

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF MARCH NINETEEN HUNDRED EIGHTY-SIX AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Larry W. Davis, Assistant County Attorney

It was noted that Frank Morton, III, County Attorney, is absent from this meeting and his assistant, Larry W. Davis, is acting in his stead.

B. MINUTES - March 3, 1986 - Regular Meeting

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. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, had nothing new to report to the Board.

Mr. Brown stated the railroad crossing on Pocahontas Trail near Badische was getting worse and inquired as to whom was responsible for the repairs.

Mr. Hall responded the Railroad was responsible and he would contact them to see when they might be able to do the necessary repairs.

Mr. Taylor inquired if the repairs on Hicks Island Bridge had been completed.

Mr. Hall responded in the affirmative.

Mr. Mahone inquired if the potholes on Colony Point Road had been repaired.

Mr. Hall responded he had been advised that these repairs had been made.

Mr. Hall reminded the Board of the Route 199 public hearing to be held on April 3, 1986 at 7:00 p.m. at the Lafayette High School.

D. PUBLIC HEARINGS

1. Case No. SUP-5-86. Roy E. Hazelwood, Jr.

The Planning Department recommends approval of the permit subject to twelve conditions. Mrs. Victoria Gussman, Director of Planning, informed the Board that a site visit was conducted last week and it was determined that permits from the Wetlands Board and the Virginia Marine Resources Commission would not be necessary, but it was uncertain as to whether the U.S. Army Corps of Engineers would require a permit.

Mr. Taylor inquired as to the necessity for a permit from Virginia Power and from the Newport News Waterworks.

Mr. Larry Davis responded that the easement itself may state those requirements and he would check into the matter.

Mr. Brown stated this was a philosophical question and he felt the Board should not enforce other agencies' requirements.

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

Mr. Taylor made a motion to delete conditions 5 and 6 from the resolution.

Mr. DePue requested staff to inform future applicants of possible permits they might need to acquire prior to installing a home.

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

Mr. Taylor made a motion to delete condition 9 from the resolution. Mr. Taylor stated condition 9 violated individual liberty.

Mrs. Gussman encouraged the Board to leave in the first paragraph of condition 9.

Mr. Taylor made a motion to place a period after the word "seeding" in the first paragraph of condition 9 and to delete the remainder of that condition.

Mr. Edwards inquired as to staff's inspection capability once the mobile home was placed.

Mrs. Gussman responded that an inspection is conducted by the Code Compliance Office to ensure that the mobile home was placed in accordance with required conditions.

Mr. Taylor made a motion to approve the resolution as amended.

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

RESOLUTION

Of Approval
Case No. SUP-5-86. Roy E. Hazelwood, Jr.

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Roy E. Hazelwood, Jr.
Real Estate Tax Map ID:	(9-2)
Parcel No.	(1-65)
Address:	8848 Hicks Island Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes

void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

Further Conditions:

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

The number of bedrooms shall not exceed three.

Existing trees shall be retained on the lot except where clearing is necessary for a driveway, septic system, well, or for the mobile home itself.

An all-weather surfaced driveway, accessible to emergency vehicles at all times, shall be constructed within three months of the placement of the mobile home.

Plans for the proposed driveway shall be submitted to the Department of Code Compliance to determine if Wetlands Permits are required. Should Wetlands Permits be required, they shall be obtained prior to placement of the mobile home on the property.

A silt fence, entrenched at least four inches, or straw bale barrier, property staked, shall be installed along the lower side of the driveway and at the lower end of drainfield trenches and properly flared prior to commencement of ground disturbing activities. This silt fence or straw bale barrier shall remain in place until disturbed areas are successfully restabilized.

The ground area disturbed by the installation of the septic system shall be stabilized within one week of opening the drainfield trenches by liming, mulching, fertilizing, and seeding.

The driveway, from the edge of the Virginia Power utility easement to the mobile home, shall be stabilized with a minimum of four inches of crusher run within two weeks of commencing rough grading. In addition, all other disturbed areas resulting from the installation of the driveway shall be stabilized using the same specifications as required for the septic system area within one week of commencing rough grading.

Any excess soil remaining on the property after backfilling the septic tank and absorption trenches shall be stockpiled uphill from the silt fence and stabilized.

The soil over the drainfield and septic tank shall be maintained at grade level and stabilized.

Mr. Oliver informed the Board that staff had discussed the possibility of denying this case because the site is in a Wetlands area. Mr. Oliver further stated that the conditions requested were felt necessary to maintain the area for the future.

Mr. Brown stated that individual conditions must stand on their own merit.

