

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE NINETEENTH DAY OF OCTOBER, NINETEEN HUNDRED EIGHTY-SEVEN, AT 1:02 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  
 Stewart U. Taylor, Vice-Chairman, Stonehouse District  
 William F. Brown, Roberts District  
 Perry M. DePue, Powhatan District  
 Thomas D. Mahone, Jamestown District

David B. Norman, County Administrator  
 Darlene L. Burcham, Assistant County Administrator  
 Frank M. Morton, III, County Attorney

B. MINUTES - October 5, 1987  
 October 12, 1987  
 October 13, 1987

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

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

Mr. Edwards presented a plaque to Ms. Mary Kay Sizemore and Mr. Tim Ivey of I Video for their contribution to the County's Virginia Municipal League Communications Award, and thanked them for their creative work, donation of time, and service to the County.

Ms. Sizemore thanked the Board for the plaque.

C. PRESENTATION

1. Citizen Action for a Safe Environment (CASE)

Thayer Cory, representative of the Citizen Action for a Safe Environment, thanked the Board on behalf of the County citizens for the innovative mosquito control program.

Ms. Cory reported that CASE's current focus is to increase public awareness of the Surry Nuclear Power Plant and to insure public safety should a nuclear accident occur.

The group recommends a comprehensive educational campaign for evacuation of citizens within the ten-mile zone, that is, conduct training sessions for persons responsible for responding in an emergency situation, employers, health care professionals, day care workers, school and college personnel, the operators of evacuation equipment, as well as provide information for tourists at local attractions.

Mr. Brown commended CASE for its efforts on mosquito control and encouraged the group to continue pursuing safety at the Surry Nuclear Power Plant and education regarding evacuation plans for the citizens. He felt that this type of research was important and had a positive effect on the community.

Mr. Brown thanked Ms. Cory for the presentation.

Mr. DePue agreed with Mr. Brown's comments. He stated his appreciation for the group's involvement in the mosquito control issue and agreed that the concerns for the safety and evacuation of our citizens are very important issues. He mentioned that a small, informal group discussion of the complicated issues might be a good idea.

#### D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, reported that the design work for the traffic signal at Longhill Road and Olde Towne Road is proceeding. He mentioned some work had been done behind Norvalia where the erosion had occurred.

Mr. Brown asked when the signal at Olde Towne Road and Longhill Road would be installed.

Mr. Hall replied that the district-wide contract requires installation within 30 to 45 days; the signal should be installed in December or January.

Mr. Brown mentioned that road repairs were needed on Route 60 East between McDonald's and Route 199.

Mr. Hall responded that the overlay plan includes that section for repair next summer.

Mr. Brown reported that a car hit the guy wire of a streetlight at the corner where the Crestar Bank is located on Route 60 East and requested that the wire be replaced.

Mr. DePue mentioned Mr. Hall's letter that stated the Department of Transportation's perception of its responsibilities and those of the County. He asked Mr. Norman to coordinate with Mr. Hall concerning these responsibilities.

Mr. DePue noted that he was pleased that the turn lanes were being constructed in Windsor Forest and expressed concern about the steep drop-off along Longhill Road near Lafayette High School. He asked Mr. Hall if guardrails could be installed in some of the areas.

Mr. Hall stated that curb and gutter will be installed.

Mr. DePue expressed appreciation for the prompt response by the Department of Transportation to his request for speed limit signs in Season's Trace.

Mr. Taylor requested that Mr. Hall have the limbs cut from trees overhanging Cokes Lane.

Mr. Hall replied in the affirmative.

Mr. Mahone commented that Mr. Hall had agreed to review limiting the size of trucks crossing Lake Powell Dam. He asked Mr. Hall to have the grass cut along Route 60 East at the Old Country entrance.

Mr. Edwards stated that citizens from Indigo Park requested reduction of the speed limit from 45 mph to 35 mph on Route 5 at Five Forks.

Mr. Hall replied that he would have the speed limit investigated.

