

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
 JAMES CITY, VIRGINIA, HELD ON THE FOURTEENTH DAY OF SEPTEMBER, NINETEEN
 HUNDRED EIGHTY-ONE AT 7:30 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
 Abram Frink, Jr., Vice-Chairman, Roberts District
 Gilbert A. Bartlett, Jamestown District
 Perry M. DePue, Powhatan District
 Stewart U. Taylor, Stonehouse District

James B. Oliver, Jr., County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

Mr. Frink moved to approve the Minutes of June 8, 1981,
 July 6, 1981, July 27, 1981 and August 10, 1981 as submitted. The
 motion carried by a unanimous roll call vote.

C. PRESENTATION - Proclamation - Bike-A-Lung Day

Mr. Edwards read the proclamation which designates
 September 26, 1981 as "Bike-A-Lung Day". He presented the proclamation
 to Mr. Thomas Sutton, President of the Virginia Bicycling Association.

Mr. Sutton thanked the Board of Supervisors for the
 proclamation. He read a Certificate of Recognition signed by
 Governor John N. Dalton officially recognizing September 26, 1981
 as "Bike-A-Lung Day". He presented the Board members with maps
 from the Virginia Bicycling Federation.

Mr. Edwards asked Mr. Sutton to give some details of
 the scheduled ride on the 26th of September.

Mr. Sutton commented that the ride will begin at the
 bus stop adjacent to the Courthouse, registration will begin at 9:00 a.m.
 and the ride will start at 9:30 a.m. and will be monitored closely by
 The Sheriff and Police Departments. He said that there is a five
 dollars entrance fee which is tax deductible and participants will
 receive a badge.

Mr. Edwards asked how far the ride will be.

Mr. Sutton answered that it is up to the individual, but
 the ride is basically from five to twenty miles.

P R O C L A M A T I O N

BIKE-A-LUNG DAY

WHEREAS, a great many people in Virginia and James City County are
 so incapacitated by lung disease that they must use all
 their energy just to breathe, and

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WHEREAS, we constantly need to be mindful of the importance of healthy lungs and the need to keep the air we breathe safe for all of us,

NOW, THEREFORE, I, Jack D. Edwards, Chairman of the Board of Supervisors of James City County, Virginia, join with the Governor of Virginia, the Virginia Lung Association, the Virginia Bicycling Federation and the Williamsburg Bicycle Association in proclaiming September 26, 1981 as

BIKE-A-LUNG DAY

in James City County, and urge all citizens who can join in the Bike-A-Lung ride from Williamsburg to York River State Park to help in the fight against lung disease.

D. PUBLIC HEARINGS

1. Ironbound Carriage Road Rehabilitation Program - A public hearing to consider whether a need exists for the Suffolk Redevelopment and Housing Authority to exercise its powers under the Virginia Housing Authority's Law in James City County in connection with the financing of rehabilitation of residences in the Ironbound-Carriage Road neighborhood.

Mrs. Vivian Jan Rountree, Community Development Director, addressed the Board on this matter. She stated that under State law the County can contract with an authority from another locality to issue the revenue bonds. She said the staff recommends this method primarily to secure a tax exempt bond issue with a substantially reduced interest rate, rather than conventional financing. She said that the staff is also recommending that the Suffolk Housing Authority be requested to issue revenue bonds for the Ironbound-Carriage Road Project for three reasons: (1) presently the County has a technical assistance contract with Suffolk and any fees encountered by the Authority will be covered under this contract with no cost to the County since the funding for the technical assistance contract is being provided jointly through the Virginia Association of Housing Community Development Officials and HUD; (2) Suffolk has had experience with this type of bonds in the past; and (3) the staff has worked with the Authority in the past and have been satisfied. Ms. Rountree asked the Board to adopt a resolution enabling the Suffolk Redevelopment and Housing Authority to issue tax exempt revenue bonds for the Ironbound-Carriage Road Neighborhood.

Mr. Edwards opened the public hearing, there were no speakers, therefore he closed the public hearing.

Mr. Taylor asked if the persons to receive the loans have been notified.

Ms. Rountree answered that the revenue bonds are for the houses that have already been rehabilitated and each person to receive financing is aware.

Mr. Taylor asked if each person has been informed that he or she can secure a loan.

Ms. Rountree commented that she has not spoken with each person individually, but there was a notice in the paper and she has had a few calls about it. She added that this item would not affect those persons payments - it only refers to the amount of money the County will provide.

Mr. Frink moved to approve the resolution. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

TO ENABLE SUFFOLK REDEVELOPMENT AND HOUSING AUTHORITY
TO ISSUE REVENUE BONDS FOR THE IRONBOUND-CARRIAGE ROAD
NEIGHBORHOOD

WHEREAS, James City County (hereinafter the "County") has procured Community Development Block Grant funds from the United States Department of Housing and Urban Development for the purpose of promoting the revitalization of the Ironbound-Carriage Road Neighborhood (hereinafter the "Neighborhood"); and

WHEREAS, the provision of low-interest rehabilitation financing to persons representing the general public who are owners of residential properties located within the neighborhood is important to the revitalization of the neighborhood and to the provision of safe and sanitary dwelling accommodations to persons of low-income at a price they can afford; and

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter I, Title 36 Code of Virginia of 1950, as amended (hereinafter the "Act") redevelopment and housing authorities may issue tax exempt obligations to provide the financing for assistance in housing rehabilitation by private sponsors; and

WHEREAS, there is no redevelopment and housing authority created in James City County, but pursuant to Sections 36-23 and 36-50 of the Act, a redevelopment and housing authority created in another jurisdiction is authorized to provide the financing for the housing rehabilitation by private sponsors provided that the Board of Supervisors first adopt, after a public hearing, a resolution finding the following: (a) there is a need for such an authority to exercise its powers in the County, (b) there is a shortage of safe and sanitary accommodations in the County available to persons of low-income at prices they can afford, and (c) these conditions can best be remedied through the exercise of such authority's power within the County; and

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WHEREAS, it appears that such conditions do exist in the County and that the provision of low-interest financing for the purpose of assisting in the rehabilitation by private sponsors of residences within the Neighborhood will help to alleviate the shortage of housing in the County for persons of low-income; and

WHEREAS, the Suffolk Redevelopment and Housing Authority may be willing to issue tax exempt obligations in order to finance the rehabilitation of housing in the Neighborhood by private sponsors.

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

1. A public hearing as required by Section 36-23 of the Act was held in the Board of Supervisor's Chambers, James City County, Virginia, on September 14, 1981 at 7:30 P.M. The Clerk of the Board of Supervisors was authorized and directed to cause a public notice of such hearing to be published in the newspapers having general circulation in James City County at least ten days prior to the date of such meeting, and such acts are hereby ratified.
2. There is a shortage of safe and sanitary dwelling accommodations in James City County, Virginia, available to persons of low-income at prices they can afford and these conditions can best be remedied through the exercise of the Suffolk Redevelopment and Housing Authority's powers within the territorial boundaries of James City County, Virginia in the financing of rehabilitation by private sponsors of residences in the Neighborhood.
3. The Suffolk Redevelopment and Housing Authority is hereby requested to make a determination whether it would be willing to assist in issuing tax exempt obligations in order to finance the rehabilitation by private sponsors of residences located in the Neighborhood.

