

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3RD DAY OF APRIL, NINETEEN HUNDRED EIGHTY-NINE, AT 7:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District  
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District  
Perry M. DePue, Powhatan District  
Thomas K. Norment, Jr., Roberts District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - March 9, 1989 - Special Meeting  
March 20, 1989 - Regular Meeting

Mr. Mahone 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, Edwards, DePue, Mahone (5). NAY: (0).

C. PRESENTATIONS

1. National Volunteer Week, April 9-15, 1989 Community Service Day, April 15, 1989

Mr. Mahone read and presented the resolutions to Caroline Rhodes, Volunteer Services Coordinator.

R E S O L U T I O N

SPIRIT OF VOLUNTEERISM

WHEREAS, the spirit of volunteerism is a proud tradition of the American people and has created much of the essential progress of the nation; and

WHEREAS, volunteers continue to perform countless critical services to improve the quality of life of all of our citizens; and

WHEREAS, the people who serve as volunteers merit greater public recognition of their generous civic gifts of time, talent, energy and dedication; and

WHEREAS, all citizens should be encouraged to participate in volunteer service, to share the task of making the whole community better; and

WHEREAS, the week April 9-15, 1989, is being observed as National Volunteerism Week and special activities will be conducted throughout the community during the month of April.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates Saturday, April 15, as Community Service Day in James City County.

#### P R O C L A M A T I O N

WHEREAS, one out of every two Virginians is making a gift of time, talent and energy in some form of volunteer services; and

WHEREAS, volunteer work provides opportunities to every citizen for personal growth, career explanation and civic contribution; and

WHEREAS, citizen participation cannot be measured in dollars or in numbers, that only those who have been helped can describe the influence volunteers have had on their lives; and

WHEREAS, volunteers, through their demonstrated concern and commitment to the well-being of others, continue to insure quality of life in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates the week of April 9 - 15, 1989, as Volunteer Recognition Week in James City County, and urges all citizens to recognize and appreciate the efforts of volunteers.

#### 2. Child Abuse Prevention Month

Mr. Mahone read and presented a resolution to Iris Street, Senior Social Worker.

#### CERTIFICATE OF RECOGNITION

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 11,342 cases of child abuse and neglect were substantiated in Virginia during fiscal year 1987-88; and

WHEREAS, Virginia faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, Congress has expressed its commitment to seeking and applying solutions to this problem by establishing April as Child Abuse Prevention Month nationwide; and

WHEREAS, in Virginia, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, the Child Protective Service Social Workers in James City County have maintained leadership roles in the State of Virginia through the development of progressive and effective programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim the month of April, 1989, as CHILD ABUSE PREVENTION MONTH in James City County recognizing the efforts of Diana Hybicki, Iris Street, Joyce Morris, Diane Williams, Terra Franklin and Sabrina Hinrichs and call upon our citizens to observe the month with appropriate programs, ceremonies, and activities.

#### D. PUBLIC HEARINGS

1. FY 1990 Proposed Budget
2. Ordinance Amendment - Landfill Charges
3. Proposed Utility Water Rates
4. Proposed Utility Sewer Rates
5. Ordinance Amendment, Chapter 18, Taxation, Meals Tax

Mr. John McDonald, Manager, Financial and Management Services, presented a basic summary of the budget proposal for 1990. He stated the budget proposed that the real property tax rate remain at \$.67 per \$100 assessed value, an increase of the tipping fee at the Landfill of \$4 per ton from the current fee of \$17 per ton to \$21, water retail service charge of \$2.30 per 1,000 gallons from current rate of \$2.10 per 1,000 gallons, sewer retail service charge of \$2.10 per 1,000 gallons, and a tax on prepared food and beverages in an amount not to exceed four percent.

Mr. Mahone opened the public hearings.

Mr. Norment called the James City Service Authority Board of Directors in session and opened the Authority public hearings.

1. Rev. J. B. Tabb, 4024 Ironbound Road, spoke in opposition to the increase of the tipping fee at the Landfill as being a hardship on his business and customers.

2. Ms. Joann M. Bierenbaum, 109 The Colony, spoke in favor of increasing the tax rate to fully fund the proposed school budget.

