

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JUNE NINETEEN HUNDRED EIGHTY-FIVE AT 7:31 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

**B. MINUTES - May 20, 1985**

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

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

**C. PRESENTATION - Heidi Hickman, Citizens for Alternative Mosquito Control**

Mrs. Judy Zwelling, 121 Oak Road, stated the County must have a safe as well as an effective mosquito control program. She stated the use of malathion was not a safe method.

Mrs. Heidi Hickman, 104 Smokehouse Lane, read the warning label on a bottle of 50% malathion. She ended her statement by saying the County uses 91% malathion and requested the Board to consider the dangers involved in using malathion.

Dr. Cliff Henderson, Williamsburg Family Practice Center, stated he was concerned about the long-term affects and possible cancer-inducing potential of malathion. He applauded the Board for showing their concern on this issue.

Sarah Corey, stated she endorsed the County study on mosquitos. She informed the Board that the services of the Committee For Alternative Mosquito Control were available and that this committee would be monitoring malathion spraying for any violations. She also stated the committee would like to come back to future Board meetings to report on their findings. She asked the Board to consider if the use of malathion was safe beyond a reasonable doubt and if it was really the best and most cost effective mosquito control program available.

**D. PUBLIC HEARINGS**

**1. Secondary Road Budget - FY86-91**

Mrs. Victoria Gussman presented this issue stating the total allocation for secondary roads in James City County is expected to be about 28% greater than this year's funding. She recommended the Board adopt the proposed budget.

Mr. DePue inquired about Priority #3 and asked if it should be read as partial funding with no improvements to be made this year.

Mr. Frank Hall stated that was correct and it was the same for other priorities. He stated that most funding would go toward the required groundwork and actual construction would take place in the Fall of 1986 or later.

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

Mr. DePue stated the State does not adequately fund the County's Highway needs.

Mr. Mahone made a motion to approve the budget.

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

### RESOLUTION

#### THE SIX-YEAR SECONDARY ROAD CONSTRUCTION PROGRAM BUDGET

WHEREAS, the James City County staff has reviewed the needs for construction projects to improve the secondary road system within the County and has found numerous roads in need of improvements to eliminate deficiencies from state road standards, to reduce hazards to public safety and to provide adequate roadways for increasing traffic volumes; and

WHEREAS, the Board of Supervisors and the resident engineer of the Williamsburg Office of the Virginia Department of Highways and Transportation have jointly held a public hearing of the Six-Year Secondary Road Construction Program's budget.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, the James City County Six-Year Secondary Road Construction Program budget for fiscal years 1986 through 1991, attached herewith, is hereby adopted.

2. Case No. Z-3-85. Jesse Ferrell

Mrs. Victoria Gussman presented this issue stating the site appears to satisfy most locational criteria. She stated traffic impacts would be lessened by a downzoning of this property and the proposal is not out of character with surrounding developments. She stated the Planning Commission unanimously recommended approval of this proposal.

Mr. Edwards opened the public hearing.

1. Mr. Alvin Anderson, attorney representing the applicant, summarized the layout of the proposal and requested the Board to let this proposed rezoning be the first step in implementing the long-range plan of the Skiffe's Creek Study.

2. Mr. Ed Oyer, 139 Indian Circle, stated that due to lowered interest rates more vacancies exist in rental units and the demand for new rental housing is down. He stated the watershed area must be protected and high density was not the way to do it. He requested the Board to leave industrial land as it is until it was needed.

Mr. Edwards closed the public hearing.

Mr. Mahone inquired what density is planned in the proposal.

Mr. Alvin Anderson stated the project included 17 acres; 119 units at 7 units per acre.

Mr. Brown stated a need existed for housing teachers and firemen could afford. He stated this area is zoned business, not industrial, and he supports the proposal.

Mr. Edwards stated he had two concerns. The first concern is the discrepancy between the Comprehensive Plan and the Skiffe's Creek Plan; the second concern is the zoning of B-1 to R-5, stating that the same plan should be used for the entire area. Mr. Edwards recommended the Board not change this type of zoning until it was found if the Skiffe's Creek Plan takes precedence over the Comprehensive Plan.

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Mr. Brown made a motion to approve the proposal.

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

### RESOLUTION

#### RESOLUTION OF APPROVAL ZONING CASE NO. Z-3-85. JESSE FERRELL

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 on Zoning Case No. Z-3-85, for rezoning approximately 22.8 acres from B-1, General Business to R-5, Multi-family Residential on property identified as a portion of parcel (1-15) on James City County Real Estate Tax Map No. (59-2), and;

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on March 26, 1985 recommended approval of Zoning Case No. Z-3-85.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-3-85, as described herein.

3. Case No. Z-5-85. Waldon Contractors, Inc., and Case No. Z-6-85. Svein O. Waldeland

Mr. Edwards informed Board members that the applicant requested withdrawal of both of these cases and the Board had the option to either deny the cases or approve the withdrawal request.

Mr. Frank Morton stated that if the applicant was allowed to withdraw his application he could resubmit a revised application. He further stated that if the Board took action to either approve or deny the applications, the same plan could not be resubmitted until 12 months from that date and the applicant would need to start at the beginning of the review process again.

Mr. DePue stated he would vote to deny this application.

Mr. Edwards opened the public hearing.

1. Mr. Ed Holder, 102 Malvern Circle, requested the Board deny the application.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to approve the withdrawal request.

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

Mr. DePue made a motion to deny the applications.

