

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF MAY NINETEEN HUNDRED EIGHTY-FIVE AT 1:10 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  
 William F. Brown, Roberts District  
 Perry M. DePue, Powhatan District

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

Mr. Edwards made a motion to go into executive session to discuss land acquisition, personnel and legal issues pursuant to Section 2.1-344(a)(2), (3) and (6) of the Code of Virginia, 1950 as amended.

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

The meeting convened into executive session at 1:12 p.m.

The meeting reconvened into public session at 2:45 p.m.

The Board recessed at 2:45 p.m. and reconvened at 3:18 p.m.

**B. MINUTES April 22, 1985 - Regular Meeting  
 May 6, 1985 - Regular Meeting**

Mr. DePue made a motion to approve the minutes of April 22, 1985 with corrections.

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

Mr. Mahone made a motion to approve the minutes of May 6, 1985 as presented.

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

**HIGHWAY MATTERS**

Mr. Frank Hall, Resident Engineer, reported a successful bid for the completion of Lake Powell Road to the intersection of Brookwood Drive had been received and work would be completed within 60 days.

Mr. Hall reported paving of Route 5, beyond St. George's Hundred to the bridge, would be worked on within the next two months.

Mr. Hall reported that in view of approval of the traffic signal on Route 199 near the intersection of Brookwood Drive, permission was granted to extend the 45 mph zone to include that intersection.

Mr. Brown inquired if there were serious discussions in progress regarding alternate corridors for Route 199.

Mr. Hall responded there have been discussions, but the corridor still exists as it was presented at the public hearing in 1979 when the location and design of the corridor was first presented. Mr. Hall went on to say that since

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that public hearing was held over three years ago and the Highway Department desires to use Federal funds, the process has begun again.

Mr. Taylor requested the second cross-over after Anderson's Corner (West) be paved.

Mr. Brown inquired as to the status of his request to lower the speed limit from 55 mph to 45 mph on Route 60E by the Morning Star Baptist Church.

Mr. Hall responded that he just received a response on that issue and would get in touch with Mr. Brown within the next day or two regarding this issue.

Mr. Brown asked if the Highway Department placed the crepe myrtles in the median on Richmond Road out to Lightfoot.

Mr. Taylor stated the James City County Chamber of Commerce had planted the trees over twenty years ago.

Mr. DePue stated there were a number of recent rear-end collisions at the intersection of Centerville Road and Route 60W and requested Mr. Hall to investigate possible solutions to make it safer, particularly the caution signal.

Mr. Mahone thanked Mr. Hall for having the grass cut on Route 199.

### C. PUBLIC HEARINGS

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

Mr. Edwards stated this was a continued public hearing and that environment, water supply, traffic and Longhill Swamp issues had been covered at the initial public hearing and requested the audience to refrain from repeating those issues.

Mr. Edwards opened the public hearing.

1. Mr. J. F. Phillips, counsel for the applicant, stated there were two positive aspects the County should consider when deciding on this issue. The first aspect is the recent Economic Report which stated the County needed more sources of revenue and Mr. Phillips stated this project would earn its keep. The second aspect is the environment and traffic. Mr. Phillips stated this is a 20-year project which is dependent upon the proposed roadways. He further stated these roadways would alleviate the traffic problems on Longhill Road, and as regards the PUD zone, he stated the County would review all PUD plans.

2. Mrs. Patti Fox, 167 Ruth Lane, stated the Warhill Tract could have a positive effect if it was developed as a general commercial area but not a major commercial area. She stated the proposed Warhill Tract project did not include Police facilities nor did it have adequate fire protection facilities. She stated this was poor quality planning.

3. Mrs. Carolyn Lowe, 50 Summer East, stated her main concern was the severe environmental damage this project might have on the Longhill Swamp and the network of streams that flow into it. She urged that an independent Environmental Impact Statement be done and requested the Board to deny this development.

4. Mr. William Bryant, 119 King William Drive, urged the Board to defer this development if they had any doubts about its impact on the community, traffic or environment.

5. Mrs. Sharon Bledsoe, 162 Ruth Lane, gave a report on groundwater supply and stated she felt a moratorium was in order until a geological survey was published, which would be in about one year.

Mr. Edwards closed the public hearing.

Mr. DePue asked why the owner had not signed the proffers.

