

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRTIETH DAY OF JULY, 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. Morton, III, County Attorney

B. MINUTES

June 25, 1984 - Regular Meeting
 July 16, 1984 - Regular Meeting

Mr. Mahone stated he had reviewed the minutes, found a resolution not included; however, a corrected copy had been provided to the Board before the meeting. He made a motion to approve the minutes as corrected.

Mr. DePue stated that he would like to clarify one important statement he made during the June 25 minutes regarding Utility Regulations. Since he had supported one of the alternatives and was unsure of the differences between the two, he wanted to research the matter.

Mr. Oliver explained that Alternative #2 excluded the Non-User Charges and #1 had Non-User Charges.

Mr. DePue acknowledged this explanation.

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

C. HIGHWAY MATTERS

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

Mr. Mahone stated that last year several businessmen had contacted members of the Board requesting the Highway Department to give special attention to grass cutting along Route 60 East corridor because of the large number of tourists traveling that road. Mr. Mahone complimented the Highway Department for the noticeable improvement in maintenance along the bridges and on Route 60 East and requested Mr. Kelley to continue upgrading these areas, especially around Busch Gardens.

Mr. DePue said he had received calls from Jamestown Road residents who are concerned over the additional traffic hazards the opening of the condominiums at Jamestown Road and Route 199 will present. He requested Mr. Kelley to look into the situation, specifically traffic turning right upon leaving the condominiums and then making a u-turn.

Mr. Taylor stated he called Mr. Hall regarding the property in front of the Chickahominy Baptist Church and assumed he would receive a reply soon.

Mr. Edwards inquired whether consideration had been given to putting a barrier on Jamestown Road to prevent u-turns.

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Mr. DePue and Mr. Mahone inquired whether the Highway Department or the City of Williamsburg had jurisdiction on this matter. After some discussion, Mr. Kelley said he would check on the highway issues.

Mr. Taylor asked for a progress report on the Racefield petition which requested a reduction in the speed limit to 25 m.p.h.

Mr. Kelley reported that the petition had been forwarded to the traffic engineers with a recommendation to make a review for a speed limit reduction. Mr. Kelley is awaiting the engineers report and will advise Mr. Taylor of the outcome.

D. CONSENT CALENDAR

Mr. Taylor asked the Board if anyone wished to withdraw any items from the Consent Calendar.

Mr. Edwards withdrew item #3.

Mr. Taylor made a motion to approve all items, except #3.

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

1. Federal Aid to the Williamsburg 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.

2. Virginia Historic Landmarks Commission FY 1984 Survey and Planning Subgrant Program.

RESOLUTION

RESOLUTION OF SUPPORT
FOR GRANT APPLICATION BY COLONIAL WILLIAMSBURG FOUNDATION
TO THE VIRGINIA HISTORIC LANDMARKS COMMISSION

WHEREAS, historical and archeological sites located in James City County and adjoining jurisdictions are an important part of the cultural heritage of James City County; and

WHEREAS, the loss of these cultural resources should be avoided where possible; and

WHEREAS, it is necessary for these cultural resources to be identified if they are to be preserved; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County supports the grant application by Colonial Williamsburg Foundation to the Virginia Historic Landmarks Commission for funds to identify and evaluate the significance of historical and archeological sites in James City County, York County and the City of Williamsburg.

3. Case No. CUP-5-84. Hankins Industrial Park

Mr. Edwards questioned whether or not the trailer was placed on the site before the permit was received, and if so, is this usual in a case like this.

Mrs. Victoria Gussman, Acting Planning Director, stated that the mobile home did have a permit when it was placed on the lot but the permit had expired in April 1981. There has been a lapse of time during which the trailer has been on the lot without a permit.

Mr. Edwards made a motion to approve the CUP.

Mr. Mahone questioned the six months time limitation placed on the permit. He was concerned whether six months would be appropriate or was there going to be an automatic renewal of the permit. Also would the trailer be removed in six months or be allowed to remain for an indefinite time period.

Mrs. Gussman stated that under the zoning ordinance, the renewal cannot exceed six months and Mr. Scruggs is not eligible for another six month extension.

Mr. Taylor said something is wrong with the ordinance.

Mr. DePue asked if the applicant was aware of the permit restrictions.

Mrs. Gussman said she had told Mr. Scruggs that the permit limits him to the sale of Hankins Industrial Park property.

Mr. Morton, County Attorney, stated that when the original permit was issued under these same conditions, the conditions were clearly explained to the applicant. Mr. Morton stated this ordinance is fair and is intended to allow sale of a specific parcel and not general sales throughout the County.

Mr. DePue said he is surprised that Mr. Scruggs agreed to the conditions, but assumes he has no objections otherwise he would have heard from him.

Mr. Edwards 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

CONDITIONAL USE PERMIT

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

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement

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of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Walter J. Scruggs
Real Estate Tax Map ID:	(12-4)
Parcel No.	(1-13A)
District:	Stonehouse
Zoning:	M-2, General District
Permit Term:	Expire at the end of six months from this date.
Further Conditions:	This sales office trailer shall be used only for sale of property on the site. It may not be used for the sale of off-site property.

E. BOARD CONSIDERATIONS

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

Mr. Taylor asked if staff had any new information to present on the case since the last meeting.

Mrs. Gussman answered in the negative and offered to give a summary if needed.

Mr. DePue said he had contacted the owner of the Old Towne Road property. The owner explained that he is trying to clean up the property which now has three trailers on the lot including the one occupied by Mrs. Tackett. As soon as her SUP is approved, Mrs. Tackett will remove her trailer.

Mr. Mahone inquired if the Olde Towne Road land owner would replace Mrs. Tackett's trailer with another one.

Mr. Morton said he was not certain what type of permit the Old Towne property owner has.

Mr. Taylor stated that this didn't have any bearing on this case.

Mr. DePue stated the circumstances that allow him to support the application for the SUP on Saddletown Road: the area is surrounded by trees; several mobile homes are already there; placement of a mobile home will not damage surrounding property value to any degree; and that the owner of the Old Towne Road site wishes to clean up his property.

Mr. Taylor stated that item #5 in the SUP is unnecessary and should be deleted because Saddletown Road is an agricultural zone and item #5 prohibits the occupant from clearing land to have a garden.

Mr. Mahone said that condition #5 is contradictory. The Board has no intent to restrict persons from having a garden. The intent is to prevent occupants from cutting down all the trees on the property, something he recently observed at another location. He noted that requiring the natural tree cover to be preserved only adds to the attractiveness of the lot and to the community.

Mr. Brown made a motion to approve the resolution with the last sentence in item #5 deleted.

Mr. Edwards said he could not support the resolution because as the staff has pointed out Saddletown Road is likely to become impassable to emergency vehicles during bad weather, and because of the number of houses already on this dirt road.

Mr. Mahone stated he drove out to this property the day before and although it had rained, the road was passable. He was not certain where the lot lines

are but on several empty lots he saw garbage and old appliances. He feels that if someone is living on these lots, the property will be maintained and will not be used for a dump site.

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

RESOLUTION

SPECIAL USE PERMIT

CASE NO. SUP-18-84

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:	Martha Tackett
Real Estate Tax Map ID:	(15-3)
Parcel No.	(1-25)
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 it shall become void one year from the date of approval.
Further Conditions:	<p>The mobile home must be skirted, and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.</p> <p>The number of bedrooms in the mobile home shall not exceed two.</p> <p>The entrance shall be approved by the Virginia Department of Highways and Transportation.</p> <p>A right-of-way 25 feet from the centerline of Saddlestown Road shall be dedicated for road improvements.</p> <p>Existing natural tree cover shall be preserved along all property lines to a minimum depth of 40 feet.</p>

Mrs. Audrey Atkins, Newport News, requested permission to speak to the Board on this matter. Although the public hearing was closed at the previous meeting, the Board agreed to hear Mrs. Atkins remarks.

Mrs. Atkins stated that she was bitterly opposed to any more trailers being placed on Saddlestown Road surrounding her property. As long as mobile homes are being permitted, she stated that developers will be hesitant to do anything to the surrounding area.

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Mr. Edwards stated that every member of the Board is very concerned about the mobile home problem which is not a simple one. The Board has many things to consider including future development of Saddletown Road and providing housing for low income people. The Board is trying to find an equitable solution.

Mr. Taylor thanked Mrs. Atkins for her comments and for attending the meeting.

F. MATTERS OF SPECIAL PRIVILEGE

1. Mr. Edmund Ware Warburton of Route 633, said he now owns the Hayes property adjacent to the landfill. Mr. Alvin Anderson informed him that the Board will be discussing the acquisition of this property at their Executive Session on August 13, 1984. Mr. Warburton said he would like to attend the Executive Session.

Mr. Brown said that an Executive Session allows the Board to discuss legal and personnel matters. The public is usually not invited to these sessions. Mr. Brown suggested that Mr. Warburton submit in writing his comments so the Board can study them before their meeting; and, to meet with Mr. Morton before August 13.

2. Mr. Robert E. Walker, resident of Chickahominy Road, stated he received a letter from the County notifying him to remove the mobile home from his property because he did not have a special use permit. Mr. Walker explained to the Board that he had received well and septic tank permits from the Health Department but they did not tell him he needed a SUP.

Mr. Brown advised Mr. Walker that part of the SUP process is a public hearing on the application.

Mr. DePue stated that the Health Department permits are only part of the process. The Health Department does not have the authority to give permission to put a mobile home on the property.

Mr. Taylor advised Mr. Walker to meet with the Planning Department staff who will assist him in completing his application.

G. REPORTS OF THE COUNTY ADMINISTRATOR

1. Mr. Oliver suggested the Board adopt a resolution asking the Planning Commission to do a study on mobile homes and to make recommendations on any appropriate changes in policies and procedures for issuing permits. He suggested the study could be done in two parts with an interim strategy beginning September 1. Mr. Oliver has talked with the Planning Commission Chairman who supports the resolution. Mr. Oliver recommended the adoption of the resolution based on trends of the last few months. He suggested the Planning Commission study the mobile home situation during August and make recommendations by September.

Mr. DePue inquired if a moratorium is legally possible. Mr. Oliver said he purposely avoided using the term "moratorium."

Mr. DePue wanted to know what was happening on the new zoning ordinance. His understanding is that this ordinance will address the mobile home issue as it relates to A-1 within the primary service area.

Mr. Oliver said that the zoning ordinance has been handed to the Planning Commission and a work session is scheduled for August 7. He is not sure what portions have priorities and what timetable they have adopted.

Mrs. Gussman said the proposed zoning ordinance addresses a mobile home subdivision but does not address mobile homes otherwise. Map changes might affect location in the primary service area and this will be discussed by the Planning Commission soon.

Mr. Edwards asked if the Board could put off decisions on mobile home permits until September 1.

Mr. Oliver said some clear conditions for granting mobile home permits during the six months period would need to be agreed upon by the

Planning Commission and the Board. The appropriate process is to ask the Planning Commission first for some criteria for continuing to grant permits.

Mr. DePue stated that this might be a legal issue that the County Attorney can advise the Board on rather than asking the Planning Commission to come up with "limitations."

Mr. Morton said he thinks the best way to handle the matter is to amend the ordinance for whatever time period necessary to allow the study to be completed.

Mr. Brown suggested they accept Mr. Oliver's suggestions to ask the Planning Commission for guidelines for the interim period and for the long range approach. The Planning Commission should incorporate this into a new ordinance. He also stated that provision should be made for hardship cases; the Planning Commission needs to sort out all criteria and conditions since it is the body for making recommendations for change.

Mr. Morton suggested that the Board continue the discussion in Executive Session.

Mr. DePue said the policy should be balanced. If the Planning Commission is going to make changes, they will need to update the data already available. Since the issues are clear, he does not want to let the study go on for six months because mobile home applications will increase before the limitation goes into effect. He stated the Board should make decisions on a temporary basis and look to the County Attorney for guidance.

Mr. Taylor suggested that the discussion be continued in Executive Session.

2. Mrs. Burcham, Assistant County Administrator, explained that when plans were prepared for the Mid-County Park, public sewer was not available near the site. With the development of the Meadows project, public sewer is within 870 feet of the Park property and the Meadows contractor has agreed to construct the additional footage for approximately \$6500 if approval can be obtained within the next two weeks to accommodate his work in the area. Because grant funds cannot be used for off-site improvements, funds need to be transferred from contingency to allow for the sewage extension project.

Mr. Mahone asked if the extension will cause other people to connect to public sewer. Mrs. Burcham advised him it would not.

Mr. Taylor wanted to know if the line would help in future developments in that area.

Mr. Oliver said it would serve a small development but not a large one.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

APPROPRIATION FOR SEWAGE EXTENSION TO MID-COUNTY PARK

WHEREAS, the Board of Supervisors of James City County has previously authorized the development of the Mid-County Park; and

WHEREAS, public sewer facilities would enhance the Park's development and grant funds cannot be used for this purpose.

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

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From:	Contingency	\$	-6,500
To:	Sewer Extension - Mid-County Park		+6,500

Mr. DePue said he had two personnel matters to discuss in Executive Session.

Mr. Morton stated he had a legal matter and a possible acquisition of property for Executive Session discussion.

Mr. Taylor made a motion to go into Executive Session, pursuant to Section 2.1-344 (a)(1),(2), and (6) of the Code of Virginia, 1950, as amended.

Mr. Edwards wanted to inform the Board that the Executive Board of VACO had voted 26 to 2 to move its office to Richmond and is in the process of selecting a location. VACO hopes to be in their new office with a newly appointed Executive Director by the end of the year. Mr. Edwards hopes that greater cooperation will occur between VACO and the Municipal League once VACO is relocated.

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

At 4:15 p.m., the Board convened into Executive Session.

At 5:25 p.m., the Board reconvened into their regular meeting.

Mr. Edwards made a motion to approve the Mobile Home Study resolution and suggested a work session with the Planning Commission on mobile homes on August 28, 1984.

Mr. Taylor stated he will vote against the resolution. While we are studying the issue now, it will lead to restrictions.

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

RESOLUTION

MOBILE HOME STUDY

WHEREAS, 16.48% of the housing stock of James City County consists of mobile homes; and

WHEREAS, such percentage is 3.5 times the national average; 3 times the state average and 5 times the regional average; and

WHEREAS, the number of applications for mobile home permits is increasing; and

WHEREAS, the number of unpermitted mobile homes within the County also appears to be growing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does consider these trends to need immediate and careful study by the James City County Planning Commission so that long-term land use patterns will not be allowed to develop without appropriate considerations.

BE IT FURTHER RESOLVED that the Board of Supervisors also respectfully requests the Planning Commission to recommend policies and procedures to insure such appropriate considerations.

AND BE IT FURTHER RESOLVED that the Board of Supervisors requests that the Planning Commission give serious consideration to recommending a six months limitation commencing September 1 on such permits under recommended circumstances while its comprehensive study is being completed.

Mr. DePue pointed out that filling the Community Development Specialist position at grade 22 now after upgrading a clerical position in the winter, had a net effect of a creeping upgrade which he is sensitive to.

Mr. Mahone requested a report on water damage to public buildings, particularly Building B. He is interested in the County maintenance program on roofs.

Mr. Taylor made a motion to adjourn the meeting.

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

The meeting was adjourned at 5:30 p.m. until 6:00 p.m. on August 13, 1984.



James B. Oliver, Jr.
Clerk to the Board

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