

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS, JAMES CITY COUNTY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF APRIL, 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 April 6, 1981 and April 13, 1981 as submitted. The motion carried by a unanimous roll call vote.

C. PRESENTATION

1. Proclamation - Senior Citizens Month

Mr. Edwards read the proclamation which designated the month of May as Senior Citizens Month. He then presented the proclamation to Mrs. Betty Reams, Executive Director of the Peninsula Agency on Aging. Mrs. Reams thanked the Board for proclaiming May as Senior Citizens Month.

PROCLAMATION

SENIOR CITIZENS MONTH

WHEREAS, the diligence and foresight of dedicated and loyal Senior Citizens have contributed markedly to the progress of James City County; and

WHEREAS, many persons over the age of 60 (sixty) are still contributing their time and talents for the benefit of their communities; and

WHEREAS, above all, Senior Citizens are special people whom James City County needs; and

WHEREAS, the Board of Supervisors of James City County hereby proclaims the month of May, 1981 as:

SENIOR CITIZENS MONTH

for James City County.

AAJ927

D. HIGHWAY MATTERS

Mr. Jim Kelly, Resident Engineer for Virginia Department of Highways and Transportation addressed the Board. He said that he had nothing new to present to the Board. He asked the Board if they had any questions.

Mr. DePue commented that he would like to remind Mr. Hall about the traffic on Mooretown Road with special concern about the speed limit. He asked if there is a minimum requirement for the Highway Department to post the speed limit every few yards.

Mr. Kelly said that there is no requirement of the Highway Department to place speed limit signs a certain distance apart.

Mr. DePue commented that the potholes on Nina Lane in Kristiansand are getting worse.

Mr. Kelly said that he would check into these matters.

Mr. Bartlett thanked the Highway Department for the lights and signing at the intersection of Route 199 and South Henry Street. He said that he had received some positive comments.

E. PUBLIC HEARING

Mr. Oliver commented that although this is the legal hearing on this ordinance, it is actually the third opportunity for persons to speak. He turned the presentation over to Mr. McDonald.

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He stated that at the present time the county has a partial exemption program for those elderly and permanently disabled persons who qualify. He said that the staff is suggesting that the Board change certain provisions extending the process to more eligible persons. He said that the ordinance was advertised for both an exemption or deferral program and the staff is proposing the deferral program, but will accept the Board's preference. Mr. McDonald cited the more permissive changes such as: married couples only need to have one eligible spouse to qualify if they otherwise are eligible; the current filing period ending May 1, can be extended until June 1 for first time applicants and hardship cases; accept Veterans Administration and Railroad Retirement Board certification of age in addition to certification of the Social Security Administration; clear indication that permanently sited mobile homes are eligible; and the deferral will continue if applicant is confined to a nursing home or hospital and the property is not used by or leased to others for consideration. He further explained that two restrictive changes are: that one of the two medical doctors certifying a permanent and total disability be required to physically examine the applicant involved; and secondly, that all real estate taxes be deferred, not exempted, without penalty or interest and shall be come a lien on the property; provided; however, that such liens shall, to the extend that they may exceed the price for which such real estate may be sold, be inferior to all other liens of record.

Mr. Edwards opened the public hearing.

Mrs. Johnson said that she owned property in James City County and she feels a deferral will not do her any good when she's dead. She said that she preferred the exemption program.

Mrs. Frances Waltrip, Commissioner of the Revenue for James City County, spoke in opposition of the staff's proposal for a deferral program. She said that a tax deferral is nothing more than a tax lien and in her opinion based on comments from persons in the program they would consider the deferral a threat if they remained in the program. She said that in most cases, the elderly person's home and land is all that they have, and they don't want their heirs to have to pay off deferral taxes after they die. Mrs. Waltrip further stated that if the deferral plan is approved, based on her conversations with persons currently in the program, she feels that less than twenty percent will remain in the program. She asked the Board to consider keeping the \$300 exemption program versus the \$350 deferral program.

Mr. Edwards asked Mrs. Waltrip what the main concern of persons she has spoken with.

Mrs. Waltrip responded that the persons she spoke with are mainly concerned about their heirs having to pay taxes on property when they die.

Mr. Taylor said that he agreed with Mrs. Waltrip's comments because most people want to keep what they have and not have to worry about what will happen to their property in the event of their death.

Ms. Betty Reams, Executive Director of the Peninsula Agency on Aging, also agreed that a deferral program should not be implemented. She asked the Board to retain the exemption program.

There being no other speakers, Mr. Edwards closed the public hearing.

Mr. Frink said that he was not clear on the meaning of "permanently-sited mobile homes" in the ordinance.

Mr. Morton addressed Mr. Frink's inquiry by suggesting that the portion of the ordinance "owning title or partial title thereto" be stricken and new language be added to define "permanently-sited mobile homes" as defined in Section 58-760.1 of the State Code.

Mr. Edwards asked if there was any further discussion of this matter.

Mr. DePue stated that he never intended for a deferral to be brought before the Board. He said he was interested in a review of the ordinance to liberalize the guidelines for persons who qualify and to ascertain that the figures are in line with inflation. He further stated that he agreed with Mrs. Waltrip's comments in that all of us know of elderly persons who take great pride in their assets. Mr. DePue applauded the staff's efforts on the ordinance, but he felt that they had taken the right approach, but the wrong program. He said he feels this to be a very vulnerable area and therefore moved to support the \$350 exemption program including Mr. Morton's amendment to the ordinance.

Mr. Bartlett noted that the language on page one of the ordinance would need to be deleted.

Mr. Taylor moved to approve the \$300 exemption program.

Mr. Bartlett asked approximately how many persons are involved in this program.

Mrs. Waltrip said about one-hundred fifty.

Mr. McDonald commented that the \$350 is an attempt to recognize the assessment increases since 1977.

Mr. DePue commented that he agreed with Mr. McDonald's statement considering the ordinance was adopted in 1977 and with inflation, the \$350 seemed to be reasonable.

Mr. Taylor's motion was defeated by a 3-2 roll call vote with Messrs. Frink and Taylor voting aye.

Mr. Edwards stated that he would reluctantly support Mr. DePue's motion because he felt that the heirs might be able to pay the taxes even though their parents were not.

Mr. Bartlett stated that he opposed the deferral program because it will cost as much to administer the program as will be collected in taxes. He said that he would support the motion for the \$350 exemption program.

Mr. DePue's motion carried by a unanimous roll call vote with the understanding that the changes would be incorporated into the ordinance.

AAJ927

APR 27 1981

BOARD OF SUPERVISORS
 JAMES CITY COUNTY
 VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING CHAPTER 18, TAXATION, ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors that the Code of the County of James City, Article II, Exemptions of Certain Persons From Real Estate Taxes, be and the same is, hereby, amended and reordained by amending Article II to read as follows:

CHAPTER 18

TAXATION

ARTICLE II

EXEMPTIONS OF CERTAIN PERSONS FROM REAL ESTATE TAXES

Section 18-8. Age limit.

Real estate, or any portion thereof, owned by and occupied as the sole dwelling of a person or persons not less than sixty-five (65) years of age or a person who is determined to be permanently and totally disabled as provided herein shall be exempt from real estate taxes in the amounts as set forth elsewhere in this article.

Section 18-9. Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

Income: The term "income" as used herein means income from whatever source derived, including, but not limited to, social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the state supplemental retirement system.

Net combined financial worth: The term "net combined financial worth" means the fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in Section 18-10 hereof. Such term includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

Permanently and totally disabled: A persons shall be deemed "permanently and totally disabled" if he is so certified as required in Section 18-12 and is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Section 18-10. Qualifications for exemption.

Such exemption may be granted for any year following the date that the head of the household and/or his or her spouse occupying such dwelling, to include permanently-sited mobile homes, as defined in Section 58-76.1 Reference: Code of Virginia, 1950, as amended, and owning title or partial title thereto, reaches the age of sixty-five (65) and in addition:

- (a) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed thirteen thousand, five hundred dollars (\$13,500.00); provided, that the first four thousand dollars (\$4,000.00) of income of each relative, other than the spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.
- (b) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated does not exceed forty-five thousand dollars (\$45,000.00).

Section 18-11. Amount of exemption.

Any person or persons qualifying under Section 18-10 shall be exempt from real estate taxes; provided, however, that no such exemption shall exceed three hundred fifty dollars (\$350.00).

Section 18-12. Application.

Any person or persons claiming such exemption shall file annually with the Commissioner of Revenue of the county, on forms to be supplied by the county, an affidavit setting forth the names of the related persons occupying such real estate; provided, that the total combined net worth, including equitable interests and the combined income from all sources, of the person or persons as specified in Section 18-10 does not exceed the limits prescribed in this article.

If such person is under sixty-five (65) years of age, such form shall be attached thereto a certification by the social security administration, Veterans Administration, or Railroad Retirement Board, or if such person is not eligible for social security, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as defined in Section 18-9, and that at least one of the medical doctors has physically examined the applicant.

Such affidavit shall be filed on or after the first day of February, but not later than the first day of May of each year in which an exemption is sought except that the Commissioner of Revenue is authorized to accept affidavits until the first day of June for first-time applicants or in the case of hardships.

The Commissioner of Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefor as specified in this article. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then current taxable year and the taxable year immediately following. A qualified applicant shall not be deemed to have violated any limitation or condition if said applicant is confined to a nursing home or hospital and the property is not used by or leased to others for consideration.

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

AAJ927

F. CONSENT CALENDAR

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

1. CASE NO. CUP-5-81 - Conditional Use Permit for Mobile Home -
Mr. Ronald H. Bozzell

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, Virginia, that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant, as described below, and as detailed in the attached application and site location map:

Applicant:	Ronald H. Bozzell
Tax Map ID:	(12-2)(3-5)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

2. CASE NO. CUP-9-81 - Conditional Use Permit for Mobile Home -
Mr. Alan W. Miller

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 or developed by the applicant, as described below, and as detailed in the attached application and site location:

Applicant:	Alan W. Miller
Tax Map ID:	(1-5)(23-2)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A

3. CASE NO. CUP-10-81 - Conditional Use Permit for Mobile Home -
Mr. James E. Wilkerson

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, Virginia, that a Conditional Use Permit be granted for the placement of a mobile home on property owned or developed by the applicant, as described below, and as detailed in the attached application and site location:

Applicant:	James E. Wilkerson
Tax Map ID:	(10-1)(1-23B)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

4. Proposed Amendment to Chapter 6, Fire Protection

This item was scheduled for a public hearing on June 8, 1981.

G. BOARD CONSIDERATIONS

1. FY 1982 Budget Appropriation Resolution

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He asked the Board to adopt two appropriation resolutions for General Fund activities and Revenue Sharing which included the amendments adopted by the Board of Supervisors. He said that the resolutions authorize the activities of the General Fund, the Capital Projects Fund, the Revenue Sharing Fund, the Public Assistance Fund and the Debt Service Fund. Mr. McDonald pointed out that he would like the Board to acknowledge two adjustments within the General Fund. The first is in the General Fund category of General Property Taxes where Machinery and Tools as shown is overstated by \$90,000 due to the misclassification of an adjustment to Real Property Taxes (\$45,000) and the inclusion, in that category, of mobile home taxes (\$45,000). On the second matter Mr. McDonald stated that the staff understated the need for a General Fund contribution to Debt Service by \$27,995. He asked the Board to allow him to create a line-item for debt service within the non-departmental category and reduce the contingency by a like amount.

Mr. DePue moved to approve the resolution of appropriation.

Mr. Taylor stated that he would vote against the resolution of appropriation because he would have preferred to have the 78¢ tax rate, which he indicated at budget work sessions.

Mr. Bartlett stated that he would support the budget because the county would have the 78¢ tax rate if it wasn't for the anticipated court battle on annexation.

AAJ927

Mr. DePue commented that although he voted against last year's budget, he moved to support this year's budget because the trend of this year's budget has the number of new positions down from previous years and the capital improvements is also down from last year. He commended the County Administrator for the budget process. He said that as for the 78¢ tax rate, he shared Mr. Taylor's opinion, and in the event the money is not needed for a court battle on annexation, he'd like to see the tax rate at 78¢.

The motion carried by a 4-1 roll call vote with Mr. Taylor voting no.

RESOLUTION OF APPROPRIATION

WHEREAS, the Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1981, and ending June 30, 1982, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations;

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

- (1) The following amounts are hereby appropriated in the General Fund for the office and activities in the amounts as shown below:

GENERAL ADMINISTRATION

Board of Supervisors	\$ 244,540
County Administration	200,720
County Attorney	67,930
Legal Services	65,000
Program Development/Evaluation	74,035
Personnel and Safety	103,245
General Registrar	33,910
Electoral Board/Elections	14,760
Special Projects	0
Data Processing	0
Total General Administration	\$ 804,140

FINANCIAL ADMINISTRATION

Office of Finance	\$ 198,705
Commissioner of Revenue	133,645
Real Estate Assessments	129,355
Treasurer	142,400
Total Financial Administration	\$ 604,155

PLANNING AND DEVELOPMENT

Planning and Development	\$ 197,345
VPI/SU Extension Service	55,295
Economic Development	48,400
Total Planning and Development	\$ 301,040

JUDICIAL ADMINISTRATION

Clerk of the Circuit Court	\$ 69,660
Commonwealth Attorney	47,035
Courts/Judicial	44,875
Total Judicial Administration	\$ 161,570

GENERAL FUND REVENUES

General Property Taxes	\$ 8,752,260
Other Local Taxes	1,434,300
Licenses, Permits and Fees	781,000
Fines, Interest and Rent	395,710
Revenues from the Commonwealth	2,391,485
Revenues from the Federal Government	2,500
Charges for Current Services	135,700
Miscellaneous Revenues and Refunds	30,000
State and Federal Funds for Education	4,502,000
Carry forward Funds	<u>968,700</u>
Total General Fund Revenues	\$19,393,655

- (3) That the following amounts are hereby appropriated for the funds as indicated in the amounts as shown below:

CAPITAL IMPROVEMENTS FUND

Revenues:

From Revenue Sharing	\$ 683,000
From General Fund	968,700
Reappropriated	<u>55,000</u>

Total Capital Improvement Fund Revenues	\$ 1,706,700
---	--------------

Expenditures:

Fire Protection	\$ 185,000
Dirt Streets	49,600
Refuse Control	545,000
Recreation	37,100
Utility Development	848,000
Education	<u>42,000</u>

Total Capital Improvement Fund Expenditures	\$ 1,706,700
---	--------------

DEBT SERVICE FUND

Revenues:

From Sanitary District No. 1	\$ 13,165
From the General Fund	592,995
Bond Sinking Fund Balance	100,000
Interest	<u>10,000</u>

Total	\$ 716,160
-------	------------

Expenditures	\$ 716,160
--------------	------------

Total	\$ 716,160
-------	------------

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:

From the General Fund	\$ 1,008,685
-----------------------	--------------

Total Virginia Public Assistance Fund Revenues	\$ 1,008,685
--	--------------

Expenditures:

Administration and Assistance	\$ 1,008,685
-------------------------------	--------------

Total Virginia Public Assistance Fund Expenditures	\$ 1,008,685
--	--------------

AAJ927

PUBLIC SAFETY

Sheriff	\$ 520,940
Police Department	178,890
City-County Jail	13,200
Fire Department	926,435
Emergency Medical Services	220,285
Civil Defense	46,385
Animal Control	43,185
Central Dispatch	<u>71,225</u>

Total Public Safety \$ 2,020,545

PUBLIC WORKS

Public Works	\$ 202,710
Building Inspections	119,535
Refuse Disposal	407,985
Mosquito Control	25,060
Buildings and Grounds	322,205
Maintenance Garage	<u>53,165</u>

Total Public Works \$ 1,130,660

PUBLIC HEALTH AND WELFARE

Education	\$11,072,050
Mental Health/Retardation	123,965
Social Services	<u>1,008,685</u>

Total Public Health and Welfare \$12,204,700

PUBLIC SERVICES

Recreation/Cultural	\$ 280,635
Community Services	<u>161,510</u>

Total Public Services \$ 442,145

NON-DEPARTMENTAL \$ 516,000

TOTAL RECURRING EXPENSES \$18,184,955

ADMINISTRATION

Capital Projects	\$ 968,700
Legal Contingency	<u>240,000</u>

TOTAL GENERAL FUND \$19,393,655

- (2) That the tax rates be set on the following property for the amounts shown below and revenues appropriated in the following Classifications:

TAX RATES

Real Estate on each \$100 Assessed Value	\$.82
Tangible Personal Property on each \$100 Assessed Value	4.00
Machinery and Tools on each \$100 Assessed Value	4.00

- (4) The County Administrator be authorized to transfer funds and personnel from time to time within the offices and activities delineated in this resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
- (5) The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors with a 9.5% cost-of-living increase, to be granted effective July 1, 1981.

Mr. Bartlett moved to approve the resolution for Revenue Sharing. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

Revenue Sharing Appropriation

WHEREAS, the Administrator has prepared a Proposed Capital Improvements Budget for the fiscal year beginning July 1, 1981, and ending June 30, 1982; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, that the following amounts are hereby appropriated from the Revenue Sharing Trust Fund for the purposes as set forth in the FY 1982 Capital Improvements Budget and as indicated below:

TOTAL REVENUE SHARING REVENUES:	\$700,000
---------------------------------	-----------

TOTAL REVENUE SHARING EXPENDITURES:	
-------------------------------------	--

Federal Grant Development	17,000
Contributions to Capital Improvement Fund	683,000
Utility Development	210,000
Refuse Disposal	159,300
Education	42,000
Recreation	37,100
Fire Protection	185,000
Dirt Streets	49,600

2. Music Festival - B & G Productions

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She stated that this item was deferred at the Board's April 13, 1981 meeting. She said that the staff has not received any additional comments other than the letter that came in on April 27, 1981 addressed to Board members. Mrs. Burcham said that the staff recommends approval of the application.

Mr. DePue moved to approve the application. He commented that citizens should closely scrutinize such activities and voice their concerns before such activities are approved.

The motion carried by a 4-1 roll call vote with Mr. Taylor voting no.

3. Advances by County to Sanitary District No. 1

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He said that this item was deferred at the Board's April 13, 1981 meeting because of the Board's concern of the possible impact it could have on York County. He explained that the Joint Sanitary District No. 1 operates on funds contributed by James City County, Sanitary District No. 1 and York County, and how the county chooses to contribute to the

AAJ927

District is up to the County. Mr. McDonald said that the county's actions in this instance would not have a negative impact upon York County. He asked the Board to adopt a resolution authorizing a repayment schedule of \$5,000 per year beginning in FY 1982.

Mr. Bartlett moved to approve the resolution.

Mr. DePue stated that he would vote against the motion because he does not feel the county would be accomplishing much by this repayment schedule. He said that it would merely be symbolic and does not seem fair to declare these previous advances as a debt.

Mr. Taylor said that he would support the motion because he feels the county should not have give-away programs and even though it is a small amount to collect, it is nevertheless an obligation which should be repaid.

R E S O L U T I O N

ADVANCES BY COUNTY TO SANITARY DISTRICT NO. 1

WHEREAS, the Board of Supervisors of James City County had previously advanced funds of \$41,034.54 to the County Sanitary District No. 1; and

WHEREAS, the current cash balance of the District and expected revenues of the District will allow repayment on a scheduled basis:

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County declares that \$41,034.54 in advances to Sanitary District No. 1 shall be repaid on the following schedule

July 1, 1981	\$6,034.54
July 1, 1982	5,000.00
July 1, 1983	5,000.00
July 1, 1984	5,000.00
July 1, 1985	5,000.00
July 1, 1986	5,000.00
July 1, 1987	5,000.00
July 1, 1988	5,000.00

4. Extension of the James City Service Authority Service Area

Mr. John E. McDonald, Assistant to the County Administrator, presented this matter to the Board. He said that the staff is asking that the Board of Supervisors expand the present boundaries of the James City Service Authority would would create Project Area No. 5 and would allow the Authority to build, maintain, and operate water and sewerage systems. He asked Mr. Deward Martin, Water Development Engineer, to point out the areas.

Mr. Martin pointed out the areas to the Board members. He said the expansion would involve going up Mill Creek, then Route 168 to Route 645 - back down Route 168 to the York County line and back to Lightfoot. He said by doing this the Authority would be able to serve Sand Hill Temple Hall, Quail Run and Racefield subdivisions in the future. Mr. Martin concluded that Interstate 64 would be used as a boundary, to Route 601, 603 then back to Route 610, then to Project Area No. 2.

A brief question and answer period followed. Mr. Frink asked if existing developments would be affected in these areas, and what would happen is someone wants to put in a private water system.

Mr. Morton said that if no services were available in a particular area there would be no effect at all in either case.

Mr. Oliver commented that if someone wanted to put in a private water system, the county could request that it be dedicated to the county.

Mr. McDonald pointed out that this expansion would only give the Authority the option of considering various actions, the Board of Directors would have to consider any specific projects.

Mr. Taylor asked why areas other than Sand Hill are being included.

Mr. Oliver said that the staff is trying to minimize the necessary paperwork.

Mr. DePue moved to approve the resolution. The motion carried by a 4-1 roll call vote with Mr. Taylor voting no.

R E S O L U T I O N

EXTENSION OF SERVICE AREA - PROJECT AREA NO. 5 JAMES CITY SERVICE AUTHORITY

WHEREAS, the Board of Supervisors of James City County by Resolution adopted June 30, 1969, created the James City Service Authority, the boundaries of which are set forth in said Resolution and in subsequent amendments; and;

WHEREAS, the said Board is desirous of expanding the boundaries of the James City Service Authority pursuant to Section 15.1-1247 of the Code of Virginia, 1950, as amended; and

WHEREAS, the said Board held a public hearing on the 13th day of April, 1981, in accordance with the above section;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby establishes the following as the boundary description of Project Area No. 5:

Beginning at the intersection of State Route 610 and State Route 631; thence west along State Route 610 to State Route 603; thence north along State Route 603 to State Route 601; thence northwest along State Route 601 to Interstate I-64; thence southeast along Interstate I-64 to the current westerly boundary of James City Service Authority Project Area No. 2 as defined by Resolution of the Board of Supervisors on July 11, 1977 and thence along said boundary line to the point of beginning.

H. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards asked if anyone in the audience wished to address the Board on any matter. No one chose to speak.

Ms. Darlene L. Burcham, Assistant to the County Administrator, stated that the Peninsula Alcohol Safety Action Program has filed an application with the Department of Transportation and Safety to apprehend those persons driving under the influence and funds have been set aside and allocated to each jurisdiction. She asked the Board to authorize the County Administrator to submit the application.

The Board agreed to the submittal of the application.

REDISTRICTING

Mr. Edwards presented the Board with information concerning redistricting. He said that if it is acceptable, the changes in his memorandum would be advertised. He said that he had hoped to wait to redistrict until an annexation agreement was finalized, but since Williamsburg is apparently changing their position it is no longer possible to wait. He said that if Board members agreed with his proposal it would be advertised for the public hearing.

Mr. DePue stated that the figures for each district should be more in line. He said it would be better to leave the districts closest to Williamsburg over the maximum population.

Mr. Edwards stated that the redistricting must be done by July 1981.

AAJ927

Mr. Morton pointed out that the Virginia Association of Counties suggests that for each county that intends to redistrict, it must be acknowledged by May 18, 1981.

Mr. DePue stated he strongly feels the figures should be brought closer to the optimum.

Mr. Edwards said that it is almost impossible to guess at the adjustments taking annexation into consideration.

Mr. Taylor said that if Mr. Edward's proposal meets the criteria, then it should be used for the advertisement.

Mr. DePue agreed to the advertising of the redistricting proposal. Mr. Edwards moved to have the proposal advertised.

Mr. Morton pointed out that if the legal guidelines for advertising could not be met by May 11, 1981, it might be necessary to hold a special meeting.

The motion carried by a unanimous roll call vote.

K. JOINT MEETING OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY AND THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY

With the Board of Supervisors meeting still in session, Mr. Frink called to order the meeting of the James City Service Authority. The following members were present:

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

BOARD CONSIDERATIONS

K-1 Mooretown/Forest Glen Water and Sewer Improvements

Mr. John E. McDonald, Assistant to the County Administrator, presented the Boards with this matter. He provided the Boards with a breakdown of the water and sewer financing for Mooretown and Forest Glen. He asked that the Board of Directors approve two resolutions. The first would authorize the Secretary to the Board to proceed with the detailed engineering plans, procurement of easements and to solicit bids for construction and to pursue short-term financing proposals for construction of the systems. He said that the second resolution would authorize the County Administrator to allow Small Engineering, Inc. to proceed with the development of plans for the water and sewer systems.

A brief discussion followed.

As a member of the Board of Directors, Mr. Bartlett moved to approve the two resolutions. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

ACCEPTANCE OF FARMERS' HOME LOAN/GRANT
MOORETOWN/FOREST GLEN

WHEREAS, the Board of Directors of the James City Service Authority has received final approval of a loan/grant package for the Farmers' Home Administration;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the James City Service Authority does hereby accept, under conditions established by the Farmers' Home Administration, a loan in the amount of \$612,000 and a grant in the amount of \$198,000 for the purpose of constructing and improving water systems in the communities of Forest Glen and Mooretown and for improvements to the sewerage system in Forest Glen; and

BE IT FURTHER RESOLVED, that the Secretary be authorized to proceed in the creation of detailed engineering plans, and the procurement of easements and the solicitation of bids for construction; and

BE IT FURTHER RESOLVED, that the Secretary be directed to pursue short-term financing proposals for the construction of the systems.

R E S O L U T I O N

AUTHORIZING ENGINEERING FOR
MOORETOWN AND FOREST GLEN WATER AND SEWER

WHEREAS, the James City Service Authority has received confirmation of grant and loan funds for the Mooretown/Forest Glen Project dated March 13, 1981; and

WHEREAS, contracts for engineering services for water and sewer systems were previously approved and submitted with the application and said contracts with Small Engineering, Inc., indicated total fees for the water and sewer project of \$32,480.00.

THEREFORE, BE IT RESOLVED that the County Administrator is authorized to issue a proceed order to Small Engineering, Inc., for the development of plans and specifications for water and sewer systems as indicated for the subject project.

K-1A Forest Glen Project

Mr. McDonald explained that the Board of Supervisors appropriated \$633,000 of Community Development funds for the Forest Glen Project, but since that time the Board of Directors of the Service Authority has received approval of a Farmers Home Administration Grant/Loan totaling \$407,500 for Forest Glen water and sewer improvements. He said that receipt of those funds will free the HUD funds that were previously submitted to utilities so he presented the Board with a revised Forest Glen Budget, still totaling \$633,000 but the monies appropriated differently. He asked the Board of Supervisors to adopt three resolutions. The first would authorize the County Administrator to execute the necessary agreements and contracts to carry out the Forest Glen Project; the second resolution would appoint the firm of Stone, Bland and Pugh as legal counsel in regard to the Forest Glen Project, and the third resolution would allow the county to purchase a lot in Forest Glen for the purpose of storage of construction materials and equipment for a future maintenance center.

As a member of the Board of Supervisors, Mr. Taylor moved to approve the resolutions. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

Forest Glen Project

WHEREAS, the Board of Supervisors of James City County on January 26, 1981, appropriated as Community Development revenue certain funds for the Forest Glen project, and

WHEREAS, it is anticipated that Farmers Home Grant/Loan funds will be available for the project necessitating the amendmend of the prior resolution.

NOW, THEREFORE, BE IT RESOLVED that conditioned upon receipt of Farmers Home Grant/Loan funds in the amount of \$407,500, the budget for the Forest Glen project shall be revised as follows:

AAJ927

Administration	\$ 85,000
Street Improvement	212,650
Drainage Improvement	85,500
Water Connection	46,600
Sewer Connection	111,500
Recreation	21,750
Rehabilitation	<u>70,000</u>
	\$633,000

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized to execute the necessary agreements and contracts to carry out eligible Community Development activities under the Housing and Community Development Act of 1977, as amended.

R E S O L U T I O N

Forest Glen Neighborhood Improvement Project/ Appointment of Counsel

WHEREAS, Forest Glen Community Development Program requires the retention of certain legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it hereby appoints and authorizes William R. Bland of the firm of Stone, Bland and Pugh, Attorneys at Law, to act as the agent and attorney for said County for the purposes of instituting condemnation proceedings, settlement of condemnation suits, the searching of titles on property to be acquired and any and all related work to be done under the HUD grant.

R E S O L U T I O N

Purchase of Lot 89, Forest Glen - Section Four

WHEREAS, it is necessary and desirable to acquire Lot No. Eighty-Nine (89) for the purpose of storage of construction materials and equipment and for a future maintenance center for the Forest Glen neighborhood; and

WHEREAS, funds are available for land acquisition associated with and necessary for the Forest Glen Revitalization Project, said funds being a part of HUD Community Development Block Grant; and

WHEREAS, Section 15.1-285 of the Code of Virginia, 1950, as amended, requires the appointment of counsel for purposes of examining the title to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County as follows:

1. That William R. Bland, Jr., of the firm of Stone, Bland and Pugh, be appointed for purposes of examining and approving the title to said property.

2. That upon the proper certification of the title, the County Board of Supervisors hereby authorizes the expenditure of \$1,500 from the HUD Project funds for the purchase of Lot No. Eighty-Nine (89), Section Four Forest Glen from the United States of America, Department of Agriculture, Farmers Home Administration; and
3. That the Chairman of the Board of Supervisors and the County Administrator are authorized to execute the necessary documents to accomplish the purchase of said Lot 89.

Joint Resolution of the James City Service Authority and the Board of Supervisors

Mr. McDonald asked the Boards to adopt a joint resolution appointing the firm of Stone, Bland and Pugh as legal counsel in the installation of the Route 60 West Water System.

As a member of the Board of Supervisors and the Board of Directors, Mr. Taylor moved to approve the resolution. The motion carried by a 5-0 roll call vote.

RESOLUTION

Joint Resolution of the James City Service Authority
and the Board of Supervisors

Water Main--U. S. Route 60 West
Connecting Longhill Road and Toano Water System

WHEREAS, the Board of Supervisors and Board of Directors deem it appropriate to appoint counsel for the purpose of providing certain legal services in the installation of the Route 60 West water main.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority that they hereby appoint and authorize William R. Bland of the firm of Stone, Bland and Pugh, Attorneys at Law, to act as the agent for the County and the Authority for purposes of acquiring title either through negotiation or the institution of condemnation proceedings, and in the settlement of such suits.

K-2 Extension of Water to the Sand Hill Subdivision

Mr. John E. McDonald, Assistant to the County Administrator, also presented this matter to the Boards. He asked the Board to extend the current Toano water system to the Sand Hill Subdivision and construct and operate a water distribution system that will be financed through contributions of lot owners in Sand Hill and constructed by the County through a contract awarded to the lowest bidder.

Mr. Deward Martin, Water Development Engineer, pointed out the four stages on a map. They are as follows:

1. Extension of the water line from Owens-Illinois north on Route 60. Financed by currently appropriated funds for the Route 60 West water extension through the deletion of the proposed double-barreling of water lines east of Toano. Constructed by Norcarva via a change order under the current Norcarva contract --cost \$58,000.
2. Extension of the water line from Route 60 West, across private property, to Route 168. Engineered by the County, the line would be

AAJ927

financed and constructed by the property owner and dedicated, with all easements, to the James City Service Authority—cost \$38,000.

3. Extension of the line from the point of entry on Route 168 to the entrance of the Sand Hill Subdivision. Engineered and constructed under a new construction contract (also including item 4) awarded by the County to the lowest bidder. Financed through reallocation of County Water Improvement funds from the Carriage Road Extension to the Earnestine Avenue area (temporarily suspended pending and agreement on annexation). It is anticipated that final funding can be accomplished through the Route 60 West Water Construction Contingency account—cost \$36,000.

4. Construction of a water distribution system within the Sand Hill Subdivision financed through contributions of lot owners in Sand Hill and constructed by the County through the contract executed in Stage 3—cost \$50,000. Minimum participation by the developer for 14 lots and by the homeowners for twenty lots is required.

Mr. McDonald asked the Board of Supervisors to authorize the Chairman and the County Administrator to execute the following agreements: (a) a change order to the current Norcarva contract to allow for the construction of Section 1; (b) authorization to prepare engineering drawings to solicit bids for construction of Sections 3 and 4 and (c) appropriate funds to allow for the construction of Sections 1, 3, and 4. Mr. McDonald asked the Board of Directors to authorize the Chairman and Secretary to execute the following agreements: (a) an agreement between the property owner and the Authority for the construction and dedication of Section 2, as described; (b) an agreement between the developer and the Authority to provide for the contribution of funds for the 14 developer owned lots in the subdivision; (c) a final agreement between the homeowners and the Authority to provide for the contribution of funds for a minimum of twenty privately owned lots in the subdivision; d) direct the staff to prepare for public hearing a complete operating policy for Project Area No. 5 and (e) to appropriate and allow for the transfer to the county of homeowner contributions.

A lengthy discussion ensued.

Mr. Taylor asked if the county would be supervising the entire project.

Mr. McDonald replied that it will be constructed according to county specifications.

Mr. Taylor asked if everything will be in writing.

Mr. McDonald replied that there is not a legal binding contract but there is a tentative agreement between the county, Sand Hill residents and the developer.

Mr. Edwards and Mr. DePue commented that he does not want the homeowners to be misled to believe that the money will be returned to them.

Mr. McDonald assured the Board that the residents of Sand Hill are not under that impression.

Mr. Walter J. Scruggs, Chairman of the Planning Commission, addressed this issue. He said that in his opinion, if the Board approves the staff's proposal, they would be stepping ahead of the Master Water Plan and this proposal would be more costly to the county in the long run.

Mr. DePue moved to approve the resolution for the Service Authority. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

SAND HILL WATER EXTENSION

WHEREAS, the Board of Directors of the James City Service Authority endorses the proposals to extend water from the current Toano water system to the Sand Hill Subdivision;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors authorizes the Chairman and Secretary to execute a contract with the property owner for the construction and dedication, to include rights-of-way, of a water line to connect the proposed County transmission main on Route 60 West to the proposed County transmission main on State Route 168, and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Chairman and Secretary to execute contracts with a minimum of twenty homeowners in the Sand Hill Subdivision and the developer of fourteen currently unimproved lots for purposes of obtaining guarantees that financing will be available to allow the construction of a water distribution system; and

BE IT FURTHER RESOLVED that the Board of Directors appropriates such revenues and expenditures as are listed below for the purposes of financing the construction of a distribution system:

Revenues:

Homeowner and Developer Contribution	\$50,000
--------------------------------------	----------

Expenditures:

Contribution to County for Water Development Construction	\$50,000
---	----------

Mr. Bartlett moved to approve the resolution for the Board of Supervisors. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

AUTHORIZATION OF FUNDING FOR THE SAND HILL PROJECT

WHEREAS, the James City County Board of Supervisors endorses the proposal to extend water to the Sand Hill Subdivision; and

WHEREAS, other parties have agreed to contribute funds for extension of said water main to the Sand Hill Subdivision and commitments have been made in writing; and

WHEREAS, it has been determined that a section of 12" main previously bid on Route 60 below Toano can be deferred to some future date, thereby leaving a surplus of \$65,000 in the Route 60 West Budget funds; and

WHEREAS, it has been determined that previously appropriated funds in the amount of \$36,000 are available from the suspended Carriage Road Extension Project.

THEREFORE, BE IT RESOLVED that the County Administrator is authorized to transfer funds in the amount of \$60,000 from the Route 60 West budget to be used for constructing the 12" main for the Sand Hill Project, and is authorized to execute a Change Order with Norcarva Constructors for the revised line location; and

BE IT FURTHER RESOLVED that the Chairman and the County Administrator be authorized to execute such engineering agreements as are necessary to solicit bids for the construction of a 12" main on Route 168 and the water distribution mains in the Sand Hill Subdivision; and

AAJ927

BE IT FURTHER RESOLVED that, in addition to the obligation of previously appropriated Capital Project Funds, the following funds be appropriated in the amounts listed for the construction of the distribution system:

Revenues:
Received from the James City Service Authority \$50,000

Expenditures:
Water Construction - Sand Hill \$50,000

BOARD CONSIDERATION FOR THE JAMES CITY SERVICE AUTHORITY

1. Liens - Sanitary District No. 3

Mr. Morton, County Attorney, asked the Board of Directors to approve a resolution directing that delinquent charges be entered in the Judgement Lien Docket of the Clerk's Office of James City County. He added that these charges have been certified by the Utility Finance Officer.

Mr. Edwards moved to approve the resolution. The motion carried by a 4-0 roll call vote with Mr. Bartlett abstaining due to his involvement with the United Virginia Development Corporation.

R E S O L U T I O N

Sanitary District No. 3 - Liens

WHEREAS, the Department of Finance has certified to the Board of Directors of the County of James City that the following sewer accounts in James City County Sanitary District No. 3 are delinquent and unpaid;
and

WHEREAS, such unpaid or delinquent charges are a lien against the real property on which the use of such system and for which the charges were imposed.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 21-118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Directors directs that the following delinquent charge for use of the Sanitary District No. 3 system be entered in the Judgment Lien Docket of the Clerk's Office of James City County, Virginia:

Account Numbers:	016-02-0113000	United Virginia Development
	016-03-0001000	Corporation
	016-03-0002000	Suite 202
	016-03-0003000	900 Commonwealth Place
		Virginia Beach, VA 23464

Description of Properties:

113 Smokehouse Lane
Lot 28, Gatehouse Farms

Amount Due:	Water	\$ 48.00
	Sewer	67.50
	Penalty	<u>11.55</u>
		\$127.05
	Lien Fee	<u>.50</u>
	Total	<u>\$127.55</u>

1 Guesthouse Court
Lot 34, Gatehouse Farms

179

Amount Due:	Water	\$205.90
	Sewer	67.50
	Penalty	<u>27.34</u>
		\$300.74
	Lien Fee	<u>.50</u>
	Total	<u>\$301.24</u>

2 Guesthouse Court
Lot 35, Gatehouse Farms

Amount Due:	Water	\$169.86
	Sewer	67.50
	Penalty	<u>23.73</u>
		\$261.09
	Lien Fee	<u>.50</u>
	Total	<u>\$261.59</u>

3 Guesthouse Court
Lot 36, Gatehouse Farms

Amount Due:	Water	\$168.96
	Sewer	67.50
	Penalty	<u>23.65</u>
		\$260.11
	Lien Fee	<u>.50</u>
	Total	<u>\$260.61</u>

The Board of Directors of the Service Authority agreed to meet at 6:00 P.M. on May 11, 1981 to hold a work session on the Utility Budgets for FY 1982.

There being no further business, Mr. Taylor moved to adjourn the meeting of the James City Service Authority. The motion carried by a 5-0 roll call vote.

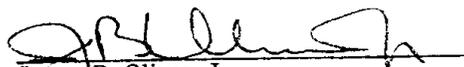
The Service Authority meeting ADJOURNED at 5:50 P.M.

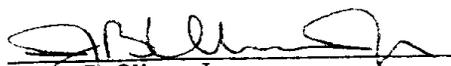
Mr. Oliver informed the Board of Supervisors that their regular meeting of May 25, 1981 falls on Memorial Day. He suggested that the meeting be rescheduled to May 26, 1981 at 3:00 P.M. The Board concurred with the request.

The Board of Supervisors also agreed to meet as the Board of Directors of the James City Transit Company at 5:30 P.M. on May 11, 1981.

Mr. Taylor moved to adjourn. The motion carried by a 5-0 roll call vote.

The meeting ADJOURNED at 5:55 P.M.


James B. Oliver, Jr.
Clerk to the Board


James B. Oliver, Jr.
Secretary

AAJ927