

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF APRIL, NINETEEN HUNDRED NINETY-TWO, AT 5:35 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District  
David L. Sisk, Roberts District  
Stewart U. Taylor, Stonehouse District  
David B. Norman, County Administrator  
Frank M. Morton, III, County Attorney

Mr. Edwards made a motion to convene into an executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with legal and staff members on Ware Creek Reservoir and CSX Railroad tax, matters currently in litigation, at 5:35 p.m.

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

Mr. Edwards reconvened the Board into open session and made a motion to approve the executive session resolution at 6:49 p.m.

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

R E S O L U T I O N

MEETING DATE: April 6, 1992

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.  
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Mr. Edwards declared a recess at 6:50 p.m. and reconvened the Board into open session at 7:05 p.m.

**B. MINUTES - March 16, 1992**

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

Mr. Sisk made a motion to approve the minutes.

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

**C. CONSENT CALENDAR**

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

Mr. Edwards asked that Item No. 1 be removed, and Mr. Taylor asked that Item No. 2 be removed.

**1. Child Abuse Prevention Month**

Mr. Edwards read and presented the resolution to Iris Street of the Social Services Department. Ms. Street thanked the Board for its support.

Mr. Edwards made a motion to approve the resolution.

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

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

**CHILD ABUSE PREVENTION MONTH**

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States, where 13,762 cases of child abuse and neglect were substantiated in Virginia during the fiscal year 1990-91; and

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

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

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

WHEREAS, it is vital that we join forces to reach out to parents and children and prevent the reoccurrence of child abuse and neglect; and

WHEREAS, it is appropriate and fitting to focus attention upon the problem of child abuse and neglect in Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City, Virginia, proclaims the month of April, 1992 as CHILD ABUSE PREVENTION MONTH and calls upon County citizens to observe the month with appropriate programs, ceremonies, and activities.

2. Chesapeake Bay Local Assistance Department Grant Application

Mr. Taylor stated he could not support any enhancement of the Chesapeake Bay Preservation Act.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

GRANT APPLICATION

WHEREAS, the Chesapeake Bay Local Assistance Department is receiving Grant Applications for FY 93.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, of James City County, Virginia, hereby authorizes and directs the County Administrator to execute all grant application documents not to exceed \$7,000 and all subsequent contract documents on behalf of James City County.

## D. PUBLIC HEARINGS

1. Case No. SUP-1-92. Florence Gray Manufactured Home

Mr. O. Marvin Sowers, Jr., Director of Planning, stated this case was deferred at the March 16, 1992, Board of Supervisors' meeting and that Ms. Florence Gray had applied for a special use permit to allow the placement of a manufactured home on .653 acres in R-2, General Residential, located at 418-A Carriage Road, further identified as Parcel No. (5-31) on James City County Real Estate Tax Map No. (39-1).

Staff recommended denial of the special use permit application as the placement of this manufactured home would represent continuance of nonconforming use, and new manufactured home placement was not permitted in areas zoned residential.

Mr. Edwards continued the public hearing and as no one wished to speak, he closed the public hearing.

The Board discussed that the appearance of the manufactured home would be an asset to the surrounding area.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O NCASE NO. SUP-1-92. FLORENCE GRAY, MANUFACTURED HOME

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:	Florence Gray
Real Estate Tax Map ID:	(39-1)
Parcel No.:	(5-3)
Address:	418-A Carriage Road
District:	Berkeley
Zoning:	R-2

## 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 manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

2. Case No. SUP-2-92. Colonial Golf Design, Inc.

Mr. Sowers stated that Mr. Lester George, on behalf of Edna Hockaday Estate, had applied for a special use permit to allow the construction of a golf course and related facilities on 210 acres, zoned A-1, General Agricultural, further identified as Parcel (1-2) on James City County Real Estate Tax Map No. (9-4) and Parcel (1-18) on James City County Real Estate Tax Map No. (10-3).

In concurrence with staff, the Planning Commission, by a 5-2 vote, recommended approval of the proposed special use permit with conditions listed in the resolution.

The Board discussed drawing a conceptual plan; how much traffic generated; limit amount of pesticides and fertilizers used; why no illumination during night hours; and, could golf course lakes' water be used for irrigation.

Mr. Edwards opened the public hearing.

1. Mr. Lester George, 7815 Millcreek Drive, Richmond, introduced Mr. Robert Wrenn, Jr., PGA touring professional and design consultant, and Mr. Ron Boyd, Williamsburg Environmental Group. Mr. George spoke of working with staff to meet requirements and Chesapeake Bay Preservation Act guidelines. He responded to the Board discussion and Mr. Boyd responded that a severe drought might affect the wildlife, but tidal water supply was permanently available for direct irrigation to the golf course.

Mr. George asked that the special use permit be approved so the public might have an inexpensive place to play golf in the area.

2. Mr. Alex Penland, 9229 Diascund Road, spoke of concerns of drawing irrigation water from Mill Creek, volume of traffic understated, and employment for only a few citizens. He mentioned control of large swarms of mosquitoes, present during warm weather, would require frequent pesticide treatment.

3. Ms. Carolyn Lowe, 50 Summer East, spoke of environmental concerns because a large portion of the proposed golf course would be in Diascund Creek natural area and asked for further study on potential long-term impacts in the wetlands.

Mr. Edwards closed the public hearing.

The Board agreed to defer the case until the April 20, 1992, Board of Supervisors' meeting to study information regarding volume of water withdrawal from Mill Creek, pesticide runoff, traffic counts, and alternative uses in the Comprehensive Plan for the area.

3. Case No. Z-11-91. Chambrel at Williamsburg Master Plan Amendment

Mr. Sowers stated that Mr. G. Archer Marston of AES had applied on behalf of the Williamsburg/Oxford Association Limited, to amend their existing master plan to allow a 120 bed nursing home and/or non-ambulatory adult care facility on approximately 57.7 acres, zoned PUD-R, Planned Unit Development - Residential, located to the north of Monticello Avenue and abutting the City of Williamsburg boundary, further identified as Parcel (1-131) on James City County Real Estate Tax Map No. (39-1).

Mr. Sowers further stated that the applicant has requested a deferral in order to allow time to address comments raised during staff review of the proffers and to further consider engineering issues as regard construction of the new driveway.

Mr. Edwards opened the public hearing, and declared the case deferred until the April 20, 1992 Board of Supervisors' meeting.

4. Case No. AFD-7-86. Mill Creek Agricultural and Forestal District (Maynard Addition)

Mr. Sowers stated that Mr. Edward W. Maynard, IV, and Mrs. Sandra Maynard had applied to add 33.62 acres to the approximately 2,847 acres of the Mill Creek Agricultural and Forestal District (AFD-7-86), located at 101 Berkeley Town Road, and further identified as Parcel (10-3) on James City County Real Estate Tax Map No. (1-13).

In concurrence with staff and the Agricultural and Forestal Districts Advisory Committee, the Planning Commission unanimously recommended approval of the proposed addition, excluding right-of-way within 25 feet of Berkeley Town Road and Diascund Road, and with conditions listed in the resolution.

Mr. Edwards 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.

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

-7-

ORDINANCE NO. \_\_\_\_\_

MILL CREEK (MAYNARD ADDITION)AGRICULTURAL AND FORESTAL DISTRICT(AFD-7-86)

WHEREAS, an Agricultural and Forestal District in the Mill Creek area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Mill Creek area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on March 3, 1992, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on March 10, 1992, unanimously recommended approval of the application.

NOW, THEREFORE BE IT ORDAINED:

1. That the Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcels:

(10-3)(1-13)	Edward W. and Sandra Maynard	33.62 ac.
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provided, however, that all land within 25 feet of the centerline of Berkeley Town Road (Route 736) and Diascund Road (Route 603) shall be excluded from the district.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.

- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.

5. Ordinance Amendment to Chapter 9, Licenses, Article II, Section 9-72, Pawnbrokers

Mr. Leo Rogers, Jr., Assistant County Attorney, stated that the proposed amendment would establish a procedure and identify criteria for issuing a license to operate a pawnbroker business and would require a criminal records check of the applicant and a transaction ledger kept that was open to inspection.

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

Mr. DePue made a motion to approve the Ordinance amendment.

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

E. **BOARD CONSIDERATION**

1. James City County Road Construction Revenue Sharing

Mr. John T. P. Horne, Manager, Development Management, stated that Virginia Department of Transportation must receive a letter of notification by May 1, 1992, stating the County's intentions in relation to participation in the Revenue Sharing Program. Mr. Horne further stated that staff was requesting Board authorization to participate in the Revenue Sharing Program to an amount not to exceed \$500,000 with the clear understanding that that amount might be changed during the upcoming budget work sessions.

Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation Revenue Sharing Program for fiscal year 1992-1993, in an amount not to exceed \$500,000; and

WHEREAS, VDOT requires written notification of the County's intent to participate by May 1, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for fiscal year 1992-93.

2. Landfill Design Services Contract

Mr. David Clark, Solid Waste Engineer, James City Service Authority, stated that proposals had been received for consulting services for landfill design and preparation of the County's Part "B" Landfill Application (Part "A" permit was received in December 1991), which are necessary to meet new State design and permit requirements to become effective January 1, 1994, and new Federal (Environmental Protection Agency), to become effective October, 1993.

Staff recommended approval of the resolution awarding the contract to Draper Aden in the amount of \$171,666.

The Board held a brief discussion regarding use of materials to meet State requirements and noted that solid waste disposal would become more expensive for County citizens.

Ms. Knudson made a motion approve the resolution.

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

R E S O L U T I O N

AGREEMENT FOR CONSULTING SERVICES

LANDFILL DESIGN SERVICES

WHEREAS, the County and the James City Service Authority interviewed five firms for landfill design services and the Part B Landfill Application preparation on September 30, 1991; and

WHEREAS, the selection committee has determined the firm of Draper Aden Associates, to be the top ranked firm; and

WHEREAS, an acceptable scope of services and fee agreement for the consulting service has been negotiated with the top ranked consultant by County and JCSA staff; and

WHEREAS, funds are available in the James City County Landfill Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the award of the contract for consulting services for landfill design and Part B Landfill Application preparation in accordance with the agreed upon scope of services described in the request for proposals dated January 25, 1991, in the amount of \$171,666, and authorizes and directs the County Administrator to execute a contract with Draper Aden Associates for this work.

3. Sign Ordinance

Mr. Sowers stated that the Board of Supervisors, at the March 16, 1992 work session on the Sign Ordinance, requested responses to suggestions made by the Board to Mr. Norman, County Administrator. Mr. Sowers identified 5 concerns: Greenbelt, Window, Vehicle and Mailbox Signs and Banners.

The Board discussed removal of the commercial areas, Five Forks and Williamsburg Crossing Shopping on Route 5, from the greenbelt designation. Mr. Edwards asked staff to prepare provisions to the Sign Ordinance that exempt areas zoned business on greenbelts with standards and regulations for signs.

Mr. Sisk requested limiting signs to 25 percent of the overall space on outside of window. Staff responded enforcement regarding window signs was rare, but a change to 25 percent coverage of total window glass would create many enforcement actions for current signs.

Regarding banners, Mr. Taylor asked that language be included to allow banners for signs for special events twice a year.

The Board requested no change to the language regarding vehicle and mailbox signs.

The Board requested that the Sign Ordinance be placed on the May 4, 1992, Board of Supervisors' agenda.

F. PUBLIC COMMENT - None

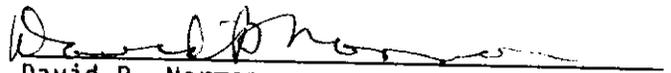
G. REPORTS OF THE COUNTY ADMINISTRATOR - None

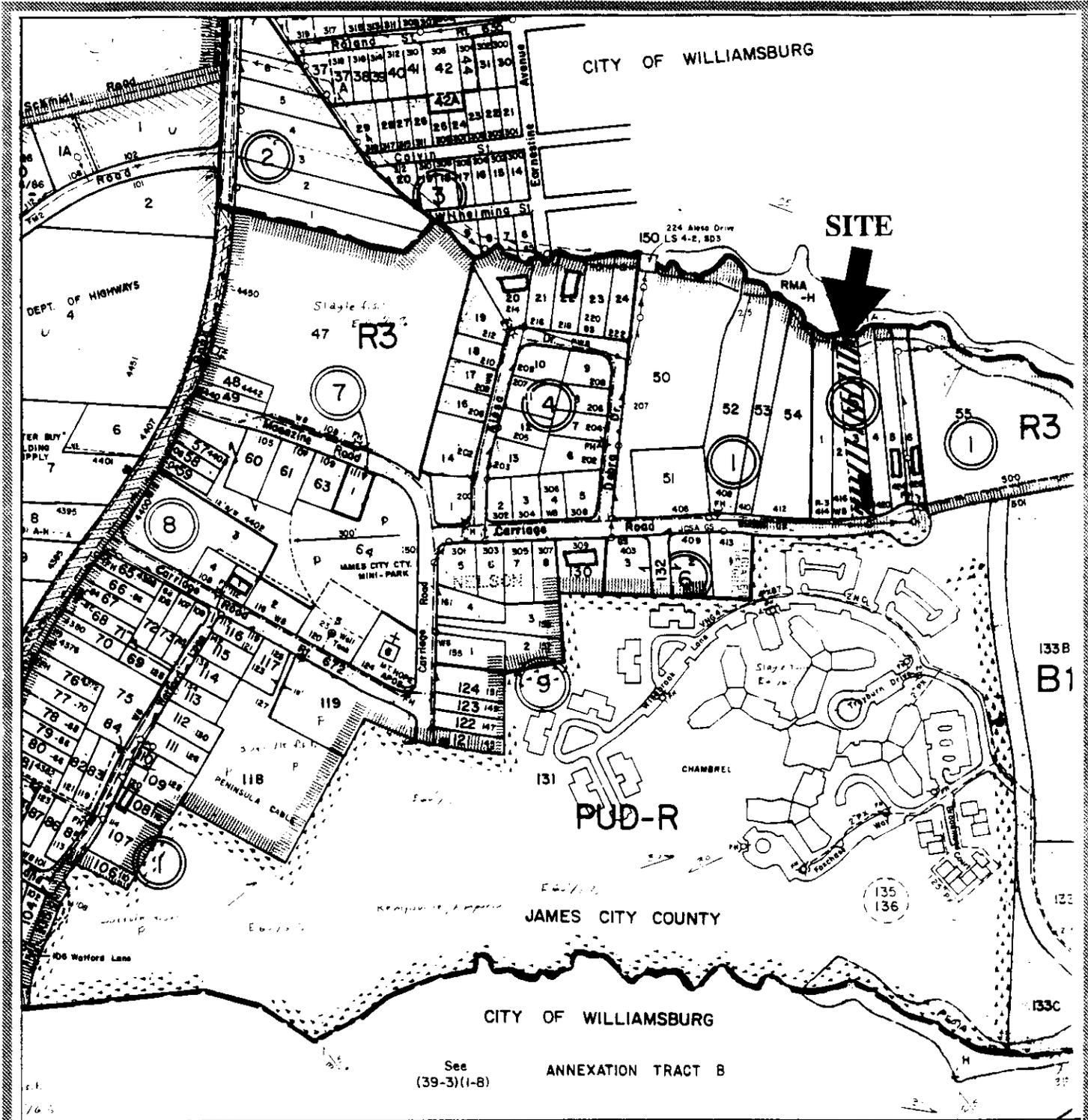
H. BOARD REQUESTS AND DIRECTIVES - None

Mr. Sisk made a motion to adjourn.

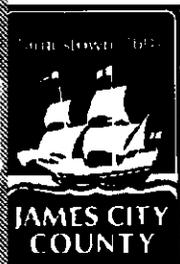
On a roll call, the vote was AYE: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

The Board adjourned at 9:12 p.m.

  
David B. Norman  
Clerk to the Board



SCALE 1"=400 Feet



Case No: SUP-1-92

Name : Florence Gray (MH)



Existing Nonconforming Manufactured Homes



Proposed Replacement Manufactured Home



PLANNING DIVISION

22

ORDINANCE NO. 169A-3

APR 6 1992

MILL CREEK (MAYNARD ADDITION)  
AGRICULTURAL AND FORESTAL DISTRICT

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

(AFD-7-86)

WHEREAS, an Agricultural and Forestal District in the Mill Creek area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Mill Creek area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on March 3, 1992, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on March 10, 1992, unanimously recommended approval of the application.

NOW, THEREFORE BE IT ORDAINED:

1. That the Mill Creek Agricultural and Forestal District is hereby amended by the addition of the following parcels:

(10-3)(1-13)

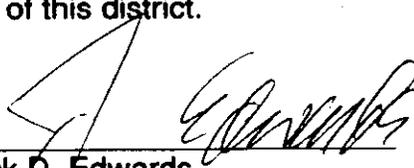
Edward W. and  
Sandra Maynard

33.62 ac.

provided, however, that all land within 25 feet of the centerline of Berkeley Town Road (Route 736) and Diascund Road (Route 603) shall be excluded from the district.

2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Mill Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.

- c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.

  
 Jack D. Edwards  
 Chairman, Board of Supervisors

ATTEST:

  
 David B. Norman  
 Clerk to the Board

SUPERVISOR	VOTE
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia,  
 this 6th day of April, 1992.

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ORDINANCE NO. 16A-17

APR 6 1992

BOARD OF SUPERVISOR  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, LICENSES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II. SPECIFIC BUSINESSES AND ACTIVITIES, BY AMENDING SECTION 9-72, PAWNBROKERS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Licenses, is hereby amended and reordained by amending Section 9-72, Pawnbrokers.

Chapter 9. Licenses

Article II. Specific Businesses and Activities

Section 9-72. Pawnbrokers.

~~Every person engaging in the business of a pawnbroker shall pay an annual license tax of thirty dollars (\$30.00) or thirty six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts, whichever is the greater amount.~~

~~For the purpose of this section a pawnbroker shall be deemed to mean any person who shall in any manner lend or advance money or other things or profit on the pledge and possession of personal property or other valuable things other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other~~

~~valuable things on condition of selling the same back to the seller at a stipulated price.~~

~~Every person displaying to the public by painted, or otherwise, the three balls commonly used to designate the pawnbroker's business shall be deemed a pawnbroker and be subject to the license tax required in this section.~~

~~No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the circuit court permitting the operation of this business.~~

~~No license issued under this section shall be proratable or transferable.~~  
(Ord. No. 16A 7, 11-16-81)

1. *For the purpose of this section, a pawnbroker shall be deemed to mean any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at at a stipulated price.*

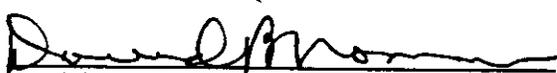
2. *Any person desiring to operate as a pawnbroker in the County shall make application to the Commissioner of the Revenue. Such application shall be accompanied by a nonrefundable application fee of \$100.00 to cover administrative costs and investigations. The applicant for the pawnbroker's license shall furnish the following:*
  - a. *Copy of application for County business license;*
  - b. *Copy of birth certificate;*
  - c. *Copy of driver's license or other proof of residence;*
  - d. *List of criminal convictions of the applicant, if any, other than traffic offenses, listing the place of each such conviction; and*
  - e. *Finger imprints prepared and certified by the James City County Police Department or authorized Virginia law enforcement agency.*
  
3. *The Commissioner of the Revenue may issue a pawnbroker license upon receipt of the following:*
  - a. *Statement from the Director of Code Compliance, or his designee, that conduct of a pawnbroker business in the location proposed is in conformity with the County Code;*





Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of April, 1992.

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