

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SEVENTH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:02 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
 Frank M. Morton, III, County Attorney

B. MINUTES - November 16, 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).

Mr. Edwards recognized Ms. Monica Lindeman for her contribution to the County as the Interim Planning Director, and welcomed Mr. O. Marvin Sowers, Jr., as Planning Director.

C. PRESENTATIONS

1. Drunk and Drugged Driving Awareness Week

Mr. Edwards called forward Ms. Mary Crozier, Regional Coordinator for Students Against Drunk Driving and Substance Abuse Coordinator for Colonial Services Board; Mr. Fred Mitchell, Substance Abuse Director for Colonial Services Board; and Lafayette High School students, Mike Lynch, President of Students Against Drunk Driving; Kelly Miles, Vice-President; and Kirstin Kidd, Secretary. Mr. Edwards read the resolution, and told them that the Board very much appreciated their year-round hard work.

Mr. Mahone commented that the Board was pleased to sponsor the resolution requested by WKEZ, and mentioned that the Police Department had received recognition for its outstanding efforts over the last two years in enforcing drunk driving regulations from the Virginia Alcohol Safety Action Program.

R E S O L U T I O N

DRUNK AND DRUGGED DRIVING AWARENESS WEEK

WHEREAS, over 20,000 Americans are killed each year in Alcohol Related Accidents; and

WHEREAS, a joint resolution of Congress has declared December 13-19, 1987, as National Drunk and Drugged Driving Awareness Week; and

WHEREAS, the Board of Supervisors of James City County is concerned about the effect of Drunk and Drugged Driving on the safety of motorists in James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that December 13-19, 1987, is designated as Drunk and Drugged Driving Awareness Week. During this week, and throughout the year, employees and residents of James City County are encouraged to report suspected Drunk and Drugged Drivers to the police and alert those around them to the threat to safety posed by Drunk and Drugged Drivers.

2. Virginia Parks and Recreation Society Award - Anheuser Busch, Inc.

Mr. Edwards introduced Mr. John Charles, Chairman of the Parks and Recreation Board; Ms. Suzy Cooksey, President of the Virginia Parks and Recreation Society; and Mr. Bill Martin, Assistant Plant Manager of the Williamsburg Plant of Anheuser Busch, Inc. Mr. Bill Brown, Supervisor, joined the group.

Ms. Cooksey praised Anheuser Busch, Inc., for its support of the James City County Parks and Recreation facilities, the Operation Brightside program, and for its involvement with the Virginia Parks and Recreation Society fund-raising golf tournament. She presented the plaque to Mr. Martin, who expressed his thanks for the award.

Mr. Edwards stated Operation Brightside was a wonderful program and read the following from the nomination for the Distinguished Lay Service Award: "This innovative program provides funds to employ low income teens; provide uniforms, tools, plant materials, and supplies to maintain and beautify the County's district and neighborhood parks. The program has been very successful, providing meaningful employment for teens and instilling community pride in neighborhood parks, stimulating others to keep parks clean."

D. PUBLIC HEARINGS

1. Restriction of Truck Traffic Over Lake Powell Dam

Ms. Victoria Gussman, Manager of Development Management, stated that Mrs. Adsit, owner of the dam impounding Lake Powell and the underlying portion of Lake Powell Road, had requested that heavy truck traffic be prohibited from the Lake Powell Road Dam. A Virginia Department of Transportation preliminary study investigation concluded that both the alignment and the typical section of Lake Powell Road at the dam are unsatisfactory for heavy truck traffic.

Staff recommended adoption of the resolution requesting the Virginia Department of Transportation to restrict through truck traffic on Lake Powell Road between Neck-O-Land Road and Treasure Island Road.

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. He commented that the road has a 90-degree turn which trucks frequently fail to negotiate, and that the dam is old and not designed for current traffic.

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

REQUEST TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION
TO RESTRICT THROUGH TRUCK TRAFFIC ON LAKE POWELL ROAD (ROUTE 618)
BETWEEN NECK-O-LAND ROAD (ROUTE 682) AND TREASURE ISLAND ROAD (ROUTE 617)

WHEREAS, the James City County Board of Supervisors has determined that heavy trucks using Lake Powell Road (Route 618) in the vicinity of the Lake Powell Dam are creating a public hazard due to the road's geometric configuration and alignment; and

WHEREAS, the Board believes that posting a portion of Lake Powell Road to eliminate through truck traffic will enhance the convenience and safety to the traveling public and the surrounding residential neighborhoods, and will also reduce maintenance costs on the roadway; and

WHEREAS, the Virginia Department of Transportation has informed the County of the process which must be completed to restrict truck traffic on a secondary highway and the Board assures the Virginia Department of Transportation that:

1. A public hearing has been properly advertised and conducted.
2. The restriction will be enforced by the James City County Police Department.
3. A transcript of the hearing will be forwarded to the Highway Department.
4. An alternate route, which is safer and equally convenient, is available along Jamestown Road (Route 31), Route 199 and Lake Powell Road (Route 617).

