

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-EIGHTH DAY OF APRIL, NINETEEN HUNDRED EIGHTY, AT 3:00 P.M., IN THE COUNTY GOVERNMENT CENTER, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District  
Abram Frink, Jr., Vice-Chairman, Roberts District  
Stewart U. Taylor, Stonehouse District  
Gilbert A. Bartlett, Jamestown District  
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator  
John E. McDonald, Assistant to the Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Bartlett moved to approve the minutes of the meetings of April 7, 1980 and April 14, 1980, as printed. The motion carried by a unanimous roll-call vote.

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer for the Virginia Department of Highways and Transportation, reported financial problems in connection with funding of the State of next year's allocation for secondary roads. Mr. Hall stated that the shortfall of \$75,900 would cause a delay in future priority items including the Ironbound Road Improvements project. He further reported that the access road to the Owens-Illinois plant was completed recently, and that the plans for the Carriage Road project are complete and the Planning Director can now proceed.

Mr. DePue asked whether the shortfall would cause a substantial delay in the construction of the left turn lane for Lafayette High School.

Mr. Hall stated he did not foresee this project being affected.

Mr. Frink stated he was pleased to see the left turn lane at Route 60 and 199 extended and asked whether a traffic light could be placed at the shopping center there.

Mr. Hall responded that a light was planned for this specific area.

Mr. DePue asked Mr. Hall to have the traffic light checked at the entrance to the Pottery on Route 60 in that he noticed the light facing Route 60 stopping traffic although the Pottery was closed.

Mr. Hall responded that the light has a triggering mechanism and stated he would check to see if it is working properly.

Mr. Bartlett stated he would like a review of the junction of Route 607 and Route 60. He stated that large trucks turning left onto Route 60 going into Lightfoot and Norge cannot see due to trees in the median.

Mr. Hall indicated the problem would be corrected.

Mr. Taylor stated he had been contacted by a restaurant owner inquiring as to the status of the placing of signs on Interstate 64 showing restaurants available at upcoming exits.

Mr. Hall stated this item was brought up at the pre-allocation hearing and that signs should be installed in September, but he cautioned that budgetary constraints might effect these signings.

D. CONSENT CALENDAR

Mr. Edwards reviewed the consent calendar and briefly outlined the proclamation which designated May as Senior Citizens Month in the County.

Mr. Bartlett requested Item #5 be removed from the Consent Calendar.

Mr. Morton requested Item #8 be removed from the Consent Calendar.

Mr. Edwards moved to approve the remaining items on the Consent Calendar. The motion carried by a unanimous roll-call vote and the following items were approved:

1. Proclamation - Senior Citizens Month

P R O C L A M A T I O N

WHEREAS, the vast majority of persons over age sixty remain mentally alert and actively involved in the life of their community, and

WHEREAS, senior citizens contribute much of their time and energy to volunteer community service which enhances the lives of us all, and

WHEREAS, one of James City County's greatest assets is her citizens over sixty years of age and much of the progress and achievements of James City County are due in large measure to their efforts, and

WHEREAS, the Board of Supervisors wishes to express its appreciation to our older Americans;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it does hereby proclaim the month of May, 1980, as SENIOR CITIZENS MONTH.

2. CASE NO. CUP-15-80 - Conditional Use Permit for Mobile Home - Emil J. Kish, Jr.

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and as detailed in the attached application and site location:

Applicant:	Mr. Emil J. Kish, Jr.
Tax Map ID:	(16-3) (1-3)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Terms:	N/A
Further Conditions:	None

3. Investment of Bicentennial Fund Cash Balances

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R E S O L U T I O N

INVESTMENT OF BICENTENNIAL FUND CASH BALANCES

WHEREAS, the Board of Supervisors has previously approved the placement of funds originally totalling \$1,500 in a savings account designated the Bicentennial Trust Fund; and

WHEREAS, the Board of Supervisors has previously authorized the County Treasurer to invest such funds in a savings account;

THEREFORE, BE IT RESOLVED, that the James City County Board of Supervisors authorizes the withdrawal of some or all of the funds currently on deposit in the savings account designated the Bicentennial Fund for purposes of investing such funds in legal instruments; and

BE IT FURTHER RESOLVED, that such funds be invested and reinvested by the County Treasurer for any term not to exceed three years at any one time.

