

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JANUARY 1999, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Ronald A. Nervitt, Powhatan District
M. Anderson Bradshaw, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC COMMENT - None

C. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation (VDOT), stated that cleanup of debris from the December 1998 ice storm was continuing.

Mr. McGlennon asked if citizens could contact VDOT regarding damaged trees on right-of-way.

Mr. Elliott stated that citizens should call VDOT with specific details of location.

Mr. Edwards asked whether road signs on Route 199 could be nontraditional signs that would match the City of Williamsburg's street name signs.

Mr. Edwards also asked about the name for the road by Monticello Marketplace where it intersects with Ironbound Road.

D. CONSENT CALENDAR

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

Mr. Sisk asked that Item No. 2 be removed.

Mr. Edwards made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

1. Minutes of Joint Work Session, January 5, 1999, and Regular Meeting, January 12, 1999

3. Community Development Block Grant Residential Anti-Displacement and Relocation Assistance Plan

RESOLUTION

ADOPTION OF THE JAMES CITY COUNTY RESIDENTIAL

ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant (CDBG) Funds, adopt a plan to minimize CDBG project related displacement of households.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached CDBG Anti-Displacement and Relocation Plan.

4. CoxCom, Inc., Transfer of Franchise to Cox Communications Hampton Roads, L.L.C.

RESOLUTION

COXCOM, INC., TRANSFER OF CABLE TELEVISION FRANCHISE TO

COX COMMUNICATIONS HAMPTON ROADS, L.L.C.

WHEREAS, CoxCom, Inc., is the duly authorized holder of a cable television franchise (as amended to date, the "Franchise") authorizing the operation and maintenance of a cable television system serving the residents of the County; and

WHEREAS, CoxCom, Inc., is the sole member of Cox Communications Hampton Roads, L.L.C.; and

WHEREAS, in order to improve its operational efficiency, simplify its organizational structure and better serve its customers, CoxCom, Inc., desires to transfer the Franchise to Cox Communications Hampton Roads, L.L.C.; and

WHEREAS, Cox Communications of Hampton Roads, L.L.C., will hold cable television franchises for several localities in the Hampton Roads area; and

WHEREAS, the transfer and assignment of the Franchise to Cox Communications of Hampton Roads, L.L.C., is in the best interest of the citizens of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County, as a franchising authority, hereby consents to the transfer and assignment of the Franchise, all in accordance with the terms of the Franchise, to Cox Communications Hampton Roads, L.L.C. This consent shall be deemed effective upon the date of such transfer and assignment.

5. Williamsburg Regional Library Contract Amendment

RESOLUTION

WILLIAMSBURG REGIONAL LIBRARY CONTRACT AMENDMENT

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 and authorizes and directs the Chairman and Clerk to the Board to execute the said Contract.

6. Recommend Appointees to the James City County Board of Equalization

RESOLUTION

TO RECOMMEND APPOINTEES TO THE JAMES CITY COUNTY

BOARD OF EQUALIZATION

WHEREAS, Section 20-30 of the Code of the County of James City, Virginia, requires the Board to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the terms of Andy Piplico, Bruce Keener, and Mayo Waltrip expired on December 31, 1998, and the Board of Supervisors of James City County seeks to reappoint them for a three-year term; and

WHEREAS, Andy Piplico, Bruce Keener, and Mayo Waltrip are qualified freeholders of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the reappointment to the James City County Board of Equalization of the following qualified freeholders, Andy Piplico, Bruce Keener, and Mayo Waltrip, for a three-year term.