2. Special Use Permit - Case No. CUP-5-81 - A public hearing for consideration of an application of Mr. Robert T. Williams, on behalf of the City of Newport News, to obtain a Special Use Permit to allow the construction of a 48" raw water transmission main for a distance of approximately 1.7 miles along the route of the VEPCO right-of-way through the R-2, Limited Residential, and B-1, General Business.

Mr. William C. Porter, Jr., Director of Planning, addressed the Board on this matter. He said that the City of Newport News has applied for a Special Use Permit to allow the construction of a 48" raw water line approximately 1.7 miles through the county. He added that a raw water line carries untreated water and will be carrying it from Little Creek in the Diascund Reservoir to the Water Treatment Plant at Lee Hall. He said that the water line will run through the VEPCO right-of-way which is approximately 100 feet and will parallel the two existing lines that are in the right-of-way at this time. Mr. Porter commented that this is the first phase proposed in the Special Use Permit at this time of the third raw water line. He said that the first phase begins approximately one-half mile west at the intersection of Old Towne Road and Route 60 in the VEPCO right-of-way and runs in an easterly direction, crosses to the southwestern part of the Hamlet Subdivision crosses Chisel Run where the majority of construction work takes place (in terms of ravines and topography). Mr. Porter continued that it crosses the edge of Skipwith Farms, then crosses Route 60 just east of the Bonanza, under the C & O right-of-way and into York County.

Mr. Porter further stated that in its course, the raw water line will cross other existing public utility lines. He said there are two water lines, a 12" line along Old Towne Road and a 12" main along Route 60W, both owned by the Service Authority. He commented that the proposed route crosses over three existing sewer lines and two of them are operated by the Service Authority-- a 12" inch line along Chisel Run; and 8" line paralleling Route 60 on its western border and the third line is a 14" line operated by the Hampton Roads Sanitation District. Mr. Porter stated that the Planning Commission recommended approval of the Special Use Permit subject to the following conditions:

1. Prior to development, the submittal of construction plans, and at the completion of development, submittal of "as-built" plans.
2. Compliance with the requirements of the James City County Sedimentation and Erosion Control Ordinance, including those relating to reseeded and restoration of the land surface in the project area.
3. Compliance with State Health Department and James City County regulations regarding: clearances between, support of, and adequate horizontal and vertical separation of proposed and existing utility lines.
4. Where pipeline construction is adjacent to existing residential, adequate dust control measures should be taken to prevent adverse effects on the adjacent residential property. It is intended that the public interest should be protected by compliance with all local and state regulations assuring that the present and future results of the proposed pipeline development do not create effects to the public health, safety, comfort, or convenience or value of the surrounding property, and uses thereon.

Mr. Edwards opened the public hearing.

Mr. Charlie Crowder commented that he would appreciate the Board approving this project. He said that the ultimate goal is to have the line in service by the summer of 1983. He said that he would be glad to answer any questions.

Mr. Edwards asked once the raw water line is in use, what will be the total water capacity.

Mr. Crowder answered that this project will increase the transmission capacity of the raw water line by 10 million gallons per day; that is from the current transmission capacity of 46 million gallons per day to 56 million gallons per day.

Mr. Edwards asked Mr. Crowder about how much water does the City of Newport News now sell.

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Mr. Crowder answered that he sells an average of over 40 million gallons per day.

Mr. Edwards closed the public hearing.

Mr. Taylor moved to approve the Special Use Permit application.

Mr. Bartlett commented that as the Board's representative on the Planning Commission he'd like to say that the City of Newport News has been very cooperative with the Planning Department.

The motion carried by a 5-0 roll call vote.

3. Case No. SUP-6-80 - An amended application of Mr. William J. Bull on behalf of Karle E., William E., and Lawrence E. Beamer for a Special Use Permit to allow a Country Inn Complex, including guest quarters, offices, and a gift shop. The property is located on Ironbound Road (Route 615) within the A-2, Limited Agricultural District.

Mr. William C. Porter, Jr., Director of Planning, presented this matter to the Board stating that the applicant has applied for a Special Use Permit to allow the development of a Country Inn Complex on 259 acres, including guest rental quarters, restaurant, and a gift shop. He stated that Mr. Bull proposes to develop a Country Inn Complex by renovating and converting the Powhatan Plantation residence, which is on the National Register of Historic Places. He said that the guest buildings will house two and four units per building, with a total of 108 individual units. Also, the applicant proposal includes a swimming pool, tennis courts, gift shop and a garden area; the remaining acreage will be used for future residential development. Mr. Porter said that one-third of the property is wooded, the remaining acreage has been cleared leaving clumps of trees around existing structures. He added that there is a small gravel pit operating on the property which is to be continued. Mr. Porter commented that neither public water or public sewer is available to the site, however public sewer is available to the site approximately 1600 feet south in the Five Forks area. He said that the development is proposed to be served by septic systems and a deep well.

Mr. Porter further stated that the Planning Commission, during its September 25, 1980 meeting voted to recommend the issuance of the Special Use Permit subject to the following conditions:

1. The Special Use Permit and its conditions cover the entire 259 acres known as Powhatan Plantation.
2. Uses on the property be limited to the following:
 - a. Agriculture, dairying, forestry, general farming, single-family detached dwellings and churches..
 - b. A country inn (hotel) and restaurant, with accessory gift shop, office space, quarters for a manager and recreation facilities (swimming pool, tennis courts, equestrian facilities, gold course, and lakes or ponds).
3. The gravel pit is operated as a non-conforming use, and is subject to all conditions and regulations of Article V, Non-conforming Uses.
4. Single family detached dwellings and churches are to be restricted to areas designated for future development on the attached map.
5. All development in the areas designated for future development, except agricultural uses and accessory recreational uses of the inn, is to be in conformance with the master plan reviewed and approved by the Planning Commission.
6. The total number of guest rooms is limited to a maximum of 108 units to be developed into several small cottages, which are to be located west of the plantation house and obtain no more than four guest units.
7. The historic plantation house, known as Powhatan, is to be maintained and preserved.

8. Any amendments to the conditions of the permit, including 21 changes in the permitted uses, will be allowed at the discretion of the Board of Supervisors, based upon an application by the property owner, which will be processed as a new Special Use Permit application.

Mr. Porter said that he has talked with Mr. Bull because a ninth condition has been added which states that if construction does not commence within twenty-four months after Board of Supervisors approval, the SUP-6-80 will expire. Mr. Porter added that within the Special Use Permit, these conditions would apply only if the permit is acted on by the applicant, otherwise if it is decided that it cannot be done then the applicant would carry out the development as permitted in the A-2 District. He asked if there were any questions.

Mr. Taylor asked if the applicant starts any portion of the development within the twenty-four month period will the application still be permissible.

Mr. Porter answered yes.

Mr. Bartlett asked if "commencing construction" means obtaining a building permit.

Mr. Porter answered yes.

Mr. DePue asked why the applicant is being limited to putting cottages on the west side of the property.

Mr. Porter replied that the reason is to make sure that the Plantation House remains the focal point of the development.

Mr. DePue asked if that precludes development on the east side of the property.

Mr. Porter answered that the applicant is to place the cottages on the west side so the development will not appear as a motel complex, but as a Plantation House with the development to the rear of the property.

Mr. Edwards if the proposal for sewer facilities is a sound way to proceed.

Mr. Porter answered that it isn't a sound way to proceed, but if the Health Department will approve the facilities until sewer is available, the staff felt that what is being proposed is adequate at this time.

Mr. Bartlett asked how far the development is from Powhatan Planned Community.

Mr. Porter replied that he is not very sure, but it is further than 1600 feet.

Mr. Oliver suggested that he would recommend that this application be deferred until the Board's next meeting.

Mr. Edwards opened the public hearing.

Mr. William J. Bull, Real Estate Agent, addressed the Board. He commented that in response to Mr. Oliver's suggestion for the Board to defer the matter, he would prefer to obtain approval from the Board of Supervisors tonight. He said that he encountered some difficulties in obtaining financing for the project and he would hope that the water and sewer availability would not hinder the Board's decision. Mr. Bull said that sewer is available on Ironbound Road and if it is feasible, they will connect to the Powhatan Planned Community's water facilities. He went on to say that in his opinion, it does not seem that availability of water and sewer is a necessary condition for issuance of the Special Use Permit. Mr. Bull showed a picture of the Plantation House as it now stands and gave a brief historical background of the Plantation House.

Mr. Edwards asked Mr. Bull if the Beamer Brothers plan to sell.

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Mr. Bull said that the Beamer Brothers do plan to sell but at this time he cannot divulge the buyer's name.

Mr. Edwards said that he would feel more comfortable if he knew exactly where the water and sewer facilities would be coming from to ensure that the best facilities are used. He suggested that the public hearing be continued at the Board's next meeting so the staff can submit recommendations to the Board.

Mr. Taylor asked how long it will take before the staff brings a recommendation to the Board.

Mr. Oliver said that at the next Board meeting a status report will be given.

4. Landfill Ordinance - An ordinance to amend Chapter 8, Health and Sanitation, of the Code of the County of James City, by amending Article II, Landfill Ordinance.

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board stating that the proposed amendments to the landfill ordinance basically implement the refuse container study which Macon Sammons presented to the Board a few weeks ago. He said that Section 8-14 of the ordinance sets forth limitations concerning what can be placed in the container, and rules and regulations governing abuse of the containers. Mr. Morton concluded that Section 8-16 of the ordinance sets forth a penalty for failure to comply with the terms of the article. He asked the Board to adopt the ordinance.

Mr. Edwards opened the public hearing. There were no speakers, therefore the public hearing was closed.

In regard to the section prohibiting dead animals to be placed in the refuse container, Mr. Taylor asked what detriment to the rest of the refuse do dead animals contribute.

Mr. Wayland N. Bass, Director of Public Works, responded that the dead animals draw flies and the County has received complaints from citizens about it.

Mr. Taylor asked how many complaints have come from citizens noting that other refuse draws flies also.

Mr. Porter commented that the Health Department is concerned about this type of usage because it is a health hazard and draws rats as well. He said that the Health Department made it a point to say that no dead animals should go into the dumpsters.

Mr. Bartlett noted that there were no commercial haulers present in the audience and asked if the section pertaining to the billing procedure had been advertised.

Mr. Morton commented that there were no changes to that particular section except that it was moved down to include the new section preceeding it.

Mr. Edwards asked where and how many dumpsters are in the County.

Mr. Oliver said that the staff would get a report for the Board.

Mr. DePue moved to approve the ordinance. The motion carried by a 4-1 roll call vote with Mr. Taylor voting no.

AN ORDINANCE TO AMEND CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE II, LANDFILL ORDINANCE.

BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 8, Health and Sanitation, of the Code of the County of James City be and the same is, hereby, amended by amending Article II, Landfill Ordinance, to read as follows:

CHAPTER 8

HEALTH AND SANITATION

Article II, Landfill Ordinance

Section 8-14, County Refuse Containers

Refuse containers shall be provided by the County at various locations to supplement existing private collection services as needed. The usage of said containers shall be governed by the following provisions and any other regulations as the Board of Supervisors or the Director may establish:

A. Permitted and Prohibited Uses.

1. Permitted Uses. County refuse containers or dumpsters to be used for the deposit and storage of household trash and garbage only.

2. Prohibited Materials. It shall be unlawful to deposit any of the following materials into County refuse containers or dumpsters:

- (a) Bulky waste
- (b) Building and demolition debris
- (c) Hazardous waste
- (d) Commercial and industrial refuse
- (e) Dead animals
- (f) Waste brought in from outside James City County

3. Abuse of containers and container sites. It shall be unlawful to tamper with, overturn or otherwise damage refuse containers. Additionally it shall be unlawful to litter container sites, create any health problems thereon or to place any refuse outside of, on top of or adjacent to any refuse container.

If a container is filled, the trash must be placed in another refuse container which is not filled or taken to the County Landfill site.

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4. Scavengers and Loitering Prohibited. It shall be unlawful for any person to engage in salvage work or to loiter on any container site owned, leased or used by the County.

5. Refuse Collectors. No person engaged in the business of collecting, transporting or disposing of garbage or trash shall dispose such refuse in any County container. Private refuse collectors shall transport collected refuse to the County Landfill site or to another approved location.

B. Administrative and Enforcement.

The Director shall have the authority to implement and enforce the provisions herein contained and to promulgate any procedures, rules and regulations as may be deemed necessary.

Section 8-15, Billing Procedure

1. The Department of Finance shall render bills monthly for service charges under this ordinance. The Director of Finance shall promulgate procedures for the handling of billings under this ordinance.

2. Payment of bills, delinquent charges, discontinuance of services:

(a) Notices. Bills rendered under this ordinance are due and payable at the Office of the Treasurer upon presentment and shall be considered delinquent if not paid within thirty days of the date issued. If any bill is not paid within such thirty day period, an additional charge of one percent per billing period on the unpaid charges shall be added thereto and collected therewith to cover cost collection. The Director or his designee shall refuse to dispose of any refuse brought to the Landfill by any delinquent person, after giving five (5) days written notice thereof.

Section 8-16, Violation

Any person, who shall violate a provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or thirty (30) days imprisonment, or both, for each violation.

At this point in the meeting Mr. Edwards noted that Mrs. Rehse Wilson would like to address the Board.

Mrs. Rehse Wilson said that she is a member of the James York Citizens for Better Water Committee and they are seeking a representative from the James City County Board of Supervisors, the York County Board of Supervisors and the State Health Department to serve as liasons to their group. She asked that the Board appoint a member to serve on the committee and to attend a meeting once a month to take back to the County any questions by committee members.