NOW, THEREFORE, BE IT RESOLVED the James City County Board of Supervisors respectfully requests the Virginia Department of Transportation to restrict through truck traffic on Lake Powell Road (Route 618) between Neck-0-Land Road (Route 682) and Treasure Island Road (Route 617).

2. Case No. Z-22-87. Wanda S. Heath

Ms. Monica Lindeman, Interim Planning Director, stated that Mr. Jessie R. Parker, on behalf of the owner, had applied to rezone .810 acres from R-3, General Residential, to B-1, General Business, to allow the development of a retail building for piano sales. Public water and sewer are available and a standard commercial entrance onto Richmond Road is proposed for access.

The Planning Commission, by a vote of 7-2, and County staff recommend approval for the following reasons: 1) B-1, General Business, zoning as proposed on this site is generally consistent with the intent of the Comprehensive Plan for this area; and 2) the proposed rezoning is generally not out of character with the nature of surrounding development and zoning in the area.

Mr. Edwards asked Mr. Alex Kuras, Planning Commission member, what were the dissenting views.

Mr. Kuras replied that the concerns were related to the area remaining residential.

Mr. Edwards opened the public hearing.

1. Mr. Jessie Parker, owner of the Parker Piano Company, requested approval of the case.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the resolution.

Mr. Edwards expressed concern about numerous driveways onto Route 60 at a congested section of that highway.

Mr. Kuras commented that discussion by the Planning Commission included the right for each property to have a driveway.

Mr. Edwards stated that he felt an internal access system for several of the parcels with only one entrance onto Route 60 would be preferable.

Mr. Brown stated that a crossover with a stoplight was planned for that area, but the five lots may not all be commercially developed. He further stated that he preferred assurance from the Virginia Department of Transportation that the right-of-way would not be condemned.

Mr. Brown continued that a clear policy of the Board's direction is needed before the area becomes commercially developed from the Outlets Mall down to the Williamsburg Memorial Park.

Mr. DePue agreed that the Board had not taken a position on the area, but he felt that it would be commercial.

Mr. DePue mentioned Mr. Edwards' points about what might happen if the Board rezones small strips of parcels. He felt site plan review would be helpful in such cases.

Mr. Brown expressed reluctance to rezone this case without a clear policy concerning the other parcels, and he also was concerned about the character of the development in the area.

Mr. DePue stated that the Board needed a logical basis on which to oppose the rezoning, because this property is a prime choice for commercial development.

Mr. Edwards restated that he was doubtful it was a good idea to rezone this one parcel prior to a decision about the other parcels.

Mr. DePue noted that a small businessman could take this opportunity to buy the lots and request rezoning for all. Presently, there are ten to eleven parcels, each with a driveway, and the owners would have a choice of whether to sell.

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

R E S O L U T I O N

CASE NO. Z-22-87. WANDA S. HEATH

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-22-87 for rezoning approximately .810 acres from R-3, General Residential, to B-1, General Business, on property identified as Parcel (1-2) on James City County Real Estate Tax Map No. (24-4); and

WHEREAS, the Planning Commission following its public hearing on October 27, 1987, recommended approval of Case No. Z-22-87 by a vote of 7-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-22-87.

3. Case No. Z-24-87. Henry S. Branscome

Ms. Monica Lindeman, Interim Planning Director, stated that Mr. Henry S. Branscome had applied to rezone 1.14 acres from M-1, Limited Industrial, to B-1, General Business, to allow for office, warehousing, and distribution uses. Public utilities have capacity for the proposed rezoning.

Ms. Lindeman noted that the site is on the outer edge of an area designated Commercial by the Land Use Element of the Comprehensive Plan. John Tyler Highway has been designated a greenbelt and a scenic byway. She indicated that Mr. Branscome had not proffered a landscaped green space area on this parcel, but landscaping and open space requirements are strict under B-1 zoning.

The Planning Commission recommended approval of this rezoning request by a unanimous vote.

Mr. Brown asked whether parcel 46 with a 60-foot setback had proffers.

Ms. Lindeman replied in the affirmative.

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 the rezoning.

