

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF JULY, NINETEEN HUNDRED EIGHTY-NINE, AT 1:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C 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 - July 10, 1989

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. Department of Forestry, Gene W. Augsburger

Mr. Gene W. Augsburger, Regional Forester, Virginia Department of Forestry, introduced Mr. Bill Apperson, James City County Forester, and distributed a Forest Management Plan to the Board. Mr. Augsburger explained the Department's role of maintaining water quality, removal of debris from streams, and construction of homes in woodland areas. In reply to a question regarding gypsy moth invasion, Mr. Augsburger stated the problem has no effective method of prevention.

2. Thomas Nelson Community College, Dr. Robert D. Templin, Jr.

Ms. Elise Emanuel, James City County representative for Thomas Nelson Community College, introduced Dr. Robert D. Templin, Jr., President.

Dr. Templin reported on the College's accomplishments of the past year, stating that 10% of the student body was from the Upper Peninsula area. He further stated that the College was now on a semester system while maintaining low fees, that funds had been raised for emergency loans for low-income students, and remedial courses were instituted for students because of their not being prepared for requirements of college courses, or not having taken appropriate courses in high school.

Dr. Templin presented a pen and ink drawing of Harrison Hall at Thomas Nelson Community College to the Board.

The Board expressed thanks to Dr. Templin for the drawing and the contribution of the college to the community.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer for Virginia Department of Transportation, announced the public hearing for the final design for Route 199 to be held at Lafayette High School, Wednesday, July 26, 1989, at 7:30 p.m.

Mr. Mahone requested information about the Adopt-a-Highway program, which Mr. Hall provided.

Mr. Mahone reiterated a request for reflectors or a streetlight at the Route 199 exit going west from Route 143.

Mr. Hall responded that he would investigate.

E. CONSENT CALENDAR

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

Mr. DePue asked that Item 1 be removed.

Mr. Edwards asked that Item 4 be removed.

Mr. Mahone made a motion to approve Items 2 and 3 of the Consent Calendar.

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

2. Affordable Housing Incentive ProgramR E S O L U T I O NESTABLISHING AN AFFORDABLE HOUSING INCENTIVE PROGRAM

WHEREAS, the James City County Housing Commission has determined that there is a need for additional home ownership opportunities for low and moderate income persons who live and/or work in James City County; and

WHEREAS, establishment of an Affordable Housing Incentive Program to provide incentives to private developers and various forms of assistance to qualified low and moderate income home buyers is consistent with the recommendations of the James City County Housing Commission; and

WHEREAS, low interest rate financing may be available to support such a program from the Virginia Housing Partnership Fund and from the Virginia Housing Development Authority; and

WHEREAS, the Grove Program Income Plan specifies that the income from the sale of lots in the Grove Subdivision may be used to support programs to assist additional low and moderate income families to become homeowners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that an Affordable Housing Incentive Program be established and that the County Administrator be authorized to apply for and to accept commitments from the Department of Housing and Community Development and the Virginia Housing Development Authority for low interest rate loans to support the Affordable Housing Incentive Program.

BE IT FURTHER RESOLVED that revenue from the sale of lots in the Grove Subdivision, in an amount to be determined by the County Administrator but not to exceed \$50,000, be reserved to support the Affordable Housing Incentive Program.

3. Appropriation of School's Adopted BudgetR E S O L U T I O NSCHOOL BOARD APPROPRIATION - FY 1990

WHEREAS, the Board of Supervisors has been requested to appropriate those funds necessary to fund the adopted budget of the Williamsburg-James City County School Board for the fiscal year ending June 30, 1990.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby appropriates the following funds in support of the operations of the Williamsburg-James City County School Board for the FY 1990 fiscal year:

Operating Revenues:

Revenue from the Commonwealth	\$ 7,529,846
Revenue from the Federal Government	564,495
Other Revenue	218,890

Local Appropriations, to include State

Sales Tax for Education:	
Williamsburg	4,295,646
James City County	<u>15,647,000</u>
Total Operating Revenues	<u>19,942,646</u>

Operating Revenues:	\$28,255,877
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OPERATING EXPENDITURES	\$28,255,877
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1. Virginia Department of Transportation: FY90 Secondary Road Improvements Budget

Mr. DePue requested clarification of the Centerville Road project funding.