3. Ms. Elizabeth Morgan, 109 Spring Road, asked the Board to honor the request of the citizens to fully fund the school budget.
4. Ms. Liz Ackert, 260 Nina Lane, spoke in favor of increasing the tax rate in order to maintain and improve the quality of public services.
5. Ms. Linda Rice, 2394 Forge Road, Toano, representing volunteers, supported full funding of the proposed school budget by approving a 4% meals tax.
6. Ms. Susan Geary, PTA Council Co-President, 601 Chandler Court, spoke in favor of full funding of the proposed school budget to achieve the goal of continuation of a high quality school system.
7. Mr. John Thelin, 209 Indian Springs Road, President of the Friends of the Williamsburg Regional Library, spoke in favor of the Williamsburg Regional Library's request for funding for programs provided in the budget.
8. Ms. Uvonne D. Taylor, 3891 Longhill Road, stated all County citizens benefit from the Williamsburg Regional Library and supported the full funding of the budget request.
9. Ms. Ann Yankovich, 404 Hempstead Road, spoke in favor of full funding for the proposed school budget to provide support services and educate each child.
10. Mr. Gary Smith, 10116 Holly Forks Road, Toano, spoke in favor of the Bright Beginnings program and requested full funding of the proposed school budget.
11. Mr. John Roberts, Executive Vice President of Williamsburg Area Convention and Visitors Bureau, requested an increase in funding to the Bureau for tourism promotion.
12. Ms. Joan Gonsoulin, 104 John Fowler, Special Education Activity Committee, spoke in favor of full funding of the proposed school budget to preserve quality of education for all students.
13. Mr. Richard Miller, PTA Council Co-President, 100 Wilderness Lane, spoke in favor of full funding for the proposed school budget as an investment in the future of our County.
14. Reverend Solomon Wesley, 1633 Old Buckroe Road, Hampton, Pastor of St. John Baptist Church, Penniman Road, asked for approval of a minority achievement coordinator and full funding of the proposed school budget.
15. Ms. Marylee G. McGregor, 106 Dogwood, spoke in favor of full funding for the proposed school budget, stating that growth should not impact quality education.
16. Ms. Catherine Pierce, 4 Bray Wood, supported a 4 percent meals tax and requested the real estate tax rate be lowered from \$.67 per \$100 assessed value to \$.66 per \$100 assessed value.

17. Ms. Serena Paisley, 126 Jordan's Journey, spoke in favor of the Williamsburg Regional Library's budget request of a full-time position for Library Assistant.

18. Ms. Elise Emanuel, 110 Willow Drive, spoke in favor of a 4 percent meals tax to fully fund the proposed school budget.

19. Mr. Richard Hibbard, 200 Castle Lane, asked the reasons for utility water and sewer rate increases and stated the revenue should be applied to future water resources.

20. Ms. June Hagee, 713 East Tazewell's Way, presented a petition with citizens' signatures showing support for full funding of schools by a 4 percent meals tax and an additional real estate tax rate increase of \$.02 per \$100 of assessed value.

21. Mr. John Angle, 113 Falling Creek Circle, commended the Board for doing a good job and stated that fees are an indirect tax.

22. Mr. Sasha Digges, 3612 Ironbound Road, spoke in favor of the increase in water and sewer fees and preferred the architect draft one design for several schools.

23. Mr. Ed Oyer, 139 Indian Circle, spoke favorably about the budget and stated plush schools were unnecessary.

24. Mr. Perry DePue stated a constituent had delivered to him a petition, signed by citizens of Powhatan District, urging support for full funding of the proposed school budget.

Mr. Mahone closed the public hearings.

Mr. Norment closed the public hearings.

Mr. Mahone declared a break at 9:00 p.m.

Mr. Mahone reconvened the Board into open session at 9:15 p.m.

Mr. Mahone recognized Mr. Sam Canavos, who wished to speak about the FY 1990 proposed budget.

Mr. Sam Canavos, President of the Virginia Restaurant Association, spoke in opposition to the 4 percent meals tax.

#### 6. Proposed Bond Financing - Schools

Mr. McDonald stated that the Commonwealth of Virginia had agreed through the Governor's Educational Technology Initiative Procurement and Financing Program, to finance the purchase of equipment, primarily microcomputers, for local school systems.

Staff recommended adoption of the resolution.

Mr. Mahone opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

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

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

RESOLUTION AUTHORIZING THE ISSUANCE OF  
NOT TO EXCEED \$72,850.19 GENERAL OBLIGATION  
SCHOOL BONDS, EDUCATIONAL TECHNOLOGY SERIES,  
OF JAMES CITY COUNTY, VIRGINIA,  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND SETTING FORTH THE FORM AND DETAILS THEREOF AND AUTHORIZING  
PARTICIPATION IN THE STATE NONARBITRAGE PROGRAM.

