

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF APRIL, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:00 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
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Perry M. DePue, Powhatan District
 Thomas K. Norment, Jr., Roberts District
 Stewart U. Taylor, Stonehouse District

David B. Norman, County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - March 21, 1988

Mr. Norman introduced the new Assistant County Administrator, Larry M. Foster. Mr. Foster was formerly the City Manager in Buena Vista for six years.

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: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

C. PRESENTATION

1. Certificate of Appreciation - Elvin Jones

Mr. DePue read and presented the certificate to Mr. Elvin Jones.

Mr. Jones thanked the Board and stated it had been a privilege and honor to serve the community.

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

R E S O L U T I O N O F A P P R E C I A T I O N

ELVIN H. JONES

WHEREAS, Elvin H. Jones served the citizens of James City County from January 1980 until December 1987; and

WHEREAS, throughout this period of service Elvin H. Jones gave freely of his time and wisdom as an active member of the Planning Commission and Subdivision Review Committee, through which a significant contribution was made in the development and subsequent revisions of the Comprehensive Plan and the Zoning Ordinance reflecting the planning and orderly growth of the community; and

WHEREAS, during this period the County continued a transition from a rural to an urban community with the attendant growth in services and governmental complexity; and

WHEREAS, Elvin H. Jones consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication which have resulted in exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes

ELVIN H. JONES

for his distinguished service and devotion to the County and its citizenry.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Minutes of this Board and a suitable copy be presented to Elvin H. Jones.

D. PUBLIC HEARINGS

1. FY 1989 Proposed Budget
2. Ordinance Amendment - Landfill Charges
3. Proposed Utility Water Rates
4. Proposed Utility Sewer Rates

Mr. John McDonald, Manager of Financial and Management Services, gave a brief presentation on the basic elements of the budget. The proposed landfill fees will increase from \$15.00 to \$17.00, the proposed water rate is \$2.10 per 1,000 gallons, and the proposed sewer rate is \$1.90 per 1,000 gallons.

Mr. Edwards opened the public hearing for Item 1.

Mr. Taylor called the James City Service Authority Board of Directors into a joint session with the Board of Supervisors.

1. Mr. James J. Waldeck, 102 N. Sulgrave Court, spoke in opposition to a 12% increase in the school budget.

2. Ms. Rachel Marks, 804 Conway Drive, urged the Board's support of library funding.

3. Mr. Gene Farley, 4125 S. Riverside Drive, spoke in opposition to the 18% tax assessment rate increase for the Chickahominy Haven residents, and requested consideration for more County services.

4. Mr. David Weakley, 7242 Otey Drive, Lanexa, supported Mr. Farley's comments and mentioned that the dumpsters should be increased in number, not removed.

5. Ms. Sandra Roger Peterkin, 3811-A E. Steeplechase Way, asked that the Board approve funding of \$34,000 (\$24,000 - first year, \$10,000 - second year, rather than the \$54,000 requested at the March 21, 1988, Board meeting) for purchasing artifacts for the Jamestown Festival Park galleries.

6. Mr. Gerald Otey, 4079 S. Riverside Drive, spoke in opposition to the tax rate assessment increase. He commented that he could not sell lots for the assessed value.

7. Ms. Linda Rice, 3394 Forge Road, Toano, read a statement from the Williamsburg-James City County PTA Council, who expressed its support for the school budget.

8. Ms. Brigid Edmonds, 144 Nina Lane, spoke in support of funding for the library, and asked for continued investigation for a branch in the Norge/Toano area.

9. Mr. Ed Oyer, 139 Indian Circle, made comments about several sections of the proposed budget.

10. Mr. John Kozel, 116 Jordans Journey, stated his appreciation of Administration's effort to economize in many areas. He encouraged the Board in its review of the Budget to continue to operate on a good, sound financial basis.

11. Mr. Sherwin Helms, 100 Rich Neck Road, spoke in favor of expanding the activities of the library.

12. Ms. Shirley Hundley, 6113 Mooretown Road, asked the Board to consider widening all of Mooretown Road.

13. Mr. W. Hughes, Chickahominy Haven, spoke in opposition to the increase of the tax rate assessment increase as a hardship for retired citizens.

14. Dr. John Mullaney, Canterbury Hills, expressed that an increase in the tax rate assessment is a small portion of income, and that a large portion of that increase is for the school system, which is one of our most important resources.

15. Mr. R. Dishman, Chickahominy Haven, asked that a road be provided in return for the increased taxes.

16. Mr. Charles Holloway, 123 W. Kingswood, asked for the Board's support of library funding.

Mr. Edwards closed the public hearing.