Mr. Hall responded that \$416,142 a previous allocation, \$195,858 from budget funds from previous year and \$145,000 allocation from this budget year would fully fund the project.

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

SECONDARY ROADS FUNDS - FY 90

WHEREAS, the Virginia Department of Transportation allocates funds annually for Secondary Road improvements in James City County; and

WHEREAS, VDOT has budgeted \$995,651 for Secondary Road improvements in James City County for FY 1990. These funds are budgeted as follows:

Incidental Improvements	\$ 78,000
Regular Improvements	914,073
Unpaved Road Improvements	<u>3,488</u>
	\$995,561

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the Secondary Road Improvement Budget as submitted by VDOT.

4. Dedication of Streets - Westray Downs, Sections I, II-B and III-A; Graylin Woods, Sections 2 and 3

Mr. Edwards asked staff to make a random sampling of residents' opinions regarding drainage functions when inspecting streets for acceptance into the highway system.

Mr. Norman replied in the affirmative.

Mr. Edwards made a motion to approve the resolutions.

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

DEDICATION OF STREETS IN WESTRAY DOWNS, SECTIONS I, II-B AND III-A

WHEREAS, the developer of Westray Downs, Sections I, II-B and III-A 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 Westray Downs, Sections I, II-B and III-A 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 Westray Downs, Sections I, II-B and III-A Jamestown, Election District, James City County, in the State Secondary Highway System:

1. Bristol Circle, 50-foot right-of-way
From: Route 1490 (New Castle Drive)
To: Intersection of Route 1493 (Evesham Court)
Distance: 1,854 Feet (0.36 miles)
2. Isle of Wight Court, 50-foot right-of-way
From: Intersection of Bristol Circle
To: End of the cul-de-sac
Distance: 402 feet, (0.08 miles)

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

Westray Downs, Section I, recorded in Plat Book 43, page 53 dated August 29, 1986; Westray Downs, Section II-B, recorded in Plat Book 43, page 81, dated October 27, 1986; and Westray Downs, Section III-A, Lots 1-10, 23-45, recorded in Plat Book 47, page 29, dated December 15, 1987.

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

R E S O L U T I O N

DEDICATION OF STREETS IN GRAYLIN WOODS, SECTION 2 AND 3

WHEREAS, the developer of Graylin Woods, Sections 2 and 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 Graylin Woods, Sections 2 and 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 Graylin Woods, Sections 2 and 3, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Running Cedar Way, 50-foot right-of-way
From: State Route 1417 (Yarrow Court)
To: End of cul-de-sac
Distance: 1,241 Feet (0.23 miles)
2. Wood Violet Lane, 40-foot right-of-way
From: Running Cedar Way
To: T-turn around
Distance: 441 Feet (0.08 miles)

The rights-of-way of 40 and 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Graylin Woods, Section 2, recorded in Plat Book 44, page 87, dated March 12, 1987; and Graylin Woods, Section 3, recorded in Plat Book 44, Page 88, dated March 12, 1987.

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

F. PUBLIC HEARINGS

1. Case No. SUP-20-89. Charles C. Taylor

Mr. Marvin Sowers, Director of Planning, stated that Mr. Charles M. Taylor had applied for a Special Use Permit to allow the replacement of a manufactured home on 3.0 acres, zoned A-1, General Agricultural, which he owns at 341 Ivy Hill Road and further identified as Parcel (1-10) on James City County Real Estate Tax Map No. (11-3).

Staff recommended approval with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-20-89. CHARLES C. TAYLOR

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, Virginia, 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:	Charles C. Taylor
REAL ESTATE TAX MAP I.D.:	(11-3)
PARCEL NO.:	(1-10)
ADDRESS:	341 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 existing single-wide manufactured home shall be removed from the site within 30 days of the approval of this permit.
3. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
4. The number of bedrooms shall not exceed three.
5. The existing septic tank shall be abandoned, pumped and filled with sand in accordance with Health Department requirements.
6. Existing vegetation shall be maintained within 20 feet of all property lines except where clearing is required for utilities and necessary entrances.

G. BOARD CONSIDERATIONS

1. Case No. AFD-2-86. Croaker Agricultural and Forestal District

Mr. Sowers stated that this case was postponed at the June 19, 1989, meeting with a request for an analysis of the Virginia French Winery's Fiscal Impact Statement by the Economic Development Coordinator. That analysis had been provided.

