

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 31ST DAY OF OCTOBER, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:00 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 (Absent)
Larry W. Davis, Assistant County Attorney

B. MINUTES - October 10, 1988

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).

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, Virginia Department of Transportation, stated that Longhill Connector Road will be advertised in January, with bid out by early spring.

Mr. Taylor stated that a citizen had called saying that a 45 mph speed limit sign was still displayed at the entrance of Woodland Farms.

Mr. Hall replied that he would investigate.

Mr. DePue asked Mr. Hall to contact Planning Department about whether a proposed road for Route 199 would be passing through property owned by William Lee, which is an upcoming item for Board consideration.

Mr. Taylor asked that a street light be installed at the entrance of Mirror Lakes.

Mr. Larry M. Foster, Assistant County Administrator, stated that staff would look into it.

Mr. DePue mentioned that the new fence at the shopping center being constructed on Route 5 and 199 was attractive.

Mr. Hall responded that the Highway Department agreed to the new fence, paid for by developer, as limited access was not affected.

Mr. Mahone asked about a project on Jolly Pond Road to the Landfill entrance.

Mr. Hall replied that part of the Six-year Plan was to straighten and rebuild the road from Centerville to the Landfill entrance.

Mr. Mahone complimented the Highway Department on the work being done on Chickahominy Road.

Mr. Mahone asked for removal of the school designation painted in the asphalt on Jamestown Road at the Williamsburg Christian Academy, which has relocated.

Mr. Mahone asked for comments on Route 143 project east of Penniman Road.

Mr. Hall stated that the Highway Department has not yet made a recommendation concerning the project, but he favored the fifth lane for safety factors.

Mr. DePue inquired about the impact on secondary road funds.

Mr. Hall responded that the project is funded with 95% federal monies, and does not affect the primary or secondary road funds.

Mr. Edwards asked for an estimated time of completion for Longhill Connector Road.

Mr. Hall's estimate was December 1989.

Mr. DePue asked that a study be done on a right-hand turn lane from Longhill Road onto Ironbound Road at the existing intersection.

E. PUBLIC HEARINGS

1. Case No. SUP-30-88. James B. and Flora Shuck

Mr. Allen Murphy, Jr., Principal Planner, stated that James B. and Flora Shuck had applied for a special use permit to allow the replacement of a manufactured home on 1.89 acres, which they own, located at 1112 Stewarts Road to be used as a rental residence.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

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 special use permit.

Mr. Mahone made a motion to add a twelve-year time limit, for renewal at that time if manufactured home is in satisfactory condition.

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

After a brief discussion, Mr. Edwards asked for a vote on the 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

CASE NO. SUP-30-88. JAMES B. AND FLORA SHUCK

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 manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	James B. and Flora Shuck
Real Estate Tax Map ID:	(2-4)
Parcel No.:	(1-10b)
Address:	1112 Stewarts Road
District:	Stonehouse
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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 manufactured home shall 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 three.
- 4. Existing vegetation shall be maintained within twenty feet of all property lines, except where clearing is necessary for an entrance and utilities.

2. Case No. SUP-32-88. Robert L. Berkley

Mr. Murphy stated that Mr. Robert L. Berkley had applied for a special use permit to allow the replacement of a manufactured home on approximately 7 acres, to which he is an heir, located at 315 Ivy Hill Road to be used as a residence by Mr. Carl Berkley and family.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

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 special use permit.

Mr. Mahone made a motion to add a twelve-year time limit, for renewal at that time if manufactured home is in satisfactory condition.

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

After discussing, Mr. Norment requested staff to provide direction on legality of a condition for revocation of special use permit if old manufactured home is not removed as required.

Mr. Edwards asked for a vote on the 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

CASE NO. SUP-32-88. ROBERT BERKLEY

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 manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Robert Berkley
 Real Estate Tax Map ID: (11-3)
 Parcel No.: (1-9)
 Address: 315 Ivy Hill Road
 District: Stonehouse
 Zoning: A-1
 Conditions:

1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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 manufactured home shall 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 three.
4. The manufactured home presently on the property shall be removed within 30 days of placement of the new manufactured home on the property.
5. Existing vegetation shall be maintained within twenty feet of all property lines except where clearing is necessary for an entrance and utilities.

3. Case No. SUP-33-88. Henry D. Williams

Mr. Murphy stated that Mr. Henry D. Williams had applied for a special use permit to allow the replacement of a nonconforming manufactured home on .861 acres, which he owns, located at 292 Ivy Hill Road, to be used as his residence.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

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 special use permit.

