

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTEENTH DAY OF OCTOBER NINETEEN HUNDRED EIGHTY-FOUR AT 6:00 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. SPECIAL MEETING - October 15, 1984

Mr. Taylor made a motion to recess.

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

The meeting reconvened at 6:30 P.M.

Mrs. Virginia Carey, Chairman of the Wetlands Board, introduced other Wetlands Board members present, Mrs. Kathy Small and Henry Lindsey. Mrs. Carey explained the rationale for the Wetlands Board's decision on the two Wetlands permits.

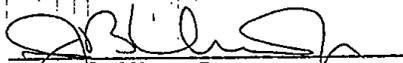
Mr. Brown explained the Board of Supervisors' need to keep alternate routes open for the James Terrace Water Main.

Mr. DePue requested that the Wetlands Board review the applications based on Wetlands issues and let the Board of Supervisors take the responsibility for the political issues.

Mrs. Carey thanked the Board for the opportunity to discuss these mutual concerns.

Mr. Taylor made a motion to ADJOURN at 7:00 P.M.

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


 James B. Oliver, Jr.
 Clerk to the Board

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

A. ROLL CALL

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

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

B. MINUTES - September 24, 1984

Mr. Taylor asked if there were any corrections or additions to the Minutes.

Mr. Mahone made a motion to approve the Minutes as presented.

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

Presentations:

Mr. Taylor read and presented to Mr. Robert Clifford and Mrs. Loretta Hannum a proclamation designating October 24, 1984 as United Nations Day.

Mr. Robert L. Clifford, a former United Nations economic advisor, said he was pleased that the Board had proclaimed United Nations Day.

Mrs. Loretta Hannum, a teacher at James Blair Jr. High School, and a sponsor of the Model U. N. Program, said she appreciated the support of the James City County Board of Supervisors in proclaiming United Nations Day.

Mr. Brown commended Mrs. Hannum and Mrs. Linda Dunnegan, sponsors of the Model U. N. Program, for their work with this program.

C. PUBLIC HEARINGS

Mr. Mahone requested that the Board hear Case No. SUP-29-84, and Case No. SUP-31-84, at the same time since they both deal with water and sewer lines to the Croaker Service Center.

1. Case No. SUP-29-84. Croaker Service Center - Water Transmission Main

3. Case No. SUP-31-84. Croaker Road Sewage Force Main.

Mrs. Victoria Gussman, Director of Planning, said the James City County Department of Public Works had applied for special use permits to allow the construction of a 12 inch water transmission main from the intersection of Route I-64 and Croaker Road to the intersection of Richmond Road and Croaker Road; and to allow the construction of a six-inch sewage force main from the intersection of Route I-64 and Croaker Road (Route 607) to the intersection of Peach Street (Route 630) and Peninsula Street (Route 636).

Mrs. Gussman requested that the Board hold the public hearings on these matters but defer action on the cases until there is evidence that the Croaker Service Center is a viable project, i.e., until the site plan is resubmitted and the agreed-upon payment to the James City Service Authority has been made.

Mr. Brown inquired if the agreed-upon payment was the \$362,000 referred to in the memos on these cases.

Mrs. Gussman replied in the affirmative.

Mr. Taylor opened the public hearing.

1. Mr. Douglas Johnson, representing Mrs. Kempton, stated Mrs. Kempton is requesting the Board not defer the matter because this will delay the site plan approval. Sixty-four Associates is upset because the Planning Commission recommended approval and the staff is now requesting deferral. Sixty-four Associates have all necessary approvals and are ready to proceed.

Mr. Taylor closed the public hearing.

Mr. DePue inquired if the approval of the SUP is required with approval of the site plan.

Mrs. Gussman said the site plan can be considered subject to SUP approval.

Mr. Oliver clarified the County's position by stating that the project is not supported in the Comprehensive Plan. The County is put in the process of issuing permits to itself before the site plan is approved. The County will not delay the project.

Mr. DePue said he supports Mr. Oliver's remarks and that a motion to defer is in order.

Mr. Taylor inquired when the Planning Commission will act on the site plan.

Mrs. Gussman said if the application meets conditions, the Board can act on the permit at its next meeting.

Mr. Edwards made a motion to defer Case No. SUP-29-84 and Case No. SUP-31-84.

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

2. Case No. SUP-30-84. Western County Container Site

The Department of Public Works has applied for a special use permit to allow for the establishment of a publicly owned solid waste container site. The Planning Commission recommended approval with conditions on August 28, 1984.