Mr. Phillips responded that Mr. Otey had sent the proffers to St. Louis, Missouri on the preceding Wednesday, and the owner had not had enough time to respond. He stated the initial proffers were signed by the owner and the

difference between those proffers and the new proffers was that in place of a school site, it states "a public use site."

Mr. DePue asked if the Board could consider the old proffers.

Mr. Frank Morton stated the Board could, but it would be over his objection because the language in the old proffers was hard to interpret and the developer was notified of this fact.

Mr. DePue stated he has many of the same concerns as he mentioned in the initial public hearing regarding this issue.

Mr. DePue made a motion to deny the proposal.

Mr. Taylor stated this was a good plan which would enhance and hasten development of Route 199.

Mr. Mahone stated the language in the proffers was not defined clearly and he was in favor of a drainage study. He further stated that he was not in concurrence with the industrial portion of the rezoning because of physical restrictions, but stated the roads would benefit the area and he could not support denial of the proposal.

Mr. Edwards stated more information on environmental impacts needed to be submitted before taking action on this matter.

Mr. Brown stated he would abstain because of a conflict of interest.

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

Mr. Frank Morton recommended the Board defer this issue.

Mr. Taylor made a motion to defer this issue until the next regular Board meeting on June 10, 1985.

On a roll call, the vote was AYE: Edwards, Mahone, Taylor (3). NAY: DePue (1). Mr. Brown abstained. The motion was approved by a 3-1 vote.

The Board recessed at 4:36 p.m. and reconvened at 4:45 p.m.

2. Case No. SUP-8-85. Mr. & Mrs. Daniel Greenleaf

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

Mr. Oliver stated he had wanted to ask the applicant if he was intending to develop the area as single-family homes or as a mobile home park, but the applicant was absent.

Mr. DePue asked Mrs. Victoria Gussman if applicants were aware of staff recommendations to the Board.

Mrs. Victoria Gussman responded in the affirmative.

Mr. DePue made a motion to approve the application.

On a roll call, the vote was AYE: Brown, DePue, Edwards, Mahone, Taylor (5). NAY: (0). Mr. Brown stated he voted in the affirmative only if it was to be developed as single-family housing.

R E S O L U T I O N

SPECIAL USE PERMIT  
CASE NO. SUP-8-85

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.

**Applicant:** Mr. & Mrs. Daniel Greenleaf

**Real Estate Tax Map ID:** (13-1)

**Parcel No.** (1-1)

**Address:** 4000 Mt. Laurel Road

**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 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. If the permit is not exercised it shall become void one year from the date of approval.

**Further Conditions:** The number of bedrooms shall not exceed three.

The mobile home shall be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

Existing trees shall be retained within 20 feet of all property lines, except where clearing is necessary for a driveway or entrance, or for the mobile home itself.

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 houses, whichever occurs first.

3. Case No. SUP-9-85. Mrs. Betty A. Smith

Mr. Edwards noted the applicant, Betty A. Smith, had requested withdrawal of the application.

Mr. Edwards opened the public hearing.

1. Mrs. Anne J. Beckley, 9403 Barnes Road, Toano, stated placement of a mobile home in the area would decrease land value and urged the Board to uphold the restrictive covenants and deny the application.

2. Mr. Robert Beckley, 9403 Barnes Road, Toano, stated many homes in the area had made home improvements and by allowing placement of a mobile home in that area, the land value would decrease significantly. He urged the Board to deny the application.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to deny the application.

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

4. Case No. SUP-10-85. Stanley and Lori Beamon

Mr. Edwards opened the public hearing.

1. Mrs. Pat Rock, 122 Skillman Drive, Toano, stated Skillman Estates was designed for single-family homes and mobile homes would not be appropriate. She urged the Board to deny the application.

2. Colonel (Retired) William O. Thuston, Skillman Estates, stated approval of this application would deteriorate property values, as well as increase traffic.

3. Mr. Charles E. Singleton, 145 Skillman Drive, Toano, property owner, stated his lot does not have restrictive covenants and stated property owners of the other lots should not try to enforce their covenants on him. He requested the Board approve the application.

Mr. Edwards closed the public hearing.

Mr. Taylor stated that with a time limit on the application, he would be in favor of it.