Mr. Sowers further stated that the Agricultural and Forestal District Advisory Committee recommended approval by a 6-2 vote, the Planning Commission recommended denial by an 8-3 vote, and staff recommendation concurred with the Planning Commission for denial for the following reasons:

1. The commercial winery could be constructed on land located outside the AFD.

2. This request was not caused by a change in circumstances.
3. This project would not serve a broad public purpose which could not be realized at the time the AFD expires.
4. This tract constitutes 31% of the Croaker AFD and is the largest tract in the AFD.
5. The withdrawal of this property from the AFD would eliminate a public advantage to the designation of the AFD in terms of development phasing and holding of property as a long range planning tool. A broad precedent would be set for future conflicts with the Comprehensive Plan.

Further, the project is located outside the Primary Service Area and the proposed density, rezoning, and industrial and tourist commercial uses are not consistent with the Comprehensive Plan.

The Board discussed staff's guidelines, acreage of AFD, and acreage required for construction of the winery.

Mr. DePue made a motion to approve denial of withdrawal.

Discussion ensued regarding the Board's authority on voting separately for withdrawal and rezoning of the acreage, reasons for withdrawal from AFD, having a liberal or restrictive Board policy for withdrawal applications, establishing consistent guidelines, importance of following AFD regulations, and the tax benefit to owners of the AFD.

Mr. DePue requested staff review the three guidelines used as criteria for denial of a withdrawal, and to respond as to why the County refuses rezoning applications while the acreage is in an AFD.

On Mr. DePue's motion, by roll call, the vote was: AYE: Edwards, DePue (2). NAY: Norment, Taylor, Mahone (3).

Mr. Norment made a motion to allow withdrawal of the acreage from the AFD in accordance with application.

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

R E S O L U T I O N

CASE NO. AFD-2-86. CROAKER AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, a request to withdraw 421.773 acres owned by the Hankins Land Trust and identified as Parcel (1-40) on James City Real Estate Tax Map No. (14-3) from the 1,341.685 acre Croaker Agricultural and Forestal District has been filed with the James City County Board of Supervisors; and

- WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its May 23, 1989, meeting recommended approval of the withdrawal; and
- WHEREAS, the Planning Commission at its June 13, 1989, meeting recommended denial of the withdrawal; and
- WHEREAS, in accordance with Section 15.1-1513 of the Code of Virginia, a public hearing has been advertised and held by the Board; and
- WHEREAS, the Board finds that good and reasonable cause exists for the withdrawal.
- NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby removes that 421.773 acres owned by the Hankins Land Trust and identified as Parcel (1-40) on James City Real Estate Tax Map No. (13-4) from the Croaker Agricultural and Forestal District.

2. Route 31 - James River Crossing Study

Mr. Sowers stated that the Virginia Department of Transportation had distributed the Draft Environmental Impact Statement on the Route 31 - James River Crossing Study and that the project was an improvement of the existing Route 31 crossing of the James River between James City and Surry Counties.

Mr. Sowers explained the four build alternatives, which would include bridge or tunnel crossings with new or improved approach roadways, raise issues of level of service, funding, truck traffic, public services and regional impact. Staff recommended the Board support Alternative 2, Improved Ferry Service.

After a short discussion, Mr. Edwards read the following alternative statement: "VDOT has completed studies of a proposed bridge over the James River, along with a draft environmental impact study. The studies do not show a traffic need that would justify the large expenditure for a bridge. An expanded road network, which is not in the VDOT Six-Year Improvement Program, would be necessary to absorb the traffic encouraged by a bridge. The environmental impact study indicates that substantial environmental damage would be done. The overall effects would be highly detrimental to the entire community.

We strongly oppose any of the bridge alternatives. We do support Alternative 2 which would make needed improvements to the ferry service. Beyond that, we urge VDOT to take no further action at this time," and made a motion to substitute that language for the wording in the resolution.

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

RESOLUTIONCROSSING STUDY

WHEREAS, the Virginia Department of Transportation has completed an Environmental Impact Study (EIS) evaluating alternatives for crossing the James River and determined that substantial environmental damage would be incurred as a result of any river crossing alternative; and

WHEREAS, the EIS does not show a traffic need that justifies the large expenditure for the river crossing; and

WHEREAS, an expanded and improved road network, which is not in the VDOT Six-Year Improvement Program, would be necessary to absorb the traffic encouraged by the river crossing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, strongly expresses its opposition to any structural river crossing alternative and urges VDOT to take no further action at this time.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does support Alternative No. 2, which would provide improvements to the existing Ferry Service.

