

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-FIVE, AT 5:06 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
David L. Sisk, Vice Chairman, Roberts District

Jack D. Edwards, Berkeley District
Robert A. Magoon, Jr., Jamestown District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. EXECUTIVE SESSION

Mr. DePue called the meeting to order.

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-344(A)(1) to consider personnel matters, appointments.

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

Mr. DePue reconvened the Board into open session and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: January 9, 1995

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. DePue recessed the Board at 5:55 p.m. for dinner.

C. ORGANIZATIONAL MEETING

Mr. DePue reconvened the Board into open session at 7:04 p.m.

On a roll call, all members were present.

Mr. DePue asked for nominations for Chairman for 1995.

Mr. Edwards made a motion to appoint Mr. DePue as Chairman for 1995.

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

Mr. DePue asked for nominations for Vice-Chairman.

Mr. Taylor made a motion to appoint Mr. Sisk as Vice-Chairman.

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

Mr. Sisk made a motion to approve the Organizational resolution and Board calendar for 1995.

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

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors of James City County, Virginia, is required by State law to organize at the first meeting in January.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following rules shall apply for the year 1995.

1. Regular meetings of the Board shall be held as shown on the attached 1995 calendar, in the Board Room of the James City County Government Center. The meeting times shall be 7:00 p.m.
2. The Board shall for parliamentary purposes follow Robert's Rules of Order and more specifically those provisions which pertain to the conduct of Business in Boards, Newly Revised, 1981 at p. 404 as follows; provided, however, the Board may amend by Resolution the Rules as it deems appropriate.

Procedure in Small Boards: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

A motion to rescind shall not be in order in a land use decision involving a rezoning or a special use permit. A motion to reconsider such a decision must be made at the same meeting the decision is made by the Board.

Mr. DePue read the appointments of Board members to Boards and Commissions:

Williamsburg Area Chamber of Commerce	Edwards
Virginia Peninsula Chamber of Commerce	Sisk
Community Action Agency	Edwards/Tony Conyers Sisk/John O'Hare DePue/Rev. J. Moody
Courthouse Committee	Edwards/Sisk
Hampton Roads Planning District Commission	Magoon
Williamsburg Area Medical Assistance Corporation	Sisk
Regional Issues Committee	Magoon
School Liaison Subcommittee	DePue/Edwards
VA Peninsula Economic Development Council	Magoon
Library Committee	Sisk
Drug Free Schools Advisory Committee	DePue
Local Emergency Preparedness	DePue
Farmers Advisory Committee	Taylor
Joint Sanitary District No. 1 Board	Sisk/Magoon
Pamunkey River Study Committee	Taylor

Richmond Road Sub-Area Study Group	Edwards
Industrial Development Authority	Magoon
Community Services Coalition	Sisk

Mr. DePue made a motion to approve the appointments of Board members to Boards and Commissions and to reappoint James B. Jones to the Wetlands Board, term expiring January 14, 2000.

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

Mr. DePue made a motion to approve the resolution for appointment of Board of Directors and Officers for James City County Transit Company by Board of Supervisors.

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

RESOLUTION

APPOINTMENT OF BOARD OF DIRECTORS AND OFFICERS FOR

JAMES CITY COUNTY TRANSIT COMPANY BY

BOARD OF SUPERVISORS

WHEREAS, the stockholders of the James City County Transit Company (Transit Co.) have requested the Board of Supervisors to appoint the Board of Directors and the officers of the Transit Company for the year 1995.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby appoints as Directors of the Transit Company for the year 1995 the following individuals:

- Perry M. DePue
- Jack D. Edwards
- Robert A. Magoon, Jr.
- David L. Sisk
- Stewart U. Taylor

BE IT FURTHER RESOLVED, that the Board of Supervisors appoints the following officers:

- President - Jack D. Edwards
- Secretary/Treasurer - Anthony Conyers, Jr.

Mr. DePue recessed the Board for a James City County Transit meeting at 7:10 p.m.

Mr. DePue reconvened the Board of Supervisors at 7:13 p.m.