Mr. Taylor made a motion to approve the application with a 5-year limitation.

Mr. Brown stated he opposes the application. He stated because it is an open area of 12 lots with single-family homes, a 5-year limitation may have an adverse effect on property values.

Mr. DePue echoed Mr. Brown's comments.

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

5. Case No. SUP-11-85. Thomas Carter Lawrence, Jr.

Mr. Edwards opened the public hearing.

1. The applicant's mother stated she was available for any questions the Board might have.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the application.

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

#### RESOLUTION

#### SPECIAL USE PERMIT CASE NO. SUP-11-85

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.

Applicant:	Thomas Carter Lawrence, Jr.
Real Estate Tax Map ID:	(2-3)
Parcel No.	(1-3)
Address:	628 Stewarts Road
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 and 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:** The number of bedrooms shall not exceed two.

The mobile home shall be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and the HUD Mobile Home Construction and Safety Standards.

Existing trees shall be retained within 20 feet of all property lines, except where clearing is necessary for a driveway or entrance, or for the mobile home itself.

#### 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, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

#### 1. Request for "No-Wake" Markers

##### RESOLUTION

##### REQUEST FOR "NO-WAKE" MARKERS

WHEREAS, a request has been made by the Powhatan Shores Homeowners Association for a resolution of support for the placement of two "no-wake" signs in the canal leading from Powhatan Creek to the Powhatan Shores Subdivision; and

WHEREAS, the speeding boats contribute to the erosion of adjacent property owners in the canal and represent a safety hazard.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors supports the placement of two "no-wake" signs in the canal leading from Powhatan Creek to the Powhatan Shores Subdivision in the areas designated below:

1. Sign #1 will be located at the entrance to the canal from Powhatan Creek adjacent to Lot 73, 6 Hiawatha Court and Lot 74, 8 Hiawatha Court.
2. Sign #2 will be located approximately 1,000 feet from Sign #1 in the canal adjacent to Powhatan Shores Section 2 and Lot 64, 118 Lands End Drive; Lot 65, 116 Lands End Drive; Lot 42, 8 Lavelle Court and Lot 43, 9 Lavelle Court.

#### 2. Dedication of Streets in Grove

##### RESOLUTION

DEDICATION OF STREETS IN GROVE

WHEREAS, the County of James City County received a H.U.D. Grant to improve and construct certain streets in the Grove area; and

WHEREAS, the Board of Supervisors desire certain new streets in the Grove area which are not at present in the highway system 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 providing that any alterations, corrections, or other matter that might be found desirable by the Virginia Department of Highways and Transportation are made within a ninety (90) day period from the date that the Virginia Department of Highways and Transportation makes its final inspection; and

WHEREAS, the County has acquired the drainage easements and slope easements which are necessary in conjunction therewith; and

WHEREAS, the County has acquired the requisite right-of-way required by the Virginia Department of Highways and Transportation for the inclusion of these streets into the James City County Secondary Highway System as evidenced by certain plan sketches entitled "Grove Streets Phase II," Right-of-Way Acquisition, Sheets 1 and 2: Whiting Avenue, Whiting Connector, Church Street, Railroad Street, Railroad Connector, Grove Heights Avenue," dated May 7, 1985 at Williamsburg, Virginia.

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

1. Whiting Connector - 50 foot right-of-way  
From: Pocahontas Trail (U.S. Rt. 60)  
To: Grove Heights Avenue  
Distance: 465 feet (0.09 miles)
2. Grove Heights Ave. - 50 foot right-of-way  
From: Whiting Connector  
To: Grove Heights Avenue (State Route 675)  
Distance: 345 feet (0.06 miles)
3. Church Street - 50 foot right-of-way  
From: Whiting Avenue (State Route 648)  
To: Church Street (State Route 655)  
Distance: 100 feet (0.02 miles)
4. Railroad Connector - 50 foot right-of-way  
From: Whiting Avenue (State Route 648)  
To: Railroad Street (State Route 692)  
Distance: 510 feet (0.10 miles)
5. Whiting Avenue - 50 foot right-of-way  
From: Church Street (State Route 655)  
To: Railroad Connector  
Distance: 300 feet (0.06 miles)

A total distance of 1,720 feet (0.33 miles)

