

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF JANUARY NINETEEN HUNDRED EIGHTY-SIX AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

ROLL CALL

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

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

Mr. Edwards called to order and made a motion to go into executive session do discuss personnel, legal and land acquisition matters pursuant to Section 2.1-344(a)(1), (2) 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 Board reconvened into open session at 6:30 p.m. and recessed until 7:30 p.m.

Mr. Edwards reconvened the meeting into open session at 7:33 p.m.

B. ORGANIZATIONAL MEETING

Mr. Edwards opened the floor for nominations for chairman.

Mr. Mahone nominated Mr. Brown.

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

Mr. Brown presented the book, Robert's Rules of Order, to Mr. Edwards in appreciation for his service as Chairman in 1985.

Mr. Brown opened the floor for nominations for vice-chairman.

Mr. DePue nominated Mr. Taylor.

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

Mr. Brown made the motion to approve the resolution establishing the meeting dates and rules that the Board would follow in 1986.

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

RESOLUTION

Organizational Meeting of the Board of Supervisors

WHEREAS, the Board of Supervisors of James City County, Virginia, is requested by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the following rules shall apply for the year 1986.

1. Regular meetings of the Board shall be held on the first Monday of each month at 7:30 p.m. and the third Monday of each month at 3:00 p.m. in the Board Room of the James City County Government Center; provided, however, that in the following month the meetings shall be held on the following dates:

September 8th at 7:30 p.m.
September 29th at 3:00 p.m.

2. That the Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows:

Procedure in Small Boards. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

Mr. Brown made a motion to approve the following Boards and Commissions annual appointments:

ANNUAL APPOINTMENTS

Advisory Council-9th Judicial Services Unit	Mr. Mahone
Chamber of Commerce	Mr. Edwards
Community Action Agency	Mr. Edwards/Iris Taylor Mr. Brown/Don Messmer Mr. Mahone/Tony Conyers
Courthouse Committee	Mr. DePue/Mr. Edwards
Farmers Advisory Committee	Mr. Taylor
New Horizons Task Force	Mr. DePue
Pamunkey River Study Committee	Mr. Taylor
Peninsula Planning District Commission	Mr. Mahone/Mr. Brown
Planning Commission	Mr. Edwards
Sanitary District #1 Board	Mr. Mahone/Mr. Brown
Social Services Board	Mr. Edwards
Transportation Safety Commission	Mr. Mahone

Virginia Peninsula Economic Development Council Mr. Brown

Water Task Force

Mr. Brown/Mr. DePue

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

Mr. Brown made a motion to approve other Boards and Commissions appointments as follows:

Historical Commission	Michael McGiffert	1½-year term
Planning Commission	Martin Garrett, Jr.	Reappointment 4-year term
	Sandra Stein	Reappointment 4-year term
	Gwendolyn Robinson	4-year term

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

C. MINUTES December 16, 1985 - Regular Meeting
December 16, 1985 - Work Session

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

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

D. PUBLIC HEARINGS

Mr. Mahone suggested moving D-2, Case No. Z-15-85. Dish Antennae Ordinance, to the last public hearing.

1. Pre-Budget Public Hearing

Mr. John McDonald, Director of Financial and Management Services, stated next year's county budget would be up 7-8 percent and operating expenses would increase 5-6 percent. Mr. McDonald said debt service for school construction, the recreation center under construction and a new enhanced-911 emergency telephone system would be major budget pressures. Mr. McDonald said the County Administrator would present the annual budget at the end of March.

Mr. Mahone encouraged the public to participate early in the budget process in order to have maximum effect.

Mr. Brown opened the public hearing.

1. Ms. Heidi Hickman, 104 Smokehouse Lane, asked the Board what decisions would be made in the budget regarding the Mosquito Control Program.

Mr. Oliver responded that John Rightor's recommendations would be reviewed and an analysis would be presented to the Board by the next meeting, but no later than February.

2. Mrs. J. R. Short, 107 Oak Road, requested the Board to consider extending public water to Oak Road during the budget process.

