

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY-SEVEN, AT 6:00 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
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

Darlene L. Burcham, Acting County Administrator
 Frank M. Morton, III, County Attorney

Mr. Brown called the meeting to order and made a motion to go into executive session to discuss personnel and legal matters pursuant to Section 2.1-344(a) (1) and (6) of the Code of Virginia, 1950, as amended.

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

The Board reconvened into open session at 7:30 p.m.

B. ORGANIZATIONAL MEETING

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

Mr. DePue nominated Mr. Edwards for chairman and Mr. Taylor for vice-chairman.

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

Mr. Edwards presented Mr. Brown with a plaque commemorating his term as chairman of the Board. Mr. Edwards cited Mr. Brown for his ideas and initiatives.

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

ANNUAL APPOINTMENTS

Advisory Council - 9th Judicial Services Unit/ Colonial Group Home	Mahone
Chamber of Commerce	Brown
Community Action Agency	Edwards/Iris Taylor Brown/Don Messmer Mahone/Tony Conyers
Courthouse Committee	DePue/Edwards
Farmers Advisory Committee	Taylor
Housing Commission	Brown
Pamunkey River Study Committee	Taylor
Peninsula Planning District Commission	Mahone/DePue

Planning Commission	DePue
Sanitary District No. 1 Board	Mahone/Brown
Social Services Board	Edwards
Transportation Safety Commission	Mahone
Virginia Peninsula Economic Development Council	Brown
Water Task Force	Brown/DePue

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

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

OTHER APPOINTMENTS

Clean County Commission	Henry C. Lindsey
Housing Commission	Laurence Wilkerson Lynn Bloch
Wetlands Board	John Hughes

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

Mr. Brown indicated his tenure as chairman was interesting and rewarding.

Mr. Edwards made a motion to amend the Organizational Resolution to begin the first meeting of the month at 7:00 p.m. and the second meeting of the month at 1:00 p.m.

Mr. Taylor suggested the Board set a goal of completing the evening meeting no later than 11:00 p.m.

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

R E S O L U T I O N

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, Virginia, that the following rules shall apply for the year 1987.

1. Regular meetings of the Board shall be held on the first Monday of each month at 7:00 p.m. and the third Monday of each month at 1:00 p.m. in the Board Room of the James City County Government Center; provided, however, that in January and February the 1:00 p.m. meeting shall be held on the fourth Monday of each month and in September the 7:00 p.m. meeting shall be held on the second Monday of the month as shown on the Board of Supervisors 1987 Calendar attached hereto.
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:

Procedures 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.

C. MINUTES - December 8, 1986 Special
December 11, 1986 Special
December 15, 1986 Regular

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

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

D. PRESENTATIONS

1. CHOICE Physicians

Dr. McKeogh, County Health Director, described for the Board the evening clinic held at the County's Health Department which is made possible through the volunteer efforts of area physicians who provide preventative medicine through physical examinations and laboratory testing. Additionally, patients and visitors can participate in parenting classes, talent search, home economics, and abuse avoidance programs.

On behalf of the Board, Mr. Edwards recognized Mary Kay Dineen, M.D., who accepted Certificates of Appreciation for the participating physicians.

CERTIFICATE OF APPRECIATION

WHEREAS, the CHOICE Clinic provides an important health care service to women in our community; and

WHEREAS, Doctors Camilla M. Buchanan, Joseph D. Brown, III, Mary Kay Dineen, Lamar E. V. Ekbladh, Richard R. Honablue, Daniel G. Jenkins, and Roger W. Jones, have volunteered their time and talent to assist in providing this important service; and

WHEREAS, this creative community effort would not be possible without their support.

NOW THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors does express its appreciation to the above named physicians for their unselfish and dedicated service.

2. Colonial Williamsburg - Mr. Carson

Mr. Edwards recognized Norman Beatty, Vice President-Media and Government Relations-Colonial Williamsburg Foundation, who introduced Dr. Cary Carson, Director of Research.

Dr. Carson addressed the Board with a brief description of the Foundation's plans to renovate and restore the Courthouse of 1770 for exhibition purposes. The Courthouse is slated to open in early 1989.

Mr. Edwards made a motion to refer the request to Staff for a recommendation.