#### E. PUBLIC HEARINGS

##### 1. Case No. SUP-25-87. Ford's Colony Sewage Pump Station

Ms. Monica Lindeman, Interim Director of Planning, stated that Mr. Sanford Wanner of the James City Service Authority has applied on behalf of Ford's Colony for the installation of a 4,800 gallon per minute wastewater pump station identified as the Ford's Colony sewage pump station, which will

be located adjacent to and be a replacement for the existing Lift Station 1-5 located at the end of Hempstead Road in Windsor Forest. The pump station is in compliance with the approved Master Sewerage Plan.

The Planning Commission unanimously recommended approval of this special use permit application with the conditions as listed in the resolution.

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 special use permit.

Mr. Mahone asked if this was the alternate site.

Mr. Edwards replied in the affirmative.

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

R E S O L U T I O N

CASE NO. SUP-25-87. FORD'S COLONY SEWAGE PUMP STATION

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, following its public hearing on September 22, 1987, unanimously recommended approval of Case No. SUP-25-87.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-25-87 as described herein with the following conditions.

1. Compliance with all local, State and Federal requirements for construction, operation, and maintenance of the pump station.
2. Compliance with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook. A Land Disturbing Permit and Siltation Agreement, with surety, are required.
3. Acquisition of all required permits and easements prior to the commencement of construction.
4. For construction adjacent to the existing residential development, adequate dust and siltation control measures will be taken to prevent adverse effects on the adjacent residential property.
5. A copy of the final construction plans and specifications and the as-builts shall be provided to the Service Authority. James City Service Authority shall be notified 72 hours in advance on the construction of the proposed facility where it might interfere with existing Authority water or sewer mains.
6. If construction does not commence on this project within a period of 36 months from the date of issuance of this permit, it shall become void. Construction shall be defined as clearing, grubbing and excavation necessary for construction of the pump station.

2. Case No. SUP-26-87. William T. Nixon

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. William T. Nixon, Jr., has submitted an application for a special use permit to allow the

placement of a mobile home to be used as a residence on approximately 5.438 acres, set back approximately 300 feet and accessed by a 50-foot private ingress/egress easement leading to Riverview Road, a paved, State-maintained road.

Staff recommends the approval with the conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the special use permit.

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

R E S O L U T I O N

CASE NO. SUP-26-87. WILLIAM T. NIXON

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

NOW, 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: William T. Nixon, Jr.

Real Estate Tax Map ID: (15-3)

Parcel No.: (1-4B)

Address: 5378 Riverview Road

District: Stonehouse

Zoning: A-1

Permit Term: This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

- Further Conditions:
1. The mobile home must be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
  2. The number of bedrooms shall not exceed three.
  3. An access driveway of rock or gravel all-weather surface within the platted 50-foot easement to the property shall be constructed and maintained in a condition passable in all weather by emergency vehicles. The drive within the platted easement shall be constructed prior to placement of the mobile home on the site.

4. This permit is valid only for the mobile home described in the application. If the mobile home is removed, the permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.

3. Transfer of 0.1014 Acres +/- to John Grier Construction Company, Berkeley District

Mr. Frank M. Morton, III, County Attorney, stated that since Mr. Joseph Terrell has not complied with the Board's conditions, that the property not be transferred to John Grier Construction Company as advertised, but rather, the Board should instruct staff to proceed with attaching this property to the Richardson-Meadows parcel to be transferred to the Industrial Development Authority, and eventually to the Farmers Cooperative for use as a Farmers Market.

Mr. Morton noted that Mr. Terrell has not complied with certain conditions the Board set for selling him the property, i.e., the correction of all outstanding site plan violations at Raleigh Square and removal and cleanup of the "illegal dump" on the Midlands site. In addition, Mr. Terrell was to purchase a building permit and file a site plan for the encroaching building, and pay all costs associated with subdividing the property for sale.

Mr. Morton suggested that the public hearing be held, and the staff be instructed to transfer the property to the Industrial Development Authority.

Mr. Edwards opened the public hearing.

1. Mr. Joseph Abdelnour, representative for the John Grier Construction Company, explained that Mr. Terrell had cleaned up the dump and, in his opinion, had substantially complied with the County's wishes by removing the building material at the dump site. Mr. Abdelnour reported that Mr. Terrell's position is that he has done all that it is possible to do.

Mr. Abdelnour felt that the dump site was far removed from roads and residents and was not a concern to anyone, and stated Mr. Terrell was confused about the requirements for the site plan when he inserted the location on the property line survey and submitted same to the Code Compliance department.