Mr. Mahone complimented Mr. Branscome on an outstanding job of providing landscaping on the road frontage on parcel 46. He indicated that he was unsure of the land use and felt some assurances were needed of screening along the frontage for this parcel.

Mr. DePue asked about proffers on parcels across John Tyler Highway.

Ms. Lindeman replied that parcel 28 has proffers.

Mr. Mahone recalled discussions of the entrance when parcel 27 was rezoned.

Mr. Allen Murphy, Jr., Principal Planner, stated landscaping was done without proffers on parcel 27, and noted entrances on the edge of each property.

Mr. Brown asked the reason for omitting the 60-foot setback.

Henry Branscome, owner of the property, replied that landscaping had already been done, and the equipment shop would be moved by the first of next year.

Mr. Brown commended Mr. Branscome on the landscaping completed thus far.

Mr. Edwards made a motion to defer the rezoning for the reasons cited.

Mr. Brown spoke in opposition to the motion. He felt the application was to the County's advantage, and that in the past, Mr. Branscome had done what he verbally stated he would do.

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

Mr. Edwards asked for a roll call on Mr. Taylor's original motion.

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-24-87. HENRY S. BRANSCOME

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-24-87 for rezoning approximately 1.14 acres from M-1, Limited Industrial, with proffers to B-1, General Business, on property identified as Parcel (1-45) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Planning Commission following its public hearing on October 27, 1987, unanimously recommended approval of Case No. Z-24-87.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-24-87.

4. Case No. SUP-27-87. H & L Paving

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. Grady Andrews, Jr., had applied on behalf of Henry S. Branscome, Inc., for a special use permit to except an expansion up to 500 square feet to a non-conforming office building from a requirement to connect to public water and sewer.

Mr. Murphy continued that at the October 27, 1987, Planning Commission meeting, the applicant indicated that he wished to build a new building rather than expand the old one. Construction of a new building would require connection to public water and sewer according to the Zoning Ordinance. Staff submitted that amending the ordinance to respond to the Branscome situation may create a problem or a precedent for other exceptions of a similar nature.

Mr. Murphy noted that even though Mr. Branscome requested a new building, he had not withdrawn this request, and the Planning Commission unanimously recommended approval of the permit.

Mr. Brown stated that a new building could not be built with this request.

Mr. Edwards asked if the Planning Commission discussed this issue.

Mr. Murphy replied in the affirmative.

Mr. Edwards opened the public hearing.

1. Grady Andrews, Jr., speaking on behalf of Henry Branscome, stated that water and sewer are available, the James City Service Authority checked the sewer system and found it adequate, and the new building, which would also be a site improvement, would cost basically the same as an expansion.

Mr. Edwards asked if the applicant wished to defer action on this case and begin action on an ordinance change.

Mr. Andrews stated the applicant desired approval for a new building.

Mr. Branscome stated that it would not take any additional water or sewer for a new structure.

Mr. DePue asked if the applicant wanted the flexibility of having the Board vote on this resolution.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to approve the resolution. He also suggested making an exception to the ordinance stating that the structure is one mile from water and sewer.

Mr. Frank Morton, III, County Attorney, replied that a change to the ordinance could be done, and suggested that the Board postpone the action on this case until the change can be presented.

Mr. DePue expressed a preference of voting on this resolution and was uncertain as to how he might vote on an ordinance change.

Mr. Brown asked that both the exception resolution and an ordinance change be simultaneously brought to the Board for consideration. He stated a special use permit request was valid for one year.

Mr. Edwards indicated that the two issues were 1) how to handle this resolution; and 2) whether the Board wants to encourage an ordinance change.

Mr. Taylor felt that the applicant should be allowed to build what he wants, and a vote should be taken on the case so that the applicant can begin work on the expansion if he disagrees with the ordinance change.

Mr. Brown made a motion to postpone the case for 45 days so that staff could offer an amendment to meet the applicant's need.

Mr. Mahone spoke in favor of the motion stating that the improvement to the property would benefit Mr. Branscome and the County, and the deferral would give staff the opportunity to complete the request for an ordinance change.

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

5. Case No. CP-4-87. Monticello Avenue Area Comprehensive Plan Amendment

Mrs. Gussman stated that staff is recommending a Comprehensive Plan Amendment for the Monticello Avenue Area. The study area is designated Park/Reservoir Protection on the Land Use Map, a smaller portion is designated Low-Density Residential, and a Conservation designation applies to College Creek and its vicinity. She continued that the study area contains the Chambrel Retirement Community and is located near medical and retail establishments accessible via Monticello Avenue.

