

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

A. ROLL CALL

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

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

B. MINUTES

Mr. Frink moved to approve the Minutes of March 9, 1981 and March 12, 1981 as submitted. The motion carried by a unanimous roll call vote.

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer for Virginia Department of Highways and Transportation, addressed the Board. He said that out of the twenty letters sent to property owners regarding Route 610, four came back undeliverable, eleven responded and five have not responded. He said that of the eleven that responded, ten indicated a need for compensation for the right-of-way and one individual said they would donate the right-of-way upon receiving fill material for the project. Mr. Hall said the Highway Department really doesn't know how to proceed except to continue cutting down trees on the existing right-of-way. Mr. Hall informed the Board that the Highway Department can go ahead with the proposed construction budget using an estimated figure of 60% of the allocation figure which reflects a shortfall of funds. He also informed the Board that the Highway Department got a low bid of \$745,000 to make repairs on Route 199 - Tutter's Creek and the repairs will probably proceed through the summer. In response to the faulty signal at the intersection of Route 5 and Route 199 at the request of Mr. Edwards, Mr. Hall said that an electrician had checked it out and the signal was not functioning properly. Mr. Hall said that he had not had an opportunity to check into Mr. DePue's request concerning Mooretown Road.

Mr. DePue asked Mr. Hall to check into the signal light at the Pottery because it seems to be malfunctioning again.

Mr. Hall indicated that he would check into the matter.

Mr. Edwards asked Mr. Hall what the scope of the project on Route 199 is.

Mr. Hall answered that around Christmas some cracks were noted and a retaining wall will be constructed on each side of the road back of the guardrail. He added that the Highway Department is a bit cramped by the environmental considerations, but steel sheeting is considered the best way to go although it is very expensive.

Mr. DePue said that there seems to be a delay in getting the left turn lane on Longhill Road. He asked Mr. Hall what is causing the delay.

Mr. Hall said that due to the cold weather it has been extremely difficult to get the left turn lane completed.

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Mr. Frink asked when the work in Grove is scheduled.

Mr. Hall answered that as soon as the weather gets better the project will be finished...probably the middle of May.

Mr. Bartlett noted that the signal light at the intersection of Route 199 and South Henry Street is being installed.

Mr. Taylor commented that he had received some calls about Racefield. He asked Mr. Hall what is entailed in putting the ditches back far enough.

Mr. Hall said that he had met with the builder who is willing to go in and install some more pipes where a new ditchline would go, but he had not received any calls on the matter.

Mr. Edwards noted that Mr. Porter had informed Mr. Hall of the drainage problem on Cooley Road.

D PUBLIC HEARINGS

1. Landfill Ordinance Amendment - An ordinance to amend Chapter 8, Health and Sanitation, of the Code of the County of James City, Article II, Landfill Ordinance, by amending Section 8-13, User Charge by Volume.

Mr. Wayland N. Bass, Director of Public Works, addressed the Board on this matter. He stated that the proposed amendment to the Landfill Ordinance provides that the landfill user charge system will be applied by weighing refuse at the Landfill. He said that it also provides that when the Landfill scales are inoperative, the user charge system will be based on truck volume. Mr. Bass commented that the staff has generated four months data on the vehicles entering the Landfill and some trucks are using only a fraction of their refuse carrying capacity, occasionally hauling one ton of refuse on a truck that will hold five tons. He added that applying user charges to these trucks on the basis of truck volume results in high user charges than if determined by weight. He concluded that the recommended amendment will permit the county staff to use the historical weight data for applying the user charge system when the scales are not operating. He asked the Board to adopt the proposed amendment to the Landfill Ordinance.

A brief discussion followed.

Mr. Edwards opened the public hearing. There were no speakers, therefore, the public hearing was closed.

Mr. Bartlett moved to adopt the ordinance. The motion carried by a unanimous roll call vote.

ORDINANCE NO. 116A-3

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, LANDFILL ORDINANCE, SECTION 8-13, USER CHARGE BY VOLUME.

BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City, Virginia, be and the same is, hereby, amended and reordained by amending Article II, Landfill Ordinance, Section 8-13, User Charge by Volume as follows:

CHAPTER 8

HEALTH AND SANITATION

Article II, Landfill Ordinance

Section 8-13, User Charge by Volume.