3. Ms. Mary Jo Evans, President of the Williamsburg-James City County PTA Council, indicated unanimous support of the Council for the school board's capital projects program as submitted, especially air conditioning of schools.

4. Mr. Robert L. Clifford, 109 Shellbank Drive and representative of the Coalition for Quality Growth, requested the Board to prepare budget guidelines for county staff as were used last year.

Mr. Brown closed the public hearing.

3. Case No. Z-17-85. Midlands/Joseph Terrell

The Planning Commission overturned a staff recommendation for denial and unanimously recommends approval of the application with proffer.

Proffer - Will exchange 5.14 acres of land, which is in the proposed Route 199 corridor, for 3.9 acres of land belonging to James City County adjacent to the Terrell property, at such time as James City County is willing to transfer the 3.9 acres to the developer.

Mr. Brown opened the public hearing.

1. Mr. Alvin Anderson, attorney for the applicant, spoke in favor of the rezoning. Mr. Anderson requested the Board to give the applicant time to meet with County staff to discuss problems with the proffer.

Mr. Bob Magoon, Guernsey/Magoon Architects, spoke in favor of the development stating the development is different from other townhouse plans submitted. Mr. Magoon stated the project would be frame construction, but a selling price had not been determined at this time.

2. Mr. Albert Johnson, 118 Brookhaven Drive and representative for the residents of the Brookhaven and Indigo Terrace subdivisions, spoke in opposition to the development stating they oppose high density apartment type development. Mr. Johnson stated the development was not compatible with what the residents want and are trying to protect.

Mr. Brown closed the public hearing.

Mr. Brown stated the proffers required further discussion.

Mr. Taylor made a motion to defer the application until the proffers were decided.

Mr. Mahone stated he opposes the high density of the development and the impact it would have on surrounding areas and traffic. Mr. Mahone further stated this development was not compatible with the area and he felt it would become another Governor's Square, which he voted against.

Mr. Edwards stated that he felt there were two issues in this matter. The first issue relates to the nature of the area; the applicants view it as being business oriented and the residents, single-family residences. Mr. Edwards said he felt the area was more suited to single and multi-family residences than for business. The second issue is whether the Board should approve the development in order to acquire part of the Route 199 corridor. Mr. Edwards stated he felt the plus of gaining land for the corridor was not large enough to make up for the fact that the County was changing densities substantially. Mr. Edwards further stated that he felt the Board made a mistake in approving the development of Governor's Square and that the Board had been misled by the developer.

Mr. DePue stated the land transfer was in the best interest of the County and that the area should not be considered a low density residential area. Mr. DePue stated he agreed with Mr. Edwards about the Board's approval of Governor's Square.

Mr. Brown stated that he felt the design was the best possible from an architect. Mr. Brown further stated that the Board had been grossly misled on the Governor's Square development and requested county staff to monitor the condominiums to make sure the number of apartment residents does not violate the county's zoning ordinance.

On a roll call vote on Mr. Taylor's motion to defer, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

4. Case No. Z-21-85. Henry Branscome

The Planning Commission recommends approval of the application with proffers.

Mr. Brown opened the public hearing.

1. Mr. Robert L. Clifford, 109 Shellbank Drive and representative for the Coalition for Quality Growth, spoke in opposition to the application. Mr.

Clifford stated he had three concerns: 1) the applicant gave no indication as to what he would build, 2) the applicant proffers a 50-foot buffer on the east side, but not the west side, and 3) Mr. Clifford felt a 100-foot buffer should be required on the entire length of the property. Mr. Clifford further stated he felt a 100-foot buffer should be built from the Bridge to the city limits of Williamsburg.

2. Mr. Kenneth Kinsinger, 106 Argill Lane, spoke in opposition to the development stating he was concerned with the long term effects on Route 5. Mr. Kinsinger stated he felt the County needed to defer action on developments along Route 5 until it was decided how to maintain and beautify the historical significance of Route 5.

3. Mr. Robert Jones, 2983 John Tyler Highway, spoke in favor of the development. Mr. Jones stated "we were here first syndrome" was sad and that "the beauty is in the eye of the beholder."

