

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINTH DAY OF MAY, 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

**B. MINUTES**

1. April 22, 1983
2. April 23, 1983
3. April 25, 1983

Mr. Taylor requested that Route 602 be changed to Route 606 on Page 1 of the minutes of April 25, 1983.

Mr. Mahone moved for the approval of the three sets of Minutes.

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

**C. PUBLIC HEARINGS**

1. Public Hearing on Use of Continental Cablevision Construction Penalty

Mr. Allen A. Turnbull, Administrative Analyst, presented this matter to the Board giving a brief explanation of each of the six recommendations of the Cable Advisory Committee. He noted that Mr. Paul Spacek, Systems Manager and Mr. H. W. Goodall, Vice President of Continental Cablevision, were present to answer any questions the Board might have.

After a brief discussion, Mr. DePue opened the public hearing.

Mr. A. G. Bradshaw requested that Continental be allowed to pay the penalty with in-kind services rather than a cash fine. He felt that Continental was not totally responsible for the construction delay.

Mrs. Marie Sheppard of Croaker, spoke on behalf of the residents in that area who were interested in receiving cable service.

Mr. DePue closed the public hearing.

Mr. Taylor asked Mr. Goodall if the cable company could accelerate the process of looking into possible service in the upper Stonehouse District.

Mr. Goodall replied that service to this area was in the original proposal for 1985 and that if, after review, there is a sufficient economic incentive for the Company they will service that area sooner.

Mr. DePue asked whether the signals coming from the Toano head-end would be strong enough to service Lake Toano, Bush Springs Road and Chickahominy Road.

Mr. Goodall replied that the company feels that those areas would be marketable on a line extending from the head-end station to the EOC Building.

Mr. Edwards inquired as to what equipment is now available for the citizen groups to air their programs.

Mr. Turnbull replied that Continental has a studio with all the equipment necessary and that a 10 hour training session is available without charge to County citizens. He also stated that CenTeX has a studio for programming.

Mr. Mahone stated that his interest and support was for the service to the school system for connection to CenTeX and for County citizen groups, but indicated that he could not support other recommendations of the Committee.

Mr. Edwards made the motion to approve the resolution.

Mr. DePue commented that, along with the County and its citizens, Continental would benefit from the installation of a cable to the EOC Building.

Mr. Turnbull stated that full cost of installing the line is almost twice as much as the approximate cost given in the recommendations.

After further discussion on the matter, Mr. Morton asked Mr. Goodall if Continental conceptionally accepted the provisions set forth in the resolution; Mr. Goodall stated on behalf of Continental that they did.

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

#### RESOLUTION

##### EXPENDITURE OF CABLE LATE CONSTRUCTION PENALTY

WHEREAS, the Cable Communications Ordinance requires a penalty of \$300 per day for each day late after the scheduled completion; and

WHEREAS, Continental Cablevision of James City County incurred a late penalty of \$63,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby fine Continental Cablevision of James City County the sum of \$63,000 to be paid in services.

BE IT FURTHER RESOLVED, by the Board of Supervisors of James City County, that the County and Continental draw up an agreement stipulating at a minimum the services and terms below. The services requested are as follows:

1. Extension of the "A" cable to the EOC Building in Toano. This extension shall be completed within ninety days of the signing of the aforementioned agreement.
2. Extension of the "A" cable Northward from its current termination point on Centerville Road to News Road then Eastward along News Road to pass the concentration of homes in that area. This extension shall be completed within ninety days of the signing of the aforementioned agreement.
3. Provide the Government Center, the County and the School Administration, with the capability to program their respective channels - 36 and 37 - with information bulletins, videotape material, and live broadcasts originating from Buildings C and D over the "B" cable. The wiring and necessary equipment for this capability shall be operational within 30 days of the signing of the aforementioned agreement. There shall be no spectrum charges for either the County or the School Administration for using one channel each on the "B"

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cable to transmit signals for transmission on their respective access channels.

4. Provide sixty (60) 3/4" blank videocassettes of various lengths for use by the County Government, County citizens and County organizations to facilitate production of original programming to be aired on our access channels (Channels 36 and 38). These videocassettes shall be delivered within sixty days of the signing of the aforementioned agreement.
5. Installation of "A" cable in the Government Center. This shall be done within fourteen days of the signing of the aforementioned agreement.
6. Provide the School Administration the ability to communicate with all seven public schools from Building D via the CenTeX Channel, 25. This shall be done within ninety days of the signing of the aforementioned agreement.

BE IT FURTHER RESOLVED, that any funds not encumbered by the services requested above be placed in a penalty escrow account drawing interest of eight percent (8%). Future expenditures from this account shall be approved by the Board of Supervisors.