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

CASE NO. SUP-33-88. HENRY D. WILLIAMS

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 manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Henry D. Williams

Real Estate Tax Map ID: (11-3)

Parcel No.: (1-14)

Address: 292 Ivy Hill Road

District: Stonehouse

Zoning: A-1

- Conditions:
1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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 manufactured home shall 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 three.
 4. The nonconforming manufactured home on the property shall be removed within 30 days of the approval of this special use permit.

5. Existing vegetation shall be maintained within twenty feet of all property lines, except where clearing is necessary for an entrance and utilities.

4. Case No. SUP-34-88. Norma Tyssen Cooke

Mr. Murphy stated that Mrs. Norma Tyssen Cooke had applied for a special use permit to allow the placement of a manufactured home on 2.199 acres, which she owns, located at 4926 Riverview Road to be used as a residence by Mrs. Cooke and family.

Staff recommended approval of the special use permit with the conditions listed in the resolution.

Mr. Edwards opened the public hearing.

Mr. Henry Tyssen asked that consideration be given to waiving the requirement of a road through his property, so that Mrs. Cooke may receive a permit for electrical hookup.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

After Board discussion of family subdivision road requirements, Mr. Norment asked staff for direction on legality of adding a condition for revocation of special use permit, if manufactured homes are not occupied by family members in a family subdivision.

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

CASE NO. SUP-34-88. NORMA TYSSSEN COOKE

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 manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Norma Tyssen Cooke

Real Estate Tax Map ID: (14-2)

Parcel No.: (1-1E)

Address: 4926 Riverview Road

District: Stonehouse

Zoning: A-1

- Conditions:
1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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 manufactured home shall 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 three.
 4. A driveway with an all weather surface shall be provided from Riverview Road to the subject property prior to the occupancy of the manufactured home. The surface shall be three inches of crusher run stone, ten feet wide.
 5. Existing vegetation shall be maintained within 20 feet of all property lines except where clearing is necessary for a driveway and utilities.

5. Case No. SUP-35-88. Malcolm A. Green

Mr. Murphy stated that Mr. Malcolm A. Green had applied for a special use permit to allow the placement of a manufactured home on .964 acres, which he owns, located at 2735 Little Creek Dam Road.

Staff recommended approval of the special use permit with conditions listed in the resolution.

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.

Mr. Mahone made a motion to add a twelve-year time limit, for renewal at that time if manufactured home is in satisfactory condition.

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

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

CASE NO. SUP-35-88. MALCOLM A. GREEN

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 manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Malcolm A. Green
Real Estate Tax Map ID:	(21-4)
Parcel No.:	(1-44)
Address:	2735 Little Creek Dam Road
District:	Stonehouse
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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 manufactured home shall 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 three. 4. Existing vegetation shall be maintained within 20 feet of all property lines except where clearing is necessary for an entrance and utilities.

- 5. The house on the property shall be razed within 30 days of placement of the manufactured home on the property.
- 6. The manufactured home shall be connected to public water.

F. CONSENT CALENDAR

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

Mr. DePue asked that Item No. 2 be removed.

Mr. Mahone made a motion to approve Item 1 on the Consent Calendar.

1. Dedication of Streets in The Meadows Subdivision, Section 3

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

DEDICATION OF STREETS IN THE MEADOWS SUBDIVISION, SECTION 3

WHEREAS, the developer of The Meadows, Section 3 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in The Meadows, Section 3 to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in The Meadows, Section 3, Berkeley, Election District, James City County, in the State Secondary Highway System:

- 1. Old Field Road, 60-foot Right-of-Way
 From: Route 615 (Ironbound Road)
 To: Route 1466 (Sharps Road)
 Distance: 1,498 feet (0.28 mile)

2. Whistle Walk, 50-foot Right-of-Way
From: Old Field Road
To: End of Cul-de-sac
Distance: 937 feet (0.17 mile)

The rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

The Meadows, Section 3, recorded in Plat Book 306, page 86, dated June 24, 1986.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

2. 1988 Virginia Public School Authority Bonds

Mr. DePue commended John McDonald, Manager, and the Financial and Management Staff on a job well done, and made a motion to approve the resolution.