4. Mr. Steve Oliver, 3924 Cokes Lane and representative for the applicant, spoke in favor of the development and stated that facilities would be built in accordance with demand and the site would be developed with quality.

Mr. Brown closed the public hearing.

Mr. Taylor stated he supported the application and stated he felt that small businesses were needed throughout the County for a broader tax base.

Mr. DePue stated he was not opposed to B-1 zoning, but he opposes the M-1 zoning. Mr. DePue stated the beauty of James City County must be maintained.

Mr. Taylor stated a property owner should not have to give complete details of what he wants to do with his property and that by requesting him to do so, was "killing free enterprise."

Mr. Mahone stated he needed more information on what the applicant intends to do on the property and that the Board needs to know if it is in the best interest of the County.

Mr. Brown stated he needed more information as to what the applicant would develop and stated he favored a deferral.

Mr. DePue made a motion to defer the issue until staff and the developer have worked out necessary details.

Mr. Edwards stated he was unsure whether the County wanted M-1 zoning in this area.

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

5. Case No. Z-24-85. Beechwood Company

The Planning Commission recommends approval of the application.

Mr. Brown inquired if the developer would be donating land for a school site.

Mrs. Victoria Gussman, Director of Planning, responded the County was working with the developer to find a more suitable location than that given in the master plan.

Mr. Brown opened the public hearing.

1. Mr. Daniel B. Nice, 205 Elmwood Lane and representative for Beechwood Company, stated that there was not an outlet for the proposed school site on the parcel under consideration and it was felt a different site should be considered.

Mr. Brown stated he had concerns that if this development was approved without the requirement of donated land for public use, the County would lose its leverage for future negotiations.

Mr. Morton stated that Mr. Nice has been working with the County and will continue to do so, but at this time there was not a suitable school site in the development.

Mr. DePue stated the burden of finding a school site should be placed on the County and School Board, not on the developer.

Mr. Brown closed the public hearing.

Mr. DePue made a motion to approve the application.

Mr. Edwards stated he opposes the application. Mr. Edwards stated that he felt rezoning property before a development plan is prepared was taking chances. Mr. Edwards stated he was concerned that this was not the time for rezoning.

Mr. Taylor stated that he felt the developer should get the full potential use possible.

Mr. Mahone spoke in favor of the application.

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

R E S O L U T I O N

Of Approval - Zoning Case

No. Z-24-85. Beechwood Company

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-24-85 for rezoning approximately 75 acres from A-1, General Agricultural to A-2, Limited Agricultural and B-1, General Business on property identified as parcel (1-13) on James City County Real Estate Tax Map No. (13-4), and;

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on November 26, 1985 unanimously recommended approval of Zoning Case No. Z-24-85, and;

WHEREAS, Zoning Case No. Z-24-85 is in accord with the adopted Comprehensive Plan of James City County.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-24-85 as described herein.

6. Case No. Z-27-85. Anderson/Stewart

The Planning Commission recommends approval of the rezoning.

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

Mr. Taylor made a motion to approve the rezoning.

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

R E S O L U T I O N

Of Approval - Zoning Case

No. Z-27-85. Paul J. Anderson/William W. Stewart

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-27-85 for rezoning approximately 3.07 acres from B-1, General Business to A-1, General Agricultural on property identified as parcels (1-7) and (1-9A) on James City County Real Estate Tax Map No. (12-4), and;

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on November 26, 1985 unanimously recommended approval of Zoning Case No. Z-27-85, and;

WHEREAS, Zoning Case No. Z-27-85 is in accord with the adopted Comprehensive Plan of James City County.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-27-85 as described herein.

7. Case No. SUP-33-85. First Colony Estates

The Planning Commission recommends approval of the permit subject to five conditions.

Mr. Mahone stated he opposes connecting the two subdivisions.

Mr. Brown opened the public hearings.

1. Mr. Norman Mason, Langley and McDonald and representative of First Colony Estates, Inc., presented the Board with a description of the proposed development and stated he opposes the connecting road, but Fire Chief Garland Woody recommends it. Mr. Bob Magoon, Guernsey/Magoon Architects, stated the main objection at the Planning Commission was the small size of the units, and as a result, the size of the units has been increased. Ms. Renee Payne, Guernsey/Magoon Architects, explained the proposed landscaping involved with the project.

