

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF MAY NINETEEN HUNDRED EIGHTY-FIVE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MINUTES February 25, 1985 - Work Session Meeting
 April 17, 1985 - Work Session Meeting
 April 22, 1985 - Regular Meeting

Mr. DePue made a motion to approve the February 25 and April 17 Minutes and defer the April 22, 1985 Minutes. He stated he had some changes but did not want to delay the meeting.

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

C. PUBLIC HEARINGS

Mr. Edwards explained to the public that even though Mr. Brown was absent, the purpose of a public hearing was to receive public comment and as Mr. Brown was also a member of the Planning Commission he was familiar with the public comment received at that level.

1. Case No. Z-1-85. Warhill Tract

Mrs. Victoria Gussman presented this matter to the Board stating the applicant wished to rezone approximately 898 acres to PUD-R (510 acres), M-1 (207 acres), and B-1 (181 acres). She stated the applicant has submitted a master plan and community impact statement and that signed proffers would be submitted. She stated the Planning Commission voted to recommend approval of the application, with proffers, by a vote of 7 to 1 with 2 abstentions. Mrs. Gussman also stated that staff recommends approval of the B-1 and PUD-R zoning but denial of the M-1 zoning, but stated if the Board chose to approve the application, staff recommends incorporating certain conditions in the resolution.

Mr. DePue stated that Option E in the proffers did not include language that would protect ravines, ponds or stream beds.

Mrs. Gussman responded that the proffers do not need to address the open space in the Master Plan area because that is set by the Master Plan and is binding. She stated that once the PUD Master Plan is adopted it governs the general development of that area and development could only diverge from the Master Plan with approval by the Board of Supervisors.

Mr. William F. Brown, Roberts District, arrived at the meeting at 7:45 p.m.

Mr. Mahone stated that Mrs. Gussman should comment on the low-flying military aircraft as he believed there were changes to the flight patterns.

Mrs. Gussman stated she had talked with Oceana who programs the flight patterns. She stated the flight level had been raised 1,000 feet with 9 flights per day, Monday through Friday. She stated the concern about having a school in the flight path was no longer considered a problem by the School Board.

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Mr. DePue stated raising the flight level to 1,000 feet was not a concession and a problem still existed which they were still working on.

Mr. Edwards opened the public hearing.

1. Mr. Junius H. Moody, Lightfoot, stated he wanted the property across from the Warhill Tract rezoned the same if the Board passed the Warhill application.

2. Mr. Ed Oyer, 139 Indian Circle, stated he was not against growth but stated the Board must control development. He stated the water table had dropped 20 feet since 1974 and stated the more development allowed, the more water used. He continued to state that as more density is allowed, the greater the effect it will have on the community; such as water and sewer facilities, pollution, erosion control, traffic, schools and housing. He requested the Board not wait for a crisis situation to develop, but to control the growth of development now.

3. Mrs. Genevieve Carter, 6386 Centerville Road, asked if it was ethical for the Board of Supervisors to announce public hearings in the newspaper before the Planning Commission votes on the issue.

Mr. Mahone stated that the case referred to was a special situation and the Board was requested to do it. He stated the Board would not have heard the case without a recommendation from the Planning Commission.

Mrs. Carter asked if citizens could have a private meeting with the Board members to discuss certain issues.

Mr. Edwards stated that no private meeting could be held with three or more Board members because it would be in violation of the Information Act.

4. Mr. Kenneth Kuhns, 6394 Centerville Road, echoed Mr. Ed Oyer's statements. He also stated that he checked with stations that took old oil from the public and they indicated that few people used the oil separator service.

5. Mr. Hammond Branch, Toano, stated Mr. Scruggs requested him to speak to the Board about the area. He stated the Warhill Tract could be used for just about anything. He stated the middle was swampy and holding ponds could be built to slow the runoff which would enhance the swamp. As for historical value, he stated no evidence had been uncovered which would prevent development of the land.

6. Mr. Willie Piggott, 6302 Richmond Road, stated his main concern was traffic. He stated the roads proposed to take care of the traffic which would result from this development did not exist now. He felt those roads should be constructed first; then, the development. Mr. Piggott further stated that if the Board approved the application, they should rezone the land adjacent to it the same.