Mr. Taylor made a motion to request Continental Cablevision to study the acceleration of the 85/86 installation of services in the Toano area to cover the upper areas of the Stonehouse District.

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

2. Case No. Z-3-83. Dr. Donald W. Cherry

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board stating that given the significant change in the nature of the zoning request to rezone the property to R-5, Multi-family Residential with a special use permit for professional business and governmental offices, the staff recommends that the case be referred back to the Planning Commission for a recommendation to the Board of Supervisors.

Mr. DePue stated to the audience that the Board's intention was to accept the staff recommendation and that there would be another public hearing on this matter.

He then opened the public hearing.

Mr. Alvin Anderson, attorney for Dr. Cherry, said that there were several persons in opposition to the applicant's request for an amendment to the application. These persons were not present in anticipation of the Board's action to refer the case to the Planning Commission.

Mr. R.H. Maeder stated he would save his comments for the next public hearing.

Mrs. Doris Fairbanks stated that because the water supply issue was not yet resolved, she was opposed to the application for rezoning.

Mr. DePue closed the public hearing and moved for the approval of the resolution.

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

RESOLUTIONRESOLUTION OF REFERRAL ON ZONING CASENO. Z-3-83. DR. DONALD W. CHERRY

WHEREAS, the applicant for Case No. Z-3-83 has requested that his application be amended to reflect a requested rezoning to R-5, Multi-family Residential with a Special Use Permit for professional, business and governmental offices and with a proffer included; and

WHEREAS, the amended application represents a significant change in the nature of the previous zoning request of rezoning to B-1 with the proffered conditions,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby refer Zoning Case No. Z-3-83 back to the Planning Commission for review and recommendation to the Board of Supervisors.

3. Music Festival

Mrs. Darlene L. Burcham, Assistant to the Administrator, presented this matter to the Board stating that the application has been reviewed by the Fire Chief, The Health Department, The Sheriff, and the Emergency Medical Coordinator.

Mr. Taylor asked whether or not this particular application would operate under the same restrictions as the other outdoor gathering applications.

Mrs. Burcham replied that it would.

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

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTIONOUTDOOR GATHERING

WHEREAS, James City County has received a request for an outdoor gathering on behalf of Virginia Country Music Association to be held at the Twin Oaks Campground on Route 168 on July 3, 1983; and

WHEREAS, the application has been approved by the Fire Chief, the Health Department, the Sheriff, and the Emergency Medical Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is authorized to issue a permit to Virginia Country Music Association to hold an outdoor gathering.

4. Proposed Amendments to Chapter 11, Motor Vehicle Code

Mr. Morton presented this matter to the Board stating that this amendment would include the A-1 District. He also stated that these amendments will alleviate problems that have arisen in the County with respect to inoperative vehicles. He recommended adoption of the ordinance.

Mr. Taylor stated his opposition to the amendments to the code including the A-1 District. Mr. Taylor then asked whether farm vehicles would come under this code.

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Mr. Morton replied that farm vehicles are covered under a separate code provision and are not included under this particular vehicle definition.

Mr. DePue opened the public hearing. There being no speakers, Mr. DePue closed the public hearing.

Mr. DePue made a motion to approve the amendment to the ordinance.

Mr. Frink expressed opposition to the ordinance, feeling that one year was an insufficient length of time for some people to repair their vehicle. He also stated that it was his experience that complaints on such vehicles were not acted upon.

Mr. Mahone stated that he was not in support of the ordinance and that he felt the County could deal with the issue in another way.

Mr. Edwards stated that he felt the ordinance was a good compromise and that if accepted, would continue to be enforced on a complaint basis, unless the Board directed that it be done differently.

Mr. Taylor made a motion to delete the A-1 District from the proposed ordinance.

On a roll call, the vote was AYE: Mahone, Taylor (2). NAY: DePue, Frink, Edwards (3). The amendment failed by a 3 to 2 vote.

On a roll call, the vote was on the ordinance as presented. AYE: DePue, Edwards (2). NAY: Frink, Mahone, Taylor (3). The motion failed by a 3 to 2 vote.

#### D. CONSENT CALENDAR

Mr. DePue asked the Board members if they wished to have any items removed from the Consent Calendar. As there were none, Mr. Frink made a motion to approve the Consent Calendar.