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. Mahone inquired about the wash down facilities to be provided.

Mr. Oliver said staff had discussed this matter earlier and that a small well will be installed.

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

SPECIAL USE PERMIT CASE NO. SUP-30-84

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of case No. SUP-30-84 to allow the construction of a publicly owned solid waste container site on property identified as parcel (1-27) on James City County Real Estate Tax Map No. (10-2).

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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-30-84 as described herein and as detailed in the attached memorandum with the following conditions:

1. Compliance with all State erosion control and sedimentation regulations involved in the construction, use and operation of a publicly owned container site as specified in the Virginia Erosion and Sediment Control Handbook.
2. Facilities for washing down the container site shall be provided.
3. Site lighting shall be approved.
4. Case No. SUP-32-84. Expansion of EOC Container Site.

The Department of Public Works has applied for a special use permit to allow the expansion of the existing EOC solid waste container site. On August 28, 1984 the Planning Commission recommended approval of the permit with conditions.

Mr. Taylor opened the public hearing.

1. Mr. Meadows, an adjoining landowner to the EOC Building in Toano, said the containers are necessary but some problems still exist, specifically, rodent control, noise when dumpsters are being emptied before 5 a.m., and trash overflowing onto his property.

Mr. Taylor asked Mr. Meadows if expanding the container site would make the situation better or worse for him.

Mr. Meadows suggested that the County put container sites where developers are building to make it more convenient for residents.

2. Mr. Ed Digges, inquired as to why the Board is considering putting in a well, pump and pump house while other communities use private contractors to clean these sites.

Mr. Meadows said that water is already available at the EOC site.

Mr. Mahone said the County has provided a number of dumpster sites for user convenience.

Mr. Taylor closed the public hearing.

Mr. DePue made a motion to approve the resolution. He said that the County had a specialist investigate the rodent problem and reported that the rodents were not coming from the container sites. Mr. DePue stated that compared to other localities he has visited, James City maintains their dumpster sites well.

Mr. Morton, the County Attorney, said the County has taken several people to court for non-compliance with the ordinance. Staff has sent a number of letters to offenders.

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

RESOLUTION

SPECIAL USE PERMIT CASE NO. SUP-32-84

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of case No. SUP-32-84, a special use permit to allow the expansion of the existing EOC solid waste container site.

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-32-84 as described herein and as detailed in the attached memorandum with the following conditions:

1. Compliance with all State erosion control and sedimentation regulations involved in the construction, use and operation of a publicly owned container site, as specified in the Virginia Erosion and Sediment Control Handbook.
2. Site expansion will be screened by fencing and shrubbery similar to that used on the existing site.

5. Case No. Z-10-84. McKenney Estate.

Mr. Samuel T. Powell has applied on behalf of the Estate of M. M. McKenney and Rose Walton McKenney to rezone .91 acres from R-3, General Residential, to R-5, Multifamily Residential. The property is located on the north side of Longhill Road approximately one-half mile southeast from the intersection of Country Club Drive and Longhill Road. This property will become part of a proposed 110 unit townhouse development known as British Woods.

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

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).

RESOLUTION

ZONING CASE NO. Z-10-84

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 October 15, 1984 for zoning case No. Z-10-84 for rezoning approximately .91 acres located within parcel (1-14) on James City County Real Estate Tax Map No. (32-4) from R-3, General Residential to R-5, Multifamily Residential ; and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on August 28, 1984 recommended approval of case No. Z-10-84; and

WHEREAS, zoning case No. Z-10-84, is in accord with the adopted Comprehensive Plan of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve zoning case No. Z-10-84 as described herein and as detailed in the attached memorandum.

6. Case No. Z-11-84. Edmund H. Saunders.

Mr. Roger D. Spearman has applied on behalf of Mr. Edmund H. Saunders to rezone 1.12 acres from A-2, Limited Agriculture, to B-1, General Business to allow the construction of a one story 3,840 sq. ft. building. The property is located on the north side of John Tyler Highway (Rt. 5) approximately 400 ft. southwest of the intersection of John Tyler Highway and Ironbound Road. The Planning Commission on August 28, 1984, recommended approval of this application.

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

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).