2. Local Innovation Program Community Development Block Grant

Mr. Richard B. Hanson, Community Development Administrator, stated that the Virginia Department of Housing and Community Development had awarded a \$100,000 Local Innovation Program Community Development Block Grant to James City County to finance implementation of a Homeownership Savings Program and a Home Maintenance and Improvement Savings Program. He further stated that both programs provide matching grants as an incentive to establish and make regular contributions to savings plans, to those selected applicants who qualified as low and moderate-income families.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

AUTHORIZATION TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT

AGREEMENT AND TO APPROPRIATE GRANT FUNDS

WHEREAS, on March 10, 1998, the James City County Board of Supervisors authorized the submission to the Virginia Department of Housing and Community Development (DHCD) of an application for a \$100,000 Local Innovation Program Community Development Block Grant to fund a Homeownership Savings Program and Home Maintenance and Improvement Savings Program; and

WHEREAS, James City County has been notified of the award of the grant and has undertaken all actions required by DHCD prior to entering into an agreement to receive the grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant (CDBG) Agreement with DHCD and to sign associated certifications of conformance with Federal regulations; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the adopted Budget and designates a continuing appropriation, to carry beyond Fiscal Year 1999 until the Local Innovation Program is completed, as follows:

Revenues:

Local Innovation Program - Community Development Block Grant	<u>\$100,000</u>
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Expenditures:

CDBG Savings Program Matching Grants	\$ 90,000
Program Administration	<u>10,000</u>
	<u>\$100,000</u>

E. PUBLIC HEARINGS

1. Case No. AFD-5-86. Barnes Swamp Agricultural and Forestal District, Mountcastle Addition

Ms. Tamara A. M. Rosario, Senior Planner, stated that Mr. Richard Mountcastle had applied for an addition of 58.6 acres to AFD-5-86, Barnes Swamp Agricultural and Forestal District, zoned A-1, General Agricultural, located at 9444 Richmond Road, and further identified as Parcel No. (1-61) on James City County Real Estate Tax Map No. (2-4).

Staff determined that the proposed addition was consistent with surrounding properties, zoning, and the Comprehensive Plan.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee, by a vote of 9 to 0, and the Planning Commission, by a vote of 6 to 0, recommended approval of the application with conditions listed in the Ordinance.

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

Mr. Bradshaw made a motion to approve the ordinance.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

2. Case No. SUP-24-98. Williamsburg-James City County Elementary School No. 7

Ms. Jill E. Schmidle, Planner, stated that Mr. Bob Wunderlich, Construction Manager, Williamsburg-James City County Public Schools, had applied for a special use permit to construct an elementary school on 26 acres, zoned A-1, General Agricultural, and B-1, General Business (entrance road), located at 3651 Rochambeau Drive, (Route 30) at the intersection of Old Stage Road (Route 746, and further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1).

Ms. Schmidle further stated that staff determined the proposal was consistent with surrounding properties; was consistent with the Design and Maintenance of Public Facilities of the Comprehensive Plan that new facilities should be designed to accommodate expansion and with the Parks and Recreation section of the Comprehensive Plan to develop community park facilities in conjunction with new school. The Phase I archaeological study had been completed and the Phase II archaeological study was under review by staff.

In concurrence with staff, the Planning Commission, by a vote of 6-0, recommended approval with conditions listed in the resolution.

Board members asked whether the facility would be available as an emergency shelter and asked the status of the archaeological site work.

Staff responded that the facility was being designed to operate as a shelter and that the archaeological site was at a designated athletic field site and would not interfere with construction of the building.

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

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CASE NO. SUP-24-98.

WILLIAMSBURG/JAMES CITY COUNTY ELEMENTARY SCHOOL No. 7

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 January 11, 1999, found Case No. SUP-24-98 to be in substantial accord with the 1997 Comprehensive

Plan and voted 6-0 to recommend approval of Case No. SUP-24-98 to permit the operation of a school at 3651 Rochambeau Drive, further identified as Parcel No. (1-20) on James City County Real Estate Tax Map No. (13-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. SUP-24-98 as described herein, with the following conditions:

- 1. If a certificate of occupancy on this project has not been obtained within a period of 24 months from the date of issuance of this permit, this permit shall become void.
- 2. All road improvements recommended by the Virginia Department of Transportation, including a right turn lane and a left turn lane into the site, shall be provided prior to issuance of a certificate of occupancy for this site.
- 3. Prior to the issuance of a building permit, an archaeological study, consistent with County policy, shall be submitted and approved by the Director of Planning.
- 4. A landscape plan providing enhanced landscaping at the point of the entrance road to the school and extending westerly 1,000 feet along the property line adjacent to the B-1 property that fronts on Rochambeau Drive shall be submitted and approved by the Director of Planning prior to site plan approval.

