

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9th DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-ONE, AT 7:08 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION - Clean County Commission Awards

Mr. Norment presented a plaque to Mr. Hammond Branch, a charter member of the Clean County Commission, for his many contributions and years of service to that Commission and the County. Mr. Norment also commended Mr. Robert Deeds, who served on the Clean County Commission from May 1985 to May 1991.

C. MINUTES - August 5, 1991 - Regular Meeting
August 9, 1991 - Special Meeting
August 26, 1991 - Special Meeting

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

Mr. DePue made a motion to add language to page 2 of the August 26, 1991, minutes, "Nonetheless, for a variety of reasons, Mr. DePue indicated he was unable to support the Comprehensive Plan in its current state."

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

Mr. Edwards made a motion to approve the three sets of minutes.

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

D. CONSENT CALENDAR

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

Mr. Taylor asked that Item No. 3 be removed.

Mr. Norment removed Item Nos. 1 and 6 and made a motion to approve Items Nos. 2, 4 and 5 on the Consent Calendar.

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

2. Retirement of Shirley M. Willis

R E S O L U T I O N

SHIRLEY M. WILLIS

WHEREAS, Shirley M. Willis has been an Extension Agent for twenty-four years, the last seventeen years of which she has been located in James City County; and

WHEREAS, Shirley M. Willis has been the Extension Unit Chairman for eleven years; and

WHEREAS, she has performed her duties with skill, enthusiasm, competence and caring; and

WHEREAS, she has been a driving force behind many County programs to include establishment of residential facilities, the financial counselors program, housing repair program and self-sufficiency program; and

WHEREAS, Shirley M. Willis will retire as Extension Agent, effective October 1, 1991.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes and commends Shirley M. Willis for her outstanding service to James City County.

4. Centerville Road Sidewalk - Forest Glen Drive to Fox Ridge Subdivision

R E S O L U T I O N

CENTERVILLE ROAD SIDEWALK - FOREST GLEN DRIVE TO FOX RUN

WHEREAS, the Virginia Department of Transportation State Highway Project No. 0614-047-132, Section M-502, provides for improvements to Centerville Road (Route 614) from .028 miles north of Longhill Road (Route 612) to .016 miles east of Jolly Pond Road (Route 611), a distance of 1.36 miles; and

WHEREAS, the Virginia Department of Transportation has determined that sidewalks are justified and warranted from Forest Glen Drive (Station 187 + 50) to Fox Run Road (Station 207 + 00); and

WHEREAS, the Virginia Department of Transportation will include sidewalk construction in the Centerville Road Improvement Project upon request by the James City County Board of Supervisors; and

WHEREAS, the James City County Comprehensive Plan recommends a sidewalk on Centerville Road (Route 614) between Forest Glen Drive (Route 1507) and Jolly Pond Road (Route 611), a distance of 0.94 miles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation is hereby requested to include the construction of sidewalks in the Centerville Road (Route 614) Improvement Project, Section M-502 from Forest Glen Drive (Station 187 + 50) to Fox Run Road (Station 207 + 00), a distance of 1,950 feet.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby agree and commit to pay one-half of the sidewalk construction cost in accordance with current Virginia Department of Transportation Policy.

5. Dedication of Streets - Fieldcrest, Sections 1 and 2

R E S O L U T I O N

DEDICATION OF STREETS IN FIELDCREST, SECTIONS 1 AND 2

WHEREAS, the developer of Fieldcrest, Sections 1 and 2 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 Fieldcrest, Sections 1 and 2 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 Fieldcrest, Sections 1 and 2, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Fieldcrest Court, 50-foot right-of-way
From: Route 614 (Centerville Road)
To: Intersection of Deerfield Court
Distance: 840 feet (0.16 mile)
2. Deerfield Court, 50-foot right-of-way
From: Fieldcrest Court
To: End of Cul-de-sac
Distance: 390 feet (0.07 mile)

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

Fieldcrest, Section 1, recorded in Plat Book 42, page 84, dated June 20, 1990; and Fieldcrest, Section 2, recorded in Plat Book 44, page 60, dated January 29, 1987.

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

3. Revisions to Dirt Street Program

Mr. Taylor asked for an explanation of the new inventory.

Mr. John T. P. Horne, Manager, Development Management, stated that Colony Point Road was added to the list as No. 1, because the minor improvement of a short distance of curb and gutter for the cost of \$800 would make the road acceptable to the State Secondary Road System.

1. Retirement of Garland L. Woody
6. Appointment of Local Fire Marshal

Mr. Norment read the Certificate of Appreciation prepared for Mr. Garland L. Woody, who retired after twenty-seven years of significant contributions to the County in several capacities. On behalf of the Board, Mr. Norment expressed personal thanks to Garland Woody for the many years of fine service he had rendered to the County.

Mr. Norment recognized Richard Miller as the new Fire Chief and expressed confidence that he would continue the fine innovative programs and also serve as Fire Marshal, effective September 9, 1991.

Mr. Norment made a motion to approve Item Nos. 1 and 6, and Mr. Taylor made a motion to approve Item No. 3 on the Consent Calendar.

