

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TENTH DAY OF SEPTEMBER NINETEEN HUNDRED EIGHTY-FOUR AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Stewart U. Taylor, Chairman, Stonehouse District
 Jack D. Edwards, Vice Chairman, Berkeley District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES

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

Mr. Oliver said a corrected copy of page 10 of the August 27, minutes was distributed to the Board before the meeting.

Mr. Mahone made a motion to approve the Board minutes as amended, and the joint work session minutes of August 28, 1984.

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

C. PUBLIC HEARING

1. Case No. SUP-26-84. Commonwealth Propane, Inc.

Mrs. Victoria Gussman, Acting Director of Planning, stated that Mr. T. E. Perkins of Commonwealth Propane, Inc., has applied for a special use permit to allow: 1) A use described as petroleum storage in M-2, zoning district pursuant to Section 20-96.1 of the Zoning Ordinance, and 2) Commercial development involving the establishment of over 5,000 sq. ft. of impervious surface within the Reservoir Protection Overlay District pursuant to Section 20-177(a) of the Zoning Ordinance.

The property will contain one 30,000 gallon above ground propane storage tank and related pumping and piping facilities. The subject property is located on Industrial Boulevard, approximately 650 feet east of the intersection of U.S. Route 60 and Industrial Boulevard and adjoins the County's water storage plant on the eastern boundary.

This area is designated as general industry in the land use element of the Comprehensive Plan. The site will be centrally located within the Hankins Industrial Park. The preliminary site plan submitted for this project has been reviewed by staff and by the Site Plan Review Committee of the Planning Commission. It has been granted preliminary approval by the Site Plan Review Committee with final site plan approval conditioned upon completion of all staff recommendations and upon issuance of a special use permit.

In addition to applying for a special use permit for petroleum storage within the M-2 zoning district the applicant must have a special use permit to allow the establishment of over 5,000 sq. ft. of impervious surface in this development within the Reservoir Protection Overlay District. The applicant has supplied a run-off analysis in accordance with Section 20-178 of the Zoning Ordinance and it has been evaluated by the Department of Public Works and by the Zoning Administrator for compliance with the regulations of the Reservoir Protection Overlay District. To provide that all run-off control and reservoir protection measures proposed in the run-off analysis and site plan

will be constructed, operated and maintained, performance assurances will be executed in the Declaration of Covenants for the inspection and maintenance of a run-off control facility. No hazardous substances will be stored on the site.

On July 24, 1984, in accord with the staff recommendations, the Planning Commission recommended approval of this application with the following conditions: 1) All conditions stated by the reviewing agencies must be observed, and 2) If construction of this facility has not begun within 24 months of the issuance of this permit it shall become void. Construction shall be defined as clearing, grading and the excavation and pouring of all footing covered by this permit.

Mrs. Gussman noted that Mr. Perkins was in the audience if any of the Board members had questions.

Mr. DePue said that from a legal standpoint he was wondering if this is similar to a zoning ordinance in that if we approve this SUP could someone else use the land in a similar way.

Mrs. Gussman noted that the same conditions would apply.

Mr. DePue said that in approving a petroleum site, even though we are speaking about propane, if we approve this permit, in 24 months can Commonwealth sell or lease these facilities for use other than what the original permit provides for.

Frank Morton, County Attorney, stated that the permit speaks to propane storage. The County is protected from misuse. The application states that using the facilities in any other way would not be permitted.

Mr. Taylor opened the public hearing and as no one wished to speak, the public hearing was closed.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION

OF APPROVAL SPECIAL USE PERMIT NO. SUP-26-84 COMMONWEALTH PROPANE STORAGE TANK

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain specific land uses that shall be subject to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-26-84, a special use permit to allow the construction of a 30,000 gallon above ground propane storage tank and related pumping and piping facilities on property identified as portion of parcel (1-13) on James City County Real Estate Tax Map No. (12-4) within the M-2 Zoning District and within the Reservoir Protection Overlay District, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-26-84 as described herein and as detailed in the attached memorandum with the following conditions:

1. A silt fence or straw barrier is needed to prevent off-site damages.
2. The facility should be designed and constructed and maintained in accordance with the standards of the National Fire Protection Association for Code 58 relating to the storage and handling of liquid gases.
3. The developer must meet minimum commercial entrance standards. The entrance design must be provided as a minimum. CE-7 permit will allow up to one year for completion with some

approved extension which should be adequate for the future improvements.

4. The infiltration trench must be relocated or the property must be regraded to direct run-off to the infiltration trench. Grading of more than 10,000 sq. ft. will require an erosion and sediment control plan and a siltation agreement with surety.
5. The filter fabric in the infiltration trench is to be extended along the top of the VDH&T No. 57 aggregate.
6. The developer is required to execute a Declaration of Covenants for the inspection/maintenance of the run-off control facility.
7. A minimum ten-foot wide perimeter landscape strip shall be provided adjoining property lines.
8. Trees must be included in the perimeter landscape strip. Section 20-98.3 of the James City County Zoning Ordinance states that trees shall be a minimum of seven feet in height with one tree per fifty linear feet of landscaped area and more or less evenly distributed. The eastern boundary only of the property is exempted from this recommendation because of a 20 foot sanitary sewer easement in which the Public Works Department prohibits trees.
9. Indicate location of outdoor lighting on site plans.