2. Mr. Claude Feigley, 135 The Main, stated he was concerned with the impact smaller houses would have on land values and the sharing of recreation areas by the two subdivisions.

3. Mrs. Frances Waltrip, 311 The Main West, stated her concerns about the number of trees that would be cleared and the impact that the increased density would have on the environment.

4. Mr. Wally Naprash, National Park Service, requested the Board to consider a 100-foot buffer as a minimum requirement along Route 5.

5. Mr. Lee Cogdill, the developer, stated they were trying to make the development as attractive as possible.

Mr. Brown closed the public hearing.

Mr. Taylor made a motion to approve the permit.

Mr. Mahone made a motion to amend the resolution by deleting condition 4.

Mr. Oliver requested the Board to carefully consider deleting condition 4 and stated that he was opposed to that action. Mr. Oliver stated that due to the creativity and density of the development and the safety risk, a two-road access was necessary for such a large subdivision.

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

Mr. Edwards made a motion to approve the amended resolution and to further amend it by replacing 3.3 acres in condition 3 to 3.5 acres.

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

R E S O L U T I O N

Of Approval on Special Use Permit

Case No. SUP-33-85. First Colony Estates

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-33-85 for a special use permit authorizing the development of a 283 lot, residential zero lot line cluster subdivision on 151.75 acres located on the south side of John Tyler Highway and identified as a portion of parcel (1-5) on James City County Real Estate Tax Map No. (45-2).

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-33-85 as described herein with the following conditions.

1. Approval of the request will limit development of the 151.75 acre tract to not more than 283 single-family lots with an integrated open space system as depicted on the conceptual plan entitled "First Colony Estates Preliminary Sketch" prepared by Langley and McDonald and dated June 6, 1985.
2. A minimum 85-foot vegetated buffer shall be provided along the entire length of the site fronting Greensprings Road except for the area devoted to the access road which may traverse the buffer. This 85 feet shall be measured from the existing right-of-way. A 100-foot vegetated buffer shall be provided along the entire length of the site fronting on John Tyler Highway. This buffer shall be measured from the existing right-of-way line of John Tyler Highway. All existing trees and vegetation shall remain in their natural state in the above mentioned buffer areas. Clearing and cutting of live trees in these buffer areas shall be prohibited. Any trees lost within these areas for any reason shall be replaced with an appropriate substitute.

Covenants for the proposed subdivision which prohibit encroachment of buildings, roads other than those shown on the above referenced conceptual plan and structures into the buffer areas and prohibit the clearing and cutting of live trees within these buffer areas shall be submitted to and approved by the County Attorney's office prior to recordation of the final plat for this subdivision.

In addition, a minimum 85-foot scenic easement along Greensprings Road and a minimum 100-foot scenic easement along John Tyler Highway shall be shown on the face of the final subdivision plat at recordation. The plat shall also contain appropriate notes describing the scenic easements and shall state the restrictions of uses and development permitted within these areas.

3. The developer shall provide 3.5 acres of land contiguous to the existing First Colony recreation area and shall agree to construct, at his expense, the following recreational amenities on the property:
 - Two regulation tennis courts
 - Two hard-surfaced basketball courts
 - One softball field
 - One picnic area

The developer shall either join the First Colony Civic Association (if possible) or establish a separate homeowners association or other organization responsible for maintenance of recreation facilities and common areas in perpetuity.

4. The developer shall dedicate 10 feet along the entire length of the west side of Greensprings Road to the Virginia Department of Highways and Transportation for future road widening. This dedication shall be shown on the final subdivision plat at the time of recordation.

The Board recessed at 10:45 p.m. and reconvened into public session at 10:55 p.m.

2. Case No. Z-15-85. Dish Antennae Ordinance

The Planning Commission recommends denial of the amended ordinance and staff recommends approval of the original draft ordinance.

Mr. Brown opened the public hearing.

