

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SECOND DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

David B. Norman, County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - October 19, 1987

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Mahone 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).

C. PRESENTATIONS

1. Helen Sutton, Cross Country Biker

Mr. Edwards read the resolution to Mrs. Sutton and complimented her on making the cross country trip and returning to the teaching profession at Lafayette High School.

Mrs. Sutton thanked the Board, stated that she enjoyed the trip and expressed appreciation for the recognition.

2. Ray Betzner, Daily Press Reporter

Mr. Edwards presented Mr. Betzner with a memento from the Board for his careful and accurate reporting of County news while working at the Daily Press.

D. PUBLIC HEARINGS

1. Case No. AFD-1-87. J.W. Woodward

Mr. Allen Murphy, Jr., Principal Planner, stated the Planning Department has received a request to add property to the previously approved Barnes Swamp Agricultural and Forestal District (AFD-5-86), which was reviewed by the Agricultural and Forestal Districts Advisory Committee on September 24, 1986, and approved by the Board of Supervisors on December 1, 1986.

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

Mr. Taylor made a motion to approve AFD-1-87.

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

ORDINANCE NO. _____

J.W. WOODWARD ADDITION TO BARNES SWAMP
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-1-87)

WHEREAS, an application for the addition to an Agricultural and Forestal District identified as AFD-5-86 Barnes Swamp has been filed with the James City County Board of Supervisors; and

WHEREAS, in accordance with Sections 15.1-1511(B), (C) and (D) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for the addition to an Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 2, 1987, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on September 22, 1987, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

- 1. That the Barnes Swamp Agricultural and Forestal District (AFD-5-86) is hereby amended by the addition of the following parcel:

(9-2)(1-1)	J. W. Woodward	114 ac.
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for a term concurrent with AFD-5-86 not to exceed four years from December 1, 1986, provided, however, that all land within 25 feet of Diascund Road (Route 603) shall be excluded from the district.

- 2. That pursuant to Title 15.1, Chapter 36, Section 15.1-1512 (D) of the Code of Virginia of 1950, as amended, the Board of Supervisors requires that no parcel in the addition to Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- (a) The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.

- (b) No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.

- (c) No Special Use Permit shall be issued except for agricultural and forestal activities which are not in conflict with the policies of this district.

2. Sale of Property for School Site - Jamestown District

Mr. John McDonald, Director of Financial and Management Services, recommended that the Board approve the sale of 23.6 ± acres located at Five Forks to the Williamsburg/James City County School Board for \$209,200, the per acre pro rata share that the County actually paid for the property.

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

Mr. Mahone made a motion to approve the resolution.

Mr. Edwards commented that an independent appraisal for the acreage placed the value at \$216,000, but that this resolution reflects the actual cost, not the appraised value.

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

SCHOOL SITE - FIVE FORKS

WHEREAS, the Board of Supervisors of James City County owns property it chooses to sell to the Williamsburg/James City County School Board for use as the site of an elementary school at Five Forks.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County has held a public hearing on the sale of property to the Williamsburg/James City County School Board for use as the site of an elementary school, said property described as "Parcel 1, 23.6± acres, on the Plat of Parcels 1 and 2 owned by James City County," said plat prepared by AES as attached hereto and made a part of this resolution, dated October 9, 1987, and designated as Drawing Number 3430-31A.*See Attachment A

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County hereby authorizes its Chairman to execute the deed and all other necessary documents to convey the property at such time as the County Attorney deems appropriate.

3. Sale of Property for School Site - Powhatan District

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

Mr. DePue made a motion to approve the resolution.

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

SCHOOL SITE - FORD'S COLONY

WHEREAS, the Board of Supervisors of James City County owns property it chooses to sell to the Williamsburg/James City County School Board for use as the site of an elementary school at Ford's Colony.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County has held a public hearing on the sale of property to the Williamsburg/James City County School Board for use as the site of an elementary school, said property described as "Parcel 1, 22.59± acres, on the Revised Plat of Public Service Area Showing Parcels 1 and 2," said plat prepared by AES as attached hereto and made a part of this resolution, dated October 12, 1987, and designated as Drawing Number 5430-31B.*See Attachment B

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County hereby authorizes its Chairman to execute the deed and all other necessary documents to convey the property at such time as the County Attorney deems appropriate.

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove items from the Consent Calendar.

Mr. Taylor asked that Item No. 4 be removed.

Mr. DePue asked that Item No. 1 be removed.

Mr. Edwards made a motion to approve Items No. 2 and 3 of the Consent Calendar.

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

2. Conversion of Equivalent Hours to Full-Time Positions - Recreation Center

R E S O L U T I O N

CONVERSION OF EQUIVALENT HOURS TO
FULL-TIME POSITIONS - RECREATION CENTER

WHEREAS, an operational review of the James City/Williamsburg Recreation Center recommends the conversion of part-time Facility Attendants hours (two full-time equivalents) to full-time positions; and

WHEREAS, the James City/Williamsburg Recreation Center desires to effectively serve the public; and

WHEREAS, no additional funds are required to convert these positions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the conversion of 75 hours in Facility Attendant positions to two full-time permanent positions.