7. Mrs. Sharon Bledsoe, 162 Ruth Lane, representative of the Homeowners Association of Camelot 1 and Camelot 2, stated that their Association was not the only one opposed to the rezoning of the Warhill Tract. She stated each of the Board members had received a letter from the Camelot Homeowners Association stating their opposition to the rezoning and summarized those points of opposition for the record. She requested the Board have an Environmental Study conducted on the Longhill Swamp for its preservation. She also questioned how York County and the City of Williamsburg felt about this application. Mrs. Bledsoe went on to say that the low flying military aircraft flight pattern had not been changed since it was established in 1978 and asked about the wisdom of having such a high density area, such as the Warhill Tract proposed, below the flight pattern. She requested the Board to consider all facts carefully before voting on this issue.

8. Mr. Jerry Bledsoe, 162 Ruth Lane, stated he speaks as a private landowner who bought his land because of the swamp and privacy. He stated that if his privacy is destroyed because the proposed development is accepted, he would have to sue and maintain his rights as a property owner.

9. Mr. Richard Tate, 128 Queen Mary Court, requested the Board grant continuation of the Warhill Tract public hearing. He stated Patty Fox and Carolyn Lowe were both out-of-town and could not be present for this meeting.

He stated both individuals were very involved with this project and by granting a continuance, one of those individuals would be present at the next meeting to present matters of importance.

10. Mrs. Leslie Herman, 113 King Henry Way, representative of the Colonial Audubon Society, stated soil conservationists state the M-1 zone in the area of the Warhill Tract is rated severe because of the low strength in the soil. Mr. Herman further stated the swamps were natural pollutant filters that were important to our water quality and supply and stated it would be beneficial to have an Environmental Impact Statement completed.

11. Mr. Norman Barka, 142 Ruth Lane, stated he was distressed with the growth in the County and Williamsburg. He stated quality development needed to be stressed over quantity and felt little thought had been given to the impact of this proposed development to traffic, the water table and the quality of life. Mr. Barka further stated the Warhill Tract had not been archaeologically surveyed and requested a study be conducted before development is permitted. As a final comment, Mr. Barka stated the Warhill Tract development should be severely limited or denied.

Mr. Brown responded to Mr. Barka's comments in regards to archaeological findings by stating he attempted in the mid-70's to get information from Mr. Barka's office but was unsuccessful.

Mr. Barka stated his office did not have that information.

12. Mr. J. F. Phillips, Jr., attorney for the developer, stated the developer has been cooperative with the Planning Department. He further stated this plan would take place over a 20-year period and the proffers indicated what would be done in each of the three phases. He stated this project justifies itself economically as a self-supporting project. Mr. Phillips introduced Mr. Bob Demer.

Mr. Bob Demer summarized the three phases of development for the Board and stated the developer is aware and sensitive to environmental concerns and will address these issues at the site plan review stage. Mr. Demer introduced Mr. Paul Royer.

Mr. Paul Royer summarized answers to the proposed traffic problems created by this development and concluded that regardless of the Warhill Tract development, Route 60 will eventually require six traffic lanes.

13. Mr. Gerald H. Johnson, 105 Caran Road, Director of Colonial Soil and Water Conservation District, stated his concerns with this development. He stated the streams would be destroyed and it would be difficult to control drainage. He urged the Board to be cautious before making a decision.

14. Mr. Jay Garrison, Longhill Road, stated he was in favor of progressive planning with ecology control. He stated the area will be developed someday and the developer was a caring citizen and he requested the Board to vote favorably on his application. Mr. Garrison noted he hoped to construct a funeral home on the tract.

15. Mr. Jackson Darst, 210 Indian Springs Road, stated he opposed this development. He stated several years ago a turf farm was proposed on the Warhill Tract but was denied. He requested the Board conduct a study of the Warhill Tract to see what type of development the County wants there if they deny this application as well.

16. Mr. Cypher, 6300 Centerville Road, stated that if the water supply comes out of the 300-foot aquifer for the proposed development, the water would not be there and if the well is dug lower, another James/York Terrace will develop. He further stated the swamp will become a small pond because the development will change the runoff pattern.

As there were no additional speakers, Mr. Edwards suspended the public hearing.

Mr. DePue stated he had spent time in numerous meetings, with people on both sides of the issue, and stated his impressions were: 59% of the land in the M-1 district is rated severe "biologically remarkable;" a comprehensive drainage plan is needed for at least most of the project; an

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archaeological survey warrants consideration; dedication of land by the developer toward Route 199 would insure proposed roads and the Goodloe Report stated more improvements were needed on Centerville Road before this project was developed; no mention has been made of rights-of-way dedication by the developer on Longhill Road and Route 60 and that is essential; and the Highway Department will not approve a connecting road to the Mooretown Road outlet which is also essential. Mr. DePue stated if the plan develops as it is proposed, it would give the traffic relief required. Mr. DePue further stated that he had many concerns and knew development of this area is inevitable, particularly the corner of Centerville and Route 60 area, but it should be developed in a positive way. He stated that he would not support commercial development on this corner until looping of the County water system is complete. Mr. DePue stated he was proud of James City County's water program and wants to protect it and is concerned with the growth rate.

