

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF MARCH, 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, Chairman, Powhatan District
 Abram Frink, Jr., Vice-Chairman, 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

Mr. DePue opened the meeting with invitations to residents to attend open house on Saturday, March 19, 1983 from 10:00 A.M.-3:00 P.M.

B. MINUTES - February 28, 1983

Mr. DePue asked the Board members if there were any corrections or additions to the minutes. As there were none, Mr. Mahone made a motion to approve the minutes as presented.

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

C. 1. Proclamation - American Red Cross Month

Mr. DePue read the Proclamation establishing March 1983 as American Red Cross Month.

Mr. Frink made the motion to approve the Proclamation.

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

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

A M E R I C A N R E D C R O S S M O N T H

WHEREAS, the American Red Cross has served James City County in many worthy and valuable ways and;

WHEREAS, for 102 years, the American Red Cross has been an essential ingredient of American life, helping us to learn, to grow, and to prosper, and in accordance with this year's theme: "The Red Cross. We'll Help. Will You?" All citizens of James City County are urged to donate their time and financial resources in support of Red Cross activities.

NOW, THEREFORE, BE IT PROCLAIMED by the Board of Supervisors of James City County, Virginia, that the month of March 1983 be proclaimed:

A M E R I C A N R E D C R O S S M O N T H

for James City County.

Mrs. Judith E. Trautman, Chairman of the Red Cross Area Chapter accepted the Proclamation and then presented the Board of Supervisors with a Certificate in appreciation of County employees and residents for providing immediate disaster relief to 185 students of Jefferson Hall victimized by fire on January 20, 1983.

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2. Resolution - Canada Time

Mr. Mahone made a motion to approve 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

CANADA TIME

WHEREAS, the concepts of self-government developed and brought into flower on the North American continent have drawn the citizens of Canada and the United States consistently into empathetic consideration, mutual interest and cooperation, and steady friendship; and

WHEREAS, the British peoples transmitted the frail seedlings of a new culture to this continent through the settlement at Jamestown in 1607; and

WHEREAS, the Second Canadian Regiment of volunteers gave unforgettable support to the American forces at Yorktown in 1781, thereby helping to ensure the independence of a new nation; and

WHEREAS, the peoples of the Dominion of Canada and the Commonwealth of Virginia are bonded together today by lasting ties of cultural, democratic and philosophical kinship extending from North America across the waters to the mother countries of Great Britain and France;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that March 19, 1983 to March 31, 1983 shall be designated

CANADA TIME

in the County of James City as a mark of community esteem and as an instrument for conveyance to the people of Canada our deep appreciation of our long and enduring friendship. All citizens, in person and through the County's businesses, historic sites, and attractions are urged to extend a warm and enthusiastic welcome to our Canadian neighbors during their days in our environs.

3. Presentation - Williamsburg/James City County School Board Budget

The following persons represented the School Board and made the presentation on the School Board Budget:

Mrs. Gale Hood, Chairman, School Board
Dr. John E. Allen, Superintendent
Mr. Sanford Wanner, Director of Finance

Following the presentation, several Board members had questions relating to the teachers' salary increase and the new school buses.

D. PUBLIC HEARINGS

1. Case No. Z-10-82. Raleigh Square, Inc. - Advertised in the Daily Press on February 28, 1983 and March 7, 1983.

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that the staff concurs with the Planning Commission's recommendation to approve this application made on January 25, 1983.

Mr. Mahone pointed out that with the existing B-1 zoning there were numerous permitted uses that could be allowed in that area.

Mr. DePue opened the public hearing.

Mr. Alvin Anderson, spoke on behalf of his client, Raleigh Square, Inc.

Mr. DePue closed the public hearing.

Mr. Taylor made the motion to approve the rezoning application.

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

RESOLUTION OF APPROVAL - ZONING CASE NO. Z-10-82
RALEIGH SQUARE INC.

