

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16th DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-THREE, AT 4:37 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

Ms. Knudson reconvened the Board of Supervisors for a joint meeting with the Williamsburg City Council and the Williamsburg-James City County School Board.

Discussion ensued about consideration of lowering starting salary scale; explanation of expanded longevity; reason for additional time and funds to retrain teachers; selection of deferred programs; when funding for architect selection would be received; and need for a second meeting to allow time for further review of information.

With consensus, Ms. Knudson announced the second meeting would be held on Tuesday, March 2, 1993, 7:30 p.m. in the Board Room of Building C.

Ms. Knudson recessed the Board for 5 minutes.

Ms. Knudson reconvened the Board into a work session at 6:05 p.m.

A. WORK SESSION - Workload Indicators

Ms. Dale Cooke, assisted by Ms. Madeleine Conway and Ms. Sandra Hale, Performance and Service Improvement Office, gave a brief presentation on the County's Performance Measurement Program.

Ms. Knudson declared a recess for dinner at 6:30 p.m.

B. ROLL CALL

The Board reconvened at 7:00 p.m. In attendance were:

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

**C. MINUTES - January 19, 1993, Work Session
January 19, 1993, Regular Meeting
January 22, 1993, Retreat
February 1, 1993, Regular Meeting
February 3, 1993, Special Meeting**

Ms. Knudson asked if there were corrections or additions to the minutes.

Mr. Taylor made a motion to approve the 5 sets of minutes as presented.

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, was available for questions.

Mr. Edwards asked when the Monticello/Ironbound Road intersection project would be completed.

Mr. Elliott responded that the delay was due to weather conditions.

Mr. Sisk asked about the progress of Route 199 clearing.

Mr. Elliott stated clearing was almost completed and grading of surface would begin when weather permitted.

Ms. Knudson stated that a citizen on Smokehouse Lane had requested clean out of culverts on the side of street not cleaned out previously.

Mr. Elliott responded in the affirmative.

Ms. Knudson asked about a delineation line at the entrance to Colony Square Shopping Center.

Mr. Elliott replied that the striping would be included in a safety improvement project planned for next year for Jamestown Road, but he would attempt to have a temporary stripe installed.

E. CONSENT CALENDAR

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

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

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

1. Civil Defense Budget Amendment - State Reimbursement

Recreation to designate Little Creek Reservoir as a public recreational area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an access road to serve said park.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

3. Chickahominy After School Program

R E S O L U T I O N

AFTER SCHOOL CARE PROGRAM

WHEREAS, the Board of Supervisors recognized the continued need for structured programs for at-risk youth; and

WHEREAS, the Virginia Department of Social Services has awarded the James City County Division of Parks and Recreation a grant of \$7,500.00 to provide an After School Care Program; and

WHEREAS, the After School Care Program based at the Chickahominy Community Center has been highly successful due to previous grant funding; and

WHEREAS, the Little Creek Dam area of the County still is in critical need of such a program.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby amends its FY 93 Budget, as follows:

From the Commonwealth of Virginia	\$7,500.00
To Division of Parks and Recreation	
After School Care Program	\$7,500.00

F. PUBLIC HEARINGS

1. Case No. Z-5-92. Donald E. Newsom (continued from 2/1/93)

Mr. O. Marvin Sowers, Jr., stated that Mr. Donald E. Newsom had applied to rezone approximately 2.489 acres from R-2, General Residential, to L-B, Limited Business, located at 7242 Merrimac Trail, further identified as Parcel (1-3) on James City County Real Estate Tax Map No. (50-2) and part of Parcel (1-19) on James City County Real Estate Tax Map No. (41-4).

Staff recommended deferral of the case until the March 1, 1993, Board of Supervisors' meeting for the reason that proffers were not received in the time frame outlined in policy guidelines. Mr. Sowers stated that the applicant agreed to the deferral.

Ms. Knudson opened the public hearing, and, without objection, continued the public hearing until March 1, 1993, Board of Supervisors' meeting.

2. Case No. SUP-01-93. Darcella Reed/Manufactured Home

Mr. Sowers stated that Ms. Darcella Reed had applied for a special use permit to allow the placement of a manufactured home on .92 acres, zoned R-8, Rural Residential, located at 3241 Chickahominy Road, further identified as Parcel (1-73) on the James City County Real Estate Tax Map No. (22-2).

