

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF FEBRUARY, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:02 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

Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Capital Improvement Program, FY 89 - Fred Belden

Mr. Fred Belden, past Chairman of the Planning Commission, reported on the priority list and stated that the Planning Commission would like input on the highest priority, Category I, (County Land Acquisition for schools, etc., Drainage Studies, Landfill Land Acquisition, and Sidewalks).

C. PUBLIC HEARINGS

1. Case No. Z-25-87. John D. Hudgins

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. John Hudgins had applied to rezone 1.514 acres from A-1, General Agricultural, to B-1, General Business, to allow for retail commercial development.

The Planning Commission recommended denial of the rezoning, and staff is recommending deferral until the area is studied.

Mr. DePue clarified that the case could be deferred up to one year awaiting the Richmond Road study results. He also asked the difference between B-1 and LB zoning.

Mr. Sowers indicated the specific difference is landscaping. In LB, 35% remains open space and B-1 requires 30%. The height regulations are LB - 35 feet, B-1 - 60 feet.

Mr. DePue asked if there were setback requirements.

Mr. Sowers replied in the negative.

Mr. Edwards commented that the Planning Commission recommendation of denial and the staff recommendation of deferral were confusing.

Mr. Sowers explained that the Richmond Road study should be available by summer or early fall.

Mr. Taylor asked the difference in LB and B-1 zonings pursuant to adjoining properties.

Mr. Sowers replied that he would review the requirement for perimeter landscaping.

Mr. Edwards opened the public hearing.

1. Ms. Barbara Murphy of Murphy McCardle Real Estate had plats of the property in her possession and stated that it was her belief that the property was currently zoned B-1.

Mr. Edwards asked whether the plats were shown to the Planning Commission.

Ms. Murphy responded that the Planning Department was aware of the plats and had recommended approval to the Planning Commission. Ms. Murphy described the history of the property and questioned the current zoning.

Mr. Edwards told Ms. Murphy that the Board was unable to resolve the issue immediately and asked what her request was.

Ms. Murphy stated that she would meet with Mr. Morton.

Mr. Edwards stated the public hearing would be continued.

Mr. DePue made a motion to defer the case and continue the public hearing until the legal issue can be resolved.

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

2. Case No. Z-27-87. Richard Swanenburg

Mr. Sowers stated that Mr. and Mrs. O. B. Harrell have applied on behalf of Mr. and Mrs. Richard Swanenburg to rezone .406 acres from A-1, General Agricultural, to B-1, General Business, to allow a professional interior design office with furniture sales, display and storage area in an existing dwelling.

Mr. Edwards opened the hearing.

1. Mrs. Elva Harrell stated she and her husband did not object at the Planning Commission meeting to the front portion of the property being rezoned LB as stated in the staff recommendation. The original request was to rezone the property B-1, but residents asked that the back portion remain A-1.

Mrs. Harrell asked the Board to approve B-1 zoning which would be consistent with other business property in the area.

Mr. Edwards closed the public hearing.

Mr. Taylor asked the difference between the LB and B-1 zoning to adjacent properties.

Mr. Sowers replied that side yard requirements are the same, 20 feet, except where property adjoins a residential district, then it is 35 feet - LB, 50 feet - B-1; rear yard requirements are 20 feet for both districts, except 35 feet - LB and 50 feet - B-1 when property adjoins a residential district.

Mr. DePue indicated that LB is the preferred zoning and more compatible with the goals of the Richmond Road study and made a motion to approve the resolution.

Mr. Taylor asked if the LB zoning would be a hindrance to the applicant.

Mrs. Harrell replied only in resale value, and restated that all other property in the area is zoned B-1.

Mr. DePue noted that the property use can continue without rezoning. His concern was that rezoning should not be delayed until implementation of a study.

Mr. Mahone stated that the community is zoned B-1, which allows more intense land use than LB; therefore, LB is more appropriate, in harmony with the Richmond Road study, and applies to the preservation of the village concept.

