

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Abram Frink, Jr., Vice-Chairman, Roberts District
Stewart U. Taylor, Stonehause 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 - MAY 12 AND MAY 19, 1980

Mr. Frink moved for approval of the Minutes of May 12 and May 19, 1980,
as printed. The motion carried by a unanimous roll-call vote.

C. PUBLIC HEARING

1. Outdoor Gatherings Ordinance

Mr. Allen A. Turnbull, Jr., Administrative Analyst, presented this matter to the Board, explaining this proposed ordinance would repeal the existing Music or Entertainment Festival Ordinance. Mr. Turnbull stated the new ordinance would require a permit for any outdoor gathering such as a music festival, dance festival, public dance, show, or similar gathering at which music or entertainment is provided. Mr. Turnbull further pointed out that permits would not be required for such gatherings if held in a permanent installation, such as a stadium, or if less than 300 persons were in attendance.

Mr. Turnbull outlined the main provisions of the ordinance for the benefit of the Board:

1. Upon receipt of an application, the Board shall conduct a public hearing following at least one advertisement and deny or approve the application within 21 days.
2. The applicant must submit plans; statements for dates and hours of operation; method of ticketing; water supply provisions; toilet facilities; medical facilities; fire protection; traffic control; security; food; illumination; communication systems; and type and nature of the gathering.
3. The applicant must file a site plan setting forth where the specific activities are to take place.
4. The applicant must meet any other requirements that the Board of Supervisors deems appropriate to protect the general health, safety and welfare of persons attending the gathering or the public in general. Expenses incurred as a result of the enforcement of the provisions of the permit are to be paid by the applicant.

In summary, Mr. Turnbull noted the new ordinance is an improvement over the Music Ordinance and also requires more information which will, in turn, aid the Board in deciding whether to grant an Outdoor Gathering permit.

Mr. Frank M. Morton, III, County Attorney, indicated the staff had also developed an application form to be used for Outdoor Gatherings permit requests.

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A brief discussion followed.

Mr. Edwards opened the public hearing.

Mr. Jack Scruggs addressed the Board regarding this matter and asked what effect the new ordinance would have on activities such as Saddle Clubs and ball games.

Mr. Norton responded that unless music or some other form of professional entertainment is provided, the ordinance would not apply.

No one else wished to speak to the matter and Mr. Edwards declared the public hearing closed.

A discussion followed.

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

ADOPTED

JUN 5 1980

ORDINANCE NO. 72A-1

BOARD OF SUPERVISOR
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND CHAPTER 12, MUSICAL OR ENTERTAINMENT FESTIVALS, OF THE CODE OF THE COUNTY OF JAMES CITY, BY REPEALING THE EXISTING CHAPTER AND ADOPTING IN ITS STEAD A NEW CHAPTER, ENTITLED, OUTDOOR GATHERINGS.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that Chapter 12, Musical or Entertainment Festivals, of the Code of the County of James City, be and the same is, hereby, repealed and a new chapter, Chapter 12, Outdoor Gatherings, is hereby adopted in its stead, as follows:

Chapter 12, Musical or Entertainment Festivals, is hereby repealed.

CHAPTER 12

OUTDOOR GATHERINGS

Section 12-1. Basis and purpose of chapter.

This chapter is enacted pursuant to Section 5.1-510 of the Code of Virginia, for the purpose of providing necessary regulation for the holding of outdoor gatherings, musical or entertainment festivals conducted in open spaces not within an enclosed structure specifically constructed for such a purpose.

Section 12-2. Definition.

For the purpose of this chapter, the words "outdoor gathering" shall mean any music festival, dance festival, public dance, show or similar gathering at which music or entertainment is provided by professional or amateur performers or by prerecorded means and which is held at any place other than in a public building or permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities, to which members of the public are invited or admitted for a charge or free of charge and which is attended by more than three hundred (300) persons.