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

1. Set Public Hearing Date of June 13, 1983 for:
  - a. VDH&T Six-Year Plan
  - b. Case No. SUP-4-83. Ila Mae Stewart and/  
Case No. SUP-5-83. Patricia A. Peterson
  - c. Disorderly Conduct Ordinance
2. Case No. S-16-83. Colston's Crossing

#### RESOLUTION

##### SUBDIVISION APPLICATION CASE NO. S-16-83. COLSTON'S CROSSING

WHEREAS, it is understood that all conditions for consideration of this application have been met;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that approval be granted for the proposed development of property owned by the applicant as described below and as detailed in the attached memorandum.

Applicant: Norman H. Mason on behalf of Busch Properties, Inc.

District: Roberts

Zoning: R-4, Residential Planned Community

Further Conditions: None

3. Kingsmill on the James - Master Plan Amendments

R E S O L U T I O N

BUSCH PROPERTIES, INC.

WHEREAS, Busch Properties, Inc. has applied to amend the master plan of Kingsmill on the James by redesignating 37.5 acres located on the east side of Mounts Bay Road, bounded by Halfway Creek and across the creek from Tazewell's Hundred subdivision from Residential B and Residential D to Residential A, and;

WHEREAS, Busch Properties, Inc. has also applied to amend the master plan of Kingsmill on the James by redesignating approximately 18 acres located on the east side of Kingsmill Road and bounded by Kingsmill Road, Wareham's Pond and across the Kingsmill golf course from Littleton Quarter cluster home development from Residential A to Residential C, and;

WHEREAS, the proposed changes have been reviewed by the Planning Commission and it is their finding that the changes conform to the intent of the R-4, Planned Community District and to the overall development limits of the master plan of Kingsmill on the James, and;

WHEREAS, the Planning Commission has unanimously recommended approval of the proposed changes.

NOW, THEREFORE, BE IT RESOLVED that the master plan of Kingsmill on the James is hereby amended as follows:

Area 1 of 37.5 acres bounded by Mounts Bay Road to the west and south, Halfway Creek to the north and a proposed golf course fairway to the east from Residential B and Residential D to Residential A; and

Area 2 of approximately 18 acres bounded by Kingsmill Road to the west, Wareham's Pond to the east and an existing golf course fairway to the north from Residential A to Residential C.

**E. BOARD CONSIDERATIONS**

1. Appointment of Chief of Police

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

APPOINTMENT OF CHIEF OF POLICE DESIGNATE

WHEREAS, the Board of Supervisors by Resolution adopted November 29, 1982 expressed desire to appoint a full-time Chief of Police of the James City County Police Department effective July 1, 1983; and

WHEREAS, the Board of Supervisors after conducting a full selection process resulting in approximately 190 applications for employment being received has made a decision to hire Robert C. Key as James City County's first full-time Chief of Police.

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

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1. That it hereby appoints Robert C. Key as Chief of Police designate effective June 1, 1983; the Board further appoints said Robert C. Key as Chief of Police to replace Archie M. Brenegan effective July 1, 1983.
2. That the employees of the Police Department shall be under the James City County Personnel Policies and Procedures.

2. Set Public Hearing Date of May 23, 1983 for Case No. SUP-6-83.  
Williamsburg Landfill

Mr. Riutort presented this matter to the Board recommending that the Board schedule a public hearing for May 23, to consider the City of Williamsburg's request for continued disposal operations at the City landfill. He stated that this would be a joint public hearing with the Board of Supervisors and the Planning Commission.

Mr. Taylor stated that he was not in favor of the shutdown on May 16. He felt that it was not fair to cause inconvenience to the City for 10 days.

Mr. DePue stated that he was in support of the staff recommendation and then moved for the approval to schedule the joint public hearing.

Mr. Taylor stated that he would support a joint public hearing, but he would not support the shutdown of the landfill for 10 days.

Mr. Taylor then made a motion to let the City continue use of the Landfill until the May 23rd public hearing date.

Mr. Morton stated that the permit will expire on May 16 and that he could see no other way to allow the City to use the Landfill past the expiration date except to overlook the matter.

Mr. Edwards stated that he was strongly against another extension to the City, because the permit may not be granted.

On a roll call, the vote was on Mr. Taylor's motion AYE: Taylor (1). NAY: DePue, Frink, Edwards, Mahone (4). The motion failed by a 4 to 1 vote.

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

3. Connection to the Williamsburg Water System - Shellis, Inc.

Mr. Wayland N. Bass, Public Works Director, presented this matter to the Board recommending approval of the request.

Mr. Edwards made the motion to approve the resolution.

Mr. Mahone expressed his concern about the impact of the new development on water pressure, which is already substandard in Kingspoint. He recommended that the County request service from Newport News.

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

R E S O L U T I O N

CONNECTION TO WILLIAMSBURG WATER SYSTEM - SHELLIS INCORPORATED

WHEREAS, Shellis Incorporated has requested permission to connect a proposed 56 unit townhouse development to the Williamsburg water system; and

WHEREAS, the Shellis property is scheduled for annexation by Williamsburg.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does concur in the request by Shellis, Inc. for connection to the Williamsburg water system.

4.
  - a. Section 18 Grant Application - FY 84.
  - b. Request for State matching funds - FY 1984, Section 18 Application.
  - c. State assistance for fuel, tires, and maintenance parts - FY 83.

Mrs. Burcham presented these matters to the Board recommending approval of the resolutions shown for FY 1984 in Items 4a and 4b.

Mr. DePue made the motion to approve the three resolutions for the FY 1984 Grant.

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

#### RESOLUTION

##### SECTION 18 GRANT APPLICATION - FY 84

WHEREAS, the Federal Government has made funds available to support transportation in small areas; and

WHEREAS, the Board of Supervisors of James City County desires Federal funds to help support James City County Transit Company, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it authorizes its Chairman and Clerk to sign the grant application entitled, "Application for Capital, Administrative and/or Operating Assistance for Public Transportation Systems in Non-urbanized Areas" and further authorize the County Administrator to execute those agreements necessary to insure receipt of these grant funds.

#### RESOLUTION

##### PART IV - REQUEST FOR FEDERAL MATCHING FUNDS - FY 84

WHEREAS, the Federal Government has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is authorized for and on behalf of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance authorized under Section 18 of the Surface Transportation Assistance Act of 1982, in the amount of \$111,047, to assist in the administrative and operating costs of local public transportation services, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act, that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

The undersigned duly qualified and acting County Administrator of James City County certifies that the foregoing is a true State Appropriation Act of 1982, that James City County, may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

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RESOLUTIONPART IV - REQUEST FOR STATE MATCHING FUNDS - FY 84

WHEREAS, the Commonwealth of Virginia has made funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Administrator is authorized for and on behalf of the Board of Supervisors of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 644 of the 1982 Acts of the General Assembly - Chapter 648, Financial Assistance for Mass Transit - in the amount of \$9,624 to defray fifty percent (50%) of the local matching share for administrative expenses, and in the amount of \$31,378.50 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts of an approved Federal Grant, to accept from the Virginia Department of Highways and Transportation grants in such amount as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act of 1982, and State Appropriation Act of 1982, and that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

Mr. Edwards made a motion to approve the resolution for a request for State matching funds for FY 1983.

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

RESOLUTIONREQUEST FOR STATE MATCHING FUNDS - FY 83

WHEREAS, the Commonwealth of Virginia has made additional funds available for public transportation; and

WHEREAS, the Board of Supervisors is desirous of securing said funds in support of the James City County Transit system's operations,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Administrator is authorized for and on behalf of the Board of Supervisors of James City County, to execute and file an application to the Virginia Department of Highways and Transportation, Commonwealth of Virginia, for a grant of transportation special revenues authorized under budget item 644 of the 1982 Acts of the General Assembly - Chapter 648, Financial Assistance for Mass Transit - in the amount of \$26,824.59 to defray ninety-five percent (95%) of the costs borne by James City County for the purchase of fuels, lubricants, tires and maintenance parts and supplies of an approved Federal Grant, to accept from the Virginia Department of Highways and Transportation grants in such amounts as may be awarded, and to authorize the County Administrator to furnish to the Virginia Department of Highways and Transportation such documents and other information as may be required for processing the grant request.

The Board of Supervisors of James City County certifies that the funds shall be used in accordance with the requirements of Section 18 of the Surface Transportation Assistance Act of 1982, and State Appropriation

Act of 1982, and that James City County may be subject to audit by the Virginia Department of Highways and Transportation and by the State Auditor of Public Accounts.

5. Connection to Williamsburg Water Systems - Jamestown Road

Mr. Bass presented this matter to the Board recommending approval of the resolution.

Mr. Taylor made the motion to approve the resolution.

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

R E S O L U T I O N

CONNECTION TO WILLIAMSBURG WATER SYSTEM - JAMESTOWN ROAD

WHEREAS, the owner of lot 13-A at 1415 Jamestown Road requests permission to connect to the Williamsburg water system; and

WHEREAS, this part of the Williamsburg water system will be acquired by James City County in accordance with the annexation agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does concur in the request by the applicant for connection of lot 13-A at 1415 Jamestown Road to the Williamsburg water system.

6. Route 60 East Sidewalk Construction Transfer of Funds

Mr. Bass presented this matter to the Board recommending a transfer of \$10,000 from Dirt Street Sidewalks to fund this project including contingencies.

In a response to a question raised by the Board, Mr. Oliver indicated that the recommended transfer of funds from Dirt Streets (rather than Contingency) was being made because of easement delays in the Dirt Street project and Public Works administration of both projects.

Mr. Frink made the 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

ROUTE 60 EAST SIDEWALK CONSTRUCTION

WHEREAS, it is desirable to construct sidewalks on Route 60 East.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby appropriates \$10,000 from the Dirt Streets Account #0013017-0100 to the Sidewalk Account #0013018-0100 to fund this project.

7. Reappropriation of funds in Forest Glen CD Project

Mr. Daniel R. Lynn, Jr., Assistant to the Administrator, presented this matter to the Board recommending approval of the resolution authorizing the reappropriation of the funds.

Mr. DePue made the motion to approve the resolution.

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

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RESOLUTION  
FOREST GLEN PROJECT

WHEREAS, the Department of Housing and Urban Development of the United States Government has awarded James City County a grant totaling \$633,000 for community development in the Forest Glen area;

NOW, THEREFORE, BE IT RESOLVED, the \$633,000 be reappropriated as Community Development revenue for the Forest Glen project and that expenditures of \$633,000 be reappropriated as follows:

	<u>Previous Appropriation</u>	<u>New Appropriation</u>
Administration	\$ 85,000	\$ 85,000
Street Improvement	212,650	96,765
Drainage Improvement	85,500	85,500
Water Improvement	46,600	-0-
Sewer Improvement	111,500	-0-
Recreation	21,750	26,750
Rehabilitation	<u>70,000</u>	<u>338,985</u>
TOTAL	<u>\$ 633,000</u>	<u>\$ 633,000</u>

**F. MATTERS OF SPECIAL PRIVILEGE**

Mr. R. Jolly and Angelo Magras spoke concerning the Beautification of the County and cutting of the grass on Rt. 60 East.

**G. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Oliver requested that at the appropriate time that the Board convene into executive session to discuss a real estate and personnel matter.

**H. REQUEST AND DIRECTIVES**

Mr. Mahone requested that a more complete explanation of each item on the agenda be advertised on Cable T.V.

Mr. DePue made the motion to convene into executive session pursuant to section 2.1 - 344 (a) (1) and (2) 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 9:35 p.m. and returned at 9:55 p.m. at which time Mr. DePue made a motion to approve the proposed emergency ordinance authorizing acquisition of real property for the Ware Creek Reservoir, and to set the Public Hearing date for June 13, 1983.

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, ALL AS SHOWN ON A PLAT ATTACHED HERETO FOR PUBLIC PURPOSES AND FOR CONSTRUCTING AND EXPANDING THE WATER SUPPLY SYSTEM OWNED BY JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, as shown on a plat attached hereto, for construction and expansion of the water supply system owned by James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, James City County, Virginia hereby ordains:

Section 1. That the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the 1950 Code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, and shown on a plat attached hereto, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Section 3 of this Ordinance.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Section 4 of this Ordinance, which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Ordinance together with a substantial description of the parcel is as follows:

Nice Properties Co.

68.20 acres of land, more or less, in James City County, Virginia, shown on a plat entitled:  
"SURVEY FOR CONVEYANCE A PARCEL CONTAINING  
68.20 ACRES OWNED BY: NICE PROPERTIES, INC. TO  
JAMES CITY COUNTY, STONEHOUSE DIST., JAMES  
CITY CO., VIRGINIA", dated Feb. 2, 1983, prepared by  
Buchart-Horn, Inc., Consulting Engineers & Planners.

Section 4. The funds estimated as necessary to compensate the owner of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is One Hundred Nineteen Thousand Three Hundred Fifty and 00/100 Dollars (\$119,350.00).

Section 5. The County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. shall notify the property owner of the compensation and damages offered by the County forthwith on or before May 15, 1983.

Section 6. That in the event any of the property described in Section 3 of this Ordinance has been conveyed, the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. are authorized and directed to institute proceedings against successors in title.

An emergency is hereby declared to exist and this Ordinance shall be effective from the date of its passage.

PASSED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, MAY 9, 1983.

Appointments to the Data Processing Advisory Committee:

Mr. Edwards recommended Mr. William Hawthorne.

Mr. Frink recommended Mr. George Bass.

Mr. Mahone recommended Mr. C. L. Britt.

Mr. Taylor recommended Mr. Charles B. Pratt.

Mr. DePue recommended Mr. Doug Mullins. He then made a motion that the nominations be closed and that the five individuals be appointed.

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

Mr. Edwards made the 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 9:58 p.m.



James B. Oliver, Jr.  
Clerk to the Board

RS/dfc  
BOS7