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

E. **PUBLIC HEARINGS**

1. Ordinance Amendment, Chapter 18A, Taxicabs and Other For-Hire Vehicles, Section 18A-7, Rates.

Mr. Brown stated that he had requested the County Attorney prepare an ordinance amendment specifically addressing the regulation of taxi fares as he feels the current zone system is prejudicial and confusing to users.

Mr. Edwards opened the public hearing.

1. James W. Elliott, Grafton, Virginia, attorney representing Mr. Alderman, owner of Colonial Cab Company, requested the Board not pass the proposed ordinance amendment citing advantages of the present system and the disadvantages of the proposed system. He stated Mr. Alderman has been in business since 1945 and that usage of cabs is a luxury.

2. Arles Tallent, 29 Magruder Trailer Park, Williamsburg, Colonial Cab driver, spoke against the amendment stating conversion to a metered system will result in reduced wages for the drivers as the Company will not be able to absorb the expense of the pick-up trip.

3. Dorothy Clark, 1324-3B Richmond Road, Williamsburg, Colonial Cab driver, indicated she enjoys sharing her knowledge of the area with tourists when they use the luxury of cabs. Also, passengers can call ahead to get the fare prior to use of the cab.

4. Dianna Brisendine, 6321 Centerville Road, Williamsburg, dispatcher for Colonial Cab, stated prospective passengers can call ahead for the fare. Further, she stated Associated Cab Co. is not regulated, but operates in James City County.

5. George Grice, 4 Crutchfield Drive, Newport News, VA, part-time Colonial Cab driver, stated the "dead miles" are an expense that must be borne by the Company if not programmed into the rate. Colonial's rates are not as high as Airport or Associated companies, and Smith's Limousine Service is not licensed to operate in the County.

As no one else wished to speak, Mr. Edwards closed the public hearing.

Mr. Taylor stated he will not support the ordinance amendment.

Mr. Brown made a motion to defer consideration of the ordinance amendment for thirty days, suggesting staff meet with Mr. Elliott to discuss a mutually agreeable fee structure.

Mr. Mahone stated the language of the proposed ordinance amendment should be clarified.

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

2. Case No. MP-4-86. Ford's Colony Master Plan Amendment.

Mr. Edwards opened the public hearing.

New proffers were received December 30, 1986, precluding sufficient staff review time prior to this meeting.

Mr. DePue made a motion to continue the public hearing until the January 26, 1987 meeting.

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

3. Case No. Z-20-86. Mirror Lake Estates.

Mrs. Burcham presented this item indicating that Paul C. Small has applied on behalf of Beechwood Company to rezone approximately 375 acres from A-2, Limited Agricultural, to R-1, Limited Residential. The Planning Commission unanimously recommended approval of this request with proffers.

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

Mr. DePue inquired if the property is within the Overlay District.

Mrs. Gussman responded in the affirmative; however, the density of the development will not be affected.

Mr. Morton stated a comma was removed from the proffer agreement and a revised copy was distributed to each Board member.

Mr. Mahone inquired if the acreage of the parcel reserved for dedication as a school site is sufficient for accreditation.

Mrs. Gussman stated she had consulted with the School Administration and the acreage is sufficient.

Mr. Taylor made a motion to approve the rezoning.

Mr. Mahone asked if the railroad could be required to construct a barricade at the tracks.

Mrs. Gussman responded that with the grade difference, a fence is not needed.

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

R E S O L U T I O N

CASE NO. Z-20-86. MIRROR LAKE ESTATES

WHEREAS, in accordance 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 established on Zoning Case No. Z-20-86 for rezoning approximately 375 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as parcel (1-17) and a portion of parcel (1-13) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, in accordance with the Planning Department's recommendation, the Planning Commission unanimously recommended approval of Case No. Z-20-86; and

WHEREAS, Zoning Case No. Z-20-86 with proffers is in accordance with the Comprehensive Plan of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-20-86 and accepts the voluntary proffers.

4. Case No. Z-21-86. St. George's Hundred/David Murray.

Mrs. Gussman presented this item indicating Paul C. Small has applied on behalf of David M. Murray to rezone approximately 363 acres of A-2, Limited Agricultural, to R-1, Limited Residential. The Planning Commission unanimously recommended approval of this case with proffers.

Mr. Edwards opened the public hearing.

