

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 17TH DAY OF DECEMBER, NINETEEN HUNDRED NINETY, AT 1:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Judith N. Knudson, Jamestown District
Jack D. Edwards, Berkeley District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATIONS

1. Chairman's Award

Mr. DePue announced that Mr. John E. McDonald, Manager, Financial and Management Services was the recipient of the Chairman's Award and presented a resolution and gift certificate to him.

Mr. McDonald thanked the Board and expressed appreciation to his staff, the Commissioner of Revenue and the Treasurer.

2. Planning Commission Annual Report - Alexander Kuras

Mr. Alexander Kuras gave a brief presentation of the Planning Commission's activities for this year.

C. MINUTES - December 3, 1990

Mr. DePue asked if there were corrections or additions to the minutes.

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

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

D. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Transportation, reported that he had been unable to contact Mr. Leonard about the erosion on Chickahominy Road, that the problem on Church Lane had been solved, and that signage had been corrected on Lake Powell Road.

Mr. Norment thanked Mr. Hall for the pothole repairs on Ron Springs Road.

Mr. Edwards asked about the timetable for acquisition of a right-of-way on Route 199 at Route 5.

Mr. Hall responded that that section of Route 199 was in the third or fourth year of the 6-year plan.

Mr. Edwards questioned whether the State budgetary crisis would affect future funds for road construction.

Mr. Hall replied that information would be available after the 6-year plan was addressed in the spring.

Mr. Taylor asked that Mr. Hall investigate beaver dams which create flooding of acreage near Route 60.

E. CONSENT CALENDAR

Mr. DePue asked if any Board member wished to remove an item from the Consent Calendar.

Mr. DePue stated that staff had asked that Item No. 2 be removed.

Mr. DePue made a motion to approve Items 1, 3, 4, 5 and 6 on the Consent Calendar.

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

1. VPSA - Bond Sale
3. Dedication of Streets - Fieldcrest Sections 1 and 2 and Mill Creek Landing, Sections 1, 3, 4, 5, 6, 7 and 8

R E S O L U T I O N

DEDICATION OF STREETS IN FIELDCREST, SECTIONS 1 AND 2

WHEREAS, the developer of Fieldcrest, Sections 1 and 2 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Fieldcrest, Sections 1 and 2 to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Fieldcrest, Sections 1 and 2, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Fieldcrest Court, 50-foot right-of-way
From: Route 614 (Centerville Road)
To: Intersection of Deerfield Court
Distance: 840 feet (0.16 mile)
2. Deerfield Court, 50-foot right-of-way
From: Fieldcrest Court
To: End of Cul-de-sac
Distance: 390 feet (0.07 mile)

The rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Fieldcrest, Section 1, recorded in Plat Book 42, page 84, dated June 20, 1990; and Fieldcrest, Section 2, recorded in Plat Book 44, page 60, dated January 29, 1987.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

R E S O L U T I O N

DEDICATION OF STREETS IN MILL CREEK LANDING

SECTIONS 1, 3, 4, 5, 6, 7 and 8

WHEREAS, the developer of Mill Creek Landing, Sections 1, 3, 4, 5, 6, 7 and 8 has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Mill Creek, Sections 1, 3, 4, 5, 6, 7 and 8 to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Mill Creek, Sections 1, 3, 4, 5, 6, 7 and 8, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Bridgewater Drive, 50-foot right-of-way
From: Route 1476 (Burnley Drive)
To: Route 1476 (Burnley Drive)
Distance: 2,767 feet (0.52 miles)
2. Camberley Circle, 50-foot right-of-way
From: Bridgewater Drive
To: End of cul-de-sac
Distance: 262 feet (0.05 miles)
3. Whitehaven Circle, 50-foot right-of-way
From: Bridgewater Drive
To: End of cul-de-sac
Distance: 210 feet (0.04 miles)
4. Toddington Circle, 50-foot right-of-way
From: Bridgewater Drive
To: End of cul-de-sac
Distance: 255 feet (0.05 miles)
5. Whithorn Circle, 50-foot right-of-way
From: Bridgewater Drive
To: End of cul-de-sac
Distance: 215 feet (0.04 miles)

The rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Mill Creek Landing, Section 1, recorded in Plat Book 48, page 84, dated June 1, 1988; Mill Creek Landing, Section 3, recorded in Plat Book 49, page 34, dated August 19, 1988; Mill Creek Landing, Section 4, recorded in Plat Book 49, page 35, dated August 19, 1988; Mill Creek Landing, Section 5, recorded in Plat Book 49, page 36, dated August 19, 1988; Mill Creek Landing, Section 6, recorded in Plat Book 49, pages 98 and 99, dated December 2, 1988; Mill Creek Landing, Section 7, recorded in Plat Book 49, page 100, dated December 2, 1988; and, Mill Creek Landing, Section 8, recorded in Plat Book 51, page 5, dated July 7, 1989. That portion of right-of-way from 0.03 miles northeast of State Route 1476 (a distance of 500 feet which crosses a dam as part of Bridgewater Drive) is addressed in the four-party agreement among the Virginia Department of Transportation, James City County, John Grier Construction Company, a Virginia Corporation, and Mill Creek Landing Homeowners Association, Inc., a Virginia Corporation.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

4. School Audit Adjustment - FY 1990 and FY 1991R E S O L U T I O NAMENDMENT TO SCHOOL BOARD APPROPRIATION

WHEREAS, the annual audit of the Williamsburg-James City County Schools has resulted in a request to amend the appropriations to the School for both FY 1990 and FY 1991.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the appropriations for the Williamsburg-James City County Schools be adjusted, as follows:

FY 1990

Previous Appropriation	\$28,437,812
Adjustment	146,490
Appropriation, as Amended	<u>\$28,584,302</u>

FY 1991

Previous Appropriation	\$32,094,563
Adjustment	(76,916)
Appropriation, as Amended	<u>\$32,017,647</u>

5. Budget Adjustments for Recycling ProgramR E S O L U T I O NBUDGET AMENDMENT - RECYCLING PROGRAM

WHEREAS, the Board has approved a program for implementing a County-wide recycling program; and

WHEREAS, funds totalling \$250,000 were reserved in Contingency during the FY 1991 budget process pending final development of the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adjusts the FY 1991 budget as follows:

Transfer Revenues From:

Contingency	\$250,000
Total	<u>\$250,000</u>

Transfer Funds To:

Dumpster Contract	\$ 99,000
Curbside Collection Contract	33,058
Convenience Center Sites	
Capital Outlay	74,362
Other Operating	<u>43,580</u>
Total	<u>\$250,000</u>

6. Bid Award Solid Waste CollectionR E S O L U T I O NSOLID WASTE CONTAINER COLLECTION AND RECYCLING PROGRAM

WHEREAS, funds are appropriated in the FY 1991 Landfill Operating Budget to provide solid waste container collection and recycling service at certain of the County container sites for the remaining six months of FY 1991; and

WHEREAS, requests for bids for this service for a 2-1/2 year period were issued, responses evaluated and the lowest bid meeting the critical specifications and being in the best interest of the County was determined to be that submitted by Browning-Ferris Industries (BFI); and

WHEREAS, it has been further determined that the bid submitted by Browning-Ferris Industries (BFI) in the amount of \$72,942 for the period January 1 through June 30, 1991 meets the critical specifications and was the lowest responsible/responsive bidder in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a 2-1/2 year contract with BFI for the Solid Waste Collection and Recycling Program.

BE IT FURTHER RESOLVED that the sum of \$72,942 is authorized for payment under the terms of the contract through June 30, 1991.

2. BASF Height Limitation Waiver

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Frank A. Taylor had applied on behalf of the BASF Corporation for a height limitation waiver for 2 exhaust stacks which would extend approximately 95 feet above grade. Mr. Taylor now requested a change to 96 feet above grade.

Staff recommended approval of that request.

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Mr. DePue made a motion to approve the resolution by substituting "96 feet" for "95 feet."

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

R E S O L U T I O N

BASF HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a height limitation waiver for structures; and

WHEREAS, the applicant has requested a height limitation waiver to permit 2 exhaust stacks on the BASF site on property identified as Parcel (1-3) on James City County Real Estate Tax Map No. (59-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of a height limitation waiver as described herein with the following condition.