Section 12-3. Permit required.

No person shall stage, promote, advertise, or hold any outdoor gathering as defined in this chapter unless a permit has first been obtained from the Board of Supervisors for such a gathering.

Section 12-4. Application for permit.

Written application for a permit to hold an outdoor gathering shall be made to the County Administrator or his designee. The application shall be submitted at least 90 days prior to the date upon which the gathering is to be held. Such application shall be on forms provided by the County and shall have attached thereon plans, documents, approvals and other material required by this chapter.

Section 12-5. Action on applications.

Upon receipt of a completed application for a permit, the Board of Supervisors shall set a public hearing following at least one advertisement in a newspaper with local distribution. The Board shall approve or deny the application within twenty-one calendar days following the public hearing and give such applicant written notice of the decision; provided, however, the Board may extend such period of time if the applicant agrees to an extension. If denied, the reasons for such denial shall be so stated in writing.

In approving an application, the Board of Supervisors may set conditions or standards to protect the health, safety, welfare, and property of persons attending the gathering and the citizenry in general. The Board of Supervisors shall authorize the issuance of a permit for an outdoor gathering if it finds:

- (a) That the outdoor gathering will be held at a location which complies with and meets all of the health, zoning, fire and safety requirements and standards of the laws of the state and ordinances of this County applicable thereto; and
- (b) That the information and documents required by this chapter have been filed with the Board of Supervisors; and
- (c) That it appears the proposed outdoor gathering will be conducted in full accord with all requirements of this chapter and will not substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare of the residents of the County.

Section 12-6. Conditions precedent to granting of permit; plans, statements, approvals, etc., to accompany application for permit.

No permit shall be issued under this chapter unless the following conditions are met and the following plans, statements, and approvals are submitted to the Board of Supervisors with the application.

- (a) Hours of operation: No stage presentation, entertainment, or music shall take place at an outdoor gathering between the hours of 11 P.M. and 9 A.M.; no activity involving the use of any means of sound amplification shall be permitted between the hours of 11 P.M. and 9 A.M.
- (b) Admission by ticket only: The applicant under this chapter shall not admit, and shall prevent the entrance to the premises on which the outdoor gathering is held, any person who does not possess a ticket, except a peace officer or other public official in the performance of his duties. The permittee shall not sell, give or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any persons to an outdoor gathering if such admission would result in a greater number of persons present than allowed by the permit.
- (c) Water supply: The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location and type of water facilities on the premises shall be approved by the Health Department prior to the issuance of a permit under this chapter.
- (d) Toilet and/or lavatory facilities: The applicant shall provide a statement and plan concerning adequate toilet and/or lavatory facilities. A description of the type (flush type or portable chemical) and number of toilets available shall be provided. This plan shall be approved by the Health Department.
- (e) Waste management: The pick-up and removal of refuse, trash, garbage and rubbish from the site of an outdoor gathering shall be at least once a day and more often if required by the Health Department. Removal of all trash and refuse shall be at the permittee's expense. The applicant shall clean up the premises and remove all trash and debris therefrom within 48 hours after the conclusion of the gathering. A security bond or certified check in a total amount of \$5,000 shall be required if attendance is expected to exceed 1000 persons. An additional amount of \$500 shall be required for each additional 500 persons over 1000.

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- (f) Medical facilities: Adequate medical facilities shall be provided as required by the Department of Public Health and the EMS Coordinator.
- (g) Fire protection: The applicant shall provide a plan for adequate fire protection as approved by the County Fire Chief. It shall be provided at the applicant's own expense.
- (h) Traffic & parking control: The applicant shall provide adequate ingress and egress to the outdoor gathering premises. Adequate parking shall also be provided. The County Sheriff and County Fire Chief shall approve the traffic control and parking plans.
- (i) Security: At least one off-duty County Sheriff's deputy or policeman for each 500 attendees approved in the permit shall be in attendance during all performances; the applicant shall bear the costs thereof.
- (j) Food: A plan for the adequate provision and handling of food shall be provided and shall be approved by the County Health Officer.
- (k) Illumination: A statement shall be provided specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the gathering is located.
- (l) Noise: Noise levels resulting from the gathering shall not be

unreasonably audible beyond the property on which the gathering is held. The applicant shall submit a written statement specifying the expected noise level at the perimeter of the property.