2. Case No. SUP-25-84. James City County Service Authority Water Transmission Main to James Terrace.

Mrs. Victoria Gussman, Acting Planning Director, stated that the Department of Public Works has applied for a permit to allow the construction of a water transmission main for a distance of approximately 23,500 feet (4.5 miles) generally along the Route 199 Corridor and Route 143, from the vicinity of Williamsburg Landing to James Terrace. The new transmission main will connect to an existing 12 inch water main at the eastern limits of the Williamsburg Landing Project and will extend into the James Terrace Community. This transmission main has been given a number one priority in the James City County Authority's budget for fiscal year 84-85 because it will improve water quality in James Terrace. It is located within the primary service area as identified by the Land Use Element of the comprehensive Plan.

The route commences within the Williamsburg Landing Project. Eight alternative routes are being considered for the section of the water main from the beginning point to the Colonial Parkway.

Five of the routes (2, 2A, 3, 4, and 6) pass through the Kingspoint Subdivision. Three other routes (1, 5, and 5A) involve crossing College Creek and locations that do not require construction within the Kingspoint Subdivision.

The Planning Commission has recommended approval of a special use permit containing alternate routes 1, 2, 3, and 4 subject to conditions.

Mrs. Gussman introduced Mr. Wayland Bass, Director of Public Works, who stated that the County needs to extend its water system from Williamsburg Landing at College Creek on Route 199 to James Terrace where high sodium and chloride content makes the water highly corrosive. He requested the Board approve the resolution which would give staff four alternate routes to run the water line. He also said staff will return later for Board approval at other points in the water extension project.

Mr. Bass also stated that the planning Commission has recommended approval of the permit containing alternate routes 1, 2, 3, and 4 but if the Board favors a particular alternate the staff would be willing to consider it.

Mr. Mahone clarified that the Newport News water line would not go the entire length since it is located on the north side of 199 on College Creek. The line would go down to Mounts Bay Road and at that point the County would construct a new line from there if we are able to get the line from Newport News.

Mr. Bass confirmed the information.

Mr. DePue said the presentation did not include costs or future benefits of one route over another. He said he could accept that since he realized staff is trying to keep their options open but would want this information at a later date.

Mr. Bass said he had the information available if the Board would like that information at this meeting.

Mr. DePue said he would wait on cost information since he had discussed it earlier with Mr. Oliver. Mr. DePue said he realizes that Mr. Bass is trying to get in a position to make application to various other agencies. Financial considerations and the advantages of one route over another will be important in his final decision.

Mr. Oliver stated the County understands that some residents are very sensitive to this matter and the County does not want anyone to think staff is avoiding covering the cost information at this meeting, but to save time, he felt the information could be presented at a later date. Tonight the local governing body is being asked to issue a local permit and the County does not want to tie its hands by limiting the number of options available to them. We have to secure a number of permits and the Board will have to make a decision later on which route they will use. If the Board thinks it will be helpful, the staff will take them through the cost factors. Also, we do not want the residents to think we are not dealing with this issue in a forthright fashion.

Mr. DePue said in case there is any misunderstanding he would like to make it clear that he is not supporting any route tonight. He is reserving his final judgment for a case based on costs and benefits and he knows the staff realizes that if any of these routes are three times as expensive as another, staff will have to justify that particular route, as well as any routes that go through an existing neighborhood. Staff will have to show clear benefits to override the Route 199 Corridor choice. He does not want to cut-off any discussion but realizes the meeting must not be prolonged so he is prepared to make a decision tonight on the facts.

Mr. Mahone stated that some Kingspoint residents were disappointed at the way things were handled at a Planning Commission meeting they attended. Many of these residents are coming into this issue "cold" and want to know what we are talking about and what we are doing. At the Planning Commission meeting, Mr. Bass had a matrix that demonstrated many of these factors on the routes, for example, fire flow, estimated costs, tree removal costs, wetlands, utilities and maintenance difficulties. After that public hearing these things started to come to light. Mr. Mahone said he would like to give some background information to the citizens before they make their comments. Normally, the Board reserves their comments until after the public hearing, but Mr. Mahone stated that tonight he would like to make his comments before the public hearing. He said staff needs a permit in hand to begin discussions with the proper agencies to get funding. The Planning Commission recommendation is to consider all eight routes with special consideration being given to routes 1, 2, 3, and 4. Alternate routes number 1 is the best alternative of the eight because it would not violate private property, would not cause extensive damage to established neighborhoods, and would be the least damaging to trees and public utilities.