Mr. Edwards opened the public hearing for Item 2, and as no one wished to speak, he closed the public hearing.

Mr. Edwards opened the public hearing for Items 3 and 4.

1. Mr. Ed Oyer, 139 Indian Circle, commented about several items in the Service Authority budget.

2. Mr. Arnold A. Dudley, 104 Regency Court, spoke in opposition to the proposed increase in the water and sewer rates.

3. Mr. Robert Scouse, 3 Settlers Lane, stated that he felt new houses should be required to be connected to the waterline, which would help reduce the annual proposed increases.

Mr. Edwards closed the public hearing.

Mr. Taylor closed the joint public hearing.

5. Case No. Z-29-87. Five Forks Associates, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. C. Lewis Waltrip had applied on behalf of the Five Forks Associates to rezone 5.66 acres from A-2, Limited Agricultural, to B-1, General Business, for commercial development; and 26.27 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers, for development of 53 single-family residences and a neighborhood shopping center.

Staff recommended deferral, to clarify portions of the proffers, until the next Board meeting.

Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, representative for the applicant, concurred with staff's recommendation for deferral.

Discussion was held regarding concerns of density, type of business being planned, and amount of fill needed for the site.

Mr. Edwards made a motion to continue the public hearing and postpone the case until the next Board meeting.

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

6. Case No. Z-4-88. Meade Estate

Mr. Sowers stated that Mr. William Bull had applied on behalf of the Meade Estate to rezone approximately .82 acres from LB, Limited Business, to B-1, General Business, to allow for the development of a car wash.

The Planning Commission concurred with staff in recommending denial of the rezoning by a unanimous vote because the proposed B-1 zoning is inconsistent with intended uses and activities designated for this area, and inconsistent with the predominant character of surrounding development and zoning in the area.

Mr. Edwards opened the public hearing.

1. Mr. William Bull gave a brief history of the property and stated that the car wash building would be set back with the brick front facing Jamestown Road. He further stated the business would be locally developed and managed, and that the service is needed.

2. Mr. Gene Farley, 4125 S. Riverside Drive, spoke in favor of the car wash, to promote business growth in the County.

3. Mr. Dwight Dansby, attorney for the property owners, spoke in favor of the business, stating that the view from Jamestown Road would be a brick side of the car wash, and entrances would be from Jamestown Road and Sandy Bay Road with no drive through.

Mr. DePue made a motion to defer the case to be brought back with a special use permit.

After a brief discussion, Mr. DePue withdrew his motion.

Mr. Norment made a motion to refer the case back to the Planning Commission.

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

Mr. Edwards made a motion to take a break at 9:27 p.m.

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

Mr. Edwards reconvened the Board into open session at 9:35 p.m.

7. Case No. Z-5-88. Ordinance Amendment - Nonconforming Mobile Homes

Mr. Sowers stated that the case had been referred to the Planning Commission, who concurred with staff and recommended approval of the ordinance amendment to permit replacement of nonconforming mobile homes in agricultural or residential districts upon issuance of a special use permit.

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 ordinance amendment.

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

8. Case No. CP-2-88. Comprehensive Plan Amendment - Longhill Connector Road

Mr. Sowers stated that the Planning Commission, at its February 23, 1988, meeting concurred with staff to forward a recommendation to the Board of Supervisors that the Longhill Connector Road be added to the Transportation Element of the Comprehensive Plan.

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: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

R E S O L U T I O N

AMENDMENT TO THE TRANSPORTATION
ELEMENT OF THE COMPREHENSIVE PLAN
LONGHILL CONNECTOR ROAD

WHEREAS, the construction of a new road linking Longhill Road with Ironbound Road in the vicinity of Eastern State Hospital will reduce traffic congestion, enhance public safety, and improve access to the James City County-Williamsburg Recreation Center; and

WHEREAS, at its meeting on February 23, 1988, the Planning Commission of James City County recommended inclusion of the Longhill Connector Road in the Transportation Element of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Transportation Element of the Comprehensive Plan to include the Longhill Connector Road among the new roads proposed between 1980 and 2000, in accordance with the attached map and text.

9. Acquisition of Friendship Drive

Mr. Frank M. Morton, III, County Attorney, stated that a title search had revealed the impossibility of precisely establishing the owners of the property, and requested authorization for acquisition of Friendship Drive to permit improvement under the Dirt Street Program.

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 resolution.

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

R E S O L U T I O N

ACQUISITION OF REAL PROPERTY

WHEREAS, certain citizens have petitioned the County to acquire the right-of-way and construct a road to be known as Friendship Drive; and

WHEREAS, investigation by the County Engineer has determined that the real property required for the right-of-way is standing in the name of the Hartman Jones Estate; and

WHEREAS, all of the owners of the land are not known or cannot, with reasonable diligence, be found in the Commonwealth of Virginia; and

WHEREAS, pursuant to Section 25-232.01 of the Code of Virginia the County may acquire the subject real property by condemnation; and

WHEREAS, pursuant to Section 15.1-236 of the Code of Virginia the procedure for exercise of the right of eminent domain may follow Article 7, Chapter 1, Title 33.1, provided for the State Highway Department, after a resolution by the governing body that a public necessity is shown to exist; and

WHEREAS, at its meeting on March 21, 1988, the Board set a public hearing on the public necessity for Friendship Drive for its meeting of April 4, 1988.

NOW, THEREFORE, BE IT RESOLVED:

1. That in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for the construction, altering, maintaining and repairing a roadway in James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.
2. That the County Attorney and/or the law firm of Phillips, Bartlett & Skinner, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto.
3. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Paragraph 5 of this Resolution which has been authorized and appropriated.
4. That the name of the present owner of the land to be acquired as provided in Paragraph 2 of this Resolution together with a substantial description of the parcel is as follows:

OWNER: Hartman Jones, and spouse, if any, if living, if not his spouse, heirs or devisees at law and/or successors in interest.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in Stonehouse District, James City County, Virginia, shown on that certain plat entitled, "Plat for Conveyance & Dedication of R/W, From: Hartman Jones Estate, To: James City County," and made by AES, a professional corporation, Williamsburg, Virginia, which is a part of Tax Parcel (22-1)(1-53) and contains approximately 0.93 acres.
5. Upon the appraisal of the Department of Real Estate Assessments, the County Administrator is authorized to offer TWO THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$2,400.00) as compensation and damages, if any, for the parcel described herein.
6. The County Attorney and/or the law firm of Phillips, Bartlett & Skinner, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before April 14, 1988.
7. That in the event of the property described in Paragraph 4 of this Resolution has been conveyed to any other party, the County Attorney and/or the law firm of Phillips, Bartlett & Skinner, P.C., are authorized and directed to institute proceedings against the successors in title.
8. That an emergency is hereby declared to exist and this Resolution shall be in effect from the date of its passage.

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to discuss the Consent Calendar item.

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

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

1. Street Name Assignments - Eastern State Hospital

R E S O L U T I O N

STREET NAME ASSIGNMENT

WHEREAS, Eastern State Hospital has requested that the streets within Eastern State Hospital be named; and

WHEREAS, it is in the interest of public safety and convenience to assign names to streets in James City County with no former name.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors assigns the following list of names to streets within the Eastern State Hospital Complex as shown on the attached map:

- 1. Galt Drive
- 2. Minson Road
- 3. Henley Drive
- 4. Garrett Drive
- 5. Brower Drive
- 6. Wise Drive
- 7. Moncure Drive
- 8. Foster Road
- 9. Brunk Drive
- 10. Ashbury Road
- 11. Schmidt Road

F. BOARD CONSIDERATIONS - NONE

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards made a motion to change the third scheduled budget work session from Tuesday, April 12, at 7:00 p.m. to Monday, April 11, at 7:00 p.m.

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

Mr. DePue asked staff to clarify in writing the formal request of funding from the "Let's Build a Gym Committee" to James City County and also to York County.

Mr. Mahone requested staff to include litter enforcement in the monthly Police report.

Mr. Taylor made a motion to recess until Tuesday, April 5, 1988, at 7:00 p.m. for the first budget work session.

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

The Board recessed at 9:55 p.m.

David B. Norman
Clerk to the Board

APR 4 1988

ORDINANCE NO. 31A-107 BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE V, NONCONFORMITIES, SECTION 20-401. PERMITTED CHANGES OF NONCONFORMING USES.

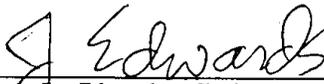
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by adding Section 20-401 (a)(11).

Chapter 20.

Article V. Nonconformities

(a) (11). Nonconforming mobile homes in any Agricultural or Residential district may be replaced upon issuance of a special use permit. For purposes of this Article a nonconforming mobile home shall be defined as any mobile home which does not meet all current zoning requirements which was (1) located in the county prior to April of 1969, or any replacement thereof; (2) located pursuant to a conditional use permit, either with or without an expiration date; (3) located pursuant to a special use permit; or (4) a replacement for a mobile home located pursuant to a conditional or special use permit not specifically prohibited by the permit.

Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 4th day of April, 1988.

Page 10: NEW ROADS PROPOSED

Insert the following paragraph:

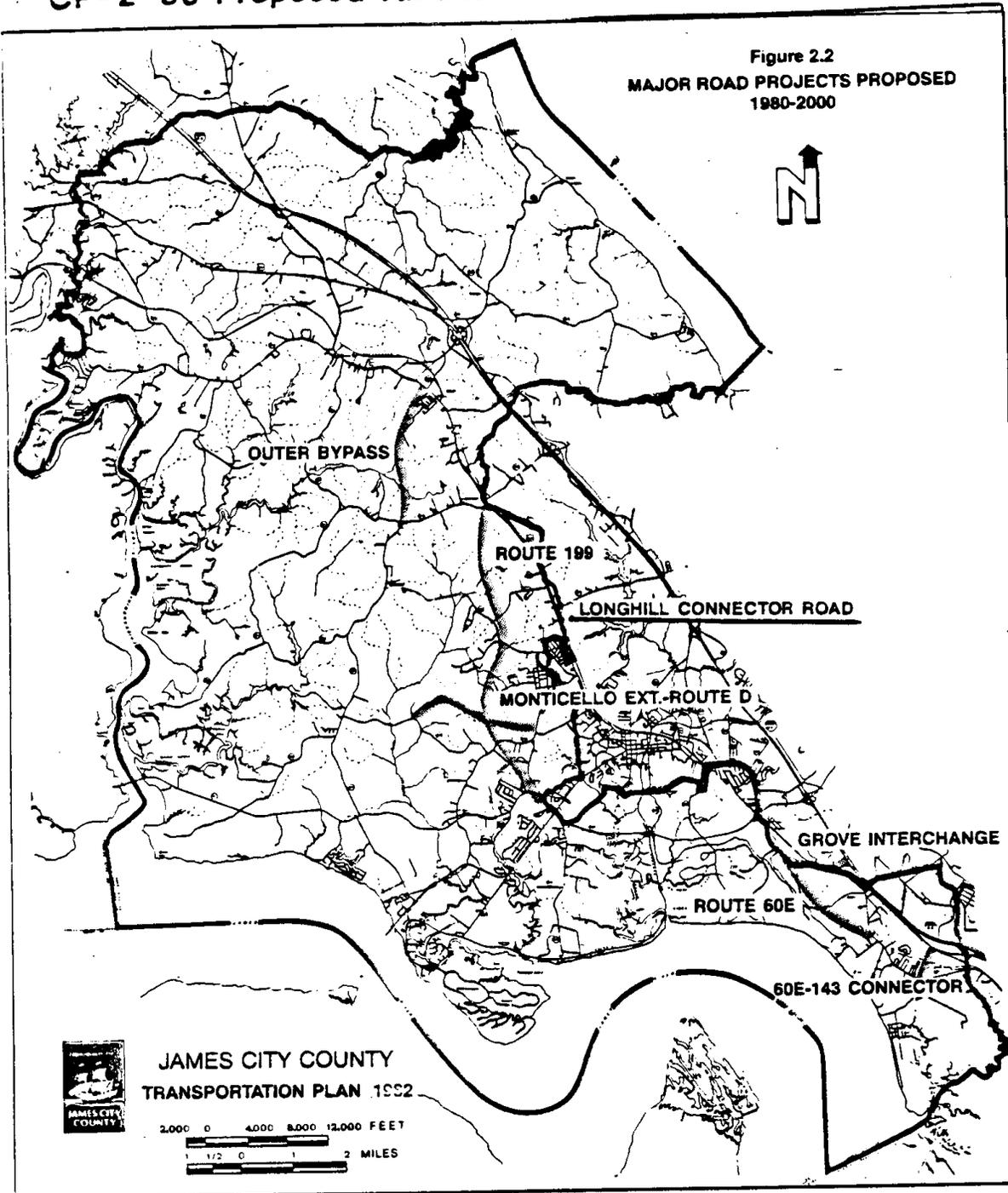
Longhill Connector Road

A new two-lane road is proposed to link Longhill Road with Ironbound Road at Eastern State Hospital. The new road will improve traffic congestion at the present Longhill Road-Ironbound Road intersection as well as provide enhanced vehicular, pedestrian and bicycle access to the James City County-Williamsburg Recreation Center.

Page 11: After number 6, add the following sentence:

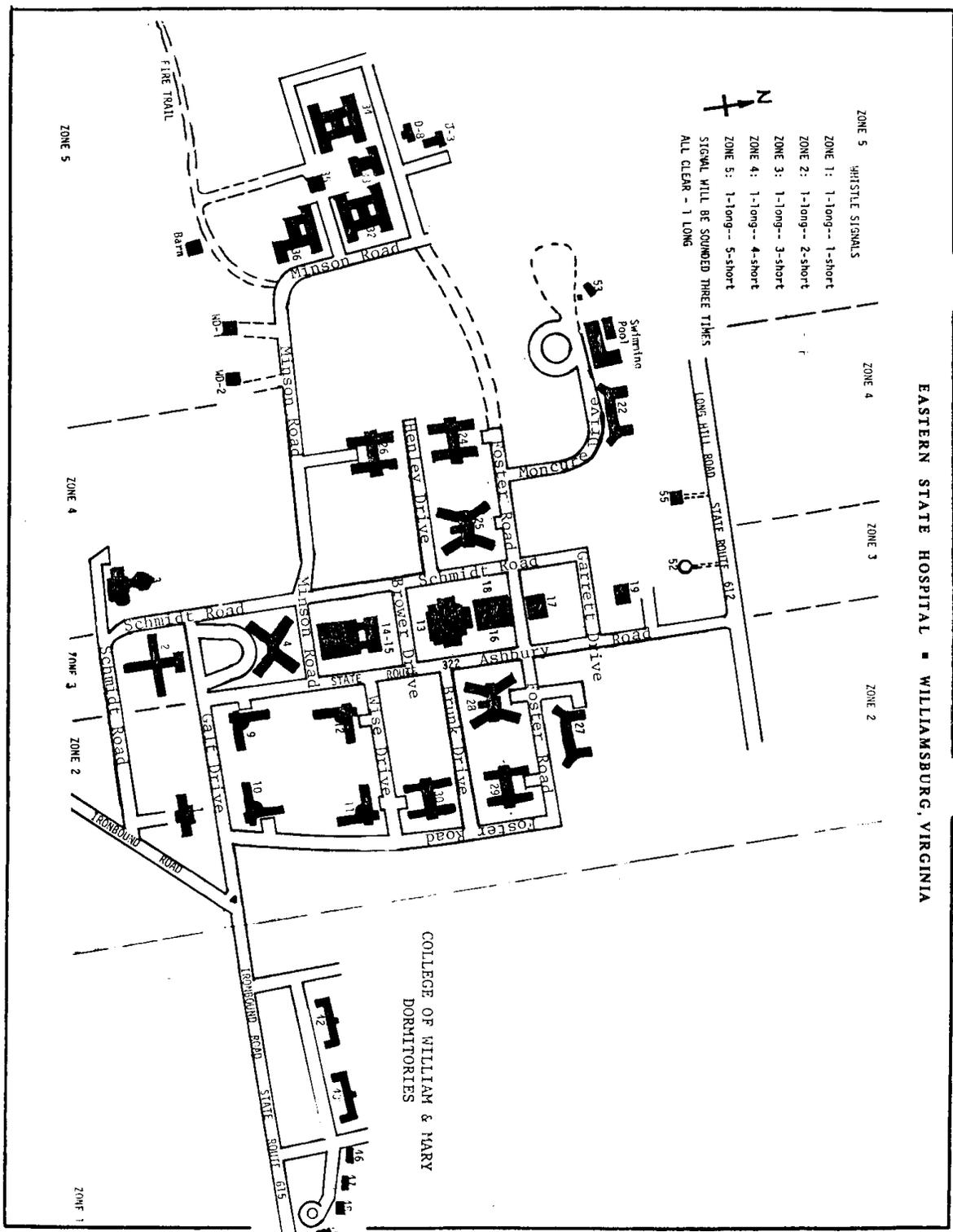
Also proposed is the Longhill Connector Road.

CP-2-88 Proposed Amendment to Transportation Plan



EASTERN STATE HOSPITAL - WILLIAMSBURG, VIRGINIA

- ZONE 5 WHISTLE SIGNALS
- ZONE 1: 1-long--1-short
 - ZONE 2: 1-long--2-short
 - ZONE 3: 1-long--3-short
 - ZONE 4: 1-long--4-short
 - ZONE 5: 1-long--5-short
- SIGNAL WILL BE SOUNDED THREE TIMES
ALL CLEAR - 1 LONG



COLLEGE OF WILLIAM & MARY
DORMITORIES

ZONE 5

ZONE 4

ZONE 3

ZONE 2

ZONE 1

ZONE 4

ZONE 3

ZONE 2

LONG HILL ROAD
STATE ROUTE 612

TECHNICAL ROAD
STATE ROUTE 615

FIRE TRAIL

BATH

Swimming
Pool

Monette

GALLE DRIVE

FOSTER ROAD

FOSTER ROAD