given an explanation of the outages. He stated we do not need to keep up with York County rates. He wants user protection now while the Company is regulated.
3. Mr. Howard Whittaker, 100 Peyton Road, stated his opposition to the rate increase. He said that major interruptions always seem to occur on the weekend. He questioned a 17% rate increase and why the Company did not foresee an increase in cost of operation in the planning stages.
4. Mr. Cy Talbert, 107 Cove Road, stated he is opposed to rate increases. The franchise agreement set rates for four years and should be made to stick by them. If Continental Cable is requesting rate increase due to monetary loss in 1983, and the loss resulted from their inadequately planning for future revenues, then they should bear the loss and not expect the customer to absorb it.
5. Mr. Ed Oyer, 139 Indian Circle, spoke at length against the rate increase. He cited statistics on the length and number of times the Cable channel has experienced outages.
6. Mr. Larry Herron, First Colony, agreed with comments made by citizens preceding him opposing rate increase, and is particularly concerned about increase for a remote converter that does not adjust sound.
7. Mr. Princes E. Baker, 146 Indian Circle, stated he has had problems with Cable reception since he began receiving the service. He counted 32 hours of cable outages last month.
8. Mr. Doug Johnson, a Magruder Heights resident, stated he opposed the rate increase.

Mr. Taylor closed the public hearing.

Mr. Mahone stated he supports the rate increase for several reasons: Continental Cable has been a good neighbor; some power outages have been unavoidable due to construction cable cutting accidents; and the Company provides quality service. Mr. Mahone said he has strong mixed emotions on this issue and can argue on either side.

Mr. Brown stated that six out of the nine speakers are from his district. He stated that customers must realize that when the rate control is lifted in eleven months, the rates will go up and it is a question of pay now or pay later. He stated that the consumer will be getting three new stations and that the company is fine tuning the reception.

Mr. Edwards said that the Cable Advisory Committee has spent a lot of time studying the issue before deciding to support it. The remote converter is a luxury item and the market can best speak to this issue.

Mr. DePue stated that the lack of attendance at the Board meeting indicated to him that people are basically satisfied with the service that Continental Cable provides. He believes that problems customers experienced before Mr. Spacak arrived were start-up problems. This is a no win situation for the Board but he feels the market will handle the problem in ten months.

Mr. Taylor said his district does not have cable available to them and if the rate increase will help the Company provide additional areas with service he will support the increase.

Mr. Edwards made a motion to approve the resolution.

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

AAJ775

RESOLUTIONCABLE COMMUNICATIONS/FRANCHISE CERTIFICATE/APPENDIX B

WHEREAS, Section 4-86.1.14(d) provides in part that, "(C)hanges in the fee schedule shall not take effect until at least sixty (60) days after notification of same is delivered to the Cable Communications Administrator..."; and

WHEREAS, notice was received of proposed rate increases as set forth herein on June 7, 1984.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Appendix B, Residential Rate Schedule, be amended to read as follows:

RESIDENTIAL RATE SCHEDULEInstallation Charges:

First Set	\$15.00
Each Additional Set	7.50

Monthly Charges: (Basic Charge)

First Set	\$ 9.25
Each Additional Set	3.95
Each Remote Converter (after 30-day free trial)	3.95
Each Set-Top Converter	No Charge
Cable Radio	3.95

Miscellaneous Charges:

Reconnect Fee	10.00
Move to location with existing outlet	10.00
Move connection within house	10.00

Pay Cable Charges:

Pay 1 - HBO	No installation charge	\$ 9.60
Pay 2 - Cinemax	if installed with basic	10.85
Pay 3 - Showtime	service. A \$10.00 installation	9.60
Pay 4 - HTN	charge will apply if 1 or more pay services are installed subsequently.	4.75

D. CONSENT CALENDAR

Mr. Taylor made a motion to approve all the items on the Consent Calendar as no one wished to remove any items for separate discussion.

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

1. Set Public Hearing Date of August 13, 1984, for:

a. Case No. SUP-22-84. Mr. Charles Berkley, Jr.

AAJ775

- b. Case No. SUP-27-84. Mr. Donald Jones.
 - c. Case No. SUP-19-84. Proposed Construction of a 12" Water Transmission Main for a Distance of Approximately 900 feet along the right-of-way of John Tyler Highway.
 - d. Case No. Z-9-84. Ordinance Amendment.
 - e. Case No. Z-8-84/SUP-20-84. Williamsburg Landing .
2. State Aid to Williamsburg/JCC Regional Library.

RESOLUTION

WILLIAMSBURG REGIONAL LIBRARY GRANT AID

WHEREAS, the Board of Supervisors of James City County has been advised that \$1,257 has been approved as a Federal Grant-in-Aid by the State Library Board for the Williamsburg Regional Library for FY 1984-1985; and

WHEREAS, the Board of Supervisors of James City County must submit written approval allowing expenditure against such Grant-in-Aid to be made,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the acceptance of \$1,257 in Federal Grant-in-Aid funds from the State Library Board for FY 1984-1985, and

BE IT FURTHER RESOLVED that the Williamsburg Regional Library be authorized and directed to comply with requirements which must be met in order to receive Grants-in-Aid, and

BE IT FURTHER RESOLVED that the County Administrator be authorized and directed to execute the Authorization of Expenditure of Federal Aid Funds.

3. Code Violation Lien for Mowing Weeds.

RESOLUTION

CODE VIOLATION LIEN

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges constitute a lien against the real property on which the service was performed and for which charges were imposed.