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

R E S O L U T I O NGARLAND L. WOODY

- WHEREAS, Garland L. Woody has faithfully served James City County as its first Fire Marshal and Fire Chief for the past twenty-seven years; and
- WHEREAS, Garland L. Woody developed an effective and efficient professional fire and rescue service through the innovative combining of career and volunteer personnel; and
- WHEREAS, Garland L. Woody implemented an E911 system for emergency dispatching thereby providing life saving response to the citizens and visitors of James City County; and
- WHEREAS, Garland L. Woody was instrumental in the development of a public water system that provides fire protection and suppression and the formation of a rescue dive team; and
- WHEREAS, Garland L. Woody has further contributed to the protection of James City County citizens and property through the development of mutual aid response plans with York County and City of Williamsburg; and
- WHEREAS, Garland L. Woody through his knowledge, resourcefulness, and dedication has put the needs of James City County first; and
- WHEREAS, Garland L. Woody retired from the James City County Fire Service on September 1, 1991.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recognizes and commends Garland L. Woody for his dedicated service to James City County.

R E S O L U T I O NAPPOINTMENT OF LOCAL FIRE MARSHAL

- WHEREAS, Section 27 - 30 et seq. of the Code of Virginia, 1950, as amended provides that James City County may appoint a fire marshal to carry out certain duties as delineated thereunder.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints Richard M. Miller as the James City County Fire Marshal.

RESOLUTIONDIRT STREETS

WHEREAS, the number and severity of unimproved streets in James City County require a Dirt Street Improvement Program; and

WHEREAS, the Dirt Street Inventory and Dirt Street Funding Schedule have been revised to reflect existing dirt streets and streets eligible for improvements funding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Dirt Street Inventory, Annex A, and the Dirt Street Funding Schedule, Annex B, revised August 1991, are hereby adopted to establish construction and funding priorities for the Dirt Street Improvement Program.

E. PUBLIC HEARINGS

1. Case No. Z-10-89. Stonehouse, Incorporated
2. Case No. SUP-10-80. Stonehouse, Incorporated Water Supply Wells
3. Case No SUP-4-91. Stonehouse Sewer Force Main
4. Case No. AFD-3-86. Hill Pleasant Farm Agricultural and Forestal District (Hunt and Stevens Withdrawal)

Mr. R. Patrick Friel, Senior Planner, stated that a rezoning application, with proffers, was submitted in March 1989 to allow a large scale planned community known as Stonehouse, located on 5,750 acres, zoned A-1, General Agricultural, and B-1, General Business to PUD-R, Planned Unit Development Residential and PUD-C, Planned Unit Development Commercial. The site would be bounded by York River (east), New Kent County (north), Route 30 (west) and Interstate 64 (south), further identified as Parcel (1-1) on James City County Real Estate Tax Map (6-4).

Mr. Friel described the project's 5 phases with a 30-year buildout and gross density of 1.04 units/acre. He detailed the public areas, recreational facilities, topography and physical features, proposed Ware Creek reservoir, traffic and road improvements, public utilities, Comprehensive Plan site designation, surrounding development and zoning, and fiscal impact analysis.

Staff recommended approval as the project was generally consistent with the Comprehensive Plan, surrounding development and zoning, and preserved the reservoir as a safe and reliable source of water.

Mr. Friel stated that on July 6, 1991, the Planning Commission voted 9-1 to recommend approval of the Stonehouse project. Staff recommended that the Board of Supervisors defer the cases until after the work session scheduled for September 23, 1991.

Staff response to Board questions regarding responsibility of wells was that the information would be provided during the applicant's presentation or at the upcoming work session.

Mr. Norment opened the public hearing.

1. Vernon Geddy, Esq., representative for Stonehouse, Inc., wholly owned by Chesapeake Corporation, expressed thanks to staff for their help and cooperation, and introduced the Stonehouse, Inc., development team.

Mr. Geddy described the impact of Stonehouse development on reservoir protection by buffers and recreational areas, and the traffic study was approved by Virginia Department of Transportation, with planned growth by phases. He stated the Fiscal Impact Analysis would be addressed at the work session.

Mr. Geddy explained the wells would draw water from a deep aquifer to avoid impact on shallow wells. He noted proffers would mitigate impact on private wells, and the Company has agreed to selection of an independent review panel.

Mr. Geddy spoke of the project's award winning master plan; location on Interstate 64 with interchanges gave economic development, tax base and employment opportunities; consistent with Comprehensive Plan; donation of land for Ware Creek reservoir; protection of reservoir and environmentally sensitive areas; recreation; green space; and, external road improvement with a balance of business and residential development.

The Board asked questions regarding: phases involved road improvements; environmental concerns during construction; other major users of wells in the area; who defined high-quality firms allowed to build and maintained that standard; who would operate wells if development should not occur; use of wells for irrigation; and, impact on private wells.

The applicant and staff responded that questions would be answered in detail at the work session scheduled for September 23, 1991.

1. Mr. Bob Magoon, 1249 Governor Berkeley, spoke in favor of the development as a managed, quality planned community with a perfect location to promote the County's economic development.

2. Mr. Jon Nystrom, 105 Jubal Place, stated the Stonehouse project would help the County by increasing commercial tax base with quality office, business and residential, to include low-income, development around the Interstate 64 interchange.

3. Mr. Robert W. Hershberger, 100 Tutter's Neck, stated that with tourism as our number one industry, the Stonehouse project supplied the means for diversification with benefits to economic development and the County.