1. Alvin Anderson, attorney representing Mr. Murray, stated his client has owned the property for a substantial period of time. The 1982 Comprehensive Plan designated this area low-density residential and on July 8, 1985, Mr. Murray revised the plan to allow 1-2 units per acre. Mr. Murray has 461 prepaid sewer taps and his proffers include a scenic easement designation. Mr. Anderson stated Marley Brown of the Colonial Williamsburg Foundation and Kevin Kelly of the County's Historical Commission have recommended performing Phase I and II archaeological studies and Mr. Murray has proffered this condition. Off-site traffic improvements at certain levels of development are included.

Mr. Brown stated overall planning of this entire area should have taken place earlier.

2. Claude Feigley, 135 The Maine, Williamsburg, Virginia, stated he is not opposed to the R-1 zoning, but the resolution of traffic problems is his concern.

3. Jack Byrd, 123 Arena Street, Williamsburg, Virginia, stated development in the older section of the subdivision allowed for larger individual lots and the newer lots are 100' x 150'. Also, residents would like to have a park developed for children. Drainage problems in the subdivision have caused the State not to accept the dedication of subdivision streets into the State system.

4. Betty Peterson, Route 3, Box 183, Williamsburg, Virginia, indicated she does not appreciate the piecemeal development of the subdivision and although the proffers indicate a scenic easement, 125 feet is not adequate.

As no one else wished to speak, Mr. Edwards closed the public hearing.

Mr. DePue stated the developer has provided good incentives to the Board to approve the rezoning. He made a motion to approve.

Mr. Mahone stated he prefers limitation of the development's density, thus contributing to the quality of life of residents. He noted that a 100-foot buffer without landscaping was not good.

Mr. Edwards credited Mr. Anderson with development of proffers that have improved the rezoning.

Mr. Brown requested staff contact Mr. Byrd for resolution of the drainage issues.

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

R E S O L U T I O N

CASE NO. Z-21-86. ST. GEORGE'S HUNDRED/DAVID MURRAY

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-21-86 for rezoning

approximately 363 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as parcels (1-2), portion of (1-3) on James City County Real Estate Tax Map No. (46-1), and parcel (1-9) on James City County Real Estate Tax Map No. (45-2); and

WHEREAS, in accordance with the Planning Department's recommendation, the Planning Commission unanimously recommended approval of Case No. Z-21-86 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-21-86 and accepts the voluntary proffers.

Mr. Edwards made a motion to take a brief recess at 9:15 p.m. On a roll call, the vote was AYE: Edwards, Taylor, Mahone, DePue, Brown (5). NAY: (0).

The Board reconvened at 9:23 p.m.

5. Case No. Z-25-86. David M. Murray/Greensprings Road

Mrs. Burcham indicated this item was deferred by the Board for revisions that address entrances on Greensprings Road and archaeological studies. The proffer statement provides that no more than one street entrance from the property to Greensprings Road, plus no more than one additional entrance to Greensprings Road, be constructed.

Mr. Edwards opened the public hearing.

1. Alvin Anderson, attorney representing Mr. Murray, stated the Planning Commission had no negative comments concerning the rezoning.

As no one else wished to speak, Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

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

RESOLUTION

CASE NO. Z-25-86. DAVID M. MURRAY/GREENSPRINGS ROAD

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-25-86 for rezoning approximately 34 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as parcel (1-1A) on James City County Real Estate Tax Map No. (46-3); and

WHEREAS, the Planning Commission following its public hearing on October 28, 1986 voted 9-0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-25-86, with proffers.

Mr. Brown commended the archaeological work as a model to other developers.

6. Case No. Z-29-86. Samuel T. Powell.

Mrs. Burcham indicated Norman H. Mason has applied on behalf of Samuel T. Powell to rezone 8.3 acres from A-2, Limited Agricultural, to R-1, Limited Residential. The Planning Commission unanimously recommended approval.

Mr. DePue asked if property owners may elect to pursue Phase II archaeological studies.

Mrs. Gussman responded the County's Historical Commission makes recommendations in cases of possible historical significance.

Mrs. Burcham indicated this action by the Commission is a positive step toward historical identifications.

Mr. Brown publicly thanked Marley Brown for his contribution on behalf of historical preservation.

Mr. Edwards opened the public hearing.

