

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF JUNE, NINETEEN HUNDRED AND 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  
 John E. McDonald, Assistant to the County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES

1. February 1, 1982
2. April 8, 1982
3. April 19, 1982
4. April 26, 1982
5. May 10, 1982
6. May 13, 1982
7. May 24, 1982

Mr. Frink asked if there were any corrections or additions to the minutes. As there were none, Mr. DePue made a motion to approve the minutes. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

C. PUBLIC HEARINGS

1. "No-Wake" Markers in Diascund Creek

Mr. Allen J. Murphy, Jr., Planner, presented this matter to the Board. He stated that Mr. George DeShazor has requested authorization from the Virginia Commission of Game and Inland Fisheries to place "no-wake" markers in Diascund Creek and that the Cypress Point Civic Association has requested in addition that their recreation area be included in the area designated for 'ho-wake' signs. He also stated that Captain James Kerrick of the Virginia Commission of Game and Inland Fisheries has stated that they will support the placement of four 'ho-wake' signs in the creek and that some boating restrictions were necessary. He then noted that Lieutenant Henchee and Lieutenant Crumb from the Virginia Commission of Game and Inland Fisheries were present to answer any technical questions the Board might have.

Mr. DePue asked how the 'ho-wake' signs would be enforced.

Mr. Murphy answered that any law officer of the state and local governments and the local game warden who does make regular routes there would enforce the 'ho-wake' signs.

Mr. Frink opened the public hearing.

Mr. George DeShazor, the applicant, spoke in support of his request for the 'ho-wake' signs in Diascund Creek. He stated that he was also speaking on the behalf of the Cypress Point Civic Association. He stated that the problems they were having were erosion, the safety of the children, and problems in launching their boats.

Mr. Rocky Hounshell stated that for the erosion problems, most of the people have set up bulkheads. He also said the 5 mph current would erode the land, and that children should not swim at the boat ramp because of the quick tides.

Ms. Betty Clay Green stated that she lives off of the Chickahominy River. She stated that she posted two 'ho-wake' signs in her portion of the canal, and boaters should slow down and show some consideration.

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Mr. John F. Wilson disagreed with the placement of 'ho-wake' signs. He stated that the boat ramp area has a strong current and the children should not swim there. He also stated that he wanted to use his property for the purpose that he purchased it, enjoyment of the river.

Mr. Richard B. Holt stated that he was a lot owner on Diascund Creek and that he has never had a problem launching his boat on the creek. He also stated that Mother Nature and Father Time is the problem and not the skiers and boaters.

Mr. Danny Patterson, a lot owner on Diascund Creek, stated that he bought property there to use the water. He spoke in opposition to the placement of 'ho-wake' signs in the Diascund Creek.

Mr. T. R. Reid, Jr., a property owner in Cypress Point Subdivision, stated that he purchased land in that area so that he would have the facilities to use the water and to teach his children to respect the water. He said that the other people around him have built bulkheads to preserve their land. He stated that he was here to support the others who disagreed with the 'ho-wake' resolution.

Mr. Frink closed the public hearing.

Mr. DePue asked Mr. DeShazor was he a spokesman for the Civic Association.

Mr. DeShazor replied that he is the Chairman of the 'ho-wake' Subcommittee formed by the Association. He also stated that he requested 'ho-wake' markers in front of his property restricting no one. He then stated that the Association requested 'ho-wake' markers for their area. He also said that there seem to be no rules for the road as far as boats were concerned and that they would appreciate some relief.

Mr. Edwards stated that it has been a practice of the Board that when there is a disagreement at the public hearings to wait until the next meeting to make a decision. He so moved to defer the decision until the next meeting. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

## 2. Secondary Road Improvements Priority List

Mr. Henry Stephens, Planner, presented this matter to the Board. He said that this public hearing is on the priority list of secondary roads in James City County. He said that this list is used by the Highway Department to establish a six year construction plan for secondary roads. He stated that this is a joint hearing with the Virginia Department of Highways and Transportation and that Mr. Frank Hall, Resident Engineer, was present to answer any questions the Board might have. He noted that there are deficits in the James City County secondary road fund carried over from past projects that exceeded their allocations. He said that they would expect no new construction until fiscal year 1985. He then listed the projects on the priority list with the aid of a map showing the roads in this project.

Mr. Edwards stated that because the turn lanes of Nos. 7 and 8 are not very expensive, he thought that they would be very high on the priority list.

Mr. Stephens replied that they would suggest that Nos. 7 and 8 be done as soon as funds were available because they are smaller, but because of the traffic counts and accidents they are in that particular order.

Mr. Edwards then asked why the funds allocated for secondary roads steadily go down after 1983.

Mr. Hall answered that maintenance of the roads we have is increasing between 15 and 20% a year and that analyses have projected that within the next 5 to 6 years our income would be to the point where there will be very little new construction money.

Mr. Mahone expressed his concern about the priority rating of Route 610.

Mr. Frink opened the public hearing.

Ms. Betty Clay Green said that Route 610 did not have the proper base material and that it is a wagon trail that has been paved and has proven to be fatally dangerous.

Ms. Pearl Taylor of Chickahominy stated that she noticed that Chickahominy Road was No. 1 on the list and was last year, and would like to see something done to it soon.

Another citizen spoke saying that she pays her taxes and would like to have decent roads.

Mr. Frink closed the public hearing.

Mr. Taylor stated that he had heard from a citizen who lived in the area of Diascund Creek who was concerned for the safety of the children. Mr. Taylor wanted to bring out the safety factor of this matter. He asked that the members of the Virginia Commission of Game and Inland Fisheries comment on the matter.

Lieutenant John Crumb said that all law enforcement officers, once the signs were put up, were empowered to enforce them. He said that when someone is operating a boat that causes damage due to wakes, the person is responsible for the damages done, including erosion problems. He also said that it was a very dangerous situation because of the narrowness of the canal.

Mr. Holt asked Lieutenant Crumb whether he issued more citations for reckless boat handling, reckless skiing or wake violations.

Lieutenant Crumb replied that there were more citations for reckless operation and carrying a wake in a 'no-wake' zone.

Mr. Holt stated that a commercial fisherman with a boat full of fish going 5 mph would be in violation. He then said that someone could not go up the creek 1 mph without causing a wake.

Mr. Edwards asked what distance would the 'no-wake' signs cover.

Lieutenant Crumb replied that from one sign to another would be the distance covered by the 'no-wake' signs. He also stated that people should go at a speed that does not cause wakes and should look back to be sure their boat is not causing them. He also suggested that the Board members go to the creek on a busy weekend to see what is actually going on before deciding on the resolution. He stated that it will be a burden on commercial boats going 5 mph carrying a wake.

Mr. Taylor noted that it would be a burden on the property owners who would like to ski in the creek.

Lieutenant Crumb agreed but stated that he could not see why they would want to ski there in a narrow and dangerous place when they have other open nearby waters to ski in.

Mr. Mahone questioned whether we have had any problems enforcing the 'no-wake' signs or hardships created in the area of no-wake signs.

Mr. Oliver replied that the County does not have any water patrol of its own and that all of the waters are patrolled by either the Coast Guard or by the State agencies. He said that he had no direct knowledge of any problems with regards to the 'no-wake' signs.

Mr. Mahone stated that he owned property on the river and has an erosion problem. But he thought that the people should control their erosion problems individually by placing bulkheads. He stated in regard to the safety problem that the area should be watched more closely and that citations should be made. He went on to say that the Civic Association should rope off an area for swimming.

Mr. Mahone also stated that the area should not be restricted seven days a week when there was a problem only on two days a week.

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Mr. Oliver stated that the maintenance of the roads is a state responsibility and that the County is indicating to the State what the list of priorities are. He said that it is the State that has to fund the priorities, and that the outlook for State funds is very bleak. He stated that what the County does do, on an annual basis, is to indicate if the State does come up with funds, which roads we think should be done first, second, etc. He said that the hearings were to develop a sense of priority and that once it is given to the State then it becomes the State's responsibility to secure the funds and actually do the work.

Mr. Edwards moved to approve the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (4). NAY: Mahone (1).

### R E S O L U T I O N

#### SECONDARY ROAD IMPROVEMENTS PRIORITY LIST

**WHEREAS, the Board of Supervisors of James City County desires to establish a priority list for secondary road improvements in recognition of the requirements of the Virginia Department of Highways and Transportation; and**

**WHEREAS, the recommendation of priorities has been submitted to the Board of Supervisors for consideration,**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby adopt priority lists for improvements of secondary roads, said priority list appended to and made part of this resolution.**

#### 3. Update of the Comprehensive Plan

Mr. Oliver gave a brief introductory presentation stating that the plan is general in nature and provides a broad guide for the future development of James City County and that once the plan has been adopted the plan essentially will provide a general frame work for specific detailed actions and ordinance revisions that will be needed to achieve the County's development objections. He said that if the plan was adopted tonight or sometime in the future, no actual changes will occur simply by the adoption of that plan, rather depending on the Board's actions, additional work must be done to study and recommend changes to each zone in the Comprehensive Plan to carry out the recommendations for lower densities of public service areas and so forth. Once staff work has been completed on ordinance changes there will be additional public hearings before the Planning Commission and Board of Supervisors which will be advertised. He stated that this procedure will be followed for almost all action that is necessary to carry out the aspects of the Comprehensive Plan and the public would be given more opportunity to focus narrowly on some specific issues that are contained in the broad plan.

Mrs. Victoria Gussman, Planner, presented the staff report to the Board. She pointed out the changes to the plan with the aid of the Land Development Concept Map.

Mr. Frink opened the public hearing.

Mr. Fred Belden, Chairman of the Planning Commission, spoke in support of the adoption of the plan. He said that once the plan has been adopted the Planning Commission will consider the comments made by the citizens and hope that the input from the citizens would continue. He also said that the staff is a year behind in the adoption of the plan and hope that it could be adopted so that they can proceed with the implementation.

Mr. M. W. Bryant stated that he was surprised at the population projections and the number of schools projected. He felt that the farmers and small land owners should have the right to develop their land for the uses that they want, whether it was for their children, industry or schools. He also felt that the 1½ acre minimum lot size was too much.

Mr. Edward Overton, Agricultural Extension Agent, stated that most of the plan has his support but that one area he was concerned with was the proposed restrictions on the A-1 District. He said that agriculture, while not the largest industry in the County, certainly is a viable industry. He said that the agricultural land has been able to appreciate, an appreciation in value that may not continue if uses are restricted. He said that most of the land owners in the A-1 and A-2 districts wanted the land to stay in its present use. He then requested that before formal adoption is made of the draft update, that the plan should be made a little more specific with regard to the restrictions.

Mr. C. Hammond Branch, a member of the James City County Industrial Development Authority, stated that he was opposed to the proposed changes to the plan because of the restrictions on his land. He said that when the additional restrictions are put on the land, if a farmer dies the family has two options to make—try to rent to another farmer and receiving enough rent to pay the taxes or to sell. He then stated in regard to the lot size that it could be cut down a little.

Mr. Joseph Cotril spoke in opposition to the restrictions in the A-1 and A-2 Districts.

Mr. Richard F. Wilkinson pointed out that the Primary Service Area is where most people will live in the future and has to compete against either the upper part of the county or land owned in Bruton District in York County. He stated that because of the high cost of construction the young people cannot afford 1½ acres. He stated that the present plan has served the people of the County very well. He then stated that when rigid restrictions are put on the land the County will lose control of the land.

Mr. Arthur Hoar presented a Petition to the Board in opposition to the adoption of the plan. He then asked why does the Planning Commission think that to upgrade the plan, they have to put more restrictions on land owners, why not less?

Mr. R. M. Hazelwood said that the majority of the affluent people moving or retiring in Williamsburg prefer to live in a secured controlled neighborhood, and the working class and young people move out of town where they can afford houses on cheaper lots. He then pointed out that a person owning a 1½ acre non-conforming lot and his house burns down he would not be able to rebuild. He stated that if the lot size was raised to 1½ acres the cost of the lot would be doubled. He said that if in the future the Primary Service Area was served with utilities, it would cost more to put in the lines for the 1½ acre lots.

Mr. Hazelwood expressed his feelings on the commercial and industrial sections of the plan. In summary he stated that he did not want to see the lot size increased; that he did not want to lose the uses in the A-1 district; that he did not want to lose the individual businesses along our four-lane highways; and nor did he want to see the number of industrial sites reduced.

Mr. A. K. Wyatt said that he was generally opposed to this plan and recommended that it not be adopted.

Mr. Wesley Sheldon said that his primary concern was the 1½ acre lot size. He stated that his principal objection to the lot size is the cost for the prospective home owners. He requested that the minority report concerning the plan be made aware to the citizens of the County.

Mr. Oliver stated that Mr. Moneymaker submitted some written comments concerning the plan but it was not a minority report.

Mr. Al Riutort, Planning Director, stated that he was not aware of a minority report.

Mr. Henry Stephens, Planner, stated that Mr. Moneymaker's statement was attached to the minutes of the meeting on the Comprehensive Plan and presented to the Board of Supervisors.

Mr. Frink asked that a copy of the report be made available to Mr. Sheldon.

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Mr. M.O. Smith stated that he was fully opposed to this plan in 1975. He read Micah Chapter 2 of the Holy Bible stating that the same thing is happening today that happened in the times of Micah concerning the changes and restrictions on the land of the people. He stated that the people cannot live with this plan and were against it in 1975 and that he was fully opposed to this plan.

Mr. Gerald Otey said Amen to all that was said before him in opposition to this plan.

Mr. Gene Flango, a member of the Elmwood Civic Association, stated that the Association voted in favor of specific parts of the plan. He said that they have not been as comfortable with the A-1 District as some people because for their purposes it was no zoning at all and that almost anything could be done on the land. He then said that they do need protection.

Mrs. Pat Rock stated she being a middle class homeowner, was in favor of the 1/2 acre lot size. She felt that the plan was not designed to eliminate any sort of smaller lot size but designed to have an orderly direction of growth. She also said that the plan was flexible enough to suit most interests and was not an unreasonable plan.

Mrs. Martha K. Smith stated that she has tried to keep up with the plan during the two years and felt that the Planning Commission has studied the plan thoroughly and supported the proposed update of the plan.

Mr. Edward K. English said that he was totally opposed to changes to the plan because he could not see where they would benefit anyone of James City County.

Mr. A. W. Durant expressed his feelings for the young people trying to get land. He also stated that the people should be made aware of what zone they are buying in.

Mr. Carl Moulds congratulated the staff and the Planning Commission on the Comprehensive Plan. He said that he was in support of increasing the lot size.

Mr. Frink then closed the public hearing.

Mr. Frink suggested that the Board take a five minute recess.

The Board RECESSED at 9:50 P.M. and came to order again at 10:07 P.M.

Mr. Taylor expressed his concerns in regard to the amendments to the plan.

Mr. Frink suggested that the matter be tabled.

Mr. DePue said that he could vote on the matter tonight but felt that others may need more information. He moved to table the matter.

By consensus, the matter was tabled until June 28, 1982.

Mr. Oliver wanted to compliment the hearing in that it was done in a way that was very helpful to the staff. He stated that the issues that were raised the staff will be working on them and that any additional information and/or data that the citizens might have would be appreciated. He said that the staff is concerned about the economic health of the County. He stated that it is the staff's preliminary judgment that there does need to be some kind of direction for the County so that we are not guaranteeing ourselves a high-cost government situation. He assured the citizens that spoke that weighing very heavily in their minds was to try to set up some direction that would not rear end load the cost to the local government. He then stated that the staff plans to provide written comments based on what was said at the hearing to the citizens.

#### 4. Case No. Z-13-78. Definition of a "Family"

Mr. Henry Stephens, Planner, presented this matter to the Board. He said that the revised definition does not change the intent of the existing definition of a "Family" or the number of related and unrelated persons that may live together as a family, but that the revisions are written to clear up any ambiguities in the existing definition.

Mr. Frink opened the public hearing.

Mr. Emeric Fischer spoke in opposition to the definition of a "Family". He distributed a copy of his comments to each Board member. He proposed changes to paragraphs 3 and 4 of the definition to insert the phrase "subject to special use permit" in front of each of the two paragraphs. He felt that if James City County were to have the definition as his suggestion indicated, that if it was challenged to the Supreme Court, it would uphold it. He stated that the R-1 zone is for the purpose of having the kind of family unit that the people have always thought of as being in an R-1 section.

Mr. George Douglas stated that he purchased his lot because it had restrictive covenants stating single-family dwellings. He stated that the Planning Commission failed to honor the restrictive covenants in this case.

Mr. Frink closed the public hearing.

Mr. DePue, as the Board's representative on the Planning Commission, recommended the adoption of the resolution as submitted. He felt that this ordinance strikes a good middle ground in that it does regulate our residential neighborhoods which should be regulated and yet at the same time it permits kinds of life styles that are going to occur anyway. He stated that he accepted the sincerity of the proposed amendment but thought that it would just delegate to someone in the administration the power that he felt we would not want to delegate.

Mr. Mahone stated that he was pleased in that through a period of time a considerable amount of homework has been done and that the research and studying was very professional. He said that from his experience, the restrictive covenants were extremely difficult to enforce and were no real protection. He stated that if we are going to have R-1 zoning we need to determine what R-1 zoning is. He went on to say that this definition is an improvement and a step in the right direction, that he thought the special use permit on an administrative type basis would give us a little bit of additional control to stop people from doing what is wrong and to let the County know what was going on. He stated that he whole-heartedly supported the adoption of the changes to provide a special use permit when someone gets away from the traditional definition of a family.

Mr. Taylor stated that he had no objections to this definition if it applies only to the R-1 and R-2 districts, but that if it applies to the whole County he did not know whether he could support it or not.

Mr. Morton informed the Board that the amendment as submitted did not change the staff interpretation being given the word "family", but only made it clearer. He stated in regard to Mr. Fischer's comments that he did not believe that the issuance of a special use permit could be delegated to the administrator of the Planning Department, not without some specific standards or guidelines. He said that issuing a permit would not put the County on notice of a potential violation, and the County would not be on notice of what the neighborhood construes as a violation until such time as it was brought to the attention of the County by the individuals who feel they were adversely affected.

Mr. Edwards stated that he appreciated Mr. Fischer's suggestion and asked him what his thoughts were about the circumstances in which the County could decline to issue a special use permit.

Mr. Fischer replied that in every case that deviates from the normal rule the administrator should determine the situation.

Mr. Edwards stated that the County would have to investigate everyone to determine which ones were according to the rules.

Mr. Mahone suggested an application with a yes/no type form.

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Mr. Taylor moved to table the matter until June 28, 1982 to permit the County Attorney to submit his comments on the proposed changes. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

5. Case No. SUP-4-82.

Mr. Allen J. Murphy, Jr., Planner, presented this matter to the Board stating that James City County has applied for a special use permit to allow the expansion of the James City County Sanitary Landfill and that a sanitary landfill is a permitted use in the A-1 District only after the issuance of a special use permit by the Board of Supervisors. He then stated that the Planning Commission unanimously recommended approval of a special use permit for the sanitary landfill expansion on April 27, 1982. He introduced Mr. Wayland Bass to give a brief presentation.

Mr. Bass stated that the staff's main concern was with the permanence of the ground water and that geological studies have been conducted. He also stated that according to their data the land can be operated as a landfill.

Mr. Frink opened the public hearing.

Mr. Arthur Hoar asked Mr. Bass whether the staff has considered burning the refuse.

Mr. Bass replied that they had but that some of the refuse was not burnable. He explained to Mr. Hoar that the County was jointly looking at a feasibility of a steam generation plant with York County, Williamsburg, Newport News and Badische.

Mr. Frink closed the public hearing.

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

#### RESOLUTION

##### SPECIAL USE PERMIT - JAMES CITY COUNTY SANITARY LANDFILL

**WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain specific land uses that shall be subjected to a Special Use Permit process; and**

**WHEREAS, the Planning Commission of James City County has unanimously recommended approval of a Special Use Permit for the Sanitary Landfill expansion with certain conditions,**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of a Special Use Permit for the James City County Sanitary Landfill expansion with the following conditions:**

1. **Compliance with all state and federal regulations involved in the use and operation of the Landfill.**
2. **A valid State Health Department permit must be maintained while the Landfill is being operated.**
3. **Compliance with all State erosion and sedimentation or regulations involved in the construction use and operation of the Landfill, as specified in the Virginia Erosion and Sedimentation Control Handbook.**



D. CONSENT CALENDAR

Mr. Frink asked the Board members if they wished to have any items removed from the Consent Calendar. Mr. DePue requested that item No. 2 be removed. Mr. Frink made a motion to approve all items except No. 2. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

1. Setting Public Hearing Date of July 26, 1982 for Case No. Z-4-82 and Case No. Z-5-82.
3. Case No. CUP-23-82. Mrs. Inez Walker

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 mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mrs. Inez Walker
Tax Map I. D.:	(22-2) (2-49)
District:	Powhatan District
Zoning:	A-1, General Agriculture
Permit Term:	Permanent
Further Conditions:	None

4. Case No. CUP-24-82. John W. Woodward, Jr.

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

Applicant:	Mr. John W. Woodward, Jr.
Tax Map I. D.:	(9-2) (1-1)
District:	Stonehouse District
Zoning:	A-1, General Agriculture
Permit Term:	Permanent
Further Conditions:	None

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5. Case No. CUP-25-82. Henry F. Wilson, III

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. Henry F. Wilson, III
Tax Map I. D.:	(12-2) (1-7)
District:	Stonehouse District
Zoning:	A-1, General Agriculture
Permit Term:	Permanent
Further Conditions:	None

6. Case No. CUP-26-82. Florence M. Smith

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:	Ms. Florence M. Smith
Tax Map I. D.:	(23-4)
District:	Powhatan District
Zoning:	A-1, General Agriculture
Permit Term:	Permanent
Further Conditions:	None

7. Summer Food Service Program Appropriation ResolutionR E S O L U T I O NAppropriation of Funds For The Summer Food Service Program

WHEREAS, the U.S. Department of Agriculture has awarded James City County funds totalling \$17,731.88 to be used for the Summer Food Service Program for children, ages 5-14, participating in the James City County Summer Recreation Program;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that \$17,731.88 be appropriated as revenue for the Summer Food Service Program and be designated as a continuing appropriation to encompass both the 1982 and 1983 fiscal years, as follows:

Food Contract	\$16,445.63
Administrative Salary	560.00
Fringe Benefits	56.00
Office Supplies	53.00
Postage	17.25
Total Funds	\$17,731.88

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute the necessary agreement and contract to carry out all eligible summer food service activities.

8. Lease Purchase Financing AgreementsR E S O L U T I O NLease Purchase Financing Agreements

WHEREAS, James City County has entered into three lease purchase contracts for photocopying machines which are required to be capitalized according to generally accepted accounting principles;

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the following amendments to General Fund Revenues and Expenditures be made:

Miscellaneous Revenues - Revenue from Financing Agreements	+\$12,412
Buildings and Grounds - Capital Outlay	+\$12,412

2. Case No. CUP-18-82. Clinton W. Frost

Mr. DePue asked whether the fee was paid for this case and whether or not the applicant wanted the permit for nine months.

Mr. Murphy replied that the fee was paid.

Mr. Morton explained that the applicant had originally requested the permit for six months, and the permit could be extended for six months at no additional cost.

Mr. DePue then moved for approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

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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 mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Clinton W. Frost
Tax Map I. D.:	(12-2) (4-4)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	The permit term shall expire at the end of six months from the date the mobile home is placed upon the lot or on the date of the certificate of occupancy of the residence to be constructed on the site whichever is first.
Further Conditions:	None.

E. BOARD CONSIDERATIONS

1. St. George's Hundred Water Supply

In this case the developer of St. George's Hundred Subdivision wants to record new lots in addition to the 49 currently existing in the subdivision and the ground water in this area contains fluorides in concentrations exceeding State Health Department limits. The developer is willing to expand the existing water system or to give the County a \$50,000 letter of credit which at the County's option can be used to help finance the extension of County water to St. George's Hundred or expand the existing system. The \$50,000 letter of credit would give the County the assurance that water will be available either through the expansion of the existing system or extension of County water, but the agreement would not commit the County to extend the water system.

Since the Service Authority had previously approved the matter, Mr. Edwards moved for approval of the resolution and agreement. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O NST. GEORGE'S HUNDRED WATER SUPPLY

WHEREAS, the James City County Board of Supervisors and the Board of Directors of the James City Service Authority desire to extend water service meeting State Health Department requirements to certain County areas where this service is not currently available; and

WHEREAS, the developer of St. George's Hundred has agreed to contribute funds for this purpose, if the Boards decide to extend County water to St. George's Hundred;

NOW, THEREFORE BE IT RESOLVED, that the Chairman and Clerk to the Board of Supervisors and the Chairman and Secretary to the Board of Directors are hereby authorized and directed to execute an agreement with the developer of said subdivision.

A G R E E M E N TSAINT GEORGE'S HUNDRED - WATER SUPPLY

This AGREEMENT made this 14th day of June, 1982  
by and between JAMES CITY COUNTY, party of the first part, herein referred to  
as "County", and THE SAINT GEORGE CORPORATION, party of the second part, here-  
in referred to as the "Developer", and JAMES CITY SERVICE AUTHORITY, party of  
the third part, herein referred to as "Authority",

WHEREAS, the Developer is required to insure an adequate and safe water supply  
for future property owners in an expanded St. George's Hundred sub-  
division in order to meet County and Health Department standards, and

WHEREAS, the existing Saint George's Hundred subdivision water supply is re-  
stricted by Health Department permit to service for 49 lots, and

WHEREAS, the Developer desires to develop and offer for sale additional lots  
in the subdivision exceeding the 49 lot limitation, and

WHEREAS, the existing water supply in the subdivision provides a quantity of  
water in excess of that used by existing residents because some of  
the existing lots do not have structures located thereon.

NOW, THEREFORE, in consideration of these premises, and in order to effect  
the Agreement, and protect the interest of the Developer and the  
County, and to define the obligation of each, the parties mutually  
consent and agree as follows:

1. The Developer will establish an escrow account of \$50,000 in  
the name of the County or will submit an irrevocable Letter of  
Credit in the amount of \$50,000, to guarantee the installation  
of water supply and storage facilities.
2. The expanded water supply and storage facilities shall, at the  
County's option, be either new wells and storage located within  
the Saint George's Hundred subdivision or an extension of Author-  
ity water mains from another existing Authority system; provided,  
however, that the cost to the Developer for an extension of Auth-  
ority water main shall be limited to \$50,000.

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3. In the event that the option of new wells and storage is selected, the Developer's right to connect new structures to the subdivision water system will be limited by the State Health Department allowable number of units for the facility provided by the Developer at his expense.
4. The Developer shall reserve a lot or lots on the plat of Section III, Saint George's Hundred, acceptable to the County and the State Health Department, to provide for the expansion of the public water system. If the lot or lots are not utilized for the expansion of the public water system within 10 years, the lot or lots will revert to the Developer at no cost.
5. The County agrees to allow the Developer to expand the Saint George's Hundred subdivision to the limits of the number of units that the Health Department approves for service from water supply facilities provided by Developer, provided that the expanded subdivision meets all other local and state requirements.
6. The Developer agrees to hold the County and the Authority harmless for any cost exceeding the \$50,000 that may be incurred as a result of Health Department requirements for a water supply to serve the expanded subdivision.
7. The parties agree the County, at its option, may, at any time, utilize the escrow account or the Letter of Credit to provide an approved water supply to the subdivision by constructing an extension from an existing Authority system meeting all State Health Department standards; provided, however, if the County does not approve the plat expanding the said subdivision, this agreement shall be null and void and the Letter of Credit shall be returned to the Developer.
8. The Developer agrees that all water distribution facilities constructed in any new sections of the Saint George's Hundred subdivision shall, upon completion and approval by the Health Department, be dedicated to the Authority.
9. The Authority agrees to accept any new water supply, storage, and distribution facilities in the Saint George's Hundred subdivision for operation and maintenance upon their completion and approval by the County and the State Health Department.

10. The Agreement shall take effect immediately upon execution and shall remain in effect until additional approved water supply and storage facilities for the expanded subdivision have been provided.
11. Except as expressly provided herein, the provision of the Agreement shall inure to the benefit of and be binding upon the parties, their heirs, successors and assigns.

2. Invitation to Join Pamunkey River Study Committee

Mr. Daniel R. Lynn, Jr., Assistant to the County Administrator, presented this matter to the Board stating that they have received a response to Mr. Morton's letter written by Mr. Allan T. Williams, Hanover County Administrator. He stated that the Pamunkey River is not seen as a substitution for the Ware Creek project, but rather as an added source of water.

Mr. Edwards stated that he was in support of the resolution and that the County should not miss out on this good opportunity.

Mr. DePue moved for approval of the resolution. On a roll call, the vote was AYE: Frink, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

WHEREAS, the Pamunkey River has been identified as a possible source of water for James City County in the Master Water Plan; and

WHEREAS, the Pamunkey River Water Committee, formed by the counties of King William, New Kent and Hanover, has been formed to preserve and better manage the water resources of the Pamunkey River; and

WHEREAS, the above named Committee has issued an invitation to James City County to become a member.

NOW THEREFORE, BE IT RESOLVED, that James City County considers management of potential water resources for the County in its best interests, and does therefore accept membership in the Pamunkey River Water Committee.

IT IS FURTHER RESOLVED to allocate \$10,000 of existing appropriations to use toward joint studies for the Committee.

3. Law Enforcement Radio Communications System

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board stating that at the present time police officers and Sheriff's deputies can communicate with Central Dispatch, the Sheriff's Office and each other by call radio, but that once they leave the car the law enforcement personnel are without a means of communication. She stated that with an instrument called PAC-SET, an officer on foot can communicate with headquarters using the portable radio and can also, by changing frequencies, communicate with another officer who is also away from a patrol car.

Mr. Edwards questioned whether the State contract was the best offer.

Mrs. Burcham replied that it was.

Mr. DePue asked why was the staff requesting 16 units.

Mr. Taylor questioned the term of life of the PAC-SET and whether or not they were replaceable.

Mrs. Burcham replied that it would take 22 sets to furnish all the personnel with patrol cars, but they were only asking for 16 because of the expense. She also stated that the State Police has been using the system for 5 to 6 years and rate it very high and have had no problems as of yet.

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Mr. Edwards stated that he would support the resolution.

Mr. Taylor stated that he would support the resolution if the sets will last.

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

### R E S O L U T I O N

#### Law Enforcement Communication System Portable Radio/PAC-SET

WHEREAS, a major element in improving the communication system for the James City County Law Enforcement program has been presented; and

WHEREAS, the portable radio/PAC-SET system will provide a much expanded capability, with additional safety, for radio communications in the field; and

WHEREAS, current State purchasing contracts are expected to be revised with a substantial price increase.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes the purchase and installation of 16 PAC-SET units and 16 portable radios for law enforcement activities and authorizes a transfer of funds as follows:

From Contingency	\$40,000
To Sheriff - Equipment	\$20,000
To Police - Equipment	\$20,000

#### F. MATTERS OF SPECIAL PRIVILEGE

Mr. Mahone questioned the basis for the values of the land involved in the annexation.

Mr. McDonald replied that the real property values were the County's market assessments, except where properties qualified for land use and in these instances land use values were used.

#### G. REPORTS TO THE COUNTY ADMINISTRATOR

##### 1. Resolution for Virginia Highway Commission's June 17, 1982 Public Hearing on the Six-Year Plan

Mr. Orlando A. Riutort, Planning Director, presented this matter to the Board. He recommended that the Board approve the resolution urging the Virginia Highway and Transportation Commission to restore the completion of Route 199, the Grove Interchange, and the Monticello Extension to the Department's Six-Year Improvement Program. He then stated that the approved resolution would be sent to Mr. Richard Brydges, Highway Commissioner for the Suffolk District, and presented at the June 17, 1982 Public Hearing of the Virginia Highway and Transportation Commission.

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



R E S O L U T I O N


Designating the Completion of Route 199  
as the Number One Priority Highway Project in James City County

- WHEREAS, the completion of Route 199 between Route 5 and Interstate 64 is the number one priority road improvement of James City County, followed by the completion of the Grove Interchange and the extension of Monticello Avenue from its intersection with Ironbound Road to the extension of Route 199; and,
- WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed in 1979; and,
- WHEREAS, on March 29, 1982, James City County testified in Suffolk at the Pre-allocation Hearing conducted by the Virginia Department of Highways and Transportation to urge the inclusion of Route 199, the Grove Interchange, and the Monticello Extension in the Six Year Improvement Program; and,
- WHEREAS, Route 199, the Grove Interchange, and the Monticello Extension were deleted from the Six Year Program following the March 29, 1982 Virginia Department of Highways and Transportation Hearing in Suffolk; and,
- WHEREAS, these three improvements were designated highest priority projects by the James City County Board of Supervisors, the James City County Planning Commission, the Williamsburg Area Chamber of Commerce, the Williamsburg Area Tourism and Conference Bureau, the Colonial Williamsburg Foundation, and the counsel for Anheuser-Busch Companies, which include Anheuser Busch's Williamsburg Brewery, Busch Entertainment Corporation's Old Country, and Busch Properties' residential community known as Kingsmill; and,
- WHEREAS, the completion of Route 199, the Grove Interchange, and the Monticello extension are necessary to provide efficient and safe traffic movement for the existing population and tourists who visit the Williamsburg area and contribute substantial revenue to the area's jurisdictions and the Commonwealth of Virginia,
- NOW, THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors urges the Virginia Highway and Transportation Commission to include Route 199, the Grove Interchange, and the Monticello Extension in the Department's Six Year Improvement Program for the primary system.

H. BOARD REQUESTS AND DIRECTIVES

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

The meeting ADJOURNED at 11:20 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board

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