(a) Should the landfill scales be inoperative, the Director shall base the charges applied upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of no fewer than fifteen previous weighings by the vehicle carrying such waste and shall be modified by visual inspection of the vehicle if such is feasible.

(b) For vehicles for which no history of previous weight data exists as described in (a) above, the following rates shall apply:

(1) Uncompacted refuse - \$0.50 per cubic yard of truck capacity.

(2) Compacted refuse - \$1.25 per cubic yard of truck capacity.

This ordinance shall be in full force and effect from the first day of December, 1980.

E. CONSENT CALENDAR

Mr. Edwards moved to approve all the items on the Consent Calendar unless any Board member wished to remove any of the items.

Mr. Taylor commented that he had a question about item No. 2, Lake Toano Estates Bird Sanctuary. He asked if anyone knew how large an area is being designated as a bird sanctuary.

Mr. Morton answered that he did not know, but that he had received a request from residents along with a petition designating the area mentioned as a bird sanctuary.

Mr. Bartlett requested that item No. 2 be removed from the Consent Calendar.

There were no objections to his request so Mr. Edwards moved that the remaining two items be approved. The motion carried by a unanimous roll call vote. The following items were approved:

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1. Certification of WarrantsRESOLUTIONCERTIFICATION 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 February, 1981:

GENERAL FUND	Checks	13164-13398
	Totalling	\$827,073.91
GENERAL FUND PAYROLL	Checks	26103-26624
	Totalling	\$193,195.76
SANITARY DISTRICT NO. 1	Check	104
	Totalling	\$3,371.70
SANITARY DISTRICT NO. 2	Checks	228-231
	Totalling	\$462.64
SANITARY DISTRICT NO. 3		Account Closed
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	308-327
	Totalling	\$59,101.95
REVENUE SHARING	Checks	714-719
	Totalling	\$4,045.80
JCC BOND SINKING FUND		-0-

3. CASE NO. CUP-3-81 - Conditional Use Permit for Mobile Home - Ms. Ethel R. BackusRESOLUTIONCONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the 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 developed by the applicant, as described below, and as detailed in the attached application and site location map.

Applicant:	Ethel R. Backus
Tax Map ID:	(19-1)(1-24)
District:	Stonehouse
Zoning:	A-1, General Agriculture'
Permit Terms:	N/A

Following a brief discussion, item No. 2, Lake Toano Estates Bird Sanctuary was deferred to the Board's April 13, 1981 meeting.

F. BOARD CONSIDERATIONS

1. Newport News Reservoir Safety

Mr. Oliver informed the Board that Mr. Randy Hildebrandt, Newport News Assistant City Manager, and the Director of Public Utilities have agreed to meet with county staff and residents of the Chickahominy area concerning possible solutions to danger spots in the filling of the Newport News Little Creek Reservoir. He said that the meeting would take place on Thursday, March 26, 1981 at 8:30 AM. He recommended no action pending the meeting.

2. CASE NO. Z-11-80 - Mr. David L. Hertzler - (Ezekiel Lee)

Action on this item was deferred from the Board's March 9, 1981 meeting. Mr. Edwards asked Mr. Porter, Director of Planning if he had any additional comments on this case. Mr. Porter answered that he had no additional comments.

Mr. Bartlett moved to adopt the Planning Commission's recommendation.

Mr. Frink stated he would vote against the motion. He commented that it is quite clear that residents are strongly opposed to this rezoning and he understands that the Board would be setting a precedent if the rezoning application is approved.

Mr. Bartlett said that as the Board's representative on the Planning Commission he commented that the vote on the Commission was very close, but he feels the property is in a unique location. He said that the property is in a single ownership and fronts not only on Route 143 but also fronts on a railroad spur that goes into the C&O railroad track which parallels Route 143. He said that the orientation of the property is toward Route 143 and the railroad track, which is why the rezoning is being requested. Mr. Bartlett said that he believes that the residents are sincere in their desires to retain the residential use and the residential character of the neighborhood and their primary concern is that their tax rates will increase as a result of the rezoning which is not a valid fear. Mr. Bartlett concluded that he feels this rezoning is a reasonable use of the property and while the original rezoning of 250 feet depth was perhaps arbitrary, it was advertised. He added that through this rezoning request the Board is bringing about unity of zoning, unity of ownership, and the property will be used at its highest and best use in keep with the character of the neighborhood and the Comprehensive Plan.

