

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF OCTOBER, NINETEEN HUNDRED NINETY-SIX, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

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

B. WORK SESSION

1. Residential Solid Waste Collection

Mr. Sisk welcomed Mr. Greg Daniels, Intern Assistant to the County Administrator, who presented a project overview with four alternatives for funding of the project and a recommendation to establish a collection system with one contractor providing service to the entire County funded through an increase of 5 cents on the real estate tax rate.

Discussion by Board and staff followed.

Mr. Sisk recessed the Board at 6:05 p.m. for dinner.

Mr. Sisk reconvened the Board into open session at 7:03 p.m.

C. PUBLIC COMMENT

1. Potential Uses of Warhill Property

Mr. John T. P. Horne, Manager, Development Management, gave a brief presentation and showed slides of the Warhill property acreage.

Mr. Sisk invited comments from the audience.

1. Ms. Laura Stein-Stapleford, 21 Whittaker's Mill, spoke in favor of soccer fields which could be used for the Labor Day Williamsburg Soccer Club Tournament that would help produce more revenue for the County.

2. Mr. John Hile, 2736 Linden Lane, stated an excellent use of the land would be athletic fields for youth.

3. Mr. Richard Butler, 429 Scotland Street, No. 2, Director of Coaching of Williamsburg Soccer Club, stated more children are becoming involved in sports and recommended the tract to be used for athletic facilities.
4. Mr. Bob Hershberger, 100 Tutter's Neck, spoke in favor of using the land for a municipal golf course to allow residents to play locally and which would have potential for a positive source of revenue.
5. Mr. Norman Beatty, 124 Kingspoint, spoke of importance to preserve the scenic and historic nature of the community with development as suggested by speakers.
6. Mr. J. Carey Minor, 4 Corbin Close, stated that golf was a fast-growing sport with youth nationwide and spoke in support of a municipal golf course.
7. Mr. Ed Overton, County Extension Agent, suggested the concept of an agricultural park and learning center, horticultural and forestal activities and a location for festivals and the James City County Fair.
8. Mr. Sisk read excerpts of a letter from Mr. Andy Bradshaw, who could not attend the meeting. Mr. Bradshaw encouraged community garden plots, agricultural museum, heritage garden, new site for Farmer's Market, greenhouses, berry farm, etc.
9. Mr. Ed Oyer, 139 Indian Circle, suggested the County should retain the land and sell at a later date because the suggested uses of athletic fields and municipal golf would not produce positive resources.
10. Mr. Bob Behncke, 108 Blair Court, stated that the Williamsburg Soccer Club would be willing to supply funds and expertise in building and managing the administration of soccer fields in partnership with James City County.
11. Mr. Max Runager, 25 Bray Wood, spoke in support of the soccer fields for interest of County youth, and for location of the Labor Day tournament teams at one facility.
12. Mr. Richard Costello, 10020 Sycamore Landing, stated support for athletic fields that could be used by students of Lafayette High School because of the close proximity of the property to the school.
13. Mr. DePue stated he had received correspondence from Mr. O. E. Thomas of the Pepper Bird Foundation, who is assisting the Powhatan Society in its search for a 5-10 acre site for a museum dedicated to native American tribes in Virginia.

Mr. DePue asked about the status of a municipal golf course request for proposal.

Mr. Sanford B. Wanner, County Administrator, stated that a request for proposal would be forthcoming within the next couple of weeks.

Mr. DePue asked the Williamsburg Soccer Club members to document a proposal of volunteer service and financial contribution; Ms. Stein-Stapleford presented a draft proposal to Mr. DePue.

Mr. Magoon asked citizens for further input.

Mr. Edwards stated that proposing uses for the property would not resolve the major question of allocating resources.

Mr. Sisk stated that the Board would consider all suggestions.

**D. MINUTES - September 16, 1996 - Special Meeting
September 24, 1996 - Regular Meeting**

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

Mr. Sisk made a motion to approve the two sets of minutes.

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

E. CONSENT CALENDAR

Mr. Sisk asked if a Board member wished to remove or add any items on the Consent Calendar.

Mr. Wanner noted a change on page 21, Item 4 in the agenda book.

Mr. Sisk made a motion to approve the Consent Calendar with the amended page on Item 4.