4. Sanitary District #3 Expenses for Ironbound Road Improvements

R E S O L U T I O N

SANITARY DISTRICT NO. 3 - IRONBOUND ROAD IMPROVEMENTS

WHEREAS, it is necessary to adjust the elevation of certain Sanitary District No. 3 sewer manhole tops to permit VDH&T improvements to Ironbound Road;

THEREFORE, BE IT RESOLVED that the sum of \$5,000.00 is hereby appropriated to accomplish this work. These funds shall be transferred from Sanitary District No. 3 reserves to Account No. 011.0318.

6. Transfer of Funds - Storage Building

R E S O L U T I O N

Transfer of Funds - Storage Building

WHEREAS, a need has been demonstrated for additional funds for the construction of the Government Center Storage Building; and

WHEREAS, sufficient funds exist in the completed Public Works Antenna account;

NOW, THEREFORE, BE IT RESOLVED, that the following transfer within the Capital Budget be authorized:

Transfer from:	Public Works Antenna	\$1,414
Transfer to:	Government Center Storage Building	\$1,414

7. CASE NO. Z-2-80 - Mr. George A. Marston - Setting Public Hearing Date for June 9, 1980

The following items were now addressed which had been removed from the Consent Calendar:

The staff memorandum covering this item explained that there has been a recurring problem in SD #3, the problem being that the sewage system occasionally malfunctions and causes sewage to overflow in two apartment units owned by Mr. and Mrs. Joseph Terrell. Staff was proposing to install a grinder pump to pump sewage from the apartments into the SD #3 system which would prevent the overflow. The grinder pump installation was estimated at \$5,400 and staff recommended the SD #3 budget be revised accordingly.

Mr. Bartlett inquired as to why this was being funded with public rather than private funds and asked how this situation was different from various cases that had come up previously.

Mr. Bass stated that the floor elevation of these two apartment units was the factor that contributed mostly to the problem.

Mr. Morton stated that a design problem existed and the recommendation was being made to remedy the situation. He further stated that Mr. Terrell had done everything required in hooking up to the County's system and it was thus the County's responsibility to provide him with a properly functioning system.

A brief discussion followed.

Mr. Bartlett moved to approve the resolution. The motion carried by a unanimous roll-call vote.

R E S O L U T I O N

TRANSFER OF SANITARY DISTRICT NO. 3 FUNDS

WHEREAS, it is necessary to install a grinder pump at Raleigh Square Apartments in Sanitary District No. 3;

THEREFORE, BE IT RESOLVED that \$5,400.00 is hereby appropriated for this purpose. These funds shall be transferred from Sanitary District No. 3 reserves to Account No. 011.0318.

8. Vacation of Plat - BRT Subdivision - Setting Public Hearing  
Date for June 9, 1980

Mr. Morton requested this matter be set for public hearing for the second meeting in May and pointed out that, as it is now scheduled, this meeting falls on Memorial Day. Mr. Morton requested the Board reschedule this meeting at this time so that advertisement requirements can be met on this vacation.

Mr. Oliver suggested rescheduling the meeting to May 19, 1980 at 3:00 P.M.

Mr. Edwards moved to change the date of the second meeting to May 19, 1980 at 3:00 P.M. and to set the vacation for that date. The motion carried by a unanimous roll-call vote.

E. BOARD CONSIDERATIONS

1. Sanitary District #3 Bond Anticipation Notes

Mr. John McDonald presented this matter to the Board members recommending the adoption of two resolutions which would (1) authorize the Chairman, County Administrator, and Treasurer to execute the renewal of \$2,120,000 in Bond Anticipation Notes for the period April 30, 1980 through July 31, 1980; and (2) authorize the County Administrator to advance \$40,000 to Sanitary District #3 from the County General Fund for the purposes of paying the interest on the retired note. Mr. McDonald explained that this advance would be repaid prior to June 30, 1980.

