

October 9, 1978

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNT'S BAY ROAD, JAMES CITY COUNTY, VIRGINIA, ON THE NINTH DAY OF OCTOBER, NINETEEN HUNDRED SEVENTY-EIGHT.

A. ROLL CALL

Mr. Jack D. Edwards, Chairman, Berkeley District  
 Mr. Stewart U. Taylor, Vice Chairman, Stonehouse District  
 Mr. John E. Donaldson, Jamestown District  
 Mr. Abram Frink, Jr., Roberts District  
 Mr. David W. Ware, Jr., Powhatan District

Mr. James B. Oliver, Jr., County Administrator  
 Mr. John W. Watkins, Assistant to the County Administrator  
 Mr. Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Frink motioned for approval of the minutes of the meeting of September 25, 1978. The motion carried by unanimous roll call vote.

C. SETTING PUBLIC HEARING DATE

CASE No. Z-4-78. Consideration of an amendment to the James City County Zoning Map to eliminate the "p", Public classification and to rezone all property presently designated "p".

Parcel 13. United States Government, National Park Service, Jamestown Island: Approximately 1,474 acres identified on James City County Real Estate Tax Map 31-20 to be rezoned to A-2, Limited Agriculture.

Parcel 13A. Association for the Preservation of Virginia Antiquities, Jamestown Island: Approximately 26 acres identified on James City County Real Estate Tax Map 31-20 to be rezoned to A-2, Limited Agriculture.

CASE No. Z-13-78. Consideration of an ordinance to amend the James City County Code, Zoning, Section 20-2, Definitions. This ordinance will redefine "a family".

Mr. Oliver asked if there were any objections to setting the public hearing date for November 13, 1978. There being no objections, the public hearings were set for that date.

D. PUBLIC HEARINGS

1. CASE No. Z-7-78 - Amendments to Agricultural, General District, A-1, and Agricultural, Limited District, A-2, and Residential Districts R-1, R-2 and R-3.

Mr. Oliver called on Mr. William C. Porter, Jr., Director of Planning, who stated that the changes proposed are due to determinations of the Subdivision Review Committee, the Planning staff and the Health Department and are based on health requirements and planning principles.

Mr. Porter stated that under the A-1 District, the zoning ordinance requires 20,000 square feet for lots served with individual water and septic systems, restricting the installation of an auxiliary drainfield if the primary system fails. Therefore, Mr. Porter said, 30,000 square feet is proposed to allow for the installation of an auxiliary septic system. Lots served by individual water distribution and sewage disposal systems should have a minimum area of 30,000 instead of 20,000 square feet, Mr. Porter said.

Mr. Edwards opened the meeting to public hearing.

Mr. R. M. Hazelwood, Jr. of Stonehouse District said he had spoken on this matter previously and felt the cost of lots would increase. Mr. Hazelwood said he felt it was economically impossible for residents to own two or three acres, that this would take them out of the housing market and future lot prices would be unpredictable. He said increasing the lot size would create a hardship on developers and would take them out of one phase of building.

Dr. Gordon Bell of the Health Department said the Health Department is interested in seeing that the people who buy property take care of their sewer disposal in a way that will allow them to live on the property for some time. Dr. Bell said temporary solutions are not the answer and that many of the rules were written before household conveniences such as dishwashers and washing machines existed.

Dr. Bell then showed a 10-minute film concerning septic tank problems.

Mr. Edwards asked if anyone else wished to speak in the public hearing. No one wishing to speak, Mr. Edwards closed the public hearing.

A discussion followed and Mr. Donaldson requested delaying the matter until the next meeting. There being no objections, the matter was tabled to the October 23, 1978 meeting.

## 2. CASE No. SUP-3-78. Garden of Children, Ltd.-Special Use Permit

Mr. Porter presented this matter, stating that the site is proposed to be on Strawberry Plains Road frontage of the St. George Grinnan property and will consist of two acres, to be used as a child care center for children between the ages of 2 and 10.

Mr. Edwards opened the matter to public hearing.

Mr. Key Compton of the Williamsburg Real Estate Office introduced Miss Yvonne Venable, Director of Garden of Children, Ltd. Miss Venable produced a model of the proposed building, which was exhibited to all of the members of the Board of Supervisors. Miss Venable stated that their rates are \$35 a week from 6:00 A.M. to 6:00 P.M. She said the Garden of Children, Ltd. is a private organization, which operates for a profit.

Mr. Edwards asked if anyone else wished to speak on the matter. No one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Frink stated that he wished it made part of the record that Rev. Tabb and other residents in the area had offered no objection to the child care center.

Mr. Ware motioned that the special use permit be granted. The motion was approved by unanimous roll call vote.

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3. CASE No. Z-11-78. Amendment to the Definition of a Subdivision.

Mr. Porter presented this matter, stating that the definition of a subdivision should be revised to include lots created by long-term leases and administrative approval of subdivisions of five lots or less which meet all County requirements. Mr. Porter said the latter was an effort to speed up the review process.

Mr. Edwards opened the public hearing. No one wishing to speak, Mr. Edwards closed the public hearing.

A discussion followed as to more restrictive situations. It was the consensus of opinion of the members of the Board of Supervisors that this matter should be tabled to the meeting of October 23, 1978.

4. CASE No. Z-9-78. An Ordinance to Amend Code Sections 20-88 (M-1), 20-96 (M-2), 20-29 (A-1) and 20-36 (A-2), Deletion of Sanitary Landfills.

Mr. Porter presented this matter which concerns the potential development of sanitary landfills in the County which would not be located properly. He stated there were a number of land use and environmental problems and said the staff amendment for requiring special use permits for sanitary landfills is accomplished by striking sanitary landfills from the list of permitted uses in the A-1, A-2, M-2 and M-2 zoning districts. Mr. Porter said Section 20-27 of the James City County Zoning Ordinance sets forth the Special Use Permit as the procedure for uses not specifically permitted in any district.

Mr. Edwards opened the public hearing. No one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Donaldson motioned for approval of the amendment to the ordinance. The motion was approved by unanimous roll call vote.

ORDINANCE 31-A-46 (attached)

5. CASE No. Z-12-78. Water Impoundments.

Mr. Porter presented this matter, a zoning ordinance amendment which would require water impoundments over 50 acres to be subject to a Conditional Use Permit.

After discussion, it was the consensus of the members of the Board of Supervisors that this matter be tabled to the October 23, 1978 meeting.

6. Proposed Vacation of a Plat - Highland Park

Mr. Porter presented the matter, stating that the McClurg Corporation had applied for the vacation of certain property lines in the Highland Park Subdivision in connection with the development of a 50-unit retirement home. He exhibited a survey of the Subdivision.

Mr. Jack Baker, an attorney for the McClurg Corporation, stated that he was present as a representative of the company and would be glad to answer any questions.

Mr. Edwards opened the public hearing. There being no one wishing to speak, Mr. Edwards closed the public hearing.

Mr. Frink motioned for approval of the vacation of the plat. The motion was approved by unanimous roll call vote.

ORDINANCE 119 (attached)

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ORDINANCE NO. 31A-46

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE IV, DISTRICTS, SECTIONS 20-29, 20-36, 20-88 and 20-96, PERMITTED USES, BY DELETING "SANITARY LANDFILLS".

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 20, Zoning, of the Code of the County of James City, Article IV, Districts, Sections 20-29, 20-36, 20-88 and 20-96, Permitted Uses, be and the same is hereby, amended and reordained by deleting "Sanitary Landfills".

CHAPTER 20

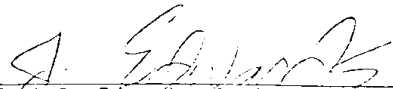
ZONING

- Division 2, Agricultural, General, District A-1.
- Division 3, Agricultural, Limited, District A-2.
- Division 9, Industrial, Limited, District M-1.
- Division 10, Industrial, General, District M-2.

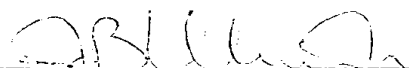
- Section 20-29. Permitted uses.
- Section 20-36. Permitted uses.
- Section 20-88. Permitted uses.
- Section 20-96. Permitted uses.

"Sanitary Landfills" is hereby deleted.

This ordinance shall be in full force and effect from the date of its adoption.

  
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 Jack D. Edwards, Chairman  
 Board of Supervisors

ATTEST:

  
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 James B. Oliver, Jr.  
 Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on the ninth day of October, 1978.

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## ORDINANCE NO. 119

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "HIGHLAND PARK PROPERTY OF LA SIESTA LAND CORP., WILLIAMSBURG, VA."

WHEREAS, application has been made by Sidney J. Baker and C. Harper Anderson, counsel for McClurg Corporation, grantee, and W. A. and Alma W. Thompson, grantors, respectively, to vacate certain property lines, as more particularly described below, and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and 15.1-451 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Board of Supervisors did consider such application on the 9th day of October, 1978, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare;

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

1. That those lot lines or portions thereof shown on that plat entitled, "Highland Park, property of La Siesta Land Corp., Williamsburg, Va.," dated April 1, 1916, and prepared by W. T. Zepp, C. E., Norfolk, Va., and recorded in Plat Book 2, page 33 in the Clerk's office of the City of Williamsburg and County of James City, and more particularly described as the interior lot lines, including those of lot 91, as shown on the plat attached hereto and made a part hereof, entitled, "A Survey of 14.1 Acres  $\pm$  for Conveyance to McClurg Corporation, lying in James City County, Virginia," be and the same are, hereby, vacated.
2. That said plat entitled, "A Survey of 14.1 Acres  $\pm$  for Conveyance to McClurg Corporation, lying in James City County, Virginia," be put to record in the Clerk's Office for the City of Williamsburg and the County of James City, Va.

This ordinance shall be in full force and effect from the date of its adoption.

s/ Jack D. Edwards  
 Jack D. Edwards, Chairman  
 Board of Supervisors  
 James City County, Virginia

ATTEST:

s/ James B. Oliver, Jr.

James B. Oliver, Jr.  
 Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia, on this  
 9th day of October, 1978.

October 9, 1978

E. 1. CERTIFICATION OF WARRANTS

Mr. Edwards read the Certification of Warrants and motioned for approval of the certification. The motion was approved by unanimous roll call vote.

CERTIFICATION OF WARRANTS

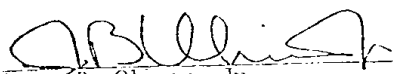
September, 1978

On a motion by Mr. Edwards and carried by unanimous roll call vote, the Board of Supervisors of the County of James City, Virginia, hereby certifies the following warrants for the month of September, 1978.

GENERAL FUND	Checks #5727 thru #5910 Totalling \$591,550.03
GENERAL FUND PAYROLL	Checks #13546 thru #13,900 Totalling \$111,025.64
SANITARY DISTRICT NUMBER 1	- 0 -
SANITARY DISTRICT NUMBER 2	Checks #338 thru #350 Totalling \$1,745.66
SANITARY DISTRICT NUMBER 3	Checks #679 thru #699 Totalling \$18,571.67
SUBDIVISION ESCROW	- 0 -
REVENUE SHARING	Checks #447 thru #450 Totalling \$15,877.35
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -

Certified a true excerpt of the minutes of the James City County Board of Supervisors' meeting held on 9th day of October, 1978.

ATTEST:

  
James B. Oliver, Jr.  
County Administrator

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2. Animal/Poultry Claims

Mr. Oliver presented the claims, which requested payment as follows:

Lorene Hooker	\$54.00	(18 chickens at \$3 each)
Virginia M. Massie	83.00	(one ewe)
Lafayette High School	130.00	(one breeding ram)

Mr. Taylor stated that repayment should be made at the fair market value.

Frank M. Morton, III, County Attorney, stated that fair market value is the basis for reimbursement, not potential value.

Mr. Taylor moved that payment be made as follows:

Lorene Hooker	\$54
Virginia M. Massie	50
Lafayette High School	50

The motion carried by unanimous roll call vote.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. REPORT OF THE COUNTY ADMINISTRATORPetition for Bingo Games and/or Raffles Permit

Mr. Oliver presented the matter of a raffle permit for the Williamsburg Area SPCA.

Mr. Ware motioned for approval of the raffle permit. The motion carried by unanimous roll call vote.

RESOLUTION

WHEREAS, Williamsburg Area SPCA appeared before the Board of Supervisors of the County of James City, Virginia, and presented a Petition for a permit for the operation of bingo games and raffles by said Association for a period of one year; and,

WHEREAS, it appears to the James City County Board of Supervisors that said Williamsburg Area SPCA has met the requirements of Section 18.2-335 of the 1950 Code of Virginia, as amended, and that it is an organization organized in the United States of America; and, that it operates without profit; and, that it has been in existence continuously for a period of two years immediately prior to its Petition; and, that no part of the gross receipts derived from any of the aforesaid activities shall inure directly or indirectly to the benefit of any private shareholder, member, agent or employee of said organization; and, that it, through its agent, certifies to abide by all the law of the Commonwealth of Virginia pertaining to bingo games and raffles.

October 9, 1978

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of James City that the Williamsburg Area SPCA is hereby granted a permit for a period of one year commencing with the date of this Resolution for the operation of bingo games and raffles within said County.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting in order that this Resolution shall be a matter of public record within the County.

JAMES CITY COUNTY

By [Signature]  
Chairman of the Board of  
Supervisors

ATTEST:

[Signature]  
Clerk and County Administrator

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 1978.

Mr. Oliver requested that the next meeting of the Board of Supervisors, October 23, 1978, at 3:00 P.M., be preceded by a lunch work-session beginning at 12:30 P.M. that day.

Mr. Taylor motioned to adjourn the meeting and to reconvene as requested by the County Administrator. The motion passed by unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 9:01 P.M.

[Signature]  
James B. Oliver, Jr., Clerk  
Board of Supervisors

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