

AT A REGULAR MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE COUNTY GOVERNMENT CENTER BOARDROOM, 101 MOUNTS BAY ROAD, AT 3:30 P.M. ON THE TWENTIETH DAY OF DECEMBER, NINETEEN HUNDRED AND EIGHTY-TWO.

1. ROLL CALL

Ms. Diane L. Abdelnour, Chairman
Mr. Kenneth H. Axtell
Mr. Paul A. Dresser
Mr. C. Hammond Branch
Mr. John Barnett

OTHERS

Mr. Henry H. Stephens
Mr. Frank M. Morton III

2. CASE IRB-2-81 Mt. Pleasant Associates

Consideration of a request by Mt. Pleasant Associates to amend the bond documents dated October 30, 1981 to increase the bond amount from \$700,000 to \$800,000.

Mr. Morton explained to the Authority that he had reviewed drafts of the documents which were to be approved by the Authority and had found them to be in order. He stated that he had expected bond counsel to be present at the meeting to present the documents to the Authority. He expressed concern that the final documents had not been received and that the applicant's attorneys were not present. He distributed a resolution which would approve the amendment. He stated that the Authority should adopt the resolution with the condition that the final documents be in substantial compliance with those he had reviewed in draft form.

Mr. Skinner, who is a member of the law firm of Phillips, Bartlett and Skinner, was present in place of Mr. Phillips. He said that he, too, had expected bond counsel from the firm of Hunton & Williams.

Mrs. Abdelnour expressed concern that the final documents had not been received and that bond counsel was not present. She said she did not like approving things, even conditionally, that she had not seen. She also said that she was concerned about approving increases in the bond amount on a resolution which was supposedly closed with the original bond sale.

Mr. Dresser said that it was the bond counsel and the applicant's responsibility to establish an accurate estimate of allowable cost to draw from the bond proceeds. However, in this case, because of the fire, he said there were unique circumstances that would justify the amendment.

Upon a motion by Mr. Dresser, seconded by Mr. Branch, the resolution to amend the bond amount from \$700,000 to \$800,000 was approved unanimously, conditioned upon the bond documents being in substantial compliance with those reviewed in draft by Mr. Morton on December 10, 1982. Mr. Morton, Mrs. Abdelnour and Mr. Stephens were instructed by the Authority not to sign any documents until they were comfortable this condition was met.

Mr. Stephens asked when the applicant anticipated closing.

Mr. Skinner said closing would be scheduled some time the week after Christmas.

Mr. Stephens said that he would be out-of-town that week. He said that he told Mr. Phillips he would be unavailable after December 22 until after the first of the year.

Mr. Skinner asked if the Authority could appoint a substitute to sign the closing documents. It was the concensus of the Authority that no substitute would be appointed; and if closing were to occur prior to January 1, 1983, then it would have to be scheduled on the 21st or 22nd of December.

3. MATTERS OF SPECIAL PRIVILEGE

A. Mr. Stephens informed the Authority that he had received an inquiry from a representative of Family Inns of America, Inc., regarding an application the firm intended to file with the Authority. He said that the representative had requested that the application be considered before the first of the year. Mr. Stephens said that he told him according to the Authority's policies there was not enough time between December 20 and the end of the year to review and approve an application. Mr. Stephens said that Family Inns of America, Inc. representative had been in contact with him off and on since September, but that no application had ever been filed.

The Authority, by consensus, agreed that it would not be possible for it to meet again before January 1, 1983, to consider a new application.

B. Mrs. Abdelnour raised the question of amending bond resolutions to increase the bond amounts after the issues had been closed. She said she was concerned about future applicants returning to the Authority as Mt. Pleasant had done. She said that she would prefer that applicants understand, in advance, that the Authority expects the bond closing to be the conclusion of the process. If multiple closing are anticipated, then a series issue could be used.

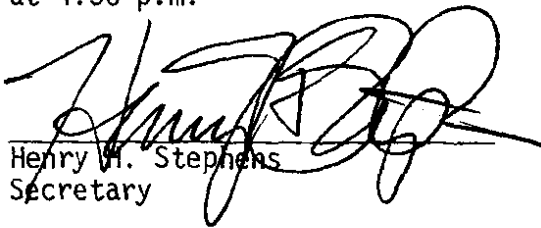
The Authority, after a brief discussion, agreed that it would, under normal circumstances, be reluctant to increase bond amounts on closed issues.


Mr. Stephens said he would indicate this position to future applicants who inquired about changing bond resolutions.

C. Mr. Stephens asked if any Authority members had attended the Industrial Development seminar on December 14, 1982, other than Mr. Branch. He indicated he would process reimbursements for the registration fee. No one but Mr. Branch indicated they had attended.

4. ADJOURNMENT

There being no other business, the December 20, 1982 meeting of the James City County Industrial Development Authority was adjourned at 4:30 p.m.


Henry W. Stephens
Secretary


Diane L. Abdelnour
Chairman