

AT A RECESSED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF JUNE NINETEEN HUNDRED EIGHTY-SIX AT 12:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

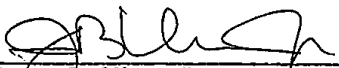
James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

It is noted that Mr. Thomas D. Mahone, Jamestown District, is absent from this meeting.

The Board of Supervisors reconvened at 12:30 p.m. at the Law Enforcement Center. Mr. Russ Lowry, Emergency Services Coordinator, provided background on the Enhanced 911 program which will be activated July 14, 1987. Jackie Carroll, Lead Dispatcher, presented an overview of the computer-aided Dispatch system which will become operational in conjunction with the Enhanced 911 system. The Board then toured the dispatch facilities for a demonstration of these two systems.

In the second half of the work session, Mrs. Victoria Gussman, Director of Planning, presented information updating development statistics since January 1985. Mrs. Gussman noted residential building permits were continuing at extremely high levels, while commercial and industrial construction appear to be lagging. Slides were showed of current development projects.

The Board recessed at 2:45 p.m.


James B. Oliver, Jr.
Clerk

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 16TH DAY OF JUNE NINETEEN HUNDRED EIGHTY-SIX AT 3:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

B. MINUTES - June 2, 1986 - Regular Meeting

Mr. Mahone made a motion to approve the minutes as presented.

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

C. PRESENTATION - Division of Forestry

Mr. Gene Augsburger, Forestry Administrator, expressed appreciation to the County for its cooperation and efforts in achieving a strong working relationship with the Forestry Division; particularly, the Fire Department, Sheriff's Department, Police Department, Planning Department, Treasurer, and the School Administration. Mr. Augsburger presented the Board with two forestry publications which outline strategies for the Division of Forestry.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer, reported road improvements on John Tyler Highway by St. George's Hundred and First Colony would be advertised for bids in July.

Mr. Brown asked Mr. Hall to check the triggering device on the traffic light at the intersection of Route 199 and Mounts Bay Road. Mr. Brown also requested Mr. Hall to check into the feasibility of placing a right turn lane off Mounts Bay Road onto Route 199.

Mr. Taylor inquired if the speed limit had been evaluated in Woodland Farms.

Mr. Hall responded that a study has been conducted and a recommendation for 35mph was sent to the Highway Board in Richmond.

Mr. Taylor commended the Highway Department for the method used in cleaning the ditches on Racefield Drive.

Mr. Mahone requested the Highway Department research the weight limitation over the dam on Lake Powell Road and consider whether it should be changed.

Mr. Edwards inquired if the Highway Department receives updates on traffic counts.

Mr. Hall responded that a publication on primary roads is received annually and a publication on secondary roads is received bi-annually.

Mr. Mahone requested that the Planning Department receive these two publications.

E. PUBLIC HEARINGS

1. Case No. SUP-17-86. Roy B. Richardson

The Planning Department recommends approval of the application subject to five conditions.

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

Mr. DePue made a motion to approve the application.

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

RESOLUTION

Case No. SUP-17-86. Roy B. Richardson

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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:	Roy B. Richardson
Real Estate Tax Map ID:	(35-2)
Parcel No.	(1-6)
Address:	2651 Jolly Pond Road
District:	Powhatan
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

Further Conditions:	The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
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The number of bedrooms shall not exceed three.

An all-weather surfaced driveway shall be constructed within 30 days of placement of the mobile home on the property. The driveway shall

be maintained accessible to emergency vehicles at all times.

The mobile home shall be removed from the property within 30 days of the issuance of a Certificate of Occupancy for any house constructed on the property.

Landscaping shall be provided in accordance with a landscaping plan on file in the Planning Department. All plant materials shall be installed by the end of the first available growing season following placement of the mobile home on the property, shall be maintained in a healthy growing condition, and shall be replaced when necessary.

2. Case No. SUP-19-86. Dennis Hill

The Planning Department recommends approval of the application subject to five conditions.

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

Mr. Taylor made a motion to approve the application.

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

RESOLUTION

Case No. SUP-19-86. Dennis R. Hill

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special 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:	Dennis R. Hill
Real Estate Tax Map ID:	(22-2)
Parcel No.	(1-66)
Address:	3271 Chickahominy Road
District:	Stonehouse
Zoning:	A-1, General Agricultural
Permit Term:	This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit

is not exercised it shall become void one year from the date of approval.