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

The Board recessed at 8:26 and reconvened at 8:28 p.m.

4. Case No. Z-7-85. Hornsby Enterprises, Inc.

Mrs. Victoria Gussman stated there was one correction in the proffers. She stated the 50-foot wide wooded strip to be protected was not on Barhamsville Road but was the south and southeastern property lines.

Mr. Brown stated this was an unusual case, but because Mr. Hornsby owned land to the north of this parcel, the Planning Commission had no objection to the application.

Mr. Edwards opened the public hearing.

1. Mr. Robert Hornsby, 311 Indian Springs Road, stated he owned 8 acres of land next to this parcel. He stated he wanted to use it for commercial development but because it was too small he acquired this property. He requested the Board to approve his application.

Mr. Edwards closed the public hearing.

Mr. Edwards stated the County was proud of the developer, Mr. Hornsby, and could understand his request for rezoning, but stated this was not the time to rezone the parcel.

Mr. DePue made a motion to approve the application.

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

### RESOLUTION

#### RESOLUTION OF APPROVAL - ZONING CASE NO. Z-7-85. HORNSBY ENTERPRISES, INC.

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-7-85 for rezoning approximately 20.9 acres from A-1, General Agricultural to B-1, General Business on property identified as parcel (1-9) on James City County Real Estate Tax Map No. (11-2), and;

WHEREAS, the Planning Commission following its public hearing on April 23, 1985 recommended approval of Zoning Case No. Z-7-85 with proffered conditions, and;

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-7-85 as described herein and accepts the voluntary proffer signed by the property owner.

5. Case No. Z-8-85. Company Stores Capital Corp.

Mrs. Victoria Gussman stated this proposal conforms with the intent of the Comprehensive Plan for the area and is not out of character with the nature of surrounding development and zoning. Mrs. Gussman stated this rezoning would bring a planned expansion of the Outlet Mall, which has preliminary approval, into conformance with the Zoning Ordinance. She further stated that the Planning Commission unanimously recommended approval of this proposal.

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

Mr. DePue stated he would like to defer this issue until after his meeting with citizens affected by this proposal. He stated he has had a number of complaints about the soil and erosion control from the present development.

Mr. Mahone agreed with Mr. DePue. Mr. Mahone asked if restrictions or requirements on developers could be implemented in resolutions.

Mr. Brown stated he was informed Public Works was working on this matter and stated an extensive retention system is to be placed in that area.

It was the consensus of the Board to defer this issue until the next Board meeting.

6. Case No. Z-9-85. Norge Farm Associates

Mrs. Victoria Gussman presented this proposal stating it conformed with the intent of the Comprehensive Plan for the area and the uses and density

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permitted within this zone would not conflict with the nature of surrounding development and zoning. She further stated the Planning Commission unanimously recommended approval of this proposal.

Mr. Edwards inquired who would be responsible for the construction of the bypass road.

Mrs. Victoria Gussman stated that if it was the only safe means of access, the developer would contribute towards it or wait to develop the area until the road was there.

Mr. Frank Morton stated the County could not place conditions on a rezoning.

Mr. Frank Hall stated the Highway Department would approve 50 lots without any road improvements, but if over 50 lots were developed, the upgrading of Farmville Road and Old Church Road would be necessary.

Mr. Edwards opened the public hearing.

1. Mr. Will Casterline, 125 Will Scarlet Lane, representing Norge Farm Associates, stated he had been working with the Highway Department and Mr. Wayland Bass and they were trying to comply with all their recommendations.

Mr. Edwards closed the public hearing.

Mr. DePue stated his concerns were increased traffic in Norvalia and on Route 60.

Mr. Mahone concurred with Mr. DePue.

Mr. Taylor stated he supports the proposal.

Mr. DePue stated sewer capacity is a problem and the County has an obligation to service those developments now present and not new developments. He stated this case rests on density and the County should not invite density to the area.

Mr. Oliver stated the Planning Commission originally planned to rezone the area A-2 during the zoning ordinance process to go with the trend at that particular time. He further stated Norvalia and Kristiansand requested to be left off the public water and sewer connections and it would not be wise to hold capacity for them. He further stated that they should be encouraged to join, but the utility system was predicated on a first-come, first-serve basis.

Mr. DePue made a motion to deny the proposal.

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

#### 7. Motor Vehicle Licenses - Trailers

Mr. Oliver stated this was a housekeeping issue. He stated this was a decision the Board had discussed during the budget process.

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

Mr. DePue made a motion to approve the request.

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

Mr. Frank Morton informed the Board that the next three items were all housekeeping issues.

#### 8. Driving While Intoxicated Ordinance

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

Mr. DePue made a motion to approve the Ordinance.

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

9. Drunk in Public Ordinance

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

Mr. DePue made a motion to approve the Ordinance.

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

10. Ordinance to Establish Penalties for Violations of the Code

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

Mr. DePue made a motion to approve the Ordinance.

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

11. James City Service Authority - Sanitary District No. 1

Mr. John McDonald, Director of Financial and Management Services, stated the approval of the resolution would authorize the Service Authority to own, operate and maintain water and wastewater facilities in Sanitary District No. 1.

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

Mr. DePue made a motion for the Board of Supervisors to adopt the resolution.

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

R E S O L U T I O N

SANITARY DISTRICT NO. 1 WATER AND WASTEWATER SERVICE

WHEREAS, the Board of Supervisors of James City County has been requested to allow the James City Service Authority to provide water and wastewater services within Sanitary District No. 1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes the James City Service Authority to acquire, construct, expand, operate and maintain water and wastewater systems under the terms of the "Regulations Governing Utility Service," as adopted and as may be amended by the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority.