3. Conveyance of 1311 Moses Lane

Mr. Richard B. Hanson, Community Development Administrator, stated that a single-family home was donated by John Grier Construction in 1998 and moved to County-owned .235± acres located at 1311 Moses Lane. He further stated that a loan application had been submitted by a resident eligible for financing available through the County's Affordable Housing Incentive Program.

Staff recommended approval of the resolution.

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

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

CONVEYANCE OF SINGLE FAMILY RESIDENCE

LOCATED AT 1311 MOSES LANE

WHEREAS, the County owns certain real property consisting of .235± acres, commonly known as 1311 Moses Lane and designated as Parcel No. (8-7) on James City County Real Estate Tax Map No. (41-4) on which is located a single-family residence (the "Property"); and

WHEREAS, the James City County Office of Housing and Community Development administers the Affordable Housing Incentive Program to promote the development of homes affordable to low and moderate Income County residents and workers; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to sell the Property to an eligible purchaser through the Affordable Housing Incentive Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to execute a deed and such other documents as may be necessary to convey the Property, 1311 Moses Lane, to a low- or moderate-income home buyer determined to be eligible for financing available through the Affordable Housing Incentive Program at a sales price of \$79,900.

F. PUBLIC COMMENT

1. Mr. James Kennedy, 7681 Thatcher, Toano, asked the Board to have the Virginia Department of Transportation change the speed limits on Route 60 in Toano and post a speed limit and put a pedestrian crosswalk on Croaker Road at the James City County Library.

2. Mr. Ed Oyer, 139 Indian Circle, asked for information on the transfer of property on Barnes Road containing two well sites; spoke of new industry bringing additional support businesses; spoke of adequate school employee salaries and lack of prerequisites for employment; and County taxes have risen steadily during the past several years while other jurisdictions' taxes have been lowered.

3. Ms. Ingrid Jahn, 118 Dover Road, spoke of the newspaper article regarding the big business of jurisdictions accepting trash from out of state, thereby not having to raise homeowners' taxes.

4. Mr. Douglas Johnson, 26 Magruder Lane, voiced a complaint that the explanation that the truck crane could not pick up the debris at his residence was unsatisfactory as that procedure was not the only alternative for debris pickup.

Mr. McGlennnon asked Mr. Johnson to contact Mr. Quintin Elliott, Virginia Department of Transportation, regarding the location and specifics of the damaged tree at Mr. Johnson's house.

H. REPORTS OF THE COUNTY ADMINISTRATOR

1. Auditor Report Fiscal Year 1998

Ms. Elizabeth Foster, KPMG Peat Marwick LLP, reported on audit results for Fiscal Year 1998. She stated that the County audit was excellent and expressed appreciation for staff cooperation.

Discussion followed regarding the Year 2000 (Y2K) computer system compliance and concerns of the risk of interface with other organizations which would not be prepared.

2. Shelter Operations Report

Mr. Anthony Conyers, Jr., Manager, Community Services stated that Community Services, in shared responsibility with the American Red Cross for operation of shelters during an emergency, provided

assistance in registering those requesting shelter and in the operation of the shelter and the American Red Cross, by contract, had overall management responsibility for the shelter.

Mr. Conyers further stated that the December 1998 ice storm was the County's longest shelter operation ever, with employees working cumulatively over 500 hours. He emphasized that more staff needed training in emergency responses; ability to have operational Heating Ventilation and Air Conditioning (HVAC) systems at a County facility was necessary; and refine good relationship with the American Red Cross to improve management and operation of emergency shelters for sustained periods of time.

Mr. Nervitt requested preparation of a comprehensive emergency plan, listing persons with special needs.

Staff responded that a James City County Emergency Operations Plan has a data base that includes persons with special needs that was available and used during the ice storm.

