

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF DECEMBER, NINETEEN HUNDRED NINETY-ONE, AT 7:03 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. MINUTES - November 18, 1991

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

Mr. Edwards made a motion to approve the minutes.

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

C. CONSENT CALENDAR

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

Mr. Norment made a motion to approve the Consent Calendar.

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

1. Pearl Harbor Remembrance Day

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

PEARL HARBOR REMEMBRANCE DAY

WHEREAS, December 7, 1991, will mark the 50th anniversary of the attack on Pearl Harbor, Hawaii; and

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WHEREAS, this anniversary is a reminder of the vigilance and preparedness which our Nation must maintain; and

WHEREAS, we owe a great debt to those members of the Armed Forces who lost their lives in that attack, and also to those who survived and aided in carrying out their duties to the ultimate victory.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims the seventh day of December, one thousand nine hundred and ninety-one, as

**PEARL HARBOR REMEMBRANCE DAY**

throughout James City County.

2. Little Creek Community Development Block Grant - Program Guideline Revisions

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

**APPROVING REVISION OF COMMUNITY DEVELOPMENT BLOCK GRANT**

**OFF SITE REPLACEMENT HOUSING AND LOT SALES POLICIES**

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant funds for replacement housing assistance, have Program Guidelines adopted by its governing board; and

WHEREAS, a revision of previously adopted guidelines is recommended to more effectively assist eligible low and moderate income households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Community Development Block Grant Off Site Replacement Housing and Lot Sales Policies, dated October 1, 1991.

**D. PUBLIC HEARINGS**

1. Case No. Z-12-90. Old Dominion French Winery
2. Case No. SUP-48-90. Old Dominion French Winery

Mr. Allen J. Murphy, Jr., Principal Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of the Hankins Land Trust to rezone approximately 492 acres from A-1, General Agricultural, to M-1, Limited Industrial (approximately 255 acres), R-5, Multi-family Residential (approximately 223 acres), and A-1, General Agricultural (approximately 14 acres), with proffers. The special use permit application would allow a

chateau/winery complex, a 300-room hotel, and other commercial uses in excess of 10,000 square feet, property located at the northeast juncture of Interstate 64 and Croaker Road.

Mr. Murphy reported that the Planning Commission reheard the cases at its November 12, 1991, meeting and recommended denial, by a 9-1 vote, for reasons that the proposed mix of uses did not maximize economic development potential of the Croaker Interchange area as suggested by the Comprehensive Plan.

Mr. Murphy stated that with the update of the Comprehensive Plan, staff recommended approval as cases are generally consistent with the Comprehensive Plan and are located inside the Primary Service Area. Staff also recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment reopened the public hearings.

1. Vernon Geddy, III, Esq., representative for Hankins Land Trust, stated the project would provide the County's need for a stronger economic base, and the Croaker Interchange area was a prime location for a mixed use business park.

The Board expressed concerns about a strip shopping center and a hotel with 150 rooms.

2. Mr. R. M. Hazelwood, Toano, spoke in support of the project, which would keep property taxes down for homeowners and landowners by increasing the tax base.

Mr. Norment closed the public hearings.

Board discussion regarding the effects of the project on the Agricultural and Forestal District, that staff considered maximum economic development potential in their recommendation, and procedure for review of newly received proffers by the Planning Commission and Board of Supervisors.

Ms. Knudson made a motion to defer the cases and decision until the December 16, 1991, Board of Supervisors' meeting.

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

Mr. DePue left the meeting at 8:20 p.m.

3. Case No. Z0-9-91. Zoning Ordinance Amendment/Exterior Signs

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the proposed amendment would permit the placement of subdivision identification signs as close as 10 feet to the right-of-way, making them more effective as directional indicators.

In concurrence with staff, the Planning Commission unanimously recommended approval.

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

Ms. Knudson made a motion to approve the Ordinance amendment.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue.

4. Case No. SUP-33-91. James City County Animal Control Shelter

Mr. Sowers stated that Mr. Stuart M. Hale, Facilities Management Administrator, had applied on behalf of James City County for a special use permit to expand the County's Animal Control shelter, zoned A-1, General Agricultural, located at the County Landfill off Jolly Pond Road, further identified as Parcel No. (1-4) on James City County Real Estate Tax Map No. (30-1).

