

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

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

Mr. Edwards advised the audience that Stewart Taylor was hospitalized.

B. MINUTES - September 30, 1985

Mr. Tom Mahone made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
 (4). NAY: (0).

C. PUBLIC HEARINGS

1. Vacation of 50-foot Right-of-Way/Chickahominy Haven

Staff recommends adoption of the ordinance.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Mahone made a motion to approve the ordinance.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
 (4). NAY: (0).

2. Case No. Z-16-85, James F. and Beverly T. Hall

The Planning Commission recommends approval of the rezoning.

Mr. Edwards opened the public hearing.

Mrs. Beverly Hall, the applicant, stated reasons why she felt her property should be rezoned and stated she felt the \$125 rezoning fee should be reimbursed to her because the property never should have been zoned B-1.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
 (4). NAY: (0).

RESOLUTION**Of Approval - Zoning Case
No. Z-16-85. James F. & Beverly T. Hall**

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-16-85 for rezoning approximately 1.21 acres from B-1, General Business to A-1, General Agricultural on property identified as parcel (1-33) on James City County Real Estate Tax Map No. (12-1), and;

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on August 27, 1985 recommended approval of Zoning Case No. Z-16-85, and;

WHEREAS, Zoning Case No. Z-16-85 is in accord with the adopted Comprehensive Plan of James City County.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-16-85 as described herein.

3. **Case No. Z-18-85. Mirror Lake Estates**

The Planning Commission recommends approval of the rezoning.

Mr. Brown noted the memorandum did not indicate the reservation of a school site.

Mr. Edwards opened the public hearing.

Mr. Daniel Nice, the applicant, stated the preliminary site plan includes a school site but stated the plan had been changed a number of times and a school site was not included in this proposal.

Mr. Edwards asked Mr. Nice if a school site or other public use site would be included in his next request for rezoning in this area.

Mr. Nice responded that it would be considered.

Mr. Edwards closed the public hearing.

Mr. DePue stated the County should be the one to decide if a school site is necessary, and then inform Mr. Nice of the decision.

Mr. DePue made a motion to approve the rezoning.

Mr. Mahone stated that most developers who develop a large area donate land to the County and stated he felt that if one developer does this, then all developers should do the same.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

RESOLUTION**Of Approval - Zoning Case****No. Z-18-85. Mirror Lakes Estates**

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-18-85 for rezoning approximately 392.7 acres from A-1, General Agricultural to A-2, Limited Agricultural on property identified as parcel (1-17) on James City County Real Estate Tax Map No. (13-4), and;

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WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on August 27, 1985 recommended approval of Zoning Case No. Z-18-85, and;

WHEREAS, Zoning Case No. Z-18-85 is in accord with the adopted Comprehensive Plan of James City County.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-18-85 as described herein.

4. Case No. Z-19-85. St. George's Hundred, Sect. III, Block B-2

The Planning Commission recommends approval of the rezoning.

Mr. Edwards opened the public hearing.

Mr. Steven Pophal, the applicant, spoke in favor of the rezoning.

Mr. Mahone stated he applauded the developer for maintaining the scenic easement along Route 5.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

R E S O L U T I O N

Of Approval - Zoning Case
No. Z-19-85. St. George's Hundred

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-19-85 for rezoning approximately 2.84 acres from A-2, Limited Agricultural to R-1, Limited Residential on property identified as a portion of parcel (1-2) on James City County Real Estate Tax Map No. (46-1), and;

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on August 27, 1985 recommended approval of Zoning Case No. Z-19-85, and;

WHEREAS, Zoning Case No. Z-19-85 is in accord with the adopted Comprehensive Plan of James City County.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-19-85 as described herein.

5. Case No. Z-20-85. Zoning Ordinance Amendment

The Planning Commission recommends approval of the ordinance amendment.

Mr. Edwards opened the public hearing.

Mr. R. Bares, Jr., 149 Hunting Cove, inquired why A-2 zoning could not be used for duplexes as well as R-2 zoning.

Mrs. Gussman responded that A-2 zoning has not indicated a demand for duplexes.

The Board requested staff to prepare a report as to why this amendment is applicable to R-2 zoning but not to A-2 zoning.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to approve the ordinance amendment.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

6. Case No. SUP-22-85. City of Newport News/Diascund
Reservoir Road

Case No. SUP-22-85 (Agenda Item C-6) and Case No. SUP-23-85
(Agenda Item C-7) public hearings were combined.