Mr. James Kennedy suggested that Neighborhood Connections could contact neighborhood association leaders, who in turn, would contact persons to scout the neighborhoods for special needs; and that the County could drive through neighborhoods providing assistance to residents.

Mr. Wanner recommended the Board recess for a James City Service Authority meeting and after reconvening the Board into open session, go into a brief executive session pursuant to Section 2.1-344(A)(7) to consult with legal and staff members on a specific legal matter. He recommended that, following the executive session, the Board adjourn until 2:00 p.m., Wednesday, January 27, 1999, for a work session.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Bradshaw made a motion to reappoint Donald C. Hunt to the Planning Commission for a four-year term, expiring January 31, 2003.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. McGlennon announced a meeting on Saturday, January 30, 1999, at 9:00 a.m. at Rawls Byrd Elementary School for a meeting of residents from several nearby neighborhoods regarding information about Celebration 2007.

Mr. Bradshaw asked for an update of the ice storm debris pickup.

Mr. William C. Porter, Jr., stated that pickup of debris was continuing, although behind schedule because of the enormous amount of debris. He stated the expenditure figure of \$106,000 did not include the past weekend.

Mr. Nervitt spoke of concerns about out-of-state trash as a growth industry, and barge transportation of that trash on the James River could increase contamination of ground water. He felt the County should get information and take a position.

Mr. Edwards stated that all information would have to be reviewed and discussed before any action could be considered.

Mr. Edwards declared a recess for a James City Service Authority Board of Directors' meeting, at 8:22 p.m.

Mr. Edwards reconvened the Board and made a motion to go into executive session pursuant to Section 2.1-344(A)(7) to consult with legal and staff members on a specific legal matter, at 8:48 p.m.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

Mr. Edwards reconvened the Board into open session at 9:01 p.m.

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

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

RESOLUTION

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

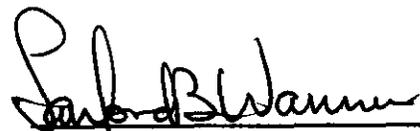
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

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 were heard, discussed or considered by the Board as were identified in the motion, Section 2.1-344(A)(7), consult with legal and staff members on a specific legal matter

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Nervitt, Edwards (5). NAY: (0).

The Board adjourned at 9:10 p.m.


 Sanford B. Wanner
 Clerk to the Board

**JAMES CITY COUNTY
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

James City County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, James City County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- 1) a description of the proposed assisted activity;
- 2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- 3) a time schedule for the commencement and completion of the demolition or conversion;
- 4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
- 5) the source of funding and a time schedule for the provision of replacement dwelling units;
- 6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
- 7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

James City County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

James City County Local Innovation project includes the following activities:

1. Provide substantive budgeting, credit management, and homeownership training to at least 19 LMI persons targeting home purchases and substantive budgeting and home maintenance training to at least 20 LMI persons targeting home improvements.
2. Establishment of Homeownership Savings accounts for at least 19 LMI persons and Home Maintenance and Improvement Savings accounts for at least 20 LMI persons at local financial institutions.

THIS CONTRACT, made and entered into this 14th day of January, 1999, by and between the CITY OF WILLIAMSBURG, (CITY); the COUNTY OF JAMES CITY, (COUNTY); and the WILLIAMSBURG REGIONAL LIBRARY SYSTEM, (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, (TRUSTEES), consisting of seven (7) members. The CITY shall appoint three (3) Trustees, effective July 1, 1999, and the COUNTY shall appoint four (4) Trustees in conformity with Section 42.1-35 of the State Code. The Trustees shall operate the 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 January 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 the CITY or the COUNTY requests, the LIBRARY shall make presentation of the budget to the requesting locality. In the absence of mutual agreement of the CITY and the 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 library building situated in the City, and all branch libraries, sha

be open to the public for periods of time not less than from 1:00 p.m. to 5:00 p.m. on Sundays, and from 10:00 a.m. to 9:00 p.m. each day Monday through Thursday, 10 a.m. to 6 p.m., on Friday, 10 a.m. to 5 p.m., on Saturday, except for holidays. A list of holiday closures shall be prepared by the LIBRARY, in consultation with the City Manager and County Administrator.

