

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3RD DAY OF OCTOBER, NINETEEN HUNDRED NINETY-FOUR, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Shrink-Swell Soils Task Force

Mr. William D. Johnson, Jr., Task Force Chairman, introduced members of the Task Force in the audience and presented the Shrink-Swell Soils Task Force report to the Board and staff.

During discussion, the Board questioned whether soil testing would be mandatory for all lots or only specific areas; how testing would be monitored; what were costs for testing; and, who would pay those costs.

The Board requested that a public relations brochure explaining expansive soils be published and made available to realtors, newcomers and put in County Newsletter, FYI.

On behalf of the Board, Mr. DePue asked staff to respond to the Task Force Report and invited the members of the Task Force to attend a work session at 5:00 p.m., Wednesday, October 19, 1994.

Mr. DePue declared a break at 6:10 p.m.

Mr. DePue convened the regular meeting at 7:05 p.m.

C. MINUTES - September 19, 1994

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

Mr. Taylor made a motion to approve the minutes.

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

D. CONSENT CALENDAR

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

Mr. DePue made a motion to remove Item No. 3 and to approve Item Nos. 1 and 2 on the Consent Calendar.

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

1. Trash and Grass Lien - David Hertzler, 7191 Merrimac Trail

RESOLUTION

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:	David Hertzler 7191 Merrimac Trail Williamsburg, VA 23185
DESCRIPTION:	7214 Merrimac Trail
TAX MAP NO.:	(41-4)(07-0-0001-) James City County, Virginia
AMOUNT DUE:	\$80.00

2. Additional Allocations - Comprehensive Services Act

RESOLUTION

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the Comprehensive Services For At-Risk Youth and Families; and

WHEREAS, the 45 percent local matching funds are available in Line Item No. 001-191-0302.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenues From the Commonwealth	<u>\$28,055.20</u>
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Expenditures:

Comprehensive Services - 007-082-5733	\$51,010.00
Comprehensive Services - Local 001-191-0302	<u>(22,954.80)</u>

\$28,055.20

3. Industrial Development Authority Shell Building Initiative

Mr. Keith A. Taylor, Economic Development Director, stated that the shell building with site would provide standing inventory to attract industry.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

INDUSTRIAL DEVELOPMENT AUTHORITY

INDUSTRIAL SHELL BUILDING ACQUISITION

WHEREAS, the Board of Supervisors of James City County, Virginia, ("Board") participated in the creation of the Industrial Development Authority of James City County, Virginia ("IDA") for the purpose of assisting the Board with its economic development mission; and

WHEREAS, the IDA supported and the Board adopted an Economic Development Tactical Plan calling for the development of an Industrial Shell Building ("Building"); and

WHEREAS, the Board recognizes that the IDA has recently conducted a comprehensive County-wide analysis and evaluation of sites, owner assistance, and financing and cost options for the Building project in order to advance this project in a timely and cost-effective manner.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board expresses its support for the IDA to proceed in a timely manner with its acquisition of an industrial shell building with site.

E. PUBLIC HEARINGS

1. Case No. SUP-10-94. St. George's Hundred (Continued from 9/19/94)

Mr. Matthew W. Maxwell, Planner, stated that the Board of Supervisors deferred this case at the September 19, 1994, Board of Supervisors' meeting to allow the developer to meet with St. George's Civic

Association. He reiterated that Mr. J. R. Chisman had applied for a special use permit to allow a residential cluster development of 24 lots on 24.775 acres, located on the west side of St. George's Hundred Subdivision, zoned R-1, Residential, on a portion of Parcel No. (1-2C) on James City County Real Estate Tax Map No. (46-1).

Staff reported that a compromise between Mr. J. R. Chisman and the St. George's Civic Association regarding future development west of St. George's Hundred Subdivision was outlined in a letter, dated September 29, 1994, from J. R. Chisman Development Company, 1700-B George Washington Memorial Highway, Tabb, Virginia 23602, addressed to Mrs. Chris L. Pickard, President, The St. George's Hundred Association, Ltd., 127 Arena Street, Williamsburg, Virginia 23188.

In concurrence with staff, the Planning Commission unanimously recommended approval with conditions listed in the resolution. Staff stated that the agreement between the developer and the homeowners' association was irrelevant to Case No. SUP-10-94.