- (m) Communication system: If the premises are without a phone, the applicant shall make arrangements, approved by the Sheriff and Fire Chief, for other means of communication.
- (n) Promoters, financial security: The applicant shall provide the names and addresses of all persons acting as promoters, proprietors, presenters, or financial backers of the outdoor gathering, together with financial statements or such persons sufficient to give assurance of the ability of such persons to meet the conditions of the permit and respond in damages which may rise out of the outdoor gathering, or shall provide evidence of adequate liability insurance as approved by the County Attorney.
- (o) Dates and hours of gathering: The applicant shall provide the date or dates and hours during which the outdoor gathering is to be conducted, together with an estimate or schedule of the dates and hours of performances, entertainments, or other events.
- (p) Type and nature of gathering: The applicant shall provide a description of the gathering and the type and nature of the performances, entertainment, or floor shows, together with the names of the expected performers.
- (q) The applicant shall furnish a site plan showing:
 1. The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 2. All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands and stages.
 3. The location, capacity and nature of all temporary lighting, sound and public address facilities.
 4. The location, capacity and nature of all temporary water, toilet and all other public health-related facilities.
 5. Vehicle ingress, egress, and parking plan.

- (a) Any applicant for a permit required by this division may be required to meet any conditions, in addition to those specified in this chapter prior to receiving a permit to conduct an outdoor gathering, which

are deemed by the Board of Supervisors to protect the health, safety, and general welfare of the persons attending such gathering, or the public in general. All expenses incurred in meeting these conditions will be borne by the applicant.

- (b) If the outdoor gathering results in the need for County services beyond those set forth in this chapter, the applicant shall bear the costs thereof.

Section 12-8. Not transferrable.

No permit issued under the provisions of this chapter shall be transferrable.

Section 12-9. Revocation.

Any violation of one or more of the requirements of this chapter or any violation of one or more of the terms and conditions of a permit issued hereunder shall be grounds for immediate revocation of the permit by the Board of Supervisors or their designee. Upon revocation of the permit, the permittee shall immediately terminate the gathering and provide for orderly dispersal of those in attendance.

Section 20-10. Violations and penalties; injunctions.

Any person who violates any provision of this chapter, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) or by confinement in jail not to exceed one year, or both.

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

D. PRESENTATION - HAMPTON ROADS SANITATION DISTRICT REPRESENTATIVE

Mr. David Waltrip, Assistant Manager of the Williamsburg HRSD Treatment Plant, addressed the Board regarding the many complaints concerning odor during the past month.

Mr. Waltrip indicated the odor problem was a result of some technical problems with the temporary handling facilities which are being utilized until the plant's expansion work is completed. Specifically, a two-day breakdown of the pumps handling solid wastes necessitated the storage of the wastes at the site and this had resulted in the odor problem. Mr. Waltrip further indicated the faulty pumps had now been repaired and installed and with all three pumps now operating at a significantly higher pressure, the problem has been eliminated.

A discussion followed Mr. Waltrip's presentation during which Mr. Frink pointed out the odor was still very prevalent even when he left his house a short while ago.

Mr. Frink, in referring to Mr. Waltrip's comments concerning the Anheuser-Busch expansion and its effects on the treatment plant, asked Mr. Waltrip what percentage of the Brewery's expansion was on line at this time.