Mr. Mahone said he is in favor of the resolution, but feels the Board is in a position to limit it to alternate route 1. When the time comes he would like to move passage of the resolution showing only alternate route 1. He said that his colleagues are discussing with Newport News the water line that exists. The County taxpayers installed a 16 inch line along Route 199 for water extension to Colony Lane. This line only serves six to eight customers and is a costly operation. The County anticipated the Newport News line being extended throughout the County at that time. Now we have established our own water system to the west of Williamsburg, it is operational and we are maintaining it, and we do not anticipate extending the Newport News system in that area.

Mr. Brown said that if the motion is made to limit the resolution to only alternate route 1, he will oppose it.

Mr. Edwards inquired as to the vote of the Planning Commission.

Mr. Mahone said it was 9-1.

Mr. Taylor opened the public hearing.

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1. Mr. Robert Halpin, a resident of James Terrace Subdivision, said he appreciated the opportunity to speak and Mr. Brown's efforts to bring James Terrace better water. He commended Mr. Bass and his staff for their efforts in this matter. Mr. Halpin stated that in the early '50's James Terrace was one of the first residential communities built outside Colonial Williamsburg, and he is one of the first residents in James Terrace. He can understand the Kingspoint's residents not wanting to disrupt their neighborhood by the pipeline extension. However, the solution to James Terrace's water problems will affect the residents of Kingspoint. Mr. Halpin said he enjoys living in James Terrace, but has had to replace four water heaters and a number of water pipes due to the corrosive nature of the water. While the residents of Kingspoint are getting water from Williamsburg, they need to look to the future since the water line will have benefits to Kingspoint and other areas. He said he was sorry his Supervisor opposes alternate route 1.

Mr. Brown stated he wanted to correct Mr. Halpin's last statement. He only opposed limiting the resolution to alternate route 1.

2. Mr. Ken Heising, President of Kingspoint Association, assured Mr. Halpin that Kingspoint residents do not want to deny potable water to James Terrace Subdivision. They in fact want James Terrace to have water, but not at the expense of Kingspoint. He said the residents of Kingspoint are concerned about the proposal to bring a 12 inch water line through the Kingspoint subdivision.

Mr. Heising said that two letters from Kingspoint residents have been sent to Mr. Oliver on this matter. He quoted highlights from the first letter. "We feel that routing a public utility through private property already developed when alternate routes through public undeveloped property are available shows a lack of respect for private property. Only when overriding factors are established should private property be crossed. Residents do not feel this need has been established. The potential damage to the environment and the inconvenience to the residents cannot be assessed."

From the second letter dated September 6, to Mr. Oliver, Mr. Heising said, "At the Planning Commission hearing on July 27, 1984, the public hearing was closed before the staff presented the matrix upon which the Planning Commission's recommendations were based. This procedure blocked any comments on the matrix." In the letter Mr. Heising point out inconsistencies and the estimated cost of route 1 from the CEGG Study, redundancy of several factors of the matrix, the invalidity of the wetlands factor, omission of several factors from the matrix, and that several members of the Planning Commission considered the matrix to be a quantitative rather than qualitative device.

Mr. Heising also pointed out that when Route 199 is completed a new bridge across College Creek will be required which would cause complications to a water transmission main on the Kingspoint side of the present bridge. In conclusion, Mr. Heising requested the Board to actively pursue negotiations with Newport News to recover the existing 16 inch water transmission main and to hold in abeyance the construction of section one of the proposed James Terrace Water transmission main until these negotiations are completed. However, if negotiations with Newport News are unsuccessful, then the residents hope the Board will choose alternate route 1 along Route 199.

Mr. Taylor closed the public hearing.

Mr. Taylor said the Newport News line should be explored to its fullest extent since recovering that line would solve some problems for the County.

Mr. Brown made a motion to approve the resolution. He stated that the Board's first choice is to retrieve from Newport News the Route 199 water line but that we cannot guarantee that will occur. If not, the second choice is to build alternate route 1. This permit has four choices to keep our options open and not have this matter brought back to the Board for another SUP in a couple of months. The County has a limited number of choices as to where to put the line. The Board does not want to go through private property or destroy trees, but as a last resort it may be necessary. He stated there is a clear and pressing public health hazard in James Terrace and it is the Board's responsibility to get a better source of drinking water to those residents.

Mr. Edwards said he thought we ought to make sure which question is being answered. Tonight we are here to discuss which strategy is the best and

not which route is the best. The best strategy he said is to have four possible routes since we do not know which route will be approved. He agreed with Mr. Brown that getting good water to James Terrace is high priority.

Mr. DePue said if the Board is showing any bias, it is towards alternate route no. 1. He asked if any routes have to be approved by the Wetland Boards and the Highway Department.

Mr. Bass said Mr. DePue was correct. The Wetlands Board will be meeting this month and the Highway Department will be meeting in October.

Mr. Brown said the County has ten different agencies to get permits from and this is part of the red tape delay. If we only have one route and it is not approved, then we will have to start all over again.

Mr. DePue said he was trying to put himself in the Kingspoint resident's situation. He said the Board did not have to advertise a public hearing when they make their final decision on an alternate route, but to show good faith he would like to offer an amendment to readvertise when the Board is ready to consider benefits and costs of the alternate route. At this public hearing he felt that all issues can be fully discussed. He made a motion to amend the motion to readvertise the public hearing when the Board is ready to make the final determination on the water line.

Mr. Brown said he had no objection to holding another public hearing, but the motion is to approve an SUP. He did not feel it was legal to tie a public hearing to an SUP application. The second public hearing should be in a separate resolution.

Mr. DePue said there would be four operative SUP's at that point.

Mr. Morton, County Attorney, stated there would be only one SUP, but three inoperable routes. Mr. Brown's point is that we should not tie the public hearing to the SUP vote.

Mr. DePue said procedurally he would withdraw his amended motion.

Mr. Mahone said Public Works gave assurances that the County permits are coming along for a straight crossing at Kingspoint and alternate no. 1. The Highway Department has stated that a second bridge will be built and have acquired the right-of-way and have indicated where the bridge will be built. The Highway Department is cooperating and State and Federal agencies on Wetlands have been contacted. There are no obstacles there. If obstacles occur with one or more routes then we need to keep other routes open, but since things are going well for alternate route 1 the Board can give staff direction to limit it to alternate no. 1. The Board appropriated money, several meetings back, to extend the 12-inch pipeline in Williamsburg Landing to go across College Creek to the natural gas pipeline. This is an attractive route to the Board.

Mr. Brown stated that he does not think it is wise to limit the County's choices since we do not have any permits in hand or a deed for the Newport News line. He feels that we need more choices.

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

R E S O L U T I O N

SPECIAL USE PERMIT NO. SUP-25-84 JAMES CITY COUNTY SERVICE AUTHORITY WATER TRANSMISSION MAIN TO JAMES TERRACE

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County has recommended approval of Case No. SUP-25-84 containing alternate routes 1, 2, 3 and 4 as detailed in the attached memorandum for the construction of a water transmission main extending from Williamsburg Landing to the James Terrace Subdivision, and

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NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of a Special Use Permit No. SUP-25-84 with alternate routes 1, 2, 3 and 4, and as detailed in the attached memorandum and in accordance with the following conditions:

1. Compliance with all Local, State and Federal requirements for the construction, operation and maintenance of the water transmission main.
2. Compliance with all state erosion control and sedimentation regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. Acquisition of all required permits and easements prior to commencement of construction.
4. For pipeline construction adjacent to existing residential development, adequate dust control measures shall 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 ensuring that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort or convenience or value of the surrounding property and uses thereon.

Mr. Oliver requested Mr. DePue make his motion in such a way that if there is an alternate other than number 1 chosen, then there will be a public hearing.

Mr. DePue made a motion that if a route other than alternate no. 1 is approved or considered, the Board will advertise another public hearing.

Mr. Taylor asked if there were any comments from the Board.

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

Mr. Mahone said he would like to announce when the Wetlands Board hearing would be held. The next meeting will be at 7:30 p.m., Thursday, September 20, 1984, in the Building C Board Room.

D. CONSENT CALENDAR

Mr. Taylor presented the Consent Calendar and asked if anyone wanted to remove any items. No one wished to remove any of the items.

Mr. DePue made a motion to approve the Consent Calendar as presented.

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

1. Code Violation Lien.

R E S O L U T I O N

CODE VIOLATION LIEN

WHEREAS, the Department of Public Works has certified to the Board of Supervisors of the County of James City that the following bill for service rendered is delinquent and remains unpaid; and

WHEREAS, such unpaid and delinquent charges constitute a lien against the real property on which the service was performed and for which charges were imposed.

THEREFORE, BE IT RESOLVED that in accordance with Section 7-4, of the Code of the County of James City, the Board of Supervisors directs that the following delinquent charges for service rendered shall constitute a lien against such property to wit:

Mowing grass and weeds:

Account No.: Mr. Edwin Aadahl
Route 1, Box 196-B
Williamsburg, Virginia 23185

Description of property: 513 Neck-O-Land Road
Tax Map # (47-3) Parcel # (1-64)
Deed Book #132, Page #656

Amount Due: Labor \$123.67
Equipment 95.00

TOTAL \$ 218.67

2. Set Public Hearing Date of October 15, 1984 for:

- a. Case No. SUP-29-84. Water Transmission Main.
- b. Case No. SUP-30-84. Solid Waste Container Site.
- c. Case No. SUP-31-84. Sewage Force Main.
- d. Case No. SUP-32-84. Expansion - Solid Waste Container Site.
- e. Case No. Z-10-84. Rezone Estate of M. M. McKenney and R. W. McKenney.
- f. Case No. Z-11-84. E. H. Saunders.
- g. Case No. SUP-33-84. The Digges Company.

3. Set Public Hearing for October 15, 1984, for Taxi Ordinance.

E. BOARD CONSIDERATIONS

1. Transmittal of Delinquent Tax List - 1983 Taxes

Mr. John McDonald presented this matter to the Board. He stated that a list had been given to the Board of uncollected taxes. The Board may choose to publish all or any part of the delinquent tax list. The Treasurer's Office indicates that accelerated payments due to the pending or actual publication of the list do not appear to be substantial. He stated that a resolution authorizing the publication of both real estate and personal property taxes unpaid as of October 1st had been prepared for the Board's consideration. The listing would be reduced if the Board elected to publish only those delinquent taxes exceeding a specific dollar amount, i.e., \$50. The Board has chosen not to establish a cut-off in the past and such a limit is not included as part of the resolution.

Mr. Taylor said that in the past he likes the way things were done and he wishes to continue that way. It is hard to measure what effect not publishing the entire list would have. He does not wish to remove any names from the list.

Mr. DePue wanted to know if Mrs. Whitaker had made a recommendation to the Board.

Mr. McDonald said that the history of an annual publication might be beneficial, but that Mrs. Whitaker does not have a position on this matter.

Mr. Brown stated he feels strongly that both lists should be published and he would make a motion to that effect. However, he would like to make two changes to the personal property tax list for small amounts of money; he would support Mr. McDonald's suggestion that we limit publishing only those names with amounts over \$50. Smaller amounts are usually not collectable. The second thing would be to take out of the real estate list a long series of subdivisions that the Board already knows has liens against them. The reason we publish this list is for the benefit of those people who pay their taxes because they think someone does care whether or not they pay their taxes.

Mr. Taylor stated it would cost \$3,000.00 to publish this list and to take out a few names would not make that much difference in the publication cost.

Mr. DePue said he thought it would be dangerous to pick and choose names to publish.

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Mr. Brown said since everyone feels strongly about publishing the entire list then his motion would be to publish the entire list.

Mr. Mahone said he wanted to note that taxes on 256 mobile homes were delinquent. He said that Mr. Brown was not on the Board last year when this matter came up. Mr. McDonald has portrayed Mrs. Whitaker's thoughts that she did not think it worthwhile to publish the list, and on that basis he will vote against the resolution.

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

R E S O L U T I O N

PUBLICATION OF DELINQUENT TAXES

WHEREAS, the County Treasurer has provided to the Board of Supervisors a listing of 1983 Delinquent Levies on Real Estate and Personal Property Taxes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes and directs the publication of 1983 delinquent levies on real estate and personal property taxes still unpaid as of the end of business on October 1, 1984.

2. Longhill/Olde Towne Road Traffic Study.

Mrs. Victoria Gussman, Acting Director of Planning, presented this matter to the Board. On August 28, 1984, the Planning Commission voted unanimously to request the Board of Supervisors to conduct a study of traffic flow and traffic safety problems on Longhill and Olde Towne Roads. The Commission requested that such a study include recommendations for short-term improvements such as signalization, widening, turn-lanes, and realignment; and also evaluate the feasibility of alternate connections between Longhill Road and Ironbound Road and between Longhill Road and Richmond Road. The staff concurs with the Planning Commission recommendation for traffic operation and safety studies of Longhill and Ironbound Roads. They recommend the Board request the Highway Department to study traffic volume and safety on Olde Towne Road and Longhill Road and to recommend minor improvements. Further, it is recommended the Board of Supervisors authorize the expenditure of consulting funds not to exceed \$12,000.00 for the purpose of hiring a consultant to complete the study (a) analyzing the potential for realignment of the roads, and (b) evaluating the need for and feasibility of alternate connections between Longhill Road and Ironbound Road and between Longhill Road and Richmond Road.

Mr. Taylor stated he did not approve of spending \$12,000.00 for a consultant. He was agreeable to having the Highway Department make the study and agrees that more traffic and development have caused problems in that area.

Mr. DePue commended Mrs. Stein for initiating this action. He said he had discussed this matter with the Board in June and at that time was focusing on the situation as it related to the new Community Center which would make the traffic situation worse. He has talked to representatives from Eastern State, the School System, and contacted private parties and members of the Commission on Outdoor Recreation. He indicated staff was aggressive in finding funds for highway improvements for the Upper County Park and he is also hopeful staff can get funding for access to our new Community Center. He said County funds might have to go into this project, but he is hopeful State funds are available. He feels a study is in order. He would like the Board members to drive out and see the problem first-hand because every morning the traffic is backed up a quarter of a mile. He commended the Planning Commission for taking action. He stated that \$12,000.00 was a conservative amount of money and this is a conservative approach. He recommended asking the Highway Department to gather the data, and after the Board studies highway data have a consultant make recommendations to us. The Longhill Road area is one of the fastest-growing areas in the County. If there is no safety problem, then it must be an image problem. The Highway Department has said that it is not a problem but he would like to have it reconsidered. He is asking for the Board's support. Olde Towne Road is becoming intolerable. The Highway Department uses ultra-conservative standards and they don't think the road is overloaded. The Board is

contributing to the traffic problem with the Human Services Building. He stated he would take a hard look at supporting the Community Center if its only access is off Longhill Road. The County is building the Community Center and again is adding to the problem.

Mr. Mahone said that no one has mentioned Route 199 and this is a major factor in this problem.

Mr. DePue stated that the State is not talking about Route 199; no one is talking about it. If we got a call today from the Governor approving Route 199 it would still be another four to five years before it was built.

Mr. Brown agreed with the need to make an analysis and find a solution. He suggested that we ask Mr. Hall to make the study and report back to the Board within 60 days. The Board would then review the Highway Department study and then consider hiring a consultant.

Mr. Mahone and Mr. Taylor agreed with Mr. Brown.

Mr. Brown stated that he was not opposed to spending \$12,000.00 but he did not want to waste money.

Mr. DePue said that he supported Mr. Brown's motion with reluctance. He cautioned that the Highway Department's standards for defining a problem are extremely conservative. He does not think the Highway Department will tell us there is a problem.

Mrs. Stein stated the Planning Commission is looking at the problem with future development in mind. The Highway Department will only look at what is there now.

Mr. DePue said the Planning Commission is saying this is going to affect development in the Longhill Road area. The Board could find itself voting against further development in this area. He thinks the Planning Commission is sending a signal saying they see a problem now. Mrs. Stein is right in pointing out it is a planning issue and not just a safety or traffic issue.

Mr. Oliver said the resolution has two resolve clauses in it and either way the Board votes, the resolution can be adapted to the correct format for the Highway Department.

Mr. Brown made a motion to approve the resolution deleting the last resolve paragraph and the last "and" in the previous paragraph, and inserting "within 60 days" at the end of the last paragraph.

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

R E S O L U T I O N

LONGHILL/OLDE TOWNE ROADS TRAFFIC STUDY

WHEREAS, traffic delays on Longhill Road have become a concern to members of the community; and, traffic safety is perceived as a growing problem on both Longhill Road and Olde Towne Road; and

WHEREAS, significant residential growth is occurring along both the Longhill Road and Olde Towne Road corridors; and

WHEREAS, the Planning Commission of James City County has requested that a study be undertaken to determine traffic and safety problems on Longhill and Olde Towne Roads to identify short-term solutions to those problems;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County requests the Virginia Department of Highways and Transportation to study problems of traffic flow and traffic safety on Olde Towne Road and Longhill Road in James City County, and to recommend short-term improvements to help solve the problems identified, preferably within 60 days.

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Mr. Oliver suggested to Mr. Taylor that since there were citizens in the audience waiting for the IDA Agenda Item he might consider it next.

Mr. Taylor and the other members agreed to consider the IDA item.

4. Approval of Industrial Development Authority Action-Robert J. and Janice A. Kubicki.

Mr. Kenneth Axtell, Vice-chairman of the Industrial Development Authority, presented this matter to the Board. He stated that the IDA has indicated in approving the project that the building has met certain prerequisites for financing - properly zoned, access to public utilities, approved plans, approved financing, and new employment opportunities. The office building under consideration has provided needed space to a growing business and has resulted in new employment. Mr. Axtell said that there are three items related to this Industrial Development Authority matter. The first is a request for approval of the resolution of inducement of Robert J. and Janice A. Kubicki. The Authority Board voted 5-0 to approve the financing in an amount of \$1,300,000.00. The second is a resolution allocating \$1,800,000.00 of the County's \$1,822,500.00 Cap to the Kubicki and Service Metal projects for 1984 and the required certificate of no consideration. The last is a resolution delegating the allocation of 1985 Cap to the Industrial Development Authority. Mr. Axtell said he would be happy to respond to any questions or comments from the Board in this matter.

There were no questions from the Board.

Mr. Mahone moved approval of the first resolution.

Mr. Brown said he would abstain from voting on the inducement.

Mr. DePue inquired if the third resolution changes the status quo.

Mr. Morton said it passes the allocation authority from the Board to the IDA.

Mr. DePue said the Board still has to approve resolutions of inducement.

Mr. Edwards said, as in the past, he will vote against the motion. He feels the reasons for this application are not the intention of the statute. It is not in the best interest of local government to encourage awarding of bonds for public purposes that are issued by municipalities themselves. However, he understands that this is a first-rate project.

Mr. Mahone made a motion to approve the resolution.

On a roll call, the vote was AYE: DePue, Mahone, Taylor (3). NAY: Edwards (1). Abstain: Brown (1).

RESOLUTION APPROVING THE
ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS
(ROBERT J. AND JANICE A. KUBICKI)

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the "Authority"), has considered the application of Robert J. and Janice A. Kubicki, (the "Applicant"), for the issuance of the Authority's industrial development revenue bonds in the principal amount not to exceed \$1,300,000 (the "Bonds"), to assist in the financing of the acquisition and construction of a commercial office building at the Applicant's current location located in the Busch Corporate Center in James City County, Virginia, and has held a public hearing thereon on September 5, 1984; and

WHEREAS, the Authority has requested the Board of Supervisors of James City County, Virginia, (the "Board"), to approve the issuance of the Bonds to comply with Section 103(k) of the Internal Revenue Code of 1954, as amended; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, and a record of the public hearing has been filed with the Chairman of the Board.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
JAMES CITY, VIRGINIA:

1. The Board of Supervisors of the County of James City, Virginia, approves the issuance of the Bonds by the Industrial Development Authority of the County of James City, Virginia, for the benefit of ROBERT J. AND JANICE A. KUBICKI, to the extent of and as required by Section 103(k) of the Internal Revenue Code, to permit the Authority to assist in the financing of the Facility.
2. The approval of the issuance of the Bonds, as required by Section 103(k) does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation, but pursuant to Chapter 33, Title 15.1 of the Code of Virginia of 1950, as amended, (the "Act"), the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the existing taxing power of the Commonwealth, the County, or the Authority shall be pledged thereto.
3. This Resolution shall take effect immediately upon its adoption.

Mr. Mahone made a motion to approve the resolution for the 1984 Allocation Authority - Industrial Development Authority.

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

RESOLUTION

1984 ALLOCATION AUTHORITY - INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors of James City County has been allocated \$1,822,500 for 1984 under Section 103(n) of the Internal Revenue Code of 1954, as amended as presently implemented in the Commonwealth of Virginia by Executive Order Number 50(84) of the Governor of Virginia, dated July 31, 1984.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the allocation in the following manner for industrial development bonds authorized by the Industrial Development Authority of James City to the benefit of the following applicants:

Service Metal Fabricators, Inc.	\$ 500,000
Robert J. and Janice A. Kubicki	1,300,000

Mr. Mahone made a motion to approve the resolution for the 1985 Allocation Authority - Industrial Development Authority.

Mr. Edwards wanted to know the effect of this resolution. In 1985, if we have a Cap of \$2,000,000.00 and project applications are for \$3,000,000.00, how the \$2,000,000.00 is spent will be made by the Industrial Development Authority rather than by the Board of Supervisors.

Mr. McDonald said that the allocation would be made by the local IDA; however, each resolution of inducement of the Authority must be approved by the Board of Supervisors.

Mr. Taylor said anything above the Cap, the State will have money left over and they can reappropriate the money.

Mr. Axtell said that the Board or the IDA would have to request those funds.

Mr. Edwards said the Federal Legislation, as he understands it, now requires the Board to approve each individual application. This says that even

after the Board approves each application the IDA will have the responsibility for determining who gets how much money within the Cap. He does not see a reason for passing that on to the IDA. If we are responsible for approving the individual applications, then the Board should also be responsible for making the judgment about priorities on the applications and the awarding of appropriations.

Mr. Brown asked if there is a reason why we are doing this now.

Mr. McDonald said that the third resolution deals with the Cap the County will receive for 1985. The IDA reviews each case in more depth than the Board does. The IDA does not mind tabling the resolution because the Governor has not issued guidelines for 1985. Therefore, IDA will not act on the Cap until the guidelines are published.

Mr. Brown said he was comfortable with the resolution because he knows how much work the IDA does on each item. The Authority is preparing guidelines on how they will administer this. He suggested deferring until later for other Board members to see what those guidelines are.

Mr. Edwards stated that he did not want to delay the vote since he is a minority of one.

Mr. DePue stated that he could support this resolution; he has gained a lot of respect for IDA and for their work and they have wrestled with philosophical issues and they have also had some discussion along procedural lines regarding whether to take applications one at a time or all at once and he would like the Board to seriously consider delegating this authority. The Board appoints members to the IDA. He agreed with Bill Brown's remarks about the amount of depth the IDA goes into in discussing these matters. He urges the Board and the IDA to discuss the procedural issues. He has no problems with deferring this matter, however.

Mr. Brown made a motion to table the matter.

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

Mr. DePue requested Mr. Axtell to have the IDA communicate to the Board of Supervisors their thoughts on criteria for allocation.

Mr. Taylor thanked Mr. Axtell for his work on the IDA and for attending the meeting.

3. New Telephone System for Government Center and Human Services Building.

Mr. John McDonald presented this matter to the Board. He stated that anticipating the expiration of the Jarvis contract on December 31, 1984, the County had requested proposals for a new telephone system for the Government Center and the School Board building. Our RFP also included the Human Services facility which should be ready for occupancy in April, 1985.

The objectives of our RFP were two-fold; (1) to acquire a state-of-the-art voice and data communications system and (2) to save dollars, vis-a-vis our present system. Proposals were received from AT&T, Bell Atlantic, Business Communications System, Contel, and Executone. After evaluating the proposals received, Contel was selected as the company best meeting our needs and we are requesting approval for entering into a contract with Contel (Continental Telephone) to provide internal telephone service to the Government Center, Buildings A, B, C, and D, and the new Human Services facility. The School Administration, Building D, would connect to this new system and thereby help both the County and the Schools achieve savings by sharing the same main telephone switch. The Schools also desire direct inward dialing and the upgraded phone services a new system would offer, and they concur in the selection of Contel. This purchase is over \$50,000.00 and the staff now seeks your approval for entering into a preliminary contract with Contel contingent upon securing an appropriate lease-purchase agreement. No new funds need to be budgeted for the Government Center phone system. The funds currently budgeted for our Jarvis lease would simply transfer to our new lease January 1, 1985.

Mr. Brown said according to the information, the new system would cost less than the old system.

Mr. McDonald confirmed this was correct.

Mr. Mahone stated that we are leasing now but we are going to buy a new system. He asked whether the five year cost include the Human Services Building and the Government Center.

Mr. McDonald stated the report provided to the Board included a ten-year total cost projection and we are proposing to buy the phone equipment. The ten year cost projection for the new system is less than what the current system will cost over the next ten years. The costs include the Human Services Building.

Mr. Taylor inquired as to who would be responsible for maintenance.

Mr. McDonald stated that a separate maintenance agreement would be made.

Mr. Edwards inquired as to the \$292,873.00 listed under equipment.

Mr. McDonald stated that it was a straight lease equipment agreement.

Mr. DePue inquired if the staff proposed to get private bids on the financing.

Mr. McDonald affirmed that they would seek bids on financing the new phone system.

Mr. DePue wanted to know if a lease longer than 12 months would be binding on the County.

Mr. McDonald said it would not be binding because of the non-appropriation clause inserted in the agreement. The funds would be appropriated each year by the Board. Board enters into contract expecting to need phone service for the next five years and the Board makes the appropriation each year.

Mr. Brown said if it is a better system for less money then he was in favor of it.

Mr. DePue, noting that long distance calls can be traced in the new phone system, said he thinks it is important that large organizations have this capability to control costs.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

AUTHORIZATION FOR NEW TELEPHONE SYSTEM

WHEREAS, the Jarvis Contract for internal telephone service to the Government Center, Buildings A, B, and C, expires December 31, 1984; and

WHEREAS, a new telephone system will be required for the Human Services Facility now under construction; and

WHEREAS, the County desires to improve its telephone system and has solicited proposals for telephone systems to serve both the Government Center and the Human Services Facility; and

WHEREAS, a thorough review of all proposals received resulted in the proposal by CONTEL being the top rated;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby authorize the County Administrator to enter into two contracts with Contel Service Corporation for telephone systems for the Government Center and the Human Services Facility contingent upon securing an acceptable lease-purchase financing agreement.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Administrator to solicit proposals for such a lease-purchase financing agreement.

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H. BOARD REQUESTS AND DIRECTIVES

Mr. Brown said more parking spaces should be added to the parking lot behind Building C of the Government Center; the Highway Department needs to evaluate adding a right turn lane on Mounts Bay Road where it exists onto Route 199; requests from citizens for traffic signals on Route 60 approaching from both directions the Grove Fire Station; and someone from Roberts District will represent him and the other Supervisors if they wish at a March of Dimes event.

Mr. Taylor and Mr. Mahone said they had received complaints about emergency vehicles leaving Fire Station #3 and motorists not having sufficient warning.

Mr. Mahone suggested Mr. Drumwright of the Transit Department be contacted first since he had approached the Highway Department before about installing lights at Fire Station #3.

Mr. Mahone said Jamestown Road residents had concerns about business activity in a residential area and that this activity had increased recently. He would appreciate the staff checking on a residence on zoning map (48-1), Section 5, Lot 31.

Mr. DePue requested staff to take warning that he does not think it appropriate that small businessmen should invest large sums of money for runoff analysis for permits.

Mr. Taylor agreed with Mr. DePue.

It was the consensus of the Board that the 350th Anniversary Festival of James City County at Jamestown Park was a special day for everyone. The Board commented on how well organized and planned the events were, the large turnout by the citizens, and that special thanks should go to everyone who helped make it successful.

Mr. Frank Morton requested an executive session, to discuss acquisition of real estate, at the appropriate time, pursuant to Section 2.1-344 (a)(2).

Mr. Taylor made a motion to recess into Executive Session.

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

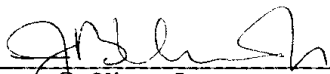
At 9:40 p.m. the Board convened into Executive Session.

At 10:03 p.m. the Board reconvened into public session.

Mr. Taylor make a motion to adjourn.

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

The meeting ADJOURNED at 10:30 p.m.



 James B. Oliver, Jr.
 Clerk to the Board

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