12. James City Service Authority - Sanitary District No. 1 -Amendment to Regulations Governing Utility Service

Mr. John McDonald, Director of Financial and Management Services, stated the amendment would establish a fee for improvements assessed for Sanitary District No. 1 customers.

Mr. Brown reconvened the Board of Directors of the Service Authority at 9:17 p.m.

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

Mr. Brown made a motion for the Board of Supervisors to adopt the amendment.

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

Mr. Brown made a motion for the Service Authority to adopt the resolution.

The motion passed by a unanimous voice vote.

### R E S O L U T I O N

#### AMENDMENT TO "REGULATIONS GOVERNING UTILITY SERVICE"

WHEREAS, the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority have acquired and intend to improve the central water system previously owned by Sydnor Hydrodynamics, Inc., in Sanitary District No. 1; and

WHEREAS, the Board of Supervisors and the Board of Directors have indicated that they would intend to impose an improvements assessment to assist in financing the acquisition and improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby amend the "Regulations Governing Utility Service" by adding the following section:

#### Section 31.(c)(7) Water Charges

Improvement Assessment. The following charge shall be assessed to all customers previously provided water by Sydnor Hydrodynamics, Inc., in Sanitary District No. 1. Said charges shall be paid within one year from the date that said customers are notified, in writing, by the Utility that the improvements necessary to provide a new source of water to the former Sydnor system have been completed.

These charges shall be as follows:

<u>Meter Size</u> <u>(inches)</u>	<u>Improvement</u> <u>Assessment</u>	<u>Meter Size</u> <u>(inches)</u>	<u>Improvement</u> <u>Assessment</u>
5/8	\$ 400.00	1½	\$2,000.00
3/4	\$ 600.00	2	\$3,500.00
1	\$1,000.00	3	\$8,000.00

The purpose of these charges is to partially recover the costs of acquiring and improving the water system in Sanitary District No. 1.

Mr. Taylor made a motion to recess the Service Authority.

The motion passed by a unanimous voice vote at 9:23 p.m.

#### **E. CONSENT CALENDAR**

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

Mr. Taylor withdrew # E-13.

Mr. Brown withdrew # E-10.

Mr. Mahone withdrew # E-11.

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

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

1. Set Public Hearing Date of June 24, 1985 for Case No. Z-22-85.  
Herbert V. Kelly

2. Set Public Hearing Date of July 8, 1985 for:
- a. Case No. S-59-85. Amendment to Chapter 17, Subdivisions, of the Code of the County of James City
  - b. Case No. Z-10-85. Anheuser Busch, Inc.
  - c. Case No. Z-11-85. Paul N. Carrithers
  - d. Case No. Z-12-85. Sheldon Lumber Co., Inc.
  - e. Case No. SUP-13-85. Wayland N. Bass
  - f. Case No. SUP-14-85. Samuel Powell
  - g. Case No. SUP-17-85. Wayland N. Bass
  - h. Comprehensive Plan
3. Withdrawal of Case No. Z-13-85. Robert S. Hornsby
4. Dedication of Streets in Season's Trace Subdivision

R E S O L U T I O N

DEDICATION OF STREETS IN SEASON'S TRACE SUBDIVISION

WHEREAS, the developer of Season's Trace Subdivision has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desire certain streets in the Season's Trace 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 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.

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 Season's Trace Subdivision, Powhatan Magisterial District, James City County, in the State Secondary Highway System:

1. Season's Trace Road - 60 foot right-of-way  
From: State Route 1530  
To: Intersection of North Trace and Southeast Trace  
Distance: 1,375.99 feet (0.26 miles)
2. North Trace - 50 foot right-of-way  
From: Season's Trace Road (State Route 1530 extended)  
To: End of cul-de-sac  
Distance: 510.79 feet (0.10 miles)
3. Southeast Trace - 50 foot right-of-way  
From: Season's Trace Road (State Route 1530 extended)  
To: End of cul-de-sac  
Distance: 848.61 feet (0.16 miles)
4. Season's Court - 50 foot right-of-way  
From: Southeast Trace  
To: End of cul-de-sac  
Distance: 330.97 feet (0.06 miles)

The rights-of-way of 60 and 50 feet, along with drainage easements, are guaranteed as evidence by the following plats of record:

Season's Trace, Section 6, recorded in plat book 37, page 59, dated August 2, 1982; Season's Trace, Section 7A, recorded in plat book 39, page 30, dated April 25, 1984; Season's Trace, Section 8A, recorded in plat book 39, page 39, dated May 9, 1984; and Season's Trace, Section 8B, recorded in plat book 39, page 99, dated September 21, 1984.

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

5. FY86 Highway Safety Grant Applications

R E S O L U T I O N

FY 86 HIGHWAY SAFETY GRANT APPLICATION

WHEREAS, the Federal Government has made funds available to support local highway safety programs; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help improve transportation safety in James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it authorizes its Chairman and Clerk to sign the grant applications entitled, Emergency Vehicles Operators Course, Pedestrian Safety Enhancement, and Police Traffic Services.

6. Set Public Hearing Date of July 8, 1985 for: Ordinance to Create a Central Absentee Voter District for General Elections

7. Newport News Water Extension Agreement - Brookside Haven, Phase II

R E S O L U T I O N

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENT

WHEREAS, Ferrell Development, Inc. has prepared plans for Brookside Haven - Phase II, a development in Grove; 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 testing fees and inspection fees have been paid by the developer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the James City County Board of Supervisors be authorized to execute the Newport News Water Extension Agreement on behalf of the County.

8. Easement for C&P Equipment Adjacent to EOC Building

R E S O L U T I O N

EASEMENT FOR C&P EQUIPMENT ADJACENT TO E.O.C. BUILDING

WHEREAS, C&P Telephone has requested an easement to place an electronic repeater on County land adjacent to the E.O.C. Building; and

WHEREAS, it appears that the public safety and welfare will not be compromised by said easement; and

WHEREAS, the electronic repeater will benefit the telephone service to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that an easement is authorized to be executed granting C&P Telephone use of a designated eight foot by eight tract of land adjacent to the E.O.C. Building on Route 610 in Toano.

9. Conveyance of Drainage Easement to Melvin D. and Helen A. Nachman, Et. Als.

RESOLUTION

AUTHORIZATION TO CONVEY DRAINAGE EASEMENT

WHEREAS, a request has been made to convey to the property owners a certain drainage easement located in the Powhatan District of James City County, Virginia, and shown and designated on a plat entitled: A PLAT FOR DRAINAGE EASEMENT OWNED BY: MELVIN D. AND HELEN A. NACHMAN, ET. ALS., TO: JAMES CITY COUNTY recorded in Deed Book 248, page 839; and

WHEREAS, the need for the existing easement is superseded by an agreement by the property owners to convey a new easement which allows for a more direct and desirable drainage pattern; and

WHEREAS, the Board of Supervisors of James City County is of the opinion that such conveyance of the easement is in the best interest of the public welfare.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the execution of the Deed dated June 10, 1985, to convey the said drainage easement recorded in Deed Book 248, page 839 back to Melvin D. and Helen A. Nachman, et. als.

12. Insurance Procurement

RESOLUTION

SELECTION OF BROKER-OF-RECORD

WHEREAS, the Board of Supervisors procures various property and casualty insurance policies to protect the County against loss; and

WHEREAS, these various property and casualty insurance policies are obtained from the marketplace through a broker-of-record; and

WHEREAS, the Virginia Public Procurement Act now requires that the procurement of insurance be competitively bid; and

WHEREAS, the County issued a Request for Bids (Information) on December 17, 1984, for the prequalification of interested insurance agencies/brokers in accordance with Section 11-46 of the Code of Virginia; and

WHEREAS, five firms were prequalified in response to bids received on January 4, 1985; and

WHEREAS, detailed bids were received on June 4, 1985, from insurance agencies/brokers who were prequalified; and

WHEREAS, an evaluation of the bids received indicates that the lowest and most comprehensive proposal was submitted by Alexander & Alexander of Virginia, Inc., representing the Virginia Municipal Property and Casualty Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize the County Administrator to enter into a contract with Alexander & Alexander of Virginia, Inc., representing the Virginia Municipal Property and Casualty Program, to serve as the County's Broker-of-Record for placement of property and casualty insurance policies for a three-year period beginning July 1, 1985.

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RESOLUTIONAPPROPRIATION FROM CONTINGENCY

WHEREAS, the County has competitively bid its property and casualty insurance coverage for FY 1986; and

WHEREAS, the amounts included in the adopted FY 1986 Budget are not sufficient to fully fund the cost of needed insurance coverage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following transfer of funds for the purpose of procuring insurance and that said transfer be considered a continuing appropriation:

From:

Contingency	\$42,360
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To:

Board of Supervisors	\$24,360
Buildings & Grounds	18,000
	<u>\$42,360</u>

14. Summer Youth Basketball LeagueRESOLUTIONSUMMER YOUTH BASKETBALL LEAGUE APPROPRIATION OF FUNDS

WHEREAS, the James City County Parks and Recreation Office is responsible for providing parks and recreation services and programs; and

WHEREAS, citizens have requested that the County provide a summer youth basketball league for youth ages twelve to fifteen; and

WHEREAS, the Parks and Recreation Office is desirous of operating such a program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes the following transfer of funds and appropriates said funds on a continuing appropriation basis for the operation of a summer youth basketball league:

## To: Summer Youth Basketball League

Program Expenses	\$4,000
Program Fees	(2,000)
Net	<u>\$2,000</u>

From: Contingency	\$2,000
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10. Refuse Container Collection Contract

Mr. Brown inquired if the County could perform this service through purchase of a truck.

Mr. Wayland Bass stated this contract would include the dumpsters and upkeep of the dumpsters.

Mr. Brown made a motion to approve the contract.

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

RESOLUTIONREFUSE CONTAINER COLLECTION CONTRACT

WHEREAS, funds were appropriated in the FY86 Landfill Operating budget for refuse container collection; 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 Browning-Ferris Industries meets the critical specifications and submitted the only qualifying bid for the Container Program, 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 Browning-Ferris Industries to furnish refuse containers and collection services for the sum of \$102,372.00 for the first year of a three year contract.

11. Budget Transfer - Registrar's Office

Mr. Mahone stated the Registrar's Office has done an excellent job with the demands placed upon them and inquired if the Board would like to discuss the study completed by the Office of Management Services in a Work Session.

Mr. Brown stated he would like more information on the Management Study but agrees with the resolution. He requested staff to present a follow-up memorandum showing the recommendations accepted by the Registrar's Office.

Mr. Oliver stated the Study had been presented to the Electoral Board last week and it was too early to respond.

Mr. Mahone made a motion to approve the resolution.

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

RESOLUTIONREGISTRAR'S BUDGET TRANSFER

WHEREAS, the General Registrar has been beset by unanticipated workload requirements due to the combined impacts of registration changes, the Presidential election and street address changes.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfer be effected for part-time assistance in the Registrar's Office:

From Contingency	\$2,700
To General Registrar	\$2,700

13. Proposed Richmond Road Management Program

Mr. Taylor stated the County was spending too much money on studies and requested denial of this request.

Mr. Brown stated benefits come from studies even years after the studies have been completed for traffic and land use.

Mr. Taylor made a motion to deny the request for money.

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

Mr. DePue made a motion to approve the request.

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

RESOLUTION

APPROPRIATION OF FUNDS FOR  
RICHMOND ROAD TRANSPORTATION MANAGEMENT PROGRAM

WHEREAS, the Board of Supervisors of James City County desires to extend the long-term viability of Richmond Road as a major thoroughfare; and

WHEREAS, The Board of Supervisors desires to receive a grant from the Federal Highway Administration through the Peninsula Planning District Commission, to support a study of traffic flow improvements on Richmond Road.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the continuing appropriation of \$2153 in local grants match for a study of traffic improvements to Richmond Road.

**F. BOARD CONSIDERATIONS**

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

Mrs. Victoria Gussman stated signed proffers had been received. She stated rare plants had been found on the property and an Environment Consultant Firm had been hired to conduct an environmental study.

1. Mr. J. F. Phillips, Jr., attorney for the developer, stated the developer would work on a drainage plan that would adequately address all concerns and would submit it within the next two weeks.

Mr. Edwards asked Mr. Phillips if the applicant preferred a deferral or a vote by the Board at this meeting.

Mr. J. F. Phillips responded the applicant would accept a deferral, but would prefer a vote of approval on the proposal.

Mr. DePue made a motion to approve the rezoning.

Mr. Mahone stated the developer is trying to meet all the demands requested of him and the project would pay its own way and give the County an opportunity for additional revenues. Mr. Mahone stated he would support the proposal.

Mr. Oliver encouraged the Board to wait and review the findings of Mr. Reid's environment report before voting.

Mr. Morton stated that any improvements recommended by the study could be incorporated into the proffers.

Mr. Taylor stated this proposal would enhance the construction of Route 199 and help to keep density low.

Mr. Edwards asked Mr. Frank Morton if a 2-2 vote would mean failure for the proposal.

Mr. Frank Morton responded in the affirmative and stated the developer would not be able to present the plan again for 12 months.

Mr. DePue withdrew his motion and made a motion to deny the rezoning.

Mr. DePue stated that it would be unwise to defer this issue again. He stated that the developer had had more than enough opportunities to present the proposal in the right way, but failed to do so. Mr. DePue further stated that if the proposal was deferred again, the wrong type of signals would be sent out to developers.

The Board recessed at 9:50 and reconvened at 10:04 p.m.

Mr. Edwards stated this proposal has some merits but it is not the right proposal at this time.

Mr. Edwards made a motion to defer until the first meeting in August at which time the Board would then vote on it.

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

Mr. DePue made a motion to deny the proposal.

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

Mr. Edwards stated he thought the Board did their best to get a better plan, and felt they failed.

Mr. Mahone made a motion to approve the proposal.

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

## 2. Appointment of a County Historical Commission

Mrs. Veronica Nowak, Communications Administrator, presented this matter to the Board. Mrs. Nowak explained the purpose of the Historical Commission and how it would fit into our community. She recommended the Board adopt the resolution and appoint members to the Commission from the list provided.

Mr. Taylor asked why the Commission required 17 members.

Mrs. Nowak stated they had checked with surrounding communities and Prince William County had 17 members and this Commission was similarly structured.

Mr. Brown stated he was comfortable with the resolution but wanted to discuss the number of positions on the Commission.

Mr. Brown made a motion to defer this issue until the first Board meeting in July.

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

## G. PUBLIC AUDIENCE

1. Mr. Gerald Ainsworth, Sycamore Landing Road, asked the Board the status of the Ware Creek Reservoir. He stated that this was the finest water source for James City County and he did not want to see it lost.

Mr. James Oliver responded that the County permit had been sent to the Army Corps of Engineers and the County was awaiting their response. He stated that with the timetable of the Army Corps, it could be 6 months to 1½ years before getting their response. Mr. Oliver further stated that the reservoir was in no danger from other jurisdictions and that other jurisdictions would have to go through the Board of Supervisors to set up an impoundment in James City County.

## H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested the Board to set a public hearing date for Case No. SUP-19-85, stating it was a hardship case which required special consideration.

Mr. Brown made a motion to set a public hearing date of July 8, 1985 for Case No. SUP-19-85. Robert Farkas

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

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss possible land acquisition and personnel matters.

#### **L BOARD REQUESTS AND DIRECTIVES**

Mr. Brown stated the Monthly Development Report from the Planning Department is satisfactory and should be placed in the Board Reading File once a month.

Mr. Brown asked staff to check into the possibility of extending evening hours at the Upper-County Park pool.

Mr. Brown stated the Workload Indicator Report in the Board Reading File was not necessary in the future.

Mr. DePue stated residents of Season's Trace are requesting VEPCO to install streetlights in their neighborhood and requested staff to check into this. Mr. DePue also stated he is awaiting a report on the lagoon in Ewell Hall.

Mr. DePue commended Mrs. Veronica Nowak for her efforts in publicizing the Rabies Program and other programs. Mr. DePue also commended Mrs. Nowak for the County Close-Up Program.

Mr. Brown commended the Code Compliance staff for their efforts in cleaning up the Orange Drive neighborhood.

Mr. DePue commended staff, citizens and the Board of Supervisors for their efforts in dealing with the mosquito control problem.

Mr. Mahone stated that he was also concerned with mosquito control and was pleased to see the problem being dealt with.

Mr. Brown stated there were two sides to the mosquito control issue and stated the study being conducted should be completely objective. He further stated that reports have indicated that malathion is the least harmful insecticide used today.

Mr. Edwards stated scientific, human and physical problems exist and the mosquito study must be tailored to this area.

Mr. Edwards made a motion to go into Executive Session to discuss a legal and personnel issue pursuant to Section 2.1-344(a)(1) and (2) 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 10:39 p.m.

The meeting reconvened into public session at 11:25 p.m.

Mr. Edwards called the Board of Supervisors back into session at 11:27 p.m.

Mr. DePue moved the appointment of Mr. Forrest C. Miller to the Industrial Development Authority and Mr. James W. Duff to the Social Services Board.

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

Mr. Brown moved approval of the resolution on land acquisition in Grove.

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

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, FOR PUBLIC PURPOSES AND FOR CONSTRUCTING, ALTERING, MAINTAINING AND REPAIRING A ROADWAY IN JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for the construction, altering, maintaining and repairing a roadway in James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, it is hereby RESOLVED:

Section 1. That the County Attorney and/or the law firm of Anderson, Emmett & Franck, P. C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto, for public purposes and for constructing, altering, maintaining and repairing a roadway in the County of James City.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Section 4 of this Resolution which has been authorized and appropriated.

Section 3. That the name of the present owners of the land to be acquired as provided in Section 1 of this Resolution together with a substantial description of the parcel is as follows:

**OWNERS:** Mr. and Mrs. Carl Leroy Scales, the heirs of Virginia Maxine Scales, Hubert Lawrence and Helen Louise Lawrence

**DESCRIPTION:** All that certain lot, piece of parcel of land, situate in Jamestown District, James City County, Virginia, being a part of the real estate known as the Harwood Subdivision, and being a portion of Lot #32, being more fully shown, set forth and designate in part on a certain plat of survey, bearing the legend, "Plat Showing Subdivision of Alex Harwood Property Near Grove, Virginia," which plat is duly of record in James City County Plat Book 9, Page 36. Said lot commences on the southerly side of Church Road at a point 240.10 feet from the intersection of said Church Road with Whiting Avenue; thence along the right of way of said Church Road S 75 degrees 43' E a distance of 100 feet to an iron pipe on the said right of way where the property hereby conveyed and a remaining portion of Lot #32, standing in the name of Hubert and Helen Louise Lawrence, converge; thence S 12 degrees 05' 15" E along the line of the property hereby conveyed and the lands of Lawrence a distance of 274.79 feet to an iron pipe; thence N 49 degrees 09' E along the line of the property hereby conveyed and Lot #30 a distance of 100 feet to a point; thence N 9 degrees 02' 30" W along the line of the property hereby conveyed and a remaining portion of Lot #32 a distance of 230.82 feet to a point on said right of way, being the point of departure.

The property hereby conveyed is bounded on the northerly side by said Church Road; on the southerly side by a portion of Lot #30; on the westerly side by the remaining portion of Lot #32; and on the

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easterly side by another portion of Lot #32, standing in the name of Lawrence.

Section 4. The funds estimated as necessary to compensate the owners of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is TWENTY FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$24,700.00).

Section 5. The County Attorney and/or the law firm of Anderson, Emmett & Franck, P. C., shall notify the property owners of the compensation and damages offered by the County forthwith on or before June 17, 1985.

Section 6. That in the event of the property described in Section 3 of this Resolution has been conveyed, the County Attorney and/or the law firm of Anderson, Emmett, Franck, P. C. are authorized and directed to institute proceedings against successors in title.

An emergency is hereby declared to exist and this Resolution shall be effective from the date of its passage.

ADOPTED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, June 10, 1985.

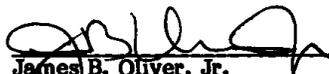
Mr. Brown made a motion to appropriate \$2,730 from Contingency for purchase of equipment to broadcast Board of Supervisors meetings and present an opportunity to other Boards to broadcast their meetings.

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

Mr. Brown made a motion to recess until June 11, 1985 at 6:00 p.m.

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

The Board recessed at 11:31 p.m.

  
James B. Oliver, Jr.  
Clerk to the Board

JBO/jhw  
BOS 10

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV, VEHICLE LICENSES, SECTION 11-54, VEHICLES WHICH REQUIRE LICENSE; LICENSE FEES; WHEN LICENSE YEAR BEGINS. <sup>57</sup>

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, of the Code of the County of James City, is hereby amended and reordained effective July 1, 1985, by amending Section 11-54, Vehicles which require license; license fees; when license year begins.

Chapter 11. Motor Vehicles and Traffic

Article IV. Vehicle Licenses

Section 11-54. Vehicles which require license; license fees; when ~~license~~ year begins.

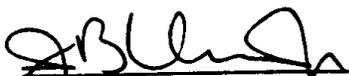
(a) On and after March 1st of each year the owner of each passenger motor vehicle (except motorcycles, motorbikes and mini-bikes), and the owner of each truck, owned or garaged in the county, shall make application to the county treasurer for a license, and shall pay an annual license fee of fifteen dollars (\$15.00).

(b) On and after March 1st of each year the owner of any trailer or semitrailer owned or garaged in the county, shall make application to the county treasurer for a license, and shall pay an annual license fee of ten dollars (\$10.00). This section specifically excludes mobile homes.

(c) On and after March 1st of each year the owner of any motorcycle, motorbike or mini-bike, owned or garaged in the county, shall make application to the county treasurer for a license, and shall pay an annual license fee of ten dollars (\$10.00).

  
James D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 10th day of June, 1985.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained effective July 1, 1985, by amending Article II, Driving Automobiles, etc., While Intoxicated or Under Influence of any Drug, by repealing Sections 11-28 to 11-35, and adding a new Section 11-28, Adoption of State Law, Generally.

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Chapter 11. Motor Vehicles and Traffic

Article II, Driving automobiles, etc., while intoxicated or under the influence of any drug

Section 11-28. Adoption of state law, generally.

Article 2 (Section 18.2-266 et seq.) of Chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, 1985, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law references -- General authority of county to prohibit operation of vehicles while under the influence of alcohol or drugs, Code of Virginia, Section 15.1-132; authority to adopt state law on the subject, Code of Virginia, Section 46.1-188.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 10th day of June, 1985.

ORDINANCE NO. 56A-3

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 13-26, PROFANE SWEARING AND DRUNKENNESS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-26, Profane Swearing and Drunkenness.

Chapter 13. Offenses - Miscellaneous

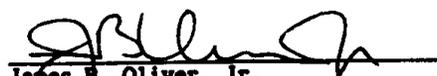
Section 13-26. Profane swearing and drunkenness.

If any person shall profanely curse or swear or be drunk in public he shall be deemed guilty of a Class 4 misdemeanor.

State law references - Similar provisions, Code of Virginia, Section 18.2-388; authority for above section, Section 18.2-389.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 10th day of June, 1985.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 1-10, GENERAL PENALTY, CONTINUING VIOLATIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained by amending Section 1-10, Classification of and Penalties for Violations, Continuing Violations.

Chapter 1. General Provisions

Section 1-10. Classification of and penalties for violations, continuing violations.

(a) Whenever in this Code or any other ordinance of the county or any rule or regulation promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

- (1) Class 1 misdemeanor: By a fine of not more than one thousand dollars (\$1,000.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.
- (2) Class 2 misdemeanor: By a fine of not more than five hundred dollars (\$500.00), or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
- (3) Class 3 misdemeanor: By a fine of not more than five hundred dollars (\$500.00).
- (4) Class 4 misdemeanor: By a fine of not more than one hundred dollars (\$100.00).

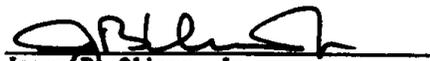
(b) Whenever in any provision of this Code or in any other ordinance of the county or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.

(c) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

State law references—Classification of misdemeanors and punishment therefor, Code of Virginia Sections 18.2-9, 18.2-11; authority of county to provide penalties for violation of ordinances, Code of Virginia, Section 15.1-505.

  
 Jack D. Edwards, Chairman  
 Board of Supervisors

ATTEST:

  
 James B. Oliver, Jr.  
 Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 10th day of June, 1985.

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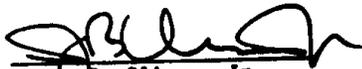
ORDINANCE NO. 61A-1

AN ORDINANCE TO REPEAL SECTION 2, PENALTY, OF ORDINANCE NO. 61, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Section 2, Penalty, of Ordinance No. 61, is hereby repealed and declared null and void and of no effect.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the 10th day of June, 1985.

July 1, 1985 - June 30, 1986  
James City (47) County  
Suffolk (65) District

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
SECONDARY SYSTEM

DETAILS OF Construction BUDGET

Maintenance Allocation	_____
Less Deficit June 30, 19	_____
Plus Balance June 30, 19	_____
Net Funds for Distribution	474,339

DISTRIBUTION

Ordinary Maintenance . . . . .	_____
Maintenance Replacements . . . . .	_____
Total	_____

DISTRIBUTION

Incidental Improvements	43,000
Numbered Project Improvements	631,339
Total	674,339

Date of Board of Supervisors Approval  
of Improvement Budget \_\_\_\_\_

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60B

July 1, 1985 June 30, 1986  
James City (47) County  
Suffolk (65) District  
Sheet 1 of 1

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
SECONDARY SYSTEM  
DETAILS OF Construction  
Incidental Improvements

Route	Project or Item	Length	DESCRIPTION	Allocation	Remarks
8003	5601	-	Traffic Services	2200	
8000	5603	-	Rural Additions	20,000	
8005	5604	-	Pipe Installation at Private Entrances	15,500	
8012	5605	-	Surveys and Preliminary Engineering	2200	
8014	5606	-	Fertilization and Seeding	3100	
			Total Incidental Improvements	43,000	

JULY 1, 1965 - JUNE 30, 1965  
 James City (47) County  
 Suffolk (65) District  
 Sheet 1 of 2

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
 SECONDARY SYSTEM  
 DETAILS OF Construction  
Numbered Projects