1. Mr. Ronald Nixon, 141 Sand Hill Road, stated he opposes a size limitation on the dish as well as on having to obtain a special use permit to install one.
2. Mr. Robert Jones, 2983 John Tyler Highway, stated he agreed with Mr. Nixon and further requested the Board to let property owners do what they want.
3. Mr. R. M. Hazelwood, Jr., Toano, stated he opposes the requirement for a special use permit and a size limitation restriction for installing a satellite dish.

Mr. Brown closed the public hearing.

Mr. DePue stated he was not pleased with either ordinance. Mr. DePue indicated that he was in favor of restricting the dish to certain areas on property, but stated section 4 was too vague.

Mr. Brown stated that if the dishes were allowed, he felt a special use permit should be required in order to control their placement, which would maintain the appearance of surrounding areas.

Mr. Taylor stated he opposes the ordinance altogether. Mr. Taylor further stated that he felt the ordinance would deprive residents of their individual property rights and that if the Board had to approve permits for them, Board meetings would continue long into the morning hours.

Mr. Edwards made a motion to defer the matter.

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

R. BOARD CONSIDERATION

1. Case No. SUP-26-85. Williamsburg/Jamestown Airport

Staff recommends approval of the resolution.

Mr. DePue made a motion to amend the resolution by inserting "and shall be no more than two stories in height" at the end of the first sentence in item 3.

Mr. Mahone extended his appreciation to Mr. Coakley and the Jamestown Civic Association for their part in this matter. Mr. Mahone further stated that he still felt a flight school was beneficial to the airport.

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

Mr. Edwards stated that he apologized if there was a misunderstanding on his part in regards to the two parties involved with the airport issue.

Mr. Brown made a motion to approve the amended resolution.

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

RESOLUTION

Of Approval

Case No. SUP-26-85. Williamsburg-Jamestown Airport

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-26-85, a special use permit to establish the Williamsburg-Jamestown Airport as a specially permitted use and to allow the construction of additional improvements and facilities on property identified as parcel (1-5A) on James City County Real Estate Tax Map No. (48-2) and parcel (1-6) on James City County Real Estate Tax Map No. (48-4).

NOW, THEREFORE, BE IT RESOLVED that that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-26-85 as described herein with the following conditions.

1. Improvements and facilities to be constructed at the Williamsburg-Jamestown Airport shall be limited to:
 - a) the relocation of the entrance road;
 - b) the relocation of aircraft and vehicular parking areas;
 - c) five additional "T" hangars each of which not to exceed the size of the existing "T" hangar;
 - d) two taxiways;
 - e) an 800 foot stabilized grass covered safety overrun; and
 - f) the replacement of the terminal building.
2. A site plan for the proposed improvements and facilities shall be reviewed and approved by the Site Plan Review Committee prior to final approval of the site plan and the beginning of any construction. Architectural plans for the observation areas shall be shown on the site plan and shall be reviewed by the Federal Aviation Administration and approved by the Site Plan Review Committee as a requirement of preliminary approval of the site plan.
3. The new terminal building shall not exceed 2,500 square feet of ground coverage and shall be limited to no more than two stories in height. The building shall be constructed to provide clear visibility to the northwest and southeast to enable unobstructed views of incoming and departing flights from the observation office. The building shall not contain flight school offices nor be used for flight school purposes.
4. The existing terminal building shall be completely removed from the property within sixty days of the date of the issuance of the certificate of occupancy for the new terminal building.
5. No extension of the paved surface of the runway shall be permitted.
6. If construction has not begun on any improvement or facility permitted herein within 24 months of the date of issuance of this permit, this permit shall be void as to that improvement or

facility which is not under construction. Construction shall be defined as the clearing, grading, excavation, and pouring of footings required for construction of the improvements or facilities.