D. MINUTES - December 19, 1994

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

Mr. Taylor made a motion to approve the minutes.

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

E. CONSENT CALENDAR

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

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

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

1. HomeSTART Program

RESOLUTION

AUTHORIZATION TO SUBMIT AN APPLICATION

FOR DESIGNATION OF A HOMESTART PROGRAM ADMINISTRATOR

- WHEREAS, the Virginia Department of Housing and Community Development has announced its intention to accept applications from local governments, housing authorities and nonprofit organizations to be certified administrators of the HomeSTART program; and
- WHEREAS, the Board of Supervisors of James City County has endorsed the goal of increased affordable homeownership opportunities in the Comprehensive Plan and Strategic Plan, and has previously authorized the development of the Affordable Housing Incentive Program and the Toano Trace Affordable Housing Development; and
- WHEREAS, the HomeSTART program provides funds to assist eligible first time homebuyers to purchase new or existing affordable homes.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator be authorized to apply for and to execute an administrative agreement to enable the County's Office of Housing and Community Development to operate the HomeSTART program.

2. Support for Virginia Cooperative Extension

RESOLUTION

SUPPORT FOR VIRGINIA COOPERATIVE EXTENSION

- WHEREAS, Virginia Cooperative Extension is a joint program of the Federal, State, and Local governments in cooperation with Virginia Tech and Virginia State Universities; and
- WHEREAS, Virginia Cooperative Extension contributes to the quality of life and economic development of the Commonwealth of Virginia; and

WHEREAS, the educational programs and services of Virginia Cooperative Extension are available to every resident of James City County without regard to social-economic status, race, age, or any other consideration; and

WHEREAS, the programs and services of Virginia Cooperative Extension are delivered to County residents via local agents and volunteers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports the Virginia Cooperative Extension Service and requests that State support for Cooperative Extension be maintained.

F. PUBLIC HEARINGS

1. PreBudget Public Hearing

Mr. John E. McDonald, Manager of Financial and Management Services, briefly outlined the upcoming budget schedule and invited public comment on the budget and budget process.

Mr. DePue opened the public hearing.

1. Mr. Jay Everson, 130 Oslo Court, spoke regarding setting the tax rate and adjusting the budget accordingly, privatization of certain County functions, and suggested less holiday leave time for employees.

2. Mr. R. E. Gilley, 227 Gate House Boulevard, spoke in support of funding for emergency and rescue squads.

3. Mr. M. D. Galbreath, III, 113 Deerwood Drive, spoke regarding reduction of staff and cutting budget by 10 percent, pursuing of industry and loosening regulations on small business.

Mr. DePue closed the public hearing.

2. 1996 Transportation Enhancement Program Application

Mr. Matthew W. Maxwell, Planner, stated that James City County, in cooperation with York County and the City of Williamsburg, would submit an Enhancement Grant Application to construct bike lanes on a segment of Centerville Road between Longhill and Jolly Pond Roads, erect bikeways signage and purchase a street sweeper.

Mr. Maxwell further stated that the cost of the project would be approximately \$208,000, with 80 percent being funded by the Enhancement Grant and 20 percent funded by local matches from the three jurisdictions, with James City County's match not to exceed \$35,000.

Staff recommended approval of the resolution.

Mr. DePue asked that the recorded minutes show that the Board intends to apply for Virginia Department of Transportation (VDOT) revenue sharing to compensate the County for \$17,500 match.

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

Mr. Edwards made a motion to approve the resolution.

Board discussion followed regarding VDOT's agreement to maintain and operate the street sweeper and whether bicyclists might use Centerville Road rather than the bikeway.

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

RESOLUTION

1996 TRANSPORTATION ENHANCEMENT GRANT APPLICATION

- WHEREAS, the Regional Bicycle Advisory Committee comprised of representatives of Williamsburg, James City County, York County, College of William and Mary, Colonial Williamsburg Foundation, and the National Park Service has expressed its intent to make application to the Commonwealth Transportation Board under the Virginia Transportation Enhancement Program for funding to construct certain bicycle facilities, erect signage and purchase equipment; and
- WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that such application be endorsed by resolution of the James City County Board of Supervisors in order for the Virginia Department of Transportation to program an Enhancement Program Project in James City County; and
- WHEREAS, funds are available in the James City County Capital Improvement Program Budget to fund James City County's portion (\$35,000) of the required 20% local match; and
- WHEREAS, the Regional Bicycle Advisory Committee and the staff of the localities have worked in cooperation with the Virginia Department of Transportation in developing this application; and
- WHEREAS, the James City County Board of Supervisors has carefully considered the public response to the Regional Bikeway Plan and the public input received at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the application of the Regional Bicycle Advisory Committee to the Commonwealth Transportation Board under the Virginia Transportation Enhancement Program be, and it is hereby, endorsed including the construction of bike lanes on a segment of Centerville Road (S.R. 614) between Longhill Road (S.R. 612) and Jolly Pond Road (S.R. 633), the erection of signage for all Class III bikeway facilities, and the purchase of a street sweeper.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board be, and it is hereby, requested to establish the Transportation Enhancement Project contained in the application of the Regional Issues Committee.

BE IT STILL FURTHER RESOLVED that the James City County Board of Supervisors agrees to work with the Virginia Department of Transportation to secure the necessary twenty percent non-federal match for the cost of the planning and design, right-of-way and construction of the Centerville Road bike lanes project, and 40 percent of the 20 percent local match cost of erecting signage for all Class III facilities and the purchase of a street sweeper, and that, if James City County elects to cancel this project after construction has begun, the Board hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department for projects located in James City County through the date the Department is notified of such cancellation.

G. BOARD CONSIDERATIONS

1. Massie Application - Rail Industrial Access Funds

Ms. Sandra E. Barner, Development Management Technician, stated that the Virginia Rail Industrial Access Program provided State funds to construct railroad tracks to new or substantially expanded industrial and commercial projects and Jack L. Massie Contractor, Inc., had future plans to extend its existing rail. She further stated that Jack L. Massie Contractor, Inc., was applying for the maximum allowable \$100,000 in unmatched funds and an additional \$30,750 in State funds to be matched with \$30,750 Massie funds.

Staff recommended approval of the resolution of support for the Massie application for Industrial Access Railroad Track funds.

The Board asked about the impact on adjacent neighborhoods.

Mr. Gary Massie, applicant, stated that the number of visits of railroad cars would decrease, but additional railroad cars would be present per visit.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

MASSIE - RAIL INDUSTRIAL ACCESS FUNDS

WHEREAS, Jack L. Massie Contractor, Inc., has expressed its intent and desire to the James City County Board of Supervisors to expand its industrial operations in the County; and

WHEREAS, this business and its operations will require railroad access and the estimated cost is \$161,500; and

WHEREAS, officials of Jack L. Massie Contractor, Inc., have reported to the County their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia in the amount of \$130,750; and

WHEREAS, officials of Jack L. Massie Contractor, Inc., have reported to the county their intent to provide the matching \$30,750 required to complete the railroad access project; and

WHEREAS, Jack L. Massie Contractor, Inc., has requested that the James City County Board of Supervisors provide a Resolution concerning support for its application for said funds which are administered by the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of James City, Virginia, hereby endorses and supports the application of Jack L. Massie Contractor, Inc., for \$130,750 in Industrial Access Railroad Track funds.

2. Amended Contract -Fleet Maintenance for College of William and Mary

Mr. John E. McDonald, Manager of Financial and Management Services, stated that at its December 5, 1994, meeting, the Board of Supervisors approved the College of William and Mary's request that the County

assume vehicle maintenance responsibilities for its fleet vehicles. He explained that the amended contract was brought forward to allow a limited-term Mechanic position and hiring of the College employee so County liability would be covered relating to workers compensation coverage.

Staff recommended approval of the resolution and amended agreement.

Mr. Sisk made a motion to approve the resolution.

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

RESOLUTION

CONTRACT AMENDMENT - FLEET MAINTENANCE

FOR THE COLLEGE OF WILLIAM AND MARY

WHEREAS, the Board of Supervisors of James City County has, at its meeting on December 5, 1994, previously authorized the County Administrator to execute an agreement with the College of William and Mary for fleet maintenance; and

WHEREAS, that agreement provided that a College mechanic be assigned to the County Garage; and

WHEREAS, both the County and College negotiators now recommend that an improved agreement can be executed if the mechanic were a County, rather than a College, employee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, James City County, Virginia, authorizes the creation of a limited term mechanic's position within the County's Fleet Maintenance Division in order to provide vehicle maintenance services to the College of William and Mary.

BE IT FURTHER RESOLVED, that the Board of Supervisors authorizes the County Administrator to enter into an amended agreement with the College of William and Mary that reflects the change in employment for this mechanic.

3. Route 5 Road Improvement Proffer Policy

Mr. John T. P. Horne, Manager of Development Management, stated that the Board had requested information for assistance in setting policy for acceptance of voluntarily proffered contributions to road improvements in the Route 5 Corridor.

Staff prepared the policy statement as written in the last two paragraphs of the resolution.

Mr. DePue made a motion to approve the resolution.

Mr. Magoon made a motion to amend the resolution by deletion of NOW THEREFORE BE IT RESOLVED paragraph with the following revision: "NOW, THEREFORE, BE IT RESOLVED that it is the intent of the Board of Supervisors to have all future rezonings in the Route 5 corridor provide a cash or in-kind value for traffic mitigation equivalent to one percent of estimated value of dwelling units in development being proposed for rezoning."

The Board discussed the impact of the amended resolution and emphasized that the policy could be reviewed at any time.

Mr. DePue asked for a vote on the amendment to the resolution.

On a roll call, the vote was: AYE: Sisk, Magoon, Taylor (3). NAY: Edwards, DePue (2).

Mr. DePue asked for a vote on the amended resolution.

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

RESOLUTION

ROUTE 5 ROAD IMPROVEMENT PROFFER POLICY

WHEREAS, the Board of Supervisors of James City County has recognized the need to finance and construct certain road improvements in the Route 5 corridor; and

WHEREAS, the need for these road improvements is partially caused by the increased private land developments in the corridor; and

WHEREAS, the Board has accepted voluntary proffers from previous developments during the rezoning process which sought to provide an equitable share of the funding for these needed road improvements; and

WHEREAS, the Board anticipates that new rezoning requests in the Route 5 corridor will be submitted and that those requests may be accompanied by voluntary proffers to provide an equitable share of the funding for these needed road improvements; and

WHEREAS, the Board wishes to establish a clear policy as to their expectations when future rezoning requests are submitted.

NOW, THEREFORE, BE IT RESOLVED that it is the intent of the Board of Supervisors to have all future rezonings in the Route 5 corridor provide a cash or in-kind value for traffic mitigation equivalent to one percent of estimated value of dwelling units in development being proposed for rezoning.

BE IT FURTHER RESOLVED that the Board of Supervisors' intends to apply the proceeds of such proffers toward the construction of the two additional lanes of Alternate Route 5 which are not proposed to be constructed by the Route 5 Transportation Improvement District. This policy shall not apply to those portions of any rezoning request that solely involve redesign and no increase in traffic generation in the corridor.

H. PUBLIC COMMENT

1. Ms. Page Hewlett, Neck-O-Land Road, opposed the widening of Neck-O-Land Road and construction of a bikeway.

2. A resident of The Colony presented a resolution signed by Janis C. Dixon, President, The Colony Civic Association with an attached petition, signed by 42 residents, stating, "We are opposed to building a regional bike path and probable Parkway access on Neck-O-Land Road...."

Mr. Magoon announced to the Neck-O-Land citizens that the Virginia Department of Transportation had tabled the widening of the road project until resolutions/petitions were received from all concerned civic associations.

3. Mr. Sterling Nichols, 100 Southpoint Drive, asked the Board to conduct studies in the future to help identify where and how growth would occur.

I. REPORTS OF THE COUNTY ADMINISTRATOR - None

J. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked staff to provide recommendation regarding Reservoir Protection Overlay District.

Mr. DePue asked about redirecting monies for sidewalks along Longhill Road.

Mr. John T. P. Home, Manager of Development Management, responded that the sidewalks along Longhill Road were incorporated into a larger project.

Mr. DePue referenced the Reading File memorandum regarding Business Incubator with the suggestion that the County look at efforts directed toward small businesses.

Mr. DePue declared a 5 minute recess, at 8:40 p.m.

PRESENTATION - PARKS AND RECREATION ADVISORY COMMISSION

Mr. Needham Cheely, II, introduced Mr. Joseph Mastaler, Chairman, Parks and Recreation Commission, who gave a brief presentation on the successful programs and an increase in facility usage. He gave as recommendations for the future to equip for growth: actively seek public/private partnerships and plan new facilities to become revenue producers.

Mr. DePue made a motion to recess until 5:00 p.m., Monday, January 23, 1995, for a work session on economic incentives.

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

The Board recessed at 9:20 p.m.



David B. Norman
Clerk to the Board

AGREEMENT

THIS AGREEMENT is made as of this 1st day of January, 1995, by and between the COLLEGE OF WILLIAM AND MARY ("College") and the COUNTY OF JAMES CITY, VIRGINIA ("County").

WHEREAS, the College is seeking to provide maintenance services to approximately 137 vehicles from the College motor pool, 11 buses from the College transportation services and such other vehicles as may be acquired from time to time; and

WHEREAS, the County is willing to provide vehicular maintenance service to the College through the County's Division of Fleet Maintenance; and

WHEREAS, the County is willing to employ Clarence F. Smith ("Mr. Smith"), master mechanic for the College.

WITNESSETH

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and the mutual covenants contained herein, the parties agree as follows:

1. Services to be provided.

(a) All vehicular maintenance for the College's motor pool and buses shall be provided by the County under the terms and conditions set forth herein.

(b) The College shall have the option to include its vehicles in the County's Preventative Maintenance Program.

(c) On an emergency basis, the County shall provide wrecker service and road call assistance, as necessary, for College vehicles.

2. Term of Agreement. The term of this Agreement shall run from January 1, 1995 through December 31, 1995. This Agreement shall renew automatically for a one (1) year period on January 1 of each year thereafter, unless terminated as provided herein. Prior to the expiration of any term, either party may terminate this Agreement by giving not less than thirty (30) days written notice.

3. Fees and payment.

(a) During the initial term of this Agreement, the County shall bill the College on a monthly basis at an hourly rate of \$34.50 for all labor performed on College vehicles. For each additional term, the County shall bill the College at the same rate charged to County departments.

(b) The College shall remit payment to the County for services provided in compliance with the Prompt Payment Act.

(c) The County shall charge the College for parts at the same rate that is charged to County departments.

(d) The College may purchase gasoline and diesel fuel from the County at the published rates for County Departments.

(e) All work which must be subcontracted out by the County shall be billed to the College at the cost incurred by County.

4. Employment of mechanic.

The County agrees to employ Mr. Smith as an at-will employee under the County's Personnel Policies and Procedures Manual. Mr. Smith shall be compensated at a rate equivalent to his current salary (which falls within the salary range for a similar County job classification) with the standard benefits provided to other County employees. Mr. Smith's job classification with the County shall be equivalent to his job classification with the College. Mr. Smith may bring with him to the County a leave balance up to 40 hours each of annual and sick leave, provided that the College pays the County for those hours at Mr. Smith's hourly rate. In all other ways, Mr. Smith shall be treated as a new employee with the County which includes a post-offer employment physical examination with drug testing, a probationary period, and a leave accrual rate of one day a month each of annual and sick leave.

5. Accounting and reporting.

(a) All vehicles of the College shall be assigned maintenance priority codes in accordance with the County guidelines for vehicle usage.