Mr. Abdelnour stated that the contractor did not do the reseeding of the berm between the Raleigh Square townhouses and Route 31, but Mr. Terrell is willing to bond or escrow funds for completion of the work by another contractor. He requested approval by the Board of the sale of property to his client.

Mr. Edwards closed the public hearing.

Mr. Edwards disagreed with the statement that the dump site was not an important issue for the County. He emphasized that the applicant must abide by the County laws.

Mr. Brown concurred with Mr. Edwards' remarks and added that the Board accommodated the applicant by trying to find satisfactory solutions, and he felt that additional time would not bring about the desired results.

Mr. DePue noted that the Board must enforce the County ordinance; there are no other alternatives.

Mr. Taylor stated that he thought the County had done all it could do to resolve the situation.

Mr. Mahone indicated that he was uncomfortable with granting a deferral since the work had not been accomplished in the past twelve weeks.

Mr. DePue asked whether conveying the property to the Industrial Development Authority was proper.

Mr. Morton replied that taking no action would present a violation of the Subdivision Ordinance by creating a parcel of land with no road frontage.

Mr. Morton informed the Board that the resolution could be amended to include that the parcel be conveyed to the IDA not earlier than October 30, which is the date of the IDA meeting on the Farmers Market issue.

Mr. Edwards made a motion to approve the resolution authorizing transfer of the parcel to the Industrial Development Authority no earlier than October 30, 1987.

Mr. Taylor asked the reason for the October 30 date.

Mr. Morton replied that the additional time would be used to file, on behalf of the County and the IDA, an injunction against Mr. Terrell to have the encroaching building removed.

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

#### R E S O L U T I O N

#### AUTHORIZATION TO TRANSFER 0.1014 ACRES ± TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA

WHEREAS, James City County, Virginia, owns certain property commonly known as the Richardson-Meadows Tract located on the westerly side of Strawberry Plains Road in James City County, Virginia; and

WHEREAS, it is the desire of the Board of Supervisors to transfer a portion of said property to the Industrial Development Authority of the County of James City, Virginia, to enable it to be developed as a farmers market; and

WHEREAS, pursuant to Section 15.1-262 of the Code of Virginia (1950), as amended, a public hearing was held on October 5, 1987, and October 19, 1987, to consider the transfer of said property; and

WHEREAS, it is found to be in the best interest of the County to transfer 0.1014 acres ± of said property for such purposes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of James City, Virginia, hereby authorizes its Chairman to execute a Deed transferring 0.1014 acres ± of property as set out and shown as Parcel "D" on a plat entitled, "Subdivision of a Portion of Parcel "A," Richardson-Meadows Tract for Conveyance from James City County to the Industrial Development Authority of James City County," made by Rouse-Sirine, Ltd., dated July 8, 1987, and revised October 12, 1987; provided, however, said transfer shall not be made prior to October 30, 1987.

#### F. CONSENT CALENDAR

Mr. Edwards asked if there was any discussion about the Consent Calendar.

Mr. Mahone made a motion to approve the Consent Calendar.

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

1. Code Violation LiensR E S O L U T I O NCODE VIOLATION LIEN

WHEREAS, the Office of Code Compliance has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges constitute a lien against the real property on which the service was performed and for which charges were imposed.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 7-4 of the Code of the County of James City, the Board of Supervisors directs that the following delinquent charges for service rendered shall constitute a lien against such property to wit:

Mowing grass and weeds:

Account No.:	Mr. James N. Parks USAED-SAL APO, NY 09038
Description of Property:	106 Discovery Lane Powhatan Shores Subdivision Tax Map No. (47-3); Parcel (5-23) Deed Book #248, Page 516
Amount Due:	Labor and Equipment \$70.00

R E S O L U T I O NCODE VIOLATION LIEN

WHEREAS, the Office of Code Compliance has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges constitute a lien against the real property on which the service was performed and for which charges were imposed.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 7-4 of the Code of the County of James City, the Board of Supervisors directs that the following delinquent charges for service rendered shall constitute a lien against such property to wit:

Remove debris:

Account No.:	Ms. Eileen O. Waltrip 259 Sandy Bay Road Williamsburg, VA 23185
Description of Property:	259 Sandy Bay Road Tax Map No. (47-3); Parcel (1-2) Deed Book #24, Page 236
Amount Due:	Labor and Equipment \$558.04

RESOLUTIONCODE VIOLATION LIEN

WHEREAS, the Office of Code Compliance has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges constitute a lien against the real property on which the service was performed and for which charges were imposed.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 7-4 of the Code of the County of James City, the Board of Supervisors directs that the following delinquent charges for service rendered shall constitute a lien against such property to wit:

Mowing grass and weeds:

Account No.:	Mr. James N. Parks USAED-SAL APO, NY 09038
Description of Property:	116 Constance Avenue Powhatan Shores Subdivision Tax Map No. (47-3); Parcel (5-27) Deed Book #248, Page 516
Amount Due:	Labor and Equipment \$60.00

**6. BOARD CONSIDERATIONS**

**1. Ordinance to Amend Chapter 18, Taxation**

Mr. John McDonald, Director of Financial and Management Services, explained the proposed revision to the County ordinance related to exemption of real property taxes for the elderly, handicapped, or disabled. The qualifications are income, net worth, and income of other persons residing in the household.

Staff recommends a proposed increase in the eligible income level from \$14,500 to \$18,500. The public hearing was advertised at the State maximum income level of \$22,000.

Mr. McDonald further explained that the financial net worth ceiling excludes the house and up to one acre of land. The State allows \$75,000 net worth, but the County proposes to limit the ceiling to \$50,000.

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

Mr. Brown asked what the reasons were for the \$18,500 and \$50,000 limits.

Mr. McDonald responded that the median income in 50 percent of the households in James City County is \$22,000 or less.

Mr. Brown asked what was the real estate tax revenue for this year.

Mr. McDonald replied 8 and 1/2 million, and added that there are eligible citizens in the County who are not applying for the exemption.

Mr. Brown mentioned that sending out information with the real assessment notices might be a good idea. He inquired as to the age qualification.

Mr. McDonald responded 65 years of age (if married, only one person must be 65), or handicapped.

Mr. Taylor stated that citizens question whether children, upon inheriting an estate, would have to pay the taxes.

Mr. McDonald stated that State law allows the deferral transaction, but that our local ordinance does not include the deferral option.

Mr. Taylor noted that he agreed with the recommendation.

Mr. Brown expressed the need for greater effort in contacting the citizens about the program's existence and local limits. He felt that, after the information has been distributed, the County would then have a better estimate of the effect of such policy on the revenues.

Mr. Edwards asked about the advantages of a sliding scale compared to a single limit.

Mr. McDonald explained that both exemption and deferral can be accommodated with a sliding scale, and that he could provide additional information if the Board desires.

Mr. Mahone requested staff pursue Mr. Brown's suggestion of mailing the notice with the real estate assessment forms to all qualified persons. He expressed his satisfaction with that procedure.

Mr. Taylor suggested the notices would receive more attention if mailed with the tax bill.

Mr. Brown stated that the earliest the notice could go out would be next spring and asked what was the deadline for applying.

Mr. McDonald replied May 1.

Mr. Brown mentioned including the notice in the County decal mailing.

Mr. McDonald indicated that he and Mr. Ford could propose a method on how to notify citizens.

Mr. Brown asked what the volume of a special mailing would be.

Mr. McDonald responded that there are 12,000 parcels.

Mr. DePue inquired if the exemption was for the home only, and not other real estate.

Mr. McDonald responded the exemption was for one house and up to one acre of land.

Mr. Taylor stated that owning additional acres would not disqualify a person.

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

## 2. Agreement - Ford's Colony School Site

Mr. Morton stated that the City of Williamsburg had signed the agreement and he was requesting that the Board approve the resolution authorizing execution of the document.

Mr. Edwards made a motion to approve the resolution.

Mr. DePue expressed appreciation, on behalf of the citizens, to the City Mayor, County Chairman and involved Council members for their diligent efforts in preparing this agreement.

Mr. Taylor congratulated Mr. Edwards for his perseverance and on a job well done.