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

R E S O L U T I O N

CASE NO. Z-27-87. RICHARD SWANENBURG

WHEREAS, in accordance 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-27-87 for rezoning approximately .406 acres from A-1, General Agricultural to LB, Limited Business, only for the front portion of this parcel, with the rear portion remaining A-1 on property identified as Parcel (2-E-2) on James City County Real Estate Tax Map No. (23-2); and

WHEREAS, the Planning Commission following its public hearing on December 15, 1987, unanimously recommended approval of the rezoning of the front portion of the parcel only to LB, Limited Business.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-27-87 for rezoning of the front portion only to LB, Limited Business, to a depth of 161.77 feet and further retaining A-1, General Agricultural, zoning for the rear portion.

Mr. Edwards acknowledged Mr. James Curtis in the audience and stated that Mr. Curtis wished to speak.

Mr. James Curtis, Roberts District member of the Social Services Board, stated that he had attended a retreat about how to better serve County caseloads. He felt the organizers of the retreat did a fine job, and the time and money spent were well worthwhile.

3. Case No. Z-28-87. First Settler's Landing, Inc.

Mr. Sowers stated that Mr. Alvin Anderson had applied on behalf of First Settler's Landing, Inc., to rezone approximately 22.92 acres from A-2, Limited Agricultural, to R-1, Limited Residential, with proffers to allow for single-family residential development.

The Planning Commission unanimously recommended approval.

Mr. Edwards opened the public hearing.

1. Mr. Alvin Anderson, representing First Settler's Landing, Inc., stated the applicant had proffered to provide an archaeological study of each portion of the property and to develop the property as part of the First Settler's Landing, Inc., development zoned R-1 in Case No. Z-25-86.

Mr. Edwards closed the public hearing.

After a short discussion, Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. Z-28-87. FIRST SETTLER'S LANDING, INCORPORATED

WHEREAS, in accordance 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-28-87 for rezoning

approximately 22.92 acres from A-2, Limited Agricultural, to R-1, Limited Residential, with proffers on property identified as a portion of Parcels (1-1A), (2-6), (2-7), and (1-1C) on James City County Real Estate Tax Map No. (46-3) as well as a portion of Parcel (3-7) on James City County Real Estate Tax Map No. (45-4); and

WHEREAS, the Planning Commission following its public hearing on January 26, 1988, unanimously recommended approval of Case No. Z-28-87 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-28-87 with proffers.

4. Case No. SUP-30-87. City of Newport News Raw Water Pipeline

Mr. Sowers stated that Mr. C. C. Crowder of the City of Newport News had applied for a special use permit to allow the construction of a 48-inch raw water main, a distance of approximately 24,500 feet within a Virginia Power right-of-way.

The Planning Commission unanimously recommended approval with the six conditions listed in the resolution.

Mr. Taylor asked if Newport News needed to secure additional right-of-way for easement.

Mr. David L. Morris, II, Planning and Programs Manager for the City of Newport News Waterworks, stated all right-of-way had been secured.

Mr. Edwards commented large projects put stress on inspectors and wondered whether an additional requirement could be made to assure the projects are adequately inspected for erosion and sedimentation compliance.

Mr. Morris responded that Newport News will have a resident engineer and has a watershed inspector that performs those specific duties.

Mr. Edwards 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.

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

R E S O L U T I O N

CASE NO. SUP-30-87. CITY OF NEWPORT NEWS

RAW WATER PIPELINE

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-30-87.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-30-87 with the following conditions.

1. The project shall comply with all Local, State, and Federal requirements for the construction, operation and maintenance of the waterline.
2. The project 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 and Siltation Agreement, with surety, shall be required.

- 3. All required permits and easements shall be acquired prior to commencement of construction.
- 4. For construction adjacent to existing residential development, adequate dust, mud, and siltation control measures shall be taken to prevent adverse effects on the adjacent residential property.
- 5. A copy of the final construction plans and specifications and the as-builts shall be provided to the Service Authority. The James City Service Authority shall be notified 72 hours in advance of the construction of the proposed water main where it might interfere with existing Authority water or sewer mains.
- 6. If construction does not commence on this project within a period of 18 months from the date of issuance of this permit, it shall become void. Construction shall be defined as clearing, grubbing or excavation necessary for construction of the waterline.

D. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any item from the Consent Calendar.

Mr. Edwards asked that Item No. 6 be removed.

Mr. Edwards made a motion to approve the Consent Calendar without Item 6.

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

- 1. Installation of Streetlights - Mildred Drive, Tara Court, and Oslo Court

R E S O L U T I O N

INSTALLATION OF STREETLIGHT

WHEREAS, a petition has been filed for the installation of a streetlight at the corner of Mildred Drive and Tara Court in the Forest Glen Subdivision; and

WHEREAS, streetlighting plans and cost estimates have been prepared by the Virginia Power Company and reviewed by the County Department of Code Compliance; and

WHEREAS, funds are available in the FY 88 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the installation of one streetlight at the corner of Mildred Drive and Tara Court in the Forest Glen Subdivision as shown on the attached plans.

R E S O L U T I O N

INSTALLATION OF STREETLIGHT

WHEREAS, a petition has been filed for the installation of a streetlight on Oslo Court in the Norvalia Subdivision; and

WHEREAS, streetlighting plans and cost estimates have been prepared by the Virginia Power Company and reviewed by the County Department of Code Compliance; and

WHEREAS, funds are available in the FY 88 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the installation of one streetlight on Oslo Court in the Norvalia Subdivision as shown on the attached plans.

2. Grant Fiscal Cycle Change - Transit

R E S O L U T I O N

TRANSIT GRANT FISCAL CYCLE CHANGE

WHEREAS, the Virginia Department of Transportation has allowed transit operations to adopt a July 1st - June 30th budget cycle; and

WHEREAS, James City County is desirous of adopting such a cycle.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it adopt a July 1 - June 30 budget cycle for State, Federal and Local transit funding.

3. Transit - Section 18 Grant Application, FY 89

R E S O L U T I O N

SECTION 18 GRANT APPLICATION - FY 89

WHEREAS, the Federal Government has made funds available to support transportation in small areas; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help support the James City County Transit Company.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that its Chairman and Clerk be authorized to sign the grant application entitled, "Application for Capital, Administrative and/or Operating Assistance for Public Transportation Systems in Nonurbanized Areas," and further authorizes the County Administrator to execute those agreements necessary to insure receipt of these grant funds.

R E S O L U T I O N

REQUEST FOR FEDERAL MATCHING FUNDS - FY 89

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by and on behalf of James City County to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Act of 1982 in the amount of \$99,177 to assist in the administrative, operating and capital costs of local public transportation services, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act and that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

R E S O L U T I O N

REQUEST FOR STATE MATCHING FUNDS

WHEREAS, the Commonwealth of Virginia has made matching funds available in support of public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized by and on behalf of the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 644 of the 1982 Acts of the General Assembly, Chapter 648, Financial Assistance for Mass Transit, in the amount of \$17,776 to defray fifty percent (50%) of local matching share for administrative expenses, \$473 to defray fifty-five percent (55%) of the local matching share for capital expenses, \$9,800 to defray eighty percent (80%) of the local match for ridesharing administrative expenses, and in the amount of \$45,538 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant; to accept from the Virginia Department of Transportation grants in such amount as may be awarded; and to authorize the County Administrator to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the State Appropriations Act of 1982, and that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

4. State Technical Assistance Application - Route Evaluation

R E S O L U T I O N

REQUEST FOR STATE AID FOR TECHNICAL ASSISTANCE MATCHING FUNDS

WHEREAS, the Commonwealth of Virginia has made matching funds available in support of public transportation; and

WHEREAS, James City County is desirous of applying for State Technical Assistance matching funds.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors, James City County, Virginia, that the County Administrator is authorized for and on behalf of the Board to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of special revenues, Chapter 723 Budget item 634.1 of the 1987 Acts of the General Assembly - State Aid for Technical Assistance - in the amount of \$1,500 for fiscal year commencing July 1, 1988, to defray 50% of the local expenses associated with the technical assistance study to be conducted by James City County and to accept from the Virginia Department of Transportation, grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors certifies that the funds shall be used in accordance with the requirements of the Appropriations Act of 1987, that James City County may be subject to audit by the Virginia Department of Transportation and by the State Auditor of Public Accounts.