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

6. BOARD CONSIDERATIONS

1. Case No. SUP-12-88. C. Lewis Waltrip

Staff report states that Mr. C. Lewis Waltrip had applied for a special use permit to allow the development of a manufactured cement and asphalt mixing plant in addition to the storage of materials and equipment necessary for its operation, with the M-2, General Industrial Zoning District, located at 7762 Richmond Road, Toano.

Staff recommended denial of the special use permit for the following reasons:

1. The applicant had not demonstrated that the use is compatible with adjacent residential development.
2. The applicant had not demonstrated that the reservoir will be adequately protected from adverse impacts created by the asphalt plant under the worst case scenario.
3. The applicant had not demonstrated that the environmental impacts such as air emissions, odor and noise pollution are sufficiently or adequately addressed. There are no provisions for "fail safe" protection of the community.
4. The Comprehensive Plan designates the area for commercial development. Even though there is a "special impact zone" adjoining the railroad tracks, an asphalt plant is not consistent with the Comprehensive Plan due to its proximity to residential, agricultural and commercial areas.

Mr. DePue made a motion to deny the application as recommended by staff.

During the Board's discussion, Mr. Norment complimented the applicant, Mr. Waltrip and the professionals who gave the presentations of the asphalt plant's operation; Mr. Mahone spoke in favor of the site noting close proximity and use of the railroad tracks; Mr. Taylor supported the citizens' opposition; Mr. DePue stated he could not support the plant in this location; and Mr. Edwards supported the Planning Commission and staff's position of denial.

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

H. PUBLIC COMMENT

1. Mr. Frank Tsutras, 204 Richard Brewster, asked the Board to consider selection of a citizen from the Williamsburg Board of Realtors organization on zoning, planning, and industrial development boards or commissions.

2. Mr. Gene Farley, 4125 S. Riverside Drive, Lanexa, asked that Mr. Tsutras' request for consideration also be given to the Newport News/Hampton Board of Realtors.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, stated a work session was scheduled on the Courthouse Study.

I. BOARD REQUESTS AND DIRECTIVES - None

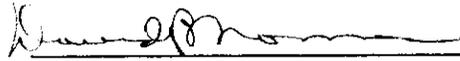
Mr. Edwards declared a break at 2:18 p.m., and reconvened the Board into a work session at 2:35 p.m.

Mr. Wylie Cooke, of Williams, Tazewell and Cooke, whose firm had prepared a feasibility study for the expansion of the Williamsburg/James City County Courthouse facility, reviewed his firm's findings and its recommendation for the expansion of the Courthouse facility to meet community needs through the year 2000. The study proposed the need for expanding the facility from the approximate 19,000 square feet, that now exists, to an estimated 50,000 square feet facility. Mr. Cooke also reviewed various alternatives to meet proposed future needs.

The Board discussed the alternatives and, by consensus, agreed to proceed with renovation of the existing facility to meet immediate needs, and to continue discussion with the City of Williamsburg on how to meet the long-term court facility needs of the area.

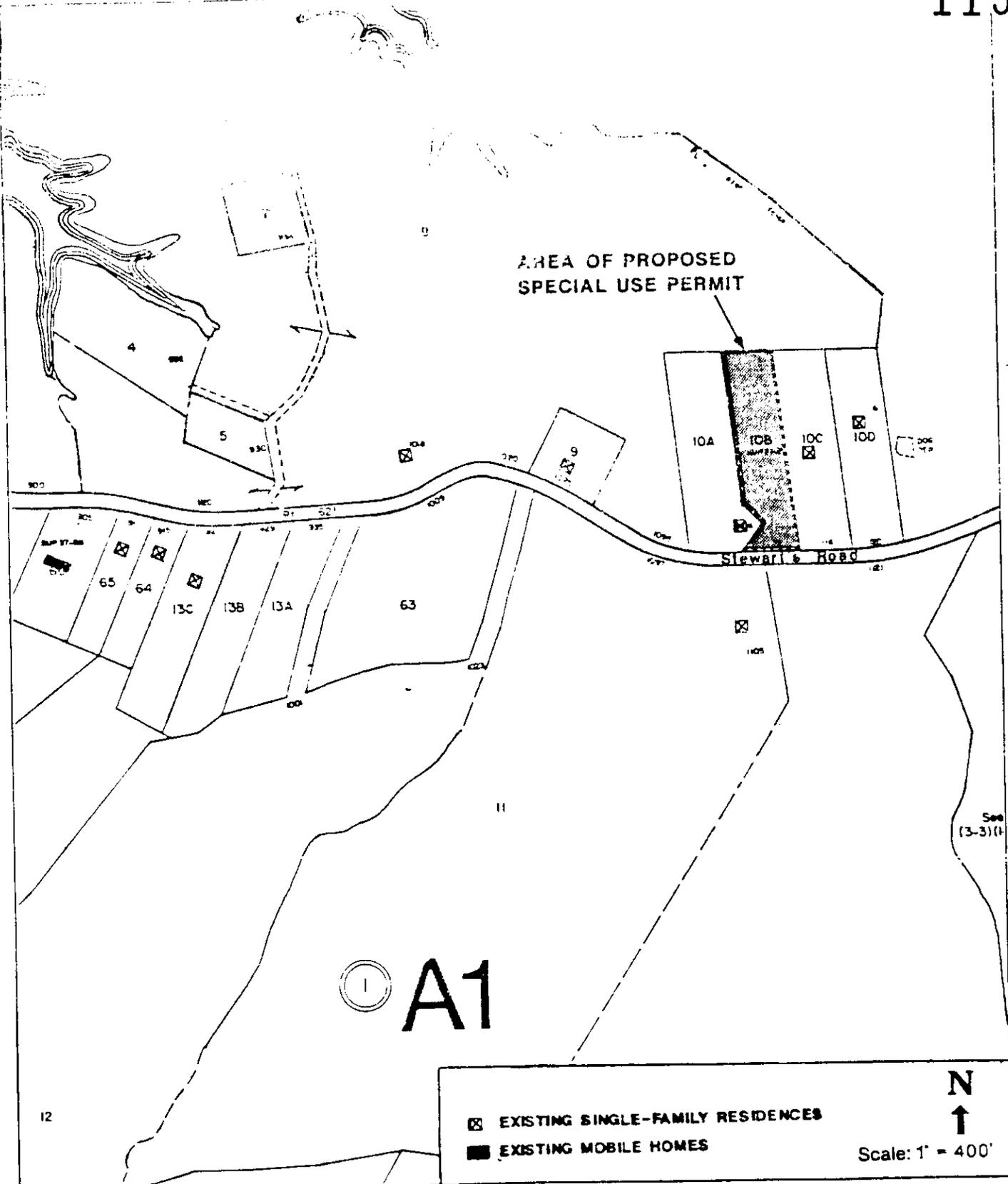
Mr. Edwards made a motion to adjourn.

The Board adjourned at 3:49 p.m.



David B. Norman
Clerk to the Board

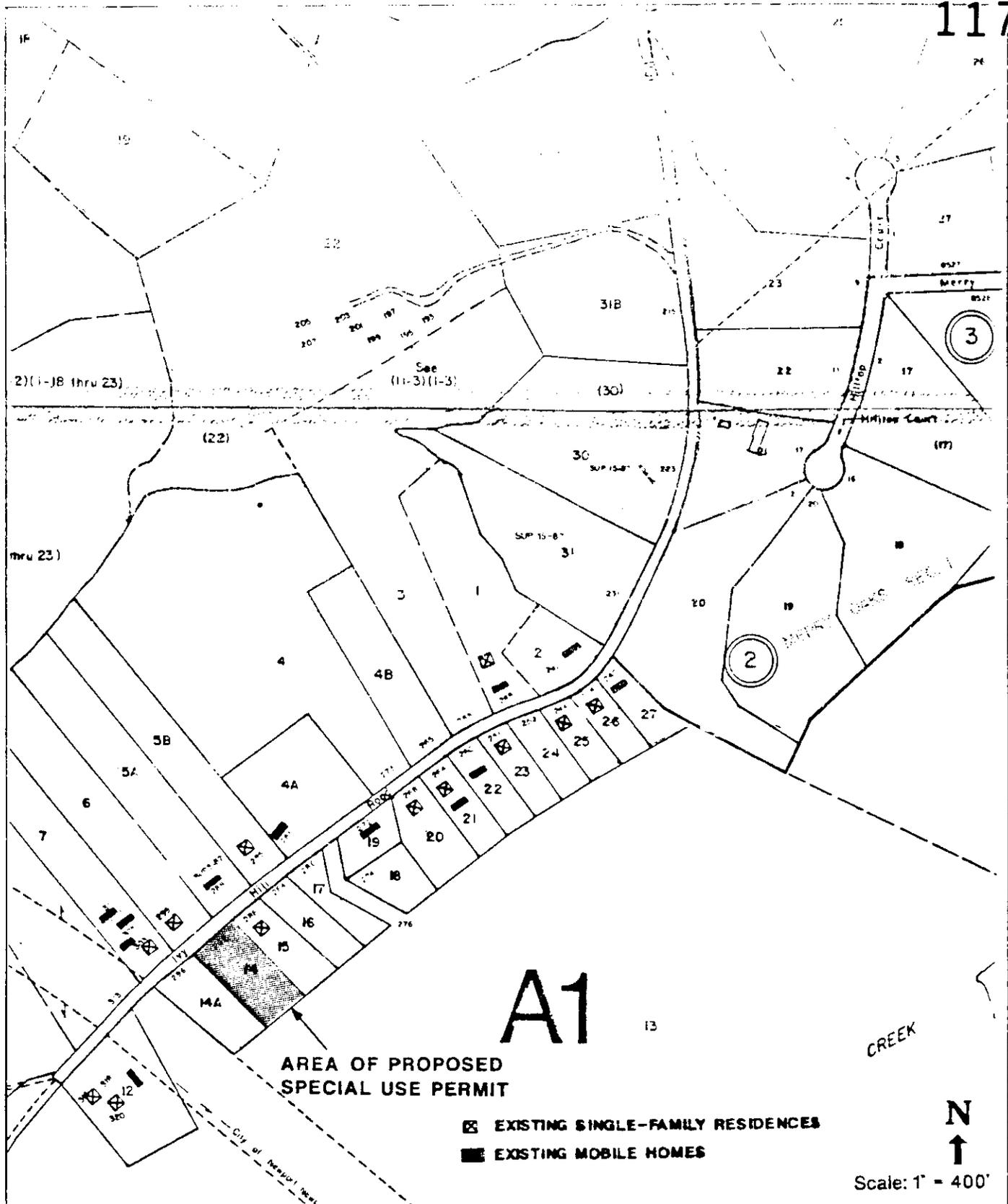
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Case #: SUP-30-88

Name: JAMES B. & FLORA SHUCK

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT



A1

**AREA OF PROPOSED
SPECIAL USE PERMIT**

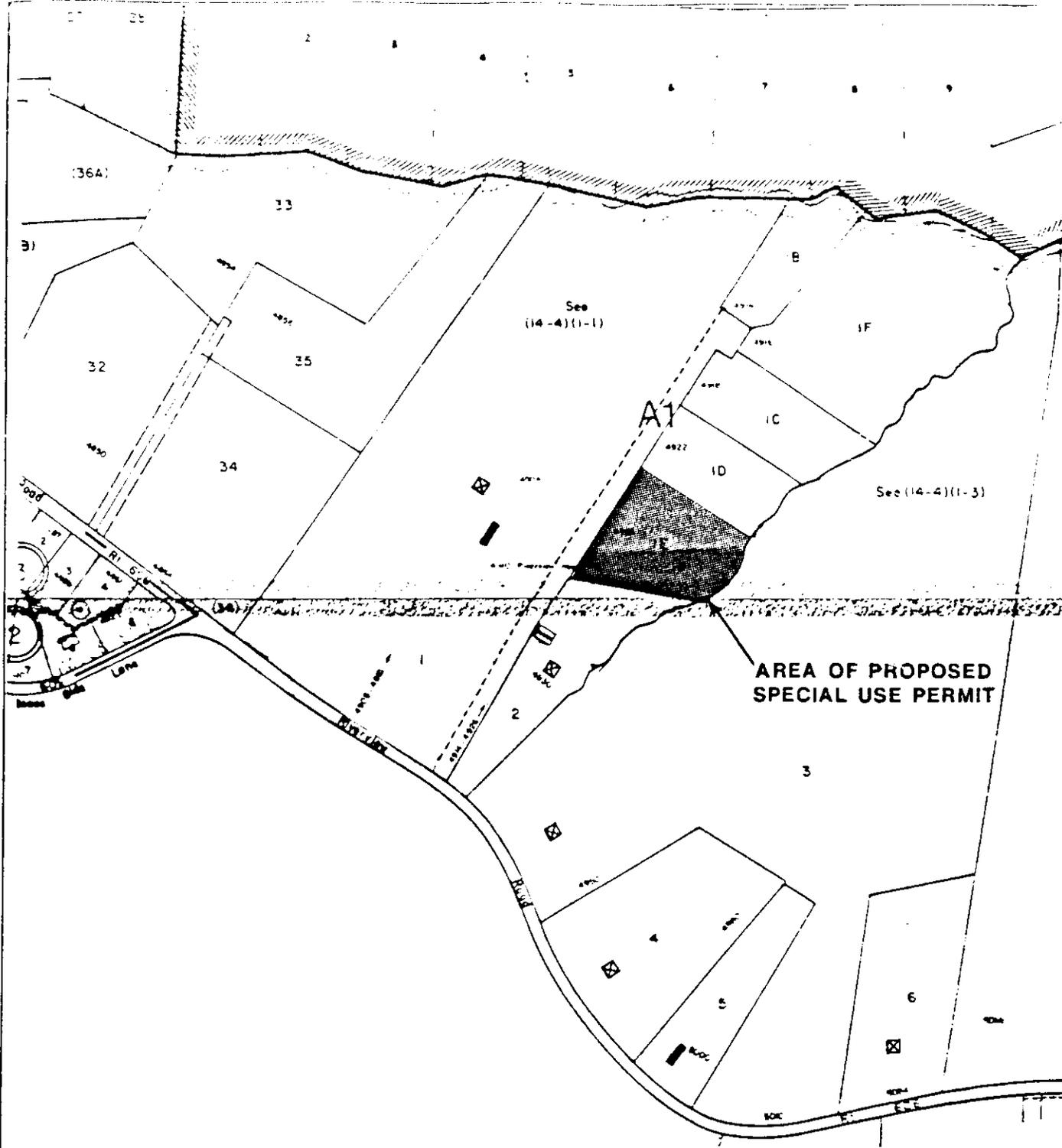
-  EXISTING SINGLE-FAMILY RESIDENCES
-  EXISTING MOBILE HOMES

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Scale: 1" = 400'



Case #: SUP-33-88

Name: HENRY D. WILLIAMS

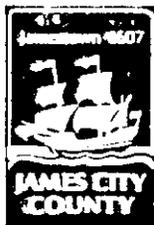


AREA OF PROPOSED SPECIAL USE PERMIT

- ☒ EXISTING SINGLE-FAMILY RESIDENCES
- EXISTING MOBILE HOMES



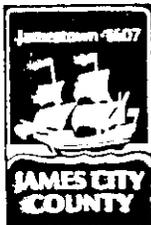
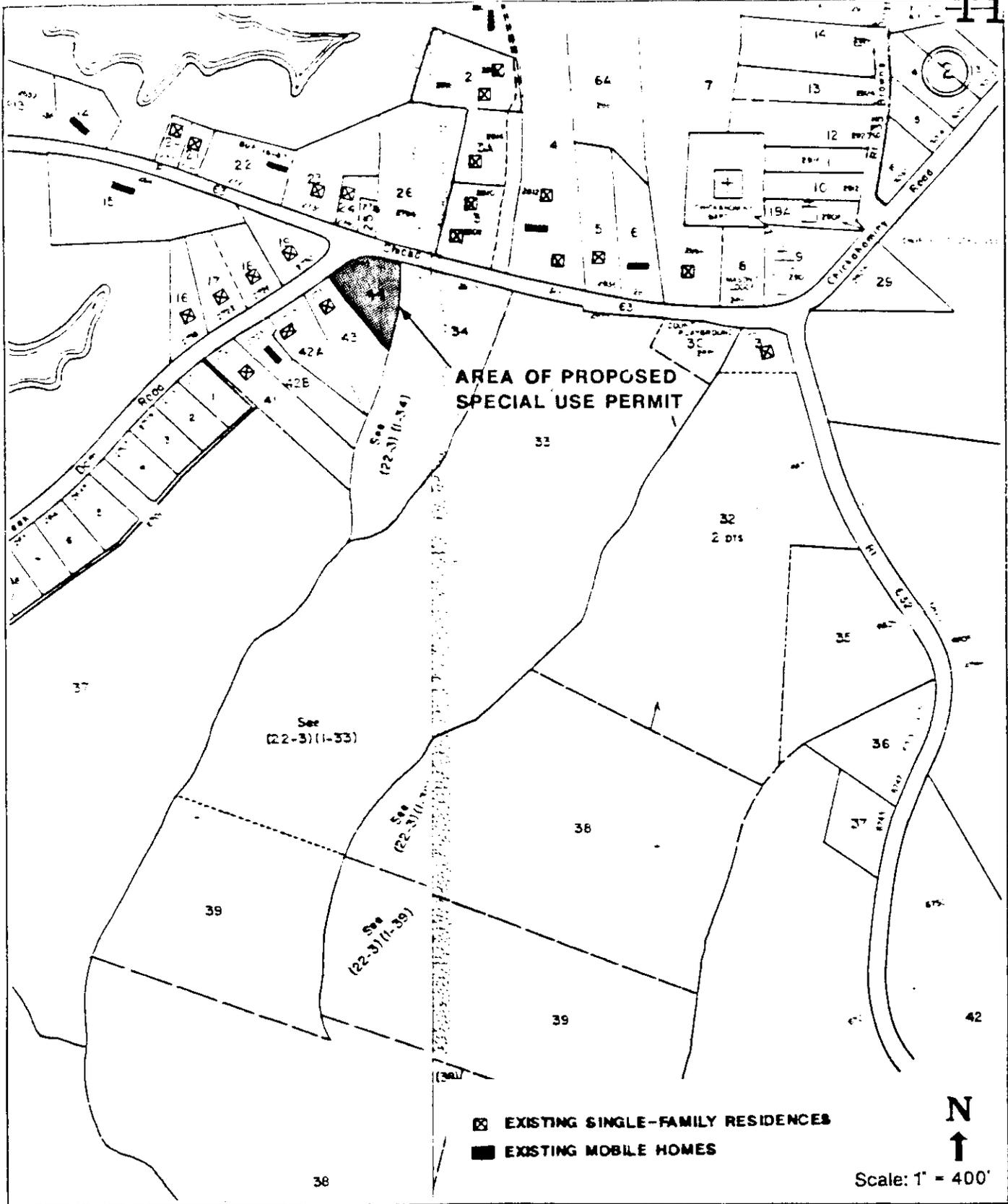
Scale: 1" = 400'



Case #: SUP-34-88

Name: NORMA TYSSSEN COOKE

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT



Case #: SUP-35-88

Name: MALCOLM GREEN

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

At a meeting of the Board of Supervisors of James City County, Virginia, held on the 31st day of October, 1988, at which the following members were present and absent:

PRESENT: *Jack D. Edwards*
Thomas D. Mahone
Perry M. DePue
Thomas K. Norment, Jr.
Stewart U. Taylor

ABSENT: *none*

the following resolution was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
<i>Jack D. Edwards</i>	<i>Aye</i>
<i>Thomas D. Mahone</i>	<i>Aye</i>
<i>Perry M. DePue</i>	<i>Aye</i>
<i>Thomas K. Norment, Jr.</i>	<i>Aye</i>
<i>Stewart U. Taylor</i>	<i>Aye</i>

RESOLUTION RATIFYING AWARD OF \$2,845,000 SCHOOL BONDS, SERIES OF 1988, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, by resolution adopted on September 19, 1988, the Board of Supervisors of James City County, Virginia (the County), provided for the issuance of \$2,845,000 School Bonds, Series of 1988 (the Bonds), of the County;

WHEREAS, such resolution authorized the County Administrator to award the Bonds to the Virginia Public School Authority (the Authority) at such interest rate or rates as would produce a differential in each

year of not more than one-tenth of one percent (1/10 of 1%) over the annual rate to be paid by the Authority on the bonds it sold to provide funds to purchase the Bonds, provided that the true interest cost to the County should not exceed 9% per year; and

WHEREAS, on October 13, 1988, the County Administrator on behalf of the County awarded the Bonds, bearing interest at the annual rates shown on Exhibit A hereto, to the Authority;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, that the action of the County Administrator awarding the Bonds to the Authority is hereby ratified, approved and confirmed, and that the Bonds shall bear interest at the annual rates as shown on Exhibit A.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held the 31st day of October, 1988, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 31st day of October, 1988.

(SEAL)


Clerk, Board of Supervisors of James City
County, Virginia

<u>Bonds Maturing December 15</u>	<u>Interest Rate</u>
1989	6.60%
1990	6.60
1991	6.60
1992	6.60
1993	6.60
1994	6.60
1995	6.60
1996	6.65
1997	6.75
1998	6.85
1999	6.95
2000	7.05
2001	7.15
2002	7.20
2003	7.25
2004	7.30
2005	7.35
2006	7.40
2007	7.45
2008	8.60