A brief discussion followed.

Mr. Frink moved to adopt the two resolutions. The motion carried by a unanimous roll-call vote.

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RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF \$2,120,000 BOND ANTICIPATION NOTES OF THE  
JAMES CITY COUNTY SANITARY DISTRICT NUMBER 3

WHEREAS, the Board of Supervisors on July 28, 1975, adopted a resolution authorizing the issuance and sale of \$2,120,000 Sewer Bonds, Series of 197, of the James City County Sanitary District Number 3 (the District) which were authorized at an election held in the District on June 6, 1972, and further authorized the Chairman or Vice-Chairman and Clerk to the Board to borrow money in anticipation of the issuance and sale of such bonds; and

WHEREAS, pursuant to such resolution the Chairman and Clerk have borrowed \$2,120,000 from the United Virginia Bank evidenced by the District's \$2,120,000 Sewer Bond Anticipation Note No. 32, dated October 30, 1979; and

WHEREAS, it is now necessary and expedient to issue notes in the authorized amount of \$2,120,000 in anticipation of the issuance and sale of such sewer bonds in order to retire the \$2,120,000 Bond Anticipation Note No. 32, and for the purpose for which such bonds have been authorized; and

WHEREAS, there has been submitted to this meeting a proposal from the United Virginia Bank, Williamsburg, Virginia, to purchase a \$2,120,000 note to be dated April 30, 1980, to mature July 31, 1980, with right of prior redemption and to bear interest at the rate of 9.95 percent, payable at maturity.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY:

1. It is hereby determined to be in the best interest of James City County Sanitary District Number 3 to accept the aforesaid proposal of the United Virginia Bank and to issue and sell a bond anticipation note in the amount of \$2,120,000 under the terms and conditions set forth in such proposal which proposal is hereby accepted.
2. The Chairman or Vice-Chairman and Clerk are hereby authorized to see to the preparation of such note, to execute and deliver such note to the United Virginia Bank upon receipt of \$2,120,000, and to use the entire proceeds to retire Bond Anticipation Note No. 32.

RESOLUTION AUTHORIZING THE ADVANCE  
OF \$40,000 TO SANITARY DISTRICT NUMBER 3

WHEREAS, the Board of Supervisors of James City County is the governing body for the James City County Sanitary District Number 3; and

WHEREAS, the Sanitary District has need of \$40,000 in advance of expected receipts to pay interest on a retired bond anticipation note;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County hereby authorizes the County Administrator and the County Treasurer to advance \$40,000 from the County General Fund to Sanitary District Number 3; and

BE IT FURTHER RESOLVED, that such \$40,000 be used solely to pay interest on the District's Bond Anticipation Notes to be retired on April 30, 1980 and that such funds be reimbursed to the County General Fund no later than June 30, 1980.

F. MATTERS OF SPECIAL PRIVILEGE

1. Highway Safety Commission

Mr. Oliver stated that the County's Highway Safety Commission had been inactive for the past several years and the staff is now anxious to reactivate it due to an increased availability of federal and state grants for highway safety projects as well as growing local concern for highway and safety issues.

Mr. Oliver stated that the current members were contacted and that two vacancies exist and recommended the Board consider appointment of Mr. Richard Drumwright, Transit Supervisor and Safety Officer for the County, and Lacy Moon, Transportation Supervisor for the Williamsburg-James City County school system.

A brief discussion followed and Mr. DePue indicated concern over the fact that staff was recommending the Board make appointments although the Board has not had an opportunity to review the positions and make recommendations of their own.

Mr. Edwards stated that if there were no objections, the matter would be tabled until the meeting of May 12. There were no objections.

