

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTY-SEVENTH DAY OF FEBRUARY, NINETEEN HUNDRED EIGHTY-FOUR AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice-Chairman, Berkeley District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney - **ABSENT**

B. MINUTES - February 13, 1984

Mr. Edwards made the motion to approve the Minutes as presented.

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

C. HIGHWAY MATTERS

Mr. James Kelley, representative of the Virginia Department of Highways & Transportation, stated that he had nothing new to report to the Board.

Mr. Brown questioned the Route 646 upgrade and the diverting of the Route 199 funds to fund the 646 upgrade.

Mr. Kelley stated that the Route 199 funds could not be used to upgrade Route 646 unless designation of Route 646 as a primary road occurred. He also stated that the increase in the traffic volumes as a result of the new commercial activities in that area has led to consideration of the upgrade of Route 646.

Mr. Brown requested that the Board be kept informed of any new information regarding this issue.

Mr. DePue requested that staff make contacts with the Highway Department and York County regarding the Route 646 upgrade.

Mr. Mahone thanked Mr. Kelley for the work done on the timing of the signal light at Route 199 and Mounts Bay Road.

D. PRESENTATIONS

1. Festival Williamsburg, Ltd.

Mr. Louis Lazo made a presentation on the ten day festival to begin in April, 1985. He requested the Board to contribute \$7,400 to the Festival's budget.

2. Williamsburg Chamber of Commerce

Mr. Robert Perry, Executive Vice-President, Mr. Fred Savage, Vice-President, and Mr. John Roberts made a presentation on the Chamber's budget. Their budget request is \$66,000.

Mr. Perry stated that the \$66,000 will fund promotion of the area.

Mr. Taylor asked if annexation has been considered in tabulating the formula for contributions.

Mr. Perry replied that the Chamber has considered the annexation of James City County.

Mr. Brown requested the current and proposed revenues for the Chamber's budget.

Mr. Rick Phillips and Mr. Angelo Mageras, members of the Innkeepers Association spoke in support of the Chamber's budget request.

3. James City-Bruton Volunteer Fire Department

Chief Garland Woody requested \$161,000 to purchase a rebuilt ladder truck for the Toano Fire Station. He stated that a new unit would cost approximately \$300,000.

Mr. Edwards stated that he would be opposed to making any purchases prior to the budget process.

Mr. DePue stated that he wanted to give this purchase serious consideration and requested information on the Volunteer Fire Department's budget. He stated that he wants to weigh this purchase against other needs in the County.

Mr. Taylor stated that he is in favor of the request.

E. **CONSENT CALENDAR**

Mr. Taylor asked the Board members if they wished to have any items removed from the Consent Calendar. He then moved for the approval of the the Consent Calendar.

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

1. Set Public Hearing Date of April 9, 1984 for:

Case No. SUP-3-84. Eugene Parnell

2. Application for Federal Public Transit Assistance

RESOLUTION
PART IV - REQUEST FOR FEDERAL MATCHING FUNDS - FY 85

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 \$252,900 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.

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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.

R E S O L U T I O N
PART IV - REQUEST FOR STATE MATCHING FUNDS - FY 85

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 \$8,905 to defray fifty percent (50%) of the local matching share for administrative expenses, \$31,350 to defray ninety-five percent (95%) of the local matching share for capital expenses, \$2,442 to defray eighty percent (80%) of the local matching share for Ridesharing Administrative Expenses, and in the amount of \$30,894 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.

F. BOARD CONSIDERATIONS

1. **Data Processing System Contract**

Mr. John E. McDonald, Director of Financial and Management Services, stated that the Board deferred action on this item at its last meeting and since that time, the School Board has authorized the Superintendent at its meeting on February 21, 1984, to enter into the proposed contract with HMS, Incorporated. He recommended that the County Administrator be authorized to also enter into a contract with HMS, Incorporated.

Mr. Mahone stated that he is convinced that there is a need, the schools will benefit from the automation, and that the present system is not adequate but that the proposed system is more than what the County needs.