Mrs. Gussman further stated that the study area has sensitive environmental characteristics, such as steep slopes and soils with severe limitations for building site development, which warrant very careful attention to site planning and strict adherence to Erosion and Sedimentation Control Standards.

The Planning Commission, at the October 27, 1987, meeting, unanimously recommended the following: the portion of the study area including the Chambrel Retirement Community be designated as Low-Density Residential on the Land Use Map; a Commercial designation for the area closest to the intersection of the Chambrel access road and Monticello Avenue; no change to the Conservation designation which currently applies to College Creek, its banks, and surrounding area.

Mr. Edwards opened the public hearing.

1. Mr. Paul Wilson, Manager of Venture Properties, III, requested adoption of the amendment.

2. Ms. Carolyn Lowe, 50 Summer East, stated that College Creek is a non-tidal wetland, and this amendment is a perfect example for referring to and using as a background the Growth Commission's recommendation on development of this type.

Mr. Edwards closed the public hearing.

Mr. Mahone clarified that College Creek is a Conservation area and commercial uses are adjacent, but do not overlap.

Mr. Brown expressed reservations about the land being zoned and developed with the proposed density.

Mr. Edwards stated that development on the steep slopes could not be done without causing environmental damage.

Mr. Wilson remarked that the 11,000 square foot building was only sketched in on the site plan to indicate what could be built on the property, but there is no plan to develop that site.

Mr. DePue asked if the Park/Reservoir Protection designation would be phased out.

Ms. Gussman replied in the affirmative and that the Conservation area coincides with that section.

Mr. Edwards noted that a change in the Comprehensive Plan might give direction that these kinds of uses would be approved.

Mr. Mahone agreed that the change would set up a guideline that commercial uses would be appropriate in the area. He questioned if changing from Conservation designation to Commercial would change the Chambrel area to commercial.

Mr. Edwards stated that the change in the Comprehensive Plan includes an additional tract for a commercial area.

Mr. Mahone commented he felt that the creek bed should be the boundary for Low-Density Residential. He noted that colleagues and citizens agree with the proposal.

Mr. Mahone further stated that he had concerns about the slopes being used for commercial development, and he wanted assurances that the County would have some control in keeping trees and landscaping for protection of the area.

Mr. DePue mentioned he could not concur with staff and the Planning Commission designation because of the impact on College Creek.

Mr. Edwards asked whether the Board wanted to vote on the amendment, or whether it wanted to amend the amendment by deleting the commercial site, shown as Item 1 on the resolution.

Ms. Gussman suggested changing the map and wording of Item 2 of the resolution showing all property as Low-Density Residential.

Mr. DePue asked if Ms. Gussman's recommendation would be commercial or R-3.

Ms. Gussman replied that R-3 zoning has the benefits of controlling erosion, and commercial is permitted with a special use permit.

Mr. Kuras noted that development would have to be selective.

Mr. Edwards made a motion to approve an amended resolution with the elimination of Item 1 under NOW, THEREFORE, BE IT RESOLVED, and to change the wording in Item 2 to make the entire area Low-Density Residential.

Mr. Morton stated that with a R-3 zoning and development lot by lot, the County would lose the ability to control erosion and sedimentation.

Mr. Taylor stated that he was in favor of the staff's recommendation which includes some commercial that could be developed without a special use permit.

Mr. Brown indicated his support of the proposal by stating that parcel 133 and 133b could be developed into an attractive multi-family project, but parcel 133c would be difficult to develop. He questioned whether the amendment could be sent back to the Planning Commission.

Ms. Gussman responded that staff could bring some alternatives to the Board based on this discussion.

Mr. Edwards withdrew his motion and made a motion to postpone action on the amendment.

Mr. DePue requested that staff designate parcel 133b, or a large portion of it, as Conservation.

Mr. Taylor asked that a part of the area be kept for commercial.

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

6. Case No. Z-15-87. Venture Properties III

Mr. Murphy requested that this case be deferred at this time, since it applies to the parcels in Item D-5, Case No. CP-4-87.

Mr. Edwards opened the public hearing.

1. Mr. Paul Wilson concurred with the staff request of deferral. He explained the zoning request to B-1 with proffers was to allow an office building on the larger parcel with no plans to develop the smaller parcel, which was included in the request so the zoning would be uniform.

He stressed that the firm was reliable and would do what was verbally stated with strict adherence to the Ordinance.

Mr. Edwards closed the public hearing and made a motion to postpone action on this case.

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

Mr. Edwards recessed the Board for a break at 9:05 p.m. and reconvened at 9:21 p.m.