Mr. Edwards stated that the Board would consider the matter.

E. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any items from the Consent Calendar. Mr. Bartlett moved to remove item No. 2 Case No. SUP-8-81 Continental Cablevision (setting public hearing date of October 13, 1981) from the Consent Calendar. Mr. Edwards moved to approve the remaining fifteen items on the Consent Calendar. The motion carried unanimously.

1. Board of Supervisors Rescheduled Meeting (Changing the October 12, 1981 meeting to October 13, 1981)

R E S O L U T I O N

BOARD OF SUPERVISORS RESCHEDULED MEETING

WHEREAS, the James City County Board of Supervisors' regularly scheduled meeting of Monday, October 12, 1981 falls on the Columbus Day holiday,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the regularly scheduled meeting of October 12, 1981 will be changed to Tuesday, October 13, 1981 at 7:30 P.M.

3. Certification of Warrants

R E S O L U T I O N

CERTIFICATION OF WARRANTS

WHEREAS, the Board of Supervisors of James City County must certify warrants under the Code of Virginia;

THEREFORE, BE IT RESOLVED, that on a motion made by Mr. Edwards and carried by a majority roll-call vote, the Board of Supervisors of James City County hereby certifies the following warrants for the month of July, 1981:

GENERAL FUND	Checks	#100727-100960
	Totalling	\$731,858.57
GENERAL FUND PAYROLL	Checks	#201047-201841
	Totalling	\$221,467.30
SANITARY DISTRICT NO. 1	Check	#500005-500006
	Totalling	\$7,662.92
SANITARY DISTRICT NO. 2	Checks	#6000012-600016
	Totalling	\$3,568.72
SUBDIVISION ESCROW		-0-
COMMUNITY DEVELOPMENT	Checks	#343-348
	Totalling	\$51,455.11
REVENUE SHARING	Checks	#400009
	Totalling	\$133,168.00
JCC BOND SINKING FUND		-0-

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4. Code Violation LiensR E S O L U T I O NCODE VIOLATION LIENS

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bills for services rendered are delinquent and remain unpaid; and

WHEREAS, such unpaid and delinquent charges are and constitute liens against the real property on which the services were performed and for which charges were imposed;

THEREFORE, BE IT RESOLVED, that in accordance with Section 21, 118.4, paragraph E, of the Code of Virginia, 1950, as amended, the Board of Supervisors directs that the following delinquent charges for services rendered, to wit:

General clean up and clearing weeds.

Account No: John P. Wright
P. O. Box 2345
Williamsburg, Virginia 23185

Description of property: 124 Church Road, Williamsburg, Va.
Tax Map # (52-3) Parcel # (2-33B)
Deed Book #87, Page #382

Amount Due:	Labor	\$303.61
	Equipment	132.00
	Landfill User Charge	<u>61.80</u>
	TOTAL	\$497.41

Cut grass and trim hedges.

Account No: Roland E. Michelli
1006 NW 2nd Street
Okeechobee, Florida 23472

Description of property: 918 Coleman Drive, Williamsburg, Va.
Tax Map # (41-4) Parcel (5-1)
Deed Book #109, Page #398

Amount Due:	Labor	\$146.91
	Equipment	<u>86.00</u>
	TOTAL	\$232.91

5. Lease of EOC Office Space - Soil Conservation ServiceR E S O L U T I O NLEASE OF EOC OFFICE SPACE - SOIL CONSERVATION SERVICE

WHEREAS, the Board of Supervisors of James City County desires to lease space to the United States Department of Agriculture-Soil Conservation Service;

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease for the period October 1, 1981 through September 30, 1982 at an annual rate of \$2,860.00 for the office space currently occupied by the Soil Conservation Service.

6. Lease of EOC Office Space - ASCS Office

R E S O L U T I O N

LEASE OF EOC OFFICE SPACE - ASC COMMITTEE

WHEREAS, the Board of Supervisors of James City County desires to lease space to the Agricultural Stabilization and Conservation Committee;

THEREFORE, BE IT RESOLVED that the County Administrator is hereby authorized and directed to execute the attached lease for the period September 1, 1981 through August 31, 1982, at an annual rate of \$1485.00 for the office space currently occupied by the ASC Committee at the EOC Building.

7. Case No. CUP-16-81 - Conditional Use Permit for Mobile Home
Mrs. Lorraine Johnson

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by Mrs. Lorraine Johnson as described below and on the attached site location map.

Applicant:	Mrs. Lorraine Johnson
Tax Map ID:	(13-2)(1-12)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	Not applicable
Further Conditions:	None

8. Case No. CUP-17-81 - Conditional Use Permit for Mobile Home
Mr. Troy Moore

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

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Applicant:	Mr. Troy Moore
Tax Map ID:	(25-2) (1-1)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	N/A
Further Conditions:	None

9. Case No. CUP-18-81 - Conditional Use Permit for Mobile Home
Mr. Ray A. Pettengill

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Ray A. Pettengill
Tax Map ID:	(11-2) (1-25)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Term:	None
Further Conditions:	None

10. Case No. CUP-19-81 - Conditional Use Permit for Mobile Home
Mr. Thomas L. Wynne

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mr. Thomas L. Wynne
Tax Map ID:	(22-2) (1-65)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

11. Case No. CUP-20-81 - Conditional Use Permit for Mobile Home
Ms. Blanche Reed

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Mrs. Blanche Reed
Tax Map ID:	(21-4) (1-5)
District:	Stonehouse
Zoning:	A-1, General Agriculture
Permit Terms:	N/A
Further Conditions:	None

12. Appropriation of Fiscal Year 1982 Section 8 Existing
Administrative Funds

R E S O L U T I O N

APPROPRIATION OF FISCAL YEAR 1982
SECTION 8 EXISTING RENTAL ASSISTANCE PROGRAM
OPERATING FUNDS

WHEREAS, the Virginia Housing and Development Authority has authorized James City County to participate in the Section 8 Existing Rental Assistance Program and has provided \$7,750 to cover the County's operating costs for same;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that the County Administrator is hereby authorized to execute the necessary agreements and contracts to carry out the Section 8 Existing Rental Assistance Program.

