

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY VIRGINIA HELD ON THE EIGHTH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-TWO AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Abram Frink, Jr., Chairman, Roberts District
Perry M. DePue, Vice Chairman, Powhatan District
Jack D. Edwards, Berkeley District
Thomas D. Mahone, Jamestown District
Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator
Frank M. Morton, III, County Attorney
Daniel R. Lynn, Assistant to the County Administrator

B. MINUTES - February 8, 1982

Mr. Edwards moved to approve the minutes of the meeting of February 8, 1982. On a roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor, NAY: (0).

C. PRESENTATIONS

1. Williamsburg-James City County Schools, 1982-83 Budget

Dr. John Allen, Superintendent of the Williamsburg-James City County Schools, introduced a slide presentation which depicted in a very effective manner the work being done in our schools. Dr. Allen mentioned that several School Board members were in the audience, including the Chairman, Dr. Gary Smith.

Dr. Allen introduced Dr. Smith who said that it was a pleasure to present the Budget to the Board of Supervisors. He said that the Budget had been discussed among themselves and with citizens of the County. He felt that it was a reasonable Budget with little controversy attached to it.

Mr. Sandy Wanner, Director of Finance, then proceeded to go over the important items in the Budget. He explained that the School Board is asking for a 17.64 percent increase, but that this is basically a maintenance Budget. He noted that the Board is requesting a 10 percent raise for all their employees aimed at bringing teachers' salaries up to the level of other counties and cities in the state. He added that a 4 percent increase in fringe benefits is also included.

Mr. Wanner noted that at present they do not have a specific amount earmarked by the state for basic aid. He then added that reduced federal program funding and reduced federal impact aid is expected.

Mr. Wanner concluded his remarks by submitting the adopted Budget of the Williamsburg-James City County Schools to the Board of Supervisors for their consideration.

Mr. Mahone had several questions for Mr. Wanner. First, he noted that a big increase in capital spending was not shown on the Budget. Mr. Wanner replied that the school system is considering purchase of six new diesel-powered buses and improvements to Berkeley, Norge, James Blair and Matthew Whaley schools, for approximately \$510,000. Mr. Wanner explained that operation and maintenance money comes from property taxes, but capital improvement money can come from other places.

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Mr. Mahone also asked about the 25 percent increase in substitute teachers' pay. Mr. Wanner explained that the County used to pay \$28 a day, but York County pays their substitute teachers \$33 a day and we have been losing our substitutes to them because we have not been competitive.

Mr. Mahone also wanted to know why contracted operations were up 106 percent. Mr. Wanner explained that a system to control and reduce the consumption of fuel at Norge and Lafayette schools was being contracted for and that there was a corresponding decrease on the maintenance side of the budget due to this plan.

Mr. Mahone was also interested in whether the schools had step increases for teachers and Mr. Wanner replied that these were not embodied in the school salary plan.

Mr. DePue made the statement that some of the figures that had been presented were subject to change and he hoped to see some of the updated numbers.

Mr. Edwards said that certain kinds of information would be very helpful for the Board to receive from the schools. The information he had in mind was: more programming information, information on how many students at each grade level and in each school, teachers' salary scales with a copy of last year's scale for comparison, a budget message to highlight the goals and needs of the schools.

Mr. Edwards made a point of saying that teacher salaries should be ample enough to attract the very best teachers to our school system. He suggested that a second way to get really good teachers is to reward outstanding performance among our teachers. Mr. Edwards continued that if the school system was interested, he would commit himself to helping get an extra appropriation for the school to work toward this special kind of compensation.

Mr. Taylor thanked those present from the school system saying that the presentation was very informative and he appreciated it.

Mr. Frink also thanked the School Board for the presentation and the film. He said that the Board would start studying the Budget and that deliberations would start in a few weeks.

D. PUBLIC HEARINGS

1. Urban Homesteading - Forest Glen Subdivision (Continued from February 22nd, 1982)

Ms. Burcham presented this matter to the Board. She said that the Public Hearing started at the last meeting was continued in order to give staff an opportunity to meet with members of the Forest Glen community. She added that it was the staff's continued belief that the Urban Homesteading Program was needed. Several representatives of Forest Glen were available to speak.

Mr. Frink asked for remarks from the audience.

Ms. Joyce Pressey, a member of the Forest Glen Citizens Advisory Committee, said that she supports the concept of the Urban Homesteading Program. However, she did want to emphasize the importance of the selection criteria and to make a point that Forest Glen residents be involved in the screening of potential homeowners.

Mrs. Elise Emanuel, President of the Williamsburg-James City County Education Association, said that high interest rates, cost of living and teacher salaries made it hard for a young school teacher to buy a home, and she would like to support the Urban Homesteading Program for these reasons.

Mr. William Phillips, another resident of the Forest Glen community, wished to go on record as being in favor of the Homesteading Program. He noted that a lot of the empty homes would be a health hazard in the near future if they were not repaired.

Mr. Larry Trumbo, Executive Director of the Community Action Agency, explained that his agency had conducted a survey in Forest Glen during the period of March 1 through March 4. He gave the following results: out of 121 occupied homes in Forest Glen, 89 heads of household were contacted; 73 signed statements in support of the Urban Homesteading Program. Mr. Trumbo said that this showed an overwhelming majority of 82 percent of the homeowners being in favor of the Urban Homesteading Program.

Mr. Frink then closed the public hearing.

Mr. Taylor raised the question about what would happen to private enterprise in Forest Glen. He was concerned about a realtor who had bought homes for rehabilitation and resale in this area.

Ms. Burcham explained that she had talked to the realtor, Mrs. Rogers, and it would be possible to use County rehab funds to recondition her houses. She could also be considered a general contractor.

Mr. Mahone asked Mr. Norris Baker, FHA representative, what would happen if the resolution for Urban Homesteading was not adopted. Mr. Baker replied that FHA would do essentially the same thing that Urban Homesteading proposes but that the interest rates would be different.

Mr. Mahone asked about the money the County expects to receive. Ms. Burcham replied that the County is applying for \$100,000 which will purchase the homes. When the money is paid back for the rehabilitation, another house can be rehabilitated.

Mr. Edwards said that he would support the resolution and Mr. DePue made a motion in favor of the resolution. On a roll call, the vote was AYE: (4) Frink, DePue, Edwards, Taylor. NAY: (1) Mahone.

R E S O L U T I O N

URBAN HOMESTEADING PROGRAM - FOREST GLEN COMMUNITY

WHEREAS, the Housing and Community Development Act of 1974 provides James City County, Virginia with Federal assistance in the form of Urban Homesteading funds to carry out eligible homesteading activities under said act; and

WHEREAS, the Board of Supervisors of James City County, Virginia has caused to be prepared an Urban Homesteading application for the full amount of federal funds to which the County is entitled; and

WHEREAS, the Board of Supervisors has reviewed said application and has held a public hearing on the Urban Homesteading Program to assure citizen participation and comment with regard to the development of program activities and has further provided for and encouraged citizen participation at the neighborhood level through meetings and technical assistance.

THEREFORE, BE IT RESOLVED that the Board of Supervisors as follows:

1. They hereby approve the Urban Homesteading Program for James City County, Virginia, as represented by the activities set forth in the application and do hereby designate the Forest Glen Neighborhood as an Urban Homesteading neighborhood.
2. The County Administrator is authorized and directed to file such applications, including all understandings and assurances contained therein, with the United States Department of Housing and Urban Development.
3. The County Administrator is hereby designated as the authorized representative of James City County, Virginia and is directed to act as such representative in connection with the application and to provide such additional information as may be required.

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At this point, Mr. Frink declared a five-minute recess.

3. Vacation of Plat, Riverview Plantation

Mr. Morton, County Attorney, presented this matter to the Board. He explained that a majority of the lot owners wish to vacate the wording of certain sections of the land as platted in 1966.

The Riverview Plantation House was platted as a "Clubhouse," and the caretaker's cottage as a "Pro Shop." However, Mr. Morton explained, none of these amenities were ever developed. He also added that at present there is an opportunity to sell the plantation house and it is the desire of the majority of the lot owners that this be done and that the money be used for tennis courts and possibly for a marina. Mr. Morton added that the proposed ordinance for vacation of plat also wishes to vacate four golf holes or portions thereof.

Mr. Robert W. Emmett, III, attorney representing the developer, was present to answer any questions concerning this vacation. He explained that the original concept did not develop the way they had hoped, and the developer wished to take the steps Mr. Morton had outlined in order to help realize a better recreational opportunity for the community.

Mr. Frink then opened the hearing to the public.

Mrs. Kathy Mickens, president of the citizens' organization, explained that her remarks would represent the result of an ad hoc informal group of residents' meeting.

Mrs. Mickens went into some detail explaining the communications that had been exchanged over a number of years between the developer and the lot owners. Apparently, some of the lot owners do not agree with what the developer is attempting and feel that he is not living up to a bargain he had made. Mrs. Mickens and the group she represents want the developer to specifically outline his proposal to the lot owners at the Riverview Plantation.

Mr. Frink closed the public hearing.

Mr. DePue questioned Mr. Emmett about the vested interest of the lot owners in the proposed sale, and Mr. Emmett replied that part of the agreement involved paying some of the money from the sale of the plantation house to the homeowners for recreational purposes.

A question arose about an agreement between Yorkview Plantation and the Plantation Club, and Mr. Emmett replied that they were in the process of attempting to come to an agreement.

Mr. Frink then made the suggestion that the public discussion be continued until the next meeting of the Board. Mr. Emmett said this was agreeable to him and that in the meantime he would meet with the homeowners in an effort to iron out differences.

3. Commonwealth Gas Pipe Corporation

Mr. Henry Stephens, Acting Director of Planning, presented this matter to the Board of Supervisors. He said that the Commonwealth Gas Pipeline Corporation has applied for a Special Use Permit to install a natural gas line across the James River from Surry to the Badische Plant where it would connect with an existing pipeline. However, Mr. Stephens explained, there are various state and federal permits that must be obtained before permission can be granted for the pipeline.

Mr. Stephens said that the Planning Commission feels that the concept of the pipeline is a good one and would approve of it under certain conditions as it complied with the state and federal regulations.

Mr. Frink asked if this proposed pipeline paralleled the other pipelines already laid across the river. Mr. Stephens said that it did parallel another natural gas line and a petroleum line.

Mr. Taylor asked if Surry County had acted on this matter yet, and Mr. Stephens replied that he did not know.

Mr. Frink opened the public hearing.

Mr. David Evans, attorney for the Commonwealth Gas Pipeline, offered to answer any questions that the Board or others might have about this proposed construction.

Mr. Evans said that his company understood the intention of the Planning Commission to wait for federal and state approval of the project so that the County could have the benefit of their expertise on this matter.

Mr. Mahone said he was in favor of granting the special use permit right then, but Mr. Frink suggested that the Board accede to the wishes of the Planning Commission and defer approval until the state and federal government has the opportunity of studying the application. This appeared to be the consensus of the Board and this matter was continued until federal and state permits are issued. There was no action on this matter.

4. To amend Chapter 5A, Erosion and Sedimentation Control, Code of the County of James City.

Wayland Bass, Director of Public Works, presented this matter to the Board of Supervisors. He said that the Virginia Soil and Water Conservation Commission regulated the local ordinance which is not quite in compliance with what the state law requires.

The state requires performance bonding in Section 5A-8 of the Erosion and Sedimentation Control Ordinance and wishes to have the words, "and maintained" added to the end of this section. The change would read as follows: ". . . that the required control measures will be properly and satisfactorily undertaken and maintained."

Mr. Frink opened and closed the public hearing as there were none who wished to speak to the subject.

Mr. Mahone asked what happened when control measures were not maintained, and Mr. Bass replied that they had never had a problem with maintenance.

Mr. DePue asked how long a developer or applicant would have to guarantee maintenance, and Mr. Bass replied that it would have to be maintained until the facilities are completed.

Mr. Edwards made a motion to adopt the resolution. On a roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

R E S O L U T I O N

REVISION OF EROSION AND SEDIMENTATION CONTROL ORDINANCE

WHEREAS, on March 10, 1975, the Board of Supervisors of James City County amended and reordained the Code of the County of James City by adding a new chapter, Chapter 5A, entitled Erosion and Sedimentation Control Ordinance (Ordinance); and

WHEREAS, on May 11, 1981, the Board of Supervisors of James City County adopted a Resolution amending the Ordinance to incorporate the revised State minimum conservation standards contained in the 1980 Virginia Erosion and Sediment Control Handbook - Second Edition; and

WHEREAS, the Virginia Soil and Water Conservation Commission request that Section 5A-8 of James City County's Ordinance be revised by adding the words "and maintained" to the end of the first paragraph;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that Section 5A-8 of the Ordinance be revised as follows:

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Section 5A-8. Certification: Bonding of Performance.

All control measures required by the provisions of this ordinance shall be undertaken at the expense of the owner or his agent; and pending such actual provision thereof, the owner or his agent shall execute and file with the Administrator, prior to issuance of the Land Disturbing Permit an escrow fund or Letter of Credit, in an amount determined by the Administrator, equal to the approximate total cost of providing erosion and sedimentation control improvements, which documents shall be approved by the County Attorney, guaranteeing that the required control measures will be properly and satisfactorily undertaken *and maintained*.

Within 60 days of the completion of the land disturbing activity, such bond, cash escrow, Letter of Credit or other legal arrangements, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent or terminated, as the case may be.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Virginia Soil and Water Conservation Commission.

E. CONSENT CALENDAR

Mr. Oliver noted that item F. 3. should be considered as part of the Consent Calendar. Mr. DePue made a motion to consider the items on the Consent Calendar. On roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

1. Case No. CUP-7-82. Eugene Parnell

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 and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Eugene Parnell
Tax Map ID:	(11-2)(1-5A)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

2. Case No. CUP-8-82. Thomas W. Samuel

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 and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Thomas W. Samuel
Tax Map ID:	(31-2)(2-5A)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

3. Case No. SUP-1-82. Law Enforcement Center Radio Communications Tower.

Setting a date for a public hearing.

4. Case No. Z-1-82. Lake Toano Estates, Ltd. (Unplatted Sections)

Setting a date for a public hearing.

5. Case No. Z-2-82. Lake Toano, Sections A & B

Setting a date for a public hearing.

6. Case No. CUP-9-82. William Lee

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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 temporary office trailer on property owned by the applicant as described below and on the attached site location map.

Applicant:	Mr. William N. Lee
Tax Map ID:	(60-3)(1-2)
District:	Roberts
Zoning:	M-2, General Industry
Permit Term:	Expires March 8, 1984
Further Conditions:	If operation of the barrow pit at which this office trailer is located is abandoned before March 8, 1984, the trailer will be removed within 90 days and the permit will become void.

7. Sign Ordinance
 Setting a date for a public hearing.
- F. 3. Transfer of Work Incentive Program Funds

R E S O L U T I O NTRANSFER OF WORK INCENTIVE PROGRAM FUNDS

WHEREAS, the James City County Welfare Board has requested a budget transfer of \$1,000; and

WHEREAS, such transfer requires no additional local funds.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following transfer:

From: WIN Administration	-\$1,000
TO: WIN Day Care	+\$1,000

F. BOARD CONSIDERATIONS1. Lake Powell Road - Proposed Water Main

Mr. Bass presented this matter to the Board. He mentioned that the matter had been discussed at the last meeting and he could either make a presentation or answer questions that the Board might have. The Board decided in favor of questioning Mr. Bass and other staff members.

Mr. Edwards declared that he had had the opportunity to ask the questions he was concerned about and was satisfied about adopting the resolution.

Mr. DePue made a motion to adopt this resolution. On a roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

R E S O L U T I O NLake Powell Road Waterline Engineering Study

WHEREAS, the Board of Supervisors of James City County, in recognition of the water supply problems and groundwater pollution problems on Lake Powell Road, supports the extension of water transmission mains;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby authorize and direct the County Administrator to commence engineering studies for the purposes of providing suitable water to Lake Powell Road and does hereby authorize the transfer of \$35,000 from General Fund Contingency to Public Works Administration to fund the engineering studies.

2. Transfer of Assets of the Route 60 West Water System

This matter had been considered during the meeting of the James City Service Authority. The Authority had agreed to conditionally accept the transfer of the assets depending on the Board's decision.

Mr. Frink made a motion that these assets be transferred according to the Bill of Sale and Resolution.

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

R E S O L U T I O NTRANSFER OF ASSETS OF THE
ROUTE 60 WEST WATER SYSTEM

WHEREAS, it is the desire of the Board of Supervisors of James City County to transfer all assets of the Route 60 West Water System from James City County to the James City Service Authority;

THEREFORE, BE IT RESOLVED that it is hereby determined to be in the best interest of James City County, Virginia (County), for the County to convey all of the Route 60 West Water System now owned by the County to the James City Service Authority (the Authority); and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the Clerk are hereby authorized and directed to execute and deliver on behalf of the County to the Authority a Bill of Sale conveying all property of the Route 60 West Water System constituting personal property to the Authority. The Bill of Sale shall be in substantially the form attached hereto as Exhibit A.

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G. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs, Vice Chairman of the Planning Commission, said that he has been pondering for several years the situation that exists between Newport News and the County with regard to Newport News water supply.

Mr. Mahone ventured to say that the climate is good at present to work an agreement out with Newport News. He said that this city has a sizeable investment and would like James City County to buy into it. Mr. Mahone noted that Newport News realizes that in order to have a successful water system, it is necessary to involve the region. Mr. Mahone said that he would like to see the County make the effort to start a dialogue with them for the mutual benefit of all jurisdictions involved.

Mr. Scruggs volunteered that such an effort had been made with the City of Newport News as far back as 1959 when an agreement was reached, and then Newport News failed to fulfill its part of the bargain.

Both Mr. DePue and Mr. Taylor noted that Newport News is in the "driver's seat" because they have control over the water that the County needs, and this is a poor climate for bargaining.

Mr. Taylor added that we will have to have a good degree of equity in our water system before we can satisfactorily negotiate with the City of Newport News.

Mr. Oliver requested that the Board adopt the Budget Calendar. The Budget Calendar was adopted as presented.

Mr. Mahone made a motion to go into Executive Session for a real estate and legal matter pursuant to Section 2.1-344 (a) (2) (6) of the Code of Virginia 1950 as amended.

On roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

At 10:00 P.M. the Board convened into Executive Session and reconvened into Public Session at 10:25 P.M.

At this time, a motion was made by Mr. Edwards for the County to acquire 116.35 acres from R. L. and Jennie B. Whitfield. This property lies adjacent to the County landfill. On a roll call, the vote was AYE: (5) Frink, DePue, Edwards, Mahone, Taylor. NAY: (0).

RESOLUTION

ACQUISITION OF WHITFIELD PROPERTY
AUTHORIZING COUNTY ATTORNEY TO ACCEPT

WHEREAS, the Board of Supervisors of James City County deems it to be in the best interests of the County to acquire additional acreage for purposes of expanding the existing landfill, and

WHEREAS, Section 15.1-286 of the Code of Virginia, 1950, as amended requires that an individual authorized to act reflect the County's acceptance on the face of the deed.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County that it hereby approves the following:

1. That the sum of \$223,300.00 be expended to purchase that tract of property owned by R. L. and Jennie B. Whitfield, which property consists of 122.3 acres and is adjacent to and lies in a westerly direction from the existing landfill; that sufficient funds are available in the Capital Account/Landfill Equipment previously appropriated.
2. That the County Attorney be authorized to accept on the face of the deed on behalf of the County as required by Section 15.1-286 of the Code.
3. That the County Administrator be authorized to enter into a contract for the purchase of said property.

EXHIBIT A

BILL OF SALE

COMES NOW, JAMES CITY COUNTY (County) for and in consideration of ten dollars (\$10.00) and other good and valuable considerations paid by the JAMES CITY SERVICE AUTHORITY (Authority) to the County, the receipt whereof is hereby acknowledged, the County does hereby grant, sell, transfer and deliver unto the said Authority the following goods and chattels, to wit:

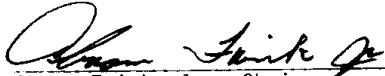
All personal property, tangible or intangible, owned by James City County, Virginia, in the Route 60 West area, known as the Route 60 West Water System, which is used by the County for the collection, storage, and distribution of water; including, but not limited to pipes, valves, meters, fittings, hand and power tools and all implements, tools and miscellaneous supplies used in constructing, maintaining, operating and supplying water to the citizens and customers of the Route 60 West area. Said water system is further described on plans prepared by McGaughy, Marshall and McMillan entitled, "James City County, Virginia Water System, Water Main - U.S. Route 60 West, Connecting Longhill and Toano Water Systems", Sheets 1 through 22 and plans prepared by Talbot and Associates, Ltd. entitled "James City County Water Mains for Sand Hill Area (Rt. 60)", Sheets 1 through 3 (Change Order No. 2).

To have and to hold all singular the said goods and chattels to the said Authority.

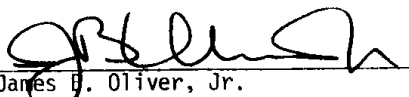
And, James City County hereby covenants with the Authority that it is the lawful owner of such goods and chattels; that it has the right to sell same as aforesaid, that they are free from all encumbrances; and that the County will warrant and defend the same against all lawful claims and demands existing at the time of this sale.

WITNESS, the following signatures and seals:

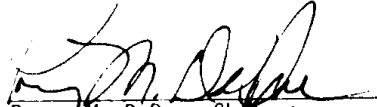
JAMES CITY COUNTY

BY: 
Abram Frink, Jr., Chairman
Board of Supervisors

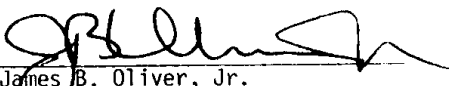
ATTEST:


James B. Oliver, Jr.
Clerk to the Board

JAMES CITY SERVICE AUTHORITY

BY: 
Perry M. DePue, Chairman
Board of Directors

ATTEST:

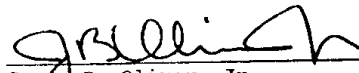

James B. Oliver, Jr.
Secretary to the Board

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Mr. Taylor made a motion that the meeting of the Board of Supervisors be adjourned.

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

The meeting ADJOURNED at 10:30 P.M.


James B. Oliver, Jr.