Mr. Edwards stated that the Board would consider Item F-2 of the Board Considerations to accommodate the Chanco's Grant residents in the audience.

2. Reduction of Scenic Easement - Chanco's Grant

Ms. Monica Lindeman, Interim Planning Director, stated that Chanco's Grant residents are requesting a reduction of the 60-foot scenic easement along Ironbound Road. She reported that staff had met with the petitioners as requested, and recommends the 60-foot scenic easement be reduced to 30 feet with the same restrictions provided that no clearing of trees or erection of structures be permitted within that 30 feet.

Mr. Edwards asked if anyone in the audience wished to speak.

Mr. DePue informed the audience that he would like to hear about statements made by the developers, or made by attorneys during house closings.

1. Mr. Ken Reining, 2906 Robert Hunt North, stated that the developer informed him at his house closing that a fence would be built along Ironbound Road. He stated that the easement was not shown on his plat.

Mr. Reining confirmed that he had made a complaint to the State, but had received no reply. He continued that follow-up correspondence would be sent based on the Board's decision.

Mr. Brown commented that this subdivision was one of the first to have a designated greenbelt.

Mr. Morton indicated that the easement is shown on the plat, but not clearly denoted. He stated that the statement, "No clearing of trees or erection of structure is permitted in the scenic easement" does not appear on some of the earlier plats that were designated as scenic easements.

Mr. Taylor spoke in favor of staff's recommendation of reducing the 60 feet to a 30-foot easement so residents could have a backyard.

Mr. Edwards asked whether the decision would create a precedent.

Mr. Morton responded that the decision would have little precedent and stated that staff will be more careful to avoid similar situations in the future.

Mr. Edwards voiced his concern that residents believe the County is responsible for the developer giving a 60-foot easement. He questioned how to insure that developers would give the correct easement.

Mr. Morton replied that the subdivision would have to be laid out to accommodate the scenic easement.

Mr. Edwards asked about the discussion sequence for the 60-foot easement.

Mr. Murphy answered that the scenic easement was recommended to eliminate driveways and entrances and to preserve the wooded area on Ironbound Road. The easement width was suggested, the developer voluntarily complied, but did not place all the houses near the interior road.

Mr. DePue emphasized that staff seemed to be accepting some of the responsibility that was clearly that of the developers, attorneys, and real estate agents.

Mr. Brown stated his support for a reasonable modification to assist the residents in resolving a problem that is not of their doing. He suggested sending a letter to the State Boards that license, contractors, realtors, attorneys, etc., and have the respective Boards determine whether the citizens have been adequately served.

Mr. DePue stated that the Board has an obligation to the County citizens and voiced his support for the reduction of the scenic easement. He agreed the issue should be pursued at the State level.

Mr. Brown made a motion to accept staff's recommendation reducing the easement with restrictions from 60 feet to 30 feet. He indicated a survey was needed for the other greenbelt setbacks with correspondence being sent to the owners and contractors. He asked Mr. Morton to determine if correspondence concerning the complaints could be sent to the State Boards that regulate contractors and attorneys.

Mr. Mahone felt that reduction of the scenic easement would increase the cutting of trees, and he stated he could not support the motion without a provision for screening or the building of a fence.

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

R E S O L U T I O N

REDUCTION OF SCENIC EASEMENT/CHANCO'S GRANT

WHEREAS, the residents of Chanco's Grant, whose property abuts Ironbound Road, have petitioned the County for relief from a 60-foot scenic easement restriction along Ironbound Road; and

WHEREAS, the staff has recommended the reduction of the scenic easement from 60 feet to 30 feet.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reduces the scenic easement along the rear of lots within Chanco's Grant abutting Ironbound Road as described herein.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes staff to amend and record a plat providing for the reduction of the scenic easement as outlined above.

Mr. Edwards asked for a roll call on Mr. Brown's motion on surveying other greenbelt easements and notifying developers and owners who may not be aware of the problem.

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

Mr. Edwards stated the Board should not be involved in the process at the State level without being better informed.

Mr. Taylor felt the problem could be solved at the local level since he felt greenbelts should be noted on the building permit.

Mr. Brown restated his request that the County Attorney send the information to the State Boards who in turn would determine if a violation had occurred.

Mr. Morton requested the flexibility to determine whether sending a letter to inform the state agencies of complaints would be proper.

Mr. DePue stated the public interest has been harmed.

Mr. Edwards stressed the point that the County could not make a complaint without knowing the facts.

Mr. Mahone suggested supplying the citizens with the names and addresses of the agencies so that the individuals could personally voice their complaints.

Mr. Morton agreed with Mr. Mahone's suggestion.

