

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 19TH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:05 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 - December 5, 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).

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer for Virginia Department of Transportation, stated that the speed limit of 35 mph had been approved for all of Woodland farms subdivision.

Mr. Edwards asked Mr. Hall to contact Mr. Steve Babb, 106 Duer Drive.

Mr. Edwards expressed appreciation to Mr. Hall for work done this year for the County.

D. PUBLIC HEARINGS

1. Case No. SUP-45-88. Joseph E. and Barbara M. Brown

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. and Mrs. Joseph E. Brown had submitted an application for a special use permit to allow the placement of a manufactured home on approximately 2.5 acres, which is part of a family subdivision, located at 9055 Barhamsville Road.

Staff recommended denial of the special use permit because no other manufactured homes are located in the immediate area, and this permit would establish a precedent to locate additional units in the area.

Mr. Edwards opened the public hearing.

1. Mr. Joseph Brown, owner, asked for approval of the special use permit to allow his daughter and grandson to reside on the property.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

Discussion followed regarding family subdivisions, and the setting of a precedent by putting a manufactured home in this area,

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

Mr. DePue made a motion to approve the special use permit with a six-year time limit.

Renewal of the special use permit upon expiration was discussed.

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. SUP-45-88. JOSEPH E. AND BARBARA M. BROWN

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.

Applicant: Joseph E. and Barbara M. Brown

Real Estate Tax Map ID: 12-1

Parcel No.: 1-1B

Address: 9055 Barhamsville Road

District: Stonehouse

Zoning: A-1

## Conditions:

1. This permit shall be valid only for the mobile home applied for. If the mobile 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 mobile 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 two.
4. The existing drive within the 50-foot right-of-way shall be maintained in a condition passable in all weather for emergency vehicles.
5. Existing vegetation shall be maintained within 25 feet of all property lines except where clearing is necessary for a driveway and utilities.
6. This permit shall expire on December 19, 1994, and the manufactured home shall be removed from the site on or before that date unless otherwise legally permitted at that time.

## E. CONSENT CALENDAR

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

Mr. Mahone 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. Contract Award, Mid-County District Park Ball Field Lighting

R E S O L U T I O NAWARD OF CONSTRUCTION CONTRACT MID-COUNTY DISTRICTPARK BALL FIELD LIGHTING

WHEREAS, Capital budget funds have been appropriated for the construction of ball field lights at Mid-County District Park; and

WHEREAS, bids for the ball field's lighting were received on November 10, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to award a contract to Structural Contractors, Ltd., for \$134,807.18.

2. Courthouse Renovation

R E S O L U T I O NCOURTHOUSE IMPROVEMENTS

WHEREAS, the Williamsburg/James City County Courthouse will lose several of its existing occupants and this space needs to be reallocated to the several remaining Court-related functions; and

WHEREAS, the Courthouse building requires some remedial attention, particularly to certain of the mechanical systems.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby accepts the recommendations of the City/County Courthouse Committee and agrees to allow the County Administrator to execute whatever contracts or agreements are necessary to implement improvements to the Joint City/County Courthouse.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, agrees to participate in such improvements on a 50/50 basis to the extent that these improvements not exceed a total cost of \$100,000.

F. BOARD CONSIDERATIONS

1. Case No. SUP-42-88. Geraldine James

Mr. Murphy stated that Ms. Geraldine James had applied for a special use permit to allow the placement of a manufactured home on .97 acres located at 158 Saddletown Road. The case was postponed at the November 21, 1988, meeting to allow discussion and suggestions regarding the all-weather road surface.

Staff recommended denial for public safety reasons.

Mr. Charles Robertson stated he had contracted to purchase the property and would be willing to spend approximately \$500 to grade the road and spread gravel. He noted that he had not been contacted for suggestions.

The Board discussed staff's contacting the owner of the property, and the need for policy guidelines and direction to staff.