1. Norman Mason, Langley and McDonald Engineers, Planners, and Surveyors, addressed archaeological issues relative to the development of the property stating that one area of significance has been discovered. The owner suggested Marley Brown examine the site when it is cleared.

As no one else wished to speak, Mr. Edwards closed the public hearing.

Mr. Edwards inquired if Phase I and II archaeological examinations are included in the proffers.

Mrs. Burcham indicated Mr. Powell conducted the examinations on his own.

Mr. DePue made a motion to approve the rezoning.

Mr. Edwards asked the number of units proposed for the development.

Mr. Mason responded there will be ten units on "Drummond's Quarters".

Mr. Edwards stated that this proposal had changed significantly from the date of application.

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

RESOLUTION

CASE NO. Z-29-86. SAMUEL T. POWELL

WHEREAS, in accordance 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-29-86 for rezoning approximately 8.3 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as parcel (1-1) on James City County Real Estate Tax Map No. (45-4); and

WHEREAS, the Planning Commission, following its public hearing on November 25, 1986, recommended approval of Zoning Case No. Z-29-86.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-29-86.

7. Case No. Z-32-86. Robert L. King.

Mrs. Burcham indicated Robert L. King has applied to rezone approximately 35.5 acres from A-1, General Agricultural, to B-1, General Business. The property is located at the northwest corner of Richmond Road and Norge Lane. The developer intends to develop this property and adjacent parcels with a shopping center. The Planning Commission unanimously recommended approval of the rezoning.

Mr. Edwards opened the public hearing.

1. Dean Short, representing the purchaser, stated the cluster commercial development on the 40-acre parcel will have limited access from Croaker Road, Norge Lane, and Richmond Road, and the development will promote a balanced economy providing services to upper County residents. The quarter million dollar improvement will enhance the County's tax base by \$20 million.

As no one else wished to speak, Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the rezoning.

Mr. DePue stated the proposed development is very desirable.

Mr. Brown expressed concern as to whether a market for such a development exists in the Upper County.

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

R E S O L U T I O N

CASE NO. Z-32-86. ROBERT L. KING

WHEREAS, in accordance 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-32-86 for rezoning approximately 35.5 acres from A-1, General Agricultural, to B-1, General Business, on property identified as parcel (1-23) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, in accordance with the Planning Department's recommendation, the Planning Commission on November 25, 1986 unanimously recommended approval of Case No. Z-32-86 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-32-86 and accepts the voluntary proffers.

8. Pre-Budget Public Hearing.

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

F. CONSENT CALENDAR

Mr. Edwards moved approval of the single item on the Consent Calendar.

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

1. Bank Resolutions.

R E S O L U T I O N

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

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, repurchase 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.

R E S O L U T I O N

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:

Jack D. Edwards	Chairman
	OR
Stewart U. Taylor	Vice-Chairman
Darlene L. Burcham	Acting 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 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, repurchase 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.

6. BOARD CONSIDERATIONS

1. Planner Position.

Mrs. Burcham presented this item to the Board indicating that at a recent pre-budget work session, there was a discussion concerning the necessity to update the Subdivision Ordinance. Given the significant turnover in the Planning Department in the recent past, virtually no progress has been made on updating the Ordinance. Approval of the position, will establish a new full-time, permanent current planner position, funded for the remainder of FY 1987 from Contingency.

Mr. DePue requested assurances that establishing the position will ensure completion of the Ordinance revisions.

Mrs. Gussman stated the new position will free Allen Murphy, Principal Planner, of the zoning workload so that he and the Assistant County Attorney can complete revisions to the Subdivision Ordinance.

Mr. DePue stated a disciplined process will expedite the revision process.

Mrs. Gussman stated Mr. Murphy will be protected from interruption during the revision process.

Mr. Taylor expressed reservations with hiring an additional planner, given fluctuations in demand based on unpredictable future development needs.

Mr. DePue made a motion to approve the additional position.

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

R E S O L U T I O N

PLANNER I POSITION

WHEREAS, the employment of a Planner I would benefit James City County by improving the quality and effectiveness of County planning efforts; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a permanent, full-time Planner I position and authorizes the following budget appropriation.