The Board of Supervisors (the "Board") of James City County, Virginia (the "County") has determined that it is necessary and expedient to borrow not to exceed \$72,850.19 and to issue its general obligation school bonds for the financing of the purchase of equipment for school purposes through the Governor's Educational Technology Initiative Procurement and Financing Program.

The County held a public hearing on April 3, 1989, on the issuance of the Bonds (as defined below) in accordance with the requirements of Sections 15.1-171.1 and 15.1-504, Code of Virginia 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board of Supervisors hereby determines that it is advisable to contract a debt and issue and sell bonds in the amount of not to exceed \$72,850.19 (the "Bonds") for the purpose of financing the purchase of equipment for school purposes through the Governor's Educational Technology Initiative Procurement and Financing Program. The issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution is hereby authorized.

2. Sale of the Bonds. It is determined to be in the best interest of the County to sell the Bonds to the Virginia Public School Authority ("VPSA") at par, upon the terms established pursuant to this Resolution. The appropriate officers of the County are hereby authorized and directed to sell the Bonds to VPSA.

3. Details of the Bonds. The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "County of James City General Obligation School Bonds, Educational Technology Series;" shall bear interest payable semiannually on June 15 and December 15 (each an "Interest Payment Date"), beginning December 15, 1989, at the rates established in accordance with paragraph 4 of this Resolution; and the principal amount of the Bonds shall be

payable in semi-annual installments on the dates (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Bonds shall be issued as a single, typewritten bond substantially in the form attached hereto as Exhibit A.

4. Interest Rates; Principal Installments. (a) The County Administrator is hereby authorized and directed to accept the interest rate or rates on the Bonds established by VPSA, provided that no such interest rate or rates shall be more than sixty-five one hundredths of one percent (65/100 of 1%) over the annual rate to be paid by VPSA for the corresponding maturity on the bonds to be issued by VPSA, the proceeds of which will be used to purchase the Bonds (the "VPSA Bonds"), and provided further, that no interest rate or rates of the Bonds shall exceed nine percent (9%) per annum, and the execution and delivery of the Bonds as described in Section 6 hereof shall conclusively evidence the same as having been approved and authorized by this Resolution.

(b) The principal amount of the Bonds shall be payable in nine (9) semi-annual installments the first of which shall be due December 15, 1989, and the remaining installments semiannually thereafter. The County Administrator is hereby authorized and directed to establish the principal amount of the Bonds not to exceed \$72,850.19 and to accept the amortization schedule on the Bonds established by VPSA, provided that debt service on the Bonds from their dated date until the end of the first fiscal year (1989-1990) shall not exceed the amount appropriated by the General Assembly from the Literary Fund there for, and provided further, that debt service on the Bonds from the second fiscal year to the fifth fiscal year shall be approximately level, subject to the actual rate or rates of interest on the VPSA Bonds, and the execution and delivery of the Bonds as described in Section 6 hereof shall conclusively evidence the same as having been approved and authorized by this Resolution.

5. Payment; Paying Agent and Registrar. The Treasurer of the County is hereby designated as Bond Registrar and Paying Agent for the Bonds and the following provisions shall apply:

(a) all payments of principal of and interest on the Bonds shall be made in immediately available funds to VPSA at or before 11:00 a.m. on the applicable Interest Payment Date and Principal Payment Date, or if such date is not a business date for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day preceding such Interest Payment Date and Principal Payment Date; and

(b) all overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

6. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds in an aggregate principal amount not to exceed \$72,850.19 and to affix the seal of the County thereto.

7. Use of Available Moneys; Pledge of Full Faith and Credit.

(a) The Board hereby appropriates and directs that all income realized from the investment and reinvestment of the proceeds of the Bonds and not required to be rebated to the United States pursuant to the provisions of the Internal Revenue Code of 1986, as amended ("Investment Income"), shall be credited to a sinking fund for the Bonds. The Board hereby further directs that, as directed by a designated representative of VPSA, on each Interest Payment Date, the Treasurer shall apply, or cause to be applied, such Investment Income to the payment of interest due on the Bonds.

(b) The Board further appropriates and directs that immediately after the application of the Investment Income as provided in subparagraph (a) above, the Treasurer shall apply, or cause to be applied, so much, if any, of the funds appropriated by the General Assembly from the Literary Fund or otherwise for such purpose to, or for the benefit of, the County to the payment of principal and interest due on the Bonds on the next Principal Payment Date and Interest Payment Date.

(c) The full faith and credit of the County are hereby irrevocably pledged for the payment of principal of and interest on the Bonds as the same become due and payable. There shall be levied and collected annually on all locally taxable property in the County an ad valorem tax sufficient to pay such principal and interest as the same respectively become due and payable unless other funds, including, without limitation, those funds referred to in subparagraphs (a) and (b) above, are lawfully available and appropriated for the timely payment thereof.

8. School Board Approval. The Clerk of the Board is hereby authorized and directed to cause a certified copy of this Resolution to be presented to the School Board of the County. The Bonds hereby authorized shall not be issued by the Board until the School Board of the County shall have adopted an appropriate resolution consenting to the issuance of the Bonds.

9. Nonarbitrage Certificate and Tax Covenants. The appropriate officers and agents of the County are hereby authorized and directed to execute a Nonarbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds or on the VPSA Bonds. The Board covenants on behalf of the County that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Nonarbitrage Certificate and Tax Covenants and that the County shall comply with the other covenants and representations contained therein. Furthermore, the Board covenants on behalf of the County that the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

10. State Nonarbitrage Program. The Board hereby finds and determines that (a) the Board has received and reviewed (i) a draft of the Information Statement dated February 17, 1989, (the "Information Statement"), describing the State Nonarbitrage Program of the Commonwealth of Virginia



("SNAP") and (ii) a draft of the Contract dated January 16, 1989, (the "Contract"), creating the State Nonarbitrage Program Pool I ("SNAP Pool I"), and (b) the County has been afforded the opportunity to discuss SNAP with the investment manager of and special counsel to SNAP, and the Board hereby further determines that it is in the best interests of the County to authorize the Treasurer of the County to participate in SNAP. The Contract is hereby approved, and the Treasurer is hereby authorized to execute and deliver the Contract on behalf of the County. The Board acknowledges that its decision to authorize the participation in SNAP is based solely on the information set forth in the Information Statement and in the Contract, and the Board hereby acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

11. Filing of Resolution and Publication of Notice. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this resolution to be filed with the Circuit Court of the County and, within ten (10) days thereafter, to cause to be published once in a newspaper having general circulation in the County a notice setting forth (a) in brief and general terms the purposes for which the Bonds are to be issued and (b) the amount of the Bonds.

12. Further Actions. Each member of the Board and all other officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

13. Effective Date. This resolution shall take effect immediately.

The undersigned Clerk of the Board of County Supervisors of the County of James City, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of County Supervisors held on April 3, 1989, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

WITNESS MY HAND and the seal of the Board of Supervisors of James City County, Virginia.

Dated: April 3, 1989

7. Case No. Z-20-87. Williamsburg Office Park

Mr. Marvin Sowers, Director of Planning, stated that Mr. Woodrow N. Sirois had applied on June 23, 1987, to rezone approximately 2.4 acres, located between Colony Square Shopping Center and the Winston Terrace Subdivision, from R-2, Limited Residential, to B-1, General Business, and had been granted deferral several times by the Planning Commission to allow time to address traffic safety concerns. Mr. Sirois had now requested a deferral from the Board of Supervisors for similar reasons.

Staff concurred with the applicant's request.

Mr. Mahone opened the public hearing, and continued the public hearing until the application is once again presented.

Mr. DePue informed the Board that counsel advised that he could vote on the case, after disclosing that he had filled out the appropriate disclosure form.

Mr. Mahone made a motion to postpone the case.

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

8. Case No. SUP-6-89. Linwood P. Slayton

Mr. Sowers stated that Mr. Linwood P. Slayton had applied for a special use permit to allow the development of an automobile repair shop in A-1, General Agricultural, site of approximately 4.5 acres, located at 9424 Diascund Reservoir Road.

The Planning Commission unanimously recommended approval, and staff recommended denial for reasons that the proposal is inconsistent with the Comprehensive Plan and surrounding development.

Mr. Mahone opened the public hearing.

1. Mr. Linwood Slayton stated that neighbors were unopposed to the automobile repair shop, and County staff had related to him the conditions of the special use permit.

Mr. Mahone closed the public hearing.

Mr. DePue made a motion to approve the special use permit with deletion of Condition No. 4 (A commercial entrance constructed to VDOT standards shall be required.).

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

R E S O L U T I O N

CASE NO. SUP-6-89. LINWOOD P. SLAYTON

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 applicant has applied for a special use permit to allow the development of an automobile repair shop in the A-1, General Agricultural District on property identified as Parcels (1-15) and (1-14A) on James City County Real Estate Tax Map No. (2-4); and

WHEREAS, the Planning Commission has unanimously recommended approval of Case No. SUP-6-89.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City, County, does hereby approve the issuance of Special Use Permit No. SUP-6-89 as described herein with the following conditions:

1. Site plan approval shall be required. Customer parking and automobile storage shall be designated on this plan. On site disposal of waste materials shall not be permitted. These materials shall include, but not be limited to, waste oil, brake fluid, solvents, antifreeze and discarded auto parts. The disposal methods for all such wastes shall be detailed on the site plan.
2. No overnight parking shall be permitted in the designated customer parking area and vehicles to be repaired shall not be parked on the lawn or in the yard.
3. If construction has not commenced on the project within 18 months from the date of issuance of the special use permit, it shall become void. During the 18-month period, permits pertaining to the construction shall be secured, clearing and grading of the site shall be completed and footings and/or foundations shall be installed.
4. Automobile repair work shall be limited to the existing 2-bay garage and proposed 1-bay expansion. All storage of items used in the automobile repair operation shall be stored in this building.
5. Freestanding signage shall be limited to one sign not to exceed 20 square feet in area and 10 feet in height.

9. Case No. Z-2-89. Robert A. Brady and Howard W. Brady, Jr.

Mr. Sowers stated that Mr. Roger Spearman, on behalf of Robert A. Brady and Howard W. Brady, Jr., had applied to rezone approximately 8.029 acres, located to the west of Bush Springs Road approximately 800 feet south of the Richmond Road/Bush Springs Road intersection, from A-1, General Agricultural, to R-1, Limited Residential.

In accordance with staff, the Planning Commission recommended by a 7-3 vote that the property be rezoned to R-6, Residential Agricultural, rather than R-1, Limited Residential, for the following reasons: 1) R-6 zoning allows lots of 1 acre in size with density slightly less than 1 unit per acre. The proposed 2.2 units per acre is considerably higher. 2) The road pavement width of 14-16 feet, because of current traffic, should be 20 feet, and with the proposed 18 units, VDOT would require a pavement width of 22 feet.

Mr. Mahone opened the public hearing.

1. Mr. Steve Graber, Esq., of Graber and Knicey asked that the Board approve the application as submitted for R-1 with 18 lots; 2) stated that the applicant would appreciate the Board's consideration of the newly submitted conceptual plan of R-1 with 16 lots as an acceptable alternative; and, 3) requested the Board disapprove a downgrading to R-6 zoning.

Mr. Mahone closed the public hearing.

Mr. Norment made a motion to postpone the case.

Discussion followed regarding the timing of the application if the case were deferred, and the number of units to be built in relation to the substandard roadway.

Mr. DePue made a motion to approve the R-1.

On the motion to postpone, the vote was: AYE: Norment, Edwards (2). NAY: Taylor, DePue, Mahone (3).

On the motion to approve the rezoning, the vote was: AYE: Taylor, DePue (2). NAY: Norment, Edwards, Mahone (3).

10. Case No. Z-3-89. Ferrell General Construction Company

Mr. Sowers stated that Mr. Alvin P. Anderson, Esq., had applied on behalf of Ferrell General Construction Company to amend the proffers attached to approximately 50 acres located at 6000 Centerville zoned R-3, General Residential. The amendment allows a street connection to adjacent undeveloped properties to the south through a 25-foot open space strip.

In accordance with staff, the Planning Commission unanimously recommended approval of the amended proffers.

Mr. Mahone opened the public hearing.

1. Mr. Alvin P. Anderson, Esq., requested the Board to approve the amended proffers as recommended by the staff and Planning Commission.

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O NCASE NO. Z-3-89. FERRELL GENERAL CONSTRUCTIONCOMPANY, FOXRIDGE

WHEREAS, in accordance with Section 15.1-431 and Section 15.1-491.6 of the Code of Virginia and Section 20-15 and Section 20-22 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Case No. Z-3-89 for amending the proffers attached to approximately 50 acres zoned R-3, General Residential with proffers, and further identified as Parcel (1-32) on James City County Real Estate Tax Map No. (31-1); and

WHEREAS, the James City County Planning Commission unanimously recommended approval of the amended proffers reviewed by the Planning Division on February 6, 1989, which amend Condition No. 9 in the proffers attached to the above-referenced property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the amended proffers as submitted.

11. Case No. Z-4-89. Neck-O-Land Partnership

Mr. Sowers stated that Mr. Henry H. Stephens of Atlantic Homes had applied to rezone approximately 1.9 acres (two existing lots) located at 506 and 508 Neck-O-Land Road, from A-2, Limited Agricultural, to R-1, Limited Residential. He further stated that as part of the Neck-O-Land Subdivision, this proposal was consistent with the Comprehensive Plan and the surrounding development and zoning.

In accordance with staff, the Planning Commission unanimously recommended approval for the reason that as part of the Neck-O-Land Subdivision, this proposal was consistent with the Comprehensive Plan and the surrounding development and zoning.

Mr. Mahone opened the public hearing.

1. Mr. Henry Stephens, Atlantic Homes Realty, stated that he would be happy to answer any questions.

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTIONCASE NO. Z-4-89. NECK-O-LAND PARTNERSHIP

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-4-89 for rezoning approximately 1.9 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as Parcels (6-1-1) and (6-1-2) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, the Planning Commission following its public hearing on March 14, 1989, unanimously recommended approval of Case No. Z-4-89.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-4-89.

12. Case No. SUP-7-89. Briarwood Manufactured Home Park

Mr. Sowers stated that Mr. Victor Leichty of BLIS Construction, Ltd., had applied for a special use permit to develop a manufactured home park of 9 acres at 6395 Centerville Road in the A-1, General Agricultural District. He further stated that the applicant had submitted a conceptual plan proposing a 38-unit manufactured home park.

In accordance with staff, the Planning Commission unanimously recommended approval with conditions listed in the resolution.

Mr. Mahone opened the public hearing.

1. Mr. Dean Short, Esq., representing the applicant, requested the Board's approval of the special use permit.

Mr. Mahone closed the public hearing.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTIONCASE NO. SUP-7-89. BRIARWOOD MANUFACTURED HOME PARK

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, following its public hearing on March 14, 1989, unanimously recommended approval of Case No. SUP-7-89.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-7-89 as described herein with the following conditions.

1. The private street shall be certified to the satisfaction of the County Engineer or his designee as having been constructed in accordance with all ordinance requirements and approved plans. Construction certification shall be in accordance with administrative guidelines prepared by the County Engineer.
2. If construction has not commenced on the project within 18 months from the date of issuance of the special use permit, it shall become void. During the 18-month period, connection to public water and sewer shall be made, permits pertaining to the construction shall be secured, clearing and grading of the site shall be completed and footings and/or foundations shall be installed.
3. No more than 38 manufactured home sites shall be permitted.

13. Case No. Z-6-89. Zoning Ordinance Amendment

Mr. Sowers stated that the ordinance amendment eliminated a loophole in the ordinance with respect to allowed densities for apartments, and made the language referring to dwelling units in Sections 20-222 and 20-476 consistent.

In accordance with staff, the Planning Commission unanimously recommended approval of the ordinance amendment.

Mr. Mahone opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Mahone made a motion to approve the ordinance amendment.

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

14. Request for Lease of Property - Patsy S. Dubay and Ann M. Peterson

Mr. Larry W. Davis, Assistant County Attorney, stated that Ms. Patsy Dubay and Ms. Ann Peterson have requested to lease the Richardson- Meadows tract adjacent to the J.F. Slauson property to provide grazing for 6 horses. He further stated that if the Board grants approval, a month-to-month lease would be prepared with considerations that the lessees agree to keep the five acres mowed and trimmed around the fence they are to install, and would carry \$300,000 insurance as recommended by the County insurance consultant.

Mr. Mahone opened the public hearing.

1. Ms. Patsy Dubay, 5196 John Tyler Highway, stated the property would be maintained and would retain the rural appearance.

Mr. Mahone closed the public hearing.

Discussion ensued that any future requests for leasing of County land would be decided independently.

By consensus, the Board directed the County Attorney's office to prepare a lease and bring it back to them on the Consent Calendar.

E. **BOARD CONSIDERATIONS**

1. 1989 Pre-allocation Hearing

Mr. Sowers stated that the FY 90-95 Pre-allocation Hearing for the Suffolk District would be held Monday, April 10, 1989, in the Suffolk District office.

Staff recommended the Board support the construction of Route 199 as highest priority; continue support for progress achieved toward the completion of the Grove Interchange on I-64; support the extension of Monticello Avenue (Route 321) to the extension of Route 199; and support the location of a new road bypassing the existing alignment of Pocahontas Trail to provide improved access to the Skiffe's Creek area.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

HIGHEST PRIORITY HIGHWAY PROJECTS IN JAMES CITY COUNTY

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient and adequate transportation network is vital to the future of the County and the region; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area; and



WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed in 1979 and again in 1986, and the access point for the Grove Interchange on Interstate 64 was approved in 1979; and

WHEREAS, the Commonwealth Transportation Board has included funding for the Grove Interchange in the Six-Year Improvement Program, FY 89-FY 94, in recognition of the need for improved traffic circulation in the vicinity of Busch Gardens; and

WHEREAS, the Highway Commission has also recognized the tremendous traffic impacts caused by commercial development in the Lightfoot area by approving funding for the construction of Route 199 between Interstate 64 and Richmond Road (Route 60 West) in the FY 89-FY 94 Six-Year Program; and

WHEREAS, the adopted Skiffe's Creek Area Development Plan, incorporated into the Comprehensive Plan of James City County, designates new roadway construction bypassing hazardous portions of Pocahontas Trail (Route 60 East) and providing access to a major future industrial area.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the following list comprises the highest priority primary highway projects in James City County:

- o The design, construction and completion of Route 199 from Interstate 64 to John Tyler Highway (Route 5) as a full four-lane facility.
- o The widening of the existing section of Route 199 to four lanes in those areas where only two lanes presently exist.
- o The extension of Monticello Avenue to the proposed extension of Route 199.
- o The design of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser Busch access road and the Newport News city limits, with evaluation of the feasibility of constructing a future link to Interstate 64 in the vicinity of Route 238.

#### F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, distributed information from the University of Virginia regarding water policy and the threat of contamination of groundwater.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, reminded the Board of the budget work sessions scheduled for April 4, 6, and 10, 1989, at 7:00 p.m. in the Board Room of Building C, Government Complex.

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue made a motion to approve the resolution for the purchase of Fitness Equipment for the Recreation Center requested in the Board Reading File.

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

R E S O L U T I O N

RECREATION CENTER FITNESS EQUIPMENT ACQUISITION

WHEREAS, funds are currently available in the Recreation Center operating budget; and

WHEREAS, the addition of fitness equipment for public use at the Recreation Center will compliment the multiuse concept of the Center and benefit the fitness of County residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the acquisition of fitness equipment for the James City/Williamsburg Recreation Center.

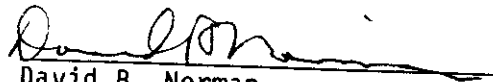
Mr. Mahone directed staff to pursue the Community Diversion Incentive Program as outlined in the reading file memorandum from Mr. John McDonald, Manager, Financial and Management Services.

Mr. Mahone stated that a check had been received from the Williamsburg Pottery Factory, Inc., addressed to the Fire Department. He asked staff to respond with our appreciation for the contribution.

Mr. Mahone made a motion to recess until Tuesday, April 4, 1989, at 7:00 p.m.

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

The Board recessed at 11:00 p.m.

  
David B. Norman  
Clerk to the Board

AGREEMENT

3102  
Whereas, Ferrell General Construction Company (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain tract of land now or formerly situate in Jamestown District, James City County, Virginia, called "Halls", being a part thereof, containing fifty (50) acres, more or less, and bounded by the road leading from Kelton to Centerville, and by the lands of F.R. Savage, the War Hill Tract, and the land of J.M. Jones.

Whereas, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the Owner has applied for an amendment of the conditions created pursuant to Case No. Z-12-88, which amendment would modify condition numbered nine (9); and

Whereas, the County of James City may be unwilling to amend said conditions because said conditions may be deemed necessary for the orderly development of the Property, because competing and incompatible uses may conflict; and

Whereas, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

Whereas, the Owner is desirous of offering certain other conditions different from the conditions created pursuant to Case No. Z-12-88 for the protection of the community, which other conditions are not applicable to land similarly zoned in addition to the regulations provided for in the General Residential District, R-3.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-12-88 and pursuant to Section 15.1-491, et seq. of the Code of Virginia, 1950, as amended, and Section 20-18 of

the Zoning Ordinance of James City County, Virginia, the Owner agrees that the conditions established by Case No. Z-12-88, be amended as follows:

CONDITIONS

(9) The subdivision plan of the Property shall provide for common open space not less than twenty five (25) feet in width along the northerly and southerly boundary lines of the Property; however, the Owner shall show on its subdivision plat a 50' single strip of land within said common open space along said southerly boundary line as reserved to the Owner for possible right of way extension to provide internal access from the Property to adjacent property along the southerly boundary line.

Except as hereby amended, all other conditions in Case No. Z-12-88 shall remain in full force and effect.

FERRELL GENERAL CONSTRUCTION COMPANY

By: Jesse Ferrell, President

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 6th day of February, 1989, by Jesse Ferrell, President of and acting on behalf of Ferrell General Construction Company.

NOTARY PUBLIC

My commission expires: 2/7/89

VIRGINIA, City of Williamsburg and County of James City, to-wit: the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, on the 9th day of April, 1989. This instrument was presented with the certificate annexed and admitted to record at 10:00 o'clock. The taxes imposed by Sect. 58-54 (a) and (b) of the Code have been paid. STATE TAX LOCAL TAX ADDITIONAL TAX \$ 10.00 Teste: Helene S. Ward, Clerk By: Helene S. Ward, Deputy Clerk

RESOLUTION OF THE BOARD OF COUNTY SUPERVISORS  
OF THE COUNTY OF JAMES CITY, VIRGINIA

April 3, 1989

At a regular meeting of the Board of County Supervisors of the County of James City, Virginia, held on April 3, 1989, the following persons were present or absent as shown:

PRESENT: Chairman Thomas D. Mahone, presiding, and Members Perry M. DePue, Stewart U. Taylor, Jack D. Edwards and Thomas K. Norment, Jr.

ABSENT: None

Upon motion by Jack D. Edwards, the following resolution was adopted by a majority of the members of the Board of County Supervisors by the following roll call vote, as recorded in the minutes of the meeting:

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

T443n

11-1-89  
 J. H. HARRIS  
 CLERK, CHIEF CLERK  
 1989 APR -4 PM 1:32  
 CITY OF WILLIAMSBURG  
 & COUNTY OF JAMES CITY  
 BY: Ch DEPUTY CLERK

APR 3 1989

ORDINANCE NO. 31A-113

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, BY AMENDING ARTICLE I. IN GENERAL, SECTION 20-2. DEFINITIONS, ARTICLE IV. DISTRICTS, DIVISION 7, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 20-222. PERMITTED DENSITY OVERALL; AND ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 20-476. DENSITY.

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, Section 20-222. Permitted density overall, and Section 20-476. Density.

#### Chapter 20. Zoning

#### Article I. In General

#### Section 20-2. Definitions.

DWELLING. Any structure which is designated for use for residential purposes, except hotels, motels, boarding houses, lodging houses, and tourist cabins.

SINGLE-FAMILY. A structure arranged or designated to be occupied by one family, the structure having only one dwelling unit.

TWO-FAMILY - A structure containing two dwelling units separated from one another by a solid wall or floor. For the purpose of this Chapter, the term "two-family dwelling" shall not apply to a single-family dwelling containing an accessory apartment.

MULTIPLE-FAMILY. A structure arranged or designated to be occupied by more than two families.

ARTICLE IV. DISTRICTS

DIVISION 7. RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4

Section 20-222. Permitted Density Overall.

The gross density of the total area of the planned residential community shall not exceed two dwelling units per acre.

ARTICLE VIII. PLANNED UNIT DEVELOPMENT DISTRICTS

Section 20-476. Density.

The gross density of the net developable area of the planned unit development shall not exceed the maximum density suggested by the Comprehensive Plan and in no case shall exceed four dwelling units per acre. The number of dwelling units which may be constructed in any area designation shall be determined by the number of net developable acres at the site and the use proposed. The net developable acres shall equal the total land area of the site minus stream beds, areas subject to flooding, marsh and areas with slopes exceeding a 25% gradient. The number of units which may be constructed are:

<u>Area Designation</u>	<u>Dwelling Type</u>	<u>Maximum Density (dwelling units per acre)</u>
A	Single family	4
B	Two-family, multi-family structures containing three or four dwelling units, or townhouses	9.6
C	Multi-family structures less than three stories and containing more than four dwelling units	12
D	Multi-family structures of three stories or more and containing more than four dwelling units	18

Thomas D. Mahone  
Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:

David B. Norman  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this  
day 3rd of April, 1989.