3. Treasurer's Transfer Audit

R E S O L U T I O N

TREASURER'S AUDIT

WHEREAS, the transfer of responsibilities in the Treasurer's Office, as of January 1, 1988, requires that a comprehensive turnover audit be performed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a transfer of funds to allow for the performance of a turnover audit, as follows:

Office of the County Treasurer	+ \$9,500
Operating Contingency	- 9,500

1. Williamsburg-James City County Constitution Bicentennial Agreement

Mr. DePue stated that Mr. Bill Bryant had contacted him and requested, on behalf of the Commission, that the item be postponed for further discussion of the agreement.

Mr. Mahone asked if a postponement would have an impact on the City Council's meeting of November 12.

Mr. Frank M. Morton, III, County Attorney, responded that this postponement should have no impact on the City's agenda.

4. Resolution of Appropriation - Little Creek Reservoir Recreation Area

Mr. Taylor questioned if steps were being taken to insure that the project will not exceed the \$240,000 appropriation.

Mrs. Darlene Burcham, Assistant County Administrator, stated the agreement with Newport News was for \$200,000 and labor and equipment furnished for clearing and grading of the land.

Mr. Taylor asked if the property was included as a part of the \$200,000.

Mrs. Burcham replied that the property is in addition to the \$200,000, and that County residents will significantly benefit from this arrangement, which includes a public boat ramp and parking area.

Mr. Taylor asked if the County would maintain the recreation area.

Mrs. Burcham replied in the affirmative.

Mr. Mahone commented that he understood that the City of Newport News has agreed to develop a public recreation site at Lake Toano and has committed \$200,000 toward the project, and that a \$40,000 grant from the State Division of Game and Inland Fisheries will be forthcoming. Mr. Mahone expressed concern about hiring an engineer for the boat ramp design in light of the fact that the State has standards the County could utilize, thereby saving the cost of an engineer.

Mrs. Burcham stated that the design work would be done in conjunction with the boat ramp site, and the State has specifications that must be met for the boat ramp.

Mr. Brown noted that a site plan for the park would be required, and asked whether the Recreation Commission was involved.

Ms. Sandi McPherson, Director of Parks and Recreation, replied that the Recreation Commission is fully aware of and very interested in the project.

Ms. McPherson stated that the State Division of Game and Inland Fisheries will reimburse the County for the engineering design for the boat ramp.

Mr. Brown commended the City of Newport News for providing the property and agreeing to the County's idea of donating the money for the project as opposed to the City's development of the area. He noted that the City was very cooperative and responsive to the County's requirements.

Mr. Taylor restated his concern about whether the County would stay within the \$240,000 budget.

Mr. Norman assured him that the County would make every effort to stay within the budget.

Mr. Edwards made a motion to approve the resolution.

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

LITTLE CREEK RESERVOIR RECREATION AREA
APPROPRIATION OF FUNDS

WHEREAS, the City of Newport News has provided 38.5 acres of land at Little Creek Reservoir for the development of a recreation area to James City County; and

WHEREAS, the City of Newport News has provided James City County with development funds for the Little Creek Reservoir Recreation Area; and

WHEREAS, the Virginia Division of Game and Inland Fisheries has provided grant funds for the development of a boat ramp at Little Creek Reservoir; and

WHEREAS, the James City County Parks and Recreation Department desires to develop a boat ramp and other recreational amenities at Little Creek Reservoir.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appropriates \$240,000 for Little Creek Reservoir Recreation Area Capital Project as follows:

REVENUE:

City of Newport News	\$200,000
Virginia Division of Game and Inland Fisheries	<u>40,000</u>
TOTAL	<u>\$240,000</u>

EXPENDITURES:

Capital Improvements Project - Little Creek Reservoir Recreation Area	<u>\$240,000</u>
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F. BOARD CONSIDERATIONS - NONE

G. PUBLIC COMMENT

Ms. Sandy Stein of the Planning Commission reported that the Richmond Road Strategy Team was given a top award by the Virginia Citizens Planning Association at its annual meeting in Virginia Beach.

Mr. Edwards thanked Ms. Stein for the information.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, stated that a press release was issued regarding the award to the Richmond Road Strategy Team.

Mr. Norman stated there was a need for an Executive Session to discuss legal matters, and he noted that a work session will be held at the November 16, 1987, Board meeting on personnel matters.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor made a second request for street lights on Louise Drive in Temple Hall Estates.

Mr. Norman stated that the report had not yet been received.

Mr. Taylor requested staff investigate a ditch across Norman Davis Drive where the uncompleted dirt road leads to another person's property. He stated this road is in the Dirt Street Program, and a ditch has been put across the road making the property inaccessible.

Mr. Norman replied that the matter would be checked out.

Mr. DePue stated that he had read the summary report of the Growth Commission document and felt that the County should proceed with those items where Service Authority action is required. He asked that County Administration accelerate the formulating of our requests to the General Assembly, and send a copy to the other jurisdictions for their review.

Mrs. Burcham replied that the process had already begun.

Mr. Edwards suggested that the item be put on the next agenda for discussion on how to proceed.