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

1. Fall River Renaissance Campaign

RESOLUTION

FALL RIVER RENAISSANCE CAMPAIGN

WHEREAS, the Commonwealth of Virginia is blessed with abundant rivers and other waters that provide sustenance to citizens, communities, and businesses for quality of life and prosperity; and

WHEREAS, such rivers and waters are vital natural resources, providing benefits to fish and wildlife and their habitats; opportunities for outdoor recreation enjoyed by Virginians and visitors; and

WHEREAS, the James City County Girl Scouts and Boy Scouts have cleaned debris from the Colonial Parkway and participated in Nationwide Clean Waterways of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize September 21, 1996, through October 19, 1996, as Fall River Renaissance campaign and urges all County citizens, businesses and organizations, public and private, to observe and participate in this campaign to conserve and enhance the rivers and waters located in James City County, Virginia.

2. AIDS Walk Week**RESOLUTION****AIDS WALK WEEK**

- WHEREAS, the disease called Acquired Immune Deficiency Syndrome (AIDS) continues to spread despite the best efforts of public and private health, education, and human resources agencies; and
- WHEREAS, AIDS represents a substantial risk to the health, safety and general welfare of citizens and places a greater strain on the health and public assistance capabilities of this community; and
- WHEREAS, the Hampton Roads AIDS Walk for Life has played an integral part in our region's service to persons afflicted with HIV/AIDS and to those close to home and has disbursed funds to agencies that provide medical and other assistance.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim Monday, October 28, 1996, through Sunday, November 3, 1996, AIDS Walk Week and urges all to support the 1996 Hampton Roads AIDS Walk for Life.

3. Police Mutual Aid Agreement**RESOLUTION****POLICE MUTUAL AID AGREEMENT**

- WHEREAS, James City County has entered into a Police Mutual Aid Agreement with Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach; and
- WHEREAS, the County of Gloucester is desirous of being added to the jurisdictions covered by the earlier agreement; and
- WHEREAS, it is possible that in the future additional localities will wish to join.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes the County Administrator to execute Police Mutual Aid Agreements upon recommendation of the Chief of Police of James City County.

4. Newport News/James City County. Revised Memorandum of Understanding Regarding King William Reservoir Project

RESOLUTION

REVISED MEMORANDUM OF UNDERSTANDING REGARDING

THE KING WILLIAM RESERVOIR PROJECT

WHEREAS, James City County entered into a Memorandum of Understanding on March 12, 1996, with the City of Newport News providing the terms for participation in the King William Reservoir project; and

WHEREAS, if permitted by the appropriate Federal agencies, the Reservoir will provide a substantial amount of the raw water needed to meet County demands through the year 2040; and

WHEREAS, Newport News has submitted a revised Memorandum of Understanding providing the terms for the County to obtain 4.0 million gallons per day of raw water from the King William Reservoir.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve the attached Memorandum of Understanding regarding the King William Reservoir and authorizes the County Administrator to sign the agreement.

F. PUBLIC HEARINGS

1. Case No. SUP-28-96. H. B. Frazier, Jr. Replacement Manufactured Home

Mr. John Patton, Development Management Technician, stated Mr. H. B. Frazier had applied for a special use permit to allow replacement of a manufactured home in R-2, General Residential, located at 6137 Mooretown Road, further unidentified as Parcel No. (1-10) on James City County Real Estate Tax map No. (33-1).

Mr. Patton gave a brief description of zoning violations pertaining to manufactured homes and building permits issued for this property.

Staff recommended denial for reasons that a special use permit would be a land use grant and not for the current owner or resident, and would establish the nonconforming status of the manufactured home. Mr. Patton stated a resolution had been prepared with recommended conditions should the Board grant the special use permit.

Mr. Sisk continued the public hearing.

1. Mr. H. B. Frazier, Jr., 6137 Mooretown Road, contradicted statements made in the staff memorandum to the Board of Supervisors. He distributed letters of support from adjacent neighbors in the Raintree subdivision.

2. Mr. Ben Frazier, 6178 Centerville Road, stated Cadel Frazier receiving public aid assistance would be negative since she has property and a home, and disagreed with staff that owners of property could not be contacted.