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-01-93. DARCELLA REED, MANUFACTURED HOME

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, Virginia, that a Special Use Permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Darcella Reed

Real Estate Tax Map ID: (22-2)

Parcel No.: (1-73)

Address: 3241 Chickahominy Road

District: Stonehouse

Zoning: R-8

- Conditions:
1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall 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.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

3. Existing vegetation shall be maintained within 20 feet of all property lines except where clearing is required for utilities and necessary entrances.
4. The number of bedrooms shall not exceed 3.

3. Case No. SUP-34-92. Solid Waste Transfer Station

Mr. Trenton L. Funkhouser, Senior Planner, stated that the James City Service Authority had applied for a special use permit on behalf of Virginia Peninsulas Public Service Authority to operate a Solid Waste Transfer Station located at 1204 Jolly Pond Road, further identified as Parcel (1-4) on James City County Real Estate Tax Map No. (30-1).

Staff expressed assurance that approval of the special use permit would not obligate the Board to proceed with construction and operation of a solid waste transfer station; the special use permit would apply to the site.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Ms. Knudson opened the public hearing.

1. Col. Ed Riley, 611 Tam-O-Shanter, spoke of incineration of trash and using residue for filler to build a park similar to Mount Trashmore in Virginia Beach.

Ms. Knudson closed the public hearing.

Mr. Edwards made a motion to approve the special use permit resolution.

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

R E S O L U T I O N

CASE NO. SUP-34-92. SOLID WASTE TRANSFER 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 February 9, 1993, unanimously recommended approval of Case No. SUP-34-92 to permit the development of a solid waste transfer station in the A-1, General Agricultural district, on property identified as Parcel (1-4) on James City County Real Estate Tax Map No. (30-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-34-92 as described herein with the following conditions:

1. The construction, use and operation of the transfer station shall comply with all local, State and Federal regulations.
2. The use and operation of the transfer station shall be in accordance with an operations plan as approved and/or amended by the Manager of the James City Service Authority.
3. A landscape plan that screens the transfer station from adjacent roadways and properties and improves the appearance of the existing landfill entrance shall be submitted to and approved by the Planning Director. No clearing or land disturbing activities shall occur within 150 feet of Jolly Pond Road.
4. A clearing and screening plan for the water well shall be submitted to and approved by the Planning Director. No clearing or land disturbing activities for the well shall occur within 100 feet of Jolly Pond Road.
5. The color of all structures to be constructed at the transfer station including, but not limited to, the shell building enclosing the loading area, scale house, and guard rails shall be submitted to and approved by the Planning Director.

4. Ordinance Amendment, Chapter 18A, Taxicabs, Section 18A-6, Inspections

Mr. Frank M. Morton, III, County Attorney, stated that the proposed amendment would require an annual County inspection rather than semiannually.

Staff recommended approval of the ordinance amendment.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

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

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

5. Ordinance Amendment, Chapter 5A, Erosion and Sedimentation Control, Sections 5A-5 and 5A-6, Procedures

Mr. Leo Rogers, Assistant County Attorney, stated that the proposed amendment would change references in the Ordinance from Second to Third edition of the Virginia Erosion and Sediment Control Handbook.

Staff recommended approval of the ordinance amendment.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

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

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

G. BOARD CONSIDERATIONS

1. Case No. CP-2-92. Comprehensive Plan Amendment Williamsburg-Jamestown Airport

Mr. Trenton L. Funkhouser, Senior Planner, stated that the Board of Supervisors, at its February 1, 1993, meeting, deferred action on changing the land use designation of the Williamsburg-Jamestown Airport and referred the case to the Planning Commission for review and consideration.

Mr. Funkhouser stated the proposed wood recycling/mulching operation on property adjacent to the Airport would require an amendment to the Comprehensive Plan. Staff recommended revisions to provide for limited expansion and continuation of construction debris landfill and/or any similar less intensive use; a special use permit would be required to conduct, manufacture and, sell wood products in R-8, Rural Residential.

In concurrence with staff, the Planning Commission, by a vote of 6-2, recommended approval of the revised text proposal as written in the resolution.

Mr. DePue made a motion to approve the resolution.

Ms. Knudson expressed apprehension to revising Comprehensive Plan text without a Master Plan for the entire airport.