Mr. Edwards asked for a roll call vote on Mr. Brown's request that Mr. Morton correspond with the appropriate State Regulating Board.

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

E. CONSENT CALENDAR

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

Mr. Mahone made a motion to approve the Consent Calendar.

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

1. School Budget Amendment

R E S O L U T I O N

SCHOOL BUDGET CHANGE

WHEREAS, the Joint School Board has requested an adjustment in the total appropriated funds to acknowledge \$102,511 in additional State revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following appropriation adjustment:

OPERATING BUDGET

Revenues:

Total revenues as previously appropriated	\$22,277,245
Revenue from the State	117,781
Sales Tax for Education	<u>(15,270)</u>
	<u>\$22,379,756</u>

Expenditures:

Total expenditures as previously appropriated	\$22,277,245
Additional expenditures	<u>102,511</u>
	<u>\$22,379,756</u>

2. Designation of Administrator for Erosion and Sedimentation Control Ordinance

R E S O L U T I O N

DESIGNATION OF ADMINISTRATOR FOR EROSION AND
SEDIMENTATION CONTROL ORDINANCE

WHEREAS, the Board of Supervisors is empowered to designate an agent to administer the Erosion and Sedimentation Control Ordinance; and

WHEREAS, a reorganization of departments necessitates a change in the administrator of that Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of James City, Virginia, hereby designates the Director of Code Compliance, or an authorized designee thereof, to administer Chapter 5A of the Code of the County of James City entitled the Erosion and Sedimentation Control Ordinance.

3. Route 199 - Request for Interchange Evaluation

R E S O L U T I O N

ROUTE 199 - ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the completion of Route 199 is essential to the movement of traffic in James City County; and

WHEREAS, early studies conducted for the County indicate that an interchange located between the Longhill Road (Route 612) and Ironbound Road (Route 615) interchanges would benefit the County's road network and facilitate the flow of traffic on adjacent streets.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County respectfully requests the Virginia Department of Transportation to include planning for a potential access point on Route 199 between Longhill Road and Ironbound Road in the Environmental Impact Statement now under preparation.

F. BOARD CONSIDERATIONS

1. Case No. SUP-28-87. Kenneth N. Friesen

Ms. Lindeman stated that this application for a special use permit to allow the placement of a mobile home was reviewed by the Board at its November 16, 1987, meeting. The area in which the clearing of trees is prohibited has been enlarged from 35 feet to 50 feet from the property line.

Mr. DePue made a motion to approve the resolution.

Mr. Taylor spoke in favor of the motion.

Mr. Brown referred to Condition No. 4 in the resolution, stating that the first sentence is unclear regarding limitations to the clearing of trees.

Mr. DePue made a motion to amend the resolution by deleting the first sentence in Condition No. 4 and adding "except for those which must be cleared for the purpose of constructing a driveway entrance."

Mr. Mahone made a motion to set a ten-year limit on this application.

Mr. Edwards questioned whether the County policy could enforce such a limit.

Mr. Taylor stated he could not support the motion.

Mr. DePue felt a limit would be unfair, since no limit is set on permanent structures. He stated that some mobile homes now appreciate.

Mr. Brown mentioned that he was sympathetic to Mr. Mahone's motion, but a reduction in the number of permits for mobile homes has occurred in recent years.

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

Mr. Edwards asked for a roll call on the original motion.

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

R E S O L U T I O N

CASE NO. SUP-28-87. KENNETH N. FRIESEN

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

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

Applicant: Kenneth N. Friesen

Real Estate Tax Map ID: (11-3)

Parcel No.: (1-30)

Address: 223 Ivy Hill Road

District: Stonehouse

Zoning: A-1

- Conditions:
1. This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.
 2. The mobile home must be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The number of bedrooms shall not exceed four.
 4. All trees within 50 feet of the front, side and rear property lines are to remain except for those which must be cleared for the purpose of constructing a driveway entrance.
 5. The mobile home shall be set back a minimum of 100 feet from the right-of-way of Ivy Hill Road.

Item F-2, Reduction of Scenic Easement - Chanco's Grant, was discussed earlier during this meeting.

3. Case No. S-127-87. Albert T. Slater

Mr. Murphy stated that Mr. Albert T. Slater is requesting Board of Supervisors' authorization to create a family subdivision within an Agricultural and Forestal Division.

Staff recommends that the application be referred to the Agricultural and Forestal Districts Advisory Committee for a recommendation.

Mr. Edwards made a motion to approve the recommendation.

Mr. Taylor asked if the AFD allows a family subdivision.