E. CONSENT CALENDAR

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

Mr. Brown removed item #E-3.

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

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

1. Award Construction Contract - Upper County Park Bathhouse Facility

RESOLUTION

Award of Construction Contract Upper County District Park Bathhouse Facility

WHEREAS, James City County was awarded a Land and Water Conservation Grant for the development of the Upper County District Park by the Virginia Division of Parks and Recreation on May 7, 1984 which must be spent by June 1, 1986, and

WHEREAS, bids for the bathhouse facility were received on February 20, 1986 which exceed the available grant funds, and

WHEREAS, the bathhouse is considered a necessary facility at the Upper County Park and other Park funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$10,000 from Park Shares to the Upper County Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia authorizes the County Administrator to award a construction contract for a bathhouse facility in the Upper County Park to Virtexco Corporation for \$94,430.00.

2. Moses Lane Right-of-Way - Land Acquisition
a. Set Public Hearing Date of April 7, 1986

RESOLUTION

40-Foot Right-of-Way Moses Lane

WHEREAS, funds have been appropriated in the Capital Improvements Program Budget for dirt street improvements; and

WHEREAS, the Department of Public Works has determined that it will be necessary to acquire from private property owners three (3) parcels of land in order to construct a road on a 40-foot right-of-way, as required by VDH&T; and

WHEREAS, the value of the parcels have been approved by Michael Hogge, Real Estate Appraiser.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia as follows:

1. It would be in the public interest to lay out, construct, alter and improve the existing forty (40) foot Moses Lane right-of-way.
2. The Department of Public Works of James City County is authorized to proceed to acquire the required parcels by purchase or property exchange from the landowners, on behalf of James City County at the values approved by the Office of Real Estate Assessments. The subject parcels and the amount to be offered for their purchase is as follows:

<u>Landowner</u>	<u>Parcel to be Acquired</u>	<u>Amount of Offer</u>
	Plat of Survey Showing Parcels on Moses Lane	
1. Hattie Lee Thomas 1305 Oak Drive Williamsburg, VA 23185	Parcel C	Trade Parcels
2. James and Eva Davis 1237 Oak Drive Williamsburg, VA 23185	Parcel D	\$150.00
3. James Hawkins 1303 Oak Drive Williamsburg, VA 23185	Parcel E	\$150.00

3. Preallocation Hearings, Suffolk District

Mr. Brown noted that the specific improvements on Pocahontas Trail (Route 60) near Badische in the Six-Year Program would be determined by the Virginia Department of Highways and Transportation at a later date.

Mr. Brown made a motion to approve the resolution.

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

RESOLUTION

Highest Priority Highway Projects in James City County

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient and adequate transportation system is vital to the future of the County and the region; and

WHEREAS, the James City County Comprehensive Plan and numerous regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area; and

WHEREAS, zoning decisions, subdivision approvals and other development decisions have been made upon the following highway projects being implementing expeditiously; and

WHEREAS, there presently exists a pressing need within the community to implement the three projects below in order to relieve traffic congestion which at times threatens the health and safety of County residents and visitors by impeding the actions of emergency vehicles and personnel, which causes inconvenience and delay, and contributes the major source of air pollution to the area; and

WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed early in 1979, and the access point for the Grove Interchange on Interstate 64 was approved in that same year; and

WHEREAS, the Virginia State Highway Commission has included funding for the Grove Interchange in the Virginia Department of Highways and Transportation Six-Year Program, FY86-FY91, in recognition of the great need for improved traffic circulation in the vicinity of Busch Gardens; and

WHEREAS, the Highway Commission has also recognized the tremendous traffic impacts caused by the unprecedented commercial growth and development in the Lightfoot area of James City County by approving funding of Route 199 between Interstate 64 and Richmond Road (Route 60 West) in the FY86-FY91 Six-Year Program.

THEREFORE, BE IT RESOLVED by the Board of Supervisors that the following list comprises the highest priority primary highway projects in James City County:

- o The design, construction and completion of Route 199 from Interstate 64 to John Tyler Highway (Route 5)
- o The design, construction and completion of the Grove Interchange
- o The extension of Monticello Avenue to the proposed extension of Route 199
- o Improvements to Pocahontas Trail (Route 60E) between Grove and the City of Newport News, including spot improvements in the vicinity of the BASF access road.

BE IT FURTHER RESOLVED that the James City County Board of Supervisors urges the Highway Commission to include these projects in the Six-Year Program for FY87-FY92.

F. BOARD CONSIDERATIONS

1. Case No. SP-4-86. Longhill Gate Duplex Cluster Development

The Site Plan Review Committee and the Planning Commission recommends a ten percent density bonus be granted to the developer in recognition of five amenities. Mrs. Victoria Gussman stated staff did not support amenity #4.

In response to questions by Mr. DePue, Mrs. Victoria Gussman stated the developer was providing more amenities than he would otherwise provide in order to receive density bonuses. Mrs. Gussman further stated that staff could not support amenity #4 because staff felt it was more a drainage structure than an amenity for this development.

Mr. Edwards inquired as to how staff determines what warrants a density bonus.

Mrs. Gussman responded that the Ordinance does specify items, but it is largely subjective.

Mr. Edwards stated that he felt larger developers would be able to afford more amenities and therefore seek density bonuses, while smaller developers would not be able to afford amenities and thus would not receive a density bonus.

Mr. DePue inquired about the entrance to the development.

Mrs. Gussman responded that the entrance and turn lanes would be addressed at the Site Plan Review stage.

Mr. DePue stated he opposed this project at first, but now he was inclined to grant the bonus, but felt the issue should be deferred for two weeks so that he could consider what the developer is offering in return for the density bonuses.

Mr. Brown suggested that the Planning Department give the Board a copy of the R-3 ordinance for review and they would defer the issue for two weeks. Mr. Brown stated the proposal did meet the County's criteria and the developers were offering more recreation facilities than necessary.

Mr. Taylor stated he preferred to vote on the issue tonight, and felt the case should not be held up unnecessarily.

Mr. Taylor made a motion to approve the resolution.

Mr. Edwards inquired if the Board had to specify those items for which bonuses were granted.

Mrs. Gussman responded the resolution does not indicate on which items the Board bases its approval.

Mr. DePue stated this was the first density bonus case to come before the Board, and stated he did not want to start out on the wrong foot. Mr. DePue stated he was concerned with the construction of the Ordinance. Mr. DePue further stated that he was in favor of granting density bonuses for items 1,2,3 and 5 as stated in staff's memorandum.

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

RESOLUTION

Of Approval Case No. SP-4-86. Longhill Gate

WHEREAS, Mr. Roger Spearman on behalf of Longhill Gate Associates has submitted an overall plan of development for Longhill Gate, a 47.1 acre duplex cluster development, located on the south side of Longhill Road between the Windsor Forest and Ford's Colony Subdivisions; and

WHEREAS, the developer of Longhill Gate has requested density bonuses in accordance with Section 20-509 of the Zoning Ordinance which allows the Board of Supervisors to grant density bonuses in exchange for the provision of certain on-site amenities provided the maximum density bonus does not exceed ten percent of the density allowed by-right by the cluster provisions of the Zoning Ordinance; and

WHEREAS, the Planning Commission has carefully considered the favorable recommendation of the Site Plan Review Committee, has granted preliminary approval to the plan subject to certain staff comments and has forwarded a favorable recommendation to the Board of Supervisors on the density bonuses; and

WHEREAS, the Board of Supervisors has carefully considered the recommendation of the Planning Commission and has determined that granting of the maximum ten percent density bonus will not impair the character of the area nor will it reduce the value of surrounding buildings and property.

THEREFORE, BE IT RESOLVED that in recognition of the on-site amenities shown on the overall plan of development for Longhill Gate duplex cluster development approved by the Planning Commission on February 25, 1986, the Board of Supervisors of James City County hereby grants the requested ten percent density bonus thereby allowing development of 146 dwelling units on the 47.1 acre site, or 13 more units than allowed by-right.

The Staff recommends approval of the resolution.

Mr. Taylor inquired as to what the additional cost would be to use route "A-1" to avoid the plants located in route "A."

Mrs. Gussman responded an additional \$1.6 million would be required.

Mr. Taylor stated that was too much money to spend just to avoid plants and stated the taxpayers had to be considered when making this type of decision.

Mr. DePue inquired if there were other reasons to support using variation "A-1."

Mrs. Gussman responded that if the "A-1" variation were used, the New Quarter Industrial Park, consisting of Continental Cablevision and Virginia Power, would not be affected.

Mr. Edwards stated the State Highway Department was providing the funds for the project and he felt the route should be decided by them.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards stated that he felt the Board must unanimously support the resolution.

Mr. Mahone stated increased development in the Centerville Road area would create traffic problems and he felt route "D" would help eliminate future traffic congestion in that area. Mr. Mahone stated route "D" required less construction because it was shorter in mileage and that it was the most direct route which would be in the best interest of the future and to the County. Mr. Mahone stated that he felt route "D" was the best route considering all materials presented and stated he could not support "A-1" or "A."

Mr. Brown stated route "D" was a "strawman" and was never a serious proposal. Mr. Brown further stated that he felt route "D" was the most damaging route to the environment and that too many planning decisions had been made using route "A." Mr. Brown commented that this was the first time that additional State Construction funds would be available and it was the best chance to get the project underway. Mr. Brown stated that Mr. Edwards and himself had appealed to the Williamsburg City Council to reconsider their action of last week when they endorsed route "D."

Mr. DePue stated that route "D" would be devastating to property values and route "A" would enhance commercial areas.

Mr. DePue moved approval of the resolution.

Mr. Oliver stated that he hoped Centerville Road would be expanded before traffic problems existed and further stated route "A" comes closest to addressing the immediate and short-term needs and encouraged the Board to support route "A."

Mr. Edwards stated route "A" was more favorable than the other routes and stated all background material substantiates that. Mr. Edwards further stated the highway must be built.

Mr. Oliver informed the Board that it was not necessary that they take action on the issue tonight. Mr. Oliver suggested the Board attend the Route 199 public hearing and review more detailed materials before making a decision.

Mr. Brown stated the community has to be unanimous in its support of this project if there is to be any hope of getting it approved.

Mr. DePue withdrew his motion.

It was the consensus of the Board to defer action on this issue.

G. PUBLIC AUDIENCE

1. Mr. John Rogers, 5953 Pocahontas Trail, inquired if the plans for road improvements at the Badische entrance had been developed.

Mr. Brown responded no plans had been developed to date.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss appointments.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Brown informed the Board that he and John Brown had attended a meeting in Richmond that morning and had discussed the County's industrial activities. Mr. Brown also reminded the Board of the following dates:

- March 18, 1986 - VPEDC Board of Directors meeting at the Holiday Inn 1776
- March 19, 1986 - County Staff Breakfast with Mr. A. R. Trevarthen from BASF
- March 20, 1986 - Lunch at the Williamsburg Pottery at 12:30 p.m.
- March 25, 1986 - Suffolk Preallocation Hearings
- April 3, 1986 - VDH&T Route 199 Public Hearing at 7:00 p.m. at the Lafayette High School

Mr. Mahone informed the Board that the Crossroads Colonial Group Home Commission had held their initial meeting and he felt it was a very productive meeting. Mr. Mahone commended Mr. Ed Oyer for doing an outstanding job of reviewing possible sites for a permanent location and stated a contribution of local funds may be necessary to help them purchase the property. Mr. Mahone stated the Planning Commission would hold a SUP public hearing on March 25 regarding the proposed location.

Mr. Mahone stated he was receptive to the Parent Teacher Association petition which would give the Board authority to appoint School Board members. Mr. Mahone further stated that he was supportive of the School Board's decision not to support merit pay.

Mr. Taylor stated he felt the Board of Supervisors had enough power and should not appoint School Board members.

Mr. Brown stated he was disappointed in the School Board's decision to deny the merit pay scale.

Mr. DePue stated he was also disappointed with the School Board's decision and further stated that he had been told there were morale problems between administration and teachers and stated he felt no progress had been made in this area.

The Board recessed at 5:16 p.m. for a Work Session to discuss highway matters with Frank Hall, Resident Engineer.

Mr. Hall clarified the role of the Board of Supervisors in the Six-Year Secondary Road planning process. He explained that the Board of Supervisors is responsible for creating a list of priorities for road improvements, while VDH&T is responsible for implementing the list. The Highway Department's philosophy has evolved to expect the expenditure of each year's allocation. Even deficits may be permitted on some projects. Mr. Hall explained that the Highway Department may support the use of Revenue Sharing Matching funds to be used on Longhill Boulevard, provided that the project becomes a top priority for the County. Mr. Hall questioned whether the County would consider managing the contracting process for that project.

The Board requested staff to advise them regarding participation in the Longhill Boulevard project.

The Board reconvened into public session at 5:17 p.m.

Mr. Taylor made a motion to go into Executive Session to discuss personnel issues pursuant to Section 2.1-344(a)(1) 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 5:48 p.m. and reconvened into public session at 6:30 p.m.

Mr. Brown made a motion to nominate Darlene Burcham to the Colonial Services Board, Robert Deeds and Charles Glazener to the Parks and Recreation Commission and to reappoint Douglas Johnson to the Parks and Recreation Commission.

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

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 6:30 p.m.


James B. Oliver, Jr.
Clerk to the Board