1. The proposed exhaust stacks shall not exceed 96 feet above finished grade.

F. BOARD CONSIDERATIONS

1. Local Social Services Consolidation

Mr. Anthony Conyers, Jr., Manager, Community Services, introduced Mr. John Holdren, Director, Social Services, who stated that the Office of the Secretary of Health and Human Resources had proposed the consolidation of local Social Services departments, effective July 1, 1991, in response to the State revenue shortfall.

Mr. Holdren expressed that the County's recent concerns over the Health Department's district system would warrant a careful study of the impact of a district system on citizens.

Staff recommended that the Board support suspension of any consolidation pending a study of restructuring State and local social service system.

Mr. Edwards made a motion to strike the word "feasibility" in the resolution and insert the word "desirability," and approve the amended resolution.

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

R E S O L U T I O NLOCAL SOCIAL SERVICES CONSOLIDATION

WHEREAS, the Commonwealth of Virginia has maintained a locally administered social service delivery system for its independent counties and cities since 1936; and

WHEREAS, there has been initiated by the State of Virginia within the Secretary of Human Resources' Office a committee considering alternatives that would significantly modify the current social service structure; and

WHEREAS, this consolidation modification could have significant negative service delivery and fiscal impacts to local governments, as well as serious adverse affects on clients; and

WHEREAS, James City County while committed to the efficient and effective delivery of services to the citizens of the Commonwealth recognizes the fiscal dilemma that currently exists and acknowledges that it may be necessary that reductions in State funding to localities occur for fiscal year 1992.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, requests and supports a study and analysis to be conducted by a joint committee of the Virginia General Assembly to evaluate the desirability of the restructuring of the Commonwealth's Social Service delivery system.

BE IT FURTHER RESOLVED, that the study should specifically evaluate the cost-effectiveness of any of the proposed changes and their impact on local governments and clients.

2. Regional Drainage Improvement

Mr. Bernard M. Farmer, Jr., Director, Code Compliance, stated that this proposal would use funds from the Environmental Protection CIP account, along with donations of land and easements from property owners involved, to design and construct a drainage control facility that would help preserve the quality of water flows to Lake Powell and Mill Creek.

Mr. Farmer noted that the drainage basin study recommended four regional detention basins in the Mill Creek watershed including a site between the Midlands project and Bradshaw's Ordinary, with drainage easements required from adjacent property.

Staff recommended approval of the resolution.

The Board discussed the acreage involved, uses of the Environmental Protection CIP account funds, number of undeveloped parcels in the area, possibility of cost sharing with developers, and estimated maintenance costs.

Ms. Knudson made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, DePue (4). NAY: (0). ABSTAIN: Norment (1).

R E S O L U T I O N

REGIONAL DRAINAGE BASIN FUNDS

WHEREAS, the adopted Mill Creek/Lake Powell Watershed Drainage Study recommends a regional basin adjacent to Indigo Dam; and

WHEREAS, funds are available to construct a facility in this location in the Environmental Protection CIP account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute all documents required for easement acquisition and to prepare the necessary construction documents for a Regional Drainage Control Facility on and adjacent to the Bradshaw's Ordinary Project.

G. PUBLIC COMMENT

1. Mr. Gene Farley, Chickahominy Haven, requested that the Shipyard dumpster be kept open for an extended time after the end of the calendar year.

Mr. DePue asked that Mr. Larry Foster, General Manager, James City Service Authority, meet with Mr. Farley to discuss the matter.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, congratulated Mr. Frank Force, City Manager of Williamsburg for 24 years, who will be retiring at the end of December. He expressed appreciation for the spirit of cooperation in working together.

Mr. Norman extended congratulations to Mr. Jack Tuttle, the newly appointed City Manager of Williamsburg, and welcomed him to the community.

Mr. Norman recommended the Board convene into executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with legal and staff members on two specific legal matters.

I. BOARD REQUESTS AND DIRECTIVES - None

Mr. DePue recessed the Board for a James City Service Authority meeting at 2:11 p.m.

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

Mr. DePue reconvened the Board into open session at 3:52 p.m.

Ms. Knudson made a motion to convene into executive session as recommended above by the County Administrator.

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

Mr. DePue reconvened the Board into open session and made a motion to approve the executive session resolution at 5:10 p.m.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: (0). ABSENT: Taylor (1).