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

R E S O L U T I O N

CASE NO. CP-2-92. REVISIONS TO TEXT REFERENCING

THE WILLIAMSBURG - JAMESTOWN AIRPORT

WHEREAS, the James City County Board of Supervisors has determined that, as part of the First Annual Review of the Comprehensive Plan Update, a change should be made to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts modifications to text of the Land Use section of the Comprehensive Plan referencing the Williamsburg - Jamestown Airport and such modifications note that land which is currently in use as a construction landfill may continue in its current or a similar use, in a limited manner. Changes in the use of this portion of the site to an activity which is similar and less intense than previous activity may also be permitted provided all Federal, State, and local permits are obtained and that the development of these uses are clearly secondary to the existing and future Airport operations. Development of non-aviation related land use which are similar or less intense than previous landfill activity may also be permitted on land not used for airport development. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are not suggested.

2. Recreation Center Athletic Fields Lighting Contract Award

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that three bids were received for the installation of athletic field lighting at the James City/ Williamsburg Recreation Center with S. Rock/Estabrook as the lowest responsible bidder.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

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

R E S O L U T I O N

RECREATION CENTER ATHLETIC FIELD LIGHTING CONTRACT

WHEREAS, funds are appropriated in the FY 93 CIP budget for athletic field lighting; and

WHEREAS, three bids for the installation of athletic field lighting for the James City/Williamsburg Recreation Center were received and evaluated in order to award an installation contract to the lowest responsible bidder.

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 contract for the installation of athletic field lighting at the James City/Williamsburg Recreation Center in the amount of \$55,200 with S. Rock/Estabrook Corporation.

3. Modular Jail Addition

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Williamsburg City Sheriff had proposed the acquisition of a two-story modular unit inserted over the wall into the exercise yard of the Williamsburg/James City County Regional Jail to offer 15 single or 30 double bunk spaces for local prisoners as a short-term solution. He noted that the cost of \$200,000 would be shared equally by the City and County.

Staff recommended approval of the proposal.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION

BUDGET - MODULAR JAIL ADDITION

WHEREAS, the Board of Supervisors of James City County has been asked to approve \$100,000 as its share of the cost of a modular jail unit proposed to be added to the Regional Jail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to facilitate the installation of a modular unit at the current regional jail and authorizes the following funds transfer to defray the County's share of the acquisition costs:

FROM: Capital Budget - Capital Contingency	\$ 47,000
- Juvenile Detention	<u>53,000</u>
	<u>\$100,000</u>
TO: Capital Budget - Jail Expansion	<u>\$100,000</u>

4. Williamsburg Regional Library Contract Amendment

Mr. Sanford B. Wanner, Assistant County Administrator, stated that the City of Williamsburg and James City County proposed revisions to the existing contract between the jurisdictions and the Library Board.

Staff recommended approval of the resolution authorizing execution of the Contract.

Mr. Edwards asked for clarification of wording to read "... by the County shall remain the sole ..." in the Contract's last sentence of paragraph 7.

Ms. Knudson made a motion to approve the resolution.

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

RESOLUTION

TO AUTHORIZE EXECUTION OF THE CONTRACT TO AMEND THE EXISTING CONTRACT FOR THE OPERATION OF THE WILLIAMSBURG REGIONAL LIBRARY

WHEREAS, the County of James City, the City of Williamsburg, and the Williamsburg Regional Library Board are desirous of amending the existing Contract for the Operation of the Williamsburg Regional Library System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby approves that Contract dated February 16, 1993, and authorizes and directs the Chairman and Clerk to the Board to execute the said Contract.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, read from a magazine article that stated the building of new roads did not always ease traffic problems.

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards expressed appreciation for the efforts of administrative persons who negotiated the Library Contract.

Mr. Wanner asked if a work session could be scheduled for 5:00 p.m., March 1, 1993, with the Citizens Task Force to discuss the solid waste issue.