Route	Project or Item	Length	DESCRIPTION	Allocation	Remarks
0631	047-112, C501	2.1	Fr: Route 60 - Route 632 Grade, Drain, Stabilize, and Surface Treat. T.C. = 870 Previous Allocation = 288,111 Total Estimated Cost= 623,300	186,000	
#1					
0617	047-129, C501	.38	Fr: Route 700 - Route 724 Grade, Drain, Stabilize, and New P.M. T.C. = 1400 Previous Allocation = 55,198 Total Estimated Cost= 60,198	5,000	
#2					
0612	047-131, M502	.40	Left Turn Lanes at Route 1521, Buford Road Route 1520, Sheffield Road T.C. 6720 Previous Allocation = 0 Total Estimated Cost= 90,000	40,000	
#3					
0614	047-132, M501	6.0	Fr: Route 60 - Route 613 Spot Improvement. Grade, Drain, Stabilize and Surface Treat. T.C. = 2897 Previous Allocation = 105,000 Total Estimated Cost= 724,335	100,000	FAS Contract
#4					
0611	047-137, C501	2.5	Fr: Route 614 - 1.2 Mi. S. Route 632 Grade, Drain, Stabilize. T.C. = 340 Previous Allocation = 10,000 Total Estimated Cost= 632,500	20,000	
#5					
0610	047-136, M501	1.10	Fr: Route 603 - Route 715 Spot Improvement. Grade, Drain, Stabilize, and Surface Treat. T.C. = 580 Previous Allocation = 10,000 Total Estimated Cost= 150,000	20,000	
#6					

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600

JULY 1, 1965 - JUNE 30, 1965  
James City (47) County  
Suffolk (65) District  
Sheet 7 of 2

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
SECONDARY SYSTEM  
DETAILS OF Construction  
Numbered Projects

Route	Project or Item	Length	DESCRIPTION	Allocation	Remarks
0613	047-133, C501	1.0	Fr: Route 615 - 1.0 Mi. N. Route 615 Grade, Drain, Stabilize, and Surface Treat. T.C. = 928 Previous Allocation = 0 Total Estimated Cost= 258,000	20,000	
#8			Sub Total Numbered Projects	391,000	
0622	047-P38, N501	.50	Fr: Route 601 - 0.50 M. W. Route 601 Grade, Drain, Stabilize, and Surface Treat. T.C. = 166 Previous Allocation = 0 Total Estimated Cost= 86,400	40,339	
#7			Total Unpaved Road Funds	40,339	
			Total Allocation	474,339	

SR-2A  
Rev. 12/77

*Robert S. Hornsby*

Post Office Box 421, Williamsburg, Virginia 23187

June 5, 1985

RE: Case Z-785  
Hornsby Enterprises, Inc.  
(formerly Hornsby Oil Co.)

Mr. Alan Murphy  
James City County Planning Department  
Williamsburg, Virginia

Dear Mr. Murphy:

Whereas Hornsby Enterprises, Inc. is the owner of approximately 20.9 acres of land located in the County of James City, Virginia, and has made application for a change in zoning of the subject property from A-1 Agricultural to B-1 General Business as a part of its application, Hornsby Enterprises voluntarily proffers the following conditions which shall be in addition to the regulations provided for in the zoning strict B-1. These conditions are proffered as part of the requested zoning and it is agreed that the following limitations:

- 1. Are required or give rise to the need for these additional restrictions because of the nature of the property and the rezoning sought.
- 2. That the proffers have a reasonable relationship to the rezoning requested.

The following conditions are proffered:

- 1. Leave a screen of trees at least fifty (50) feet wide along a wooded ravine carrying a stream, this being the easterly boundry line.
- 2. Leave a fifty (50) foot strip as an undisturbed buffer zone adjoining the property line on the south. Said strip is to run from Old Stage Road back to the easterly property line.

Please call me if you have any questions about this matter.

Sincerely,  
*Robert S. Hornsby*  
Robert S. Hornsby, Board Chairman  
Hornsby Enterprises, Inc.

KJH/cpp

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Extension Agreement No. 75 - 1985  
Location: Brookside Haven - Phase II  
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 Haven - Phase II, 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 without 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 breakdown 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 Eight Thousand Five Hundred Thirty-Nine Dollars, (\$8,539.00), the cost of hydrant rental, 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 \$2,000.00, then you will pay this amount to the City, and if the actual cost is less than \$2,000.00, the City will refund you the over payment. The cost of the hydrant rental, 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. The Applicant will pay to the City the established rental charge per annum for each fire hydrant installed in the development for five years after date of installation of all fire hydrants in James City County.

f. To furnish plat showing location of meter boxes and provide a marker on site indicating location of 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:

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(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 your property known as Brookside Haven - Phase II, as shown on plat attached and charge for meters and service pipes.

- 273 feet of 8" Ductile Iron Pipe (Class 52)
- 3 feet of 6" Ductile Iron Pipe (Class 52)
- 228 feet of 4" Ductile Iron Pipe (Class 52)
- 1 fire hydrant

DEVELOPER'S ESTIMATED COST TO CONTRACTOR (Pipe to be laid by the Developer in accordance with Specifications)	\$ 11,178.00
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CITY'S COST

18 - 5/8" meters @ \$120.00	2,160.00
18 - service pipes @ \$205.00	3,690.00
1 - fire hydrant rental @ \$160.00	160.00
Supervision & Inspection	529.00
Tie-In, Flushing and Blow-Off Installations	2,000.00
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DEVELOPER'S COST TO CITY	\$ 8,539.00
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TOTAL ESTIMATED COST	\$19,717.00
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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.