From: Contingency	\$10,000
To: Planning Department Salaries	\$10,000

H. PUBLIC AUDIENCE

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mrs. Burcham announced that at the request of the Board, work sessions will be scheduled January 26, 1987, with the Parks and Recreation Commission and the Industrial Development Authority, and February 23, 1987, with the Planning Commission and the Williamsburg Regional Library Board.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Brown suggested the Board adopt a resolution supporting abolishing the Croaker Landing fees and forward the resolution to Secretary Bagley.

Messrs. Edwards and DePue stated they have no position on the present fee structure. Further, Mr. DePue stated given the Board's position supporting user fee structure in other areas, adopting a resolution abolishing this user fee would be in opposition to an established position.

Mr. Mahone stated he does not see the financial advantages of user fees in this particular situation.

Mr. Edwards requested Mrs. Burcham draft a resolution for the Board's consideration.

Mr. Brown requested the Richmond Road Corridor Study be referred to the Planning Commission for comments.

Mr. Brown inquired about the CenTex facility at Berkeley School as to whether it would not be more appropriate to locate the facility at Lafayette High School.

Mr. Edwards requested Veronica Nowak, Communications Administrator, prepare a statement for the Board concerning the placement of the CenTex facility.

Mr. DePue, representing the school site selection committee, requested the Board endorse the location of the Bruton Heights replacement school on County property dedicated by Ford's Colony on Centerville Road. Mr. DePue made a motion to adopt the resolution endorsing the site.

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

R E S O L U T I O N

FORD'S COLONY SCHOOL SITE

WHEREAS, the Board of Supervisors of James City County, Virginia, owns property on Centerville Road near Ford's Colony; and

WHEREAS, this property has been recommended by the School Site Selection Committee as a school site for an elementary school replacing Bruton Heights; and

WHEREAS, the James City County Comprehensive Plan identifies the area as a potential location for a school; and

WHEREAS, the Williamsburg-James City County School Board has endorsed the site as a school site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the Ford's Colony site for an elementary school replacing Bruton Heights and, subject to the approval of the Council of the City of Williamsburg, authorizes the School Board to commence engineering and design of the school on this site.

Mr. Brown commended the school site committee for its efforts.

Mr. DePue stated it is his perception that relations with the School Board members have improved during this selection process.

Mr. Brown indicated that on January 1, 1987, he did not hear the County sirens that malfunctioned. He stated the alert system does not work and there are no indications that it will work. Further, Russ Lowry and the State have established a workable evacuation plan; however, the siren system does not function.

Mr. DePue requested Mr. Lowry advise the Board concerning deficiencies in the alarm system.

Mr. Edwards directed staff prepare information for the Board.

Mrs. Burcham noted that all Police vehicles are equipped with loud speakers to augment the siren system in a true emergency.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 10:35 p.m.


Darlene L. Burcham
Clerk to the Board

vas/dfc
0087w

CGM/cab-RE#7

THIS AGREEMENT made this the 29th day of December, 1986, by and between PROGRESSIVE CORPORATION, DIVERSE CORPORATION, NICE DEVELOPMENT CORPORATION and MARINA POINT CORPORATION, all Virginia corporations, trading as BEECHWOOD CO., parties of the first part; and THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia, party of the second part.

WHEREAS, parties of the first part are owners and developers of certain property in James City County, Virginia, presently under a Limited Agricultural District (A-2) Zone; and

WHEREAS, parties of the first part have made application for a change in zoning classification for their property generally known and designated as "Mirror Lake Estates" to a zoning classification of Limited Residential District (R-1); and

WHEREAS, the Board of Supervisors of James City County may be unwilling to grant the rezoning request under the present circumstances existing; and

WHEREAS, in order to induce the Board of Supervisors to rezone the subject property, the parties of the first part, of their own free will and accord, desire to offer to the County certain property for public use.

NOW, THEREFORE WITNESSETH, that for and in consideration of the mutual benefits accruing to parties of the first part they do hereby covenant and agree that, in the event the party of the second part grants said rezoning request, Fifteen (15) usable acres, suitable for public use area, shall be reserved for dedication through the subdivision review process in the area depicted on the original master plan for Mirror Lake Estates as a school site, which plan is dated June 1984 and drawn by AES a

professional corporation, a copy of which plan is on file in the Planning Office for James City County, Virginia.

IN WITNESS WHEREOF, the parties of the first part have caused this instrument to be executed by their President, in this behalf first duly authorized.