4. Mr. Donald Hazelwood, 705 Francis Road, Glen Allen, owner of 9716 Old Stage Road, spoke in favor of the project, but was concerned and wanted assurance that citizens' need for water would be met.

5. Mr. R. E. Gilley, 227 Gate House Boulevard, stated that he was unopposed to the project, but felt that it should not be built until water concerns for the entire County were solved.

6. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the project, stating that future traffic would be alleviated as citizens would live near their employer, school, etc.

7. Mr. Hammond Branch, 2825 Forge Road, Toano, stated the Stonehouse tract was perfect for residential building, but his concern was that preservation of the historical site of the Stone House should be done and included in this Stonehouse project.

Mr. Norment continued the four public hearings.

Ms. Knudson spoke of concerns, 1) the Stonehouse project would be a "bedroom community" for Richmond; and, 2) the need for assurance of high-quality businesses.

Mr. Norment asked Mr. Alexander Kuras, Chairman of the Planning Commission, if he had comments from the Planning Commission.

Mr. Kuras stated that the Planning Commission recommended off-site hookups not contribute to the 600,000-square foot nonresidential commitment, but felt that that was a good marketing effort.

5. Case No. SUP-21-91. Pocahontas Trail 7-11 Gas Pump Addition

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Randy Coles had applied on behalf of Southland Corporation for a special use permit to allow the construction of gas pumps and a canopy on .713 acres, zoned B-1, General Business at the 7-11 Store located at 7337 Pocahontas Trail, further identified as Parcel (1-30A) on James City County Real Estate Tax Map No. (50-2).

After concurrence with staff, the Planning Commission unanimously recommended approval of the Special Use Permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. Randy Coles, 1108 Glen Garry Way, Virginia Beach, Construction Manager of Southland Corporation, asked for Board approval of the special use permit.

Mr. Norment closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

Mr. DePue expressed his dissatisfaction with the appearance of convenience stores, particularly 7-11 stores, and stated his expectation that staff would require adherence to the Landscape Ordinance by the Southland Corporation.

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

R E S O L U T I O N

CASE NO. SUP-21-91. POCAHONTAS TRAIL 7-11 GAS PUMP ADDITION

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 August 13, 1991, unanimously recommended approval of Case No. SUP-21-91 to permit the addition of gas pumps and canopy in the B-1, General Business district on property identified as Parcel (1-30A) on James City County Real Estate Tax Map No. (50-2).

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-21-91 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 12 months from the date of issuance of this special use permit, it shall become void.
2. No new entrances on Pocahontas Trail shall be permitted.
3. All existing landscaped areas shall meet the planting requirements of Section 20-14 of the Zoning Ordinance.
4. All parking lot lighting, with the exception of that lighting which is to be installed underneath the canopy and is intended to illuminate the fuel pumps, shall be of the high-pressure sodium vapor type. A lighting plan detailing the illumination patterns and the specific design of all lighting fixtures shall be submitted along with the site plan for review and approval by the Planning Director.

6. Case No. SUP-22-91. Williamsburg Pottery Golf Driving Range

Mr. Sowers stated that Mr. Richard A. Costello, of AES, had applied on behalf of Williamsburg Pottery Factory for a special use permit to allow a golf driving range, zoned M-1, Limited Industrial, located at 6092 Richmond Road, and further identified as Parcel (1-31) on James City County Real Estate Tax Map No. (24-3).

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. Richard Costello, AES, stated he was available for questions.

Mr. Norment closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-22-91. WILLIAMSBURG POTTERY GOLF DRIVING RANGE

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 August 13, 1991, unanimously recommended approval of Case No. SUP-22-91 to permit a golf driving range in the M-1, Limited Industrial district on property identified as Parcel (1-31) on James City County Real Estate Tax Map No. (24-3).

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-22-91 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 12 months from the date of issuance of this special use permit, it shall become void.
2. Any irrigation system for the property shall utilize the existing Williamsburg Pottery Factory non-potable water system.

7. Case No. SUP-23-91. Clara Byrd Baker School Addition

Mr. Sowers stated that Mr. Kevin J. Kattwinkel, of Shriver and Holland Associates, had applied on behalf of the Williamsburg-James City County Public School system for a special use permit to allow the construction of a 10-classroom addition to the Clara Byrd Baker School, zoned R-8, Rural Residential, located at 3131 Ironbound Road, and further identified as Parcel (1-58) on James City County Real Estate Tax Map No. (47-1).

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

The Board discussed removal of temporary trailers and why Board approval was needed if future placement of a trailer was required.

Mr. Norment opened the public hearing.

1. Mr. Kevin Kattwinkel, of Shriver and Holland Associates, representing Williamsburg-James City County School Board, stated any additional future trailer placement after addition to school would violate student/teacher ratio.

Mr. Norment closed the public hearing.

Mr. Edwards made a motion to delete Condition 2 in the resolution and approve the amended resolution.

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

R E S O L U T I O N

CASE NO. SUP-23-91. CLARA BYRD BAKER SCHOOL ADDITION

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 August 13, 1991, unanimously recommended approval of Case No. SUP-23-91 to permit an addition to an elementary school in the R-8, Rural Residential district on property identified as Parcel (1-58) on James City County Real Estate Tax Map No. (47-1).