BE IT FURTHER RESOLVED that the Board guarantee, and it does hereby guarantee, to the Commonwealth of Virginia, an unrestricted right-of-way of said streets for the length and width herein above designated, and is further evidenced by certain plan sketches entitled "Grove Streets Phase II, Right-of-Way Acquisition, Sheets 1 and 2: Whiting Avenue, Whiting Connector, Church Street, Railroad Street, Railroad Connector, Grove Height Avenue," dated May 7, 1985 at Williamsburg, Virginia.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors further guarantee, and it does hereby so guarantee, to the Commonwealth of Virginia, the right of drainage over the easements as evidenced

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by certain plan sketches entitled, "Grove Streets Phase II, Right-of-Way Acquisition, Sheets 1 and 2: Whiting Avenue, Whiting Connector, Church Street, Railroad Street, Railroad Connector, Grove Heights Avenue," dated May 7, 1985 at Williamsburg, Virginia.

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

3. Bicentennial Trust Fund

RESOLUTION

INVESTMENT OF BICENTENNIAL FUND CASH BALANCES

WHEREAS, the Board of Supervisors has previously approved the placement of funds originally totalling \$1,500 in a savings account designated the Bicentennial Trust Fund; and

WHEREAS, the Board of Supervisors has previously authorized the County Treasurer to invest such funds subject to a periodic review by the Board, and

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors authorize the reinvestment of some or all of the balance of the Bicentennial Fund, and that such funds may be invested and reinvested by the County Treasurer for any term not to exceed three years.

4. Litter Control Program Grant

RESOLUTION

1985-86 LITTER CONTROL GRANT APPLICATION

WHEREAS, the James City County Board of Supervisors recognizes the existence of a litter problem within the boundaries of James City County;

WHEREAS, the Virginia Litter Control Act of 1976 provides, through the Department of Conservation and Economic Development Division of Litter Control, for the allocation of public funds in the form of Grants for the purpose of enhancing local litter control programs;

WHEREAS, having reviewed and considered the Regulations and the Application covering administration and use of said funds;

NOW, THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors hereby endorses and supports such a program for James City County as is indicated in the attached application Form LC-G-1; authorizes Mr. James B. Oliver, Jr. to plan, budget, and apply for a Grant, which if approved, will be used to fund said Program; and, requests the Department of Conservation and Economic Development, Division of Litter Control, to consider and approve said Application and Program, said Program being in accord with the Regulations governing use and expenditure of said funds.

5. Summer Food Service Program

RESOLUTION

APPROPRIATION OF FUNDS FOR THE  
SUMMER FOOD SERVICE PROGRAM

WHEREAS, James City County desires to submit an application to the U.S. Department of Agriculture for funds totalling \$18,737 to be used for the Summer Food Service Program for children participating in the James City County Summer Recreation Program; and



WHEREAS, the Board of Supervisors of James City County is desirous of such program serving all County summer recreation areas, and has previously provided local funds for this purpose, when necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia appropriates \$31,042 contingent upon grant award for the Summer Food Service Program as a continuing appropriation as follows:

<b>Revenues:</b>	
Revenue from the Federal Government	\$18,737
Food Contract	\$12,305
<b>Expenditures:</b>	
Summer Lunch Program	\$31,042

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute the necessary agreement and contract to carry out all eligible summer food service activities.

6. Set Public Hearing Date of June 24, 1985 for -  
Case No. SUP-15-85. Mr. & Mrs. Wilber Jordan

**R. BOARD CONSIDERATIONS**

1. Case No. Z-4-85. Timber Ridge Apartments

Mr. DePue asked Mrs. Victoria Gussman and Mr. Frank Morton if the maximum units requested is 154 and whether the applicant has legally waived his right for a bonus from the Planning Commission.

Mrs. Victoria Gussman and Mr. Frank Morton stated that was correct.

Mr. Taylor stated that if the applicant meets the requirements for the Planning Commission's bonus, the Board should not deny him the right to seek a bonus.

Mr. DePue stated the developer had addressed the proper concerns and stated he felt this proposal would be good use of the land. He further stated this use would be more preferable than intense commercial use.

Mr. DePue made a motion to approve the proposal.

Mr. Edwards stated the plan had been improved, but it is in the wrong place. He stated our roads must be protected.

Mr. Brown stated that because of the consensus in the neighborhood on this proposal and the district supervisor's negative reaction, he would have to vote against the proposal.

Mr. Mahone stated he opposes the proposal. He further stated the buffer zone is unsatisfactory to him.

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

2. Landfill Compactor

Mr. Mahone stated he was pleased with the selection of the Caterpillar 816B and moved approval of the resolution.

Mr. Brown asked which models were American made.

Mr. Wayland Bass stated the Caterpillar 816B and the Hyster C451B.

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

RESOLUTION

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LANDFILL COMPACTOR CONTRACT

WHEREAS, funds are appropriated in the FY 86 Capital Improvement Project to purchase a refuse compactor for the County at the Landfill; and

WHEREAS, a Request For Bid was issued, responses evaluated and the lowest bid meeting the critical specifications determined; and

WHEREAS, it has been determined that a Caterpillar 816B, submitted by Carter Machinery Co., Inc. meets the critical specifications and is the lowest price machine to do so, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes and directs the County Administrator to enter into a contract with Carter Machinery Co., Inc. for the purchase of a Caterpillar 816B Landfill Compactor for the sum of \$104,373.

Mr. Mahone made a motion to reconsider a zoning case discussed at a previous meeting.

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

Mr. Mahone stated he was confused on some of the issues involving Case No. Z-2-85, which the Board voted on at their last meeting. He stated that those issues are now clear to him and he supports the development.

Mr. Mahone made a motion to approve Case No. Z-2-85. C. T. Lewis.

Mr. DePue stated he made his points regarding the development at the last meeting and felt a presentation was not necessary.

Mrs. Victoria Gussman handed out the staff report from the last meeting to the Board members.

Mr. Edwards stated this was also a good plan, but in the wrong place. He stated he would vote against the proposal.

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

**F. PUBLIC AUDIENCE**

1. Mr. Edmond Ware Warburton, Route 3, Williamsburg, gave the following verbatim statement:

"For your information my name is Edmond Ware Warburton. I'm a mechanical and electrical engineering technician, an environmentalist and an agriculture engineer. I'm happy to see our County's landfill is back to a productive operation according to our State Code.

Gentlemen, in regards to the expansion of the landfill, your acquisition of my land for the value of \$1,000 per acre is unfair. I have proved in the past sessions that your desire for all of my land is uncalled for. After careful consideration and before purchasing my property, I knew, if the Pyle Survey was correct, I would only have approximately 15 acres. I felt the property having 15 acres with 500 feet of water frontage and a 50 foot right-of-way would still have a minimum value of \$33,000, or a purchase price with the value of \$2,200 per acre.

Lots adjacent to my property without water frontage have been under contract for an average value of \$5,000 per acre. With an independent consideration, Mrs. Bucci, an agent for McCardle Realty, has placed a comparative minimum value for a confident sale of my property at \$52,500 or \$3,500 per acre. This is not taking into consideration the impairment of my right-of-way and disadvantages the County has imposed on me; an example is the missing 10 acres according to County Records and the previous owner.

I informed Mr. Andersen, attorney representing the County, that there was a missing of 10 acres. After that day, Mr. Anderson contracted a survey to be done which showed a total of 14.6 acres in reference to the Pyle Survey.

Mr. Wickline, Director of the State Division of Solid Waste, has mentioned to me that the State Code for Solid Waste Disposal is being rewritten. The new code will have reference of landfill sites and large bodies of water, which suggest having a distance of 1,000 feet between the site and bodies of water. This code is still in the preparation stages. There is an approximate distance of 1,200 feet from the County's property line to my water frontage on Jolly Pond.

I understand your desire for my right-of-way, but several confident attorneys have informed me that if the right-of-way is taken, my property will lose 80% of its market value. This means my right-of-way would be valued at over \$26,000.

Now I'm told the County also wants a buffer zone, similar to the buffer zone on the landfill's eastern side bordered by the Gray Association's property. Mr. Newton, attorney and advisor for the property owned by the Gray Association, and I have been in recent conversation about that 100 foot buffer zone. Mr. Newton stated he has had no communication with the County since their sale to the County in the early 1980's. The buffer zone was provided due to the Association's request; this was to protect future development planned by the Association.

