

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:03 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
 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 - August 1, 1988

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

Mr. Mahone asked that the word "emergency" be added to the motion on page 18 of the August 1, 1988, minutes to read: "Mr. Edwards...made a motion to approve the emergency ordinance authorizing acquisition of certain real property...".

Mr. Mahone made a motion to approve the minutes as amended.

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

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, Virginia Department of Transportation, reported that the Chickahominy Road project was getting underway; the traffic signal at Longhill Road and Olde Towne Road had been delayed until Virginia Power installs a taller pole for adequate clearance of electrical wires; and prohibition of through truck traffic on Lake Powell Road had been resubmitted to the Highway Board in Richmond.

Mr. Taylor again requested that the Chickahominy Church Road sign be replaced with one showing the correct name, Brown's Drive.

D. PUBLIC HEARINGS

1. Ordinance Amendment, Chapter 20, Change in Camping Unit Definition

Mr. Bernard Farmer, Jr., Director of Code Compliance, stated that the proposed ordinance change contains language which would allow camping units to remain on a site for longer than 30 days, but limit occupancy by the same persons to no more than 30 days in any 60-day period, and require that vehicles be eligible to be currently licensed for travel without special permits.

Staff recommended approval of the proposed change.

Mr. Edwards reopened the public hearing, and asked if anyone wished to speak.

1. Vernon Geddy, III, Esq., representing Outdoor World Williamsburg Resort, spoke in opposition to changing the definition of a camping unit, stating that changing the length of stay took care of the issue.

2. Mr. Tom Ricks, Vice-President of Operations, Outdoor World, stated that some of the larger units at that facility have been stationary since being located during 1985, and the occupancy rate for all trailers exceeds 100 nights per year.

3. Mr. Bob Ramsey, Executive Vice-President, Virginia Campground Association, introduced Mr. Everett Lovell, owner of a campground in Stafford, Virginia, who mentioned some of the rules which apply in that area.

4. Mr. David Ware, Jr., Williamsburg Campsites, Inc., stated his opposition to the change in the ordinance, noting that enforcement of a time limit would be difficult.

5. Mr. Martin Garrett, Planning Commission member, stated that the Commission gave no recommendation, because in its point of view, the issue was not one of land use, but of policy.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the ordinance.

Mr. Mahone made a motion to amend the ordinance Section 20-2 by placing a period after "governmental body," and adding that the units would not exceed 400 square feet.

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

Mr. Edwards asked for a vote on Mr. DePue's motion.

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

2. Proposed Repeal and Replacement of Chapter 3, Animals and Fowl

Mr. Larry W. Davis, Assistant County Attorney, advised that the State animal law requires the County to have a local ordinance for the licensing of dogs and an animal control officer to enforce all State animal laws as well as local ordinances; and mandates that dogs and domesticated cats be vaccinated at four months of age. He further stated that the inclusion of State law in the local ordinance places the legal requirements for animals in one document, allows the County to customize the State requirements to the County system, and allows fines from enforcement to be paid locally rather than to the State.

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

Mr. Edwards made a motion to approve the ordinance.

Mr. Mahone made a motion to amend Article II, Section 3-7(d), by replacing \$100.00 with \$50.00.

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

Mr. Mahone made a motion to amend Article I, Section 3-6(a), by deleting "or attacking."

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

Mr. Mahone made a motion to amend Article II, Section 3-11, by deleting "The animal warden and animal control officers shall use due diligence in performing this duty."

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

Mr. Mahone made a motion to amend Article IV, Section 3-24(a), by adding "every dog" after the words "has been inoculated against rabies and..."

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

Mr. Frank Morton, County Attorney, requested a deferral until the September 12, 1988, meeting.

By consensus, the Board postponed the ordinance until the September 12, 1988, meeting.

E. CONSENT CALENDAR

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

Mr. Mahone asked for removal of Item 1.

Mr. Norment asked for removal of Item 3.

Mr. Edwards made a motion to approve Item 2 on the Consent Calendar.