4. For the fiscal year beginning July 1, 1999, the CITY and the COUNTY shall define all costs of the LIBRARY that are not recovered from all other sources as "local funds." For the 2000 fiscal year and thereafter, the CITY and the COUNTY agree to contribute local funds toward the mutual costs of operating the library on the basis of circulation by residency. This calculation shall be based on the last fiscal year, for a twelve-month period. In no case, however, shall either the CITY or the COUNTY local funds drop below the level of funding approved by the City Council and/or the Board of Supervisors for the previous fiscal year. In Fiscal Year 2000, the first \$60,880 of local costs shall be paid by the CITY to correct for an error in funding allocations for Fiscal Year 1999. Thereafter, the contributions of both the CITY and the COUNTY will be on the basis of circulation by residency. 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 Workers' Compensation, utilities, maintenance of physical plant, and furnishings and acquisition costs of furnishings, equipment and books. Equipment requirements in excess of \$50,000 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 its respective Capital Improvement Program (CIP). Capital costs include the following: 1) land acquisition or lease; 2) inclusion in the public facilities plan; 3) acquisition or improvement of property exceeding \$50,000; 4) major additions or rehabilitation to public buildings exceeding \$50,000;

5) major studies such as engineering, feasibility, etc., related to public facilities; and 6) equipment requirements exceeding \$50,000, either individually or in one aggregate purchase. Capital Budget submissions will be considered as a proposal submitted to the locality in which the facility is located if the project involves the building envelope, a major structural component or a building system such as an HVAC system. Otherwise, the project will be considered for funding under the same formula as the operating budget. The budget(s) shall be submitted to both the CITY and the 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 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, all walkways, parking lots, landscaping and any other site improvements. The LIBRARY shall be responsible for all interior maintenance to include plumbing, HVAC, etc. During the term of this Agreement and any extensions thereof, the LIBRARY'S occupancy of the existing library building and parking areas in both the CITY and the COUNTY as well as any additions thereto shall be rent free. The 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 \$3,000,000.00 for all occurrences. Such policy shall name the CITY and the COUNTY as additional insureds and shall require 30 days notice to both additional insureds prior to modification or cancellation. The CITY and the 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 the CITY. Each locality shall transfer, monthly, to the CITY, one-twelfth of its annual appropriation for the operation of said library system. The CITY shall account for all LIBRARY receipts and disbursements and shall provide the LIBRARY with a detailed monthly report. The CITY shall also provide financial support services such as auditing, treasury, and insurance. In consideration for these services, the CITY may bill the LIBRARY a reasonable amount that is not to exceed 1.5 percent of the most recently adopted annual operating budget excluding salary and fringe benefits costs and may further bill the LIBRARY for the cost of any annual audit performed by an independent auditor. The LIBRARY may contract with the CITY, the COUNTY, or another provider for support services other than those described above.

7. All employees of the LIBRARY, with the exception of the Library Director, shall be included in the compensation plan, personnel policies, and benefit programs of the COUNTY in order to treat all locally funded personnel equitably. The compensation plan shall include salary and all considerations relevant thereto. Personnel policies include, but are not limited to, all rules, regulations, policies, and safeguards involved with or pertaining to employee recruitment, selection, and discipline, including grievance procedure, and terminations. The COUNTY shall also issue paychecks and maintain leave records for LIBRARY employees. In consideration for these services, the COUNTY may bill the

library a reasonable amount that is not to exceed 1.5 percent of the total salary and fringe benefit costs in the most recently adopted annual budget. The monthly transfer of funds by the County under Section of this agreement shall be reduced by the actual payments by the County of salaries and benefits for Library employees. In addition, an existing full-time position with personnel experience may report to the James City County Human Resource Manager for up to 20 hours per week. The Library Director will not be bound by County personnel policies and procedures. The Director, however, shall follow County personnel policies with regards to other Library employees including their selection and termination. The Library Director will be covered by the applicable benefits outlined in the Benefits Chapter of the County's Personnel Policies and Procedures Manual, with the exception of holiday and leave sections. The Library Director will be held accountable for the execution of the duties of the office by the Library Board which may set standards and guidelines for the Director.

