

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY-THREE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Powhatan District
 Abram Frink, Jr., Roberts District
 Jack D. Edwards, Berkeley District
 Thomas D. Mahone, Jamestown 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

ORGANIZATIONAL MEETING

Mr. Oliver called the meeting to order at which time he opened the floor for nominations for Chairman of the Board of Supervisors.

Mr. Edwards nominated Mr. DePue.

There being no other nominations, Mr. Oliver closed the floor for nominations for Chairman.

On a roll call, the vote was: AYE: Frink, Edwards, Mahone, Taylor (4). Mr. DePue abstained.

Mr. DePue then opened the floor for nominations for Vice-Chairman of the Board of Supervisors.

Mr. Edwards nominated Mr. Frink.

There being no other nominations, Mr. DePue closed the floor for nominations for Vice-Chairman.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. Frink made a motion to approve the resolution adopting the regular meetings of the Board of Supervisors and the Roberts' Rules of Order procedures in Small Boards.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

ORGANIZATION MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the following rules shall apply for the year 1983:

1. Regular meetings of the Board shall be held on the second Monday of each month at 7:30 P.M. and fourth Monday of each month at 3:00 P.M. in the Board Room of the James City County Government Center; provided, however, that in the months of October and December the meetings shall be held on the following dates:

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October 17th at 7:30 P.M.
 October 31st at 3:00 P.M.

December 5th at 7:30 P.M.
 December 19th at 3:00 P.M.

2. That the Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1970 at p. 405 as follows:

Procedures in Small Boards. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

B. **MINUTES**

1. December 9, 1982 (Board of Supervisors/City Council)
2. December 13, 1982 (Work Session)
3. December 27, 1982

Mr. DePue asked the Board members if there were any corrections or additions to the minutes. Mr. Mahone stated that in the Minutes of December 13, 1982 that a change be made to read: "Mr. Mahone and Mr. Taylor encouraged reduction in revenue growth be offset by a reduction in certain program expenditures." He then made a motion to approve the three sets of Minutes.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

C. **CONSENT CALENDAR**

Mr. DePue asked the Board if there were any items they wished to have removed from the Consent Calendar. Mr. Taylor requested Item No. 2 be removed so that citizens wishing to speak concerning the item might do so.

Mr. Mahone moved for the approval of the remaining items on the Consent Calendar.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

1. Blue Grass Festival - Set Public Hearing Date - February 4, 1983
 3. Case No. CUP-63-82. Daniel A. Yates

R E S O L U T I O N

CONDITIONAL 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 owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Daniel Yates
Real Estate Tax Map No:	(10-2)
Parcel No:	(1-6)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None.

4. Case No. CUP-64-82. Tommy Thompson

R E S O L U T I O N

CONDITIONAL 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 owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Tommy Thompson
Real Estate Tax Map No:	(36-1)
Parcel No:	(1-8)
District:	Powhatan
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None.

2. Case No. CUP-62-82. William D. Patterson

Mr. Taylor stated there were a few residents who wished to speak concerning this case.

The following citizens in the Burnham Woods area spoke concerning the need for guidelines for placing temporary and permanent mobile homes in their area.

Mr. Bruce Wilson, Box 114, Toano
 Mr. Bill Duer, Box 127, Toano
 Mr. Jack Ford, Box 112, Toano

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Mr. DePue said the Planning Commission will report back to the Board with guidelines for obtaining a special use permit for a mobile home, which will include notification of adjacent property owners.

Mr. Morton suggested the conditions in this particular permit be changed to add at the end "provided, however, this permit shall in no event extend beyond January 1, 1984."

Mr. Edwards made a motion to approve the application with the amended condition.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

CONDITIONAL 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 owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Darrell Holifield/ Mr. William D. Patterson
Real Estate Tax Map No:	(12-1)
Parcel No:	(1-6)
District:	Stonehouse
Zoning:	A-1, Low Density Residential; adjacent to a commercial area
Permit Term:	Completion date June 30, 1983 or completion date of construction of house; provided, however, this permit shall not in no event ex- tend beyond January 1, 1984.
Further Conditions:	None.

D. **BOARD CONSIDERATIONS**

1. Request for Zoning Change

Mr. Wayland N. Bass, Director of Public Works, presented this matter to the Board of Directors previously requesting authorization for the staff to apply for rezoning for the referenced parcels.