In response, Mr. Waltrip stated although he was unaware of the percentage of the expansion, the Brewery was giving the plant the maximum loading per day as per the limitations set for the Brewery. He pointed out that the Brewery has two limitations placed on it by the treatment plant. First, a 5½ million-gallon volume of flow is permitted to be discharged to the plant, and secondly, a 48,000 pounds of loading limitation is set. Mr. Waltrip pointed out the Brewery is discharging the maximum 48,000 pounds loading at this time; however, it is only discharging 3½ million gallons of flow. Mr. Waltrip further commented that these limitations had been set for the Brewery due to the fact that the treatment plant's expansion was not complete. However, he said the Plant Manager of the Brewery had indicated that at the time the limitations are lifted, he did not anticipate the volume of flow from the Brewery exceeding the 3½ million gallons currently being discharged.

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Mr. Frink asked if the Brewery was operating at full capacity. Mr. Waltrip replied that his understanding was that with the existing load limitation set by the treatment plant, the Brewery could not operate at maximum capacity. Mr. Frink stated he was concerned that the Brewery may be discharging more than the treatment plant was designed to handle. Mr. Waltrip commented the Brewery was not exceeding capacity.

A lengthy discussion ensued which involved several residents of the Grove community, members of the Board and Mr. Waltrip.

Although Mr. Waltrip stated there was no more odor at the plant following the correction of the technical problems, Mr. Frink and residents of the Grove community pointed out there very definitely was still an unbearable odor in the area.

E. CONSENT CALENDAR

Mr. Depue asked that Item E-5 be removed from the Consent Calendar and be considered during the next Board meeting on June 23.

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

1. Transfer of Utility Appropriation

RESOLUTION

WHEREAS, certain budget transfers previously approved for utility rate increases need to be allocated to the Fire Department utility budgets;

NOW, THEREFORE, BE IT RESOLVED that \$2,800 from Public Works streetlight utilities (0001101.0207) and \$3,000 from Building and Grounds utilities (0001141.0207) be transferred to Fire Department utilities (0001071.0207)

2. Operating Expenses of Sheriff Vehicle

RESOLUTION

WHEREAS, the Commonwealth of Virginia has reimbursed the County for operating expenses of Sheriff vehicles in excess of the amounts appropriated; and

WHEREAS, it is desired to use this excess to fund the operating costs of the Sheriff vehicles;

NOW, THEREFORE, BE IT RESOLVED that the appropriation for Revenue from the Commonwealth - Operational Expense cars (0001506.0690) be increased by \$5,600 and that expense accounts for the Sheriff of Motor Fuels and Lubricants (0001061.0312) be increased by \$2,000.00 and the Vehicle Maintenance (0001061.0217) be increased by \$3,600

3. Setting Public Hearing Dates--Case No. Z-3-80 and Case No. Z-5-80

The following two cases were set for public hearing on July 14:

- (a.) Case No. Z-5-80, an application of Mr. William Bull on behalf of United Virginia Bank to rezone 10.6 acres on Route 658 adjacent to the Hamlet Subdivision from R-5 to B-1.
- (b.) Case No. Z-5-80, an application of Mr. David T. Meadows on behalf of Dorothy C. Meadows to rezone 78.5 acres on Ironbound Road opposite Powhatan Planned Community from A-2 to R-2.

4. Increased Appropriation for Social ServicesR E S O L U T I O NINCREASED APPROPRIATION FOR SOCIAL SERVICES

WHEREAS, the State Department of Welfare has provided \$5816 for expanded Social Service programs; and

WHEREAS, the Board of Welfare is desirous of utilizing these funds; and

WHEREAS, no additional local funds are required to secure these monies,

THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors amends the appropriation and revenue for the Social Service Fund as follows:

Revenue from the Commonwealth	\$ 5816.00
Companion	+272.00
Transportation	+903.60
Day Care	+4640.40

5. Refuse Disposal - Transfer of FundsR E S O L U T I O NREFUSE DISPOSAL - TRANSFER OF FUNDS

WHEREAS, certain unanticipated equipment maintenance expenses have been incurred for the repair and maintenance of the landfill tractor;

THEREFORE, BE IT RESOLVED that the capital improvement funds listed below are hereby transferred to the Refuse Disposal Operating Budget Account No. 108.0215:

Landfill Excavation	Account No. 034.6120	\$ 339.00
Landfill Road Improvements	Account No. 034.6135	\$2,319.00
Refuse Disposal FY 79 Balance Forward	Account No. 034.6130	<u>\$2,842.00</u>
Total		\$5,500.00

6. Refuse Disposal - FY 81 Contract ExcavationR E S O L U T I O NREFUSE DISPOSAL FY 81 CONTRACT EXCAVATION

WHEREAS, it is desirable to perform contract excavation at the Landfill during FY 80, so that refuse disposal volume will be available at the beginning of FY 81;

THEREFORE, BE IT RESOLVED that \$12,000.00 is transferred from the Contingency Account to Account Number 034.6120, for this purpose.

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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. Samuel Rigley
Tax Map ID:	(12-2) (3-21)
District:	Stonchouse
Zoning:	A-1, General Agricultural
Permit Term:	Not applicable
Further Conditions:	None

8. Proposed VEPCO Transmission Easement on Landfill Property

R E S O L U T I O N

VEPCO TRANSMISSION EASEMENT ON LANDFILL PROPERTY

WHEREAS, Virginia Electric and Power Company is requesting a transmission main easement 150 feet in width, across the landfill property; and

WHEREAS, Vepco has agreed that the County has five years in which to use this property for landfill purposes and Vepco further agrees to pay the County \$31,824.00 for this easement;

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized to execute Virginia Electric and Power Company Easement Parcel R-82 on behalf of James City County.

9. Well Dedication Agreement for Carriage Road

R E S O L U T I O N

WELL DEDICATION AGREEMENT FOR CARRIAGE ROAD

WHEREAS, James City County has acquired a well site on Carriage Road for the purpose of providing water in conjunction with the Carriage Road Neighborhood Improvements Project; and

WHEREAS, The Virginia Health Department requires the execution of a well dedication agreement;

THEREFORE, BE IT RESOLVED that the Chairman of the Board of Supervisors is hereby authorized to execute the well dedication agreement on behalf of the Board of Supervisors.

10. Certification of WarrantsR E S O L U T I O N

CERTIFICATION OF WARRANTS

WHEREAS, the Board of Supervisors of James City County must certify warrants under the Code of Virginia;

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Edwards and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of May, 1980:

GENERAL FUND	Checks	#10343-10712
	Totalling	\$829,013.21
GENERAL FUND PAYROLL	Checks	#21681-22148
	Totalling	\$158,309.01
SANITARY DISTRICT NUMBER 1	Checks	#89-91
	Totalling	\$2,829.56
SANITARY DISTRICT NUMBER 2	Checks	#166-172
	Totalling	\$1,707.12
SANITARY DISTRICT NUMBER 3	Checks	#1062-1083
	Totalling	\$9,976.12
SUBDIVISION ESCROW		-0-
REVENUE SHARING	Checks	#658-667
	Totalling	\$42,557.26
ANTI-RECESSION		-0-
COMMUNITY DEVELOPMENT	Checks	#107-128
	Totalling	\$81,100.74
JCC BOND SINKING FUND		-0-
REGIONAL JAIL CONSTRUCTION		-0-

F. BOARD CONSIDERATIONS1. Elderly and Handicapped Transition Plan

Mr. Anthony Conyers, Jr., Transit Director, presented this matter to the Board of Supervisors, explaining the requirements of Section 504 of the

Rehabilitation Act of 1973 as it pertains to James City County's transit system. This Act specifically refers to requirements for the elderly and handicapped which must be met by any system by July 1, 1982. Mr. Conyers presented a proposed transition plan which set forth how the County would meet the requirements of Section 504 until the extended date of July, 1989, for full compliance of this law.