7. Within six months of the date of issuance of this permit, the owners and/or operators of the airport shall submit to the James City County Board of Supervisors a proposed program to advise all departing and arriving pilots of all special airport operating procedures, including but not limited to traffic patterns. This program shall be prepared with consultation and advise from the Federal Aviation Administration. The Board of Supervisors may require revisions and/or additions to the program and may establish an implementation schedule.
8. The permit has been approved to improve operating, maintenance and safety conditions for the airport. Approval of this permit in no way commits the County to approve any future expansion; rather, it is the position of the Board of Supervisors that this airport should not be expanded beyond the terms of this permit because of inherent site limitations.
9. Any willful violation of the terms and conditions of this permit deemed to be substantial by the Board of Supervisors shall be grounds for the Board of Supervisors to void the permit in its entirety.

Mr. Brown and Mr. DePue encouraged both parties to keep communications flowing to prevent future problems.

E. CONSENT CALENDAR

Mr. Brown asked Board members if they wished to remove any item from the Consent Calendar.

Mr. Mahone removed #E-3.

Mr. Brown 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. Bank Resolutions

RESOLUTION

SOVRAN BANK, N.A.

BE IT RESOLVED that the Sovran Bank, N.A. of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Checking 202-0197-7 James City County Subdivision Escrow
 Checking 202-0196-9 James City County Quarterly Revenue
 Checking 202-0955-7 Housing Rehabilitation Escrow

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

William F. Brown Chairman

OR

Stewart U. Taylor Vice-Chairman

James B. Oliver, Jr.	County Administrator
	OR
Darlene L. Burcham	Assistant County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, re-purchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

RESOLUTION

UNITED VIRGINIA BANK OF WILLIAMSBURG

BE IT RESOLVED that the United Virginia Bank of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for James City County account designated below:

96-9058-1

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

William F. Brown	Chairman
	OR
Stewart U. Taylor	Vice-Chairman
James B. Oliver, Jr.	County Administrator
	OR
Darlene L. Burcham	Assistant County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, re-purchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

RESOLUTION

CENTRAL FIDELITY BANK

BE IT RESOLVED, that Central Fidelity Bank, Williamsburg, Virginia, be and it is hereby designated a depository for James City County accounts effective November 1, 1984, and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

ACCOUNT NUMBER: 0900223293

BE IT FURTHER RESOLVED, that all checks, drafts notes or orders drawn against said accounts be signed by three of the following:

William F. Brown	Chairman
	OR
Stewart U. Taylor	Vice-Chairman
James B. Oliver, Jr.,	County Administrator
	OR
Darlene L. Burcham	Assistant County Administrator
Frances B. Whitaker	Treasurer
	OR
Betty S. Pettengill	Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any such persons in their individual capacities or not,

and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, re-purchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

2. Appointment of the IDA

R E S O L U T I O N

Appointment - Industrial Development Authority

WHEREAS, the Board of Supervisors has previously appointed John McDonald as Secretary/Treasurer of the Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appoints John Brown as Secretary and John McDonald as Treasurer to the Industrial Development Authority of James City County, effective January 6, 1986.

4. Creation of the Colonial Group Home Commission

R E S O L U T I O N

Creation of the Colonial Group Home Commission

WHEREAS, the James City County Board of Supervisors is desirous of providing juvenile programs in conjunction with the local courts; and

WHEREAS, providing these services in concert with York County, Gloucester County, and the City of Williamsburg is also desirable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the County Administrator be authorized to execute the agreement attached to and made a part of this resolution which would create the Colonial Group Home Commission.

3. 1986 Legislative Program Addition

Mr. Mahone stated he opposes a boat decal and that boats are not properly assessed.

Mr. Carlyle Ford, James City County Commissioner of Revenue, encouraged the Board to support the legislation. Mr. Ford stated that this decal would help to keep a fair and just assessment of boats in the County.

Mr. Edwards made a motion to approve the resolution.

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

F. BOARD CONSIDERATIONS

2. Mapping Program

Staff requests approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

County Flyover

WHEREAS, the James City Service Authority is proceeding to execute a mapping contract to produce maps for the Corps of Engineers of the Ware Creek area; and

WHEREAS, the County can realize a savings in both time and money if it can execute a contract for a photographic flyover at the same time.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$14,000 from Operating Contingency to the Office of Real Estate Assessments in order to contract for a photographic flyover of the County in conjunction with the Ware Creek mapping project.