Mr. Brown stated that he has not changed his mind about some of the applications which he feels are not needed but will support this item.

Mr. DePue made the motion to approve the resolution.

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

RESOLUTION
DATA PROCESSING SYSTEM CONTRACT

WHEREAS, funds were approved in the FY84 Capital Improvement Project for upgrading the County's data processing system; and

WHEREAS, a Request for Proposal was issued, responses evaluated and contract terms were negotiated for said data processing system upgrade; and

WHEREAS, it has been determined that HMS, Incorporated has offered the most favorable contract terms; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County to authorize the County Administrator to enter into a contract with HMS, Incorporated to furnish computer hardware and software.

2. Case No. IRB-1-84. Wayne D. Franklin

Mr. Harold Poulsen, member of the Industrial Development Authority, presented this item to the Board stating that the project involves the construction of 130 unit motel and restaurant and that the projected costs of the facility are up to \$3,500,000. He stated that the facility will generate approximately \$63,340 in local tax revenues and create 47 new jobs. He recommended approval of the resolution endorsing the issuance of industrial revenue bonds for this project.

Mr. DePue made the motion to approve the resolution.

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

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

WHEREAS, the Industrial Development Authority of James City County, Virginia (the "Authority"), has considered the application of Wayne D. Franklin (the "Applicant") requesting the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$3,500,000 (the "Bonds") to assist in the financing of the acquisition, construction and equipping of a motel and restaurant consisting of approximately 130 motel rooms and 4,000 square feet of restaurant space (the "Project") to be located on the South side of Route 60 West, approximately ¼ mile West of Old Towne Road in James City County, Virginia, and has held a public hearing thereon on February 8, 1984; and

WHEREAS, Section 103(k) of the Internal Revenue Code of 1954, as amended, provides that the governmental unit having jurisdiction over the issuer of industrial development bonds and over the area in which any facility financed with the proceeds of industrial development bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of James City County, Virginia (the "County"); the Project is to be located in the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing, and a Fiscal Impact Statement have been filed with the Board;

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Applicant (or an entity to be formed by him of which he will be at least a fifty percent owner), as required by Section 103(k) and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the financing of the Project.

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2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant.
3. This Resolution shall take effect immediately upon its adoption.

3. Case No. IRB-2A-83. Waxford Limited Partnership - Amendment

Mr. Poulsen presented this matter to the Board recommending adoption of the resolution endorsing the issuance of industrial revenue bonds to finance the construction of a 150 to 275 unit motel targeted at the luxury market. The original resolution approved the financing of a 150 unit motel. He stated that the revised fiscal impact statement indicated expected local tax revenues of approximately \$153,800 and between 80 and 100 new jobs.

Mr. Brown asked if there were any other IRB cases pending.

Mr. Poulsen replied that there were none.

Mr. Brown stated that at some point the Board should put a limit on bonds for hotels. He then moved for the approval of the resolution.

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

R E S O L U T I O N
OF THE JAMES CITY COUNTY OF SUPERVISORS APPROVING
ISSUANCE OF BONDS

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the Authority), has considered the amended application of Waxford Limited Partnership, a Virginia limited partnership (the Partnership), of which Waxford Incorporated, a Virginia corporation, is the general partner, for the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$10,000,000 (the Bonds) to assist in the Partnership's acquisition, renovation, construction and equipping of a hotel facility of approximately 150 to 275 units (the Project) located at the southwest corner of Richmond Road and Stratford Road in James City County, Virginia, by construction adjacent to and the renovation of an existing brick building, and has held a public hearing thereon on February 8, 1984; and

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

WHEREAS, the Board has previously approved the issuance of bonds for the acquisition, construction and equipping of a motel facility of up to 150 units on the site of the Project in the amount of \$4,000,000; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds subject to terms to be agreed upon, a record of the public hearing and "fiscal impact statement" with respect to the Project has been filed with the minutes of this meeting;