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-23-91 as described herein with the following conditions:

1. If construction has not commenced on this project within a period of 12 months from the date of issuance of this special use permit, it shall become void.
2. The entire portion of the school (addition and expansion) which faces Ironbound Road shall be landscaped in accordance with Section 20-14(C.2.b) of the Zoning Ordinance. That portion of the site which abuts Ironbound Road shall be landscaped in accordance with Section 20-14(C.2.c) of the Zoning Ordinance.

8. Case No. Z-3-91. Route 5 High School Site

Mr. Allen J. Murphy, Jr., Principal Planner, stated that staff, on behalf of the Board of Supervisors, had applied to rezone approximately 80 acres from R-1, Limited Residential, with proffers, to R-1, Limited Residential, with proffers. Mr. Murphy further stated that the purpose of the application was to amend original proffers for a residential development to

recognize and allow development of a high school, located on the south side of Route 5 between Fieldcrest Subdivision and the Williamsburg Community Chapel, further identified as a portion of Parcel (1-2) on James City County Tax Map No. (46-1).

In concurrence with staff, the Planning Commission unanimously recommended approval of the application with proffers listed below:

1. The property shall be developed in accordance with the then applicable provisions of the Regulations Governing Utility Service adopted by the James City Service Authority. In no event shall any development of the property be approved unless public water and sewer is available with adequate capacity to serve that development.

2. The owner shall, upon a request by the James City County Board of Supervisors, dedicate any and all property deemed necessary for the improvement of Route 5 to a four-lane facility. All site improvements and structures, except for future improvements to Route 5 deemed necessary by the County or as otherwise noted within this agreement shall be setback a minimum of 210 feet from the center line of the existing right of way of Route 5. Existing trees, shrubbery and vegetation within this setback area shall remain as is with the exception of the Route 5 improvements noted above or any entrance roads, entrance improvements, entrance related clearing, drainage structures, stormwater management facilities, utilities, and entrance signs approved by the Development Review Committee of the James City County Planning Commission.

3. A single entrance shall be permitted on Route 5. Provisions shall be made to allow joint access through this entrance for the adjacent property owner.

Mr. Norment 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, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. Z-3-91. ROUTE 5 HIGH SCHOOL SITE

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-3-91 for rezoning approximately 80 acres from R-1, with proffers, to R-1, with proffers, on property identified as a portion of Parcel (1-2) on James City County Tax Map No. (46-1); and

WHEREAS, the Planning Commission following its public hearing on August 13, 1991, unanimously recommended approval of Case No. Z-3-91, with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-3-91, with proffers.

9. Ordinance Amendment, Chapter 6, Fire Protection, Article I, Fire Prevention Code

Mr. Frank M. Morton, III, County Attorney, stated that the Ordinance revised the James City County Code to conform with a recent change to the Virginia Statewide Fire Prevention Code.

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

Mr. Norment made a motion to approve the ordinance.

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

E. BOARD CONSIDERATION

1. Ordinance Amendment, Chapter 4, Building Regulations, Article I, Permit and Inspection Fees

Mr. David Norman recommended deferral of the proposed revisions in building permit fees until the 1993 budget cycle.

Without objection, the Board concurred.

2. Vacation of Right-of-Way, Durfey's Mill Road

Mr. Sowers stated that this item had been postponed at the August 5, 1991, meeting to allow full Board consideration. He further stated that Mr. Joseph Abdelnour, on behalf of Joseph S. and Essie G. Terrell and John Grier Construction Company, requested vacation and rededication of a portion of Durfey's Mill Road to lengthen that road to serve expansions of Durfey's Mill subdivision. The 107-acre tract, owned by Mr. Terrell, does have another potential access point onto Jamestown Road.

Staff recommended approval of the vacation of right-of-way.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O NVACATION AND AMENDMENT OF PLAT FOR SECTION 1, DURFEY'S MILL

- WHEREAS, Joseph S. and Essie G. Terrell caused to be recorded in the Clerk's Office of James City County, Virginia, in Plat Book 485, at Page 356, a subdivision plat entitled "Plat Of Durfey's Mill" made by G. T. Wilson, Jr.; and
- WHEREAS, the Virginia Department of Transportation has never accepted the dedication of Durfey's Mill Road nor have any public funds been expended on Durfey's Mill Road; and
- WHEREAS, Joseph S. and Essie G. Terrell and John Grier Construction Company are the owners of all lots contiguous to or abutting Durfey's Mill Road and desire to vacate a portion of the same; and
- WHEREAS, the County of James City, Virginia, desires to vacate a portion of Durfey's Mill Road; and
- WHEREAS, pursuant to Section 15.1-482(a) of the Code of Virginia, Durfey's Mill Road may be vacated by an instrument in writing by and between Joseph S. and Essie G. Terrell and John Grier Construction Company and the County of James City, Virginia.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes Allen J. Murphy, Jr., Subdivision Agent, to execute the Plat of Vacation and Amendment dated April 5, 1991, by and between James City County, Virginia, Joseph S. and Essie G. Terrell and John Grier Construction Company, vacating and rededicating a portion of Durfey's Mill Road.

3. Fall 1991B - VPSA Bond Financing

Mr. John E. McDonald, Manager of Financial and Management Services, stated that Hunton and Williams, the County's bond counsel, had provided a resolution for the Board to authorize an application to the Virginia Public School Authority to participate in the Fall 1991B bond issue in the amount of \$7,610,000. He further stated that this bond issue would fund the construction of the Grove Elementary School, to include building requirements for an expanded community facility.