RESOLUTION

ZONING CASE NO. Z-11-84

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WHEREAS, in accord with Section 18.431 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 October 15, 1984 for zoning case No. Z-11-84 for rezoning approximately 1.12 acres located within a portion of parcel (1-14) on James City County Real Estate Tax Map No. (46-2) from A-2, Limited Agriculture, to B-1, General Business; and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on August 28, 1984 recommended approval of zoning case no. Z-11-84; and

WHEREAS, zoning case No. Z-11-84 does not conflict with the adopted Comprehensive Plan of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby approve zoning case No. Z-11-84 as described herein and as detailed in the attached memorandum.

7. Case No. SUP-33-84. The Digges Company.

Mr. Morton stated that this application is for Section 5 of a proposed four-part expansion of the remaining portions of Burnham Woods Subdivision by the Digges Company. Mr. Morton has spoken to the developer and to his attorney who have agreed to deferring this matter until staff can investigate concerns raised by speakers at the September 25, 1984 public hearing of the Planning Commission. After citizens' concerns are satisfied, the entire project will be given to the Planning Commission for consideration.

Mr. Brown said it is a complicated issue and suggested that the Board hold the public hearing tonight and continue it until the October 29th meeting when staff can give a complete briefing.

Mr. Mahone agreed with Mr. Brown's suggestion, and announced that the Board's next meeting will be at 3:00 p.m., on October 29.

Mr. Taylor opened the public hearing.

1. Mr. Jack Ford, a resident of Burnham Woods, said the subdivision has serious drainage problems and Mr. Digges had told him that he would be unable to develop the remaining sections of Burnham Woods because of the drainage problems. Mr. Digges had made a previous attempt to resolve these problems but failed.

2. Mr. Bruce Daniels, a resident of Burnham Woods, stated that further development of the subdivision would only increase the problems residents have with drainage.

3. Mr. William Patterson, a resident of Burnham Woods, said that the drainage problem is so bad that water drains across the road onto his property.

4. Mr. Ed Joyner, a resident of Burnham Woods, inquired as to what size the lots are proposed to be and how much the homes will sell for.

Mr. Morton said the total density can not exceed one dwelling unit per acre.

5. Mr. Lynn Evans, stated that his firm worked on the design of Burnham Woods and that they are continuing to work on the problems.

6. Mr. Mike Hartman, a resident of Burnham Woods, stated that the developer contoured the land before the subdivision was built and is responsible for the drainage problems.

Mr. Taylor continued the public hearing until October 29, 1984.

8. Case No. SUP-34-84. Larry and Penny Richardson.

Mr. and Mrs. Larry Richardson have applied for a special use permit to allow the continued use of their mobile home as a residence while they construct a house on the same parcel. The property is eight acres in area and is zoned A-1, General Agricultural and is part of a family subdivision. The Planning Department recommends approval with conditions.

Mr. Taylor opened the public hearing and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. Brown inquired as to the requirement for an all weather road.

Mrs. Gussman stated that an all weather road will allow emergency vehicles to pass under all road conditions and is a requirement of the family subdivision.

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

RESOLUTION

SPECIAL USE PERMIT

CASE NO. SUP-34-84

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:	Larry and Penny Richardson
Real Estate Tax Map ID:	(36-4)
Parcel No.	(1-7A)
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 from the property before the house is completed, then this permit shall become void and any replacement will require a new permit from the Board of Supervisors.

Further Conditions: |The mobile home shall be removed from the property within 24 months of the issuance of this permit or 30 days of the issuance of the Certificate of Occupancy for the house, whichever occurs first.

An all weather road shall be constructed in the right-of-way connecting parcel (36-4) (1-7A) to News Road within 60 days of the issuance of the certificate of occupancy for the house.

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

9. Case No. SUP-36-84. Malcolm Martin.

Mrs. Victoria Gussman said that Mr. Malcolm Martin has applied for a special use permit to allow the placement of one mobile home, for rental use, on approximately .5 acre. The property is zoned A-1, General Agricultural, and is located on the south side of Riverview Road (Route 606). The Planning Department recommends approval of this permit with conditions.

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Mr. Mahone said the screening condition might conflict with the Highway Department's future need to widen Riverview Road and that the applicant should place plant materials back from the right-of-way.

Mr. Taylor opened the public hearing.

1. Mrs. Melinda Hutchinson stated that she lived on the adjacent property and requested denial of the permit because the property was not maintained when occupied previously by renters. Mrs. Hutchinson said she maintains her property and does not want it devalued.