Mr. Edwards moved for the approval of the resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

CHANGE IN ZONING

WHEREAS, the property recently purchased adjacent to the County Warehouse-Shop, Tax Map Number (39-1) (1-3), is zoned A-2 and M-1; and

WHEREAS, the uses intended for this property are permitted under the M-1 zoning and not under the A-2 zoning,

NOW, THEREFORE, BE IT RESOLVED a zoning change from A-2 to M-1 be requested for the above referenced property.

2. Adoption of CDBG Loan Program Agreement

Ms. V. Jan Rountree, Community Development Director, presented this matter to the Board recommending that the Board approve the resolution directing and authorizing the County Administrator to execute the VHDA Loan Program Agreement and to implement the same.

Mr. Frink moved for the approval of the resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

HOUSING REHABILITATION PROGRAM CDBG LOAN PROGRAM AGREEMENT

WHEREAS, the Housing and Community Development Acts of 1977 and 1980, as amended, provide James City County, Virginia with Federal assistance in the form of Community Development Block Grant Funds to carry out eligible community development activities under said acts; and

WHEREAS, James City County has elected to perform housing rehabilitation activities including the provision of loans and grants to property owners within the County's Community Development Block Grant areas and has established procedures for same; and

WHEREAS, the Virginia Housing and Development Authority is willing to assist the County in performing these housing rehabilitation activities, particularly in the provision of loan financing to eligible property owners;

THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors authorize and direct the County Administrator to execute the Virginia Housing Development Authority CDBG Loan Program Agreement and to perform such duties as may be necessary to implement same.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

JAMES CITY COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT

LOAN PROGRAM AGREEMENT

THIS AGREEMENT made and entered into as of the _____ day of _____, 1983 by and between VIRGINIA HOUSING DEVELOPMENT AUTHORITY, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "Authority") and James City County, Virginia (hereinafter referred to as the "County").

WITNESSETH:

WHEREAS, pursuant to the Virginia Housing Development Authority Act, as amended, being Chapter 1.2 of Title 36 of the Code of Virginia, 1950, as amended, (hereinafter referred to as the "Act"), the Authority is authorized in the furtherance of its stated purposes to make loans to eligible borrowers of low and moderate income, to receive and accept aid, grants, contributions, and cooperation of any kind from any source, and to enter into agreements with any locality to assist in the administration of loan programs involving the rehabilitation of residential housing, however funded; and

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WHEREAS, the County intends to establish a loan program utilizing Community Development Block Grant ("CDBG") funds in order to serve low and moderate income families and individuals within certain designated low and moderate income target neighborhoods (the "Program") using certain services, facilities, and expertise of the Authority in the making of such loans.

NOW, THEREFORE, in consideration of the warranties, covenants and commitments herein contained, the parties hereto agree as follows:

1. The Authority hereby agrees to perform the functions enumerated herein below for or on behalf of the County in connection with the Program:

- a. The Authority will review, prior to the closing of the loans, all loan documents forwarded to it by the County.
- b. The Authority will prepare the promissory notes and security instruments which will be used in the Program. If approved, the Authority will issue a CDBG Loan Commitment to the borrowers and will return the loan documents to the Authority's Processing/Disbursing/Servicing Agent (hereinafter referred to as "PDS Agent") for execution by the borrowers.

2. The Agent shall, upon the direction of the Authority and pursuant to agreement between the Agent and the Authority, perform the following functions in connection with the Program:

- a. Establish a CDBG Loan account into which the County may deposit the CDBG funds with which Program Loans will be made.
- b. Issue checks to the County for disbursement to the borrowers and the approved contractor representing the proceeds of the CDBG Loans.
- c. Deposit and retain all loan repayments in the County's CDBG account to be used to make additional CDBG Loans.
- d. Keep an accurate account of all loans and all sums committed to borrowers in connection with the Program.
- e. Promptly notify the Authority and the County of any defaulted loan of which it may become aware.

3. The compensation to be paid to the Authority by the County for the Authority's services to be performed hereunder shall be equal to seventy-five dollars (\$75.00) per closed loan. A services fee of \$1.00 per loan per month shall also be paid by the borrower.

4. The County hereby agrees to undertake the following duties in connection with the program:

- a. Develop all policies necessary for the implementation of the Program.
- b. Accept all liability for the conduct of the Program and responsibility for monitoring compliance with the terms and conditions of the Program and federal requirements, including, but not limited to, the following:
 - i. Flood disaster protection
 - ii. Equal Employment Opportunity;
 - iii. Lead-based paint hazards;
 - iv. Clean Air Act provisions; Federal Water Pollution Control Act provisions;
 - v. Federal Labor Standards provisions;
 - vi. Nondiscrimination under Title VI of the Civil Rights Act of 1964;
 - vii. Obligations with respect to third party relationships such as contractors, loan applicants, prospective mortgagors, VNB mortgage (or such other PDS Agent approved for participation in this program) and credit reporting agencies directly involved in the origination of these loans.

- viii. Interests of federal officials;
- ix. Interests of members, officers or employees of grantee, members of local governing body, or other public officials; and
- x. Prohibition against payments of bonus or commission.

c. Indemnify and hold the Authority harmless for any loss or liability the Authority may incur to third persons in the Authority's performance of its duties under this Agreement, provided however, the liability shall not exceed the sum of five million for each occurrence or five million aggregate; and provided further that liability for property damage shall be limited to fifty thousand for each occurrence.

d. Deposit funds as are determined by the Authority to be necessary for the closing of CDBG Loans into an account established by the PDS Agent for that purpose.

e. Receive applications and referrals for James City County CDBG Loans. Each applicant for each loan shall have furnished the following:

1. Application
2. Employment and Income verification.
3. Cost of work to be performed
4. Details of work to be performed
5. Contract executed by the Contractor selected to perform the work.
6. A credit report on the applicant or applicants, an appraisal of the property for which rehabilitation is being sought, and a title search of said property.

f. Review all information in (e) 1 through 6 above, in an effort to determine the applicant's qualification for a loan and establishing an interest rate for the loan. In making this determination, the County shall use the County Rehabilitation Loan and Grant Guidelines and Underwriting Criteria attached hereto and made a part hereof.

g. Upon review of all information, the County shall make a decision regarding the applicant's eligibility for a James city County CDBG Loan, and if eligible the County shall forward all documentation to the Authority for loan commitment.

5. The servicing of Program Loans shall be performed by the PDS Agent pursuant to the terms of a separate Servicing Agreement.

6. This agreement and all of the responsibilities of the parties hereunder shall terminate on _____; however, notwithstanding the provisions of this paragraph 6, this agreement may be terminated for any reason by either party hereto prior to _____ upon thirty (30) days written notice to the other.

7. This document contains the entire agreement between the parties hereto. Any amendment hereto shall be in writing and executed on behalf of both parties hereto. The invalidity of any portion of this Agreement shall in no way affect the balance thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, by their duly authorized representatives, as of the date first above written.

3. Legislative Package for 1983

Mr. Allen A. Turnbull, Administrative Analyst, presented this matter to the Board stating there were three legislative items to be introduced: Salary of School Board Members, Change "Total True Value" in Basic Aid Funding Formula to "Total Taxable Value", and Request for Transfer of Land from Commonwealth of Virginia to James City County. He then reviewed the fourth item which the staff asked that the Board support: Authority to Raise Revenue.

Mr. DePue led a discussion on the "Total True Value" vs. "Total Taxable Value" of the Basic Aid Funding Formula.

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It was the concensus of the Board that each resolution be voted on separately.

Mr. Frink made a motion to approve the Salary of School Board Members Resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

SALARY OF SCHOOL BOARD MEMBERS

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to introduce legislation to amend Section 22.1-32 of the Code of Virginia to set new limits for the Salary of School Board Members. It is requested that the new limit for James City County be \$1,200 per year.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

Mr. Mahone made a motion to approve the Change "Total True Value" in Basic Aid Funding Formula to "Total Taxable Value" Resolution.

Mr. Edwards stated he could not support this item because he felt it should not be public policy to ask legislators to make up revenue based on a decision the County has made about a tax policy. He also stated the County should not be in the position of saying to the State that because they have given the County the descretion to tax different kind of properties in different way the State should provide the funds the County lost by making that choice.

Mr. Oliver stated his interpretation was the State wants localities to do things to encourage agriculture and forestry and it borders on being a soft State mandate.

After further discussion on the matter the Board voted on the Resolution.

On a roll call, the vote was AYE: Frink, Mahone, Taylor (3). NAY: DePue, Edwards (2). Motion passed by a 3-2 vote.

R E S O L U T I O N

CHANGE "TOTAL TRUE VALUE" IN BASIC AID FUNDING FORMULA
TO "TOTAL TAXABLE VALUE"

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the state and local government can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to introduce legislation changing "Total True Value" to "Total Taxable Value" as used to calculate the "Local Capacity to Pay Composite Index" in the Education Basic Aid Formula.

FURTHERMORE, BE IT RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

Mr. Frink moved for the approval of the Request for Transfer of Land from Commonwealth of Virginia to James City County Resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

REQUEST FOR TRANSFER OF LAND FROM
COMMONWEALTH OF VIRGINIA TO JAMES CITY COUNTY

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the State and local government can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to introduce legislation to transfer 21.31 acres of land, now part of Eastern State Hospital, to James City County for use as a community center facility.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

Mr. DePue made a motion to approve the Authority to Access Additional Revenue Sources Resolution.

Mr. Edwards suggested the Resolution be changed to replace the word "Access" with "Tax."

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

RESOLUTION

AUTHORITY TO TAX ADDITIONAL REVENUE SOURCES

WHEREAS, the goal of James City County is to provide for the health, safety, and welfare of its citizens, and

WHEREAS, legislation enacted by both the State and local government can facilitate the obtainment of this goal.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that the Board respectfully requests the honorable members representing James City County in the General Assembly to use their good offices to support legislation to extend to counties the authority to access the same revenue sources as cities now have.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to each member of the General Assembly representing James City County.

4. Sanitary District No. 1 Sewerage Project

Mr. John E. McDonald, Assistant to the Administrator, presented this matter to the Board stating the Joint Sanitary District No. 1 Board voted to endorse the project and project budget, and voted its intention to dissolve itself upon completion of the project.

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Mr. Frink stated as Chairman of the Joint Board, and Mr. Mahone also being a member, that they have given the project their approval. He then moved for the approval of the Resolution.

Mr. Oliver stated that the vote would be as the Sanitary District No. 1 Board.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

JOINT SANITARY DISTRICT SEWERAGE PROJECT

WHEREAS, the Joint Sanitary District Board of James City County and York County have recommended approval of a Sanitary District No. 1 Improvement Project; and

WHEREAS, a cost-sharing plan has been identified to finance the sewerage improvement plan.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County approves the Sanitary District No. 1 sewerage improvement project as proposed and endorses the following cost sharing plan as approved and recommended by the Sanitary District No. 1 Joint Board:

Environmental Protection Agency Grant	\$1,956,258
Hampton Roads Sanitary District	229,705
York County Sanitary District No. 1	451,907
James City County Sanitary District No. 1	24,904
	\$2,661,964

E. MATTERS OF SPECIAL PRIVILEGE

None.

F. REPORTS OF THE COUNTY ADMINISTRATOR

1. Semi-Annual Billing of Real Estate and Personal Property Taxes

Mr. Oliver stated the Board has been provided informational material requested by Mr. Frink concerning semi-annual billing of real estate and personal property taxes and there was no recommendation before the Board at this time.

Mr. Frink stated he requested the report as a result of inquiries from citizens who have hardships paying taxes on December 5.

Mr. Mahone and Mr. Taylor stated they were opposed to the semi-annual billing.

Mr. DePue requested a detailed report concerning the Treasurer's requirements and a staff recommendation on the report.

Mr. Oliver then requested at the appropriate time, the Board have an Executive Session to make board and commission appointments.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone requested an up-to-date copy of the Cable Franchise Agreement be made available in the James City County Records and Information Section of the Regional Library.

Mr. Mahone then made a motion to go into Executive Session to discuss board and commission appointments pursuant to Section 2.1-344(3) of the Code of Virginia, 1950, as amended.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

The Board convened into Executive Session at 8:40 P.M. and reconvened into Public Session at 9:35 P.M. at which time Mr. Edwards made a motion to appoint Mr. Mahone to the Planning Commission and to reaffirm the existing appointments that the Board members now hold.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

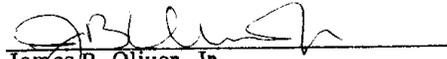
Mr. Edwards then made a motion to reappoint Brenda M. Martin to the Colonial Services Board for a three year term.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

Mr. Frink made a motion to adjourn.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone, Taylor (5). NAY: (0).

The meeting **ADJOURNED** at 9:40 P.M.


James B. Oliver, Jr.
Clerk to the Board

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