

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3rd DAY OF NOVEMBER NINETEEN HUNDRED EIGHTY-SIX AT 7:40 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 - October 20, 1986

Mr. Brown made a motion to approve the minutes as presented.

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

Mr. Brown announced the public hearing scheduled for Ford's Colony has been cancelled.

Mr. Brown announced Mr. Oliver's resignation effective November 14, 1986. The Board has selected the consulting firm of Municipal Advisors, Inc., of Virginia Beach, Virginia, to assist in the selection of a new county administrator. The selection process is expected to take approximately four to five months. In the interim, the Board is appointing Darlene L. Burcham as the Acting County Administrator effective November 15, 1986. Mr. Brown stated the Board will reserve their farewell comments to Mr. Oliver until their next meeting.

Mr. Brown made a motion to approve the resolution appointing Darlene L. Burcham as Acting County Administrator effective November 15, 1986.

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

RESOLUTION

APPOINTMENT OF ACTING COUNTY ADMINISTRATOR

WHEREAS, the County Administrator is the Chief Administrative Officer of James City County and Clerk to the Board of Supervisors; and

WHEREAS, the position of County Administrator will become vacant on November 14, 1986, due to the resignation of James B. Oliver, Jr., and

WHEREAS, it is deemed necessary by the Board of Supervisors of James City County to appoint an Acting County Administrator to perform the duties of County Administrator and Clerk to the Board of Supervisors while it seeks a permanent Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby appoint Darlene L. Burcham as Acting

County Administrator and Clerk to the Board effective November 15, 1986.

BE IT FURTHER RESOLVED that this appointment shall continue until such time as a County Administrator is appointed and the Acting County Administrator shall have the authority and privileges afforded the Office of County Administrator during this period.

Mr. Brown stated that a similar resolution to appoint Mrs. Burcham Acting Secretary of the Service Authority will be presented to the Service Authority Board later in the evening.

Mr. Brown announced the selection of a new elementary school site. The County will purchase 41.9 acres located on Ironbound Road between Five Forks and Jamestown Road from Mr. and Mrs. Richard Gilliam. The cost per acre is \$8200. Twenty acres will be set aside for the school site. No decision has been made on the use of the remaining property.

Mr. Edwards thanked Mr. Mahone, Mr. DePue and the School Site Selection Committee for their time and effort in selecting a site.

Mr. Brown made a motion to approve the resolution authorizing the purchase of the Gilliam property for partial use in the expansion of the Williamsburg-James City County School System.

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

RESOLUTION

Authorization to Acquire Property for Construction and
Expansion of the Williamsburg-James City County School System

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 hereinafter more particularly described in James City County, Virginia, as shown on a plat attached hereto, ("the Property") for the construction and expansion of the Williamsburg-James City County School System, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia; and

WHEREAS, a site has been identified as described on a certain plat as follows, "'41.9 ACRES + STANDING IN THE NAME OF RICHARD W. & ARNITA JANĒ M. GILLIAM, JAMES CITY COUNTY, VIRGINIA' made by William L. Miller, Jr. of AES, a professional corporation, dated 9/24/86, revised 10/14/86 a copy of which is attached hereto and made a part hereof, marked Exhibit 1."; and

WHEREAS, the County is now in receipt of a Contract of Purchase between the parties executed by the owners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator be directed to execute the said Contract of Purchase dated October 27, 1986, a copy of which is attached hereto and made a part hereof.

Mr. DePue also expressed his thanks to the School Site Selection Committee members for their efforts in selecting the school site.

C. PUBLIC HEARINGS

1. Case No. Z-17-86. Henry S. Branscome.

-3-

The Planning Commission recommends approval of the application with proffers.

Mrs. Victoria Gussman, Director of Planning, explained the application.

Mr. Brown recommended the Board consider Case Z-21-85 along with Case No. Z-17-86.

Mr. Brown opened both public hearings.

1. Mr. Roger Guernsey, architect representing Mr. Branscome, explained how rezoning the 6.29 acres from A-2, Limited Agricultural to B-1, General Business would provide some benefits to all parties, fit into the Master Plan and provide more green space.

In response to Mr. Brown's inquiry about an excavated area on the south side of the property, Mr. Branscome explained the dirt was removed for building Route 31 about 18 years ago. Mr. Branscome explained how he now wants to clean up the property, regrade and make it more attractive. He noted that he wants a parking lot on the same side of John Tyler Highway as his office building.

Mr. Mahone noted the recent improvements made by Mr. Branscome to the parcel. Mr. Mahone is concerned about traffic, and the general appearance of property as Route 5 is in a sensitive area and there is pressure to establish green belts. Mr. Mahone wondered if the improvements could be made without rezoning. If so, Mr. Branscome would only need an erosion and sedimentation control permit.

As no one else wished to speak, Mr. Brown closed the public hearing.

Mr. Brown stated he had a number of concerns on the rezoning of both parcels (Case No. Z-17-86 and Case No. Z-21-85). Mr. Brown finds the proffers to be inadequate, specifically, the landscaping improvements are insufficient.

Mr. Taylor stated he did not agree with Mr. Brown. As long as the parcel is A-2, it is in a position for business development; therefore, he favors the application to rezone the property to B-1.

Mr. Brown said he supported a six month deferral to allow Mr. Branscome time to fix up the property and demonstrate to the Board what he is willing to do.

Mr. DePue pointed out that if turn lanes are constructed, the 60' green space is insufficient. The proffers do not speak to the use of the land. Mr. DePue stated he is not comfortable voting for or against application. He wants to work with the applicant to benefit the County and the owner.

Mr. Edwards said the changes Mr. Branscome had made to the proffers are better than the ones previously submitted. Mr. Edwards stated a compromise is near and he prefers to defer the matter.

Mr. Edwards made a motion to defer the matter until the next meeting.

Mr. Brown made a motion to defer until Mr. Branscome is ready for the matter to be reconsidered.

Mr. Frank M. Morton, III, the County Attorney, stated that Mr. Branscome can secure an Erosion and Sedimentation Control Permit to clear and grade property.

Mr. Brown restated his motion to defer Case No. Z-17-86.

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

Mr. Brown made a motion to defer Case No. Z-21-85.

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

2. Case No. SUP-29-86. Peggy C. Randall.

Victoria Gussman presented to the Board the application of Mrs. Randall.

Mr. Edwards noted that the Planning Commission unanimously recommended denial of the application and that he could not recall a situation in the past where the Board of Supervisors reversed a denial recommendation by the Planning Commission.

Mr. Brown opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated Poplar Hall Plantation subdivision covenants restrict the establishment and operation of a day care center. Mr. Oyer is opposed to the application.

2. Mrs. Peggy Randall, 104 Tarleton Bivouac, noted a correction to the size of the addition to the property. The dwelling is to be enlarged to 820 square feet. Mrs. Randall stated her neighbors had signed a petition in favor of the day care center and that another business already exists on the street. She made her application in good faith and followed the procedures necessary to secure the approval of the application. The procedure has been an expensive one for her.

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

Mr. DePue made a motion to deny the SUP.

Mr. DePue stated the residential areas need to be protected from business uses.

Mr. Brown said a day care center is a valid occupation but belongs in a business district. Allowing a day care center in a residential area would be disruptive to the neighborhood.

Mr. Taylor said it appears Mrs. Randall was led to believe that she would get the permit before she spent the money.

Mr. DePue stated the Planning staff should not make judgments as to what the Planning Commission will approve.

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

3. Case No. Z-12-86. Casey Industrial Park.

Mrs. Victoria Gussman presented the application.

Mr. Brown opened the public hearing.

As no one wished to speak, Mr. Brown closed the public hearing.

Mr. Taylor made a motion to approve the application.

Mr. Brown stated the rezoning was a logical use for the property.

Mr. Edwards agreed with Mr. Mahone's earlier statement in the Board of Directors meeting that the County might be interested in securing additional land near the Buildings and Grounds complex on Tewning Road.

In response to Mr. DePue's question, Mr. Wanner pointed out the exact area of land available for future consideration for purchase.

-5-

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

Mr. Brown recommended to the Board they consider Case No. Z-11-86. Midlands, Sections 1 & 3, and Case No. Z-18-86. William E. Harris at the same time.

It was the consensus of the Board to hold a joint public hearing for the two cases.

4. Case No. Z-11-86. Midlands, Sections 1 & 3.

5. Case No. Z-18-86. William E. Harris.

Mr. Brown opened the public hearings.

1. Mr. Alvin P. Anderson, attorney for Mr. and Mrs. Joseph S. Terrell and Mr. William E. Harris, presented the application. Mr. Anderson listed the previous zoning decisions on the properties since 1980. He stated that approval of the applications would be consistent with prior and current analysis of staff.

As no one else wished to speak, Mr. Brown closed the public hearing.

Mr. Taylor made a motion to approve the application.

Mr. Mahone said it would be better to consider the whole area rather than piecemeal.

Mr. Brown concurred with Mr. Mahone.

Mr. Mahone added that a development such as the Mt. Pleasant Medical Center will be a nice addition. The community standards are rising which will be beneficial to all. He would like to see quality development there and is not favorably impressed with this request to rezone.

Mr. Edwards said he will vote against application because it does not fit in the Comprehensive Plan which calls for low density residential in the areas to be rezoned.

Mr. DePue stated he will reluctantly support the application which, if adopted, will change the nature of the area from residential to business. Mr. DePue noted there were no residents present to speak on the application.

Mr. Brown said he was impressed with the proposal and that it was well developed by Mr. Anderson. He stated he also agreed with Mr. Edwards regarding the technical and significant changes the rezoning proposes.

Mr. Brown made a motion to defer Case No. Z-11-86. Midlands, Sections 1 & 3 for two weeks.

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

Mr. Brown made a motion to defer for two weeks Case No. Z-18-86. William E. Harris.

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

6. Case No. AFD-2-86. Croaker

Mr. Brown opened the public hearing.

1. Mr. Carrolton Piper, 5091 Riverview Road, stated the residents objected to the Planning Commission's recommendation to exclude a 50-foot wide strip adjacent to Croaker Road.

2. Dr. Robert Solomon, 5011 Riverview Road, said he objected to the 50-foot right of way requirement especially since no other district has that requirement.

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

Mrs. Gussman stated the Virginia Department of Highways and Transportation recommended the 25-foot wide strips surrounding Croaker Road, Riverside Road, Fenton Mill Road, and Moss Side Lane be excluded from the district. The Planning Commission wanted 50-foot rights of way for future road and drainage improvements excluded.

A discussion followed regarding the 25-foot and 50-foot requirements for Agricultural and Forestal Districts by the VDH&T.

Mr. Taylor said the Agricultural and Forestal District Committee removed the 50-foot requirement from all districts except when a road project is on the Six Year Plan.

In response to Mr. Brown's inquiry if any of the cases this evening had road projects in the Six Year Plan, Mrs. Gussman replied in the negative.

Mr. Edwards said the Planning Commission was unanimous in favoring 50-foot rights of way. Their recommendation was based on concerns from citizens who want green belts for these roads. Mr. Edwards said he would support the Planning Commission recommendation.

Mr. Taylor said there is no need to exclude if the right-of-way is not going to be utilized.

Mr. Edwards stated it is possible to have a road placed on the Six Year List annually.

Mr. Mahone made a motion to adopt the ordinance as presented by the Planning Commission.

Mr. Oliver stated if the VDH&T has requested the right-of-way exclusions it would be better to hear from them first their reasons for the request before the Board votes on the matter. Mr. Oliver suggested working with VDH&T on this issue.

Mr. DePue concurred with Mr. Oliver and made a motion to defer the ordinance. Mr. DePue requested staff to contact Mr. Frank Hall to be at the next Board meeting to clarify the Highway Department's position.

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

7. Case No. AFD-3-86. Hill Pleasant Farm.

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

Mr. Brown made a motion to defer the ordinance.

Mr. Taylor stated if the VDH&T requested excluding the 25-foot right of way adjacent to Rochambeau Drive it must have had a good reason.

Mr. Brown said it is confusing to know what is required by VDH&T.

Mr. Edwards made a motion to defer the ordinance.

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

8. Case No. AFD-4-86. Pates Neck

-7-

Mr. Brown opened the public hearing.

1. Mr. J. A. Daniels, 1945 Little Creek Dam Road, Toano, spoke in favor of Case No. AFD-4-86. Mr. Daniels said he does not want to see the property developed. He has been to three boards and commissions to obtain approval and is ready for the Board to vote positively on the request.

Mr. Brown closed the public hearing.

Mr. Taylor stated he is familiar with this case and does not believe the State needs any more land for roadways.

Mr. Edwards said he was sure the Board would approve application.

Mr. Daniels explained his family has maintained the property in its natural state for 40 years.

Mr. DePue commented the response from the assessor's office regarding the value of the right-of-ways was unclear. The Board is ready to support all AFD applications but needs to understand VDH&T's position on this matter.

Mr. Edwards made a motion to defer.

On a roll call, the vote was: AYE: Edwards, DePue, Mahone (3). NAY: Brown, Taylor (2).

D. CONSENT CALENDAR

Mr. Brown asked Board members if they wished to remove any items from the Consent Calendar.

Mr. Mahone withdrew #D-1.

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

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

2. Water Extension Agreement - Skiffes Creek Terrace - Phase I and Phase II

RESOLUTION

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENTS

WHEREAS, Ferrell General Construction, Inc., has prepared plans for Skiffes Creek Terrace Phase I and Phase II, a townhouse development in Grove; and

WHEREAS, the City of Newport News has prepared water extension agreements for the extension of city water mains to serve this development; and

WHEREAS, all testing fees and inspection fees have been paid by the developer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the James City County Board of Supervisors be authorized to execute the Newport News Water Extension Agreements on behalf of the County.

3. Poultry and Livestock Claim

RESOLUTION

-8-

LIVESTOCK CLAIM

WHEREAS, the claim of Mr. Robert E. Gilley has been investigated and found to be valid, and

WHEREAS, the value of the livestock destroyed has been estimated to be as follows:

2 Calves @	\$125.00 =	\$250.00
1 Cow @	\$375.00 =	375.00
TOTAL =		<u>\$625.00</u>

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby reimburses Mr. Robert E. Gilley \$625.00 for the livestock destroyed.

4. Poultry and Livestock Claim

RESOLUTION

LIVESTOCK CLAIM

WHEREAS, the claim of Mr. Robert E. Gilley has been investigated and found to be valid, and

WHEREAS, the value of the livestock destroyed has been estimated to be as follows:

1 Calf @	\$175.00 =	\$175.00
TOTAL		<u>\$175.00</u>

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors hereby reimburses Mr. Robert E. Gilley \$175.00 for the livestock destroyed.

1. CIP-1-86. Amendments to Public Facilities Plan

In response to Mr. Mahone's inquiry concerning the location of the star on the Public Facilities Plan, Mrs. Gussman stated the star had shifted to the East.

Mr. Mahone made a motion to approve the resolution.

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

RESOLUTIONComprehensive Plan Amendment - Case No. CP-1-86

WHEREAS, in accord with Section 15.1-453 and Section 15.1-431 of the Code of Virginia, a public hearing was scheduled and held on April 7, 1986 for Case No. CP-1-86 for amending the Public Facilities Element of the Comprehensive Plan of James City County by adding an elementary school facility in the vicinity of John Tyler Highway between Centerville Road and Ironbound Road; and

WHEREAS, the Planning Commission following its public hearing on February 25, 1986, recommended approval of the Comprehensive Plan amendment as set forth in Case No. CP-1-86.

-9-

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby amend the Public Facilities Plan of the Comprehensive Plan of James City County by adding an elementary school facility in the vicinity of Five Forks.

E. BOARD CONSIDERATIONS

1. Case No. Z-21-85. Henry S. Branscome

The Board considered this case concurrently with Case No. Z-17-86. Henry S. Branscome, Agenda item C-1, Public Hearings.

F. PUBLIC AUDIENCE

1. Mrs. Elise Emanuel, a Guidance Counselor at Lafayette High School, representing the Williamsburg-James City Education Association, said the organization wished to commend Mr. Oliver for his support of teachers and accomplishments during his tenure as County Administrator. On behalf of the Williamsburg-James City Education Association, Mrs. Emanuel presented Mr. Oliver with a Certificate of Appreciation.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss personnel, real estate, and legal matters.

Mr. Oliver thanked Mrs. Emanuel for the certificate and expressed his appreciation for their cooperation and assistance. Mr. Oliver stated he has enjoyed being a member of the James City County community and will miss the people. He also thanked the Board for their trust in him and for the opportunity to work with them and the Community.

H. BOARD REQUESTS AND DIRECTIVES

Mrs. Darlene L. Burcham, Assistant County Administrator, requested permission to respond to a letter from Mr. Steve Oliver regarding the need for another public hearing on SUP-13-84.

Mr. Mahone requested staff to inform Officer Andrew D. Duncan, Jr., of the Police Department, that Mr. and Mrs. Weeks were most grateful for his excellent and sensitive assistance when their daughter was seriously injured the previous week on Jamestown Road.

Mr. Mahone stated the improvements to Crossroads Community Home are scheduled to be completed by December or early 1987.

Mr. Brown made a motion to go into Executive Session to discuss a personnel, real estate, and legal matters pursuant to Section 2.1-344(a)(1), (2) and (6) 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 10 p.m. and reconvened into public session at 10:19 p.m.

Mr. Brown made a motion to adjourn.

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

The Board **adjourned** at 10:20 p.m.


Darlene L. Burcham
Clerk to the Board

BOS 22