A discussion followed Mr. Conyers' remarks.

It was the consensus of the Board to defer this matter until the June 23 meeting.

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2. Transfer of Financing--Sanitary District No. 5

Mr. John E. McDonald, Assistant to the Administrator, presented this item to the Board members explaining the charter amendment of the Service Authority and the conditions set forth by Farmers Home Administration which were necessary for the transfer of all assets of Sanitary District No. 3 to the James City Service Authority.

A brief discussion followed.

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

R E S O L U T I O N

WHEREAS, the Board of Supervisors of James City County, Virginia, by resolution duly adopted on the 30th day of June, 1969, created the James City Service Authority; and

WHEREAS, the State Corporation Commission did enter its order on the 18th day of July, 1969, that the Certificate of Incorporation for the James City Service Authority be issued; and

WHEREAS, it is the desire of the Board of Supervisors to amend the Charter of the James City Service Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that paragraph (c) of the Articles of Incorporation of the James City Service Authority be amended pursuant to Section 15.1-1250 (9) of the Code of Virginia, 1950, as amended, to read as follows:

- (c) The purposes for which the Authority is to be created are to carry out such projects as are or may be hereafter authorized by said Act.

R E S O L U T I O N

WHEREAS, the Board of Supervisors of James City County in their capacity as the governing body of Sanitary District #3 is of the opinion that the best interests of the residents of James City County would be served by placing Sanitary District #3 under the James City Service Authority for purposes of commencing the consolidation of the delivery of water and sewage services under one entity; and

WHEREAS, the James City County Sanitary District #3 currently has outstanding bond anticipation notes in the amount of \$2,120,000; and

WHEREAS, the James City Service Authority has been pursuing financing for the District from Farmers Home Administration and Farmers Home Administration has in response to the James City Service Authority issued three Letters of Conditions to said Authority dated March 6, 1974, September 24, 1976, and May 14, 1980; and

WHEREAS, the Board of Supervisors is desirous of taking whatever steps are necessary to facilitate the transfer of the loans from Sanitary District #3 to the James City Service Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, acting in their capacity as the governing body of Sanitary District #3 that said Board agrees to the following:

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1. To insure that any and all requirements, direct or indirect, placed on said District by Farmers Home Administration through Letters of Conditions issued to the James City Service Authority and dated March 6, 1974, September 24, 1976, and May 14, 1980, shall be complied with, including, but not limited to, the transfer of all assets of the James City County Sanitary District #3 to the James City Service Authority on or before July 31, 1980.
 2. To use any and all proceeds received from or on behalf of the James City Service Authority to retire the bond anticipation notes in the amount of \$2,120,000; it is further understood that such indebtedness shall be retired on or before July 31, 1980.

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors and the Clerk to the Board are hereby authorized and directed to execute whatever documents are necessary to meet the Conditions set forth in the said Farmers Home Administration letters.

3. Boards and Commissions Appointments

Mr. Edwards commented there were several Boards and Commissions appointments to be made; however, as was custom, they would be considered during executive session prior to actual appointment.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Gus Christopher approached the Board from the audience and asked if Sanitary District No. 3 funding had been approved by the citizens of that district, initially, how would the funding be changed now by the Board.

Mr. Morton, County Attorney, replied that the resolutions passed by the Board did not in any way affect the citizens' payments for the system. He said the Board action only changed the method through which the financing is accomplished.

Mr. Oliver also commented that previously the financing for Sanitary District No. 3 through Bond Anticipation notes had been favorable but with the higher interests rates currently in effect, the 5% rate for 34 years through Farmers Home Administration appears to be the best method of financing at this time. He also pointed out this would not result in any additional cost to residents of the Sanitary District.

Mr. Jim Bradberry, attorney from Newport News, addressed the Board in reference to the recent bid opening of Contract No. 3 for the Carriage Road Water project. Mr. Bradberry represented James T. Wharton, Jr., Contractor, Inc. which had been one of the bidders for this contract.