Mrs. Burcham stated that time was short for securing support for items from other jurisdictions, and staff needs to thoroughly review the report before making recommendations.

Mr. DePue indicated that success at the State level is secondary to the effort, because issues may have to go to the General Assembly several times before gaining approval. He agreed with the suggestion of discussing the process and not the issues at the next meeting.

Mr. Edwards commented that the citizens are anxious to know that the issues are being considered, but he does not expect the Board to have all the solutions.

Mr. Brown supported getting the Growth Commission issues before the General Assembly this year, and mentioned sending a copy of the summary report, signed by the three jurisdictions, with a cover letter, to each member of the Legislature. He further stated that a reception, sponsored by the three jurisdictions, along with Colonial Williamsburg, might be planned while the Legislature is in session.

Mr. Brown concluded that the Board should get the process established, and promptly give the report serious consideration.

Mr. DePue asked if the agenda item would include the process or legislation.

Mr. Norman replied that both items would be brought forward.

Mr. Edwards noted that an important part of the process is working with the other jurisdictions on legislation.

Mr. Mahone told of his experience when the emergency siren from Surry Nuclear Power sounded erroneously. He expressed concern that the emergency dispatcher could not answer his question about why the siren was blowing. He requested a response to these concerns and asked that the dispatcher have information available for answering public inquiries, which would improve our operation.

Mr. Mahone asked the County Attorney's office for a report on the legality of putting time limits on mobile home permits. He suggested issuing a special use permit for five to ten years, and automatically renewing it if the property is being maintained to the County's satisfaction.

Mr. Mahone reported that he found several types of activity (a dog house, stacked firewood, small trees cleared, one house 30 feet from road right-of-way), when he viewed the current scenic easement in Chanco's Grant. He expressed concern about other activities occurring if the reduction in scenic easement is approved. He noted staff is to report to the Board with recommendations for that easement.

Mr. Mahone stated that he had attended a Virginia Department of Transportation meeting regarding a bridge over the James River at James River Island or at an area above the Chickahominy River from Charles City to Surry. Alternatives include continuing the ferry or building a tunnel. He continued that a draft Environmental Impact Statement will be issued in the Spring of 1988, and a public hearing held at that time for public comment. He noted that a review of the statement will show whether the community should support any of the alternatives.

Mr. Mahone saw no problem with the budget calendar in the reading file, but asked the County Administrator to report on any instructions given to department heads regarding new position requests.

Mr. Mahone referred to the recent police vehicle accidents and asked about the policy for police officers wearing seat belts, what internal procedures were being taken, and how the replacement for the police vehicles would be financed. He concluded that the incident resulted in a considerable loss.

Mr. Edwards responded that an internal investigation was in process.

Mr. Brown agreed with Mr. Mahone's comments. He felt that the incident did not warrant a high-speed chase.

Mr. Norman assured the Board that disciplinary action will be taken.

Mr. Brown requested a meeting be scheduled with the Homeowners' Association, Code Compliance, appropriate College personnel, and Berkeley Realty to discuss the parking situation and occupancy regulations at Governor's Square.

Mr. Brown also mentioned the reading file memorandum on upgrade of police positions. He expressed his agreement with the upgrade of the positions, but disagreed with the titles.

Mr. Mahone agreed with Mr. Brown's statements.

Mr. Edwards made a motion to convene into Executive Session for legal matters pursuant to Section 2.1-344 (a) (6) of the Code of Virginia 1950 as amended, at 7:56 p.m.

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

Mr. Edwards reconvened the Board into open session at 8:46 p.m. and 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 8:46 p.m.



David B. Norman
Clerk to the Board

NOV 2 1987

ORDINANCE NO. 167A-1

J.W. WOODWARD ADDITION TO BARNES SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-87) BOARD OF SUPERVISORS JAMES CITY COUNTY VIRGINIA

WHEREAS, an application for the addition to an Agricultural and Forestal District identified as AFD-5-86 Barnes Swamp has been filed with the James City County Board of Supervisors; and

WHEREAS, in accordance with Sections 15.1-1511(B), (C) and (D) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for the addition to an Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 2, 1987, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on September 22, 1987, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

- 1. That the Barnes Swamp Agricultural and Forestal District (AFD-5-86) is hereby amended by the addition of the following parcel:

(9-2)(1-1) J. W. Woodward 114 ac.

for a term concurrent with AFD-5-86 not to exceed four years from December 1, 1986, provided, however, that all land within 25 feet of Diascund Road (Route 603) shall be excluded from the district.

- 2. That pursuant to Title 15.1, Chapter 36, Section 15.1-1512 (D) of the Code of Virginia of 1950, as amended, the Board of Supervisors requires that no parcel in the addition to Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

(a) The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.

(b) No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.

(c) No Special Use Permit shall be issued except for agricultural and forestal activities which are not in conflict with the policies of this district.

Jack D. Edwards, Chairman Board of Supervisors

Table with 2 columns: SUPERVISOR, VOTE. Rows include BROWN, TAYLOR, MAHONE, DEPUE, EDWARDS, all with AYE votes.

ATTEST:

David B. Norman Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of November, 1987.