Mr. Frink asked Mr. Bartlett if he is less interested in changing the zoning as the property goes back from Route 143.

Mr. Bartlett answered that as the property goes away from the intersection of Route 143 and the railroad spur he becomes less interested in changing zoning behind the 250 feet. He said that we are approaching residential zone and residential use, but a community that has developed integrity well into the commercial use, and where Government Road comes into Route 143 perhaps that should be reconsidered as a residential use, but at Route 143 and the C&O spur, he feels it is an area where the Board would not be making an exception.

Mr. Edwards asked if it is correct that the zoning doesn't make any difference as far as taxes go.

Mr. Rudy Johnston, Director of Real Estate Assessments, said that is basically correct because the fact that the property is adjoining has more probability of having a detrimental effect.

Mr. Bartlett asked Mr. Johnston, if he takes into consideration the property nearby of a different use or zoning when determining the fair market value of property on Oak Drive.

Mr. Johnston commented that he only does in cases where it would have an effect upon the property but in this particular case it would not.

Mr. DePue commented that at the last meeting Ms. James commented that her house is located in the B-1 District. He asked if the rezoning could have an impact on her because it would establish a market value for land within the B-1 District.

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Mr. Bartlett commented that if Ms. James' property is of a size that it would permit a business use, those people living in the B-1 zone would be adversely affected.

Mr. DePue commented that he shared Mr. Bartlett's concerns about a residential development behind this B-1 District, but at the same time he feels the Board owes something to property owners. He felt that the Board would be doing a disservice if they encourage the thought that residential development is desirable on a strip of land that fronts on a busy highway such as Route 143. Mr. DePue added that it is not an easy decision, but he would support the motion to approve.

There being no further discussion, the motion to approve the rezoning was defeated by a 3-2 roll call vote with Messrs. Frink, Taylor, and Edwards voting no.

Mr. Frink moved to let the Planning Commission study this particular area in detail.

Mr. Bartlett commented that he would be reluctant to support the motion because it did not feel it was appropriate for a government body to take it upon themselves to initiate the changing of what has become a quasi-property right without any formal input from the citizens.

After a brief discussion, Mr. Bartlett commented that he would not object to the Planning Commission studying the area but he would prefer that the request not be accompanied by a request to rezone.

Mr. Edwards asked if there was any further discussion of the motion. There were no additional comments. The motion to have the Planning Commission study the area in question carried by a unanimous roll call vote.

3. Setting Public Hearing Date - Revisions to the County Ordinance for the Exemption of Certain Persons from Real Estate Taxes

Mr. Oliver informed the Board that as part of the total budget recommendations they will be receiving later, this particular item is to recommend that the county expand the eligibility of elderly and handicapped exemptions and deferrals in order to meet the legal requirements, he asked the Board to approve a public hearing date of April 27, 1981.

Mr. John E. McDonald, Assistant to the County Administrator, expounded on this item. He said that while the present ordinance calls for an exemption the state code permits the localities to legislate exemptions or deferrals. He said that the suggested ordinance change would be from an exemption status to a deferral status. Mr. McDonald commented that there are a number of persons who would object to changing the status, therefore, the staff would like to advertise the option of exemption or deferral.

There were no objections to this request. The Board agreed to a public hearing date of April 27, 1981.

4. Transfer from Contingency for Transit Company Vehicle Maintenance

Ms. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She informed the Board that the Transit Company is running short of funds for vehicle maintenance because of unusual expenditures for vehicles with heavy mileage. She said that an estimated cost of \$6,000 is required to maintain these vehicles for the remainder of the fiscal year and 50% will be reimbursed by the Virginia Department of Highways and Transportation. Ms. Burcham commented that on March 12, 1981 the Transit Company Board of Directors voted unanimously to request a supplemental appropriation of \$3,000 from the Board of Supervisors. She asked the Board to adopt a resolution authorizing a transfer from contingency to meet this request.