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

1. The James City County Board of Supervisors approves the issuance of the Bonds by the Industrial Development Authority of the County of James City, Virginia, for the benefit of the Partnership, to the extent required by Section 103(k), to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as required by Section 103(k), does not constitute an endorsement of the Bonds or the creditworthiness of the Partnership, and, as required by Section 15.1-1380 of the Code of Virginia of 1950, as amended, the Bonds shall provide that neither James City

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, James City County nor the Authority shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Alan Robertson, Assistant to the Superintendent of Schools, expressed his appreciation to the Board for allowing the School System to have cable television access to Channel 37 for educational programming.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Albert T. Slater/Mobile Homes

Mr. Oliver stated, for the record, that Mr. Morton has submitted his report to the Board as requested at the last meeting.

Mr. DePue stated that he would accept the report and legal analysis submitted by Mr. Morton.

Mr. Taylor stated that Mr. Slater has had some hard times trying to receive permits for the mobile homes and that the Board should not put this matter off any longer.

Mr. Brown stated that even though the Board is under no legal obligation to issue the permits, it should. He requested that Mr. Morton prepare a resolution for the issuance of the permits to Mr. Slater, if the Board can legally do so.

By consensus, the matter was tabled until the next meeting.

WORK SESSION - Parks & Recreation Commission

At 5:20 P.M. the Board convened into a work session with the Parks & Recreation Commission. Members present were:

Mr. Barry Fratkin, Chairman, Mr. Harry Marchant, Vice-Chairman, Ms. Joy Archer, and Dr. John Charles.

Two options being discussed with the City of Williamsburg regarding construction and operation of a joint Community Center were discussed. Commission members expressed preference for Option B and reiterated the need for a Community Center.

WORK SESSION - Planning Commission

At 6:00 P.M. the Board convened into a work session with the Planning Commission. Members present were:

Mr. Fred Belden, Chairman, Mr. Jack Scruggs, Vice-Chairman, Mr. Gary Lenz, Mr. Martin Garrett, Mr. A. G. Bradshaw, Mr. William F. Brown, Mrs. Sandra Stein, Mr. Elvin H. Jones, Mr. John Donaldson, and Mr. Alexander Kuras.

At 6:45 P.M. the Board reconvened into regular session. Mr. Mahone was noted absent at this time.

2. Human Services Financing

Mr. McDonald presented this matter to the Board stating that two firms, Municipal Leasing Corporation and Interfirst Continental Financial Corporation, have provided proposals and have indicated that they will negotiate terms and conditions acceptable to our bond counsel. He recommended acceptance of Municipal Leasing Corporation and approval of the resolution. Final documentation will be prepared and presented to the Board at a special meeting prior to March 9, 1984.

Mr. Edwards made the motion to approve the resolution.

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

It was the consensus of the Board to set March 8, 1984 at 5:00 p.m.
for the special meeting to consider the Human Services Financing.

RESOLUTION
HUMAN SERVICES FINANCING

WHEREAS, the Board of Supervisors of James City County has authorized the execution of a contract for the purposes of constructing the County Human Services Building and has finalized proposals for financing the construction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the proposal of Municipal Leasing Corporation to finance the construction of the proposed human services center under a lease-purchase arrangement as outlined in a memorandum entitled Plan of Financing of Human Services Center dated February 24, 1984, and directs the County Administrator and/or his designees to take all necessary action to have applicable financing documents prepared and to complete the financing as promptly as practical.

PLAN OF FINANCING OF HUMAN SERVICES CENTER

James City County, Virginia (the County), proposes to finance costs of construction of the Human Services Center over a period of several years through a lease-purchase arrangement with a leasing company or other financial organization (the Lease Broker) which will raise \$1,630,000 for construction costs by the sale to investors (the Investors) of participation interests in the lease-purchase arrangement with the County. The financing transaction contemplates that the County pay, as semi-annual rental, interest only during an 18-month construction period and thereafter principal and interest over a period of five years.

The financing plan contemplates several specific transactions, with appropriate documentation.