3. Route 199 Design Public Hearing

Mr. John Horne, Manager, Development Management, stated that the Virginia Department of Transportation will hold a public hearing at Lafayette High School on July 26, 1989, at 7:00 p.m.

Staff recommended approval of support with concerns listed in the resolution.

Discussion followed regarding priority listing of concerns, frontage road access, and deletion of Item 5, south right-turn lane at Route 5.

Mr. Norment made a motion to approve the resolution giving priority to Items 3, 4 and 6, with importance indicated for Items 1 and 2.

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

RESOLUTIONFINAL DESIGN OF ROUTE 199

WHEREAS, the Virginia Department of Transportation has recognized the need to begin construction of the much needed extension of Route 199; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has previously encouraged certain modifications to the draft design of Route 199, as referenced in their resolution of July 11, 1988; and

WHEREAS, the final proposed design has been made available for review and comment.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, strongly requests the Commonwealth Transportation Board fund the completion of Route 199 between Richmond Road (Route 60) and John Tyler Highway (Route 5) as soon as possible.

BE IT FURTHER RESOLVED, in the final design of Route 199, the Virginia Department of Transportation give serious consideration to the following concerns:

1. Traffic volumes may warrant 4-lane construction on future sections.

Currently Funded

2. Relocating the Route 60 interchange to the west to improve weaving distance from the Pottery interchange and decrease traffic pressure on the existing section of Route 60 at Lightfoot.
3. In-lieu-of No. 1 above, enlarge ramp radii at Richmond Road Interchange to improve safety.
4. Providing access ramps simultaneously with construction of the Route 658 overpass to improve design.

Future Funding

5. Extending Monticello Avenue and realigning Ironbound and Ford's Colony interchange.

H. PUBLIC COMMENT

1. Mr. Jay Everson, 130 Oslo Court, suggested developers set aside 10% of development for low and moderate income housing.

2. Mr. Jack Scruggs, Norge, spoke in favor of relocation of the interchange at Route 60 shown in the Route 199 design, to the west inside Warhill Tract.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, requested an executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia 1950 as amended to consider the following items: personnel matter, the appointment of individuals to County boards and/or commissions, and involving salaries of

certain employees of the Police Department and pursuant to Section 2.1-344(a)(3) of the Code of Virginia 1950 as amended to consider the disposition of publicly held property.

J. BOARD REQUESTS AND DIRECTIVES

Mr. DePue commended Mr. Norman on his recent correspondence concerning customer service given by County employees.

Mr. Mahone asked the County Attorney to review the resolution received from Amherst County regarding advertisement of the State lottery and make a recommendation to the Board.

Discussion by the Board ensued regarding a work session scheduled for August 21 with Virginia Power. By consensus, the Board decided to cancel the work session and agreed that Mr. DePue would contact persons involved and report back if a meeting is needed.

Mr. Mahone mentioned the public hearing on Thursday, July 27, 1989, at First Colonial High School in Virginia Beach scheduled by the House Finance Committee's Special Subcommittee Studying Real Estate Assessments.

Mr. Mahone nominated Mr. Carlyle Ford, Commissioner of the Revenue, to the Agricultural and Forestral District Advisory Committee.

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

Mr. Norment referenced the letter from the Department of the Treasury, United States Secret Service, to Police Chief Robert Key commending the performance and expressing appreciation for the support of the Police Department during the recent visit of Vice President Quayle.

Mr. Mahone convened the Board into executive session at 4:27 p.m.

Mr. Mahone reconvened the Board into open session at 5:05 p.m.

Mr. DePue made a motion to approve the Executive Session resolution.

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

MOTION BY: Perry DePue

R E S O L U T I O N

MEETING DATE: July 24, 1989

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Mahone made a motion to reappoint Harry D. Wise, Jr., to the Colonial Services Board for a three-year term, expiration date June 30, 1992; Mr. Norment made a motion to reappoint Myrl Hairfield and Mr. DePue made a motion to reappoint Joseph Cross, Jr., to the Industrial Development Authority for four-year terms, respectively, expiration date July 8, 1993; and Mr. Mahone made a motion to appoint Patricia Kearns to the Social Services Advisory Board for a four-year term, expiration date July 1, 1993.

