

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 30TH DAY OF SEPTEMBER NINETEEN HUNDRED EIGHTY-FIVE AT 3:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MINUTES - September 9, 1985 - Regular Meeting

Mr. Mahone made a motion to approve the minutes as presented.

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

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, had nothing new to report to the Board.

Mr. Brown inquired when the new traffic light on Route 60 East would be operational.

Mr. Hall responded it was working at this time.

Mr. Taylor inquired if the runoff from Cranston's Mill Pond was under control.

Mr. Hall responded that it had been restored.

D. PUBLIC HEARINGS

1. Case No. SUP-28-85. JCSA Water Transmission Main/Greensprings Road

The Planning Commission recommends approval of the permit with four conditions.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

Of Approval on Special Use Permit
No. SUP-28-85. JCSA Water Main

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-28-85, a special use permit for the construction of a 12-inch water transmission main for a distance of approximately 7000 feet along Greensprings Road.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approved the issuance of Special Use Permit No. SUP-28-85 as described herein with the following conditions.

1. Compliance with all local, State and Federal requirements for the construction, operation and maintenance of the water transmission main.
2. Compliance with all State erosion and sediment control regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. Acquisition of all required permits and easements prior to commencement of construction.
4. For pipeline construction adjacent to existing residential development, adequate dust control measures shall be taken to prevent adverse effects on the adjacent residential property. It is intended that the public interest should be protected by compliance with all local and State regulations, insuring that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience or value of the surrounding property and uses thereon.

E. **CONSENT CALENDAR - None**

F. **BOARD CONSIDERATIONS**

1. Audio-Visual Improvements to Board Room

Mrs. Veronica Nowak, Communications Administrator, presented the Board with a cost breakdown for the broadcast of Planning Commission meetings and partial audio-visual improvements to the Board Room. Mrs. Nowak further stated that the Audio Engineer recommends replacing the present speakers and adding more speakers.

Mr. Mahone stated that since the present microphones work, he would not be in favor of spending funds for new microphones.

Mr. DePue stated that a need to be responsive to this problem existed and he felt this was a conservative approach to that problem.

Mr. Edwards stated he would be in favor of repairing the present equipment.

Mr. Brown agreed with Mr. Edwards and stated that if problems existed in six months, the Board could reconsider the proposal.

Mrs. Nowak stated she would get a repair estimate on the present microphones.

Mr. Edwards made a motion to delete microphone equipment totally from the list, which would delete \$4,420 from the request.

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

Mr. Edwards made a motion to amend the resolution to read that the funds were for audio-visual improvements.

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

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RESOLUTIONTransfer of Funds For Audio-Visual Improvements

WHEREAS, the Cable Television Advisory Committee has recommended the broadcast of Planning Commission and other public meetings on James City County's government access channel; and

WHEREAS, the Board of Supervisors strongly believes in citizen education and participation in James City County government; and

WHEREAS, the broadcast of Planning Commission and other public meetings would make these meetings accessible to a larger population.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes a transfer of \$6,545 from Contingency to Special Project Account #001-023-0803 for audio-visual improvements.

2. IDA Requests for Approval - C&N Partnership and Service Metal Fabricators, Inc.

The Industrial Development Authority recommends approval of both resolutions.

Mr. Brown inquired if there were other applications pending.

Mr. John McDonald, Director of Financial and Management Services, responded there were two other applications pending, but they would require a request for an allocation of bond authority from the State reserve due to the amount of funds requested.

Mr. Taylor made a motion to approve both resolutions.

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

RESOLUTION

Industrial Development Authority
Application of Service Metal Fabricators, Inc.

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the "Authority"), has considered the application of Service Metal Fabricators, Inc. (the "Applicant") requesting the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$500,000 (the "Bonds") to assist in the financing of the Company's acquisition and installation of production equipment in the Applicant's metal fabrication plant (the "Project") located at 336 McLaws Circle, in the County of James City, Virginia, and has held a public hearing thereon on September 11, 1985; 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 the County of James City, Virginia (the "County"); the Project is to be located in the County and the Board of Supervisors of the County of James City, Virginia (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 THE COUNTY OF
JAMES CITY, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Applicant, 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.
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. In order to permit the Authority to issue the Bonds, the Board hereby allocates \$500,000 of the County's Local Allocation (as defined in Executive Order 54(85) issued by the Governor of Virginia on January 23, 1985) to the Authority for the benefit of the Applicant.
4. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
5. This Resolution shall take effect immediately upon its adoption.

RESOLUTION

Industrial Development Authority
Application of C&N Partnership

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the "Authority"), has considered the application of C&N Partnership (the "Applicant") requesting the issuance of the Authority's industrial development revenue bonds in an amount not to exceed \$2,500,000 (the "Bonds") to assist in the financing of the Company's acquisition, construction and equipping of a motel named the Yorktown Inn (the "Project") located on Route 60 East in the County of James City, Virginia, and has held a public hearing thereon on August 28, 1985; 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 the County of James City, Virginia (the "County"); the Project is to be located in the County and the Board of Supervisors of the County of James City, Virginia (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 THE COUNTY OF
JAMES CITY, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Applicant, 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. In order to permit the Authority to issue the Bonds, the Board hereby allocates \$920,100 of the County's Local Allocation (as defined in Executive Order 54(85) issued by the Governor of Virginia on January 23, 1985) to the Authority for the benefit of the Applicant.
- 4. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
- 5. This Resolution shall take effect immediately upon its adoption.