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

## R E S O L U T I O N

### AGREEMENT - FORD'S COLONY SCHOOL SITE

WHEREAS, the Board of Supervisors of James City County and the City Council of the City of Williamsburg are interested in resolving certain differences relating to obligations attaching to the Ford's Colony School Site.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman of the Board to execute that certain Agreement by and between the County of James City and the City of Williamsburg, dated October 8, 1987, concerning the Ford's Colony School Site.

#### 3. Reduction of Scenic Easement - Chanco's Grant

Ms. Monica Lindeman, Interim Director of Planning, stated that staff was recommending a reduction in the easement from 60 feet to 15 feet so that the residents could construct accessory structures, additions, fences and cut trees to accomplish same; thus, also allowing for reasonable use of their backyards.

Mr. DePue questioned whether the easement rights of 45 feet are being relinquished rather than trying to regulate building, etc.

Mr. Morton responded that the County would have no control over what might be done in the 45-foot easement.

Mr. Mahone inquired as to whether an owner could remove the trees with no intention of building in the backyard.

Mr. Morton replied in the affirmative, if this resolution is approved.

Mr. DePue asked if steps were being taken so that similar situations would not occur.

Ms. Lindeman replied that staff will carefully review each situation.

Mr. Brown spoke in opposition to the proposal. He mentioned that the easement was shown on the plats, and owners should have been aware of the easement when buying, as lots were priced accordingly. He further stated that he saw no reason for an easement reduction from 60 feet to 15 feet.

Mr. Mahone was concerned that the elimination of the greenbelt area was not in the best interest of the County and questioned what would happen when the right-of-way on Ironbound Road is increased.

Ms. Lindeman mentioned that Ironbound Road is not a designated greenbelt.

Mr. Morton stated that the greenbelt on Ironbound Road is the only undesignated one in the County.

Mr. DePue stated that once easements are established, the County should maintain them. The realtors and attorneys representing homeowners are responsible for informing the buyers of easements, which are a benefit to the public as well as the homeowners.

Mr. Mahone noted that approval of the resolution would benefit the homeowner with no guarantee to the County that a fence or screening would be installed.

Mr. David Norman, County Administrator, asked if the Board would consider a 35-foot easement.

Mr. DePue inquired if, in maintaining the easement, site plans with examples of kinds of uses could be allowed.

Mr. Morton stated such allowances would have a direct impact on the County's other scenic easements.

Mr. Taylor suggested that staff report back with an alternate proposal.

Mr. Edwards asked how many homeowners were involved in the easement request.

Ms. Lindeman replied all homeowners of lots that abut Ironbound Road.

Mr. Taylor stated that property owners pay taxes on the easement and that the Board should support the citizens' requests.

Mr. Edwards expressed doubt that all citizens would agree that the reduction of the easement was a good idea.

Mr. Morton stated that staff could talk to the homeowners about the Board's concerns regarding cutting down trees, and about reducing the scenic easement by 20 feet in backyards.

Mr. Brown agreed with the suggestion and asked staff to report back to the Board.

#### H. PUBLIC COMMENT - NONE

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman announced the Williamsburg Regional Commission on Growth meeting at Bruton High School auditorium on October 27, 1987, at 7:30 p.m. A summary report will be presented at that time, with public comment invited.

Mr. Norman reported that the International City Managers Association Advisory Committee was working on a package of programs, both tapes and written handbooks, for improving appointed and advisory board performance. The programs are highly regarded by the Boards who have participated.

Mr. Norman stated that an executive session was needed for a legal matter.

Mr. Edwards referenced the reading file memo regarding Boards and Commissions' appointments.

Mr. Mahone made a motion to appoint Mr. James Robertson to fill an unexpired term on the Clean County Commission, term expiring May 19, 1989; to reappoint Mr. William Apperson to the Wetlands Board, term expiring October 1, 1992; to reappoint Mr. H. G. Sheldon, Mr. Paul C. Small, and Mr. Roger Guernsey to the Board of Adjustments and Appeals (BOCA), terms expiring October 25, 1992; and to appoint Ms. Shirley Hundley as representative for Jack Edwards on the Community Action Agency, term expiring January 5, 1988.

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

#### J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor read a letter from Clint and Billie Frost requesting a streetlight be placed on Louise Drive in Temple Hall Estates. Mr. Taylor had also received letters from Carl and Cynthia Stout, Barbara Cook, and Mr. and Mrs. William Owen, residents of Temple Hall Estates, regarding the streetlight request.

