

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 30TH DAY OF APRIL, NINETEEN HUNDRED NINETY-SIX, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, Acting County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - April 12, 1996

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

Mr. Edwards made a motion to approve the minutes.

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

C. HIGHWAY MATTERS

Ms. Beverly Mozingo, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), stated that Route 199 bids for two sections would be awarded during May.

Mr. Sisk asked that grading and clearing be considered on the part of Ron Springs Road (Route 667) that was not included in the project done by a pipeline utility.

Mr. Magoon stated that foliage was blocking the line of sight on Jamestown Road (Routes 5 and 31) at the Kingswood subdivision entrance.

Mr. DePue asked whether a contractor had called VDOT about the road going over the railroad tracks in front of Days Inn on Route 60.

Mr. DePue expressed appreciation to VDOT for expediting the completion of the road work on Jamestown Road (Routes 5 and 31).

D. CONSENT CALENDAR

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

Mr. Edwards asked that Item No. 3 be removed.

Mr. Sisk made a motion to approve Item Nos. 1 and 2 on the Consent Calendar.

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

1. Dedication of Streets in Village Square, Phases I and II

RESOLUTION

DEDICATION OF STREETS IN VILLAGE SQUARE, PHASES I AND II

WHEREAS, the street(s) described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

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

2. Indoor Plumbing/Rehab Program - Budget Increase

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation Revenue Sharing Program for fiscal year FY 96-97; and

WHEREAS, Virginia Department of Transportation (VDOT) requires written notification of the County's intent to participate by March 22, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 96-97, in an amount not to exceed \$500,000.

3. Williamsburg-James City County School Contract Amendment

Mr. Edwards questioned language in 2. Capital Project Costs.

Mr. Frank M. Morton, III, County Attorney, requested delay of discussion of the language until an executive session later in the meeting.

Without Board objection, Mr. Sisk declared to bring the item forward after clarification of wording of the contract was discussed in executive session.

E. PUBLIC HEARINGS

1. Case No. SUP-10-96. Daryl E. and Juanita Jones, Replacement Manufactured Home

Mr. John Patton, Development Management Technician, stated that Mr. and Mrs. Daryl Jones had applied for a special use permit to allow replacement of a manufactured home, on a 3/4 acre site, zoned A-1, General Agricultural District, located at 7295 Little Creek Dam Road, further identified as Parcel No. (1-14A) on James City County Real Estate Tax Map No. (20-2).

Staff determined that the placement met Administrative Guidelines for Placement of Manufactured Homes except landscaping and buffering. Staff recommended approval of the case with conditions listed in the resolution.

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

Mr. Taylor made a motion to approve the case.

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

RESOLUTION

CASE NO. SUP-10-96. DARYL AND JUANITA JONES

REPLACEMENT 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:	Daryl E. and Juanita Jones
Real Estate Tax Map ID;	(20-2)
Parcel No:	(1-14A)
Address:	7295 Little Creek Dam Road
District:	Stonehouse

Zoning:

A-1, General Agricultural

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 Standard.
3. The manufactured home shall be connected to the existing septic drainfield and new well in accordance with Health Department requirements prior to occupancy.
4. The applicant shall provide a landscaping and screening plan that meets, at a minimum, the standard landscaping plan outlined in the Administrative Guidelines for Placement of Manufactured Homes prior to occupancy. The plan shall be submitted and approved by the Planning Director prior to occupancy of the manufactured home.
5. The landscaping as shown on the approved landscaping and screening plan shall be installed by November 30, 1996.
6. The manufactured home currently existing on the property at 7295 Little Creek Dam Road shall be removed prior to placement of the new unit.

2. Consolidation of Sheriffs' Office, County of James City and City of Williamsburg

Mr. Morton stated that General Assembly legislation, Senate Bills 41 and 42, required a public hearing and a written concurrence from both Sheriffs on consolidation of the Sheriffs' offices. He further stated that should the Board approve, staff would file a petition with the Circuit Court requesting the matter be placed on the ballot for the November election.

Board members expressed gratitude to the public officials for their agreement to consolidate offices. Mr. Taylor stated he opposed agreeing to yet more joint effort with the City.

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

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

COMBINING THE SHERIFF'S OFFICES OF THE

COUNTY OF JAMES CITY AND THE CITY OF WILLIAMSBURG

WHEREAS, the County of James City and the City of Williamsburg are desirous of combining the Sheriffs' Offices of the two localities; and

WHEREAS, the Sheriffs of the two localities have consented in writing to the proposed consolidation; and

WHEREAS, the Board of Supervisors held a public hearing on the question on April 30, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby supports the consolidation of the Sheriffs' Offices of the County of James City and the City of Williamsburg and instructs staff to proceed to have the petition filed to place the issue before the voters.

3. Case NO. Z-19-95. Associated Developers/Mainland Farm

Mr. Gary A. Pleskac, Planner, stated that Mr. Henry Stephens of Associated Developers, Inc., had applied to rezone approximately 109 acres from R-8, Rural Residential, to R-2, General Residential, with proffers to develop single family residences, and to rezone approximately 216 acres from R-8, Rural Residential, to R-8, Rural Residential, with a Master Plan proffer for Mainland Farm. The property is located north of Jamestown 1607 and Cardinal Acres communities and on the easterly side of Greensprings Road, further identified as a portion of Parcel No. (1-3) and James City County Real Estate Tax Map No. (46-1).

Mr. Pleskac noted a donation to the County of approximately 80 acres by Mr. and Mrs. Albert White. He detailed the Master Plan for the 216-acre R-8 portion: project description, proffers, entrances/access, transportation, environmental, archaeology and landscape buffering.

Mr. Pleskac defined the 109-acre portion of the R-2 rezoning request: transportation and access, topography and drainage, environment and recreation, archaeology and historic significance, and proposal was consistent with Comprehensive Plan, surrounding zoning and land uses and was compatible with proposed Master Plan.

Board and staff discussed the proposed density versus total density by right.

In concurrence with staff, the Planning Commission, by a vote of 6-1, recommended approval of the rezoning requests and Master Plan.

Mr. Sisk opened the public hearing.

1. Mr. Henry Stephens, applicant, stated staff had provided a complete review of the case with preservation of greenbelts, limited access, internally linked streets, and phases for development along with road improvements. He emphasized that the proposed density was two units per acre.

2. Mr. George Wright, 148 Cooley Road, stated that the Historic Route Five Association urged the Board to move ahead with careful consideration on the Mainland Farm project.

3. Mr. Ed Oyer, 139 Indian Circle, asked the Board to consider the availability of adequate public utilities to these cases.

4. Mr. Grant Olson, 105 Holman, stated "loose ends" of the cases should be considered before approval.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve Case No. Z-19-95.

Mr. Edwards stated that cases approved by the Planning Commission should be considered by past standards and asked for discussion of new standards (make community a better place, involve mixed cost housing, environmental enhancement, and superior design) for rezonings during Comprehensive Plan review.

Mr. DePue asked for clarification of number of lots and density.

Mr. Magoon asked staff to provide for broad discussion a vision or image of Greensprings Road in the future.

Without Board objection, Mr. Sisk declared deferral of the case to clarify inconsistencies until the May 14, 1996, Board of Supervisors' meeting.

6. Case No. Z-20-95. Greensprings LLC (Mainland Farm)

Mr. Pleskac stated that Mr. Marshall Findley of Greensprings Limited Liability Company had applied to rezone approximately 17 acres from R-8, Rural Residential, to R-2, General Residential, with proffers, to develop single-family residences, located along Greensprings Road across from The Maine at extreme northwest corner of Mainland Farm, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (46-1).

Mr. Pleskac summarized the proffers, project description, transportation and access, topography and drainage and stated that the project was consistent with the Comprehensive Plan and the Mainland Farm Plan and generally consistent with surrounding zoning and development.

Staff and the Planning Commission, by a 3-2 vote, recommend approval of the case.

Board and staff discussed cash proffers and possible need of funds for Alternate Route 5 prior to issuance of building permits.

Mr. Sisk opened the public hearing.

1. Mr. Marshall Findley, applicant, stated that the 17-acre tract was bordered by the Whites' gift of acreage to the County, Fieldcrest subdivision and Greensprings Road. He noted that traffic on Route 5 would not be impacted until building began.

2. Mr. Jamie Clark, 3502 Fieldcrest Court, spoke of concerns of drainage from the development and asked that the developer obtain a 10-year assurance bond for any future drainage problems to Fieldcrest.

Mr. Sisk closed the public hearing.

Mr. Taylor made a motion to approve the case.

Board and staff discussed drainage, vehicular/ pedestrian connection and a need for discussion regarding cash proffers.

Mr. DePue asked that inconsistencies in issues of stub street connection, cash proffers and drainage situation be addressed.

Mr. Taylor withdrew the motion to approve.

Without Board objection, Mr. Sisk declared deferral of the case to address concerns until the May 14, 1996 Board of Supervisors' meeting.

Mr. Sisk declared a ten-minute break at 9:12 p.m.

Mr. Sisk reconvened the Board at 9:22 p.m.

G. BOARD CONSIDERATION

1. Fiscal Year 1997 Budget

Ms. Carol O. Davis, Assistant Manager of Financial and Management Services, stated that the appropriation resolution reflected the proposed 1997 budget with changes made from the budget work sessions.

Board members individually spoke in favor of the budget, with one stating opposition to the increase in Parks and Recreation and the one-cent tax to be applied for purchase of green space.

Mr. Sisk made a motion to approve the resolution.

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

RESOLUTION

RESOLUTION OF APPROPRIATION

WHEREAS, the County Administrator has prepared a Proposed Budget for the fiscal year beginning July 1, 1996, and ending June 30, 1997, for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein and to set tax rates on real estate, tangible personal property and machinery and tools to provide certain revenue in support of those appropriations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of James City County, Virginia, that:

1. The following amounts are hereby appropriated in the General Fund for the offices and activities in the amounts as shown below:

GENERAL FUND EXPENDITURES

Administrative	\$ 848,384
Elections	195,322

Human Resource	881,783
Financial Administration	1,790,491
Public Works	2,281,757
Information Resource Management	780,755
Development Management	2,258,701
Judicial	831,239
Public Safety	7,610,104
Community Services	3,188,502
Nondepartmental	<u>2,657,873</u>

TOTAL COUNTY EXPENDITURES \$23,324,911

TRANSFERS TO OTHER PROGRAMS:

WJCC Schools	\$36,129,850
Library and Arts Center	2,040,000
City-County Jail	413,096
Mental Health	379,885
Social Services	775,253
Public Health	349,385
Contributions - Other	<u>289,886</u>

\$40,377,355

TOTAL EXPENDITURES \$63,702,266

The appropriation for education includes \$26,389,835 as a local contribution to the Williamsburg-James City County Schools and a pass through of State Sales Tax revenue estimated at \$3,510,165. Whatever is actually received from State Sales Tax for Education will be forwarded to the schools.

GENERAL FUND REVENUES

General Property Taxes	\$42,101,763
Other Local Taxes	9,516,000
Licenses, Permits and Fees	3,761,087
Fines and Forfeitures	84,000
Revenue from Use of Money and Property	1,400,000
Revenue from the Commonwealth	5,435,248
Revenue from the Federal Government	85,857
Charges for Current Services	1,249,832
Miscellaneous Revenues	<u>68,479</u>

TOTAL REVENUES \$63,702,266

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES

Real Estate on each \$100 assessed value	\$0.87
Tangible Personal Property on each \$100 assessed value	4.00
Machinery and tools on each \$100 assessed value	4.00

Enhanced E-911	\$0.90/Month
Real Estate on each \$100 assessed value	
Route 5 Transportation Improvement District	\$0.01

PROPOSED CAPITAL BUDGET:**Revenues:**

Estimated Prior Year Fund Balance	\$ 3,234,393
City of Williamsburg	313,000
Contribution - General Fund	1,315,000
Debt Financing	13,700,000
Other Revenue	<u>939,000</u>

\$19,501,393**Expenditures:**

Public Safety	\$ 129,500
Education	7,875,573
Community Services	7,475,000
General	1,033,800
Development Projects	1,835,000
Recreation	652,520
Contingency	<u>500,000</u>

\$19,501,393**DEBT SERVICE FUND****Revenues:**

From General Fund - Schools	\$6,200,000
From General Fund - Other	1,000,000
Interest on Bond Proceeds	500,000
From Capital Fund	400,000
Transfer from Capital Projects Reserve	<u>456,921</u>

Total Debt Service Fund Revenues **\$8,556,921**Current Year Expenditures **\$8,556,921**Debt Service Fund Disbursements **\$8,556,921****VIRGINIA PUBLIC ASSISTANCE FUND****Revenues:**

From the Federal Government/Commonwealth	\$1,575,897
From the General Fund	720,253
Comprehensive Services Act	122,222
Other	<u>34,232</u>

Total Virginia Public Assistance

Fund Revenues \$2,452,604

Expenditures:

Administration and Assistance \$2,452,604

Total Virginia Public Assistance

Fund Expenditures \$2,452,604

COMMUNITY DEVELOPMENT FUND

Revenues:

General Fund \$ 215,079

Grants 281,864

Generated Program Income 245,200

Total Community Development

Fund Revenues \$ 742,143

Expenditures:

Administration and Programs \$ 742,143

Total Community Development Fund

Expenditures \$ 742,143

3. The Board of Supervisors has not allocated education capital dollars to specific projects but expects to, based on action of the Williamsburg-James City County School Board to identify an acceptable allocation.
4. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this Resolution as he may deem in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
5. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors. There will be a salary increase with various increases based on performance and funded at an average of 4.0 percent, granted to employees in FY 97.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, complimented the administration of the County Garage and suggested consolidation of the County and Schools garage maintenance for efficiency. He spoke in opposition to closing the Grove Convenience Center.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, Acting County Administrator, recommended the Board recess for a James City Service Authority Board of Directors meeting; reconvene into an executive session pursuant to Section 1.2-344(A)(7) of the Code of Virginia to consult with legal and staff members on a specific legal matter, the Williamsburg-James City County Public Schools contract; and, pursuant to Section 1.2-344(A)(1) of the Code of Virginia to consider personnel matter including appointment of individuals to County boards and/or commission.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk stated that he, Mr. Taylor, and Mr. Wanner had attended the Virginia Productivity and Quality Summit 96 in Richmond, Virginia where the County was presented with an United States Senate Productivity and Quality Award for Virginia, an award for outstanding achievements in productivity improvement in 1995. Mr. Sisk expressed pride in staff and the County.

Mr. Sisk declared a recess for a James City Service Authority Board of Directors' meeting at 9:50 p.m.

Mr. DePue made a motion to convene into executive session as recommended by the Acting County Administrator at 9:54 p.m.

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

Mr. Sisk reconvened the Board into open session at 10:03 p.m.

Mr. DePue made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: APRIL 30, 1996

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 a motion to approve the Williamsburg-James City County School Contract Amendment.

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

RESOLUTION

JOINT RESOLUTION TO AMEND THE RESTATED CONTRACT FOR
THE JOINT OPERATION OF SCHOOLS. CITY OF WILLIAMSBURG AND
COUNTY OF JAMES CITY

WHEREAS, the City of Williamsburg and the County of James City deem it in the best interests of their citizens to amend the contract for the operation of the joint school system.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman and Clerk to execute that Joint Resolution dated January 15, 1996.

Mr. DePue made a motion to reappoint Carl Pearson to the Cable Television Advisory Commission for a 4-year term, term expiring May 18, 2000, and to reappoint Robert Pinto, James Dorsey, Helen Hamilton, and Michael Matthews, each to a 4-year term to the Parks and Recreation Commission, terms expiring April 12, 2000, respectively.

Mr. Taylor made a motion to recess until Tuesday, May 7, 1996, at 5:00 p.m. for a joint work session to be held in the School Administration Conference Room, Building D, Government Center, with the Planning Commission and its Steering Committee on the Comprehensive Plan.

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

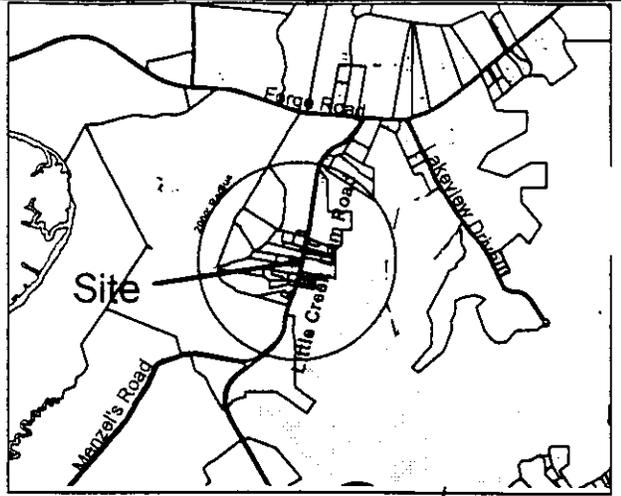
The Board recessed at 10:06 p.m.


Sanford B. Wanner
Clerk to the Board

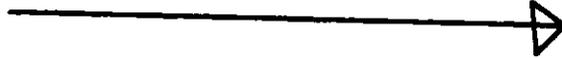
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7299



Replacement Manufactured Home



7295



7291



7279

Little Creek Dam Road

**SUP-10-96 Daryl E. and Juanita Jones
Replacement Manufactured Home**



RESOLUTION #6-96

JOINT RESOLUTION TO AMEND THE RESTATED
CONTRACT FOR THE JOINT OPERATION OF SCHOOLS,
CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY

DATE OF DOCUMENT: JANUARY 15, 1996

PREAMBLE

By Agreement dated October 9, 1980, the County School Board of James City County, Virginia, and the County of James City, parties of the first part and the School Board of the City of Williamsburg, Virginia and the City of Williamsburg, Virginia, parties of the second part entered into a restate contract for the operation of a joint school system, hereinafter referred to as the "Restated Contract."

By Resolution dated October 9, 1980, the City of Williamsburg (hereinafter referred to as "City") and the County of James City (hereinafter referred to as "County") and their respective school boards amended the funding formula as set forth in the Restated Contract.

By Resolution dated February 27, 1989, the City of Williamsburg and County of James City and their respective school boards, further amended the Restated Contract to provide that James City County would fully pay all costs of constructing three schools as described therein and that the County would have all ownership equity in such schools.

By Resolution dated December 12, 1991, by the City, December 16, 1991, by the County, and December 17, 1991, by the School Boards, (hereinafter referred to as "1991 Resolution") the parties further amended the Restated Contract by repealing in its entirety the October 9, 1980, Restated Contract and substituting therefore new provisions for all aspects of the contract.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that by Resolution dated January 15, 1996, commencing July 1, 1997, the parties hereto do hereby amend the 1991 Resolution to read as follows:

1. Operational Costs. Beginning Fiscal Year 1992/1993, City's contribution toward annual operational costs of the joint school system shall be the greater of:

a. A portion of the total operational costs jointly approved by County and City for such fiscal year which portion shall be equivalent to the percentage of City students enrolled in the joint system determined as hereinafter set forth plus an add-on of four (4) percentage points. If, however, the percentage of City students enrolled in the system as of any determination date shall fall below eight percent (8%), then the add-on for the fiscal year next following such determination date (defined in 1b below) shall be reduced to one-half (½) of the City student percentage. (For example, if the City student percentage is 7.8 %, the add-on for the following fiscal year shall be reduced from four percent (4%) to three and nine-tenths percent (3.9%); OR,

b. The following percentage as here designated for the particular fiscal year which shall supplant both the percentage and add-on determined under a above:

FY 1993	18.72%;	FY 1994	17.72%;	FY 1995	16.72%;
FY 1996	15.72%;	FY 1997	14.72%;	FY 1998	13.72%;
FY 1999	12.72%;	FY 2000	11.72%;	FY 2001	10.72%.

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For the purposes of calculating the percentage of City students under a above, the average school division daily membership shall be computed as of September 30 of the preceding fiscal year which date is here defined as the "determination date." The percentage thus obtained shall be used in applying the formula to the next fiscal year; *provided, certain City/County student populations will be excluded from the funding formula set forth in 1a above as follows:*

- *Nonresidents (children living in other localities)*
- *Foreign students in exchange programs*
- *Residents of halfway houses, group homes, detention centers, mental hospitals, or other institutions with no home address in either the City or County.*
- *Children for whom the school division cannot assign a home address in City or County.*

Both City and County shall be entitled to review all pertinent school enrollment records to verify such calculations. Should either City or County, after reviewing such records wish to contest the accuracy of the calculation for any year, it must elect to do so by December 31 immediately following the September 30 calculation cutoff date. The contesting party shall give written notice to the other on or before December 31 specifying the basis of its disagreement. Upon receipt of such notice, the parties shall meet together as soon as is reasonable practicable and shall in good faith attempt to resolve the dispute. Should such efforts fail, each party shall appoint a certified public accountant as its arbitration representative. Such representatives shall choose an attorney at law duly licensed to practice in Virginia as a third arbitrator. The decision of the arbitrators shall bind both parties. Each party shall compensate its own accountant and the fees of the attorney shall be equally shared by the parties.

"Operational Costs" are all costs of operating the joint school system other than Capital Project Costs and shall include, but not be limited to: Administration, operation of school plants, routine maintenance of school plants, instructional costs, F.I.C.A. taxes and other employer funded employment benefits, repair and replacement of furnishing and equipment.

c. *The School board shall be permitted to retain and determine the use of any year-end surplus funds.*

d. *The City and County shall pass through any and all of their shares of the State Sales Tax for schools to the schools. The School Board shall determine how such funds shall be used.*

2. Capital Project Costs. *Over the term of the Contract Amendment (July 1, 1997 - June 30, 2002), the County shall be solely responsible for all capital project costs for the joint school system; except that during such term, the City shall be responsible for all capital project costs related to and involving Matthew Whaley School renovation project in excess of One Million Eight Hundred and Twenty Thousand Dollars (\$1,820,000) to be contributed by the County during the contract amendment term. The County's contribution to the Matthew Whaley project shall be made in proportional amounts as expenditures are incurred.*

The parties agree that the City, in its sole discretion, may begin the Matthew Whaley School project prior to July 1, 1997; it is understood and agreed, however, that should the City commence the project prior to July 1, 1997, no County payment shall be due until July 1, 1997.

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"Capital Project Costs" shall include: (a) All costs of land acquisition; all costs of land lease having a term of at least ten (10) years, including but not limited to rents and lease negotiation fees and costs; (b) all construction costs of new buildings including all architectural, engineering, consultation and other design and development costs related thereto; (c) all costs of equipping new buildings, building additions and renovations and other structures or facilities; (d) all construction costs for major renovations of and/or additions to existing buildings, structures and facilities, including all architectural, engineering, consultation and other design and development costs related thereto ("major" being defined for purposes of this subsection (d) as in excess of \$50,000); (e) all major studies such as engineering, feasibility, etc., related to existing or proposed school facilities, sites, properties, equipment, etc., ("major" being defined for purposes of this subsection (e) as in excess of \$20,000); (f) all costs for acquisition of major equipment and mechanical systems whether new or replacement, ("major" for purposes of this subsection (f) being defined as either unit or total system purchase price during a fiscal year in excess of \$50,000. Separate purchases of separate components shall be combined to determine purchase price); (g) expansion of existing school bus fleet.

3. Termination. Either the Williamsburg City Council or the James City County Board of Supervisors may elect to terminate this contract at any time by giving written notice to the other. Unless City and County shall agree otherwise, termination shall become effective at the close of the school year next following the school year during which notice was given.

In the event of termination, the City shall have one hundred percent (100%) equity in all school facilities located within the City's corporate limits and the County shall have one hundred percent (100%) equity in all school facilities located in the County; provided, however, that the non-situs locality shall have an equity interest in any real property located in the other locality which was used for school

purposes, equal to all capital contributions made by the non-situs locality for the erection or improvement of buildings on such real property subsequent to July 1, 1997.

In event that any building previously used for educational purposes under this contract ceases to be used as such, and is declared surplus by a resolution of the School Board, then full ownership of such building, the land upon which it is located, together with all other related facilities, shall vest in the locality in which the building is located; provided, however, that the non-situs locality shall have an equity interest in such building and land, equal to all capital contributions made by the non-situs locality for the erection or improvement of such building subsequent to July 1, 1997.

“Facilities” shall include all real and personal property located at a school site. All other property not identified with a specific school site shall be distributed Twenty-six percent (26%) to City and Seventy-four percent (74%) to County. Such non school site property includes, but is not limited to, central administration and operations real and personal property, school buses, vehicles and equipment not used primarily at a particular school.

In applying the above percentages to non school site property, the current values of such properties shall be determined as follows:

Real Property - Fair market value based on
comparable sales and highest
and best use.

School Buses - As shown in most recent
issue of valuation booklet

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for school buses, "Yellow Book" published by Yellow School Buses P.O. Box 261 Los Angeles, CA 90078 or if out of publication, as determined by other mutually agreeable method.

Other Personal - Acquisition cost depreciated over five (5) years with 10% salvage value.

4. School Board Membership. Effective July 1, 1993, City's School Board shall consist of two (2) members and County's School Board shall consist of five (5) members. The two School Boards shall serve as one Board for all decisions regarding operation of the joint school system including the hiring and firing of the superintendent.

5. Review of Contract. The Restated Contract as here amended shall be reviewed by City and County prior to fiscal year beginning July 1, 1997, and every fifth (5th) year thereafter. Each review shall commence not later than January of the previous fiscal year. The parties intend that any subsequent amendments to the Restated Contract shall result from the regularly scheduled reviews, and each party represents to the other its intent to withhold requests for further amendments until the time of such scheduled reviews unless urgent necessity dictates otherwise.

6. Effective Date of Amendments. All future amendments to the Restated Contract as here amended shall become effective on the July 1 following the calendar year in which the parties reach written agreement as to such amendment.

IN WITNESS WHEREOF, Pursuant to resolution duly adopted, the City of Williamsburg, Virginia, on this 11th day of April, 1996; the County of James City on the 30th day of April, 1996.

COUNTY OF JAMES CITY

By David L. Sisk
Chairman

ATTEST:

Sanford Blanner
Clerk

CITY OF WILLIAMSBURG

By Trust
Mayor

ATTEST:

Lois S. Bodin
Clerk