PROGRESSIVE CORPORATION

By [Signature] President

DIVERSE CORPORATION

By [Signature] President

NICE DEVELOPMENT CORPORATION

By [Signature] President

MARINA POINT CORPORATION

By [Signature] President

STATE OF VIRGINIA

City of Newport News, to-wit:

The foregoing instrument was acknowledged before me this 2nd day of January, 1987, by HENRY R. NICE, President of PROGRESSIVE CORPORATION, DIVERSE CORPORATION, NICE DEVELOPMENT CORPORATION and MARINA POINT CORPORATION, respectively, all Virginia corporations, trading as BEECHWOOD COMPANY.

[Signature]
Notary Public

My Commission expires:

November 11, 1989

AGREEMENT

WHEREAS, David M. Murray, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "DAVID M. MURRAY 363 Acres ±" said plat being attached hereto and made a part hereof.

WHEREAS, the Owner has applied for rezoning of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

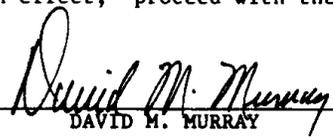
WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-14.2 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. The Property may be subdivided only in accordance with the then applicable provisions of the Regulations Governing Utility Service adopted by the County's Service Authority, but in no event shall any subdivision of the Property be approved unless and until public water and public sewer are available with adequate capacity to serve that portion of the Property proposed for subdivision.
2. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5 and 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery and vegetation within said scenic easements shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the scenic easements such new entrance roads, drainage structures, storm water management facilities, utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.

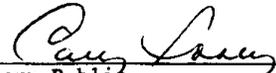
- 3. Only two (2) additional entrance roads to the Property shall be permitted, one (1) on Route 5 and one (1) on Route 614.
- 4. The Owner, at his expense, shall cause to be designated that portion of the Property constituting a "Conservation Area" as defined by the County's Comprehensive Plan then in effect, which designation shall be reviewed and approved by the County.
- 5. Existing trees, shrubbery and vegetation within said Conservation Area shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the Conservation Area such new roads, drainage structures, storm water management facilities, utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.
- 6. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.
- 7. The Owner, at his expense, shall cause to be prepared, a comprehensive drainage study of the Property for review and approval by the County.
- 8. Upon approval of the drainage study, the Owner shall be obligated to incorporate the recommendations of the study in the subdivision of the Property and submit an implementation schedule to the County.
- 9. Upon the approval by the County of the implementation schedule, the Owner may, upon compliance with the aforesaid conditions and all applicable ordinances then in effect, proceed with subdivision of a portion of the Property but such portion of the property proposed for subdivision shall not exceed the greater of ten percent (10%) of the gross acreage of the Property or thirty five (35) acres. The remaining portion of the Property ("the Remainder Of the Property") may be subdivided when, as, and if, the Owner complies with the following conditions.
- 10. Prior to the approval of any subdivision of the Remainder Of The Property: (a) the Owner shall set aside that portion of the Remainder Of The Property required by and in accordance with Section 17-43 of the James City County Code and (b) the Owner, at his expense, shall cause to be prepared a comprehensive traffic study of the Remainder Of The Property for review and approval by the County.
- 11. Upon approval by the County of the traffic study, the Owner shall be obligated to incorporate the recommendations of the study in the subdivision of the Remainder Of The Property and submit an implementation schedule to the County.
- 12. Upon the approval by the County of the implementation schedule, the Owner may, upon compliance with the approved implementation schedule and all other applicable ordinances then in effect, proceed with the subdivision of the Remainder Of The Property.


 _____ (SEAL)
 DAVID M. MURRAY

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this 19 day of December, 1986, by David M. Murray.



 Notary Public

My commission expires: 11-29-88

ANDERSON, EMMETT
 & FRANCIS, P.C.
 ATTORNEYS AT LAW
 POST OFFICE DRAWER O
 WILLIAMSBURG, VA. 23187

AGREEMENT

WHEREAS, David M. Murray, (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "DAVID M. MURRAY 34 Acres ±" said plat being attached hereto and made a part hereof.

WHEREAS, the Owner has applied for rezoning of the Property from the the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-14.2 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in

DENSON, EMMETT & FRANCIS, P.C. ATTORNEYS AT LAW POST OFFICE DRAWER O CHARLESTON, VA 23067

the Limited Residential District, R-1, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

- 1. There shall be no more than one (1) additional street entrance and no more than one (1) additional driveway entrance from the Property to Route 614.
- 2. A scenic easement shall be reserved across the Property 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery and vegetation within said scenic easement shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the scenic easement such new road, driveways, public utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.
- 3. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.