8. The term of this contract shall be from July 1, 1999, to June 30, 2004, and shall continue thereafter from year to year until discontinued by appropriate action of any either the CITY or the COUNTY. The parties agree that this agreement will be reviewed every five years. In the event either the CITY or the COUNTY desires to discontinue this agreement, the party desiring to terminate shall give two years notice in writing to the other party 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 the CITY and the 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 ...

expressly understood, however, that the present building or any future buildings in the CITY 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 situated in and owned by the COUNTY and used for the purpose of operations of the regional library shall remain the property of the COUNTY and that all tangible personal property funded exclusively by the County shall remain the sole property of the County.

9. 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: James Zerk
Mayor

ATTEST:

Selma Y. Crist
City Clerk

COUNTY OF JAMES CITY

BY: J. Edwards
Chairman

ATTEST:

Stanford Warner
Clerk

WILLIAMSBURG REGIONAL
LIBRARY SYSTEM

BY: Martha R Jones
Chairman

ATTEST:

Elizabeth C. Parker
Secretary

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JAN 26 1999

ORDINANCE NO. 167A-7BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIABARNES SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD-5-86)MOUNTCASTLE ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Barnes Swamp area; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Barnes Swamp Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee recommended approval of the application by a vote of 9 to 0 at its meeting on December 16, 1998; and

WHEREAS, the Planning Commission, following its public hearing on January 11, 1999, recommended approval of the application by a vote 6 to 0.

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

1. The Barnes Swamp Agricultural and Forestal District is hereby amended by the addition of the following parcel:

R. E. and Mary Mountcastle (2-4)(1-61) 58.6 acres

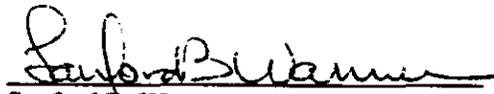
provided, however, that all land within 25 feet of the road rights-of-way of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 shall be excluded from the district. The parcel shall be subject to the same term as the Barnes Swamp Agricultural and Forestal District, which is four years beginning the twenty-second day of September, 1998.

2. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Barnes Swamp Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to withdrawal of lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.


 Jack D. Edwards
 Chairman, Board of Supervisors

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

SUPERVISOR	VOTE
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of January, 1999.

**APPLICATION FOR THE CREATION OF OR ADDITION TO AGRICULTURAL,
FORESTAL OR AGRICULTURAL AND FORESTAL DISTRICT**

A copy of this completed form and required maps shall be submitted by the applicant landowners to the local governing body. This form shall be accompanied by United States Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and boundaries of the property each applicant owns within the district or addition. A Department of Transportation general highway map for the locality that shows the general location of the district or addition shall also accompany this form.

SECTION A: TO BE COMPLETED BY APPLICANT

1. General location of the district in James City County 9444 Richmond Rd in
the northwestern portion of James City County

2. Total acreage in the district or addition 58.6 acres

3. Landowners applying for the district:

NAME	(current legal residence) ADDRESS	TOTAL ACREAGE OWNED IN THE DISTRICT OR ADDITION	LAND BOOK REFERENCE NUMBER
<u>Richard E. Mountcastle, Jr.</u>	<u>PO Box 236</u>	<u>58.6 ac.</u>	<u>(2-4)(1-61)</u>
<u>PO Box 236 Providence Forge VA.</u>	<u>P.O. Box 236 Providence Forge VA.</u>		