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

2. Bank Resolution - Crestar

R E S O L U T I O N

CRESTAR

BE IT RESOLVED that Crestar, Williamsburg, Virginia, be and it is hereby designated a depository for James City County account designated below:

ACCOUNT NUMBER: 95-00499

JAMES CITY COUNTY PETTY CASH

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by one of the following:

David B. Norman County Administrator

OR

John E. McDonald Financial and Management Services
Manager

OR

Walter C. Schmidt Financial and Management Services
Assistant Manager

OR

Joseph W. Morris Accounting Supervisor

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. 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.

1. Centerville Road Sidewalks

After a short discussion, Mr. Edwards made a motion to approve the resolution.

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

3. Budget Amendments - FY 1989

After comments, Mr. Norment made a motion to approve the resolution.

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

R E S O L U T I O N

BUDGET AMENDMENT

WHEREAS, the Board of Supervisors of James City County chooses to amend the funds appropriation for the 1988-89 Fiscal Year.

NOW, THEREFORE, BE IT RESOLVED that the FY 1988-89 budget be amended and the appropriation of funds be amended, as follows:

Revenues

Revenue from State - Arts Grant	+\$5,000
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Expenditures

Regional Jail	+\$4,600
Operating Contingency	+ 400
	+\$5,000

F. BOARD CONSIDERATIONS

1. Case No. Z-23-87. Warhill Tract

Mr. Marvin Sowers, Jr., Director of Planning, stated that Mr. Michael Scruggs had applied on behalf of Virginia International Finance and Development to rezone approximately 213 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers. This case was deferred in January 1988, pending acquisition of suitable access to the site. Mr. Sowers indicated that revised proffers have been received, and suitable access had been acquired.

The Planning Commission concurred with staff and recommended approval of the rezoning to R-3, General Residential, with proffers, by a 5-2 vote in November 1987.

After discussion of the buffer area and level of traffic service, Mr. DePue made a motion to approve the rezoning, with proffers.

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

R E S O L U T I O N

CASE NO. Z-23-87. Warhill

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia and Section 20-15 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-23-87 for rezoning approximately 213 acres from A-2, Limited Agricultural to R-3, General Residential and property identified as Parcel (1-57) on James City County Real Estate Tax Map No. (32.2); and

WHEREAS, The Planning Commission following its public hearing on November 24, 1987, recommended approval of Case No. Z-23-87 by a vote of 5-2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-23-87, with proffers, as described herein.

2. Case No. Z-6-88. Mill Creek Landing, Limited

Mr. Marvin Sowers, Jr., Director of Planning, stated that Mr. Alvin P. Anderson had applied on behalf of Mill Creek Landing, Limited, to rezone approximately 179 acres from R-6, Residential Agricultural, to R-1, Limited Residential, with proffers, and no changes had been made since the case was reviewed at the May 2, 1988, Board of Supervisors meeting.

The Planning Commission concurred with staff, and by a vote of 8-1, recommended approval of the rezoning, with proffers.

After discussion of proffers and density, Mr. Norment made a motion to approve the resolution.

After Board comments about the level of traffic service on Neck-0-Land Road, Mr. DePue made a motion to postpone the case until the September 12, 1988, meeting.

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

Mr. Edwards declared a break at 3:10 p.m., and reconvened the Board into a joint work session with the Industrial Development Authority and Planning Commission at 3:15 p.m.

Industrial Development Authority members attending were: Myrl Hairfield, George Hudgins, Robert Whitehorne, Joseph Cross, and Jon Nystrom.

Planning Commission members attending were: Robert Magoon, Fred Belden, A.G. Bradshaw, Willafay McKenna, Martin Garrett, William Brown, Carolyn Lowe, Alexander Kuras, and Gary Massie.

Ms. Victoria Gussman, Manager, Development Management, introduced John R. Sherwood, Senior Associate Director of Technical Service, Zuchelli Hunter Associates (ZHA), who presented a study on the Barhamsville/I-64 and Croaker Road/I-64 Interchange development.

A joint discussion by all participants was held.

Mr. Edwards reconvened the Board into open session at 4:28 p.m.

3. Planning Department Additional Staff

Mr. David Norman, County Administrator, stated staff was recommending an upgrade of a Planner I position to Principal Planner to expedite long range plans much more effectively, and adding a position of Planning Technician to assist planners in day-to-day work.

Mr. Edwards made a motion to approve the resolution.