Mr. Bradberry pointed out the bid request on this contract had contained two separate sections. The overall bid included a subtotal base bid and that included an additive alternate bid which consisted of a number of items in the bid which were optional and which the County would decide at the time of letting the contract whether it would be included; and, then there was a total bid amount to be submitted.

Mr. Bradberry stated his client had submitted the low bid which was \$764 low on the base bid and \$2,247.76 low on the total bid including the optional extras. He pointed out, however, that the bid had been disallowed because during the course of the bid process, his client had submitted a cash bid bond in an amount representing 5% of the sub-total base bid of \$121,362 rather than 5% of the total bid of \$144,913. Mr. Bradberry stated it was his understanding that it was the position of the County Attorney that the bid was not responsive in that the bond posted by his client in cash was \$1,177 short; although the additional \$1,177 by certified check was furnished to the County after being advised of the difference. He stated that, in short, the mistake had been made in the calculation of the 5% bid bond.

Mr. Bradberry continued by stating there were, however, other aspects of the bidding process which had resulted in unresponsive bids being considered and yet not being thrown out, although they were not low bids. Mr. Bradberry said in light of the fact that there were other irregularities in the bid process, it would be appropriate for either the bid to be relet or the contract should be awarded his client.

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A discussion followed Mr. Bradberry's presentation during which it was pointed out that re-letting the bid would hold up the Carriage Road project unduly. It was suggested by members of the Board that the bidding process of future projects should be reviewed in detail to ensure all bids are in compliance with bid procedures and requirements.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver indicated there were two late items to be presented to the Board for consideration.

The first item involved a request for a summer intern to work in the area of economic development and Mr. William C. Porter, Jr., Planning Director, made a brief presentation regarding this matter.

A brief discussion followed.

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

R E S O L U T I O N

ECONOMIC DEVELOPMENT SUMMER INTERN

WHEREAS, there is a need to complete the James City County Economic Base Study and conduct the necessary environmental base studies in a timely manner;

THEREFORE, BE IT RESOLVED that the County Administrator is authorized to expend up to a total of \$1500 to hire an Economic Development Intern.

Mr. Oliver stated the second item was a request for the Board to consider scheduling another work session in order to talk about transportation issues.

Although June 26 at 7:30 P.M. was suggested as a tentative date, it was the consensus of the Board to have Mrs. Clark, secretary, contact each Board member later during the week in order to finalize a convenient date and time.

Mr. Oliver requested an executive session at the appropriate time to discuss Boards and Commissions appointments and a potential legal matter.

I. BOARD REQUESTS AND DIRECTIVES

None.

Mr. Edwards moved to go into executive session to discuss appointments to Boards and Commissions and a potential legal matter, pursuant to Section 2.1-344 (a) (6) of the Code of Virginia, 1950, as amended. The motion carried by a unanimous roll-call vote.

The meeting convened into executive session at 9:06 P.M. and returned to public session at 10:04 P.M.

Mr. Edwards moved to reappoint Abram Frink and Gil Bartlett to the Service Authority, Virginia Chandler to the Welfare Board, and Diane Abdelnour and Hammond Branch to the Industrial Development Authority. The motion carried by a unanimous roll-call vote.

Mr. Bartlett requested status reports be presented by members of the staff on June 23 on the following projects:

- (1) Census
- (2) Police Department
- (3) H.B. 599/Comp Board
- (4) Carriage Road Grant

Mr. Taylor moved to accept the recommendation of Darlene Burcham to deny the funding request of the Institute of Dance. The motion carried by a unanimous roll-call vote.

Mr. Taylor moved to adjourn. The motion carried by a unanimous roll-call vote.

The meeting ADJOURNED at 10:08 P..M.

James B. Oliver, Jr.
Clerk to the Board

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