A brief discussion by the Board ensued that the Board's endorsement of the private agreement was of utmost importance to the homeowners.

Mr. DePue continued the public hearing.

1. Mr. Jay Gaynor, 103 Arena Street, speaking for the president of St. George's Hundred Association, stated concerns were smaller lot size, change in traditional character of subdivision, and additional traffic, but homeowners in attendance at the October 3, 1994, meeting were willing to compromise with proposals listed in above mentioned letter.

2. Mr. Alvin Anderson, Esq., representative for J. R. Chisman, requested approval of this special use permit.

Mr. DePue closed the public hearing.

After a brief discussion, Mr. Edwards made a motion to approve the resolution and incorporate Mr. J. R. Chisman's letter to Mrs. Chris Pickard, dated September 29, 1994, as a part of the permanent record.

The Board individually acknowledged the responsive attitude and willingness to compromise of the St. George's Hundred residents.

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

RESOLUTION

CASE NO SUP-10-94. ST. GEORGE'S HUNDRED RESIDENTIAL CLUSTER

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 applicant has requested a Special Use Permit to allow a residential cluster development consisting of 24 lots on a portion of Parcel No. (1-2C) on James City County Real Estate Tax Map No. (48-2).

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-10-94 as described herein with the following conditions:

1. A right-hand turn lane to the eastbound approach at the intersection of Saint George's Boulevard and John Tyler Highway (Route 5) shall be constructed or guaranteed with surety prior to final approval of the subdivision plans.
2. The development shall consist of single-family detached units only.
3. A 35-foot wide undisturbed wooded buffer shall be maintained between the rear lot lines of the proposed lots on the northern portion of the property and the rear yard lot lines of the existing lots fronting on the south side of Arena Street.
4. At the County's request, land shall be dedicated to the County in fee simple or by a perpetual easement for the public's use as a 10-wide pedestrian/bicycle pathway along the southern boundary of the site. This pedestrian/bicycle pathway shall be part of a greenways connection linking St. George's Hundred subdivision to adjacent properties.
5. The Owner shall organize a homeowner's association ("the Association") in accordance with Virginia law whereby all property owners in the parcel which is the subject of this Special Use Permit, by virtue of their property ownership, must be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney. The Governing Documents shall require that the Association adopt an annual maintenance budget and shall grant the Association the power to: i) assess all members owning property within the parcel which is the subject of this Special Use Permit for the maintenance of all properties owned or maintained by the Association including all Best Management Practice facilities; and, ii) file liens on said members' properties for nonpayment of such assessments and for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.
6. As part of the applicant's obligation to meet the open space requirements of Section 20-550 of the Residential Cluster Ordinance, the triangle shaped parcel adjacent to the St. George's Recreation area shall be maintained exclusively for recreation and conservation purposes.

2. Case No. SUP-15-94. Sprint Cellular, Inc.

Mr. Trenton L. Funkhouser, Senior Planner, stated that Mr. Steven Korwan, P.E. of Tea Group, Inc., had applied on behalf of Sprint Cellular Company for a special use permit to allow a 220-foot tall communications tower in M-1, Limited Business/Industrial, located at 7901 Pocahontas Trail, further identified as Parcel No. (1-8) on James City County Real Estate Tax Map No. (51-4).

Staff determined that the tower would have minimal effect on historical properties and would improve an existing service to the County.

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

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

Mr. Sisk made a motion to approve the special use permit.

Mr. Edwards stated his concern that without a specific County policy on towers, future requests might be made for placing towers in other areas near historical sites.

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

RESOLUTION

CASE NO. SUP-15-94. SPRINT CELLULAR COMPANY

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, voted unanimously to recommend approval of Case No. SUP-15-94 to permit a 220-foot communications tower in the M-1, Limited Industrial District, on property identified as Parcel (1-8) on James City County Real Estate Tax Map No. (51-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby grant a height limitation waiver to allow for the construction of a 220-foot communications tower.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-94 as described herein with the following conditions:

1. The operation of the communication tower shall not interfere with operation of the County's communication system. The applicant shall be responsible for assuring that the signal(s) for this equipment shall not interfere with the County's radio communication system. Upon notice from the County that interference is being received, the applicant shall terminate such interference immediately.
2. If construction of the tower has not begun within 12 months of the date of issuance of the special use permit, the permit shall be void.
3. Prior to the placement of additional equipment on the tower, the applicant shall submit to the Director of Planning a certification from a professional engineer, licensed by the Commonwealth of Virginia which indicates that the tower can safely support the loads caused by the placement of additional equipment on the tower. The applicant shall secure all necessary permits prior to altering, constructing, or modifying any portion of the tower.
4. The applicant shall secure all required permits and approvals from State and Federal Agencies and shall submit copies to the Director of Planning prior to construction of the facility.
5. The tower shall not exceed 220 feet above grade.
6. A landscaping and screening plan shall be prepared and implemented that screens the view of the tower base, electronics cabinet and chain link fence enclosure.
7. Lighting on the tower shall be limited to red beacon lighting at night and white strobe lighting during the day.
8. The tower shall be painted a light gray or other neutral color as approved by the Director of Planning.

9. No additional equipment larger than the proposed whip antennae may be placed on the tower at a height equal to or greater than 200 feet.
10. The tower shall be located a minimum of 140 feet from the centerline of Pocahontas Trail (Route 60 East).
11. The access road for the tower shall utilize the existing Virginia Power easement access area.
12. An undisturbed buffer of no less than 100 feet, as measured from the existing tree line adjacent to Route 60 East, shall be preserved.

3. Case No. SUP-19-94. County Library

Mr. Mark J. Bittner, Planner, stated that Mr. Bernard M. Farmer had applied on behalf of James City County for a special use permit to construct a library facility on 14.541 acres, zoned A-1, General Agricultural, located at 7770 Croaker Road, further identified as Parcel No. (1-23A) on James City County Real Estate Tax Map No. (13-4).

Staff determined the proposal was consistent with the Comprehensive Plan and surrounding zoning and development.

In concurrence with staff, the Planning Commission, by a 6-1 vote, recommended approval of the special use permit with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the special use permit.

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

RESOLUTION

CASE NO. SUP-19-94. COUNTY LIBRARY

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 September 13, 1994, 6-1 recommended approval of Case No. SUP-19-94 to permit the construction of a library facility in the A-1, General Agricultural District, on property identified as Parcel No. (1-23A) on James City County Real Estate Tax Map No. (13-4).

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-19-94 as described herein with the following conditions:

1. If construction on the project has not commenced within 24 months from the date of issuance of the special use permit, it shall become void. Commencement of construction shall be defined as the excavation, approved inspection of footings, and pouring of footings for any public buildings allowed under this permit.

2. All lighting on the site shall be sodium vapor and shall be 20 feet or less in height, except in bus parking areas.
 3. All lighting on the site within 100 feet of adjacent property shall be directed away from adjacent property that is zoned agricultural.
 4. There shall be no more than one entrance to the site and this entrance shall be off of Croaker Road. This entrance shall be located opposite of the intersection of Croaker Road and Rose Lane.
 5. There shall be right and left turn lanes at the entrance to the property on Croaker Road, built to VDOT specifications, if required by VDOT.
 6. There shall be a 30-foot landscape buffer along the perimeter of the property. This buffer shall remain undisturbed and in its natural state except that approved utilities, easements, signs, stormwater management facilities, and the entrance to the site shall be permitted within this buffer. In the buffer along the Croaker Road right-of-way, enhanced landscaping shall be provided as approved by the Planning Director. Enhanced landscaping may be deleted in all or portions of this buffer upon approval of the Planning Director. All buffer crossings shall be subject to approval by the Planning Director prior to final site plan approval.
 7. All freestanding signs on the property shall be non-internally illuminated, and shall be monument-style with a brick base or other similar material as approved by the Planning Director.
 8. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, 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. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.
4. Hampton Roads Sanitation District Easement, North Trunk Interceptor Force Main

5. James City Service Authority, 10-Foot Permanent Drainage Easement and 10-Foot Construction Easement

Mr. Larry M. Foster, General Manager, James City Service Authority, stated Hampton Roads Sanitation District had requested the conveyance of an easement for installation of sewer line on the County library property fronting Croaker Road, and adjacent to CSX Railroad.

Mr. Foster further stated that James City Service Authority had requested conveyance of a drainage easement on property owned by the County, located in Toano at Fire Station One and the Government Office Building. He explained that an adjacent well retrofitting for introduction of a disinfectant and automatic flush valves required the drainage easement to an existing drainage facility on Virginia Department of Transportation right-of-way.

Staff recommended approval of the resolutions.

Mr. DePue opened the public hearings, and as no one wished to speak, he closed the public hearings.

Mr. Edwards made a motion to approve the resolutions.

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

RESOLUTION

CONVEYANCE OF DEED OF EASEMENT TO HAMPTON ROADS SANITATION DISTRICT

WHEREAS, the Hampton Roads Sanitation District has received a special use permit to construct a sewer line to provide service to the Stonehouse District of the County; and

WHEREAS, the sewer line will cross property that fronts on Croaker Road that is owned by the County; and

WHEREAS, HRSD has requested that the County convey an easement to allow the sewer line to cross County property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the Chairman to sign the attached Deed of Easement which conveys to HRSD the right to construct the sewer line on property owned by the County.

RESOLUTION

CONVEYANCE OF DEED OF EASEMENT - JAMES CITY SERVICE AUTHORITY

WHEREAS, the James City Service Authority has requested a 10-foot temporary and a 10-foot by 146.68-foot permanent drainage easement across property owned by the County adjacent to the Fire Station One and the Government Office Building; and

WHEREAS, the easement will allow adequate and proper drainage for a well facility owned by the JCSA and provide a means of enhancing existing drainage on the County-owned parcel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to sign the attached Deed of Easement conveying the right to construct a drainage structure on County property as requested by the JCSA.

G. BOARD CONSIDERATIONS

1. Fire Marshal Duties and Powers

Mr. Richard M. Miller, Fire Chief, stated that the Fire and Police departments requested that all fire investigation and related police powers be transferred to the Fire Department according to State Code Section 27-34.2:1. He explained that the policies, procedures and annual in-service training of qualified personnel were in place.

Staff recommended approval of the resolution.

Mr. Magoon made a motion to approve the resolution.

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

RESOLUTION

AUTHORIZATION OF POLICE POWERS FOR FIRE MARSHALS

WHEREAS, Section 27-34.2:1 et seq. of the Code of Virginia, 1950 as amended provides that localities may authorize the local fire marshal and those assistants appointed pursuant to Section 27-36 to have the same law enforcement powers as a police officer for the purpose of investigation and prosecution of all offenses involving fires, fire bombings, attempts to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs; and

WHEREAS, James City County Fire Investigators have completed all minimum training and certification requirements of the Department of Criminal Justice Services and the Department of Fire Programs; and

WHEREAS, the James City County Police Department endorses the authorization of police powers as authorized for Fire Marshals.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Deputy Fire Marshal and Assistant Fire Marshals appointed pursuant to §27-36 of the State Code are hereby conferred police powers as set forth in §27-34.2:1 of the State Code.

2. Middle Peninsula Juvenile Detention Commission Service Agreement

Mr. Sanford B. Wanner, Assistant County Administrator, stated that approval of the resolution would authorize the County Administrator to execute the Middle Peninsula Juvenile Detention Commission Service Agreement, which was adopted by the Commission at its September 30, 1994, meeting.

Staff recommended approval of the resolution.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION**JUVENILE DETENTION FACILITY**

- WHEREAS, the Middle Peninsula Juvenile Detention Commission has been formed to construct and operate a Juvenile Detention Center initially housing 32 juveniles from the participating jurisdictions at a site to be determined by the Commission; and
- WHEREAS, James City County has by previous action become a member of the Commission; and
- WHEREAS, the Board of Supervisors has determined that a need exists for such a Juvenile Detention Center to be constructed to serve the needs of the County; and
- WHEREAS, the Commonwealth of Virginia is expected to reimburse 50 percent of the eligible construction costs of the Juvenile Detention Center and to provide a substantial portion of the operating costs; and
- WHEREAS, a Service Agreement has been approved by the Commission and is being presented to the Board of Supervisors for adoption.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Middle Peninsula Juvenile Detention Commission Service Agreement presented to the Board this date is hereby approved, and the County Administrator is authorized to execute the Agreement on behalf of the County.

G. PUBLIC COMMENT

1. Ms. Linda Tiexeira, 904 Wood Duck Commons, appreciated the hard work of the Shrink-Swell Soils Task Force and asked the Board to protect County citizens by careful consideration of the report.
2. Mr. Ed Oyer, 139 Indian Circle, reported information from around the nation about school funding per student and stated his belief that more money does not solve school problems.
3. Mr. Glenn Cornelisse, 250 Nina Lane, accompanied by his infant daughter, spoke of the past moisture problems at his home, and asked the Board to support the Shrink-Swell Soils Task Force recommendations.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman announced that the School Forum on selection of a superintendent would be rebroadcast Tuesday, October 4, 1994, at 4:00 p.m., and the forum scheduled for Wednesday would be rebroadcast on Thursday, October 6, 1994, at 4:00 p.m., on government cable Channel 36.

Mr. Norman recommended the Board go into executive session pursuant to Section 2.1-344(A)(3) of the Code of Virginia to consider acquisition of two separate parcels of property for public use.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor mentioned the denial of appeal for Ware Creek Reservoir permit by the Supreme Court and asked staff to review the Reservoir Protection Overlay District ordinance.

Mr. DePue asked Fire Chief Richard Miller to report on open burning by developers in subdivisions.

Fire Chief Miller responded that the County allowed open burning defined as above ground and pit burning for land clearing with a permit issued by the Department of Environmental Quality. He explained the procedures for follow-up of complaints and recommended continuation of those current procedures.

Mr. DePue made a motion to go into executive session as recommended by the County Administrator, at 8:45 p.m.

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

Mr. DePue reconvened the Board into open session at 9:50 p.m. and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: October 3, 1994

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

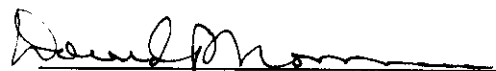
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. DePue made a motion to recess until 5:00 p.m., Wednesday, October 19, 1994, for a work session on the Shrink/Swell Soils Task Force Report.

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

The Board recessed at 9:51 p.m.



David B. Norman
Clerk to the Board

J. R. CHISMAN DEVELOPMENT CO.
1700-B GEORGE WASHINGTON MEMORIAL HWY.
TABB, VIRGINIA 23602
TELEPHONE: (804) 873-1182

September 29, 1994

Mrs. Chris L. Pickard, President
The St. George's Hundred Association, Ltd.
127 Arena Street
Williamsburg, Virginia 23188

Re: SUP-10-94 (St. George's Hundred Residential Cluster/
L. R. Chisman Development Co.)

Dear Mrs. Pickard:

First and foremost, I want you to know how much I genuinely appreciate you and the delegates from your association taking time to meet with me, my representatives and representatives of the Department of Development Management of James City County. I certainly respect your comments and concerns. In an effort to address as many of the concerns as possible, please be advised of the following:


- The area west of the existing St. George's Hundred Subdivision, now or formerly called Sections 7, 8 and 9, herein referred to as "Future Subdivisions" is planned to be built and marketed as completely separate subdivisions possibly utilizing the residential cluster development article and/or similar articles of the James City County Zoning Ordinance.
- The existing St. George's Hundred subdivision, herein referred to as "Existing Subdivision", and the Future Subdivisions are planned to be separated by a wooded buffer.
- No internal street connections are planned between the Existing Subdivision and the Future Subdivisions that would otherwise allow for vehicular traffic between the two subdivisions. With your support, we would be willing to petition the Virginia Department of Transportation and James City County to vacate all of that portion of Sabre Drive (extended) between 127 Arena Street (Route 1441) and 236 Robertson Street (Route 1439), reserving only a bicycle and/or pedestrian path and utility and drainage easements between the Existing Subdivision and the Future Subdivisions. The fee simple title to the property area vacated would revert to the adjacent property owners subject, of course, to the said easements.

- J. R. Chisman Development Co. would deed to The St. George's Hundred Association, Ltd. the triangular shaped parcel adjacent to the recreation area of the Existing Subdivision, provided said area would be maintained as open space (conservation/recreation purposes). This property would be deeded at such time as we complete the marketing of the unsold lots in Sections 5 and 6 but in no event later than two (2) years from today. (This would preserve the opportunity for us to discuss the possibility of construction of additional mutually agreeable recreational amenities on this property).
- J. R. Chisman Development Co. plans to include within the Homeowner's Association required by the County for Section 6, all lots in Phase 4, Section 5 and all unsold lots in Phase 3 of Section 5. Membership in the existing Homeowner's Association for said lots would be optional; however, use of the existing recreation area would require membership in the existing Homeowner's Association.
- Plans for construction in Section 6 call for single-family detached homes being marketed at an average price of \$160,000.
- To the extent reasonably possible, we plan to preserve as many trees as we can in the development of Section 6.
- Should J. R. Chisman Development Co. sell all or any portion of the undeveloped acreage within the Future Subdivisions to another developer, a copy of this letter will be delivered to him.

Again, I appreciate ever so much your candid comments and our discussion.

Very truly yours,

J. R. CHISMAN DEVELOPMENT CO.

By: 
J. R. Chisman, President

cc: Department of Development Management
James City County

27119

Tax Exempt--Section 58.1-811, Code of Virginia

018821

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 3rd day of October, 1994, by and between COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, (hereinafter called GRANTOR), and HAMPTON ROADS SANITATION DISTRICT, a political subdivision of the Commonwealth of Virginia (hereinafter called GRANTEE), whose mailing address is P.O. Box 5911, Virginia Beach, Virginia 23455-0911.

WITNESSETH:

That for the sum of ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey with GENERAL WARRANTY, unto GRANTEE, its successors and assigns, a right, privilege, and easement, hereafter described, for the purpose of laying, erecting, constructing, maintaining, repairing, inspecting, relocating, renewing, altering, adding, extending, improving or replacing (hereinafter called USE) of underground wastewater force mains and/or gravity mains, together with equipment, accessories and appurtenances thereto (hereinafter called FACILITIES), said easement being further described as follows:

ALL THAT CERTAIN property in James City County, Virginia, known, numbered and designated as "VARIABLE WIDTH PERPETUAL EASEMENT REQUIRED 0.65 AC. +/-", as shown on the plat entitled: "PLAT SHOWING EASEMENT FOR HAMPTON ROADS SANITATION DISTRICT, NORTH TRUNK INTERCEPTOR FORCE MAIN - SECTION D - PARCEL 11 FROM JAMES CITY COUNTY, JAMES CITY COUNTY, VIRGINIA", dated June 15, 1994, made by AES Consulting Engineers, Engineers, Surveyors, Planners, which plat is intended to be recorded simultaneously herewith.

This deed is subject to the following conditions:

- A. The facilities constructed shall remain the property of GRANTEE.
- B. GRANTEE shall have the right of USE of its FACILITIES within the boundaries of said easement as are consistent with the purpose expressed herein.
- C. GRANTEE shall have the right to trim, cut and remove trees, shrubbery or other obstructions that interfere with or threaten the efficient and safe USE of FACILITIES. All trees, limbs, brush, branches and other debris cut by the GRANTEE shall be removed by the GRANTEE unless the GRANTOR requests in writing that a portion or all be left on the property.

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D. GRANTEE shall have the right of ingress to and egress from said easement over the lands of GRANTOR.

E. GRANTEE shall have the right to remove any vehicle, object or property parked or stored on said easement which it deems in any way to interfere with the proper and efficient USE of the FACILITIES.

F. Any disturbance of the premises by the GRANTEE or its contractor will be restored by the GRANTEE as nearly to its original condition as practicable. This includes paving, fences, backfilling of trenches, grass reseeding, replacing or replanting landscaping, and removal of trash or debris. Landscaping will be replaced with immature trees, shrubs, and ground cover. Items for which the GRANTEE has specifically been compensated for, such as large trees, will not be replaced. GRANTOR will be compensated by the GRANTEE for pasture or crops destroyed by GRANTEE'S activities after the force main is placed in service.

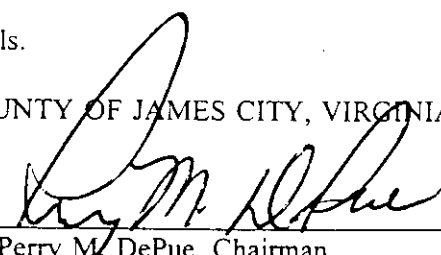
G. GRANTOR shall not place any permanent improvements within the easement without permission of the GRANTEE. This includes but is not limited to houses, pools, sheds, barns or similar permanent structures. GRANTOR may install fences, driveways, pavement and landscaping (trees and shrubs shall be varieties that will not exceed 20 feet tall at maturity).

H. GRANTOR, its successors and assigns, may use said easement for any purpose consistent with the rights hereby granted, provided such use does not interfere with the GRANTEE'S safe and efficient USE of FACILITIES.

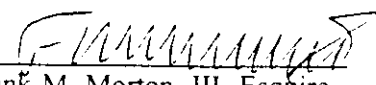
I. It is understood and agreed that the consideration paid to the GRANTOR in connection with this easement constitutes payment in full for the easement conveyed and for damages, if any, to the residue or other property of the GRANTOR for the purposes described herein.

WITNESS the following signatures and seals.

COUNTY OF JAMES CITY, VIRGINIA

By: 
Perry M. DePue, Chairman
Board of Supervisors

Approved as to form:


Frank M. Morton, III, Esquire
County Attorney

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STATE OF VIRGINIA

~~CITY~~/COUNTY OF James City to wit:

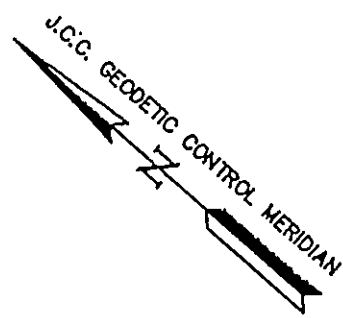
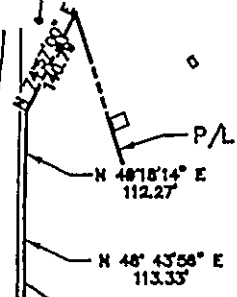
I, the undersigned, a Notary Public in and for the ~~City~~/County and State aforesaid, do hereby certify that Perry M. DePue, as Chairman of the Board of Supervisors for the County of James City, Virginia, whose name is signed to the foregoing instrument, has acknowledged the same before me this 3rd day of October, 1994.

My commission expires: October 31, 1997.

Mary Frances Rieger
Notary Public

NOTE:
PROPERTY LINES AS SHOWN
TAKEN FROM RECORD PLATS,
DEEDS AND OTHER AVAILABLE
INFORMATION AND DOES NOT
REPRESENT A FIELD BOUNDARY
SURVEY.

Now or Formerly
RONALD & B.E. SHALASKI



APPROXIMATE DISTANCE
FROM ANGLE POINT TO
END OF EASEMENT IS
211.70'±

JAMES CITY COUNTY
T.M. NO. (13-4) (1-23A)
D.B. 688, PG. 180

CROAKER ROAD S.R. #607

VARIABLE WIDTH
PERPETUAL
EASEMENT
REQUIRED
0.65 AC. ±

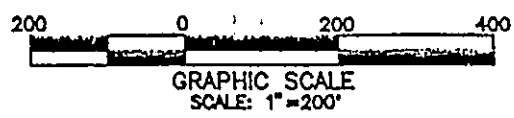
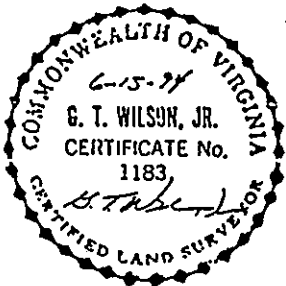
C/L PROPOSED
FORCE MAIN

Now or Formerly
NATALIE E. MCKOWN
T.M. NO. (23-2) (1-3)

Now or Formerly
RUFUS TAYLOR ESTATE

CSX RAILROAD R/W

R=5174.55'
L=518.28'
T=258.34'
CH=518.04'
CB=N 42°40'50\"/>



AES Consulting Engineers	Engineers, Surveyors, Planners	Williamsburg, Virginia
PLAT SHOWING EASEMENT FOR HAMPTON ROADS SANITATION DISTRICT NORTH TRUNK INTERCEPTOR FORCE MAIN -- SECTION D -- PARCEL 11 FROM JAMES CITY COUNTY JAMES CITY COUNTY, VIRGINIA		
Scale: 1" = 200'	Ref.: NOTED	Date: 8/15/94
		Job No.: 7841-11