

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15TH DAY OF AUGUST, NINETEEN HUNDRED NINETY-FOUR, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Neighborhood Connections Process

Mr. David B. Norman, County Administrator, introduced Mr. Anthony Conyers, Jr., and Ms. Veronica Nowak presented a proposal recommending County government partnerships with citizens and requested Board support to implement the proposal.

The Board encouraged staff to develop the program.

Mr. DePue convened the regular meeting at 7:03 p.m.

C. PRESENTATION

1. National Association of Counties Achievement Awards

Mr. DePue congratulated recipients and presented National Association of Counties Achievement Award Certificates to O. Marvin Sowers, Jr. - Regional Bikeways Plan; Anthony Conyers, Jr. (for Needham Cheely III) - Financial Assistance Trust Fund; Madeleine Conway - Employee Innovation Program; Joe Basilone (for Clayton Smith) - Class in Proposed Electrical Code Changes; and, Veronica Nowak - Internal Training Program.

D. MINUTES - August 1, 1994

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

Mr. DePue made a motion to approve the minutes.

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

2. Dedication of Streets in Rolling Woods, Sections 1, 3, and 4; Green Swamp Subdivision; Fox Ridge, Phases 1 and 2; and, Powhatan Secondary, Phases 2 and 3

RESOLUTION

DEDICATION OF STREETS IN ROLLING WOODS, SECTIONS 1, 3, AND 4

- WHEREAS, the following roads in Rolling Woods, Sections 1, 3, and 4 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and
- WHEREAS, the Board of Supervisors desires certain roads in Rolling Woods, Sections 1, 3, and 4 to be included in the State Secondary Highway System; and
- WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

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 roads in Rolling Woods, Sections 1, 3, and 4, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Linden Drive, 50-foot right-of-way
From: Route 1330 (Rolling Woods Drive)
To: End of cul-de-sac
Distance: 2,260 feet (0.43 mile)
2. Hawthorne Lane, 50-foot right-of-way
From: Linden Lane
To: End of cul-de-sac
Distance: 320 feet (0.06 mile)
3. Hawthorne Lane, 50-foot right-of-way
From: Linden Lane
To: End of cul-de-sac
Distance: 920 feet (0.17 mile)
4. Sassafras Court, 50-foot right-of-way
From: Hawthorne Lane
To: End of cul-de-sac
Distance: 230 feet (0.04 mile)
5. Persimmon Place, 50-foot right-of-way
From: Linden Lane
To: End of cul-de-sac
Distance: 240 feet (0.05 mile)
6. Persimmon Place, 50-foot right-of-way
From: Linden Lane
To: End of cul-de-sac
Distance: 890 feet (0.17 mile)

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

Rolling Woods, Section 1, recorded in Plat Book 45, Page 6, dated March 27, 1987; Rolling Woods, Section 3, recorded in Plat Book 49, Pages 78 and 79, dated October 21, 1988; Rolling Woods, Section 4, recorded in Plat Book 51, Page 46, dated October 8, 1989; Plat showing proposed 20-foot drainage easement on Lots 23 + 24, Section 3, Rolling Woods to be conveyed to James City County, recorded in Deed Book 649, Page 336, dated October 28, 1993; and Plat for drainage easement across Lots 58, 59, and 60, Section 3, Rolling Woods for Conveyance to the County of James City, recorded in Deed Book 683, Page 164, dated April 28, 1994.

BE IT FURTHER RESOLVED that the Board of Supervisors guarantees and it does hereby so guarantee satisfactory performance of the streets in Rolling Woods, Sections 1, 3, and 4 for a period of one year from the date of acceptance by the Virginia Department of Transportation.

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

RESOLUTION

DEDICATION OF STREETS IN GREEN SWAMP SUBDIVISION

WHEREAS, the following roads in Green Swamp Subdivision are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Green Swamp Subdivision to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

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 roads in Green Swamp Subdivision, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Green Swamp Road, 50-foot right-of-way
From: Route 614 (Centerville Road)
To: End of cul-de-sac
Distance: 845 feet (0.16 mile)

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

Green Swamp Subdivision, recorded in Plat Book 37, Page 18, dated December 11, 1981.

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

RESOLUTION**DEDICATION OF STREETS IN FOX RIDGE, PHASES 1 AND 2**

WHEREAS, the following roads in Fox Ridge, Phases 1 and 2 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Fox Ridge, Phase 1 and 2 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

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 roads in Fox Ridge, Phase 1 and 2, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Fox Hill Road, 50-foot right-of-way
From: Route 1590 (Fox Run)
To: Route 614 (Centerville Road)
Distance: 1,166 feet (0.22 mile)
2. Fox Hollow, 50-foot right-of-way
From: Fox Hill Road
To: End of cul-de-sac
Distance: 717 feet (0.14 mile)

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

Fox Ridge, Phase 1, recorded in Plat Book 51, Page 4, dated June 30, 1989 and Fox Ridge, Phase 2, recorded in Plat Book 55, Page 26, dated December 2, 1991.

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

RESOLUTION**DEDICATION OF STREETS IN POWHATAN SECONDARY, PHASES 2 AND 3**

WHEREAS, the following roads in Powhatan Secondary, Phases 2 and 3 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Powhatan Secondary, Phases 2 and 3 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

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 roads in Powhatan Secondary, Phases 2 and 3, Berkeley Election District, James City County, in the State Secondary Highway System:

- 1. Powhatan Secondary, 60-foot right-of-way
From: Route 1471 (Powhatan Secondary)
To: Intersection of Old Carriage Way
Distance: 2,239 feet (0.43 mile)
- 2. Old Carriage Way, 50-foot right-of-way
From: Powhatan Secondary
To: End of cul-de-sac
Distance: 728 feet (0.14 mile)
- 3. Old Carriage Way, 50-foot right-of-way
From: Powhatan Secondary
To: End of cul-de-sac
Distance: 829 feet (0.16 mile)
- 4. Grist Mill Court, 50-foot right-of-way
From: Old Carriage Way
To: End of cul-de-sac
Distance: 215 feet (0.04 mile)
- 5. Martin's Ridge, 50-foot right-of-way
From: Old Carriage Way
To: End of cul-de-sac
Distance: 440 feet (0.08 mile)

The unencumbered rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record; and dam agreement maintenance easement:

Powhatan Secondary, Phase 2, recorded in Plat Book 51, Page 37, dated September 21, 1989, Powhatan Secondary, Phase 3, recorded in Plat Book 59, Page 66, dated June 30, 1994; and Deed and Agreement between Powhatan Enterprises, Inc., the Virginia Department of Transportation, County of James City, and Powhatan Community Services Association dated March 31, 1994.

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

3. Virginia Department of Transportation Reimbursement - Stormwater Management Basin in Area of Bradshaw's Ordinary Subdivision

RESOLUTION

YDOT REIMBURSEMENT

WHEREAS, the County has expended funds from the Environmental Protection Fund account in the CIP to build a water quality basin; and

WHEREAS, the Virginia Department of Transportation has reimbursed the County for a portion of the costs because the basin treats water from Route 199.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby accept the reimbursement in the amount of \$21,417 and appropriates the funds to the Environmental Protection Fund account of the CIP (Account No. 013-020-0100).

4. Capital Contingency Transfer - Animal Control Facility

Mr. Magoon stated that he had provided professional services for that facility, but Commonwealth's Attorney's opinion allowed him to vote.

Mr. Magoon made a motion to approve the resolution.

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

RESOLUTION

CAPITAL CONTINGENCY TRANSFER - ANIMAL CONTROL FACILITY

WHEREAS, the Board of Supervisors of James City County has plans to meet State requirements for a renovated/expanded animal control facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfer to provide funding for a renovated and expanded animal control facility:

Capital Budget

From Capital Contingency	<u>\$25,000</u>
To Animal Control Facility	<u>\$25,000</u>

G. PUBLIC HEARINGS

1. Case No. Z-2-94. Wallace Estates (Continued from 8/1/94)

Mr. Mark J. Bittner, Planner, stated that this case had been deferred at the August 1, 1994, Board of Supervisors' meeting to allow further discussion regarding access to the adjacent Fox Ridge Subdivision and

upgrade of lift station and force main. He restated that Mr. Henry H. Stephens had applied to rezone approximately 97 acres from R-8, Rural Residential, to R-2, General Residential, for construction of approximately 200 single-family homes, located at 5900 Centerville Road, further identified as Parcel Nos. (1-80,81) on James City County Real Estate Tax Map No. (31-1).

Staff determined the proposal with proffers was consistent with the Comprehensive Plan and surrounding zoning and development.

The Planning Commission unanimously recommended approval of the proposed rezoning with proffers.

Staff supported a full connector road between Wallace Estates Subdivision and Fox Ridge Subdivision, and recommended approval of the application with voluntary proffers.

Mr. DePue asked for clarification of the 25 foot buffer, upgrade of the lift station and density of development as currently zoned.

Staff responded that the 25 foot conservation easement would border Fox Ridge, and Wallace Estates home owners would be responsible for maintenance; that the lift station upgrade was based on existing zoning; and, development of up to 5 lots with application for more than 5 (up to 70 lots) required to come before the Board.

Mr. DePue continued the public hearing.

1. Mr. Allan Staley of Diamonstein and Staley, representing Atlantic Homes Development Corporation, asked the Board to approve the application for rezoning.

2. Ms. Cathy Honsinger, 3852 Fox Run, spoke in opposition to an access road for reasons of increase of traffic and unsafe for children.

Mr. DePue closed the public hearing.

Mr. DePue expressed concerns about kinds of restrictions imposed on cluster development, buffering, noise, enforcement of trespassing, curb cuts on Centerville Road, need for turn lanes, and minimum access road/bikeway.

Without Board objection, Mr. DePue declared the case deferred until the September 6, 1994, Board of Supervisors' meeting to allow applicant to discuss Board concerns with staff.

2. Case No. SUP-10-94. St. George's Hundred

Mr. Matthew W. Maxwell, Planner, stated that Mr. J. R. Chisman had applied for a special use permit to allow a residential cluster development of 24 lots on 24.775 acres, located on the west side of St. George's Hundred Subdivision, zoned R-1, Residential, on a portion of Parcel No. (1-2C) on James City County Real Estate Tax Map No. (46-1).

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

Mr. DePue opened the public hearing.

1. Mr. Alvin Anderson, Esq., representative for Jimmy Chisman, stated that the development would provide open space, preserve wetlands, be economical in price and size and aesthetically pleasing.

2. Mr. Phillip Lowrance, 99 Castle Lane, expressed concerns about ownership, maintenance and insurance responsibility of the wooded buffers.

3. Mr. Bill Hawthorne, 103 Sabre Drive, stated that these same issues were raised and voted on in the past.

4. Mr. Gary McQuillen, 117 Sabre Drive, questioned how the cluster development would benefit his neighborhood.

Mr. DePue declared a deferral of the special use permit to allow further discussion of the case until the September 6, 1994, Board of Supervisors' meeting.

Mr. DePue declared a break at 8:35 p.m.

Mr. DePue reconvened the Board at 8:45 p.m.

3. Case No. SUP-14-94. Risha Lively Manufactured Home

Ms. Sandra Barner, Development Management Technician, stated that Ms. Risha Lively had applied for a special use permit to allow the placement of a single-wide manufactured home on approximately 4.9 acres, zoned R-8, Rural Residential, leased from Mr. Steven Randall and located at 2584 Little Creek Dam Road, further identified as Parcel No. (1-6) on James City County Real Estate Tax Map No. (21-4).

Ms. Barner further stated that an adjacent neighbor questioned whether placement of the manufactured home would interfere with the option to subdivide her property.

Staff recommended approval of the special use permit with conditions listed in the resolution.

Mr. DePue opened the public hearing.

1. Ms. Blanche Reed, 2850 Little Creek Dam Road, requested status of the construction of a gravel road through Mr. Randall's subdivision.

Mr. DePue asked for a delay of the case until later in the meeting so that staff could provide information to Ms. Reed.

Mr. DePue asked that Item H-1 under Board Considerations be brought forward.

1. Case No. SUP-8-94. Berkeley Commons Outlet Addition (Deferred from 7/18/94)

Mr. Mark J. Bittner, Planner, restated that Mr. Stephen A. Romeo had applied on behalf of McG Outlet Center Limited Partnership for a special use permit to construct approximately 105,000 square feet of additional retail space and associated improvements at the existing Berkeley Commons Outlet Center, zoned B-1, General Business, located at 5715, 5717, and 5721 Richmond Road, further identified as Parcel Nos. (1-28) and (1-30) on James City County Real Estate Tax Map No. (33-1).

The Planning Commission, by a vote of 7-1, recommended approval of the application with deletion of Conditions 3, site lighting, and 6, public access easement. Staff recommended approval of the applications with those conditions included.

Mr. Sheldon Frank, Esq., of Anderson, Frank and Davis representing McArthur/Glen Realty Corporation, explained that the applicant supported the option approved by the Planning Commission.

Mr. Gerald Brown, 123 Queen Mary Court, representing Jehovah's Witness Kingdom Hall, also spoke in favor of that option.

Ms. Michelle Person, 149 Canterbury Run, Newport News, speaking for her parents James and Mary Johnson, 5739 Richmond Road, requested that her parents be notified regarding ownership and use of the driveway shared by the Johnson property, Minor Christian property, and Jehovah's Witness Kingdom Hall.

Mr. DePue requested a deferral of the case to allow time to resolve the driveway issue.

The Board briefly discussed that the issue regarding persons sharing the driveway to the property was irrelevant to the special use permit application.

Mr. DePue withdrew his request for deferral.

Mr. DePue made a motion to approve the resolution with striking of Condition 3, "All lighting on the site shall be sodium vapor and shall be 20 feet or less in height, except in bus parking areas."

Mr. Sisk suggested modifying Condition 3 to "more than 30 feet in height."

Mr. Edwards made a motion to reinstate Condition 3 and striking "shall be sodium vapor and."

Discussion ensued regarding control of lighting by height and other methods.

On a roll call for Mr. Edwards' motion, the vote was: AYE: Edwards (1). NAY: Magoon, Taylor, Sisk, DePue (4).

Mr. Home clarified that the Jehovah's Witness Kingdom Hall property was zoned B-1, therefore, the driveway would be a commercially zoned and commercially constructed entrance, and proffers would be unenforceable with changing circumstances to no access through adjoining property.

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

Mr. DePue made a motion to authorize the Chairman of the Board to execute the agreement incorporated with the resolution.

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

RESOLUTION

CASE NO. SUP-8-94. BERKELEY COMMONS OUTLET 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 June 21, 1994, recommended approval of Case No. SUP-8-94 by a vote of 7-1 to permit the construction of approximately 105,000 square feet of additional retail space at the Berkeley Commons Outlet Center located at 5715, 5717, and 5721 Richmond Road, further identified as Parcel Nos. (1-28) and (1-30) on James City County Real Estate Tax Map No. (33-1).

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-8-94 as described herein with the following conditions:

1. If construction on the project has not commenced within 24 months from the date of issuance of the special use permit, it shall become void. Commencement of construction shall be defined as the excavation, approved inspection of footings, and pouring of footings for any commercial buildings allowed under this permit.
2. The design and color of the buildings shall be similar to that of the buildings in the existing Berkeley Commons Shopping Center and shall be subject to approval by the Planning Director prior to final site plan approval.
3. All lighting on the site within 100 feet of adjacent property shall be directed away from adjacent property that is zoned residential.
4. An enhanced landscape plan with berming for the frontage area along the Richmond Road right-of-way shall be submitted for approval by the Planning Director.
5. The owner shall provide internal access from the property to any adjacent development built, owned or managed by owner, any of owner's principal's or any entity owned or controlled 20 percent or more by owner of any of its principals. If such adjacent development has alternative access to Richmond Road, then owner shall terminate the new proposed entrance shown on the Master Plan approved with this Special Use Permit.
6. There shall be a right-in turn lane and a right-out turn lane at the entrance to the property built to VDOT specifications.

Mr. DePue brought back Case No. SUP-14-94. Risha Lively Manufactured Home.

Mr. Anthony Conyers, Jr., stated that Ms. Reed's concerns had been resolved.

Mr. DePue closed the public hearing.

Mr. Taylor made a motion to approve the special use permit.

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

RESOLUTION

CASE NO. SUP-14-94. RISHA LIVELY - 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 leased by the applicant as described below and on the attached site location map.

Applicant: Risha Lively

Real Estate Tax Map ID: 21-4

Parcel No: 1-6

Address: 2584 Little Creek Dam Road

District: Stonehouse

Zoning: R-8

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 Standard.
3. The manufactured home shall be connected to the existing septic drainfield and well in accordance with Health Department requirements prior to occupancy.
4. The existing vegetative screen between the dwelling site and Little Creek Dam Road shall remain undisturbed for a depth of at least 20 feet, except for clearance of diseased or dying trees and windfalls.

4. Case No. SUP-16-94. Child Development Resources, Inc.

Mr. Michael A. Freda, Senior Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of Child Development Resources (CDR) Incorporated for a special use permit to allow development of an approximately 17,000 square foot child-care facility on 3.1 acres, zoned R-1, Limited Residential, located on the west side of Point-O-Woods Drive, approximately 900 feet north of the Croaker Road/Point-O-Woods intersection, further identified as Parcel No. (1-37) on James City County Real Estate Tax Map No. (13-4).

He further stated that the proposal was generally consistent with the Comprehensive Plan and surrounding development and zoning.

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

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

Mr. Sisk made a motion to approve the special use permit.

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

RESOLUTION**CASE NO. SUP-16-94. CHILD DEVELOPMENT RESOURCES, INC.**

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 9, 1994, unanimously recommended approval of Case No. SUP-16-94 to permit the development of a Child Development and Learning Facility in the R-1, Limited Residential district, on property identified as Parcel (1-37) on James City County Real Estate Tax Map No. (13-4).

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-16-94 as described herein with the following conditions:

1. If construction has not commenced on the project within 24 months from the date of issuance of the special use permit, it shall become void.
 2. Enhanced landscaping shall be provided along the western boundary of the site to buffer the adjacent residential uses. This buffer shall be 35 feet in width and provide an effective evergreen screen which shall be approved by the Director of Planning.
 3. The facility shall connect to public sewer when it becomes available to the site.
5. Transfer of \$1,200,000 from FY 95 Capital Reserve Fund to Capital Projects Shell Industrial Fund

Mr. John E. McDonald, Manager of Financial and Management Services, stated that development of an industrial shell building through a self-financing plan had been endorsed, and with increased activity on industrial building projects, the need for the building has accelerated.

Mr. McDonald explained that external financing had been considered, and that the County's financial advisor, Craigie, Inc., had recommended internal financing.

Staff recommended that the Board approve the resolution authorizing transfer of \$1,200,000 from FY 95 Capital Reserve Fund into the Shell Industrial Building Fund; that the Capital Reserve Fund be repaid by previously planned contributions in the County's Capital Improvement Program shell building fund over the next three fiscal years; and, that any residual savings and/or proceeds resulting from the successful negotiations on this project be set aside by the Board for a related economic development program such as an economic development revolving loan fund or as base funding for a second industrial shell building project.

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

Mr. DePue made a motion to approve the resolution.

The Board discussed apprehension in making budget decisions for future years and outside the parameters of the budget cycle; creation of opportunity for business negotiations to materialize; and, final business proposals for the project would require Board approval.

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

RESOLUTION

CAPITAL CONTINGENCY RESERVE FUND TRANSFER

WHEREAS, the Board of Supervisors of James City County, Virginia, ("Board") adopted an Economic Development Tactical Plan calling got for the development of a Shell Industrial Building; and

WHEREAS, the Board maintains a Capital Reserve Fund for unanticipated or accelerated capital projects spending; and

WHEREAS, investing these Capital Reserve funds in County economic development assets, until these funds are needed, is a creative and productive alternative.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following budget transfers be executed to accommodate spending for a shell industrial building project to be administered by the Industrial Development Authority of James City County, Virginia:

Transfer From:

Capital Reserve Fund \$1,200,000

Transfer To:

Shell Industrial Building Fund \$1,200,000

BE IT FURTHER RESOLVED that this budget transfer is to be considered an advance and shall either be repaid from the County's Capital Improvement Program in FY 1996 through FY 1998 and/or when the building is sold.

6. **Acquisition of Property/27.892 Acres, More or Less/Eva M. Hitchens, Owner**

Mr. Conyers stated that acquisition by condemnation of approximately 27.892 acres would create a public park with public recreational facilities behind Norge Elementary School. He further stated that no progress had been made in purchasing the property despite numerous attempts to contact the owner.

Staff recommended approval of the resolution.

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

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION**TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN
JAMES CITY COUNTY, VIRGINIA, FOR PUBLIC PURPOSES AND FOR CONSTRUCTING A
PUBLIC PARK IN JAMES CITY COUNTY, VIRGINIA**

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for the operation of a public park in James City County, Virginia, for public purposes and the preservation of the health, safety, peace, good order, comfort, convenience, morals, and welfare of James City County, Virginia; and

WHEREAS, a public hearing was held August 15, 1994, pursuant to Section 15.1-238 E of the Code of Virginia, 1950, as amended, on the proposed acquisition.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board declares it desirable to acquire the property and hereby declares that a public necessity therefore exists and the Board further finds as follows:

1. The County Attorney and/or the law firm of Randolph, Boyd, Cherry & Vaughan, be, and they are hereby authorized and directed to acquire in the manner provided by Section 15.1-236 et. seq. of the 1950 Code of Virginia, as amended, and by Section 25-46.1 et. seq. of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto, for public purposes and for the operation of a public park with public recreational facilities and playgrounds in the County of James City.
2. The County Administrator is authorized and directed to act for, and on behalf of, the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the just compensation as set out in Section 4 of the Resolution which has been authorized.
3. The name of the present owner of the property to be acquired as provided in Section 1 of this Resolution together with a substantial description of the parcel is as follows:

Eva M. Hitchens

27.892 acres of land, more or less, in James City County, Virginia, identified as Tax Parcel (23-2)(1-30A) and located adjacent to Norge Elementary School as shown on a copy of the James City County tax map attached hereto and made a part hereof.

4. The amount estimated as necessary to compensate the owner of the above-described parcel for said land and within which the County Administrator is authorized to agree with the landowner is Two Hundred Thousand and no/100 Dollars (\$200,000.00).
5. The County Attorney and/or the law firm of Randolph, Boyd, Cherry & Vaughan, shall notify the property owners of the compensation and damages by the County forthwith on or before September 14, 1994.

- 6. That in the event of the property described in Section 3 of this Resolution has been conveyed, the County Attorney and/or the law firm of Randolph, Boyd, Cherry & Vaughan, are authorized and directed to institute proceedings against successors in title.
- 7. That this Resolution shall be in effect from the date of its passage.

H. BOARD CONSIDERATIONS

2. Memorandum of Agreement (Recycling) - City of Williamsburg

Mr. Larry M. Foster, General Manager, James City Service Authority, stated the agreement established terms for the use of the Tewning Road recycling facility by City of Williamsburg businesses, provided that the City paid capital costs associated with installation of compactor and reimbursed the County a pro rata share of costs of providing the recycling opportunity based on City versus County usage.

Mr. Edwards made a motion to approve the resolution.

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

The Board applauded this agreement for regional cooperation.

RESOLUTION

MEMORANDUM OF AGREEMENT (RECYCLING) - CITY OF WILLIAMSBURG

WHEREAS, the County of James City and the City of Williamsburg desire to enhance the recycling program available to small businesses; and

WHEREAS, the City has agreed to participate in the costs of operating and modifying the Tewning Road Convenience Center to allow small businesses located in the City to use the facility.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the attached Memorandum of Agreement establishing the terms for businesses in the City of Williamsburg for use of the Tewning Road Convenience Center.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman recommended the Board go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Magoon asked staff to review the lighting requirements of the Zoning ordinance.

Mr. Taylor asked about the status of Mr. Alfred Jackson's request of possible creation of a family subdivision on Berkeley Town Road.

Mr. Horne responded that staff had informed Mr. Jackson of the required paperwork to accomplish his request.

Mr. Magoon applauded Mr. Conyers on comments made in the recent newspaper article regarding Neighborhood Connections.

Mr. Sisk and Mr. Taylor commended staff and community for their efforts for the successful James City County Fair held at Upper County Park on August 13, 1994.

Mr. DePue commended the Police Department for reaccreditation of its professional standards.

Mr. Magoon stated that deer management and the Firearms ordinance were discussed at a recent meeting in Kingspoint.

Mr. DePue declared a Board recess for a James City Service Authority meeting, at 10:20 p.m.

Mr. DePue reconvened the Board into open session and made a motion to go into executive session as recommended by the County Administrator, at 10:30 p.m.

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

Mr. DePue reconvened the Board into open session at 10:48 p.m. and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: August 15, 1994

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. DePue made a motion to appoint Susan Myers to an unexpired term on the Clean County Commission, term expiring 2/4/97; to appoint Howard Mason to a 3-year term on the Colonial Services Board, term expiring 6/30/97; to reappoint Phoebe Harcum to a 3-year term on the Colonial Services Board, term expiring 6/30/97; to appoint Alvene Conyers, Dorsey Bodeman and Grant Mouser to unexpired terms on the Historical Commission, terms expiring 8/31/97, 8/31/95 and 8/31/95, respectively; to appoint Edythe Stewart to a 3-year term on Peninsula Agency on Aging, effective 9/30/94, term expiring 9/30/97; to appoint Richard Miller to an unexpired term on the Peninsula Emergency Medical Services Council, term expiring 10/31/95; and, to appoint Donald Eide to the Social Services Advisory Board for a 4-year term, term expiring 7/1/98.

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

Mr. Taylor made a motion to adjourn.

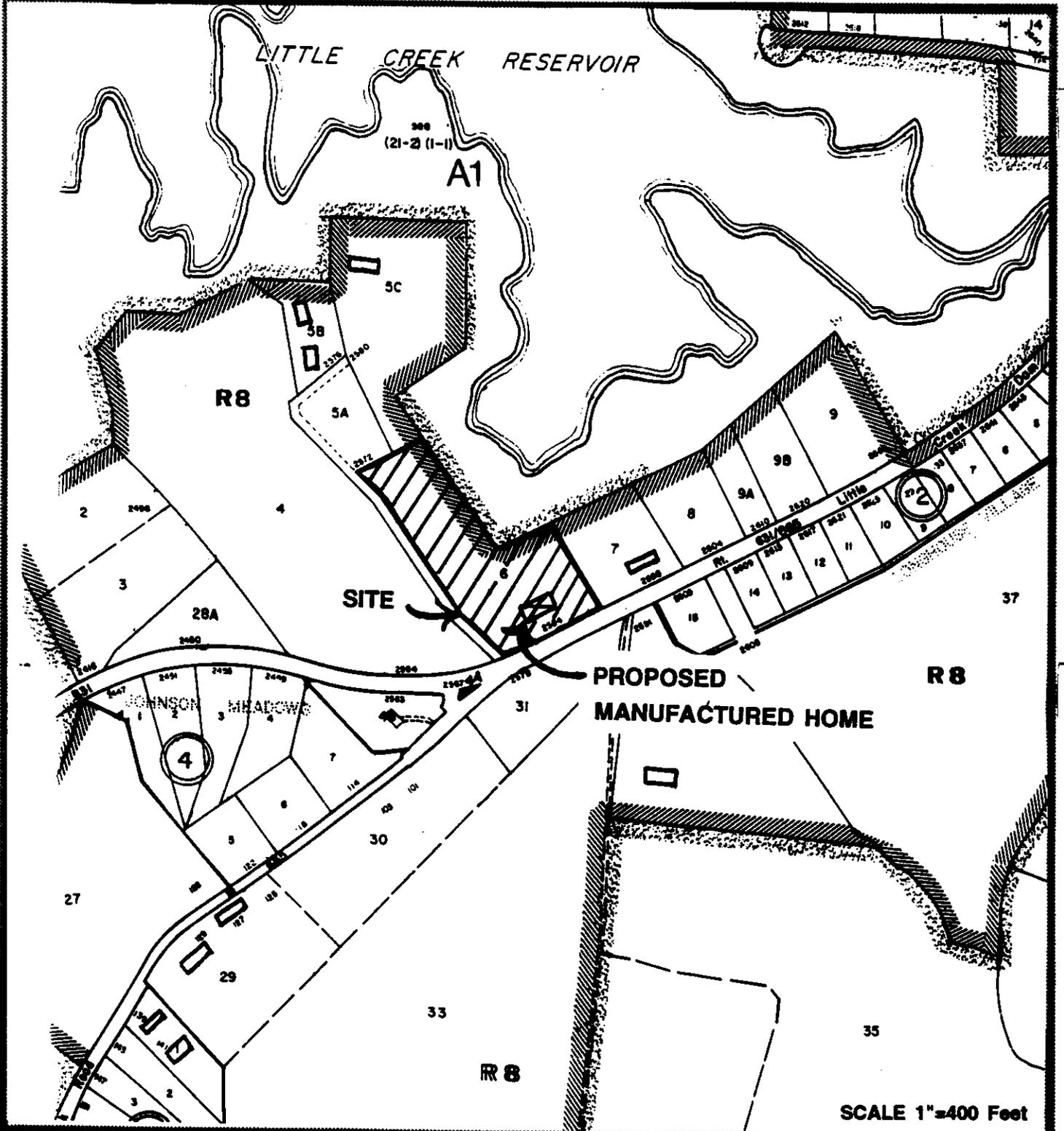
On a roll call, the vote was: AYE: Magoon, Edwards, Taylor, Sisk, DePue (5). NAY: (0).

The Board adjourned at 10:49 p.m.



David B. Norman
Clerk to the Board

81594bos.min



Case No: **SUP-14-94**

Name : **Risha E. Lively Manufactured Home**

 Existing Manufactured Homes

 Proposed Manufactured Home



PLANNING DIVISION

MEMORANDUM OF AGREEMENT

The Memorandum of Understanding is made this _____ day of _____, 1994,
between JAMES CITY COUNTY ("County") and the CITY OF WILLIAMSBURG ("City").

RECITALS

- A. The County and City operate recycling programs to serve their respective communities that provide recycling opportunities for aluminum, glass, newsprint, corrugated paper, plastics, and bi-metal cans. Williamsburg Recycling recently ceased the operation of a private recycling business on Mooretown Road, eliminating an alternative for recycling materials for small businesses in the community.

- B. The County operates a Solid Waste Convenience Center on Tewning Road ("Center") that provides solid waste disposal and recycling opportunities to County residents. An evaluation of the Tewning Road Convenience Center indicates that it can be modified, at a modest cost, to accommodate the recycling needs of small businesses in both the City and the County.

- C. The County and City are interested in pursuing this recycling effort and establishing the terms of participation.

NOW, THEREFORE pursuant to Section 815.1-21 of the Code of Virginia (1950) as amended, the City and County, through this Memorandum of Agreement, define their responsibilities for the costs of modifications and operation of the Tewing Road Convenience Center to make the Center available for use by small businesses in each community.

1. **Operation:** The County will establish the hours and operate the Center. The City will be notified, in writing, of any change in hours. Every effort will be made to establish convenient hours for the operation of the facility.
2. **Capital Costs:** The County will be responsible for managing the Center modifications to accomplish the expansion of service to accommodate small businesses. The City will reimburse the County the capital costs, not to exceed \$5,000, incurred in modifying the Center to accommodate the planned service improvements. Capital costs associated with the project will generally include, but are not limited to, electrical modification to serve a corrugated cardboard compactor, installation of a concrete pad to serve the compactor, and a minor relocation of the security fence.
3. **Center Users:** Small businesses from the City and residents and small businesses from the County will be allowed to use the Center. No fee for recycling will be charged users. A small business shall, for the purposes of this Agreement, be defined as a business which is unable to provide for its use a minimum size 6-cubic yard commercial recycling container due to zoning restrictions, space limitations, or

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because it is part of a group of businesses, such as a "shopping center," for which centralized solid waste collection is provided.

4. **Operating Costs:** The City will reimburse the County on a quarterly basis within 45 days of receipt of an invoice for its share of the operating costs, including, but not limited to, repair costs. The operating costs associated with the facility will be shared as follows:

Refuse Disposal: 100% County's Expense
 Recycling: Pro rata share based on percentage of users

The City will be assessed its share of personnel costs based on the percentage of users of the recycling service. To make such determination that total personnel costs shall first be allocated between trash services and recycling services based on total usage of each service. The resulting recycling percent shall then be allocated between City and County based on relative usage of recycling service.

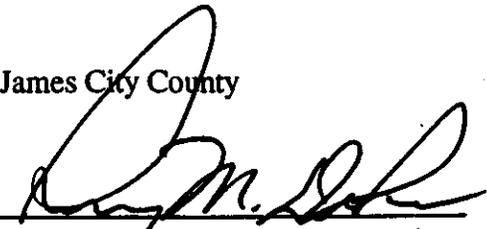
Example:	- Monthly Personnel Costs	\$3,000
	- Monthly Solid Waste Users = 200	2,000
	- Monthly Recycling Users = 100	1,000
	- Recycling Costs	\$1,000
	- Number of Recycling Users	

for Williamsburg = 25

- Williamsburg Share of Personnel Costs \$250
- Williamsburg Share of Operating Costs
for Recycling other than Personnel 25%

5. TERMINATION: Either party may terminate this Agreement with a 90-day written notice to the other party.

James City County

By: 
Chairman/Board of Supervisors

ATTEST:

Masi Lou Smith

Date: 8/15/94

City of Williamsburg

By: 
Mayor CITY MANAGER

ATTEST:

Lois S. Bodev

Date: 9-15-94