Mr. Mahone said he visited the site and the surrounding landowners all maintain their property while the only one not being maintained was the applicant's property.

2. Mr. Louis Volsteen, 124 Four Mile Tree Drive, said he lived in Riverview Plantation and agreed with Mrs. Hutchinson's reasons for requesting the permit to be denied. He also said that rental mobile homes are not in the best interest of the County or other adjacent property owners.

3. Mr. Richard Broomfield said he lived on the property adjacent to Mr. Martin's and he opposes the permit because approving the Special Use Permit will devalue his property.

4. Mrs. Norma Chandler said she had just built a home and is concerned about the effect of mobile homes on the market value of her new home.

5. Mr. Malcolm Martin said screening of the mobile home was destroyed by livestock on the property. He pointed out that the Planning Department has recommended approval of the permit.

6. Mr. Steve Kaiser, a resident of Riverview Planation, said the property values will decrease with addition of rental mobile homes. Majority of the property owners are trying to improve their property and the one exception to this is Mr. Martin's property.

Mr. Taylor closed the public hearing.

Mr. DePue said Riverview Road is the only entrance into Riverview Plantation and the Board should view the special use permit in light of its economic impact on the surrounding property. He cannot support the permit.

Mr. DePue made a motion to deny the resolution.

Mr. Mahone said the request to rent mobile homes has a negative economic impact potential. This mobile home would be close to the street and difficult to screen. He cannot support the application because it will affect the value of the existing homes.

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

10. Central Absentee Voter District Ordinance

The amendment proposes the establishment of a central absentee voter district for presidential elections only, pursuant to Section 24.1-233.1 of the Virginia Code (1950), as amended, to avoid the problem of requiring election district officers to count and record the numerous absentee ballots after having endured a long election day. The Registrar and Electoral Board recommend adoption of this amendment.

Mr. Taylor opened and closed the public hearing as no one wished to speak.

Mr. Brown made a motion to approve the resolution.

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

11. Taxi Ordinance

Mr. Morton stated that after a committee, composed of the Commissioner of Revenue, Chief of Police, Director of Transit, Assistant County Administrator, and himself, evaluated the need for a taxi ordinance, it was concluded an ordinance was

needed to protect the consumer and to simplify the fare structure in James City County. The proposed ordinance was modeled after the City of Williamsburg's.

Mr. Taylor opened the public hearing.

1. Chief Robert Key said he served on the committee and supported the ordinance. Currently, James City does not have a way to enforce standards on taxi service and he is concerned with public safety.

Mr. James Elliott, attorney for the Colonial Cab Company of Williamsburg, stated he supported the taxi ordinance but sees several areas that need further clarification: Section 18A-11 regarding headlights; rates; Section 18A-2 "within the County; and Section 18A-13, Central place of business.

Mrs. Darlene Burcham, Assistant County Administrator, clarified several of these issues for the Board.

Mr. Taylor closed the public hearing.

Mr. Oliver requested the Board refer the ordinance to staff for further study.

Mr. DePue stated he had several concerns about the County adopting a taxi ordinance. He supports the public safety issue and can understand the need to license and monitor taxi companies but he is opposed to setting fares.

Mr. Morton said setting standards will protect consumers.

Mr. Taylor said he agreed with Mr. DePue and will not support the ordinance because it restricts free enterprise.

Mr. Mahone said he shared the concerns that Mr. DePue and Mr. Taylor had expressed and believes there are some parts of the ordinance that need rewriting. He would like to see a revised edition of the ordinance that Mr. Elliott has agreed to.

Mr. Brown said he agreed with the public health and safety regulations but not anything that has rates in it.

Mr. Edwards made a motion to defer the ordinance.

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

Mr. Brown requested a five minute recess.

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

The Board recessed at 9:50 p.m., and reconvened at 9:55 p.m. The Board agreed to consider Board Considerations next in deference to Mr. Branch who was waiting in the audience.

E. BOARD CONSIDERATIONS

1. 350th Anniversary Activities - Supplemental Appropriation

Mr. Hammond Branch, representing the 350th Anniversary Committee, reported to the Board that the oral history project, requested by the County, is incomplete and approximately two and one-half months will be required to finish the project. He requested the Board support the resolution authorizing the temporary employment of the Anniversary Coordinator through December 31, 1984.

Mr. Taylor made a motion to approve the resolution.

Mr. Edwards seconded the motion.