Staff recommended approval of the resolution.

The Board discussed whether if cost exceeded current request, would requesting more funds now be desirable, using other funding if needed, or requesting additional funds at a later time.

Mr. McDonald stated options were available to address these concerns.

Ms. Knudson made a motion to approve the resolution.

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

At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 9th day of September, 1991, at which the following members were present and absent:

PRESENT: Thomas K. Norment, Jr.
Judith N. Knudson
Perry M. DePue
Stewart U. Taylor
Jack D. Edwards

ABSENT: None

the following resolution was adopted by the following vote:

AYES: Perry M. DePue
Stewart U. Taylor
Jack D. Edwards
Judith N. Knudson
Thomas K. Norment, Jr.

NAYS: None

**RESOLUTION AUTHORIZING AN APPLICATION TO THE
VIRGINIA PUBLIC SCHOOL AUTHORITY FOR A LOAN
IN AN APPROXIMATE AMOUNT OF \$7,610,000**

WHEREAS, the Board of Supervisors (the "Board") of James City County, Virginia (the "County"), in collaboration with the School Board of Williamsburg-James City County, Virginia, has determined that it is necessary and desirable for the County to undertake capital improvements for its public schools;

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

1. The Board hereby authorizes an application to the Virginia Public School Authority for a loan to the County in an approximate amount of \$7,610,000 to finance capital projects for public schools. The County Administrator, in collaboration with the other officers of the County and the School Board of Williamsburg-James City County, Virginia, is hereby authorized and directed to complete such application and deliver it to the Virginia Public School Authority.

2. This resolution shall take effect immediately.

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 regular meeting of the Board held on the 9th day of September, 1991, 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 9th day of September, 1991.

G. PUBLIC COMMENT

1. Mr. Thomas O. Williams, 706 Jackson Street, asked that denial of his compensatory claim in July 1986 be placed on the next Board of Supervisors' agenda.

Mr. Norment asked the County Attorney to prepare a response to Mr. Williams' comments for the next Board meeting.

2. Mr. Ed Oyer, 139 Indian Circle, spoke about an Environmental Protection Agency article on greenhouse effect and mentioned actions taken by other states on preventing development of coastal tidal wetlands.

3. Mr. Grant Olson, 105 Holman Road, extended congratulations to the Board for approval of the Comprehensive Plan update and stated County residents await the ordinances which will implement the Plan.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

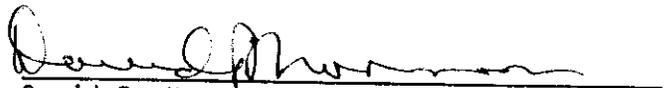
Mr. Norment stated he and Mr. DePue had attended a Tourism and Convention Bureau luncheon for a group of American Automobile Association representatives on attaining local attendance and activities.

Mr. Norment noted he had attended Liberty Baptist Church on Sunday, September 8, where recognition was given to a number of couples married 50 years or longer. He extended congratulations to Mr. Taylor and his wife, who were included in that group.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 9:48 p.m.



David B. Norman
Clerk to the Board

Dirt Street Inventory

Revised August 1991

	<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
1.	Colony Point Road	3	1	0.06	\$ 800	50'	3.75
2.	Off Route 657 (See Note 1)	9	10	0.15	59,400	None	1.51
3.	Forest Heights Road (See Note 4)	14	6	0.20	79,200	15'	1.21
4.	Country Club Drive (See Note 3)	3	4	0.04	14,250	80'	0.84
5.	Douglas Lane (See Note 4)	6	6	0.11	43,600	30'	0.83
6.	Off Hickory Signpost Road - Smith's Mt. (See Note 4)	14	7	0.30	117,800	Private 40' & 50'	0.77
7.	End of Ivy Hill Road (See Note 1)	3	8	0.08	31,700	None	0.76
8.	Oak Cove Road (See Note 4)	12	5	0.21	84,000	50'	0.71
9.	Lexington Drive (See Note 3)	1	7	0.02	9,800	50'	0.71
10.	End of Spring Road (See Note 4)	3	5	0.05	21,000	50'	0.71
11.	Neighbors Drive (See Note 2)	5	7	0.15	60,800	20'	0.58
12.	Off Route 30 (See Note 4)	5	6	0.13	52,500	Private 15'	0.57
13.	Route 699 - Camp Road (See Note 4)	5	9	0.22	88,900	None	0.51

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
14. Off Mooretown Road - Taylor Property (See Note 1)	4	10	0.20	\$ 78,700	None	0.51
15. Joanne Court (See Note 1)	2	9	0.10	39,600	50'	0.45
16. Saddletown Road	13	6	0.47	185,200	None	0.42
17. Clark Lane	5	10	0.31	124,500	None	0.40
18. Hick's Island Road (See Note 4)	11	6	0.41	163,875	0' to 50'	0.40
19. Rich Neck Road (See Note 4)	6	5	0.21	82,500	50'	0.36
20. Cedar Drive	4	3	0.09	33,800	50'	0.36
21. Off Route 30 (See Note 1)	4	5	0.15	59,400	None	0.34
22. Moses Lane	3	7	0.16	61,500	40'	0.34
23. Off Chickahominy Road - Past Church	3	4	0.09	36,000	50'	0.33
24. Red Oak Landing Road (See Note 4)	3	6	0.15	58,500	40'	0.31
25. Thompson Lane	16	5	0.66	262,500	50'	0.30
26. Off Mooretown Road - William's Property	3	8	0.22	87,000	None	0.28
27. Off Chickahominy Road (See Note 1)	2	10	0.20	79,200	Private 50'	0.25
28. Off Jolly Pond Road	7	6	0.45	176,200	Private 50'	0.24