1. Ground Lease. The County will lease the building site to the Lease Broker at a nominal rental. The Ground Lease will give the Lease Broker control over the building site for purposes of construction of the building. Upon termination of the Ground Lease, the County will reacquire possession of the site with the building which will have been constructed on it.
2. Lease-Purchase Agreement. The Lease Broker will provide for construction of the building by the contractor selected by the County and pursuant to its specifications, paying construction costs from funds furnished by the Lease Broker. The Lease Broker will lease the site and the building to the County for a term of five years plus the construction period. This will be a net lease requiring the County to pay all maintenance, repairs, insurance, utilities, taxes, etc. The County's obligation to pay rentals will be dependent upon the Board of Supervisors making annual appropriations for that purpose. The Board of Supervisors is expected to make annual appropriations. It is not legally obligated to do so, as it cannot bind itself and its successors to do so without an election. Upon failure of the Board of Supervisors to appropriate money for rental payments, the Lease Broker, or its assignee, may terminate the lease, lease to another party or take other action to recover its unamortized cost. Upon termination of the lease and full repayment to the Investors with interest, the County will acquire title to the building and the Ground Lease will terminate.
3. Construction Contract. The County or the Lease Broker will enter into a contract with a building contractor for construction of the building, with the contract to be assigned to the County or the Lease Broker, as the case may be, to protect its interest.
4. Trust Agreement. A Virginia bank will be designated as Trustee or paying agent for the benefit of the Investors. The Lease Broker and the County will be parties to this agreement. The agreement will provide for the deposit and interim investment of the \$1,630,000 for construction of the

building. It will also provide for assignment by the Lease Broker of all its interest in the Lease-Purchase agreements to the Trustee. The agreement will also provide for the issuance by the Trustee of participation certificates to evidence the interests of the Investors to whom the Lease Broker sells participations in the financing. The County will make payments of rent to the Trustee which will distribute these payments to the Investors. The Trustee will act as the representative of the Investors in all matters relating to the building and the County.

Other documentation will be required. This will include, among other things, evidence of availability of County funds during the current year, evidence of insurance required by the County, title insurance on the land, an opinion on behalf of the County as to the validity and enforceability of its undertakings and a tax opinion as to the exemption from Federal and Virginia income taxation of the portion of each rental payment that is attributable to interest.

3. Virginia Commission for the Arts

Mrs. Burcham presented this matter to the Board stating that the Virginia Commission for the Arts has made challenge grants available for FY 85 and the Williamsburg Players is seeking such funds. A local government must apply on their behalf by March 1, 1984. She recommended approval of the resolution.

Mr. Edwards made the motion to approve the resolution.

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

RESOLUTION
Virginia Commission for the Arts

WHEREAS, the Virginia Commission for the Arts has made challenge grants available for FY 85; and

WHEREAS, the Williamsburg Players is seeking such funds and a local government must apply on their behalf by March 1, 1984.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the County Administrator to file an application with the Virginia Commission for the Arts for the Williamsburg Players.

I. **BOARD REQUESTS AND DIRECTIVES**

Mr. Brown stated that he received some material from G. T. Brooks Insurance Company and requested more information regarding the issue from staff.

Mr. Brown stated that Mr. Gary Lenz has resigned from the Williamsburg Area Tourism and Conference Bureau and that he wants to appoint Mr. Rick Phillips to that position. He made the motion for that appointment.

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

Mr. Brown requested a status report from Public Works on the completion of projects of HRSD to eliminate the odor problems.

Mr. Brown stated in reference to Mr. Marty Garrett's study on tax assessments, that he wants Mr. Garrett's thoughts on the tax rate and assessment on automobiles as a special class of personal property.

Mr. DePue and Mr. Brown agreed that the reclassification of the Secretary I position in Community Development can be approved if they are assured that the Program Eligibility position is frozen.

Mrs. Burcham explained that it was the intention of the Community Development Director not to fill that position.

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Mr. Edwards made the motion to recess until 5:00 P.M., March 8, 1984.

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

The Board of Supervisors meeting **RECESSED** at 7:10 P.M.



James B. Oliver, Jr.
Clerk to the Board

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