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

RESOLUTION

350TH ANNIVERSARY - SUPPLEMENTAL APPROPRIATION

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WHEREAS, the Board of Supervisors of James City County has previously authorized a temporary Anniversary Coordinator; and

WHEREAS, additional time is required to complete the oral history interviews.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following transfer of funds and extends the Anniversary Coordinator position through December 31, 1984.

From: Contingency	-\$3,000
To: 350th Anniversary	+\$3,000

Mr. Oliver commended Mr. Hammond Branch for his countless hours of excellent service and support to County projects over the years.

D. CONSENT CALENDAR

Mr. Taylor presented the Consent Calendar to the Board and asked if anyone wished to remove any items.

Mr. Taylor removed item 1c.

Mr. DePue made a motion to approve the remaining items on the Consent Calendar.

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

1. Cases to be Set for Public Hearings on November 5, 1984:

- a. Case No. SUP-37-84. Mr. Bobby Shackelford
- b. Case No. Z-12-84. Mr. William E. Jamerson
- d. Contractual Agreement to Operate a Housing Authority in Grove
- e. Budget Amendment, FY 1984 Unappropriated Fund Balance

2. Street Name Assignment - Route 705

RESOLUTION

STREET NAME ASSIGNMENT

WHEREAS, it is in the interest of public safety and convenience to assign names to streets in James City County with no former name in order to assign street addresses to them;

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors assigns the name of Richardson Road to Rt. 705 between Holly Forks Road and the New Kent County line.

3. FY 1986 Budget Calendar

RESOLUTION

FY 1986 BUDGET CALENDAR

WHEREAS, the Board of Supervisors of James City County attempts to adopt a budget calendar to accommodate statutory requirements for the adoption of a budget and to provide County residents with information concerning the budget process.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby adopts the attached budget calendar by reference for planning and information purposes.

4. Lease of EOC Office Space - Soil Conservation Service

RESOLUTIONLEASE OF EOC OFFICE SPACE - SOIL CONSERVATION SERVICE

WHEREAS, the Board of Supervisors of James City County desires to lease space to the United States Department of Agriculture-Soil Conservation Service;

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease for the period October 1, 1984 through September 30, 1985 at an annual rate of \$2,190.12 for the office space currently occupied by the Soil Conservation Service.

5. Amendment to Federal and State Matching Funds - FY 85
Section 18 Application

RESOLUTIONPART IV - REQUEST FOR FEDERAL MATCHING FUNDS - FY 85

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is authorized for and on behalf of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Assistance Act of 1982, in the amount of \$259,434 to assist in the administrative and operating costs of local public transportation services, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act, that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

The undersigned duly qualified and acting County Administrator of James City County certifies that the foregoing is a true State Appropriation Act of 1982, that James City County, may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

RESOLUTIONPART IV - REQUEST FOR STATE MATCHING FUNDS - FY 85

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Administrator is authorized for and on behalf of the Board of Supervisors of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 644 of the 1982 Acts of the General Assembly - Chapter 648, Financial Assistance for Mass Transit - in the amount of \$9,602 to defray fifty

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percent (50%) of the local matching share for administrative expenses, \$31,350 to defray ninety-five percent (95%) of the local matching share for capital expenses, \$2,442 to defray eighty percent (80%) of the local matching share for Ridesharing Administrative Expenses, and in the amount of \$35,572 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act of 1982, and State Appropriation Act of 1982, and that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

6. Case No. CUP-6-84. Ford's Colony at Williamsburg

R E S O L U T I O N

CONDITIONAL USE PERMIT

CASE NO. CUP-6-84

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

Applicant:	Mr. Drew Mulhare for Ford's Colony at Williamsburg
Real Estate Tax Map ID:	(31-4)
Parcel No.	(2-1)
District:	Powhatan
Zoning:	R-4, Residential Planned Community
Permit Term:	The permit term shall expire at the end of one year from this date or the completion date of construction, whichever is first.
Further Conditions:	The construction office trailer shall meet all required setbacks. A minimum area of 5,000 square feet shall be provided for the trailer.

7. Case No. SP-60-84. Ford's Colony Dam No. 3

R E S O L U T I O N

SITE PLAN APPLICATION CASE NO. SP-60-84
FORD'S COLONY DAM NO. 3

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

NOW, THEREFORE, BE IT RESOLVED that approval be granted of the plan for the proposed development of property as described below and in accordance with the conditions listed in the attached memorandum.