G. PUBLIC AUDIENCE

1. Mr. Thomas Williams, 111 Wickre Street, addressed the Board stating he had won his unemployment benefits from the County.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Brown made a motion to approve two resolutions for acquisition of property for Moses Lane.

It was the consensus of the Board to have staff contact the adjacent property owner to inquire if they were interested in obtaining the acreage the County would not need for the road.

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

RESOLUTION

ACQUISITION OF CERTAIN REAL PROPERTY

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, BE IT RESOLVED:

Section 1. That the County Attorney and/or the law firm of Stone, Bland and Pugh, 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.

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 owner 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:

OWNER: Robert Roberts, Sr., and spouse, if any, if living, if not his spouse, heirs or devisees at law and/or successors in interest.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in Roberts District, James City County, Virginia, shown on that certain plan entitled, "Survey for Conveyance, A Parcel Containing 0.164 acres, Owned by: Robert Roberts, Sr.," and made by Buchart-Horn, a professional corporation, Williamsburg, Virginia, which is also known as Tax Parcel (41-4) (1-20). Said Parcel containing approximately 0.164 acres.

Section 4. Upon the appraisal by the Department of Real Estate Assessments, the County Administrator is authorized to offer TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) as compensation and damages, if any, for the parcel described herein.

Section 5. The County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before January 16, 1986.

Section 6. That in the event of the property described in Section 3 of this Resolution has been conveyed to any other party, the County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., are authorized and directed to institute proceedings against the successors in title.

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

RESOLUTION

ACQUISITION OF CERTAIN REAL PROPERTY

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 refuse container site 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, BE IT RESOLVED:

Section 1. That the County Attorney and/or the law firm of Stone, Bland and Pugh, 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.

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 owner 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:

OWNER: Sarah J. Walker Trower and spouse, if any, Pamela L. Walker and spouse, if any, any other heir, devisee or successor in interest of Robert Otha Walker, deceased.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in Roberts District, James City County, Virginia, shown on that certain plan entitled, "Survey for Conveyance, A Parcel Containing 0.28 acres, Owned by: Sarah J. Walker Trower and Pamela L. Walker, and made by Buchart-Horn, a professional corporation, Williamsburg, Virginia, which is also known as Tax Parcel (41-4)(8-7). Said Parcel containing approximately 0.28 acres.

Section 4. Upon the appraisal by the Department of Real Estate Assessments, the County Administrator is authorized to offer FIVE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$5,200.00) as compensation and damages, if any, for the parcel described herein.

Section 5. The County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before January 16, 1986.

Section 6. That in the event of the property described in Section 3 of this Resolution has been conveyed to any other party, the County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., are authorized and directed to institute proceedings against the successors in title.

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

Mr. Edwards inquired if Board members were agreeable to holding a joint work session with the School Board on January 27, 1986 at 6:00 p.m.

It was the consensus of the Board to meet with the School Board on January 27, 1986 at 6:00 p.m.

Mr. Brown made a motion to change the Personnel Policies as it relates to holidays, by deleting Columbus Day and adding Lee/Jackson King Day (January 20) and deleting the floater holiday and adding the day after Thanksgiving.

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

Mr. Brown asked staff to organize work sessions for January 20 and February 17, at 1:00 p.m., for the Recreation Commission, Planning Commission or the Library Board.

Mr. Mahone stated he appreciated the fact that the street light at the intersection of Strawberry Plains and Ironbound Roads had been moved, but a 90 degree angle to the south would have been better.

Mr. Mahone made a motion to appoint Donna Parrott and Amy Llanso from Lafayette High School and Jan Rouzie and Lee McCray from Walsingham Academy to the Transportation Safety Commission for a one-year term.

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

Mr. DePue requested comments be given to him from other Board members regarding guidelines for the upcoming 1987 budget.

Mr. Brown suggested starting with the capital budget in the first budget work session, then work on the operating budget and then return to the capital budget again.

Mr. DePue made a motion to go into Executive Session to discuss a legal matter 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, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

The meeting convened into Executive Session at 12:22 a.m. and reconvened into public session at 12:45 a.m.