2. Music Festival - Setting Public Hearing Date

Mr. Morton stated he had received a request for the issuance of a permit for a music festival and explained that while the promoters were not the same group as last year, they were promoting the same event, i.e., bands, etc., that had been successful at the Twin Oaks Campgrounds last year. Mr. Morton stated that although the festival was not scheduled until September, 1980, the promoters were requesting a public hearing in May rather than June in an effort to meet certain deadlines. Mr. Morton requested the matter be set for public hearing on May 12, 1980 at 7:30 P.M.

Mr. Taylor stated he had received several phone calls regarding the recent festival held at the Yogi Bear Campgrounds.

Mr. Oliver stated he had also received a phone call, and upon investigation, found the problem to lie with one of the attendees of the festival, rather than the actual festival.

3. Presentation of Revised FY1981 Budget

Mr. McDonald briefly reviewed the package that had been distributed reflecting what changes would be made to the budget to meet an 82¢ tax rate.

A lengthy discussion ensued.

Mr. DePue moved to eliminate the proposed cuts in the budgets of the Constitutional Officers, specifically the sheriff's car and the register from the Treasurer's office.

Mr. McDonald explained that each department had been requested to suggest 2 1/2 - 3% in departmental budget cuts, and that these items had been suggested.

The motion was defeated by a 4-1 roll-call vote, Mr. DePue voting aye.

Mr. Bartlett suggested the Capital Improvements Program be cut by \$50,000 to eliminate the construction of the building for the landfill and suggested a mobile trailer be placed at the landfill as an alternative.

A discussion followed and Mr. Bartlett moved to delete the building to reflect the \$50,000 cut from the landfill as previously approved by the Board.

The motion was defeated 4-1, Mr. Bartlett voting aye.

Mr. Taylor moved to accept the recommended deletions made by the staff in an effort to observe the 82¢ tax rate.

Mr. Edwards pointed out that this was not a final decision as two additional public hearings were scheduled.

The motion carried by a 4-1 roll call vote, Mr. DePue voting no.

4. School Contract Amendment

Mr. Edwards explained to the other Board members that the staff was presenting a joint resolution to amend the school contract and briefly reviewed the impact of such a resolution. He stated that he believed this resolution would be satisfactory to City Council and that he had talked to the relevant parties concerning this effort.

Mr. Edwards moved to adopt the resolution. The motion carried by a unanimous roll-call vote.

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JOINT RESOLUTION TO AMEND THE CONTRACT, AS  
AMENDED, FOR THE JOINT OPERATION OF SCHOOLS,  
CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

WHEREAS, the City of Williamsburg and County of James City have operated a consolidated school system since July 1, 1955, pursuant to a certain Contract between the parties and their respective School Boards dated January 14, 1954, as amended; and

WHEREAS, it is the desire of all parties to amend said Contract for the year beginning July 1, 1980, and ending June 30, 1981;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Williamsburg, the Board of Supervisors of James City County, Virginia, and the respective School Boards of the said City and County that the Contract for operation of the consolidated school system dated January 14, 1954, as amended, shall be amended as follows:

1. That for the year July 1, 1980, to June 30, 1981, the City of Williamsburg shall, on or before May 15, 1980, contribute for the operation of the consolidated school system local funds in the amount of \$2,005,000 and the County of James City shall, on or before May 15, 1980, contribute for the operation of the consolidated school system local funds in the amount of \$5,260,000.
2. Notwithstanding any other provision of the Contract dated January 14, 1954, as amended, for the year commencing July 1, 1980, and ending June 30, 1981, the School Boards of the City and County shall determine in their sole judgment, without reference to said contract, how the contributions set forth in paragraph (1) above shall be expended.
3. It is specifically agreed that the funding of the renovation of Matthew Whaley having previously been agreed upon is not a part of this amendment and shall be funded on a 50-50 basis.

Mr. Edwards moved to recess until 7:30 P.M. at which time a public hearing would be conducted on the proposed budget. The motion carried by a unanimous roll-call vote.

The meeting RECESSED at 4:30 P.M.

  
James B. Oliver, Jr.  
Clerk to the Board