The Board discussed the addition of positions in mid-budget, the need of additional staff to handle workload and help meet established goals and the availability of funding for the positions.

Mr. DePue made a motion to amend the resolution to delete the upgrading of the Planner I position and approve the Planning Technician position.

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

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

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

R E S O L U T I O N

PLANNING DEPARTMENT POSITIONS

WHEREAS, the Board of Supervisors of James City County recognizes the need to respond to growth management issues facing the County; and

WHEREAS, the County Administrator has recommended the creation of a Planning Technician position to provide additional assistance to Planning staff in their growth management efforts; and

WHEREAS, the County Administrator has further recommended that \$10,000 of the additional funds needed to fund the proposed personnel changes be taken from Planning Professional Services, and that the balance of the funds (\$10,654) be obtained from the Operating Contingency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, of James City County, Virginia, approves the new position, and authorizes that the new position be funded as recommended by the County Administrator.

G. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam O'Shanter, spoke on alerting the public to the dangers of Lyme's disease, caused by the bite of certain deer ticks. He reported as many as 20 cases this year in this area.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman requested an executive session to discuss a legal matter.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to prepare a report about Lyme's disease in the County.

Mr. Norment referenced an August 13 letter in the Board of Supervisors mail from the Association for Retarded Citizens thanking the Board for its help, and asked staff to provide information about that assistance.

Mr. Norment asked staff for an update of the problems encountered in the installation of the mobile home owned by Mr. Sam Noury.

Mr. Edwards made a motion to approve the resolution of accepting the Barhamsville Road/I-64 and Croaker Road/I-64 Interchange Development Study.

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

R E S O L U T I O N

THE BARHAMSVILLE ROAD/I-64 AND CROAKER ROAD/I-64

INTERCHANGE DEVELOPMENT STUDY

WHEREAS, the interstate interchanges located in James City County are considered to be a resource; and

WHEREAS, public funds have been expended to study the long-term development potential of these interchanges; and

WHEREAS, the study outlines various options for James City County in land use planning and economic development.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Barhamsville Road/I-64 and Croaker Road/I-64 Interchange Development Study is accepted as a study to be used in considering amendments to the James City Comprehensive Plan and to the implementation of the James City County Economic Development Strategy.

Mr. Edwards convened the Board into executive session to discuss a legal matter pursuant to Section 1.1-344(a)(6) of the Code of Virginia, 1950, as amended at 5:10 p.m.

Mr. Edwards reconvened the Board into a work session on franchising of solid waste collection at 5:45 p.m.

Mr. Wanner presented information and after discussion, the Board agreed by consensus to take no action at this time on franchising of solid waste collection.

Mr. Edwards reconvened the Board into open session and made a motion to adjourn.

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

The Board adjourned at 6:45 p.m.



David B. Norman
Clerk to the Board

AUG 22 1988

ORDINANCE NO. 31A-109

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 I. IN GENERAL, SECTION 20-2. DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-2. Definitions.

Chapter 20. Zoning

Article I, In General

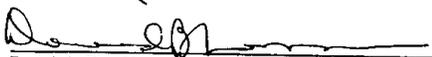
Section 20-2. Definitions.

Camping unit. A tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, recreational vehicle or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel. To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and be legal to travel on Virginia highways without special permits for size, weight or other reasons. For purposes of this definition, temporary shelter device shall mean a unit not occupied by the same persons in the campground for more than thirty days in any sixty day period. A mobile home or manufactured home shall not be considered a camping unit.



Jack P. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	NAY
MAHONE	NAY
DEPUE	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of August, 1988.

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THIS AGREEMENT, made this 21 day of December, 1987, by and between VIRGINIA INTERNATIONAL FINANCE & DEVELOPMENT, INC., party of the first part, hereinafter referred to as APPLICANT, and COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter referred to as COUNTY;

WHEREAS, APPLICANT is fee simple owner of a tract of land situate in James City County, Virginia, being a portion of the Warhill Tract containing 213 acres, more or less, and lying adjacent to and east of Route 199 right of way recently taken through the Warhill tract by certificate filed by the Virginia Department of Transportation; said 213 acre portion of the Warhill tract being shown on plan entitled, "THE MASTER PLAN, WARHILL TRACT", dated 12/17/86 and as finally amended 6/26/87, prepared by Rickmond Engineering, Inc., a copy of which is attached hereto and made a part hereof; and,

WHEREAS, APPLICANT has applied to COUNTY to change the zoning classification of such 213 acre tract from A-2 to R-3, and in order to address certain concerns regarding density and ecological effects of development, voluntarily tenders these proffers in order to induce COUNTY to grant the requested rezoning. These proffers shall become effective upon grant of the requested rezoning.

