

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-TWO, AT 7:07 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
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
David L. Sisk, Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - August 17, 1992

Mr. Edwards asked if there were corrections or additions to the minutes.

Mr. Sisk made a motion to approve the minutes.

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

C. CONSENT CALENDAR

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

Mr. Edwards made a motion to approve the Consent Calendar.

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

1. Williamsburg Area Community Center

R E S O L U T I O N

WILLIAMSBURG AREA COMMUNITY CENTER

FUNDING REQUEST

WHEREAS, there is a need for additional space for various human service agencies in the Community; and

WHEREAS, the Greater Williamsburg United Way, the Community Services Coalition, and other groups are working to meet that need; and

WHEREAS, the County has been asked to contribute funds toward acquiring the New Testament Church property for conversion to a Community Center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appropriate \$6,000.00 from Operating Contingency to the Greater Williamsburg United Way to assist in the acquisition and conversion of the New Testament Church property to a Community Center.

2. Trash and Grass Liens:

Thomas Lash and Madeline Reinhold

Drummond's Quarters on the James, Inc.

Richard and Lyn Guyan

Sara and Preston Smith

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Thomas Lash and Madeline Reinhold 2 Bradford Circle Newport News, VA 23602
DESCRIPTION:	2502 Manion Drive
TAX MAP NO.:	(46-3)(02-0-0015-) James City County, Virginia
AMOUNT DUE:	\$75

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owner, as described below, has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Drummond's Quarter on the James, Inc.
2501 Washington Avenue, No. 416
Newport News, VA 23607

DESCRIPTION: 3330 Derby Lane

TAX MAP NO.: (46-3)(04-0-0004-)
James City County, Virginia

AMOUNT DUE: \$75

ACCOUNT: Drummond's Quarter on the James, Inc.
2501 Washington Avenue, No. 416
Newport News, VA 23607

DESCRIPTION: 3222 Derby Lane

TAX MAP NO.: (46-3)(04-0-0013-)
James City County, Virginia

AMOUNT DUE: \$75

ACCOUNT: Drummond's Quarter on the James, Inc.
2501 Washington Avenue, No. 416
Newport News, VA 23607

DESCRIPTION: 3200 Derby Lane

TAX MAP NO.: (46-3)(05-0-0004-)
James City County, Virginia

AMOUNT DUE: \$75

R E S O L U T I O NCODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Richard and Lyn Guyan 4 Guesthouse Court Williamsburg, VA 23185
DESCRIPTION:	4 Guesthouse Court
TAX MAP NO.:	(47-3)(07-0-0037-) James City County, Virginia
AMOUNT DUE:	\$70

R E S O L U T I O NCODE VIOLATION LIEN

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Section 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT:	Sara and Preston Smith 110 Penn Drive Williamsburg, VA 23188
DESCRIPTION:	104 Gatehouse
TAX MAP NO.:	(47-4)(07-0-0021-) James City County, Virginia
AMOUNT DUE:	\$60

D. PUBLIC HEARINGS

1. Case No. SUP-21-92. Hilda H. Hollinger

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Tony Casanave had applied on behalf of Ms. Hilda H. Hollinger for a special use permit to allow the manufacture and sale of wood products (cabinet shop) on 2.53 acres, zoned A-1, General Agricultural, located at 125 Industrial Boulevard adjacent to Hankins Industrial Park and further identified as Parcel (1-12A) on James City Real Estate Tax Map No. (12-4).

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

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: DePue, Taylor, Sisk, Knudson, Edwards (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-21-92. HILDA H. HOLLINGER

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, following its public hearing on August 11, 1992, unanimously recommended approval of Case No. SUP-21-92 to permit the manufacture and sale of wood products in the A-1, General Agricultural District on property identified as Parcel (1-12A) on James City County Real Estate Tax Map No. (12-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-21-92 as described herein with the following conditions:

1. This special use permit shall remain in effect for a period of 36 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.
2. No on-site disposal of petroleum based products, solvents, lacquer, paint, varnish or other hazardous materials shall be permitted.
3. A list of all hazardous substances, which are incidental to the proposed use and are to be stored on-site shall be submitted with the site plan and approved by the Division of Code Compliance. The list shall specify all hazardous substances to be kept on-site, and a description of proposed methods of containment of such substances.