Mr. DePue made a motion to carry this issue and the public hearing over until the next Board meeting, May 20, 1985.

Mr. Taylor stated the B-1 district should be addressed first because almost all grocery stores are in Williamsburg and York County and this project would include a grocery store in James City County and the County would gain sales tax from it.

It was the consensus of the Board to carry this issue forward until the May 20, 1985 Board meeting.

Mr. DePue informed the public that continuation of a public hearing is a privilege and is not required by the Board.

Mr. Oliver informed the public that the water system in James City County is not threatened in any way.

The Board recessed at 9:37 p.m. and reconvened at 9:52 p.m.

2. Case No. Z-4-85. Timber Ridge

Mrs. Victoria Gussman summarized the differences between the new proposal and the last proposal. She stated the previous proposal was for 280 units on 32 acres. The present proposal is for a development in conjunction with the R-5 Ordinance which would be 154 units on 22 acres, and if the Planning Commission grants bonuses, 184 units on 22 acres. The other difference in the proposal is an additional proffer which shows a second entrance onto John Tyler Highway at the break in the median. She stated the developer continues to proffer whatever recommendations the Highway Department would make for the entrance at Carolina Boulevard and at the new entrance.

Mr. DePue asked if the additional road was to be dedicated or constructed.

Mr. Mahone stated he interpreted it to be a temporary constructed road.

Mr. Edwards opened the public hearing.

1. Nat D. Taylor, Winston-Salem, North Carolina, stated that with the lower density requested in the proposal he hopes the Planning Commission would look favorably on the proposal and grant bonuses. He summarized the proffers which the developer is willing to offer and stated the impacts on adjacent property would be lessened by a down-zoning of this property. Mr. Taylor introduced Mr. Al Sled.

Mr. Al Sled stated traffic would be less with this development than with commercial uses. He stated the developer is willing to proffer all recommendations made by the Highway Department and James City County would see a profit if this development is approved.

2. Mr. Harold Poulsen, 105 Deer Spring Road, stated a water transmission main was being placed at Fern Cliff and Carolina Boulevard which would be used by Timber Ridge at taxpayer's expense. He stated this project would tax the available water supply of James City County and water and sewer facilities are being stretched too far. Mr. Poulsen requested the Board to consider the impacts of this project and deny the application.

3. Mr. George Strong, 147 Cooley Road, stated the number of units are not significantly decreased, particularly if the Planning Commission grants bonuses. He further stated James City County residents should have a say in the type of rental units placed in the County.

4. Mrs. Pat Dubay asked Mr. Nat Taylor what provisions were being made to protect the Lake Powell watershed.

Mr. Nat Taylor responded a natural stormwater retention basin would be used to release drainage at a slow rate.

Mrs. Pat Dubay stated the soil in the proposed area is rated severe to moderate. If the proposal is passed, Mrs. Dubay stated, it will indicate to developers that other rental units are welcome. She stated this proposal places a severe strain on public utilities.

6. Mr. John Macheck, 106 Stanley Drive, stated high quality must be retained and this is an undesirable project. He stated the apartments would downgrade the neighborhood and recommended the Board deny this proposal.

Mr. Edwards closed the public hearing.

Mr. Nat Taylor informed the Board that if 154 units is what the County wants, the developer would be willing to forgo the bonuses from the Planning Commission.

Mr. Nat Taylor indicated he would like a vote on the issue at this meeting.

Mr. Brown agreed with Mr. Taylor and added the Board had an obligation to reach a decision after a public hearing.

A member of the audience stated the apartments were of poor quality and would ruin a good neighborhood.

Mr. DePue asked Mr. Morton what the legal implications were of a temporary easement.

Mr. Morton responded they would expire only at the time the site plan approval process for the rest of the property would so indicate and this would leave a certain amount of flexibility for future development.

Mr. DePue asked the developer if he was indicating that they would be willing to forgo opportunity for bonuses.

Mr. Morton stated that in order to amend the proffers, the owner, Jefferson-Pilot, would have to sign new proffers.