3. Erosion and Sediment Control Plan Review and Inspection Fee

Staff recommends approval of the resolution.

Mr. Brown requested further information on this issue.

Mr. DePue suggested educating residential builders on what they could do to prevent runoff conditions. Mr. DePue requested a report indicating what positions were transferred to the Service Authority in the FY 86 budget and a comparison of Public Works and Service Authority responsibilities prior to this year's budget.

It was the consensus of the Board to defer action on the matter.

4. State Highway Construction Match Program

Staff recommends approval of the resolution.

Mr. DePue stated he would be in favor of the resolution, if he was assured that a decision could be made later for these funds to be used for other projects and not just for acquisition of right-of-way for the proposed Route 199 corridor.

Mr. Frank Morton stated the Board could change the use of funds to other projects at a later date if they so desired.

Mr. Oliver encouraged Board approval of the resolution.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

Participation in State Highway Construction Match Program

WHEREAS, the James City County Comprehensive Plan and numerous regional and State transportation plans conclude that the completion of Route 199 is essential to the safe and efficient movement of traffic in the Williamsburg-James City County area; and

WHEREAS, numerous zoning decisions, subdivision approvals and other development decisions including the construction of four public buildings representing an investment exceeding \$4.6 million, have been made based upon the expeditious construction of Route 199; and

WHEREAS, recent development pressures have created a pressing need to acquire right-of-way for Route 199 in James City County in order to assure its successful completion.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize the expenditure of \$248,730. pursuant to Section 33.1-75.1 of the State Code, to be matched by an equal amount from the Virginia Department of Highways and Transportation, for the purpose of acquisition of right-of-way for Route 199 in James City County.

5. Contingency Transfer - Thomas Nelson Community College

Staff recommends approval of the resolution.

Mr. DePue made a motion to adopt the resolution.

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

RESOLUTION

Thomas Nelson Community College

WHEREAS, the Board of Supervisors of James City County had appropriated funds to assist Thomas Nelson Community College in constructing an automotive laboratory; and

WHEREAS, due to a construction freeze, the project was not funded and the appropriation lapsed; and

WHEREAS, the project has now been funded.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes a transfer from Contingency in the amount of \$1,930 to be paid to Thomas Nelson Community College in support of the automotive laboratory.

6. Transfer of Property from Sanitary District No. 1 to the JCSA

Staff recommends adoption of both resolutions.

Mr. DePue made a motion to adopt the resolutions.

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

RESOLUTION

Transfer of Cash Assets From Sanitary District Number 1
To The James City Service Authority

WHEREAS, the Board of Supervisors of James City County and the Board of Directors of the James City Service Authority have mutually agreed to transfer all assets and liabilities of the Sanitary District Number 1 (District) to the James City Service Authority (Authority).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize and direct the James City County Treasurer to transfer all cash assets of the District to the Authority on or within a reasonable time after the successful completion of the following:

1. Transfer of \$32,000 to the Debt Service Fund, sufficient to meet all debt service requirements.
2. Repayment of advance from County, in its entirety.
3. Execution of both a properly documented deed transferring all real property and a Bill of Sale transferring all personal property of the District to the Authority.

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BE IT FURTHER RESOLVED that the County Treasurer be authorized and directed to assign all subsequent revenues and receipts received by the District to the Authority in a manner consistent with the statutory requirements on said office.

RESOLUTION

Transfer of Assets of Sanitary District Number 1

WHEREAS, it is the desire of the Board of Supervisors of the James City County Sanitary District Number 1 to transfer all assets and liabilities of the District to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED that it is hereby determined to be in the best interests of James City County, Virginia, for the James City County Sanitary District Number 1 (District) to convey all of the water and sewer facilities now owned by the District to the James City County Service Authority (Authority).

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the Clerk are hereby authorized and directed to execute and deliver on behalf of the District to the Authority a deed conveying all property of the District which constitutes real estate and a Bill of Sale conveying all property of the District constituting personal property to the Authority. The Deed and Agreement and the Bill of Sale shall be in substantially the form attached hereto as Exhibit A and Exhibit B.

BE IT FURTHER RESOLVED, that the Board of Supervisors, and the officers and employees of James City County and James City County Sanitary District Number 1 shall do, execute, acknowledge and deliver, or cause to be done, executed, acknowledge and delivered, such further acts and delivery of all water and sewer facilities now owned by the District to the Authority.

BE IT FURTHER RESOLVED, that this resolution shall be effective on or after September 15, 1985.

G. PUBLIC AUDIENCE

1. Mr. E. Ware Warburton, 2751 Jolly Pond Road, made a proposal to the Board indicating that he would be willing to sell a 50-foot easement to the County for \$18,000, but was not willing to sell his other property. He further stated that if the matter proceeds to Court, he would rescind his proposal. Mr. Warburton also stated that he had requested copies of reports indicating the need for the County to purchase all of his property and was told the County could not furnish that material.