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

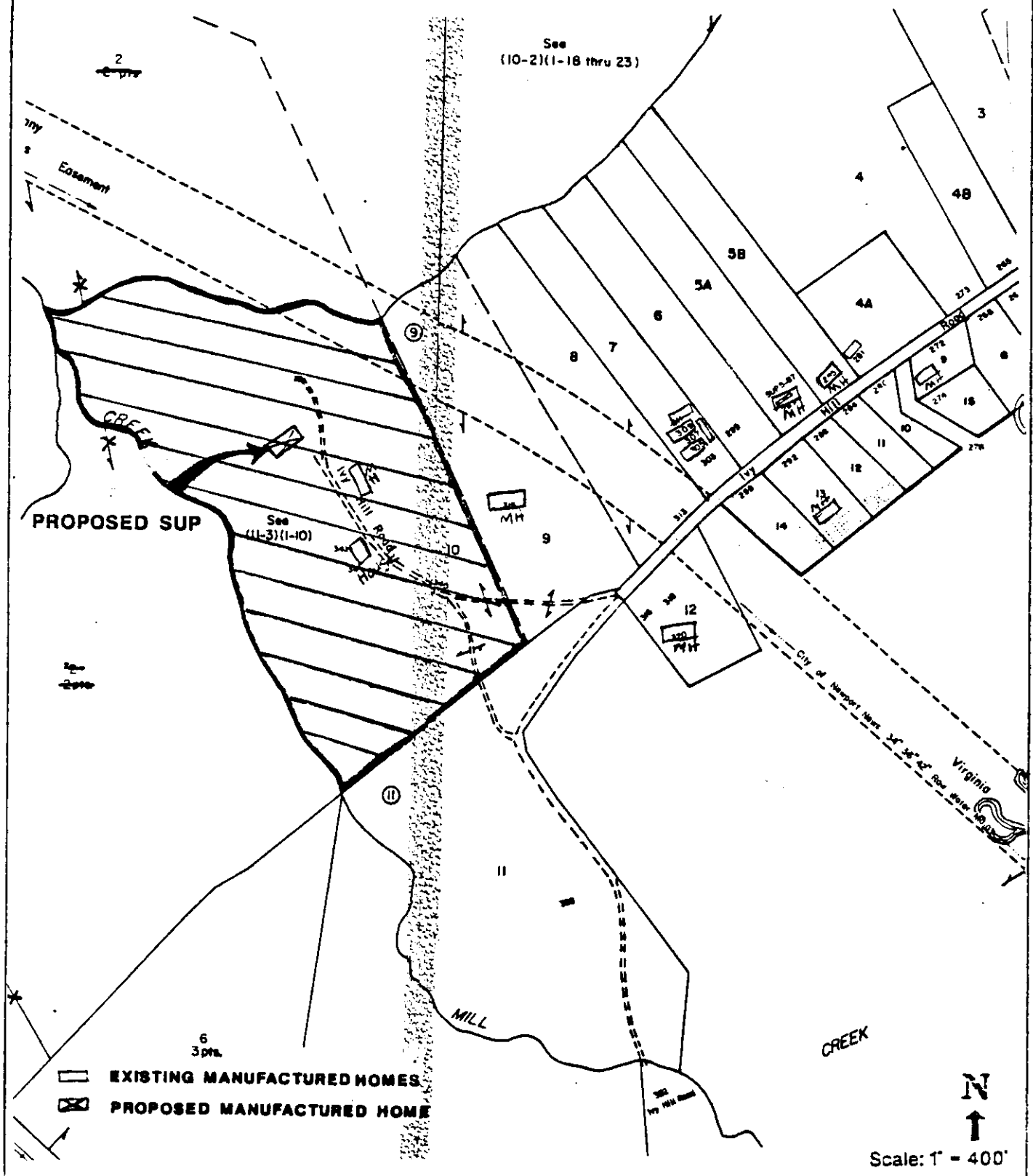
Mr. Mahone made a motion to adjourn.

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

The Board adjourned at 5:35 p.m.



David B. Norman
Clerk to the Board



Case #: SUP-20-89

Name: CHARLES C. TAYLOR