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

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

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue.

R E S O L U T I O N

CASE NO. SUP-33-91. JAMES CITY COUNTY ANIMAL CONTROL SHELTER

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, on November 12, 1991, unanimously recommended approval of Case No. SUP-33-91 to permit an addition to the County's Animal Control Shelter in the A-1, General Agricultural District on property identified as Parcel (1-4) on James City County Real Estate Tax Map No. (30-1).

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-33-91 as described herein with the following conditions.

1. No addition to the shelter shall be constructed within 15 feet of the landfill service road.
2. The expansion of the shelter shall meet any State regulations which may govern Animal Control facilities.

3. The applicant, at the time of site plan submittal, shall submit for approval of the Health Department a plan indicating the manner in which sewage flow will be addressed for the current shelter and the expansion, and shall construct the improvements required by the Health Department prior to issuance of the Certificate of Occupancy Permit.

Mr. DePue returned to the meeting at 8:26 p.m.

5. Case No. Z0-8-91. Zoning Ordinance Amendment/Timbering

Mr. Wayland N. Bass, County Engineer, stated that the proposed amendment would regulate timbering activities in excess of 2,500 square feet by requiring a special use permit in all zoning districts except A-1.

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

Mr. Norment opened the public hearing.

1. Mr. R. M. Hazelwood, Toano, spoke in opposition to the Ordinance amendment as another restriction and cost to the landowner.

2. Mr. Richard Costello, 10020 Sycamore Landing, asked that R-8 zoning be included in exemptions and that the Ordinance would not be effective for six months.

3. Mr. R.E. Gilley voiced his strong opposition to the amendment.

Mr. Norment closed the public hearing.

The Board discussed the need for further review of the amendment.

By consensus, the Board deferred the case until a future meeting.

E. **BOARD CONSIDERATION**

1. Alternative Site for Little Creek CDBG Subdivision

Mr. Anthony Conyers, Jr., Community Services Manager, expressed displeasure at media articles of misinformation. He briefly outlined the past year's progress and success of the County's Affordable Housing Incentive Program.

Mr. Richard B. Hanson, Community Development Administrator, stated that staff had reviewed alternative sites for the proposed Little Creek Community Development Block Grant Subdivision, with the most viable being the surplus property of approximately 30 acres adjacent to the Toano Middle School within the Primary Service Area. He further stated that under the CDBG contract, acquisition and site development of the proposed subdivision has to be completed by November 1992.

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

### SITE FOR LITTLE CREEK COMMUNITY DEVELOPMENT PROJECT SUBDIVISION

WHEREAS, the Board of Supervisors of James City County authorized entering into the Little Creek Community Development Block Grant agreement which includes funds for the development of residential lots; and

WHEREAS, there is surplus property owned by James City County available within the Community Development Block Grant project area which appears to be suitable for the proposed development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the Office of Housing and Community Development to undertake the necessary planning, engineering, and financial analysis to determine the feasibility of development of County owned surplus property as part of the Little Creek CDBG project and further authorizes the preparation and submission of an application for rezoning the property for residential development.

#### F. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam-O-Shanter, spoke of Lyme Disease and stated that tourists' safety was important for the area.

2. Mr. R. E. Gilley, requested that Lake Powell Dam Road be reopened, and that leaf burning be restricted in the County.

#### G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman stated that staff was implementing contingency plans designed to meet FY 93 budget challenges through the budget planning process. A work session on Financial Trends is scheduled for the December 16, 1991, Board of Supervisors' meeting.

Mr. Norman recommended an executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with County Attorney on a matter of litigation and Section 2.1-344(a)(1) to consider personnel, the appointment of individuals to County Boards and/or Commissions.

#### H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked who owned Lake Powell Road Dam, who installed the culverts, and who has maintained it.

Ms. Knudson responded that staff's understanding was that the Adsit family were owners, had put in the culverts, and no maintenance had been done.

Mr. DePue asked if the County requested closure of the dam.

Mr. Morton replied that the Virginia Department of Transportation had the authority and closed the dam for safety reasons.

Ms. Knudson asked staff to pursue a Leaf Burning Ordinance.

Ms. Knudson asked for clarification of Mr. Sanford B. Wanner's memorandum regarding taxi cab fares in the County.

Mr. Wanner stated that rates being charged are considered appropriate and problems of density, geography and the lack of public complaints do not warrant an Ordinance at this time.

Mr. Norment made a motion to convene into executive session as recommended above by the County Administrator at 9:40 p.m.

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

Mr. Norment reconvened the Board into open session at 10:19 p.m., and made a motion to approve the executive session 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

MEETING DATE: December 2, 1991

### 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. Norment made a motion to recess until Tuesday, December 3, 1991, at 7:30 p.m. for a joint meeting with Williamsburg City Council and Williamsburg-James City County School Board.

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

The Board recessed at 10:20 p.m.



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David B. Norman  
Clerk to the Board

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James City County  
Little Creek Housing Improvement Project  
Off Site Replacement Housing Assistance  
And Lot Sales Policies

Off Site Replacement Housing Assistance as described below may be provided to low and moderate income households living in substandard housing which is infeasible to rehabilitate or to replace on site and which is not acquired by the County. Persons eligible to receive such assistance include:

1. Households who occupy a substandard dwelling, which is infeasible to rehabilitate and cannot be replaced on its current lot due to health, building and-or zoning requirements. Such persons must have lived in the substandard dwelling for a minimum of 180 days prior to the date of application for assistance and must provide the consent of owners and lien holders required to enable the substandard dwelling to be demolished.
2. Persons who are currently living in overcrowded conditions and who must move to enable the owner of the home to receive housing rehabilitation assistance. Such persons must have lived in the home to be rehabilitated for a minimum of 180 days prior to the date of the owners application for rehabilitation assistance.

To assist an eligible applicant to purchase or rent a replacement dwelling which meets housing quality standards, the following types of CDBG assistance may be provided:

I. Advisory Services

County staff shall assist the applicant in locating affordable replacement housing and obtaining both CDBG and other financing in order to secure adequate replacement housing.

II. Lot Purchase and Site Improvement Deferred Payment Loan

A deferred payment loan may be provided to finance all or a percentage of the appraised or assessed value of a lot upon which a replacement dwelling will be located plus all or a percentage of the costs of necessary site improvements and moving and set up expenses for a manufactured home. Eligible lots will include the lots to be developed by the County with CDBG funding, as well as other lots located within the project area.

~~The maximum percentage of eligible costs which may be financed with deferred payment loans will be determined by the applicant households income as follows:~~

~~Under 50% of the HUD area median 100% of eligible costs~~

~~50% — 60% of the HUD area median 85% of eligible costs~~

~~60% — 70% of the HUD area median 70% of eligible costs~~

~~70% — 80% of the HUD area median 50% of eligible costs~~

*A deferred payment loan may be provided to all buyers eligible for off-site replacement housing assistance in the amount determined necessary to close the gap between the amount of the available loan for which they qualify and the amount required to purchase a home appropriate to the family's housing needs.*

Notwithstanding the above CDBG lot purchase and site improvement deferred payment loans may not exceed \$15,000.

~~No interest shall be charged on a deferred payment loan unless the property was sold within five years. The rate of interest to be charged if the property was sold prior to the fifth anniversary of the date of the loan would be 8 percent per annum.~~

*Deferred Payment Loans shall be non-interest bearing loans due and payable at the time of the sale of the property by the applicant. A note and deed of trust shall secure a deferred payment loan and may be subordinated to the primary financing of the dwelling.*

### III. Property Acquisition and Rehabilitation Loans and Grants

Conditional Grants, Installment Loans, and Deferred Payment Loans may be provided to assist an eligible applicant to finance the acquisition and rehabilitation of a replacement home in the project area. The eligibility criteria and loan and grant terms shall be those established in the Little Creek Housing Improvement Project Housing Rehabilitation Policy.

IV. Purchase of Previously Rehabilitated Homes

The County may permit an eligible applicant to assume the debt created by a previous CDBG rehabilitation loan if the seller qualifies for and purchases a new home in the project area.

V. Rental Relocation Assistance

An eligible applicant who enters into a lease of not less than one year for an eligible replacement dwelling may be provided a grant equal to three times the monthly fair market rent as established by HUD for rental dwellings in James City County with a bedroom count equal to that of the replacement dwelling. This grant may be used to pay for rental and utility deposits and rental expenses.