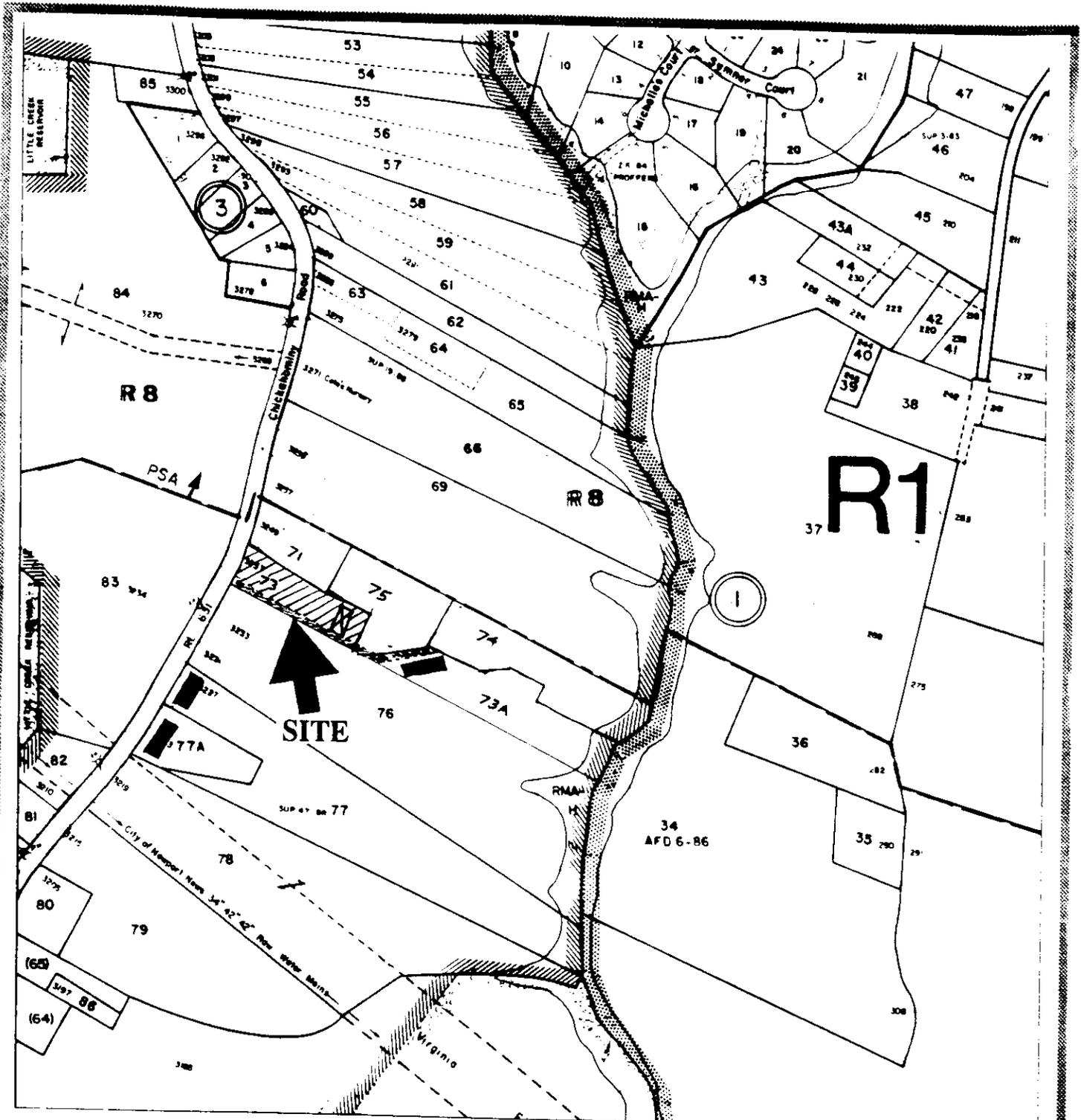
Mr. Edwards made a motion to recess until Monday, March 1, 1993, 5:00 p.m., for a work session with Citizens Task Force.

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

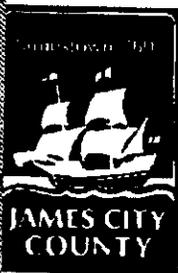
The Board recessed at 7:50 p.m.



David B. Norman
Clerk to the Board



SCALE 1"=400 Feet



Case No: SUP-01-93

Name : Darcella Reed, Manufactured Home

- : Existing Conforming Manufactured Homes

- : Proposed Manufactured Home



PLANNING DIVISION

ORDINANCE NO. 155A-1

FEB 16 1993

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 18A, TAXICABS AND OTHER FOR HIRE VEHICLES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 18A-6, INSPECTION OF VEHICLES.

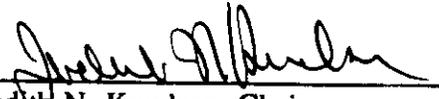
BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 18A, Taxicabs and Other For Hire Vehicles, is hereby amended and reordained by amending Section 18A-6, Inspection of vehicles.

Chapter 18A. Taxicabs and Other for Hire Vehicles

Section 18A-6. Inspection of vehicles.

Every for-hire car operating within the county shall be thoroughly inspected *annually* by the chief of police, his designee or such other reputable agency as the chief of police may prescribe, prior to its use and operation, ~~at regular intervals of approximately six (6) months,~~ and at any other time as the chief of police may determine. If such vehicle is found to be in an unsafe, unfit or unclean condition, the owner thereof shall be notified by the chief of police at once and such vehicle shall not be permitted to operate as a for-hire car thereafter until such defective or unclean condition has been remedied.

Ordinance to Amend and Reordain
Chapter 18A. Taxicabs and Other For Hire Vehicles
Page 2


Judith N. Knudson, Chairman
Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 16th day of February, 1993.

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FEB 16 1993

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAORDINANCE NO. 85A-11

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5A, EROSION AND SEDIMENTATION CONTROL, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 5A-5, PROCEDURES FOR PLAN SUBMISSION AND REVIEW, INSPECTION AND ENFORCEMENT; SECTION 5A-6, PLANS GENERALLY; CERTAIN PROCEDURES ADOPTED BY REFERENCE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5A, Erosion and Sedimentation Control, is hereby amended and reordained by amending Section 5A-5, Procedures for plan submission and review, inspection and enforcement, Section 5A-6, Plans generally; certain procedures adopted by reference.

Chapter 5A. Erosion and Sedimentation Control

Section 5A-5. Procedures for plan submission and review, inspection and enforcement.

(a) Those procedures for plan submission and review, inspection and enforcement are set forth in a separate document which is made a part hereof entitled, "Administrative Guidelines," Chapter 7, adopted from the Virginia Erosion and Sediment Control Handbook, Second Edition, 1980. Third Edition, 1992. These procedures are controlling unless they are in conflict with a local ordinance or state law.

Ordinance to Amend and Reordain
Chapter 5A. Erosion and Sedimentation Control
Page 2

(b) The plan approving authority or, if a permit is issued in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the permit issuing authority:

- (1) Shall provide for periodic inspections of the land-disturbing activity; and
- (2) May require monitoring and reports from the person responsible for carrying out the plan, to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. If the permit-issuing authority or plan-approving authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. Where the plan-approving authority serves notice, a copy of the notice shall also be sent to the issuer of the permit. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed

Ordinance to Amend and Reordain
Chapter 5A. Erosion and Sedimentation Control
Page 3

to be in violation of this chapter and shall be subject to the penalties provided by this chapter.

(c) In order to prevent further erosion, the administrator may require an approved erosion and sedimentation control plan for any land identified and designated as an erosion impact area. Any property owner whose land is designated as an erosion impact area, provided the erosion is not the result of activities specified in Section 5A-4, shall:

- (1) Submit an erosion and sedimentation control plan for approval within 30 days of receipt of the notice designating the property as an erosion impact area;
- (2) Obtain a land disturbing permit with sufficient surety posted pursuant to Section 5A-8;
- (3) Install all control measures as approved on the plan; and
- (4) Comply with all other provisions of this chapter.

(d) The county may charge applicants a reasonable fee to defray the cost of program administration, including costs associated with the issuance of grading or land disturbing permits, plan review, and periodic inspection for compliance with erosion and sedimentation control plans if charges for such costs are not made under any other law, ordinance or program. The fee shall not exceed an

amount commensurate with the services rendered, taking into consideration the time, skill, and administrator's expense involved, or \$1,000, whichever is less.

Section 5A-6. Plans generally; certain procedures adopted by reference.

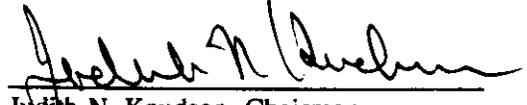
(a) An erosion and sedimentation control plan is required under this chapter. The erosion and sedimentation control plan shall detail those methods and techniques to be utilized in the control of erosion and sedimentation.

(b) At a minimum, the erosion and sedimentation control plan shall follow the format detailed in Chapter 2, Chapter 4, Chapter 5, and Chapter 6 of the Virginia Erosion and Sediment Control Handbook, ~~Second Edition, 1980~~, *Third Edition, 1992*, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety as part of this chapter.

(c) Approved ~~regulations~~ *standards and specifications* for control techniques to be utilized in preparing this plan are set forth in Chapter 3 of the Virginia Erosion and Sediment Control Handbook, ~~Second Edition, 1980~~, *Third Edition, 1992*, and as may be amended from time to time, which is adopted by reference as fully as if set forth herein in its entirety as part of this chapter.

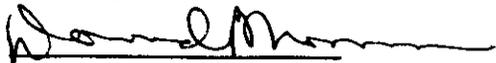
Editor's note - Such procedures may be found on file in the office of the administrator.

Ordinance to Amend and Reordain
Chapter 5A. Erosion and Sedimentation Control
Page 5



Judith N. Knudson, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 16th day of February, 1993.

eschp593.112

THIS CONTRACT, made and entered into this 16th day of February, 1993, by and between the CITY OF WILLIAMSBURG, hereinafter referred to as the CITY; the COUNTY OF JAMES CITY, hereinafter referred to as COUNTY; and the WILLIAMSBURG REGIONAL LIBRARY, hereinafter referred to as LIBRARY.

WHEREAS, all parties are desirous of extending the full services of, "The Williamsburg Regional Library, created on May 26, 1977, in accordance with Title 42.1, Chapter 2 of the Code of Virginia of 1950, as amended, to as many of the citizens of both the City and the County as possible; and,

WHEREAS, the parties wish to amend the contract.

NOW, THEREFORE, WITNESSETH: That the parties hereto mutually agree as follows:

1. The LIBRARY shall be operated by a Board of Trustees, hereinafter referred to as TRUSTEES, consisting of eight (8) members. CITY and COUNTY shall each appoint four (4) Trustees in conformity with Section 42.1-35 of the State Code. The Trustees shall operate the Williamsburg Regional Library. The terms of office and duties of the Trustees shall be in conformity with the law and the provisions hereafter set out.

2. Prior to February 15 of each year, the LIBRARY shall provide a budget request for the following fiscal year to the City Manager and the County Administrator. The budget request shall include estimates of all revenues, from whatever source, and all expected expenditures for the following fiscal year. If either CITY or COUNTY requests, the LIBRARY shall make presentation of the budget to the requesting locality. In the absence of mutual agreement of CITY and COUNTY, the LIBRARY operating budget approved for any fiscal year shall not be less than the total operating budget approved for the preceding fiscal year.

3. The library building situated in the City of Williamsburg shall be the administrative center for the regional library system. The CITY and the COUNTY recognize that future expansion of library services will require the construction of a second library building located in James City County, and expansion and/or renovation of the library building located in the City of Williamsburg. The second library building to be located in James City County will be constructed at such time as the COUNTY so determines based on financial feasibility. Within a comparable period of time, the CITY intends to expand and/or renovate the existing library building located in the City of Williamsburg, based on architectural and financial feasibility. The LIBRARY shall determine how services are apportioned and coordinated between the buildings consistent with the budgetary authority of both the CITY and the COUNTY. CITY as to construction in CITY and COUNTY as to construction in COUNTY, shall work cooperatively with LIBRARY as to the location, design and cost of library construction, including the cost of property acquisition, in its particular locality; provided, the decision of the affected locality shall be final and conclusive.

4. For the fiscal year beginning July 1, 1993, CITY and COUNTY shall define all costs of the Regional Library that are not recovered from all other sources as "local funds." For the 1994 fiscal year and thereafter, CITY and COUNTY agree to contribute local funds toward the mutual costs of operating the library on the basis of circulation by residency. In no case, however, shall either the City or County local funds drop below the level of funding approved by City Council and/or the Board of Supervisors for the fiscal year ending June 30, 1993. William and Mary students shall be classified by their place of residence. The LIBRARY shall prepare annually a budget which shall include all projected costs of library operation, including, but not limited to: salaries, employee benefits, employer's contributions to Social Security, Liability Insurance and Workmen's Compensation, utilities, maintenance of physical

plant, and furnishings and acquisition costs of furnishings, equipment and books. Equipment requirements and facility renovation and/or improvement projects, defined as capital costs by the CITY and the COUNTY, shall be submitted to each locality as part of their respective Capital Improvement Program (CIP). Capital Budget proposals will be considered as a proposal submitted to the locality in which the facility is located if the project involves the building, a major structural component or a building system like an HVAC system. Otherwise, the project will be considered for funding under the same funding formula as the operating budget. The budget(s) shall be submitted to both the CITY and COUNTY for consideration. The LIBRARY shall report annually on the total unspent funds at fiscal year end and may retain such funds, from whatever source, and use them for any purpose deemed appropriate by the LIBRARY. Nonrecurring savings are encouraged to be used for nonrecurring expenses such as books and other material for the collection or capital outlay.