2. Outdoor Gathering Permit - Williamsburg Scottish Festival, Inc.

Mr. Leo P. Rogers, Assistant County Attorney, stated that Williamsburg Scottish Festival, Inc., had applied for an outdoor gathering permit for September 26, 1992, from 9:00 a.m. to 5:00 p.m. at the Williamsburg Winery, Ltd., 2638 Lake Powell Road.

Staff approved all requirements and recommended approval of the permit.

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

Mr. Sisk made a motion to approve the resolution.

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

R E S O L U T I O NOUTDOOR GATHERING PERMIT

WHEREAS, James City County received an application from Williamsburg Scottish Festival, Inc., to hold an outdoor gathering on September 26, 1992, from 9:00 a.m. to 5:00 p.m., at the Williamsburg Winery, LTD., 2638 Lake Powell Road, James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Williamsburg Scottish Festival, Inc., to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

3. Case No. SUP-19-92. C. Richard Dobson Builders (Berkeley's Green)
(continued from 8/3/92)

Ms. Elizabeth R. Sullivan, Senior Planner, stated that concerns from the August 3, 1992, Board of Supervisors' meeting had been addressed. Ms. Sullivan reported at the August 3, 1992, meeting that Mr. Michael Armentrout had applied on behalf of C. Richard Dobson Builders for an amendment to allow deletion of a condition, required connection of John Rolfe Lane to Greensprings Road through Berkeley's Green Subdivision attached to Special Use Permit 1-87, and had proposed an emergency access road rather than connector street.

The Berkeley's Green Subdivision is located southwest of the intersection of Greensprings Road and John Tyler Highway, further identified as Parcel (1-5) on James City County Real Estate Tax Map No. (45-2).

In accordance with staff, the Planning Commission voted 7-1 to recommend denial of the request for the following reasons: 1) the proposal is inconsistent with the Comprehensive Plan which supports interconnections between subdivisions; 2) the James City County Fire and Police Departments have stated that the road connection provided an important emergency access way which cannot be equally provided by an emergency access road; and, 3) without such a connection, additional vehicle trips would be added to both Greensprings Road and John Tyler Highway, both operating at or above vehicle capacity in the future.

Mr. Edwards continued the public hearing.

1. Mr. Martin Daly, 3432 Southport Trail, spoke in opposition stating that the safety of children was more important than an access road for emergency vehicles.

2. Mr. Gary Hagy, Board member of Berkeley's Green Homeowners' Association, spoke in opposition to the emergency access road and asked residents in attendance to stand and show their support.

3. Ms. Nina Heibing, Berkeley's Green, stated that traffic volume would increase by cutting through the subdivision to Route 5 and Greensprings Road.

4. Mr. Tim Mills, Berkeley's Green, stated that need of the access road for lower response time for emergency vehicles would be alleviated with the possibility of a fire station being built nearby.

Mr. Edwards closed the public hearing.

Ms. Knudson made a motion to approve the resolution with 14 conditions.

Mr. Edwards made a substitute motion to delete Conditions 11, 12, 13 and 14 except the wording "a paved pedestrian and bikeway path shall be provided," in Condition 11.

Mr. DePue made a motion to amend Mr. Edwards' motion by adding the language "12 foot" between the wording "a paved pedestrian ..." and retain Condition 13.

After a brief discussion, Mr. DePue withdrew his motion.

Mr. Edwards asked for a straw vote on his motion.

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

Mr. Edwards delayed voting on the special use permit until later in the meeting to allow insertion of appropriate language in Condition 11 by staff.

4. Case No. CP-1-92. Comprehensive Plan Amendments

Case No. CP-1-92. Comprehensive Land Use Map Amendment Applications

Mr. Donald E. Davis, Principal Planner, stated that proposed text amendments to Public Facilities and Service Standards, 1992 Master Water and Sewer Plans, Natural Areas Inventory, Chesapeake Bay, Roadway Classification System, Roadways, Mixed Use Land Use Definition, Borrow Pits and Greenbelt Policy were part of the Comprehensive Plan 1992 annual review process.

Mr. R. Patrick Friel stated that three applications had been received from citizens requesting redesignation of their land: Case No. CPA-1-92. Stanley E. Akins and Charles D. Crawford; Case No. CPA-3-92. Joseph S. Terrell and Dr. B. I. Bell; and, Case No. CPA-4-92. T. R. Vermillion.

In accordance with staff, the Planning Commission unanimously recommended denial of the applications for the following reasons: 1) no fundamental change of condition or error has been adequately documented on or in the vicinity of any of the properties listed since adoption of the Comprehensive Plan on August 26, 1991; and, 2) no fundamental change has occurred within the County in the past year which necessitates redesignation of the property.

3. Case No. SUP-19-92. C. Richard Dobson Builders (Berkeley's Green)
(continued from 8/3/92)

Ms. Sullivan read the wording for Condition 11, "A paved pedestrian and bikeway path, a minimum of 8 feet in width, connecting Berkeley's Green and John Rolfe Lane, shall be provided. The design and construction of the path shall be approved by the Director of Planning. A Maintenance Agreement for the path shall be approved by the County Attorney."

Mr. Edwards called for a vote on his motion to approve the resolution including the language above for Condition 11.

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

R E S O L U T I O N

CASE NO. SUP-19-92. C. RICHARD DOBSON BUILDERS

(BERKELEY'S GREEN)

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, Case No. SUP-19-92 is an application requesting the deletion of a condition of SUP-1-87 which requires a road connection from the western edge of the Berkeley's Green subdivision to John Rolfe Lane. The property is zoned R-1, General Residential District, further identified as Parcel (1-5) on James City County Real Estate Tax Map No. (45-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-19-92 as described herein with the following conditions:

1. The special use permit shall be limited to the 144.83-acre tract under consideration and to no more than 267 units.
2. All roads shall be dedicated to the Virginia Department of Transportation and shall meet construction standards of the Virginia Department of Transportation.
3. A scenic buffer shall be maintained across the property 175 feet deep adjacent to and parallel with the centerline of Greensprings Road and 175 feet adjacent to and parallel with the centerline of John Tyler Highway. One entrance road shall be permitted across and through the scenic buffer on John Tyler Highway and Greensprings Road; provided, however, utilities, drainage structures, stormwater management facilities, and entrance signs if determined to be necessary and approved by the Planning Commission may be allowed within or upon the scenic

buffer. Existing trees, shrubbery and vegetation shall remain undisturbed within the scenic buffer. Additionally, no structures, including fences, or other objects designed for recreation, storage, or any other purpose except as provided for above shall be permitted.

4. Archaeological studies as determined necessary by the County Historical Commission shall be conducted by the developer prior to preliminary approval for each sectional plan.
5. Covenants assuring the adequate protection and maintenance of all buffer and common open space areas and facilities shall be recorded with each subdivision plat and shall be submitted to and approved by the County Attorney's Office prior to recordation.
6. The developer shall provide a recreation area substantially in accordance with that shown on the conceptual plan submitted with this application identified as Berkeley's Hundred Master Plan dated October 10, 1986. The Planning Commission shall determine what constitutes substantial conformance. The following facilities shall be provided within the recreation area as a minimum:
 - A. One swimming pool and bathhouse
 - B. Two regulation tennis courts
 - C. Picnic areas

Alternate facilities may be substituted upon the approval of the Planning Commission. A phasing plan for the development of these facilities shall be submitted and approved by the Planning Commission prior to the final approval of the first sectional plan of development.

7. A site plan shall be submitted and approved by the Planning Commission prior to the construction of any recreational facilities or cutting any trees in the recreation areas except for construction of utility lines determined necessary and approved by the Planning Commission.
8. The developer at his expense shall prepare a comprehensive drainage study of the entire property for review and approval by the County prior to preliminary approval of the first sectional plan. The recommendations of the study shall be implemented as a condition of preliminary approval for each sectional plan.
9. A minimum of 20.3 acres of open space (excluding streets) shall be provided substantially in conformance with the conceptual plan submitted with this application titled Berkeley's Hundred Master Plan dated October 10, 1986. The Planning Commission shall determine what constitutes substantial conformance. Open space (excluding streets and scenic buffers described above) shall remain in its natural state; provided, however, the

developer shall have the right to install and construct over, under, across, and through the open space such drainage structures, stormwater management facilities, and utilities if determined to be necessary and approved by the Planning Commission.

10. The developer shall dedicate ten feet along the entire length of the west side of Greensprings Road to the Virginia Department of Transportation for future widening. This dedication shall be shown on the final subdivision plat at the time of recordation.
11. A paved pedestrian and bikeway path, a minimum of 8 feet in width, connecting Berkeley's Green and John Rolfe Lane, shall be provided. The design and construction of the path shall be approved by the Director of Planning. A Maintenance Agreement for the path shall be approved by the County Attorney.