BE IT FURTHER RESOLVED by the Board of Supervisors of James City County that the \$7,750 to be received from the Virginia Housing and Development Authority be appropriated as follows:

Salaries	\$5,625
Travel Expenses	400
Sundry	600
Employee Benefits	<u>1,125</u>
	\$7,750

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13. Additional Carryforward Items from FY 1981

R E S O L U T I O N

CARRYFORWARD OF OPERATING APPROPRIATIONS

WHEREAS, the Board of Supervisors did appropriate funds in fiscal year 1981 to accomplish certain projects, and

WHEREAS, certain of these projects were not completed as of June 30, 1981, thus necessitating carrying forward of funds in order to complete these projects;

NOW, THEREFORE BE IT RESOLVED by the James City County Board of Supervisors that the following unspent appropriations be carried forward to the 1982 fiscal year operating budget:

Recreation Department	\$ 3,003.00
Tuition Assistance - Personnel	1,000.00
Sheriff Trust Fund	210.00
Special Audit Fees	6,000.00
Building & Grounds - Equipment	4,329.00
Sheriff - Equipment	1,452.00
Board of Supervisors - Travel	780.00
	<u>\$16,774.00</u>

14. Appropriation of Fiscal Year 1982 Community Development Block Grant Funds

R E S O L U T I O N

APPROPRIATION OF FISCAL YEAR 1982
COMMUNITY DEVELOPMENT FUNDS

WHEREAS, the United States Department of Housing and Urban Development has awarded James City County \$408,415 for community development in the Grove Community;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the \$408,415 be appropriated as Community Development Revenue for the Grove Project activities as follows:

STREET IMPROVEMENTS	\$214,000
REHABILITATION	100,000
RECREATION	39,415
PLANNING AND ADMINISTRATION	<u>55,000</u>
TOTAL FUNDS	\$408,415

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to execute the necessary agreements and contracts to carry out eligible community development activities.

15. Revisions to the Personnel Policies and Procedures Manual

R E S O L U T I O N

REVISIONS TO THE PERSONNEL POLICIES
AND PROCEDURES MANUAL

WHEREAS, the James City County Board of Supervisors desires to revise its Personnel Policies and Procedures Manual.

THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors that Chapter III, Section 14 and 15; Chapter IV, Section 21; Chapter V, Section 13; and Chapter VI, Section 1 of the County Personnel Policies and Procedures Manual be revised to conform to the language on the attached document and incorporated herein by reference.

16. Authorization for Driver Education Project Grant, Department of Transportation Safety

R E S O L U T I O N

AUTHORIZATION DRIVER EDUCATION PROJECT

DEPARTMENT OF TRANSPORTATION SAFETY

WHEREAS, the Federal Government has made matching funds of \$695 available through the Department of Transportation Safety to support highway safety projects within the Commonwealth of Virginia, and

WHEREAS, the Board of Supervisors of James City County has previously authorized application for said funds to promote safe driving techniques in an effort to reduce vehicular accidents, personal injury and/or loss,

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County authorizes the following appropriation:

0001019-0226-Personnel Safety +\$695

0001-306-0698-Revenue
Defensive Driving Grant + \$695

Discussion of Item E-2 Case No. SUP-8-81 - Continental Cablevision of James City County - Setting Public Hearing Date for 10/13/81

Mr. Bartlett removed this item from the Consent Calendar because Mr. Morton mentioned that in the description of the case the applicant did not give a specific height of the tower which should be in the description for advertising.

Mr. Alvin Anderson asked the Board to go ahead and approve the public hearing date because he could get a specific height for the tower in a matter of days and in time for publication.

There were no objections to Mr. Anderson's request, so Mr. Bartlett moved to approve the case with the understanding that the applicant would provide the staff with a specific height for the tower. The motion carried unanimously.

F. BOARD CONSIDERATIONS

1. Riverview Subdivision/Roadway Across Dam

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board explaining that in connection with the developers of Riverview Plantation some years ago, the dam was constructed and the road over the dam was transferred to the County. He said that the road and the dam both need improvement. Mr. Morton stated that Mr. Robert Emmett, Attorney for the Yorkview Plantation, Inc. has requested the Board to consider a four-party agreement to transfer the road that goes over the dam to the developers. He concluded that the Highway Department has funds available to upgrade the road and the developer intends to upgrade the dam and provide maintenance in the agreement. He asked the Board to favorably consider the resolution.

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Mr. Edwards asked if the Highway Department would do something about this if the County does not.

Mr. Robert Emmett explained that at the time the plat was recorded of the subdivision, the Highway Department would accept roads across dams in their own name, but the code states that the moment the plat is recorded, the title effected the transfer to the County. He said that subsequently, the Highway Department now has changed their pact and now want the easement across dams and the developer has responsibility for the transfer and maintenance of the dam. Mr. Emmett said the agreement is contrued to tie in the developer and the Homeowner's Association for maintenance and repair of the dam. He also said that another purpose of the agreement is to effect a title transfer back from the County to the developer with the developer accepting responsibility for maintenance and repair as well as conveying the easement and cost of the dam to the Highway Department.

Mr. Edwards summarised that the Highway Department doesn't want to maintain the road unless the developer and the Homeowner's Association agrees to maintain the dam.

Mr. DePue asked if it is the intention of the developer to dedicate the road to the State once it is upgraded.

Mr. Emmett said that the agreement was prepared to transfer title from County developers and then obtain easement rights from the developers to the State Highway Department.

Mr. Edwards asked if this will effect monies available for items included in the Six Year Plan.

Mr. Porter answered that all roads that come into subdivisions enter into the Secondary Roads Budget and State law sets up a percentage of the money that comes automatically for maintenance. He added that it does not affect the Six-Year Plan.

Mr. Edwards asked if there are more maintenance monies because this road will be included in the total number of roads.

Mr. Porter answered that the length of the road is not enough to make a difference. When the road was first approved it was the Highway Department's understanding that they would accept all roads over dams but that changed.

Mr. Taylor moved to approve the resolution. The motion carried by a unanimous roll call vote.

R E S O L U T I O N

Execution of Deed and Agreement

WHEREAS, James City County has an agreement with Yorkview Plantation, Inc., Virginia Department of Highways and Transportation, and The Plantation Club, Ltd. in which a 50' roadway access easement was transferred to the County in the development of the Riverview Plantation Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that Jack D. Edwards, Chairman, is authorized to execute the attached Deed and Agreement.

2. Proposed Sand Hill Agreement to Extend Water

Mr. Frank M. Morton, III, County Attorney, presented this matter to the Board noting that this item had come before the Board of Directors of the Service Authority earlier in the evening. He explained that the purpose of the agreement between the County, the Authority, Country Farm House, Inc., and R. M. Hazelwood is to list the responsibilities for the financial obligations in the extension of water lines to the Sand Hill Subdivision. He said that the agreement also provides for the donation of the necessary easements to place the lines as well as monies to be paid in recognition of the extension of water lines with Great Woods Subdivision (\$28,000). Mr. Morton stated that there is a \$2,000 connection fee per residence and the County will supervise the entire project.

Mr. Edwards asked if Section B allows private property owners to accept bids.

Mr. Morton answered that they have indicated a desire to bid their own contracts, but the specifications must be approved by the County.

Mr. Bartlett commented that the agreement is a result of "leapfrog" development.

Mr. DePue moved to approve the resolution. The motion carried by a 5-0 roll call vote.

J O I N T R E S O L U T I O N

Execution of Agreement

WHEREAS, James City County and James City Service Authority are in agreement with Country-Farm House, Inc. and R. M. Hazelwood, et al for the extension of a water line to Sand Hill Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors and the Board of Directors that the Chairmen, Jack D. Edwards and Abram Frink, Jr., respectively, are authorized to execute the attached agreement.

THIS AGREEMENT made this ____ day of _____, 1981 by and between James City County, a political subdivision of the Commonwealth of Virginia hereinafter referred to as "County", Country-Farm House, Inc., a Virginia Corporation, hereinafter referred to as "Corporation", and R. M. Hazelwood, Jr. and Nettie A. Hazelwood, husband and wife and William C. Fowler and Elizabeth H. Fowler, husband and wife, "Property Owners".

WHEREAS, the County of James City is desirous of extending certain water lines situated in project area 2 of the James City Service Authority to serve a certain subdivision called Sand Hill, and

WHEREAS, the line will pass over certain properties owned by Corporation and R. M. Hazelwood, Jr. and Nettie A. Hazelwood and William C. Fowler and Elizabeth H. Fowler, which said properties are hereinafter described, and

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WHEREAS, the Corporation and the Property Owners are desirous of having such lines cross over their property under certain terms and conditions as set forth herein, and

WHEREAS, the James City Service Authority is willing to permit the extension of its water line and hereby enters into this agreement for the sole purpose of giving its assent thereto.

NOW, THEREFORE, WITNESS that for and in consideration of the mutual covenants, agreements and promises set forth herein the parties hereby agree to extend a certain 12" water line owned and operated by the James City Service Authority from the general area of the Owens-Illinois plant situated on Route 60 West, James City County, Virginia, in a westerly direction approximately 2,900 feet along said Route 60 all of which said pipe is to be 12" in diameter, said portion of the extension to be referred to as "Section A"; thence the water line to take an approximate 90° turn in a northeasterly direction and become 8" in diameter and to cross the property of R. M. Hazelwood, Jr. and Nettie A. Hazelwood, William C. Fowler and Elizabeth H. Fowler, (said property known as the Waverly Farm) an approximate distance of 3,000 feet to a point on the southerly side of Route 168, said portion of the extension to be referred to as "Section B"; thence along Route 168 in an easterly direction for approximately 1,850 feet said extension to be 8" pipe to a point, said portion of the extension to be referred to as Section C; thence in a northerly direction across Route 168 and Route 30 through property owned by the Corporation, said extension to be an 8" line, for approximately 1,360 feet to a point at an entrance to Sand Hill Subdivision, said portion of the extension to be referred to as Section D; and thence into the Sand Hill Subdivision in the form of 8", 6" and 4" lines and throughout said subdivision, said portion of the extension to be referred to as "Section E", all of which is more particularly shown on a certain drawing entitled "Map Prepared by Public Works Department, James City County, April 1981", which is attached hereto and made a part hereof. The parties further recognize that final engineering plans have not yet been drawn, but agree that the water line route shall be generally as set forth in said drawing.

In consideration of the above, the parties agree as follows:

1. JAMES CITY COUNTY hereby agrees to accomplish the following:

- Preparation of plans and specifications for the water line extension except as otherwise set forth herein.
- Submittal of plans to the State Health Department and the Virginia Department of Highways and Transportation, hereinafter referred to as "Regulatory Agencies".

- After receipt of approval of the regulatory agencies advertisements and receipts of bids on Section A, C, D and E.
- The County hereby agrees that with the consent of Property Owners it will additionally advertise as an alternate Section B solely for purposes of receiving bids therefore on behalf of said property owners.
- Award of contracts for construction of water lines.
- Supervision and inspection of all sections, A, B, C, D and E.
- To make all connections to existing lines installed under this agreement by the County and the Property Owners.

2. PROPERTY OWNERS agree as follows:

- To donate to the James City Service Authority any and all easements required to install and/or maintain the water lines crossing their property as described as Section B; said easements shall be in a form approved by the County (form, size and duration) and shall be dedicated prior to the award of contract for Sections A, B, C, D or E.
- Property Owners agree to install or cause to be installed solely at their expense approximately 3,000 feet of 8" water line across their property bounded by Route 168, U.S. Route 60 West and Hankins property, said property known as the Waverly Farm and designated on the James City County Tax Maps as parcel (12-2), (1-14).
- Property Owners further agree to permit the County to supervise and inspect the construction of the 8" line and to approve any and all drawings related to said line. Actual location of the water lines shall be subject to mutual agreement of the County and Property Owners.
- Property Owners agree that if for any reason they have failed to commence or complete the 8" water line crossing Section B within 120 days, consecutive days, including Saturday and Sunday, of written notification by the County of receipt of approval or plans by the regulatory agencies, the County shall have the right to enter upon the property and construct or have constructed or cause to be completed such 8" water line at the expense of the Property Owners and this right shall be in addition to any other remedy, legal or equitable, that the County shall have.

- Property owners agree to provide at their expense plats of easements in a form approved by the County for purposes of installation of the water lines described herein across their property.

THE CORPORATION, hereby agrees to the following:

- That it will pay the sum of \$28,000 to the County in recognition of the water line being extended across its property as shown in Section D. Said monies shall be paid to the County on or before 10 days after receipt of written notice from James City County that a draw has been requested by the contractor installing the pipe in said section. It is specifically understood and agreed between the parties hereto that no further connection fees shall be due for the 14 lots shown in a preliminary subdivision plat entitled "Great Woods, Section 1", situate in Section D, and in addition there shall be no charge for meters or service lines to individual lot boundaries.
- The Corporation further agrees that if it develops a 39 lot subdivision adjacent to Sand Hill, entitled "Great Woods, Section 2", and such subdivision is approved and constructed, it hereby agrees to connect such houses contained therein to the water system described herein and to pay the then existing connection and service charges. The availability charge for this system relating to said 39 lots cannot be arbitrarily or individually increased above the standard fee of \$600.00 per lot plus any increases that are generally applied to all County availability schedules. Nothing set forth herein shall be construed to relieve the Corporation, its successors and assigns, from paying the quarterly service charge assessed by the James City Service Authority for services provided.
- The Corporation agrees to provide, at its expense, plats of easements in a form approved by the County for purposes of installation of the water lines, described herein, across property they own.
- The Corporation agrees to donate to the James City Service Authority any and all easements required to install and/or maintain the water line crossing its property as described in Section D; said easements shall be approved by the County (form, size and duration) and shall be dedicated prior to the line installation work commencing on Sections A, B, C, D or E.

The James City Service Authority enters into this agreement for the sole purpose of giving its assent to the extension of its water line as described herein.

All parties hereto recognize that time is of the essence and therefore agree to act expeditiously.

3. Reclassification of Rehabilitation Technician Position to
Rehabilitation Specialist

Mr. Oliver stated that this matter is basically a housekeeping item. He mentioned that the position is funded by a federal grant and has been vacant for several months awaiting the re-start of the rehabilitation program. He asked the Board to adopt a resolution reclassifying the position of Rehabilitation Technician to Rehabilitation Specialist.

Mr. Frink asked if the position has been filled.

Mr. Oliver answered no.

Mr. Frink moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

RECLASSIFYING THE POSITION OF
REHABILITATION TECHNICIAN TO REHABILITATION SPECIALIST

WHEREAS, the Board of Supervisors of James City County have previously authorized the position of Rehabilitation Technician as a limited employment position for HUD grant activities and Federal Grant Compliance; and

WHEREAS, the reclassification of this limited employment position to that of Rehabilitation Specialist is necessary to the administration of the federal grant activities and is an eligible expense of these activities.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorizes the reclassification from Rehabilitation Technician to that of Rehabilitation Specialist.

4. Creation of Forest Glen Citizens Advisory Committee

Ms. Jan Rountree, Community Development Director asked the Board to approve a resolution establishing the creation of a Forest Glen Citizens Advisory Committee to be composed of those citizens affected by the Forest Glen Project. She said that this would allow them to express their opinions and assist in the selection of program priorities; she also asked that a member of the Board of Supervisors be appointed as an ex officio member of the committee.

Mr. DePue moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

ESTABLISHING FOREST GLEN COMMUNITY DEVELOPMENT
PROJECT CITIZENS ADVISORY COMMITTEE

WHEREAS, the County has received Community Development Block Grant funds for the purpose of making improvements in the Forest Glen Neighborhood; and

WHEREAS, the Board of Supervisors desires to be responsive to the needs and desires of the Forest Glen residents in the implementation of the program.

THEREFORE, BE IT RESOLVED that a Citizens Advisory Committee be established to assist the Board of Supervisors in the implementation of the Forest Glen Community Development Project.

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5. Connection of Williamsburg Water System

Mr. Wayland N. Bass, Director of Public Works, stated that the County has received a request from Mr. Wilton E. Kinnamon of 1332 Jamestown Road to connect to the Williamsburg Water System because his well has gone dry as a result of dry weather and a lowering of the water table.

Mr. DePue asked how deep was the well.

Mr. Bass answered that he is not sure, but he believes it is a shallow well.

Mr. Frink stated that he has qualms about matters of this sort in that a precedent might be set.

Mr. Oliver commented that the City established a procedure some years ago whereby any county residences or developers could be attached to the City water system and the Board of Supervisors must first pass resolutions making the official request, but the City makes the final determination.

Mr. Bartlett moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

CONNECTION TO WILLIAMSBURG WATER SYSTEM

WHEREAS, the well belonging to Wilton E. Kinnamon has gone dry and Mr. Kinnamon has requested approval by the Board of Supervisors to connect his dwelling at 1332 Jamestown Road to the City of Williamsburg water system; and

WHEREAS, this part of the Williamsburg water system will be owned by the James City Service Authority following annexation proceedings;

THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby approves the request of Wilton E. Kinnamon to connect his dwelling at 1332 Jamestown Road to the Williamsburg water system.

6. Appropriation for Opening of the Cultural Center

Mr. Oliver stated that he has the privilege of serving on the Celebrations Committee which is a group involving representation from the County, the Library Board and various components of the arts and cultural community at large. He said that this committee is trying to plan the opening of the cultural center addition to the Regional Library and it is one of their intentions to plan a very diverse opening free to the public. Mr. Oliver noted that City Council has appropriated \$3,500 and he is requesting that the County match the amount. He added that Mrs. White of the Library Board was present.

Mr. Frink moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

APPROPRIATION FOR OPENING OF CULTURAL CENTER

WHEREAS, a Cultural Center is being erected as an adjunct to the Williamsburg Regional Library; and

WHEREAS, a week-long celebration is planned for the opening of the Cultural Center to feature area arts and performing groups; and

WHEREAS, the Cultural Center will be of benefit to the citizens of James City County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the transfer of \$3,500 from the Contingency Fund as a contribution to the Williamsburg Regional Library for its share of the expenses incurred during this celebration.

7. Transfer from Contingency - Radio Tower

Mr. Oliver requested that this item be withdrawn. The Board concurred with his request.

8. Economic Development Advisory Committee

Mr. Daniel R. Lynn, Assistant to the County Administrator, addressed the Board on this matter commenting that several months ago Mr. Norman Beatty, Chairman of the Economic Development Committee, submitted his resignation to the County and recommended that the Advisory Committee be dissolved. He said that since the Industrial Development Authority was formed in 1979 and the Planning Commission has become increasingly involved with economic development issues, the responsibilities of the committee have diminished. Mr. Lynn asked the Board to adopt a resolution dissolving the Economic Development Committee since the Planning Commission and the Industrial Development Authority can support the Board of Supervisors on economic development issues.

Mr. DePue asked if the members are aware of this.

Mr. Oliver stated that he is not positively sure, but he believes that all members would agree that the Industrial Development Authority in conjunction with the Peninsula Economic Development Council are very actively representing the County's economic interests.

Mr. Bartlett remarked that he has spoken with members of the Economic Development Committee and it was a general consensus of the Committee that they would prefer not to continue. Mr. Bartlett asked that each member of the Committee be recognized for their effort in economic development.

Mr. Bartlett moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

WHEREAS, James City County and its citizens have been diligently served by the members of the Economic Development Advisory Committee since 1976; and,

WHEREAS, through the efforts of the Committee, the County has made much progress in developing an economic development program, including the creation of the Industrial Development Authority; and,

WHEREAS, the Industrial Development Authority, along with the Planning Commission, has become the official advisory body to the Board for economic development issues;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors extends its sincere appreciation to the members of the Economic Development Advisory Committee for their faithful service; and,

BE IT FURTHER RESOLVED that the Economic Development Advisory Committee is hereby dissolved.

9. Senate Bill 898

Mr. Daniel R. Lynn, Assistant to the County, Administrator, introduced this matter to the Board. He said that Senate Bill 898 includes some amendments to the original bill, one of great concern to the County. He said that this particular amendment would prohibit the regulation of all cable television rates and require the Federal Communications Commission to set ceilings on franchise rates. Mr. Lynn went on to say that since James City County has just awarded a cable TV franchise they feel this federal action would be an unwarranted intrusion

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into state and local power. Therefore, he asked the Board to adopt a resolution opposing the amendment. He added that in talking with NACO's staff, the amendment may be voted down on September 15, 1981, but will probably surface again next year.

Mr. Bartlett moved to approve the resolution. The motion carried by a 5-0 roll call vote.

R E S O L U T I O N

SENATE BILL - 898

LOCAL CABLE TV ENFORCEMENT

- WHEREAS, James City County has prepared a Cable Television Ordinance and has awarded a franchise for Cable TV services to County residents; and
- WHEREAS, Senate Bill - 898 as reported from the Senate Committee on Commerce, Science and Transportation contains certain amendments which would prohibit the regulation by local jurisdictions of cable television rates and would require the Federal Communications Commission to set ceilings on franchise rates; and
- WHEREAS, the granting of a franchise by a state or local government is the exercise of a fundamental state power; and
- WHEREAS, the U.S. Congress has made no finding that the franchising of cable television is part of interstate commerce, and such finding is necessary to justify federal pre-emption of the right of state and local governments to regulate the rates for cable service.
- NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors opposes those certain amendments to Senate Bill 898 that pertain to federal control of cable television rates and franchises, and requests that the U.S. Senate remove these aforementioned provisions to Senate Bill 898.