Mr. Wayland Bass, Director of Public Works, stated that the request would be reviewed.

Mr. Mahone mentioned that citizens would be asked by Public Works to sign a document requesting the streetlight.

Mr. Taylor asked staff to write a letter to Ms. Dorothy Jordan regarding the request for a trailer permit on Hicks Island.

Mr. Brown referenced the reading file memo from Sandi McPherson that would extend the hours at the Recreation Center for early morning swimmers. He requested that a report be given to the Board in January on the usage experienced, and suggested that we discontinue the early hours in February only for lack of usage.

Mr. Brown reported that efforts are underway to improve the parking at Governor's Square through the property owners association and the developer. He felt the college could not totally absolve itself from the situation since most of the residents are students. He voiced concerns about the project in the future if serious efforts are not undertaken now to control occupancy.

Mr. DePue referred to Mr. John McDonald's memo in the reading file regarding school enrollment. He mentioned that Dr. John Allen made an excellent point for the possible use of Bruton High School, and the initiative would have to start at the political level.

Mr. DePue indicated that he felt York County should commit to a figure and period of time for which they would guarantee space for students. He stated the main interest would be to hold the tax rate down, and that at some point in time, the option should be explored with the governing bodies adopting a resolution to the School Board to investigate the option with the York County School Board.

Mr. DePue emphasized that he was not suggesting a proposal at this point, but was exploring the options as opposed to making a commitment.

Mr. Brown commended the School Board for the joint meeting that was held on October 13. He thought that conversations about the high school, other school site construction schedules, etc., should begin now by subcommittees before the next budget sessions. He suggested constructively exploring every option so that the proposed solution will show that all facets were studied.

Mr. Brown indicated one option that was not discussed was that of Bruton Heights, which would be reconsidered when the Ford's Colony school opens. The Board might want to seriously consider the major renovation of existing schools at \$3 to 4 million for a sizable facility.

Mr. Brown inquired about the status of the Williamsburg study regarding separation from the joint school system.

Mr. Edwards replied the study should be issued by the end of this month.

Mr. Brown stated that negotiating school construction will be a major work item for 1988.

Mr. DePue stated that the Board should pressure the City for information on the building program and for the Council's decision. He noted that the School Board feels that the decision time will be next spring.

Mr. Brown stated that meetings should be held within the next few months to insure timely discussions about the three schools for 1993.

Mr. Edwards commented that the school negotiations could not be completed prior to the capital budget.

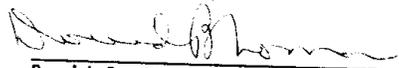
Mr. Edwards made a motion to go into executive session for legal and real estate matters pursuant to Section 2.1-344(a)(1)(2) of the Code of Virginia, as amended, at 3:00 p.m.

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

Mr. Edwards reconvened into open session at 3:32 p.m. and made a motion to adjourn.

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

The Board adjourned at 3:32 p.m.



David B. Norman  
Clerk to the Board

THIS AGREEMENT, made this 8 day of October, 1987, by and between the COUNTY OF JAMES CITY, a political subdivision in the Commonwealth of Virginia ("County") and the CITY OF WILLIAMSBURG, a municipal corporation in the Commonwealth of Virginia ("City");

WHEREAS, County and City have been unable to agree as to City's obligation, if any, to make partial payment for certain land known as the Ford's Colony school site to be conveyed by County to the Williamsburg-James City County School Board to be used for construction of a school at Ford's Colony in James City County; and

WHEREAS, the obligations of County and City to contribute toward school site acquisition are governed by a contractual agreement identified as Amended and Restated Contract, for the Joint Operation of Schools, City of Williamsburg and County of James City; and

WHEREAS, the parties are further unable to agree how the amount of City's payment should be determined should it be established that City is obligated to pay; and

WHEREAS, it is imperative that the school site be conveyed to the Williamsburg-James City County School System in the immediate future in order to prevent a delay in the construction of the school; and

WHEREAS, the parties have a justiciable issue which is ripe for consideration by the Court.