- 1. The permitted density of development in the area rezoned to R-3 shall not exceed two (2) units per acre.
- 2. All areas designated as "buffer zones" on the portion of the Master Plan to which these Proffers refer shall at all times remain free from development. Existing trees and vegetation within such zones shall remain "as is" except that APPLICANT shall have the right to install and construct over, under and across such zones, such new roads, drainage structures, storm water management facilities, utilities and entrance signs

as may be necessary to development of the Warhill Tract and as are approved by the Subdivision Review Committee of COUNTY'S Planning Commission.

3. In addition to the designated buffer zones, no development, other than that described in 2 above, shall occur within fifty (50) feet from the bed of any stream on the interior of such R-3 property. The width of such fifty foot non development areas may be increased or decreased by COUNTY'S Subdivision Review Committee based upon the specific typography of a particular area as is reasonably necessary to preserve the stream and its abutting low lands. This proffer shall not prevent the creation of lakes by flooding of one or more stream beds and/or lowland areas to create lakes if all necessary permits are procured. For purposes of these proffers, the bed of a stream is defined as the land area covered by the usual flow of a perpetually flowing stream.

4. Before any permit is issued to allow grading or construction in the R-3 area, APPLICANT shall cause an archaeological study acceptable to COUNTY to be prepared for the subject property. An acceptable study shall include reconnaissance, systematic surface collection and shovel test pits as reasonably required and site identification and examination as appropriate. The total cost to APPLICANT for such study shall not exceed \$3,000.00.

Should the study funds here committed be insufficient to complete the necessary study on the entire property, then APPLICANT shall consult with COUNTY in determining the portions to be excluded. Thereafter, APPLICANT shall give COUNTY written notice of intent to submit a site or subdivision plan in any area not studied, whereupon COUNTY at its expense shall have sixty (60) days from receipt of such notice in which to conduct initial archaeological reconnaissance in the proposed area or areas. If such reconnaissance reveals sites which COUNTY wishes to study in greater

detail, then COUNTY shall so notify APPLICANT in writing whereupon COUNTY shall have sixty (60) days from the date of such notice in which to conduct further studies.

5. No dwelling or other structure in the R-3 area shall be located closer than 100 feet from the nearest right of way line of Route 199 and all plats of subdivision and site plans which any portion of the area within 100 feet of such right of way line shall designate such portion as permanent green space. No structures shall be erected within such green space, but APPLICANT may with the prior approval of COUNTY'S Subdivision Review Committee remove selected vegetation from such area and may install therein pines, hollies and other ornamental vegetation which will enhance the area aesthetically and aid in buffering traffic noises. APPLICANT may also erect noise barriers along portions of the right of way line of Route 199 where it abuts such green area.

This agreement shall bind and inure to the benefit of COUNTY and APPLICANT and their respective successors and assigns.

WITNESS the following signatures:

VIRGINIA INTERNATIONAL FINANCE AND DEVELOPMENT, INC.

BY: Walter J. Scruggs President

STATE OF VIRGINIA CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me this 21 day of December, 1987 by WALTER J. SCRUGGS, President of VIRGINIA INTERNATIONAL FINANCE AND DEVELOPMENT, INC.

J. Phillips

My Commission expires 9/23/88

Notary Public for the City of Williamsburg and County of James City to-wit: In the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City the _____ day of _____, 1987. This _____ was presented with the certificate annexed and admitted to record at _____ o'clock. The taxes imposed by Sect. 58-54 (a) and (b) of the code have been paid. STATE TAX _____ LOCAL TAX _____ ADDITIONAL TAX 20.00
Teste: Helene S. Ward, Clerk By: Helene S. Ward Deputy Clerk

PLAT RECORDED IN P.B. NO. 49 PAGE 41