David M. Murray
 _____ (SEAL)
 DAVID M. MURRAY

STATE OF VIRGINIA
 CITY/COUNTY OF Newport News, to-wit:

The foregoing instrument was acknowledged before me this 19 day of December, 1986, by David M. Murray,

James L. ...

 Notary Public
 My commission expires: 11-29-88

ANDERSON, ENNETT
 & FRANK, P.C.
 ATTORNEYS AT LAW
 POST OFFICE DRAWER O
 WILLIAMSBURG, VA. 23187



AGREEMENT

SHORT, SHORR, TELSTAD & KERR, P.C., ATTORNEYS AT LAW, 710 DENNISON BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

WHEREAS, Ellen Taylor Howard, (hereinafter called "the Owner"), owns certain real property in James City County, Virginia, (hereinafter called "the property"), and more particularly described as follows:

All that certain lot, piece or parcel of land, situate, lying and being in Stonehouse District, James City County, Virginia, fronting on U. S. #60, and shown on that certain plat of survey under the legend of "Section No. 4. 37.13 acres, Mrs. Ellen Taylor Howard," which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37° and 39" East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89° and 12" East 159.0 feet, North 71° and 33" East 500.0 feet, North 65° and 35" East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81° and 22" East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37° and 39" West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way on a 3° and 20" curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more or less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio Railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner has entered into a contract for the sale of said real property and the Purchasers thereof have

applied for rezoning of the Property from the General Agricultural District, A-1, to the General Business District, B-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the General Agricultural District, A-1, to the General Business District, B-1, because the General Business District, B-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

#1, SUITE A, NEWPORT NEWS, VA. 23602

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner, at Purchasers' request, is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the General Business District, B-1.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That for and in consideration of the County of James City rezoning the Property from the General Agricultural District, A-1, to the General Business District, B-1, and pursuant to Section 15.1-491.1, et seq of the Code of Virginia, 1950, as amended, and Section 20-14.2, et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, she will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. Site development will be in substantial accordance with the conceptual plan, together with a traffic study prepared by Wilbur Smith and Associates of Richmond, Virginia, as submitted. The Owner agrees that "Substantial Accordance" will be as determined by the James City County Staff and the Site Plan Review Committee.

2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along her entire Richmond Road frontage and a 30 foot buffer zone along Norge Lane, the C & O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

H. P.C. ATTORNEYS AT LAW, 710 DENNIGH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

SHORT, SHORT, TELSTAD & KEHR, P.C. ATTORNEYS AT LAW, 710 DENNIGH BLVD., BLDG.

SHORT, SHORT, TELSTAD & KI

SHORT, SHORT, TELSTAD & KEHR, P.C., ATTORNEYS AT LAW, 710 BENDISH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

This agreement specifically excludes Parcels 6 and 7 as shown on the submitted plans which are already zoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business, B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries.

5. The Owner agrees to purchase the equipment for a traffic signal at Richmond Road and Croaker Road (Route 607).

6. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the largest parcel as depicted on the preliminary plan as submitted.

7. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

8. The Owner will subdivide the property into no more than fourteen (14) parcels, with twelve (12) being depicted on the submitted plans.

9. The Owner will dedicate a ten (10) foot right-of-way strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition, the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDH&T requirements for the level of traffic envisioned by the preliminary plan, said improvements to be approved by VDH&T, the County Staff, and the appropriate planning commission review committee.

SHORT, SHORT, TEJSTAD & HERR, P.C., ATTORNEYS AT LAW, 710 DENBIGH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23082

Ellen Taylor Howard

ELLEN TAYLOR HOWARD
By: *William C. Howard* (SEAL)
WILLIAM C. HOWARD
her Attorney-in-Fact

STATE OF VIRGINIA

City/County of *Newport News*, to-wit:

The foregoing instrument was acknowledged before me this
23rd day of *December*, 19*86*, by William C. Howard,
as Attorney-in-Fact for Ellen Taylor Howard.

Jana A. Howard
Notary Public

My commission expires:

7-10-87