Mr. Murphy replied in the affirmative, if the Board approves.

Mr. Brown asked whether this property had previously been subdivided.

Mr. Murphy replied in the affirmative, for mobile homes.

Mr. Mahone questioned how many mobile homes constitute a mobile home park.

Mr. Morton responded three.

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

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Morton explained that the resolution for naming the Director of Code Compliance as Acting Director of Public Works was needed until staff can delete references to the Director of Public Works in the County Code.

Mr. Mahone 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

DESIGNATION OF DIRECTOR OF CODE COMPLIANCE
AS ACTING DIRECTOR OF PUBLIC WORKS

WHEREAS, the Code of the County of James City, Virginia, specifies certain duties and responsibilities of the Director of Public Works; and

WHEREAS, the position of Director of Public Works is vacant; and

WHEREAS, the Director of Code Compliance has assumed the duties and responsibilities of the Director of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of James City, Virginia, hereby designates the Director of Code Compliance as Acting Director of Public Works.

Mr. David Norman, County Administrator, requested an executive session for legal and personnel matters.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Brown mentioned the reply from Richard Drumwright to Mrs. Adgate regarding the transit information. He suggested copies be sent to other elderly clients.

Mr. Anthony Conyers, Jr., Manager, Community Services Department, stated 26 clients had been contacted.

Mr. Taylor noted the resolution on Board of Supervisors' salaries allowing a raise to \$5,000. He mentioned the reading file memo that stated "If all salaries are to remain equal, the effective date of the increase should be January 1, 1990, so as to permit the Jamestown and Powhatan representatives to receive their increase." Mr. Taylor made a motion to approve the resolution.

Mr. Edwards noted that the resolution sets the salary.

Mr. Morton replied in the affirmative.

Mr. Brown spoke in favor of the motion stating that \$5,000 is modest compensation for the duties.

Mr. Edwards mentioned that he felt a salary increase should be based on a formula or system for raises, or perhaps on the cost of living.

Mr. DePue expressed agreement with the idea, but felt it would be impractical because the Board should set the salary based on workload and job responsibilities.

Mr. Mahone asked if the State had set a maximum salary.

Mr. Morton responded that there was a State maximum, but the Board follows an alternative that permits the Board to set its own maximum.

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

R E S O L U T I O NBOARD OF SUPERVISORS' COMPENSATION

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is appropriate to increase the salary of the Board members.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that their salary be set at \$5,000 per annum effective January 1, 1990.

Mr. Taylor made a motion to approve the James City Service Authority Board of Directors' Compensation at \$2,000 per annum effective January 1, 1988.

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

R E S O L U T I O NJAMES CITY SERVICE AUTHORITY
BOARD OF DIRECTORS' COMPENSATION

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is appropriate to increase the salary of the members of the Board of Directors of the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the salaries of the Board of Directors be set at \$2,000 per annum effective January 1, 1988.

Mr. Edwards indicated that his statement concerning County employees and as reported in the newspaper was taken out of context and not meant to malign the Planning Department staff.

Mr. Mahone remarked that Mr. Edwards is a supporter of County staff and individual benefits and compensation.

Mr. Norman stated that on behalf of staff, he concurred with Mr. Mahone's statement.

Mr. Taylor mentioned that he felt the statement was in error.

Mr. DePue felt that the County employees should be aware of Mr. Edwards' record of support.

Mr. Brown commented that he thought the statement was out of context.

Mr. Mahone commented that the name "Williamsburg Airport" has been suggested for the Patrick Henry Airport, and that announcement has caused some problems with persons being taken to the Williamsburg Airport when, in fact, they wanted Patrick Henry.

Mr. Mahone spoke in opposition to hiring a tax specialist to set up the Section 125 Benefits Program.

Mr. Mahone reported that he had had citizen complaints regarding the rabies inoculation regulations. He asked staff to review the rabies inoculation policy and look at changing the effective date during the calendar year to three years beginning at the calendar year to coincide with the purchase of dog licenses.

Mr. Mahone requested staff and the Planning Department to supply the Southeastern Virginia Planning District Commission and the Peninsula Planning District Commission with documents so that the County will be represented in their publications. The information is useful to both public and governmental sectors.

Mr. Edwards made a motion to convene into executive session pursuant to Section 2.1-344 (a)(1)(6) of the Code of Virginia, 1950 as amended, at 10:42 p.m.

The Board reconvened into public session at 11:55 p.m.