NOW, THEREFORE, WITNESSETH that for and in consideration of the mutual covenants set forth herein, County and City agree to the following:

1. The parties are unable to reach agreement as to City's obligation, if any, to make partial payment for certain land known as Ford's Colony school site to be conveyed by County to Williamsburg-James City County School Board.

2. The parties are further unable to agree on how the amount of City's payment should be determined should it be established that City is obligated to make payment under the terms of the aforesaid contract.

3. County's and City's obligation to pay for school site acquisition is governed by a certain agreement between them entitled, Amended and Restated Contract, for the Joint Operation of Schools, City of Williamsburg and County of James City.

4. The parties are at an impasse in the matters set forth in Nos. 1 and 2 above and the issues involved are ripe for determination by Declaratory Judgment.

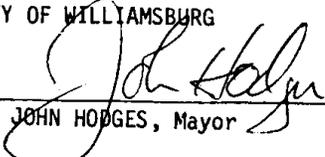
5. The parties upon filing of the Declaratory Judgment suit agree to immediately seek entry of an order reflecting that they are at an impasse and as such have a justiciable issue for the Court to decide. The parties further agree that the conveyance of the property by the County to the Williamsburg-James City County School System prior to any decision of the Court shall not prejudice the rights of County or City in seeking a decision of the Court, nor shall such transfer prejudice the determination of the value of the property.

IN WITNESS WHEREOF, the parties, being first duly authorized, have executed this Agreement as of the date first set forth above.

COUNTY OF JAMES CITY

BY:   
JACK D. EDWARDS, Chairman  
Board of Supervisors

CITY OF WILLIAMSBURG

BY:   
JOHN HODGES, Mayor

OCT 19 1987

ORDINANCE NO. 107A-5

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18, TAXATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE II, EXEMPTION OF CERTAIN PERSONS FROM REAL ESTATE TAXES, SECTION 18-10, QUALIFICATIONS FOR EXEMPTION; AND SECTION 18-12, APPLICATION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18, Taxation, is hereby amended and reordained by amending Section 18-10, Qualifications for exemptions; and Section 18-12, Application.

#### Chapter 18. Taxation

#### Article II. Exemption of certain persons from real estate taxes.

#### Section 18-10. Qualifications for exemption.

Such exemption may be granted for any year following the date that the head of the household and-or his or her spouse occupying such dwelling, to include permanently-sited mobile or manufactured homes as defined in Section 36-85.3 Code of Virginia, 1950, and owning title or partial title thereto, reaches the age of sixty-five (65) and in addition:

- (a) The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed eighteen thousand five hundred dollars (\$18,500.00); provided, that the first four thousand dollars (\$4,000.00) of income of each relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.
- (b) The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner,

excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated does not exceed fifty thousand dollars (\$50,000.00).

(3-12-73, Section 2-1; Ord. No. 70A-1, 8-8-77; Ord. No. 70A-2, 4-27-81; Ord. No. 70A-3, 11-15-82)

Section 18-12. Application.

Any person or persons claiming such exemption shall file annually with the commissioner of the revenue of the county, on forms to be supplied by the county, an affidavit setting forth the names of the related persons occupying such real estate; provided, that the total combined net worth, including equitable interests and the combined income from all sources, of the person or persons as specified in section 18-10 does not exceed the limits prescribed in this article.

If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Veterans Administration or Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that such person is permanently and totally disabled, as defined in section 18-9, and that at least one of the medical doctors has physically examined the applicant.

Such affidavit shall be filed on or after the first day of January, but not later than the first day of May of each year in which an exemption is sought except that the commissioner of the revenue is authorized to accept affidavits until the first day of June for first-time applicants or in the case of hardships.

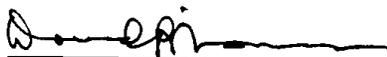
The commissioner of the revenue shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefor as specified in this article. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then current taxable year and the taxable year immediately following. A qualified applicant shall not be deemed to have violated any limitation or condition if said applicant is confined to a nursing home or hospital and the property is not used by or leased to others for consideration. (3-12-73, Sections 4-1-4-4; Ord. No. 70A-1, 8-8-77; Ord. No. 70A-2, 4-27-81; Ord. No. 70A-3, 11-15-82)

State law reference—Code of Virginia, Section 58.1-3213.

  
\_\_\_\_\_  
Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE