

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF JUNE NINETEEN HUNDRED EIGHTY-SIX AT 7:05 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
 Frank M. Morton, III, County Attorney

Mr. Mahone called the Service Authority into session at 7:05 p.m.

C. PUBLIC HEARINGS

1. Utility Rates and Fees

Staff recommends adoption of the resolution.

Mr. Mahone noted this public hearing involved wastewater fees.

Mr. Sanford B. Wanner, Service Authority Business Manager, stated that in accordance with the State Code, notice of the proposed rate and fee changes were mailed to the City of Williamsburg and York County and a public hearing notice was published sixty days prior to the public hearing in a local newspaper.

Mr. Bob Savage, Management Assistant, gave an overview of the proposed rates and fees.

Mr. Taylor inquired as to the justification for an increase in the local facilities charge from \$250 to \$1,300. Mr. Taylor stated he would prefer to charge a smaller amount over a period of three years.

Mr. Wanner responded that most developers put in a local system and then dedicate it to the Service Authority to operate and maintain.

Mr. DePue inquired as to how those not connecting now would be affected by the local system facilities charge.

Mr. Savage responded that if the developer puts in the line a connection fee will not be charged, but if the Service Authority puts in the line the local facilities fee would apply.

Mr. Brown inquired as to the last time wastewater rates were increased.

Mr. Savage responded the last significant increase was July 1981.

Mr. Mahone opened the Service Authority public hearing.

Mr. Brown opened the Board of Supervisors public hearing.

1. Ms. Catherine Pierce, 4 Braywood, referred to an article published in a local newspaper, The Times Herald, dated May 29, 1986. Ms. Pierce asked what the present amount was in the General Fund from neighborhoods affected by the fees and how much would be used over and above that amount for operation and maintenance costs and debt service payments. Ms. Pierce stated she is willing to pay what she owes, but would like clarification of this information.

Mr. Brown stated this was a complicated issue and requested Ms. Pierce discuss the issue with Mr. Savage. Mr. Brown further stated that the Service Authority separated financially from the County General Fund last year and these rates were being established to fully finance operating expenses of utilities by its customers.

2. Mr. Robert E. Gilley, 2130 Lake Powell Road, spoke in opposition to the rate increases.

Mr. Mahone also stated that the Service Authority separated from the County General Fund last year and that the rates were being established to subsidize the operation of utilities. Mr. Mahone further stated the utility costs are high but necessary and the fee structure is intended to fully fund the Service Authority. Mr. Mahone further stated that there is a lot of support for the Ware Creek Reservoir and a fee structure is needed to cover the debt financing of that project.

3. Mr. Doug Kinley, 72 Pocahontas Trail, spoke in opposition to the rate increases. Mr. Kinley stated that the rate increases will make it very difficult for him to build houses that meet FHA guidelines and that low income people can purchase.

Mr. Mahone closed the Service Authority public hearing.

Mr. Brown closed the Board of Supervisors public hearing.

Mr. DePue stated the greatest challenge on this issue is public education and public information. Mr. DePue requested Ms. Veronica Nowak, Communications Administrator, to publicize the reason for these increases and to encourage citizens to connect to water and sewer at the present rate prior to July 1, 1986.

In response to a question from Mr. DePue, Mr. Bob Savage responded that even with the \$1.60 per gallon rate for wastewater retail service, an additional 3,700 customers will be required to cover costs.

Mr. DePue noted that money is being set aside but it is not enough to cover the costs of upgrading facilities. Mr. DePue stated he feels the requested fees are conservative as the sewer and quarterly fees are not even coming close to covering operating expenses.

Mr. Brown stated the fees are to cover the costs of upgrading pumping stations, transmission lines, water hydrants, etc. and places the utility fees on a user basis.

Mr. DePue stated he feels the quarterly fee will have the greatest impact on citizens, but the connection fee will have the greatest impact on new customers. Mr. DePue further stated that he feels the local facilities charge is being increased too much at one time.

