

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF JULY, NINETEEN HUNDRED NINETY-THREE, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District (Absent)
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Leo P. Rogers, Assistant County Attorney

B. MINUTES - June 21, 1993

Ms. Knudson asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the minutes as presented.

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

C. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the Consent Calendar.

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

1. Emergency Home Repair Program - FY 94 Grant

R E S O L U T I O N

AMENDMENT OF THE APPROPRIATION OF FUNDS FOR THE

EMERGENCY HOME REPAIR PROGRAM

WHEREAS, Virginia Department of Housing and Community Development has awarded James City County a grant of \$11,841 under the Emergency Home Repair Grant Program; and

WHEREAS, this grant requires a local match and funds previously appropriated by the Board of Supervisors for housing repair are available to provide a portion of the required match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute the grant agreement.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of James City County, Virginia, authorizes that the appropriated funds for the Office of Housing and Community Development be amended as follows:

Revenues

State Emergency Home Repair Grant	\$11,841
Housing Grant Matching Funds	<u>11,841</u>
	<u>\$23,682</u>

Expenditure

General Emergency Housing Repairs	\$15,224
Energy Conservation Repairs	<u>8,458</u>
	<u>\$23,682</u>

2. Appropriation Request - Bus Replacement

R E S O L U T I O N

APPROPRIATIONS REQUEST (BUS REPLACEMENT)

WHEREAS, the Commonwealth of Virginia and the Federal government have provided FY 93 grant funds and James City County has approved local revenues in the FY 93 in support of this capital need; and

WHEREAS, the Board of Supervisors desires to expending these funds in support of James City County Transit System's operations in FY 94.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following amounts are hereby adopted for capital in the amounts shown below to fund the acquisition of a Transit bus.

Account 009-011-4220	<u>\$100,000</u>
Operating Equipment Replacement	
Revenues:	
Federal	\$ 80,000
State	11,350
Fund Balance	<u>8,650</u>
	<u>\$100,000</u>

3. Budget Amendment - State Arts Grant

R E S O L U T I O N

BUDGET AMENDMENT - STATE ARTS GRANT

WHEREAS, the Board of Supervisors of James City County has been awarded a challenge grant in the amount of \$2,230 from the State Commission for the Arts based on an application submitted on the County's behalf by the Williamsburg Regional Arts Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the acceptance of this grant and approves the following budget adjustment in the County's General Fund:

Revenue

From the Commonwealth - Arts Grant \$2,230

Expenditures

Contributions - Williamsburg Regional Arts Commission \$2,230

D. PUBLIC HEARINGS

1. Lake Powell Road Discontinuance

Mr. John T. P. Horne, Manager, Development Management, stated that staff prepared a report identifying three options for long-term disposition of a section of Lake Powell Road (Route 618), which includes the dam and immediate approaches, approximately 1,150 feet.

Staff recommended discontinuance that would remove the road section from the State Secondary Road System, but would remain open as a public accessway to pedestrian, bicycle and emergency traffic, and owned and maintained by James City County.

The Board noted that 3 of the 4 Lake Powell owners supported the discontinuance. Mr. Taylor questioned whether the section could be returned to the State Secondary Road System in the future.

Staff responded in the affirmative.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTIONDISCONTINUANCE OF A PORTION OF ROUTE 618 (LAKE POWELL ROAD)

WHEREAS, a portion of Lake Powell Road (Route 618) has been closed to vehicular traffic by the Virginia Department of Transportation because of safety concerns; and

WHEREAS, the Board of Supervisors does not wish to repair and upgrade the dam, spillway, and roadway to meet the required VDOT standards which are necessary to reopen the roadway to vehicular traffic; and

WHEREAS, the Board of Supervisors does wish to have the accessway remain open for pedestrian, bicycle, and emergency usage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that pursuant to Section 33.1-150 of the Code of Virginia the Commonwealth Transportation Board discontinue a portion of Route 618 consisting of that portion of the roadway over the Lake Powell dam and the approaches thereto, a length of approximately 1,150 feet, as shown on the attached map.

2. Partial Vacation of Right-of-Way for Greenway Circle

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Gregory R. Davis, on behalf of Yorkview Plantation, had requested a vacation and amendment of a portion of Greenway Circle of the Subdivision Plat of Riverview Plantation, Section 4. Mr. Sowers further stated that the road was proposed to terminate in a cul-de-sac with property subdivided so that all parcels front on the cul-de-sac or Riverview Plantation Drive.

Staff recommended approval of the ordinance.

Ms. Knudson opened the public hearing, and as no one wished to speak, Ms. Knudson closed the public hearing.

Mr. Sisk made a motion to approve the ordinance.

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

ORDINANCE NO. 189

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "SUBDIVISION PLAT, RIVERVIEW PLANATION, SECTION FOUR" AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF A PORTION OF GREENWAY CIRCLE AND THE EXTINGUISHMENT OF CERTAIN LOT LINES.

WHEREAS, application has been made by Gregory R. Davis, on behalf of Yorkview Plantation, Incorporated, to vacate certain lines, words, number, and symbols on a plat more particularly described below; and

WHEREAS, notice of the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-431 of the Code of Virginia 1950, as amended; and

WHEREAS, held a public hearing and considered such application on the 6th day of July 1993, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in the inconvenience and is in the interest of public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. That a portion of that certain subdivision plat entitled "Subdivision Plat Riverview Plantation Section Four" be so vacated so as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers and symbols as more specifically set forth in the above-mentioned plat and thereby vacating a portion of the right-of-way for Greenway Circle and extinguishing certain lot lines.
2. That a new plat entitled "Plat of Resubdivision of Section 4 Block H, Vacation of Greenway Circle Right-of-Way and Subdivision of Section 4 Block I Riverview Plantation" dated March 3, 1993, prepared by AES, Consulting Engineers, and approved by James City County, be put to record in the Clerk's Office of the Court House for the City of Williamsburg and the County of James City, Virginia.

The Ordinance shall be in full force and effect from the date of its adoption.

3. Case No. SUP-21-93. Mooretown Road Sewer Force Main

Mr. Sowers stated that Mr. Vernon Geddy, III, had applied on behalf of Wilkinson Associates for a special use permit to allow construction of a sewer force main on the east side of Mooretown Road approximately 400 feet south of the Mooretown Road/Rain Tree Way intersection, extending north approximately 1,200 feet, to connect with an existing Hampton Roads Sanitation District sewer force main. He further stated that the route was zoned R-2, General Residential.

In concurrence with staff, the Planning Commission unanimously recommended approval of the sewer force main with conditions listed in the resolution.

Ms. Knudson opened the public hearing.

1. Mr. Vernon Geddy, III, Esq., was available for questions.

Ms. Knudson closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

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

RESOLUTION**CASE NO. SUP-21-93. Mooretown Road Sewer Force Main**

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 June 8, 1993, unanimously recommended approval of Case No. SUP-21-93 to allow the construction of a 10- or 12-inch sewer force main commencing on the east side of Mooretown Road approximately 400 feet south of the Mooretown Road/Rain Tree Way intersection. The main would extend north from this point approximately 1,200 feet.

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-21-93 as described herein with the following conditions:

1. Construction, operation and maintenance of the force main shall comply with all local, State and Federal requirements.
2. The project shall comply with all State erosion and sediment control regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. All required permits and easements shall be acquired prior to the commencement of construction.
4. This special use permit shall remain in effect for a period of 18 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed force main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.

E. BOARD CONSIDERATIONS

1. Emergency Ordinance Amendment, Chapter 1, General, Section 1-13, Courthouse Fee

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance amendment changed the court case filing assessment fee from \$4.00 approved by the Board of Supervisors on June 21, 1993, to \$2.00, effective July 1, 1993. Mr. Rogers clarified that the revision would accurately reflect the State law.

Staff recommended approval of the ordinance amendment.

Ms. Knudson made a motion to approve the emergency ordinance amendment.

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

2. Landfill Integrated Toolcarrier Contract

Mr. Larry M. Foster, Manager, James City Service Authority, stated that bids were received for an integrated toolcarrier to be used at the Transfer Station to replace a loader at the landfill. He explained that the toolcarrier would load transfer trailers and then exchange the bucket for a broom sweeper for Transfer Station cleanup.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

LANDFILL INTEGRATED TOOLCARRIER CONTRACT

WHEREAS, funds are appropriated in the FY 93 Landfill Operating Budget to purchase a replacement rubber-tired loader at the Landfill; and

WHEREAS, it was determined that an Integrated Toolcarrier would better meet the future operational needs of the Transfer Station; and

WHEREAS, it has been determined that the bid submitted by Carter Machinery Company, Inc., for a Caterpillar IT14B Integrated Toolcarrier in the amount of \$83,034 (Total Cost Bid) meets the critical specifications and was the lowest responsible/responsive bid.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with Carter Machinery Company, Inc., for the purchase of a Caterpillar IT14B Integrated Toolcarrier for the sum of \$105,034 (initial purchase price).

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, urged the Board to ponder possible loss of convention bookings and tourists due to cost of room and meals taxes.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, recommended that the Board go into executive session pursuant to Section 2.1-344(a)(3) of the Code of Virginia to consider the acquisition of publicly held property.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked if staff had investigated his prior request regarding a lease for a hunt club to hunt on County landfill acreage to decrease the deer population.

Mr. Wanner responded that the review was in progress to include additional hunt club requests that have been made.

Mr. Norman stated a recommendation would be forthcoming.

Ms. Knudson stated that Judith E. Trautman, Registrar, reported that the two changes of polling places in Roberts District had been submitted to the Justice Department.

Ms. Knudson made a motion to go into executive session as recommended by the County Administrator, at 7:32 p.m.

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

Ms. Knudson reconvened the Board into open session at 7:54 p.m.

Mr. Edwards made a motion to approve the executive session resolution.

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

R E S O L U T I O N

MEETING DATE: July 6, 1993

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.

Ms. Knudson made a motion to approve the Powhatan Creek Public Access Site Property Acquisition.

On a roll call, the vote was: AYE: Edwards, Sisk, Knudson (3). NAY: Taylor (1).

RESOLUTION

POWHATAN CREEK PUBLIC ACCESS SITE PROPERTY ACQUISITION

WHEREAS, the James City County Comprehensive Plan includes specific strategies to provide access to waterways throughout the County; and

WHEREAS, James City County has applied to the Virginia Coastal Resources Management Program for a grant to acquire and construct a public access site along Powhatan Creek.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that if the grant is awarded to James City County, the Board will accept the grant and provide equal matching funds and additional funds up to a total of \$50,000 to acquire and develop a public access site on Powhatan Creek.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 7:55 p.m.



David B. Norman
Clerk to the Board

JUL 6 1993

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAORDINANCE NO. 189

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED "SUBDIVISION PLAT, RIVERVIEW PLANATION, SECTION FOUR" AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF A PORTION OF GREENWAY CIRCLE AND THE EXTINGUISHMENT OF CERTAIN LOT LINES.

WHEREAS, application has been made by Gregory R. Davis, on behalf of Yorkview Plantation, Incorporated, to vacate certain lines, words, number, and symbols on a plat more particularly described below; and

WHEREAS, notice of the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-431 of the Code of Virginia 1950, as amended; and

WHEREAS, held a public hearing and considered such application on the 6th day of July 1993, pursuant to such notice and the Board of Supervisors was of the opinion that the vacation would not result in the inconvenience and is in the interest of public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

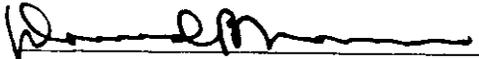
1. That a portion of that certain subdivision plat entitled "Subdivision Plat Riverview Plantation Section Four" be so vacated so as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers and symbols as more specifically set forth in the above-mentioned plat and thereby vacating a portion of the right-of-way for Greenway Circle and extinguishing certain lot lines.
2. That a new plat entitled "Plat of Resubdivision of Section 4 Block H, Vacation of Greenway Circle Right-of-Way and Subdivision of Section 4 Block 1 Riverview Plantation" dated March 3, 1993, prepared by AES, Consulting Engineers, and approved by James City County, is put to record in the Clerk's Office of the Court House for the City of Williamsburg and the County of James City, Virginia, in plat Book 57 at Page 18.

The Ordinance shall be in full force and effect from the date of its adoption.



Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

TAYLOR	AYE
EDWARDS	AYE
DEPUE	ABSENT
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 6th day of July, 1993.

greenway.res