2. Mr. Thomas Williams, 111 Wickre Street, addressed the Board concerning the decision of the County Administrator to terminate his employment with the County.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Ware Creek Reservoir Permit Process Update - Mr. Wayland N. Bass, Director of Public Works, gave a summary of the permit process.

2. Mr. Russ Lowry, Emergency Services Coordinator, gave a report on the emergency measures that were taken for the Hurricane Gloria threat.

Mr. Oliver requested the Board go into an Executive Session at the appropriate time to discuss a personnel matter.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Brown made a motion to ask the Transportation Safety Commission to prepare a report on the safety of the Williamsburg Airport.

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

Mr. Mahone requested the County Attorney to prepare a resolution for Board consideration asking the FAA in Richmond to investigate air safety at the Williamsburg Airport based on complaint letters received.

Mr. Brown requested staff to check into getting the weeds cut along County sidewalks. Mr. Brown also requested staff to prepare a report on the pros and cons of seeking a charter as well as a report on the process used to obtain a burning permit.

Mr. Taylor requested the Board to consider a turnaround on Leisure Road when that item is presented to the Board.

Mr. DePue requested staff to ask the School Board to respond to the letter from Paul Ogg involving Cypress Point Road.

Mr. Mahone requested staff to prepare a resolution for Board consideration supporting prohibition of annexation.

It was the consensus of the Board to hold a Work Session at 1:00 p.m. on October 21, 1985 to discuss transportation matters.

Mr. Edwards informed the public of Mr. Taylor's upcoming heart surgery.

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

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

The meeting convened into Executive Session at 5:30 p.m. and reconvened into public session at 5:40 p.m.

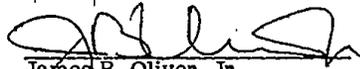
Mr. Brown moved to appoint Mr. Eugene Powers and Mr. Daniel J. Cerven to the Cable Television Advisory Committee for a four-year term.

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

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 5:41 p.m.


James B. Oliver, Jr.
Clerk to the Board

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THIS DEED AND AGREEMENT made this 30th day of Sept 1985, 1985, by and between JAMES CITY COUNTY SANITARY DISTRICT NO. 1, Grantor, hereinafter called "District," party of the first party and the "JAMES CITY SERVICE AUTHORITY, Grantee, hereinafter called "Authority," party of the second part.

WHEREAS, the District was duly created pursuant to Section 21-112.22 et seq. of the Code of Virginia, 1950, as amended, and pursuant to its lawful and designated purpose has financed, constructed and made operative and/or acquired certain water and sewer systems in that area of the County designated as Sanitary District No. 1; and,

WHEREAS, the parties hereto deem it in the best interests of the District and the Authority that all assets of the District be transferred to the Authority:

WITNESSETH:

That for and in consideration of the mutual covenants and agreements set forth herein the parties agree to the following:

1. That for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, James City County Sanitary District No. 1, Grantor, hereby grants and conveys with GENERAL WARRANTY unto the James City Service Authority, Grantee, the following described property situated in James City County, to wit:

All the real estate and interests in real estate owned by the James City County Sanitary District No. 1 located in James City County and/or York County, Virginia, including, but not limited to, real estate which is used for the collection, storage, processing, pumping and distribution of water and real estate which is used for the purpose of collecting and treating and disposing sewage, including all water and sewer mains, interceptor sewers, lateral sewer mains, open and close storage facilities, filter plants and appurtenances thereto, together with all rights of access, easements, mains, pipes, valves, meters, and fittings.

2. It is understood and agreed that the Authority shall assume any and all debts and/or liabilities of the District.

3. Effective with the transfer of assets as set forth herein, all contractual liabilities of the District shall be assumed by the Authority.

COMES NOW, the JAMES CITY COUNTY SANITARY DISTRICT NO. 1 (District) and for and in consideration of ten dollars (\$10.00) and other good and valuable consideration paid by the JAMES CITY SERVICE AUTHORITY (Authority) to the said District, the receipt whereof is hereby acknowledged, the District does hereby grant, sell, transfer and deliver unto the said Authority the following goods and chattels, to wit:

All personal property, tangible or intangible, owned by the District in James City County, Virginia, and all personal property, tangible or intangible, in which the District has an equity interest in York County, Virginia, which is used by the District for the collection, storage, processing, pumping and distribution of water and for the collecting, treatment and disposal of sewage, including, but not limited to, pipes, valves, meters fittings, backhoes, tractors, compressors, vehicles, tapping machines, pipe jacks, testing equipment, laboratory equipment, hand and power tools and all implements, tools and miscellaneous supplies used in constructing, maintaining, operating and supplying water and sewer service to the citizens and customers of the District.

To have and to hold all and singular the said goods and chattels to the said Authority.

And the James City County Sanitary District No. 1 hereby covenants with the Authority that it is the lawful owner of such goods and chattels; that it has the right to sell same as aforesaid; that they are free from all encumbrances; and that the District will warrant and defend the same against all lawful claims and demands existing at the time of this sale.

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