Mr. Edwards made a motion to postpone the case until the Board had the opportunity to discuss broad policy issues.

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

Staff was directed to prepare alternatives for discussion at the January 23, 1989, meeting.

2. Case No. SUP-28-88. Wessex Hundred Development, Inc.

Mr. Marvin Sowers, Director of Planning, stated that Mr. Robert Emmett had applied on behalf of Wessex Hundred Development, Inc., for a special use permit to allow the establishment of a residential cluster development in a R-1 district.

Mr. Sowers further stated that the special use permit was postponed from the December 5, 1988, meeting to allow time to receive correspondence from Virginia Department of Transportation rescinding the incorrect recommendation that the development not be permitted by the County until improvements to Lake Powell Road from Treasure Island Road to Neck-0-Land Road could be scheduled on the Six-Year Plan. That correspondence has been received.

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

Mr. DePue expressed appreciation to Mr. Hall for his response.

Mr. Mahone 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

CASE NO. SUP-28-88. WESSEX HUNDRED DEVELOPMENT, INC.

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, voted (by an 8-1 vote) to recommend approval of this application with conditions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-28-88 as described herein with the following conditions:

1. This Special Use Permit shall be valid only for a cluster development containing a maximum of 46 detached single-family residential units and community recreational facilities which are generally located within the approximately 24 acre area shown on the "Village Housing Area Conceptual Plan" dated August 23, 1988, prepared by Carlton Abbott and Partners, P.C.
2. Covenants assuring the protection and maintenance of all buffer and common open space areas and recreational facilities shall be recorded with each subdivision plat and shall be submitted to and approved by the County Attorney's office prior to recordation.
3. A minimum of thirteen acres within the approximately 24 acres shown on the "Village Housing Area Conceptual Plan" described above in Condition 1 shall be reserved as common open space as generally shown on that conceptual plan and recorded in a manner approved by the County Attorney.
4. The following recreational facilities shall be completed or guaranteed by surety acceptable to the County before issuance of Certificates of Occupancy for any of the 46 residential units: a swimming pool, two tennis courts, and a clubhouse. Such recreational facilities shall be located within the 24 acre area described in Condition 1 above.
5. This permit shall become void if the final subdivision plat has not been approved within twenty-four months of the date of approval of this permit.
6. No development shall be permitted on slopes of 15% or greater unless approved by the Planning Commission.
7. Project scale soils mapping shall be provided with the drainage plan which is required by the rezoning proffers for the site.

### 3. 1989 Legislative Program

Ms. Dale Cooke, Supervisor, Office of Performance and Service Improvement stated that the 1989 Legislative Program contained three legislative request items, which will be submitted to Delegate George W. Grayson for introduction into the General Assembly on the County's behalf.

Mr. Edwards made a motion to approve the resolution containing those three items.

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

Mr. Edwards suggested that in future years a work session be held for discussion of the legislation package.

Mr. Norman responded in the affirmative.

## R E S O L U T I O N

### SUPPORT OF 1989 COUNTY LEGISLATIVE REQUESTS

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens; and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, respectfully requests the General Assembly of Virginia to approve legislation allowing it to increase the authorized salary of School Board members; impose civil penalties for zoning violations; and increase membership of the Board of Equalization from three to five members.

Mr. Edwards recognized Mr. Frank Tsutras from the audience.

1. Mr. Frank Tsutras, Chairman of Realtors Government Relations Committee, complimented the County staff's preparation of the report, and stated the business community would like an opportunity to participate in a work session if such are to be held in the future.

Mr. Norment made a motion to remove Impact Fees on page 2 under Priority Issues.

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

Mr. Norment made a motion to remove Teacher Salaries under Education on page 3.

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

Mr. Mahone made a motion to remove Lottery Proceeds on page 6.

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

Mr. Mahone made a motion to remove Telephone Rates of Local Governments on page 6.

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

Mr. Edwards made a motion to approve the amended legislative program.

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

### SUPPORT OF 1989 COUNTY LEGISLATIVE PROGRAM

WHEREAS, the goal of James City County is to provide for the health, safety and welfare of its citizens; and

WHEREAS, legislation enacted by both the state and local governments can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good efforts to support the legislative items contained in the County's 1988 Legislative Program.

Mr. Taylor requested that the vote be indicated when the program was forwarded to the General Assembly.

#### 4. Cooperative Gypsy Moth Suppression Program

Mr. Rick Hall, Environmental Specialist, stated that the Virginia Department of Agriculture and Consumer Services (VDACS) will likely add James City County to its list of regulated counties in 1989, which would make the County responsible for initiating and conducting its own program to monitor and/or control gypsy moths. He further stated this would primarily require appointment of a Gypsy Moth Coordinator to manage the program and coordinate actions with VDACS, and execution of an agreement with VDACS in support of the suppression program.

Mr. Edwards made a motion to approve the resolution.

Mr. Mahone made a motion to change seven members to five members.

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

Mr. Taylor made a motion to appoint five residents, one from each election district.

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

Mr. Edwards made a motion to approve the amended 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

### GYPSY MOTH COMMITTEE AND COORDINATOR

WHEREAS, the Board of Supervisors has acknowledged that the protection and preservation of natural aesthetic qualities is important to the future of James City County; and

WHEREAS, the Board of Supervisors is committed to citizen involvement in determining the priorities of a plan to protect indigenous flora and aesthetic qualities from destruction by gypsy moths.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes a Gypsy Moth Committee to serve in an advisory capacity on matters related to gypsy moth activity. The Committee shall be appointed by the Board of Supervisors and shall consist of seven members: the County's Environmental Specialist and a County Extension Agent, and five residents of the County, one from each election district.

BE IT FURTHER RESOLVED that the Environmental Specialist be designated the Gypsy Moth Coordinator for James City County.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

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

I. BOARD REQUESTS AND DIRECTIVES

Mr. Norment expressed his appreciation to the staff and Board for their support during his first year.

Mr. Mahone asked staff for a report on the Surry siren warning system, and mentioned the rabies epidemic should be a concern of all citizens.

Mr. Mahone asked staff to stay informed about interest in a cogeneration project site near Skiffe's Creek.

Mr. Mahone noted that the newspaper reported that Surry County Board of Supervisors would invite our Board to participate in a recommendation pertaining to the James River ferry service. He requested staff to provide background information if such an invitation is forthcoming.

Mr. DePue suggested that the Board should appoint a "watchdog" committee of citizens interested in the Surry Nuclear Plant and that committee could do some background study on plant regulations.

Mr. DePue thanked Mr. Edwards and Mr. Norment for their unending efforts and for a job well done on the joint school committee.

Mr. Edwards referred to a memorandum in the Reading File from Mr. Sanford Wanner, General Manager, James City Service Authority, requesting that the County allow The College of William and Mary to dispose of its solid waste in the County Landfill for the remainder of FY 89.

Mr. Norment made a motion to amend by emergency ordinance the Landfill Ordinance to permit an agreement with The College for refuse disposal.

Discussion was held concerning the charging of fees, term of contract, City's responsibility, and regional cooperation.

On a roll call, the vote was: AYE: Norment, Taylor, Mahone (3). NAY: DePue (1). ABSTAIN: Edwards (1).

Mr. Edwards convened the Board into executive session to discuss personnel, real estate and legal matters pursuant to Section 2.1-344 (a)(1)(2)(6) of the Code of Virginia, 1950, as amended at 3:30 p.m.

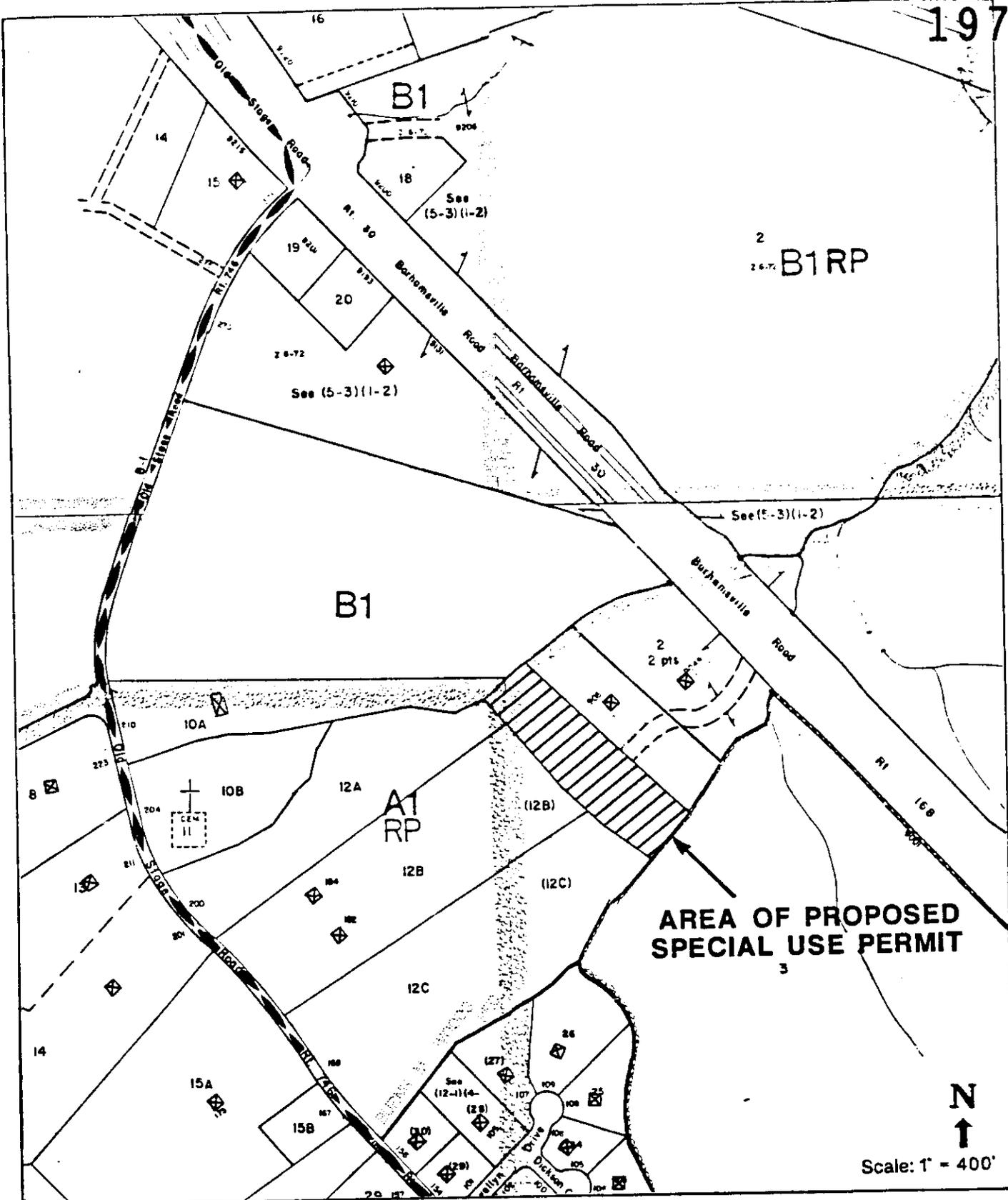
Mr. Edwards reconvened the Board into open session at 5:04 p.m.

Mr. Edwards made a motion to adjourn.

The Board adjourned at 5:05 p.m.



David B. Norman  
Clerk to the Board



Case #: **SUP-45-88**

Name: **JOSEPH E. & BARBARA M. BROWN**