The Planning Commission recommends approval of the applications
subject to twelve conditions.

Mr. Edwards informed the public that the Board would defer action
on these two cases until Mr. Taylor was present to express his opinion, but the
public hearings would be held at this meeting.

Mr. Edwards opened the public hearings.

1. Mr. David L. Morris, II, representative for the City of Newport
News, presented an overview of what the test wells would accomplish. Mr.
Morris introduced Mr. Andy Snyder, Consultant Engineer, who presented the
technical aspect of the test well program.

Mr. DePue asked Mr. Morris if compensation would be given to
property owners if damage occurred in their wells.

Mr. Morris responded that damage to local wells was not
anticipated.

2. Mr. Archie Hazelwood, 237 Lakeview Drive, stated his concerns
about protecting James City County's natural resources and stated he would
submit a letter for staff consideration of his concerns.

3. Mr. A. K. Wyatt, 9040 Diascund Road, Lanexa, stated James City
County is trying to establish its own water system and stated that he felt other
jurisdictions should not be allowed to use its resources.

4. Mr. Doug Haulsee, York County, spoke in opposition of the proposal.
Mr. Haulsee further stated that adjacent property owners were notified of the
test wells, but other property owners who might be effected by the test wells
were not notified.

5. Mr. P. J. Kitchen, Little Creek Dam Road, spoke in opposition to
the proposal and stated Newport News should stay in Newport News.

6. Mr. Mike Latimer, 2301 Little Creek Dam Road, spoke in opposition
to the proposal, stating Newport News was not giving guarantees to local well
users.

7. Mrs. Eileen Menzel, Little Creek Dam Road, spoke in opposition to
the test wells, stating Newport News was trying to get all the water in the area.

8. Mrs. Alma White, 2650 Little Creek Dam Road, stated she would be
concerned about local water if the Board approved the wells, and also asked the
Board to be concerned about the local people when they consider the proposal.

9. Mr. Mel Bryant, Norge, spoke in opposition to the proposal, stating
James City County should look out for James City County.

Mr. Edwards closed the public hearings.

Mr. Oliver stated there was legislation being considered that could
change water laws in Virginia such that water decisions would be made in
Richmond. Mr. Oliver further stated that Newport News has dealt in good faith
with James City County on this issue.

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It was the consensus of the Board to defer action on these proposals until Mr. Taylor could present his views.

7. Case No. SUP-23-85. City of Newport News/Little Creek Reservoir

This public hearing was combined with the previous public hearing.

8. Case No. SUP-27-85. HRSD/Interceptor Force Main

The Planning Commission recommends approval of the HRSD force main subject to six conditions.

Mr. Edwards opened the public hearing.

1. Mr. Morris Person, Hampton Roads Sanitation District, spoke in favor of the proposal and requested Board approval.

2. Mr. J. C. Farmer, Williamsburg, stated he received a letter about the proposal indicating a 30-foot easement would be required, but the letter did not indicate any monetary remuneration.

3. Mr. Calvin Taylor, 8735 Pocahontas Trail, stated he felt a 30-foot easement was unnecessary.

Mr. Edwards closed the public hearing.

Mr. Brown requested a report indicating why it was necessary to have a 30-foot easement and further requested a blow-up map showing where the easement would be located. Mr. Brown requested Mr. Person to contact all property owners who would be affected by this proposal.

It was the consensus of the Board to defer action on the matter until October 21, 1985.

9. Case No. SUP-30-85. JCSA Water Transmission Main/Jamestown Road and Birchwood Areas

The Planning Commission recommends approval of the permit subject to five conditions.

Mr. Edwards made the following comments prior to the public hearing: 1) He stated the permit is for a transmission line; 2) approval of the line would make it more possible to develop a water system on Richneck and Oak Roads; and 3) water extensions to these roads would be included in next year's budget but residents would need to participate financially and the County would run the extensions if enough residents indicated an interest in the lines.

Mr. Edwards opened the public hearing.

1. Mrs. Cathy Short, 107 Oak Road, presented a petition to the Board indicating support of a waterline to Oak Road.

2. Mr. P. Layton, 119 Holly Road, spoke in favor of the transmission main.

Mr. Edwards closed the public hearing.

Mr. DePue encouraged residents in the proposed area to appoint a committee to work with the Public Works Department on this proposal.

Mr. Brown stated that the other roads mentioned should be considered for next year's budget but there would not be a requirement for residents to connect to the line.

Mr. DePue made a motion to approve the permit.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

RESOLUTION**Of Approval on Special Use Permit
No. SUP-30-85. JCSA Water Main**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-30-85, a special use permit for the construction of a 12-inch water transmission main for a distance of approximately 2.0 miles in the Jamestown Road and Birchwood Areas.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-30-85 as described herein with the following conditions.

1. Compliance with all Local, State and Federal requirements for the construction operation and maintenance of the water transmission main.
 2. Compliance with all State erosion control and sediment regulations as specified in the Virginia Erosion and Sediment Control Handbook, with specific emphasis on extreme care to protect Lake Powell.
 3. Acquisition of all required permits and easements prior to commencement of construction.
 4. For pipeline construction adjacent to existing residential development, adequate dust control measures shall be taken to prevent adverse effects on the adjacent residential property. It is intended that the public interest should be protected by compliance with all Local and State regulations, insuring that the present and future results of the proposed water transmission main do not create adverse effects to the public health, safety, comfort, or convenience or value of the surrounding property and uses thereon.
 5. Silt fences or other appropriate barriers shall be provided along the Lake Powell causeway. These shall be maintained in order to prevent siltation of Lake Powell.
10. Case No. SUP-31-85. Jamestown 4-H Educational Center, Inc.

The Planning Commission recommends approval of the application subject to five conditions.

Mr. Edwards opened the public hearing.

1. Mr. Larry H. Kuhl, the applicant, stated the 4-H Center was paying for the project and requested Board approval of the application.

Mr. Oliver requested the Board consider revising the resolution by deleting the size of the sewer force main and the gravity sewer line so that if the size needs to be changed at a later date, another permit would not be required. Mr. Oliver further stated that the 4-H Center's cost would be based on their need and the Board of Directors would need to consider paying the additional cost of a larger pipe.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to amend the resolution.

On a roll call, the vote was AYE: Brown, DePue, Mahone (3). NAY: Edwards (1). The motion passed by a 3-1 vote.

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Mr. Brown made a motion to approve the amended resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

RESOLUTION

Of Approval on Special Use Permit No. SUP-31-85
Jamestown 4-H Educational Center, Inc.

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-31-85, a special use permit to allow the construction of a sewer force main and a gravity sewer line for the 4-H Club Camp along Greensprings Road and 4-H Club Road to the intersection of 4-H Club Road and Jamestown Road.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-31-85 as described herein with the following conditions.

1. The Developer shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook. A land disturbing permit is required for each project. A siltation agreement, with surety, shall be executed.
2. The Developer shall acquire all required permits and easements prior to commencement of construction.
3. For construction adjacent to existing residential developments, adequate dust control measures shall be taken to prevent adverse effects on the adjacent residential property. It is intended that the public interest shall be protected by compliance with all Local and State regulations.
4. The James City Service Authority shall be notified 72 hours in advance of proposed water mains tying into or crossing existing Authority water or sewer mains.
5. If construction has not commenced on this project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grubbing and excavation of trenches necessary for the construction of the sewer main.

11. **Case No. SUP-32-85. JCSA Water Main/Centerville Road**

The Planning Commission recommends approval of the permit subject to four conditions.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Brown made a motion to approve the permit.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

RESOLUTION**Of Approval on Special Use Permit No. SUP-32-85
James City Service Authority Water Main**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and;

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-32-85, a special use permit for the construction of a 12" water transmission main for a distance of approximately 3900' along Centerville Road from the Ford's Colony Golf Maintenance Center to Longhill Road.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-32-85 as described herewith with the following conditions:

1. Compliance with all local, state and federal requirements for the construction, operation and maintenance of the water transmission main.
2. Compliance with all State Erosion and Sediment Control regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. Acquisition of all required permits and easements prior to the commencement of construction.
4. For pipeline construction adjacent to the existing residential development, adequate dust control measures will be taken to prevent adverse effects on the adjacent residential property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.

The Board recessed at 9:40 p.m. and was declared back into public session at 9:53 p.m.

D. CONSENT CALENDAR

Mr. Edwards asked Board members if they wished to have any items removed from the Consent Calendar.

Mr. Brown withdrew # D-1d.

Mr. Edwards made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

1. Set Public Hearing Date of November 4, 1985 for:
 - a. Case No. SUP-24-85. Jerry's Plumbing and Heating
 - b. Case No. SUP-25-85. G & N Performance
 - c. Case No. CP-4-85. Comprehensive Plan Revision/Skiffe's Creek
2. Resolution to Support Indian Museum

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RESOLUTIONIn support of the proposed Indian Museum
Sponsored by the Jamestown-Yorktown Foundation

- WHEREAS, the Board of Supervisors of James City County acknowledges the role of Indian culture as a part of its heritage, and;
- WHEREAS, the Board of Trustees of the Jamestown-Yorktown Foundation has granted conceptual approval for the design of a museum dedicated to emphasizing the influence of native Virginia Indians on the early history of the County and of the Commonwealth, and;
- WHEREAS, such a museum would benefit the region economically, culturally, and educationally, and;
- WHEREAS, the Board of Trustees has resolved to request State funds for construction of the museum.
- THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County pledges its support to the concept of a Virginia Indian Museum to be located in Jamestown Festival Park.

3. Installation of Streetlights - Camp RoadRESOLUTIONInstallation of Streetlights

- WHEREAS, a petition has been filed for the installation of additional streetlights along Camp Road; and
- WHEREAS, streetlighting plans and cost estimates have been prepared by the Virginia Power Company and reviewed by the County Department of Public Works; and
- WHEREAS, funds are available in the FY 1985-86 budget for the installation and annual rental charges.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the installation of three additional streetlights along Camp Road as shown on the attached plans.

4. Commonwealth's Attorney BudgetRESOLUTIONCommonwealth's Attorney

- WHEREAS, the Board of Supervisors of James City County has been asked to be the fiscal agent for the Office of the Commonwealth's Attorney and to oversee payroll and non-payroll expenses of the office subject to reimbursements from the Commonwealth of Virginia and the City of Williamsburg; and
- WHEREAS, the State Compensation Board has approved the office as a full-time Commonwealth's Attorney's Office based on the combined population of the City of Williamsburg and James City County.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, agrees to act as the fiscal agent for the Office of the Commonwealth's Attorney and authorizes budgetary adjustments by adding to the following budgetary accounts:

Revenue from the Commonwealth:	
Commonwealth's Attorney	\$65,056

Expenditures:		
Office of the Commonwealth's Attorney	\$56,719	
Operating Contingency	8,337	
		\$65,056

5. AnnexationRESOLUTIONAnnexation

WHEREAS, annexation in Virginia is an expensive and divisive process; and

WHEREAS, there exists little evidence to support the presumption that adversarial annexation is beneficial to cities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that it urges the Virginia Association of Counties to sponsor appropriate legislation to do away with involuntary annexation in the Commonwealth.

1. Set Public Hearing Date of November 4, 1985 for:
d. Case No. Z-17-85. Midlands/Joseph S. Terrell

Mr. Brown stated he had received a letter indicating the applicant would like to submit a revised site plan and requesting the Board refer the matter to the Planning Commission. Mr. Brown further stated that at the last Planning Commission meeting the Commission recommended denial of the original application and stated that he would be reluctant to set a public hearing on an application that the applicant wants to withdraw and one the Board is likely to disapprove.

Mr. Morton stated the Board could follow the established procedure of setting the original plan for a public hearing, the Board could have the amended plan presented at the next meeting to see if the plan warrants being referred to the Planning Commission, or the Board could consider the amended plan without referring it to the Planning Commission if the revised plan was not substantially different.

Mr. DePue made a motion to defer action on the matter until October 21, 1985, at which time a staff report would be presented indicating if the plan had substantial revisions.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

E. BOARD CONSIDERATIONS1. Erosion & Sediment Control Plan Review and Inspection Fee

Staff recommends adoption of the position.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone
(4). NAY: (0).

RESOLUTIONErosion and Sediment Control Plan Review and Inspection Fee

WHEREAS, the 1983 Session of the General Assembly amended Section 21-89.5(e) of the Code of Virginia, 1950, as amended, to provide for the collection of Erosion and Sediment Control plan review and inspection fees in amounts up to \$300; and

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WHEREAS, it is the intent of James City County that the County's Erosion and Sediment Control Program be funded by revenues from fees charged to persons who undertake land disturbing activities; and

WHEREAS, the employment of an Erosion and Sediment Control Inspector would benefit James City County's Erosion and Sediment Control Program; and

WHEREAS, the funds received from a plan review and inspection fee will be used to fund a permanent Erosion and Sediment Control Inspector position.

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

1. That pursuant to Section 21-89.5(e) of the Code of Virginia, 1950, as amended, an Erosion and Sediment Control plan review and inspection fee of twenty-five (\$25.00) per dwelling unit of residential development and three-hundred dollars (\$300.00) per acre of disturbed property for other developments shall be charged for the review and subsequent inspection of Erosion and Sediment Control plans. The fee for development of less than one acre shall be prorated. Such fees shall be paid to the Department of Public Works prior to review of the Erosion and Sediment Control plan by the Department of Public Works.
2. That a permanent, full-time Erosion and Sediment Control Inspector be established.
3. That fees collected for erosion and sediment control review and inspection be appropriated as follows:

Revenues - Erosion Control	+ \$16,000
Expenses - Salaries Full-time Public Works	+ \$16,000

2. Powhatan-Oxford Apartments-Multi-Family Housing Revenue Bonds

Staff recommends approval of the resolution.

Mr. Edwards stated he was in favor of the resolution.

Mr. DePue and Mr. Brown commended all parties involved with this project.

Mr. Mahone stated he was not comfortable mixing income groups together and he would not vote in favor of the resolution.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue (3). NAY: Mahone (1). The motion passed by a 3-1 vote.

R E S O L U T I O N

To Consent to the Issuance of Bonds by
the Hampton Redevelopment and Housing Authority
for a Project in the Powhatan Planned Community

WHEREAS, James-Oxford Limited Partnership, a Maryland limited partnership (the "Developer") desires to construct a multi-family apartment project of approximately 220 units (the "Project") to be located in the Powhatan Planned Community in James City County, Virginia; and

WHEREAS, the Developer desires to finance the Project with the proceeds of revenue bonds exempt from taxation pursuant to Section 103(b)(4) (A) of the Internal Revenue Code; and

WHEREAS, Virginia redevelopment and housing authorities are empowered to make loans for assistance in housing construction outside of their jurisdictions through the issuance of such bonds, and the Developer has received indications that the Hampton Redevelopment and Housing Authority may be willing to assist with the financing of the Project; and

WHEREAS, the Developer has committed to providing special provisions for low income housing which exceed the requirements of Federal law; and

WHEREAS, the Developer has further committed to provide enhanced landscaping for the Project which exceeds the minimum requirements of the James City County Zoning Ordinance.

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

1. There being no redevelopment and housing authority established in James City County (the "County"), the County hereby consents to the issuance of bonds to finance the Project by the Hampton Redevelopment and Housing Authority. This consent is conditioned upon the commitment of the Developer to provide special provisions for low income housing as set forth in letters to Mr. James B. Oliver, Jr., County Administrator of James City County from Mr. Richard L. Boales, Vice President of Oxford Development Enterprises, Inc., dated October 1, 1985; October 2, 1985; and October 3, 1985, hereby attached and incorporated herein by reference. The consent is further conditioned upon the commitment of the Developer to provide enhanced landscaping for the project at the level and quality of landscaping reflected in plans entitled "Conceptual Landscape Plans, 'A', 'B', and 'C' ", and incorporated herein by reference. Landscaping and berming of the property bordering the Mid-County Park shall be as shown on Conceptual Landscape Plan "A"; the entrance and road buffer shall be landscaped as indicated on Conceptual Landscape Plan "B"; and landscaping internal to the site shall be provided in accordance with the Conceptual Landscape Plan "C"; provided, however, the aforementioned project landscaping may be modified upon the approval of the Planning Director. This landscaping shall be secured by a bond approved in form by the County Attorney and filed with James City County prior to any official action being taken by the Hampton Redevelopment and Housing Authority regarding the bonds. The special provisions for low income housing shall, as a final condition of the County's consent, be incorporated into the operative bond documents which rule over the operation of the Project.
2. This resolution shall not be deemed an endorsement of the creditworthiness of such bonds, the Project, the Developer or any other person or entity, and the County shall have no obligation whatsoever with respect to the Project or the payment of the Bonds. This resolution shall not be deemed a consent to the exercise of any other powers of a redevelopment and housing authority in James City County other than the issuance of bonds to finance the Project.

F. PUBLIC AUDIENCE

1. Mr. Thomas Williams, 111 Wickre Street, informed the Board that he felt his problem with the County was on the verge of being solved. Mr. Williams also stated the importance of individuals being protected by the Bill of Rights and requested the media remain unbiased when reporting issues.

Mr. Edwards stated that the Board has responsibility for establishing personnel policies and the County Administrator has responsibility for carrying out policy. Mr. Edwards further stated that based on evidence presented to him, the County Administrator had carried out his authority correctly in dealing with Mr. Thomas Williams.

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G. REPORTS OF THE COUNTY ADMINISTRATOR

Mrs. Darlene Burcham encouraged Board support of a Telethon to be held on October 12, 1985, from 9:00 to 11:00 p.m. Mrs. Burcham encouraged resident support of the telethon and requested residents volunteer their time to non-profit organizations and local government programs to help their communities.

Mr. Oliver requested the Board recess at the appropriate time until 1:00 p.m. on October 21, 1985, at which time a Work Session on transportation issues would be held.

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue requested Board members consider the memorandum on Use of County Facilities and stated he felt it should be discussed at a later meeting.

Mr. Mahone withdrew his request for preparation of a resolution to be sent to the FAA in Richmond.

Mr. Mahone requested a report on the tire slashing case as well as a status report of his request to relocate the traffic light at the intersection of Strawberry Plains and Ironbound Roads.

Mr. Wayland Bass responded that VEPCO was looking into the matter, but he would check with them to see what progress had been made.

Mr. DePue stated the conclusion of the Task Force was unsatisfactory to him in regards to Bruton Heights Elementary School. He stated the school should not be repaired, but restored as a monument or symbol.

Mr. Edwards made a motion to recess until 1:00 p.m. on October 21, 1985.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone (4). NAY: (0).

The Board recessed at 10:50 p.m.


James B. Oliver, Jr.
Clerk to the Board

JBO/jw
BOS 13

ORDINANCE NO. 31A-90

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV, DISTRICTS, DIVISION 5, LIMITED RESIDENTIAL DISTRICT, R-2, SECTION 20-176, SPECIAL PROVISIONS FOR TWO-FAMILY DWELLINGS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, of the Code of the County of James City is hereby amended and reordained by amending Section 20-176, Special Provisions for Two-Family Dwellings.

Chapter 20

ZONING

Article IV. DISTRICTS

DIVISION 5, LIMITED RESIDENTIAL DISTRICT, R-2

Section 20-176. Special Provisions for Two-Family Dwellings.

a) Lots intended for two-family dwellings shall be:

1. served by a public water system;
2. served by a public sewer system;
3. required to have a minimum lot size of 15,000 square feet;
and
4. required to meet all other requirements of this District.

b) In addition to the above requirements, where each dwelling unit of a two-family dwelling is on an individual lot, each individual lot shall:

1. have a minimum lot size of 7,500 square feet;
2. have a minimum lot width of 40 feet; and
3. have no minimum side yard requirement on the common side lot line.

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ORDINANCE NO. 157

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN PLAT ENTITLED, "SUBDIVISION PLAT, SECTION EIGHT (8), CHICKAHOMINY HAVEN, JAMES CITY COUNTY, VIRGINIA," AND MORE PARTICULARLY DESCRIBED AS THE 50 FOOT RIGHT OF WAY LOCATED BETWEEN LOT 78 AND LOT 79.

WHEREAS, application has been made by Bailey L. and Edna M. Cutlip, owners of Lot 78, and Michael G. and Vickie T. Ross, owners of Lot 79, in Section 8 of Chickahominy Haven to vacate certain lines, words, numbers and symbols on a plat more particularly described below; and

WHEREAS, notice that the Board of Supervisors of James City County would consider such application has been given pursuant to Section 15.1-482 and, Section 15.1-431 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Board of Supervisors did consider such application on the 7th day of October, 1985, pursuant to such notice and were of the opinion that such vacation would not result in any inconvenience and is in the interest of the public welfare.

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

1. That a portion of a certain plat entitled, "Subdivision Plat, Section Eight (8), Chickahominy Haven, James City County, Virginia," dated April 5, 1964 and recorded in Plat Book 21, Page 46 be vacated so as to permit the recordation of a new plat that will serve to remove certain lines, words, numbers and symbols or more specifically set forth in said plat and thereby vacating a 50 foot right of way located between Lot 78 and Lot 79 on the vacated plat.
2. That a new plat entitled, "Section 8, Chickahominy Haven, Plat of Lots 78 and 79 and Proposed Vacation of 50' Right of Way Between the Same, James City County, Virginia," dated August 7, 1985, prepared by AES, Engineers, Surveyors, and Planners, Williamsburg, Virginia, be put to record in the Clerk's Office of the Courthouse for the City of Williamsburg and County of James City, Virginia.

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



Oxford Development
Enterprises, Inc.

October 1, 1985

Re: Special Housing and Landscaping
Commitments by Oxford for
Powhatan Apartments

Pursuant to discussions with members of the James City County staff and the Board of Supervisors, Oxford is requesting that the James City County Board of Supervisors adopt a resolution on October 7th allowing the Hampton Redevelopment and Housing Authority to issue tax-exempt mortgage revenue bonds for Oxford's proposed apartments in the Powhatan PUD. In the event that such approval is forthcoming, Oxford is willing to make special provisions with respect to low income housing and landscaping, both of which substantially exceed the requirements of Federal law and local zoning regulations.

Based on detailed discussions with Mr. Hansen of the Community Development Department, the public purpose of the tax-exempt financing could be enhanced by means of a special provision for low income families or individuals of James City County not required by Federal law. Oxford is willing to accommodate this low income housing component in the following manner.

- Five percent of the apartment units (11 units) will be set aside for those families or individuals who are qualified to receive assistance under the Existing Section 8 Certificate Program presently under way in James City County. This allocation is assumed to be included under the umbrella of the 20 percent low and moderate income units required by Federal regulations. In order to qualify for the Section 8 Program, the rents for the designated apartments shall not exceed the Fair Market Rents established and periodically revised by the Department of Housing and Urban Development (HUD) for this particular program in James City County. At present, for example, the maximum rents for the program are acknowledged to be as follows:

	<u>FMR</u> <u>1985</u>	<u>Utility</u> <u>Allowance</u>	<u>Maximum</u> <u>Allowable</u> <u>Rent</u>
1 Bedroom	\$363	\$48	\$313
2 Bedroom	\$415	\$59	\$356
3 Bedroom	\$511	\$70	\$441

In the event that HUD eliminates the Fair Market Rent (FMR) methodology for the Section 8 Certificate Program, Oxford agrees that the maximum allowable rent, that is, the rent less a utility allowance established by HUD, will not increase by more than 6 percent per year over the previous year's maximum allowable rent.

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2. The distribution of the special units will be as follows:

1 Bedroom	4
2 Bedroom	4
3 Bedroom	3
Total	11

3. Oxford reserves the right to screen prospective residents for the special low income units in a manner consistent with Oxford's standard operating procedures for Section 8 residents in other Oxford communities under this program. The method of screening of applicants and rejection for good cause such as poor tenant history or poor bill payment records shall be in Oxford's sole discretion, but consistent, of course, with all appropriate laws. Oxford also reserves the right to utilize, to the extent possible, its own lease form and/or add reasonable addendums to the standard WDA lease utilized in the Section 8 Certificate Program.
4. In the event that James City County does not have a sufficient number of Section 8 Certificates to utilize in all 11 designated units, Oxford reserves the right to lease the unutilized apartments. Oxford shall provide the James City County Department of Community Development with written notification of a vacancy of a designated low income unit. Should there be no Section 8 Certificates available to utilize for the vacant unit during the fourteen days following the written notification to the County, Oxford may commence to lease the apartment under the following conditions.

- (1) Lease to individuals or families qualified under the Federal requirements of Section 103 (b) ("Ulman Regulations").
- (2) The applicable income limits shall be a designated percentage of the income limit for the area established by HUD for purpose of fulfilling Federal regulation and shall be adjusted by household size.

<u>Household size</u>	<u>HUD Income % of Limit</u>
1 person	65%
2 persons	70%
3 persons	75%
4 persons	80%
5 persons	80%

- (3) The rent for a unit leased under these circumstances shall not exceed 30 percent (excluding utilities) of the income limits delineated in (2) above.

5. Oxford's commitment to maintain the specially designated low income units shall remain in place for a period of time equal to the time requirements imposed by Federal law for the 20 percent low and moderate income unit designation. Federal law requires that the lower income units be maintained for a period of time equal to 10 years or one-half the life of the bonds, whichever is greater.

In outlining these provisions, the various points have been previously discussed and negotiated with Mr. Hansen. Accordingly, I believe the points outlined above to be consistent with the goals of James City County for purposes of enhancing the public purpose of providing tax-exempt financing for new, moderate-cost rental housing.

The Planning Department has also requested that special provisions be made in the project with respect to landscaping, over and above the normal requirements of the James City County Zoning Ordinance. Concept plans have been presented and are being refined in an effort to clarify the intent of the concept. Oxford hereby commits to provide the level and quality of landscaping reflected in the concept plans and will ensure that this concept is carried out in the final plans to be presented to the Site Plan Review Committee and the Planning Department Staff. Oxford considers landscaping an important design element crucial to the commercial success of its apartment communities. Specifically, special attention will be given to the landscaping of the property's boundaries and areas which are visible from public roads. For example, large pine trees of 12 to 15 foot height will be planted along the edge of the public park to ensure proper screening from the apartment community. Should the Planning Department find the current landscape plans less than adequate, Oxford is willing to make reasonable further amendments to ensure a satisfactory standard of quality.

Please consider this letter Oxford's firm commitment to James City County to comply with the special provisions of the landscaping and low income housing as a condition of utilizing tax-exempt financing for the Powhatan apartment community. The designated bond counsel, Hunton and Williams, has advised that resolutions to be adopted need not necessarily include a reference to the special provisions described herein. However, all of the agreed upon provisions with respect to the low income housing units can be incorporated into the operative bond documents, which rule over the operation of the project. Specific questions in this regard may be addressed to Mr. John Ashton of Hunton and Williams at (804) 788-8436.



OXFORD

Oxford Development
Enterprises, Inc.

October 2, 1985

This letter is designed to serve as an addendum to Oxford's commitment to make special provisions associated with the tax-exempt financing for the proposed apartment community in the Powhatan PUD. Based on the discussion with Mr. Hanson, I would like to offer the following additional clarifications of the letter commitment of October 1, 1985.

1. With respect to the Section 8 Certificate Program, Oxford is willing to operate the 11 designated units in a manner which coincides with the standard HUD operating regulations governing the Section 8 Existing Program. This would include complying with all appropriate provisions for rent increases on such designated units, for example. Further, it would be noted that the rent figure cited for a one bedroom unit for the 1985 FMR should be \$361, not \$363. Despite any other numerical inaccuracies, Oxford will operate the special low income units in a manner consistent with the appropriate regulations and constraints.
2. With respect to initial lease-up, Oxford agrees to notify the James City County Community Development Department in advance of commencing leasing activity in order to allow sufficient time to reserve the necessary Section 8 Certificates for the designated units. Specifically, Oxford will provide the following:
 - (1) Projected unit delivery dates at the time construction commences; and
 - (2) A second notification two months prior to delivery of the first dwelling units.

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In addition, Oxford agrees to maintain the designated units available for occupancy by Section 8 Certificate holders for a period of six months from the time the first units are available for occupancy. Thus, a period of six months following the delivery of the first units would have to pass prior to initiating the second tier rental scheme described in paragraph 4 of the October 1st letter. To reiterate, this second tier scheme only occurs in the event that James City County does not have a sufficient number of Section 8 Certificates to assign to the designated units as is described in the October 1st letter..

3. To further clarify the second tier rental scheme described in paragraph 4, 26 percent rental level to be charged will not include utilities, which are to be paid in addition to the calculated rent by the resident. Finally, Oxford further agrees to utilize a rent level equal to 26 percent of the income limits described in paragraph 4 (2) of the October 1st letter. This is in lieu of the 30 percent level identified in paragraph 4 (3).



OXFORD

October 3, 1985

Oxford Development
Enterprises, Inc.

Please consider this letter as a second addendum to Oxford's commitment for making special provisions associated with the tax-exempt financing for the proposed apartment community in the Powhatan PUD. Pursuant to further discussions with County staff, Oxford is committing to make further revisions to the special housing provisions described in my letters of October 1st and October 2nd.

In the event that Section 8 Certificates may not be available for the entire 11 designated low income housing units, Oxford agrees that the rents charged for such units shall not exceed the rent levels permitted under the Section 8 Certificate Program. For example, the rents on these units shall be equal to the established fair market rent less the appropriate utility allowance based on apartment unit size. This aspect of the second tier rental scheme is to supersede that described in my October 1st letter in paragraph 4 (3) and the October 2nd letter in paragraph 3. However, the income limits for such units shall remain those described in the October 1st letter paragraph 4 (2).