Mr. Edwards made a motion to approve the appointments of Anthony Conyers, Jr., to fill an unexpired term on the Colonial Services Board, term expiring June 30, 1989; Scott Zimmerman to the Job Training Services Private Industry Council for a three-year term, term expiring December 7, 1990; Joseph M. Cross, Jr., to the Industrial Development Authority for a four-year term, term expiring December 7, 1991; and reappointments to the Housing Commission of Willafay McKenna, Gwendolyn Robinson, John Filichko for a one-year term, term expiring December 15, 1988; and Laurence Wilkerson and Lynn Bloch for a one-year term, term expiring January 5, 1989.

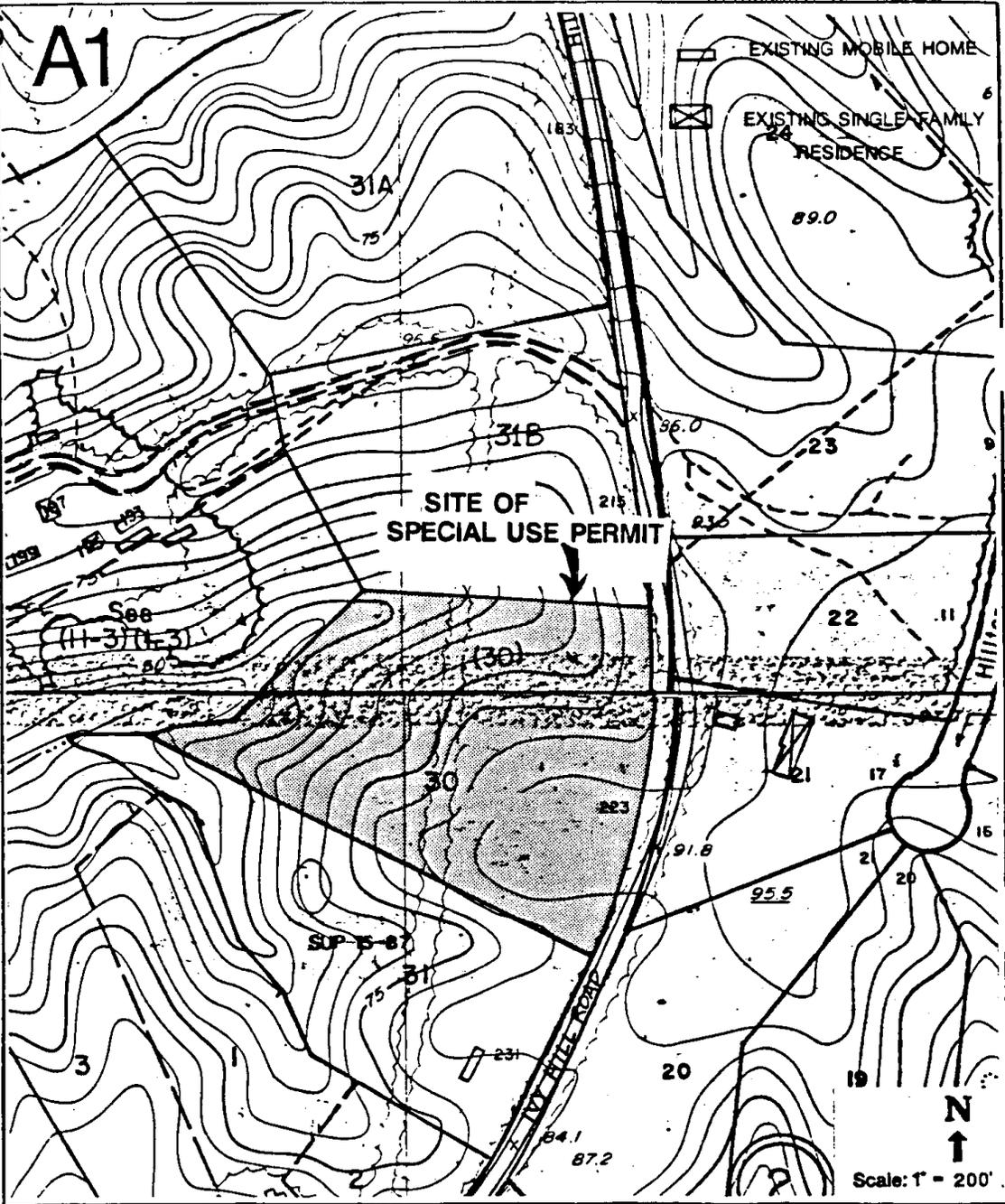
On a roll call, the vote was AYE: Brown, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

Mr. Edwards 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 11:58 p.m.


David B. Norman
Clerk to the Board



Case #: SUP-28-87
 Name: KENNETH N. FRIESEN

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT