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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF JANUARY, NINETEEN HUNDRED SEVENTY-NINE, IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA

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A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Stewart U. Taylor, Vice Chairman, Stonehouse District  
John E. Donaldson, Jamestown District  
Abram Frink, Jr., Roberts District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
Frank M. Morton, III, County Attorney

B. ORGANIZATIONAL MEETING OF THE BOARD

1. Election of Chairman and Vice-Chairman

Mr. Edwards turned the meeting over to Mr. Oliver, Clerk to the Board. Mr. Oliver said that as a requirement under the State Code, it was necessary to elect a Chairman to preside over the meetings for the coming year. He said in past years Board members generally went into Executive Session at this point. Mr. Edwards moved to adjourn to Executive Session. The motion carried by unanimous roll call vote. The Board members convened in Executive Session at 7:32 P.M. and reconvened in public session at 7:35 P.M.

Mr. Ware nominated Stewart U. Taylor for the position of Chairman. There were no other nominations. Mr. Taylor's nomination was approved by unanimous roll call vote. Mr. Oliver extended congratulations to Mr. Taylor and turned the meeting over to him. Mr. Taylor expressed appreciation for the confidence placed in him by his fellow Board members.

Mr. Taylor stated that the next order of business was the election of a Vice Chairman. Mr. Edwards nominated Abram Frink, Jr. for the position. There were no other nominations and Mr. Edwards moved that the nominations be closed. Mr. Frink's nomination was approved by unanimous roll call vote (with Mr. Frink abstaining from voting).

2. Meeting Dates and Location

Mr. Oliver presented a resolution which would continue to set Board meetings on the second Monday of each month at 7:30 P.M. and the fourth Monday of each month at 3:00 P.M. in the Board Room at the County Government Center.

Mr. Ware moved for approval of the resolution. The motion passed by unanimous roll call vote.

RESOLUTION

BE IT RESOLVED by the James City County Board of Supervisors that its regular board meetings will be held on the second Monday of each month at 7:30 p.m., and the fourth Monday of each month at 3:00 p.m. in the Board Room of the County Government Center, 101 Mounts Bay Road, James City County, Virginia.

3. Commission/Committee Assignments

Mr. Taylor stated that if the Board was in agreement, this matter could be considered at Executive Session later in the evening. The Board members concurred.

C. MINUTES - December 11, 1978

Mr. Oliver said a correction should be made in Item F-1 of the minutes, in the seventh paragraph, changing Mr. Taylor's and Mr. Frink's names, which had been transposed. The correction should read, he said, "The motion passed 3-2, with Mr. Donaldson, Mr. Edwards and Mr. Frink voting for the position and Mr. Ware and Mr. Taylor voting no."

Mr. Donaldson moved for approval of the minutes, subject to the correction noted. The motion carried by unanimous roll call vote.

D. PUBLIC HEARINGS

1. Pre-Budget Hearing

Mr. Oliver stated that as part of the County budget process a pre-budget hearing was instituted, the main purpose of which is to allow the public at large to make comments as the administrative staff begin preparation of recommendations. Robert M. Murphy, Assistant to the Administrator/Projects, who has the responsibility for assembling the budget, was introduced. Mr. Murphy said the purpose of the public hearing is to allow all interested citizens an opportunity to voice their comments and suggestions for the development of the next fiscal year budget. Once all budget requests have been received, staff review and County Administrator review of requests will begin, he said, and on March 26, 1979, the County Administrator will present his budget recommendations to the Board of Supervisors. He said in April two public hearings will be conducted, as well as three worksessions.

Written comments from those not wishing to speak were received from:

Mrs. Cynthia D. Braxton, of Williamsburg, who requested \$25,000 be set aside from revenue sharing for recreation and housing repair in the Croaker area.

Mrs. Clara Harris, a representative of the Ironbound Civic Club, who requested \$25,000 be set aside from revenue sharing for recreation and housing repair in the Carriage Road section.

Mr. Taylor opened the public hearing.

Mr. Jim Sanders of Berkeley District said direct access via future Route 199 reduces the need for a fire station on Olde Towne Road. Mr. Sanders suggested the funds be used for the Sheriff's Department, which he said is underfinanced. Educational and physical condition incentives, Mr. Sanders said, would give deputies an opportunity to improve their salaries and create a better department.

Mr. Arthur G. Barnes of 143 Winston Drive, Jamestown District, requested funding for the Williamsburg Players. He said last year, for the first time, the Board of Supervisors allocated \$2,000 to the Players.

Mrs. Eula Radcliffe of Grove requested funding for more street lights in Grove and the East Williamsburg area.

Mr. Robert L. Clifford of First Colony, Berkeley District, praised the Sheriff's Department's response to calls from First Colony subdivision about delinquency.

Mr. Ezekiel Lee asked the Supervisors to ride through the County before making up the budget, stating that some of the places are very dirty and spotty.

Mr. Taylor asked if anyone else wished to speak. No one wished to speak and the public hearing was closed.

2. Sanitary District No. 2 User Charges

Mr. Wayland N. Bass, Director of Public Works, presented this matter, which consisted of an ordinance adopted at the December 11, 1978 meeting. Mr. Bass said Newport News has changed its connection fees, which in turn requires revision of the S.D. 2 ordinance. He said an attempt has been made to simplify the S.D. 2 rates by basing them on meter size.

Mr. Donaldson moved for adoption of the ordinance. The motion carried by unanimous roll call vote.

ORDINANCE No. 127

AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

FOR WATER SERVICES

SANITARY DISTRICT NO. 2

JAMES CITY COUNTY, VIRGINIA

SECTION I

FEEES

1-1 Water Service Charges

1-1-1 City of Newport News Service Charges

All users of the Sanitary District water system shall pay water service charges to the City of Newport News at their established rates. In addition, the District shall levy a quarterly charge to each user of the water system adequate to pay all expenses in connection with the water system, including the cost of amortizing any capital expenditures by the District for water facilities.

The quarterly charge by the District shall be in addition to and separate from the water charges by the City of Newport News. The District charges shall be called "Amortization Charge" to distinguish this charge from that of the City of Newport News.

The District users will be required to make direct payment to the City of Newport News at their prevailing rates at all times.

1-1-2 District Service Charges

The District Water System bills (called, "Amortization Charge") shall be rendered by the District to each water user quarterly. The District quarterly charges for water service shall be as follows:

Minimum Quarterly Water Amortization Charge

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 9.25
3/4"	13.90
1"	23.00
1 1/2"	46.00
2"	74.00
3"	148.00
4"	231.00
6"	740.00

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Where a single water meter is used to serve multi-unit users the quarterly charge shall be computed as indicated below but shall not be less than the minimum charge set forth above.

<u>Description</u>	<u>Quarterly Charge</u>	<u>Unit</u>
Residential	\$ 9.25	Each Unit
Motels and Hotels	5.00	Room
Restaurants	1.00	Seat
Mobile Home Parks	8.25	Each Unit
Manufacturing and Others	To Be Negotiated	

1-2 Water Connection Charges

1-2-1 City of Newport News Connection Charges

All users of the District water system shall pay water connection charges to the City of Newport News in accordance with their established policies. In addition, the Sanitary District No. 2 shall collect a connection fee from each user of the water system.

The connection charge by the District shall be in addition to and separate from the water connection charge by the City of Newport News. The District charges shall be called an "Availability Charge" to distinguish this charge from that of the City of Newport News.

1-2-2 Water Availability Charges

- a) Existing Structures - There shall be a water availability charge. The charges shall be payable to the District at the time application is made for connection to the water system.
- b) Proposed Structures - The charges shall be payable to the District prior to a building permit being issued.

The Availability Charges shall be as follows:

The water availability charge for apartment, condominiums and town-houses shall be \$225 per unit. The water availability charge for all other users shall be determined by the size of the domestic water meter as follows:

Domestic Water Meter Size-In.	Sanitary District No. 2 Availability Charge
5/8"	\$ 250
3/4"	375
1"	675
1 1/2"	1350
2"	2000
3"	4000

All other categories to be established when needed.

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner or record of the property shall be held responsible or liable for payment of these outstanding accounts.

1-3-2 Penalty

All unpaid sewer charges shall become a lien on land or property served by the sewer line as provided in the Code of Virginia, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by Sanitary District No. 2 on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

This Ordinance shall be in full force and effect from the date of its adoption.

AN ORDINANCE TO ESTABLISH A USER CHARGE SYSTEM

FOR SEWER SERVICES

SANITARY DISTRICT NO. 2

JAMES CITY COUNTY, VIRGINIA

SECTION I

FEEES

1-1 Sewer Service Charges

1-1-1 Hampton Roads Sanitation District (H.R.S.D.C.) Service Charges.

All users of the sewer system shall pay sewer service charges to the Hampton Roads Sanitation District at their established rates. In addition, Sanitary District No. 2 shall levy a quarterly charge to each user of the sewer system, including the cost of amortizing any capital expenditures for sewerage facilities.

The quarterly charge by the District shall be in addition to and separate from the sewer charges by the Hampton Roads Sanitation District. The Sanitary District No. 2 charges shall be called "Amortization Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

The Sanitary District No. 2 users will be required to make direct payment to the Hampton Roads Sanitation District at their prevailing rates at all times.

1-1-2 Sanitary District No. 2 Service Charges

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The District Sewer System bills (called, "Amortization Charge") shall be rendered by the Sanitary District to each sewer user quarterly. The initial District minimum quarterly charges for sewer service shall be as follows:

Single-Family Residence	\$13.25 /	Family Unit
Multiple-Family Residence	13.25 /	Living Unit
Mobile Home Parks	11.25 /	Unit
Hotels and Motels	12.50 /	First Unit and
	5.00 /	Each Additional Room
Restaurants	18.75 /	Minimum Plus
	1.00 /	Seat
Commercial		

<u>Water Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$ 13.25
3/4"	20.00
1"	33.00
1 1/2"	66.00
2"	106.00
3"	212.00

Manufacturing and others to be determined when needed.

1-2 Sewer Connection Charges

1-2-1 Hampton Roads Sanitation District Connection Charges

All users of the Sanitary District No. 2 sewer system shall pay sewer connection charges to the Hampton Roads Sanitation District in accordance with their established policies. In addition, Sanitary District No. 2 shall collect a connection fee from each user of the sanitary sewer system.

The connection charge by Sanitary District No. 2 shall be in addition to and separate from the sewer connection charge by the Hampton Roads Sanitation District. Sanitary District No. 2 charges shall be called "Availability Charge" to distinguish this charge from that of the Hampton Roads Sanitation District.

1-2-2 Sewer Availability Charges

- a) Existing Structures - There shall be a sewer availability charge. The charges shall be payable to Sanitary District No. 2 at the time application is made for connection to the sewerage system.
- b) Proposed Structures - The charges shall be payable to Sanitary District No. 2 prior to a building permit being issued.

The Availability Charges shall be as follows:

For apartments, condominiums and townhouses, the sewer availability charge shall be \$300 per unit.

The Sewer Availability Charge for all other users shall be based on water meter size as follows:

<u>Domestic Water Meter Size-in.</u>	<u>Sanitary District No. 2 Availability Charge</u>
5/8"	\$ 400
3/4"	600
1"	1000
1 1/2"	2000
2"	3200
3"	6400

1-3 Billing, Penalty, and Pro Rata Bills

1-3-1 Billing

All bills shall be due and payable upon presentation. Twenty days after the mailing date a penalty of ten (10) percent of the unpaid quarterly charges shall be incurred. Water and/or sewer service shall be discontinued by the District if Sanitary District No. 2 bills are not paid within thirty days of the mailing date.

In all cases where there are delinquent charges, including disconnection and/or reconnection costs, due the District, the owner of record of the property shall be held responsible or liable for payment of these outstanding accounts.

1-3-2 Penalty

All unpaid water charges shall become a lien on land or property served by the water line as provided in the Code of Virginia, Section 21-118.4(e).

1-3-3 Pro Rata Bills

Customers requesting discontinuance or establishing new accounts for service shall be billed by the District on the number of months or part thereof in the billing period when service was provided. Customers that do not give notice to the District of discontinuance during a quarter shall be responsible for all bills rendered until such notice is given.

This Ordinance shall be in full force and effect from the date of its adoption.

3. Case No. Z-14-78 - An Ordinance to Amend Section 20, Permitted Uses, in the R-4 District.

Mr. William C. Porter, Jr., Planning Director, presented this matter, stating that R-4 District regulations do not provide a comprehensive list of permitted uses. To avoid future problems, Mr. Porter recommended the R-4 District be amended to include a comprehensive list of permitted uses.

A discussion followed as to the use of drive-in theaters in the item entitled, "In-door and out-door theaters". Mr. Donaldson recommended an addition at the end of that item so it would read, "In-door theaters, museums, public meeting halls, and out-door entertainment, other than drive-in theaters."

Mr. Taylor opened the public hearing. No one wished to speak and the public hearing was closed.

Mr. Edwards moved for approval of the ordinance with the above language noted. The motion carried by unanimous roll call vote.

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ORDINANCE NO. 31A-51

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING CHAPTER 20, ZONING, ARTICLE IV, DISTRICTS: DIVISION 7, SECTION 20-78, USES - PERMITTED.

BE IT ORDAINED by the Board of Supervisors of James City County that the Code of the County of James City, Chapter 20, Zoning, be and the same is, hereby, amended and reordained by amending Article IV, Districts: Division 7, Section 20-78, Uses - Permitted.

CHAPTER 20

ZONING

Article IV. Districts

Division 7. Residential Planned Community Districts R-4

Section 20-78. Uses - Permitted.

Single family dwellings  
Single family attached dwellings  
Two family dwellings  
Townhouses  
Garden apartments  
Apartments with three or more stories  
Rental of rooms  
Churches  
Schools, libraries, fire stations, and post offices  
Parks, playgrounds, golf courses, tennis courts, swimming pools, and other public or private recreation areas  
Yacht clubs, private or commercial marinas, boat storage, and service facilities  
Hunting clubs, conservation areas and preserves  
Horse and pony farms, riding stables, horse show areas, horse racing tracks and polo fields  
Private clubs, civic or service clubs, lodges, and fraternal organizations  
Funeral homes, cemeteries, and memorial gardens  
Home occupations as defined  
Retail food stores, bakeries, and fish markets  
Dry cleaners and laundries  
Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards, sporting goods, drugs, plants and garden supplies, hardware and paint, home appliances sales and service, arts and crafts, handicrafts, antiques, gift and photography stores.

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- Photographer, artist, and sculptor studios
- Corporate, business, professional and governmental offices
- Barber shops and beauty shops
- Banks and other financial institutions
- Hospitals, nursing homes, and rest homes
- Doctor, dentist, and other medical clinics and offices
- Hotels, motels, tourist homes and convention centers
- Restaurants, drive-in restaurants, tea rooms, and taverns
- Dinner theaters
- In-door theaters, museums, public meeting halls, and out-door entertainment, other than drive-in theaters
- Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other centers of amusement
- Automobile service stations
- Accessory buildings permitted as defined; however, garages or other accessory structures such as carports, porches, or stoops attached to the main building shall be considered part of the main building
- Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of utilities including water and sewer facilities
- Water impoundments for public or private use of less than 50 acres and dam heights of less than 25 feet
- Water impoundments for public or private use of more than 50 acres and with dam heights of more than 25 feet with a special use permit
- Off-street parking as required by this chapter

All uses are subject to the limitations hereinafter provided.

This ordinance shall be in full force and effect from the date of its adoption.

4. Staggered Terms for Members of the Board of Supervisors

Mr. Morton presented the matter, stating that staggered terms could be enacted by resolution or referendum. He said if either of these methods were to be adopted, the electoral board, prior to the election, would select by lot two members for two-year terms and three members for four-year terms. Mr. Morton said there was an error in the accompanying memorandum which read "three-year terms" instead of "four-year terms".

Mr. Taylor opened the public hearing.

Mrs. Irene Douglas, secretary of the James City County Electoral Board, said she favored staggered terms because the potential exists for all five members to choose not to run or for all five not to be elected. Mrs. Douglas said in that event, newly elected people would have to spend a great deal of time in learning.

Mr. John West supported Mrs. Douglas' viewpoint and told the Board that continuity would be provided through staggered terms.

Mr. Donaldson said when he first started as Supervisor, four of the five Supervisors were totally new and it was a burden on the staff to brief Supervisors on County affairs.

Mr. Ware said he agreed with the philosophy of continuity, but opposed the change because it would generate less voter interest if only part of the Supervisor positions were up for election.

Mr. Frink said he requested that the issue be brought up because he had voted against it in the past but had since changed his mind. Mr. Frink said he felt it would be a burden on the entire staff to brief new Supervisors.

Mr. Taylor asked if anyone else wished to speak on the matter. No one wished to speak and the public hearing was closed.

Mr. Donaldson moved for approval of the resolution. The motion passed 3-2, with Mr. Frink, Mr. Donaldson and Mr. Edwards voting affirmatively and Mr. Ware and Mr. Taylor voting against.

#### RESOLUTION

WHEREAS, the Board of Supervisors of James City County is of the opinion that staggered terms for elected supervisors would be beneficial.

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

1. The Board of Supervisors is authorized to enact by resolution staggered terms pursuant to Section 24.1-83 of the Code of Virginia, 1950, as amended.
2. Two of those elected at the next general election shall be chosen by lot by the electoral board prior to the election to serve two-year terms as members of the Board of Supervisors, the remaining three members to serve four-year terms.
3. Thereafter terms for all members shall be for four years.

This resolution shall be effective from the date of its adoption.

E. SETTING PUBLIC HEARING DATE

- 1. Case No. Z-18-78 - Middle Plantation Master Plan Amendment
- 2. An Ordinance Requiring Proper Placement of James City County Decals

Mr. Oliver stated that these two items required no immediate action and recommended setting them for February 12, 1979. It was the consensus of opinion that these items be heard at that time.

F. BOARD CONSIDERATIONS

Mr. Taylor made a presentation of a plaque to Mr. Edwards in appreciation of his chairmanship of the Board of Supervisors. The plaque was inscribed as follows:

"Jack D. Edwards  
James City County Board of Supervisors Chairman  
January 1974-January 1975  
January 1978-January 1979"

Mr. Edwards expressed his thanks to all.

- 1. Amended and Restated Contract for the Joint Operations of Schools for the City of Williamsburg and County of James City

Mr. Oliver requested that this matter be withdrawn. It was the consensus of opinion of the members of the Board to withdraw the item.

- 2. Public Hearing - Vacation of Plat - Riverview

Mr. Oliver requested that no action be taken on this matter at this time. Mr. Morton recommended postponement until court actions have been cleared.

Mr. Taylor opened the public hearing. No one wished to speak and the public hearing was closed.

It was the consensus of opinion of the Board of Supervisors that no action be taken on this matter at the present time.

- 3. Case No. S-65-78 - Busch Properties, Inc.

Mr. Porter presented this matter, stating that Busch Properties, Inc. has applied for subdivision approval to divide a 10-acre parcel at the intersection of Kingsmill Road and Wareham's Pond Road into four parcels, to be recorded one parcel at a time.

Mr. Ware moved for approval. The motion carried by unanimous roll call vote.

- 4. Vepco Rate Agreement - Resolution

Mr. Oliver presented the matter, stating that Vepco has given us a new contract which will expire on June 30, 1979. He said James City County is a party to VACO negotiations with Vepco and is now included in the Newport News-Hampton SMSA. Therefore, he said, we expect in the July 1, 1979 agreement to be classified as an urban-County with County rates which will be lower than a County not in an SMSA. Mr. Oliver recommended adoption of the new agreement.

Mr. Frink moved for approval of the resolution. The motion carried by unanimous roll call vote.

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R E S O L U T I O N

WHEREAS, James City County's agreement for electric rates expires February 1, 1979, and a new agreement with rates negotiated by the Virginia Association of Counties has been presented for consideration by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the new agreement as presented and authorizes its chairman to execute the agreement on behalf of the Board.

5. Conveyances of Real Estate to County - Resolution

Mr. Oliver stated that in matters of real estate conveyances, this resolution allows the County Attorney to be the authorized official to act on the County's behalf.

Mr. Taylor moved for approval. The motion carried by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, Section 15.1-286 of the Code of Virginia, 1950, as amended, requires conveyances of real estate to the county be accepted on the face of such deed by a person authorized to act on behalf of said county pursuant to a resolution duly adopted.

NOW, THEREFORE, BE IT RESOLVED that the County Attorney of James City County is hereby authorized and directed to affix the acceptance upon the face of any deed conveying real property to James City County other than under the provisions of Section 15.1-465 of the Virginia Code, Land Subdivision and Development.

6. Emergency Medical Services Donation/Radio Equipment

Mr. Oliver presented the matter, stating that Anheuser-Busch has recently donated \$5,000 for emergency medical services radio equipment. He said the proposed resolution appropriates this money and will allow us to issue a purchase order for the equipment.

Mr. Taylor moved for approval. The motion carried by unanimous roll call vote.

R E S O L U T I O N

APPROPRIATION OF DONATED FUNDS

WHEREAS, funds have been donated by Anheuser-Busch, Incorporated, in the amount of \$5,000 for the purposes of obtaining radio equipment for the James City County Emergency Medical Services Rescue Unit.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County expresses its appreciation to Anheuser-Busch and appropriates \$5,000 for the purchase of radio equipment for the County's Emergency Medical Services in the Capital Improvement Fund Account 01-05000-6160, E.M.S. Equipment.

7. Certification of Warrants

Mr. Taylor read the certification of warrants. Mr. Taylor moved for approval. The motion carried by unanimous roll call vote.

GENERAL FUND	Checks #6301 - 6484 Totalling \$811,575.93
GENERAL FUND PAYROLL	Checks #14,624 - 14,983 Totalling \$114,975.52
SANITARY DISTRICT NUMBER 1	Check #59 Totalling \$52.00
SANITARY DISTRICT NUMBER 2	Checks #9 - 14 Totalling \$1,126.54
SANITARY DISTRICT NUMBER 3	Checks #752 - 749 Totalling \$32,700.66

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SUBDIVISION ESCROW	Check #1 Totalling \$3,283.41
REVENUE SHARING	Checks #516 - 528 Totalling \$41,731.35
ANTI-RECESSION	- 0 -
TOANO WATER CONSTRUCTION	- 0 -
JCC BOND SINKING FUND	- 0 -
REGIONAL JAIL CONSTRUCTION	Check #3 Totalling \$15,561.00

8. Appointments - Reappointments to Planning Commission

Mr. Taylor recommended that this matter be held until Executive Session later in the evening. It was the consensus of opinion to hold this matter until that time.

9. Contract with David Griffith and Associates

Mr. Oliver presented a proposed contract with David Griffith and Associates for the establishment of a Cost Allocation Plan for James City County. He said such a plan is necessary for the recovery of indirect costs associated with federal grant programs. Mr. Oliver said the County pays nothing for their services if no recovery is realized and pays a maximum of \$4,500 if recovery is made. The amount paid depends on the amount recovered.

Mr. David Mazo, a representative of David Griffith and Associates, explained the system to the Board of Supervisors and estimated that the potential annual return may be as much as \$50,000.

Mr. Donaldson moved for approval. The motion carried by unanimous roll call vote.

*AGREEMENT TO PROVIDE*

*PROFESSIONAL CONSULTING SERVICES*

*TO JAMES CITY COUNTY, VIRGINIA*

*THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and effective immediately by and between David M. Griffith and Associates, Ltd. (hereinafter called the "Consultant") and the County of James City, State of Virginia (hereinafter called the "County"), WITNESSETH THAT:*

*WHEREAS, the County has programs which it operates with Federal funding, and*

WHEREAS, the County supports these programs with support services paid from County appropriated funds, and

WHEREAS, the State of Virginia, Division of Social Services and the Virginia Employment Commission will pay a fair share of these costs if supported by an approved cost allocation plan, and

WHEREAS, the Consultant is staffed with personnel knowledgeable and experienced in the requirements of developing and negotiating such governmental cost allocation plans, and

WHEREAS, the County desires to engage the Consultant to assist in developing a plan which conforms to Federal requirements and will be approved by their representatives

NOW THEREFORE, the parties hereto mutually agree as follows:

1. Employment of Consultant. The County agrees to engage the Consultant and the Consultant hereby agrees to perform the following services.

2. Scope of Services. The Consultant shall do, perform and carry out in a good and professional manner the following services:

- A. Development of a central services cost allocation plan which identifies the various costs incurred by the County to support and administer Federal programs. This plan will contain a determination of the allowable costs of providing each supporting service such as purchasing, legal counsel, disbursement processing, etc.
- B. Negotiation of the completed cost allocation plan with the representatives of the State of Virginia. These negotiations must be successfully conducted on the County's behalf before any compensation is due the Consultant.
- C. Assistance in preparing the initial claims to the State of Virginia for recovery of funds due the County. Consultant will also monitor the progress of claims through the State to insure the County receives all recoveries due it.
- D. Prepare indirect cost proposal for the Division of Social Services and the Virginia Employment Commission, CETA Division.

3. Time of Performance. The services to be performed hereunder by the Consultant shall be undertaken and completed in such sequence as to assure their expeditious completion and best carry out the purposes of the agreement. All services required hereunder shall be completed by June 30, 1979. The cost allocation plan will be available by April 30, 1979 for your review and our negotiation with Federal and State representatives.

4. Compensation. The County agrees to pay the Consultant a sum not to exceed Four Thousand and Five Hundred Dollars (\$4,500 ) for all services required herein, which shall include reimbursement for expenses incurred. Consultant agrees to complete the project and all services provided herein for said sum.

5. Method of Payment. The Consultant shall be entitled to payment in accordance with the provisions of this paragraph. The Consultant agrees to undertake this engagement with the following advantages to the County. First, the Consultant will not require any compensation for services until a cost allocation plan has been prepared and is acceptable as a basis for filing claims. Second, Consultant's fees are to be paid from recoveries paid by Federal programs (such as Welfare and CETA) to the County during the initial plan's effective period. Recoveries due solely from the plan will be shared equally by the County and the Consultant until Consultant's fees are paid in full. Then all additional funds are paid to the County. Payment to Consultant will be made within two weeks of receipt by the County of Federal funds realized solely from the plan.

6. Changes. The County may, from time to time, require changes in the scope of the services of the Consultant to be performed hereunder. Such changes, which are mutually agreed upon by and between the County and the Consultant, shall be incorporated in written amendment to this agreement.

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7. Services and Materials to be Furnished by County. The County shall furnish the Consultant with all available necessary information, data, and material pertinent to the execution of this agreement. The County shall cooperate with the Consultant in carrying out the work herein and shall provide adequate staff for liaison with the Consultant and other agencies of County government.

8. Termination of Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in timely and proper manner his obligations under this agreement, the County shall thereupon have the right to terminate this agreement with or without cause, by giving written notice to the Consultant of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination.

9. Information and Reports. The Consultant shall, at such time and in such form as the County may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims and other information relative to the project as may be requested by the County. The Consultant shall furnish the County, upon request, with copies of all documents and other materials prepared or developed in relation with or as part of the project. Working papers prepared in conjunction with the cost allocation plan will be turned over to the County for safekeeping.

10. Records and Inspections. The Consultant shall maintain full and accurate records with respect to all matters covered under this agreement. The County shall have free access at all proper times to such records, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings, and activities.

11. Accomplishment of Project. The Consultant shall commence, carry on, and complete the project with all practicable dispatch, in a sound economical, and efficient manner, in accordance with the provisions thereof and all applicable laws. In accomplishing the project, the Consultant shall take such steps as are appropriate to insure that the work involved is properly coordinated with related work being carried on in the County.

12. Provisions Concerning Certain Waivers. Subject to applicable law, any right or remedy which the County may have under this Contract may be waived in writing by the County by a formal waiver, if, in the judgment of the County, this contract, as so modified, will still conform to the terms and requirements of pertinent laws.

13. Matters to be Disregarded. The titles of the several sections, subsections, and paragraphs set forth in this contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this contract.

14. Completeness of Contract. This contract and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other agreements, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.

15. County Not Obligated to Third Parties. The County shall not be obligated or liable hereunder to any party other than the Consultant.

16. When Rights and Remedies Not Waived. In no event shall the making by the County of any payment to the Consultant constitute or be construed as a waiver by the County of any breach of covenant, or any default which may then exist, on the part of the Consultant, and the making of any such payment by the County while any such breach or default shall exist in no wise impair or prejudice any right or remedy available to the County in respect to such breach or default.

17. Personnel. The Consultant represents that he has, or will secure at his own expense, all personnel required in performing the services under this agreement. Such personnel shall not be employees of or have any contractual relationship with the County. All of the services required hereunder will be performed by the Consultant or under his supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

18. Consultant Liability If Audited. The Consultant will assume all financial and statistical information provided to the Consultant by County employees or representatives is accurate and complete. Any subsequent disallowance of funds paid to the County under the plan is the sole responsibility of the County. Consultant will, however, provide assistance to the County should an audit be undertaken of County indirect costs.

19. Notices. Any notices, bills, invoices, or reports required by this agreement shall be sufficient if sent by the parties in the United States mail, postage paid, to the address noted below:

County of \_\_\_\_\_, Virginia David M. Griffith & Associates, Ltd.  
\_\_\_\_\_, Courthouse 1932 Burr Oak Drive  
\_\_\_\_\_, Virginia Glenview, Illinois 60025

IN WITNESS WHEREOF, the County and the Consultant have executed this agreement as of the date first written above.

10. Tax-Exempt Status - McClurg Corporation

Mr. Oliver presented the matter, stating that a group of local businessmen and residents are attempting to construct a retirement home on South Henry Street and are seeking exemption from local property taxes. He said the Commissioner of Revenue and the County Attorney have reviewed the matter and recommended against its endorsement.

Mr. John W. Boatwright, President of McClurg Corporation, spoke on the matter, requesting the tax-exempt status.

After discussion, it was the consensus of opinion of the Board to pass the matter by at this time and possibly give it consideration next year.

11. Agreement between the James City Service Authority and James City County for Meter Installation

Mr. Oliver presented this matter, stating that this was the same item, D-1, in the Service Authority agenda which had been considered and approved earlier in the evening.

Mr. Taylor moved for approval of the resolution. The motion passed by unanimous roll call vote.

R E S O L U T I O N

WHEREAS, the County and the Authority are mutually interested in bringing to completion the Toano Water Construction Project (Community Development Block Grant No. B-75-DS-51-0107) by providing metered water service.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein the County of James City and the James City Service Authority hereby agree as follows:

1. The County agrees to provide water meters and other necessary materials for purposes of installing metered connections to the users in that area served by the Toano Water Construction Project.
2. The Authority agrees to provide the necessary labor and equipment to install meters in conformance with specifications of the County's Public Works Department.

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3. The Authority agrees to install all meters within the project area for the sum of five thousand nine hundred sixty dollars (\$5,960) and to complete said project on or before June 30, 1979.
4. The County agrees to pay the Authority said (\$5,960) on or before January 12, 1979 from the Toano Water Account.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Donaldson stated that he would like to make a special announcement. He said after careful consideration, he had reached a decision not to seek another term on the Board of Supervisors.

Mr. Taylor expressed deep regret at Mr. Donaldson's decision and said it was a great loss for James City County.

Mr. Donaldson's statement in regard to his decision is as follows:

STATEMENT BY JOHN DONALDSON  
January 8, 1979

With this meeting I begin my eighth year of service on the Board of Supervisor's of James City County as the representative of Jamestown District. After careful consideration, I have decided that I will not seek another term on the Board.

During my two terms James City County has experienced significant residential growth and perhaps unprecedented commercial and industrial expansion. By careful planning and the cooperation of developers and business interests this has occurred in an orderly and non-disruptive manner. As the County has taken on a more urban character, County government has undertaken to provide an expanded level of urban services. These include the inauguration of a fire department, provision of additional personnel for police protection, improvement in solid waste disposal operations, development of extensive public sewer and water systems, upgrading of roads to enable incorporation into the state highway system and the expansion of recreational programs and opportunities. County government has responded to increased community interest in quality education by encouraging the early implementation of kindergarten, supporting the implementation of special programs for handicapped, talented and gifted students, encouraging objective review of the strengths and weaknesses of the school system and maintaining funding levels that enable competitive compensation scales for public school teachers.

Successful resolution of the dynamic pressures facing James City County and the provision of an adequate level of services requires the skills of able managers, planners, engineers and other professionals as well as the competent and efficient services of other employees. James City County can take great pride in the skill, efficiency and dedication of its employees at all levels.

The implementation of these programs, growth in the staff, assumption of costs associated with state-mandated expenditures and commitment of substantial sums to needed capital improvements have all had an impact on the County budget. Yet the effective property tax rate is lower today than seven years ago and no general obligation borrowing has been necessary.

I am proud to have been a participant in these developments and accomplishments and to have had a role in providing the quality of local government that the residents of James City County enjoy. I am especially proud to have been a member of a governing body whose members, though reflecting differing perceptions of the role of local government and differing political values, nonetheless sought to minimize differences, maintain respect for other members and work together with common dedication to the best interests of James City County. I am also proud of the mutual respect, understanding and cooperation that has characterized all relations between the Board of Supervisors, Constitutional Officers, County Administrator, Planning Commission, School Board and Superintendent and other boards and commissions.

Service on the James City Board of Supervisors has afforded opportunities to become acquainted with a large number of citizens as well as elected and

and appointed officials at all levels of government across the state. It has required me to continually reexamine my perceptions of the proper role of government, my political philosophy and my social values. The experiences have been personally satisfying and rewarding. I sincerely hope that the successor to my office chosen by the voters this coming November will be able to enjoy the satisfactions and opportunities for personal growth that I have been privileged to gain from public service.

Although I will be leaving the Board at the end of this year, my interest in James City County and the greater Williamsburg Community will continue.

Mr. Edwards expressed his appreciation to the Board of Supervisors for their continuing cooperation and for the plaque which had been presented to him. He also expressed great disappointment in Mr. Donaldson not continuing on the Board and thanked him for all of his hard work and efforts.

Mr. Morton said in regard to an amendment to Section 9-6 of the Tax Code, delinquent tax penalties, which had recently been approved by the Board, one item was deleted at the request of the Commissioner of Revenue. He said he had discussed the matter with Mrs. Frances Waltrip, the Commissioner, and she is now in agreement with that ordinance. Mr. Morton asked that the matter be set for public hearing on February 28, 1979. It was the consensus of opinion of the members of the Board that the ordinance amendment be set for public hearing on that date.

Mr. Morton said the legislative package contained an item concerning the transportation of weapons in vehicles. He said he would like to withdraw that item and had so indicated to Delegate Grayson. Mr. Morton said some misunderstanding occurred as a result of the item. It was the consensus of opinion of the members of the Board that the item be withdrawn.

Mr. Ware requested information on the Public Works garage.

Mr. Oliver said the Department of Public Works maintains a garage near Eastern State Hospital where vehicles from the Sheriff's Office, the Director of Social Services and the Public Works Department will be serviced. He said certain funds have been budgeted for operating costs and eventually all County vehicles will be serviced through this garage.

Mr. Ware said at the last meeting he had brought up the subject of creating a ceiling on the budget and setting a target tax rate. He said he is still interested in that matter.

Mr. Donaldson recommended placing the matter, guidelines for staff, on the January 22 agenda. It was the consensus of opinion of the Board that the matter be set for that date.

Mr. Edwards moved to adjourn to Executive Session to discuss personnel and legal matters. The motion passed by unanimous roll call vote.

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AT A RECONVENED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
JAMES CITY, VIRGINIA, HELD IN THE GOVERNMENT CENTER, 101 MOUNTS BAY ROAD,  
JAMES CITY COUNTY, VIRGINIA, ON THE EIGHTH DAY OF JANUARY, NINETEEN  
HUNDRED SEVENTY-NINE

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A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District  
Abram Frink, Jr., Vice Chairman, Roberts District  
John E. Donaldson, Jamestown District  
Jack D. Edwards, Berkeley District  
David W. Ware, Jr., Powhatan District

James B. Oliver, Jr., County Administrator  
Frank M. Morton, County Attorney  
Robert M. Murphy, Assistant to Administrator/Projects

B. LEGAL MATTERS

After general discussion, Mr. Ware moved for approval of an appropriation of \$7,500 from Sanitary District No. 3 in settlement of the Adsit suit. The motion passed by unanimous roll call vote.

C. APPOINTMENTS

Mr. Taylor moved to reappoint Mr. W. J. Scruggs and Mr. A. G. Bradshaw to the Planning Commission. The motion passed by unanimous roll call vote.

The Board members reviewed and approved the following Commission/Committee assignments:

Mr. Taylor

Advisory Council - 9th Judicial Services Unit  
Highway Safety Commission  
Price and Stabilization Committee  
Farmers Advisory Committee

Abram Frink, Jr.

Courthouse Committee  
Sanitary District #1 Board

Mr. Donaldson

Planning Commission  
Courthouse Committee  
Peninsula Planning Dist. Commission  
Sanitary District #1 Board

Mr. Edwards

Chamber of Commerce  
Peninsula Planning Dist. Commission  
Schools - Comprehensive Study Subcommittee

Mr. Ware

Community Action Agency  
Coastal Resources Management Comm.

Mr. Frink moved to adjourn. The motion carried by unanimous roll call vote.

THE MEETING WAS ADJOURNED AT 9:45 P.M.

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James B. Oliver, Jr., Clerk  
Board of Supervisors

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