4. Case No. CP-1-92. Comprehensive Plan Amendments

Case No. CP-1-92. Comprehensive Land Use Map Amendment Applications

Mr. Edwards opened the public hearing.

1. Mr. Gilbert Bartlett, representing Norman and Hazel Sawyer of Powhatan Secondary, spoke in opposition to the Transportation amendment of the Comprehensive Plan. He stated that approval of Alternate Route 5 would move, not solve, traffic problems.
2. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition to the Transportation amendment, expressing the opinion that use of carpools would be more effective for traffic problems, rather than building new roads.
3. Mr. Dennis Popovitch, 3707-D West Steeplechase Way, presented a petition from Steeplechase residents in opposition to Alternate Route 5, stating concern of safety of children and impact on the environment.
4. Mr. Charlie Crawford, Toano, requested the Board approve Case No. CPA-1-92, redesignation of land use to accommodate an antique shop.
5. Ms. Jan Gehrki, Powhatan Secondary, spoke in opposition to Alternate Route 5 and asked who would be responsible for road maintenance and spoke of concern about the wording that approval of the Comprehensive Plan amendment "would essentially fix the location of the road."
6. Mr. Reginald Geary, Powhatan Secondary, spoke of concerns for pedestrians and access to Mid-County Park and the Powhatan Secondary recreation area.
7. Mr. Phil Smead, Powhatan Secondary, on behalf of the Homeowners' Association, spoke of several concerns: ensure funding package was sufficient to address each item as presented; provide retention basin for drainage from road; provide appropriate fence and plant buffers; and, provide monetary compensation to the Homeowners' Association to construct facilities on other side of lake.

8. Mr. Martin Daly, 3432 Southport, stated opposition to a Transportation Taxing District for a specific part of the County.

9. Mr. George Wright, 148 Cooley, spoke in favor of Alternate Route 5, which would relieve traffic congestion on Route 5 and cause less impact than making Route 5 a four-lane road. He urged the Board to support that concept and preserve the beauty of Historic Route 5.

10. Ms. Jane Carroll, 2894 John Tyler Highway, empathized with the Powhatan Secondary residents, but expressed the effect on that area would be far less than the impact on approximately 80 persons located on Route 5.

11. Ms. Laura Themins, 107 Barley Mill Place, asked that another alternate route be considered and the County replace affected wetlands.

12. Mr. William E. Beamer, 124 Beechwood Hills, Newport News, stated the benefactors of the Alternate Route 5 would be Governor's Land and Greensprings developments, with other new residents paying for the service.

13. Ms. Willafay McKenna, Planning Commission member, spoke in favor of Alternate Route 5 and asked the Board to support the language of the Comprehensive Plan Update.

14. Mr. Jerry Moore, Governor's Land Associates, stated that all concerns had been discussed, regulations complied with, and expressed appreciation for a favorable decision.

15. Ms. Karen Friar asked that another route be considered in order to preserve the environment and protect endangered species.

Mr. Edwards closed the public hearing.

Mr. Edwards declared a recess at 9:13 p.m. and reconvened the Board at 9:27 p.m.

Ms. Knudson made a motion to delete No. 1 under Schools, General Standards, Public Facilities, regarding optimum school enrollment.

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

Mr. DePue submitted a list of suggested changes: Page 50, Comprehensive Plan, Route 199, absolute prohibition to cuts on Route 199; Land Use Map (Back) Williamsburg/Jamestown Airport - restricting uses to "Airport Related;" Land Use Map (Front); 1) Stonehouse Mixed Use Area - extend Stonehouse to incorporate areas formed by boundaries of Burnham Woods Subdivision/ Barhamsville Road (Route 30) and a creek; 2) Anderson's Corner Mixed Use Area, - widen and expand current boundaries; and, 3) Warhill Mixed Use Area, - extend boundaries to incorporate triangle created by Lightfoot Post Office, Mooretown Road, Route 60 and Route 199.

After a brief discussion, Mr. Edwards asked the County Attorney whether any or all changes were required to be referred back to the Planning Commission.

Mr. Edwards declared deferral of Case No. CP-1-92 until the September 21, 1992, Board of Supervisors' meeting.

5. Governor's Land and Greensprings' Route 5 Funding Plan

Mr. John T. P. Horne, Manager, Development Management, stated that this case was discussed at a work session on August 17, 1992, and asked for a deferral until the September 21, 1992, Board of Supervisors' meeting to allow the Commonwealth Transportation Board to respond to funding issues.

Mr. Edwards opened the public hearing, and continued the public hearing until September 21, 1992, Board of Supervisors' meeting.

6. Virginia Public School Authority Bonds - Toano Middle School

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Board had previously authorized making application to borrow \$2,500,000 through the VPSA to complete financing of Toano Middle School. He asked that action on the item be deferred until the September 21, 1992, Board of Supervisors' meeting to allow the Williamsburg-James City County School Board to request the funds.

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

Mr. Edwards deferred the item until the September 21, 1992, Board of Supervisors' meeting.

7. Right-of-Way for Saddletown Road Dirt Street Improvements

Mr. Horne stated that right-of-way acquisition for improvements to Saddletown Road is pending acquisition of two parcels owned by heirs or devisees of Henry James and Lemuel Pitts.

Mr. Horne stated acquisition by condemnation was recommended for the reason that clear title to the right-of-way cannot be obtained because the current location and addresses of remaining heirs are not known.

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

Mr. DePue made a motion to approve the resolutions.

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

R E S O L U T I O N

ACQUISITION OF REAL PROPERTY

WHEREAS, the County Department of Development Management has determined it advisable to acquire the right-of-way and construct a road to be known as Saddletown Road; and

- WHEREAS, investigation by the County Engineer has determined that a portion of the real property required for the right-of-way is standing in the name of the Henry James Estate; and
- WHEREAS, all of the owners of the land are not known or cannot, with reasonable diligence, be found in the Commonwealth of Virginia; and
- WHEREAS, pursuant to Virginia Code §25-232.01, the County may acquire the subject real property by condemnation; and
- WHEREAS, pursuant to Virginia Code §15.1-236, the procedure for exercise of the right of eminent domain may follow Article 7, Chapter 1, Title 33.1, provided for the Commonwealth Transportation Board, if a public necessity is determined to exist; and
- WHEREAS, a public hearing was held on September 8, 1992, on the proposed acquisition.

NOW, THEREFORE, BE IT RESOLVED:

1. That 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, for the construction, altering, maintaining and repairing a roadway in 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.
2. That the law firm of Phillips, Bartlett & Bland, 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 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto.
3. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Paragraph 5 of this Resolution which has been authorized and appropriated.
4. That the names of the present owners of the land to be acquired as provided in Paragraph 2 of this Resolution together with a substantial description of the real property is as follows:

OWNER:	Heirs or devisees of Henry James, deceased, and his spouse, if any.
DESCRIPTION:	All that certain lot, piece or parcel of land, situate in Stonehouse District, James City County, Virginia shown as "Area to be

conveyed within Proposed 50' R/W = 9,984 S.F.± or 0.229 acres±," on that certain plat entitled, "Plat of Survey Showing Boundary Line Adjustment, Lot Line Extinguishments and Right-of-Way Dedications To: County of James City, Virginia; From: Henry James, Estate, Stonehouse District, James City County, Virginia," and made by AES, a professional corporation, Williamsburg, Virginia.

5. Upon the appraisal of the Department of Real Estate Assessments, the County Administrator is authorized to offer TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) as compensation and damages, if any, for the real property described herein.
6. The law firm of Phillips, Bartlett & Bland, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before September 11, 1992.
7. That in the event the property described in Paragraph 4 of this Resolution has been conveyed to any other party, the law firm of Phillips, Bartlett & Bland, P.C., is authorized and directed to institute proceedings against the successors in title.
8. That this Resolution shall be in effect from the date of its passage.

R E S O L U T I O N

ACQUISITION OF REAL PROPERTY

- WHEREAS, the County Department of Development Management has determined it advisable to acquire the right-of-way and construct a road to be known as Saddletown Road; and
- WHEREAS, investigation by the County Engineer has determined that a portion of the real property required for the right-of-way is standing in the name of the Lemuel Pitts Estate; and
- WHEREAS, all of the owners of the land are not known or cannot, with reasonable diligence, be found in the Commonwealth of Virginia; and
- WHEREAS, pursuant to Virginia Code §25-232.01, the County may acquire the subject real property by condemnation; and
- WHEREAS, pursuant to Virginia Code §15.1-236, the procedure for exercise of the right of eminent domain may follow Article 7, Chapter 1, Title 33.1, provided for the Commonwealth Transportation Board, if a public necessity is determined to exist; and

WHEREAS, a public hearing was held on September 8, 1992, on the proposed acquisition.

NOW, THEREFORE, BE IT RESOLVED:

1. That 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, for the construction, altering, maintaining and repairing a roadway in 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.
2. That the law firm of Phillips, Bartlett & Bland, 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 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto.
3. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Paragraph 5 of this Resolution which has been authorized and appropriated.
4. That the names of the present owners of the land to be acquired as provided in Paragraph 2 of this Resolution together with a substantial description of the real property is as follows:

OWNER: Heirs or devisees of Lemuel Pitts, deceased, and his spouse, if any.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in Stonehouse District, James City County, Virginia shown as "Area to be conveyed within Proposed 50' R/W = 4,015 s.f. or 0.092 ac.±," on that certain plat entitled, "Plat of Survey Showing Boundary Line Adjustment Lot Line Extinguishments and Right-of-Way Dedications To: County of James City, Virginia; From: Lemuel Pitts, Stonehouse District, James City County, Virginia," and made by AES, a professional corporation, Williamsburg, Virginia.
5. Upon the appraisal of the Department of Real Estate Assessments, the County Administrator is authorized to offer EIGHT HUNDRED AND NO/100 DOLLARS (\$800.00) as compensation and damages, if any, for the real property described herein.

6. The law firm of Phillips, Bartlett & Bland, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before September 11, 1992.
7. That in the event the property described in Paragraph 4 of this Resolution has been conveyed to any other party, the law firm of Phillips, Bartlett & Bland, P.C., is authorized and directed to institute proceedings against the successors in title.
8. That this Resolution shall be in effect from the date of its passage.

E. **BOARD CONSIDERATIONS**

1. Case Nos. SUP-38-91 and SUP-39-91. Henry S. Branscome, Inc. Borrow Pit

Mr. R. Patrick Friel, Principal Planner, stated that Mr. Grady Andrews of Henry S. Branscome, Inc., had applied on behalf of William N. Lee and James V. Bickford, III, for a special use permit to allow a 233.8-acre expansion of an existing borrow pit on property zoned M-2, General Industrial, located approximately 1.2 miles southeast of the end of Blow Flats Road, involving approximately 156 acres and 77 acres on Parcels (1-2) and (1-3) on James City County Real Estate Tax Map No. (60-3) owned by Mr. Lee and Mr. Bickford, respectively.

Staff recommended approval for reasons that the proposal, with conditions, was consistent with surrounding development and zoning and the Comprehensive Plan.

The Planning Commission, by a 5-4 vote, recommended denial for reasons that proposal was not compatible with residential uses along Blow Flats Road.

Mr. Taylor made a motion to approve the resolutions.

Mr. Sisk made a motion to amend the resolution by adding a 5-year time limit.

On a roll call, the vote was: DePue, Sisk, Knudson, Edwards (4). NAY: Taylor (1).

Mr. Edwards called for a vote on the amended resolution.

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

R E S O L U T I O N

CASE NO. SUP-38-91. HENRY S. BRANSCOME, INC., LEE BORROW PIT

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, following its public hearing on May 12, 1992, voted 5-4 and recommended denial of Case No. SUP-38-91 to permit a borrow pit in the M-2, General Industrial District, on property identified as Parcel (1-2) on James City County Real Estate Tax Map No. (60-3) which is accessed by an easement for access, which provides ingress and egress over and above the existing unpaved road extending from the above-described property to Blow Flats Road and crosses Parcel (1-4) on James City County Real Estate Tax Map No. (60-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-38-91 as described herein with the following conditions:

1. All erosion and sedimentation control measures shown on the Land Disturbing Permit shall be installed prior to any clearing or grading of any cell.
2. An erosion and sedimentation control plan shall be submitted to and approved by the Director of Code Compliance prior to any land disturbance in the expansion areas.
3. No more than 40 acres of the site shall be disturbed at one time.
4. Inert materials such as broken concrete, bricks, blocks, broken roadway, and unsuitable soil removed from Henry S. Branscome job sites may be used to refill the cells. Non-inert materials shall not be disposed of on this site. If it is determined that non-inert materials are being disposed of on this site, the special use permit shall become void.
5. Prior to the commencement of any work within the expansion area covered under this permit, a Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. This study may be completed for portions of the site as the site is developed. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or a Phase III study of archaeological sites identified in the Phase I study, if identified by the Phase I study as warranting Phase II or Phase III study. Such studies shall be submitted to and approved by the Planning Director prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study, the Planning Director determines the site is eligible for inclusion in the National Register of Historical Places based on the Criteria

established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.

6. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary to provide an effective visual screen.
7. Wooded areas shall be returned to their forested state. A reforestation plan for the site shall be approved by the area forester prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site.
8. The buffer areas shall be staked in the field prior to clearing so the operators know the limits of their work.
9. The hours of operation shall be limited to daylight hours (6:00 a.m. to 9:00 p.m. in the summer, 6:00 a.m. to 6:00 p.m. in the winter), Monday through Saturday.
10. The maximum side slope of all reclaimed areas shall be 3:1 or flatter. The Operation/Reclamation/Drainage Narrative shall be revised to reflect this language.
11. The area shown on the attached map labeled "Exhibit A" shall remain undisturbed and in its natural state.
12. If a publicly dedicated road is constructed from Route 60 to the existing dirt road used to access the borrow pit, the primary access from Route 60 to the project shall be from the new road at the time of its dedication.
13. This special use permit shall expire 5 years from the date of issuance of the permit.

R E S O L U T I O N

CASE NO. SUP-39-91. HENRY S. BRANSCOME, INC., BICKFORD BORROW PIT

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, following its public hearing on May 12, 1992, voted 5-4 and recommended denial of Case No. SUP-39-91 to permit a borrow pit in the M-2, General Industrial District, on property identified as Parcel (1-3) on James City County Real Estate Tax Map No. (60-3) which is accessed by an easement for

access, which provides ingress and egress over and above the existing unpaved road extending from the above-described property to Blow Flats Road and crosses Parcel (1-4) on James City County Real Estate Tax Map No. (60-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-39-91 as described herein with the following conditions:

1. All erosion and sedimentation control measures shown on the Land Disturbing Permit shall be installed prior to any clearing or grading of any cell.
2. An erosion and sedimentation control plan shall be submitted to and approved by the Director of Code Compliance prior to any land disturbance in the expansion areas.
3. No more than 40 acres of the site shall be disturbed at one time.
4. Inert materials such as broken concrete, bricks, blocks, broken roadway, and unsuitable soil removed from Henry S. Branscome job sites may be used to refill the cells. Non-inert materials shall not be disposed of on this site. If it is determined that non-inert materials are being disposed of on site, the special use permit shall become void.
5. Prior to the commencement of any work within the expansion area covered under this permit, a Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. This study may be completed for portions of the site as the site is developed. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. The developer shall undertake a Phase II and/or a Phase III study of archaeological sites identified in the Phase I study, if identified by the Phase I study as warranting Phase II or Phase III study. Such studies shall be submitted to and approved by the Planning Director prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study, the Planning Director determines the site is eligible for inclusion in the National Register of Historical Places based on the criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.

6. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary to provide an effective visual screen.
7. Wooded areas shall be returned to their forested state. A reforestation plan for the site shall be approved by the area forester prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site.
8. The buffer areas shall be staked in the field prior to clearing so the operators know the limits of their work.
9. The hours of operation shall be limited to daylight hours (6:00 a.m. to 9:00 p.m. in the summer, 6:00 a.m. to 6:00 p.m. in the winter), Monday through Saturday.
10. The maximum side slope of all reclaimed areas shall be 3:1 or flatter. The Operation/Reclamation/Drainage Narrative shall be revised to include this language.
11. The area shown on the attached map labeled "Exhibit A" shall remain undisturbed and in its natural state.
12. If a publicly dedicated road is constructed from Route 60 to the existing dirt road used to access the borrow pit, the primary access from Route 60 to the project shall be from the new road at the time of its dedication.
13. This special use permit shall expire 5 years from the date of issuance of the permit.

2. Health Department Staffing Shortages

Mr. Anthony Conyers, Jr., Community Services Manager, stated that the issue of extended delays in conducting Environmental Health inspections had been addressed at a meeting between Health District staff, County staff, and the Board of Supervisors' Chairman.

Staff recommended approval of the resolution authorizing addition of one sanitarian to the Health Department staff.

Mr. Edwards welcomed Dr. Daniel Warren and Mr. William Fannin in the audience.

The Board asked the length of time until a new employee would be hired; response time to citizens' applications; use of County employee if trained; and, percentage of salary paid by District Health funds.

Mr. Fannin responded that the employee would be hired by October 1, 1992, response time to citizens' applications should be 7 to 10 days; and use of County employee could be achieved but difficult to train person for a part-time basis, and the percentage was 55 percent State and 45 percent local.

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

HEALTH DEPARTMENT STAFFING SHORTAGES

WHEREAS, there are unacceptable delays in completing environment health inspections by the local Health Department; and

WHEREAS, those delays are due to staff shortages in the Environmental Health section of the local Health Department; and

WHEREAS, the Board of Supervisors are desirous of eliminating said delays; and

WHEREAS, the local match amount for an additional Sanitarian for the remainder of the budget year is \$17,420.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby transfer the sum of \$17,420.00 from Operating Contingency to the Health Department budget to be used exclusively to provide an additional sanitarian in James City County.

3. Environmental Education Posters

Mr. William J. Brown, Director of Real Estate Assessment, stated that the Virginia Remote Sensing Center of the College of William and Mary in cooperation with the County GIS program would produce a color poster using a satellite processed image depicting a James City County land use/inventory map with message or logo. Mr. Brown further stated that a portion of the cost would be recovered through sale of the posters by the County and interested civic organizations.

Staff recommended approval.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: DePue, Sisk, Knudson, Edwards, NAY: Taylor (1).

R E S O L U T I O N

ENVIRONMENTAL EDUCATION POSTERS

WHEREAS, The Virginia Remote Sensing Center at the College of William and Mary can create a color poster map of the County to use in environmental education programs; and

WHEREAS, similar posters of other jurisdictions are also being used for fund-raising for environmental projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the use of an amount not to exceed \$14,700 from the Environmental Protection Fund in the Capital Budget to purchase 2,000 copies of this poster and sell and/or distribute them, accordingly.

4. Appropriation of Year-End Funds

Mr. David B. Norman, County Administrator, stated that the County had an end-of-year balance of approximately \$1,115,000 of which \$750,000 had been appropriated by the Board to Capital Projects during the budget process.

Mr. Norman recommended appropriation of the \$365,000 for a one-year, savings based merit bonus of \$215,000 and \$150,000 to Capital Contingency.

Mr. Edwards made a motion to approve the resolution.

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

R E S O L U T I O N

APPROPRIATION - YEAR-END FUNDS

WHEREAS, the Board of Supervisors of James City County has generated a year-end surplus of \$1,115,000 for the fiscal year ended June 30, 1992, and has previously appropriated \$750,000 to Capital Projects, leaving a balance of \$165,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates \$365,000 in unappropriated funds at year end, as follows:

Pay for Performance	\$215,000
Capital Contingency	<u>150,000</u>
	<u>\$365,000</u>

F. PUBLIC COMMENT

1. Mr. Waverly Slade, 4922 Hickory Sign Post Road, asked that the Transit buses make stops to pick up and discharge passengers at Williamsburg Crossing Shopping Center rather than at the Route 5/Route 199 intersection.

Mr. Slade also requested changing the trash collection hours at the Convenience Center on Tewning Road.

Mr. Norman responded that both requests would be investigated.

2. Mr. Robert Stephens, 4927 Hickory Sign Post Road, reported problems in his vegetable garden with deer, ticks and fleas.

Mr. Taylor suggested that Mr. Stephens contact the State Game Warden about the deer problem.

3. Mr. Ed Riley, 611 Tam-O-Shanter, read a letter to the Editor of The Virginia Gazette regarding deer control in the area.

G. REPORTS OF THE COUNTY ADMINISTRATOR - None

H. BOARD REQUESTS AND DIRECTIVES

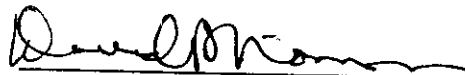
Mr. Morton, in response to Mr. Edwards' earlier request, stated that the Comprehensive Plan Update amendments to both text and the Land Use Map were required to be returned to the Planning Commission.

Mr. Edwards reported that a work session with the Task Force on County Financial Planning was scheduled for September 21, 1992, to discuss major items on a report to be received from the Chairman of the Task Force.

Mr. Taylor made a motion to adjourn.

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

The Board adjourned at 10:50 p.m.



David B. Norman
Clerk to the Board