Mr. Mahone commended the developer for their response to road access problems and stated the site plan was attractive. He stated he felt the density was too high and he was not satisfied with the buffer between commercial use and residential use. Mr. Mahone stated he questioned the suitability of this project for this property.

Mr. Edwards stated that if the project was approved, it would improve County revenue, but if it were denied, something less attractive could be developed. He stated that recently Economic Consultants had warned against rezoning B-1 property to residential areas and stated this project could be detrimental to the County. Mr. Edwards further stated that a master plan was needed and not enough attention had been given to stormwater problems.

Mr. Brown stated he was torn on this issue. He commended the developer for trying to meet community demands but stated the public is not in favor of development at this time in James City County. Mr. Brown went on to say that single-family homes are where most of the school children come from.

Mr. Edwards stated it was difficult to locate multiple-family housing in well established areas.

Mr. DePue stated he opposed this issue previously and stated the choices were to take chances with commercial uses or rezone to residential. He requested more information on this issue before making a decision.

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Mr. DePue made a motion to defer this issue.

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

3. Case No. Z-2-85. C. T. Lewis

Mrs. Victoria Gussman stated the applicant submitted a proffer statement which provides that the property will be developed in accordance with the residential cluster development provisions of the Zoning Ordinance. She stated the Comprehensive Plan designates this as being consistent with the uses and activities of the area and stated the Planning Commission recommended approval of this proposal by an 8-0 vote with one abstention. Mrs. Gussman informed the Board that a letter had been received from Arthur Walters, an adjacent property owner, who indicated his support of the proposal.

Mr. DePue asked Mrs. Gussman how many units per acre were indicated under its current zoning.

Mrs. Gussman stated that once allowances were made for roads and odd shaped lots it would come out to about 2 units per acre.

Mr. DePue inquired if there was a potential of 3.8 units per acre with the Planning Commission's bonus of 10%.

Mrs. Gussman stated that was correct and they could have 3.5 units per acre by matter of right under the cluster provisions in R-3.

Mr. Edwards opened the public hearing.

1. Mr. Alvin P. Anderson, developer, stated the application had been filed before the Board adopted the cluster overlay zone with the understanding that if the Board approved the cluster overlay zone, the property would be used with the provisions of that zone. Mr. Anderson stated the adjacent property was zoned R-3 and the purpose of using this zone would be to permit efficient use of the land. Mr. Anderson requested Board approval of the rezoning, noting that the application had received no public opposition and a favorable recommendation from the Planning Commission.

Mr. Edwards closed the public hearing.

Mr. DePue stated he has a responsibility to protect Longhill Road as much as he can and it is already an overburdened road experiencing some of the most explosive growth in the County. He stated there are several projects on the drawing board and Ford's Colony had just begun and would be huge once completed. He stated he looked at the vehicle count at certain points on Longhill Road and it was amazing to see the increase past Williamsburg West. He stated development cannot be stopped but greater density does not have to be invited in an area that is already undergoing such stress. Mr. DePue stated comments made on the Longhill Swamp pertained to this proposal but on a much smaller scale. He stated this was a very important point in the Wetlands area because it is where the two streams intercept. He stated that all of the same arguments that were so graphically depicted in the Warhill Tract public hearing apply to this case. The differences between the densities and vehicle count in the R-3 and A-2 are roughly double. He stated that by leaving the property zoned A-2 you have lower density.

Mr. DePue made a motion to deny the application.

Mr. Edwards stated that this was a difficult case because the Planning Commission recommended approval. He further stated that it seemed to him that Longhill Road's problems are always talked about, but when it comes to the zoning phase, those problems are forgotten. Mr. Edwards stated this project has traffic and environmental problems and the present zoning is the better zoning.

Mr. Brown stated he felt the Planning Commission voted this way because the size of the project would have a small impact on traffic.

Mr. DePue stated he felt because of the topography of the land, he was doubtful 94 single-family homes could be built there.

Mr. Edwards stated he assumed the argument to rezone the property was to make it more saleable.

Mr. Taylor stated there is a market for these homes and the market sets the tone as to what is developed.

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

D. CONSENT CALENDAR

Mr. Edwards asked the Board members if they wished to remove any items from the Consent Calendar.