Applicant:	Mr. Don Rainey on behalf of Ford's Colony at Williamsburg, Inc.
District:	Powhatan
Zoning:	R-4, Residential Planned Community
Parcel No.:	(1-2)
Tax Map No.:	(30-4)
Further Conditions:	None

8. Water Extension Agreement for the City of Newport News - Brookside - Phase I, Sanitary District No. 2

RESOLUTION

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENT

WHEREAS, Ferrell General Construction Corporation has prepared plans for Brookside - Phase I, a development in the Roberts District of James City County; and

WHEREAS, the City of Newport News has prepared a standard Water Extension Agreement for the extension of city water mains to service this development; and

WHEREAS, all connection fees and inspection fees have been paid by the developer;

NOW, THEREFORE, BE IT RESOLVED that the Chairman and Clerk be authorized to execute the Newport News Water Extension Agreement on behalf of Sanitary District No. 2.

9. Water Extension Agreement for the City of Newport News - Carter's Grove Reception Center, Sanitary District No. 2

RESOLUTION

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENT

WHEREAS, the Colonial Williamsburg Foundation has prepared plans for the Carter's Grove Reception Center; and

WHEREAS, the City of Newport News has prepared a water extension agreement for the extension of city water mains to serve this development; and

WHEREAS, all availability fees and installation fees have been paid by the Colonial Williamsburg Foundation;

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors be authorized to execute the Newport News Water Extension Agreement on behalf of Sanitary District No. 2.

1. Cases to be Set for Public Hearings on November 5, 1984:

c. Ordinance Amendment - Vaccination of Cats/Rabies Regulations

Mr. Taylor said he can not support the ordinance because the ordinance is unacceptable for rural areas of the County.

Mr. Brown stated that this ordinance is typical of many issues that come before the Board. The County is both urban and rural and the ordinance has to reflect

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the needs for both areas. He supports the ordinance for its value to urban areas and suggested an alternate ordinance be studied that would regulate those areas where the problem is most serious.

Mr. Taylor agreed with Mr. Brown's suggestions.

Mr. DePue said he supported holding the public hearing.

Mr. Mahone stated he opposed the public hearing. He does not think that the time is right for this ordinance. If health problems exist, he thinks that the Health Department should institute an educational program to inform the public of health and safety concerns on this matter.

Mr. Oliver said the Board has received much mail on this issue and expressed concern that he had not invited supporters to this meeting. He stated that there is a rabies epidemic already in parts of Virginia and it is an issue that needs attention.

Mr. Brown said there are many health issues in Roberts District and he has been trying to improve conditions for the residents for the past nine months.

Mr. Edwards said the Board needs to distinguish between setting a public hearing and voting on the issue.

Mr. Edwards made a motion to set the public hearing on November 5, 1984, for the Ordinance Amendment - Vaccination of Cats/Rabies Regulations.

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

F. MATTERS OF SPECIAL PRIVILEGE

No one wished to make any comments.

G. REPORTS OF THE COUNTY ADMINISTRATOR

1. Naming of County Facilities

Mr. Oliver stated that in response to requests from various persons to name County facilities, an ad hoc committee of three County citizens had proposed guidelines for naming existing facilities, as well as any other facilities which may be developed in the future. The guidelines allow for maximum citizen input. Once citizen suggestions are submitted, the ad hoc group would serve as a screening committee and make recommendations to the Board.

It was the concensus of the Board to approve the guidelines.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor said he had talked with residents on Barhamsville Road and they wanted to rename a portion of the road to Old Stage Road.

Mr. Taylor made a motion to rename the portion of Barhamsville Road, extending from the intersection at Route 746 to the New Kent county line, to Old Stage Road.

Mr. Edwards inquired if the name change was agreeable to emergency services departments.

Mr. Taylor said he had talked to all the parties involved.

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

Mr. Brown requested staff to publicize how successful the Upper County Park was during the first year of operation. He also requested staff to monitor HRSD reports. He requested staff to prepare a letter of condolence to the family of Jack Priest; Mr. Brown suggested CUP's for construction trailers be handled as an administrative function rather than by the Board; Mr. Brown requested a work session for October 29 with the Board to inform them of progress on the Community Center and presented the Board with a copy of his statement to Members of the Joint VA House and Senate SJR-20 Subcommittee studying the JLARC Recommendations on Highway Program Funding and requested copies be sent to Senator William E. Fears

and Delegate George W. Grayson. Finally, Mr. Brown encouraged the Board to attend a reception for a Japanese delegation of businessmen on October 19, 1984 from 8:00 to 10:00 p.m.

Mr. Oliver reported on a meeting with Mr. Jack Hodge of the State Highway Department on the Route 199 Corridor. Mr. Hodge advised that funding for Route 199 is bleak. Mr. Taylor sent a letter to the State Highway Department asking for a new public hearing on Route 199 Corridor.

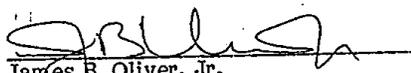
Mr. Mahone commenting on parking facilities at the Government Center, recommended staff reserve two parking places for Board members.

Mr. Oliver confirmed a Board work session for 1:00 p.m. on October 29 on the Community Center, and a meeting with the Library Board, 2:00 p.m. on October 29, 1984. An alternate meeting date with the Library Board will be November 5, at 6:00 p.m.

Mr. Taylor made a motion to recess until 1:00 p.m. on October 29, 1984.

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

The meeting RECESSED at 10:50 p.m.


James B. Oliver, Jr.
Clerk to the Board

JBO/mfr
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ORDINANCE NO. 55A-6

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING SECTION 2-4, ELECTION PRECINCTS AND POLLING PLACES ESTABLISHED, TO INCLUDE SECTION 2-4.1, CENTRAL ABSENTEE VOTER ELECTION DISTRICT FOR PRESIDENTIAL ELECTION YEARS.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 2, Administration, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Section 2-4, Election precincts and polling places established, to include a new section 2-4.1, Central absentee voter election district for Presidential Election Years.

Chapter 2-4.1

Central Absentee Voter Election District for Presidential Election Years

There is hereby established for the County a central absentee voter election district for November general elections in Presidential election years only. The polling place of the central absentee voter election district shall be located in close proximity to the Registrar's Office.

The central absentee voter election district shall conform in all aspects with the revisions of section 24.1-233.1 of the Code of Virginia (1950), as amended.

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10/15/84

Extension Agreement No. 136 - 1984
Location: Brookside - Phase I
Roberts District
James City County, Virginia

CITY OF NEWPORT NEWS, VIRGINIA
DEPARTMENT OF PUBLIC UTILITIES
AGREEMENT TO EXTEND WATER MAIN

This Agreement, made this _____ day of _____, 19 ____, by and between the City of Newport News, a Municipal Corporation in the Commonwealth of Virginia, hereinafter referred to as "City", and Sanitary District No. 2, hereinafter referred to as "Applicant".

WHEREAS, the Applicant has applied to the City for permission to connect to its system and extend the water main or mains to serve the premises, constructed or intended to be constructed, on the tract or plot of land as shown on the development map or plot plan attached hereto and made a part hereof, known as Brookside - Phase I, and marked Exhibit "A"; and,

WHEREAS, the City is willing to permit connection to its system and provide retail water service to the aforementioned development; and,

WHEREAS, the Applicant will furnish all necessary easements with out cost to the City; and,

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained the parties hereto agree as follows:

1. The Applicant agrees:

- a. At his own sole cost and expense, to furnish all labor, tools, materials and services to install water mains and appurtenances in accordance with the layout shown on Exhibit "A", and to conform to the Specifications and Details attached hereto, and made a part hereof. A more detailed Job Sketch will be furnished by the City upon execution of this Agreement.

b. At his own cost and expense, to furnish "as-built" drawings of the installation upon completion thereof, as well as a break down of the total cost of the installation as paid by the Applicant.

c. To pay the City upon execution and delivery of this Agreement, the sum of Five Thousand Nine Hundred Fifty-Six Dollars, (\$5,956.00), the cost of meters, service pipes, supervision, inspection, blow-off installations and the estimated cost of the tie-in into the existing system as shown on Exhibit "B", attached hereto. Upon completion of the tie-in and blow-off installations, if it is found that the actual cost exceeds the estimated cost of \$2,700.00, then you will pay this amount to the City, and if the actual cost is less than \$2,700.00, the City will refund you the over payment. The cost of the meters, service pipes, supervision and inspection is in no event refundable.

d. To furnish, at no cost to the City, all necessary easements for laying water mains, prepared in compliance with City standard form (see Exhibit "C") prior to acceptance of the water system and tie-in to the existing system.

e. To furnish plat showing location of meter boxes and provide a marker on site indicating location for meter box installation on each lot or building as required.