Mr. Brown made a motion to recess until January 20, 1986 at 1:00 p.m. for a work session.

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

The Board recessed at 12:45 a.m.


James B. Oliver, Jr.
Clerk to the Board

THIS AGREEMENT is made and entered into this the 15th day of August, 1985 by and between the COUNTY OF YORK, and the COUNTY OF JAMES CITY, and the COUNTY OF GLOUCESTER, and the CITY OF WILLIAMSBURG, each a political subdivision of the Commonwealth of Virginia, sometimes hereinafter referred to as the "participating localities".

WHEREAS, a need exists to establish the Colonial Group Home Commission pursuant to Section 16.1-315 of the Code of Virginia (1950), as amended, to assist in the administration of programs and facilities of courts not of record located within the jurisdictions and to make provisions for the operation, control and management of the same; and

WHEREAS, such joint exercise of powers by these political subdivisions seems the most desirable plan for furnishing these services to the counties and city; and

WHEREAS, the parties hereto desire to acquire an improved tract of land for the purpose of providing these services; and

NOW, THEREFORE, it is mutually agreed as follows:

1. There is hereby created the Colonial Group Home Commission, which shall have as its purpose the establishment and operation of a joint or regional juvenile detention home, group home or other residential care facility or facilities. Said Commission shall consist of nine members, one of whom shall be the chief judge, or a judge designated by the chief judge, of the Juvenile and Domestic Relations District Court of the Ninth Judicial District and the other eight of whom shall consist of two members appointed by the governing body of each of the participating localities in the manner provided by Section 16.1-317 of the Virginia Code. One of the two members of the Commission appointed by each governing body shall be a representative of the appointing governing body.

2. The parties agree each with the others to participate as hereinafter provided in accomplishing the purposes for which the Commission is created, as set forth above, including without limitation operation of the Crossroads Program, the Community Court Alternatives Program and similar programs which shall be in the future designed and implemented for the best

interest of the parties hereto. All real property acquired shall be held by the parties as tenants in common with respective undivided interests at any given time equal to the percentage of their respective cumulative contributions toward such acquisition.

3. It is anticipated that upon appointment of its members as provided in Paragraph 1 hereof, the Commission will draw up a budget for the period ending June 30, 1986 and will thereafter submit to each participating locality on or before March 1 of each year a proposed budget for the next fiscal year. Upon approval of such budget by all of the participating localities, each of them shall appropriate and contribute its share of the total budget, which share shall be in the same ratio to the total budget as its population bears to the total population of all participating localities, such populations to be in accordance with the most recent United States census or, with the consent of all of the participating localities, the Tayloe Murphy Institute. Such costs and expenses may be subject to adjustment should the legislative bodies of the participating localities fail to approve and provide funding sufficient to meet such costs and expenses. If one or more of the participating localities fails to approve the budget and appropriate the funds as hereinabove provided on or before June 30 of any fiscal year, then the administrative and fiscal agent of the Commission shall notify all participating localities of such failure on or before the 10th day of July next succeeding..

4. The County of York, for a fee of one percent (1%) of gross appropriations, consents to serve as administrative and fiscal agent for the Colonial Group Home Commission should the Commission so request.

5. This agreement shall be in full force and effect for a period of one year, at which time it shall automatically renew for consecutive one-year terms unless and until terminated as hereinafter provided by any member jurisdiction.

6. The governing body of any participating locality may terminate this agreement by giving written notice of intent to terminate to each member jurisdiction at least thirty (30) days prior to the end of the one-year term then in effect. Upon expiration of the term then in effect, this agreement

shall thereupon terminate and be of no further force and effect. Any member which gives notice to terminate shall continue its participation to the end of the term then in effect and shall remain fully liable for payment of its contribution as required under Paragraph 3 above.

7. Within one year from the first day of August which follows any notice of termination, all assets shall be divided and paid over to the respective parties so entitled in the same proportion as cumulatively contributed after first making appropriate adjustment for any underpayment of contribution due from any member.

8. The Commission shall have the powers and duties provided by law.