

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTEENTH DAY OF NOVEMBER, NINETEEN HUNDRED SEVENTY-NINE, AT 5:30 P.M. IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY.

Mr. Taylor called the meeting to order at 5:30 P.M.

Mr. Donaldson made a motion to go into Executive Session for the purpose of discussing a legal matter and possible property acquisition pursuant to §2.1-344(6) and §2.1-344(2) of the Code of Virginia, 1950 as amended. The motion carried by a 4-0 roll call vote. (Mr. Frink was absent for the vote.)

The Board convened into Executive Session at 5:31 P.M. and returned at 7:00 P.M.

Mr. Ware moved to recess until the 7:30 P.M. Public Session. The motion carried by unanimous roll call vote. (Mr. Frink arrived during executive session.)

The meeting recessed at 7:00 P.M. and reconvened at 7:35 P.M.

A. ROLL CALL

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

James B. Oliver, Jr., County Administrator
 John E. McDonald, Assistant to the Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - October 22, 1979

Mr. Ware moved for approval of the October 22, 1979 minutes, as printed. The motion carried by a unanimous roll call vote.

C. PUBLIC HEARINGS

1. CASE NO. Z-10-79. Special Use Permits. An Ordinance to Amend Chapter 20, Section 20-27: R-1, R-2, R-5, R-6, A-1 and B-1 Districts

Mr. William C. Porter, Jr., Director of Planning presented this item to the Board, giving a detailed explanation of the specific changes suggested for each zoning district.

Mr. Taylor opened the public hearing for this case.

Mr. Robert Troth asked if the Special Use Permits now in existence were to be grandfathered under these conditions.

Mr. Troth was advised that existing Special Use Permits would be grandfathered.

No one else wished to speak and Mr. Taylor closed the public hearing.

A brief discussion followed and Mr. Edwards moved for approval of the ordinance. The motion carried by a unanimous roll call vote.

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 1, GENERALLY, SECTION 20-27, USES NOT SPECIFICALLY PERMITTED IN ANY DISTRICT.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 1, Generally, Section 20-27, Uses Not Specifically Permitted in any District, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts.

Division 1, Generally.

Section 20-27. Special permits.

In order to provide for good zoning practices, the purpose the zoning district seeks to accomplish, to provide for adjustments in the relative location of uses and buildings of the same or different classification, and to promote the usefulness of these regulations, special use permits, limited as to location by the district regulations are permitted as set forth under the terms of this chapter. In considering an application for a special use permit in those districts allowing them, the Planning Commission and the Board of Supervisors shall give due regard to the James City County Comprehensive Plan, the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed exception. They shall also take into account the special characteristics, design, location, construction, methods and hours of operation, effect on traffic conditions, or any other aspects of the particular use or structure that may be proposed by the applicant. If the Planning Commission and the Board of Supervisors should find, after the hearing, that the proposed establishment or use will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably restrict an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor increase public danger from fire, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan of James City County, nor likely reduce or impair the value of buildings or property in surrounding areas, but find instead that such establishment or use will be in substantial accordance with the general purpose and objectives of this Ordinance, the Board of Supervisors shall grant the special use permit. In those instances where the Planning Commission or the Board of Supervisors finds that the proposed use may be likely to have an adverse affect, they shall determine whether such affect may be avoided by the imposition of special requirements or conditions, including, but not limited, to location, design, construction, equipment, maintenance and/or hours of operation, in addition to those expressly stipulated in this Ordinance.

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

ORDINANCE NO. 31A-59

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 2, AGRICULTURAL, GENERAL, DISTRICT A-1, SECTION 20-29, PERMITTED USES, AND SECTION 20-29.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending Article IV, Districts: Division 2, Agricultural, General, District A-1, Section 20-29, Permitted Uses, and Section 20-29.1, Uses permitted by Special Use Permit only, to read as follows:

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ZONING

Article IV. Districts

Division 2. Agricultural, General, District A-1.

Section 20-29. Permitted uses.

In the agricultural, general, district A-1, structures to be erected or land to be used shall be for one or more of the following uses:

- Single-family dwellings.
- Two-family dwellings.
- Mobile homes, in accordance with a conditional use permit and other provisions contained herein meeting the requirements of Section 20-30, 20-31 and 20-32.
- Group quarters for agricultural workers.
- Agricultural, dairying, forestry, general farming, and specialized farming.
- Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields.
- Animal hospitals, veterinary offices, and kennels.
- Food processing and storage, but not the slaughter of animals.
- Preserves and conservation areas.
- Wayside stands for sale of agricultural products.
- Schools, churches, seminaries, and libraries.
- Fire stations.
- Public and private recreation areas, lodges, hunting clubs, golf courses, country clubs, parks, playgrounds, and yacht clubs.
- Waterfront business activities: Wholesale and retail marine interests, such as boat docks, piers, yacht clubs and servicing facilities therefor; docks and areas for the receipt, storage, and transshipment of waterborne commerce; seafood and shellfish receiving, packing and shipping plants; and recreational activities primarily conducted on or about a waterfront. All such uses shall be contiguous to a waterfront.
- Theaters, dinner theaters, outdoor theaters and dance halls.
- Motels, restaurants, tea rooms and taverns.
- Tourist homes.
- Day or child care centers.
- Banks and professional offices.
- General stores, retail stores, wholesale stores, and upholstery shops.
- Farm supplies, equipment sales and service.
- Home occupations.
- Beauty shops and barber shops.
- Gift shops and antique shops.
- Gasoline service stations.
- Automobile sales, repair and service.
- Lumber and building supply stores.
- Storage and repair of heavy equipment.
- Contractors' warehouses and sheds.
- Manufacture and sale of wood products.
- Off-street parking as required by this chapter.
- Accessory uses as defined; however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any property line.

Section 20-29.1. Uses permitted by Special Use Permit only.

In the A-1, General Agriculture District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors.

- Mobile home parks.
- Commercial livestock feeding operations containing 1,000 animal units or more (as defined in 1976 by the U. S. Environmental Protection Agency).
- Abattoirs.
- Hospitals, nursing homes, sanatoria and rest homes.
- Cemeteries and memorial gardens.
- Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, stripping of top soil (but farm pond construction, field leveling, or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval, are permitted generally without a Special Use Permit.)

Airports.
 Automobile graveyards.
 Petroleum storage.
 Sanitary landfills.
 Campgrounds.

Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Rental of rooms to a maximum of three rooms with off-street parking provided totaling one more parking space than the total number of rooms to be rented.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids; except extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations, except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and tracks and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

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

ORDINANCE NO. 31A-60

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 8, BUSINESS, GENERAL, DISTRICT, B-1, SECTION 20-82, PERMITTED USES AND SECTION 20-82.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following divisions of Article IV, Districts: Division 8, Business, General, District B-1, Section 20-82, Permitted Uses and Section 20-82.1., Uses permitted by Special Use Permit, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 8. Business, General, District B-1.

Section 20-82. Permitted uses.

In the business, general, district B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Retail food stores, bakeries and fish markets.
 Dry cleaners and laundries.
 Department stores, wearing apparel, furniture, carpet, shoe, tailor, dress-making, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
 Drug stores, barber shops and beauty shops.
 Restaurants, drive-in restaurants, tea rooms, and taverns.
 Banks and other financial institutions.
 Plants and garden supply, hardware and paint, and home appliance sales and service stores.

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Lumber and building supply (with storage under cover).
 Plumbing and electrical supply (with storage under cover).
 Vehicle and trailer sales and service (with major repair under cover).
 Tire, transmission, glass, body and fender and other automotive product sales and service (with storage and major repair under cover).
 Hotels, motels, tourist homes, and convention centers.
 Machinery sales and service (with storage and repair under cover).
 Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.
 Corporate, business, governmental, and professional offices.
 Doctors, dentists and other medical clinics or offices.
 In-door theaters, museums, and public meeting halls.
 Schools, fire stations, post offices, churches and libraries.
 Lodges, civic clubs, fraternal organizations and service clubs.
 Funeral homes.
 Wholesale and warehousing (with storage under cover).
 Marinas, docks, piers, yacht clubs, boat basins, and servicing facilities for the same.
 Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.
 Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.
 Radio and television stations, and accessory antenna or towers which are sixty feet or less in height.
 Printing and publishing.
 Off-street parking as required by this chapter.
 Day care and child care centers.
 An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Section 20-82.1 Uses permitted by special use permit only.

In the B-1, General Business District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors.

Hospitals and nursing homes.
 Antenna and towers in excess of sixty feet in height.
 Campgrounds.
 Drive-in theaters.
 Processing, assembly and manufacture of light industrial products or components; with all storage, processing, assembly and manufacture conducted indoors and undercover; with no dust, noise, odor or other objectionable effect.
 Design, research and evaluating laboratories.
 Airports.
 Sanitary landfills.
 Water impoundments for public or private use of 50 acres or more and dam heights of 25 feet or more.
 Outdoor sport facilities.
 Thematic parks or gardens.
 Outdoor centers of amusement.
 Petroleum storage.
 Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains; except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.
 Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids; except extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.
 Public or private electrical generation facilities, electrical substations with a capacity of 5000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
 Railroad facilities including tracks, bridges, switching yards and stations; except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

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

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 4, RESIDENTIAL, LIMITED, DISTRICT R-1, SECTION 20-43, PERMITTED USES, AND SECTION 20-43.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 4, Residential, Limited, District R-1, Section 20-43, Permitted Uses, and Section 20-43.1, Uses permitted by a Special Use Permit only, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts.

Division 4, Residential, Limited, District R-1.

Section 20-43. Permitted uses.

In the residential, limited, district R-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Single-family dwellings.

Schools, libraries or fire stations.

Churches.

Parks, playgrounds, golf courses and other community recreational facilities.

Off-street parking as required by this chapter.

Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches or stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.

Home occupations, as defined.

Section 20-43.1. Uses permitted by special use permit only.

In the R-1, Limited Residential District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors:

Two family dwellings.

An accessory apartment.

Rental of rooms to a maximum of three rooms with off-street parking provided totaling one more parking space than the total number of rooms to be rented.

Day care or child care centers.

Cemeteries and memorial gardens.

Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains; except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids; except extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations; except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

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

ORDINANCE NO. 31A-62

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 5, RESIDENTIAL, LIMITED, DISTRICT R-2, SECTION 20-51, PERMITTED USES, AND SECTION 20-51.1, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article IV, Districts: Division 5, Residential, Limited, District R-2, Section 20-51, Permitted Uses, and Section 20-51.1, Uses permitted by a Special Use Permit only, to read as follows:

CHAPTER 20

ZONING

Article IV. Districts

Division 5, Residential, Limited, District R-2.

Section 20-51. Permitted uses.

In the residential, limited, district R-2, structures to be erected or land to be used, shall be for one or more of the following uses:

- Single-family dwellings.
- Two-family dwellings.
- Tourist homes.
- Schools, libraries or fire stations.
- Churches.
- Parks, playgrounds, golf courses and other community recreational facilities.
- Off-street parking as required by this chapter.
- Accessory buildings as defined; however, garages or other accessory buildings, such as carports, porches or stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than five feet to any side or rear property line.
- Home occupations as defined.

Section 20-51.1. Uses permitted by special use permit only.

In the R-2, Limited Residential District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors:

- Day care or child care centers.
- An accessory apartment.
- Cemeteries and memorial gardens.

Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Rental of rooms to a maximum of three rooms with off-street parking provided totaling one more parking space than the total number of rooms to be rented.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains; except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids; except extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

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Railroad facilities including tracks, bridges, switching yards and stations; except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

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

ORDINANCE NO. 31A-64

AN ORDINANCE TO AMEND CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE IV, DISTRICTS: DIVISION 7.B, RESIDENTIAL, AGRICULTURE, DISTRICT R-6, SECTION 20-80.17, PERMITTED USES, AND SECTION 20-80.17A, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 20, Zoning, of the Code of the County of James City be and the same is hereby, amended by amending the following division of Article IV, Districts: Division 7.B, Residential, Agriculture, District R-6, Section 20-80.17, Permitted Uses, and Section 20-80.17A, Uses permitted by special use permit only.

CHAPTER 20

ZONING

Article IV. Districts.

Division 7.B, Residential, Agriculture, District R-6.

Section 20-80.17. Permitted uses.

In the residential, agriculture, district R-6, structures to be erected or land to be used shall be for one or more of the following uses:

Single-family dwellings.

Schools, libraries and fire stations.

Churches.

Parks, playgrounds, golf courses and other community recreational facilities.

Off-street parking, as required by this chapter.

Accessory buildings as defined; however, garages or other accessory buildings such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than fifteen feet to any property line.

Signs, as permitted by Article VIII of this chapter.

Agriculture, including accessory building for uses thereto, such as land and building used primarily for forestry, farming, the raising of livestock, excluding hogs, and other agricultural pursuits, except that any building, shed, feed pen, stable, kennel, barn or other accessory structure used in livestock operations shall be located not less than eighty feet from any adjoining street, road, or adjoining property line. Grazing and pasture areas may extend to the property line, but shall be fenced from adjoining property where livestock is to be raised.

Animal hospitals, veterinary offices, or private dog kennels.

Nursery greenhouses at which the projects thereof may be sold or offered for sale.

Garden centers or garden supply stores.

Horse or pony farms, riding stables or horse show area.

Home occupations as defined.

Boat docks.

Preserves, conservation areas or hunting clubs.

Section 20-80.17A. Uses permitted by special use permit only.

In the R-6, Residential Agriculture District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors.

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Rental of rooms to a maximum of three rooms with off-street parking provided totaling one more parking space than the number of rooms to be rented.

Day care or child care centers.

An accessory apartment.

Cemeteries and memorial parks.

Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains; except private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids; except extensions or private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a special use permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations; except spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a special use permit.

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

2. CASE NO. S-36-79 - Ordinance to Amend Article I, Section 17-15, Water and Sewer Facilities - Subdivision Ordinance.

Mr. Porter also presented this item to the Board, pointing out the need to correct the inconsistency between the James City Subdivision Ordinance and the James City Service Authority Operating Policy in regard to water and sewer systems.

Mr. Taylor asked if this amendment would preclude the installation of individual wells and septic tanks in areas where currently allowed.

Mr. Porter stated individual wells and septic tanks were still allowed in subdivisions, where applicable.

Mr. Taylor opened the public hearing.

No one wished to speak and Mr. Taylor closed the public hearing.

Mr. Donaldson moved for approval of the ordinance. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 30A-6

AN ORDINANCE TO AMEND CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING DIVISION OF ARTICLE I, IN GENERAL: SECTION 17-15, PRIVATE WATER: PRIVATE SEWER.

BE IT ORDAINED by the Board of Supervisors of James City County that Chapter 17, Subdivisions, of the Code of the County of James City be and the same is, hereby, amended by amending the following division of Article I, In General; Section 17-15, Private Water: Private Sewer, to read as follows:

CHAPTER 17

SUBDIVISIONS

Article I. In General

Section 17-15. Water and sewer facilities.

If public water and/or sewer facilities are not available, the subdivider of any subdivision shall construct all sanitary sewers and domestic fresh water improvements including distribution lines, storage and supply facilities within the subdivision or development, and immediately upon completion and acceptance of the improvements, the water and/or sewer works facilities, together with all necessary easements and rights-of-way, shall be dedicated to the County by deed or plat; provided, however, the requirement for dedication shall not be applicable to individual wells and/or septic systems in those subdivisions where such individual systems are permitted under the terms of this chapter.

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

D. CONSENT CALENDAR

1. EOC Lease

A correcting resolution to cover rental of office space in the EOC Building for the United States Department of Agriculture - Soil Conservation Service.

RESOLUTION

A RESOLUTION to authorize Stewart U. Taylor, Chairman of the Board of Supervisors, and James B. Oliver, Jr., Clerk, to execute that certain lease dated September 28, 1979, by and between the James City County Board of Supervisors, Lessor, and the United States Department of Agriculture, Soil Conservation Service, Lessee, providing for the rental of office space in the EOC Building on Forge Road in Toano.

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

1. That it hereby approves the lease providing for the occupation of office space by the United States Department of Agriculture, Soil Conservation Service in the EOC Building on Forge Road in Toano, under the terms and conditions contained in that certain lease dated September 28, 1979, attached hereto and made a part of this resolution.
2. That it hereby authorizes and directs Stewart U. Taylor, Chairman of the Board of Supervisors, and James B. Oliver, Jr., Clerk, to execute same on behalf of James City County.

2. Poultry Claim

A resolution authorizing payment of a poultry claim by Mrs. Nancy Heath in the amount of \$62.50.

RESOLUTION

POULTRY CLAIM

WHEREAS, the poultry claim of Mrs. Nancy M. Heath has been investigated and found to be valid; and

WHEREAS, the value of the poultry destroyed has been estimated to be

20 laying hens at \$3.00 each	=	\$60.00
1 rooster at \$2.50	=	2.50
Total		\$62.50

by the VPI & SU Extension Agent;

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reimburses Mrs. Nancy M. Heath \$62.50 for poultry destroyed.

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3. Vacation of plat - "The Foxes"

December 10, 1979 was recommended as the public hearing date for the above listed vacation.

4. ABC Profits Surplus Budget of \$56,000

A resolution correcting an accounting technicality involving appropriation of \$56,000 in ABC profits to general fund revenue rather than the capital projects fund.

R E S O L U T I O N

WHEREAS, the Board of Supervisors did appropriate a one-time anticipated ABC profits surplus of \$56,000 to help fund the School Administration Building in the FY 80 Capital Improvement budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors increases the general fund budget for revenue from ABC profits (0001306.0610) and contribution to Capital Improvements (0001191.0100) by \$56,000 each, and that the \$56,000 ABC profits surplus budgeted as revenue in the capital projects fund be transferred to the revenue account General Fund Contribution (0013361.0000)

5. Heisler Memorial Fund

A resolution appropriating \$1,166.00 from the contingency fund to match a gift for a memorial for Earl M. Heisler, a deputy sheriff killed in the line of duty.

R E S O L U T I O N

WHEREAS, an anonymous gift of \$1,165.97 was made to James City County to establish a memorial for the deceased Earl M. Heisler, a sheriff killed in the line of duty, with the stipulation that the County match the gift.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors authorizes a transfer of \$1,166.00 from the Contingency Account (0001184.9011) to the Heisler Memorial Expenditure Account (0001186.6150) and that the County Administrator is hereby authorized to establish a memorial for Earl M. Heisler, deceased.

6. Setting Public Hearing Date

A. CASE NO. Z-11-79 - Definition, Mobile Home Park

December 10, 1979 was recommended for the public hearing date for the above listed matter.

CERTIFICATION OF WARRANTS

Mr. Taylor moved for approval of the Consent Calendar.

Mr. Donaldson stated that although he did not wish to remove any item from the Consent Calendar he would like to suggest a new Item - No. E2^a to be considered later on the agenda.

It was the consensus of the Board that a new item E2^a would be considered at a later time during the meeting.

RESOLUTION

CERTIFICATION OF WARRANTS

WHEREAS, the Board of Supervisors of James City County must certify warrants under the Code of Virginia;

THEREFORE, BE IT RESOLVED, that on a motion by Mr. Taylor and carried by a unanimous roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of October, 1979:

AAC798

GENERAL FUND	Checks	#8596-8820	281
	Totalling	\$916,431.40	
GENERAL FUND PAYROLL	Checks	#18709-19091	
	Totalling	\$128,101.23	
SANITARY DISTRICT NUMBER 1	Checks	#78-79	
	Totalling	\$1,828.01	
SANITARY DISTRICT NUMBER 2	Checks	#103-117	
	Totalling	\$5,029.07	
SANITARY DISTRICT NUMBER 3	Checks	#929-942	
	Totalling	\$72,178.17	
SUBDIVISION ESCROW		-0-	
REVENUE SHARING	Checks	#595-601	
	Totalling	\$62,658.18	
ANTI-RECESSION	Checks	#13	
	Totalling	\$266.75	
TOANO WATER CONSTRUCTION	Checks	#103-105	
	Totalling	\$50,725.68	
JCC BOND SINKING FUND		-0-	
REGIONAL JAIL CONSTRUCTION		-0-	

E. BOARD CONSIDERATIONS

1. Resolution - Conditional Use Permit for 8 Mobile Homes:
Albert T. Slater

Mr. William C. Porter, Jr., Director of Planning, presented this item to the members of the Board. Mr. Porter stated that Mr. Albert T. Slater had applied for eight (8) Conditional Use Permits for 8 mobile home rental sites on his property consisting of approximately 83 acres. The property is located on the west side of Route 601, 0.7 mile south from U.S. Route 60. Mr. Porter said the Planning Commission had recommended approval of this case based upon the findings that the proposed mobile home rental sites would conform to the requirements of the A-1 General Agriculture District and adequate provisions for sewer disposal and water supply had been made. In conclusion, Mr. Porter indicated that the Subdivision Review Committee recommended the issuance of the 8 Conditional Use Permits be conditioned upon:

1. The installation of a State standard road to serve the 8 mobile home sites.
2. Each mobile home site be developed in accordance with A-1, General Agricultural District standards.

Mr. Ware asked why a State standard road was necessary to serve the 8 sites.

Mr. Frank M. Morton, III, County Attorney, pointed out that he did not think the condition requiring a State standard road was a legally defensible condition of approval for this case. Mr. Morton suggested that particular condition be modified to read: an all-weather road and subject to review and approval by the site-plan Review Committee.

A discussion followed, during which the difference in a mobile home site and a mobile home park was discussed as well as the possibility of suitable screening for this project being provided and the set-back requirements.

Mr. Donaldson asked if Mr. Porter might have some revised language in order to provide a condition #3 of the recommendation for this case. Mr. Donaldson, for the benefit of the other Board members, pointed out that he had contacted Mr. Porter earlier during the day regarding this matter and had asked him at that time to consider some revised language.

Mr. Porter stated condition #3 of the recommendation would read: "the installation of appropriate screening along the property lines between the single-family dwellings and the mobile home sites. Such appropriate screening subject to the approval of the Site Plan Review Committee of the Planning Commission."

Mr. Porter also stated condition #1 could be modified to read: "The installation of an all-weather road to serve the 8 mobile home sites, subject to the approval of the Site Plan Review Committee of the Planning Commission."

Mr. Donaldson suggested that the condition read: "the installation and maintenance of"

Mr. Joseph Abdelnour, attorney representing Mr. Slater, addressed the Board and said it was welcome news that the recommendation was being changed to allow an all-weather road as opposed to requirements of State standards for the road. Mr. Abdelnour stated he appreciated the modifications that had been suggested and, that in speaking for Mr. Slater, the three conditions as amended would be acceptable.

Mr. Dave Rogers, an adjacent property owner, addressed the Board concerning this matter. He passed out copies of a map to the members of the Board which indicated the close proximity of the proposed mobile homes to the single-family residences. He stated that anything less than an 8 foot fence would be unacceptable. Mr. Rogers also stated he felt the screening should be in the form of a wood fence. Mr. Rogers further stated he did not think an all-weather road could easily be kept up and he felt a State road would be the best solution.

Mr. James Duke, also an adjacent property owner said he was in agreement with Mr. Rogers and was totally opposed to Mr. Slater's proposal. Mr. Duke further stated that if the Board members inspected the property they would notice the road has pot-holes at this time. Mr. Duke asked if Mr. Slater would still be required to have a commercial entrance permit for this development.

Mr. Porter indicated that he understood the Highway Department would be requiring an entrance permit for this project.

Mr. Duke continued by stating the property Mr. Slater proposes for the mobile home sites has poor drainage, the anticipated traffic generated by the development will be directed to an already heavily travelled road and the project will make his home and his neighbors homes less desirable places to live. Mr. Duke further commented that he thought the adjoining property owners should have the right to make the decision on what type of development should be allowed in an area. He said he and other adjoining property owners felt that Mr. Slater's development was more injurious than other types of developments that would be allowable, even more injurious than a hog-farm or a food-producing plant. Mr. Duke concluded his comments by stating the residents in that area had made their decision and they were asking the Board of Supervisors to vote against Mr. Slater's proposal.

Mr. Albert Slater addressed the Board, stating he had tried to give his sons a piece of land but had been told he had to have a State approved road to do that also. He stated that this case has cost him three months loss of rent, etc. Mr. Slater said he felt he should have the opportunity to do something with his property, the same as each of the other property owners.

Mr. Cliff Taylor also spoke in reference to this matter, stating he was still in opposition to this case. Mr. Taylor said that although he understood the Board was working toward making requirements for mobile home parks more restrictive, yet there was the possibility that the permits would be issued for these 8 mobile home

sites tonight. Mr. Taylor referred to the ordinances which had been acted upon earlier on the agenda tonight and asked Mr. Porter if Mr. Slater's development were just coming up for review would his well become county property.

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Mr. Morton answered Mr. Taylor's question by stating the ordinance passed earlier on the agenda would have no effect on Mr. Slater's case and the well would not be County property. Mr. Morton stated Mr. Slater's development would not fall under the definition of a Mobile Home Park. He further indicated there was a proposal to amend the definition of a Mobile Home Park in process.

Mr. Donaldson moved to approve the issuance of the Conditional Use Permits subject to the three modified conditions as stated previously:

1. The installation and maintenance of an all-weather road to serve the 8 mobile home sites, subject to the approval of the Site Plan Review Committee of the Planning Commission.
2. Each mobile home site be developed in accordance with the A-1, General Agricultural District standards.
3. The installation of appropriate screening along the property lines between the single-family dwellings and the mobile home sites. Such appropriate screening subject to the approval of the Site Plan Review Committee of the Planning Commission.

A brief discussion took place.

Mr. C. V. Carter from the audience asked the Board members to consider if they would like it if someone put a trailer park behind them.

The motion carried by a 4-0 roll call vote. Mr. Taylor abstained due to his son's involvement in the case.

RESOLUTION

Conditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of eight mobile homes on property owned or developed by the applicant as detailed in the attached application and as summarized below; and

BE IT FURTHER RESOLVED, that such permit be granted subject to the applicant successfully meeting each of the further conditions described below:

Applicant:	Albert T. Slater
Tax Map ID:	7-22
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	<ol style="list-style-type: none">1. The installation and maintenance of an all-weather road to serve the eight mobile home sites, subject to the approval of the Site Plan Review Committee of the Planning Commission.2. Each mobile home site be developed in accordance with the A-1, General Agricultural District standards.

3. The installation of appropriate screening along the property lines between the single-family dwellings and the mobile home sites. Such appropriate screening subject to the approval of the Site Plan Review Committee of the Planning Commission.

2. Resolution - Conditional Use Permit for 2 Mobile Homes:
Albert T. Slater.

Mr. Porter presented this item to the Board. He stated Mr. Albert Slater had applied for 2 Conditional Use Permits to provide rental space for 2 additional mobile homes on his property which consists of 6.16 acres. The property is located on the south side of Route 60 West, approximately 0.18 miles west of the intersection of Route 601. Mr. Porter concluded his remarks by stating the Planning Commission had recommended approval of this case with the following conditions:

1. The installation of a twelve foot wide, all-weather compacted roadway to serve all six sites.
2. The roadway be maintained in a condition sufficient to allow access of public and emergency vehicles.

Mr. Donaldson moved for approval of the Conditional Use Permits subject to the stated conditions.

Mr. Cliff Taylor again addressed the Board, stating he was still against the proposal. He also said that he felt that this would be opening the door for Mr. Slater to come in and apply for the maximum number of Conditional Use Permits for mobile homes allowed for the property. He said he felt a moratorium should be put on this situation tonight in order to prevent mobile home parks from springing up all over the county.

The motion carried by a 4-0 roll call vote. Mr. Taylor abstained.

R E S O L U T I O N

Conditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of two mobile homes on property owned or developed by the applicant as detailed in the attached application and as summarized below; and

BE IT FURTHER RESOLVED that such permit be granted subject to the applicant successfully meeting each of the further conditions described below:

Applicant:	Albert T. Slater
Tax Map ID:	7-22
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	<ol style="list-style-type: none">1. The installation of a twelve foot wide, all-weather compacted roadway to serve all six sites.2. The roadway be maintained in a condition sufficient to allow access of public and emergency vehicles.

At this point, Mr. Donaldson introduced this item which was not on the agenda. He passed out copies of a proposed emergency ordinance which, in effect, would define the proposed use of a parcel of land containing two or more mobile home spaces as a mobile home park. Mr. Donaldson said under the ordinance, if a multiple mobile home location on a single parcel of land is defined as a mobile home park, then a special use permit is required with a full public hearing proceeding.

Mr. Donaldson moved for adoption of the ordinance as an emergency ordinance.

The motion carried by a unanimous roll call vote.

ORDINANCE

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE I, IN GENERAL, SECTION 20-2, DEFINITIONS, BY AMENDING THE DEFINITION OF "MOBILE HOME PARK OR SUBDIVISION."

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 I, In General, Section 20-2, Definitions, be and the same is hereby, amended and reordained by amending the definition of "Mobile home park or subdivision."

CHAPTER 20

ZONING

Article I. In General

Section 20-2. Definitions

Mobile home park. A lot or parcel, not part of a mobile home subdivision, on which are located or which are arranged or equipped for the accommodation of two or more mobile homes occupied as single-family dwellings.

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

Mr. Ware moved to set the date for public hearing for this emergency ordinance as December 10, 1979 and at the same time withdrew from the agenda Item D.6(a) for setting a public hearing date.

The motion carried by a unanimous roll call vote.

3. Case No. CUP-63-79. Conditional Use Permit for Mobile Home-Piland Construction Company, Inc.

Mr. Porter presented this item to the Board, stating that Mr. Paul H. Brilski had submitted an application on behalf of Piland Construction Company, Inc. to place an office/construction trailer on the development site of the new school administration building in the James City County Government Complex. Approval of the application was recommended.

There was no discussion.

Mr. Edwards moved for approval of the Conditional Use Permit. The motion carried by a unanimous roll call vote.

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R E S O L U T I O NConditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned by James City County and developed by the applicant as described below and as detailed in the attached application:

Applicant:	Piland Construction Company, Inc.
Tax Map ID:	33(1)2A
District:	Roberts
Zoning:	R-4, Residential Planned Community
Permit Term:	Completion date - June 30, 1980
Further Conditions:	None

4. Case No. CUP-60-79. Conditional Use Permit for Mobile Home-Mr. Edward Backus, Jr.

Mr. Porter presented this item to the Board, stating that Mr. Edward Backus, Jr. had applied for a Conditional Use Permit to place a mobile home on 2.5 acres in Haven Lake Farmettes. Approval of the application was recommended.

There was no discussion.

Mr. Ware moved for approval of the Conditional Use Permit. The motion carried by a unanimous roll call vote.

R E S O L U T I O NConditional Use Permit

WHEREAS, it is understood that all conditions for consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:	Edward Backus, Jr.
Tax Map ID:	12-12
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	None

5. Case No. CUP-62-79. Conditional Use Permit for Mobile Home-Mr. Melvin R. Hazelwood

Mr. Porter presented this item to the Board, stating that Mr. Melvin R. Hazelwood had applied for a Conditional Use Permit to place a mobile home on 3 acres located on the east side of Route 603, approximately .2 mile north of the intersection of Route 601. Approval of the application was recommended.

There was no discussion.

Mr. Frink moved for approval of the Conditional Use Permit.
The motion carried by a unanimous roll call vote.

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R E S O L U T I O N

Conditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:	Melvin R. Hazelwood
Tax Map ID:	6-51G
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

6. Case No. CUP-64-79. Conditional Use Permit for Mobile Home-
Mr. B. L. Morgan

Mr. Porter presented this item to the Board stating that Mr. B. L. Morgan had applied for a Conditional Use Permit to place a mobile home on a site consisting of approximately 3/4 of an acre located on the east side of Route 607, one-half mile south of the intersection of Route 605 and 607. Approval of the application is recommended.

A brief discussion followed.

Mr. Ware moved for approval of the Conditional Use Permit.
The motion carried by a unanimous roll call vote.

R E S O L U T I O N

Conditional Use Permit

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned by Mr. David A. Newago and leased to the applicant as described below and as detailed in the attached application and site location:

Applicant:	B. L. Morgan
Tax Map ID:	10-4
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	None

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7. Case No. CUP 61-79. Conditional Use Permit for Mobile Home-
Mr. James H. Perry

Mr. Porter presented this item to the Board, stating that Mr. James H. Perry had applied for a Conditional Use Permit to place a mobile home on 0.5 acres located approximately 1/4 mile off the west side of Route 606, 3 1/2 miles from its intersection with Interstate 64. Approval of the application was recommended.

There was no discussion.

Mr. Taylor moved for approval of the Conditional Use Permit. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:	James H. Perry
Tax Map ID:	10-55B
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

8. Shellbank Woods Corporation Agreement

Mr. Oliver indicated this was the item covered previously on the Service Authority agenda.

Mr. Ware moved for approval of the agreement. The motion carried by a unanimous roll call vote.

JOINT RESOLUTION

SHELLBANK WOODS CORPORATION WATER

WHEREAS, Shellbank Woods Corporation is developing a 130-lot residential subdivision known as Shellbank Woods Subdivision and pursuant thereto has offered to enter into an agreement dated November 15, 1979 with the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority; and

WHEREAS, Shellbank is desirous of having such development served by Sydnor Hydrodynamics, Incorporated from the adjacent First Colony Subdivision;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority:

- 1) that the Board of Supervisors joins in the said agreement for purposes of expressing their approval pursuant to Section 15.1-341, et. seq., of the Code of Virginia, as amended, and, therefore, authorizes and directs the Chairman and Clerk to the Board to execute such agreement.
- 2) that the James City Service Authority hereby authorizes and directs its Chairman and Secretary to execute said agreement for the purposes set forth therein.

Mr. Anthony Conyers, Jr., Director of Transit, presented

this item to the Board. He explained that this pass-through agreement reauthorized the use of funds for work performed on a marketing study of James City County Transit performed after June 30, 1979.

There was no discussion.

Mr. Frink moved for approval of the resolution authorizing execution of the pass-through agreement. The motion carried by a unanimous roll call vote.

RESOLUTION

Authorization for the Utilization of Pass-Through Transit
Funds in the Peninsula Area

WHEREAS, James City County entered into an agreement for the utilization of pass-through transit funds with the Peninsula Planning District Commission on February 24, 1978; and

WHEREAS, that agreement requires amendment each fiscal year until the consultant scope of work is complete.

NOW THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the County Administrator and the Chairman of the Board of Supervisors be and they are hereby directed to execute the attached addendum to the agreement for the utilization of pass-through transit funds in the Peninsula area for fiscal year 1977-1978 between the Peninsula Planning District Commission and James City County dated February 24, 1978, until June 30, 1980.

10. Carry Forward Appropriations FY79

Mr. John E. McDonald, Assistant to the Administrator, presented this item to the Board.

A brief discussion followed.

Mr. Donaldson moved for approval of the resolution. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

DESIGNATION OF CONTINUING APPROPRIATIONS

WHEREAS, the Board of Supervisors of James City County does appropriate funds for projects that go beyond boundaries of a given fiscal year; and

WHEREAS, the Board wishes to designate certain appropriations as continuing from fiscal year to fiscal year until such time as the project is completed or the Board formally releases the funds;

NOW, THEREFORE, BE IT RESOLVED that the following unspent June 30, 1979 balances of prior-year appropriations be designated as continuing appropriations:

GENERAL FUND

Restricted Donations - Prior Year

Heisler Crime Prevention (0001186.6160)	\$ 454.25
Heisler Memorial (0001186.6150)	1,165.97
Total Restricted Donations (0001310.0200)	\$1,620.22

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Special Projects/Studies - Prior Year

Consulting - Legal Services (0001183.9200)	\$ 1,175.05
Consulting - Geological Landfill (0001183.9202)	1,401.88
Hydrology Study (0001186.6110)	13,125.00
HDR County Water Plan (0001183.9880)	18,700.00
HDR Contract Services (0001183.9210)	1,665.76
Soil Survey (0001186.6120)	5,013.94
Water Rate Study (0001186.6140)	126.00
Total Special Projects (0001310.0300)	<u>41,207.63</u>
Total General Fund	<u>\$42,827.85</u>

Anti - Recession Fund

Salary - Management Analyst (0008011.0110)	\$ 7,743.93
Fringe Benefits - Management Analyst (0008011.0150)	1,333.45
Rental - Electronic Typewriter (0008011.0214)	1,674.98
Total Anti - Recession Fund (0008399.0100)	<u>\$10,752.36</u>

CAPITAL PROJECTS FUNDGeneral Fund Projects

Through designation of Accounts 0001310.0100 and 0001191.0100 as continuing:	
Olde Towne Fire Station (0013030.6130)	\$118,815.00
Fire Equipment (0013030.6150)	24,837.83
Jail Construction (0013031.6140)	62,787.00
Dirt Streets (0013034.6110)	113.42
Landfill Excavation (0013034.6120)	197.00
Radio Antenna (0013034.6160)	2,750.53
Recreation Improvement (0013037.6200)	39,000.00
Capital Replacement Fund (0013038.6200)	18,903.73
Circuit Court Records (0013036.6110)	5,695.00
Computer Expansion (0013036.6170)	18,951.63
EOC Information Office (0013036.6191)	1,495.25
Toano Test Well (0013033.6110)	6,675.45
EMS Donations (0013030.6160)	7,000.00
Thomas Nelson Community College (0013)	5,277.00
Courthouse Renovations (0013039.6300)	14,876.13
Landfill Improvements (0013034.6130)	2,842.47
EOC Roof Repair (0013034.6150)	24,724.37
Matthew Whaley Renovation (0013039.6200)	19,500.00
School Administration Building (0013039.6100)	27,947.43
Government Center Completion (0013035.6130)	4,257.03
Total General Fund Projects (0013399.0100)	<u>\$406,646.27</u>

(Also 0001310.0100 and 0001191.0100 in the General Fund for \$406,646.27)

Revenue Sharing Fund Projects

Through designation of accounts 0006399.0100 and 0006200.0000 as continuing:	
Dirt Streets (0013034.6115)	\$ (5,936.90)
Central Fire Station (0013030.6205)	322,139.70
Olde Towne Fire Station (0013030.6125)	52,800.00
Fire Communications (0013030.6215)	27,757.50
EMS - Ambulance (0013030.6225)	14,410.00
EMS - Life Support (0013030.6325)	12,694.25
Jail Construction (0013031.6115)	40,877.30
Government Center (0013035.4002)	3,258.01
Computer Expansion (0013036.6175)	1,011.52
Recreation Fund (0013037.6300)	10,000.00
Total Revenue Sharing Fund Projects (0013399.0200)	<u>\$479,011.38</u>

(Also 0006399.0100 and 0006200.0000 in the Revenue Sharing Fund)

Grant Projects

Toano Test Well (0013033.6120)	\$ 22,000.00
PEMS Grant - Ambulance (0013030.6230)	10,000.00
Jail Construction - State Grants and Reimbursement (0013031.6120)	147,950.00
Jail Construction - Williamsburg Reimbursement (0013031.6130)	230,298.27
Total Grant Projects (0013399.0300)	<u>\$410,248.27</u>

11. Resolution - Purchase of Private Water Systems

Mr. McDonald presented this matter before the Board. He briefly outlined the essential reasons behind purchasing four private water systems from the Suburban Water Company. Mr. McDonald concluded his comments by stating it was the staff's recommendation to purchase these systems for \$50,000 and to devote an additional \$150,000 to system improvements.

A discussion among the Board members ensued.

Mr. Frank Evans, a resident of The Colony and a customer of the water system, addressed the Board. Mr. Evans stated he was the president of a corporation that owns title to a non-operating well site and water lines for The Colony subdivision. He asked what the arrangement would be for the individuals on these lines if the County purchased the Suburban Water System.

Mr. McDonald indicated it would probably be recommended that the County take over responsibility, if acceptable to Mr. Evan's corporation, of the operation and maintenance of those lines.

Mr. Evans also stated it sounded like the proposal to take over these water systems and the accomplishment of the upgrading and integrating of the systems would be a long range proposition. He asked a reasonable estimate of how far in the future this would take place.

Mr. Wayland N. Bass, Director of Public Works, stated this should take place within 6 months to a year.

A discussion concerning the compatibility of the water within the systems and the appropriate rate to be charged for water in the area of these systems ensued.

Mr. Ware moved for approval of the resolution authorizing the purchase of the four Suburban Water Supply Company systems, the transfer of \$50,000 from the Utility Development fund to Sanitary District #3 for the purchase of these systems, and the obligation of \$150,000 from the Utility Development Fund and transfer to SD #3 for purposes of upgrading the system. The motion carried by a unanimous roll call vote.

RESOLUTION

WHEREAS, the Board of Supervisors of James City County Sanitary District #3 deems it in the best interest of said county to acquire four water systems including well lots, pumping facilities, distribution lines, meters and all easements appurtenant thereto from Suburban Water Supply Company as more particularly described in a contract dated October 3, 1979, attached hereto and made a part thereof.

NOW, THEREFORE, BE IT RESOLVED,

1. That the Board of Supervisors of James City County authorizes and directs the Chairman and Clerk of said Board to execute a contract of purchase between Suburban Water Supply Company and said county dated October 3, 1979.
2. That the sum of \$50,000 be obligated from the Utility Development fund and transferred to Sanitary District #3 for the purchase of the four systems.
3. That the sum of \$150,000 be obligated from the Utility Development fund and transferred to Sanitary District #3 for purposes of upgrading the system.
4. That the Chairman and Clerk be further authorized to execute such documents as are necessary to finalize the acquisition of the four water systems described above.

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Mr. Morton pointed out that a second resolution authorizing the County Attorney to retain the services of an attorney for the purposes of searching the title to the Suburban Water Supply Company needed approval.

Mr. Ware moved for approval of the resolution. The motion carried by a unanimous roll call vote.

RESOLUTION

WHEREAS, the Board of Supervisors of James City County deems it in the best interest of James City County to acquire the four water systems owned by Suburban Water Supply Company,

NOW, THEREFORE, BE IT RESOLVED,

1. that the Board of Supervisors of James City County hereby authorizes the County Attorney to retain the services of a confident and discreet attorney for the purposes of searching the title to said properties and certifying the appropriateness of same.
2. that such fee shall not exceed the sum of \$40 per hour and shall be paid from Legal Services.

F. MATTERS OF SPECIAL PRIVILEGE

Mr. Stuart Miller, a resident of Seasons Trace, addressed the Board. He expressed his appreciation to the members of the Board as well as the Planning Commission members for their time and energy given in reference to the Special Use Permit application for the Turf Farm.

Mr. Miller spoke on the subject of HRSD's capability of handling the effluent from Anheuser-Busch. He pointed out the sharp rate the households in James City County are predicted to increase in the next few years (approximately 45%). Mr. Miller also stated he understood the rate at which households are connected to HRSD is 40% and that this indicated to him that this might not be sufficient in the future to keep the strong buying pressure on land and keep the land values high. Mr. Miller said he brought this subject to the attention of the Board because of his concern that it might become even more difficult in the future for HRSD to meet the needs of sanitary connections.

Mr. Miller read from a memo concerning the Standard Metropolitan Statistical Area (SMSA). He cited the fact that at the present time there was before the Federal SMSA Committee, a proposal to eliminate the Newport News-Hampton SMSA (of which James City County is a part) and this would relegate all the data gathered by the government about our market to the Norfolk market and thus place this area as being a suburb of Norfolk. Mr. Miller said he felt this would severely limit the effort of any organization to compete to bring business into this area and would also prevent business communities from having meaningful data about this area.

Mr. Miller continued by stating the Federal SMSA Committee would be taking a vote on this matter in December. The record will remain open for public comment until December 1, and during that period Mr. Miller suggested that business leaders and government officials should place their views and comments in writing. And, if his opinion was shared, it should be stated that the economic base needs to be broadened; thus, there is a need for a separate identity in the data bank across the nation. Additionally, three points should be made:

1. Opposition to the elimination of the Newport News-Hampton SMSA
2. Favoring the addition of the name "Williamsburg" in the official title Newport News-Hampton SMSA

3. Correspondence to SMSA committee should favor the consolidation of the two Hampton Roads SMSA's into a third SMSA with two sub-parts - Norfolk and Newport News. In doing this the area would be placed on a unique list now consisting of 13 markets in the U.S.

Mr. Miller concluded his comments by stating correspondence regarding this matter could be addressed to Dr. Joseph Duncan, President of the Federal SMSA committee, Mr. A. A. West, Chairman of the Peninsula Chamber of Commerce or to himself.

Mr. Bob Kolokowski, President of Homeowners' Association of Kristiansand, presented the Board with a petition from residents of that area to get some street lights installed on two streets in that subdivision.

Mr. Kolokowski said he had been working for about 10 months to get this done, with no results.

Mr. Oliver pointed out that Vepco was out of standards and poles and that there was a state-wide shortage.

Mr. Kolokowski also referred to a personal matter regarding the damage to his property caused by the recently installed sewer line in his area. Mr. Kolokowski stated he was still dissatisfied with the work performed to correct the erosion problem and that he had recently contacted the Soil and Water Commission regarding this matter after not receiving satisfactory action from the County staff.

Mr. Kolokowski stated the Soil and Water Commission had offered him 4 alternatives:

1. Contact the Board of Supervisors
2. Do the work himself and bill the County
3. Contact the funding agencies HUD, EPA and FHA.
4. Take legal action.

Mr. Kolokowski concluded his remarks by stating he did not know at the present who was responsible, the contractor or the County but that he did have the problem and he would like to have some action taken.

A brief discussion followed Mr. Kolokowski's comments.

Mr. Donaldson suggested that due to the lateness of the evening that this matter be referred to the County Administrator for resolution.

Mr. Oliver stated that, unfortunately, there was an honest disagreement - - that as recent as this afternoon County staff visited the site with his wife and they simply do not see the problems as serious as Mr. Kolokowski sees them. Mr. Oliver further commented that the staff would be happy to review Mr. Kolokowski's materials again and report back to the Board.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver referred to a late item that had been presented concerning a State Fuel Assistance Program.

Mr. McDonald briefed the Board on this item.

A brief discussion followed.

Mr. Donaldson moved for approval of the resolution authorizing participation in the Fuel Assistance Program.

The motion carried by a unanimous roll call vote.

AAC798

RESOLUTIONFUEL ASSISTANCE PROGRAM

WHEREAS, the Board of Supervisors of James City County has been requested to authorize the County's Department of Social Services to participate in the Federal/State Fuel Assistance Program;

THEREFORE, BE IT RESOLVED that the James City County Department of Social Services is hereby authorized to participate in the Fuel Assistance Program under which County expenditures are totally reimbursed by the State; and

BE IT FURTHER RESOLVED that the following changes in appropriations for the FY 1980 budget be adopted:

VIRGINIA PUBLIC ASSISTANCE FUND

100-0361 Received from Commonwealth Add \$80,000

081-160	Salaries - Fuel Assistance	
081-790	Fuel Assistance - ADC	Add \$80,000
081-791	Fuel Assistance - EA	
081-792	Fuel Assistance - CSA	

Mr. Oliver requested an executive session in order to discuss a legal matter and two personnel matters.

H. BOARD REQUESTS AND DIRECTIVES

None.

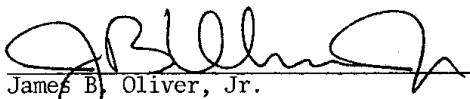
Mr. Donaldson moved to recess into executive session for the purpose of discussing a legal and personnel matter.

The motion carried by a unanimous roll call vote.

The Board convened into executive session at 9:55 P.M. and returned at 11:03 P.M. Mr. Taylor reconvened the Board into public session.

Mr. Ware moved to adjourn. The motion carried by a unanimous roll call vote.

THE MEETING ADJOURNED at 11:05 P.M.


James B. Oliver, Jr.
Clerk to the Board