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

R E S O L U T I O N

WHEREAS, The Board of Directors of the James City County Transit Company has requested a supplemental appropriation of \$3,000 to meet unusual vehicle maintenance costs, and

WHEREAS, the Board of Supervisors of James City County supports the James City County system,

NOW, THEREFORE, BE IT RESOLVED that a transfer from contingency is approved as follows:

From Contingency: \$3,000
To Transit Local Share: \$5,000

Proposed Amendments to Section 18 (Transportation grants for Non-Urbanized Areas)

Ms. Burcham presented this matter to the Board. She explained that about ten days ago as the Transit Company the Board was advised that the pending legislation might negatively impact the Transit system and the county is now aware that specific legislation would call for the elimination of operating subsidies after September 30, 1982. She asked the Board to adopt a resolution acknowledging their opposition of the proposed Section 18 amendments.

Mr. Frink moved to approve the resolution.

Mr. Taylor commented that he would not support the motion.

Mr. DePue commented that he was opposed to this approach. He said that he is aware of how the Board feels when special interest groups seek the Board's support on matters and although he does not support all the national cutbacks, he certainly does not feel that it is appropriate for the Board to act in this manner.

Mr. Bartlett stated that he would not support the motion.

Mr. Oliver, County Administrator, asked the Board to defer the matter until a later date.

Mr. Frink withdrew his motion.

There being no further discussion, the Board agreed to defer the matter until a later date.

5. Community Center Feasibility Committee

Ms. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She stated that the Master Recreation Plan identified the need for a community center facility, but before initiating this project, the staff feels that a committee composed of county staff, county citizens, agencies representatives and Williamsburg residents to address the need for, design of, location and financing of such a project. She added that Mr. Frink has agree to chair the committee if the Board agrees to its establishment. She also commented that the committee would be asked to prepare a recommendation to the Board by November 1981 regarding the desirability of the project, location, design of facility and inter-jurisdictional arrangements, if any. She asked the Board to adopt a resolution endorsing the creation of the committee.

Mr. Taylor commented that he did not see why participation is necessary from the City of Williamsburg.

Ms. Burcham said that the county currently has an arrangement with the City at this point and therefore thought it reasonable to include them.

Mr. Bartlett asked if the county has a formal agreement with the City of Williamsburg.

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Ms. Bureham commented that the county does have a formal agreement with the City of Williamsburg.

Mr. Bartlett commented that he shared Mr. Taylor's opinion. He suggested that the City not be included on the committee but perhaps invited to have some input.

Mr. Edwards commented that Mr. Bartlett had made a good point, but he felt that issue should be discussed later. He suggested that the Board approve the resolution but not the content of the memo suggesting two representatives from the City of Williamsburg to be included on the Committee.

Mr. DePue moved to approve the resolution.

Mr. Bartlett suggested that a fifth category concerning what the committee would study be added: "alternatives to a community center."

Mr. DePue accepted Mr. Bartlett's suggestion and amended his previous motion.

The Board decided to discuss the Williamsburg matter later.

The resolution carried by a unanimous roll call vote.

R E S O L U T I O N

Community Center Feasibility Committee

WHEREAS, the Board of Supervisors of James City County has previously endorsed in its Capital Improvements Program a Community Center, and

WHEREAS, the Board desires citizen involvement in an analysis of the need for a Community Center.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the creation of a Community Center Feasibility Committee.

Mr. Oliver commented that participation from York County might also be considered.

6. Public Hearings - Proposed Budget FY 1982

Mr. James B. Oliver, Jr., County Administrator, commented that in October, 1980 the Board adopted a budget calendar that called for several proposed public hearings which the staff has now finalized. He asked the Board to consider the two public hearings and four public work sessions set forth in the staff memorandum. Mr. Oliver added that the public hearing at 7:00 Monday, April 20, 1981 would be held at Berkeley Elementary School.

Mr. DePue commented that he felt Lafayette High School would be a more central location considering the residents of Norge and Toano.

Mr. Edwards commented that Berkeley Elementary School is more centrally located than Lafayette High School.

Mr. Taylor commented that the Board Room should be used for the purposes for which it was built.

Mr. Oliver commented that he felt Berkeley Elementary School to be more centrally located than Lafayette High School; he said that the Board Room probably would not accommodate the crowd.

Mr. Frink agreed that Berkeley Elementary School is more centrally located for residents of the Roberts District than Lafayette High School.

The Board discussed the dates of the public hearings and public work sessions and agreed on the the following dates and times:

7:00 Monday, March 30, 1981 - Pre-budget Public Hearing
 3:00 Monday, Aril 6, 1981 - - Public Work Session
 3:00 Thursday, April 9, 1981 - Public Work Session
 3:00 Wednesday, April 15, 1981 - Public Work Session
 3:00 Monday, April 20, 1981 - Public Hearing (Berkeley School)
 3:00 Tuesday. April 21, 1981 - Public Work Session

7. Compensation Board Hearings

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He asked the Board to adopt a resolution endorsing the budget requests submitted by the Commissioner of Revenue, Treasurer, Sheriff, and the Commonwealth Attorney to the State Compensation Board. He said that the resolution would be presented to the Compensation Board at their hearing on March 26, 1981.

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

R E S O L U T I O N

CONSTITUTIONAL OFFICE BUDGETS

WHEREAS, the Board of Supervisors of James City County endorses the proposed activities of the Constitutional Offices for the fiscal year beginning July 1, 1981 to include those requests for funding as have been submitted to the State Compensation Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City Count supports and endorses the budget submissions of the following constitutional offices and requests that the State Compensation Board consider them favorably:

Commissioner of Revenue	\$111,829.00
Commonwealth Attorney	\$ 30,912.50
Sheriff	\$375,523.00
Treasurer	\$129,255.00

BE IT FURTHER RESOLVED, that the County Administrator be directed to provide to each member of the Compensation Board a certified copy of this resolution.

Additional Board Considerations

Carriage Road Neighborhood Improvements

Mr. Frank M. Morton, III, County Attorney, asked the Board to adopt two resolutions; one authorizing counsel for the Carriage Road Neighborhood Improvements Project and one appointing an attorney for the project.

Mr. Bartlett suggested that the second paragraph on the resolution appointing the title attorney be amended to read: "for purposes of certifying the title for that area." There were no objections to his suggestion.

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

The motion carried by a unanimous roll call vote.

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RESOLUTIONCarriage Road Neighborhood Improvement Project/
Appointment of Counsel

WHEREAS, the Board of Supervisors of James City County has here employed the firm of Stone, Bland and Pugh, Attorneys at Law, to perform certain legal services for said County,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, that it hereby appoints and authorizes William R. Bland, Attorney, to act as the agent and attorney for said County for the purpose of instituting condemnation proceedings, filing such condemnation proceedings in the name or on behalf of said County, and in the settlement of condemnation suits pending or now in progress.

RESOLUTIONCarriage Road Neighborhood Improvements/
Appointment of Title Attorney

WHEREAS, Section 15.1-285 of the Code of Virginia, 1950, as amended requires appointment of counsel in such instance where the acquisition of property will exceed the sum of \$1,000,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby appoints William R. Bland as attorney for purposes of certifying the title for that area designated as Track 5 consisting of approximately .374 acres, plus or minus, as shown on a plat entitled "Plat for Conveyance of Track 5" which is attached hereto and made a part hereof.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards asked if anyone in the audience wished to address the Board on any matter.

Mr. Oliver informed Mr. Edwards that Mr. Larry Trumbo of the Community Action Agency would like to address the Board.

Mr. Trumbo commented that there is pending legislation for a Block Grant program that enables the State to set priorities for localities for certain programs. He asked that the Board adopt a resolution enabling each locality to establish these priorities for their respective localities.

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

RESOLUTION

WHEREAS, the Board of Supervisors of James City County supports local programs which may be incorporated into a Block Grant Funding by Congress, and

WHEREAS, the proposed legislation gives authority to the State for deciding priorities to be funded under the Block Grant,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County requests Congressional support to insure that the Block Grant Funding legislation contain language which will assure local governments funding and decision making authority.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver reminded the Board that they had a work session on the Cable TV Franchise at 5:00 P.M. and a 7:00, a public hearing on Cable.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Bartlett asked about the status of the recreation coordinator position.

Mr. Oliver commented that the position has been filled and the person will be starting on April 27, 1981.

Mr. DePue asked about the continuing water problem in James Terrace. He commented that he is satisfied that efforts are being made on a county and state level, but is frustrated that these efforts are not moving fast enough. He said he would like for the Board to authorize the County Administrator to write a letter to the State Water Control Board.

Mr. Oliver commented that he would get the staff to update the situation and report back to the Board.

The Board recessed for ten minutes and reconvened to public session at 4:40 P.M.

Mr. Edwards moved to go into executive session to discuss a 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 Board convened into executive session at 4:45 P.M. and returned to public session at 5:10 P.M.

WORK SESSION - CABLE TV Franchise - James City County

Mr. Allen A. Turnbull, Jr., Administrative Analyst, and Chairman of the Cable Advisory Committee, addressed the Board. He gave the Board an analysis of the committee's report and reviewed the process the county has gone through concerning cable. He said that about a year ago the Board created a committee composed of eight members of the community and he was appointed chairman. He said that the first task of the committee was to study cable in general so that each member would become educated about cable. He further stated that the committee drafted an ordinance that was later adopted in July 1980 setting forth the basic regulations for cable in the county. He said that the committee met at various times throughout the year and invited the cable applicants to discuss their proposal. He then summarized the cable committee's March 13th report to the Board.

A question and answer period followed between Board members Dr. Schaffer, and Mr. Turnbull. At 6:00 P.M. the Board recessed until the cable hearing which would be held at 7:00 P.M.

7:00 Cable Public Hearing

Mr. Edwards asked that each applicant make a statement and stay within a ten minute time frame - no more than twenty minutes. Mr. Edwards opened the public hearing stating that he would call upon the cable applicants alphabetically.

Commonwealth Cable

No one chose to speak.

Continental Cable

Mr. Buz Goodall, representing Continental Cable, addressed the Board. He commended the Cable Communications Advisory Committee for their extremely difficult task. He said that naturally they were quite pleased with the results of the report and would refrain from making any comments on the report. Mr. Goodall stated that he would look forward to bringing cable service to James City County at an early date.

Mr. Herb Kelly, attorney for Hampton Roads Cablevision, addressed the Board. He thanked the Committee for their hard work on the study. He commented that he suspects that each applicant suffered by various things that were characteristic of their particular company. He added that Hampton Roads in particular suffered from the fact that they are a local company and have an office within 20 minutes of the county government center. He said that in the overall summary he felt that there were one or two mistakes. He said that he thinks the evaluation on return on capital investment is reversed and he is aware that Continental's investment is substantially more than the other applicants. The committee report further stated Continental's return on investment is 3%, and Hampton Roads is 7%; and Warner 9 or 10%. He also said that the committee concluded that this should give Continental the high rating of two, and obviously in Hampton Roads' opinion that should be reversed because if Continental's return on investment is 3%, and paying 17% for borrowed money they are taking a loss and the net result of that is that their rates must be increased substantially in the very near future. Mr. Kelly further stated that under the category "Very Important Elements", support personnel had lower rating because 80 people are 20 minutes from the county complex and only required seven people locally. He added that if those adjustments were made Hampton Roads would come close under "Critical Elements." He said that Continental was rated one and Hampton Roads rated three on line extension policy. The committee apparently thought that Hampton Roads had not agreed to extend lines free on the basis of 30 per mile. In the report the committee "assumes" its conclusion, because in Hampton Roads' application it states that they require a minimum density of 30 homes per mile for extension; and in the committee's report it says that Hampton Roads "appears to require full payment for any extension." Mr. Kelly said that this is not true, that they guarantee extension to 30 per mile free. Mr. Kelly also stated that he felt the ratings were improper in some instances. He asked the Board to consider what they are doing, which is giving service to public at a cost. Mr. Kelly pointed out that pages 48 and 49 of the report says that considerable weight will be given to services to be rendered and the total points available is 100 - Hampton Roads received 91 and Continental received a 78, and Warner 66. He suggested that to get the best TV service the Board should choose Hampton Roads. He concluded that Hampton Roads guarantees their rates for four years - Continental would not guarantee their rates and will probably ask for an increase by the end of their second year--especially with a 3% return on investment.

Warner-Amex Cable

Mr. Bill Day representing Warner-Amex Cable addressed the Board. He thanked the Committee for their long hours of hard work. He said that he had two concerns and one is the factual misunderstanding due to nature of the four proposals. He said that the report stressed quantity but that quantity is not equivalent with quality. Mr. Day said that Warner offers the same basic services on 29 channels as applicants propose in 40. He further stated that he strongly disagreed with the report when it states: "the institutional loops provided by the three applicants are similar." Mr. Day said that they are not similar. He said that Continental says they will offer an institutional loop from their headend site from Ironbound Road to James City County Office Complex only - and that loop will have 17 channels in one direction and 24 channels back. Mr. Day stated that Warner will offer their institutional loop to the schools which will be 17 channels in one directions and 21 in the other and will pick up the county complex on the entertainment cable on one channel with a revert cable which will access the insitutional loop which is a significant difference. Mr. Day said his second issue is construction in the county. He said that only Warner can service Kingsmill, Kingspoint, Grove, and James Terrace because of the Route 199/Colonial Pipeline issue. He said that Warner is in a unique position to service these areas from its existing system in Williamsburg and he does not believe that no other applicant can economically service those areas the way they proposed in their original bid proposal.

Mr. DePue asked Mr. Day to define institutional loop.

Mr. Day answered that an institutional loop is a separate B cable - a cable with 50 channels on it. He said that three applicants propose to build another separate cable called B cable or institutional cable. That B cable has 17 channels in one directions and 21 channels coming in the other direction used for video and data transmission, video text information, energy management controls, security between public institutions and a host of non-entertainment possibilities.

Mr. Day said that Warner goes beyond that —besides building the seven mile institutional loop to tie into the school system they will also interconnect that one to the existing system in Williamsburg which has been there since 1972, and they can offer a joint communications network. He said that another system can interconnect with their system but some technical problems could arise. Mr. Day said that his final point is the financial issue. He said that the ordinance for James City County calls for rate regulation the first four years then rates are deregulated, but Warner said in their proposal that based on the existing system in Williamsburg they will offer a rate package of \$9.49 for basic cable and \$8.50 for pay cable for an average monthly subscriber rate of \$17.95 and that will give them a fair return on their investment over a 15 year period. He said that any further increases in rates would be due to inflation and the additional cost of a product they offer to a subscriber. Mr. Day concluded that if the Board grants a franchise to a company getting 3% or 7% return on investment, he said that future rate increases will be to get their return on investment.

Mr. Allen A. Turnbull, Chairman of the Cable Communications Advisory Committee, addressed the Board. He commented that the committee received the comments from two applicants on Friday afternoon and that he had not had a chance to evaluate the comments as a whole and was not prepared to address the applicants' issues. He stated that the full committee would review all of the comments and issue a supplemental report to the Board. Mr. Turnbull introduced the members of the Cable Committee who were present: Muriel Moritz, Tom Collins, John Curtis, Joe Grebb, and Alan Blatecky, Technical Advisor to the Committee. He commented that the committee has two other members who could not be here tonight and they are Mr. John Strauss and Rev. Glenwood Morgan.

Mr. Leo Solnus of 711 Jackson Drive asked Mr. Day if Kingspoint and Kingsmill would be the only areas serviced.

Mr. Day answered that those areas can only be serviced by Warner Amex Cable because of the problem with Route 199.

Mr. Harold Poulsen of the Berkeley District addressed the Board. He commented that when the cable companies presented their proposals he asked questions as to the installation of towers and studios and the reply led him to believe that only one company would utilize their own tower and the question of studios was fuzzy. He commented that it appeared that the facilities at Berkeley School supported by taxpayers was included in all plans with varying degrees of utilization by all companies. He further commented that in the Cable Communications Advisory Committee report dated March 13, 1981 recommended unanimously with one abstention that the county grant a non-exclusive fifteen year franchise to Continental Cable. He noted that in the report on Form F under Towers and Antennae that the first year Continental plans to spend \$6,000 and \$50,000 in the fifth year. He also noted that under Land, \$25,000 the first year and \$5,000 in the fifth year and wonders whether or not they can build a tower antennae for \$6,000 to start cable TV. He asked what Continental Cable plans for a tower in the first year—are they planning to use the Berkeley facilities. Mr. Poulsen commented that he is aware that Cable TV companies may provide considerable service to a community, however, he does not believe that any major public facility owned by taxpayers expense should be part of the plan directly or indirectly used by profit oriented companies. He said that any approval of this plan tonight might be made knowing that the plan is not entirely complete. He said that the question of required capital installation costs has not been addressed totally, and in addition, he believes that if the Board approves the plan they will go on record as supporting the probable use of a public facilities paid and supported by taxpayers, and would also indicate to the School Board that the Board looks with favor on the use of school facilities by Continental. Mr. Poulsen concluded that Berkeley is not entirely owned by James City County—Williamsburg owns 34.86 percent and James City County owns 65.14 percent. He asked the Board to consider his comments in their deliberations.

Mr. Jack Hatfield, resident of Kingspoint, complimented the cable companies and the committee. He noted that in one aspect of the ratings he considered to be very significant which is Basic Services, the recommended company, Continental, rated only good and Hampton Roads rates excellent. He said that he feels that is a very key area and if people are to take down their antennae then perhaps we should be getting better than "good" services. He noted that Continental does not carry the Richmond stations, and urged the Committee to give the Basic Services Category a lot more stress or perhaps have Continental upgrade their basic services.

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Mr. Allen Turnbull commented that the committee penalized Continental for not offering the Richmond stations, and that a cable company is not required to carry those stations unless requested. He added that the county has received letters from all with those Richmond stations requesting carriage and Continental must carry them.

Ms. Mary Jane Bell of the Berkeley District commented that she is interested in cable coming to James City County because of the educational benefits it can offer. She said that as an educator it is difficult for people to come out of their homes and it is much easier to learn in the comfort of your own home. She mentioned that Linda Roe of Hampton Roads has shown involvement in the community by becoming involved in the 4-H program and is a member of the Extension Advisory Board.

Mr. Nick Colton, presently living in Williamsburg, stated that he works at Thomas Nelson Community College as Coordinator of Audio Services. He expressed his concern that educational features be offered. Mr. Colton commented that anyone can get entertainment, but not many have the opportunity for educational benefits. He pointed out that we are becoming a computerized society and asked the Board not to bind themselves into a system that will limit their capabilities in the future, but rather one that allows for expansion.

Mr. Leo Solace of James Terrace asked if it was correct that Warner is the only company who can provide service to James Terrace.

Mr. Edwards answered that it is there contention.

Mr. Ron Roe of Hampton Roads Cablevision commented that they have the ability to serve James Terrace and they were the ones who discovered the route down the Colonial Pipeline. He added that they have a list of property owners and have contacted those persons.

Mr. Vernon Geddy, Attorney, commented that he is one of the property owners and has not received a letter.

Mr. Morton, County Attorney, asked Mr. Geddy if he would be willing to negotiate with the cable company.

Mr. Geddy answered that he would probably negotiate if they are willing to buy the property.

Ms. Barbara Forest commented that it seems that Hampton Roads is well known in the area and should be the choice of James City County.

Mr. Edwards closed the public hearing.

Mr. Bill Day commented that it might be interesting to know what five channels Continental will drop to add the five Richmond stations and if that would be considered an amendment to their proposal.

Mr. Kelly asked if the cable companies could present some changes to the committee.

Mr. Edwards answered that no modification of the original proposal would be accepted.

Mr. Taylor commented that even though you can't go down Route 199, what is to stop them from going down 60 East.

Mr. Turnbull said that if Route 199 was not available, the cable companies would have three choices: (1) finding another access route - the Colonial Pipeline being one; (2) constructing a microwave relay system; or (3) going through the City of Williamsburg.

Mr. Taylor asked Mr. Kelly if Hampton Roads proposes to serve areas with only 30 homes to a mile.

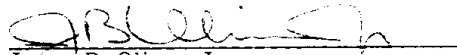
Mr. Kelly answered that if thirty homes are there they will serve those that want to be served.

There being no further discussion, Mr. Edwards asked the cable applicants and any interested persons to get written comments to Mr. Turnbull by March 30, 1981.

Mr. Edwards moved to go into executive session to discuss a 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 Board convened into executive session at 8:15 P.M. and returned to public session at 8:25 P.M.

Mr. Edwards moved to recess. The motion passed by a unanimous roll call vote. The meeting recessed at 8:30 P.M. to reconvene at 7:00 P.M. March 30, 1981 for a budget public hearing.


James B. Oliver, Jr.
Clerk to the Board

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