10. Funds for Recreational Programs

Ms. Darlene L. Burcham, Assistant to the County Administrator, presented this matter to the Board. She said that the staff is requesting the Board to authorize additional funding for recreational activities for the 1981-82 school year. She said that based upon the popularity of the summer program and response to a few class offerings made up to this point, the staff feels that the recreation office is prepared to meet the citizens requests for various types of activities. These activities would include instructional classes for youths as well as adults in the areas of sports, physical fitness and arts and crafts. Ms. Burcham went on to say that thus far three class offerings have been made - the first was a swimming class at Camp Skimino the latter part of August, and most recently a dance class and racquet ball class. She commented that the latter two were so overwhelming it was necessary to have a second class offering. She said that Mr. Cross envisions the development of a Saturday morning program to be held at Rawls Byrd and Norge Schools, similar to summer recreation program in that there would be structured activities for three ten-week periods. She concluded that instructional classes would be funded through fees that would cover 100% cost of instruction.

Mr. Frink moved to approve the resolution.

Mr. Bartlett said that he is concerned that the County is backing into a County recreation program. He said that we have a director, have had consultant studies, citizens groups, talked about parks, established a Community Feasibility Center Committee, and have had two years experience with the summer recreation program. He said that in his opinion the County should have a concrete plan that indicates where we are going. He noted that the sites for the programs are those not being used by the City of Williamsburg and he is concerned that the County is backing into a recreation

plan rather than taking an affirmative stand. Mr. Bartlett said that he would like to defer the matter so the staff can prepare a total plan for recreation.

Mr. DePue commented that he would vote for the matter because he feels that there are unmet needs. He noted that since Mr. Cross has come, he has seen evidence that there are more unmet needs. Mr. DePue said that he would agree that the County is perhaps backing into a program, but he said that he would not want a very expensive program and he feels that the County should slowly get into this. He said that prior to Christmas the staff should present the Board with a concrete plan and address the question of how the County will interface with Williamsburg in the future.

Mr. Frink commented that although he made the motion, he agrees that the County is backing into a recreation program although it may be the wrong approach. He said that caution should be exercised because he doesn't feel that the County can just pull out of Williamsburg.

Mr. Bartlett stated that he is not critical of what Mr. Cross and Darlene Burcham have done thus far, but he is concerned that it remains unclear as to exactly what type of program the County is offering, whether it is a summer recreation program centered around children or whether it is a program centered around a Community Center or the City of Williamsburg. He said that citizens should understand what type of recreation program is being offered by the County and be satisfied that they have had their say in developing the program. Mr. Bartlett said that he would vote against the matter to get the message to the staff to put the program out front.

Mr. Edwards said that he sees the advantage to having a plan, but this is a way to find out what citizens want by starting off with classes. He said in his opinion it is not necessary to know what the whole plan is in order to vote for one part of it.

Mr. Frink commented that the Board has appointed a Community Center Feasibility Committee of which he is a member and the committee is trying to get a feel for what the community wants.

Mr. Edwards noted that different viewpoints have been expressed on the issue therefore he asked if there were any objections to deferring the matter until the next Board meeting.

Mr. Oliver commented that the staff brought this matter before the Board in response to the kind of demand the staff received. He noted that the dance class received a lot of citizens response and the staff has received pressure. He said that the program is a year long one and the staff saw the need to give the Board what they saw the supplements as being. Mr. Oliver said that the staff would prefer that the Board make a decision tonight.

Mr. DePue commented that he would consider deferral of the matter, but as he understands the concerns of Mr. Bartlett, he does not believe they could be addressed within the next two weeks because it involves a very thorough process. He said that Mr. Oliver has indicated that there is a need for some type of program and real interest from citizens. Mr. DePue noted that he has received more response from his constituents about this particular matter than any other.

Mr. Bartlett said that he is concerned that a recreation plan is developing out of the Board's knowledge and control. He asked if it is his understanding that it is important for Mr. Cross to act.

Mr. Oliver answered yes.

Mr. Frink's motion carried by a 3-2 roll call vote, with Messrs. Bartlett and Taylor voting no.

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RESOLUTIONAPPROPRIATION OF
FUNDS FROM CONTINGENCY
FOR RECREATION PROGRAMS

WHEREAS, the James City County Board of Supervisors has previously approved the hiring of a Recreation Coordinator and the establishment of a recreation program for County residents; and

WHEREAS, sufficient interest in recreation programs has been demonstrated through participation in the 1981 Summer Playground Program and instructional classes.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that in order to sponsor additional recreation programs funds be appropriated from contingency as follows:

Instructional Programs	\$ 5,000
Youth Program	2,500
Program Supervisor	<u>5,500</u>
	\$13,000

Mr. Bartlett commented that the County seems to be moving toward a very large program and he is not sure that a very careful deliberate approach that the County has experienced with prior successes is being followed.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. Edwards asked if anyone in the audience wished to address the Board. No one chose to speak.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver asked that the Board agree to meet at 12 noon on September 28, 1981 to hold a work session with the Planning Commission to discuss the tour of James City County taken on September 3, 1981 and to also discuss the Neighborhood Analysis presentation from the Community Development Office. The Board agreed to meet on the 28th of September at 12 noon.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards moved to go into executive session to discuss a personnel matter pursuant to Section 2.1-344 (a)(1) of the Code of Virginia, 1950 as amended. The motion carried by a unanimous roll call vote.

The Board convened into executive session at 9:50 P.M. and reconvened to public session at 10:16 P.M.

Mr. Edwards moved to appoint the following persons to the New Horizons Task Force:

Mr. Don Bentley	Mr. Robert Kidd
Ms. Sherri Doverspike	Ms. WillaFae McKenna
Ms. Frances Howlette	Ms. Runita Bethea
Rev. James Tabb	Mr. Donald J. Messmer
Mr. David Hertzler	Mr. William Randall
Mr. Perry DePue	

The motion carried by a unanimous roll call vote.

Mr. DePue moved to appoint the following persons to the Forest Glen Advisory Committee on which he will be the ex officio Board member:

Ms. Joyce Pressey	Ms. Jane Merritt
Ms. Louise Howard	Mr. Henry Marsh
Ms. Debbie Byrd	

The motion carried by a unanimous roll call vote.


Mr. Frink moved to appoint Mrs. Ann Yankovich to the Peninsula Sub-Area Council of the Eastern Virginia Health Systems Agency, completing the 3-year term of Ms. Hawthorne which expires June 30, 1983. The motion carried unanimously.

Mr. Frink moved to appoint Mr. John Goetz and Ms. Denise Dewald to the Cable TV Citizens Advisory Committee to serve a two-year term. The motion carried unanimously.

Mr. Frink agreed to serve as the Board's representative on the James/York Citizens for Better Water Committee in response to Mrs. Rehse Wilson's request earlier in the meeting.

There being no further business, Mr. Taylor moved to adjourn. The motion carried unanimously.

The meeting ADJOURNED at 10:24 P.M.


James B. Oliver, Jr.
Clerk to the Board

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