3. Ms. Eunice Taylor, 6171 Mooretown, spoke in support of Cadel Frazier living in the manufactured home.

4. Ms. Virginia Frazier, 6199 Mooretown, spoke in support of Cadel Frazier and children living in the manufactured home.
5. Ms. Marion Taylor, 6219 Mooretown, stated that manufactured homes had been on the site for many years.
6. Mr. Melvin Jenkins, 38 Jan Rae Circle, stated that he lived in the manufactured home from 1968-71.
7. Ms. Cadel Frazier, daughter of Mr. H. B. Frazier, Jr., stated that if the special use permit was denied, she would have to pay a percentage of Section 8 housing, but pay nothing for the manufactured home. She was not in favor of the conditions of landscaping and gravel driveway listed in the resolution.

Mr. Ronald Cunningham, 121 Raintree Way, stated that he had talked to neighbors and there was no problem having the manufactured home on the lot.

Mr. Sisk closed the public hearing.

Mr. DePue summarized the details of the special use permit and the standard requirements of driveway construction for emergency safety purposes and landscaping. He noted the the Police Department report on activities at the address which included the ball park and commended the family for supporting the need for housing.

Mr. DePue suggested that a three-year time limit be added as a condition to the special use permit to require standard landscaping and construction of a driveway for safety purposes, and to review that the residence was being used by a family member and not as a rental.

Mr. DePue made a motion to add a condition of a three-year time limit in the resolution.

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

RESOLUTION

CASE NO. SUP-28-96

H. B. FRAZIER JR. REPLACEMENT 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:	Hezekiah B. Frazier, Jr.
Real Estate Tax Map ID:	(33-1)
Parcel No:	(1-10)
Address:	6137 Mooretown Road

- District: Powhatan
- Zoning: R-2, General Residential
- Conditions:
1. This permit shall be valid only for the manufactured home described in the application. 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 six months 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 public sewer and water in accordance with JCSA service requirements prior to occupancy.
 4. A driveway consisting of, at a minimum, an all weather surface of rock, stone, or gravel, with a minimum depth three inches and a minimum width of ten feet shall be constructed from Mooretown Road to within ten feet of the manufactured home. This shall be completed and inspected prior to a Certificate of Occupancy being issued for the manufactured home.
 5. A landscaping plan shall be submitted to the Planning Director for his approval and the approved landscaping shall be installed prior to occupancy.
 6. This permit shall be valid until October 8, 1999.

2. Case No. Z-21-95. Warhill Master Plan

Mr. Gary A. Pleskac, Planner, stated that Mr. Vernon Geddy, III, had applied on behalf of TMB Service Corporation to rezone 67.7 acres north of the Virginia Power easement from B-1, General Business (34 acres) and M-1, Limited Business/Industrial (33.7 acres), to Planned Unit Development-Commercial (PUD-C), with proffers, located generally southwest of Richmond Road/Centerville Road intersection and north of the Virginia Power easement, further identified as Parcel No. (1-57) on James City County Real Estate Tax Map No. (32-2).

Mr. Pleskac stated the applicant had requested deferral until the October 23, 1996, Board of Supervisors' meeting to review Virginia Department of Transportation comments recently received. Staff concurred with the request.

Mr. Sisk opened the public hearing and continued the public hearing until the October 23, 1996, Board of Supervisors' meeting.

G. BOARD CONSIDERATION1. Case Nos. Z-7-96 and MP-3-96. Governor's Land Master Plan Amendment (Deferred from 9/24/96)

Mr. Pleskac stated that the cases had been deferred from the September 24, 1996, Board of Supervisors' meeting and that the applicant, Mr. Vernon M. Geddy, III, had requested deferral until the October 23, 1996, meeting to allow time to confer with his client. Staff concurred with the request.

Mr. Geddy requested that Parcel No. (1-9) consisting of 16 acres be reinstated for consideration under Z-7-96 and MP-3-96.

Mr. Sisk declared a deferral of the cases until the October 23, 1996, Board of Supervisors' meeting.

H. PUBLIC COMMENT

1. Mr. H. B. Frazier, Jr., thanked the Board for approval of his case, and explained that he could not control activities at the ballfield.

2. Ms. Marion Taylor stated that the last reported police activity was on Mooretown Road and not at the ballfield.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner advised the Board of the County's receipt of a corporate dividend pro-rated share in the amount of \$3,250.00 from the board of directors of James River Development Corporation.

Mr. Wanner recommended the Board go into executive session pursuant to Section 2.1-344(A)(7) of the Code of Virginia to consider acquisition of a parcel of property.

J. BOARD REQUESTS AND DIRECTIVES - None

Mr. DePue made a motion to go into executive session as recommended by the County Administrator, at 8:58 p.m.

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

Mr. Sisk reconvened the Board into open session at 9:23 p.m.

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

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

RESOLUTION

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. Sisk made a motion to recess until 5:00 p .m., October 23, 1996, for a work session on Route 5/Route 199/Williamsburg Crossing.

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

The Board recessed at 9:24 p.m.


Sanford B. Wanner
Clerk to the Board

Newport News/James City County
Memorandum of Understanding

THIS MEMORANDUM OF UNDERSTANDING, made this 8th day of October, 1996, by and between the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia, ("County") and the CITY OF NEWPORT NEWS, VIRGINIA, a municipal corporation of the Commonwealth of Virginia, ("City").

WHEREAS, County has identified the need for up to an additional four (4) million gallons of water per day to meet the County's water demands in areas of the County outside of the current Newport News Waterworks retail service area through 2040; and

WHEREAS, City and County desire to cooperate to secure new surface water supplies for the region; and

WHEREAS, City, in conjunction with the Regional Raw Water Study Group, has filed an application with the U. S. Army Corps of Engineers for a permit to construct a water supply reservoir in King William County on Cohoke Mill Creek; and

WHEREAS, if a King William Reservoir Project of sufficient yield can be permitted and constructed in a timely manner, County desires to obtain the rights to a four (4) million gallon per day supply of raw water from this project; and

WHEREAS, City owns and operates a system of water supply reservoirs within James City County, and City and County desire to cooperate to ensure appropriate protection of these reservoir watersheds;

WHEREAS, City and County entered into a Memorandum of Understanding dated February 27, 1996 for the purpose of reserving for the County exclusive use of a two (2) million gallon per day supply from the King William Reservoir Project; and

WHEREAS, through a greater reliance on use restrictions which will be imposed during conditions of high demand and severe drought, the City believes that the entire four (4) million gallon per day supply desired by the County can be reserved.

NOW, THEREFORE, the County of James City and the City of Newport News do hereby mutually agree as follows:

A. County's Support for the King William Reservoir Project:

County agrees to cooperate with and support City and the Regional Raw Water Study Group in their efforts to obtain state and federal permits required to construct a water supply impoundment on Cohoke Mill Creek, to allow associated river withdrawals, and to construct transmission pipelines for the movement of water to and from the reservoir.

B. Reservation of Water:

Subject to the receipt of the necessary federal, state, and local permits for construction of a reservoir on Cohoke Mill Creek and a river pump station on the Mattaponi River which generates a total treated water safe yield capacity of no less than twenty-six (26) million gallons per day, City shall reserve for the exclusive use of County a four (4) million gallon per day supply of raw water. This four (4) million gallon per day supply shall be for the use of County to meet the water demands of its citizens in areas of the county outside of the current Newport News direct Waterworks retail service area. If a reservoir project is permitted with a total treated water safe yield expectation of less than twenty-six (26) million gallons per day, the City shall reserve for the exclusive use of County a two (2) million gallon per day supply of raw water and shall offer the County the right of first refusal for up to an additional two (2) million gallons per day of any supply which is surplus after the needs of the City of Williamsburg and the City of Newport News are satisfied. County, in addition to the aforementioned reservation of rights for up to four (4) million gallons of raw water per day from the King William Reservoir, shall have the option of participating on a proportional basis in any future expansion of project capacity beyond a treated water

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safe yield capacity of twenty-six (26) million gallons per day upon such terms and conditions as shall be agreed upon at that time.

C. Future Project Development Agreement:

It is the intention of City and County within twelve (12) months of the issuance by the U. S. Army Corps of Engineers of a Section 404 permit for the construction of the King William Reservoir and associated Mattaponi River pumping station to enter into a Project Development Agreement setting out the terms and conditions upon which City and County shall cooperatively pursue the design, construction and operation of the King William Reservoir. The provisions of this Project Development Agreement shall be consistent with and shall not interfere with City's obligations under its project development agreement with King William County. It is understood that City shall own and operate project facilities and shall guarantee through a contract the delivery of water to County at whatever location County shall designate. County shall bear the cost of any special purpose infrastructure required to transport the water to its designated location. The term of such Project Development Agreement shall be concurrent with the term of City's King William County Project Development Agreement, which is for fifty (50) years and is subject to automatic renewal for an unlimited number of additional twenty-five (25) year terms.

D. Allocation of Project Development Costs:

Under the Project Development Agreement to be entered into in accordance with Section C above, County shall share in project development costs on a pro rata basis equivalent to County's water reservation as a proportion of the total permitted project safe yield less the host jurisdiction allocations of three (3) million gallons per day of raw water to King William County, one (1) million gallons per day to New Kent County, and any additional host jurisdiction allocations to which City may subsequently agree

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in order to secure local approvals. The project development costs shall include planning, permitting, land acquisition, legal expenses, design services, wetland mitigation, and construction costs associated with the common facilities to withdraw, store, and transmit water to City's existing raw water system. County shall receive a credit against these project development costs for all contributions made by County while a member of the Regional Raw Water Study Group, and \$750,000 expended by County, related to the prior identification and documentation of the feasibility and environmental impacts of the Ware Creek Reservoir alternative. City shall amortize these project development costs over a period of thirty (30) years and shall bill County for its net annual share in equal quarterly installment payments. County shall be responsible for the full capital costs of any project facilities required solely for the delivery and treatment of its reserved water. The time when such payments shall begin and end shall be established in the Project Development Agreement.

E. Operational and Maintenance Expenses:

City and County recognize that certain on-going expenses will be associated with the operation of project facilities and the delivery of water to County. These expenses include the operation, maintenance and replacement of the reservoir, pumping and pipeline facilities, the maintenance of wetland mitigation areas and taxes or other host jurisdiction payments. These operating and maintenance expenses shall be pro rated to project participants on the same basis as development costs. County shall be responsible for the full operating and maintenance expenses of any project facilities required solely for the delivery of its reserved water.

F. Commitment to Water Conservation:

City and County recognize that the sufficiency of the yield of the King William Reservoir - Mattaponi River withdrawal project is predicated upon the implementation

of an appropriate water conservation management plan by each jurisdiction receiving water from the project. County agrees to adopt a water conservation management plan similar to City's adopted plan, within twelve (12) months of the issuance by the U.S. Army Corps of Engineers of a Section 404 permit for the project. The plan shall incorporate triggers for levels of use restrictions appropriate for the County's groundwater based water supply system and appropriate means of enforcement. Upon completion of the King William Reservoir project, County agrees to adopt a revised plan which shall incorporate use restriction triggers to be set for the King William Reservoir. County agrees to enforce use restrictions on its customers for the duration of drought triggering conditions in a similar fashion to City.

G. Exchange of Technical Information:

City shall make available to County, upon request, all engineering and technical information generated by staff and consultants for the purpose of obtaining permits for the King William Reservoir Project. County agrees to provide City, upon request, any technical information regarding its water system and water demands as may be necessary or useful for permitting and design purposes. City agrees to perform and initially pay for any studies or analyses of County's water situation which may be needed for permitting purposes although such expenses shall be considered project development costs to be allocated in accordance with Section D.

H. Watershed Protection for City Reservoirs:

City owns and operates three reservoirs on Diascund Creek, Little Creek and Skiffe's Creek, respectively, which have watershed areas within County. In recognition of the importance of maintaining the water quality in these supply reservoirs, County agrees to adopt, within twenty-four (24) months of execution of this Memorandum, a Reservoir Protection Overlay District for the watersheds of each of the three reservoirs.

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The purpose and intent of establishing the Overlay District is to impose special requirements in addition to and in conjunction with the regulations of the principal Zoning Districts in which the water supply reservoirs are located and other County ordinances to minimize degradation of these water supply reservoirs as a result of operating or the accidental malfunctioning of the use of land or its appurtenances within the drainage areas of such water sources.

I TERMINATION OF FEBRUARY 27, 1996 MEMORANDUM OF UNDERSTANDING:

This Memorandum of Understanding expressly supercedes and replaces the prior Memorandum of Understanding between the parties dated February 27, 1996, which shall hereafter be null and void.

APPROVED AS TO FORM:

JAMES CITY COUNTY

By: [Signature]
County Attorney

By: [Signature]
County Administrator

APPROVED AS TO FORM:

CITY OF NEWPORT NEWS

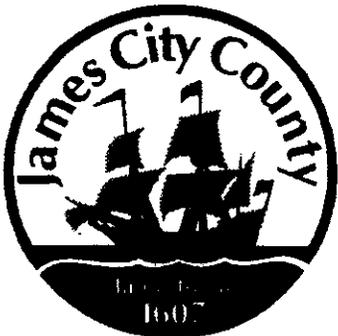
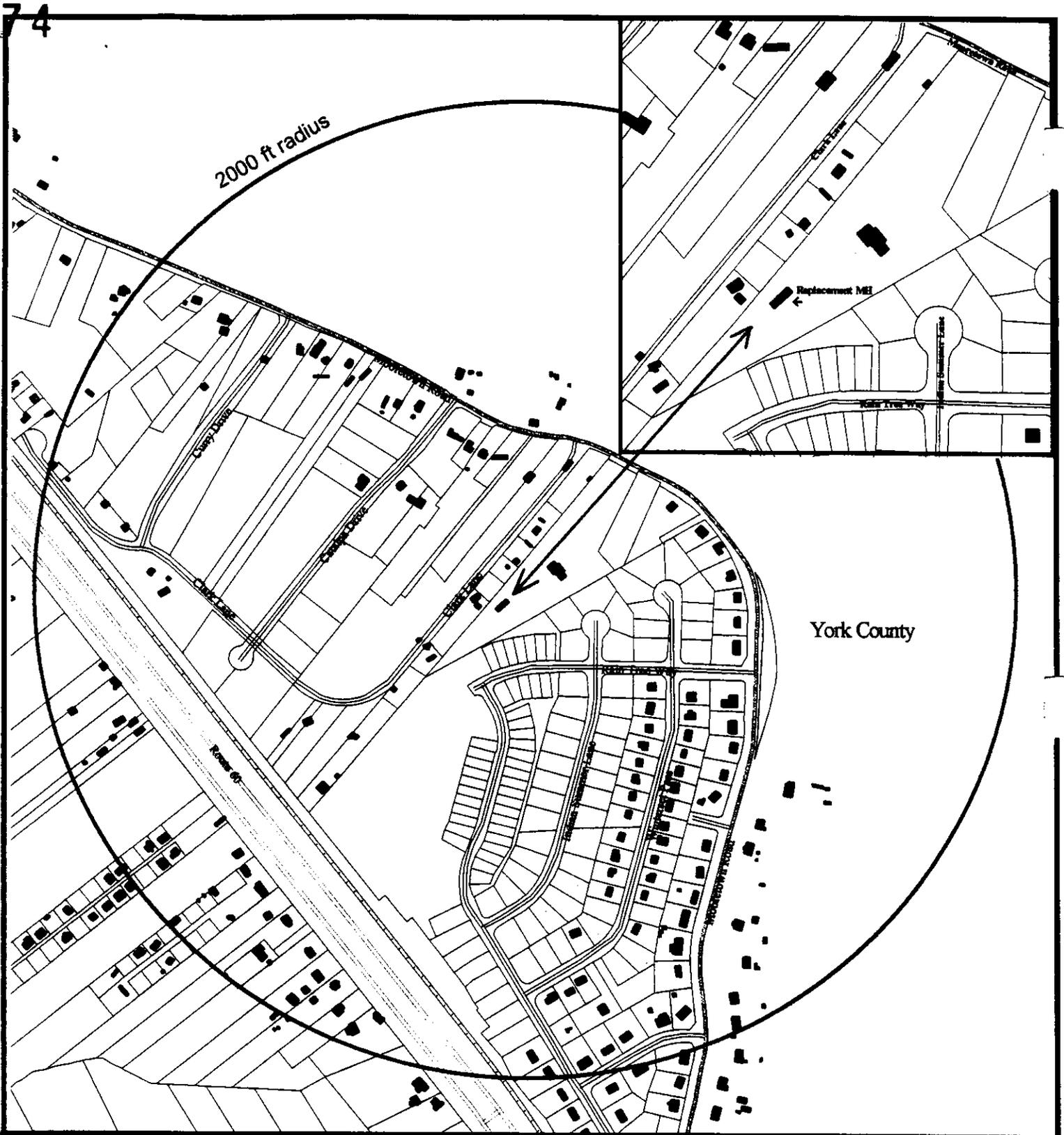
By: [Signature]
City Attorney

By: [Signature]
City Manager

ATTEST:

By: [Signature]
City Clerk

kdk1754



SUP-28-96
H. B. Frazier Jr.
Replacment Manufactured Home