(b) All vehicles of the College shall be given separate vehicle department codes and identification numbers for accounting and reporting purposes. The County shall provide the College with

monthly vehicle maintenance reports, as are currently generated for County vehicles.

6. Assignment. Neither party shall sell, assign, sublet, or convey its rights under this Agreement without the prior written approval of the other party. The County, however, shall be allowed to subcontract out labor which it cannot perform without receiving the prior written approval of the College.

7. Breach of agreement. In the event that either party breaches any part of this Agreement, the other party may terminate this Agreement by providing written notice to the breaching party and allowing ten (10) calendar days to correct such breach. In the event of a proper termination, the parties shall have no action at law or equity against the other party under this Agreement, except for a recovery, by the County of any amount due for services provided prior to the breach.

8. Notice. All notices or other communications shall be deemed to have been given if the same shall be in writing and delivered personally or sent by registered or certified mail, postage prepaid, and addressed as set forth below:

To College:

Charles A. Dombek
Director Auxiliary Services
College Apartment #2
P.O. Box 8795
Williamsburg, VA 23187-8795

To County:

Steve Stephenson
JCC Fleet Maintenance Services

103 Tewning Road
Williamsburg, VA 23185

9. Amendments. This Agreement may be amended only by a writing signed by the parties.

IN WITNESS WHEREOF, the undersigned, being first duly authorized, have executed this Agreement as of the day first above written.

COLLEGE OF WILLIAM AND MARY

By: William F. Merck, II
William F. Merck, II
Vice President for
Administration and Finance

Approved as to form:

COUNTY OF JAMES CITY, VIRGINIA

Law P. Rogers
County Attorney

By: David B. Norman
David B. Norman
County Administrator

MEMORANDUM

DATE: January 9, 1995
 TO: The Board of Supervisors
 FROM: John T. P. Horne, Manager of Development Management
 SUBJECT: Route 5 Road Improvement Proffer Policy

As a result of the Board's discussions on December 19, 1994, staff has drafted the attached policy statement. Staff recommends adoption of the attached resolution which references the policy statement.

The staff estimate of the per dwelling unit value of the Governor's Land and Greensprings Plantation traffic mitigation proffers is as follows:

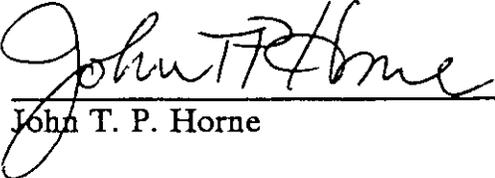
1. CASH

Governor's Land	\$2,800 per DU, plus T.I.D. taxes
	<u>1,500 per DU, plus T.I.D. taxes</u>
Average	<u>\$2,150 per DU, plus T.I.D. taxes</u>

2. T.I.D. TAXES

The proposed method to calculate the cash value of T.I.D. taxes is based on the estimated value of homes in the development being proposed for rezoning, and the estimated tax rate (\$.10/\$100) and duration (10 years) of the T.I.D.

Example:	\$125,000 Home	
	(\$125/year x 10 years) =	\$1,250
	+ <u>2,150</u> (see above)	
Total proffer value in example	=	<u>\$3,400</u>


 John T. P. Horne

JTPH/lwo
 rt5rdimp.mem

Attachments

Route 5 Road Improvement Proffer Policy

It is the intent of the Board of Supervisors to have all future rezonings for residential use in the Route 5 corridor provide a cash or in-kind value for traffic mitigation equivalent to the traffic mitigation proffers provided by the Governor's Land and Greensprings Plantation developments.

The Board of Supervisors intends to apply the proceeds of such proffers toward the construction of the two additional lanes of Alternate Route 5 which are not proposed to be constructed by the Route 5 Transportation Improvement District. This policy shall not apply to proffers for those portions of any rezoning that solely involve redesign and no increase in traffic generation in the corridor.

The value of the traffic mitigation proffers provided by Governor's Land and Greensprings Plantation is described in a memorandum to the Board of Supervisors from John T. P. Horne dated January 9, 1995.