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

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

1. Set Public Hearing Date of June 10, 1985 for:
 - a. Case No. Z-5-85. Alvin P. Anderson
 - b. Case No. Z-6-85. Alvin P. Anderson
 - c. Case No. Z-7-85. Frederick Belden
 - d. Case No. Z-8-85. Frederick Belden
 - e. Case No. Z-9-85. Frederick Belden
2. Change Public Hearing Date to June 10, 1985 for -
Secondary Road Improvements Budget
3. Set Public Hearing Date of June 10, 1985 for:
 - a. Driving While Intoxicated Ordinance
 - b. Drunk in Public Ordinance
 - c. Ordinance to Establish Penalties for Violations of the Code
4. Dedication of Streets in Chisel Run Subdivision

R E S O L U T I O N

DEDICATION OF STREETS IN CHISEL RUN SUBDIVISION

WHEREAS, the developer of Chisel Run Subdivision has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Chisel Run Subdivision to be included in the State Secondary Highway System provided these streets meet with the requirements of the Virginia Department of Highways and Transportation, and provided that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a 90-day period from the date that the Department of Highways and Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the Department of Highways and Transportation be, and is hereby respectfully requested contingent upon the above, to include the following streets in Chisel Run Subdivision, Berkeley Magisterial District, James City County, in the State Secondary Highway System:

1. Chisel Run Road - 50 foot right-of-way
From: State Route 658
To: King Henry Way (State Route 1511 extended)
Distance: 542 feet (0.10 miles)
2. King Henry Way - 50 foot right-of-way
From: Chisel Run
To: State Route 1511

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Distance: 1,457 feet (0.28 miles)

3. Digges Court - 50 foot right-of-way
 From: King Henry Way (State Route 1511 extended)
 To: End of cul-de-sac
 Distance: 353 feet (0.07 miles)

The rights-of-way of 50 feet along with drainage easements are guaranteed as evidence by the following plats of record: Chisel Run, Section I, recorded in Plat Book 39, Page 9, dated February 9, 1984; Chisel Run, Section II, recorded in Plat Book 39, Page 88, dated August 22, 1984; and, The Hamlet, Section I, recorded in Plat Book 25, Page 60, dated May 7, 1968.

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

5. Installation of Street Lights

RESOLUTION

INSTALLATION OF STREET LIGHTS

WHEREAS, a petition has been filed for the installation of one additional street light on Neck-O-Land Road; and

WHEREAS, street lighting plans and cost estimates have been prepared by the Virginia Power Company and reviewed by the County Department of Public Works; and

WHEREAS, funds are available in the FY 1984-85 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the installation of one additional street light on Neck-O-Land Road.

6. Poultry Claim

RESOLUTION

POULTRY CLAIM

WHEREAS, the claim of Mr. James H. Wagner has been investigated and found to be valid; and

WHEREAS, the value of the poultry destroyed has been estimated to be:

23 chickens at \$3.50 each = \$80.50
 1 guinea at \$2.50 each = \$ 2.50

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, hereby authorizes reimbursement to Mr. James H. Wagner in the amount of \$83.00 for the chickens and guinea destroyed.

7. Riverview Plantation - Vacation of Block "H"

RESOLUTION

CONSENT TO VACATE BLOCK "H", SECTION IV,
 OF RIVERVIEW PLANTATION SUBDIVISION

WHEREAS, the owner of Block "H", Section IV, of Riverview Plantation Subdivision has applied to vacate certain lot lines of said property; and

WHEREAS, the owner has prepared a plat and a Declaration of Vacation; and

WHEREAS, the Board finds the vacation to be reasonable and proper.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 15.1-481 of the Code of Virginia, as amended, the Board of Supervisors of James City County authorizes its Chairman to execute the said Declaration of Vacation evidencing the consent of the County to the vacation of Block "H", Section IV, of the Riverview Plantation Subdivision.

E. BOARD CONSIDERATIONS - None

F. PUBLIC AUDIENCE - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver stated an executive session would be necessary to discuss a legal matter.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown requested the Riverview Plantation issue in the Reading File be evaluated carefully.

Mr. Brown stated the Transit Survey was good and should be given to the newspapers.

Mr. DePue stated tonight's meeting is a vivid example of what is becoming a repetitive situation. Incredible cases are coming up every meeting, which is putting more and more pressure on the Board and the County. While he has the greatest respect for the staff and the Planning Commission, he is very concerned that we are out of step. In many cases the Board is the last resort and the only body, in his opinion, that is truly in concert with the majority of our citizens in this County. He stated that there is an alarm throughout James City County about the pace of development and yet, continually, the Planning staff is recommending approval of these developments. He stated that the last case is an example of where, if Mr. Brown's description is correct, the Planning Commission is excited about a concept, which is artistically certainly very appealing, but they have lost sight of the significant fact that we were talking about increasing the density in vehicle trips on Longhill Road. He stated he is struggling to come up with responses to the pressure for growth. The water question, he stated, may be one. Mr. DePue suggested a discussion, or a meeting with the Planning Commission to attempt to determine the reason the Board and the Commission are at odds on so many cases.

Mr. Taylor stated the Planning Commission does what they feel is best and the Board would be overstepping its jurisdiction if it put pressure on them. Mr. Taylor went on to say the Board appointed the members and they should act individually or collectively as they see fit.

Mr. DePue stated that when the Planning Commission is voting 8-0 on things we are turning down, then either they are out of step or we are out of step; we can learn something from them, they can learn something from us. He stated he felt the Board is seeing problems that the Commission apparently doesn't see. He questioned, who is wrong?

Mr. Brown stated that no one is wrong. He stated that less than 3% of all development comes to the Board. He stated the Planning Commission and the Site Plan Review Committee probably handle 30-50 cases every month. He further stated that when they review these proposals, they review it in the context of all the other development work. The Commission goes out on site tours and is probably more familiar with what is going on within the County than the Board itself. He stated the Commission does its job and that is what they are appointed to do. He noted the Board is a political body and the Commission is not. He further stated that on several of these cases where it is technically correct from a Planning standpoint, a political decision is required and it is sent to the Board. Mr. Brown stated he felt neither group is out of sync, it is just that the perspective in reviewing cases is different.

Mr. Brown stated that each member of the Board of Supervisors appoints two representatives to the Planning Commission and can change their appointees if they are dissatisfied but he is satisfied with his two representatives.

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Mr. DePue stated he is concerned with the pace of development in this County and the fact that we cannot keep up at this pace for very much longer.

Mr. Brown asked how much has been approved.

Mr. DePue stated not very much but it's only because the Board has been the final court of appeal.

Mr. Brown noted that the process works well then.

Mr. DePue stated we are running out of time on a lot of cases.

Mr. Brown stated that he had the impression that that came with the territory.

Mr. DePue stated he was looking to slow it down a little bit.

Mr. Brown stated the Board would not get out of the controversy in zoning cases until another recession.

Mr. Edwards moved the appointment of Iris Taylor to the Community Action Agency.

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

Mr. Mahone thanked Mr. Morton for his efficient response to the Williamsburg Soap & Candle Company.

Mr. Mahone requested Mr. Morton to look into the letter from Smith Limousine Service about inter-jurisdictional problems and recommend to the Board or individuals what might be done to alleviate the problem.

Mr. Edwards made a motion to go into Executive Session to discuss a legal issue pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950 as amended.

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

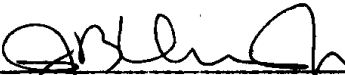
The meeting convened into Executive Session at 11:25 p.m.

The meeting reconvened into public session at 11:45 p.m.

Mr. Edwards made a motion to recess until 1:00 p.m., May 20, 1985, at which time the Board would convene an Executive Session.

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

The Board recessed at 11:45 p.m.


James B. Oliver, Jr.
Clerk to the Board

DECLARATION OF VACATION

WHEREAS, a plat of Block "H", Section Four, Riverview Plantation Subdivision, James City County, Virginia was recorded in the Clerk's Office of the City of Williamsburg and County of James City in Plat Book 22, page 62; and

WHEREAS, no lots have been sold from said Block "H", Section Four, Riverview Plantation Subdivision; and

WHEREAS, Yorkview Plantation, Inc., a Virginia corporation, the owner of the above-described property, desires to vacate those certain lot lines shown on said plat described above and to resubdivide the subject property in accordance with that certain plat entitled "Vacation Of Certain Lot Lines In RIVERVIEW PLANTATION, Section Four, Block "H", James City County, Virginia dated April, 1985 by The DeYoung-Johnson Group, Inc., a copy of which is recorded simultaneously herewith; and

WHEREAS, the County of James City joins in this Declaration of Vacation to evidence its consent thereto.

NOW, THEREFORE, in accordance with the Code of Virginia, as amended, Section 15.1-481, the lot lines shown on that certain plat recorded in Plat Book 22, page 62 described above are hereby vacated in accordance with that certain plat entitled "Vacation Of Certain Lot Lines In RIVERVIEW PLANTATION, Section Four, Block "H", James City County, Virginia dated April, 1985 by The DeYoung-Johnson Group, Inc.

YORKVIEW PLANTATION, INC.,
a Virginia corporation

By: *John A. DeYoung*
President