5. Fire Pumper Bid

R E S O L U T I O N

CAPITAL CONTINGENCY TRANSFER

WHEREAS, the Board of Supervisors of James City County had budgeted for a replacement fire pumper and the lowest acceptable bid exceeded budgeted funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes an award of \$133,890 to Pierce Fire Apparatus and hereby authorizes the transfer of \$3,890 from Capital Contingency for the purchase of a replacement fire pumper.

6. Status of Social Services Board

Mr. Edwards stated that the recommendation to change the status of the Social Services Board from administrative to advisory places the responsibility of the administration of the Social Service Department within the County. If approved effective July 1, 1988, a new Board will consist of seven citizen members.

Mr. Taylor inquired if the present members would be eligible for reappointment.

Mr. Edwards replied in the affirmative, and made a motion to approve the resolution.

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

R E S O L U T I O N

STATUS OF JAMES CITY COUNTY SOCIAL SERVICES BOARD

WHEREAS, State law allows local jurisdictions to have Advisory Social Services Boards; and

WHEREAS, the James City County administrative Social Services Board has recommended it be designated as Advisory; and

WHEREAS, the James City County Board of Supervisors is supportive of that recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it creates the Social Services Advisory Board effective July 1, 1988.

E. BOARD CONSIDERATIONS

1. Case No. S-127-87. Albert W. Slater

Mr. Sowers stated that Mr. Albert W. Slater is requesting authorization to create a family subdivision within an Agricultural and Forestal District for residential use by members of the owner's immediate family.

The AFD Advisory Committee unanimously recommended approval of the Board's authorization request within the established Mill Creek AFD. Staff included the condition as listed in the resolution.

Mr. Edwards asked what constitutes a family subdivision.

Mr. Sowers responded that the Zoning Ordinance states a family subdivision is owned and used by the owner's immediate family.

Mr. Taylor made a motion to approve the resolution.

Mr. Mahone stated that he had no problem with a family subdivision, except that an all-weather road requires maintenance, and he questioned who owned the road. He further questioned whether it is recorded that this road would be private property.

Mr. Larry Davis, Assistant County Attorney, replied in the affirmative.

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

R E S O L U T I O N

CASE NO. S-127-87. ALBERT T. SLATER

WHEREAS, Mr. Albert T. Slater has requested Board of Supervisors authorization to create a family subdivision of his property within the established Mill Creek Agricultural and Forestal District (AFD-7-86), as permitted with authorization by ORDINANCE NO. 169 ESTABLISHING THE MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD-7-86) approved by the Board of Supervisors on December 1, 1986; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee, at its January 13, 1988, meeting, unanimously recommended approval of Board of Supervisors authorization for the requested family subdivision, Case No. S-127-87. Albert T. Slater.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the request to create a family subdivision within the established Mill Creek Agricultural and Forestal District (AFD-7-86) as described below and on the attached site location map.

Case No.: S-127-87

Applicant: Albert T. Slater

Real Estate Tax Map No.: (10-1)

Parcel No.: (1-28)

Address: 8709 Barnes Road

District: Stonehouse

Zoning: A-1, General Agricultural

Immediate Family Members: - Albert T., Jr., and Annette W. Slater
- James M. and Mollie B. Slater
- Lloyd M. and Linda M. Slater
- Kimberley Slater Smith and Albert Charles Smith
- Marie Slater Hobstetter and Richard L. Hobstetter

Conditions: The area of the proposed family subdivision shall not exceed a total of eight acres.

F. PUBLIC COMMENT

1. Ms. Phoebe Harcum, 2236 Lake Powell Road, representative for the Association of Retarded People, stated that funding of \$18,000 annually is no longer available for public transportation. She indicated that 28 individuals residing in James City County and York County lost services.

Mrs. Harcum asked the Board to address the problem.

Mr. Edwards stated that the State budget has funds for Chapter 10. He asked Mr. Conyers if that money might be available for a situation such as this.

Mr. Conyers replied in the affirmative.

2. Mr. Louis Vosteen, representative for the Riverview Plantation property owners, asked the Board to take an active role in the site selection process for the York River crossing because of the long-range impact on the citizens of the County. He stated that 60 residents oppose the upper river crossing from Allmondsville through Riverview Plantation to the Lightfoot area.

Mr. Edwards expressed that the Board understood the residents' position.

Ms. Victoria Gussman, Manager, Development Management, stated that the appropriate time for the Board to take a position is after the Environmental Impact Statement is received during the spring.

Mr. Mahone stated that the Environmental Impact Statement would provide definitive information.

3. Mr. Pearce Grove, 143 Riverview Plantation Drive, stated that residents would appreciate the Board taking a part in the decision.

Mr. Taylor asked staff to investigate and report back to the Board.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman reported the Transit meeting would follow the regular Board meeting, and requested an executive session for land acquisition, personnel, and legal matters. He reminded the Board that work sessions on Emergency Response and SARA legislation and Franchising of Solid Waste Collection were scheduled for the February 22, 1988, Board meeting.

H. BOARD REQUESTS AND DIRECTIVES

Mr. DePue expressed appreciation to Ms. Harcum for presenting the transportation problem. He requested Mr. Norman to prepare some alternatives for the Board's review.

Mr. DePue thanked the upper County residents for their comments, and assured them that the Board is very aware of the importance of the York River crossing, and will follow the reports with interest. He concluded that the Board enjoys having the citizens bring matters to its attention in a responsible manner.

Mr. Mahone asked that a letter of acknowledgment and appreciation be sent to Anheuser-Busch for their contribution to the Recreation Center.

Mr. Mahone thanked the staff for the fine work and concurred that the scenic easement options should be referred to the Planning Commission.

Mr. Mahone stated that the CIP report contained some errors: (1) The water transmission main on Centerville Road showed \$50,000 being spent this fiscal year with construction to resume in 1992. He felt the funds should be moved to the date work resumes. (2) The water transmission Cranston Mill Road entry of \$320,000 under 1991 should be under 1992 based on the backup. (3) Under the Mid-County District Park, FY 89, expenditure shows \$36,000, backup shows \$117,000.

Mr. Mahone spoke in opposition to the \$400,000 designated for renovation of Buildings A and B in the Government Complex, and to over \$1,000,000 for a Lower District Park, mentioning that amount could be spent on a connecting road to Jefferson Avenue.

Mr. Edwards reminded the Board of the budget work session on Saturday, February 13, 9:00 - 4:00 p.m., at the Human Services Center.

Mr. DePue asked whether another date could be set for the Private Streets' work session since Mr. Norment would be unable to attend the February 22 meeting.

Mr. Edwards asked whether the private streets' issue would have to be returned to the Planning Commission.

Ms. Gussman stated that the meeting could be held in March, and that an ordinance change would have to be returned to the Planning Commission and advertised, which generally takes a 90-day time period.

The work session for private streets was scheduled for Tuesday, February 9, at 5:00 p.m. in the Board room, Building C, Government Complex.

Mr. DePue stated that plans for private associations to maintain the streets were not included in the information, and asked if it would be helpful to have the responsible association give the Board a projection on the budget.

Mr. Norman mentioned that the Courthouse Committee will meet at 3:00 p.m., on Tuesday, February 9.

Mr. Edwards stated that the Board will have the opportunity to approve the fee recommendations for the Recreation Center after the fee structure review. He asked that suggestions about general policies and the fee structure be directed to the Chairman of the Parks and Recreation Commission, John Charles, or to Ms. Sandi McPherson, Director of the Parks and Recreation Department.

Mr. Edwards made a motion to recess for an executive session to discuss personnel, real estate acquisition and legal matters pursuant to Section 2.1-344(a)(1)(2)(6) of the Code of Virginia 1950 as amended, at 9:15 p.m.

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

Mr. Edwards reconvened the Board into open session at 10:47 p.m. and made a motion to approve the acquisition of real property/landfill resolution.

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

R E S O L U T I O N

ACQUISITION OF REAL PROPERTY/LANDFILL

WHEREAS, the Board of Supervisors of James City County, Virginia, deems it to be in the best interests of its residents to expand the Sanitary Landfill; and

WHEREAS, such expansion would be for public purposes and for the preservation of the health, safety, peace, good order, comfort and convenience, morals and welfare of James City County, Virginia.

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

1. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing to acquire additional property for the expansion of the James City County Sanitary Landfill, and shall be empowered to enter into a sales contract approved by the County Attorney for said purpose.

2. The price per acre shall not exceed \$2,000.
3. The acreage shall not exceed 210.

Mr. Mahone made a motion to appoint Mr. Norment to the Grove Advisory Committee.

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

Mr. Edwards made a motion to recess until Wednesday, February 3, at 12:00 noon, for a luncheon meeting with the Supervisors of York County in the Board Room, Building C, Government Complex.

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

The Board recessed at 10:54 p.m.

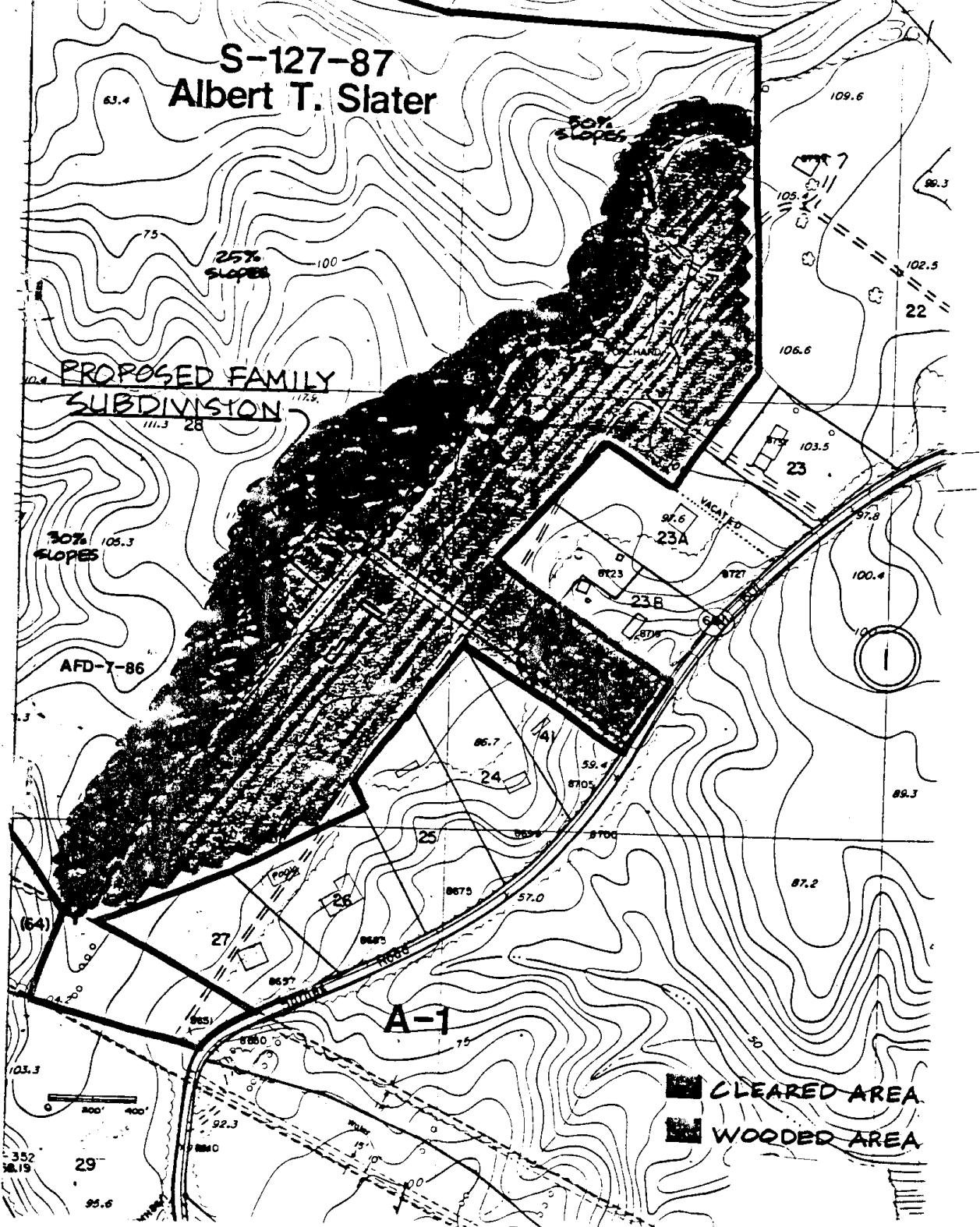




David B. Norman
Clerk to the Board

0516w

S-127-87
Albert T. Slater

PROPOSED FAMILY
SUBDIVISION



 CLEARED AREA
 WOODED AREA

AGREEMENT

WHEREAS, First Settlers Landing, Inc., a Virginia Corporation (hereinafter called "the Owner") owns certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All those certain lots, pieces or parcels of land situate in James City County, Virginia, more fully shown and described as "Portion, Former Lot 2", "Portion, Former lot 3", "Portion, Former Lot 4" and "Portion, Former Lot 5B" on a certain plat entitled "PLAT OF RESUBDIVISION AND PROPERTY LINE EXTINGUISHMENT, FIRST SETTLERS LANDING, LOTS 2-6 OWNER/DEVELOPER: FIRST SETTLERS LANDING, INC. BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA" made by G.T. Wilson, Jr. of AES, dated 9/28/87.

All those certain lots, pieces or parcels of land situate in James City County, virginia, more fully shown and described as "Portion, Former Lot 6", "Portion, Former Lot 7", "Area From Dykstra, Stanley J. & Patricia W. To First Settlers Landing, Inc." and "Area From Waltrip, Dudley S. & E. Rebecca To First Settlers Landing, Inc." on that certain plat entitled "PLAT OF RESUBDIVISION OF FIRST SETTLERS LANDING, LOTS 6 & 7 AND THE LANDS OF STANLEY J. & PATRICIA W. DYKSTRA, AND THE LANDS OF DUDLEY S. & E. REBECCA WALTRIP, BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", made by G.T. Wilson, Jr., of AES, dated 10/21/87.

WHEREAS, the Owner has applied for rezoning of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2 to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the Property, because computing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community which are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City, rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1 et seq. of the Code of Virginia, 1950, as amended, and Section 20-17 et seq. of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1, it will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. The Owner shall cause to be prepared for review and approval by the County a Phase I and Phase II, as appropriate, archaeological study for each portion of the Property proposed for subdivision, but only when, as and if subdivision plans are submitted to the Subdivision Review Committee. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90-150 feet. A Phase II study shall include shovel test pits every 25-40 feet with site identification and examination as appropriate.

2. The Property shall be developed in conjunction with the development of the property which was zoned Limited Residential District, R-1 in Case No. Z-25-86.

ANDERSON, ENNETT
& FRANCK, P.C.
ATTORNEYS AT LAW
POST OFFICE DRAWER O
WILLIAMSBURG, VA. 23187

FIRST SETTLERS LANDING, INC.

BY: *Lewis Walter II, President*

STATE OF VIRGINIA

CITY/COUNTY OF James City

The foregoing instrument was acknowledged before me this 2nd day of December, 1987, by Lewis Walter, II (Pres./Sec.) of First Settlers Landing, Inc. a _____ on behalf of the _____).

Donnie M. Lewis
Notary Public

My commission expires April 5, 1991