R E S O L U T I O N

MEETING DATE: DECEMBER 18, 1989

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Edwards made reference to a Reading File memorandum from Mr. Rick Hanson, and made a motion to establish the Little Creek Community Advisory Committee, appointing Belinda Camp, Dora Carey, Levi Carey, Odessa Carey, Lucille Cowles, Shellice Graves, Irma Hawkins, Lorine Holmes, Sheila Taylor, Stewart Taylor, Val Wallace, and Thomas Wynne, Sr., each to a one year term, effective January 1, 1991.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: (0). ABSENT: Taylor (1).

A work session regarding regional landfills followed with Mr. Frank Miller, Executive Director, Virginia Peninsulas Public Service Authority, in attendance.

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Mr. Miller asked that the Board consider the use of the James City County landfill for Williamsburg and York County disposal needs for an interim period not to exceed 7 years. He further requested that the Board consider the possibility of VPPSA operation of the JCC landfill at some future date.

Mr. DePue raised the issue of traffic on roads leading to the landfill. Mr. Edwards inquired about waste to energy plans.

Mr. DePue made a motion to recess until 5:00 p.m., January 7, 1991.

On a roll call, the vote was: AYE: Norment, Edwards, Knudson, DePue (4). NAY: (0). ABSENT: Taylor (1).

The Board recessed at 6:00 p.m.



David B. Norman
Clerk to the Board

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At a regular meeting of the Board of Supervisors of James City County, Virginia, held on the 17th day of December, 1990, at which the following members were present and absent:

PRESENT:

THOMAS K. NORMENT, JR.
 STEWART U. TAYLOR
 JACK D. EDWARDS
 JUDITH N. KNUDSON
 PERRY M. DEPUE

ABSENT:

NONE

the following resolution was adopted by a majority of all members of the Board of Supervisors by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
KNUDSON	AYE
DEPUE	AYE

RESOLUTION RATIFYING AWARD OF \$4,400,000 SCHOOL BONDS, SERIES OF 1990B, OF JAMES CITY COUNTY, VIRGINIA, TO VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, by resolution adopted on October 29, 1990 (the "Bond Resolution"), the Board of Supervisors of James City County, Virginia (the "County"), provided for the issuance of \$4,400,000 School Bonds, Series of 1990B (the "Bonds"), of the County to the Virginia Public School Authority (the "Authority");

WHEREAS, such resolution authorized the County Administrator to award the Bonds to the Authority at such interest rate or rates as would produce a differential in each year of not more than one-tenth of one percent (1/10 of 1%) over the annual rate to be paid by the Authority on the bonds it sold to provide funds to purchase the Bonds, provided that no interest rate on the bonds should exceed nine percent per year;

WHEREAS, on December 6, 1990, the County Administrator on behalf of the County awarded the Bonds, bearing interest at the annual rates and maturing on December 15 in years and amounts as shown on Exhibit A hereto, to the Authority;

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

1. The action of the County Administrator in awarding the Bonds to the Authority is hereby ratified, approved and confirmed, and the Bonds shall bear interest at the annual rates and shall mature on December 15 in years and amounts as shown on Exhibit A.

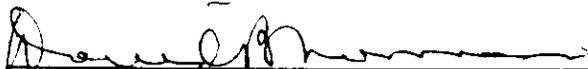
2. The Bonds shall be in substantially the form approved by the Bond Resolution, with such changes as may be necessary or appropriate to conform them to the provisions of this resolution.

3. This resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board of Supervisors held the 17th day of December, 1990, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of James City County, Virginia, this 17th day of December, 1990.

(SEAL)


 Clerk of the Board of Supervisors of
 James City County, Virginia

JAMES CITY COUNTY, VIRGINIA
\$4,400,000 SCHOOL BONDS, SERIES OF 1990B

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
1991	\$225,000	8.10%	2001	\$195,000	6.60%
1992	305,000	8.10	2002	185,000	6.60
1993	335,000	8.10	2003	210,000	6.70
1994	235,000	6.10	2004	210,000	6.70
1995	160,000	6.10	2005	210,000	6.70
1996	160,000	6.10	2006	225,000	6.80
1997	185,000	6.20	2007	230,000	6.85
1998	185,000	6.30	2008	235,000	6.85
1999	190,000	6.40	2009	250,000	6.85
2000	195,000	6.50	2010	275,000	6.85