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled and conducted on March 14, 1983 for Zoning Case No. Z-10-82 for rezoning of approximately 4½ acres from B-1, General Business and R-2, Limited Residential to R-5, Multi-family Residential located within parcels (3-1) and (3-11) on James City County Real Estate Tax Map No. (47-3); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its public hearing on January 25, 1983, recommended approval of Zoning Case No. Z-10-82, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-10-82 as described herein and as detailed in the attached memorandum.

2. Case No. Z-1-83. James City Service Authority Garage -Advertised in the Daily Press on February 28, 1983 and March 7, 1983.

Mr. Riutort presented this matter to the Board stating that the staff concurs with the January 25, 1983 recommendation of the Planning Commission to approve the rezoning application.

Mr. DePue opened then closed the public hearing; there being no one wishing to speak.

Mr. Taylor made the motion to approve the rezoning application.

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

RESOLUTION OF APPROVAL ON ZONING CASE NO. Z-1-83
JAMES CITY SERVICE AUTHORITY

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing was scheduled and conducted on March 14, 1983 for Zoning Case No. Z-1-83 for rezoning approximately 5 acres within parcel (1-3) on James City County Real Estate Tax Map No. (39-1) from A-2, Limited Agriculture to M-1, Limited Industrial; and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission, following its public hearing on January 25, 1983, unanimously recommended approval of Zoning Case No. Z-1-83; and

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WHEREAS, Zoning Case No. Z-1-83 is in accordance with the adopted Comprehensive Plan of James City County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby approve Zoning Case No. Z-1-83 as described herein and as detailed in the attached memorandum.

3. Military/Naval Personnel and County License Stickers - Advertised in the Daily Press on February 28, 1983 and March 7, 1983.

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board recommending adoption of the proposed amendment to Section 11-60, Persons Exempted, of the Motor Vehicle and Traffic chapter of the County Code. He also stated that the penalty for persons violating any provision of the article shall upon conviction be a fine of not less than \$10 nor more than \$50.

Mr. DePue asked whether this penalty was the same as the one for persons not buying County stickers.

Mr. Morton replied that it is the same fine.

Mr. DePue opened then closed the public hearing; there were no speakers.

Mr. Edwards made a motion to adopt the ordinance.

Mr. Mahone felt that it was not necessary to require the military personnel to obtain free decals and that it was time consuming to them and the County.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Taylor (4). NAY: Mahone (1). Motion passed by a 4-1 vote.

ORDINANCE NO. 66A-10

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, VEHICLE LICENSES, OR THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 11-60, PERSONS EXEMPTED.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that the Code of the County of James City be and the same is, hereby, amended by amending Section 11-60, Persons Exempted, of Article IV, Vehicle Licenses, of Chapter 11, Motor Vehicles and Traffic.

Article IV Vehicle Licenses

Section 11-60. Persons Exempted. Every licensed dealer in motor vehicles shall be exempt from the tax for such vehicles as are used solely for demonstration purposes, and every nondomiciliary member of the armed forces residing in this County in compliance with military or naval orders are exempt from the tax; provided, however, that all such military and naval personnel shall obtain, free of charge, a County license decal in accordance with the provisions of this Article.

No license fee shall be imposed for any one motor vehicle owned and used personally by any veteran who holds a current State motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Division of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.1-149.1 of the Code of Virginia.

E. CONSENT CALENDAR

Mr. DePue asked the Board members if there were any items they wished to have removed from the Consent Calendar. He requested that No. 4 be removed and Mr. Frink requested No. 6 to be removed. Mr. DePue then made the motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was AYE: DePue, Funk, Edwards, Mann
or (5). NAY: (0).

Certification of Warrants

R E S O L U T I O N

CERTIFICATION OF WARRANTS

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

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. DePue 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 1983:

GENERAL FUND	Checks	#107391-107621, 107676
	Totalling	\$1,135,577.47
GENERAL FUND PAYROLL	Checks	#212316-212904
	Totalling	\$259,435.33
SANITARY DISTRICT NO. 1		-0-
SANITARY DISTRICT NO. 2	Checks	#600182-600192
	Totalling	\$14,664.08
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#440-446
	Totalling	\$14,827.77
REVENUE SHARING	Checks	#100000
	Totalling	\$720.00

2. Case No. CUP-12-83. Elton Y. Green

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. Elton Y. Green
Real Estate Tax Map ID:	(15-3)
Parcel No.	(1-21)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	N/A
Further Conditions:	None

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3. Case No. CUP-13-83. Jeanette W. Walls

R E S O L U T I O N
C O N D I T I O N A L U S E P E R M I T

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:	Ms. Jeanette W. Walls
Real Estate Tax Map ID:	(10-1)
Parcel No.	(1-22)
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	N/A
Further Conditions:	None

5. Goat Claim - John L. Altizer

R E S O L U T I O N
G O A T C L A I M

WHEREAS, the goat claim of Mr. John L. Altizer has been investigated and found to be valid; and

WHEREAS, the value of the goat has been estimated to be \$65.00 by the owner

THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby reimburse Mr. John L. Altizer \$65.00 for the destroyed goat.

7. Set Public Hearing Dates:

1. Outdoor Gathering - Virginia Country Music Association to be held at the Twin Oaks Campground on Route 168 on May 29, 1983 - April 11, 1983.
2. Peninsula Public Service Authority - March 28, 1983.

4. Case No. CUP-14-83. Linda J. Salisbury

Mr. DePue asked that this item be deferred until the next Board meeting, per the request of the applicant.

The item was deferred by consensus.

6. Budget Work Program - Setting Public Hearing and Work Session Dates

Mr. Frink stated that he had problems with the two Budget Work Session dates.

After a brief discussion the dates for the work sessions were changed to 7:00 P.M. Tuesday, March 29, 1983 and 7:00 P.M. Thursday, March 31, 1983.

Mr. Frink made the motion to approve the Budget Work Program as amended, and to set public hearing dates for the budget, the Landfill user fee, and the transient occupancy tax.

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

F. BOARD CONSIDERATIONS

1. Case No. SUP-8-82. Williamsburg Landfill

Mr. Riutort presented this matter to the Board recommending approval of the special use permit allowing temporary usage of the landfill until April 3, 1983 and total site restoration by June 30, 1983.

Mr. Taylor asked what was the report from the Health Department concerning this case.

Mr. Riutort replied that the State Health Department was in concurrence with the April 3, 1983 deadline.

Mr. Morton stated that he had asked the City Attorney of Williamsburg if they had any new evidence from the Health Department that there was any additional life beyond the April 3rd date of the Williamsburg Landfill, and that he had replied no.

Mr. DePue stated he was willing to defer this matter again to get a response from the State as to what the useful life is at this site.

Mr. Edwards stated that the City has had an opportunity to produce this information during the past four months. He said he was prepared to vote on the issue now, but had no objections to deferring it.

Mr. Morton gave the history of the case stating that the City had negotiated with the County and agreed to the conditions of the permit and the date of closing.

Mr. DePue stated his statements were a matter of caution in wanting to determine all the facts in reaction to the City's request.

Mr. Oliver stated that the City is the applicant for this permit and suggested that the Board grant the permit now, considering the timeframe in the permit. He also said that the City has the opportunity to come back to the Board and request an additional permit if they desired to do so.

Mr. DePue stated that he had been called by the Mayor of the City just before the meeting requesting that he investigate the matter, and that he wanted some clarification as to the life of the landfill and if no response from the State is received in time for the next meeting, the Board vote on the special use permit at that time.

After further discussion on the matter, Mr. Edwards made a motion to defer the action on the item.

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

2. Consolidation or Merger of Hampton-Newport News SMSA and Norfolk-Virginia Beach SMSA

Mr. Oliver presented this matter to the Board recommending adoption of the resolution endorsing the merger of the area SMSA. He stated that Dr. Leland Traywick was present to answer any questions the Board might have.

Dr. Traywick stated his support for the merger of the SMSA and the advantages of the merger to the community.

After a brief discussion on the matter, Mr. DePue made the motion to approve the resolution.

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

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R E S O L U T I O N

IN SUPPORT OF COMBINING THE NEWPORT NEWS-HAMPTON SMSA
AND THE NORFOLK-VIRGINIA BEACH-PORTSMOUTH SMSA INTO A SINGLE SMSA

WHEREAS, the Office of Management and Budget (OMB) is currently reviewing the definitions of all Standard Metropolitan Statistical Areas (SMSA's) to identify changes called for by the 1980 census data,

WHEREAS, the Newport News-Hampton SMSA and the Norfolk-Virginia Beach-Portsmouth SMSA are adjacent and economically, socially, and culturally are interrelated so closely as to constitute a single metropolitan area,

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors supports the merger of the Newport News-Hampton SMSA and the Norfolk-Virginia Beach-Portsmouth SMSA into a single Metropolitan Statistical Area.

Mr. DePue requested that item No. 6 be heard next.

6. Case No. IRB-1-83. Resort Motels, Ltd.

Mrs. Diane Abdelnour, Chairman of the James City County Industrial Development Authority, presented this matter to the Board recommending approval of the resolution of inducement. She stated the Authority recommended approval for several reasons; aggressive marketing campaign to bring new tourists, the project would improve employment opportunities in the community and increase tax revenues to the County.

Mr. Edwards asked if the factor of aggressive marketing was the main reason for approving the application or would the Authority approve another facility that did not have the same marketing techniques.

Mrs. Abdelnour replied that in this case it was an important factor but that the Authority looks at each application on an individual basis.

Mr. Harold Poulsen, member of the Authority, stated that he has never voted for bond financing for motels, but that he did for this particular facility because of the expected increase in area visitors.

Mr. Taylor made the motion to approve the resolution of inducement.

Mr. Edwards explained that he would vote for this bond issuance because he was persuaded by Mr. Poulsen's position and the Authority's recommendation, but he felt the Board should closely evaluate prospective bond financing because IDB financing competes with local government bond issues.

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
OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF JAMES CITY, VIRGINIA

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the Authority), has considered the application of Resort Motels, Ltd. (the Company) for the issuance of the Authority's industrial development revenue bonds in an amount estimated at \$2,200,000 (the Bonds) to assist in the financing of the acquisition, construction and equipping of a motel and restaurant facility (the Facility) in James City County, Virginia (the County), for the benefit of the Company, and has held a public hearing thereon on March 3, 1983; and

WHEREAS, the Authority has requested the Board of Supervisors of the County to approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, and a record of the public hearing has been filed with the Board of Supervisors;

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

1. The Board of Supervisors of the County approves the issuance of the Bonds by the Authority for the benefit of the Company to the extent required by Section 103(k), to permit the Authority to assist in the financing of the Facility.
2. The approval of the issuance of the Bonds, as required by Section 103(k), does not constitute an endorsement of the Bonds, the financial feasibility of the Facility or the credit-worthiness of the Company, but, as required by Section 15.1-1380 of the Code of Virginia of 1950, as amended, the Bonds shall provide on their face that neither the Commonwealth of Virginia, the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth, the County nor the Authority shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

3. Bond Referendum for Recreation Center

Mrs. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board recommending approval of the resolution at this time to maximize opportunities for residents to become informed of the proposed project.

Mr. DePue asked whether the Board had the right to reject the bond if the interest rate is not suitable.

Mr. Oliver replied the Board could defer or reject the bond issuance.

Mr. Taylor questioned the formula concerning the City of Williamsburg's contribution. He felt the City was not contributing enough to the project. He stated he would not support this resolution because of the formula.

Mr. DePue presented another resolution to the Board endorsing the recommendations made by the joint committee on February 25, 1983, and asking the City of Williamsburg to also endorse these concepts.

After further discussion on the matter, Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

R E S O L U T I O N
COMMUNITY CENTER

WHEREAS, the Board of Supervisors of James City County acknowledges the desirability of a multi-purpose community center to serve County residents; and

WHEREAS, it appears to be mutually beneficial for James City County and the City of Williamsburg to jointly construct and operate said facility; and

WHEREAS, a four-person committee of City and County governing body members reached agreement on February 25, 1983 to certain recommendations concerning a recreation facility; the site, funding, and administration of same;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby formally indicates its endorsement in concept of these recommendations;

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County formally requests the City of Williamsburg to go on public record indicating its endorsement of the recommendations made by the joint committee on February 25, 1983.

Mr. Edwards made a motion to approve the resolution authorizing the issuance of bonds for the facility.

On a roll call, the vote was AYE: DePue, Frink, Edwards, Mahone (4). NAY: Taylor (1). The motion passed by a 4-1 vote.

R E S O L U T I O N

A RESOLUTION AUTHORIZING THE ISSUANCE OF RECREATIONAL FACILITIES BONDS OF JAMES CITY COUNTY, VIRGINIA, IN AN AMOUNT NOT TO EXCEED \$2,800,000, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS

WHEREAS, the Board of Supervisors of James City County has previously indicated its support of a community center; and

WHEREAS, funds are not presently available for this purpose.

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

1. It is hereby determined that it is necessary for James City County, Virginia (the County), to contract a debt and issue its general obligation bonds in the maximum amount of \$2,800,000 pursuant to the Public Finance Act, as amended, to provide funds, together with other available funds, to finance community recreational facilities, including an indoor swimming pool.
2. The Circuit Court of the City of Williamsburg and the County of James City or a judge thereof is hereby requested to order an election upon the question of contracting a debt and issuing bonds for such purpose.
3. The Clerk of the Board of Supervisors is hereby authorized and directed to cause a certified copy of this resolution to be presented to the Circuit Court of the City of Williamsburg and the County of James City.
4. This resolution shall take effect immediately.

4. Appropriation of Mini-Grant to Social Services Budget

Mrs. Burcham presented this matter to the Board recommending approval of the resolution appropriating \$500 to the Social Services Budget.

Mr. Frink made a motion to approve 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

APPROPRIATION OF MINI-GRANT TO SOCIAL SERVICE BUDGET

WHEREAS, the Board of Supervisors of James City County has previously appropriated funds for the Social Service Department; and

WHEREAS, the James City County Social Service Department has received a \$500 mini-grant from the Division of Volunteerism.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County authorizes the appropriation of these funds as follows:

Revenue from Commonwealth	+\$500.00
Volunteer Expenses	+\$500.00

5. Salaries of the Board of Supervisors

Mr. DePue requested that this matter be deferred.

The item was deferred by consensus.

7. Airport Road Water Main

This item was previously discussed in the Service Authority meeting.

Mr. DePue made the motion to approve the resolution.

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

R E S O L U T I O N

AIRPORT ROAD WATER MAIN

WHEREAS, Family Inns of America proposes to develop a motel on Airport Road east of the railroad; and

WHEREAS, the developer has agreed to construct a sanitary sewer main across Route 60 and the railroad,

WHEREAS, the James City Service Authority has appropriated \$20,000 for water main construction,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby appropriates \$5,000 from the FY 82 Water Development Budget to help pay for water main construction at this location.

8. St. George's Hundred Water Main Extension

This item was previously discussed in the Service Authority meeting.

Mr. DePue made the motion to approve the resolution and agreement.

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

ST. GEORGE'S HUNDRED WATER MAIN EXTENSION

WHEREAS, in 1982, the developer of St. George's Hundred Subdivision agreed to contribute \$50,000.00 (Fifty Thousand Dollars) toward the extension of a County water main to serve the subdivision; and

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WHEREAS, in 1983, the developer agreed to contribute an additional \$7,500.00 (Seven thousand and Five Hundred Dollars) to accelerate water main construction; and

WHEREAS, a water main on Route 5 is recommended in the County Water Plan; and

WHEREAS, the existing water supply for St. George's Hundred does not meet State Health Department requirements for fluoride; and

WHEREAS, \$51,500 of County Funds is needed to fund this project which is available in the FY 1982 Water Development budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of James City County hereby authorize and direct the County Administrator to execute the attached amendment to the 1982 Agreement, and

BE IT FURTHER RESOLVED by the James City County Board of Supervisors that \$51,500 in FY 1982 Water Development funds be transferred to the James City Service Authority to and in the construction of the St. George's Hundred Water Main Extension.

AGREEMENT

AMENDMENT TO ST. GEORGE'S HUNDRED-WATERMAIN EXTENSION

This agreement made this 14th day of March, 1983 by and between James City County, party of the first part, herein referred to as "County" and St. George Corporation, party of the second part, herein referred to as the "Developer", and the James City Service Authority, party of the third part, herein referred to as "Authority."

WHEREAS, the parties hereto entered into an agreement dated June 14, 1982 to ensure the extension of Authority waterlines to that subdivision known as St. George's Hundred, and

WHEREAS, it is the desire of the parties hereto to enter into a supplemental agreement to expedite the provision of water to the said subdivision, and

WHEREAS, the Developer now desires to offer for sale an additional 24 lots in excess of those already authorized and/or recorded, and

WHEREAS, the Developer has previously secured the agreement of June 14, 1982 with an irrevocable letter of credit in the amount of \$50,000.

NOW, THEREFORE, in consideration of the mutual conveniences and agreements set forth herein, the parties hereby agree as follows:

1. The Developer shall provide an additional \$7,500 at the time of execution of this agreement made payable to James City County to cover the cost of right-of-way acquisition and the receipt of bids on a project heretofore described in that certain agreement dated June 14, 1982 by and between the parties hereto.

The DEVELOPERS further covenant that they will dedicate said sewer improvements and all easements required by the AUTHORITY for current and future sewer construction at no cost to the AUTHORITY. All cost for construction of said sewer extension to reach DEVELOPERS property shall be borne by the DEVELOPERS. Said sewer and easements are shown on the attached sketch, which is a part of the Agreement.

The AUTHORITY covenants that they will construct a water main crossing Route 60 and the Railroad to serve DEVELOPERS property. All cost of said water main construction shall be borne by the AUTHORITY.

During construction of said water and sewer extensions, Public Works personnel shall perform all inspections and approve all progress payments before payment by DEVELOPERS.

Before construction can begin the DEVELOPERS will present a recorded copy of the plat transferring to the AUTHORITY all rights, title, and interest to all required easements and said sewer facilities.

DEVELOPERS agree to pay all water and sewer availability charges and quarterly charges as required by AUTHORITY policy.

The AUTHORITY may extend or permit extension of the sewer facilities constructed under this contract, no rebate will be due the DEVELOPERS of availability fees resulting from such extension.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver requested that at the appropriate time, the Board convene into Executive Session to discuss a personnel matter.

I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue urged the Board members to try to come to an agreement with Continental concerning the fines that have been imposed on them.

Mr. Oliver stated that the Advisory Committee is scheduled to meet later this month and if a recommendation is made a report would come before the Board at its April 11, 1983 meeting.

Mr. Taylor stated that he would like to know the cost of expanding the service to the Stonehouse district area.

Mr. DePue requested a report on the County decals.

Mr. Taylor made the motion to convene into Executive Session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) 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 10:25 P.M. and reconvened into Public Session at 10:27 P.M. at which time Mr. Edwards made a motion to appoint Mr. DePue to serve on the Chamber of Commerce Board and Mr. Gary Lenz to serve on the Travel Development Management Bureau.

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

Mr. Edwards then made a motion to adjourn.

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

The Board of Supervisors Meeting ADJOURNED at 10:32 P.M.


James B. Oliver, Jr.
Clerk to the Board