Further Conditions:

The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

The number of bedrooms shall not exceed three.

An all-weather surfaced driveway shall be constructed within 30 days of placement of the mobile home on the property. The driveway shall be maintained accessible to emergency vehicles at all times.

The mobile home shall be removed from the property within 30 days of the issuance of a Certificate of Occupancy for any house constructed on the property.

Landscaping in accordance with the plan on file in the Planning Department shall be installed by the end of the first available growing season after placement of the mobile home on the property, maintained in a healthy growing condition, and replaced when necessary.

3. Land Acquisition - Alabama Company

Mr. Frank Morton noted that the last paragraph on Page 2 of the Ordinance should be corrected to read 50 feet and not 40 feet. Mr. Morton stated the Board authorized by emergency ordinance acquisition of certain properties owned by Alabama Company on April 30, 1986, and this was the required public hearing. Mr. Morton requested the Board adopt the ordinance.

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

Mr. Brown made a motion to approve the ordinance.

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

F. CONSENT CALENDAR

Mr. Brown asked Board members if they wished to remove any items from the Consent Calendar.

Mr. John McDonald, Director of Financial and Management Services, requested the Board remove #F-5.

It was the consensus of the Board to remove #F-5.

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

1. Quitclaim Deed - Route 199 Water LineRESOLUTIONQuitclaim Deed - Route 199 Water Line

WHEREAS, on November 4, 1985 the County of James City and the City of Newport News reached an agreement in conveying the Route 199 water line from the City to the County; and

WHEREAS, on April 3, 1986 the City recorded a Quitclaim Deed which grants, quitclaims and conveys all interest in said water line from the City to the County;

WHEREAS, it is the desire of the County to convey all interest in said water line from the County to the James City Service Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that it hereby authorizes the Chairman and Clerk to execute that certain Quitclaim Deed dated May 5, 1986 which grants, quitclaims and conveys all interest in the Route 199 water line to the James City Service Authority.

2. Return of Right-of-Way on Moses Lane to GrantorsRESOLUTIONReturn of Right-Of-Way on Moses Lane to Grantors

WHEREAS, the Board of Supervisors of James City County authorized acquisition of certain real property for construction, altering, maintaining and repairing a roadway in James City County, Virginia known as Moses Lane; and

WHEREAS, certain real property has been acquired by Deed and Certificate of Deposit for improvements to Moses Lane; and

WHEREAS, the residents of Moses Lane have expressed a desire in public hearing not to have Moses Lane improved and accepted into the secondary system of state highways; and

WHEREAS, the Board of Supervisors of James City County desires to return certain real property acquired for Moses Lane improvements to the Grantors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia does hereby authorize the execution of a certain deed conveying a 366.93± square foot parcel of land to Hattie Lee Thomas, being the same parcel as that conveyed to the County of James City from Hattie Lee Thomas by Deed dated March 5, 1986 and recorded in Deed Book 299, Page 614.

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby authorize the withdrawal without prejudice of that certain Certificate of Deposit dated February 11, 1986 against the land of Robert Roberts, Sr. and recorded in Deed Book 295, Page 400.

3. Wright's Island Agricultural and Forestal District ApplicationRESOLUTIONEstablishment of Agricultural and Forestal Districts Advisory Committee

WHEREAS, Section 15.1-1510 of the Code of Virginia mandates, upon receipt of an application for an agricultural and forestal district, the establishment of an advisory committee to advise the local

governing body and Planning Commission on the establishment, modification, and termination of agricultural and forestal districts; and

WHEREAS, application has been made to the Board of Supervisors for the creation of an agricultural and forestal district in James City County.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County does hereby establish an Agricultural and Forestal Districts Advisory Committee.

BE IT FURTHER RESOLVED that such a Committee shall consist of four landowners who are actively farming, four other freeholders of James City County, and a member of the Board of Supervisors. Committee members shall be appointed by and serve at the pleasure of the Board of Supervisors.

RESOLUTION

Referral of Applications for Agricultural and Forestal Districts

WHEREAS, Section 15.1-1511, paragraph (B) of the Code of Virginia requires local governing bodies, upon receipt of an application for an agricultural and forestal district, refer such application to the Planning Commission; and

WHEREAS, the Board of Supervisors of James City County has received an application for an agricultural and forestal district on Wright Island in James City County.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County does hereby refer the application for an agricultural and forestal district on Wright Island to the James City County Planning Commission for public notice required by Section 15.1-1511, paragraph (B) of the Code of Virginia.

BE IT FURTHER RESOLVED all subsequent applications for agricultural and forestal districts shall be automatically referred to the James City County Planning Commission for required notice.

4. Emergency Ordinance - Driving While Intoxicated and Traffic Enforcement
6. Grant Awards - Transit Safety Commission

RESOLUTION

Appropriation for Selective DWI Enforcement And Safety Belt Promotion

WHEREAS, James City County has been awarded grant funds from the Department of Motor Vehicles for Selective DWI Enforcement and Safety Belt Promotion.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby appropriates said grant funds and their expenditures as follows:

Revenues From Federal Government:

Selective DWI Enforcement	+\$1,008
Safety Belt Promotion	+1,200
	<u>\$ 2,208</u>

Expenditures - Transportation Safety

Personnel Expenses - DWI	\$ 1,008
Promotional Materials - Safety	1,200
Belt Promotion	\$ 2,208

7. Set Public Hearing Date of July 21, 1986 for Forestal and Agricultural District Filing Date
8. FY87 Budget - Compensation Board Adjustments

RESOLUTIONAmendment to the FY1987 Budget

WHEREAS, the State Compensation Board has provided evidence of approval for the budgets of the County's constitutional officers, which differ from those submitted by the Constitutional Officers; and

WHEREAS, a budget amendment is necessary to recognize those differences.

NOW, THEREFORE, BE IT RESOLVED that the following adjustments be made in the FY1987 Budget and that the County Administrator be authorized to assist any Constitutional Officer in an appeal to the Compensation Board:

Revenues - Due from Commonwealth:	
Commissioner of Revenue	\$(2,551)
Treasurer	9,006
Commonwealth Attorney	(14,204)
Sheriff	7,328
	\$(421)

Expenditures:	
Clerk of Circuit Court	\$(16,413)
Treasurer	11,040
Contingency	4,952
	\$(421)

5. Utility Billing and Collection

Mr. John McDonald, Director of Financial and Management Services, stated the County Treasurer has made a request to have water and wastewater payments remitted weekly instead of monthly.

Mr. Brown made a motion to amend the Collection of Payments in Sanitary District No. 2 resolution by substituting weekly for monthly.

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

RESOLUTIONCollection of Payments in Sanitary District No. 2

WHEREAS, the James City Service Authority (Authority) currently bills for water and wastewater services in all areas served by public water and sewer, to include Sanitary District No. 2; and

WHEREAS, the Authority will, as of July 1, 1986, be responsible for the collection and deposit of all payments rendered for water and wastewater service provided by the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby authorizes, subject to the approval of the County Treasurer, the James City Service Authority or its agents to collect payments for water and wastewater services

provided within Sanitary District No. 2, beginning July 1, 1986, and remit those payments weekly to the County Treasurer.

BE IT FURTHER RESOLVED that the County Treasurer be authorized and requested to assure that the collection and remittance procedures established by the Authority are adequate and appropriate for the collection of funds for services provided by Sanitary District No. 2, to include designating an Authority employee as a Deputy Treasurer, should it be necessary.

RESOLUTION

Utility Bank Accounts

WHEREAS, the acceptance of payment for water and wastewater billings has been previously delegated to the County Treasurer; and

WHEREAS, the collection and deposit of these payments has previously been made to accounts established by the Board of Supervisors; and

WHEREAS, as of July 1, 1986 the Board of Directors of the James City Service Authority will assume the responsibility for collection, deposit, and disbursement of these funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia authorize the County Treasurer to transfer the following County bank accounts, together with the account balances, to the James City Service Authority on or about July 1, 1986.

Account - 202-0196-9	Sovran Bank of Williamsburg Quarterly Revenue
Account - 202-0224-0	Sovran Bank of Williamsburg Utility Deposit
Account - 96-91995	United Virginia Bank of Williamsburg Utility Deposit

G. BOARD CONSIDERATIONS

1. Virginia Municipal League Insurance Program

Staff recommends approval of the resolution. Mr. John McDonald, Director of Financial and Management Services, requested the Board set a special Board meeting for June 30, 1986, in the event that the insurance program costs exceed the estimated amount. If the premiums are at or below the estimated amount, the meeting will be cancelled.

Mr. DePue requested the County Attorney prepare a report addressing individual liability and whether it is legal to use County funds for this purpose. Mr. Brown agreed with Mr. DePue.

Mr. DePue inquired about the status of the Transit Company liability insurance.

Mr. McDonald responded that National Casualty Company did not include the County Transit Company in its quote, as they believed it to be an Authority. Mr. McDonald stated that he has notified National Casualty Company that the County Transit Company is a Corporation and requested it be included in the quote.

Mr. DePue made a motion to approve the resolution.

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

RESOLUTION**Membership in the Virginia Municipal Liability Pool**

WHEREAS, the County of James City wishes to join with other political subdivisions to establish the Virginia Municipal Self-Insurance Association ("Association") to create pools to jointly and cooperatively self-insure and to pool the separate risks and liabilities of the individual members pursuant to the terms of Chapter 11.1 of Title 15.1 of the Code of Virginia; and

WHEREAS, through such Association, the County of James City wishes to join with other political subdivisions to create the Virginia Municipal Liability Pool ("Pool") whereby members can jointly pool funds to provide the necessary anticipated financing for comprehensive general liability, automobile liability, and automobile physical damage; and

WHEREAS, such Pool must be, and is anticipated to be, licensed by the Bureau of Insurance of the State Corporation Commission ("Commission") prior to operating; and

WHEREAS, the anticipated responsibilities of the members of the Pool and the amount and terms of the coverage to be provided are set forth in the Member Agreement which is attached hereto.

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

1. The County of James City certifies its intention to become a member of such Pool for three years beginning July 1, 1986 or as soon thereafter as the Pool becomes operational, and this statement of intention shall include the James City Service Authority, the James City County Transit Company, and other associated and related agencies.
2. Such membership is contingent upon:
 - a. Certification of the Pool by the Commission,
 - b. Final approval by the Association's Members' Supervisory Board of the Member Agreement attached hereto and of the membership of the County of James City,
 - c. Payment not to exceed \$321,300 for the first year contribution to the Pool pursuant to the quotation to be submitted to the County of James City or such final amount as mutually agreed upon by the member and the Association or their respective designees. The Chairman of the Board of Supervisors shall be authorized to execute said agreement, should the payment exceed \$321,300, the Board of Supervisors shall meet in Special Session to consider the proposal.
3. It is recognized that members of the Pool may be required to pay additional assessments to the Pool and that in the event the Pool is in a deficit position which is not corrected, a member will be liable for any and all unpaid claims against such member.
4. The Chairman of the Board of Supervisors and the County Administrator are authorized to do all things necessary to enable the County of James City to become a member of the Association and the Pool including but not limited to execution of the Member Agreement.

H. PUBLIC AUDIENCE - None

L. REPORTS OF THE COUNTY ADMINISTRATOR

1. Williamsburg Community Hospital Capital Improvement
Program Request

Mr. Oliver noted that Mr. Kenneth Axtell, President, Williamsburg Community Hospital, was available to answer any questions the Board may have regarding the Williamsburg Community Hospital Capital Improvement Program request.

Mr. DePue inquired where the Hospital would get funds if the fund drives fail to raise \$2.5 million.

Mr. Axtell responded that funds will be used from the hospital reserves and a low interest loan from the Virginia Hospital Association.

Mr. Edwards asked Mr. Axtell to elaborate on the obstetrical unit.

Mr. Axtell responded that as a result of the more modern birthing concept, the hospital stay will be shortened, which will increase the unit's use.

Mr. Brown asked Mr. Axtell to comment on the future of Williamsburg Community Hospital.

Mr. Axtell responded the Hospital Board is in the process of formulating a plan to cover the next five years and has stated that the hospital will remain a free standing hospital. Mr. Axtell stated that he believes the hospital meets the needs of the community and if it is determined that a bill cannot be collected, it is written off. Mr. Axtell encouraged the Board to consider a donation to the Capital Improvement Program.

Mr. DePue stated he would support donating \$100,000 over a five-year period.

It was the consensus of the Board to have staff prepare a resolution supporting a \$100,000 donation over a five-year period to the Williamsburg Community Hospital Capital Improvement Program.

Mr. Mahone stated he feels it is not appropriate to spend County tax money on this project.

Mr. Oliver reported the Chamber of Commerce recommends Robert Ware, District Manager, Virginia Power, to be appointed to the Private Industry Council.

Mr. Brown made a motion to nominate Mr. Robert Ware to the Private Industry Council of the Greater Peninsula Job Training Consortium.

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

J. BOARD REQUESTS AND DIRECTIVES

Mr. Brown read Chapter 11 of the Virginia State Code, stating that Fireworks in the State of Virginia is illegal, unless a County permit is obtained.

Mr. Mahone made an apology to the Board and the public for what he termed as a poorly stated comment regarding drunk drivers that he made at the last Board meeting.

Mr. DePue commended the Police Department on their stricter enforcement of DWI's.

Mr. DePue referenced a letter from Mr. C. A. Nash, Jr., to Mr. H. N. Shaver indicating that the Suffolk District Department of Highways recommends the alignment of Route 199 supported by the Board and the community. Mr. DePue extended his appreciation to everyone who gave their support.

Mr. Edwards suggested that the County hire a temporary part-time employee to advise citizens on how to form agricultural and forestal districts.

Mr. Taylor stated that he feels most of the participants in the current land use program will not participate in the forestal and agricultural

district program if they need to join with other property owners to make a district. Mr. Taylor further stated that if someone is hired, they should be employed for only 60 days.

Mr. Carlyle Ford, Commissioner of Revenue, stated he has made himself available to anyone seeking information on forestal and agricultural districts. Mr. Ford further stated that he feels if he is given part-time help, he will be able to inform all current land use program participants of the requirements of a forestal and agricultural district application and of landowners with whom they might form a district.

Mr. DePue and Mr. Brown stated they would support hiring a temporary part-time employee. Mr. DePue further stated that those who do not want to participate in the program won't, but at least they will be well informed about the program. Mr. DePue reminded the public that the Board intends to move for legislation to lower the acreage requirement of 500 acres.

It was the consensus of the Board to have staff prepare a recommendation on hiring a temporary part-time employee to advise citizens on forestal and agricultural districts.

Mr. Brown made a motion 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.

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

The meeting convened into Executive Session at 4:48 p.m. and reconvened into public session at 6:00 p.m.


Mr. Brown made a motion to nominate Mr. Michael DiFulgo to the Williamsburg Regional Library Board.

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

Mr. DePue made a motion to recess until June 30, 1986, at 5:00 p.m.

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

The Board recessed at 6:04 p.m.


James B. Oliver, Jr.
Clerk to the Board

ORDINANCE NO. 159

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF CERTAIN REAL PROPERTY IN JAMES CITY COUNTY, VIRGINIA, ALL AS SHOWN ON A PLAT ATTACHED HERETO FOR PUBLIC PURPOSES AND FOR CONSTRUCTING AND EXPANDING THE WATER SUPPLY SYSTEM OWNED BY JAMES CITY COUNTY, VIRGINIA.

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described, in James City County, Virginia, as shown on a plat attached hereto, for construction and expansion of the water supply system owned by James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, James City County, Virginia hereby ordains:

Section 1. That the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the Code of Virginia, 1950, as amended, and by Title 33.1, Chapter 1, Article 7 of the Code of Virginia, 1950, as amended, certain real property in James City County, Virginia, and shown on a plat attached hereto, together with all rights appurtenant thereto, for public purposes and for constructing and expanding the water supply system owned by the County of James City, the said property and ownership being more particularly described in Section 3 of this Ordinance.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner

of the property upon the compensation and damages, if any, to be paid within limit of the funds provided as set out in Section 4 of this Ordinance, which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Ordinance together with a substantial description of the parcel is as follows:

Alabama Company, a Virginia Limited Partnership

33.37 acres of land, more or less, in James City County, Virginia, shown as "PARCEL A - AREA WITHIN 50 FT. CONTOUR LINE: 33.37 ACRES" on a plat entitled "PLAT OF SURVEY, SHOWING PROPERTY OWNED BY ALABAMA COMPANY TO BE CONVEYED TO JAMES CITY COUNTY, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA" prepared by G. T. Wilson, Jr., Certified Land Surveyor of Buchart-Horn, Inc. dated 1/10/86, revised 3/27/86.

Together with a perpetual easement for the protection of a public water supply reservoir, over and upon the following described property:

79.72 acres of land, more or less, in James City County, Virginia, shown as "PARCEL B - AREA WITHIN 200' SETBACK LINE: 60.99 ACRES" and "PARCELS C, D, E, F, G & H - AREA WITHIN 100' SETBACK LINE: 18.73 ACRES" on a plat entitled "PLAT OF SURVEY, SHOWING PROPERTY OWNED BY ALABAMA COMPANY TO BE CONVEYED TO JAMES CITY COUNTY, STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA" prepared by G. T. Wilson, Jr., Certified Land Surveyor of Buchart-Horn, Inc. dated 1/10/86, revised 3/27/86.

This easement shall include (a) the right to inundate the land within the easement to an elevation of FORTY FEET above Mean Sea Level with backwaters caused by the construction of any future dam or other improvements on Ware Creek or any of its tributaries, (b) the right to clear, destroy, remove and dispose of any timber, undergrowth, brush, stumps, debris, trash, filth, or any other matter lying at or below the forty foot elevation contour, provided that the Landowners shall be given a reasonable opportunity to remove any merchantable timber prior to such clearing, (c) the right to clear, destroy, remove and dispose of any timber, undergrowth, brush, stumps, debris, trash, filth, or other matter lying within the easement which would adversely affect the quality of any public water supply reservoir, provided that the Landowners shall be given a reasonable opportunity to remove any merchantable timber prior to such clearing, (d) the right to construct within the

easement sediment and/or erosion control basins, structures or other devices as necessary to control run-off into any public water supply reservoir, (e) a right of access over the lands within the easement for access to any public water supply reservoir and run-off control devices for the purpose of inspecting, operating, maintaining and protecting the same.

Within the easement the Landowners, their successors, heirs and assigns, shall be prohibited from (a) storing or producing any hazardous wastes as defined in Section 32.1-177 of the Code of Virginia, 1950, as amended, (b) storing any hazardous substances in reportable quantities as listed in 44 Federal Register 50777, et seq., (1979), (c) storing bulk quantities of petroleum or asphalt products or compounds, (d) conducting commercial livestock feeding operations, (e) applying any industrial wastes to the land, (f) constructing any permanent structure other than those expressly permitted by the terms of this document, (g) constructing or locating any temporary structure to be used for the housing of humans, animals, fowl, fish or reptiles, (h) constructing any septic tanks, drainfields, sewer lines or sewage treatment devices, (i) applying fertilizers, herbicides or pesticides except in accordance with plans approved by the County, (j) temporarily or permanently removing the vegetation cover or timber by cultivation, burning, clearing, cutting or any other means except in accordance with plans approved by the County which shall not be unreasonably withheld provided the plan provides for the prompt revegetation of the land in a manner that will not increase sediment runoff into any public water supply reservoir, (l) permitting public or commercial access to the reservoir, (m) using the land in any manner or for any purpose which would pollute any public water supply reservoir.

There is expressly reserved by the Landowners, their successors and assigns, the rights to (a) construct drainage, sediment and erosion control devices or structures within the easement in accordance with plans approved by the County, (b) fence their lands within the easement subject to the rights of access and rights to clear and inundate to the forty foot elevation contour granted above, (c) construct and maintain all weather surface driveways over the easement from the public highway to each lot which may be subdivided from the Landowners' property, and (d) enjoy the use and possession of the lands within the easement for all purposes not inconsistent with nor in conflict with other provisions of this document.

Section 4. The funds estimated as necessary to compensate the owner of the above-described parcel for land and damages, if any, within the limits of which the County Administrator is authorized to agree with them is Seventy

Four Thousand Nine Hundred and no/100 Dollars (\$74,900.00).

Section 5. The County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. shall notify the property owner of the compensation and damages offered by the County forthwith on or before May 15, 1986.

Section 6. That in the event any of the property described in Section 3 of this Ordinance has been conveyed, the County Attorney and/or the law firm of Anderson, Emmett & Franck, P.C. are authorized and directed to institute proceedings against successors in title.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of state law; and Section 11-28, Adoption of state law, generally.

Chapter 11. Motor Vehicles and Traffic

Article I. In General

Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.1 of the Code of Virginia, as amended, and in force on July 1, 1985 1986, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to

the highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.1 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.1 of the Code of Virginia. (~~11-25-74, Ord. No. 66A-11, 8-8-83~~)

Article II. Driving Automobiles, etc., While Intoxicated or Under the
Influence of any Drug

Section 11-28. Adoption of state law, generally.

Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1985 1986, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section. (~~Ord. No. 66A-15, 6-10-85~~)

AN EMERGENCY IS HEREBY DECLARED TO EXIST, AND THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT JULY 1, 1986.

THIS QUITCLAIM DEED made this 5th day of May, 1986, by and between JAMES CITY COUNTY, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as GRANTOR, party of the first part, and the JAMES CITY SERVICE AUTHORITY, created by the County of James City, Virginia, organized and existing under the laws of the Commonwealth of Virginia, hereinafter referred to as GRANTEE, party of the second part:

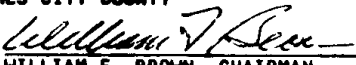
WITNESSETH: that for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and for other good and valuable considerations the receipt of which is hereby acknowledged at and before the signing, sealing and delivery of this Deed, the said GRANTOR does hereby GRANT, QUITCLAIM and CONVEY, unto the said GRANTEE all its right, title, and interest in and to the herein after described property:

Beginning at a point where the centerline of Mounts Bay Road intersects the twenty (20) inch treated water pipeline located within the right-of-way of Route 199 in James City County, as shown on the plat entitled, "Point of Beginning for Transfer of Water Pipeline from City of Newport News to James City County" dated August 16, 1985, and revised March 4, 1986, which said plat is attached hereto and made a part hereof, and from the aforementioned point of beginning, in a westerly and northerly direction along the said water pipeline to the terminus thereof, together with all easements appurtenant thereto and all equipment and facilities appurtenant thereto including, but not limited to, all pipeline, meters, gauges and fire hydrants.

Being the same property as that conveyed to the Grantor by Quitclaim Deed dated March 12, 1986 and recorded in Deed Book 299, Page 43.

WITNESS the following signatures and seals:

JAMES CITY COUNTY

BY  (SEAL)
WILLIAM F. BROWN, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:  (SEAL)
JAMES B. OLIVER, JR., CLERK
TO BOARD OF SUPERVISORS

THIS DEED made this 27th day of May, 1986, by and between the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as GRANTOR, party of the first part, and HATTIE LEE THOMAS, divorced, formerly HATTIE LEE KEARNEY, hereinafter referred to as GRANTEE, party of the second part:

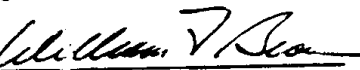
WITNESSETH: that for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and for other good and valuable considerations the receipt of which is hereby acknowledged at and before the signing, sealing and delivery of this Deed, the said GRANTOR does hereby GRANT, BARGAIN, CONVEY and SELL, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said GRANTEE, the following described property, to-wit:

All that certain lot piece or parcel of land lying and situate in Roberts District, James City County, Virginia, shown and designated as: Parcel "C" (area = 366.93 sq. ft.) on that certain plat entitled: PLAT OF SURVEY, Portions of Kearney Subdivision on Moses Lane, made by: Buchart-Horn, Inc., Consulting Engineers and Planners, dated March 6, 1986, which said plat is recorded in James City County Plat Book 42, Page 37, for a more complete description of the property herein conveyed.

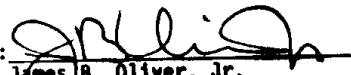
Being a portion of the same property as that conveyed to the Grantor by Deed dated March 5, 1986 and recorded in Deed Book 299, Page 614.

WITNESS the following signatures and seals:

THE COUNTY OF JAMES CITY, a Political
Subdivision in the Commonwealth of
Virginia

BY:  (SEAL)
William F. Brown
Chairman, Board of Supervisors

ATTEST:

BY:  (SEAL)
James B. Oliver, Jr.
Clerk to the Board of Supervisors