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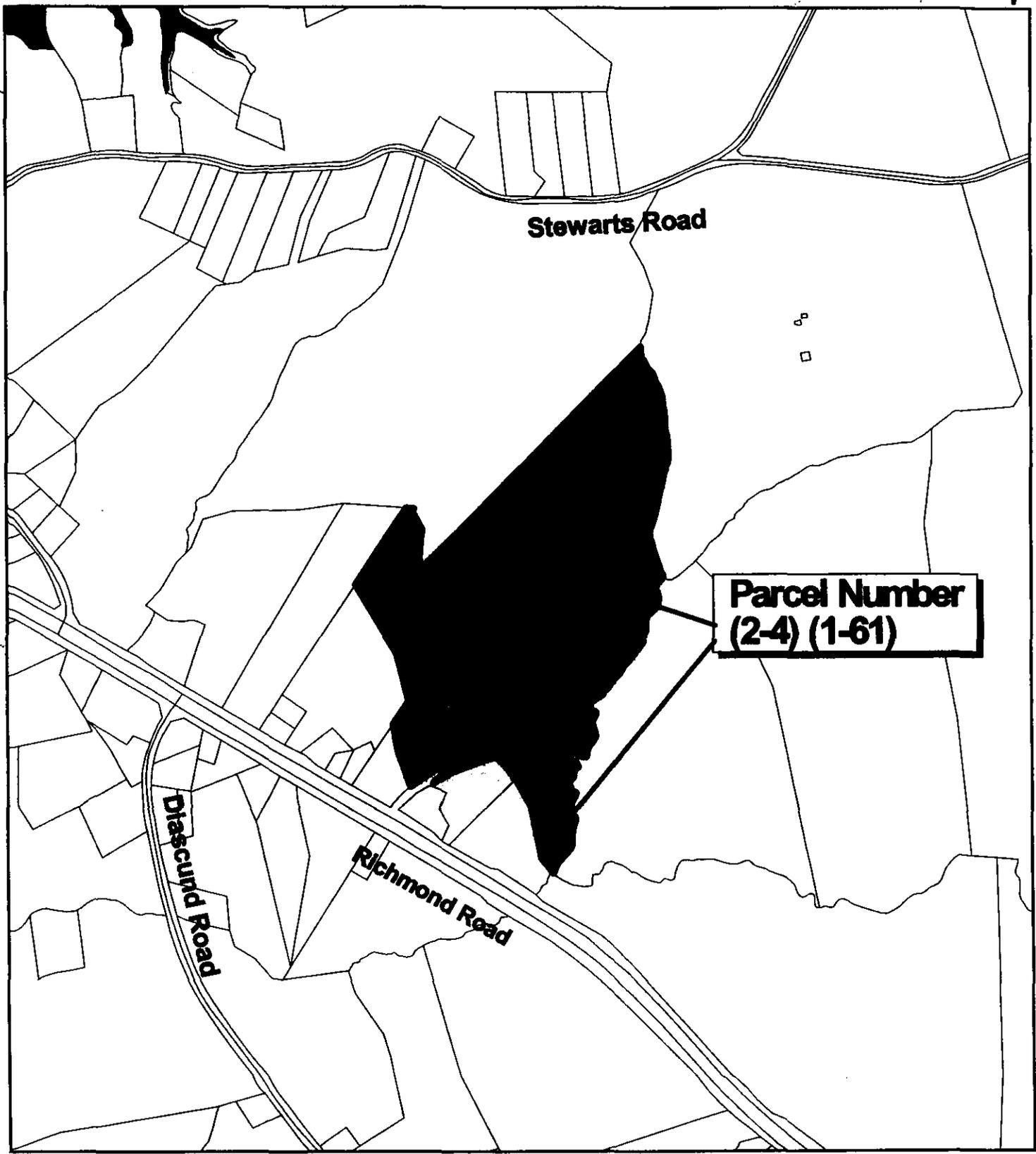
4. The proposed conditions to creation of the district pursuant to Subsection D of Section 15.1-1511 of the Code of Virginia, 1950, as amended

5. The proposed period before first review ② 4 years

SECTION B: TO BE COMPLETED BY LOCAL GOVERNING BODY

- 1. Date submitted to the local governing body 11/17/98 originally
- 2. Date referred to the local planning commission 1/11/99
- 3. Date referred to the advisory committee 12/16/98
- 4. Date of action by the local governing body 1/26/99

X Approved _____ Modified _____ Rejected



**AFD-5-86 Barnes Swamp
Mountcastle Addition**