VI. Temporary Relocation

If the County staff determines that circumstances warrant an interim relocation of an applicant household and if the applicant demonstrates to the County staff that the applicant is unable to obtain temporary housing without financial assistance then the applicant may be provided grant assistance to pay actual temporary housing expenses which are approved in advance by County staff. A prerequisite to receipt of such assistance will be a contractual agreement for permanent replacement housing. The temporary relocation grant shall not exceed \$1,500.

VI. Moving Expense and Storage Expenses

If the applicant demonstrates to the County staff that the applicant is unable to move or temporarily store personal belongings without financial assistance then the applicant may be provided grant assistance to pay actual expenses which are approved in advance by County staff. The moving and storage expense grant shall not exceed \$500.

Eligible applicants may receive a combination of the above-described types of CDBG assistance provided that the total amount of CDBG grant or loan assistance does not exceed \$25,000.

~~Use of Uniform Act Relocation Assistance~~

~~Nine months after execution of the CDBG grant agreement the County shall evaluate the success of the off site replacement housing assistance program in meeting the relocation objectives as specified in the grant agreement. The County will consider redesign of the program and CDBG budget revisions to provide the option of acquisition and relocation under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations if it appears necessary in order to meet the project's relocation objectives.~~

Lot Sales Policy

Priority for purchase of homes built on lots developed with CDBG funds will be provided to persons eligible to receive Off Site Replacement Housing Assistance as described above. Thus eight of the proposed twelve lots will be

initially reserved for these households. If replacement housing is provided elsewhere these reserved lots shall be made available for construction of homes to be sold to other low and moderate income households with priority given to households who sell or rent to a household provided Off Site Replacement Housing Assistance.

~~All lots developed with CDBG funds will be sold at their appraised value. Buyers eligible for Off Site Replacement Housing Assistance may be provided deferred payment loans to finance all or a percentage of the sales price as specified above. All other buyers will be eligible for a deferred payment loan equal to 50 percent of the sales price (appraised value). All buyers must be qualified as low and moderate income households.~~

All lots developed with CDBG funds will be sold at approximate fair market value to be established after consultation with the County Real Estate Assessment Office. Buyers eligible for Off-Site Replacement Housing Assistance may be provided deferred payment loans to finance all or a percentage of the sales price as specified above. All other buyers may be provided a deferred payment loan if the amount of the available home purchase loan that the buyer qualifies for is less than the amount required to purchase a home which meets the families housing needs as specified below. Such a deferred payment loan shall be provided in an amount determined by County staff as necessary to close the gap between the required loan amount and the loan amount for which the buyer is qualified but not to exceed \$7500. All buyers must be qualified as low and moderate income households.

*A family's housing needs will be defined as follows:*

*No. of Bedrooms/Baths*

*2/1*  
*3/1*  
*3/2*  
*4/2*

*Household Size*

*1, 2, 3\**  
*3,\* 4*  
*5, 6\**  
*6,\* 7, 8*

*\*Choice between the smaller or larger home will be based on the age, composition and gender of household members.*

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DEC 2 1991

ORDINANCE NO. 31A-135BOARD 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 VII, SPECIAL REGULATIONS FOR EXTERIOR SIGNS, SECTION 20-448. SIGN DIMENSIONS AND SPECIAL REGULATIONS.

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 20-448. Sign dimensions and special regulations.

Chapter 20. Zoning

Article VII. Special Regulations for Exterior Signs

Section 20-448. Sign dimensions and special regulations.

(g) In no case shall a sign be permitted which will detrimentally affect the safety of the traveling public. On corner lots, such signs shall not be closer than 50 feet to the corner of the lot, *except as provided for under 20-448(i).*

(i) For identification of residential subdivisions, no sign intended to be read from any public right-of-way adjoining the district shall be permitted except one identification sign, not exceeding 32 square feet in area, for each principal entrance. Such sign is bound by all other provisions of this ordinance and will also conform with the following criteria;

(1) If freestanding, such sign shall not exceed a height of fifteen (15) feet above grade.

(2) If illuminated, the sign shall be illuminated by ground mounted spotlights. The spotlights shall be concealed by landscaping and no glare shall be cast upon any adjacent property, or public or private right-of-way.

(3) *If the sign is located at the corner of two right-of-ways, the sign may be placed no closer than 10 feet to the corner.*

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

ATTEST:

  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 2nd day of December, 1991.

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