5. Any capital expansion and/or renovation of the regional library system shall be approved, funded and constructed at the sole expense of the locality wherein the building is situated. It is understood and agreed that any facilities made available to the LIBRARY subsequent to the execution of this document shall become a part of the Williamsburg Regional Library system and the terms and conditions set forth herein shall apply in total to those facilities. The locality in which the improvement is located shall be responsible for all maintenance involving the Library building envelope (walls and roofs), all walkways, parking lots, landscaping and any other site costs. The LIBRARY shall be responsible for all interior maintenance. During the term of this Agreement and any extensions thereof, LIBRARY'S occupancy of the existing library building and parking areas in CITY as well as any additions thereto shall be rent free. Likewise, LIBRARY'S occupancy of all library buildings and parking areas in COUNTY shall also be rent free. LIBRARY shall, however, pay all costs of water,

sewer, electricity, telephone and other utilities and shall further, at its expense maintain in force at all times a broad form general public liability insurance policy issued by an insurer qualified to do business in Virginia, having a single limit coverage of at least \$2,000,000.00 for all occurrences. Such policy shall name CITY and COUNTY as additional insureds and shall require 30 days notice to both additional insureds prior to modification or cancellation. CITY and COUNTY shall carry hazard insurance with extended coverage on all library buildings located in their respective localities as they deem appropriate. The LIBRARY shall also be responsible for maintaining contents coverage on books, fixtures, and equipment such amount as shall be adequate to cover said items.

6. The custody of all funds to which the library is entitled shall be held by an Agent agreed upon by all parties. Each locality shall transfer to that agent, on a schedule agreed to by the localities, its annual appropriation for the operation of said library system. The agent shall account for all LIBRARY receipts and disbursements and shall provide the LIBRARY with a detailed monthly report. The LIBRARY may contract for financial support services (such as accounting, treasury, payroll, and purchasing) but if those services are provided under contract by either the CITY or the COUNTY, the maximum compensation to that locality shall be 1.5 percent of the most recently adopted annual operating budget. This compensation will be separately computed for each fiscal year.

7. The term of this contract shall be from July 1, 1993, to June 30, 1998, and shall continue thereafter from year to year until discontinued by appropriate action of any either CITY or COUNTY. The parties agree that this agreement will be reviewed every five years. In the event either CITY or COUNTY desires to discontinue this agreement, the party desiring to terminate shall give two years notice in writing of such intent to terminate the agreement. Such notice when given during any fiscal year shall be deemed given at the end of the current

fiscal year so that termination shall become effective at the end of the second fiscal year thereafter. This contract may be terminated, modified or changed by the mutual consent of CITY and COUNTY without the aforesaid notice. At the time of termination of this contract each jurisdiction shall be entitled to receive a refund of all its funds not then expended, and in addition shall be entitled to a pro rata distribution of the tangible personal property purchased during the operation of the LIBRARY, based on its percentage of contribution thereto. It is expressly understood, however, that the present building or any future buildings in the City of Williamsburg shall remain the sole property of the CITY and that all tangible personal property owned by the CITY on May 26, 1977, or funded exclusively by the City shall remain the sole property of the CITY. It is further understood that buildings situate in and owned by the COUNTY and used for the purpose of operations of the regional library shall remain the property of said COUNTY and that all tangible personal property funded exclusively by the County shall remain the sole property of the County.

8. This contract is executed in conformity with Title 42.1, Chapter 2 of the Code of Virginia of 1950, as amended, commonly cited as Virginia Code Sections 42.1-33 to 42.1-45 inclusive.

CITY OF WILLIAMSBURG

BY: 
Mayor

ATTEST:



City Clerk

COUNTY OF JAMES CITY

BY: *Joselyn M. Menden*
Chairman

ATTEST:

[Signature]
Clerk

WILLIAMSBURG REGIONAL
LIBRARY

BY: *Nancy A. Vincent*
Chairman

ATTEST:

[Signature]
Secretary

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