

172 AT A WORK SESSION AND REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 15TH DAY OF MARCH, NINETEEN HUNDRED NINETY-THREE, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Judith N. Knudson, Chairman, Jamestown District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
David L. Sisk, Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION - Nonemergency Transports

Mr. David B. Norman, County Administrator, introduced Mr. Richard Miller, Fire Chief, who described emergency transports, nonemergency transports, the impact on response time and costs associated with both transports. Staff recommended that the Board consider: recruiting private ambulance service to handle nonemergency transports, with a start-up date of July 1, 1993, referral of all requests for nonemergency transport to private company; and, conducting a public education program to make citizens aware of change in service.

Ms. Knudson made a motion to go into executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with legal and staff members on a specific legal matter involving litigation, at 6:10 p.m.

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

Ms. Knudson reconvened the Board into open session and made a motion to approve the executive session resolution.

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

R E S O L U T I O N

MEETING DATE: March 15, 1993

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Ms. Knudson declared a recess for dinner at 6:30 p.m.

Ms. Knudson reconvened the Board at 7:05 p.m.

**C. MINUTES - March 1, 1993, Regular Meeting
March 2, 1993, Special Meeting**

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

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

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

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Williamsburg Resident Engineer, Virginia Department of Transportation, reported on upcoming projects in the Centerville/Jolly Pond/News Road area for this year.

Mr. Sisk requested improvement of signs on Route 60 at entrance ramp to 199 East designating left-turn lane to Interstate 64.

Ms. Knudson asked that potholes be repaired at the entrance to the Rolling Woods Subdivision and by the new pump station in Kingspoint subdivision. She once again asked about cleaning out culverts on Smokehouse Lane and delineation of entrance to Colony Square Shopping Center.

Mr. Elliott responded that he would review the requests.

Mr. Taylor asked that Department of Transportation employees look for and cut down dead trees when seen near State roadways.

Mr. Elliott stated that he would inform employees of that request.

E. CONSENT CALENDAR

Ms. Knudson asked if any Board member wished to remove an item from the Consent Calendar.

Ms. Knudson made a motion to approve the Consent Calendar.

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

1. Seized Assets

R E S O L U T I O N

SEIZED ASSETS

WHEREAS, the James City County Police Department has received \$14,806 in seized assets as a result of drug-related seizures; and

WHEREAS, Federal and State law requires that these funds be used exclusively by the Police Department for the investigation of drug-related offenses; and

WHEREAS, a line item account must be established into which these funds will be deposited and from which expenditures will be made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the deposit of \$14,086 into a line item account from which the Police Department may make expenditures related to the investigation of drug-related offenses.

2. Dedication of Streets in Berkeley's Green, Sections 3 and 4

R E S O L U T I O N

DEDICATION OF STREETS IN BERKELEY'S GREEN, SECTIONS 3 AND 4

WHEREAS, the following roads in Berkeley's Green, Sections 3 and 4 are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County and have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of Highways; and

WHEREAS, the Board of Supervisors desires certain roads in Berkeley's Green, Sections 3 and 4 to be included in the State Secondary Highway System; and

WHEREAS, the Virginia Department of Transportation's Resident Engineer for James City County has inspected these roads and found them acceptable for maintenance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following roads in Berkeley's Green, Sections 3 and 4, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Berkeley's Green, 60-foot right-of-way
From: Route 1310 (Berkeley's Green)
To: Intersection of Southport Trail
Distance: 945 feet (0.18 mile)
2. Southport Trail, 50-foot right-of-way
From: Berkeley's Green
To: End of cul-de-sac
Distance: 1,335 feet (0.25 mile)
3. Camrose Drive, 50-foot right-of-way
From: Southport Trail
To: End of cul-de-sac
Distance: 409 feet (0.08 mile)
4. Stanford Place, 50-foot right-of-way
From: Southport Trail
To: End of cul-de-sac
Distance: 227 feet (0.04 mile)
5. West Tiverton, 50-foot right-of-way
From: Southport Trail
To: End of cul-de-sac
Distance: 258 feet (0.05 mile)
6. East Tiverton, 50-foot right-of-way
From: Southport Trail
To: End of cul-de-sac
Distance: 505 feet (0.10 mile)
7. Camden Circle, 50-foot right-of-way
From: Southport Trail
To: End of cul-de-sac
Distance: 253 feet (0.05 mile)
8. Ashley Way, 50-foot right-of-way
From: East Tiverton
To: End of cul-de-sac
Distance: 250 feet (0.05 mile)

The unencumbered rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Berkeley's Green, Section 3, recorded in Plat Book 50, page 85, dated June 2, 1989; and Berkeley's Green, Section 4, recorded in Plat Book 51, page 97, dated March 2, 1990.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

E. PUBLIC HEARINGS1. Case Nos. Z-7-92 and SUP-32-92. Williamsburg Crossing Plan Amendment - Michael's Mews Associates (continued from 2/1/93)

Mr. R. Patrick Friel, Senior Planner, stated that the applicant had requested deferral of the cases until April 5, 1993, Board of Supervisors' meeting. Mr. Friel gave a brief summary that Mr. Gary Werner had applied on behalf of University Square Associates and Michael's Mews Associates for a special use permit to amend a previously approved special use permit (Case No. SUP-49-90) and accompanying Williamsburg Crossing Master Plan and to rezone approximately 13.3 acres from B-1, General Business, to MU, Mixed Use.

Staff recommended the deferral as requested.

Without objection, Ms. Knudson reopened and continued the public hearing until April 5, 1993. Board of Supervisors' meeting.

2. Ordinance to Establish Peninsula Disability Services Board, Code of Virginia, Section 51.5-47

Mr. Sanford B. Wanner, Assistant County Administrator, stated that in 1992, the General Assembly created local Disability Services Boards (DSB), which are responsible to local government and primarily serve as a critical resource for needs assessment, information sharing and service opportunities. He further stated that these boards would not provide direct services nor employ service delivery staff.

Staff recommended approval of the ordinance establishing the Peninsula Disability Services Board and authorizing execution of the Joint Exercise of Powers Agreement and a resolution appointing two members, one local official and one consumer representative to that Board.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. DePue made a motion to approve the ordinance and resolution.

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

R E S O L U T I O N**APPOINTMENTS TO PENINSULA DISABILITY SERVICES BOARD**

WHEREAS, the Peninsula Disability Services Board has been created by the Counties of York and James City, and the Cities of Hampton, Poquoson, Newport News and Williamsburg; and

WHEREAS, the Peninsula Disability Services Board has been established to serve as the local Disability Services Board for the participating jurisdictions as set forth; and

WHEREAS, said membership entitles James City County to two appointments on the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Sanford B. Wanner as its local official and Robert Gonsoulin as its Consumer Representative to serve as members of the Peninsula Disability Services Board for a three-year term commencing this date and expiring June 30, 1996.

G. BOARD CONSIDERATIONS

1. Case No. Z-5-92. Donald E. Newsom (continued from 3/1/93)

Mr. Friel stated that Mr. Donald E. Newsom had applied to rezone approximately 2.489 acres from R-2, General Residential to L-B, Limited Business, located at 7242 Merrimac Trail, further identified as Parcel (1-3) on James City County Real Estate Tax Map No. (50-2) and part of Parcel (1-19) on James City County Real Estate Tax Map No. (41-4). He further stated that this case had been deferred at the March 1, 1993, Board of Supervisors' meeting to allow time for the applicant and adjacent property owners to consider construction of a fence between the proposed business and existing residential structure.

Staff recommended approval of the case, with proffers, as the proposal is generally consistent with the Comprehensive Plan designation and surrounding development and zoning. The Planning Commission, by a 9-0 vote, recommended denial of the case for the reason that piecemeal commercial development was undesirable for the area.

Board and staff discussed Planning Commission vote regarding land use management in approval of one business rather than in a unit; one additional business driveway would be requested when business site plan was submitted; number of parking spaces are regulated by square footage of retail and outdoor sales areas; well for irrigation could be dug to a deeper aquifer by James City Service Authority regulations.

Mr. DePue made a motion to approve the resolution.

Individual Board members stated approval of rezoning would not lower adjoining property values but would improve the property and give small business an opportunity to succeed. Other Board members expressed support for the Planning Commission vote and was not in favor of a change in land use which would allow a variety of businesses less favorable than a nursery.

On a roll call, the vote was: AYE: Taylor, DePue, Sisk (3). NAY: Edwards, Knudson (2).

R E S O L U T I O N

CASE NO. Z-5-92. DONALD E. NEWSOM

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified and a hearing scheduled on Zoning Case No. Z-5-92 for rezoning approximately 2.0 acres from R-2, General Residential, to LB, Limited Business, on property identified as Parcel (1-3) on James City County Tax Map No. (50-2), and part of Parcel (1-19) on James City County Tax Map No. (41-4); and

WHEREAS, the Planning Commission of James City County properly held a public hearing to make a recommendation on Case No. Z-5-92.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-5-92, and accepts the voluntary proffers.

2. Primary Road Projects - 1993 Pre-Allocation Hearing

Mr. John T. P. Horne, Manager, Development Management, stated that the Virginia Department of Transportation pre-allocation public hearing to assist in determining priorities for funding primary, urban and interstate road projects over the next six years (FY94-99) will be held March 22, 1993.

Staff recommended approval of the resolution showing the highest priority primary highway projects in James City County.

Mr. Taylor made a motion to approve the resolution without "Initiate a nonconforming sign removal program on Route 5 a State scenic and historic route."

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

R E S O L U T I O N

HIGHEST PRIORITY HIGHWAY PROJECTS IN JAMES CITY COUNTY

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient and adequate transportation network is vital to the future of the County and the region; and

WHEREAS, the James City County Comprehensive Plan and/or regional and State transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement of traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which causes inconvenience and delay, impedes the actions of emergency vehicles and personnel, and contributes the major source of air pollution to the area; and

WHEREAS, public hearings for the corridor selection of Route 199 were successfully completed in 1979 and again in 1986, and the access point for the Grove Interchange on Interstate 64 was approved in 1979; and

WHEREAS, the Commonwealth Transportation Board has included funding for the Grove Interchange in the Six-Year Improvement Program, FY 93-98, in recognition of the need for improved traffic circulation in the vicinity of Busch Gardens and the need to provide improved access to major developing industrial and commercial areas in James City County and Newport News; and

WHEREAS, the Commonwealth Transportation Board has also recognized the tremendous traffic impacts caused by commercial development in the Lightfoot area by approving funding for the construction of Route 199 between Interstate 64 and Olde Towne Road (Route 658) and between John Tyler Highway (Route 5) and Ironbound Road (Route 615) in the FY 93-98 Six-Year Program; and

WHEREAS, the adopted Skiffe's Creek Area Development Plan, incorporated into the Comprehensive Plan of James City County, designates new roadway construction bypassing hazardous portions of Pocahontas Trail (Route 60 East) and providing access to a major future industrial area; and

WHEREAS, the Secretary of Transportation has requested lower cost interim improvements along our major roadways.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- o The design, construction and completion of Route 199 from Interstate 64 to John Tyler Highway (Route 5) as a full four-lane facility, and the widening of the existing section of Route 199 to four lanes in those areas where only two lanes presently exist.
- o The design and construction of the Grove Interchange on Interstate 64 as programmed in the adopted FY 93-98 Six-Year Improvement Program.
- o The design of an alternate alignment of Pocahontas Trail (Route 60 East) between the Anheuser-Busch access road and the Newport News city limits.
- o Interim improvements to six intersections on Pocahontas Trail (Route 60 East) by constructing turn lanes.
- o Design and construct one additional interchange as part of Route 199 construction.

Mr. Edwards made a motion to approve the non-conforming sign resolution.

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

R E S O L U T I O N

NONCONFORMING SIGN REMOVAL - ROUTE 5

WHEREAS, the James City County Board of Supervisors believes that an attractive and scenic corridor along State Route 5 is in the best interests of the citizens of the County; and

WHEREAS, removal of off-site nonconforming signs along the roadway would contribute to the scenic attributes of Route 5.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board supports the funding and implementation by VDOT of the program to remove nonconforming signs on Route 5 through Enhancement Funds in FY 94.

G. PUBLIC COMMENT

1. Mr. M. L. McCarty, 1732 Persimmon Place, briefly described the Court Appointed Special Advocate (CASA) program and asked the Board to consider support for that group in the upcoming budget decisions.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

I. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk reported that the James City Service Authority meeting held at 1:00 p.m. was well attended and several citizens spoke in favor of the introduction of a disinfectant into the water system. He encouraged the community to watch the rebroadcast of that meeting during the next 7-10 days on Government Cable Channel 38.

Mr. Taylor commented that, for personal reasons, he would not attend the April 5, 1993, Board of Supervisors' meeting.

Regional Raw Water Study Group

Ms. Knudson read the resolution and made a motion to approve the resolution.

Mr. Edwards emphasized the County's interest in continued regional cooperation.

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

R E S O L U T I O N

REGIONAL RAW WATER STUDY GROUP

WHEREAS, James City County joined the Regional Raw Water Study Group in an effort to search for regional solutions to meeting water needs; and

WHEREAS, unilateral decisions by the City of Newport News have compromised the intent of the group; and

WHEREAS, James City County's continued membership no longer serves a regional interest nor the residents of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to notify the members of the Regional Raw Water Study Group of the withdrawal of James City County from the group.

Ms. Knudson made a motion to adjourn.

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

The Board adjourned at 7:45 p.m.



David B. Norman
Clerk to the Board

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MAR 15 1993

ORDINANCE NO. 188

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO ESTABLISH THE PENINSULA DISABILITY SERVICES BOARD AND TO AUTHORIZE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT.

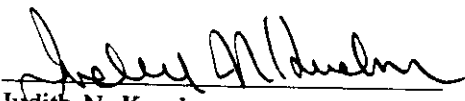
WHEREAS, Section 51.5-47 of the Code of Virginia provides for the establishment of a local disability services board for the purposes of providing input to state agencies on service needs and priorities of persons with physical and sensory disabilities, of providing information and resource referrals to local governments regarding the Americans with Disabilities Act, and performing other related tasks; and

WHEREAS, it is the desire of the Board of Supervisors of the County of James City, Virginia, to establish a regional disability services board, with the intent of implementing the provisions of Section 51.5-47 of the Code of Virginia.


NOW, THEREFORE, BE IT ORDAINED this 15th day of March 1993, that there be established by the Board of Supervisors of the County of James City, Virginia, in conjunction with the governing bodies of York County and the Cities of Hampton, Newport News, Poquoson and Williamsburg, Virginia, the Peninsula Disability Services Board, to be composed of fifteen members, who shall be appointed by the governing bodies of the respective participating jurisdictions, in accordance with the provisions of a Joint Exercise of Powers Agreement for Creation of the Peninsula Disability Services Board.

Ordinance to Establish the Peninsula Disability Service Board
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BE IT FURTHER ORDAINED that the County Administrator be, and he is hereby, authorized to execute on behalf of the County of James City, a Joint Exercise of Powers Agreement for Creation of the Peninsula Disability Services Board substantially in accordance with that attached hereto, and any necessary agreement, contracts or other documents required for the purposes of participation in the Peninsula Disability Services Board, provided that all such documents shall be approved as to form by the County Attorney.


Judith N. Knudson
Chairman, Board of Supervisors

ATTEST:


David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 15th day of March, 1993.

PDSB393.ord

**Joint Exercise of Powers
Agreement for Creation of the
Peninsula Disability Services Board**

There is hereby created on the ____ day of _____ 1993, by the Counties of York and James City, and the Cities of Hampton, Poquoson, Newport News and Williamsburg, Virginia, the Peninsula Disability Services Board, which shall exist under and be subject to the terms and conditions of this Agreement, and shall be deemed to constitute that Agreement required by Section 15.1-21, Code of Virginia, as amended, for the Joint Exercise of the Powers of participating local governments.

Section I. Duration

A. The Peninsula Disability Services Board (the "Board") and this Agreement shall exist in perpetuity, subject, however, to dissolution at any time by agreement of the governing bodies of the participants therein. In the event the governing body of any participating jurisdiction desires to withdraw, it may do so provided it has given ninety days notice to each of the participating jurisdictions. Such notice shall be in writing.

Section II. Purpose

The purposes for which the Board is created are:

A. To serve as the local disability services board for the participating jurisdictions as specified in Section 51.5-47 through 51.5-52 of the Code of Virginia, and as provided for in the Guidelines for the Establishment of Local Disability Services Boards developed by the Commonwealth of Virginia Disability Services Council.

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B. To provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities residing within the participating jurisdictions;

C. To provide information and resource referral to the participating local governments regarding the Americans with Disabilities Act;

D. To provide such other assistance and advice to the participating local governments as may be requested.

Section III. Manner of Financing

A. Staff support will be provided by the Commonwealth of Virginia Department of Rehabilitative Services with appropriate consultation from the Department for the Visually Handicapped and the Department for the Deaf and Hard-of-Hearing. Localities participating in this agreement may provide supplemental staff support to the Board to be financed by those participating localities, as may be authorized by their respective City Managers and/or County Administrators. All expenses deemed necessary and agreed to by participating localities shall be shared on a per capita basis among the participating localities.

B. Board expenditures will be reimbursed by the Commonwealth to the extent of general fund appropriations. Such appropriations for the support of disability services boards will be administered through the Commonwealth of Virginia Department of Rehabilitative Services.

C. As specified in Section 51.5-50 of the Code, incentive funds may /be appropriated by the General Assembly and administered in accordance with guidelines established by the Disability Services council. The authority and responsibilities regarding incentive funds of the Council, Department of Rehabilitative Services, disability services boards and local jurisdictions are addressed in Section 51.5-48 (6) and (7) through 51.5-51 of the Code. Establishment and use of incentive funds by the Board will be within these specified parameters.

D. As specified in Section 51.5-49 (B)(2) of the Code, the Disability Services Council shall develop a grant allocation system which requires a local match and annual guidelines for the grant applications for the state rehabilitative services incentive fund. The local match may be either public or private funds, or a combination, but in-kind contributions shall not be considered in the local match unless specifically approved by the Council. The Department of Rehabilitative Services shall distribute the guidelines to the Board annually.

E. As specified in Section 51.5-50 (A) of the Code, a state rehabilitative services incentive fund shall be established in and administered by the Department of Rehabilitative Services to meet programmatic and individual recipient needs not otherwise met through existing federal, state, or local programs, and to develop community programs to meet the needs of persons with physical and sensory disabilities. If the board elects to apply for a grant from the fund, it shall submit its grant proposal to the Department. The Department is authorized to make grants for programs and service for persons with physical and sensory disabilities to boards whose grant applications comply with the guidelines developed by the Disability Services Council.

F. As specified in Section 51.5-51 of the Code, the Board may establish a local rehabilitative services incentive fund and may make expenditures from such fund to meet programmatic and individual recipient needs not otherwise met through existing federal, state, or local programs and to develop community programs to meet the needs of persons with physical and sensory disabilities. If such a fund is established, the participating jurisdictions shall designate the fiscal agent for the administration of the fund. The availability of this local fund shall not be taken into consideration in, nor used to reduce, state or local appropriations or payments. Application for disability services incentive funds, when appropriated by the General Assembly, shall be at the option of the Board or participating jurisdictions.

G. The Board shall have no authority to obligate its member jurisdictions in an amount greater than the funding approved by the said member jurisdictions. Any commitment of local funds shall be by written agreement of the Board and jurisdiction.

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H. Methods of funding, extent of obligations to be incurred, and local financial participation shall be as set forth in the approved expenditure plan. If Rehabilitative Services Incentive Funds are received by the Board, such funds shall be administered through the designated fiscal agent in accordance with the approved expenditure plan as specified in the grant.

I. Localities participating in this Agreement shall not be mandated or obligated to fund any recommendations made by the Board.

Section IV. Organization and Composition

A. The Board shall consist of a maximum of fifteen members including at least one local official from each of the participating jurisdictions, two representatives of the business community, and consumers. The Board will have no less than thirty percent representation by individuals or family members of individuals/five members with physical, visual, or hearing disabilities, or who are members of a family of someone with disabilities.

For the purposes of these appointments, a Local Official is defined as either appointed or elected, to the extent allowed by law. A consumer is defined as and individual with a disability or a family member of an individual with a disability.

One consumer representative appointment shall be for a one-year term. This appointment shall be made successively by the governing bodies of the participants in the following order: Poquoson, Williamsburg, York county and James City County. All other appointments shall be for a three-year term at the end of the initial term. The members of the Board, not including the rotating position which is described above, shall be appointed on the following basis and terms:

City of Hampton

One (1) Local Official
One (1) Business Representative
One (1) Consumer

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James City County	One (1) Local Official One (1) Consumer
City of Newport News	One (1) Local Official One (1) Business Representative One (1) Consumer
City of Poquoson	One (1) Local Official Two (2) Consumers - one of which is a rotating member who serves a one-year term.
City of Williamsburg	One (1) Local Official One (1) Consumer
York County	One (1) Local Official One (1) Consumer

To assure stability of membership and retention of experienced members of the Board, initial terms of Board members shall be staggered to ensure that not all Board members will be replaced at any one time. The initial appointments shall be as follows:

- Six (6) Local Officials
- One (1) Rotating Consumer Representative - One-year terms
- Two (2) Business Representatives - Two-year terms
- Six (6) Consumer Representatives - Three-year terms

For the purposes of these appointments a Local Official is defined as either elected or appointed and a consumer is either someone with a disability or a family member of someone with a disability.

B. The Chair of the Board shall be elected at a regular meeting of the Board by a majority vote of the members present. The term of office for the Chair for the Board shall be for one year beginning April 15, 1993. The Chair may be reelected in the manner described above to succeed him/herself in office for additional terms, provided the total consecutive tenure does not exceed three years.

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C. The Board may make such rules of procedure as it shall deem necessary and proper for the conduct of its business not inconsistent with this Agreement and shall hold meetings at least quarterly. Meetings shall be conducted in conformance with the Virginia Freedom of Information act.

D. The Board shall be responsible to the member jurisdictions to this Agreement which established the Board.

E. There shall be no limitation upon the number of terms for which a member of the Board may be appointed.

Section V. Duties of the Board

A. Subject to the limitations contained in this Agreement and the Operating Procedures adopted by the Board, the Board shall have all lawful powers conferred by this instrument and shall conduct and control the general policies and directions of the Board as specified in Section 51.5-47 through 51-5-52 of the Code.

B. In accordance with the Code the duties of the Board are to:

1. Assess the local service needs and advise the appropriate state and local agencies serving persons with physical and sensory disabilities of their finding;
2. Develop and make available for public comment a report with a six-year projection of local service needs and priorities for persons with physical and sensory disabilities in accordance with state guidelines. The first report shall be submitted by June 1, 1993.

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3. Obtain input from local public and private service providers and utilize such information in the development of the report.
4. Review and update the report biennially.
5. Serve as a catalyst for the development of public and private funding sources.
6. Develop requests to the rehabilitative services incentive fund when local funding for match is identified.
7. Administer incentive funds, if received, through a designated fiscal agent in accordance with an approved expenditure plan as specified within the grant.
8. Exchange information with other disability services boards and local organizations within the community regarding services to persons with physical and sensory disabilities and best practices in the delivery of services.
9. Provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities residing within the participating jurisdictions.
10. Provide information and resource referral to local governments on the Americans with Disabilities Act.

B. The Board shall file an annual report of its activities with the governing bodies of the participating jurisdictions in a manner, time and form agreeable to said members.

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Section VI. Administrative Authority of the Board

Subject to the limitations of applicable law and the provisions of this Agreement, the Board shall have administrative authority to:

A. Make application for, and to accept grants of money, materials, or other goods or services at any time from any private or charitable source, or the Commonwealth of Virginia or any agency or instrumentality thereof. The Board shall not provide direct client services nor employ staff for that purpose. The Board shall not hold title to any real property.

B. Make and enter into contracts or agreements as it may determine are necessary to the performance of its duties and to the execution of the powers granted under this Agreement; provided that the Board shall not incur any obligation unless funds for the performance of such obligation have been fully secured, whether by appropriation, grant or other means.

C. Adopt procedural rules necessary to conduct business.

D. Provide for liability insurance in such amounts as it deems reasonable, if deemed necessary in view of Section 15.1-7.01, Code of Virginia, and if members are not already covered by insurance obtained by their locality pursuant to Section 15.1-7.3:1, Code.

E. Perform any acts and undertakings authorized by this Agreement through or by means of its officers or agents, or by contracts with other persons, firms or corporations.

Section VII. Termination

The existence and authority of the Board may be terminated as provided in Section I. In the event the Board is terminated, payment and/or credit for the furnishing and use of real property owned by a participating jurisdiction shall be adjusted to the date of termination.

All property shall be scheduled and valued by or at the direction of the Board and distributed in kind to the participating jurisdictions as nearly as is feasible in the same proportion as they contributed to acquiring it; provided, however, that one or more jurisdictions may purchase the interest of one or more others in the property.

Section VIII. Amendment

A. This Agreement may be amended only with the concurrence of the participating member jurisdictions.

Section IX. Miscellaneous

This Agreement shall be effective only upon the written endorsement of the City Managers or County Administrators of each participating locality, following authorization by their respective City Councils or Boards of Supervisors. This Agreement may be executed in more than one counterpart and with separate signature pages, each of which shall constitute a part of and be deemed to be an original.

Witness the following signatures:

James City County, Virginia

By: David B. Norman
David B. Norman
County Administrator

ATTEST:

Masi Lou Smith

3416

PROFFER AGREEMENT

This PROFFER AGREEMENT is made as of this 24th day of February, 1993 by DELIGHTFUL GARDENS LANDSCAPE, CO., INC., a Virginia Corporation (which, together with its successors and assigns is hereinafter referred to as "Owner").

RECITALS

A. Owner is the owner of certain real property consisting of 1.88 acres, located in James City County, Virginia (the County), further identified as parcel (1-3 on J.C.C. Tax Map No. (50-2), with the mailing address of 7242 Merrimac Trail, and part of parcel (1-19) on J.C.C. Tax Map No. (41-4), that portion being that which lies west of the railroad spur and adjacent to the first parcel.

B. Owner has applied for a rezoning of the Property from R-2, to LB, Limited Business.

C. Owner desires to offer to the County certain conditions of the development of the property.

NOW, THEREFORE, for and in consideration of the granting by the Board of Supervisors of the County of the requested rezoning, the Owner agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County, this Proffer Agreement shall thereupon be null and void.

CONDITIONS

1. Owner shall limit the site entrances from Merrimac Trail to one entrance.

2. Owner shall construct prior to issuance of a Certificate of Occupancy for a business use a wooden privacy fence, a minimum of 6' tall and approved by the Development Review Committee. This fence shall be constructed along the common property line of the adjacent property at 7244 Merrimac Trail. It shall extend from the common rear property marker of the Spaggins Property, extending approximately perpendicular to Merrimac Trail, and run a distance of 124" and shall be shown on the site plan for the Property.

~ All p. 193a

WITNESS the following signatures:

DELIGHTFULL GARDENS LANDSCAPE COMPANY, INC.

By: Ronald E. Sperry

STATE OF VIRGINIA AT LARGE
CITY OF WILLIAMSBURG, to -wit:

The foregoing instrument was acknowledged before me this 24th day
of February, 1993, by Donald E. Newsum of Delightful Gardens
Handscape Co., Inc.

James M. Thompson
NOTARY PUBLIC

My Commission Expires 2-28-95

VIRGINIA: City of Williamsburg and County of
James City, to Wit:

In the Clerk's office of the Circuit Court of the
City of Williamsburg and County of James City the
17 day of March 1993 This Instrument
was presented with certificate annexed and
admitted to record at 3:45 o'clock

Teste: Helene M. Ward, Clerk
by [Signature]
Deputy Clerk

PROFFER AGREEMENT

This PROFFER AGREEMENT is made as of this 9th day of June, 1993 by DELIGHTFUL GARDENS LANDSCAPE, CO., INC., a Virginia Corporation (which, together with its successors and assigns is hereinafter referred to as "Owner").

RECITALS

A. Owner is the owner of certain real property consisting of 1.88 acres, located in James City County, Virginia (the County), further identified as parcel (1-3 on J.C.C. Tax Map No. (50-2), with the mailing address of 7242 Merrimac Trail, and part of parcel (1-19) on J.C.C. Tax Map No. (41-4), that portion being that which lies west of the railroad spur and adjacent to the first parcel.

B. Owner has applied for a rezoning of the Property from R-2, to LB, Limited Business.

C. Owner desires to offer to the County certain conditions of the development of the property.

NOW, THEREFORE, for and in consideration of the granting by the Board of Supervisors of the County of the requested rezoning, the Owner agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County, this Proffer Agreement shall thereupon be null and void.

CONDITIONS

1. Owner shall limit the site entrances from Merrimac Trail to one entrance.

2. Owner shall construct prior to issuance of a Certificate of Occupancy for a business use a wooden privacy fence, a minimum of 6 feet tall and approved by the Development Review Committee. This fence shall be constructed along the common property line of the adjacent property at 7244 Merrimac Trail. It shall extend from the common rear property marker of the Spaggins Property, extending approximately perpendicular to Merrimac Trail, and run a distance of 124 feet and shall be shown on the site plan for the Property.

WITNESS the following signatures:

DELIGHTFUL GARDENS LANDSCAPE
COMPANY, INC

By: Ronald E. Newmy

194a

BOOK 624 PAGE 149

STATE OF VIRGINIA AT LARGE
CITY OF WILLIAMSBURG, to -wit:

The foregoing instrument was acknowledged before me this 10th
day of June, 1993, by Donald E. Newsom, President of Delightful
Gardens Landscape Company, Inc.

Jean Babcock Aures
NOTARY PUBLIC

My Commission Expires: February 29, 1996.

VIRGINIA: City of Williamsburg and County of
James City, to -wit:
In the Clerk's office of the Circuit Court of
Williamsburg and County of James City
this 15 day of June, 1993, I, Proctor
A19, was presented with the foregoing instrument and
acknowledged to record at 2:57 o'clock.
Teste: Helene S. Ward, Clerk
by Helene S. Ward
Deputy Clerk