2. The City agrees, upon completion of the installation by the Applicant and compliance with the other terms of this Agreement:

a. To sterilize and tie the installation into the existing system.

b. Install metered services subject to current ordinance requirements as follows:

(1) All applications for water service connections or tap must be installed within a period of three years. If through no fault of the Department of Public Utilities, installation is not made within three years from the date of application, the fees paid in connection therewith shall be forfeited.

c. Maintain and operate the system.

d. Refund \$300.00 for each fire hydrant installed by the Applicant in accordance with Exhibit "A".

3. The Applicant and City agree:

a. That no work shall be started until this Agreement has been executed by the Applicant, approved by the City, and all streets and sidewalks have been brought to final subgrade with curbing in place.

b. That the City assumes no responsibility for pavement repair if services must be installed after streets are paved.

c. That the City assumes no responsibility for the settlement of the trenches for water mains or service laterals after the installations are completed.

d. That the City shall have the right to make further extension of this water main extension after its completion.

e. That this Agreement shall be binding upon the respective parties, their successors and assigns.

f. That the facilities installed under this Agreement shall be the property of the City, its successors and assigns.

EXHIBIT "B"

Estimated cost of the installation of water facilities to serve the property known as Brookside - Phase I, as shown on plat attached and charge for meters and service pipes.

155 feet of 8" Ductile Iron Pipe (Class 52)
 15 feet of 6" Ductile Iron Pipe (Class 52)
 240 feet of 4" Ductile Iron Pipe (Class 52)
 1 fire hydrant (for the relocation of Hydrant No. 4194)

DEVELOPERS ESTIMATED COST TO CONTRACTOR (Pipe to be laid by the Developer in accordance with Specifications)	\$ 8,768.00
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CITY'S COST

9 - 5/8" meters @ \$120.00	1,080.00
9 - service pipes @ \$205.00	1,845.00
Supervision & Inspection	331.00
Tie-in, Flushing and Blow-Off Installations	2,700.00

DEVELOPERS COST TO CITY	\$ 5,956.00
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TOTAL ESTIMATED COST	\$14,724.00
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A maintenance bond or letter of credit in the amount of \$2,500.00 is to be posted prior to acceptance of the water system and tie-in to the existing system which shall be in effect for one year beginning at date of pressure test.

The Developer shall mark in blue paint on face of curb the letter "W" to indicate location for water services.

In the event that meters and service pipes may be covered with concrete driveways or walks, then such meters and service pipes shall be relocated at the expense of the Developer or Owner.

The estimated cost of pipeline does not include the cost of connection to City's Distribution System. Material for this work and the labor and equipment will be furnished by the Department of Public Utilities at expense of Developer as provided in the Agreement.

This is an Agreement between the City of Newport News and Sanitary District No. 2 for the installation of a 6" sprinkler service and 2" domestic service for the Carter's Grove Reception Center. The Center will be constructed by Colonial Williamsburg Foundation, in James City County.

Estimated cost of the 6" sprinkler service and installation is \$8,950.00. Upon completion of this work if it is found that the actual cost exceeds the estimated cost, then you will pay such deficit to the City, and if the actual cost is less, the City will refund you the over payment. (See enclosed drawings marked Exhibit "A").

The minimum fee for a 2" domestic service and installation is \$925.00, which is not refundable.

It is necessary to receive from the property owners a ten foot perpetual easement for the water pipes and laterals before these connections can be accepted by the City. Approved form to be used is enclosed herewith. The necessary easement shall be furnished at no cost to the City.

Please be advised that this Agreement will become void if it is not executed within sixty days of the date of this letter, because of the estimated cost upon which it is based.

Upon completion of the project all facilities installed under this Agreement will become the property of the City of Newport News.

Please indicate your acceptance on the original and one copy of this letter and return to the Department of Public Utilities, along with your check for \$9,875.00.

The final approval for the Agreement is contingent upon receipt of notification that approved backflow prevention measures shall be taken (Re: Section 6.00 Commonwealth of Virginia Waterworks Regulations). Questions or comments should be forwarded to the Water Systems Inspection Coordinator, Department of Public Utilities, City of Newport News, 2400 Washington Avenue, Newport News, Virginia. (247-8548).