AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 18TH DAY OF AUGUST NINETEEN HUNDRED EIGHTY-SIX AT 3:04 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MINUTES - August 4, 1986 - Regular Meeting

 $\,$ Mr. Mahone noted the Board's vote was not recorded on the Consent Calendar on page 5 in the minutes.

Mr. Mahone made a motion to approve the minutes as corrected.

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

C. PRESENTATION

Certificate of Achievement in Financial Reporting FY1985: James City County James City Service Authority

Mr. Brown presented a Certificate of Achievement in Financial Reporting FY1985 to John E. McDonald, Director of Financial and Management Services, James City County, and to Charles Mehaffey, Chief Accountant, James City Service Authority.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, reported the Highway Department will hold a public hearing on September 18 to receive comments on the Chickahominy Road improvements. Mr. Hall stated he has plans available but not a specific list on how the improvements will impact parts of the community.

Mr. Hall stated that in taking right-of-way some wells may need to be relocated, and houses on the reservoir who have drainfields in the front of their property will be affected more than first thought. Mr. Hall stated he will have a list available at the public hearing as to which houses will be affected and the impacts the improvements will have on the community.

Mr. DePue requested Mr. Hall have information available at the next Board afternoon meeting as to the timing for turn lanes into Windsor Forest off from Longhill Road and on the stop light at the intersection of Olde Towne Road and Longhill Road.

Mr. Brown stated that he had attended a meeting today with other staff members regarding the recommendation of the Governor's Commission on Transportation in the 21st Century. Mr. Brown stated that completion of Route 199 was mentioned as being on the list of critical needs. Mr. Brown stated he feels this puts the County in a good position to receive funds for Route 199 and stated we need to get our Assembly delegates to support the funding.

Mr. Mahone inquired if Mr. Hall had further information to report on the weight limitation on Lake Powell Road.

Mr. Hall responded that a letter has been drafted and he will write an official response to the Board. Mr. Hall further stated that the dam on Lake Powell Road is governed by an old statute which stated the property owner is responsible for its maintenance, but Mr. Hall stated that he feels this is not appropriate any longer and feels the law should be changed.

Mr. Edwards asked Mr. Hall to investigate why the traffic light at the intersection of Route 5 and Route 199 has a long delay.

Mr. Hall responded that the problem may be caused by a damaged wire in the loop on the West side and he would check into it.

Mr. Edwards asked Mr. Hall if it was legal to make a right turn from the right shoulder of the road at certain intersections, specifically Route 5 onto Route 199, and if it is not legal, to investigate placing markings on the road to indicate it is not a turn lane.

Mr. Hall indicated he would investigate proper road markings.

Mr. Mahone thanked Mr. Hall and the Department of Highways and Transportation for installing elephant tracks at the intersection of Strawberry Plains Road and Ironbound Road.

E. PUBLIC HEARINGS

1. Case No. SUP-25-86. City of Newport News/Penniman Road Water Line Extension

The Planning Commission recommends approval of the permit subject to four conditions. Staff recommends approval of the permit with an additional condition.

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

Mr. Mahone inquired if condition five in the resolution should state water main instead of sewer main.

Mrs. Gussman responded in the affirmative.

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

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

RESOLUTION

No. SUP-25-86. City of Newport News Penniman Road Waterline Extension

- 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-25-86, a special use permit to allow the construction of a water transmission main on the south side of Penniman Road between Hubbard Lane and Queens Creek Road for a distance of approximately 1,540 feet and northwest of the intersection of Merrimac Trail and Route 199 for a distance of 360 feet.
- NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-25-86 as described herein with the following conditions.

- The James City Service Authority shall be notified 48 hours prior to the commencement of construction in the vicinity of James City Service Authority water and sewer mains and laterals.
- 2. The James City Service Authority 12-inch water main shall be shown as existing rather than proposed on plans.
 - Adequate dust and mud control measures shall be taken to prevent adverse effects on adjacent property.
 - 4. Any James City Service Authority facilities damaged by the contractor during installation of the proposed water transmission mains shall be repaired by the City of Newport News at no expense to the James City Service Authority and such repairs shall be in accordance with the standards and specifications of the James City Service Authority.
 - 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, grading, and excavation of trenches necessary for the construction of the water main.

2. Case No. SUP-28-86. Mack N. Berkley

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

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

Mr. Taylor made a motion to approve the resolution.

Mr. Mahone requested staff prepare a recommendation on placing a 10-15 year time limit on mobile homes. Mr. Mahone stated that at the end of the term, the mobile home could be evaluated to see if it has been properly maintained and is compatible with the community.

Mr. Taylor stated that he feels a time limit would create a hardship on some citizens.

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

RESOLUTION

Case No. SUP-28-86. Mack N. Berkley

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

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City
County that a Special 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: Mack N. Berkley

Real Estate Tax Map ID: (10-3)

Parcel No. (1-12B)

Address: 120 Berkley Town Road

District: Stonehouse

Zoning: A-1, General Agricultural

Permit Term:

This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

Further Conditions:

The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

The number of bedrooms in the mobile home shall not exceed three.

Existing trees shall be maintained within 20 feet of all property lines except where clearing is required for utilities, necessary entrances, or the mobile home itself.

A landscape plan for the property frontage along Berkley Town Road shall be submitted to and approved by the Planning Department. Landscaping shall be installed by the end of the first available growing season following placement of the mobile home on the property, shall be maintained in a healthy growing condition and replaced when necessary.

The existing structure and debris on the property shall be removed before placement of the mobile home on the property.

3. Authorization to Acquire Property/Alabama Co.

Mr. Morton stated this matter has been before the Board on previous occasions and that due to an advertising technicality the matter was brought back for Board consideration.

Mr. Brown opened the public hearing.

1. Mr. Gary McAlister, General Partner of Alabama Company, stated his company opposes the property acquisition and is embarrassed at the County's offer of \$74,000 for approximately 120 acres of a 444 acre tract. Mr. McAlister stated the Overlay Ordinance adopted by the Board in 1983 made their property and other property unmarketable because the ordinance requires property owners to submit a runoff analysis to the County for review. Mr. McAlister stated his company submitted a runoff analysis last November for the County's review and has not received a response to this date. Mr. McAlister stated his company is a substantial taxpayer in the County and questions the wisdom of constructing the reservoir when it will not serve the County's needs and places a heavy burden on County taxpayers. Mr. McAlister stated he wished his company would have been present to speak against the original ordinance adopted in 1983.

Mr. Brown closed the public hearing.

Mr. Edwards made a motion to approve the ordinance.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone (4). NAY: Taylor (1).

F. CONSENT CALENDAR

 $\mbox{Mr.}$ Brown asked Board members if they wished to remove any items from the Consent Calendar.

Mr. DePue withdrew #F-5.

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

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

Extension of Budget Authority

RESOLUTION

Extension of Budget Authority

WHEREAS, the Board of Supervisors of James City County has previously approved projects for funding that were not totally complete; and

WHEREAS, the appropriations expired as of July 1, 1986.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes the extension of budget authority for the following projects, the source of funds being carried forward from the FY1986 budget:

Landfill Road Extension \$33,806
Transit Company 3,400
Clerk of the Circuit Court \$516
\$37,722

2. Bank Resolution - Community Development Revolving Loan Fund

RESOLUTION

Virginia Federal Savings and Loan

BE IT RESOLVED, that Virginia Federal Savings and Loan, Williamsburg, Virginia, be and it is hereby designated a depository for the James City County Community Development Revolving Loan Fund effective August 18, 1986, and that funds be deposited in a money market account and may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED, that all checks, drafts notes or orders drawn against said account be signed by two of the following:

James B. Oliver, Jr.,

County Administrator

OR

Darlene L. Burcham

Assistant County Administrator

Frances B. Whitaker

Treasurer

OR

Betty S. Pettengill

Deputy Treasurer

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

3. Landfill Pan/Scraper

RESOLUTION

Landfill Pan/Scraper Contract

- WHEREAS, funds are appropriated in the FY87 Capital Improvement Project to purchase a pan/scraper for the County at the Landfill; and
- WHEREAS, a Request For Bid was issued, responses evaluated and the lowest bid meeting the critical specifications determined; and
- WHEREAS, it has been determined that a John Deere 862B submitted by James River Equipment, Inc. meets the critical specifications and is the lowest price machine to do so, and
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes and directs the County Administrator to enter into a contract with James River Equipment, Inc. for the purchase of a John Deere 862B scraper for the sum of \$142,093.

4. Landfill Bulldozer

RESOLUTION

Landfill Bulldozer Contract

- WHEREAS, funds are appropriated in the FY87 Capital Improvement Project to purchase a bulldozer for the County at the Landfill; and
- WHEREAS, a Request For Bid was issued, responses evaluated and the lowest bid meeting the critical specifications determined; and
- WHEREAS, it has been determined that a Caterpillar D5H submitted by Carter Machinery Company meets the critical specifications and is the lowest price machine to do so, and
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes and directs the County Administrator to enter into a contract with Carter Machinery Company for the purchase of a Caterpillar D5H Bulldozer for the sum of \$68,819.

5. Position Authorization - Recreation Center

Mr. DePue stated he feels position requests should not be placed on the Consent Calendar. Mr. DePue requested staff give a statement on this matter.

Mr. Oliver stated approval of this position would assist staff and the County Recreation Commission to develop other operating plans and policies. Mr. Oliver stated the salary range is approximately \$20,000 to \$31,000.

Mr. DePue made a motion to approve the resolution.

Mr. Brown stated the Recreation Commission is working on operating procedures for the Recreation Center and inquired as to when the Center would open.

Ms. Sandi McPherson, Director of Parks and Recreation, responded the Recreation Center is scheduled to open in February 1987.

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

RESOLUTION

Recreation Center Position

- WHEREAS, funds have been appropriated in the FY 1987 budget for staffing the James City County/Williamsburg Recreation Center; and
- WHEREAS, James City County has identified the need for a Center Manager to supervise the operation of the Recreation Center, and
- WHEREAS, the existing personnel resources of James City County are not sufficient to meet this need.
- NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors, James City County, Virginia, hereby authorizes the establishment of a Center Manager position.

G. BOARD CONSIDERATIONS

Position Request - Planning

Mr. Brown stated he supports the new position request, as well as the reclassification request in the Board Reading File.

Mr. DePue stated the workload in the Planning Department has doubled and plans are much more complex than in the past. Mr. DePue stated that he supports both requests.

Mr. DePue stated that he would like to be informed if runoff analyses are not reviewed.

Mr. Morton responded that the County has responded to Alabama Company.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

Planner I Position

WHEREAS, the employment of a Planner I would benefit James City County by improving the quality and effectiveness of County planning efforts; and

WHEREAS, funds are anticipated to be available for the Planner I due to turnover.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County has established a permanent, full-time Planner I position.

H. PUBLIC AUDIENCE - None

L REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss land acquisition.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards requested staff present ideas on what resources are necessary to study special areas of the County, such as Jamestown Road, Longhill Road and Ironbound Road, instead of studying the County as a whole.

Mr. Mahone requested staff carefully monitor erosion control methods on the Holly Brook to Jamestown Road construction at the Lake Powell causeway.

Mr. Mahone requested staff research the tax rate of surrounding jurisdictions on boats and trailers and how James City County compares to those rates.

Mr. Mahone commended the Police Department on their efforts on DWI's and stated he feels their action will help to reduce automobile accidents.

Mr. Mahone referenced a Board Reading File item from Mrs. Wilson. Mr. Mahone requested staff consider posting signs on property proposed to be rezoned.

Mr. Oliver responded that staff is in the final phase of researching this matter and hopes to have a report in the near future.

Mr. Brown referenced Chief Key's Police Report in the Board Reading File and stated the clearance rate is outstanding.

Mr. Brown requested a staff member give a presentation on the advantages and disadvantages of the Social Services Board being an administrative or advisory board at their meeting on September 10.

Mr. DePue inquired if Mr. Wanner had contacted York County on the SHNI Corporation matter.

Mr. Oliver responded in the affirmative.

Mr. Brown noted that he has not contacted the York County Board of Supervisors on this issue, but will in the near future.

Mr. Taylor made a motion to go into Executive Session to discuss a real estate matter pursuant to Section 2.1-344(a)(2) of the Code of Virginia, 1950 as amended.

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

The Board convened into Executive Session at 4:05 p.m. and reconvened into public session at 5:06 p.m.

Mr. Brown made a motion to nominate Mr. Myrl Hairfield to the Industrial Development Authority.

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

 $\,$ Mr. Brown made a motion to recess until 5:00 p.m. on September 8, 1986 to hold an Economic Development Work Session.

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

The Board recessed at 5:08 p.m.

ORDINANCE NO. 159

BOARD OF SCHERVISORS
JAMES CITY COUNTY

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, ALL AS SHOWN ON A PLAT ATTACHED HERETO FOR PUBLIC PURPOSES AND FOR CONSTRUCTING AND EXPANDING THE WATER SUPPLY SYSTEM OWNED BY JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described, in James City County, Virginia, as shown on a plat attached hereto, for construction and expansion of the water supply system owned by James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, James City County, Virginia hereby ordains:

Emmett & Franck, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the Code of Virginia, 1950, as amended, and by Title 33.1, Chapter 1, Article 7 of the Code of Virginia, 1950, as amended, certain real property in James City County, Virginia, and shown on a plat attached hereto, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Section 3 of this Ordinance.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner

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of the property upon the compensation and damages, if any, to be paid within

limit of the funds provided as set out in Section 4 of this Ordinance, which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Ordinance together with a substantial description of the parcel is as follows:

Alabama Company, a Virginia Limited Partnership

33.37 acres of land, more or less, in James City County, Virginia, shown as "PARCEL A - AREA WITHIN 50 FT. CONTOUR LINE: 33.37 ACRES" on a plat entitled "PLAT OF SURVEY, SHOWING PROPERTY OWNED BY ALABAMA COMPANY TO BE CONVEYED TO JAMES CITY COUNTY, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA" prepared by G. T. Wilson, Jr., Certified Land Surveyor of Buchart-Horn, Inc. dated 1/10/86, revised 3/27/86.

Together with a perpetual easement for the protection of a public water supply reservoir, over and upon the following described property:

79.72 acres of land, more or less, in James City County, . Virginia, shown as "PARCEL B - AREA WITHIN 200' SETBACK LINE: 60.99 ACRES" and "PARCELS C, D, E, F, G & H - AREA WITHIN 100' SETBACK LINE: 18.73 ACRES" on a plat entitled "PLAT OF SURVEY, SHOWING PROPERTY OWNED BY ALABAMA COMPANY TO BE CONVEYED TO JAMES CITY COUNTY, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA" prepared by G. T. Wilson, Jr., Certified Land Surveyor of Buchart-Horm, Inc. dated 1/10/86, revised 3/27/86.

This easement shall include (a) the right to inundate the land within the easement to an elevation of FIFTY FEET above Mean Sea Level with backwaters caused by the construction of any future dam or other improvements on Ware Creek or any of its tributaries, (b) the right to clear, destroy, remove and dispose of any timber, undergrowth, brush, stumps, debris, trash, filth, or any other matter lying at or below the fifty foot elevation contour, provided that the Landowners shall be given a reasonable opportunity to remove any merchantable timber prior to such clearing, (c) the right to clear, destroy, remove and dispose of any timber, undergrowth, brush, stumps, debris, trash, filth, or other matter lying within the easement which would adversely affect the quality of any public water supply reservoir, provided that the Landowners shall be given a reasonable opportunity to remove any merchantable timber prior to such clearing, (d) the right to construct within the

easement sediment and/or erosion control basins, structures or other devices as necessary to control run-off into any public water supply reservoir, (e) a right of access over the lands within the easement for access to any public water supply reservoir and run-off control devices for the purpose of inspecting, operating, maintaining and protecting the same.

Within the easement the Landowners, their successors, heirs and assigns, shall be prohibited from (a) storing or producing any hazardous wastes as defined in Section 32.1-177 of the Code of Virginia, 1950, as amended, (b) storing any hazardous substances in reportable quantities as listed in 44 Federal Register 50777, et seq., (1979), (c) storing bulk quantities of petroleum or asphalt products or compounds, (d) conducting commercial livestock feeding operations, (e) applying any industrial wastes to the land, (f) constructing any permanent structure other than those expressly permitted by the terms of this document, (g) constructing or locating any temporary structure to be used for the housing of humans, animals, fowl, fish or reptiles, (h) constructing any septic tanks, drainfields, sewer lines or sewage treatment devices, (i) applying fertilizers, herbicides or pesticides except in accordance with plans approved by the County, (j) temporarily or permanently removing the vegetation cover or timber by cultivation, burning, clearing, cutting or any other means except in accordance with plans approved by the County which shall not be unreasonably withheld provided the plan provides for the prompt revegetation of the land in a manner that will not increase sediment runoff into any public water supply reservoir, (1) permitting public or commercial access to the reservoir, (m) using the land in any manner or for any purpose which would pollute any public water supply reservoir.

There is expressly reserved by the Landowners, their successors and assigns, the rights to (a) construct drainage, sediment and erosion control devices or structures within the easement in accordance with plans approved by the County, (b) fence their lands within the easement subject to the rights of access and rights to clear and inundate to the fifty foot elevation contour granted above, (c) construct and maintain all weather surface driveways over the easement from the public highway to each lot which may be subdivided from the Landowners' property, and (d) enjoy the use and possession of the lands within the easement for all purposes not inconsistent with nor in conflict with other provisions of this document.

Section 4. The funds estimated as necessary to compensate the owner of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is Seventy

XUU, Y

Four Thousand Nine Hundred and no/100 Dollars (\$74,900.00).

Section 5. The County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. shall notify the property owner of the compensation and damages offered by the County forthwith on or before September 2, 1986.

Section 6. That in the event any of the property described in Section 3 of this Ordinance has been conveyed, the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. are authorized and directed to institute proceedings against successors in title.

William V/Seou

William F. Brown, Chairman Board of Supervisors

ATTEST:

James B. Oliver, Jr. Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 18th day of August, 1986.

| SUPERVISOR | VOTE |
|------------|------|
| BROWN | AYE |
| DEPUE - | AYE |
| EDWARDS | AYE |
| MAHONE | AYE |
| TAYLOR | NAY |