

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

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
 Frank M. Morton, III, County Attorney

B. MINUTES - May 23, 1983

Mr. Edwards made the motion to approve the Minutes of May 23, 1983.

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

C. PRESENTATION - Data Processing Advisory Committee Report

Mr. William Hawthorne, Chairman of the Committee gave a report to the Board indicating the Committee's recommendations and their willingness to participate in the process of evaluating the bids for new equipment.

Mr. Frink presented the following Emergency Medical Services staff members with Certificates from the State Office of Emergency Energy Services for their participation in the NUWAX training session:

Russell Lowry
 Michael Hartmann
 Nicholas Klimenko
 Andrew Polaschik
 Thomas Eckenfels

At this time the Minutes will reflect that Mr. DePue is present.

Mr. DePue stated that he attended the session in Nevada and was proud of the Emergency Medical Services staff members that participated in the exercise.

D. PUBLIC HEARINGS

1. Disorderly Conduct Ordinance

Mr. Morton presented this matter to the Board recommending adoption of the amendments to ordinance which would delete the old provisions in their entirety and spell out, pursuant to statutory and judicial mandates, the type of conduct and intent therewith, which is prescribed by law.

Mr. DePue opened. There being no one wishing to speak, Mr. DePue closed the public hearing.

Mr. Edwards made the motion to adopt the amendments to the ordinance.

Mr. Mahone stated he would vote against the amendments because in his opinion, the ordinance is becoming more complicated, less clear and more difficult to administer.

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After further discussion the vote was on Mr. Edwards' motion was AYE: DePue, Frink, Edwards, Taylor (4). NAY: Mahone (1). The motion passed by a 4-1 vote.

ORDINANCE NO. 44A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING THE FOLLOWING SECTIONS: SECTION 13-14, DISORDERLY CONDUCT-GENERALLY; SECTION 13-15, SAME-IN PUBLIC CONVEYANCE; AND SECTION 13-16, SAME-IN OTHER PUBLIC PLACES.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 13, Offenses-Miscellaneous, of the Code of the County of James City, be and the same is, hereby, amended and reordained by amending Section 13-14, Disorderly Conduct-Generally, Section 13-15, Same-In Public Conveyance, and Section 13-16, Same-In Other Public Places.

CHAPTER 13

Offenses-Miscellaneous

Section 13-14. Disorderly Conduct in public places.

A person shall be guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

A. In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this Chapter; or

B. Willfully or being intoxicated, whether willfully or not, disrupts any meeting of the governing body of any political subdivision of this State or a division or agency thereof, or of any school, literary society or place of religious worship, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words to include conduct otherwise made punishable under this Chapter.

The person in charge of any such building; place, conveyance or meeting may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any person(s) who may be called upon for such purpose.

A person violating any provision of this section shall be guilty of a Class 1 misdemeanor.

(For state law on disorderly conduct, see Code of Virginia, Subsection 18.2-415.)

Section 13-15. Punishment for using abusive language to another.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

Section 13-16. Reserved

2. Ordinance to Authorize Acquisition of Nice Properties Co.

Mr. Morton stated that this was the follow-up ordinance that the Code mandates when the Board adopts an emergency ordinance. He stated that on May 9, 1983 the Board adopted an emergency ordinance that would authorize the acquisition of certain property owned by Nice Properties, Incorporated.

Mr. DePue opened the public hearing.

Mr. William Brown, Roberts District, spoke stating the County should consider other alternatives before developing a reservoir of its own.

Mr. DePue closed the public hearing.

Mr. Taylor stated that he was against taking the property now and not planning to develop the reservoir until 7 and 12 years later.

Mr. Frink moved for the approval of the ordinance.

Mr. Mahone stated that it was time for the Board to make its intentions known as to what action they wanted to make concerning the site. He then made an amendment to add a Section 7 to the ordinance which would read: "In the event James City County does not use the real property for expanding the water supply system, the former owner shall have refusal of same prior to the County's utilization for other purposes or placing on the open market. The amount shall be that established in Section 4 above, adjusted only by annual inflation adjustments and improvements which would benefit subsequent owners, if any."

Mr. Oliver suggested that the item be referred to the attorney to be brought back to the Board with their recommendation for the wording of an additional section to the ordinance.

Mr. Frink withdrew his motion. By consensus the matter was deferred until the next Board meeting.

3. Six-Year Plan

Mr. Orlando A. Riutort, Director of Planning, presented this matter to the Board recommending approval of the Six-Year Secondary Road Construction Program and the Priority List.

Mr. Taylor stated that Route 607 (Sycamore Landing) was not listed in this year's plan and should have been.

Mr. Mahone stated felt that Route 606 should have been ranked higher on the list because of the width of the road.

Mr. DePue opened the public hearing.

Mrs. Alma White, Stonehouse District, asked when construction would start on Route 631.

Mr. Riutort replied that the work will begin either in 1984 or 1985.

Mr. DePue closed the public hearing.

Mr. Taylor made the motion to add Route 607 (from the State Highway Department property to Sycamore Landing) to the priority list as Number 6.

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

Mr. DePue stated that he had some questions on Route 611 Jolly Pond Road, and therefore suggested any action on the Six-Year Plan be deferred until the next Board meeting. The matter was deferred by consensus.

4. Abandoning a Portion of State Route 729 (Albermarle Drive)

Mr. Morton presented this matter to the Board recommending adoption of the resolution requesting the Board to agree to vacate or abandon a portion of State Route 729.

Mr. DePue opened the public hearing.

Mr. Alvin Anderson, attorney for the property owner, requested that the Board defer action on the matter until the next meeting to allow time to add two minor procedural paragraphs to the Resolution.

Mr. DePue closed the public hearing.

The matter was deferred by consensus.

5. Case No. SUP-4-83. Ms. Ila Mae Stewart

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meeting the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

Mr. Taylor 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

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Ila Mae Stewart |
| Real Estate Tax Map ID: | (2-3) |
| Parcel No. | (1-9) |
| District: | Stonehouse |
| Zoning: | A-1, General Agricultural |
| Permit Term: | The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time. |
| Further Conditions: | The mobile home must be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations. |

6. Case No. SUP-5-83. Ms. Patricia A. Peterson

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meet the requirements of the Virginia Industrialized Building Unit and Home Safety Regulations.

Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

Mr. Taylor 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

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Patricia A. Peterson

Real Estate Tax Map ID: (13-2)

Parcel No. (1-1)

District: Stonehouse

Zoning: A-1, General Agricultural

Permit Term: The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time.

Further Conditions: The mobile home must be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

7. Case No. SUP-8-83. Mr. Willie E. Randall, Jr.

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

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
SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Willie E. Randall, Jr.

Real Estate Tax Map ID: (21-4)

Parcel No. (1-6)

District: Stonehouse

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Zoning: A-1, General Agricultural

Permit Term: The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time.

Further Conditions: The mobile home must be skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

8. Case No. SUP-9-83. Mr. John F. Wilson

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations.

Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

Mr. Taylor 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

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. John F. Wilson

Real Estate Tax Map ID: (9-3)

Parcel No. (3-4)

District: Stonehouse

Zoning: A-1, General Agricultural

Permit Term: The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time.

Further Conditions: The mobile home must be skirted and meet the requirements of the Virginia

Industrialized Building Unit and Mobile Home Safety Regulations.

9. Case No. SUP-10-83. Mr. Richard A. Brumfield

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and set back at least 300 feet from Riverview Road to conform with the alignment of other established mobile homes in the area.

Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

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).

R E S O L U T I O N

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Richard A. Brumfield
- Real Estate Tax Map ID: (16-3)
- Parcel No. (1-5)
- District: Stonehouse
- Zoning: A-1, General Agricultural
- Permit Term: The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time.
- Further Conditions: The mobile home must be skirted, meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and set back at least 300 feet from Riverview Road to conform with the alignment of other established mobile homes in this area.

10. Case No. SUP-11-83. Mrs. Edith Elizabeth Graves

Mr. Riutort presented this matter to the Board recommending approval of the special use permit conditioned upon the mobile home being skirted and meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and set back at least 75 feet from Route 60 West.

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Mr. DePue opened the public hearing. There being no one wishing to speak, Mr. DePue closed the public hearing.

Mr. Taylor 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

SPECIAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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. Edith Elizabeth Graves |
| Real Estate Tax Map ID: | (11-1) |
| Parcel No. | (1-12) |
| District: | Stonehouse |
| Zoning: | A-1, General Agricultural |
| Permit Term: | The mobile home may be replaced with another mobile home under this special use permit provided all conditions stipulated below are met. If the mobile home is removed from the property for a period longer than one year, then this permit shall become void. To replace the mobile home after the permit has expired, a new permit would be required and that permit would be subject to the regulations in effect at that time. |
| Further Conditions: | The mobile home must be skirted, meet the requirements of the Virginia Industrialized Building Unit and Mobile Home Safety Regulations and set back at least 75 feet from Route 60 West. |

E. CONSENT CALENDAR

Mr. DePue asked the Board members if they wished to have any items removed from the Consent Calendar.

Mr. DePue made the 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 July 11, 1983 for the following:

- a. Case No. SUP-12-83. Mr. Irving M. Stewart
- b. Case No. SUP-13-83. Mr. Cleveland Johnson, Sr.
- c. Case No. Z-5-83. Definition of a Truck Stop
- d. Proposed Sale of Land/Carriage Road Recreation Area
- e. Proposed Vacation of State Route 628 (Jacobs Road)

RESOLUTION

VACATION OF A PORTION OF STATE ROUTE 628 (JACOBS ROAD)

WHEREAS, the Board of Supervisors of James City County is desirous of giving notice of its intention to hold a public hearing to consider abandoning a portion of Jacobs Road (State Route 628).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, that it hereby gives notices of its intention to hold a public hearing on July 11, 1983 at 7:30 p.m. to consider abandoning that portion of Jacobs Road which is more particularly described as follows:

All that certain road situate in the County of James City, Virginia, known as State Route 628 or Jacobs Road, which road is more particularly described as BEG. CONN. JACOBS ROAD STA. 24 + 97.14 to END CONN. JACOBS ROAD STA. 27 + 75.80 on that certain plat entitled, "State Highway 199, Project #0199 - 047-101, C-501, R/W-201, Sheet 18-F, revised 1/21/71, 3/22/71, 4/6/71," recorded in the Clerk's Office of the Circuit Court of James City County in State Highway Plat Book 4, Page 76.

- 2. Social Services to the Unemployed

RESOLUTION

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Board of Social Services has provided a 100% funding to render additional services to the local Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that \$1,422 in Revenues from the Commonwealth be appropriated for emergency assistance and that \$2,439 in Revenues from the Commonwealth be appropriated for other services, such appropriations to be designated as carried forward appropriations beyond the fiscal year if not entirely expended.

- 3. Tentative FY 1983-84 Allocation to the Interstate, Primary and Urban Systems and Public Transportation, and Six-Year Improvement Program FY 1983-89

RESOLUTION

HIGHEST PRIORITY HIGHWAY PROJECTS IN JAMES CITY COUNTY

WHEREAS, the James City County Comprehensive Plan and numerous regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area; and

WHEREAS, there presently exists a pressing need within the community to implement the three projects below in order to relieve traffic congestion which at times threatens the health and safety of County residents and visitors by impeding the actions of emergency vehicles and personnel, which causes inconvenience and delay, and contributes the major source of air pollution to the area; and

WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed early in 1979, and the access point for the Grove Interchange on Interstate 64 was approved in that same year; and

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WHEREAS, commitments to primary road improvements are mandatory to maintain a healthy, viable tourism industry in the Williamsburg-James City County area which contributes substantially to state revenues; and

WHEREAS, the Six-Year Improvement Program through fiscal year 1987-1988 programmed \$150,000 for preliminary engineering on Route 199 for FY 1987-1988; and this commitment has been deleted from the Six-Year Program now under consideration.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the following highest priority primary highway projects in James City County should be included in the Six-Year Program:

1. The design, construction and completion of Route 199.
2. The design, construction and completion of the Grove Interchange.
3. The extension of Monticello Avenue from its intersection with Ironbound Road to the proposed extension of Route 199.

BE IT FURTHER RESOLVED that the construction of Route 199 be developed in phases, and \$1.5 million in preliminary engineering be committed in the Six-Year Program now under consideration.

4. Proposed Agreement Between James City County and Continental Cablevision of James City County, Inc.

R E S O L U T I O N

EXECUTION OF AGREEMENT

WHEREAS, James City County and Continental Cablevision of James City County, Inc. have reached an agreement on the disposition of the liquidated damages in the amount of \$63,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors are hereby authorized to execute the attached agreement between James City County and Continental Cablevision of James City County, Inc.

AGREEMENT BETWEEN
CONTINENTAL CABLEVISION OF JAMES CITY COUNTY, INC.
AND
JAMES CITY COUNTY

THIS AGREEMENT made this 13th day of June, 1983, by and between CONTINENTAL CABLEVISION OF JAMES CITY COUNTY, INC., a Virginia corporation ("Continental") and JAMES CITY COUNTY, VIRGINIA ("the County").

W I T N E S S E T H:

WHEREAS, the County's Cable Communications Ordinance, Section 4-86.1.27 (3) specifies liquidated damages of Three Hundred and 00/100 Dollars (\$300.00) per day for failure to complete construction and installation of the system within the required time limits; and

WHEREAS, Continental completed construction and installation of the system two hundred ten (210) days beyond the required time limit thereby causing liquidated damages in the amount of Sixty Three Thousand and 00/100 Dollars (\$63,000.00).

NOW, THEREFORE, in consideration of the mutual promises hereinafter made, the parties hereto agree as follows:

1. Continental agrees to meet and satisfy the following responsibilities:
 - a. Continental shall extend the "A" cable to the EOC Building in Toano, Virginia. This extension shall be completed within ninety days of the signing of this agreement. The estimated cost of this extension is \$15,000.00.

- b. Continental shall extend the "A" cable northward from its current termination point on Centerville Road to News Road then eastward along News Road to provide service to the existing concentration of homes in that area. This extension shall be completed within ninety days of the signing of this agreement. The estimated cost of this extension is \$10,000.00.
- c. Continental shall provide the County Administrator and the Superintendent of Schools 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 of the County's Government Center over the "B" cable. The wiring and necessary equipment for this capability shall be operational within 30 days of the signing of this agreement. There shall be no spectrum charges for using one channel each on the "B" cable to transmit signals for transmission on their respective access channels. The estimated cost for these services and equipment is \$10,000.00.
- d. Continental shall provide sixty (60) 3/4" blank videocassettes of various lengths for use by the County Government, County citizens and organizations to facilitate production of original programming to be aired on County and public access channels (Channels 36 and 38). These videocassettes shall be delivered within sixty days of the signing of this agreement. The estimated cost of this equipment is \$2,000.00
- e. Continental shall activate the "A" cable in the Government Center and provide a service drop in each of Buildings A, B & D of the Government Center and three (3) service drops in Building C of the Government Center. This shall be done within fourteen days of the signing of this agreement. The estimated cost of this service is \$5,700.00.
- f. Continental shall provide the Superintendent of Schools an interconnect to CenTeX. This shall be done within ninety days of the signing of this agreement. The estimated cost of this service is \$1,800.00.
- g. Continental agrees to establish an account payable to the County on its accounting records in the amount of \$18,500.00 together with interest from the date hereof on the unpaid balance at eight percent (8%) per annum. Such account shall be expended solely to improve or expand the capabilities of the County Cable system through Continental, which expenditures shall be at the sole discretion of the County.

Should any estimate for services or goods as set forth herein be found to be less than or greater than the amount estimated herein, such account payable shall be adjusted for such difference. Within 30 days after Continental meets and satisfies its responsibilities under this agreement, a full accounting for all goods and services provided as set forth herein shall be presented to the County by Continental including a full accounting for the balance of the account payable.

2. The County hereby agrees to accept the hereinabove enumerated goods, services and account in full satisfaction of all liquidated damages against Continental in accordance with Section 4-86.1.27 of the Cable Communications Ordinance.
3. The completion dates herein assume no unreasonable delays will occur slowing Continental's construction rate; however, Continental shall not be responsible for any failure to meet all or any part of the terms and conditions of this Agreement due to regulation, Act of God, riot or other civil disturbance, and without limiting the foregoing, by any other cause, contingency, or circumstance not subject to its control which prevents or hinders Continental from meeting and satisfying its responsibilities as described herein. Continental shall not be excused by mere economic hardship nor by misfeasance or malfeasance of its directors, officers or employees.
4. Estimated cost as specified herein shall include all of Continental's cost, direct and indirect, in meeting and satisfying its responsibilities herein, and Continental shall provide a full accounting of such costs.
5. Except as changed by this Agreement, all provisions of the County's Cable Communication Ordinance shall remain in full force and effect.

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6. 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 duly authorized representatives, as of the date first above written.

F. BOARD CONSIDERATIONS

1. Easement for Water Transmission Main Construction

Mr. Wayland Bass, Director of Public Works, presented this matter to the Board recommending adoption of the Resolution authorizing the Chairman and Clerk to execute the Deeds of Easement on behalf of the Board.

Mr. Edwards made the motion to approve the the Resolution.

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

RESOLUTION

CONVEYANCE OF EASEMENTS FOR WATER TRANSMISSION MAIN CONSTRUCTION

WHEREAS, the James City Service Authority desires to construct a water transmission main from the Law Enforcement Center to Lake Powell Road, and

WHEREAS, the James City Service Authority requires a 10 foot permanent easement and 20 foot construction easement across the James City County Law Enforcement Center property, identified as parcel 47-2/15-1, and the James City County Central Fire Station property, identified as parcel 47-2/1-1A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that it does hereby convey the required easements and that the Chairman and the Clerk of the Board are authorized to sign the Deeds of Easement on behalf of the Board of Supervisors.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Jack Scruggs, Vice-Chairman of the Planning Commission, suggested that Route 607 and Route 605 be added to the Secondary Road Improvement Project. He then commented on the special use permits for mobile homes stating that in his opinion they are a burden for the James City County property owners. He suggested that the procedures be reconsidered.

Mr. Taylor stated that he has shown Mr. Hall from the Highway Department, the problems existing on Sycamore Landing and that Mr. Hall said he would try to resolved the problems if funds were available.

Mr. William Brown stated that Jolly Pond Road was being used heavily during the summer months by a nearby Boy's Camp.

H. REPORT OF THE COUNTY ADMINISTRATOR

1. Cypress Point Subdivision Sewerage

Mr. Bass stated that the Public Works Department will continue to monitor the situation in Cypress Point and will advise the Board as other developments occur. He stated that the CIP tentatively scheduled some preliminary engineering in FY 86 for this area.

Mr. Mahone stated that he was pleased with the report.

L BOARD REQUESTS AND DIRECTIVES

In response to Mr. Brown's remarks, Mr. DePue commented that two members of the Board were selected to study water issues at great length and that the Board has not made a final commitment to construct a reservoir at the Ware Creek site, but that the Board at this point is reserving land.

He also noted that even though Chickahominy Road is Number 1 on the priority list, the funds to do the work comes from the State and the funds do not become available until the fiscal year 85, beginning July 1, 1984.

In reference to the special use permits, Mr. DePue felt that the Board has made the right decision and that when a property owner is concerned about the impact of a mobile home in his community, the Board will be happy that they have chosen the special use permit process.

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

Mr. Edwards made the motion to convene into Executive Session pursuant to Section 2.1-344(a)(1) of the Code of Virginia, 1950, as amended.

The Board convened into Executive Session at 9:00 P.M. and returned to Public Session at 9:35 P.M. at which time Mr. Taylor made the motion to reappoint Mrs. Stella Earman to a four-year term on the Regional Library Board.

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

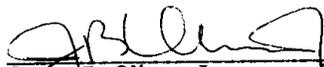
Mr. Frink made a motion to appoint Mr. Charles M. Purnell to a four-year term on the Thomas Nelson Community College Local Board.

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

Mr. DePue made a motion to convene into Executive Session pursuant to Section 2.1-344(a)(1) to discuss a personnel matter.

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

The Board convened into Executive Session at 9:37 P.M. and **ADJOURNED** at 10:00 P.M.


James B. Oliver, Jr.
Clerk to the Board

RS
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