THEREFORE, BE IT RESOLVED that in accordance with Section 7-4, of the Code of the County of James City, the Board of Supervisors directs that the following delinquent charges for service rendered shall constitute a lien against such property to wit:

Mowing weeds:

Account No.: Mr. Oscar H. Blayton
2017 Cunningham Drive
Suite 209
Hampton, Virginia 23666

Description of property: 100 Herndon-Jenkins Drive
Tax Map # (32-2) Parcel # (1-65)
Deed Book #225, Page #647

Amount Due:	Labor	\$ 65.81
	Equipment	<u>25.00</u>
	TOTAL	<u>\$ 90.81</u>

4. Operation Brightside Funding Request.

R E S O L U T I O N

OPERATION BRIGHTSIDE PROJECT

WHEREAS, Anheuser-Busch Corporation has offered to donate funds to commence an Operation Brightside program in James City County; and

WHEREAS, the James City County Parks and Recreation Office desires to beautify and control litter in County parks; and

WHEREAS, the James City County Parks and Recreation Office desires to join with Anheuser-Busch in Operation Brightside.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes an appropriation of \$5,378.20 for Operation Brightside.

E. BOARD CONSIDERATIONS

1. Case No. Z-3-84/SUP-11-84. Raleigh Square, Inc.

Mr. Riutort presented this matter to the Board. He stated that the Planning Commission had reconsidered the rezoning and special use permit. Based on the new information provided by Mr. Alvin Anderson, attorney representing the developers of Raleigh Square, the Planning Commission recommended denial of the request on a 5-3 vote.

Mr. Edwards stated he had asked that the matter be reconsidered and the Planning Commission continues to recommend denial; therefore, he made a motion to deny the resolution.

Mr. DePue stated he still approves of the rezoning and special use permit as there is de facto high density.

Mr. Mahone asked if any citizens complained about the rezoning and was advised that only one person had opposed it at the Planning Commission meeting.

Mr. Brown stated that he had driven by the area and thinks that it is already congested and not developing the way it was intended. He is not in favor of adding more mixed zoning.

Mr. Edward's motion to deny the vote was AYE: Brown, Edwards (2). NAY: Mahone, Taylor, DePue (3).

Mr. DePue made a motion to approve the rezoning and special use permit.

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

R E S O L U T I O N

RESOLUTION OF APPROVAL ON ZONING CASE NO. Z-3-84
AND SPECIAL USE PERMIT CASE NO. SUP-11-84
RALEIGH SQUARE, INC.

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-3-84 and Special Use Permit Case No. SUP-11-84, and

WHEREAS, the applicant has amended these applications such that Zoning Case No. Z-3-84 and Special Use Permit Case No. SUP-11-84 include the rezoning of approximately 1.056 acres identified as parcels (3-19), (3-20) and (3-25) on James City County Real Estate Tax Map No. (47-3) and a special use permit to allow a three-family dwelling on parcel (3-25), four-family dwelling on parcel (3-19), and a four-family dwelling on parcel (3-20) on James City County Real Estate Tax Map No. (47-3), and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-3-84 and Special Use Permit Case No. SUP-11-84 as described herein and as detailed in the attached memorandum.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Taylor explained that if any one in the audience had any items they wished to bring before the Board they could do so at this time. No one wished to speak.

G. REPORTS OF THE COUNTY ADMINISTRATOR

The County Administrator had no reports.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown noted that in reference to the memo in the reading file regarding EMS user fees, he is opposed to such a fee.

Mr. Brown, commented on Mrs. Sue Hill's inquiry, stated that the Zoning Administrator's interpretation of the extension of the truck stop site plan was a discretionary act.

Mr. Morton stated, to his knowledge, an extension had never been denied if the reasons were good. The truck stop extension criteria were as valid as criteria used in previous cases.

Mr. Taylor confirmed that the extension was granted according to standard procedure.

Mr. DePue said he did not agree with Mrs. Hill's comments, but according to the memo the extension may be granted.

Mr. Edwards stated he thought Mrs. Hill's position was that the County violated its own rules and acted improperly.

Mr. DePue said he thought Mrs. Hill stated that the County was opposed to the truck site extension plan, and had an opportunity to stop it but missed the chance.

Mr. Morton presented a last minute item, an Ordinance to amend Chapter 13 of the James City County Code to prohibit public nudity. Mr. Morton declared that an emergency exists and recommended the Board adopt the Ordinance to take effect immediately.

Mr. Taylor made a motion to approve the Ordinance and to set a public hearing for August 13, 1984, on the Ordinance.

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

ORDINANCE NO. 56-A-2

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE BY ADDING A NEW SECTION, SECTION 13-24.1, PUBLIC NUDITY - PROHIBITED.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 13, Offenses - Miscellaneous, of the Code of the County of James City

AAJ775

be and the same is, hereby, amended and reordained by adding a new section, Section 13.24.1, Public Nudity - Prohibited.

CHAPTER 13
OFFENSES - MISCELLANEOUS

Section 13-24.1. Public Nudity - Prohibited.

- (a) As used in this Section "state of nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.
- (b) Every person who knowingly, voluntarily and intentionally appears in public or in a public place or in a place open to the public or open to public view in a state of nudity, or employs, encourages or procures another person to so appear, shall be guilty of a misdemeanor.
- (c) Nothing contained in this chapter shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, act or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promotion, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall.

AN EMERGENCY IS HEREBY DECLARED TO EXIST, AND THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE.

Mr. Taylor made a motion to **ADJOURN**.

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

The meeting **ADJOURNED** at 10:40 P.M.


James B. Oliver, Jr.
Clerk to the Board

BOS/7/16/84/MFR/vas