

AT A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 16TH DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-EIGHT, AT 5:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman
Perry M. DePue, Vice-Chairman
Jack D. Edwards
Thomas D. Mahone
Thomas K. Norment, Jr.

David B. Norman, Secretary
John E. McDonald, Treasurer
Frank M. Morton, III, County Attorney
Sanford B. Wanner, Business Manager

Mr. Taylor made a motion to convene into a joint executive session with the Board of Supervisors to discuss a legal matter pursuant to Section 2.1-344(a)(6) of the Code of Virginia, 1950, as amended.

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

Mr. Taylor reconvened the Board into open session at 6:35 p.m.

Mr. Edwards made a motion to approve the resolution to endorse the mitigation plan for the Ware Creek Reservoir as set forth in the Final Environmental Impact Statement, excluding the proposed establishing and managing of new wetlands habitat in the reservoir shallows, and including 1) a land acquisition program in the Yarmouth Creek Watershed; 2) acquisition of easements in the Powhatan/Longhill Swamp Watershed; 3) provision for an interconnection of the Ware Creek Reservoir with the Newport News raw water system; and 4) enhanced water conservation through a summer surcharge.

Mr. Taylor made a motion to amend the resolution by deleting reference to the transfer of property acquired for environmental mitigation to the State or other agency.

By voice, the vote was: AYE: Taylor (1). NAY: Norment, Mahone, DePue, Edwards (4).

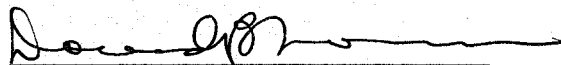
Mr. Taylor asked for a vote on Mr. Edwards' motion.

By voice, the vote was: AYE: Norment, Mahone, DePue, Edwards (4). NAY: Taylor (1).

Mr. Taylor made a motion to adjourn the meeting.

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

The Board adjourned at 6:40 p.m.



David B. Norman
Secretary

0730w

JOINT RESOLUTION

Ware Creek Reservoir Mitigation/James City County/
James City Service Authority

- WHEREAS, James City County (the "County") has been seeking a Section 404 permit under the Clean Water Act for the Ware Creek Reservoir (the "Reservoir") for approximately eight years; and
- WHEREAS, the Corps of Engineers (the "Corps") by letter dated July 11, 1988, filed a Notice of Intent to Issue a permit for the Reservoir; and
- WHEREAS, the Environmental Protection Agency by letter dated August 5, 1988, notified the Corps of intent to issue a public notice under Section 404(c) of a proposal to prohibit or restrict the use for specification as a disposal site that area or portion of property included in the County's application; and
- WHEREAS, the County is desirous of presenting a proposal to the regulatory agencies that would alleviate their concerns that the reservoir may have unacceptable adverse effects on fishery or shellfish areas, wildlife and recreational areas; and
- WHEREAS, the Authority joins in this resolution to both endorse the mitigation offered by the County and to commit the sum of one million dollars to the funding of certain elements thereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, (the "Board") and the Board of Directors of the James City Service Authority (the "Authority") that the Board and the Authority endorse the mitigation plan for the Ware Creek Reservoir as set forth in the Final Environmental Impact Statement, excluding that element which proposed the establishing and managing of new wetlands habitat in the reservoir shallows (which the regulatory agencies considered speculative and therefore extended no credit).


BE IT FURTHER RESOLVED, that the Board and the Authority endorse additional mitigation as set forth in a document dated August 17, 1988, and entitled "James City County, Ware Creek Reservoir - Proposal of James City County," a copy of which is attached hereto and made a part hereof, which proposal sets forth in detail the following additional mitigation elements:

1. A land acquisition program in the Yarmouth Creek Watershed.
2. Acquisition of easements in the Powhatan/Longhill Swamp Watershed (funds to be used from the Environmental Protection Fund).

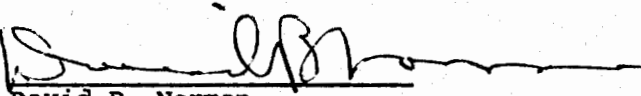
- 3. Provision for an interconnection of the Ware Creek Reservoir with the Newport News raw water system.
- 4. Enhanced water conservation through a summer surcharge.

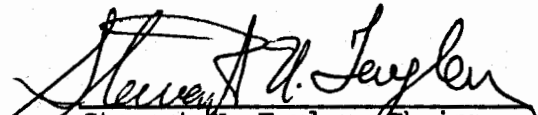
The Board of Supervisors strongly encourages the use of negotiations to acquire property referenced in paragraphs 1 and 2 above, but recognizes that condemnation may be necessary in certain instances.

BE IT ALSO RESOLVED by the Board of Directors of the James City Service Authority that it hereby commits the sum of one million dollars to be used in implementing the mitigation plan as set forth in the proposal.



 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 David B. Norman
 Clerk to the Board


 Stewart U. Taylor, Chairman
 Board of Directors

ATTEST:


 David B. Norman
 Secretary

Adopted by the Board of Supervisors of James City County, Virginia, and the Board of Directors of the James City Service Authority, James City County, Virginia, this 16th day of August, 1988.