Mr. Edwards stated there were two issues to consider: 1) the greatest impact will be on new houses, and 2) discussions had been held on this issue and these rates were used in the preparation of the FY87 Budget.

Mr. Taylor made a joint motion to amend the resolution by changing the local facilities charge so it would be spread over a three-year period as follows: \$750 the first year, \$1,000 the second year, and \$1,300 the third year.

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

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

Mr. Edwards made a joint motion to approve the amended resolution.

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

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

RESOLUTION

Utility Policy Changes

WHEREAS, the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority has held a public hearing on certain proposed changes to the "Regulations Governing Utility Service."

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia and the Board of Directors of the James City Service Authority, James City County, Virginia hereby jointly adopt the attached changes, to be effective as of July 1, 1986:

1. Set the retail service rate for wastewater collection at \$1.60 per 1,000 gallons (\$1.20 per 100 cubic feet).
2. Set quarterly retail service charges for wastewater collection where water service is provided by an unmetered source as follows:

	<u>Unit</u>	<u>Charge</u>
Single Family Residences	Each	\$32.00
Single Family Mobile Homes	Each	\$32.00
Mobile Homes in Parks	Each Lot	\$28.40
Duplex, Apartments, and Town Houses	Each	\$28.40
Schools (with showers)	Student	\$ 3.25
Schools (without showers)	Student	\$ 2.05
Motels and Hotels	Room	\$14.20
Minimum		\$142.00
Manufacturing	Msf	\$ 8.50
Minimum		\$46.20
Warehouses	Msf	\$ 5.70
Minimum		\$35.50
Service Stations	Each	\$38.10
Camping Facilities	Each Space	\$12.40
Minimum		\$49.00
Restaurants	Seat	\$ 3.85
Minimum		\$42.60
Commercial	Msf	\$14.20
Minimum		\$42.60
Churches	Each	\$31.00
Swimming Pools	Sfe	\$31.00
Laundromats	Sfe	\$31.00

3. Set system facilities charges for wastewater service as follows:

<u>Meter Size</u> <u>(inches)</u>	<u>Charge</u>	<u>Meter Size</u> <u>(inches)</u>	<u>Charge</u>
5/8	\$1,500	2	\$12,000
3/4	\$2,250	3	\$24,000
1	\$3,750	4	\$37,500

1½ \$7,500 6 \$75,000

4. Set system facility charges for wastewater service where water service is provided by an unmetered source as follows:

<u>Activity, Use</u>	<u>Unit</u>	<u>Charge</u>
Single Family Residences	Each	\$1, 500
Single Family Mobile Homes	Each	\$1, 500
Mobile Homes in Parks	Each Lot	\$1, 500
Two Family Apartments and Town Houses	Each	\$1, 500
Schools (with showers)	Student	\$ 80
School (without showers)	Student	\$ 50
Motels and Hotels	Room	\$ 650
Camping Facilities	Each Space	\$ 500

5. Set the local facilities charge for wastewater service to cover a three-year period at \$750 the first year, \$1,000 the second year, and \$1,300 the third year.
6. Eliminate all wastewater combined collection and treatment charges.

Mr. Edwards made a motion to adjourn the Service Authority.

The motion passed by a unanimous voice vote.

The Board of Directors **adjourned** at 7:48 p.m.

B. MINUTES May 19, 1986 - Work Session
May 19, 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. PUBLIC HEARINGS

2. Case No. Z-7-86. Westray Downs

The Planning Commission recommends approval of the application.

Mrs. Victoria Gussman, Director of Planning, explained the scenic easement for the Westray Downs and the Graylin Woods applications (Agenda Item #C-3).

Mr. DePue inquired about the setback easement east of Five Forks.

Mrs. Gussman responded a 75-foot easement is recommended in that area.

Mr. DePue stated he would like staff to consider changing the Comprehensive Plan's requirement on scenic easements.

Mr. Brown opened the public hearing.

1. Mrs. Carolyn Lowe, representative for the Williamsburg Area League of Women Voters, stated her organization did not oppose the development of Westray Downs or Graylin Woods, but requested the Board develop a clear policy on the establishment of greenbelts along Route 5 and the other three designated County roads and to make the greenbelt principle an integral part of the decision-making process for future development along these highways designated as scenic byways.

2. Mr. James H. Bennett, representative for the applicant, spoke in favor of the application. Mr. Bennett stated Graylin Woods proposes a 75-foot

easement and was granted site plan approval and Westray Downs received preliminary approval last October from the Planning Commission to include a 75-foot scenic easement. Mr. Bennett further stated that section IA and IB in Graylin Woods have been recorded and Westray Downs has not been recorded. Mr. Bennett stated that if the 75-foot setback was questioned, it should have been addressed when the plans received preliminary approval from the Planning Commission.

Mr. Edwards inquired if an 80-foot setback was being proffered for Westray Downs.

Mr. Bennett responded in the affirmative.

Mr. Brown closed the public hearing.

Mr. DePue made a motion to approve the application.

Mr. Edwards stated he feels the Board needs to make a clear statement as to what they want developed on Route 5 and that the setback requirement should not be an issue now as it should have been addressed at the preliminary approval stage.

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

RESOLUTION

Case No. Z-7-86. Westray Downs

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 and conducted on Zoning Case No. Z-7-86 for rezoning approximately 68 acres from A-2, Limited Agricultural to R-1, Limited Residential on property identified as parcels (1-52) and (1-53) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, Case No. Z-7-86 is in conformance with the adopted Comprehensive Plan of James City County; and

WHEREAS, the Planning Commission following its public hearing on April 22, 1986 voted to recommend approval of Case No. Z-7-86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Case No. Z-7-86 as described herein.

3. Case No. Z-8-86. Graylin Woods

The Planning Commission recommends approval of the application.

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

Mr. DePue made a motion to approve the application.

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

RESOLUTION

Case No. Z-8-86. Graylin Woods

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 and conducted on Zoning Case No. Z-8-86 for rezoning approximately 52 acres from A-2, Limited Agricultural to R-1, Limited Residential on property identified as parcels (1-30), (9-9) through (9-18) and (9-37) through (9-41) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, Case No. Z-8-86 is in conformance with the adopted Comprehensive Plan of James City County; and

WHEREAS, the Planning Commission following its public hearing on April 22, 1986 voted to recommend approval of Case No. Z-8-86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Case No. Z-8-86 as described herein.

Mr. Edwards asked staff to prepare a recommendation for the Planning Commission and the Board on a scenic easement policy for roads designated by the County.

It was the consensus of the Board to request staff to prepare a recommendation.

4. Case No. Z-10-86. Zoning Ordinance Amendment

The Planning Commission recommends approval of the amendment.

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

Mr. Edwards made a motion to approve the amendment.

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

5. Case No. SUP-10-86. John Tyler Highway 12-inch Water Main

The Planning Commission recommends approval of the application with one condition. Mrs. Gussman noted that a revised resolution had been distributed for the Board's consideration.

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

Mr. Mahone made a motion to approve the revised resolution.

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

RESOLUTION

Case No. SUP-10-86.
John Tyler Highway Waterline Extension

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 unanimously recommended approval of Case No. SUP-10-86, a special use permit to allow the construction of a 12-inch water transmission main commencing at the intersection of John Tyler Highway and Greensprings Road extending northerly along John Tyler Highway approximately 2,500 feet to 700 feet north of the intersection of John Tyler Highway and John Rolfe Lane.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-10-86 as described herein with the following condition.

1. For pipeline construction adjacent to existing development, adequate dust control measures shall be taken to prevent adverse effects on adjacent property.

6. Case No. S-32-86. Subdivision Ordinance Amendment

The Planning Commission recommends approval of the amendment.

Mr. Brown opened the public hearing.

1. Mr. R. M. Hazelwood, Jr., Toano, spoke in opposition to the amendment stating he does not see the rationale for such a large increase in review fees and feels it will only increase the cost of buying a house.

Mr. Brown closed the public hearing.

Mr. Taylor stated he feels the increase in review fees is too great at one time.

Mr. Mahone stated that he thought increasing fees would avoid increasing the tax rate, but the tax rate was increased. Mr. Mahone stated he will not support the fee increases.

Mr. Brown inquired as to the last time these fees were increased.

Mrs. Gussman responded she was not certain.

Mr. Edwards stated that it was his understanding that these fees would only recover part of the County's costs.

Mrs. Gussman responded the fees were determined by the finance and planning department staffs through estimating the average cost of reviewing applications. Mrs. Gussman stated the revised fees would not cover all County review costs.

Mr. John McDonald, Director of Financial and Management Services, stated the Planning and Zoning fees included in the FY87 Budget do not consider other departments' costs, such as Public Works, Service Authority, Fire Department, and Health Department.

Mr. Oliver informed the Board that a public hearing was held on this matter during the budget process but this hearing was required since an ordinance amendment is necessary.

Mr. Brown stated there was a common thread involved in the last several issues, growth and the cost of growth. Mr. Brown stated all available fees were increased to fund new schools and the Ware Creek Reservoir.

Mr. DePue stated that buying a new house is a voluntary act, whereas, paying taxes is not.

Mr. Brown closed the public hearing.

Mr. Edwards made a motion to approve the amendment.

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

7. Case No. Z-13-86. Zoning Ordinance Amendment

The Planning Commission recommends approval of the amendment.

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

Mr. Brown noted that both amendments sought to reduce controls.

Mr. Brown made a motion to approve the amendment.

Mr. DePue commended staff for revising ordinances when it was determined it was in the best interest of the County and its citizens.

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

D. CONSENT CALENDAR

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

Mr. DePue withdrew #D-1.

Mr. Mahone made a motion to approve the remaining item on the Consent Calendar.

2. Crossroads Community Youth Home

RESOLUTION

Crossroads Community Youth Home

WHEREAS, the County has been requested to finance a portion of the cost of acquiring and renovating property for the Crossroads Community Youth Home; and

WHEREAS, the County's share has been determined to be \$40,300 and that \$19,500 of that total shall be reimbursed by the State within the next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes the County Administrator to release \$40,300 upon submittal of a formal request for funds, for the purposes of acquiring and renovating property for the Crossroads Community Youth Home and that the contribution be made from funds appropriated as follows:

Current Funds Available	\$20,000
<u>Revenue</u>	
Due from the State	19,500
Transfer From Capital Contingency	<u>800</u>
Total	\$40,300

1. Virginia Public School Authority

Mr. DePue asked Mr. John McDonald if the Board approves the resolution, would it commit the County to take that particular action.

Mr. McDonald responded that the Virginia Public School Authority was accelerating this issue because tax laws are changing on September 1, 1986. Mr. McDonald stated that approving the resolution would not commit the County to take this particular action.

Mr. Oliver noted that a decision would be made within the next two or three months.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

Virginia Public School Authority

WHEREAS, the Board of Supervisors has been requested to provide \$4,000,000 to assist in the financing of the construction of a new elementary school during the fiscal year ending June 30, 1987; and

WHEREAS, the Board of Supervisors has identified and budgeted for the issuance of debt in the upcoming budget and has been advised that the Virginia Public School Authority has plans to issue debt in July, 1986, for school construction; and

WHEREAS, the Williamsburg-James City County School Board is required, under Section 22.1-166 of the Code of Virginia, to consent to the issuance of Bonds of the Virginia Public School Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby authorizes and directs the County Administrator to contact the Virginia Public School Authority and make application thereto for the inclusion of James City County in the list of participating local governments, not to exceed the amount of \$4,000,000, in the Virginia Public School Authority's next bond financing and to request that the School Board adopt an appropriate resolution of consent.

E. BOARD CONSIDERATIONS

1. Proposed Fee for Agricultural and Forestal District

Staff recommends adoption of the resolution.

Mr. Frank Morton encouraged the Board to adopt the resolution for several reasons: the costs for creating a district can be as high as \$1,000; it is consistent with the philosophy of the Board that those who will benefit should bear the cost; and it will defray speculative applications.

Mr. Taylor inquired if the applicant would be reimbursed if he withdrew his application, and if the Board would approve a withdrawal.

Mr. Morton responded that the law permits the Board to prohibit land being used in a more intense use than it is currently being used, and the applicant must have a valid reason to withdraw an application. Mr. Morton stated the Board would be the deciding authority to approve withdrawal of an application.

Mr. Taylor stated he prefers a \$50 fee.

Mr. DePue stated that because of the nature of the change he does not favor a fee, but feels a \$50 fee is reasonable to defray speculative applications. Mr. Brown agreed with Mr. DePue.

Mr. Edwards questioned if a \$50 fee is worthwhile if it is split between several landowners making the application.

Mr. Taylor made a motion to amend and approve the resolution by changing the fee from \$150 to \$50.

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

RESOLUTION

**Adoption of Application Fee For
Agricultural and Forestal Districts**

WHEREAS, it is the policy of the Board that fees be charged to offset the costs incident to the processing and review of applications for the creation of Agricultural and Forestal Districts; and

WHEREAS, Virginia Code Section 15.1-1509 authorizes that such fees may be required by a governing body; and

WHEREAS, the Board finds the fee to be reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, establishes an application fee of \$50 to be

charged and collected at the time of application for the creation of an Agricultural and Forestal District.

Mr. DePue referenced the letter sent to current land use tax participants and stated he was anxious to receive the first application.

The Board recessed at 9:06 p.m. and reconvened at 9:20 p.m.

2. Case No. CP-1-86. Amendment to the Public Facilities Plan

Mr. Ken Smith, Chairman, Williamsburg-James City County School Board, Stella Neiman, Dennis Kellison, and Paul Ogg were present to answer the Board's questions.

Mr. Mahone stated he had two concerns prior to meeting with School Board representatives. The first concern was Bruton Heights School and whether a new school would be utilized, which was answered to his satisfaction. The second concern was the school site, and he is still not satisfied.

Mr. Ken Smith stated the school staff had looked at 19 potential sites within the last 4-6 months and it was determined that the site on John Tyler Highway is the most desirable because of the accessibility, growth in the area, relationship with other schools, transportation, attendance zones, and racial balance. Mr. Smith stated that a decision needs to be made as soon as possible so the new school could be opened in the fall of 1988.

Mr. Paul Ogg stated that John Tyler Highway has been determined to be a safe road for school buses in the County in that it is level, has good visibility and provides good access.

Mr. Brown stated he feels Longhill Road and John Tyler Highway have the same traffic problems. Mr. Brown stated the school site should have multi-directional access and John Tyler Highway does not provide that access. Other concerns are that the minority population is dispersed and facilities have been stacked on "spinal cord" roads and the site is too far west of the corridor. Mr. Brown stated he would prefer a location in Roberts District and that Ironbound Road would be a good location. Mr. Brown noted that sewer lines did not reach the proposed school site and feels that little development would occur past the transmission lines. Mr. Brown stated that Greensprings Road is narrow and scenic, and Centerville Road and John Tyler Highway to Longhill Road are curved and hilly.

Mr. DePue stated he feels John Tyler Highway is safer than other roads, but stated Ironbound Road, between Virginia Power and Five-Forks, would make a good school site. Mr. DePue further stated that he feels the Board should not substitute their judgement for the School Board's judgment, as they are more aware of what is needed than the Board. Mr. DePue stated he will support the School Board's recommendation.

Mr. Taylor inquired as to whether soil conditions had been evaluated.

Mr. Paul Ogg responded that six borings have been taken and when a specific location is determined, then the type of foundation will be determined based on soil conditions.

Mr. Mahone stated that this site "defies common sense" and a better location could be found. Mr. Mahone further stated that John Tyler Highway was a heavily traveled road. Mr. Mahone further stated that turn lanes will need to be installed and the greenbelts will be lost. Mr. Mahone noted several other concerns and stated Ironbound Road would provide a better location.

Mr. Brown stated that every possibility must be exhausted in finding the best school site. Mr. Taylor agreed with Mr. Brown.

Mr. Edwards stated he feels the Board could make one of three choices. The first choice is to let the School Board decide on the school site, and if it turns out to be a bad decision, then it would be the School Board's problem. The second choice is to let the School Board do the review work and the Board would then say yes or no. The third choice is to have discussions between School Board and Board representatives to discuss alternative sites.

Mr. DePue stated he feels the Board of Supervisors should identify for the School Board a specific area for consideration.

Mr. Brown noted that if the John Tyler Highway site is selected, the property will not need to be purchased, but if another site is selected, the property will need to be purchased.

Mr. Smith stated that given the time restraints, he urges the Board to select a specific location to consider. Mr. Smith further stated that if a different site is considered, the City of Williamsburg should be consulted.

It was the consensus of the Board to have Mr. DePue and Mr. Mahone act as Board representatives to discuss alternate school site locations with School Board representatives and to bring the matter back at the next Board meeting.

Ms. Stella Neiman, School Board member, stated she feels the Williamsburg City Council should be invited to participate in the discussions.

3. Audio Visual Improvements to the Board Room

Staff recommends adoption of the resolution.

Mr. DePue stated he feels a new mixer is required as communications in the Board Room has been an ongoing problem.

Mr. DePue made a motion to approve the resolution.

Mr. Mahone stated that \$7,500 for a new mixer is ridiculous and the County should hire a different consultant to review the system.

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

Audio Improvements to the Board Room

WHEREAS, audibility in the Board Room is important for public deliberations as well as for written records; and

WHEREAS, our present mixer is deteriorating, causing loss of volume in the system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes a transfer of \$4,500 from Contingency to Special Project Account 001-023-0803 for the purchase and installation of an automatic mixer.

F. PUBLIC AUDIENCE

1. Mr. Ed Oyer, 139 Indian Circle, informed the Board that he is starting to build citizen support to reduce the County budget for next year.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver informed the Board about the Wellness and Excellence programs and stated that each would attempt to be comprehensive and pull together aspects of programs already in place to provide better service to County citizens.

Ms. Veronica Nowak, Communications Administrator, presented each Board member with a copy of the County values Statement and indicated the Statement was being widely distributed throughout County offices.

Mr. Oliver requested that at the appropriate time the Board recess until June 16, 1986 at 12:30 p.m. and meet at the Law Enforcement Center to view the Enhanced-911 computer system and then to conduct a Work Session on County growth.

Mr. Mahone stated he would not attend the Work Session, but would be present at the 3:00 Board meeting.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown stated he was sorry to see that Mr. David Lundin, Code Compliance, had resigned from the County.

Mr. Brown requested staff prepare a recommendation for the Board's consideration for a connector road in First Colony Estates.

Mr. Brown and Mr. Mahone stated the Planning Commission minutes are useful in upcoming Board cases and requested the minutes be continued in the Board Reading File.

Mr. Brown and Mr. Edwards attended the County's "Motivation Retreat" and Mr. Brown commended the speakers.

Mr. Brown stated he and Ms. Veronica Nowak would be going to Washington, D.C. tomorrow to accept a National Press Club Award on the Human Services Building video.

Mr. Taylor requested staff consider modifying frontage and setback requirements so that more than one trailer could be placed on property containing several acres.

Mr. DePue noted that James City County is one of the most liberal counties on mobile homes.

Mr. Edwards informed the Board that he will not attend the July 7th Board meeting.

Mr. Taylor made a motion to go into Executive Session to discuss a personnel matter 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 10:55 p.m. and reconvened into public session at 11:09 p.m.

Mr. Brown made a motion to nominate Mr. Abram Frink to the Parks and Recreation Commission and Ms. Judy Knudson to the Williamsburg Regional Library Board.

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

Mrs. Darlene Burcham, Assistant County Administrator, requested guidance from the Board as to the selection process for the Advisory Board on Agricultural and Forestal districts.

It was the consensus of the Board to have Mr. Taylor research possible appointees.

Mr. DePue made a motion to recess until June 16, 1986 at 12:30 p.m.

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

The Board recessed at 11:16 p.m.


James B. Oliver, Jr.
Clerk to the Board

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, PLATS, DIVISION 1, GENERALLY, SECTION 17-54, FEES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained effective July 1, 1986, by amending Section 17-54, Fees.

Chapter 17. Subdivisions

Article II. Plats.

Division 1. Generally.

Section 17-54. Fees.

There shall be a charge for the examination of every plat reviewed by the agent or commission. At the time of filing the preliminary plat, the subdivider shall deposit, with the agent, checks payable to the treasurer in the amount of twenty-five dollars per plat plus fifteen dollars (\$15.00) per lot for each lot over two lots in the subdivision plat.

ORDINANCE NO. 31A-97

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IX, RESIDENTIAL CLUSTER DEVELOPMENT, BY AMENDING SECTION 20-513, REVIEW AND APPROVAL PROCESS, AND ADDING SECTION 20-514, SPECIAL PROVISIONS FOR STAGE DEVELOPMENT OF RESIDENTIAL CLUSTERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-513, Review and Approval Process, and adding Section 20-514, Special Provisions for Stage Development of Residential Clusters.

CHAPTER 20. ZONING

ARTICLE IX. RESIDENTIAL CLUSTER DEVELOPMENT

Section 20-513. Review and Approval Process.

(a) Review Required.

A proposed plan of development for a residential cluster development proposed under this Article shall be filed with the Planning Director who shall submit it to the Subdivision Review Committee or the Site Plan Review Committee whichever is appropriate. The Planning Director and the Subdivision Review Committee or the Site Plan Review Committee shall recommend action on the plan to the Planning Commission, which shall approve the plan of development upon finding that:

1. Such cluster development will preserve the environmental integrity of the site by protecting features such as steep slopes, stream valleys, desirable vegetation or farmland;
2. The cluster development will not impair the character of the area, nor likely reduce the value of surrounding buildings or property; and
3. The proposed project is substantially in accordance with the Comprehensive Plan of James City County.

(b) Plan of Development.

The plan of development shall include all information required to be on a preliminary plat by the Subdivision Ordinance, and shall identify proposed areas and uses of open space including the non-developable areas. As marginal information the plan of development shall show the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units, and the number of bonus units, the minimum amount of open space required under Section 20-511(a), and the total amount of open space proposed.

(c) Status of Approved Plan of Development.

Upon approval of the plan of development under this Section, such plan shall be considered an approved preliminary plat, as defined in the Subdivision Ordinance, and such plan shall thereafter be controlled by the Subdivision Ordinance.

(d) Amendment of Plan of Development.

Upon application, an approved plan of development may be amended by the Planning Director; provided, however, that a proposed amendment does not:

1. Alter a recorded plat.
2. Conflict with the requirements of this Article.
3. Change the general character or content of an approved plan of development.
4. Impair property values in the surrounding area.
5. Result in any substantial change of major external access points.
6. Increase the approved number of dwelling units for any portion of the previously approved residential cluster development.

Proposed amendments that do not meet these criteria shall be referred to the Planning Commission for review and action.

(e) Plan of Development - Review Fees.

Submittal of a plan of development under this Section shall be accompanied by a fee in accordance with the fees established for site plan review under Section 20-6 of this Chapter or subdivision review under Section 17-54 of the County's Subdivision Ordinance.

Section 20-514. Special Provisions for Stage Development of Residential Clusters.

Residential cluster developments may be developed in stages or sections in accordance with the following provisions:

(a) Review Required.

An overall plan of development shall be submitted, reviewed and approved in accordance with Section 20-513(a).

(b) Plan of Development.

The plan of development shall be prepared by a licensed surveyor, engineer, architect, landscape architect, or a planner. A scale may be used so that the entire parcel can be shown on one piece of paper no longer than 30" by 40". It shall include:

1. An insert map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions or landmarks.
2. A north arrow.
3. The location of existing property lines, watercourses, or lakes, wooded areas and existing woods which are within or adjoin the property.
4. The boundaries of each section, topography, approximate location of proposed streets, proposed areas and uses of open space, proposed recreation areas, proposed lots and-or buildings.
5. Marginal data which shows the total area of the site, the net developable area, the proposed facilities qualifying for density bonuses, the total number of dwelling units and-or lots, the number of bonus units and-or lots, the minimum amount of open space required by Section 20-511(a), and the total amount of open space.
6. Master water, sewer and drainage plans and schematic plans which shall indicate the phasing of development.

(c) Status of Approved Plan of Development.

The approval of the plan of development under this Section shall not be considered an approved preliminary plat as defined in the Subdivision Ordinance.

(d) Relationship of Sectional Plans to Plan of Development.

Following, or as a part of the establishment and approval of the plan of development by the Planning Commission, the applicant shall furnish to the Site Plan Review Committee or the Subdivision Review Committee, whichever is appropriate, sectional plans of any part or parts of the residential cluster development. The term sectional plan shall mean site plan or subdivision plat. The sectional plans shall be consistent with the plan of development as approved, but may alter to any degree which the Planning Commission believes does not alter the basic concept or character of the development.

(e) Plan of Development - Agreement.

Prior to final approval of the first sectional plan, an agreement shall be executed between the developer and the County which shall be binding upon the developer, his successors, assigns or heirs to the effect that the approved plan of development shall govern the development of the total residential cluster development. This provision does not preclude the adjustment of the plan in accordance with Section 20-513(d).

(f) Sectional Plans, Plan of Development - Review Fees.

Submittals of a site plan or preliminary subdivision plat implementing any portion of the plan of development shall be accompanied by a fee in accordance with Section 20-6 of this Chapter or Section 17-54 of the County's Subdivision Ordinance. Submittal of a plan of development shall be accompanied by the fee charged for master plan review in accordance with Section 20-6 of this Chapter.

(g) Sectional Plans - Action.

Sectional plans submitted in accordance with Section 20-514(d) shall be reviewed in accordance with, and meet the requirements of, Article II of this Chapter or the County's Subdivision Ordinance, whichever is appropriate.

Section 20-515 - Section 20-523. Reserved

ORDINANCE NO. 31A-98

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE X. OVERLAY DISTRICTS, DIVISION 1. RESERVOIR PROTECTION OVERLAY DISTRICT, RP, SECTION 20-532, STREAM AND RESERVOIR SETBACK REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-532, Stream and Reservoir Setback Requirements.

Chapter 20. Zoning

Article X. Overlay Districts

Section 20-532. Stream and Reservoir Setback Requirements.

- (a) Within the Reservoir Protection Overlay District, a buffer strip along any tributary stream shall be required to remain in its natural state or be planted with an erosion retarding vegetative cover. The width of the buffer strip shall be at least 100 feet. All structures shall be located outside of the required buffer strip. No septic tank or septic tank drain field shall be located within 150 feet of a tributary stream; provided, however, if the septic system is located upstream from and drains through a runoff control detention pond which has been approved by the Director of Public Works or his authorized designee, this limitation may be reduced to 100 feet.
- (b) All structures shall be located at least 200 feet from any water supply reservoir. No septic tank or septic tank drain field shall be located within 200 feet of the normal pool elevation of a water supply reservoir. All land within 200 feet of the normal pool elevation of a water supply reservoir shall remain in its natural state or be planted with an erosion retarding vegetative cover.
- (c) All distances in (a) and (b) above shall be horizontal measurements. Tributary streams shall be measured from the edge of the water.