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
29. River Drive - Laurel to cul-de-sac (See Note 1)	2	5	0.11	\$ 42,000	40'	0.24
30. Off Centerville Road	3	6	0.19	75,000	35'	0.24
31. Off Route 657 - Hill Lane (See Note 1)	2	10	0.25	99,000	None	0.20
32. Louise Lane	3	7	0.32	126,000	50'	0.17
33. Waltrip Lane (See Note 4)	10	3	0.45	178,200	Private 30'	0.17
34. End of Bush Springs Road	4	2	0.12	48,700	25'	0.16
35. Brandon Circle	1	2	0.03	13,500	50'	0.15
36. River Drive- Beechwood to Holly (See Note 5)	1	7	0.06	53,800	50'	0.13
37. Skillman Drive	3	6	0.34	136,500	Private 50'	0.13
38. Hockaday/ Arlington Island Roads	10	7	1.37	540,750	25' to 50'	0.13
39. Off Ironbound Road - Waltrip (See Note 4)	4	1	0.11	43,600	Private 30'	0.09
40. Off Ware Creek Road (See Note 1)	2	2	0.14	55,100	50'	0.07
41. Off Riverview Road (See Note 1)	1	2	0.14	54,800	50'	0.07
42. Farmville Lane (See Note 1)	1	6	0.16	63,000	40'	0.06
43. River Drive - White Oak to Beechwood (See Note 1)	<u>0</u>	8	<u>0.08</u>	<u>33,700</u>	50'	0.00
Totals	216		9.46	\$3,755,875		

Notes: Street excluded from Funding Schedule because:

- (1) Does not meet VDOT minimum of 3 dwellings on 3 separately-owned parcels or does not connect to secondary road.
- (2) Only 34' between dwellings, on opposite sides of road.
- (3) Improvements to be completed by developer.
- (4) Residents don't want improvements or will not donate necessary right-of-way.
- (5) Civic Association cannot provide surety for dam embarkment.

0308C

Approved Funding Schedule

Revised August 1991

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
*1. Colony Point Road	3	1	0.06	\$ 800	50'	3.75
2. Saddletown Road	13	6	0.47	185,200	None	0.42
3. Clark Lane	5	10	0.31	124,500	None	0.40
4. Cedar Drive	4	3	0.09	33,800	50'	0.36
5. Moses Lane	3	7	0.16	61,500	40'	0.34
6. Off Chickahominy Road - Past Church	3	4	0.09	36,000	50'	0.33
7. Thompson Lane	16	5	0.66	262,500	50'	0.30
8. Off Mooretown Road (Williams Property)	3	8	0.22	87,000	None	0.28
9. Off Jolly Pond Road	7	6	0.45	176,200	Private 50'	0.24
10. Off Centerville Road	3	6	0.19	75,000	35'	0.24
11. Louise Lane	3	7	0.32	126,000	50'	0.17
12. End of Bush Springs Road	4	2	0.12	48,700	25'	0.16
13. Brandon Circle (see attached resolution)	1	2	0.03	13,500	50'	0.15
14. Skillman Drive	3	6	0.34	136,500	Private 50'	0.13
15. Hockaday/ Arlington Island Roads	<u>10</u>	7	<u>1.37</u>	<u>540,750</u>	25' to 50'	0.13
Totals	81		4.88	\$1,907,950		

* Requires minor curb and gutter repairs for acceptance into State Secondary System.

0308C

Attachment

ST. GEORGE 100

334 519

AGREEMENT

WHEREAS, David M. Murray, (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 lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled "DAVID M. MURRAY 363 Acres ±" said plat being attached hereto and made a part hereof.

WHEREAS, the Owner has applied for rezoning of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate 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 conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-14.2 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in

ANDERSON, ENNETT & FRANCK, P.C. ATTORNEYS AT LAW POST OFFICE DRAWER O VILLANUBONO, VA. 23187

the Limited Residential District, R-1, but subject to the current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. The Property may be subdivided only in accordance with the then applicable provisions of the Regulations Governing Utility Service adopted by the County's Service Authority, but in no event shall any subdivision of the Property be approved unless and until public water and public sewer are available with adequate capacity to serve that portion of the Property proposed for subdivision.
2. Scenic easements shall be reserved across the Property 145 feet deep, adjacent to and parallel with the center line of Route 5 and 125 feet deep, adjacent to and parallel with the center line of Route 614. Existing trees, shrubbery and vegetation within said scenic easements shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the scenic easements such new entrance roads, drainage structures, storm water management facilities, utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.
3. Only two (2) additional entrance roads to the Property shall be permitted, one (1) on Route 5 and one (1) on Route 614.
4. The Owner, at his expense, shall cause to be designated that portion of the Property constituting a "Conservation Area" as defined by the County's Comprehensive Plan then in effect, which designation shall be reviewed and approved by the County.
5. Existing trees, shrubbery and vegetation within said Conservation Area shall remain "as is" provided, however, the Owner shall have the right to install and construct over, under, across and thru the Conservation Area such new roads, drainage structures, storm water management facilities, utilities and entrance signs, as may be necessary, in accordance with the terms of this Agreement and approved by the Subdivision Review Committee of the County's Planning Commission.
6. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 - 150 feet. A Phase II study shall include shovel test pits every 25 - 40 feet with site identification and examination as appropriate.
7. The Owner, at his expense, shall cause to be prepared, a comprehensive drainage study of the Property for review and approval by the County.

- 8. Upon approval of the drainage study, the Owner shall be obligated to incorporate the recommendations of the study in the subdivision of the Property and submit an implementation schedule to the County.
- 9. Upon the approval by the County of the implementation schedule, the Owner may, upon compliance with the aforesaid conditions and all applicable ordinances then in effect, proceed with subdivision of a portion of the Property but such portion of the property proposed for subdivision shall not exceed the greater of ten percent (10%) of the gross acreage of the Property or thirty five (35) acres. The remaining portion of the Property ("the Remainder Of the Property") may be subdivided when, as, and if, the Owner complies with the following conditions.
- 10. Prior to the approval of any subdivision of the Remainder Of The Property: (a) the Owner shall set aside that portion of the Remainder Of The Property required by and in accordance with Section 17-43 of the James City County Code and (b) the Owner, at his expense, shall cause to be prepared a comprehensive traffic study of the Remainder Of The Property for review and approval by the County.
- 11. Upon approval by the County of the traffic study, the Owner shall be obligated to incorporate the recommendations of the study in the subdivision of the Remainder Of The Property and submit an implementation schedule to the County.
- 12. Upon the approval by the County of the implementation schedule, the Owner may, upon compliance with the approved implementation schedule and all other applicable ordinances then in effect, proceed with the subdivision of the Remainder Of The Property.

David M. Murray (SEAL)
 DAVID M. MURRAY

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, to-wit:

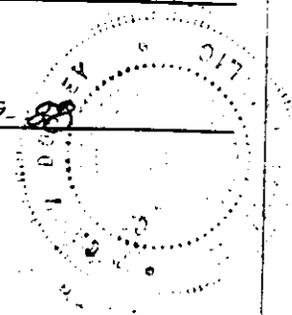
The foregoing instrument was acknowledged before me this 19 day of December, 1986, by David M. Murray.

Carly Sawyer
 Notary Public

VIRGINIA: City of Williamsburg and County of James City, to wit My commission expires: 11-29-88

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 18 day of Nov, 1987 Case presented with certificate annexed and admitted to record at 3.53 o'clock -3-

Tested: Helene S. Ward, Clerk
 by Richard Ward
 Deputy Clerk



ANDERSON, EMMETT & FRANCK, P.C. ATTORNEYS AT LAW POST OFFICE DRAWER O WILLIAMSBURG, VA. 23187

FLAT RECORDED IN P.B. NO. 44 PAGE 95

WHEREAS, James City County, (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 lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described as Parcel (1) 80.01 acres \pm , on a plat entitled "PLAT OF SUBDIVISION BEING THE PROPERTY OWNED BY DAVID M. MURRAY" dated January 9, 1991, made by G. T. Wilson of AES, Consulting Engineers, said plat being attached hereto and made a part hereof.

WHEREAS, pursuant to Section 15.1-496.6 of the Code of Virginia, 1950, as amended, the owner has applied for an amendment, nunc pro tunc, of the conditions created pursuant to Case No. Z-21-86 which amendment would remove the Property from the application of said conditions; 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 conditions in lieu of the conditions created pursuant to Case No. Z-21-86 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 Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth:

That for and in consideration of James City County, Virginia, amending the conditions created pursuant to Case No. Z-21-86 by removing the Property from the application of said conditions, nunc pro tunc, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended, and Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the other current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

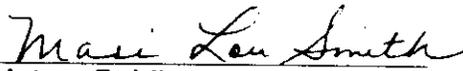
CONDITIONS

1. The property shall be developed in accordance with the then applicable provisions of the Regulations Governing Utility Service adopted by the James City Service Authority. In no event shall any development of the property be approved unless public water and sewer is available with adequate capacity to serve that development.
2. The owner shall, upon a request by the James City County Board of Supervisors, dedicate any and all property deemed necessary for the improvement of Route 5 to a four-lane facility. All site improvements and structures, except for future improvements to Route 5 deemed necessary by the County or as otherwise noted within this agreement shall be setback a minimum of 210 feet from the center line of the existing right of way of Route 5. Existing trees, shrubbery and vegetation within this setback area shall remain as is with the exception of the Route 5 improvements noted above or any entrance roads, entrance improvements, entrance related clearing, drainage structures, stormwater management facilities, utilities, and entrance signs approved by the Development Review Committee of the James City County Planning Commission.
3. A single entrance shall be permitted on Route 5. Provisions shall be made to allow joint access through this entrance for the adjacent property owner.


 Thomas K. Norment, Jr.
 Chairman, Board of Supervisors

STATE OF VIRGINIA
 CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 9th day of September, 1991.


 Notary Public

My commission expires: Feb. 8, 1993.

6781a

ORDINANCE NO. 9A-4

SEP 9 1991

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, FIRE PREVENTION CODE, BY AMENDING SECTION 6-3. AMENDMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Fire Protection, is hereby amended and reordained by amending Section 6-3. Amendments.

Chapter 6. Fire Protection

Article I. Fire Prevention Code

Section 6-3. Amendments.

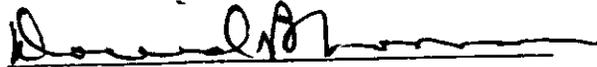
(5) Section ~~F-2700.4.~~ 201.0, *General Definition* is hereby amended to read:

Fireworks shall mean and include any item known as a firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air, or travels laterally, or fires projectiles into the air. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.



Thomas K. Norment, Jr.
Chairman, Board of Supervisors

ATTEST:



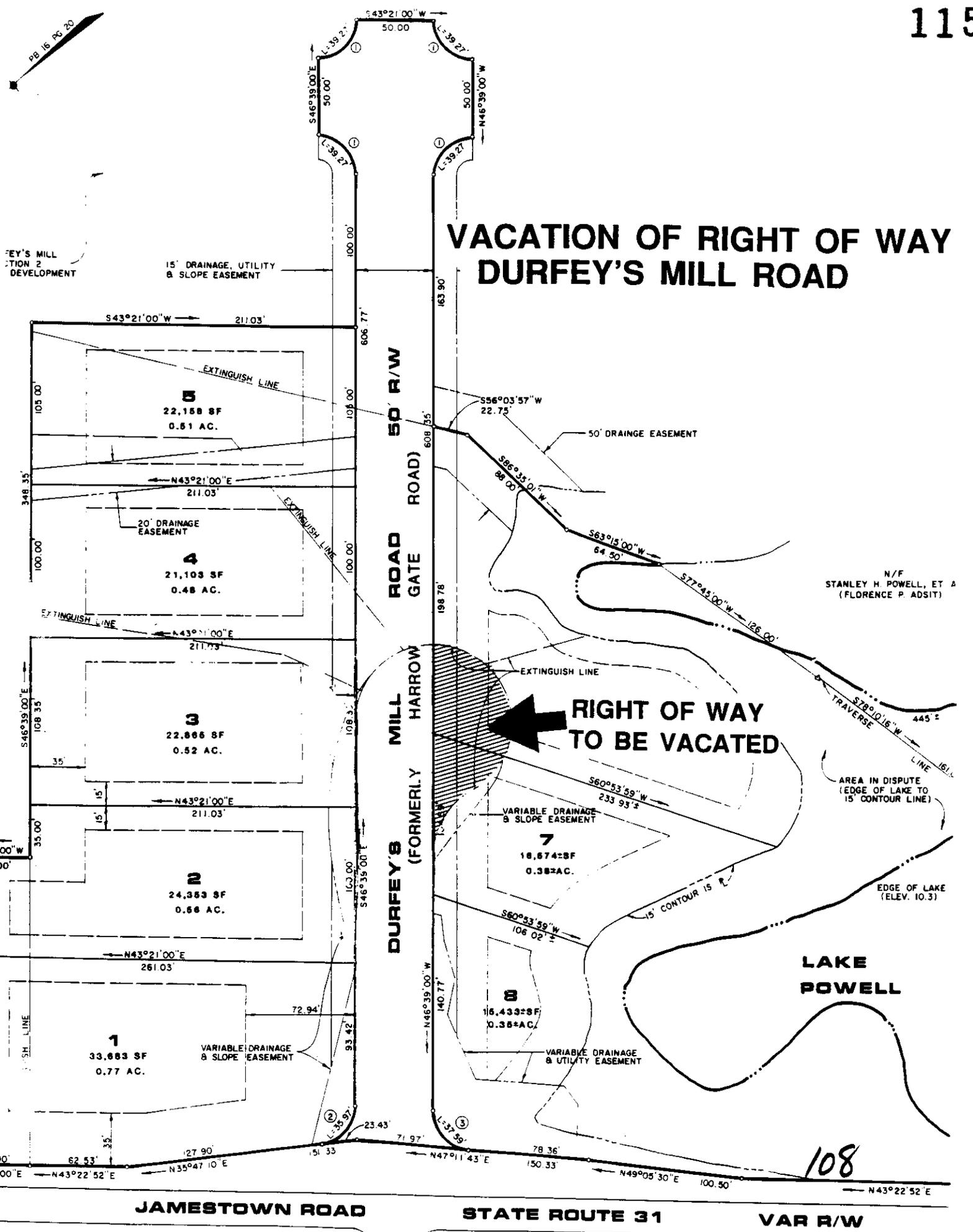
David B. Norman
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,
this 9th day of September, 1991.

2002U

VACATION OF RIGHT OF WAY DURFEY'S MILL ROAD



FEY'S MILL
SECTION 2
DEVELOPMENT

15' DRAINAGE, UTILITY
& SLOPE EASEMENT

ROAD 50' R/W
GATE ROAD

MILL HARROW
DURFEY'S (FORMERLY)

RIGHT OF WAY
TO BE VACATED

N/F
STANLEY H. POWELL, ET AL
(FLORENCE P. ADSIT)

AREA IN DISPUTE
(EDGE OF LAKE TO
15' CONTOUR LINE)

EDGE OF LAKE
(ELEV. 10.3)

LAKE
POWELL

JAMESTOWN ROAD

STATE ROUTE 31

VAR R/W

108