Through a conversation with Mr. Anderson, I was led to believe I should have made a counter offer before the Ordinance was passed on January 14, 1985. With knowledge of the Ordinance I could have made a counter offer, but I was not informed of its contents or passage until January 26, 1985, therefore, I do so now.

My counter offer to James City County is: I will sell the County my right-of-way for \$18,000. This is 25% less the value of my right-of-way. I will also provide a 100-foot buffer zone along my northern boundary line, with its ownership remaining in my name. In addition to this counter offer, I'm willing to discuss and resolve any other possibility of problems that may or may not have an impact on the County's or my property.

Gentlemen, would you please reconsider your Ordinance of January 14, 1985, where as my property means a great deal to me."

Mr. Warburton asked the Board for guidance as to what direction he should now take.

Mr. Frank Morton stated the matter was in litigation and recommended the Board not comment. He recommended to Mr. Warburton that he contact his attorney.

Mr. DePue stated there seemed to be some confusing issues here and requested an executive session.

**G. REPORTS OF THE COUNTY ADMINISTRATOR - None**

**H. BOARD REQUESTS AND DIRECTIVES**

Mr. Mahone made a motion to reappoint Mr. Harold Poulsen to the Industrial Development Authority and Mr. Brown moved to appoint Mr. Robert Deeds to the Clean County Commission, Mr. Emeric Fischer to the Board of Adjustments and Appeals and the reappointment of Mr. L. Scott Trainum to the Williamsburg Regional Library Board.

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

Mr. Brown made a motion to approve the Resolution on the Ware Creek Reservoir.

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

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RESOLUTIONWARE CREEK RESERVOIR/CONTRACT OF PURCHASE/  
WELSTEAD & ATKINS, DAVIS ESTATE/THREE PARCELS

WHEREAS, the Board of Supervisors of James City County, Virginia, deems it appropriate to acquire certain parcels of property lying within or immediately adjacent to the proposed Ware Creek Reservoir; and

WHEREAS, the owners of such property are willing to convey same to James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes execution of three Contracts of Purchase dated March 28, 1985, between Joseph T. Welstead and Jodie L. Atkins, Administrator, c.t.a. of the Estate of B. J. Davis (Seller) and the County of James City which contracts provide for the acquisition of 2.59 acres, 2.10 acres and 1.69 acres of land, more or less, for the sums of \$8750, \$8750, and \$7500 respectively.

Mr. Brown inquired if there was any information on a proposal for well and septic tanks in Ford's Colony.

Mr. Frank Morton stated that a representative of Ford's Colony was to have been at this meeting, but failed to appear.

Mr. Brown complimented the Police Department for their School Alcohol Abuse Program and for their 1st Quarter Report indicating a 41% crime clearance rate.

Mr. DePue asked staff to investigate a former sewage lagoon at Ewell Hall for toxic materials and safety.

Mr. DePue inquired if research was being done on mosquito control.

Mr. Edwards responded that a graduate student from VPI would be conducting a study, and the people attending the Mosquito Control meeting appeared to be pleased with that action.

Mr. DePue asked Board members to reconsider taping and showing Board meetings on a delayed basis for the public. He also suggested the Planning Commission and other Boards tape their meetings.

Mr. Edwards requested staff to prepare information on equipment costs to tape Board meetings for review.

Mr. DePue stated the County Close-Up Program was excellent.

Mr. Brown stated he agreed with Mr. DePue that other Boards should tape their meetings, but stated we need to obtain the equipment first.

Mr. Brown inquired into the status of the Orange Drive Cleanup.

Mr. DePue inquired if a meeting date had been scheduled for a joint meeting with the School Board, and if not, he suggested the Chairman contact the Chairman of the School Board and set such a meeting.

Mr. Edwards stated he is pursuing that issue.

Mr. Edwards suggested the Board members consider changing the minutes to action minutes instead of detailed minutes.

Mr. Edwards congratulated Mr. Oliver on receiving the T. Edward Temple Award as Virginia's 1985 Outstanding Public Administrator.

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 5:58 p.m.

The meeting reconvened into public session at 6:05 p.m., at which time Mr. Edwards moved adjournment of the meeting.

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

The Board adjourned at 6:05 p.m.



James B. Oliver, Jr.  
Clerk to the Board

JBO/jhw  
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